In Defense of Realism: A Commentary on *Just and Unjust Wars*[1]

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Just and Unjust Wars made its appearance in the wake of an unpopular and unsuccessful war. It condemned that war, both the reasons for entering it and the methods of waging it. *Just and Unjust Wars* also appeared at a time when the principal military disposition governing America's relations with its then-great adversary seemed destined to persist indefinitely. While lamenting the "necessity" imposed by deterrence, Michael Walzer reluctantly approved of that arrangement despite the fact that it rested on the threat to destroy millions of noncombatants. "We threaten to do evil in order not to do it and the doing of it would be so terrible that the threat seems in comparison to be morally defensible" (p. 274).[2] The moral condemnation of the unthinkable—nuclear war—was thus balanced by the acceptance of the arrangement that constituted at the time the limiting condition of all our lives.

Walzer's work is directed against "realism," against the view that presumably denies the "moral reality" of war and its conduct. Realism, Walzer argues, considers war to be "a world apart...where self-interest and necessity prevail" (p. 3). In this world, right and wrong, justice and injustice, have no place. If war belongs to the realm of necessity, it makes no more sense to pass moral judgment on it than it would to pass moral judgment on catastrophes

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[1] This essay was originally prepared in collaboration with Robert W. Tucker for the symposium held at the Carnegie Council on May 16, 1996. After that symposium, a critique of the paper was provided by symposium chair Terry Nardin to which my co-author was not inclined to respond, he being otherwise occupied, but which roused me to further effort. The result was an essay over three times as long as the original. At the end of the day, Dr. Tucker insisted that his name be withdrawn from the piece, since it no longer reflected the equality of effort and contribution characteristic of our previous collaborations. I acceded to his determination, though with mixed feelings, for we had developed the critique together and he carefully reviewed all subsequent drafts, correcting various extravagances. He authorizes me to say that he agrees with the argument of the piece, though our inflections differ in a few particulars; readers familiar with his previous work will note places in the essay that bear his imprint. Even where this imprint may not be apparent to others, it is certainly apparent to me, since my thinking on the issues considered in the essay has been deeply affected by his writings and our conversations (and arguments) over the years. In light of this curious history, I have retained the "we" in the essay that follows; and readers are certainly invited to attribute whatever errors remain to his influence.

[2] Numbers in parentheses are to *Just and Unjust Wars*.

occurring in nature. These catastrophes—a flood or an earthquake—may have awful consequences, but they cannot pose moral dilemmas. They are neither just nor unjust. Realism is considered to say the same of war.

Just and Unjust Wars proceeds from the assumption, and conviction, that neither the resort to war nor the conduct of war may escape moral judgment. "I am going to assume throughout," Walzer declares at the outset of his study, "that we really do act within a moral world; that particular decisions really are difficult, problematic, agonizing, and that this has to do with the structure of that world; that language reflects the moral world and gives us access to it; and finally that our understanding of the moral vocabulary is sufficiently common and stable so that shared judgments are possible" (p. 20). The just war Walzer intends to "recapture" for political and moral theory is to displace a view of war identified, in the main, with realism.

The assumption that political realism can be reduced not simply to "moral skepticism" but to a kind of moral atheism is often adopted by contemporary writers on the ethics of statecraft. Curiously, self-proclaimed realists rarely say this; it is the critics of "realism" who insist that the central core of the doctrine—deserving the most elaborate refutation—is that morality must be banished from the realm of international affairs. Walzer is not alone in taking this version of realism as his point of departure, but there is a certain irony in his decision to do so. For there are important respects in which *Just and Unjust Wars* begins by rejecting realism and ends by accepting it—rejecting, that is, the more extreme (or vulgar) claims that are often identified with realism while accepting some classic realist precepts.

Such a thesis can only be advanced with reticence, for the central claims of political realism are frequently subjected to wildly divergent interpretations. Realism may be best characterized, we think, as indicative of a general disposition toward politics. It emphasizes the egocentricity of human beings, particularly when they act in groups. It sees conflict as a never-ending feature of the human condition, which can be mitigated in particular settings but never overcome. It sees moral exhortation as something that is easily swept aside or distorted when it is in the interest of political communities to do so. It insists that politics neither follows nor reflects a simple rational scheme; that statecraft must always proceed from a given situation which may gradually be altered but which cannot suddenly be transformed either by an act of will or by an appeal to reason; that attempts to transform society—particularly international society—underrate the forces resistant to change and consequently the repressive measures necessary to overcome resistance; and that whatever the professions of those who wield power, the political actor seldom if ever acts

for reasons as disinterested as are invariably alleged. These are all empirical observations, and though they certainly bear on the ethical questions raised by the conduct of statecraft they do not constitute an ethical doctrine. Their chief implication is a counsel against the adoption of ethical systems that demand too much abnegation or sacrifice—systems that, as Montesquieu said, "convince everybody, but change nobody."

The realist, then, is skeptical both of men and of the possibilities of political action.[3] His emphasis is on the limitations attending the conduct of statecraft. As such, he is resistant to schemes of universal order and security. Instead, his outlook tends toward particularism; he takes his bearings from existing diplomatic constellations. He tends to value order over justice, or at least to see order as a fundamental condition of justice. His is an inherently conservative view of politics in which prudence is given a central place.

Although these are the general characteristics of realism, it does not follow that those who share them—realists—will entertain the same views about policy. There is no straight line leading from these characteristic features of realism to "good policy." This is so even if we define good policy, as realists do, as policy calculated to preserve the independence and well-being of the political community. To be sure, realism prescribes prudence; it insists that the political actor concern himself with the probable consequences of action. But prudence cannot in itself provide the purposes for which political action is undertaken; it cannot provide even the basis of a political ethic. Prudence places no restraints on political action other than caution and circumspection; it sets no limits to self-interest other than those limits imposed by the situation in which policy must be conducted; it is compatible with any and all purposes holding out the prospect of success. Before the statesman can be prudent, there must be something for him to be prudent about. Realism holds that he must be prudent about the security and independence of the state.

The essential claim of realism may be better understood if we look at two well-known formulations of the rights and duties of states, and ask whether realism, properly understood, is incompatible with either. In his *Spirit of the Laws*, Montesquieu held that "le droit des gens"—variously translated as the right or law of nations—"is by nature founded on the principle that the various

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[3] Realists, of course, are skeptical of women, too; but one must regard as an open question whether the generalizations that classic writers have made regarding the conduct of men in politics and war apply equally to the conduct of women in that realm of action. This is an empirical question, the answer to which is not obvious, and that ought not to be resolved by stylistic convention. The ethical injunctions on either statesmen or stateswomen, however, are certainly the same. When, therefore, the context of our discussion is an ethical requirement rather than an empirical observation, the reader may substitute or add a "she" for a "he," if she or he wishes, for all the "he's" (and their equivalents) that follow.

nations should do to one another in times of peace the most good possible, and in times of war the least ill possible, without harming their true interests." Alexander Hamilton's formulation, at first glance, was similar. He did not advocate "a policy absolutely selfish or interested in nations," but insisted rather that "a policy regulated by their own interest, as far as justice and good faith permit, is, and ought to be, their prevailing policy." Both these formulations recognize the priority of what Vattel called "the duties to oneself" over "the duties to others," but qualify or limit the pursuit of such duties (or "national interests") in different ways. Montesquieu is not normally considered a realist, but the utilitarian character of his formulation, together with the primacy it allows for the pursuit of national self-interest, closely resembles the way in which most realists reason about ethics and statecraft.[4]

Hamilton's formulation, ironically, is more restrictive than Montesquieu's; the counsel of this great American realist is, if taken literally, inconsistent with "realism." States, he says, are to pursue their interests within the limits imposed by justice and good faith. Realists, by contrast, have normally said that states may break faith and employ unjust means when their survival and independence are threatened. Publicists of the law of nations denied this exemption. Though the right of self-preservation, according to Vattel, carried with it "the right to whatever is necessary for that purpose,...these means must not be unjust in themselves, or such as the natural law absolutely prohibits." Those who took the other side of this argument based the exemption on the old Roman doctrine of public safety—*salus populi suprema lex est.* Though the doctrine of necessity or of "public safety" is rightly identified with realism, it is sometimes affirmed by personages not normally thought of as realists. Jefferson, for instance, held that "[a] strict observance of the written laws is doubtless *one* of the high duties of a good citizen, but it is not the *highest.* The laws of necessity, of self-preservation, of saving our country when in danger, are of higher obligation." Such is what all realists have believed; such is their distinctive claim.[5]

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[4] Montesquieu, *The Spirit of the Laws*, Anne M. Cohler et al., eds., (Cambridge U.K.: Cambridge University Press, 1989 [1748]), bk. 1, ch. 3, p. 7. Raymond Aron, normally considered a realist, made this the epigraph of *Peace and War*, and it may be presumed that he did not do so ironically. Hamilton's *Pacificus* No. 4 (1793), in which this passage appears, is excerpted in Norman Graebner, ed., *Ideas and Diplomacy: Readings in the Intellectual Tradition of American Foreign Policy* (New York: Oxford University Press, 1964), 61. The context of Hamilton's remarks may be recalled: he was disputing the importance that Jefferson had placed on gratitude in the affairs of states. While recognizing that "faith and justice between nations are virtues of a nature the most necessary and sacred," he was also intent on showing that the United States had no obligation—stemming either from the precise injunctions of the French alliance or from considerations of gratitude—to join with France in the European war.

[5] Emmerich de Vattel, *The Law of Nations or the Principles of Natural Law Applied to the Conduct and to the Affairs of Nations and of Sovereigns* (Washington DC: Carnegie Institution of Washington, 1916 [1758]), 14. A similar qualification appears in Henry Wheaton. Wheaton acknowledged Machia-

If realism does not and cannot provide the answer to what constitutes "good policy," it does hold out an answer to one, and perhaps the most profound, moral dilemma of statecraft: that of the means states may employ when their security and independence are threatened. While realism recognizes the "moral reality" of war, and thus the imperative that war's conduct ought to be subject to moral and legal constraints, it also recognizes that where the state's independence and continuity are in jeopardy, the statesman may—indeed, should—take whatever measures are required to preserve such independence and continuity. The ancient doctrine of "necessity" in statecraft is at once very old and very contemporary. We have only recently escaped its oppressive grip, having lived almost constantly with it from World War II until the end of the age of deterrence, circa 1990. In this period, necessity not only formed the limiting conditions of our lives but, in nuclear deterrence, seemed to express a near permanent state of things.

