

Just and Unjust Wars: A Moral Argument with Historical Illustrations by Michael Walzer

(Basic Books; 361 pp.; \$15.00)

James T. Johnson

Just and Unjust Wars is an unusual and significant book, one that has to be read on two levels. First, it provides a systematic and thorough examination of the limits contained in the theory of "just war" that has evolved in Western culture. Even though a great deal of reflection has been directed since 1945 to the problem of limiting war, it is difficult—perhaps impossible—to find anything comparable to this book. There has tended to be a lack of the moral element Walzer brings to his work. *Just and Unjust Wars* on the first level, then, is a discussion of the limits of war that is firmly rooted in the moral tradition of just war and goes beyond what has been produced on the limiting of war by the post-World War II generation of scholars.

It is at the second level, however, that the uniqueness of this book emerges: It advances a particular concept of the nature of morality and moral reasoning in order to define and make plausible the moral grounding of the limits on war that have grown up in Western culture. *Just and Unjust Wars* is as much a work on moral theory as it is on war.

It is Walzer's use of history that defines him as a moralist. Walzer himself does not seem fully to realize this. He is critical of certain moral stances, notably the utilitarianism of Henry Sidgwick and what he views as scholasticism in Paul Ramsey; his own stated preference is for a morality grounded in human rights. Indeed, so far as he consciously tries to describe a base for the moral reasoning in which he engages, that base is a theory of rights. Like John Rawls, Walzer's dependence on Locke and the social contract theory of society runs deep. But in Walzer's case the theory of human rights is never developed enough to be a secure foundation

for all that *Just and Unjust Wars* attempts to do. In fact, I suggest, it is necessary to look behind or beneath the rights concept for such a foundation.

For Walzer moral values are based in history; one encounters the values that shape moral decisions through reflection on history, and historical events shape human understanding of what is morally valuable. This helps us to understand why, for example, the experience of World War II is so crucial for Walzer. That war, he argues, was in the first place a ratification of the fundamental concept of the just war idea: Hitlerism was so evil that it had to be fought; the line between justice and injustice dividing the Allies from the Axis was a clear and distinct one. And yet, at the same time, that war ushered in some of the most dubious practices, from the just war perspective, of modern warfare: obliteration bombing, extension of the idea of military necessity to rationalize almost anything, radical erosion of the immunity of noncombatants, and so on. Not without some paradox, we find Walzer using World War II to argue for his version of the rightness and outer limits of the duty to wage a just war, while at other times the abuses during World War II of the limits on how war should be fought (the *in bello* limits, as they are called) are held up to examination in order to *restore* those very limits that war helped to undermine.

Paradoxical this may be, but it is not contradictory. Walzer is arguing that our experience of war awakens and ratifies in us the realization of how war should be limited. It is precisely when a Hitler emerges that the values that have determined the *jus ad bellum* (the justification for going to war) stand out most clearly; it is when war is fought so

as to deny limits that the values that have shaped the *jus in bello* (what is justifiable in waging war) concept are most distinct. Though this kind of argument has its problems, it is a powerful one nonetheless. Not only does it offer a coherent account of the way human moral reason works; it also points to the way in which moral traditions develop in a culture.

My own method of approaching just war thought has been to start a good deal further back in time (the Middle Ages), then trace its development over the intervening centuries and try to understand where we are now with respect to the twin problems of justifying and limiting war. Walzer has chosen instead to focus on specific historical cross-sections: paradigmatic experiences sharply illustrating the values that have come together in our culture to distinguish just from unjust wars and ways of fighting wars. This method has two strengths. First, while moral traditions undoubtedly go far back in human history, the remembrance of historical events as a way for individuals to identify moral values usually involves a much more recent past. Jewish doctrine on war, for example, begins with the wars of Israel under Moses and Joshua during the period of the Exodus and the Settlement; yet a contemporary Jew attempting to speak ethically about war might, at least in the first instance, go no further than the Holocaust.

Because we forget the roots of moral traditions in modern culture we tend to ground moral values in nonhistorical knowledge. Walzer, for all his talk about rights, reestablishes the historical nature of moral knowledge by pointing up events that are relatively close in time and that evoke moral values relevant to the events discussed. A further strength of Walzer's method is that, by choosing vivid examples from close at hand, he identifies values that are generally held values. That is, the moral position he describes is not simply some idiosyncrasy of his own but the communal morality of the culture that has experienced these historical events.

