

# "NECESSITIES OF STATE" AND BELLUM JUSTUM

*Force, Order, and Justice*, by Robert E. Osgood and Robert W. Tucker. Johns Hopkins Press. 374 pp. \$10.00

by Joseph L. Allen

This joint authorship is in two parts, one by each author. Two closely related questions guide the two parts: (1) Is force essential to international politics? and (2) How shall force in international politics be justified?

The first question is Professor Osgood's responsibility, and he leaves no ambiguity about the affirmativeness of his answer. Despite the recent enormous expansion of force, especially through nuclear weapons, military force not only continues to be a pervasive element of international politics, but necessarily will remain so. Osgood comes to this conclusion, not because he disregards the dangers of nuclear weapons, nor because he is insensitive to their possible consequences, but through an analysis of the inherent conditions of international politics. In a world of autonomous but interacting states, each must rely primarily on itself to survive and to secure its goals. Lacking a "central political authority," these states can neither advance, check, nor resolve serious conflicts of interest without the threat or use of force. From this "realist" position Osgood restates lucidly and forcefully the inadequacies of the "idealist" viewpoint in international relations, as reflected in the writings of such men as Walter Millis, Charles Osgood, Erich Fromm, and Seymour Melman.

Robert Osgood's realism, however, is more sophisticated than the realist school of earlier years.

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It is a realism that recognizes the existence of common interests among nations, though it emphasizes the strains that are placed on common interests in the absence of a central authority with orderly procedures and effective sanctions for the resolution of conflict. It is a realism that looks upon men and nation-states as more than separate units rationally calculating their self-interest, but is fully aware of how fragile in international politics is that sense of emotional and cultural identification with the other which is necessary to prevent anarchy. His realism nowhere attempts to deny or hide the element of human choice in foreign policy, even though that choice must be exercised within such severely limiting conditions and in the face of such high risks that other theorists have preferred to believe that choice was the illusion and external determinism the reality. In these and many other ways the book reflects the influence of one of the most subtle theorists of international relations, the late Professor Arnold Wolfers, Osgood's predecessor as director of the Washington Center, to whom the book is dedicated.

Osgood is careful to stress what he means by "military force," because he knows he is likely to be misunderstood by those who believe that military force will either be abolished or be used without limits. Military force is significant not only in war, but also short of war—today one probably should say *especially* short of war. In both situations force performs immensely varied roles, made possible because it can be subjected to political limitation and direction. Osgood's discussion of this subject is a valuable expression of some of the main insights of recent strategic theory, and especially of the fact that the develop-

ment of nuclear weapons has led to a greatly increased politicization of force. Nuclear weapons have increased both the risks and therefore the orderliness of international relations. If their role in armaments were drastically reduced, the apparent reduction in the risk of nuclear war might lead to a breakdown in the international order—a general war.

In all this the descriptive argument is clear, but the moral framework is almost wholly implicit. If force is essential to international politics, for what purposes is it essential? Although Osgood does not answer this question, two answers can be inferred from his arguments. Force is necessary for the survival and relative security of the individual state, and force is necessary for the continuation of a tolerable international system. These are two rather different moral frameworks for political analysis, but Osgood is apparently arguing that whichever one is assumed, whether the stance of prudent but narrow national self-interest, or that of a prudent and morally inclusive internationalism, the answer is the same. It is not his purpose here to inquire which moral framework one should use, and as long as force is essential according to both orientations, he need not do so.

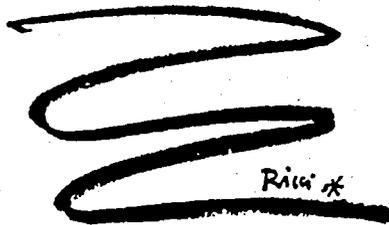
In Tucker's half of the volume the focus shifts explicitly to the ethical question, how shall force in international politics be justified? Tucker recognizes two positions that offer serious answers to this question: the doctrine of necessity of state and the Christian doctrine of the just war, or *bellum justum*.

Tucker's own preference is for a variation of the former doctrine, but it is significant what that variation is. He rejects the rather crude concept of necessity of state

whereby some external necessity is judged to determine the behavior of men so as to render their own decisions insignificant. Instead the preservation of the state is for him a *moral* necessity, something one ought to choose, and presumably men could in fact decide against it (pp. 266, 304, n. 71). Furthermore he distinguishes between two ways of affirming the moral obligation to preserve the state. The obligation might arise either because the state is "the source of all value," that value in relation to which all else is valuable, the end for which all other goods are mere means, or else because it is an indispensable "condition of value," that without which no other value could be preserved (p. 282). Tucker puts considerable stress on this distinction, arguing that it is quite possible to affirm a doctrine of moral necessity of state in the second of these senses.

