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# The Triumph of Just War Theory (and the Dangers of Success)

BY MICHAEL WALZER

## I

SOME political theories die and go to heaven; some, I hope, die and go to hell. But some have a long life in this world, a history most often of service to the powers-that-be, but also, sometimes, an oppositionist history. The theory of just war began in the service of the powers. At least that is how I interpret Augustine's achievement: he replaced the radical refusal of Christian pacifists with the active ministry of the Christian soldier. Now pious Christians could fight on behalf of the worldly city, for the sake of imperial peace (in this case, literally, *pax Romana*); but they had to fight justly, only for the sake of peace, and always, Augustine insisted, with a downcast demeanor, without anger or lust.<sup>1</sup> Seen from the perspective of primitive Christianity, this account of just war was simply an excuse, a way of making war morally and religiously possible. And that was indeed the function of the theory. But its defenders would have said, and I am inclined to agree, that it made war possible in a world where war was, sometimes, necessary.

From the beginning, the theory had a critical edge: soldiers (or, at least, their officers) were supposed to refuse to fight in wars of conquest and to oppose or abstain from the standard military practices of rape and pillage after the battle was won. But just war was a worldly theory, in every sense of that term, and it continued to serve worldly interests against Christian radicalism. It is important to note, though, that Christian radicalism had more than one

version: it could be expressed in a pacifist rejection of war, but it could also be expressed in war itself, in the religiously driven crusade. Augustine opposed the first of these; the medieval scholastics, following in Aquinas's footsteps, set themselves against the second. The classic statement is Vitoria's: "Difference of religion cannot be a cause of just war." For centuries, from the time of the Crusades to the religious wars of the Reformation years, many of the priests and preachers of Christian Europe, many lords and barons (and even a few kings), had been committed to the legitimacy of using military force against unbelievers: they had their own version of *jihad*. Vitoria claimed, by contrast, that "the sole and only just cause for waging war is when harm has been inflicted."<sup>2</sup> Just war was an argument of the religious center against pacifists, on the one side, and holy warriors, on the other, and because of its enemies (and even though its proponents were theologians), it took shape as a secular theory—which is simply another way of describing its worldliness.

So the rulers of this world embraced the theory, and 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—that is, of the brave and virtuous, of whom there have been only a few (but one could also say: at least a few). I will cite one heroic moment, from the history of the academic world: sometime around 1520, the faculty of the University of Salamanca met in solemn assembly and voted that the Spanish conquest of Central America was a violation of natural law and an unjust war.<sup>3</sup> I have not been able to learn anything about the subsequent fate of the good professors. Certainly, there were not many moments like that one, but what happened at Salamanca suggests that just war never lost its critical edge. The theory provided worldly reasons for going to war, but the reasons were limited—and they had to be worldly. Converting the Aztecs to

Christianity was not a just cause; nor was seizing the gold of the Americas or enslaving its inhabitants.

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 prudence triumphed over worldly justice; realism over what was increasingly disparaged as naive idealism. The princes of the world continued to defend their wars, using the language of international law, which was also, at least in part, the language of just war. But the defenses were marginal to the enterprise, and I suspect that it was the least important of the state’s intellectuals who put them forward. States claimed a right to fight whenever their rulers deemed it necessary, and the rulers took sovereignty to mean that no one could judge their decisions. They not only fought when they wanted; they fought how they wanted, returning to the old Roman maxim that held war to be a lawless activity: *inter arma silent leges*—which, again, was taken to mean that there was no law above or beyond the decrees of the state; conventional restraints on the conduct of war could always be overridden for the sake of victory.<sup>4</sup> Arguments about justice were treated as a kind of moralizing, inappropriate to the anarchic conditions of international society. For this world, just war was not worldly enough.

In the 1950s and early 1960s, 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 to interest. Moral argument was against the rules of the discipline as it was commonly practiced, although a few writers defended interest as the new morality.<sup>5</sup> 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 did not 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 the objectively determined sum of power and wealth here and now plus the probability of future power and wealth. 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. And even in those places, isolated as they were from the political world, the theory was pressed toward realist positions; perhaps for the sake of self-preservation, its advocates surrendered something of its critical edge.

