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Review Article: Just and Unjust Wars

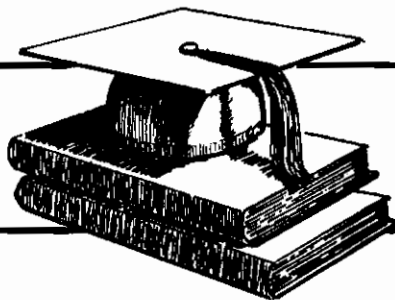
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PROFESSIONAL READING

REVIEW ARTICLE

Just and Unjust Wars

Moral Responsibility and Conflict: A Post-Vietnam Perspective

by

Lewis Sorley

This is a book* one would like to praise. Stemming, the author tells us, from his concerns as an activist in the antiwar movement of the Vietnam era, it attempts a comprehensive consideration of moral issues involved with the use of force. In fact, the book's title provides a far too limited indication of the range of its concerns, which are not confined to determinants of just and unjust war. How wars may be fought is also a major subject; such classic problems as neutrality, preemption, intervention, surrender, proportionality, the siege, and reprisals are addressed. Divided into five parts, the book successively deals with the moral reality of war, culminating in an examination of the "war convention"; the theory of aggression, during the course of which the war in Vietnam is determined by the author to have been a civil war; the war convention again, revisited and revised according to his views of what is moral; dilemmas of war, which includes a denunciation of nuclear deterrence; and

the question of responsibility, both individual and corporate.

But there are major problems with the book that become apparent at the very outset. The author, Michael Walzer, is a professor of government at Harvard University. Thus it seems appropriate that he has styled his work (in the subtitle) "a moral argument with historical illustrations." But the argument is based on some outlooks, understandings, and indeed self-conceptions that are at least highly contentious. An illustration is to be found in the opening paragraphs. Describing himself and his fellow members of the protest movement, Walzer asserts that they "suffered from an education which taught . . . that [such words as "aggression and neutrality, the rights of prisoners of war and civilians, atrocities and war crimes"] had no proper descriptive use and no objective meaning. Moral discourse was excluded from the world of science, even of social science."

No doubt some readers will find it surprising to learn that Walzer and his associates are under the impression that they revived philosophical discourse in contemporary America, even allowing

*Michael Walzer, *Just and Unjust Wars* (New York: Basic Books, 1977), 361pp.
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for whatever sufferings in their own education may have deprived them of access to or even knowledge of the rich and continuing public and academic dialogues of the past three decades on a range of moral issues that included the production, possession and use of nuclear weapons; intervention, both economic and military, in many different contexts (from mainland China, Greece, Turkey, Iran, and Guatemala in the early part of the period through East Germany, Hungary, Czechoslovakia, the Congo, the Dominican Republic, the Lebanon, Suez, Israel and the Middle East more generally to Vietnam and now Angola and the Horn of Africa); human rights and such constituent concerns (not first introduced by the current administration) as food, disaster relief, economic well-being, population planning, education and health care; disarmament concerns and continuing efforts to negotiate superpower agreements of restraint; establishment and development of international organizations devoted to peace and prosperity; the establishment and perpetuation of alliances whose purpose was deterrence of warfare and aggression, and which often were notably successful; and the range of foreign assistance programs throughout the period. Perhaps the Marshall Plan and even the Peace Corps were before Walzer's time. But the unbridled self-righteousness of asserting that there was no moral discourse, and in fact that education in America denied the meaning of moral concepts, until the antiwar movement made its appearance, is instructive in terms of the self-image held by the author of this treatise on moral issues.

The Theory of Aggression. Mr. Walzer makes extensive use of analogy in shaping his arguments, and this sometimes leads him into problems of logic. In discussing the theory of aggression, for example, he complains of the lack of discrimination between differing degrees

of aggression: "Every violation of the territorial integrity or political sovereignty of an independent state is called aggression. It is as if we were to brand as murder all attacks on a man's person, all attempts to coerce him, all invasions of his home. This refusal of differentiation makes it difficult to mark off the relative seriousness of aggressive acts—to distinguish, for example, the seizure of a piece of land or the imposition of a satellite regime from conquest itself, the destruction of the state's independence. . . ."

It is not clear that others share Walzer's difficulty in sorting all this out, or that they should. Various manifestations of aggression obviously can be and are differentiated, with the differences taken into account in determining what constitutes an appropriate response. The more appropriate analogy, furthermore, would be to say that aggression is like crime: all crimes are against the law, but not all crimes are murder. In like manner, all aggression is morally wrong, but not all aggression is of equal magnitude. Indeed even if the analogy were to murder it would be too simplistic, for murder itself is a category of crimes that involves a number of differing degrees recognized in law and ethics, with varying amounts of culpability associated with each.