Here, though, the argument takes a curious detour, though it is one that may help us understand his final conclusions. He declares that while this distinction is in principle significant, it makes no practical difference, and that "a condition of value which is nonetheless indispensable as a condition might just as well be regarded as a source of value." I am in principle (and in practice) suspicious of that kind of statement, because if a political distinction makes no practical difference, then neither is it significant in political principle. This one seems to be significant at both levels. Tucker would readily grant that his distinction makes a practical difference in some situations — those in which the immediate question is not the very survival of the state, but the nature of its ordinary behavior. Then the problem is what *kind* of state, and the answer depends upon whether there are other values for which the state exists, and if so, what they are. But Tucker, on the basis of views we shall presently examine, should also grant that the distinction is

significant in cases of dire threat to national survival. If, for example, a statesman is ever faced with the choice between defeat or serious risks of use of a "Doomsday Machine," it will make a very practical difference which view of moral necessity of state he holds. If he believes that the state is an indispensable condition of value, he is more likely to entertain the idea that in such a crisis it may be the better part of moral wisdom to choose defeat. Perhaps the existence of *some* kind of state is an indispensable condition of value, but not necessarily the state that one has. If so, one might try to reconcile himself to another kind of state, as a tolerable alternative to too much risk of blowing up the world. At first it is puzzling why Tucker makes his distinction only to downgrade it, but his final position, as we shall see, makes this procedure at least a little more understandable.



Back to main road, Tucker strongly implies his own preference for the "indispensable condition of value" position. He even goes so far as to agree with what he sees as the main criticism of his own variation — a criticism similar to the example offered above, that the attempt to preserve the state under some conditions (e.g., by seriously risking thermonuclear war) would risk destroying both the state and the values it exists to preserve. As he puts it, "there is no satisfactory answer to that criticism."

This is not quite the position it appeared to be when Paul Ramsey

reviewed a portion of this work (not including the sections referred to above) for CRIA. Tucker's "*Bellum contra Bellum Justum*," pp. 67-101 of *Just War and Vatican Council II: A Critique*, by Robert W. Tucker, with commentary by others (New York: Council on Religion and International Affairs, 1966). There Ramsey offered essentially the same criticism of a doctrine of moral necessities of state, on the ground that the state exists for purposes beyond its own preservation. There the criticism was directed at Tucker; here, in the publication of the full work during the following year, Tucker affirms the criticism and agrees that the state is not an end in itself, but a means (an indispensable one) to other ends. It would be interesting to know whether Tucker revised the manuscript of this book in light of Ramsey's criticism, or whether he had already included this criticism in his own argument. I suspect the latter, largely because he has reprinted the relevant portions of the earlier work in this book with no revision whatsoever, which suggests that either it was too late to make revisions or that he chose to make none at all. Also he is too perceptive not to anticipate this weakness, and besides, this criticism somehow fails to prevent him from continuing to affirm the doctrine of necessity of state.

There emerges then a second strange step in the argument. Although he has admitted an unanswerable criticism of the doctrine of moral necessity of state, Tucker continues to embrace the doctrine. What he finally offers as a conclusion of the work is "a justification for any measures deemed essential to the preservation and continuity of the state." This is apparently why Tucker sees fit to downgrade his distinction between the state as source of value and the state as condition of value. Apparently he is not going to make anything out of the distinction that might involve restrictions on those actions neces-

sary to the preservation of the state, so that for him, though not necessarily for everybody, it turns out to be a distinction without practical significance. This interesting turn of affairs arises because of Tucker's view of what the alternative is to the doctrine of necessity.

As he sees it, the choice is between the doctrine of necessity, or else the acceptance of some set of external moral limits that are to be followed regardless of circumstances. His discussion of the Christian doctrine of *bellum justum* reveals this assumption. He believes that what gives the *bellum justum* its distinctiveness is that it is an "ethic of ultimate means," that it requires certain actions regardless of circumstances. At the same time he argues, with some persuasiveness, that one can always envision circumstances in which the adherence to any external moral rule would lead to a disaster no responsible person could desire. Paul Ramsey, in the article mentioned above, demanded that Tucker "prove" that such a conflict can arise between the external limits set by *bellum justum* and the "necessities of state"; but it would not be too difficult for any strategist to adduce a scenario, plausible even if improbable, in which the conflict occurs. If Tucker has to choose between following moral rules regardless of circumstances (such as the immunity of noncombatants from direct, intentional attack), or else preserving the state, he opts for the latter. The state is necessary for the preservation of other values, and what is necessary for the preservation of the state is "essentially indeterminate," not capable of being subjected to rules. This is why Tucker maintains his position in the face of an unanswerable criticism, because the position from which the criticism arises has no solution to the very moral dilemmas it reveals. *Bellum justum*, he maintains, cannot solve the problem.

