

# Threats, Values, and Defense: Does Defense of Values by Force Remain a Moral Possibility?

JAMES TURNER JOHNSON

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Two deep and broad streams of moral reflection on war run through Western history. These streams have their thematic origin in a single fundamental question: Is it ever morally allowable to employ force in the protection and preservation of values? The moral tradition of pacifism has resulted from a negative response to this question, given in various ways under various historical circumstances. A positive answer, given in ways no less conditioned by historical circumstance yet with a similar depth of underlying consistency and wholeness, has produced the other moral tradition on force and violence, which it is both convenient and proper to call by a familiar name: just war tradition. We should note two characteristic facts about this tradition.

First, it is a moral response to the question of value and force that is not only historically deep but is a product of reflection and action across the whole breadth of this culture's experience. It is not a moral doctrine in the narrow sense, reflecting the attitudes only of those sectors of the culture, like religion, often conceived as having a specialized function of moralizing cut off from the rest of human existence. This tradition has often found expression, to be sure, in church law and theological reflection; yet it also appears in codifications and theories of international law, in military manuals on how rightly to conduct war, and, as Michael Walzer has shown in *Just and Unjust Wars*, in the judgments and reactions of common people.[1] In short, this tradition encapsulates something of how we in this culture respond morally to the question of protection of value by force; it is not the only response, for pacifist rejection of force parallels it through history, but it is a fundamental one, revealing how we characteristically think about morality and war and defining the terms for our reflections in new or changing circumstances.

The second characteristic fact about just war tradition is that it preserves two kinds of moral response to the question of value and force, not merely one: limitation always accompanies justification. The response that says, yes, here are some conditions in which it is morally right to use force to protect value goes on to set limits to what may rightly be done toward that end. This second element in the response is determined by the nature of the value or values to be protected; thus the need for limitation is built into

the need to protect value as a necessary correlate. This means in general that unlimited or even disproportionately large amounts of force are not what is justified when the use of force to protect values is itself justified. Just war tradition, as recognized by such contemporary commentators as Paul Ramsey, William V. O'Brien, and, as already mentioned, Walzer,[2] is a moral tradition of justifiable and limited war. What has come to be known as the *jus ad bellum* has to do with the question of justification, while that of limitation is addressed by the *jus in bello*. These are interconnected areas, but the priority, logical as well as historical, is with the former: only after the fundamental question is answered about the moral justification of employing force to protect values does the second question, about the morally requisite limits governing the use of that force, in turn arise. Problems arising in the *jus in bello* context may cause us to want to reflect further about the nature of the values we hold, the threat against them, and the means we may use to defend them; yet such further reflection means only that we must again enter the arena of the "war decision"[3] the *jus ad bellum*.

It is often claimed that the development of nuclear weapons has made this traditional way of thinking about morality and war obsolete and irrelevant.[4] From what I have said, it should be clear that I think this is not the case. Indeed, my claim is that we naturally think in the same terms that are encountered in the tradition, whether we want to or not: a pacifist critic like James Douglass employs one part of the tradition to reject the whole of it,[5] while no sooner has another critic, Stanley Hoffmann, rejected it than he reinvents it point by point.[6] Such phenomena should be instructive. We do not do well to repudiate this tradition of moral reflection from the past; doing so merely isolates us from the wisdom of others surely no less morally or intellectually acute than we, who in their own historical contexts have faced problems analogous to our own about whether and how to employ force in the defense of values. It is thus better to use this tradition consciously, trying to learn from it and with it, even in the nuclear age, than it is to forget it and then have to reinvent it.

### **Defense of Values by Force as a Moral Possibility**

To protect and preserve values is the only justifying cause for the use of force that is admitted in Western moral tradition. Classically the use of force in response to a threat to values was justified in four ways: to protect the innocent, to recover something wrongly taken, to punish evil, and to defend against a wrongful attack in progress. Let us look briefly at each of these and inquire what we may derive from them in our present context.

*Defense of the innocent* is an idea that can be traced at least as far as Augustine in Christian thought,[7] but it also has a history in military traditions back through the code of chivalry into the customs of pre-medieval Germanic societies.[8] By itself it implies an interventionist model of the justified use of military force and, more broadly, of national power. This not only flies in the face of much contemporary moralizing but also challenges such neo-isolationists as Laurence Beilenson[9] who argue for a retreat from foreign involvement by this country and the creation of a new "fortress America." It is also at odds with the individualistic ethics fostered domestically in our society with the demise of close ties of community,[10] an ethic that implies "not getting involved" perhaps even in extreme cases like mugging or rape. Granted that it is extremely dangerous to throw military power around in a world that has the capability of destroying itself by global war; granted also that national *hubris* if unrestrained[11]

could use defense of others as an unwarranted excuse for a new round of imperialistic conquests; there still, I submit, remain in the contemporary world cases in which a limited and proportionate use of force may be the appropriate means to preserve the value referred to in the phrase "defense of the innocent." The case of Grenada was not morally the same as that of Afghanistan; intervention in Hungary by the West at the time of the 1956 uprising would not have been the moral equivalent of the Soviet invasion that did in fact occur; intervention in Uganda by neighboring Tanzania to depose Idi Amin and put an end to his bloodthirsty and self-aggrandizing rule was not the same as would have been an invasion aimed simply at increasing Tanzanian territory. Clearly not every case where the rights of innocent persons need to be protected should become an occasion for military intervention; the case of Hungary offers a clear instance when following out this line of implication from just war tradition to the exclusion of other considerations would have led to the wrong decision. But my point is that the moral distinctions assumed by the classical formulation of just war tradition still remain, and the necessity to tread warily (which was no less an obligation in any previous age of human history) does not remove either the moral outrage that comes from violation of the innocent,[12] the obligation to prevent or stop such violation if at all possible,[13] and the possibility that among all the means available, military ones may be the best.