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velli's "patriotic anxiety" but condemned the "atrocious means" and "violent remedies" he counseled. Policy, Wheaton insisted, "can never be separated from justice with impunity. Sound policy can never authorize a resort to such measures as are prohibited by the law of nations, founded on the principles of eternal justice; and, on the other hand, the law of nations ought not to prohibit that which sound policy dictates as necessary to the security of any State." (Henry Wheaton, *Elements of International Law*, George Grafton Wilson, ed. (Oxford: Clarendon Press, 1936 [1866]), xv.

A doctrine in contrast with the opinion of Vattel and Wheaton was often affirmed in the republican—and Machiavellian—tradition whose passage through time and space was examined in J. G. A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton: Princeton University Press, 1975). Bolingbroke, for example, held that "there is a law in behalf of the public, more sacred and more ancient too, for it is as ancient as political society...the law I mean is that which nature and reason dictate, and which declares the preservation of the commonwealth to be superior to all other laws." Jefferson's affirmation of this traditional view, in the passage cited above, was not without ambiguity. He was responding to his correspondent's query, which was "whether circumstances do not sometimes occur, which make it a duty in officers of high trust, to assume authorities beyond the law"—a question which Jefferson found "easy of solution in principle, but sometimes embarrassing in practice." The "solution" was relevant, in Jefferson's eyes, not only to the practice of constitutional government—and here his concession to reason of state is remarkable given his inveterate insistence on the need for constitutions to bind down those entrusted with power—but also to the conduct of war. When General Washington besieged Yorktown, Jefferson noted, "he leveled the suburbs, feeling that the laws of property must be postponed to the safety of the nation." (Thomas Jefferson to John B. Colvin, September 20, 1810, *Thomas Jefferson: Writings*, Merrill Peterson, ed. [New York: Library of America, 1984], 1231.) Jefferson's willingness, a few years later, to justify hiring incendiaries to put London to the torch, in retaliation for the burning of Washington DC, gives an idea of how far he was willing to proceed in this vein. His opinion then was that this would be a "justifiable" retaliation for an act that cast the British in their true light (and which made a revealing contrast with Bonaparte, who had not, for all his wickedness, destroyed any public treasures in the European capitals he had occupied). But though "we should now be justifiable in the conflagration of St. James and St. Paul's," in retaliation for "acts of barbarism which do not belong to a civilized age," the United States did not "carry it into execution...because we think it more moral and more honorable to set a good example, than follow a bad one." (TJ to Thomas Cooper, September 10, 1814; TJ to Samuel H. Smith, September 21, 1814, *The Writings of Thomas Jefferson*, Andrew Lipscomb and Albert Bergh, eds. [Washington DC, 1904–5], xiv, 186–87, 190).

The argument of necessity in statecraft is not to be taken literally. Clearly, at the root of this view is not simply an explanation but a choice. The necessity that is presumably imposed on the statesman is in the end a "moral necessity" enjoining him to do that which is necessary to preserve the state's independence and survival. What appears as a necessity does so because a moral choice has already been made. The appeal to necessity is compatible with restraint on state action as long as those restraints do not appear to jeopardize the independence and survival of the political collective. The concept of necessity only constitutes a permission to override moral and legal restraints in "extreme" situations ("when the safety of the state is in question"); by evident implication, this very limitation constitutes a recognition that such restraints are obligatory in "normal" circumstances. But whether restraints can be observed will depend upon the immediate circumstances in which the statesman must act and not upon abstract considerations (or upon a retrospective wisdom and detachment the actor cannot have).

There is no difficulty in cataloguing the many abuses to which the appeal to necessity, the heart of the doctrine of reason of state, has led in practice. These abuses, moreover, are not accidental; they are built into the very character of the doctrine and may be traced to the uncertainty that attends the concept of the collective "self" as well as the nature of the society in which states must define the self and its necessities. For that society renders tenuous the distinction between security and survival. In collapsing this distinction, as states are prone to do, the door is opened to all kinds of abuses. Still, it does not follow that it is meaningless to speak of the self preservation or survival of states. The condition of necessity may, and does, arise. Reason of state declares that when it does, all other considerations should be subordinated to the safety of the state.

Walzer does not reject the argument of necessity. What he terms "supreme emergency" serves, in principle, the same purpose as does the doctrine that has always been closely identified with realism. It is the case that Walzer accepts necessity only with great reluctance and unease. "I want to set radical limits to the notion of necessity," he insists on more than one occasion. More than this, he makes an impressive and commendable effort to do so. Even so, in the end he comes back to the conclusion others, mainly realists, have come back to. The demands of necessity are not denied. "Can soldiers and statesmen override the rights of innocent people for the sake of their own political community?" he asks, and replies: "I am inclined to answer this question affirmatively, though not without hesitation and worry" (p. 254).

Nor does Walzer differ substantially from realism in the defense he gives on behalf of supreme emergency or necessity. "The survival and freedom of

political communities—whose members share a way of life, developed by their ancestors, to be passed on to their children—are the highest values of international society" (p. 254). This is said in reference to the threat posed by Nazism, but Walzer acknowledges that lesser challenges, if they threaten the survival and freedom of a political community, have similar moral consequences. At the same time, he says that he is not sure that he can "account" for the "different and larger prerogatives" of political communities since he does not believe "in ascribing to communal life a kind of transcendence" (p. 254). But whether the political community is invested with intrinsic worth and transcendent value or is seen instead as being not the source but the indispensable condition of value (as liberal democracies have done), the practical result is the same. As the indispensable condition of value, certainly of those values identified with individual freedom, the state is endowed with "a kind of transcendence," to use Walzer's expression, that serves to justify the extreme measures which may be taken to preserve it.

Walzer, then, has a close affinity to realism with respect to both the value he places on the political community and his willingness to justify the sacrifice of innocents in the name of "supreme emergency." Short of these extreme situations, however, he insists that the duty to avoid harm to the innocent in war is of overriding importance and cannot be abridged by utilitarian calculation. The realist need not differ in this, but he may do so, and, considering his regard for the consequences of action, will likely do so. For most realists, measures in violation of the war convention may be justified if they shorten the war and substantially decrease the total amount of human suffering. To state the argument in this form is not to show that utilitarian calculation is justified in every particular instance, or even in most instances; the consequentialist may certainly require a strong burden of proof—as we would do—to override the otherwise obligatory rule. Still, the argument over the legitimacy of utilitarian calculation in war displays the contrast between realism and a deontological ethic in an acute form, as do the recent debates provoked by the fiftieth anniversary of the destruction of Hiroshima and Nagasaki. All those who, in the recent debates, justified the bombing did so not on the basis that anything is permitted in war—nobody but a barbarian can deny that the destruction of a city is, on its face, a moral enormity—but by claiming that the use of atomic weaponry saved hundreds of thousands of American *and* Japanese lives. Even if one accepts Walzer's judgment that such utilitarian calculations are "fantastic, godlike, frightening, and horrendous" (p. 262)—for they surely are—it is difficult to avoid the conclusion that the refusal to have considered the consequences of not dropping the bomb would have been, in the circumstances, equally "fantastic, godlike, frightening, and horrendous." It is difficult, more-

over, to resist the conclusion that dropping the first bomb at least did save many more lives than would have been lost had this decision been refused. It did put an end, as Churchill said, to "the vast, indefinite butchery." Walzer argues that the alternatives ought not to have been what they were, because unconditional surrender was a war aim that ought not to have been entertained. Even if this argument is in principle granted, in the summer of 1945 the larger parameters of the policy of unconditional surrender would have been exceedingly difficult to change (though assuredly the U.S. government was in the wrong in not making explicit before Hiroshima its subsequent acceptance of the emperor's role in the reconstruction of Japanese life, just as it was grossly in the wrong in not allowing sufficient time for Japanese reconsideration after the first bomb was dropped). If the realist, by virtue of his consequentialist calculations, may fairly be charged with a greater willingness to justify Hiroshima-like acts, the moralist remaining faithful to absolute injunction (save when the heavens are *really* about to fall) is stuck on the horns of a dilemma equally profound. Neither alternative, in truth, is satisfactory or can be accepted without the gravest misgivings.

The Legalist Paradigm

In part two of *Just and Unjust Wars*, Walzer presents a theory of aggression that seeks to articulate the common moral perceptions governing the resort to force. At the core of this theory is a "legalist paradigm" that he calls "our baseline, our model, the fundamental structure for the moral comprehension of war." The paradigm posits "an international society of independent states" whose dominant values are "the survival and independence of the separate political communities." To intervene in the internal affairs of these states violates their rights; such intervention is proscribed by the legalist paradigm. But the core of the legalist paradigm is the proscription of the extreme form of intervention: aggression. "Any use of force or imminent threat of force by one state against the political sovereignty or territorial integrity of another constitutes aggression and is a criminal act." When aggression occurs, states are justified in making "two kinds of violent response: a war of self-defense by the victim and a war of law enforcement by the victim and any other member of international society" (pp. 61–62). The law enforcers may not only repulse, they may also punish, and indeed the need for punishment is greater than it is in domestic society because aggression constitutes a more serious matter for international society than crime does for domestic society. International society, he writes, "is unlike domestic society in that every conflict threatens the structure as a whole with collapse. Aggression challenges it directly and is

much more dangerous than domestic crime, because there are no policemen. But that only means that the 'citizens' of international society must rely on themselves and on one another." Unless the rights of the member states are vindicated, "international society collapses ['at least sometimes'] into a state of war or is transformed into a universal tyranny" (p. 59).

