

**JUST AND UNJUST WARS, by Michael Walzer. Basic Books, 384 pp., \$15.00.**

# An exception to the rules

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**W**HEN IS THE RESORT TO violence justified in international affairs? What acts are legitimate in the conduct of war? These questions raise difficult problems of ethical judgment and historical analysis. Michael Walzer insists, quite correctly, that beyond merely "describ[ing] the judgments and justifications that people commonly put forward, [we] can analyze these moral claims, seek out their coherence, lay bare the principles that they exemplify." His aim is to develop a certain conception of our "moral world," and to draw from it both specific judgments on historical events and operative criteria for resolving future dilemmas.

There are certain beliefs on these matters that are so widely held as to deserve to be called "standard." With regard to the question of resorting to violence, the standard doctrine holds that it is justified in self-defense or as a response to imminent armed attack, often construed in the words of Daniel Webster in the *Caroline* case, which Walzer quotes: "... instant, overwhelming, leaving no choice of means, and no moment for deliberation." This part of the standard doctrine Walzer calls "the legalist paradigm." With regard to the exercise of force, another part of the standard doctrine constitutes what Walzer calls "the war convention," consisting of such principles as, for instance, that prisoners should not be massacred and civilians should

not be the direct objects of attack.

The standard doctrine, which is codified in various international conventions, holds that both the resort to war and the means employed in warfare fall within the realm of moral discourse. There has been extensive discussion of these issues in the context of the Vietnam War, the conflict that prompted Walzer's concern. While the standard doctrine is regularly violated, it remains a worthwhile endeavor to evaluate and refine it.

Walzer argues that the legalist paradigm is too restrictive in certain respects. In other respects, however, he interprets it strictly, as he does the war convention. Walzer takes the anti-Axis effort in Europe in World War II to be "the paradigm . . . of a justified struggle"; Nazism, he believes, "lies at the outer limits of exigency, at a point where we are likely to find ourselves united in fear and abhorrence." Nevertheless, he condemns as illegitimate under the legalist paradigm Churchill's decision to mine the territorial waters of neutral Norway in order to prevent ore shipments to Nazi Germany, and he considers the terror bombing of German cities to be a serious violation of the war convention. As these examples illustrate, he construes the standard doctrine strictly, even in the extreme case of the struggle against Nazism.

Walzer points out that it is impossible within the confines of his study to present an elaborate historical argument, but to me, at least, the above



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## Walzer represents a wide consensus in assigning a special status to Israel.

conclusions seem reasonable. Furthermore, Walzer is right to challenge widely accepted views, for example with regard to terror bombing. It is enough to recall the fundamental moral flaw of the Nuremberg tribunal, graphically revealed by Telford Taylor's observation, in *Nuremberg and Vietnam*, that "there was no basis for criminal charges against German or Japanese" leaders for aerial bombardment because "both sides had played the terrible game of urban destruction—the Allies far more successfully." As it turns out, the operational definition of a "crime of war" is a criminal act of which the defeated enemies, but not the victors, are guilty. The consequences of this moral stance were soon to be seen in Korea and Vietnam. It would be naive to suppose that a serious moral critique would have prevented further criminal acts of the sort condoned (or ignored) under the Nuremberg principles. Nevertheless, the example illustrates the seriousness of the enterprise in which Walzer is engaged.

Even the most profound justification of the standard doctrine would be of limited import, since it is in any case widely accepted in principle, if not in practice. Hence the major interest of Walzer's study lies in the modifications and refinements he proposes, as in his restrictive interpretation of the war convention. Since the burden of justification rests on those who employ force, the still more significant part of his study lies in those departures from the standard doctrine which advocate its relaxation. These relate only to the legalist paradigm of the justified use of force.

**W**ALZER SUGGESTS FOUR modifications that extend the legalist paradigm. Three of these revisions "have this form: States can be invaded and wars justly begun to assist secessionist movements (once they have demonstrated their representative character), to balance the prior interventions of other powers, and

to rescue peoples threatened with massacre." These extensions are discussed under the heading of "humanitarian intervention." Walzer states that "clear examples of what is called 'humanitarian intervention' are very rare. Indeed, I have not found any, but only mixed cases where the humanitarian motive is one among several." He cites the Indian invasion of Bangladesh as a possible example (the only one cited), since "it was a *rescue*, strictly and narrowly defined," and the Indian troops "were in and out of the country . . . quickly."

