

WARS OF NATIONAL LIBERATION: THE METHODOLOGY OF CHRISTIAN ETHICS II

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The primary ethical problem for United States policy in regard to "wars of national liberation" is that of intervention, not war. To be sure, the morality of war must be faced together with the morality of intervention. But the basic question for the intervenor is not whether morally it may use force and take human life, but whether morally it may exercise power where it has no authority. By what right does the United States seek to influence the relationships, structures, and focus of authority of another political entity—or even of a *nonentity* in process of becoming an entity?

Justifiable intervention is an admissible—although limited—concept except to those persons who reject every unilateral use of national power, and to those who take an absolutistic stand in favor of the principle of non-intervention (and that stand also requires an ethical defense). The criteria of justifiable intervention usually are expressed in such categories as counter-intervention, pre-emptive intervention, preventive intervention, humanitarian intervention—to name some of the main ones. Ethicists who work on the problem of intervention are not bound to use these terms, but they should develop criteria which cover the following considerations: protection or enhancement of strategic national interests; preservation or improvement of the international political system; protection of lives and property of nationals living under foreign jurisdiction; protecting defenseless people against or liberating them from extreme forms of abuse; use of intervening power to inhibit or encourage the spread of a particular ideology.

Before turning to a consideration of individual positions, let us note the following general observations concerning an ethic of intervention:

1. One can make a direct and exclusively theological determination of the morality of intervention only by rejecting all interventions on principle. Otherwise the influence of theology on the formation of judgment is indirect. If the question of justifiability is left open to case-by-case determination, the weight of the empirical element in judgment

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becomes considerable. Theology then is related to concrete decision not as the single source of prescription but as the provider of categories for the interpretation of events and value orientations for the guidance of choice among alternative courses of action. Although such a relationship is of substantial significance, its direct character implies that one cannot make and promulgate his decisions *in status confessionis*. Disagreements over the morality of particular interventions are not equivalent to the distinction between the faithful and those who have fallen away.

2. All of the grounds for attempting to justify or deny intervening power (with the probable exception of ideological intervention) point to one thing: the role of intervening power as surrogate for the police force of an international community. Two implications of this function should be mentioned here. First, any intervention must be carried out in such a way as to draw authority to itself. This means not that an intervention always must proceed on the basis of existing consensus, but that it should proceed in such manner as to create consensus. Second, the role of surrogatory police power in the absence of integral community is not only that of enforcing the law but also that of creating conditions for the efficacy of law. And in this connection one must recognize that there will be times when national power must contravene international law in order to help establish an international system more favorable to the authority of law.

Dr. Weber's article is the fifth in a series *worldview* has devoted to wars of national liberation, and it requires a special word of explanation. At a meeting of the American Society of Christian Ethics a number of writers were asked to develop their ethical methods and to apply them to "wars of national liberation." Dr. Weber was then asked to analyze and compare these papers. This article is the second of two parts in which Dr. Weber presents his analyses.

3. The justifiability of intervention in wars of national liberation does not turn solely on the issue of justifiable revolution. Of course, whether the insurgents are justified in their campaign against the government is material to the decision on intervention both for moral and for pragmatic reasons. But it does not suffice to determine the decision, for the responsibilities of the prospective intervenor are set by claims which are at once broader and narrower than those defined in the internal struggle of the "target society."

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Now let us consider the individual contributions of our panel of writers.

a. Paul Peachey does not formulate a method for testing intervention policies, yet the criteria of such a method are implicit in his analysis of wars of national liberation concepts and of the Vietnam situation. These criteria concern the prospects for consolidation of authority, the legitimacy of American strategic interests, the relative hardships of the people under communism or under protracted war, assumptions about the nature of social transition in ex-colonial lands, and assumptions about extent and character of American responsibility in international politics.

Peachey's handling of the criteria leaves the distinct impression that he dissents from United States intervention, but he makes no explicit declaration and even expresses doubt that he is able to do so. This hesitancy, I infer, derives from the fact that these criteria are criteria of an ethic of power, and Peachey has not yet reconciled an ethic of power either to his eschatologically oriented Christian ethic or to his personal commitment to pacifism.

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b. The only significant test which Paul Deats applies to United States intervention policy is the question of justifiable revolution. To determine the issue of justice he employs the criteria of the just-war doctrine, and he concludes that on balance the insurgents appear to be justified. This conclusion implies the unjustifiability of all counter-insurgency action, whether it be the defense presented by the government of the "target society" or the United States intervention on its behalf.