Vietnam changed all this, although it took a while for the change to register at the theoretical level. What happened first occurred in the realm of practice. The war became a subject of political debate; it was widely opposed, mostly by people on the left. These were people heavily influenced by Marxism; they also spoke a language of interest; they shared with the princes and professors of American politics a disdain for moralizing. And yet the experience of the war pressed them toward moral argument. Of course, the war in their eyes was radically imprudent; it could not be won; its costs, even if Americans thought only of themselves, were much too high; it was an imperialist adventure unwise even for the imperialists; it set the United States against the cause of national liberation, which would alienate it from the Third World (and significant parts of the First). But these claims failed utterly to express the feelings of most of the war’s opponents, feelings that had to do with the systematic exposure of Vietnamese civilians to the violence of American war-making. Almost against its will, the left fell into morality. All of us in the antiwar camp suddenly began talking the language of just war—though we did not know that that was what we were doing.

It may seem odd to recall the '60s in this way, since today the left seems all too quick to make moral arguments, even absolutist moral arguments. But this description of the contemporary left seems to me mistaken. A certain kind of politicized, instrumental, and highly selective moralizing is indeed increasingly common among leftist writers, but this is not serious moral argument. It is not what we learned, or ought to have learned, from the Vietnam years. What happened then was that people on the left, and many others too, looked for a common moral language. And what was most available was the language of just war. We were, all of us, a bit rusty, unaccustomed to speaking in public about morality. The realist ascendancy had robbed us of the very words that we needed, which we slowly reclaimed: aggression, intervention, just cause, self-defense, noncombatant immunity, proportionality, prisoners of war, civilians, double effect, terrorism, war crimes. And we came to understand that these words had meanings. Of course, they could be used instrumentally; that is always true of political and moral terms. 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 shape 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 in the (American) military 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.<sup>6</sup> They had bad memories. They welcomed just war theory precisely because it was in their eyes a critical theory. It is, in fact, doubly critical—of war's occasions and its conduct. I suspect that the veterans were most concerned with the second of these. It is not only that they wanted to avoid anything like the My Lai massacre in future wars; they 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. Once upon a time, I suppose, aristocratic honor had grounded the military code; in a more democratic and egalitarian age, the code had to be defended with arguments.

And so we argued. The discussions and debates were wide-ranging even if, once the war was over, they were mostly academic. It is easy to forget how large the academic world is in the United States: there are millions of students and tens of thousands of professors. So a lot of people were involved, future citizens and army officers, and the theory was mostly presented, though this presentation was also disputed, as a manual for wartime criticism. Our cases and examples were drawn from Vietnam and were framed to invite criticism (the debate over nuclear deterrence also used, in part, the language of just war, but this was a highly technical debate and engaged far fewer people than did Vietnam). Here was a war that we should never have fought, and that we fought badly, brutally, as if there were no moral limits. So it became, retrospectively, an occasion for drawing a line—and for committing ourselves to the moral casuistry necessary to determine the precise location of the line. Ever since Pascal's brilliant denunciation, casuistry has had a bad name among moral philosophers; it is commonly taken to be excessively permissive, not so much an application as a relaxation of the moral rules. When we looked back at the Vietnamese cases, however, we were more likely to deny permission than to grant it, insisting again and again that what had been done should not have been done.

But there was another feature of Vietnam that gave the moral critique of the war special force: it was a war that we lost, and the brutality with which 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. So just war theory looked once again like the worldly doctrine that it is. 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.

There were probably earlier wars in which the deliberate killing of civilians, and also the common military carelessness about killing civilians, proved to be counterproductive. The Boer war is a likely example. But for us, Vietnam was the first war in which the practical value of *jus in bello* became apparent. 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. 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, extending beyond the population immediately at risk. Still, a moral regard for civilians at risk is critically important in winning wider support for the war . . . for any modern war. I will call this the usefulness of morality. Its wide acknowledgement is something radically new in military history.

