

## Reflections on the Justice of the Present War and Some Implications for Education

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*For a response, see *Infinito*.*

September 11, 2001 will join December 7, 1941 as another day that will live in infamy in the minds of many Americans for generations to come. In the soft light of a morning of fading summer, a terroristic assault collapsed the walls separating this country from some two decades of battles fought on the soil of other nations, and the present war entered a more violent and global phase. Images too fantastic to be other than Hollywood creations seared into the public imagination the deaths of thousands of innocents. Soon, a frightened and uncomprehending President called for a crusade in retaliation, a world war of good against evil, and he ordered U.S. armed forces to reach into the hidden recesses of a shadowy network to bring the terrorists to justice. Bombardments and secret operations project U.S. military power across the globe, while terror attacks on the home front sneak in with the mail and threaten liberties as surely as lives.

Like its predecessors, the first world war of the twenty-first century challenges educators and philosophers to respond to the moral questions pressed into the agenda of everyday life, including classrooms at every level. As media images of catastrophe and infrared battle scenes are relentlessly replayed, people search for lost moorings to reorient themselves. Adults and children alike tremble at the realities that overwhelm their security, and they cling to the strength promised by unmatched military force. Wrapped in protective flags that deflect critical questions, filled with righteous anger, and inflamed both by fears and desire for revenge, some patriots unleash a jingoistic hatred that spreads menacingly through many ordinary citizens, including young students who exact playground justice against innocents who are imagined enemies. These times try souls and animate prayers, while public discourse begs reason for guidance. Yet national leaders approvingly cite Winston Churchill's dictum that in war the truth is so precious that it must be guarded with lies, so propaganda obscures what logic requires.

How can we philosophers and educators make sense of the present situation, and demarcate the immorality of terrorism from the just use of power? How can we help to insure that education prepares citizens who are capable of discerning reality through the shroud of ideology, and capable of discerning moral duties and enacting what justice demands? This brief essay sketches a response to these broad questions, leaving unaddressed the many important others that swirl amid the urgent international debate and the alarmed inquiries of students. The answers to the questions we face are not mere idle thought, because, as Henry David Thoreau recognized in another moment of war early in our nation's history, we bear moral responsibility as citizens for the actions of our government. The demand of conscience forces a choice upon each of us, to be "[wo]men first and subjects afterwards."<sup>1</sup> Thoreau's notion of citizenship included a duty to resist the government when it is unjust.<sup>2</sup>

Conversely, citizenship also normally entails a duty to join other citizens in the just defense of a nation under attack.

The moral and philosophical problems underlying the resolution of the difficult questions of this particular historical moment have persisted through the rise and fall of governments and empires. The enduring dilemmas of ethics in time of war do not shift along with the front lines in the desert sands and mountain passes of past and future civilizations. Similarly persistent are the challenges for citizens to govern the governors, to struggle for justice, and to serve the national defense without following immoral orders. Just wars (if there be any) and unjust wars (if they are to be prevented or resisted) require just leaders and soldiers, which require just citizens, which require moral understanding.

#### ETHICS AND WAR

The first question that must be addressed is whether the present "war against terrorism" meets the criteria of a just war, but this question itself begs a prior question. War as a just enterprise stretches the credulity of many, if not most, people. Can war ever be ethical? Conscientious theologians, philosophers, and political leaders have tried to constrain the declaration and prosecution of war through the construction of and agreement to Conventions that bring morality to bear. In terms molded within a pragmatic conception of war's ubiquity and occasional necessity, they place faith, reason and promises against the force of arms. Limits are declared even to wars fought for a just cause, if only to protect noncombatants. Yet experience has shown that every conceivable atrocity has its reason if measured by war's first principle: war is an act of force with no theoretical limits.<sup>3</sup> In any war worth fighting, rules evaporate in the face of defeat, if not before.