At least this last is what Walzer *ought* to say. In fact, he appears to want to make the argument that all mankind will agree to the values he identifies as defining the justification and limitation of war. And this is extremely problematic, since both the just war concepts and the preponderance of the historical illus-

trations he discusses belong to Western cultural history. I have a great deal of sympathy with his method, so long as he stays within the communal experience of the West. It does not necessarily invalidate his method (though it severely limits his persuasiveness) to attempt to claim that all the world will encounter the same moral values as will Europeans and Americans when the same historical event is recalled. What may be paradigmatic for one culture may not appear important at all to another. If Walzer is serious about claiming to have identified universally recognized values, he must provide historical illustrations far more numerous and from a broader cultural spread than he does. This should not, however, detract from what is already done in *Just and Unjust Wars*; Walzer is already providing cases with which people from most of the great powers of the world can, in principle, identify. And it may be that the hegemony of Western culture is so great that people from outside the West can identify with the moral values that Walzer sees in the illustrations he offers. If so, we are all ahead.

People familiar with the just war tradition will find that Walzer has his own terms for the concepts of *jus ad bellum* and *jus in bello*: "The Theory of Aggression" and "The War Convention." These define two parts of the book; two others are devoted to "Dilemmas of War" and "The Question of Responsibility." The fifth part is an introductory overview, "The Moral Reality of War," which in the context of this book fulfills the function of drawing the reader into Walzer's circle of discourse.

At first glance, Walzer's rendering of the *jus ad bellum* in terms of aggression and justifiable defense appears highly questionable. After all, one of the major works on medieval just war doctrine, Alfred Vanderpol's *La doctrine scholastique du droit de guerre*, asserts flatly that Christian just war theory is defined by reference to the prince's authority to act in the stead of God to punish evildoers and that "aggressors" does not exhaust the category of evildoers defined by medieval theorists. Coming from the other end of history, anyone familiar with twentieth-century efforts to define aggression in international law will attach to that term an extremely narrow meaning that stigmatizes as the aggressor the belligerent who fires the first shot in a war. But

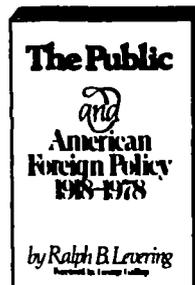
Walzer is too sophisticated morally to fall into the latter trap, and he relies too much on recent history to have much sympathy with medieval ways of describing evil. His theory of aggression is an attempt to avoid the errors of both while erecting a persuasive paradigm for understanding how some wars are justified while others are not.

Walzer's section on "The War Convention," his term for what has traditionally been called the *jus in bello*, contains some of the most creative and original thinking in the book. A principal concern throughout is protection of the immunity of noncombatants, and it is here he introduces his theory that this immunity depends on human rights. In this connection he considers and rejects a utilitarian approach to limiting the fighting of war. Some of Walzer's discussion covers ground that will be totally familiar to any reader who knows the historic just war tradition (in this category I include his treatment of proportionality, double effect, guerrilla warfare, and reprisals), though Walzer's approach gives even such familiar topics a welcome facelift. Where his creativity sparkles, as particularly in the chapters on siege warfare and terrorism, something new is under

way. Siege warfare is one of the most ancient types, yet, as Walzer shows, it remains very much an integral part of contemporary warfare as well. Why have other moralists not reflected on the implications for the fights of noncombatants in contemporary types of siege warfare? In particular, why have we overlooked the analogy between war by siege or blockade and mutual assured destruction nuclear strategy? Walzer, incidentally, recognizes but does not pursue the implications of this analogy.

When Walzer turns to terrorism, it is not surprising to find contemporary indiscriminate terrorist tactics denounced, yet he goes beyond this to erect a new category of just war, defining an analogy between political officials and wartime combatants. Just as soldiers may be killed in wartime, so in a political struggle assassination of officials is permissible. Thus the "war convention" has an analogue, called by Walzer "the political code." I am extremely uncomfortable with this argument (which, by the way, Walzer finally does not condone), because it tends to allow too much even while disallowing things still worse. Walzer introduces this analogy in order to throw contemporary indiscriminate terrorism into the

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worst possible light. "See here," his argument runs, "the examples I have chosen (the Russian Populists, the early IRA, the Stern Gang, and the Viet Cong assassination campaign) show that even in a political conflict there should be certain limits; these limits are analogous to those of the war convention." Indiscriminate terrorists are thus cast beyond the pale; they are the war criminals of political struggle.

