

THE MORAL PROBLEM OF FORCE

The Answers Given in Four Major Approaches Are Examined

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The problem of force in international society comes to life most dramatically in connection with planning for national security. International law and organization have attempted to diminish and control recourse to force by individual states on behalf of their pretended national interests. But these efforts have been, on the whole, rather unsuccessful except when they rested solidly on mutual advantage and fear of retaliation.

International law and organization have been especially unsuccessful in replacing national systems of security with an effective international security system in an age characterized by nuclear weapons and the comparatively permanent threat of Communist aggression. The resultant "fearful choice" may be expressed in the language of international ethics in the following way: The basic national interests of the states of the free world must be defended against Communism which would destroy those interests. Moreover, for religious men everywhere, global domination by the Communists would mean the destruction of each individual nation's moral existence as well as a severe blow to the international common good. So it would appear that the first ethical imperative of this "age of conflict" is to defend the national interests of the free world states.

Yet, as we know only too well, the seemingly unavoidable *military means of defense* themselves threaten enormous—perhaps fatal—injury to the very states that contemplate their use. Indeed, the fundamental basis for the international common good, the very existence of mankind on this planet, is said to be threatened by unlimited recourse to nuclear means of defense. The individual statesman and military leader is therefore placed in a position where he cannot ignore the international common good even if he is disposed to. The dimensions of modern warfare have brought us face to face with the hitherto subtle, elusive, abstract problem of reconciling the national interest with the international good.

How do we solve this problem? Four principal lines of thought on the subject seem to be discernible: (1) eliminate war, hence eliminate the means which threaten our survival; (2) turn to pacifism; (3) pursue the national interest without restraint by

transnational rules of conduct; (4) attempt to defend the national interest by limited means. I will briefly examine each of these four lines of thought.

• Modern international law and organization, backed by public opinion and considerable religious pressure, have been directed to the goal of eliminating the phenomenon of war entirely. If this could be accomplished, the threat of nuclear war would, of course, presumably disappear. These efforts have been supported by an argument of necessity which runs: Nuclear war, indeed all war, must be banned; but this can only be done by an effective system of international law and organization; therefore there *must* be such a system and it *must* be made to work.

Little more than the mention of the principal efforts toward this seductive goal of total elimination of war is necessary in order to recall the frustrations experienced in pursuit of it. (I would point out in passing that this review of the facts with respect to efforts to eliminate war is in many respects as important as a review of the facts in the phenomenological sense which produce the problem in the first place.)

We have "outlawed" all recourse to force except in self-defense or in the form of international police actions under a collective security system. The ideological power struggle which has characterized the modern era has, however, stripped the United Nations of most of its capacity to implement the system. Unhappily, this state of affairs bears out the criticism that collective security systems do not eliminate war but, rather, arrange that wars will be fought against those who start other wars.

We have sought to eliminate war by developing an international juridical order. Thus far that order has not been seriously tested because the great international issues are not brought within its jurisdiction. I fear that the prospects for the immediate future may be deduced from the fact that not only has the United States not removed the Connally Amendment to date but that there is indication of increasing the Amendment.

Finally, we have sought to eliminate war by eliminating the material and psychological causes of war. The United Nations, with the United States playing a leading role, has sought to reduce poverty, sickness

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and disease, ignorance and lack of understanding, throughout the world. These efforts are good in themselves and ought to be pressed. Whether they will in fact contribute significantly to the elimination of war is something else again. It has not been the *real* "have-nots" who have initiated modern wars; it has more often been greed for additional dessert rather than hunger for bread that has precipitated war. We face here a problem not unlike that of the criminologist who ponders whether elimination of slums really means elimination of crime and, if so, how one is to explain crime in plush suburbs.

In view of the enthusiasm of some internationalists it is necessary to add that the war which we have in fact been waging at varying degrees of warmth for fifteen years does not result from world poverty, sickness, hunger, mutual distrust, etc., although these conditions contribute greatly to the manner in which it is conducted. The mainsprings of conflict are philosophical. Improvement in the conditions of the world's underprivileged populations would not alter this deep-rooted philosophical conflict which seems destined to continue until one side or the other triumphs or ceases to believe in its cause.

