

MICHAEL WALZER



Michael Walzer is an internationally recognized and respected authority on ethics and the use of military force. His *Just and Unjust Wars*, now in its third edition, is perhaps the most widely used and cited text in the field; it has been translated into Hebrew, Spanish, Italian, German, and French.

Professor Walzer's interests range well beyond those of war and peace. He has published 20 books on a wide variety of topics in political theory and moral philosophy, including political obligation, nationalism and ethnicity, and economic justice and the welfare state. He has been a Permanent Faculty Member at the Institute for Advanced Study since 1980. Earlier in his career, he taught at Princeton University and Harvard University. A graduate of Brandeis University, he had a Fulbright Fellowship at Cambridge University, and he holds a Ph.D from Harvard.

THE TRIUMPH OF JUST WAR THEORY (AND THE DANGERS OF SUCCESS)

Welcome and Introduction, Dr. Albert C. Pierce, Director,
Center for the Study of Professional Military Ethics



Lecture by Dr. Michael Walzer

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WELCOME AND INTRODUCTION

Dr. Pierce

Good evening, ladies and gentlemen. I'm Al Pierce, the director of the Ethics Center, and I want to welcome all of you to the sixth lecture in our series, which is organized by our Ethics Center. The fall lecture in the series is now officially known as the William C. Stutt Ethics Lecture because of the generosity of Bill and Carolyn Stutt. They have endowed this program so we will be able to continue it in perpetuity, and I would ask Bill and Carolyn to stand. On behalf of Admiral Naughton and all of us, I want to thank you for your generous contribution.

(Applause.)

Dr. Pierce

Thank you very much. This series, we hope, is a service to the entire Naval Academy community, but in particular, we think of it as one more contribution the Ethics Center can make to the ethics education of the midshipmen, particularly while they are enrolled in the Academy's core ethics course, NE-203. So we say a special welcome this evening to the midshipmen currently taking that course and to their civilian and military instructors.

We inaugurated this series in the spring of 1999, and the first two events had moral courage as their focus. Our first two honored guests in the series were Senator Bob Kerrey and Vice Admiral James B. Stockdale. In the spring of 2001, we switched to a focus on ethics and the use of military force, and speakers on this theme were Dr. Michael Ignatieff of Harvard, Professor James Turner Johnson of Rutgers University, and the Reverend J. Bryan Hehir, formerly of Harvard University and now of Georgetown University. Our speaker tonight will also address the theme of ethics and the use of military force.

It's appropriate that we meet in Mahan Hall, named in honor of Alfred Thayer Mahan, whose life work was to study the larger, broader themes in history, to examine them in a contemporary setting, all with an eye towards the future, and I think that nicely describes much of the life work of tonight's distinguished speaker.

It's indeed an honor and a pleasure for me to introduce Professor Michael Walzer, who is one of the most distinguished experts, not just in this country but in the entire world, in the subject of ethics and war. You have his bio in your program so I will not repeat all of those impressive details here. Let me just note that his book, *Just and Unjust Wars*, is perhaps the most widely read and respected text in the field. It's read and studied not only by the midshipmen here in NE-203, but in the service academies, as well as command and staff colleges, war colleges, civilian colleges and universities in this country, and around the world. As those of you who are familiar with the book know, it is an intellectually challenging but deeply rewarding book. It certainly may not end discussion of every relevant issue of ethics and war, but it is the standard starting point for experts in this country and abroad when they tackle these difficult and important issues.

Over the past quarter century, Professor Michael Walzer has spent the major portion of his time and intellectual energy thinking, speaking, and writing about how statesmen, commanders, soldiers, and citizens should think through the ethical problems posed by modern conflict. As it has in so many classrooms, lecture halls, and corridors of power over the decades, his thinking this evening should challenge and stimulate our own.

Please join me in a warm Naval Academy welcome for Professor Michael Walzer.

LECTURE

Dr. Walzer

Thank you. I am very glad to be here. It is much easier to write about Just War theory than it is to live by it, which is what you are committed to do, and so it is an honor for me to be speaking about these questions to you.

I'm going to do two things this evening. I'm going to just give you a rather potted history of what I call "the triumph of Just War theory in the United States," and then I'm going to attempt to apply the theory in a very quick way to the current discussion about a war with Iraq. So if you're interested in hearing the discussion about the war with Iraq, you're going to have to sit through the potted history.

(Laughter.)

Dr. Walzer

Some political theories die and go to heaven, and some, I hope, die and go to hell, but some have a long life in this world, with a history most often in the service of the powers that be but also sometimes to an oppositionist history.