The point of the author's having used the faulty analogy is apparently to permit him to go on to argue that, in the case of individuals, the nature of the crime is in part conditioned by the response of the victim, so that someone who resists may be murdered, while one who submits is only robbed. "Consider," he says, ". . . the German seizures of Czechoslovakia and Poland in 1939. The Czechs did not resist; they lost their independence through extortion rather than war; no Czech citizens died fighting the German invaders. The Poles chose to fight, and many were killed in the war that followed. But if the conquest of

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Czechoslovakia was a lesser crime, we have no name for it."

I would argue that of course we have no name for it, because again we are confronted with a poorly chosen analogy which seems to illustrate a similarity when in fact none exists. In the case of the individual, resistance or the lack thereof changes the nature of the outcome: robbery on the one hand or murder (*and* robbery) on the other. In the case of conquest of one state by another, the outcome is the same, with or without resistance: the state loses its sovereignty and the citizens lose their freedom. Just as, in the case of murder committed in the course of a robbery, the robbery becomes of secondary importance in comparison to the more serious crime of murder, perhaps it is also true that with aggression the murders committed in the course of it become of secondary importance in comparison with the more devastating crime of forcible conquest and deprivation of freedom. And there is yet another significant difference undercutting the analogy: in robbery, there is some hope of redress through appeal to a higher authority, the police power of the state. States themselves have no such higher power to which to turn; thus they must, unlike the robbery victim, either resist or inevitably suffer loss.

While there is much of interest in the author's discussion of aggression, and one must be sympathetic to his desire to reduce the extremely complex issues involved to manageable proportions through the use of analogies to situations we know how to deal with, the result is sometimes an unfortunate oversimplification that does not seem to provide the basis for morally informed decisions in the cases in point.

In the course of his consideration of aggression, Walzer assesses the matter of appeasement. What is right, he implies, depends on the circumstances. In some cases "there might even be a duty to

seek peace at the expense of justice." Alternatively, he suggests that it would be immoral to appease by giving in to "the rule of men committed to the continual use of violence, to a policy of genocide, terrorism, and enslavement. Then appeasement would be, quite simply, a failure to resist evil in the world."

This is a significant and challenging passage. It suggests that isolationism in a world where such evil exists is not morally acceptable. In illustrating his point, the author returns to Nazism: "Stability among states . . . rests upon certain patterns of accommodation and restraint, which statesmen and soldiers would do well not to disrupt. But these patterns are not simply diplomatic artifacts; they have a moral dimension. They depend upon mutual understandings; they are comprehensible only within a world of shared values. Nazism was a conscious and willful challenge to the very existence of such a world. . . ."

There is very little to choose, in these terms, between the Nazism of Walzer's example and the designs of aggressive communism in the following era. Thus opposition to the Soviets, equally dedicated to destroying the values upon which the international system of accommodation and restraint is based, constitutes a similarly morally permissible and even mandatory stance. In the author's own terms, that conclusion would seem to be inescapable unless one denied that to be the character of the Communist threat. Those who are so tempted might consider the words of the art critic of *The New York Times*—the art critic, mind—in a recent review of the concluding volume of Aleksandr Solzhenitsyn's powerful trilogy: "If, after 'The Gulag Archipelago,' we are still unable to imagine what the Soviet reign of terror and death signifies, both for its millions of victims and for us, too, in the precarious comfort of our freedom, it is because we do not want to—because we cannot

bring ourselves to face the worst about the politics of our century and the murderous morals of our species."

It seems that, in a volume on morality and the use of force that can acknowledge the obligation to oppose unmitigated evil, this historian might have done well to confront the current existence of such evil in the world and the resultant imperative for American political and, if necessary, military action. I suspect that he did not, at least in part, because it would mandate some less absolutist judgments about the war in Vietnam than he has chosen to make.

America and Vietnam. Walzer's denunciation of American involvement in the Vietnamese war is unrelieved. He denies the legitimacy of the South Vietnamese government, argues that the Viet Cong had achieved legitimacy of its own, asserts that Americans ignored the distinction between combatants and noncombatants, and subsequently brands the resettlement of civilians to get them out of the path of battle as of "likely criminality." He maintains that it was a civil war, and that the American involvement belongs to a series of clear-cut aggressions in which he also includes "the German attack on Belgium in 1914, the Italian conquest of Ethiopia, . . . the Russian invasion of Finland, the Nazi conquests of Czechoslovakia, Poland, Denmark, Belgium, and Holland, [and] the Russian invasions of Hungary and Czechoslovakia," among others.