Hence the odd spectacle of George Bush (the elder), during the Persian Gulf war, talking like a just war theorist.<sup>7</sup> 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 be just only when the forces of good are arrayed against the forces of evil. But Bush also seemed to understand—and this was a constant theme of American military spokesmen—that war is properly a war of armies, a combat between combatants, from which the civilian population should be shielded. I do not believe that the bombing of Iraq in 1991 met just war standards; shielding civilians would certainly 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.<sup>8</sup> Still, American strategy in the Gulf war was the result of a compromise between what justice would have required and the unrestrained bombing of previous wars; taken overall, targeting was far more limited and selective than it had been, for example, in Korea or Vietnam. The reasons for the limits were complicated: in part, they reflected a commitment to the Iraqi people (which turned out not to be very strong), in the hope that the Iraqis would repudiate the war and overthrow the regime that began it; in part, they reflected the political necessities of the coalition that made the war possible. Those necessities were shaped in turn by the media coverage of the war—that is, by the immediate access of the media to the battle and of people the world over to the media. Bush and his generals believed that these people would not tolerate a slaughter of civilians, and they were probably right (but what it might mean for them not to tolerate something was and is fairly unclear). Hence, although many of the countries whose support was crucial to the war's success were not democracies, bombing policy was dictated in important ways by the demos.

This will continue to be true: the media are omnipresent, and the whole world is watching. War has to be different in these circumstances. But does this mean that it has to be more just or only that it has to look more just, that it has to be described, a little more persuasively than in the past, in the language of justice? The triumph of just war theory is clear enough; it is amazing how readily military spokesmen during the Kosovo and Afghanistan wars used its categories, telling a causal story that justified the war and providing accounts of the battles that emphasized the restraint with which they were being fought. The arguments (and rationalizations) of the past were very different; they commonly came from outside the armed forces—from clerics, lawyers, and professors, not from generals—and they commonly lacked specificity

and detail. But what does the use of these categories, these just and moral words, signify?

Perhaps naively, I am inclined to say that justice has become, in all Western countries, one of the tests that any proposed military strategy or tactic has to meet—only one of the tests and not the most important one, but this still gives just war theory a place and standing that it never had before. It is easier now than it ever was to imagine a general saying, “No, we can’t do that; it would cause too many civilian deaths; we have to find another way.” I am not sure that there are many generals who talk like that, but imagine for a moment that there are; 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, 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, remember, imaginary, but it is also partly true; and it makes for a far more interesting argument than the more standard claim that the triumph of just war 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 watch people trying to respond. There are two responses that I want to describe and criticize. The first comes from what might be called the postmodern left, which does not claim that affirmations of justice are hypocritical, since hypocrisy implies standards, but rather that there are no standards, no possible objective use of the categories of just war theory.<sup>9</sup> 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. Maybe new technologies kill fewer people, but there is no point in arguing about who those people are and whether or not killing them is justified. No agreement about justice, or 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." On this view, there is nothing for theorists and philosophers to do but choose sides, and there is no theory or principle that can guide their choice. But this is an impossible position, for it holds that we cannot recognize, condemn, and actively oppose the murder of innocent people.

A second response is to take the moral need to recognize, condemn and oppose 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 have used the theory of just war to criticize American military actions, and now it has been taken over by the generals and is being used to explain and justify those actions. Obviously, we must resist. The easiest way to resist is to make noncombatant immunity into a stronger and stronger rule, until it is something like an absolute rule: all killing of civilians is (something close to) murder; therefore any war that leads to the killing of civilians is unjust; therefore every war is unjust. So pacifism reemerges from the very heart of the theory that was originally meant to replace it. This is the strategy adopted, most recently, by many opponents of the Afghanistan war. The protest marches on American campuses featured banners proclaiming, "Stop the Bombing!" and the argument for stopping was very simple (and obviously true): bombing endangers and kills civilians. The marchers did not seem to feel that anything more had to be said.

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 it has always claimed, which is internal to the business of war and requires critics to attend closely to what soldiers try to do and what they try not to do. The refusal to make distinctions of this kind, to pay attention to strategic and tactical choices, suggests a

doctrine of radical suspicion. This is the radicalism of people who do not expect to exercise power or use force, ever, and who are not prepared to make the judgments that this exercise and use require. By contrast, just war theory, even when it demands a strong critique of particular acts of war, is the doctrine of people who do expect to exercise power and use force. We might think of it 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 set themselves against those who will not think realistically about the defense of the country they live in and also against those who refuse to recognize the humanity of their opponents. They 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 has to be, a war that it is possible to fight.

But there is another danger posed by the triumph of just war theory—not the radical relativism and the near absolutism that I have 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, if *inter arma* the laws speak, what point is there in anything we can say? In fact, however, 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) have fought just wars in the Gulf, in Kosovo, and in Afghanistan, that is no guarantee, not even a useful indication, that our next war will be just. And even if the recognition of non-combatant immunity has become militarily necessary, it still conflicts 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.