A moral denunciation of terrorism aimed at innocent persons is certainly in order, but is it really necessary to make political assassination look so benign by comparison? In war it is legitimate for me as a combatant to kill an enemy combatant because he may also kill me; political assassination is not justified in this way. Nor is it enough to say, as Walzer does, "Assuming that the regime is in fact oppressive, one should look for agents of oppression and not simply for government agents." A great deal more than that needs to be said about the justification and limits of revolutionary political activity. Though his argument on terrorism is a creative one, it is a bad one.

The sections on "Dilemmas" and "Responsibility" address some of the hardest questions that have come up in recent wars regarding the justification of war and how it should be fought. They are well thought out, persuasively argued, and full of good moral sense. The question of military necessity is a principal concern in both sections, and Walzer's appeals to military necessity deserve careful scrutiny. The claim that a particular action forbidden by the war convention is necessary disguises what is really being argued: namely, that to take this action rather than a permitted one increases the odds in one's own favor. Having seen through the claims of military necessity in this way, Walzer is unsympathetic toward them. His skepticism toward such arguments from necessity is healthy indeed.

But here Walzer is only scraping the surface of a deeply complicated matter. It is not at all clear, for example, that *all* claims of military necessity are disguised statements of self-interest. The problem is that, though appeals to necessity are often made in war, a general definition of military necessity is impossible. It appears that the validity or nonvalidity of such appeals can be recognized only in a particular context and perhaps only after the fact—as in

the Nuremberg Trials or in the aftermath of the decision to undertake obliteration bombing of German and Japanese cities in World War II. If one restricts the question to what is the relation between the laws of war and military necessity, one encounters conflicting interpretations. At one extreme the hegemony of the law is asserted; that is, the laws of war take into account military necessity. At the other extreme the hegemony of military necessity is established: war is hell. Georg Schwarzenberger has avoided either extreme by describing a spectrum along which the laws of war are ranged, with some provisions (e.g., the prohibition of wanton destruction or sadistic torture) absolute or nearly so and others (e.g., those relating to air warfare) full of loopholes allowing for claims of necessity (*A Manual of International Law*).

I am inclined to believe that the moral difficulty with the concept of military necessity is that it is hard or impossible to know at the time of decision what is, in fact, necessary. The decision is thus reduced to an exercise in utilitarian calculus, where too many of the terms in the equation are often unknowns.

Walzer's discussion of military necessity is not a comprehensive one; a book needs to be written on this concept alone. But Walzer provides a sensitive and well-reasoned analysis of the problem within the context he has chosen. In particular, though his examination of the decision to bomb German cities during World War II is relatively brief compared to all that has been written on that topic, Walzer's is the best moral analysis of the decision I have read.

It is difficult to praise *Just and Unjust Wars* too much. Though it has faults, they are minor ones and are far outweighed by its extraordinary value as a contemporary contribution to the ongoing tradition of just war. Walzer persuasively reminds us that sometimes the course of war must be chosen; at the same time, he shows how that decision must be restrained, and he argues tellingly that there are limits to fighting war that must be observed even by those parties guilty of aggression. And he establishes a case that moral values are based in historical experience. Any of these accomplishments alone would be worthwhile; together they make a superb book.

Lifeboat Ethics: The Moral Dilemmas of World Hunger edited by George R. Lucas, Jr., and Thomas W. Ogletree

(Preface by Daniel Callahan. Harper & Row; 162 pp.; \$4.95 [paper])

Arthur Simon

Scientist Garrett Hardin tells us that the earth is a lifeboat, not a spaceship. We affluent Westerners had better protect our advantages in it from the world's hungry people, because they are reproducing beyond the earth's ability to sustain them. In this metaphor the great sin is compassion. Helping them means pulling more people into the lifeboat and, therefore, more human suffering in the long run because the boat has provisions for only so many.

Hardin's metaphor is the wrong one for many reasons. It would seduce us into playing the role of God with the lives of others on a massive scale. It

espouses a we-they division of the world, when "haves" and "have-nots" need instead to recognize their common humanity. It assumes that the United States has done just about everything possible to wipe out world hunger and poverty, and, since that hasn't worked, we'd now better concentrate on reducing population growth in order to keep the lifeboat afloat.

The nine essays in this book, including one by Garrett Hardin, represent a stimulating cross section of views on the lifeboat-ethics debate. Arguments in support of a lifeboat-type approach, as well as arguments against it, are in-