There then remains to be considered one serious proposal for relaxing the restrictions of the standard doctrine, and thus much of the significance of Walzer's study lies in this crucial case. It is the case of "preemptive strikes." Walzer accepts "the moral necessity of rejecting any attack that is merely preventive in character, that does not wait upon and respond to the willful acts of an adversary" (hence his condemnation of the mining of Norwegian waters). But he feels that the *Caroline* doctrine is too narrow. Preemptive strikes are justified, he proposes, when there is "a manifest intent to injure, a degree of active preparation that makes that intent a positive danger, and a general situation in which waiting, or doing anything other than fighting, greatly magnifies the risk."

A single example is offered: the Israeli preemptive strike of June 5, 1967. This, Walzer holds, is "a clear case of legitimate anticipation," the only one cited—in this review of 2500 years of history—to illustrate the point that states may use military force even prior to the direct use of military force against them. Israel was "the victim of aggression" in 1967, Walzer claims, even though no military action had been taken against it. What is more, we can have "no doubts" about this case, as Walzer states in the following extraordinary passage:

Often enough, despite the cunning agents, the theory is readily applied. It is worth setting down some of the cases about which

we have, I think, *no doubts*; the German attack on Belgium in 1914, the Italian conquest of Ethiopia, the Japanese attack on China, the German and Italian interventions in Spain, the Russian invasion of Finland, the Nazi conquests of Czechoslovakia, Poland, Denmark, Belgium, and Holland, the Russian invasions of Hungary and Czechoslovakia, the Egyptian *challenge* to Israel in 1967 [my italics].

The Egyptian "challenge" to Israel is thus a clear case of "aggression," on a par with the direct use of armed force in each of the other cases cited. The legalist paradigm fails, according to Walzer, because, given the *Caroline* doctrine, it does not condone Israel's response to this "aggression."

Note the crucial nature of this case for Walzer's argument. In a review covering 2500 years, Egypt's 1967 challenge is the single example cited of "aggression" involving no direct resort to force; nevertheless, it is not an ambiguous example, but one that raises "no doubts." Israel's preemptive strike is the one historical example adduced to illustrate the need to modify the legalist paradigm to permit "anticipations." Furthermore, this is the only modification covering supposedly unambiguous historical examples that involves a *relaxation* of the standard doctrine. What Walzer is proposing here, as he notes, is a "major revision of the legalist paradigm. For it means that aggression can be made out not only in the absence of a military attack or invasion but in the (probable) absence of any immediate intention to launch such an attack or invasion." Given the burden carried by this example, a serious inquiry into the historical facts would certainly appear to be in order, but Walzer undertakes no such inquiry. He merely asserts that Israeli anxiety "seems an almost classical example of 'just fear'—first, because Israel really was in danger . . . and second, because [Nasser's] military moves served no other, more limited goal."

Israeli generals take a rather different view. The commander of the air force at the time, General Ezer Weizman, stated that he would

accept the claim that there was no threat of destruction against the existence of the State of Israel. This does not mean, however, that one could have refrained from attacking the Egyptians, the Jordanians and the Syrians. Had we not done that, the State of Israel would have ceased to exist *according to the scale, spirit and quality she now embodies* . . . We entered the Six-Day War in order to secure a position in which we can manage our lives here according to our wishes without external pressures [my italics].

The Israeli correspondent of *Le Monde*,

Amnon Kapeliouk, citing corroboratory statements by General Matityahu Peled and former Chief of Staff Haim Bar-Lev, wrote that “no serious argument has been advanced to refute the thesis of the three generals.” This assessment is confirmed by American intelligence sources, who found no evidence that Egypt was planning an attack and estimated that Israel would easily win no matter who struck the first blow. The chairman of the Joint Chiefs of Staff reported to the President on May 26 that Israel could remain mobilized for two months without serious trouble. “In a military sense, then, time did not seem to be running out” (William Quandt, *Decade of Decisions*).

**G**ENERAL WEIZMAN’S JUSTIFICATION for the preemptive strike bears comparison to the argument advanced by Bethmann-Hollweg, the German Chancellor, after the attack on Belgium in 1914:

France stood ready for an invasion. France could wait, we could not. A French attack on our flank on the lower Rhine might have been disastrous. Thus we were forced to ignore the rightful protests of the Government of Belgium. . . . He who is menaced as we are and is fighting for his highest possession can only consider how he is to hack his way through.