Yet just war theory ineluctably pulls us to the necessity of drawing moral lines, even if such lines resist clear demarcation and cannot hold back determined force.<sup>4</sup> Rules of warfare exert some coercive force that constrains action even when the constraint fails. For the act of *overriding* the rule reveals that the moral imperative of the rule is in view; otherwise, action would simply be unencumbered.<sup>5</sup> Overriding requires some notion of reasons or justification for breaking the rule, so a minimal restraint is present. In some cases, it is ambiguous if the rule applies, but specification of every situation in advance is impossible. Such ambiguity at the margins does not eliminate the benefits derived from rules in the ordinary cases. Moreover, is there any reasonable alternative to drawing the line *somewhere*? Neither the uncertainty of placement nor the frailty of effect should deter us from the difficult, and sometimes terrible, task of drawing moral lines, of setting limits and sorting cases.

Modern applications of moral reasoning to warfare in international law and conventions derive from St. Augustine, and while both deontological and consequentialist approaches shape just war theory, rights and universal principles have priority. This tradition can be summarized in seven conditions that must be met in order for a war to be just:<sup>6</sup> (1) there must be a just occasion, namely a violation of or attack on fundamental rights; (2) war must be the only possible means of righting the wrong done and as such be a last resort; (3) the war must be conducted by lawful authorities;<sup>7</sup> (4) the intentions in making war must be upright or just; (5) only right means can be employed, and these must be proportionate and capable of

discriminating combatants from noncombatants;<sup>8</sup> (6) there must be a reasonable hope of victory; and (7) the probable good must outweigh the probable evil effects. Each condition leaves substantial room for interpretation, and thus a morally enlightened citizenry is required for the political debate that applies the principles to particular cases. Nonetheless, the theory clearly bars all wars of aggression and seeks to protect noncombatants absolutely.

Just causes seemingly abound in the war-torn and violent world of today, as even Hitler continues to attract admirers, and little argument is required to establish that the events of September 11 constitute a remorseless assault on fundamental rights. The first hard test for the present war, as for others, comes with the condition that it be a last resort. Even Thomas Hobbes, the realist who regarded humanity's natural condition as a war of all against all, thought that prudence obligated one to seek peace prior to entering a war.<sup>9</sup> Few dispute this duty based in self-preservation, but what are its limits? Hobbes argued that even if the peace required by self-preservation meant total capitulation and slavery, this constituted a legitimate social contract and reasonable alternative to a losing war. There is much to question here, but the point is Hobbes's emphasis on the very great weight that should be placed on the duty to seek peace for reasons of self-preservation, even if that comes at a high cost.

Some have stated the principle this way: a victim of attack on fundamental rights should nonetheless seek "to avoid the ultimate evil of a general conflict by agreeing to terms less favorable than those which it can claim in justice... provided always that such a surrender of rights would not mean in fact a surrender once and for all to the rule of violence."<sup>10</sup> While the meaning of *rule of violence* requires specification, we can assume that terrorism would fall into this category along with most cases of totalitarian repressive regimes. However, in the present war, no one is suggesting that the possibility exists that *we* in the United States might be subject to the *rule* of terror, though it surely has already transformed our daily life experience and threatens many lives. More difficult in most cases is the judgment about whether surrender to the rule of violence would likely be *once and for all*. No regime has lasted so long and it is indeterminate what the criterion should be: the life span of the present generation of leadership, or perhaps of all generations presently living? Under some interpretations of these conditions, the principle to seek peace and to engage in war only as a last resort amounts to appeasement and signals a weakness that invites further outrages.

Obviously, such specifications dramatically affect moral deliberations, and this truth once again reinforces the tremendous importance of broad and informed public discussion prior to commitments to war. These considerations also provide powerful incentives to create options for responding to unjust attacks with other means, besides armed warfare, that have political force and avoid appeasement or surrender to violence. What is certain is that the justification to wage war carries the greatest possible moral burden, and while the present war is purported to be a last resort and necessary to resist terrorism, not only was public discussion of the necessity of war rather limited, there is certainly room for debate as to whether sufficient effort was given to seeking peace. In addition, there is no question that our nation was ill prepared to pursue other options short of war.