The theory of Just War began in the service of the powers, specifically of the Roman Empire, and over many centuries, the rulers of this world did not fight a single war without describing it or hiring intellectuals to describe it as a war for peace and justice. Most often, of course, this description was hypocritical, the tribute that vice pays to virtue, but the need to pay the tribute opens those who pay it to the criticism of the virtuous, I mean of the brave and virtuous, of whom there have been only a few. I'll cite one heroic moment—there haven't been many—from the history of the academic world.

Sometime around 1520, the faculty of the University of Salamanca in Spain met in solemn assembly and voted that the Spanish conquest of Central America was a violation of natural law and an unjust war. I haven't been able to find out anything about the subsequent fate of the good professors. Certainly, there

were not many moments like that one, but what happened in Salamanca suggests that Just War never lost its critical edge. The theory provided worldly reasons for going to war, but the reasons were limited to self-defense and the defense of others, and they had to be worldly. Converting the Aztecs to Christianity was not a just cause of war.

In the 17th and 18th century, writers like Grotius and Pufendorf incorporated Just War theory into international law, but the rise of the modern state and the legal and philosophical acceptance of state sovereignty pushed the theory into the background. Now the political foreground was occupied by people we can think of as Machiavellian princes, hard men and sometimes women, driven by reason of state, who did what they said they had to do. Worldly interests triumphed over justice, realism over what was increasingly disparaged as naive idealism. Arguments about just and unjust war were treated as a kind of moralizing, inappropriate to the anarchic conditions of international society.

In the 1950s and early '60s, when I was in graduate school, realism was the reigning doctrine in the field of international relations. The standard reference was not to justice but always to interest; moral argument was against the rules of the discipline as it was commonly practiced. There were many political scientists in those years who preened themselves as modern Machiavellis and dreamed of whispering in the ear of the prince, and a certain number of them, enough to stimulate the ambition of the others, actually got to whisper. They practiced being cool and tough-minded. They taught the princes, who didn't always need to be taught, how to get results through the calculated application of force.

Results were understood in terms of the national interest, which was understood as the objectively determined sum of power and wealth here and now, plus the probability of power and wealth in the future. More of both was almost always taken to be better. Only a few writers argued for the acceptance of prudential limits; moral limits were, as I remember those years, never discussed. Just War theory was relegated to religion departments, theological seminaries, and a few Catholic universities.

Vietnam changed all this, although it took a while for the change to register at the theoretical level. What happened first happened in the realm of practice. The war became a subject of political debate in a way that no recent war had been. It was widely opposed, mostly but not entirely by people on the liberal left. Some of these people were influenced by Marxism, so they also spoke a language of material interest. They shared with the princes and professors of American politics a disdain for moralizing, and yet the experience of the war pushed its opponents toward moral argument.

Of course, the war in their eyes was radically imprudent. It couldn't be won; its costs, even if Americans thought only of themselves, were much too high. It was, they said, an imperialist adventure, unwise even for the imperialists, but those claims failed utterly to express the feelings of most of the war's opponents or most of the people who were worried about the war, feelings that had to do with the systematic exposure of Vietnamese civilians to American war-making.

Almost against its will, the opposition fell into morality. All of us in the anti-war camp, which is where I was in those years, began talking the language of Just War, though we didn't know that that was what we were doing. The realist ascendancy had robbed us of the very words that we needed, which we only slowly reclaimed: aggression, intervention, just cause, self-defense, noncombatant immunity, proportionality, prisoners of war, civilians, double effect, terrorism, war crimes, and so on. We came to understand that these words had meanings. Of course, they could be used instrumentally. That's always true of moral and political language, but if we attended to their meanings, we found ourselves involved in a discussion that had its own structure. Like characters in a novel, concepts in a theory drive the narrative or the argument in which they figure.

Once the war was over, Just War became an academic subject. Now political scientists and philosophers discovered the theory. It was written about in the journals and taught in the universities, and also increasingly in the service academies and war colleges. A small group of Vietnam veterans played a major role in making the discipline of morality central to the military curriculum.

They had bad memories. They welcomed Just War theory precisely because it was, in their eyes, a critical theory, and it is in fact doubly critical of war's occasions—when to fight—and of war's conduct—how to fight.

I suspect that the veterans were most concerned with the second of these. It isn't only that they wanted—they certainly did want—to avoid anything like the My Lai massacre in future American wars. They also wanted, like professional soldiers everywhere, to distinguish their profession from mere butchery, and because of their Vietnam experience, they believed that this had to be done systematically. It required not only a code, but also a theory and an argument.