At the same time, we have to extend our account of “when and how” to cover the new strategies, the new technologies, and the new politics of a global age. Old ideas may not fit the emerging reality: the “war against terrorism,” to take the most current example, requires a kind of international cooperation that is as radically undeveloped in theory as it is in practice. We should welcome military officers into the theoretical argument; they will make it a better argument than it would be if no one but professors took an interest. But we cannot leave the argument to them. As the old saying goes, war is too important to be left to the generals; just war even more so. The ongoing critique of war-making is a centrally important democratic activity.

## *II*

Let me, then, suggest two issues, raised by our most recent wars, that require the critical edge of justice.

First, risk-free war-making. I have heard it said that this is a necessary feature of humanitarian interventions like the Kosovo war: soldiers defending humanity, in contrast to soldiers defending their own country and their fellow-citizens, will not risk their lives; or, their political leaders will not dare to ask them to risk their lives. Hence the rescue of people in desperate trouble, the objects of massacre or ethnic cleansing, is only possible if risk-free war is possible.<sup>10</sup> But, obviously, it is possible: wars can be fought from a great distance with bombs and missiles aimed very precisely (compared with the radical imprecision of such weapons only a few decades ago) at the forces carrying out the killings and deportations. And the technicians/soldiers aiming these weapons are, in all the recent cases, largely invulnerable to counterattack. There is no principle of just war theory that bars this kind of warfare. So long as they can aim accurately at military targets, soldiers have every right to fight from a safe distance. And what commander, committed to his or her own soldiers, would not choose to fight

in this way whenever he or she could? In his reflections on rebellion, Albert Camus argues that one cannot kill unless one is prepared to die.<sup>11</sup> But that argument does not seem to apply to soldiers in battle, where the whole point is to kill while avoiding getting killed. And yet there is a wider sense in which Camus is right.

Just war theorists have not, to my knowledge, discussed this question, but we obviously need to do so. Massacre and ethnic cleansing commonly take place on the ground. The awful work might be done with bombs and poison gas delivered from the air, but in Bosnia, Kosovo, Rwanda, East Timor, and Sierra Leone, the weapons were rifles, machetes, and clubs; the killing and terrorizing of the population was carried out from close up. And a risk-free intervention undertaken from far away—especially if it promises to be effective in the long run—is likely to cause an immediate speed-up on the ground. This can be stopped only if the intervention itself shifts to the ground, and this shift seems to me morally necessary. The aim of the intervention, after all, is to rescue people in trouble, and fighting on the ground, in the case as I have described it, is what rescue requires. But then it is no longer risk-free. Why would anyone undertake it?

In fact, risks of this sort are a common feature of *jus in bello*, and while there are many examples of soldiers unwilling to accept them, there are also many examples of their acceptance. The principle is this: when it is our action that puts innocent people at risk, even if the action is justified, we are bound to do what we can to reduce those risks, even if this involves risks to our own soldiers. If we are bombing military targets in a just war, and there are civilians living near these targets, we have to adjust our bombing policy—by flying at lower altitudes, say—so as to minimize the risks we impose on civilians. Of course, it is legitimate to balance the risks; we cannot require our pilots to fly suicidal missions. They have to be, as Camus suggests, prepared to die, but that is consistent with taking measures to safeguard their lives. How the balance gets worked out is something that has to be debated in

each case. But what is not permissible, it seems to me, is what NATO did in the Kosovo war, where its leaders declared in advance that they would not send ground forces into battle, whatever happened inside Kosovo once the air war began. Responsibility for the intensified Serbian campaign against Kosovar civilians, which was the immediate consequence of the air war, belongs no doubt to the Serbian government and army. They were to blame. But this was at the same time a foreseeable result of our action, and insofar as we did nothing to prepare for this result, or to deal with it, we were blameworthy too. We imposed risks on others and refused to accept them for ourselves, even when that acceptance was necessary to help the others.<sup>12</sup>