Nonetheless, the leadership of this nation apparently assumed the moral demands of justifying entry into war were met, and now they carefully portray our armed forces as meeting a similar array of moral challenges as they wage war. While employing just means that are proportional and insure the safety of noncombatants presents many strategic and tactical obstacles for the military, these become most acute in the face of absolute defeat at the hands of the aggressor. Do any means necessary then become justified if the violation of the principles of just warfare offers the only hope for victory? Just war principles hold combatants to “do justice unless the heavens are (really) about to fall,” and if these principles are to be overridden, it is not enough to be saving some lives, even if the lives saved are innocent or the number is large.<sup>11</sup> When it is not only lives, but also a way of life of a people that is at stake, the press of necessity bears more heavily. But like Chicken Little, it is easy to assume that the heavens are falling when they are not, though once again, uncertainty cannot excuse one from the moral responsibility for one’s choices. Michael Walzer argues that an act to avert catastrophe that violates the principles of just warfare is essentially a “wager of a determinate crime against an immeasurable evil” and should not itself be such an evil.<sup>12</sup> The odds associated with such moral bets are always shifting, as the measure of evil is unknown, predictions of catastrophes can be mistaken, and the intervention of luck to reshape the situation is possible. In addition, ethicists debate whether guilt attaches to the “dirty hands” and determinate crimes spawned by such apparent necessity, and whether the unintended double effects of “collateral damage” constitute moral or legal crimes at all.<sup>13</sup>

One of the distinguishing features of terrorism in the present war (and other conflict situations as well) is the declared dissolution of the combatant-noncombatant distinction, without which the conception of just warfare seems to evaporate. While Al Qaeda may consider this a kind of last resort determinate crime and its only hope for victory, widely published reports also attribute to Al Qaeda a reasoning to this conclusion that follows the quintessentially American lines of thought developed by Thoreau that ascribe responsibility to ordinary citizens for the actions of its tax supported, democratically elected government. By this Al Qaeda account, the U.S. government is guilty of crimes against humanity for its targeting of noncombatants in earlier phases of the war (for example, through the effects of the economic sanctions against Iraq), and thus any citizens not actively engaged in resistance to that government are complicit in those crimes and forfeit protection as noncombatants. Whether or not one considers this reasoning specious or disingenuous, as does the U.S. government, what is important for consideration here is the power of the moral line that separates combatants and noncombatants that leads to the proclamation of official rationalizations of its apparent violation. The U.S. government is similarly conscious of this line, and takes pains to observe it. Notice for example that extensive public warnings were given of the impending assaults in Afghanistan so that noncombatants could flee the war zone, and apologies are issued at daily press briefings for any errant “smart” bombs that kill innocent civilians.

What becomes painfully obvious in light of the considerations thus far detailed, is that the principles of just war theory play some part in the arena of global politics

and battle and do in fact provide some constraint in the present war, even as they are overridden. What is equally clear from the public debate on these matters is that neither moral education nor education in general have prepared ordinary citizens to address the moral dimensions of the life and death matters now before our nation in such stark terms. Sadly, also lacking is any sense of alternatives to the Scylla and Charybdis of war and appeasement, and so those who guide the ship of state try to boost morale for a lengthy war where few beyond the cheerleaders see hope of victory.

#### WAR WITHOUT WEAPONS

Strategic nonviolent alternatives could provide a bulwark against the seeming necessity of armed warfare, and substantially extend the moral line that must be crossed only as a last resort if justice is to be honored. It provides a counterweight to the rush to war in response to attacks, buying critical time and enhancing the possibility of a negotiated settlement since necessity bears less heavily on deliberations. Strategic nonviolence goes beyond the prudent consideration to seek peace to avoid war, and actively *wages peace* in response and as prophylactic to aggression against fundamental rights. Imagine an intensive campaign, funded with many tens of billions of dollars, that mobilized forces of mass construction (not destruction) to build schools, hospitals and economic infrastructures that promised mutually assured development. Imagine troops that could travel in any weather at any time of day or night to deliver vaccinations and medicines, fresh water and food, shelter and clothing. Imagine the precision delivery of communication technologies that connected people to the global network of ideas and people struggling to create democratic and open societies. This is *waging peace* with the sort of financial and human resources that are comparable to waging war. This response to the attack of September 11 might have offered a more realistic hope of achieving the stated objectives of the U.S. government.