How does he reach this position, at least to his own satisfaction? He begins by asserting that, because it failed to hold the elections that had been scheduled for 1956, the government in South Vietnam lost its legitimacy. No consideration is given to the matter of whether those elections could have been conducted fairly in the circumstances then pertaining. Next he argues that "counter-intervention is morally possible only on behalf of a government (or

a movement, party, or whatever) that has already passed the self-help test." This seems to be literal nonsense—can he possibly be saying that outside parties can only help those governments that do not need help? Apparently he is, for he argues as well that a government that cannot put down an insurgency has no claim to popular support, and that insurgents who can survive have thereby demonstrated that they have such support.

All of this seems to belie a total innocence of the nature and reality of subversive warfare. Perhaps if his extremely brief and inadequate chapter on terrorism had been more extensive it would have provided the author some insights into the techniques of coercion and disruption that are so congenial to subversives. While undeniably effective, they are far from demonstrations of popular support. If that were not the case, then the argument would have to be that the more effective the insurgent in the use of coercion, the greater his legitimacy, a very peculiar argument to find in a dissertation on moral conduct.

In a related passage the author asserts that "what is crucial is the standing of [a] government with its own people." Yet in continuing to maintain that the South Vietnamese government was not legitimate nor supported by the people, he ignores the persistent resistance to the external aggression and internal subversion that the people carried on, clearly preferring the government they had to that which others sought to impose upon them. It is remarkable, for example, that the government that Walzer so despises was able to issue tens of thousands of weapons to ordinary citizens without fear that they would be used to overturn it. There is no necessity to portray the existing government in South Vietnam during the war as any more effective, benevolent or popular than it actually was to contrast it favorably with the threatened regime that has now come to power. Given the

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weighing of values in conflict that is the essence of ethical choice, it seems strange that Walzer is able to adhere to so unidimensional a view of the merits of this case.

Innocence and Involvement. A troubling inconsistency seems to appear when the issue of the ethical duty of a citizenry to restrain its government from aggression is discussed. Walzer's position is that in an ideal democracy (America's he characterizes as a flawed democracy) individual citizens who do not actively oppose aggression committed by their government are themselves morally culpable. He then portrays a kind of sliding scale of individual responsibility, determined by the degree of freedom or democracy that exists in a given state. Thus in a very repressive state, one in which a citizen could not oppose a government bent on aggression without grave personal risk in the doing, individuals are according to him absolved of such responsibility. While that may well be a reasonable view, it seems difficult to conclude at the same time that the failure of citizens in the grip of a murderous guerrilla subversion can be said to have conferred legitimacy upon that movement by their failure to overthrow it. Yet this is precisely the argument he has made in branding American assistance to South Vietnamese attempting to overcome Viet Cong terrorism as illegal intervention owing to the supposed legitimacy attained by that subversive movement.

If we are going to consider, as Walzer suggests, fundamental reformulations of the laws of war, then perhaps the provisions dealing with the status of civilians ought be addressed. At issue here is, among other things, what ethical duty a citizen has to restrain his government from committing aggression. Never mind that it be argued that the victor will inevitably determine who was the aggressor and who was not. We are concerned here, in the terms Walzer has

set, not with what is practical, but what is right. So we are entitled to ask whether the population of an aggressor nation should be indemnified from risk, and more particularly whether the soldiers of the nation which is the victim of the aggression are obliged to accept increased danger to themselves in order to provide protection to the aggressor's civilians.

The key seems to be somehow tied to the question of innocence. It is surprising, given the author's expressed concern with the duties of a citizen to refuse to participate in a war which his conscience rejects, that he does not challenge the traditional view that all civilians are innocent, regardless of their government's acts, and entitled to be protected. It does not seem such a long way from firing a rifle, which subjects the soldier doing it to the vicissitudes of war, to manufacturing that rifle, or the ammunition for it, tasks which are equally essential to the effective prosecution of a war. Yet the latter contributions have not been considered such as to forfeit civilian immunity. It would be going a long way indeed to argue that citizens share fully the responsibility of their government and its leaders for aggressive war, and clearly this could not be sustained as a general proposition. But considerations of fundamental justice do bring us back to the question of whether soldiers who have taken up arms solely to defend their nation against aggression by another have an obligation to accept greater risk, to themselves and to the success of their enterprise, simply to provide increased protection to the civilians of the enemy power.

It may be granted that the citizenry in general is often powerless to restrain an aggressive government, especially one that has systematically sought to undermine and cripple any semblance of organized resistance. But does that necessarily mean that the soldiers of the nation that has been wronged, who

would themselves very likely have remained civilians were it not for the necessity to fight that has been thrust upon them by the aggression of others, must endure greater risks for the sake of hostile and at least putatively aggressive civilians? Perhaps we need a new concept of corporate responsibility for aggression, and reconsideration of the conventions of warfare that would derive therefrom.

