



ISTITUTO LUIGI STURZO

ROMA - Via Monte Giordano, 36

THE INTERNATIONAL  
COMMUNITY AND THE RIGHT  
OF WAR

★

By LUIGI STURZO

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LONDON  
GEORGE ALLEN & UNWIN LTD  
MUSEUM STREET

ISTITUTO LUIGI STURZO

ROMA - Via Monte Giordano, 36

H. 286H

FIRST PUBLISHED IN 1929

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PRINTED IN GREAT BRITAIN BY  
UNWIN BROTHERS LTD., WOKING

## FOREWORD

THE author of this book has won distinction in several fields. Born in Sicily in 1871, Don Luigi Sturzo studied for the priesthood at Caltagirone, taking his doctorate in Divinity at the Gregorian University in Rome, and devoting special attention to ecclesiastical and civil law, history and philosophy.

At an early age he was appointed Professor of Political Economy, Philosophy, and Sociology in the Great Seminary of Caltagirone; but his activities in the beautiful island of his birth extended far beyond the academic sphere. He organised the first co-operative societies and trade unions for peasants, workers, and artisans. He was chosen Mayor of Caltagirone in 1905 and held the office for fifteen years, in which the town became a centre of artistic and educational life. He extended the school system, founded a technical institute of accountancy, a school of ceramics, a museum and picture-gallery, and developed the municipal orchestra: for he is himself a composer and an authority on the history of music. He was also Provincial Councillor for Catania, and for twenty years Councillor and Vice-President of the Association of Italian Communes. During the war this useful citizen served on various Government Commissions, founded an association in aid of war orphans, the Emigration of Labour Association, and the Federation of Private Schools to fight the State monopoly of education.

In 1919, the first year of peace, Don Sturzo became a national and international figure by creating the Partito Popolare. Its motto was "Libertas", and its programme may be broadly described as Christian democracy. The new party rapidly won favour, and at the election of 1919 ninety-nine members were returned. Its founder, who never attempted to enter Parliament, directed its policy in the capacity of political secretary. As Chairman of the Foreign Policy Committee of his party, he established contacts with statesmen and politicians of almost every country. No narrative of the difficult years which

followed the war can ignore his influence. Though himself a priest, who earnestly strove to base political action on Christian principles, his party was undenominational and independent of the Vatican. Without being Socialist the party stood for an advanced programme of social reform, while resisting the extravagances of Nationalism abroad and upholding the cause of liberty at home.

The march on Rome in 1922 ultimately destroyed the Partito Popolare, as it destroyed every party in Italy dedicated to the service of ordered liberty. Don Sturzo, like Professor Salvemini, preferred exile to submission or compromise, and has made his home in England till the Fascist tyranny passes away. His earlier works on social and political topics are little known outside his own country, but the publication of *Italy and Fascism* in 1926, with an Introduction by Professor Gilbert Murray, revealed him to English readers as a publicist of the first rank. The book, which has appeared in American, French, and German editions, presents a lucid survey of the conditions in which Fascism arose and a searching analysis of the movement itself. Though love of liberty and dislike of an omnipotent State are stamped on every page, the tone of the book is calm and philosophic. We listen to the voice not merely of an exiled leader of a great party, but also of a scholar and a thinker.

*Italy and Fascism* is remarkable for its wide international outlook; and the concluding chapters (especially that on the rôle of the Anglo-Saxon peoples in the world to-day) anticipate something of the theme of the present work. *The International Community and the Right of War* takes us into wider fields, but it exhibits similar qualities. Both books display the idealist who is nothing of a doctrinaire, the man of learning who is also a man of affairs, the literary craftsman whose materials are skilfully marshalled and whose arguments are forcibly expressed. His theme, the elimination of war, is discussed in its historical, sociological, legal, and ethical aspects. The volume requires careful reading, but its message is perfectly clear. War, like slavery, polygamy, and private vendetta, is the child

of a particular form of political and social organization. There is nothing in human nature to render any one of these scourges eternally necessary, and with the advance of civilization they become out of date.

The first of the four parts into which the volume is divided offers an illuminating sketch of the growth, nature, and tendencies of the International Community. Don Sturzo's conception of society is organic, not static. He is convinced that mankind, which has changed so much and advanced so far, will continue to change and to advance. All social reforms, like the ideas of which they are the expression, are in a state of perpetual becoming. Our ancestors could not foresee the emergence of social and political relations which are the axioms of to-day, and many of our fellow-citizens are equally unable to imagine a world differing widely from our own. Civilization as we know it has been built up round the two fundamental institutions of the family and the State, and our author looks forward with confidence to a third, the International Community, with an organization and a personality of its own. For the sovereign State is not enough, since it no longer fulfils the legitimate demand of its citizens for well-being and security. The countrymen of Milton and of Mill will rejoice at the sturdy individualism which throbs in these spirited pages. "The State is not the end of the citizens, but the citizens are the end of the State, and the fount of law is not the State but personality."

History is the record of the efforts of mankind to satisfy its growing needs and to embody its ideals in institutional forms, and every great modification in human relationships is preceded by propaganda and conversion. Signs of the coming of the International Community are all around us. Don Sturzo refers us to the British Commonwealth, the Pan-American Union, the League of Nations, the Court of International Justice, and the Kellogg Pact, as illustrations of the truth that power can be divided and diffused. The interdependence of civilized States is as clear a postulate as the interdependence of individuals, and all human needs gradually acquire juridical

form. The optional becomes customary, and custom hardens into law. The author's religious convictions reinforce the lesson of history, for he sees in the International Community an expression of the spirit of Christianity. The tragedy of the World War marks the birth of the new era. "The seeds of Internationalism sown by liberal and democratic currents were fertilized, and the efforts and ideals of super-national Christianity returned to mind. The appeals of Benedict XV and Wilson echoed the great ideals of Christian humanity. The new principle laid down as a foundation of international life, the principle of association, dates from the Covenant of the League of Nations."