Though the legalist paradigm is fundamentally important in the moral comprehension of war, when standing alone it is nevertheless deemed inadequate by Walzer. There is a set of hard cases which makes the paradigm seem excessively dangerous, rigid, inhumane, or unjust. Walzer therefore undertakes a set of revisions to the paradigm, in which he allows for the first use of force in certain circumstances. When states face "a manifest intent to injure, a degree of active preparation that makes that intent a positive danger, and a general situation in which waiting, or doing anything other than fighting, greatly magnifies the risk," they have a right to use force first (p. 81). They may override the norm against intervention in the internal affairs of other states in order to assist national liberation movements (but not to put an end to domestic tyranny); to balance the interventions of other powers (a counterintervention whose aims must be limited to leveling the playing field among domestic disputants for power); and to put an end to acts—genocide, massacre, enslavement—that shock the moral conscience of mankind. Finally, he elaborates the war aims that states may legitimately embrace once at war, allowing for punishment and "reasonable prevention" but stopping well short of "unconditional surrender."

All of the issues raised in Walzer's examination of the legalist paradigm have been raised anew in the twenty years since the publication of the book, particularly with the end of the Cold War. The Iraqi invasion of Kuwait presented a classic case of aggression; the U.S.-led response drew attention to the prospect of organizing the international community on the basis of a shared commitment to collective security, and raised as well the problem of legitimate aims in a war whose justification was defensive but whose motives were in an important sense preventive. The internal catastrophes that have befallen various states—mostly in Africa, but elsewhere as well—have raised anew the question of humanitarian intervention, though in a way that has reversed the traditional ideological faultlines: the Right is skeptical of assuming responsibility, the Left now wishes to take up the white man's burden. Walzer's rethinking of this issue is itself symbolic of this broader transformation. Whereas previously he had sought to justify a right of humanitarian intervention, he now speaks of an imperative duty—"Whenever the filthy work can be stopped, it should be stopped." And whereas previously he had conceived of

humanitarian intervention as a kind of one-night stand, he now contemplates a far more permanent relationship, whether in the form of "trusteeship" or "protectorate." In the mid-1970s, humanitarian intervention by the Western powers was difficult to separate from neocolonialism, and Walzer seemed uncomfortable with any enterprise suggestive of a revival of it. Now he acknowledges that, while humanitarian interventions undertaken by local powers remain desirable, they will "most often...depend on global powers like the United States and (we can hope) the European Community." "Old and well-earned suspicions of American power must give way now to a wary recognition of its necessity."[6]

The end of the Cold War made these humanitarian interventions much more feasible for a time; the international restraints on them diminished and are still remarkably low in comparison with the Cold War years. Domestic restraints have, in the meantime, grown substantially as Western publics have shown themselves distinctly unhappy about interventions that threaten to be protracted or costly (in lives or money). For a time, it seemed as if the end of the Cold War would also relieve the nuclear anxieties that grew up in the 1980s—and it did do that so far as conflicts among the great powers were concerned—but anxiety over the nuclear problem has not, more broadly, been eased. It is now focused on the proliferation of weapons of mass destruction by "rogue states." That prospect, in turn, has raised the issue of the legitimacy of preventive war, which Walzer considered extensively in *Just and Unjust Wars*, though not in relation to the nuclear problem.

It is a characteristic feature of many of the post–Cold War crises that they have raised simultaneously many issues that Walzer considered separately; Bosnia is the paradigmatic instance. Has this been a civil war, or a war of aggression? In considering our response, are we to look at it as posing the problem of counterintervention, secession, or humanitarian intervention? Or are all these questions hopelessly mixed up together, as were once the peoples of Bosnia? These complications make difficult a proper reading of *Just and Unjust Wars*, for the justification and scope of outside intervention, if permissible at all, is crucially dependent on how the issue is framed. Yet despite all the changes that the end of the Cold War has brought in the understanding of these issues, *Just and Unjust Wars* remains a remarkably fresh treatment of them—a not inconsiderable achievement after a lapse of twenty years, which happened to coincide with a revolution in world politics.

There are certain respects in which the legalist paradigm does correspond closely to realist assumptions. For realists, as Robert Gilpin has put it, "the

[6] See Michael Walzer, "The Politics of Rescue," *Dissent* (Winter 1995), 35–41.

building blocks and ultimate units of social and political life are not the individuals of liberal thought nor the classes of Marxism [but]...tribes, city-states, kingdoms, empires, and nation-states."[7] While Walzer insists that the rights of states rest ultimately on the rights of individuals, it is the right to enjoy a community of their own that is seen as fundamental. His bow to liberal premises does not alter the conclusion that there are sharp moral restrictions on the right of outsiders to interfere with or otherwise shape the domestic struggles to define the character of these communities. As liberal critics have frequently complained, Walzer's approach is remarkably state-centric. It is true that, for Walzer, the fundamental value is the nation or community rather than the state, and this distinction has important implications for his treatment of "national liberation" and secession. Even so, the moral significance accorded the nation or community must normally result in practice in giving virtually equal significance to the autonomy of the institution—the state—indispensable to the protection of the nation or community. Then, too, Walzer's insistence on the right of the collective to live its own life in its own way, even if this entails autocracy or other sorts of domestic practices incompatible with liberal democracy, makes for a strong presumption against outside interference. In this respect, at least, Walzer seems closer to a realist perspective than to cosmopolitanism or to Marxism or to "reform intervention."

Aggression and Neutrality

If in his defense of the nonintervention norm, Walzer arrives at a destination close to that of realism, his theory of aggression is distinct from realism in several respects. This is above all true with regard to his commitment to "moralizing" all of the issues raised by aggression—a proclivity that, to the realist, is suggestive of certain dangers (to which we shall return). It is not easy, however, to get a clear fix on precisely what is enjoined on us by a commitment to Walzer's moral framework. Though most of the assumptions underlying Walzer's theory of aggression also form part of the theory of collective security, Walzer stops short of embracing that theory. He appears to have little faith in the idea that the determination of aggression ought to be made by any centralized organs of international society (a suspicion of multilateralism that extends as well to other issues regarding the use of force, such as humanitarian intervention or preventive war). Nor does he normally speak in *Just and Unjust Wars* in terms of a duty to come to the aid of states threatened by aggression, only a right to do so. A right to come to the aid of threatened states, however, would

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[7] Robert G. Gilpin, "The Richness of the Tradition of Political Realism," in Robert O. Keohane, ed., *Neorealism and Its Critics* (New York: Columbia University Press, 1986), 305.

also appear to encompass a right not to do so, and indeed later in the book Walzer defends the right of states to remain neutral. Whereas "it is the tendency of the theory [of aggression] to undermine the right of neutrality and to require widespread participation in the business of law enforcement" (p. 62)—an attribution that emphasizes the similarity of the legalist paradigm to collective security—it is the obligation of leaders of a neutral state confronted by aggression elsewhere to consult primarily the rights of their own citizens. "[T]he leaders of such a state are not required to calculate as if every human life carried the same moral weight for every decisionmaker at every moment in time. Their people's lives are not international resources to be distributed in war so as to balance the risks or reduce the losses of other people." Likening the situation of the neutral to that of the citizen confronted with a domestic crime against a neighbor, Walzer insists that "the same solidarity that makes noninvolvement at home morally questionable may well make it obligatory in the international arena: this group of men and women must save one another's lives first" (p. 237). In both affirming the centrality of the legalist paradigm and insisting that states retain a right of neutrality in the face of this morally coercive structure, Walzer seems almost to stand in two different intellectual worlds—the world of the nineteenth-century nationalist who considered neutrality as a valuable institution for the limitation of armed conflict and who thought that his principal duty was to attend to the needs of his own society, and the world of the twentieth-century internationalist, who thinks, with Harry Truman, that "aggression anywhere in the world is a threat to peace everywhere in the world" and, with George Bush, that "every act of aggression unpunished...strengthens the forces of chaos and lawlessness that, ultimately, threaten us all."

Despite this ambivalence, Walzer is clearly uncomfortable with the right of neutrality. States have a moral right to it, he says at one point, but it is a right that would often be "ignoble" to exercise. He would "often be inclined" to argue with those who embrace its self-regarding (or unilateral) perspective (pp. 237–38). His qualifications of the right of neutrality in fact go further than a broad sense of unease over its exercise. His presentation of these qualifications is not systematic, and one must tease them out of the text. But they are there. First, if a neutral state has "incurred obligations" toward other peoples —"for the sake, perhaps, of collective security—then, of course, [it] cannot allow them to die" (p. 237). Second, "if one imagines a particular aggressor moving on from one triumph to another, or if one imagines a radical increase in the incidence of aggression as a result of this particular triumph, then it has to be said that peace and freedom are in general danger. And then continued

neutrality is not morally feasible; for while a neutral state has or may have a right to let others die in quarrels of their own, it cannot let them die on its behalf" (p. 238). Third, neutral states have an obligation to impose economic sanctions "against an aggressor, even if the costs to itself are considerable," unless such sanctions seem "likely to involve it in the fighting" (p. 237n).