Walzer properly dismisses this justification, pointing out that nonmilitary options had not all been foreclosed and deriding the reference to Germany’s “highest possession,” which he takes to mean “honor and glory” (compare Weizman’s “scale, spirit and quality”). “The mere augmentation of power,” Walzer insists, “cannot be a warrant for war or even the beginning of warrant.” No doubt one can find differences, possibly even decisive ones, between the Israeli and German attacks, or between the Israeli strike and the Russian invasion of Finland—another clear case of aggression, even though, as Walzer concedes, the defense of Leningrad from possible future German attack was at stake and Russia’s invasion after Finnish refusal of territorial exchange may have saved Leningrad from encirclement when the Nazis did attack. But two points deserve mention. First, Walzer does not seriously address the relevant historical background. This is a remarkable oversight given the crucial role of the Israeli strike in his argument, and given also his insistence that the Israeli attack on the one hand, and the German and Russian attacks on the other, are all “clear cases,” falling on opposite sides

of the moral divide. Second, a serious analysis of the 1967 case would quickly reveal that there are indeed doubts and ambiguities, contrary to Walzer’s claim.

Walzer presents only the Israeli version of events leading to the 1967 war. He ignores not only the Arab version, but also the well-known analyses of commentators committed to neither side. He does not mention the Israeli attack on the Jordanian village of Es-Samu in November 1966, leaving 18 dead, a “reprisal” after terrorist attacks allegedly originating in Syria (censured by the UN, including the United States). Nor does he discuss the exchange of fire on April 7, 1967, which “gave rise to intervention first by Israeli and then by Syrian aircraft, [then to] the appearance of Israeli planes over the outskirts of Damascus and to the shooting down of six Syrian planes” with no Israeli losses (Charles Yost, *Foreign Affairs*, January 1968; Yost takes this to have been “the curtain-raiser to the Six-Day War”).

Walzer’s unqualified assertion that Nasser’s moves served no more limited goal than to endanger Israel is sharply at variance with the judgment of many other observers. Yost, for instance, notes various inflammatory Israeli statements that “may well have been the spark that ignited the long accumulating tinder” and discusses the problem that Nasser faced “for his failure to stir at the time of the Es-Samu and April 7 affairs.” Walzer mentions that Egypt expelled the UN Emergency Force from the Sinai and Gaza and closed the Strait of Tiran to Israeli shipping. He fails to mention that Israel had never permitted UN forces on its side of the border and refused the request of the UN secretary-general to allow them to be stationed there after Egypt ordered partial evacuation of the UN forces from its territory. (Egypt did not order the UN forces out of Sharm el Sheikh.) As for the closing of the Strait of Tiran, if we apply the reasoning that Walzer feels is appropriate in the case of the German attack on Belgium, we see that there remained unexploited possibilities for peaceful settlement. For example, the matter might have been referred to the International Court of Justice, as Egypt had been requesting since 1957. This proposal was always rejected by Israel, possibly because it agreed with John Foster Dulles that “there is a certain amount of plausibility from the standpoint of international law, perhaps, to [the Arab]

claims” (though the United States disagreed with this conclusion).

It also seems that Nasser may have had some legitimate cause for concern when he heard Levi Eshkol, the Israeli Prime Minister, declare that “we shall hit when, where, and how we choose,” or when he learned that the Israeli chief of intelligence, General Yariv, had informed the international press that “I think that the only sure and safe answer to the problem is a military operation of great size and strength” against Syria. Nasser alluded to these statements in his May 23 speech, in which he noted various Israeli threats against Syria. And his concern may have been augmented—quite understandably—by the memory of the surprise Israeli attack of 1956, at a time when Egypt was making serious efforts to quiet the border.

My remarks here only scratch the surface of the issue. The point is that the historical record is far more complex and ambiguous than Walzer makes it out to be. His statement that Egypt’s “challenge” is a simple and indubitable case of “aggression,” on a par with the Nazi conquests in Europe, can hardly be taken seriously. Furthermore, he ignores the aftermath of the Israeli attack. Quite unlike the case of Bangladesh, the Israeli army did not leave. Rather, it prepared for a continuing occupation, with a clearly stated policy aimed at the eventual annexation of some areas, the actual annexation of eastern Jerusalem, and a program of settlement and integration of the occupied territories—a program that continues in the face of nearly unanimous international condemnation.

Some 200,000 West Bank Arabs fled during the Israeli attack in 1967, and about the same number fled or were forcibly expelled after the cease-fire. For many months afterward, UN Chief of Staff General Odd Bull reports, “The Israelis encouraged their departure by various means, just as they had in 1948.” As late as the following November, he adds, “There can certainly be no doubt that many thousands of Arabs at this time fled across the Jordan to the East Bank, even though there may be no precise evidence of the methods that were employed to ensure their departure.” Thus the land was “liberated”—freed of a large part of its population. The Israelis instituted a military regime in the conquered areas that differs from others of the same type primarily in the favorable press that it has enjoyed in