Strategic nonviolence also embodies possibilities for the exercise of force against foes of many types and strength. It is not the case that a commitment to nonviolence requires a concession to military conquest, reducing populations thus subjugated simply to tactics of noncooperation and direct resistance in an effort to be ungovernable. The lessons of history are mixed, and nonviolent struggles in many parts of the world have achieved significant aims even against military opposition.<sup>14</sup> A broad range of strategic and tactical options—for example, boycotts, strikes, mass demonstrations, or economic sanctions—can provide for national defense and enable a war without weapons in response to aggressive attacks.<sup>15</sup>

The seeming necessity of the realist's condemnation of strategic nonviolence as "either a disguised form of surrender or a minimalist way of upholding communal values after a military defeat" may reflect a lack of courage more than an objective appraisal.<sup>16</sup> A war without weapons would not be bloodless, but instead of defending values and territory by risking one's life in taking the lives of others, nonviolent warriors only risk their own lives by standing against injustice. In a case where a population was thoroughly trained and prepared to suffer substantial loss of life in a war without weapons, just as armed soldiers are trained and prepared for war, it

would be difficult to calculate the relative loss of life though there seems no obvious reason to suppose that armed war would fare better. Coupling the clear moral advantage for strategic nonviolent war with the political advantage gained by reducing vulnerability to attack by having a population trained and prepared for war without weapons, the balance would seem to shift in favor of nonviolent strategies.

The strength of the advantages gained by strategic nonviolence becomes more apparent in light of Carl von Clausewitz's famous dictum that "war is merely the continuation of politics by other means," even if one thinks that now the prevailing case is the reverse, that politics is merely the continuation of war by other means.<sup>17</sup> In other words, the struggle for economic and political dominance provides the context for war, whether of the all-out sort of wars of the mid-twentieth century or the low-intensity sort of wars of the present. Short of colonization by loyalists after killing or imprisoning every inhabitant of a conquered territory, military victories must be transformed into political campaigns for the hearts and minds of subject populations. Power, even of the most dictatorial or terroristic sort, derives from the cooperation and assistance of many individuals and institutions that are not themselves directly engaged in violence against persons. Because of this dependence, an array of nonviolent tactics can become critical factors that undermine repressive regimes. The movement and maintenance of occupation forces, the exploitation of natural resources, and the conduct of everyday affairs can all be made virtually impossible. By reducing benefits and increasing costs, nonviolent actions can dramatically alter the economic calculations of occupation or aggression. In addition, beyond direct resistance actions themselves, the "minimalist preservation of communal values" can provide a basis for mobilizing the overthrow of oppressive orders that have stood for decades or centuries, like drops of water that wear away mountains seemingly impervious to force.

Some elements of the moral perspective that inclines a commitment to nonviolence are suggestive of positions found in the ethic of care, and echo concerns long raised by feminists.<sup>18</sup> This tradition has critiqued linguistic, sexual, economic, and cultural aspects of militarism and patriarchy and largely condemned war.<sup>19</sup> Strategic nonviolent war without weapons is also more consistent with the deontological and consequentialist ethics undergirding just war theory. It is built upon the explicit recognition of the moral status of ally and enemy alike and has the distinct advantage of not requiring actions that are forbidden by the moral standards of everyday life.

Besides its moral strengths, war without weapons offers additional advantages over violent war. It accounts for the possibility for error in judgments of fact and value. More significantly, its power is impossible without the commitment of "the people" and it neither needs nor can it be substituted for by technological or economic superiority. But this people power requires formation, and this demands commitments not currently present from educators (among others).