The second issue concerns war's endings. On the standard view, a just war (precisely because it is not a crusade) should end with the restoration of the status quo ante. The paradigm case is a war of aggression, which ends justly when the aggressor has been defeated, his attack repulsed, the old boundaries restored. Perhaps this is not quite enough for a just conclusion: the victim state might deserve reparations from the aggressor state, so that the damage the aggressor's forces inflicted can be repaired—a more extensive understanding of restoration, but restoration still. And perhaps the peace treaty should include new security arrangements, of a sort that did not exist before the war, so that the status quo will be more stable in the future. But that is as far as the rights of victims go; the theory as it was commonly understood did not extend to any radical reconstitution of the enemy state, and international law, with its assumptions about sovereignty, would have regarded any imposed change of regime as a new act of aggression. What happened after World War II in both Germany and Japan was something quite new in the history of war, and the legitimacy of occupation and political reconstitution is still debated, even by theorists and lawyers who regard the treatment of the Nazi regime, at least, as justified. Thus, as the Gulf war drew to a close in 1991, there was little readiness to march on Baghdad and replace the government of Saddam Hussein, despite the

denunciation of that government in the lead-up to the war as Nazi-like in character. There were, of course, both military and geopolitical arguments against continuing the war once the attack on Kuwait had been repulsed, but there was also an argument from justice: that even if Iraq "needed" a new government, that need could only be met by the Iraqi people themselves. A government imposed by foreign armies would never be accepted as the product of, or the future agent of, self-determination.<sup>13</sup>

The World War II examples, however, argue against this last claim. If the imposed government is democratic and moves quickly to open up the political arena and to organize elections, it may erase the memory of its own imposition (hence the difference between the western and eastern regimes in post-war Germany). In any case, humanitarian intervention radically shifts the argument about endings, because now the war is from the beginning an effort to change the regime that is responsible for the inhumanity. This can be done by supporting secession, as the Indians did in what is now Bangladesh; or by expelling a dictator, as the Tanzanians did to Uganda's Idi Amin; or by creating a new government, as the Vietnamese did in Cambodia. In East Timor, more recently, the UN organized a referendum on secession and then worked to set up a new government. Had there been, as there should have been, an intervention in Rwanda, it would certainly have aimed at replacing the Hutu Power regime. Justice would have required the replacement. But what kind of justice is this? Who are its agents, and what rules govern their actions?

As the Rwandan example suggests, most states do not want to take on this kind of responsibility, and when they do take it on, for whatever political reasons, they do not want to submit themselves to a set of moral rules. In Cambodia, the Vietnamese shut down the killing fields, which was certainly a good thing to do, but they then went on to set up a satellite government, keyed to their own interests, which never won legitimacy either within or outside of Cambodia and brought no closure to the country's internal conflicts. Legitimacy and closure are the two criteria against which we

can test war's endings. Both of them are likely to require, in almost all the humanitarian intervention cases, something more than the restoration of the status quo ante—which gave rise, after all, to the crisis that prompted the intervention. Legitimacy and closure, however, are hard tests to meet. The problems have to do in part with strategic interests, as in the Vietnamese-Cambodian case. But material interests also figure in a major way: remaking a government is an expensive business; it requires a significant commitment of resources—and the benefits are largely speculative and nonmaterial. Yet we can still point to the usefulness of morality in cases like these. A successful and extended intervention brings benefits of an important kind: not only gratitude and friendship, but an increment of peace and stability in a world where the insufficiency of both is costly—and not only to its immediate victims. Still, any particular country will always have good reasons to refuse to bear the costs of these benefits; or it will take on the burden, and then find reasons to perform badly. So we still need justice's critical edge.

The argument about endings is similar to the argument about risk: once we have acted in ways that have significant negative consequences for other people (even if there are also positive consequences), we cannot just walk away. Imagine a humanitarian intervention that ends with the massacres stopped and the murderous regime overthrown; but the country is devastated, the economy in ruins, the people hungry and afraid; there is neither law nor order nor any effective authority. The forces that intervened did well, but they are not finished. How can this be? Is it the price of doing well that you acquire responsibilities to do well again . . . and again? The work of the virtuous is never finished. It does not seem fair. But in the real world, not only of international politics, but also of ordinary morality, this is the way things work (though virtue, of course, is never so uncomplicated). Consider the Afghan-Russian war: the American government intervened in a major way, fighting by proxy, and eventually won a big victory: the Russians were forced to withdraw. This was the last battle of