*The recovery of something wrongly taken* is a necessary counterpart to the idea of defense against aggression in progress[14] If such after-the-fact reaction were not allowed, the result would be that expansionist or other aggressive acts would, if speedy and effective, be tacitly accepted. There must be, of course, some consistent and agreed-upon means of identifying what belongs to one society or one polity and what to another, but even in the absence of complete consensus on this it is not necessary to reduce everything to a matter of different ideological or national perspective, so that what is one's own is simply whatever one says is one's own. The Falklands conflict provides an instructive contemporary example of the relevance of such reflection. The Argentine claim to the islands was not without some merit, but this was hardly of sufficient value to justify military invasion and occupation against the will of the inhabitants. The principle of self-determination, often cited to protect weak nations against military and other forms of aggression by stronger ones, while not the only meaningful principle here, was certainly violated by Argentina's action. If only defense against an aggression in progress were justified, then Britain and the British inhabitants of the islands would have had no recourse, after the failure of the intensively pursued negotiations, but to accept the newly established status quo of Argentine military rule. The allowance of after-the-fact use of force to regain something wrongly taken is the source of moral justification for Britain's military actions in the Falklands war.

*The punishment of evil is*, in my judgment, the least useful of the classic formulations[15] of just cause in the present context. One reason for this is the prevalence of ideological divisions in the contemporary world. This line of justification for the use of force to protect value is all too easily changed into a justification for ideological warfare by one's own "forces of light" against the "forces of darkness" with their different ideological beliefs. This problem is not as acute among the superpowers as it once was, though it still exists and might still be fanned back to its former heat; more pressing immediate instances are to be found in the conflicts of the Middle East and Northern Ireland. Yet classically the punishment of differences of *belief* was not what was implied by this idea of just cause; what was to be punished was the kind of *action* identified in the other three kinds of justifying cause.[16] What is unique to this concept of punishment taken alone is that it implicitly allows going beyond what these other concepts

justify to further action aimed at insuring that the same thing does not happen again. Such an allowance can easily be pushed too far, and so we should be cautious in citing this reason to justify force for the protection of value in the present age. Nuclear deterrence depends on the threat of punishment above all else; yet the use of current types of strategic nuclear weapons kept for deterrence purposes could itself threaten the very values such use would ostensibly seek to preserve. This is, of course, the heart of the nuclear dilemma, and I will return to it. For the present my only point is that the justification of force as punishment for wrong done must not be allowed to become isolated from the general question of the protection of value or from the other justifying moral reasons for the use of force to protect value. Yet even with this caveat, if the goal of permitted military action is, as another part of just war tradition insists, the end of peace, then it is not proper to rule out the morality of punishment entirely.

If we had begun with 20th century international law and some other aspects of contemporary moral, political, and legal thought, we would have started with the justification of *defense against aggression in progress*-and perhaps got no further.[17] By keeping this classic idea of justifying cause for the use of force until last, I mean to symbolize that this idea is not as fundamental over the whole history of Western moral reflection on war as it has become in contemporary thought. Indeed, when we set this justification for the use of force alongside the others identified and discussed above, then we discover that the right of self-defense is not in fact a moral absolute. One may oneself be in the wrong in a particular conflict. Rather than to exalt one's own righteousness and well-being over that of others, the better moral course is to deflate somewhat this allowance of self-defense to more appropriate proportions alongside the other *jus ad bellum* provisions. In short, self-defense may therefore not be unlimited; there are other values to consider than the integrity of the self or one's own national polity. It is this consideration from just war tradition that points to the wrongness of schemes of national defense based on a threat of catastrophic annihilation, even if that threat is mutual. The irony of the present situation is that the very legal and moral efforts that attempt to restrict the incidence of the use of force by allowing only its defensive use--I am thinking of the Kellogg-Briand Pact of 1928 and Article 2 of the United Nations Charter, as well as current ostensibly moral arguments that the more terrible the deterrent threat, the less likelihood there will be of war--have the effect of insuring that should war come, despite these efforts, it will be of the most immoral and value-destructive kind attainable through military technology. That is, concentrating solely on the rightness of defense against aggression, while admittedly a moral justification for the use of force, has led us to think of strategic nuclear deterrence by threat of catastrophe as morally right, while ruling out lesser levels of force as possible responses to threats to value, even when these latter are more justifiable from the broader perspectives of just war tradition.[18]

In short, we would do well to remember what many in our present debate have either forgotten or systematically ignored: that circumstances may come into being in human history in which the use of force, at appropriate levels and discriminatingly directed, may be the morally preferable means for the protection and preservation of values. In forgetting or ignoring this, sometimes in the name of ostensibly moral considerations, those who would reject such a use of force are in fact choosing a less moral course than the one historically given form in the tradition which says that just war must also be limited war.

## The Question of Values

May values ever be defended by forceful means? Answering this question requires us to think, first, about the nature of the values to be protected and the interrelation among values. We do this normally not by reflection but by affirmation. Hence the following from John Stuart Mill:

War is an ugly thing, but not the ugliest of things. The decayed and degraded state of moral and patriotic feeling which thinks nothing *worth* a war, is worse . . . . A man who has nothing which he cares about more than he does about his personal safety is a miserable creature who has no chance of being free, unless made and kept so by the existing of better men than himself.[19]

Mill in this context alludes to the values from which he speaks, but the salient fact about this statement is his ranking of relative values. He does not deny the value of personal safety; yet it is not for him the *highest* value. He does not deny the ugliness of war; he only affirms that in the ranking of priorities it is not the *worst* evil. Mill was, of course, a utilitarian in ethics; yet such priority ranking of values is not a feature unique to utilitarianism and to be dismissed by all non-utilitarians. Such ranking is indeed a feature of *any* ethic, for the service of one value often conflicts with the service of another, and there must be some way of deciding among them. Consider the following from Erasmus, a figure who was anything but a utilitarian:

Think . . . of all the crimes that are committed with war as a pretext, while "good laws fall silent amid the clash of arms"--all the instances of sack and sacrilege, rape, and other shameful acts, such as one hesitates even to name. And even when the war is over, this moral corruption is bound to linger for many years. Now assess for me the cost--a cost so great that, even if you win the war, you will lose much more than you gain. Indeed, what realm . . . can be weighed against, the life, the blood, of so many thousand men?[20]

This passage is replete with priority ranking of values. Erasmus begins by identifying war rhetorically with criminal activity, thus locating it at the bottom of the value scale, then turns explicitly to proportional counting of relative costs: "even if you win the war, you will lose much more than you gain"; "what realm . . . can be weighed against the life, the blood, of so many thousand men?" Such comparative weighting of goods is as central to the ethics of Erasmian humanism as to Mill's utilitarianism; indeed, it appears as a core feature of moral argument as such. There is ultimately no way to get to the truth or falsity of various perceptions of value. This is why, finally, there can be no real argument between absolute pacifists, who reject all possibility of the use of force to protect value, and those who accept some possibility of such use of force.[21] But this is not a problem in most of the current defense debate, which is a debate over ranking of values among persons who weight their values as differently as do Mill and Erasmus.

Recognizing values where they exist and sorting them according to priorities where there are conflicts among them is the function of moral agency, an art learned in one's community of moral discourse.[22] Without going into a full theory of moral agency, which is far beyond the scope of this essay, the most

we can say here is that affirmations like those of Mill and Erasmus allow us to glimpse the structure of relative values held by each participant in a moral debate and relate those structures of value both to a larger normative conception of common life and to our own personal rankings of value. For present purposes this is enough.

One interesting thing about Erasmus and Mill on war is how contemporary they sound; by thinking about them we may learn something about ourselves. Erasmus counted costs both great and small in his rejection of war. A glimpse of the latter appears elsewhere in the letter quoted above,[23] where he complains that preparations for war have dried up the sources of patronage on which he depended for support. This was purely personal injury, but the complaint is not unlike contemporary arguments against military spending as subtracting from resources available for feeding the hungry, healing the sick, and--in direct continuity with Erasmus--supporting humanistic scholarship. The value ranking is obvious. The real meat of Erasmus' objection to war was, however, in his idealistic vision of world community,[24] which he conceived as both good in itself beyond the goods of any national community and achievable by the right kind of human cooperative interaction. Again, this way of thinking has parallels in current debate, where rejection of force to protect values associated with the nation-state is coupled to a new vision of world order in which the nation-state system has no place.[25] The preservation of peace among nations, both in Erasmus and in contemporary debate, appears as the highest instrumental value, on which the maintenance of all other values depends. This is a different sort of reasoning from that of the pacifism of absolute principle, but even the latter may engage in priority ranking, as in these words of Mennonite theologian John Howard Yoder: " 'Thou shalt not kill' . . . is an absolute . . . immeasurably more human, more personalistic, more genuinely responsible than the competitive absolute, 'Thou shalt not let Uncle Sam down' or 'Thou shalt fight for freedom' or 'Never give up the ship.' "[26] What we may note here is the tendency to diminish rhetorically the values being downgraded; similarly, Erasmus in all his works against war represents warmaking as nothing more than the result of frivolous and misguided rivalry among sovereigns. War, Yoder and Erasmus alike suggest, may never be anything more than frivolous and misguided; the possibility that it might be an instrumental means of protecting value is dismissed out of hand. Contemporary examples of such reasoning abound, centering around the dismissal of any form of military preparedness as "militarism" and rejection of "war-fighting" strategic planning as opposed to deterrence strategy.[27]

The influence of Erasmian humanistic pacifism on contemporary debate runs deep, and I cannot here chart its full extent, but one more example of this presence must be noted for what it is. Erasmus rejects war as the *summum malum*, assimilating it to criminality; in contemporary debate the counterpart is the assimilation of all war to the evil of catastrophic nuclear holocaust. Erasmus cites "sack, sacrilege, and rape"; Jonathan Schell, in the idiom of our own age, cites "the biologic effects of ultraviolet radiation with emphasis on the skin"[28] while piling up evidence of "the likely consequences of a holocaust for the earth"[29]--as if anyone had to be reminded that a holocaust is, by definition, evil.

It should be clear that Erasmus, Schell, and Yoder are simply moving in a different sphere from Mill and the main line of just war thinking (which I also share). It is simply impossible, given the assimilation of war to criminality and holocaust, for Erasmus and Schell to share Mill's judgment that "war is an ugly thing, but not the ugliest of things." Neither could Yoder, for whom the use of force is trivialized into the

maxim, "Never give up the ship," or persons who regard war as the result of frivolous self-assertion by political leaders or, in the current phrase, "militarism." Between these and the position represented by Mill there would seem to be an impassable gulf. Yet it is possible at least to see across that gulf, if not to bridge it or remove it. And from the perspective of just war tradition there is something fundamentally wrong with the perception of value found on the other side.