Forty years of League and UN experience have indicated that the three-fold approach which has dominated our efforts to eliminate war has not been successful. Unquestionably, these organizations have prevented wars through their various efforts. But their record of achievement must be subjected to much the same kind of test which is applied to an anti-aircraft defense system, if the proposition that all wars are to be eliminated is taken seriously. Permitting only two of one hundred aircraft to penetrate is a remarkable record, but if the two aircraft carry twenty megaton H-bombs the system may be said to have failed. Preventing ninety-eight of a possible one hundred international conflicts would be an almost unbelievable achievement, but one or two international conflicts could be more than enough to bring about a thermonuclear catastrophe.

Recent history suggests that, while efforts to diminish recourse to force are desirable and often fruitful, it is unreasonable to expect a hundred per cent achievement in these endeavors. And, just as long as there remains the likelihood of a single international conflict, the ethical dilemma of national security versus the international common good persists.

May I add that I have deliberately emphasized this point, which may seem self-evident to many, for the reason that I am convinced that a good many of our religious leaders and their followers are persuaded that the goal of international ethics, law and organization is the complete and permanent elimination of war or the use of force of any kind in the

international society. It is all too often forgotten that all juridical orders are supported by force controlled by the community, that the experience of municipal law has been that the goal of an ordered society is not the elimination of force but the control of force.

If total elimination of force is not envisaged, there is usually a vague idea that an international police force will be used to repress international criminals. A rose by any other name, etc. As Korea showed us, there is no assurance that the policemen will always outnumber the criminals and there is no reason to believe that most of the same ethical problems (although cast in a different form) will not confront the responsible international decision-maker as confront the national decision-maker.

Moreover, even if virtual elimination were theoretically possible or even desirable, the practical problem of our age is that we must cope with Communist "protracted conflict." This, of course, does not mean that conflict will always take the form of "war" in the traditional sense but "war" in one form or another is obviously our lot for the foreseeable future. To aspire seriously to eliminate war in the era of Communist challenge is to pursue a dangerous illusion.

This being so, the ideal of total disarmament, another panacea, is likewise highly questionable. The idea has been that nations tend to go to war because they have the means to do so and are tempted to take advantage of them. But the motivation for Communists' use of force is, according to all that we know about them, much more rational. Condemning military "adventurism," Communist theory and practice has treated hot war as a means to an end, not as an end in itself. Again, it is not the material conditions that bring about the threat of war but rather the philosophical goals and psychological intent of the competing forces. Given the Communist goals and the notorious unreliability of disarmament schemes turning on mutual trust between East and West, it would seem to be practically impossible and, indeed, ethically wrong to dismantle the defenses of the Free World under a total disarmament agreement.

There is, of course, a very direct means of eliminating war if that be the real objective of an ethical foreign policy. This would be to renounce recourse to force unilaterally, to adopt some form of pacifism. I will not attempt to conceal that this is not a course which I take seriously personally and I do not feel qualified to present it objectively or completely. Having said this I should like to give some reactions that I have to pacifist approaches.

In the first place, it would appear that pacifism is not the majority or official doctrine in any of the major branches of the Judeo-Christian tradition. It definitely is not the prevailing view in the scholastic

tradition which grappled with these problems over many centuries.

Secondly, pacifism, on its face, is not a position directed to the defense of the national interest. It solves the problem of Thomas Murray's moral equation between security and morality by eliminating security.