the cold war. The American intervention was undoubtedly driven by geopolitical and strategic motives; the conviction that the Afghan struggle was a war of national liberation against a repressive regime may have played a part in motivating the people who carried it out, but the allies they found in Afghanistan had a very restricted idea of liberation.<sup>14</sup> When the war was over, Afghanistan was left in a state of anarchy and ruin. At that point, the Americans walked away and were certainly wrong, politically and morally wrong, to do so; the Russians withdrew and were right to do so. We had acted (relatively) well, that is, in support of what was probably the vast majority of the Afghan people, and yet we were bound to continue acting well; the Russians had acted badly and were off the hook; even if they owed the Afghan people material aid (reparations), no one wanted them engaged again in Afghan affairs. This sounds anomalous, and yet I think it is an accurate account of the distribution of responsibility. But we need a better understanding of how this works and why it works the way it does, a theory of justice-in-endings that engages the actual experience of humanitarian (and other) interventions, so that countries fighting in wars like these know what their responsibilities will be if they win. It would also help if there was, what there is not yet, an international agency that could stipulate and even enforce these responsibilities.

This theory of justice-in-endings will have to include a description of legitimate occupations, regime changes, and protectorates—and also, obviously, a description of illegitimate and immoral activity in all these areas. This combination is what just war has always been about: it makes actions and operations that are morally problematic *possible* by constraining their occasions and regulating their conduct. When the constraints are accepted, the actions and operations are justified, and the theorist of just war has to say that, even if he sounds like an apologist for the powers-that-be. When they are not accepted, when the brutalities of war or its aftermath are unconstrained, he has to say that, even if he is called a traitor and an enemy of the people.

It is important not to get stuck in either mode—defense or critique. Indeed, just war theory requires that we maintain our commitment to both modes at the same time. In this sense, just war is like good government: there is a deep and permanent tension between the adjective and the noun, but no necessary contradiction between them. When reformers come to power and make government better (less corrupt, say), we have to be able to acknowledge the improvement. And when they hold on to power for too long, and imitate their predecessors, we have to be ready to criticize their behavior. Just war theory is not an apology for any particular war, and it is not a renunciation of war itself. It is designed to sustain a constant scrutiny and an immanent critique. We still need that, even when generals sound like theorists, and I am sure that we always will.

#### Notes

<sup>1</sup>Augustine's argument on just war can be found in *The Political Writings of St. Augustine* (1962: 162-183); modern readers will need a commentary: see Dean (1963: 134-171).

<sup>2</sup>See Vitoria (1991: 302-304), and for commentary, Johnson (1975: 150-171).

<sup>3</sup>See Boswell (1952:129), quoting Dr. Johnson: "I love the University of Salamanca, for when the Spaniards were in doubt as to the lawfulness of conquering America, the University of Salamanca gave it as their opinion that it was not lawful.' He spoke this with great emotion. . . ."

<sup>4</sup>With some hesitation, I cite my own discussion of military necessity (and the references there to more sympathetic treatments): Walzer (1977: 144-151, 239-242, 251-255).

<sup>5</sup>The best discussion of the realists is Smith (1986); chapter 6, on Hans Morgenthau, is especially relevant to my argument here.

<sup>6</sup>Anthony Hartle is one of those veterans, who eventually wrote his own book on the ethics of war: *Moral Issues in Military Decision Making* (1989).

<sup>7</sup>See the documents collected in Sifry and Cerf (1991: 197-352), which include Bush's speeches and a wide range of other opinions.

<sup>8</sup>I made the case against attacks on infrastructural targets immediately after the war (but others made it earlier) in DeCosse (1992: 12-13).

<sup>9</sup>Stanley Fish's op-ed piece in *The New York Times* (October 15, 2001) provides an example of the postmodernist argument in its most intelligent version.

<sup>10</sup>This argument was made by several participants at a conference on humanitarian intervention held at the Zentrum für interdisziplinäre Forschung, Bielefeld University, Germany, in January 2002.

<sup>11</sup>"A life is paid for by another life, and from these two sacrifices springs the promise of a value." Camus (1956: 169). See also the argument in act I of *The Just Assassins*. Camus (1958, esp. pp. 246-247).

<sup>12</sup>For arguments in favor of using ground forces in Kosovo, see Buckley (2000: 293-94, 333-335, 342).

<sup>13</sup>Bush's statement on stopping the American advance, and his declaration of victory, can be found in Sifry and Cerf (1991: 449-451); arguments for and against stopping can be found in DeCosse (1992: 13-14, 29-32).

<sup>14</sup>Artyom Borovik (1990) provides a useful, though highly personal, account of the Russian war in Afghanistan; for an academic history, see Goodson (2001).

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