First, while there is no need to deny the charm of an idealistic vision of world community, such a conception of an ideal that is not yet a reality (and may never become one) should not subtract from the quite genuine value to be found in the nation-state system or, more particularly, in a national community like our own. Historically the roots of the nation-state system are in the need to organize human affairs so as to minimize conflict while preserving the unique cultural identities of different peoples. It can be argued plausibly that it still fulfills these functions-imperfectly, to be sure, but with nothing better currently at hand. Likewise, the personal security, justice, freedom, and domestic peace provided in a liberal democratic nation-state like the United States are not to be dismissed lightly by reference to a utopian vision in which these and other values would all be present in greater measure. We must always, as moral beings, measure reality against our ideals; yet to reject the penultimate goods secured by the real because they do not measure up to the ultimate goods envisioned in the ideal is to ensure the loss of even the penultimate goods that we now enjoy. The ultimate would certainly be better; yet in the meantime, we have the obligation to hold as fast as possible to the value at hand, even though doing so must inevitably incur costs. A positive response to the original just war question recognizes this. as did Mill; Erasmus and his contemporary idealistic descendants have not.

Second, if force is to be used to protect values, it is not trivia that are to be protected but values of fundamental worth. Mill's allusion to the value of "being free" is on a quite different level from Yoder's maxim, "Never give up the ship," or Erasmus' collapsing of all reasons for war into the venality of princes. Equally, I believe, not to be reduced to the trivial or frivolous is Walzer's perception, expressed throughout *Just and Unjust Wars*, that the justification for fighting lies in the recognition of evil and revulsion against it.[30] Walzer's negative way of putting the matter is important for another reason: it reminds us that we do not have to be able to give an extensive and comprehensive listing of all values that may be protected and in what ranking in order to know *that there are* such values; they will be apparent when they are violated or threatened with violation.

Third, knowing that some wars have resulted from the aggressively self-assertive characters of rulers does not mean that war may never be anything else. It is doubtful that Erasmus was right even about the rulers of his own time. In our own age we must surely make a distinction between, for example, the war made by Hitler and that made by Churchill; nor is it particularly useful to reduce the rise and fall of relations between the United States and the Soviet Union to the personalities of a Carter and a Brezhnev, an Andropov or Chernenko and a Reagan. A manichaeian dismissal of everything military as "militaristic" is also an uncalled-for reductionism that makes military preparedness itself an evil, not an instrument for good or ill in ways to be determined by human choices.

Finally, neither in Erasmus' time nor in our own is it right to represent war as the irreducible *summum malum*. I have already suggested why I think Erasmus was wrong in making this claim; more important

for our current context is the wrongness of assimilating all contemporary war to catastrophic nuclear war. Let us dwell on this for a moment .

Who could want a nuclear holocaust? Yet the effort to avoid such a catastrophe is not itself justification for rejection of the possibility that lower levels of force may justifiably be employed to protect value. This is, nonetheless, the clear import of the argument when limited conventional war is collapsed into limited nuclear war by reference to the threat of escalation and nuclear war of any extent is collapsed into catastrophic holocaust on a global scale. 31 Such an argument has the effect of making any contemporary advocate of the use of force to protect values an advocate instead of the total destruction of humankind or even of all life on earth. It should hardly need to be said that such rhetorical hyperbole is unjustified; no one who argues from just war tradition, with its strong emphasis on counting the costs and estimating the probability of success of any projected military action, should be represented as guilty of befriending the idea of nuclear holocaust.

Yet this collapsing of categories is also wrong historically. War in the nuclear age has not been global catastrophe but a continuation of conventional warfare limited in one or several ways--by geography, goals, targets, means. This arena of contemporary limited warfare is one in which traditional moral categories for judging war are very much at home, as such different writers as William V. O'Brien and Michael Walzer have, in their respective ways, both recognized. The issue, then, is not of the prohibition of all means of defense in the nuclear age, because the assimilation of all contemporary war to the *summum malum* of nuclear holocaust is invalid; it is rather the perennial question of when and how force may be used for the defense of values.[32] We will return to this question below.

### **The Problem of Threats to Values**

For there to be a need to defend values, there must be a threat to those values. To anyone with a modicum of objectivity, though, it must be apparent that in the current defense debate there is no agreement about the nature of the threat, and so there can be little hope of agreement about the means of preserving values in the face of the menace identified. Speaking broadly, I find in the present debate three distinctively different identifications of the threat to values that must be met. For some, there is no danger worth mentioning beyond that of nuclear holocaust, which is defined as threatening everything that is of value; for others the principal challenge to the values that matter for them is the arms race as such, with its diversion of resources to military ends and a perceived transformation of values toward those of "militarism"; finally, a third perspective identifies the principal threat to values in the rivalry between the United States and the Soviet Union, West and East, two different and competing social, economic, political, and moral systems. This last is the most easily identifiable in terms of traditional interstate political analysis and in terms of just war tradition. All three perspectives have many forms and are somewhat fluid, so that in painting them with broad strokes of the brush I cannot render the inner details of each. Yet the broadly painted pictures of these different perspectives are themselves interesting morally, and it is on these that I will focus in this brief context.

Let us begin by exploring what is distinctive about each of the first two positions I have identified.

These clearly overlap, but their emphases are importantly different, as are their respective histories and implicit value commitments. One way of recognizing this quickly is by noting that the anti-nuclear-holocaust position can be expressed in a commitment to increased military spending for an enhanced deterrent, quite contrary to the anti-arms-race position, which finds typical expression in the nuclear freeze movement and support for disarmament programs. Similarly, part of the historical case for tactical and theater nuclear weapons has been that they cost less to provide than equivalent conventional forces, thus tending to free economic and manpower resources for non-military purposes; yet many from the anti-nuclear-holocaust position view such "war-fighting" weapons as inherently destabilizing and dangerously likely to lead to catastrophic nuclear war.[33] Within the anti-nuclear-holocaust position opposition to the arms race and military spending is but an instrumentality, while within the anti-arms-race position opposition to nuclear arms is only an instrumentality; when there is convergence between these two positions (as there has been in the most recent stage of the defense debate), it is a mixed marriage that is as likely to end in divorce as in conversion of one or both partners.