Thirdly, an aggressive pacifist viewpoint (ironically, this does exist) seriously handicaps those who do not share it and who are responsible for the national security. Pacifism does not mix well with defense policy since there is an inherent contradiction between them. This, in the practical order, is apparently not so self-evident as one would think. The pacifist has to be careful not to meddle indiscriminately in matters which he opposes in principle. What I have in mind is the kind of thing that happened in Britain in the 1930's when the strong pacifist tendencies in public opinion became mixed up with equally strong feelings on behalf of the victims of aggression. The result was that many of the same people who were forcing unilateral disarmament and unpreparedness on the British government were calling the loudest for intervention against Mussolini and Hitler, something that could only lead to the use of armed force, which Britain did not possess because of pacifist and other pressures.

Finally, if it is in general difficult to apply the virtues of individual ethics to states it would appear to be quite inappropriate to transfer the questionable ideal of pacifism from personal to public ethics. The individual may opt for self-sacrifice but he cannot sacrifice those entrusted to his care, whether they be his family or his fellow-citizens.

At the other extreme from the pacifist whose ethical values lead him to forego security and defense entirely are those who find it impossible or impracticable to limit security by any ethical values. The supreme ethical imperative is to succeed in the defense of the national interest. This attitude is embraced by some theorists, by many professional military men, and, to a rather surprising degree, by civilian government officials concerned with foreign policy and defense. If anything, it is my impression that it is stronger among "tough" civilian officials than it is among professional military people.

There are many who, noting the seemingly hopeless complexity of the problem of finding the equation between security and morality, brush it aside. After all, our side is obviously right. Let us not agonize. Let us do whatever has to be done to make sure that our side wins. Like the "organization man" who prefers not to ponder too deeply over the ethical implications of his company's latest *coup*, the professional soldier or bureaucrat takes the view that it is for "higher authority" to worry about these

things. He is simply a technician doing a job, whether it be arranging the communications details for a hydrogen attack or setting up logistical support for camps in which to confine suspected subversives.

There are also those academic experts on international politics who relegate international ethics to a subsection in the chapters on "restraints on power."

The military man, the professional, the nationalist, and his academic supporters will, ironically, often take their cue from the pacifist or from the proponent of total elimination of war. They will say that you either have to prevent war or succumb to "military necessities." Once war starts it is impossible to submit military operations to meaningful ethical and legal control. Not infrequently the military man will unwittingly repeat the maxim of Fieldmarshal Helmuth von Moltke, written in his answer to Bluntschli's call for an international law of war: "The greatest kindness in war is to bring it to a speedy conclusion . . ."

When it is objected that ethical considerations are relevant to national defense the tendency has been to assume an attitude of extreme self-righteousness. The whole free world, it is argued, depends upon the United States. Without the United States there would be no occasion to talk about ethics. The people who are so concerned about the ethics of national security should be thankful that there is a SAC and it is not a little ungrateful to be questioning the morality of the means which SAC and other elements of the defense establishment have chosen. Seldom has this spirit been better expressed than in the dedication in Professor Possony's book, *Strategic Air Power*. It reads: "To the dedicated company who fight with the conviction that on the greater glory of the United States rests the sole hope for the future of Western Civilization."

Note that this viewpoint is not necessarily unethical or anti-ethical; it simply gives one ethical imperative, legitimate self-defense, an overpowering position. I must say, however, that I perceive a good deal of amorality among the supporters of the "my country, right or wrong" school of thought. Unfortunately, virtually all other ethical values and imperatives are set aside in the face of the one, monolithic ethical goal of self-preservation. But the national state is only the *civitas maxima* in a relative sense. The good of the state has limits and those limits are drawn at the point where the national good is placed in opposition to the international common good. There is a hierarchy of "goods," culminating in the international common good. It is hard to see how a Christian can seriously contend that his country's national good is so important that it can, in principle, be defended without limit and without any greater acknowledgment of the international common good than the gratuitous and cavalier announcement that they are one and the same.

I have no intention of analyzing the substance of the main theories of limited war, deterrence and arms control. I would point out simply that all of these theories share a common set of assumptions, assumptions which are important to the question of national security and international ethics. All of these approaches assume to some degree that: (1) force will continue to exist in international relations and that those entrusted with the defense of freedom must be prepared to use force effectively; but (2) force must be used with discrimination, it must be limited. Unlimited force is morally wrong and practically unjustifiable regardless of the motivation behind its use.