Tucker as ethicist reminds one of some of the "contextualists" in Protestant ethics today, the ones who define the options as either rigid rules unadjustable to circumstances, or no rules at all, and then understandably prefer no rules. There is no need whatever to be such a reductionist. Moral rules can be stated so as to incorporate matters of circumstance. They can be stated so that they are applicable under specified kinds of conditions, and not under others. In Christian ethics such circumstantial rules are not "ultimate means," Tucker notwithstanding, but are efforts to find a just structure of action for Christian love. That is, they are efforts to serve certain values, the values that are individual human beings in the human community. In *bellum justum* the distinctive quality (it would be better to say the *characteristic* quality) is not the rigidity of its rules, but the unchangeableness of its devotion to human beings in human community. This is also a doctrine of moral necessity, only it is necessity-of-human-beings-in-human-community, and not the simpler and less adequate "necessities of state." *A priori* rules would occasionally put an end to statecraft, but a deep respect for human existence will not. It is this element in *bellum justum* that Tucker neglects, and perhaps the exponents of *bellum justum* are partly at fault for his neglect. We too readily turn to speak of the external forms of action without sufficiently and repeatedly referring them back to their purposes.

The rule of noncombatant immunity, for example, rests on the assumption that in the ordinary situation it would reflect the Christian's respect for what Ramsey calls the "moral finality of the individual." Yet if ever the situation should become bracketed within a wider context in which a refusal to break that rule would mean incalculable disaster, then certainly that rule would no longer

apply, and one should formulate a new, more adequate rule. That is the kind of work that faces the advocates of *bellum justum*.

What Tucker needs is a wider sense of the alternative ways of talking about moral limits. It is completely possible and valid to speak of the element of indeterminacy about what is morally responsible in international politics, and at the same time to speak of moral limits on one's action. Of course the limits cannot be known completely in advance, but that does not invalidate the idea of moral limits. What can be known in advance, to a considerable extent, is (1) certain kinds of values one wishes to preserve, e.g., human lives, and some community in which they can be good for one another, and (2) some of the ways states ordinarily can preserve these values in the fabric of international politics as we know it. With these, however, the work of moral and political reflection is not completed. In a situation of conflict between what is ordinarily moral action and the necessities of human individuals in community, the statesman must reshape the rules to serve the values. If he washes his hands of moral limits, as Tucker claims to do, he will still have to find some, especially if he is as deeply concerned over the moral problem as Tucker is. He will only find adequate ones, however, if he staunchly maintains what Tucker appears to believe, that finally the state exists for purposes beyond itself, and must be judged by its contribution to those ends. There will readily be conflict between necessities of state and any set of uncircumstantial rules. There will readily be conflict between any other moral necessity, such as the necessities of moral beings in moral community, and any set of uncircumstantial rules. But there is no necessary conflict between morally final individuals in a moral community and the effort to shape rules circumstantially to serve those values.

## current reading

### Faith and Politics

Reinhold Niebuhr. (Ronald H. Stone, ed.) Braziller. 268 pp. \$6.50

In a preface to this group of essays which appeared originally in journals and in collections, Dr. Niebuhr delineates two major themes running through the works. One, he says, is an attempt "to validate the resources of biblical faith by applying its moral imperatives and its law of love, enjoining responsibility for the neighbor's welfare in a technical age." The other, "an explanation of the vitality of religious life in an age which expected the death of religion, after historical scholarship has discredited the legends in which the early life of religion abounds."

### Treaties and Alliances of the World

Keesing's Publications Ltd. Scribner's. 214 pp. \$10.00

Essential data on each agreement, a concise history of the origin of each and summaries of their principal provisions are provided here—in addition to charts, maps, diagrams and organizational tables (which include up-to-date listings of current representatives). These multilateral and international alliances are grouped conveniently: Treaties arising out of World War II; the U.N.; Nuclear Testing; the Communist World; the Third World; and so forth.

### Pacifism in the United States, from the Colonial Era to the First World War

Peter Brock. Princeton. 1005 pp. \$18.50

Peter Brock, Prof. of History at Toronto, wishes "to tell the story of the religious groups whose members refused military service on the basis of their objection to war, and of that section of the organized peace movement which from its beginnings in 1815 repudiated all war." He includes a discussion of the origins of this impulse in the religious revivals of the Reformation, and the reader will find, along the way, tales of individual objectors and samplings from books and journals of the period under study.

### The Supreme Court Review, 1968

Philip B. Kurland, ed. Chicago. 246 pp. \$12.95

This most recent edition of the *Review* contains an examination of draft-card burning cases ("Free Speech and Symbolic Conduct") by Dean Alfange, Jr. "Neither Congress nor the Court performed well," he concludes, "and the outcome was the enactment and upholding of a law which transparently has no real purpose except to offer the determined anti-war protestor a choice between refraining from expressing contempt for the military effort in Vietnam through an extremely dramatic and, for his purposes, wonderfully irritating form of symbolic conduct, or going to jail."

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