But there was another feature of Vietnam that gave the moral critique of the war special force. This was a war that we lost, and the way that we fought the war almost certainly contributed to our defeat. In a war for hearts and minds rather than for land and resources, justice turns out to be a key to victory, and here, I think, is the deepest cause of the theory's contemporary triumph. There are now reasons of state for fighting justly. One might almost say that justice has become a military necessity.

To be sure, the Vietnam syndrome is generally taken to reflect a different lesson, that we should not fight wars that are unpopular at home and to which we are unwilling to commit the resources necessary for victory, and that's right. But there was, in fact, another lesson connected to, but not the same as, the syndrome: that we should not fight wars about whose justice we are doubtful, and that once we are engaged, we have to fight justly so as not to antagonize the civilian population, whose political support is necessary to a military victory. In Vietnam, the relevant civilians were the Vietnamese themselves. We lost the war when we lost their hearts and minds, but this idea about the need for civilian support has turned out to be both variable and expansive.

Modern warfare requires the support of different civilian populations, including, but also extending beyond, the population immediately at risk. I will call this “the usefulness of morality.” Its wide acknowledgement is something that seems to me

radically new in military history. Hence, the odd spectacle of President George Bush, the elder, during the Gulf War, talking like a Just War theorist. Well, not quite, for Bush's speeches and press conferences displayed an old American tendency, which his son has inherited, to confuse just wars and crusades, as if a war can only be just when the forces of good are arrayed against the forces of evil. But President Bush, the elder, also understood—and this was a constant theme of American military spokesmen in those years of the Gulf War and immediately after—that war is properly a war of armies, a combat between combatants, from which the civilian population has to be shielded.

I don't believe that the bombing of Iraq in 1991 met Just War standards. Shielding civilians certainly would have excluded the destruction of electricity networks and water purification plants. Urban infrastructure, even if it is necessary to modern war-making, is also necessary to civilian existence in a modern city, and it is morally defined by this second feature. There was a very interesting article in *The New York Times* on the tenth of this month saying that the United States is committed in any future war with Iraq to avoid damage to the urban infrastructure, precisely because this time we hope to stay the course and rebuild the country after the war is over. When you undertake to do that, then you have to limit the damage you do to the civilian population because you are going to have to restore their life possibilities.

Well, perhaps naively, I am inclined to say—reflecting on the Gulf War and the war in Kosovo and the war in Afghanistan—that justice has become in all Western countries, and our country most importantly, one of the tests that any proposed military strategy or tactic has to meet. Perhaps only one, and maybe not the most important one, but this still gives Just War theory a place and standing that it never had before. It's easier now than it ever was before to imagine a military officer saying, "No, we cannot do that; it would cause too many civilian deaths. We have to find another way." I don't know how many officers talk like that in this country or among our allies, but imagine for a moment that there are a lot. Imagine that strategies are evaluated morally as well as militarily, that civilian deaths are minimized, that new technologies are designed to avoid or limit collateral damage to

civilians, and that these technologies are actually effective in achieving their intended purpose. Moral theory has been incorporated into war-making as a real constraint on when and how wars are fought. This picture is imaginary, but it's also partly true, and it makes for a far more interesting argument than the more standard claim that the triumph of Just War theory is pure hypocrisy. The triumph is real. What then is left for theorists and philosophers to do?

This question is sufficiently present in our consciousness that one can actually watch people trying to respond. There are two responses that I want to describe and criticize.

The first denies that any objective use of the categories of Just War theory is possible, so the triumph is empty. Politicians and generals who adopt the categories are deluding themselves, though no more so than the theorists who developed the categories in the first place. No agreement about justice, no agreement about guilt or innocence is possible.

This view is summed up in a line that speaks to our immediate situation: "One man's terrorist is another man's freedom fighter." In this view, there's nothing for theorists and philosophers to do but choose sides, and there's no theory or principle that can guide their choice. But this is an impossible position, for it holds that we cannot do what we know we have to do to recognize and condemn the murder of innocent people.

The second response is to take the moral need to recognize and condemn very seriously and then to raise the theoretical ante, that is, to strengthen the constraints that justice imposes on warfare. For theorists who pride themselves on living, so to speak, at the critical edge, this is an obvious and understandable response. For many years, we used the theory of Just War to evaluate and criticize military action, and now it's been taken over by the generals and is being used to justify military action. The easiest way to resist that use is to make noncombatant immunity into a stronger and stronger rule until it is something like an absolute rule: "All killing of civilians is murder or something close to murder; therefore, any war that leads to the killing of civilians is unjust; therefore, every war is unjust." So Just War theory is turned into a pacifist doctrine.