Each of these qualifications raises puzzling issues. If one keeps in mind the larger framework of *Just and Unjust Wars*, with its emphatic defense of the war convention, the duty to impose economic sanctions in the face of aggression must, at a minimum, be seriously qualified. This is so because thoroughgoing sanctions, if they are severe enough to hold out even the promise of effectiveness, will inevitably constitute a direct attack on the lives and well-being of innocent civilians. There are, of course, various forms of economic sanctions, ranging from the mild to the severe; but the more severe they are—the more they approximate the naval blockade—the more destructive their impact on the lives of the sick, the young, and the aged. One might even go so far as to say that the moral framework of *Just and Unjust Wars* effectively proscribes those measures short of war in which liberal opinion once invested so much hope as a means of overcoming the dilemmas of war. The idea that "peaceable coercion" might be a satisfactory substitute for war is an old one, particularly among Americans. Insofar as such measures go beyond symbolic measures of disapproval, however, they would seem to be proscribed by the war convention. Writing of the British blockade of Germany during World War I, Walzer notes that "if the success of the British strategy did not depend upon civilian deaths, it nevertheless required that nothing at all be done to avoid those deaths. Civilians had to be hit before soldiers could be hit, and this kind of attack is morally unacceptable" (p. 174). Hitting civilians before soldiers is, of course, precisely what economic sanctions do. In this qualification of the right to neutrality, Walzer clearly had in mind an image of war in which involvement in the fighting meant the serious risk of substantial casualties to the forces of the outside state considering intervention. Experience has subsequently called that once inescapable association into question, for there are some methods of military attack—the unmanned cruise missile, for instance—that, although expensive, pose no direct risk of casualties to the intervening forces. Even more traditional forms of aerial attack, under circumstances of technological dominance, impose but a modest risk of such casualties. If one attends to the values that Walzer wished to conserve in drawing this qualification as he did, one might readily conclude that the ostensible duty (to impose economic sanctions) is not really a duty, because sanctions beyond the symbolic are disallowed by the war convention, whereas military intervention is a

duty if the risks to the intervening forces can be minimized or eliminated. Whether the balance of these duties might be altered by considerations of equity (or "burden-sharing") raises further questions that are not, however, addressed in Walzer's discussion.[8]

The obligation to keep promises also raises interesting issues, especially for the citizens of a power that has made a habit of extending promissory notes in the name of collective security. If the obligation is taken at face value, it would seem to apply even to promises which, on reconsideration, ought not to have been made. It may be recalled that the principal justification for continuing America's war in Vietnam was that the United States had committed itself to the South Vietnamese government and people. It is true that the non-moral goods of "prestige" and "credibility" were invoked by American leaders to justify the continuation of the commitment, but they also said that the United States had a moral commitment to the Vietnamese from which it could not walk away. Is there an escape clause for keeping promises? Are they to be kept only when convenient to do so, broken only when some overriding state necessity seems to dictate, or kept regardless of the consequences? The issue raised here shows that political action will frequently require a choice among conflicting moral duties. On this issue, at least, Walzer provides no criteria by

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[8] Whether the risks to intervening forces can be minimized is an issue closely related to the likely conduct of the war, and the experience of the Gulf War raises a further issue in this regard. In his treatment of *jus in bello*, Walzer gives an account of why it is illegitimate to kill enemy civilians, and why legitimate to kill enemy soldiers. However persuasive his discussion is in the abstract, the experience of the war raises questions about its ethical relevance in circumstances where there exists a gross disproportion between the casualties suffered by the combatants. The battle deaths suffered by Iraqi forces have been revised sharply downward since the immediate aftermath of the war, from around 100,000 at the time to somewhere in the vicinity of 25,000. (Some observers put the figure even lower, at around 10,000, attributing the Pentagon's reluctance to move to a lower figure to its embarrassment at grossly overestimating the size of Iraqi divisions in Kuwait at the time of the U.S.-led ground offensive.) Whatever the precise figure, there can be no doubt that at the core of the American war plan was the intention to inflict enormous casualties, and to press the disparity between enemy deaths and our own to an extent virtually unprecedented in war. (The sorts of disparities that occurred in various colonial wars, where one side had got the maxim gun, and the other side had not, constitute something of a precedent for this, but on a lesser scale). Walzer draws attention to this disparity in his preface to the second edition of *Just and Unjust Wars* in his discussion of the aerial attacks on Iraqi columns heading out of Kuwait ("the road of death"), likening it to a "turkey shoot." The importance of that scene in leading American leaders to draw back from pressing the closing of the gate, through which Republican Guard forces escaped, testifies to the importance in war of limitations that spring from a natural revolt against radical disproportion or excess once "the culminating point of victory" has been reached. But there is also the question of whether the demands of *jus in bello*, or at least restraints imposed by the simple humanitarian consideration that those killed are fathers, husbands, and sons, arise before that point of natural revolt, and require among those possessing technological dominance that due care be exercised to avoid such radical disproportion. Hostile critics will understand this requirement as a wish for greater American casualties. It is nothing of the kind. It is simply to affirm that elementary considerations of proportionality remain of crucial relevance in the determination of what constitutes legitimate means in war.

which to make the choice. More generally, the issue shows that political action is very difficult to circumscribe within moral restraint. The moralist, as it were, is left agonized by conflicting duties, while the cynic nearly always has available to him a moral duty (keep promises; save your own first) that he can invoke to relieve him of some other moral duty.

Sometimes, indeed, Walzer frames the conflict of moral duties in a way virtually indistinguishable from the more conventional calculations of statecraft. Consider his second qualification of the right to neutrality, in which he locates the circumstances under which we cannot allow others to die on our behalf. The distinction he makes between a kind of garden-variety aggression and aggressions that threaten further augmentations of power or a radical increase in the general incidence of aggression carries the same implications, and involves the same calculations, as the old doctrine of the balance of power, now dressed up in a fetching new garb. In the case of small-scale aggression the victims do not die on our behalf, and we have no duty to intervene. In the case of large-scale aggression, they do die on our behalf, and hence we do have a duty to intervene. In either case, it is the answer to the prudential question—"Will the aggression touch us?"—that would appear to be decisive. This is also the question, interestingly enough, that is decisive for the realist. For the realist, it is because the aggression may, or may not, affect our interests; for the moralist, it is because the aggression may, or may not, alter the relative balance of our duties (to ourselves and to foreigners). But the duty to ourselves (or the sense of solidarity we feel with our fellow citizens) with which the moralist identifies is in fact indistinguishable from the regard the realist expresses for the interest, security, and well-being of his political community. If the former is a moral value, so is the latter. The decision, in either case, is one that will turn on questions of fact—or prudential anticipation—and not on the distinct values of the realist and the moralist.

If these considerations do not resolve with absolute clarity the balance to be struck between the conflicting claims of intervention and isolation, of getting involved and staying out, of law enforcement in response to aggression and the duties to oneself preserved by the institution of neutrality, Walzer's subsequent essay on humanitarian intervention would seem to do so. The rule, it will be recalled, is that "whenever the filthy work can be stopped, it should be stopped." Yet wars of any kind are almost always associated with acts "that shock the moral conscience of mankind" (p. 107). The sack of Kuwait City, the assassination of village officials in South Vietnam, the "ethnic cleansing" and war crimes that have occurred in Bosnia—the list, alas, might be extended almost indefinitely. Whether humanitarian outrages occur as a consequence of

wars of aggression or of civil conflicts would appear to be irrelevant in determining the duty to respond. If the rule in regard to humanitarian intervention is as stated, this rule would apply just as much, and probably more, to the victims of aggression as to the victims of civil conflicts, for the reason that the victims of aggression lose not only individual rights but also collective rights. Within Walzer's moral framework, they have much more to claim—not only their rights as human beings, but their rights as members of international society. If all these qualifications of the right of neutrality do not quite obliterate it, they do show that something well beyond a right to respond to aggression and closely approximating a duty to do so is readily deducible from Walzer's discussion.

Walzer's presentation of these issues is made in a way that emphasizes the rights and obligations of all states, but they are, of course, intensely relevant to Americans. Since the Second World War, the United States has taken the legalist paradigm and its norm against aggression to be of central importance in its understanding of American purposes in the world. The three major wars the United States has fought in the postwar period—in Korea, Vietnam, and the Persian Gulf—were all justified as a vindication of this norm, the defense of which was considered to be of overriding importance if the society of states were to be preserved. That is suggestive of a certain irony, for while *Just and Unjust Wars* was provoked by protest against the war in Vietnam, American intervention in Vietnam was provoked—certainly it was justified throughout—by the very legalist paradigm that Walzer defends. Walzer, of course, is at pains to show that the legalist paradigm did not apply to the conflict in Vietnam, that the war was and remained primarily a civil conflict. The fact remains that the legalist paradigm, if placed at the center of our moral comprehension of war, is highly supportive of the commanding role in international society that the United States has assumed since World War II. If that paradigm is to be enforced, and if crimes against the society of states are to be punished, the American role is going to be crucial, for no other state has the requisite military means to make this claim effective. Walzer's subsequent rhetorical question regarding the duty of humanitarian intervention—if not us, then who?—may also be raised with respect to the defense against aggression. The answer, in either case, seems clear.

It is from the perspective of a global hegemonic power whose interests lie in the preservation of the status quo that the legalist paradigm might perhaps best be considered. From this perspective, the paradigm imposes certain restrictions on the use of force that are, by and large, quite easy to live with. The paradigm's prohibition against "preventive wars, commercial wars, wars

of expansion and conquest, religious crusades, revolutionary wars, [and] military interventions" (p. 72)—especially if certain exceptions are allowed—by and large coincide with the interests of such a state. They might be defended, as Walzer does, on the grounds of moral principle, but they are just as easily defensible on considerations of self-interest. If the realist proclivity is to emphasize the latter, that is because he believes that self-interested motives are likely to be the controlling ones; but he may, and we do, recognize that moral considerations are relevant to the discussion. Realism does not entail, as it were, a principled opposition to principle. It does require the recognition, however, that principle is unlikely to be a controlling motivation of human conduct unless it is mixed with the stronger alloy of self-interest. And it entails the recognition that the political interest that now dictates a conservative regard for legality and the existing right of possession formerly dictated expansion and conquest.[9]

If the legalist paradigm broadly corresponds with the interests of the status quo power, it might be thought that the realist inhabiting the territory of such a power might be ill-disposed to raise any objections against it. Yet American realists have been in fact highly uncomfortable with the approach to the world the legalist paradigm encourages us to take. They have distinguished sharply between the attempt to articulate moral and prudential restraints on *our own conduct* and the attempt to enforce, through war, the same restraints on the conduct of other states. These are very different enterprises, and just as one may aspire to virtuous conduct in personal morals while also, and without contradiction, thinking it highly pernicious for the state to attempt to stamp out private vice, so one may recognize the obligatory character of certain restraints embodied in the legalist paradigm while also recognizing the dangers of enforcing this code on the states of international society. With that latter enterprise in mind, the realist believes that the insistence that aggression is a crime and aggressors are criminals, together with the thoroughgoing moralization of conflicts, will lead to certain bad consequences in practice. What are those consequences?

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[9] Though Walzer assigns a "certain presumptive value" to existing boundaries, he acknowledges that "the boundaries that exist at any moment in time are likely to be arbitrary, poorly drawn, the products of ancient wars. The mapmakers are likely to have been ignorant, drunken, or corrupt" (p. 57). It is a peculiar feature of the legalist paradigm that it accords a near-absolute legitimacy to territorial possessions that were acquired illegitimately—a point to which the revisionist powers in the early twentieth century often drew attention. When Japan withdrew from the League of Nations after the league's condemnation of Japanese aggression in Manchuria, the Japanese delegate famously wondered when it was that the Western powers, having acquired their territories in a high-stakes poker game, had decided that the only legitimate game in international politics was contract bridge.