These two positions also have different historical and ideological roots. The anti-nuclear-holocaust position is, of course, a product of the nuclear age and specifically of the period when the United States and the Soviet Union have practiced strategic nuclear deterrence against each other. It is thus the child of nuclear deterrence theory and finds a characteristic expression in one such theory, the "deterrence only" position. Clearly, though, there has been a transformation of values from parent to offspring. Thus when Philip Green wrote *Deadly Logic* in the mid-1960s, he cited "resistance to Communism" as the fundamental "ethical root of deterrence theory,"[34] but the ethical root of the contemporary "deterrence only" position is the perception of *nuclear warfare*, not the menace to values posed by a totalitarian political system, as the evil to be avoided by the possession of a nuclear deterrent.[35]

The historical roots of the anti-arms-race position are at least a century old; they lie in opposition to the increasing practice in 19th-century European states of sustaining a standing army built up by universal or nearly universal conscription, and in opposition to the social and economic costs of sustaining such armies. Religious groups have been the chief enunciators of this position; they are so today. A direct line runs between the *Postulata* on war prepared for Vatican Council I in 1870, which deplored the "intolerable burden" of defense spending and the social costs of "huge standing and conscript armies,"[36] and the 1983 pastoral of the American Catholic bishops with its deploring of the economic distortion of priorities" due to the "billions readily spent for destructive instruments"[37] or, to take a Protestant example, the 1980 statement on the arms race by the Reformed Church in America decrying "the devastating social and personal consequences of the arms race." [38] Two ethical roots of this position are visible in the sources cited: an opposition to war and weapons as contrary to the biblical vision of peace and an identification with the needs of the poor as best expressing Christian conformity to Christ. Both themes have secular counterparts in contemporary debate, and the first obviously parallels the utopian vision of Erasmian humanism.

If nuclear holocaust is the danger against which values must be protected, then deterrence theory is one rational response, but so would be general nuclear disarmament. If the arms race itself is the menace to values that must be defended against, then a freeze on military expenditures followed by a general scaling down of military establishments is the clear implication. Both these perspectives on the

contemporary threat to values incorporate truths about the present historical situation; both are rooted in important perceptions of moral value; each offers, in its own way, a response to the problem of threat to values as it perceives that threat. Yet neither of these perspectives' is really about the question with which we began this paper, the fundamental question that is at the root of our moral tradition on war: when and how may force justifiably be employed for the defense of values. Rather than approaching seriously the problem of possible moral justification of force, each of these perspectives has, in its own way, *defined that possibility out of existence* in the search of a general rejection of the use of force as a moral option in the contemporary age. The reason is that neither of these perspectives is able to comprehend the possibility of significant threats to value alongside the one on which each of them is fixed.

The problem, however, is that what is thus ignored does not for this reason cease to exist. International rivalries persist, as they did in the pre-nuclear era: ideologies and realistic perceptions of national interest continue to influence the actions of nations, and these actions are often played out through projections of force. Terrorism, civil war, and international war continue to be plain realities of our present era, and there is no reason to suppose either that aggression will no longer take place in human history or that it can effectively be opposed by means other than military ones.[39] Indeed, prospective victims of aggression today might reflect with Clausewitz: "The aggressor is always peace-loving; he would prefer to take over our country unopposed." [40] The just war perspective, the third perspective in the contemporary debate, views the problem of threats to value in this light, in continuity with the main line of statecraft over history, and conceives the problem of defense against such threats also in terms continuous with that historical experience.

Let it be clear: the rivalry between the Soviet Union and the United States is not the only source of danger to American values; yet it would be blindness to wish away the existence of this rivalry, which is rooted in more than common possession of mutual annihilative power, more than competing ideologies, more than national interest, more than global competition for friends, allies, and trading partners-and yet all of these. And this rivalry is more than simply a product of adverse perceptions; it is real. Where it takes military form, as for example most unambiguously along the NATO-Warsaw Pact border, thinking about the menace to values must go beyond efforts to avoid catastrophic nuclear war and to end the arms race to include efforts to define and mount a credible, effective, and moral defense against the particular military threat manifest there.

At the same time, though, potential military defense of values is not limited to this confrontation nor to the global East-West rivalry; it may be a matter of attempting to secure a weak third-world nation against the power of a nearby predator, deterring or responding to terrorist attacks, or maintaining the traffic of oil tankers through the Strait of Hormuz. All these possible uses of force involve the defense of value; all are, in general terms, the kind of resort to force regarded as justified in just war tradition. This third perspective on the threat to values, then, is the one I wish to address in my concluding section.

## **The Problem of Defense Against Threats to Value**

I wish now to take us back to a reflection with which this essay began, that in general the nature of values to be protected and the threats against them are such that unlimited or even disproportionate amounts of force are not what is justified when the use of force to defend values is justified. When defense of values by force appears to require transgressing the boundaries set by the *jus in bello* concepts of proportionality and discrimination, this necessitates that we look again to see whether this is an occasion when the defense of values by force is morally justified. The answer may be no; yet it may also be yes, and this is the possibility I wish to explore in this section.

In fact there are two directions of thought, not one, which lead toward a renewal of the justification of value-protection by force in such a situation. The first drives toward restructuring the application of force and beyond that to the creation of new kinds of force capabilities suited to limited application in the defense of value. The second leads into the far more dangerous consideration whether values may ever be protected by means that themselves violate important values. I will discuss these in turn.