Since I believe that war is still sometimes necessary, this seems to me a bad argument and more generally a bad response to the triumph of Just War theory. It sustains the critical role of the theory *vis-à-vis* war generally, but it denies the theory the critical role that it has always claimed or that we have always claimed for it, which is internal to the business of war and which requires critics to attend closely to what soldiers try to do and what they try not to do.

We might think of Just War as a doctrine of radical responsibility because it holds political and military leaders responsible, first of all, for the well-being of their own people, but also for the well-being of innocent men and women on the other side. Its proponents insist that there are things that it is morally impermissible to do even to the enemy. They also insist, however, that fighting itself cannot be morally impermissible. A just war is meant to be, and a just war has to be, a war that it is possible to fight.

But there's another danger posed by the triumph of Just War theory, not the radical relativism and not the near absolutism that I've just described, but rather a certain softening of the critical mind, a truce between theorists and soldiers. If intellectuals are often awed and silenced by political leaders who invite them to dinner, how much more so by generals who talk their language? And if the generals are actually fighting just wars, what point is there in anything we can say?

In fact, however, so it seems to me, our role has not changed all that much. We still have to insist that war is a morally dubious and difficult activity. Even if we in the West, in this country, have fought just wars, as I believe, in the Gulf, in Kosovo, and in Afghanistan, that is no guarantee that our next war will be just. Even if the recognition of noncombatant immunity has become militarily necessary, it still comes into conflict with other, more pressing, necessities. Justice still needs to be defended. Decisions about when and how to fight require constant scrutiny, exactly as they always have. So let's take a look at the decision that we are now in the process of making about a possible war with Iraq.

Without access to intelligence data, it's hard to judge whether the Bush administration has been threatening a war that it would be right to fight, but democratic arguments are often carried on, probably always carried on, with inadequate and incomplete information. So I propose to make some common sense stipulations and then join the argument. These are the stipulations: First, the Iraqis have developed chemical and biological weapons and are trying to develop nuclear weapons. Second, our government isn't certain about how close they are to having a usable nuclear weapon, but as of this moment, they do not have one. Third, Iraq has used chemical weapons in the past, though only on its own territory during the war with Iran and in efforts to repress the Kurds. And, fourth, the Iraq regime is sufficiently brutal internally and hostile externally to some of its neighbors and to the United States so that we cannot rule out its readiness to use such weapons again, more widely, or to use nuclear weapons if and when it develops them. We also cannot rule out, though there is as yet no evidence for, the transfer of weapons of mass destruction from the Iraqi secret services to terrorist groups. So I don't want to deny the seriousness of the threat, and I don't want to pretend that I know how serious the threat is.

If these stipulations are plausible today, they have been plausible for a long time. They suggest how wrong it was to allow the first UN inspection system to collapse. There was a just and necessary war waiting to be fought back in the 1990s when Saddam was playing hide-and-seek with the inspectors. That would have been an internationalist war, a war of enforcement, and its justice would have derived first from the justice of the UN resolutions it was enforcing, and second from its likely outcome, the strengthening of a global legal order.

Both these points are important in thinking about what we should do today. Though Iraq did not use weapons of mass destruction in the Gulf War, the peace agreement imposed after the war, the cease-fire after the war, which was authorized and in part implemented by the United Nations, included restrictions on the development and deployment of such weapons. As an aggressor state, Iraq was subjected to a set of constraints designed to make future aggression impossible.

Think of it as a state on parole, deprived of full sovereignty, because of its previous behavior. This was a just outcome of the Gulf War, and the inspection system was its central feature. Once the inspectors were in place, they revealed to the world how hard Saddam's government had been working on a variety of horrific weapons and how far along some of the work was. For a while, the inspections seemed to be, so far as I can tell, effective. A number of facilities and large quantities of dangerous materials were discovered and destroyed; large numbers of missiles were disabled.

But memory is short in political life, and commitments and coalitions are fragile. The urgencies of the war and its immediate aftermath receded, and some of Iraq's old trading partners—France and Russia most importantly—began to renew their ties. By the middle nineties, Saddam felt he could safely test the will of the UN and the coalition of 1991, and so he began delaying the inspections or denying the inspectors access to the sites they wanted to visit, and he was right. There was no will to enforce the inspection system, not at the UN, which passed many resolutions but did nothing else; not in Europe; and not here either. The United States was prepared to use its air power to maintain the no-fly zones in the north and south, but was not prepared for a larger war.