Parts II and III deal with the nature and causes of war, and review the various attempts to justify its existence. The author discusses the main theories of war—the Just War, the war for Reason of State, and the Bio-Sociological War—making a careful study of their historical bearings, and in a special chapter sets forth and defends a theory of his own. In the absence of any recognized method of settling disputes otherwise than by force, the legality of war has been incontestable; but the creation of alternative machinery destroys its sole juridical and ethical excuse. Civilization is organization, and organization implies the rationalization of force. War is thus contingent, not inevitable; a usage, not a right; an aspect of a stage in the evolution of the human family which we may reasonably hope to outgrow. We have already advanced so far, the author maintains, that no civilized country to-day is compelled to fight; and when the International Community is properly organized, war will cease for the same reason that it has ceased between individuals, namely that there is no need of force to settle disputes.

The political, economic, and psychological obstacles to the elimination of war as a legal institution are discussed in Part IV, and Don Sturzo shows no disposition to minimize their dimensions. There are people in several countries who still long for the arbitrament of the sword, and the usual talk of "the next

war" is heard in the land. The map of Europe and the world is full of rough edges, some created by treaties which ended the Great War, others surviving from an earlier time. The old conception of the self-sufficient sovereign State still cumbers the earth. Large armaments remain, at once a symbol and a cause of insecurity. Conscription, which Don Sturzo detests as heartily as if he were an Englishman, still supplies cannon-fodder by automatic process. Faced with such difficulties, our author derives encouragement from the triumphs of the past. The idealist needs inexhaustible patience no less than indestructible faith. The seeds of the movement for the abolition of slavery, which were sown when Christianity entered the world, have ripened in our own era. Pioneers convert the societies of which they are members, and the more advanced communities serve as models for the rest. We may still have to wait for "the international solidarity of interdependent States", which will eliminate war as it has been eliminated within the British Empire and the United States. But the hands of the clock cannot be put back to 1914. "Whatever the oscillations of policies and of single States, politics are already caught in the international machine, and are affected by the ideal of the abolition of war. Once the peoples have entertained this ideal as something possible it can never fade from their minds and hearts." The process of conversion will be accelerated by this thoughtful and powerful book.

G. P. GOOCH



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## INTRODUCTION

§ 1. The most significant event in international politics since the Great War of 1914-18 has been the formation of the League of Nations and the attempt to substitute for war a permanent system for the peaceful settlement of interstatal disputes.

We are only at the beginning of what, it may be presumed, will figure in history as a great achievement. The constitution of the League is still weak, its working hesitant; while pacts for the outlawing of war do not seem, so far, to have been very effectual. Not only do many possible causes of war persist, but also the elements underlying all war, inasmuch as war is still a juridically recognized right of States, and the modern State continues to be organized on a politico-military basis.

Public opinion concerning the League of Nations wavers between trust and distrust; while of political currents some are favourable, some hostile.

Side by side with the practical problem that faces statesmen, politicians, technical experts, and jurists, viz. how to organize international life so as to leave no loop-hole for war, there is the equally important theoretical problem set by philosophers, historians, and sociologists: can war, as a social phenomenon, be eliminated?

Some, or maybe many, allow small importance to theories, believing that theories do not influence real and practical life. Theories, they say, are like laws, to be formulated when concrete facts require, coming after facts and seeking to interpret them. But this is not quite true. Theories do serve to classify and explain facts, but it cannot be denied that they also concur in their production. There is a mutual action and reaction between fact and theory, or better, between fact and idea, for the fact is the fulfilment of the idea and the idea the classification of the fact.

Hence, while every practical way is being tried to attain a new international situation in which the possibilities of war

will be reduced to a minimum, it is also well—and to my mind essential—that there should at the same time be a closer study from the sociological and historical point of view of the hypothesis that war as a juridical institution may be eliminated from the relations between civilized peoples.

The present work is intended as a contribution to the study of the sociological and historical aspect of war and the right and law of war, and as a trial of the theory of the eliminability of war. Part I is dedicated to an analysis of the International Community, its nature, laws, development, and present organization, for war is conditioned by the international organization, inseparable in its nature from the concrete structure of the life of peoples. Not only is it not possible to make abstraction of the relationship between a type of war with its laws and a type of international community with its laws, but the connection between them is intimate and indissoluble. Moreover, the idea of the eliminability of war, to be sociologically feasible, must arise as the reflection of a given international structure. The present structure gives us certain elements in germ from which to evolve the idea of the eliminability of war.

For this reason the type of war that we propose to study in Part II, in its nature and its relation to present international organization, is chiefly that of war between civilized States in the present day. Theoretical or historical references to the past will serve to throw into clearer relief the nature and laws of the war between civilized States to-day and the wars between such States and their own minorities or colonies. Within this framework tribal wars and skirmishes or the domestic wars of groups of non-civilized peoples find no place, since, strictly speaking, they do not come into international and political relations.

But an historical and juridical study like the present would be inconclusive if it were not completed, in Part III, by an examination of the theories that have influenced and continue to influence the formation of the right and law of war. The chief



schools, moralist, political, and sociological, give us three basic theories, which, critically examined, prove incomplete, and therefore inadequate to explain and justify the right of war. Hence the exposition of a fourth theory, responding to the criteria set forth in the present work.

In the final section, Part IV, this theory is considered in its relation to the evolution of the international community, and becomes the basis of a study of the eliminability of the right of war. This is shown to depend on the elimination of the ethical, juridical, and political premises of war, so as to carry the conflicts between State and State on to a higher plane better corresponding to the nature of man and the present stage of civilization.



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