Nuclear Deterrence. In considering the central strategic issue of the modern era, that of nuclear deterrence, the author holds that "against the threat of an immoral attack, they have put the threat of an immoral response." He is speaking of the threat of nuclear retaliation, of course, and goes on to hold that "the immorality lies in the threat itself, not in its present or even its likely consequences." This view seems wrong. It is only in response to massive immorality on the part of the attacker that retaliation would take place, and the overwhelming purpose is to dissuade him from such an attack. Thus, merely by refraining from immoral massive aggression, the potential adversary can avoid destruction. Surely it is not immoral to ask this much. How can such an outcome be evil, indeed "murderous"? Yet Walzer characterizes it as "the commitment to murder."

Perhaps his use of that term stems from his subsequent assertion that "it is a feature of massive retaliation that while there is or may be some rational purpose in threatening it, there could be none in carrying it out. . . . We could only drag our enemies after us into the abyss. The use of our deterrent capacity would be an act of pure destructiveness." Yet this seems to ignore the likely subsequent effects of refraining from retaliation. A Soviet Union that had visited great destruction upon the United States, and which had itself escaped such destruction, would then be in a position to impose its will on every

other nation. Nowhere would freedom be safe or survive. Use of our retaliatory capacity under these circumstances, even if it were our final act as a civilization, would also be our last and decisive act of fealty to our allies and the prospects of perpetuating liberty and humane values. Without it, they would be doomed. There is a direct analogy with Walzer's earlier characterization of Nazi Germany, a regime so pervasively evil that the prospect of its triumph is *prima facie* a "supreme emergency."

Conclusion. In a passage put on the dust jacket of the book, thus giving it prominence above all else that he has to say, the author states that "war kills; that is all it does. . . . the soldiers who die are, in the contemporary phrase, wasted. . . ." I take that as a political statement, and possibly an aspiration as well. But the substance of his book, historical and contemporary alike, belies the assertion. War frees or enslaves, brutalizes or ennobles, restrains or unleashes. It protects and preserves the precarious progress of civilization, or drives it back toward primitivism. But the existence of force is not the moral issue, nor even the use of it, but the purpose for which it is used, and the ways in which it is put to that purpose.

There is much more in this book than can adequately be addressed in a review. I have chosen to concentrate on some points which seemed to me in need of challenge, but both these and numerous other passages are useful in focusing thinking on the kinds of issues that in the event must be acted upon, and that one must therefore prepare for through prior contemplation. Walzer holds that "we are not usually philosophical in moments of crisis. . . ." Perhaps what he means is that there is no time in the midst of crisis to develop a philosophy, for I believe we do act philosophically in crisis, and that we do so on the strength of the values we have

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incorporated into our approach to life; indeed this is what we mean when we speak of character.

Granted it is possible under stress (or otherwise) to act inconsistently with our principles, a phenomenon we recognize when we say someone has acted "out of character." But it is the deviation from the expected norm that points up the existence of such norms, chosen and customarily adhered to by those who are concerned to live their lives purposefully. There is much in this book that is useful in those terms.

There is even a bit of humor, welcome among so many difficult and somber issues: the author cites a proscription from ancient Indian law to the effect that among those who are to be exempted from battle are "those who are asleep, thirsty, or fatigued or are walking along the road, or have a task on hand unfinished, or who are proficient in fine art." Many a Vietnam veteran would agree that that sounds pretty good.

And it is Vietnam that haunts these pages. Whatever else the book may be, it is pervasively and persistently also a work of self-justification. It may be that Walzer is right, that America's involvement in Vietnam was not only unwise and ineffectual, but also immoral and criminally aggressive. But I do not think so, nor do I think that he has made his case to that effect in this book. Perhaps that case cannot be made except to those with a broader range of shared assumptions. It brings back a line from John LeCarre's novel *The Looking Glass War*: "nothing ever bridged the gulf

between the man who went and the man who stayed behind."

Walzer would argue, no doubt, that the bases for ethical judgments transcend individual human experience, and in the abstract he would be right. But those judgments are, in the difficult and meaningful cases that put our humanity and good will to the test, matters of drawing balances among competing values, of seeking the most ethical course where values are in conflict. The weights we assign in making such judgments are, inescapably, conditioned by the lives we have lived and the personal and professional commitments that have absorbed our energies and dedications. Those who fought this war and lived to reflect upon it have etched upon their minds, whatever the pain and regret that may endure, a panoply of courage, compassion and sacrifice that defined what was best—and most typical—of the American soldier in that endeavor. No doubt others, whose convictions or self-interest led them to oppose or evade the war, find their later judgments likewise shaped by their experiences.

In this sense, at least, there can be no absolutes upon which to base moral judgments, except perhaps that of fidelity to values as one perceives them. And if that be true then, though the gulf remain, it is possible to conceive there are men of good will on both its sides who may, in better times, be reconciled in the service of worthy goals. I would like to think that that, too, is what this book is about.