In the first place, the paradigm discourages the compromises that are the lifeblood of politics; its watchword is the principled resistance to aggression, not the adjustment to power. Conflicting interests may often prove amenable to diplomatic adjustment and compromise, but to negotiate with evildoers is simply to reward the crime of aggression. President Bush's formula for dealing with Iraq—"no negotiations, no compromises, no attempts at face saving and no rewards for aggression"—is a succinct expression of the attitude the paradigm engenders. This is not an abuse of the legalist paradigm so much as it is simply the use of it. It is the attitude that logically follows from making it the centerpiece of our understanding of the origin of conflicts. It may be admitted that this propensity is appropriate in some circumstances (Hitler *was* an evil man), or that realism may as easily slide into cynicism as moralism into fanaticism. We should—all of us—hope that there is a better choice in political ethics than that between the degenerate realist who is immune to the most elementary moral appeal and the degenerate moralist who is lost to the last insanities of unforgiving passion. The question is one of degree. Nevertheless, we think there is much merit in the traditional realist argument that conflicts often arise, in Herbert Butterfield's phrase, between parties that are a little too willful on one side and a little too proud on the other; that, considered dispassionately, the moral, historical, and strategic claims that the parties to conflicts make with utter conviction are often pretty sound *on both sides,* if we grant to either that regard for the security and well-being of their community which are thought perfectly unobjectionable when applied to our own; that the settlement of political disputes and the maintenance of international order will frequently require acknowledging the utility of certain well-known devices in international relations, like the recognition of spheres of influence, that are incompatible with the legalist paradigm but are indispensable if war is to be avoided; that political settlement will often mean waiving the considerations of justice to which each of the parties to a conflict feels morally entitled because doing so is the only way to avoid a further descent into small-scale violence or large-scale war. Considerations of justice are certainly not irrelevant to the maintenance of peace; a settlement perceived to be profoundly unjust will clearly be less stable than one anchored in mutual perceptions of equity. But to accept the argument from justice is also, in many circumstances, to accept the logic of war, with all of the uncontrollable and demonic features that wars characteristically display.[10]

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[10] Whether "the right is more precious than peace," or peace is more precious than right, is a hard question to which Walzer, appropriately, gives no dogmatic answer. It is a hard question, particularly for outsiders, because the debate over it always concerns not simply the immediate crisis but the lessons that

There is also the danger that the acceptance of the legalist paradigm may, as a practical matter, relax the constraints on the conduct of war which Walzer identifies with the "war convention." He clearly wishes to maintain those constraints within the limits imposed by "supreme emergency." Nevertheless, the importance that is placed on the defeat of aggression, and the rhetoric imputing criminality that attends the response to aggression, easily lends itself to a progressive relaxation of the restrictions on means. Walzer, of course, recognizes this dilemma and urges that our desire to repress criminality not degenerate into an acceptance of criminal measures in the prosecution of war. He is right, moreover, to observe that the desire to win will be in tension with the restraints imposed by the war convention even in the absence of the moral fervor that the legalist paradigm encourages. The point remains that this tension will be (and has been) exacerbated by the moral fervor with which war is conducted in a democratic age.

There is, finally, a broader tension that seems particularly relevant to the American position as the global hegemonic enforcer of the legalist paradigm. The central injunction of the war convention is that belligerents have no right to imperil civilian lives. They must not only not aim at the evil effect but also seek to minimize it, accepting risks to their own soldiers. The central injunction of contemporary American strategy, and one which must necessarily be accepted as a condition of public support for an activist American role, is that every measure be taken to minimize the risk of American casualties. It is the latter injunction, not the former, that is going to be controlling in the wars that America fights. That attitude may not be morally appropriate; that it is very powerful seems incontestable. The collision of these rival injunctions, it may be admitted, does not inescapably lead to a relaxation of the war convention, for technological advances allowing for more discriminate targeting (and a

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future combatants will draw from the way it is resolved. Those who have claimed that the right is more precious than peace have also normally claimed that the failure to defend right will simply lead to wider war and will increase the general incidence of aggression in international society. "Pay now, or pay later (a much heavier price)" is their motto. Those who have claimed that peace is more precious than right doubt the deterrent effects of resisting aggression and think that wars more normally arise from local causes that are morally ambiguous than from the "demonstration effects" of crises half-way round the globe. They suspect that to act on the hypothesis of tumbling dominoes will mean unending war for the outsiders who reason in this fashion. The former group likens aggressive war to a prairie fire that will spread rapidly unless immediate action is taken; the latter group likens war to a forest fire that must burn itself out. (For these metaphors, see Frank Ninkovich, *Morality and Power: A History of the Domino Theory in the Twentieth Century* [Chicago: University of Chicago Press, 1994]). The former group tends to analogize war, even civil war, to large-scale aggressive war; the latter group tends to analogize war, even large-scale aggressive war, to civil war. The critique in the above paragraph rests partly upon the persuasiveness of the latter group's reasoning, but the issue, clearly, is a matter of informed speculation rather than scientific proof. "Experience," undoubtedly, "must be our only guide." But Clio's expression is enigmatic.

world public opinion sensitive to civilian suffering) work in the other direction. Still, one must be impressed by the degree to which the frontiers of "military necessity" may be enlarged by the need to satisfy domestic public opinion that every measure has been taken to minimize the risk to American combatants. An overwhelming disproportion between U.S. and enemy casualties, and a readiness to accept collateral civilian suffering in the name of minimizing the casualties of U.S. forces, seems an inescapable corollary—a condition even—of the assumption by the United States of the role of enforcer of the legalist paradigm.

Anticipations

The legalist paradigm rests upon, or derives from, the intuitive or common sense notion that one has a right to defend what is one's own and no right to take through force what is not. A sense of the moral rightness of this claim is so basic to elementary notions of justice that it is difficult to see how any ethical system would be concerned with denying it (though it might be, and has been, thought legitimate to override it in certain circumstances). Despite the intuitive appeal of the aggression/self-defense dichotomy, it has proven to be very difficult to arrive at a legal definition of aggression acceptable to all the parties to international society. The emphatic declaration of the legalist paradigm—"Any use of force or imminent threat of force by one state against the political sovereignty or territorial integrity of another constitutes aggression and is a criminal act" (p. 62)—is intended to chain up the dogs of war, but it does so in the manner of a straitjacket. It is too restrictive. It is too easy to imagine circumstances in which acts short of war constitute a threat to the security or independence of another state. If states—even states whose interests lie in the preservation of the status quo—were to adhere rigidly to the legalist paradigm and to its general prohibition against the first use of force, they might, in some circumstances, risk their security or survival. Hence the formula must be revised. Walzer's revision, previously cited, is one that falls somewhere in the middle of a continuum stretching from preemption against imminent attack to preventive war against "distant danger." The Israeli decision to launch the 1967 war is then justified by Walzer as a reasonable anticipation, not because the Arab forces were on the point of imminent attack, but because their mobilization created a strain on Israel (dependent as it was on reserve mobilization) sufficiently onerous and threatening as to justify the first use of force. The eighteenth-century preventive wars to preserve the balance of power, on the other hand, are condemned.

The issue that has raised, for our generation, the problem of preventive war is that of the proliferation of weapons of mass destruction. On the face of it,

it would seem that the criteria laid down in *Just and Unjust Wars* would forbid such wars. "The mere augmentation of power," Walzer writes, "cannot be a warrant for war or even the beginning of warrant" (p. 79). This is so, in the language of Vattel, even when a state that is "on the point of receiving a formidable augmentation of power...has given signs of injustice, rapacity, pride, ambition, or of an imperious thirst of rule" (p. 78). Vattel's criteria, Walzer insists, are too permissive: "Instead of previous signs of rapacity and ambition, current and particular signs are required; instead of an 'augmentation of power,' actual preparation for war; instead of the refusal of future securities, the intensification of present dangers" (p. 81). The relevance of these criteria to the nuclear problem is not, it must be said, altogether clear. For all the advantages offered by Walzer's casuistical method, here is an instance where obscurity—rather than, as normally, illumination—seems to result from it. How are we to read the decision by a "rogue state"—a North Korea, an Iraq, an Iran—to acquire such weapons, in circumstances where their enemies are in possession of them? Does that decision constitute merely an augmentation of power stemming from defensive motives or an actual preparation for war? Does it indicate a refusal of future securities or an intensification of present dangers? Is it, in and of itself, a current and particular sign of rapacity, or are we alarmed primarily because the regimes in question have given previous signs of evil conduct? Here, as elsewhere, it is the prudential reading of dangers, for both the realist and the moralist, that is determinative of our attitude; the prudential question—what is the reasonable anticipation?—swamps the attempt to enclose war within a set of moral restraints. Unless the absolute ban on the first use of force is accepted—and Walzer, with the realists, insists that it should not be—we are left with inherently vague criteria to which the facts, as it were, can always be adjusted.