Although some of Professor Deats' analytical insights are useful, his general handling of the just-war doctrine is problematical. First, his analysis deals almost exclusively with the issue of justifiable revolution. Second, his assessment of comparative justice in the revolution is influenced, apparently, by the

questionable assumption that the need for radical social change in a society clothes any given revolutionary force with a greater claim to positive justice than the government of the society. Third, it is possible that he is using the just-war doctrine more as an instrument of political advocacy than of ethical inquiry.

Let us look at the third objection more closely. In the Evanston version of his paper Deats stated his "personal conviction that war in the modern world can never be 'just,' in the sense of justifying his participation"—which raises the question whether war then can be just in any sense. Yet he follows this general rejection of war with an acceptance of the just-war idea because "its use can, in principle, find some wars unjust if properly applied." This combination is rather awkward as a definition of ethical method, for if all modern wars are unjust there is no ethical significance—as distinct from political significance—in demonstrating that specific wars are unjust. But if the method has genuine ethical utility it conceivably also could find some wars to be *justified* (indeed, Deats finds the "wars of national liberation" to be justified). In the *worldview* version, the general statement about the unjust character of modern war was deleted, but the stated intention to use the just-war doctrine for finding some wars unjust remained. It is still not clear, therefore, whether the intended use of the just-war doctrine is to pursue ethical inquiry or to influence policy in a particular direction.

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g. The full statement of Paul Ramsey's position on intervention is to be found not in the paper submitted for the meeting of the American Society of Christian Ethics, but in his article "The Ethics of Intervention" in *The Review of Politics* (July, 1965, pp 287-310). The distinction which he makes there between the ultimate and penultimate grounds of intervention is intended to show the relationship between the more general way in which the statesman thinks about the responsibilities of his office and the more specific clues which guide his implementation of general concepts in particular interventions. The ultimate grounds are found in the tension between national good and international common good, between justice, order and peace, between the laws that exist and the political action necessary to create institutions and power relations which will allow the law to be effective. These polarities provide the doctrine which the statesman uses to illuminate concrete choices, and beyond which he must go—with power that images the majesty of God—to create in

free act the existence which the doctrine cannot prescribe. The penultimate grounds are expressed in the traditional categories of justifiable intervention.

For the United States intervention in Vietnam, which Ramsey supports, the penultimate justifications are counter-intervention and intervention by invitation—which he combines to read “counter-intervention by invitation.” These criteria are important in themselves and also to increase the authority by which an intervening power operates—a point of considerable weight for a policy dedicated to “a world system of independently developing peoples and states.” But intervention might be justified by direct reference to ultimate grounds even if the penultimate justifications did not exist. That is to say, every government has the responsibility for providing law, order and justice, and the great powers have the responsibility for providing these terminal political values in those areas of the world where the local governments and regional associations are not yet adequate to the task.

d. More consistently than any other member of the panel, Quentin Quade focuses on communism as the factor that justifies United States intervention in wars of national liberation. These wars, according to his judgment, are the primary current instruments of Communist expansion. The insurgents and their allies must be defeated, because Communist victories will bring incalculable harm to the people of the society, and because each victory encourages further Communist expansion, thus threatening American security and world peace.

But is opposition to communism constitutive of the method or simply the particular historical phenomenon that calls the method into use? There is some evidence for the former—Quade does not justify intervention in all revolutions but only in those “in which Communist elements are *dominant* and related to other countries already Communist-controlled.” Yet even this statement suggests that his justification for intervention basically is political rather than ideological, and his insistence that the use of force against communism be limited to the task of stopping it indicates that he is more interested in political effects than in ideas. Quade rejects a “roll back” approach to communism—prudentially, because the use of force in this way may well provoke unacceptable reprisals; optimistically, because the continued frustration of communism as ideology may lead to its becoming more “reasonable” in its dealings with other nations.