Clausewitz in his time understood well the difference between "absolute war," war pushed to the limits of the destructive capacities of the belligerents, and "real" wars carried on by less than absolute means for limited purposes as an extension of politics; in the 20th century many others have forgotten or ignored this difference.[41] Typically the values threatened by war are less than ultimate, and so is the threat; it is wrong to defend these values against such challenges by totalistic means disproportionate to both the values to be defended and the evil that menaces them. When we add that total war implies also the indiscriminate targeting of noncombatants, a violation of the fundamental idea of protection of the innocent, the indictment of such use of force in response to threats against values grows yet more damning. But the problem of limitation of force in contemporary warfare is different from that which existed earlier. Today limitation must be accomplished first and foremost by human choice; in previous ages such limitation was also a product of the nature of weapons available, the restraints imposed by the seasons of the year, and the economic and social bases on which war was waged. Limitation in the use of force was relatively easy when the means were battle-axes or smoothbore muskets, when three-quarters of the year was closed to military actions, and when soldiers were themselves units of economic production who could not be in arms year-round. Today the problem is more complex: the structuring of force capabilities to defend against possible menaces to value must at the same time provide an effective deterrent and an effective means of active defense while still honoring the moral identity manifest in the society or culture in which the threatened values are known and maintained. Among recent nuclear strategies which did not meet this dual test is massive retaliation, conceived as a strategy for use, since it allowed "brush-fire wars" to erupt unchecked and threatened disproportionate and indiscriminate nuclear devastation as a response to aggression on a much lower scale. Nor does contemporary mutual assured destruction doctrine, for reasons already given above. But the issue is not simply one of the disproportionateness of nuclear arms. The same moral problems exist with the strategic conventional air strikes against population centers of World War II, for example; similarly, in the context of current history one of the most acute problems is how to frame a moral response against terrorist activity without oneself being forced into the characteristic patterns of terrorism.

Complicated this problem is; yet it is not insoluble. If the use of force is justified in response to threats against value, but the only means of force available are such that they contravene important values

themselves, then the preferred moral alternative is the development of different means of force. If tactical and theater nuclear weapons are judged too destructive to use or deemed too likely to result in escalation to all-out nuclear war if employed, then the moral choice is to devise non-nuclear defenses to replace them and pay the costs, economic and social, of such defenses.[42] If the strategic nuclear deterrent is deemed immoral to employ, the right response is not to engage in the self-deception of "deterrence-only" reasoning but to explore possible means of defense against nuclear strikes that would not require a preemptive first strike by this nation or a possibly indiscriminate and disproportionate punitive second strike.[43] The justification of using force to defend value certainly means, as I have said earlier, more than "defense" in its narrow sense, the warding off of attacks in progress; yet it certainly also means at least that, and to claim the moral high ground for a rejection of steps toward creating such defense is simply to twist moral reasoning out of shape.

Finally, though, there remains the possibility that protection and preservation of values must be by force, and must be by force that itself contravenes at least some of the values it intends to protect and preserve. This is the possibility that, at the extreme, has been called by the term "supreme emergency,"[44] and it is only at this extreme that it is a morally unique case. Must one fight honorably and die, even when knowing that one's ultimate moral values will thus die also? Or may one sin for the moment in order to defeat the evil that threatens, hoping for time to repent later and making the commitment to pass on undiluted to future generations the values that have in the emergency been transgressed?[45] Some of the lines of argument already advanced bear on this dilemma. I have suggested that ideological claims ought not to be inflated to the point of seeming to justify unlimited warfare; I have argued against disproportionate and indiscriminate warfare as morally evil in themselves; and I have suggested that part of the trouble in responding to an immoral form of warfare like terrorism is that in making such a response one's own humanity may be diminished to the level of that of the terrorist. In short, I tend to be dubious of "supreme emergency" claims and am inclined to hold the moral line for preservation of value in the means chosen as well as in the decision to offer a defense. Even so there remains a possibility of a genuine "supreme emergency" situation. What is to be said about this?

First, it is not a newly recognized kind of situation. In the early Middle Ages Christian soldiers were required to do penance after participating in war because of the possibility that they might have acted sinfully in that war, killing perhaps out of malice toward the enemy rather than with feeling of regretful duty in the service of justice. Here we encounter a case in which the possibility is admitted that protection of values may involve violation of values. When in the 16th century Victoria considered what might be done in a just war, he allowed that a militarily necessary storming of a city could be undertaken even though this would inevitably result in violations of the rights of noncombatants in the city.[46] Such historical evidence suggests a moral acceptance of the possibility of preserving value by wrong means; yet this evidence also implies the limits on that acceptance.

Second, the transgression of value in the service of value must be approached through the general recognition that value conflicts are the stuff with which human moral agency has to deal. Every moral system provides means for handling such conflicts, and that a genuine "supreme emergency" might come to exist is by definition such a conflict, in which higher values must in the last analysis be favored over lower ones. The values constituting the *jus ad bellum*, having priority over those of the *jus in bello*,

would on my reasoning have to be honored in such a case, even at some expense to the latter.

I have thus brought this discussion to the brink of morally admissible possibility so that we might look over and see what lies below. The view is not a pretty one. Having seen it, though, we may the more purposefully return to the other line of implication sketched before: the development of military capabilities suited to our moral commitments. We may still yearn--and work--for a world without war, for an end to the menace of catastrophic nuclear war, for an end to the arms race; yet with such military capabilities we would be the better prepared to meet morally the threats to value that may be expected to be inevitable so long as these ideals are not achieved.

## NOTES

This article is a revised version of a paper presented by the author at the conference "Justice and War in the Nuclear Age" at Georgetown University.