It is a curious feature of the contemporary discussion of preventive war to stop proliferation that self-described realists have taken a far less alarmist view of the dangers of proliferation than have others. They have not been among the proponents of preventive war. Walzer, however, is willing to entertain the possibility. In the symposium at the Carnegie Council, in response to a query from the floor, he indicated that he was not disposed to raise a moral objection to preventive war for this purpose, a view that is probably much closer to the prevailing consensus than is the stance generally adopted by realists (though their emphasis, of course, would be on the prudential dangers raised by this project).[11] This is a curious inversion because realism is most often associated

[11] Walzer's discussion of this point at the symposium was restricted to one case—Libya—which does not involve nuclear weapons. We have no desire to impute to him a position he does not hold, but think the issue sufficiently important to justify an airing.

with the doctrine that the security of states would be imperiled by rigid adherence to the legalist paradigm, while moralists want to circumscribe that discretion more fully within a set of moral prohibitions. The reasons for this inversion do not arise primarily, it would seem, from varying ethical perceptions—no one is looking to increase the danger of nuclear war—but from differing readings of the motives that lead states to acquire such weapons and a greater degree of confidence (on the part of realists) in the workability of nuclear deterrence if nuclear proliferation occurs. It is possible that the unwillingness of many moralists to accept deterrence, which requires for its effectiveness the making of immoral threats, may lead them to look with greater favor on ways of escaping this condition, even if it requires war to do so. In that sense, varying ethical perceptions may help explain the "curious inversion." Whether this has influenced Walzer's willingness to look favorably on preventive war we do not presume to say—his defense of nuclear deterrence in *Just and Unjust Wars* would indicate a contrary conclusion—but a profound sense of moral unease over the making of immoral threats was often a starting point of the projects to escape deterrence proposed over the past generation: strategic defenses, world government, unilateral disarmament. The advocates of "Star Wars," Catholic just war theorists, and peace demonstrators with grim masks of death and destruction were as one in their moral condemnation of deterrence and in their doubts over its continued efficacy; their strange alliance on these two vital points in the 1980s has undoubtedly helped reinforce the contemporary case for preventive war to stop proliferation. The reasons for the inversion, finally, are also attributable to the resistance of realists to "criminalizing" the enemy, and hence also to their greater willingness to recognize that the putatively insane leaders of such states share the same fears that make the possession of weapons of mass destruction seem imperative for our own safety.[12]

Ethical perceptions, therefore, are not exactly irrelevant to the debate over what to do about proliferation. In the larger sense, however, prudence remains determinative, and the attempt to resolve the problem through articulating a set of moral restraints is like building a dike in the middle of the ocean. The water, being rather ingenious, manages to find its way around. Once one decides that

[12] This is a feature of realism that is insufficiently appreciated in the critical characterizations of it, but which is particularly marked among diplomatic historians with an affinity for realist premises. It may be objected that such a disposition makes realists insensitive to the moral drama of history; but that failing, if it is one, has the advantage, at least, of allowing a more sympathetic consideration of the motives of historical actors. Realists are suspicious of making everything a matter of moral judgment for the same reason that historians have often shied away from making grand moral judgments of the historical scene and actors they seek to illuminate. Both suspect that this procedure will erect a barrier to understanding. And they think that the road to folly is paved with misunderstood intentions.

an absolute prohibition against the first use of force is too restrictive, it is extremely difficult to state the exceptions in such a way that they will not prove highly elastic in practice, and the standing temptation will be to claim the exceptions for ourselves and to deny them to others—a strange inversion of the moral theorist's claim to impartiality. If this conclusion is thought excessive with regard to the problem of war more generally, it must, at least, be accepted with regard to the question of proliferation. The position of the nuclear powers is that they get to keep their weapons, and no one else (save a few of their allies) has the right to acquire them. One of those powers—the United States—claims, or is seriously tempted to claim, a right to prohibit further proliferation through force. If this position can be justified, it can only be justified by invoking the imperious demands of necessity or the overarching requirements of world order. To get at it through the legalist paradigm—with its assumption of the equality of states and its prohibition of the first use of force—is a testament to man's ingenuity rather than to his willingness to submit himself to moral restraint.

Interventions

One of the most striking—and to us, persuasive—themes in *Just and Unjust Wars* is its defense of the nonintervention principle. The date of the book's publication, 1977, ironically marked the beginning of an American attempt to vigorously promote human rights and democracy in the world. In this respect, at least, the argument of *Just and Unjust Wars* has stood athwart the general tendency of the times, which have witnessed increasing agreement, among both philosophers and politicos, on the proposition that intervention is morally justified for such purposes. Even adherents of the nonintervention norm have argued that Walzer's criteria are too restrictive in principle or cannot in any case be reached on the basis of his starting point, which recognizes the priority of the rights of individuals. These critics would open the door in principle to intervention for human rights or democracy, while recognizing the merit of the prudential considerations (it will be ineffective; it will be destructive of international order; it will increase the danger of war; it will lead to the sacrifice of the rights or interests of your own citizens) that ought to restrain its exercise. Other critics have been far more hostile to Walzer's defense of nonintervention, and have insisted that intervention, far from being proscribed, is an imperative duty for foreign states.

Walzer's reply is that the objection to intervention is in fact a principled one; that the circumstances that justify revolution do not, at the same time, justify foreign intervention; that when "invasions are launched by foreign armies,

even armies with revolutionary intentions, and even when revolution is justified, it is entirely plausible to say that the rights of subjects and citizens have been violated. Their 'slowness' has been artificially speeded up, their 'aversion' has been repudiated, their loyalties have been ignored, their prudential calculations have been rejected—all in favor of someone else's conceptions of political justice and political prudence."[13] The ground that Walzer takes here (as well as the exceptions that he later makes to the nonintervention norm) are broadly rooted in John Stuart Mill's essay on nonintervention. "The members of a political community must seek their own freedom, just as the individual must cultivate his own virtue," as Walzer summarizes Mill's position. "They cannot be set free, as he cannot be made virtuous, by any external force" (p. 87).

One can reach the nonintervention principle through various routes, and we do not propose to investigate further here the various grounds on which it might be defended. In general, we sympathize with the pluralist conception of international society underlying Walzer's defense of it, think the prudential reasons against its violation to be normally cogent, and believe that a certain respect ought to be accorded any rule of longstanding authority in the law of nations, as the rule against intervention certainly is. So, too, we agree that, though the norm be central and the values protected by it of vital significance to the society of states, there are certain cases where "revisions" to it seem appropriate. Walzer's revisions, however, are in need of revising. In the support that Walzer's interpretation countenances for outside aid to secessionist movements, it is far too permissive. In its devaluation of the importance of pacification in its treatment of counterintervention and legitimate war aims, it is too restrictive. The revision regarding humanitarian intervention, finally, is not as helpful to the problem as it may at first sight appear.

Let us take the last point first. One must certainly acknowledge that a rule forbidding intervention in any circumstances is too rigid. When a state has failed and it is a mockery of words to speak of a state protecting collective autonomy, surely it is reasonable to grant to outside states a qualified right of intervention. Indeed, one must agree that there is in certain circumstances a duty to take action. Though "state failure" is difficult to define precisely, the anarchical circumstances that prevailed in Somalia before the American intervention surely constituted a case where a duty existed to do something to relieve the suffering, if it could be done at acceptable cost. Whether the duty is trumped by some other duty—and how those "duties" and "acceptable costs" are defined—are the questions, not whether the duty as such exists.

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[13] Walzer, "The Moral Standing of States: A Response to Four Critics," *Philosophy and Public Affairs* 9 (1980), no. 3, p. 215.

Walzer treated the right/duty question in a somewhat ambiguous manner in *Just and Unjust Wars,* insisting that there was no moral reason to await international authorization before acting, and that "any state capable of stopping the slaughter has a right, at least, to do so." In his more recent work, he has, as we have seen, recognized the existence of a duty far more emphatically.

There are, however, several problems raised by his treatment of the subject. In the first place, the criterion he employs in *Just and Unjust Wars* is not "state failure" but acts—genocide, massacre, enslavement—that shock the moral conscience of mankind. He also says, however, that outside states have no right to intervene in civil wars. The criteria, standing alone, have intuitive appeal. They do not stand well together, however, because civil wars are invariably associated with acts that shock any conscience capable of shock—more so, indeed, than wars generally. Fully persuasive is the classic wisdom, memorably conveyed by Thucydides, that civil wars are the worst, that they sink man to a level of moral depravity far beyond that which he falls into as a consequence of interstate war. Far from being unusual, acts that are shocking—unbelievable cruelties, gratuitous desecrations, vicious lies—are entirely typical. Thucycides' description of this descent, and of the inversion of human personality that occurs in civil war, is classic not simply because it is powerfully expressed, but because it can stand, with little alteration, as an accurate summation of what has happened to human character in a hundred subsequent conflicts.

There are certainly acts that, in their scale, are beyond shocking in the sheer magnitude of the evil entailed, and which make the impartial spectator ashamed to belong to the human race. The destruction of European Jewry and of other peoples by the Nazis; Stalin's war against the kulaks, among half a dozen other enormities; the Turkish genocide against the Armenians; what the Khmer Rouge did in Cambodia—all these can be placed in this infamous category, though the list is certainly not exhaustive. The circumstances in which they occurred, however, cast doubt on whether a duty to intervene can withstand the force of objections on the other side. Two of these occurred in the midst of great wars. In the Armenian case, it is difficult to see what outside powers might have done. The British were incapable of forcing the Straits; how might they have intervened in Turkey, save at a price that might have lost them the war in the West? In World War II, there was certainly moral culpability in not bombing the extermination camps. Was there also moral culpability, on the part of Roosevelt and Churchill, in not allowing contact with, or giving any support to, the Germans who sought to kill Hitler? A very substantial portion of the Jewish victims of the Holocaust—probably most—were

killed after the failure of the plot against Hitler's life in June 1944, and four to five million Germans perished between that date and the end of the war. Why was nothing more done? The principal reason is that both men feared that Stalin, if word of such transactions got back to him, would beat the Allied leaders to the punch and make (again) a separate peace with Hitler. The consequence of not doing more was odious, but it was also reasonable to fear the odious consequences of doing more. Evil consequences were stamped on the face of either alterative. In the case of Cambodia, other states may have had a duty to intervene, but American intervention fell in the realm of the impossible. We had been saving Southeast Asia from itself for more than ten years and had revolted against the consequences of that enterprise; to go back in, after so short a time, was out of the question, even though in this case America had an indirect responsibility for consequences that, though neither intended nor foreseeable, could plausibly be traced in part to its acts. Equally out of the question was a war against Stalinist Russia in 1933, or indeed at any time, on the grounds that the Communists had committed atrocious acts. The extreme cases, in short, are those where there usually—perhaps invariably—exist imperative considerations on the other side that make the duty of humanitarian intervention either impossible or fraught with enormous risk.