Implied in this analysis is my belief that Quade’s

basic method for testing intervention consists of the usual criteria of statecraft: American national security and the responsibility of the United States to help maintain world peace. There is some basis for humanitarian intervention to save a people from submission to communism, but I think it unlikely that Quade would authorize humanitarian intervention in the face of serious political risks. Of course, if his method is what I believe it is, he would justify United States intervention also in *non-Communist* revolutions if effects comparable to Communist-controlled revolutions were anticipated.

e. Using national interest as the basic criterion of justification, Robert Gessert supports American intervention in “wars of national liberation” generally and in the Vietnamese conflict in particular. Whatever the “civil war” characteristics of such conflicts may be, he argues, these wars are declared instruments of Communist expansion, and as such they are threats to world peace and American security. The action in Vietnam is an interest of ours because it is, as Gessert sees it, a case of aggression against a friendly government to which we have given commitments of support. The maintenance of commitment apparently is important less as a “moral” fact or as a matter of “honor” than as a demonstration of the firmness of the United States in supporting governments that resist Communist aggression.

The most serious threat to United States intervention comes from the concept of “national interest” itself—from the fact that it is a combination of many interests, each making extensive claims on limited national resources. Gessert is particularly sensitive to the possibility that the continuing and increasing costs of otherwise justified interventions may deprive domestic programs—particularly programs of distributive justice—to the point where the over-all national welfare suffers more from involvement in the wars than from non-involvement.

One cannot accuse Gessert of insensitivity to claims not reducible to United States national interest, nor can one simply disregard the force of his assumption that a prudential “national interest” approach to international politics will prove more serviceable to wider claims than some supra-political “moral” approach. Nevertheless, a specifically Christian ethical approach to intervention must employ a methodology which more clearly transcends, without denying, the criterion of national interest.

The panel splits two to three on the justification for intervention in wars of national liberation generally and Vietnam specifically, with the pacifists

opposing and the non-pacifists supporting. Pacifist unanimity in opposition, here as elsewhere, raises the question whether their *a priori* commitments allow full freedom to their empirical judgment. That all non-pacifists on the panel support intervention means that the panel is not representative, for it is clear that in the general debate over Vietnam not all non-pacifists support the United States position. The absence from the panel of someone in the Morgenthau-Lippmann-Bennett camp (or camps) means that some of the most significant possibilities for debate have been missed.

Some specific comparisons: as one might expect, the non-pacifists exhibit more self-assurance and precision in developing an ethic for power than do the pacifists. The pacifists are more emotionally identified with the internal struggle in the "target society"; the non-pacifists are more aware of the total context of power relations within which the struggle takes place. The pacifists are preoccupied with the dangers of the use of power—they are more introspective in their probing of assumptions and motivation. The non-pacifists are preoccupied with understanding the terms on which power can be used responsibly to discharge the duties of political office.

Wars of national liberation raise all the usual moral problems of the use of force up to and including the use of nuclear weapons, yet they seem also to be a special case. Terror and torture appear to be integral rather than merely incidental to the type of warfare conducted by insurgents determined to destroy not only the armed force of the opposition, but also the leadership and structure of the society itself. Are these methods necessary also to counter-insurgency warfare? If so, can counter-insurgency be justified morally? Experts on guerrilla warfare have observed that terror and torture—especially the former—are more serviceable instruments for insurgency than for counter-insurgency, and this observation seems to afford comfort to some of the ethicists who write on these problems. However, this empirical generalization is not *absolutely* valid, and counter-insurgency cannot use it to avoid facing the moral difficulties raised by terror and torture. Even if it could avoid them, it nevertheless must cope with the dual threat to the distinction between combatant and noncombatant inherent in the nature of guerrilla warfare: the decision of the insurgents to fight, where possible, in such proximity to noncombatants as purposely to expose them to attack, and the ambiguous combatant-noncombatant status of the "people" themselves.

Given such problems of means, can nations committed to traditional rules for the use of military force morally engage in military intervention? Our concern here is not with the question itself but with its treatment by the ethical methodologies of our panel of writers. Four of the writers accept the principle of noncombatant immunity as a meaningful distinction for limiting military action. Therefore our inquiry can proceed by means of comparison of their uses of this principle. The fifth writer, Paul Peachey, does not deal directly with the moral problems of means.



Both Quentin Quade and Robert Gessert affirm the principle of distinguishing between combatants and noncombatants for purposes of limiting military action, but for neither man is the principle absolute. However important it may be, its authority does not extend to the point of precluding a situational calculation in which violation of noncombatant immunity might be found to be the "lesser evil." All judgments come finally under the principle of proportion. Neither Quade nor Gessert, therefore, is driven by the demands of his ethical method to rule against United States intervention *a priori* on grounds of unjustified means. Both, in fact, support the intervention in Vietnam. But neither of them thereby writes a blank check for torture, terror or indiscriminate bombing. Both of them doubtless would argue against the use of such means generally and in most specific instances. But they would find no fundamental *methodological* hindrances imposed by the peculiar nature of counter-insurgency warfare.