#### EDUCATION AND IDEALS OF CITIZENSHIP IN TIMES OF WAR

At least since Plato's *Republic*, educational aims have often been guided by ideals of the person and society. The demands of citizenship require the cultivation of some human tendencies and the pruning of others, and these demands are never

more decisive for the fate of the nation than in times of war. As William James recognized, war elicits community-mindedness, self-sacrifice, discipline, and other highly prized dispositions and values that are fundamental to ethical life, and the moral equivalent of these expectations of soldier/citizens must be incorporated into social life if an alternative to war is to be created.<sup>20</sup> As the preceding reflections on ethics and war and on war without weapons have revealed, particular capacities for moral reflection and judgment are crucial if citizens are to grasp their duties and find the courage to embody them. When life-threatening conflicts press themselves with such urgency into daily life, there can be no spectators.

An understanding of the principles of a just war suggests that citizens (as well as soldiers and political leaders) need skills in assessing situations with great moral ambiguity. They must find equanimity in the midst of unremitting moral tensions, recognizing that genuine dilemmas exist that defy guiltless action. They need courage and humility to seek peace in the face of sometimes-brutal aggression. They need the honesty to admit that decisions taken are mere bets in the light of incomplete information and the possibility of error. They must eschew the self-righteousness that turns enemies into demons or devils, and turns themselves and their allies into flawless heroes and heroines. Without a deep and empathetic understanding of world history they cannot grasp opponents' intentions or the meanings of events. Without practiced self-insight, they cannot discern their own true motivations. Without a vision of a just future, they cannot see beyond the calamities of the moment and strategize a resolution to the conflict.

These attributes are even more central to citizens committed to war without weapons. In addition, however, citizens prepared for strategic nonviolent struggle would challenge all forms of violence, promote cooperative rather than competitive virtues, and advocate for disarmament.<sup>21</sup> They would be skilled in conflict resolution, and in the forms of empathetic thinking and feeling that lead toward understanding others as not so "other" and as inextricably linked to their own fates.<sup>22</sup> Steeped in the strategy and tactics of war without weapons, cognizant of their responsibility for establishing justice as the essential foundation of peace, these citizens would be seasoned warriors in the many struggles for equity and fairness in our own society and around the world. They would know the transformative force of speaking truth to power, and of making their lives a moral witness to the best possibilities of human existence.

Sadly, too few educators recognize the central importance of these requirements of citizenship for shaping the aims of schools. Perhaps as philosophers of education we can subject the present war to an ethical critique that will reinvigorate the commitment of public education to its central purpose of forming citizens for a just democracy.<sup>23</sup> The effort to bind warfare with ethics minimally provides a "still, small voice" that can be raised, and sometimes even heard, amidst the roar of war, thereby limiting in some measure the human and moral catastrophes that are war's accompaniment. If that voice of conscience is silenced completely or remains unheard, history has shown that the consequences are dire indeed. It surely is within the purview of educational philosophers to see that the voice of conscience is trained

and strengthened, and that the ears of conscience learn to hear that voice regardless of how faint it may be. Moreover, the effort to make war moral may also be good for ethics as a whole, because “war is the hardest place: if comprehensive and consistent moral judgments are possible there, they are possible everywhere.”<sup>24</sup>