Thus the limited war theories assert that we must be prepared to fight for the free world but that hydrogen bomb massive retaliation is not a proportionate, appropriate means with which to fight. We must find less-than-total means. Some would insist that the means be limited to so-called conventional weapons. Others have pointed out that there is a wide spectrum of nuclear weapons and that some of these weapons could be used more effectively and even with more discrimination than existing conventional means. The great question has been, of course, whether limited nuclear warfare is really possible. In my own writing on this subject I have assumed, not without misgivings, that it is. I would point out that if limited nuclear war is not a feasible alternative we are today almost literally powerless to defend the free world by anything except all-out thermonuclear warfare. The entire United States Army is organized for "pentomic" warfare; all of its doctrine and training is geared to limited nuclear war (although an obeisance is always made to conventional war which the Army would like to be able to conduct but which appears out of the question for lack of the necessary means).

Not content with this state of affairs, military policy experts have increasingly turned to various theories of deterrence, graduated deterrence, and most recently to the concept of the second strike capability as the answer to the problem of replacing massive retaliation. Here again the effort has been to find alternatives between all-out, unlimited defense and no defense at all.

In line with this thinking, attention has more and more shifted from total disarmament or even total nuclear disarmament to arms control. Fearing that total disarmament is neither possible nor necessarily desirable, many have tried to work out formulae to insure a balanced reduction of arms, particularly of those arms which combine the greatest capacity for indiscriminate slaughter with a relatively dubious military utility.

One by-product of these theories has been a revival of interest in the international law of war. Until recently the law of war was dismissed out of hand

as an anachronism. There were to be no more wars. It was said that modern total war had demonstrated once and for all the hopelessness of attempts to control belligerent operations by a *jus in bello*. As to control of nuclear war, the prevailing attitude seems to have been that summarized by Dean John C. Bennett in the May, 1958 issue of *Worldview*: "Today we seem to have lost the idea that if the worse comes to worst after a nuclear war has begun, there are still limits to what is permitted."

One further remark might be made which is germane both to the general subject of limited war and to the closely related subject of a new international law of war. In commenting on Father John Courtney Murray's *Morality and Modern War*, Dr. Julian N. Hartt stated in the April, 1959 issue of *Worldview*:

"Where is the salvatory and salubrious middle group, and what is the access to it? Abstractly, it is plotted between pacifism and bellicism; between life-at-any-price and let's-get-it-over-with; between total war and no war; between unlimited nuclear weaponry development and abolition of all such weaponry. The name for this position is 'limited war'; and it is understood that the limits placed upon warfare are imposed by conscience *and are enforced by some adequately powerful organization* [emphasis added]."

I cannot emphasize too strongly that, in my view and, I think, in the view of Father Murray himself and many other proponents of limited war, the limitation does not come from enforcement by "some adequately powerful organization." It comes through "conscience," as Dr. Hartt recognizes and, second, through a realistic view of military necessity which condemns unlimited war as being as bad military science as it is bad ethics. The future of a return to the tradition of "civilized" warfare does not lie in expectations of an "adequately powerful organization" enforcing iron-clad legal codes. It lies in the conduct of operations by those belligerents who ought to be governed by the ethical tradition of civilized warfare, whatever the character of the enemy or the characteristics of modern means of war.

Now there are risks and imperfections in all of these approaches to limiting war. No prudent man would grasp one of them and hold to it as the last word on limitation of force. All approaches are contingent upon the validity of premises of a military, political and technical nature. Obviously many of these premises are prone to be swept aside in the development of contemporary military technology or in the ebb and flow of international politics.

But, as Thomas Murray has said, there are risks in all of the available approaches to the problem of ethics and security and, if anything, there are more risks in solutions like "world federation now" or total disarmament or pacifist surrender than there are in theories of limited war, deterrence and arms control.