1. Michael Walzer, *Just and Unjust Wars* (New York: Basic Books, 1977).
2. See Paul Ramsey, *War and the Christian Conscience* (Durham, N.C.: Duke Univ. Press, 1961) and *The Just War* (New York: Charles Scribner's Sons, 1968); William V. O'Brien, *The Conduct of Just and Limited War* (New York: Praeger, 1981).
3. The term is O'Brien's and is meant by him to emphasize the difference in order of priority between the *jus ad bellum* and the *jus in bello*, which has to do with "war-fighting" once the initial decision to make war has been made. See O'Brien, especially chaps. 1-3.
4. Compare Stanley Hoffmann, *Duties Beyond Borders* (Syracuse, N.Y.: Syracuse Univ. Press, 1981), pp. 46-55, and James Douglass, *The Non-Violent Cross* (New York: Macmillan, 1968).
5. Compare Ramsey's criticism in *The Just War*, pp. 259-78.
6. Hoffmann, pp. 59ff.
7. For an example of such tracing in contemporary argument see Ramsey, *War and the Christian Conscience*, pp. 34-37.
8. For discussion see my *Just War Tradition and the Restraint of War* (Princeton: Princeton Univ. Press, 1981), pp. 131-50.
9. See Laurence Beilenson, *Survival and Peace in the Nuclear Age* (Chicago: Regnery and Company,

1980).

10. On the loss of community and its implications see James Sellers, *Warming Fires* (New York: Seabury Press, 1975), and Thomas Luckmann, *The Invisible Religion* (New York: Macmillan, 1967).

11. This is a familiar theme in the thought of Reinhold Niebuhr. Compare his *Christianity and Power Politics* (New York: Charles Scribner's Sons, 1940) and *The Structure of Nations and Empires* (New York: Charles Scribner's Sons, 1959).

12. Compare Walzer, pp. 13335.

13. Compare Ramsey, *The Just War*, pp. 14147.

14. This concept, taken over from Roman law by Augustine and Isidore of Seville, was central to the definition of just war given in medieval canon law. See *Corpus Juris Canonici*, Pars Prior, *Decretum Magistri Gratiani*, Pars Secunda, Causa XXIII, Quaest. II. Can. II.

15. This is another *jus ad bellum* criterion that came from Roman law through Augustine into church law: see *ibid.* But it had a more central place in the thought of Thomas Aquinas, who connected it to the words of Paul in Romans 13:4: "[The prince] is the minister of God to execute his vengeance against the evildoer." See Thomas Aquinas, *Summa Theologica*, II/II, Quest. XL, Art. 1.

16. I make this judgment cognizant of the minority tradition in Christian just war theory from Augustine forward that allowed some forms of war for religion; in Augustine's words, repeated for canon law by Gratian, "The enemies of the church are to be coerced even by war" (*Decretum Magistri Gratiani*, Quaest. VIII, Can. XLVIII). But in fact efforts to justify wars in Western cultural history, even those clearly involving some benefit or detriment to religion, have generally been justified by appeal to the other reasons already given: protection of the innocent, retaking of something lost, punishment of evil. For discussion of this issue of religious war-and by extension ideological war-see my *Ideology, Reason, and the Limitation of War* (Princeton: Princeton Univ. Press, 1975), chaps. I-III.

17. See *ibid.*, pp. 266-70.

18. An early version of this kind of argument undergirded massive retaliation strategy, which Robert W. Tucker in *The Just War* (Baltimore: The Johns Hopkins Press, 1960) regards as an expression of a general American moral attitude justifying all-out responses to injustice received rather than limited uses of force proportionate to harm done to American interests. But suppose that this opposition to limited warfare is retained while all-out retaliation is itself denied as immoral (though the use of deterrence as a *threat* continues to be accepted); then the argument changes shape, though its fundamentals remain. Such a new version of the moral argument for deterrence and against limited warfare can be found in the 1983 pastoral letter of the American Catholic bishops (National Conference of Catholic Bishops, *The Challenge of Peace* [Washington: United States Catholic Conference, 1983]). The purpose of deterrence,

as defined here, is "only to prevent the *use* of nuclear weapons by others" (paragraph 188, emphasis in text). "War-fighting strategies," including even *planning* for fighting nuclear war at a limited level over a protracted period, are explicitly rejected (paragraphs 184, 188, 189). The reason is the prudential judgment that limited nuclear warfare can be expected to escalate to "mass destruction" (paragraphs 15161, 184). Though this suggests heavier reliance on conventional weapons (paragraph 155), even a conventional war "could escalate to the nuclear level" (paragraph 156). While the resultant position is not *explicitly* a "deterrence-only" one, it is difficult to find in the pessimism toward limited war and "war-fighting strategies" expressed in the bishops' letter any room for limited and proportionate responses to limited levels of harm done, such as the traditional *jus in bello* implies.

19. John Stuart Mill, "The Contest in America," pp. 208-09, in John Stuart Mill, *Dissertations and Discussions* (Boston: William V. Spencer, 1867). The full text of the passage in question, written to oppose England's siding with the Confederacy in the American Civil War, is as follows: "War is an ugly thing, but not the ugliest of things: the decayed and degraded state of moral and patriotic feeling which thinks nothing *worth* a war, is worse. When a people are used as mere human instruments for firing cannon or thrusting bayonets, in the service and for the selfish purposes of a master, such war degrades a people. A war to protect other human beings against tyrannical injustice; a war to give victory to their own ideas of right and good, and which is their own war, carried on for an honest purpose by their own free choice--is often the means of their regeneration. A man who has nothing which he cares about more than he does about his personal safety is a miserable creature who has no chance of being free, unless made and kept so by the existing of better men than himself. As long as justice and injustice have not terminated their ever renewing fight for ascendancy in the affairs of mankind, human beings must be willing, when need is, to do battle for the one against the other."

20. Desiderius Erasmus, Letter to Antoon van Bergen, Abbot of St. Bertin, dated London, 14 March 1514; number 288 in *The Correspondence of Erasmus, Letters 142 to 297*, tr. by R. A. B. Minors and D. F. S. Thomson, annotated by Wallace K. Ferguson (Toronto and Buffalo: Univ. of Toronto Press, 1975), lines 4763.