If the inspectors had been forcibly supported, their employer, the UN, would be much stronger than it currently is, and it would be very difficult for the United States or anyone else to talk about going to war without reference to the UN's decision-making procedures. But the failure of the nineties is not easy to rectify, and it doesn't help to pretend that the UN is an effective agent of global law and order when it isn't, or when it isn't yet. Many states insist that they support the renewal of the inspection system, but so long as they are unwilling to use force on its behalf, their support is suspect. They profess to be defending the international rule of law, but how can the law rule—what would it mean to say that the law rules—when there is no law enforcement?

When Vice President Cheney worried in September that the return of the inspectors would be false comfort, he was reflecting a general belief, probably shared by Saddam, that our European

allies would never agree to fight. Indeed until September, probably because they were reluctant to face the enforcement question, the Europeans were not seriously trying to renew the inspection system. UN negotiators dithered with Iraqi negotiators in a diplomatic dance that seems to have been designed for delay and ultimate failure. It isn't clear, even today, that the dance is over, though we can hope that that's what the arrival of the inspectors in Iraq today means.

An inspection system that worked would be, however, immensely preferable to the preemptive war that many people in Washington were so eagerly supporting in late summer and early fall of this year. In a speech at West Point in June, President Bush made a case for the necessity and justice of preemptive war, and provided at the same time, I'm afraid, a useful example of why we have to be a little uneasy about the triumph of Just War theory, for in the absence of evidence suggesting not only the existence of Iraqi weapons but also their imminent use, preemption is not an accurate description of what the president was threatening. No one expects an Iraqi attack tomorrow or next Tuesday, and so there is nothing to preempt. The war that was or is being discussed was a preventive war, not a preemptive war, which means that it was designed to respond to a more distant threat.

I'm sure you all know the general argument for preventive war. It's a very old argument, and in its classic form, it has to do with the balance of power, and it goes like this:

"Right now," says the prime minister of Country X, "the balance is stable. Each of the competing states feels that its power is sufficient to deter the others from attack, but Country Y, our historic rival across the river, is actively and urgently at work developing new weapons and preparing a mass mobilization. If this work is allowed to continue, the balance will shift, and our deterrent power will no longer be effective. The only solution is to attack now while we still can."

International lawyers, Just War theorists, and many military officers have not looked with favor on this argument because the danger to which it alludes is not only distant but speculative, whereas the costs of a preventive war are near-certain and usually

terrible. The distant dangers, after all, might be avoided by diplomacy, or the military work of the other side might be matched by work on this side, or Country X might look for alliances with states possessing the deterrent power that it lacks. Whether or not war is properly the last resort, there seems no sufficient reason for making it the first. But perhaps we need to reopen the question of preventive war. The old argument didn't take weapons of mass destruction into account or delivery systems that allow no time for arguments about how to respond.

Perhaps the gulf between preemption and prevention has now narrowed so that there's little strategic, and therefore little moral, difference between them. The Israeli attack on the Iraqi nuclear reactor in 1981 is sometimes invoked as an example of a justified preventive attack that was also, in a sense, preemptive. The Iraqi reactor was not imminent, but an immediate attack was the only possible action against it, because once the reactor was in operation, an attack would have endangered civilians living many miles around it, and so it was a question of now or never—or better, a single bombing raid could be effective now but never again. Afterwards, only a full-scale war could have prevented the Iraqi acquisition of nuclear weapons.

But if this very limited argument for preventive war applied to Israel in 1981, it does not apply to the United States in 2002. Iraq, after all, was already formally at war with Israel and had never signed any cease-fire agreements. Its hostility was visible and threatening, and no one was offering the Israelis an international inspection system. In fact, the “now-or-never” argument of 1981 would seem to strengthen the argument for making inspections work, and work now, because the first UN inspectors in the early nineties supervised the destruction of facilities and materials that it would have been dangerous to bomb from the air. There's still time to do that again.

For a long time, our president and his advisors seemed determined to avoid inspection, partly because they didn't think that it would work and also because they had larger ambitions, not just the disarmament of Iraq but also its political transformation. However effective they are, the inspectors will not overthrow the regime of Saddam Hussein. Perhaps

their presence will weaken the regime, but he will survive their presence.