There is a third difficulty with defining the rule for humanitarian intervention in terms of acts that shock the moral conscience of mankind. It is that mankind's capacity for shock seems not simply unrelated, but in many circumstances inversely related, to considerations of quantity. The televised atrocity is worth ten thousand casualties. The war between Armenia and Azerbaijan entailed ethnic cleansing on a scale approaching that of Bosnia; the civil war in Angola entailed horrors that surpassed the Bosnian experience. For the man in the street, however, the former events have an epistemological status comparable to Bishop Berkeley's tree that fell in the forest without anyone present to hear. Did it make a noise? The issue raised here goes beyond the selective reporting of Western media. It concerns the profound disjunction between the morally significant and the psychologically "real," between the abstract statistics that ought to move us and the concrete event or image that does. Even if the other difficulties with this criterion are put to one side, Walzer might have better made his appeal to acts that ought to shock the moral conscience of mankind, but by no means invariably do. To have put it this way would have attested to several unpleasant facts about human beings: that we are most shocked when such acts are infrequent, and most inured to shock when they become typical. (What was shocking to the American mind in 1937 was vastly different from what was capable of shocking it in 1945.) So, too,

what is shocking, and what is deemed par for the course, is invariably tainted with the partialities, enmities, and interests of outside governments and publics, just as the knowledge of it frequently comes filtered through the distortions and magnifications of the partisans themselves.

However an objective criterion is stated, there are undoubtedly a substantial number of cases that would potentially fall within it. Walzer is surely right to insist that an inability to do everything does not constitute a good reason for doing nothing, and that the existence of interested motives (which are always present in political action) does not, in and of itself, demonstrate the absence of the good intentions and consequences by which the act must be justified. These psychological considerations, however, are quite relevant to the ability of outside powers to conduct humanitarian interventions that bear a meaningful relationship to the goals ostensibly pursued. The reason is the instability of human compassion—the way, for instance, that the image of the starving or mangled child comes to be counterbalanced by the image of the soldier being dragged through the streets of Mogadishu. The fear that domestic public opinion will revolt against any costly or protracted involvement, in turn, imposes a caution on intervening powers that inevitably produces unintended consequences and may produce pernicious ones.[14] It probably rules out, as a practical matter, the kind of long-term arrangements—the imposition of a "protectorate" or "trusteeship"—that Walzer, quite plausibly, has concluded will be necessary if a lasting good is to be promoted through humanitarian intervention. Instead, the objectives of humanitarian intervention come to be limited to feeding the hungry—sometimes with the odious consequence, as in Rwanda, of feeding the perpetrators of genocide and aiding them in the reconstitution of their forces. When the purposes of the intervention are restricted to humanitarian objectives and do not address the political causes that invariably underlie such disasters, such consequences seem almost a foregone conclusion.

These considerations do not, of themselves, fatally weaken the case for humanitarian intervention. Recent experience has been various, with each case having very different characteristics. There is a good argument to be made that the Somalia intervention did save a large number of lives and historic communities, and was justifiable on that ground alone. The humiliations it entailed, it is true, imposed real costs on the American government, and those count heavily against the prospect of any future intervention that promises to end with a comparable embarrassment. A vital interest—the rep-

[14] For an instructive account of what may be termed the "natural history" of humanitarian intervention, see Clifford Orwin, "Distant Compassion," *National Interest* 43 (Spring 1996), 42–49.

utation for constancy—can be impaired by an intervention even if a vital interest does not prompt it in the first place. But it may be argued that the humiliations stemmed primarily from the foreign policy of crime and punishment—particularly the hare-brained scheme to put a price on Farah Aideed's head (which was then followed by the spectacle, about equal parts absurd and ridiculous, of the U.S. government casting blame for the failure on everyone and everything but itself, though it enjoyed near total control of the operation). The Bosnian intervention, in its various phases, has been very different in motivation and purpose from that of Somalia, since a vital interest—that which the United States and its allies have in the maintenance of European order—is engaged there, as it was not in Somalia. Given the primacy of political motive in leading the United States to broker a settlement, it is questionable whether that intervention—certainly the phase of it since Dayton—should be seen as a case of humanitarian intervention. The earlier phase of UN intervention has of course been subjected to strong criticism, but the failure there was not in feeding the hungry—a further humanitarian disaster was averted by UNPROFOR—but in not devising a coherent political strategy that would bring the war to an end. It is in Rwanda where the unintended consequences seem most pernicious, and where the desire to be seen as doing good, as opposed to actually doing it, seems the leading motivation of outside governments. The predominance of this motive would count more against the actions of outside governments if anyone knew how a lasting good might be feasibly promoted through intervention. Unfortunately, no one does.

These considerations attest to the difficulty of formulating any general rule regarding humanitarian intervention; but they are also perfectly compatible with the recognition that there is both a right and a duty to do it under certain conditions. The question is how to draw those conditions. There is, one should think, no duty if the intervention entails a serious injury to the intervening state. (Morally speaking, the prospect of modest casualties to the intervening forces cannot be said to fall within the meaning of "serious injury," though politically speaking it does, and it is probably useless to state any rule that, if acted upon, would lead an intervening government through a cycle of embarrassing actions that, while injuring itself, provided no great or lasting benefit to those ostensibly aided.) Nor, under these circumstances, would there be a right, since the existence of a serious injury would mean that statesmen had ignored their primary obligation, which is to their own people.

Secondly, there is the question of whether such interventions may be undertaken unilaterally or require authorization from multilateral organizations. It is useful to recall that the skepticism traditionally reserved by publicists for humanitarian intervention went beyond the fact that states, and not

individuals, were the subjects of international law. That skepticism was also based on the reasonable supposition that selfish motives would inevitably predominate, whence arose the strong doubt that it ought to be authorized. Multilateral authorization goes a long way toward meeting this objection, even if much arm twisting is employed in getting it. Walzer placed little importance on this criterion in *Just and Unjust Wars,* and it is certainly possible to imagine cases where unilateral action would be justified. By the same token, however, one must insist that, in today's generally permissive circumstances, the requirement of multilateral authorization is of much greater weight. Its absence would, at the least, constitute a strong presumption against the existence of either a right or duty to conduct such interventions, though not perhaps a conclusive argument on either score.

Finally, there must be a plausible design to promote a result in which the good consequences clearly outweigh the bad. That criterion may seem hopeless because it requires weighing incommensurables—lives, reputations, interests, responsibilities, endurance. But it must be taken seriously. If in the past the presence of selfish motives led publicists to doubt a right of humanitarian intervention, an equal if not greater cause for worry today is that the sentiments of compassion that prompt intervention will lead, as a consequence of their fleeting and unstable character, to unintended and even pernicious consequences.

Self-Determinations

Walzer's "second revision" to the legalist paradigm holds that "states can be invaded and wars justly begun to assist secessionist movements (once they have demonstrated their representative character)" (p. 108). It is unclear whether Walzer would require that the secessionist community already be "engaged in a large-scale military struggle for independence" (p. 90) or merely that "a community actually exists whose members are committed to independence and ready and able to determine the conditions of their own existence" (p. 93). If the latter, the desire for independence and the possibility of external aid may operate together in a way that is potentially quite destructive of international order. Secession has an unenviable track record of being closely associated with civil war; as a general remedy for the problems of nationalism and ethnicity, it seems highly toxic in its effects and utterly frightening if carried to its logical conclusion: "an infinity of little, jealous, clashing, tumultuous commonwealths, the wretched nurseries of unceasing discord and the miserable objects of universal pity or contempt."[15] No people can be denied a right of

[15] Federalist No. 9 (Hamilton), *The Federalist Papers,* Clinton Rossiter, ed. (1787–88; New York: New American Library, 1961), 73.

revolution, if the oppression be unbearable and every other mode of resistance is unavailing. To encourage such claims before their achievement, however, would serve to encourage a fracturing of territorial integrity that would menace political stability over most of the world. One shudders at the consequences that would ensue from the application of this principle in Africa or the Caucasus or the Indian subcontinent. Walzer would presumably wish to separate the emergence of a movement for national self-determination from the encouragement that outside powers may give it, authorizing a right of external support when it has achieved a self-sustaining character, but not of initial encouragement. In practice, those two things will be very difficult to separate.

The conditions under which aid may be legitimately extended to secessionist movements is not, we should add, entirely clear to us from Walzer's account. The relevant principle seems to be "always act so as to recognize and uphold communal autonomy" (p. 90)—communal autonomy being identified not with the state but the nation. But if communal autonomy is the central value which Walzer seeks to uphold, there would seem to be no reason to require "large-scale belligerency" to show that a community exists that wishes to be self-determining. Its inability to mount an insurrection, more often than not, will reflect its weakness, and there is no reason to assume that, because it is weak, it is also inauthentic or unrepresentative. If the extension of aid to such groups is not authorized, the basic reason seems to be "because the morally exact principle is also very dangerous" (p. 90).

Its dangers are well-illustrated by the Yugoslav crisis. The willingness of the Western powers to recognize Bosnian independence played an important role in giving the Bosnian government the courage to proceed with its secession from Yugoslavia. This recognition proceeded in defiance of the traditional law of recognition, which requires that a government demonstrate that it enjoys the effective control of its territory, among other criteria, before recognition is accorded. The Bosnian government believed that Western recognition reflected a willingness by outside powers, particularly the United States, to help it secure an independence which the balance of forces then existing gave it no grounds for believing it could secure on its own. In this expectation, it proved to be mistaken. The Bosnian catastrophe sharply highlights the dangers that are associated with outside intervention to support secession, and it casts strong doubt on the proposition that foreigners ought to be granted a right (even a right circumscribed by considerations of prudence) to do it. The older rule, which permitted outside powers to recognize the outcome of local struggles, but not to help precipitate them, would seem to be far more preferable.

The "morally exact" criterion—"always act so as to recognize and uphold communal autonomy"—is not, however, irrelevant to to the diplomatic tasks

of the West in Bosnia. The peculiar feature of this diplomacy is that, once having violated the principle of nonintervention by prematurely granting recognition to the constituent republics of the Yugoslav state, it then insisted that the territorial integrity of the *new* states was something sacred and inviolable. The secession of Bosnia from Yugoslavia was encouraged, on the now scarcely credible grounds that this was the best chance of averting war; the secession of Serbs and Croats from Bosnia, however, was forbidden, on the grounds that this would constitute a reward for aggression. Yet there would seem to be no reason why the principle of self-determination is not as valid for the Serbs and Croats as it is for the Muslims. It has been said countless times that the partition of Bosnia would be unjust, but it is difficult to see why this should be the case. It seems to us to be more just—certainly on the Wilsonian criteria that Walzer defends—than any other practical arrangement. If the construction of a Switzerland in the Balkans is under existing circumstances impossible, and it clearly is, we ought to follow its bitter logic to the end. Respect for communal autonomy demands no less.

