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Questioning Just War Theory

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Questioning Just War Theory

Harry van der Linden

Review of:

Michael Walzer, *Arguing About War*. New Haven: Yale University Press, 2004. Pp. 208. Cloth, \$25.00. ISBN: 0-300-10365-4.

This volume consists of previously published essays on war and ethics, written by Walzer after his *Just and Unjust War*¹ and generally building on the version of just war theory (JWT) articulated in this classic work. In the Introduction, he points out that his view has changed in a few ways only: he is now, after the great number of “recent horrors,” more prepared to call for humanitarian intervention and more willing to support military occupations of failed states (xiii-xiii). Walzer further states that as a result of these shifts he is now more convinced that JWT should supplement its traditional division of *jus ad bellum* (justice of going to war) and *jus in bello* (justice during war) with an account of *jus post bellum* (justice after war). The need for this expansion is emphasized at other places in *Arguing About War* (18, 163), but its contribution in this regard is sketchy. The most important source on *jus post bellum* remains the work of Brian Orend.²

The essays are arranged in three parts: theoretical analyses of such topics as military responsibility, terrorism, and humanitarian intervention; discussions of particular wars; and an essay on global governance. The most intriguing theoretical essay is “The Triumph of Just War Theory (and the Dangers of Success),” a lecture delivered in April 2002. For Walzer, JWT’s triumph is that it has become rather influential in guiding U.S. political and military leaders in their war decisions. He sees this exemplified in “the odd spectacle of George Bush (the elder), during the Persian Gulf war, talking like a just war theorist” (10). More emphatically, “the triumph of just war theory is clear enough; it is amazing how readily military spokesmen during the Kosovo and Afghanistan wars used its categories, telling a causal story that justified the war and providing accounts of the battles that emphasized the restraint with which they were being fought” (11).

Ironically, at the time that Walzer made these claims the Bush administration was increasingly involved in disregarding JWT principles, ranging from its treatment of prisoners of the Afghanistan conflict to the development of its preventive war doctrine and its preparation for the war against Iraq. But even Walzer’s own

¹ Michael Walzer, *Just and Unjust Wars: A Moral Argument With Historical Illustrations* (New York: Basic Books, 1977).

² Brian Orend, *War and International Justice: A Kantian Perspective* (Waterloo: Wilfrid Laurier Press, 2000). See also his “Justice after War,” *Ethics & International Affairs* 16 (2002): 43-56.

discussions of the Gulf and Kosovo wars contradict his glowing picture of JWT's triumph. In "Justice and Injustice in the Gulf War" (1992), he argues that pilots routinely dropped bombs over Iraq from altitudes so high that discriminate bombing with minimal "collateral damage" was impossible, while infrastructure targets with mainly civilian purposes were deliberately and extensively bombed. Walzer is especially critical of the bombing of water purification plants, describing this as "an attack on civilian society [with] the risks of disease in epidemic proportions" (96). That the U.S. was fully prepared to take this risk became clear in the following years when the continued economic sanctions blocked the reconstruction of the Iraqi infrastructure and led to sharply increased death rates, especially among children. Walzer also maintains that the massive killing of withdrawing Iraqi troops on the Highway of Death between Kuwait City and Basra presumably violated JWT because "the retreating army posed no threat *except* to its own people" (97). In "Kosovo" (1999), he objects, moreover, to NATO's refusal to commit ground troops to its humanitarian intervention and claims that this decision was partly responsible for the ethnic cleansing that occurred after NATO began its bombing campaign. The moral lesson is that intervening nations must be prepared to make sacrifices -- "*you can't kill unless you are prepared to die*" (101) --, a lesson that Walzer anticipates in "The Politics of Rescue" (1994).

Still, it is to be granted that recent U.S. wars have become more discriminate, certainly if we make WW II or the Vietnam war our baseline. Why so? Walzer stresses two explanations. The first one is that the Vietnam war taught that widespread violations of noncombatant immunity undermine local civilian support needed for military victory. The second one is that wars today must be justly executed because "the whole world is watching" (11). Here Walzer fails to recognize that the news is manipulated, selective, and especially restricted in combat situations. The whole world was not watching how the U.S. recently destroyed Fallujah, but the toppling of Saddam Hussein's statue was shown over and over again. A third explanation, only alluded to by Walzer, is that the latest developments in weapons technology enable the U.S. to meet its military objectives in more discriminate ways. In this area, the U.S. has a great comparative advantage and this suggests another reason for the "triumph" of JWT: it is generally in the self-interest of the U.S. to insist that *jus in bello* norms are upheld because it secures that in war it will be difficult, if not impossible, for the opponents of the U.S. to inflict harm on the U.S. that is comparable to the harm that the U.S. can unleash upon them.

Walzer warns that JWT's success may lead to "a certain softening of the critical mind, a truce between theorists and soldiers" (15), and that this is dangerous because the next war around might not be just. JWT's success may also lead one to insist on a tightening of the principle of noncombatant immunity so that any killing of civilians becomes unjust. Walzer argues that opponents of the recent Afghanistan war succumbed to this danger and displayed a "radicalism of people who do not expect to exercise power or use force, ever, and who are not prepared to make the judgments that this exercise and use require" (14).