Paul Deats' allusion to the principle of noncombatant immunity in his discussion of "just means" suggests that its role in his method is more nearly absolute than in the methods of Quade and Gessert. He writes, "Actually, the [just means] criterion asks not *which* means are the *lesser evil*, but which

should be outlawed, in themselves, or because they inflict unjustifiable damage on noncombatants or are liable to escape control (in both cases, become indiscriminate)." On these grounds he rejects terror as a justifiable means. Nevertheless, he intimates that when terror is used, its use is more justifiable to the insurgents than to the counter-insurgents. This is so because the insurgent is using it as a "last resort" and because he is operating on home territory where he can be more discriminating in choice of targets. However, even if we grant the issue of "last resort" to the insurgents, the other points of justification do not follow. "Last resort" is a factor in justifying the rebellion as such, but it does not justify inherently immoral means thereto. Moreover, if the insurgents are in a better position than the counter-insurgents to be selective and discrete in their choice of targets, they have less justification for striking directly at noncombatants.

Paul Ramsey is the most explicit in his acceptance and use of the principle of noncombatant immunity, and most definite in his insistence that its use is not to be guided by calculations of greater good and lesser evil. It is never morally justifiable directly and intentionally to kill noncombatants. He finds the insurgency unjustifiable on grounds of means, for however justifiable its cause, it is more directly and integrally dependent on immoral means than is counter-insurgency.

Coming at the matter from another angle, however, Ramsey presumably should find the United States intervention unjustifiable on the basis of this same principle. If guerrilla warfare tends to blur the distinction between combatant and noncombatant, the counter-guerrilla cannot realistically use force with discrimination. If their usage is indiscriminate, it is immoral.

Ramsey agrees that guerrilla warfare has the effect of lifting the tactical relevance of the principle, but he denies that this effect renders counter-insurgency force unjustifiable. In the first place, the moral onus rests on the insurgents for having unjustly enlarged the legitimate military target. Second, the limitations on means now are governed by the principle of proportion rather than of discrimination. The principle of proportion does not always permit, for example, bombing a village even when it is known to be a Viet Cong stronghold, but when it does permit or require it, the bombing is not the indiscriminate destruction of civilian population but the justifiable destruction of an unjustifiably enlarged military target. Also, if the principle of discrimination is weak in tactical relevance, it nevertheless retains its strategic relevance. That is, it determines that the

counter-insurgents must adopt policies which attempt to restore meaningful distinctions between combatants and noncombatants ("withdrawing the water to see what happens to the fish").

What this discussion seems to imply is that the morality of intervention will not be decided by the criterion of just means alone, that is, by considerations of means apart from considerations of just cause. We know already that the authority of noncombatant immunity was vulnerable to the concrete demands of vital national interest. Ramsey's arguments present further evidence of its vulnerability to differences of judgment on the status of noncombatancy. It may be, therefore, that the major methodological work to be done on principles like noncombatant immunity and rejection of torture is in the area of relationship to the practically more authoritative principle of proportion.

The several papers which have been reviewed here do not yield a scientific typology, nor have they been the occasion of an exhaustive and conclusive debate. For the first purpose, the methodologies are too varied in precision and in depth of development, and the set is not sufficiently inclusive. For the second purpose, there was no preliminary conversation among the writers that would have established more definitely the points at issue. Nevertheless, the papers show a variety of approaches to political ethics, and they reveal the issues which now must receive more thorough methodological attention.

Primary among these issues is the general one of the theological foundation of Christian political ethics—of the interrelationship of eschatological commitment, responsible service, and political obedience. And there are more specific ones. On what terms can the pacifist, having rejected force on principle, enter into discussions of empirical political situations where some use of force is proposed as an instrument of foreign policy? What is the authority for extending national power over persons who are not within the legal limits of national jurisdiction? How does the international political system serve to define and limit the responsibilities of national power in international politics? What are the moral limits of political obedience, and what are the moral limits to political disobedience which affects foreign policy adversely?

Hopefully the work of this project will be continued through discussion of these issues with increasing refinement of the method of Christian ethics, and with deepening commitment to Christian political vocation.