Still, change of regime is not commonly accepted as a justification for going to war, and it shouldn't be accepted. It would justify too many wars in other people's countries. There are a lot of precedents, but they are not encouraging. Guatemala, the Dominican Republic, Iran, and Chile on our side; Hungary and Czechoslovakia—Czechoslovakia twice, in 1948 and 1968—on the Russian side. All these reflect the days of Cold War spheres of influence and ideologically driven military or clandestine interventions. Regime change can sometimes be the consequence of a just war when the defeated rulers are moral monsters like the Nazis in World War II, and humanitarian interventions to stop massacre and ethnic cleansing can also legitimately result in the installation of a new regime, but now that a zone of relative safety has been carved out for the Kurds in the north and the Shi'ites in the south, there is no case to be made for humanitarian intervention in Iraq. In a sense, the no-fly zones are a kind of ongoing humanitarian intervention. The Baghdad regime is brutally repressive and morally repugnant, but it is not now engaged in mass murder or ethnic cleansing. There are governments as bad—well, almost as bad—all over the world.

The only reason for targeting Saddam is the belief that he will never give up the pursuit of weapons of mass destruction, but that is what we are testing now. Faced with a unified international community committed to the enforcement of inspection, with soldiers ready to move, Saddam will probably suspend his pursuit, and the suspension will last as long as the commitment does. It's the commitment that has always been the problem.

The right thing to do right now is what we seem to be doing, to recreate the conditions that existed in the mid-nineties for fighting a just war, and we should do this precisely to avoid the preemptive war that many people in the Bush administration wanted to fight.

I have to say that the Europeans could have done the necessary work by themselves months ago if they were serious about challenging American unilateralism and defending the rule of

law. No government in Baghdad could have resisted a European ultimatum—“admit the inspectors by a certain date or else”—so long as the states behind the ultimatum included France and Russia, who have been Iraq’s only protectors in international society and so long as the “or else” involved both economic and military action.

Why didn’t the Europeans do this? President Bush spoke before the General Assembly about a difficult and defining moment for the UN, but it’s really the Europeans and the Americans who have been tested these past months. The two, Europe and America, needed to agree on a tough and intrusive inspection system, and this required an American willingness to let inspections work and a European readiness to make them work.

Whether the willingness and readiness are fully in place still seems uncertain. Neither party has looked terribly good all the time through these months. The United States has often talked as if we wanted to take the project of global rule wholly into our own hands; the Europeans have seemed unwilling to take any part of that project into their own hands.

The project of a global rule of law can be advanced right now, it seems to me, without war, but it cannot be advanced without a readiness in Europe as well as in the United States to threaten war.

I can’t say right now, and I suspect that none of you can say, if there’s a good chance of making the inspections work. There are a lot of people eager to repeat the old mistakes, and there are some people eager to make new mistakes, and so we may yet face the hardest political question: what ought to be done when what ought to be done is not going to be done?

But we shouldn’t be too quick to answer that question. If the dithering and delay are resumed, if the inspectors cannot work effectively, if the threat to use force is not made credible, and if our allies are unwilling to act, then most of us will end up supporting an American war of enforcement. Right now, however, there are other things to do, and there is still time

to do them. Right now, a preemptive war is neither just nor necessary.

Now, permit me a two-minute anticlimax. I've now worked through what I take to be an application of Just War theory, much too brief, but an application. I dealt only with the occasions of war and not with its conduct. I haven't said anything about how a war with Iraq should be fought if fighting it comes to be justifiable.

The theory always has these two parts: it makes military action morally possible by limiting the occasions and constraining its conduct. When states act within the limits, within the constraints, the action is justified, and the theorist of Just War has to say that, even if he sounds like an apologist for the powers that be. When states act beyond the limits and constraints, when war is unjust or its conduct brutal, he has to say that, even if he is called an enemy of the people. It's important not to get stuck in either mode: defense or critique. Indeed, Just War theory requires that we maintain our commitment to both at the same time. In this sense, Just War is like good government. There's a deep and permanent tension between the adjective and the noun, but there's no necessary contradiction between them. When reformers come to power and make a government better, less corrupt, say, we have to be able to acknowledge the improvement, and when they hold onto power for too long and imitate their predecessors, we have to be ready to criticize their behavior.

The Just War theory is not the defense of any particular war, and it isn't a renunciation of war itself. It is designed to sustain a certain moral steadiness in both judgment and critique. We still need that, even when generals and admirals sound like theorists, and I am sure that we always will.