Arguing About War contains other unfair charges against critics of the exercise of U.S. military power. In “After 9/11: Five Questions About Terrorism” (2002), Walzer criticizes “Western leftists” for holding that because of our oppressive foreign policies “we deserved [9/11]; we had it coming”. He writes: “Even if American policies in the Middle East and in East Asia have been or are wrong in many ways, they don’t excuse the terrorist attack” (135). Few people on the Left would disagree with this assessment and Walzer’s criticism is based on confusing attempts to explain 9/11 with attempts to excuse it. More controversial (not only among the Left) is his assessment that terrorism by revolutionary groups can never be justified. In “Terrorism: A Critique of Excuses” (1988), he argues strongly against such excuses as that terrorism is chosen as a last resort measure, that it is the only effective strategy available to weak groups against strong oppressive regimes, or that it is repaying in kind to states terrorizing their own people (53-58). Walzer’s arguments against terrorism have considerable force but are in tension with his supreme emergency doctrine.

In “Emergency Ethics” (1988), Walzer maintains that under conditions of supreme emergency, when the survival of a community and its most basic values are under immediate threat, a state may, or even should, engage in “war terrorism” if doing so would prevent defeat. On this ground, he argues that the British in WW II were justified in bombing German population centers until mid 1942 when it became clear that the Nazi threat could be successfully met without terror bombing. Here (and the same is largely true of his analysis in *Just and Unjust Wars*) Walzer seems to embrace excuses similar to the ones he rejects with regard to revolutionary terrorism: he simply assumes rather than shows in detail that the British were in a true emergency situation and held, or were justified in holding, that terror bombing was the only effective option, or was a last resort. In fact, the British held during 1940-41 that their best bet was to attack industrial targets and it was only when this failed that they began a campaign of systematic terror bombing in early 1942. It remained the dominant air strategy until the end of the war, and this may actually delayed victory because crucial industries were left untouched when greater capabilities for destroying them emerged.³ The continued terror bombing also shows that the “emergency exception” is bound to be abused. A good case can be made that Just War theorists should therefore reject the doctrine, but once it is accepted one cannot so easily dismiss the possibility, as Walzer does (54), that some terrorist acts by non-state actors in the past might have been warranted on its terms.

Besides the Gulf, Kosovo, and Afghanistan wars, the second part of *Arguing About War* discusses in several essays the Palestinian/Israeli conflict and the second Iraq war. Considering Israel’s huge military superiority, it is surprising that Walzer holds that Israel’s Jewish citizens rightfully view Palestinian terrorism as a threat to the very existence of the Jewish state (114-15), but it helps to explain why his repeated condemnation of Palestinian terrorism is not balanced by a similar condemnation of

³ See Robert A. Pape, *Bombing to Win: Air Power and Coercion in War* (Ithaca: Cornell University Press, 1996), 273.

Israel's indiscriminate "reprisals" and its support of terrorism against Palestinians in the Lebanese war. What is striking about the essays on Iraq is that Walzer took the Bush administration's war rationale at face value, and were it not for his commitment to JWT's understanding that only a very imminent threat counts as a just cause, Walzer would not have argued "Inspectors Yes, War No" (2002). He further maintains that the unjust war against Iraq does not preclude a just occupation. His recommendations are that the U.S. pays for reconstruction, secures "debaathification," and transfers power to a truly independent Iraqi government (168). Failing to see that the war was not about Hussein as a threat, Walzer does not raise the hard question of how the Iraqi people can force the U.S. to give up a permanent military presence in their country and, with it, control over their oil resources.

Arguing About War's final essay, "Governing the Globe" (2000), sketches seven forms of international society on a continuum of centralization, ranging from a global government to a condition of total anarchy among sovereign states. Walzer assesses each form in terms of its capacity to promote peace, economic justice, cultural pluralism, and individual freedom. What is particularly important about this rich essay is that it forces us to consider that trade-offs may be necessary: a global state will prevent wars and be effective in reducing global economic inequality but it may be a threat to pluralism and freedom, whereas a more anarchic international society will likely reverse this result. Walzer's own preference is somewhat closer to anarchy than world government on the centralization continuum, reflecting his communitarianism and, presumably, also his social location.

Walzer's work has been tremendously influential in promoting a public discourse morally assessing U.S. wars, and he rightly argues that "the ongoing critique of war-making is a centrally important democratic activity" (15). The essays in *Arguing About War* make a significant contribution to this activity but also point to a serious limitation in Walzer's approach to critically thinking about U.S. wars. It is not enough to assess each U.S. war individually; one must also pay attention to the broader picture of the U.S. becoming an ever stronger military hegemon. Walzer ignores that the military expenditures of the U.S. are close to those of the rest of the world and that with each new war the U.S. expands its global network of military bases and tests new weapons, thus strengthening its hegemony. He also ignores the economic interests that stimulate the development of virtual warfare and may lead to a weaponization of space. These facts should play a role in assessing the justice of U.S. wars, and it is important for the future viability of JWT to address whether their common neglect within JWT is intrinsic to the theory or only a shortcoming that can be corrected within JWT itself.