21. That is, for such pacifists the rejection of force has itself become a value or it is necessarily implied by some other value (e.g. Christian love in some forms of religious pacifism); in either case it is unassailable from outside the moral system in which this value is held. Other forms of pacifism, of course, reach their judgment against the use of force by argument based not on the evil of force as such but on the harm to some higher good that the use of force may entail. The contemporary position sometimes called "just-war pacifism," which is based on a prudential calculation of proportionality, is such a form of pacifism.

22. See further my "On Keeping Faith: The Uses of History for Religious Ethics," *The Journal of Religious Ethics*, 7 (Spring 1979), 98-116.

23. Erasmus, lines 17-24.

24. See further Roland H. Bainton, *Christian Attitudes toward War and Peace* (New York and Nashville: Abingdon Press, 1960), p. 131, and Lester K. Born, *The Education of a Christian Prince by Desiderius Erasmus* (New York: Octagon Books, Inc., 1965), pp. 126.
25. See, for example, Richard A. Falk, *A Study of Future Worlds* (New York: Macmillan/The Free Press, 1975).
26. John Howard Yoder, *Nevertheless* (Scottsdale, Pa., and Kitchener, Ont.: Herald Press, 1976), p. 33.
27. Condemnation of "militarism" has become a common feature of the public policy statements of many Protestant denominations. See, for example, the statements by The Christian Church (Disciples of Christ) and the Reformed Church in America in Robert Heyer, ed., *Nuclear Disarmament* (New York and Ramsey, N.J.: Paulist Press, 1982), pp. 245-46, 251-52, and 267. A prominent example of condemnation of "war-fighting" strategic planning is the American Catholic bishops' pastoral; see National Conference of Catholic Bishops, paragraphs 184-90. Such thinking is far more like the traditional pacifism represented by Yoder and Erasmus than it is like the reasoning of just war tradition.
28. Jonathan Schell, *The Fate of the Earth* (New York: Avon Books, 1982), p. 85.
29. *Ibid.*, p. 78.
30. See, for example, the discussions of noncombatant immunity found in Walzer, chaps. 8-10. Despite the criticisms I have earlier directed at the American Catholic bishops' letter, it clearly embodies an understanding that the values that might be endangered by an enemy are not trivial; they include "those key values of justice, freedom and independence which are necessary for personal dignity and national integrity" (National Conference of Catholic Bishops, paragraph 175).
31. See, for example, Louis Rene Beres, *Mimicking Sisyphus* (Lexington, Mass. and Toronto: Lexington Books, 1983), pp. 1524; compare the argument of the American Catholic bishops, note 18 above.
32. O'Brien, chap. 1.
33. Compare National Conference of Catholic Bishops, paragraphs 188, 190.
34. Philip Green, *Deadly Logic* (New York: Schocken Books, 1968), pp. 249-51.
35. Compare National Conference of Catholic Bishops, paragraphs 175, 188. This document, on my reading, is only a whisker away from the "deterrence only" position on nuclear weapons; that whisker is the ambiguity maintained in the threat of strategic nuclear retaliation, specifically in the possible difference between "declaratory policy" and "action policy" (paragraph 164). Paragraph 148 denies counterpopulation retaliation; paragraph 184 repeats this and also undercuts the possibility of counterforce strategic retaliation. These themes recur elsewhere in Section II of the document as well. Is

the "conditional acceptance of nuclear deterrence" (paragraph 198) in this pastoral letter then anything more than a "conditional acceptance" of the *possession* of such weapons (not making any distinctions among types, purposes, or relative destructive power but treating all nuclear weapons the same), and does not the "no first use" position taken in the letter (paragraph 150 and *passim*) in practical terms collapse into a policy of "no use at all"?

36. See John Eppstein, *The Catholic Tradition of the Law of Nations* (Washington: Catholic Association for International Peace, 1935), p. 132.

37. National Conference of Catholic Bishops, paragraph 134.

38. Heyer, p. 266.

39. Compare Walzer, pp. 329-35.

40. Carl von Clausewitz, *On War* ed. and trans. by Michael Howard and Peter Paret (Princeton: Princeton Univ. Press, 1976), p. 370.

41. See, for example, Paul Fussell's argument in his *The Great War and Modern Memory* (New York and London: Oxford Univ. Press, 1975), *passim*, that modern war is inevitably totalistic, chaotic, beyond human control, and disproportionately destructive of values.

42. Compare National Conference of Catholic Bishops, paragraphs 155, 215-16.

43. See further Sam Cohen, "Rethinking Strategic Defense," pp. 99-122 in Robert W. Poole, Jr., ed., *Defending a Free Society* (Lexington, Mass. and Toronto: Lexington Books, 1984).

44. Walzer, chap . 16.

45. See further my discussion of Walzer on this matter in *Just War Tradition*, pp. 24-28.

46. Franciscus de Victoria, *De Jure Belli*, section 37, in Franciscus de Victoria, *De Indis et De Jure Belli Relectiones*, ed. by Ernest Nys (Washington: Carnegie Institute, 1917). Victoria makes clear, however, that he thought few wars meet the test of an unambiguous conflict of justice against in justice.

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Dr. James T. Johnson (Ph.D., Princeton) is a professor in the Department of Religion and the Graduate Department of Political Science at Rutgers University, New Brunswick, N.J. He is the author of three books on Western moral thought on war, including the recently published *Can Modern War Be Just?* (Yale Univ. Press, 1984). His edited books include *The Bible and Politics in America* (Fortress Press, 1984). He also edits *The Journal of Religious Ethics* and has served on the editorial boards of several

scholarly journals. He has been a Rockefeller Foundation Humanities Fellow and has received two study grants from the National Endowment for the Humanities. Currently he holds a Guggenheim Fellowship and is writing a book on the development of pacifist thought in relation to just war tradition in Western history.

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