In an essay subsequent to the publication of *Just and Unjust Wars*, Walzer pursued the theme of national self-determination further.[16] The state system, he argued, could only be transformed if it were first completed; the Wilsonian principle—"for every nation its own state"—pointed the way toward an international settlement. Walzer acknowledged the potential dangers of this enterprise: "The way itself is bloody enough, and there probably are cases where people from different nations are so radically entangled on the same piece of territory that a 'good border' is virtually inconceivable." Still, he thought, "the completion of the state system is a reform worth pursuing." As a general prescription for what ails multiethnic or multinational states, this "reform" is a prescription for much bloodshed. It needs to be recalled that Western and Central Europe, a region of "satisfied" states now capable, on Walzer's account, of transcending the system, only achieved this happy condition as a result of two world wars and the extermination and/or forced expulsion of huge numbers of people.

It is certainly cogent to argue that, *once the breakdown has occurred*, the logic of "separation, secession, partition, liberation" does point to the only real settlement then imaginable. In these circumstances, the prudential claim for security that communities make is going to seem compelling to them and ought to be recognized; the imagined speech that Walzer provides in justification of this is exactly on point: "We and our fellows, members of a people or histori-

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[16] "The Reform of the International System," in Øyvind Øxterud, ed., *Studies of War and Peace* (Oslo: Norwegian University Press, 1986), 227–40.

cal nation, can only guarantee our physical survival, our long-term existence as individuals or as a coherent group, through the medium of sovereign power. We can be sure of no one's protection but our own." In the case of Israel and Palestine, that claim has not unreasonably been seen to justify a partition—and a partition whose logic entails not only separation but also the waiving of the right of return for Palestinians who fled or were expelled from Israel when the state was founded.[17] In the Bosnian case, the application of this principle would seem to require respecting the wishes of Bosnian Serbs and Croats for a reunion with Serbia and Croatia, and the concomitant (though compensated) denial of the right of return to the territory from which the Muslims fled or were expelled. The outside role would be directed not toward denying Serbs, Croats, or Muslims their right of self-determination but toward protecting the Muslims from the unfavorable strategic and economic position to which the mutual recognition of that right would subject them.

We cannot depart this discussion of the second revision without noting how far reaching is the principle that is claimed. It extends not simply to the support that may be given to secessionist movements; there is no reason why it would not support irredentist claims as well (as long as the community that wishes for self-determination understands that aspiration to mean union—or reunion—with the neighboring community or nation that takes up arms on its behalf). The revision, it may be recalled, is open not only to the United States and its friends but to all states. The support that Germany gave to Sudetenland Germans; that Serbia gave to Bosnian Serbs; that Albania might give to Albanians seeking secession from Macedonia or Serbia; that Russia might give to the "famous twenty-nine millions" in the near abroad; that the Tutsi of Rwanda might give the Tutsi of Burundi or the Hutu of Burundi might give the Hutu of Rwanda—the list of potential cases in which this exception might be claimed with complete plausibility could fill up a page; it covers a fair portion of the world's potential wars. The principle also reaches cases in which no irredentist claim is put forward, such as the support that the Soviet Union and China gave to national liberation movements during the Cold War or that Arab states have given and might yet give to Palestinian aspirations. So numerous are the cases affected by this principle that it represents not simply a "revision" of the legalist paradigm but its near-complete evisceration. It can hardly be deemed surprising that the temptation will be, as it has been, to claim the exception for ourselves and to deny it to others—that strange inversion again.

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[17] On the circumstances that led to the Palestinian diaspora and the recognition by Israeli leaders that the coherence and viability of Israel depended on a Jewish majority, see Benny Morris, *The Birth of the Palestinian Refugee Problem, 1947–1949* (Cambridge, U.K.: Cambridge University Press, 1989).

But the oddities of Walzer's discussion of this principle do not end there. The fact that secessionist or irredentist claims almost invariably affect the communal rights of other peoples—hardly a novel problem, even in 1977—is simply "set aside" by Walzer, on the grounds that it did not "enter into the moral reflections of liberal observers like Mill." To which one can only say that it enters into ours, and has done so since the experience of redrawing borders in Europe after World War I showed that there was scarcely a frontier in Europe that could be drawn in a manner that the peoples on both sides of it—hopelessly entangled as always—would regard as just. It might be argued that Walzer's subsequent qualification of the right to aid nationalist movements—that a state contemplating intervention must "*for moral reasons*...weigh the dangers its action will impose on the people it is designed to benefit and on all other people who may be affected" (p. 95)—covers this difficulty (even if he clearly had in mind, as his discussion of 1849 and 1956 would indicate, not the rights of competing nationalities but the dangers of a general conflagration). If so, however, the criteria to be employed in conducting this "weighing" remain thoroughly obscure. The fact that peoples are invariably entangled means that an intervention will invariably subject some "third parties to terrible risks," and whether the subjection cancels the justice, or the justice cancels the subjection, must presumably remain a matter for the determination of the interested parties.

War Aims

Having criticized Walzer for the excessive permissiveness of his framework, it may seem perverse to hold that other elements of his outlook are insufficiently permissive. Nevertheless, questions may certainly be raised about the wisdom of his third and fifth revisions. The third revision of the legalist paradigm permits counterintervention but only for the purpose of leveling the playing field; its goal is not winning the war but "holding the circle, preserving the balance, restoring some degree of integrity to the local struggle" (p. 97). The fifth revision permits states conducting a just war to seek "resistance, restoration [and] reasonable prevention" (p. 121) in the settlements they impose upon defeated states, but holds that to go beyond these limited aims and to opt for a "war of conquest and reconstruction" (p. 120) is generally impermissible. Both formulations have the virtue of seeking to restrain the aims that states may adopt in war, and in theory seem quite sensible. In practice, however, they allow for the distinct possibility that the use of force may simply contribute to prolonging the war, producing not "a better state of peace" (p. 121) but rather an interminable conflict. In either case, this would seem clearly to be a repellent con-

sequence: the use of force must be judged harshly if, at the end of the day, it leads simply to further chaos. War is an act that finds the parties to it in a state of nature; its purpose must be to get them out of that state, rather than to keep them there. Whether that purpose is compatible with limited aims, such as leveling the killing field or refusing occupation and reconstruction, depends on circumstances and is not subject to a priori determination.

The experience of the Gulf War is instructive in this regard. It was our argument in *The Imperial Temptation* that the United States ought not to have gone to war but that, having used force on the scale that it did, and having contributed mightily to the civil war and epidemics that occurred in Iraq, the United States ought to have marched to Baghdad, deposed Saddam Hussein, and imposed a new regime.[18] The policy the United States did pursue at the time, and has pursued subsequently, has imposed an extraordinary collective punishment on the Iraqi people, the sheer scale of which ought to make the moralist cringe. What makes the example particularly disturbing is that the policies that produced this result conformed in vital respects to Walzer's version of the just war. An aggression took place against internationally recognized borders. Authority to repel the aggression was received from the United Nations (not necessary under his criteria, but still a bonus). Military operations, though characterized by the lavish use of force, did not aim directly at civilians. War aims were limited to the restoration of Kuwaiti sovereignty, the attempted destruction of Iraqi armed forces, and the guarantee that Iraq would give up its pursuit of weapons of mass destruction ("reasonable prevention"). When civil war broke out, the initial policy of nonintervention and the subsequent humanitarian intervention on behalf of the Kurds closely followed a Walzerian logic. (We stayed out of the civil war, while intervening—belatedly—to prevent massacre.) Yet the sum total, in human suffering, of all this justice is appalling. To insist that further intervention, under these circumstances, would have deprived the Iraqi people of their right to self-determination seems distinctly unpersuasive. In any case, it is clear that the reason for America's reluctance to impose a new order derived not from legal or moral conviction but from a profound aversion to what was deemed to be a protracted and risky commitment. Having accepted an imperial role, the United States was unwilling to accept the responsibilities of imperial rule. That this course of action conformed so closely to the theory of aggression presented in *Just and Unjust Wars* suggests to us that something is wrong with the theory.

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[18] Robert W. Tucker and David C. Hendrickson, *The Imperial Temptation: The New World Order and America's Purpose* (New York: Council on Foreign Relations Press, 1992).

Conclusion

The tradition of reflection on the just war that Walzer revived in his book is an honorable one, and Walzer performed a valuable service in investigating it in a way that has made it accessible and interesting to a generation of students. We have sought to show that the work treats the tradition of political realism in a misleading way and that, paradoxically, Walzer is himself close to certain realist themes (though not, of course, to others). If the central claims of realism are fairly considered, Walzer's stance in relation to those claims may not unfairly be seen in the same way that Frederick the Great characterized Maria Theresa's reaction to the partition of Poland: "She wept, but she took."

A legion of critics, following Walzer, has insisted that realist thought is reducible to the doctrine of Thrasymachus in the first book of the *Republic,* that "justice is the advantage of the stronger." To hear them tell of it, realism is nothing better than Thrasymachus on stilts, and they have busied themselves with the task of sawing off the legs of this pernicious doctrine. We do not recognize these caricatures, and would suggest that the critique of realism needs to get beyond the refutation of positions that nobody, save a few college students, actually holds. Realism is concerned not with the refutation of the just war tradition but rather with showing that the use (and not simply the abuse) of some of its categories may lead to pernicious results in practice. Walzer's reconstruction of the tradition is particularly vulnerable to the charge that it encourages a striking permissiveness in the resort to force (both in the latitude given to wars of law enforcement and in some of his revisions to the legalist paradigm); that it underrates the value of pacification in its treatment of counterintervention and legitimate war aims; that it minimizes the dangers of understanding conflicts as contests between good and evil; and that it encourages the false comfort that combatants will in practice respect the limitations of the war convention that he eloquently urges upon us. In making these criticisms, we are not refusing a conversation on the terms by which a more just world can be achieved, but asking that this enterprise give due account to the weaknesses, egocentricities, and delusions of the unhappy species whose improvement is sought.