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1. Henry David Thoreau, “Civil Disobedience,” in *Walden, and Civil Disobedience* (New York: W.W. Norton, 1848/1966), 225.
  2. Although *citizen* and *citizenship* will be used as an undifferentiated term in this essay, citizens come in kinds and degrees and have varying moral obligations to the state. For example, see Michael Walzer, *Obligations: Essays on Disobedience, War, and Citizenship* (Cambridge: Harvard University Press, 1970).
  3. Carl von Clausewitz, *On War*, ed. and trans. M. Howard and P. Paret (Princeton: Princeton University Press, 1976).
  4. See G.E.M. Anscombe, “Mr. Truman’s Degree,” in *The Collected Philosophical Papers, Vol. III: Ethics, Religion, and Politics* (Minneapolis: University of Minnesota Press, 1981), 62-71 and Michael Walzer, “World War II: Why Was This War Different?” in *War and Moral Responsibility*, ed. M. Cohen, T. Nagel, and T. Scanlon (Princeton, NJ: Princeton University Press, 1974), 85-103.
  5. Walzer, “World War II: Why Was This War Different?”
  6. G.E.M. Anscombe, “The Justice of the Present War Examined,” in *Collected Philosophical Papers*, 73.
  7. I will not pursue this further here, but it is worth noting that this condition might rule out revolutions, though if *legitimate* is substituted for *lawful* then room for debate is opened.
  8. Additional rules specify when, how, and whom soldiers may kill, thus intending not only to constrain warfare but insure that soldiers can fight justly even if serving an unjust cause.
  9. Thomas Hobbes, *Leviathan* (New York: Oxford University Press, 1651/1966).
  10. Walzer, “World War II: Why Was This War Different?” 88-89.
  11. Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (New York: Basic Books, 1977), 231; Walzer, “World War II: Why Was This War Different?,” 99-100.
  12. Walzer, “World War II: Why Was This War Different?” 100.
  13. Michael Walzer, “Political Action and the Problem of Dirty Hands,” in Cohen et al., *War and Moral Responsibility*, 62-84.
  14. See Roger S. Powers and William B. Vogeley, eds., *Protest, Power and Change: An Encyclopedia of Nonviolent Action from ACT-UP to Women’s Suffrage* (New York: Garland, 1997) and Stephen Zunes, Lester R. Kurtz, and Sarah B. Asher, eds., *Nonviolent Social Movements: A Geographical Perspective* (Oxford: Blackwell, 1999).
  15. See Aners Boserup and Andrew Mack, *War Without Weapons: Nonviolence in National Defense* (New York: Schocken, 1975) and Gene Sharp, *The Politics of Nonviolent Action* (Boston: Porter Sargent, 1973).
  16. Walzer, *Just and Unjust Wars*, 333.
  17. Clausewitz, *On War*, 87.
  18. Sara Ruddick, *Maternal Thinking: Toward a Politics of Peace* (Boston: Beacon Press, 1989) and Virginia Woolf, *Three Guineas* (New York: Harcourt Brace Jovanovich, 1966).
  19. Jean Bethke Elshtain, *Women and War* (New York: Basic Books, 1987); C. Enloe, *Does Khaki Become You? The Militarization of Women’s Lives* (Boston: South End Press, 1983).
  20. William James, “The Moral Equivalent of War,” in *The Writings of William James*, ed. J. McDermott (Chicago: University of Chicago Press, 1910/1977), 660-71. Even though James’s analysis extols the virtues of “manliness” it can be read against the grain of this fear of the feminine with some fruitful results; see Elshtain, *Women and War*, chap. 7; Nel Noddings, *Women and Evil* (Berkeley: University of California Press, 1989), chap. 7; and Jane Roland Martin, “Martial Virtues or Capital Vices?” *Journal of Thought* 22, no. 3 (1987), 32-44.



21. See Bridget Brocke-Utne, *Educating for Peace: A Feminist Perspective* (New York: Pergamon, 1985) and Maxine Green, "Education and Disarmament," in *Education for Peace and Disarmament*, ed. D. Sloan (New York: Teachers College Press, 1983), 128-36.
22. Nel Noddings, *Caring: A Feminine Approach to Ethics and Moral Education* (Berkeley: University of California Press, 1984).
23. Lawrence Cremin, *The Republic and the School: Horace Mann on the Education of Free Men* (New York: Teachers College Press, 1957) and John Dewey, *Democracy and Education* (New York: Macmillan Free Press, 1916/1966).
24. Walzer, *Just and Unjust Wars*, 17. For a response, see Infitino