

A Pyrrhic Victory? The 'War on Terror' and 'The Triumph of Just War'

Written by Cian O Driscoll

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CIAN O DRISCOLL, MAR 10 2012

The just war tradition is the predominant moral language through which we address questions pertaining to the rights and wrongs of the use of force in international society. Boasting a lineage that is typically traced to the sunset of the Roman Empire, it furnishes us with a set of concepts, principles, and analytical devices for making sense of the moral-legal questions that war raises. Contemporary accounts of the tradition organize it around two independent but related poles of inquiry, the *jus ad bellum*, which speaks to the conditions under which the recourse to war might be justified, and the *jus in bello*, which treats the issue of how war might be conducted in a just manner once commenced. Although scholars disagree over which principles should take priority within these poles of inquiry, and how they relate to one another, a certain amount of consensus endures regarding the principles themselves. Few scholars challenge the view that the *jus ad bellum* requires us to think in terms of 'just cause', 'proper authority', 'right intent', and 'last resort', while most agree that the *jus in bello* directs us to questions relating to 'discrimination', 'proportionality', and 'double-effect'.

Recent years have witnessed the emergence of just war discourse as the lingua franca of international politics. For evidence of its prominence, one need look no further than President Obama's Nobel Peace Prize address (2009), or indeed the rhetoric of his predecessor, President George W. Bush (O'Driscoll 2008). But more generally, one will find evidence of what Michael Walzer (2002 [republished 2004]) has termed 'the triumph of just war' in the statements issued by military and political leaders the world over. A number of intriguing issues arise in relation to the emergence of just war discourse as the lingua franca of international politics. Chief among them is the matter of whether we should welcome the ascendancy of just war discourse in official rhetoric as marking the emergence of a robust and progressive normative agenda in the spheres of statecraft and international conflict. Or should we lament it as reflecting the abuse, and indeed corruption, of that same vocabulary? This essay addresses these questions.

The 'Triumph of Just War': A cause for celebration?

Just one year after 9/11, and one year into the 'war on terror', Michael Walzer published an influential essay, 'The Triumph of Just War Theory (And the Dangers of Success)', that addressed this very question (2002 [republished 2004]). Walzer's starting point is the observation that military and political leaders have not always been so enamoured of just war talk (or, in fact, any form of moral talk whatsoever). 'The standard reference', he writes, 'was not to justice but to interest. ... Just war theory was relegated to religion departments, theological seminaries, and a few Catholic universities' (2004: 6). This situation was not to last. The first stirrings of change occurred in the context of Vietnam, Walzer reports, when proponents and opponents of the war joined debate on the rightness or wrongness of that particular venture. Not surprisingly, members of the latter camp soon found themselves groping for a common moral language through which to express their views. Realism, they soon realized, would not work for them. It 'robbed' them of the very words they most needed – 'aggression, intervention, just cause, self-defence, non-combatant immunity, proportionality, prisoners of war, civilians, double-effect, terrorism, war crimes' – words that conveyed the moral content of acts that had hitherto been whitewashed in the bloodless jargon of Cold War strategy (2004: 7). What realism denied, just war supplied. Without fully realizing what they were doing, opponents of the Vietnam War found themselves employing just war principles and categories to press their case against a controversial conflict. They found themselves, in other words, like Moliere's Monsieur Jourdain, speaking just war

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intuitively, naturally, almost without their even knowing it. Later on, once the war was over, the subject of just war would become a staple subject in US military academies and university campuses. By the 1990s, it had become the lingua franca of the military and political leadership of Western democracies who invoked its categories both to justify their wars and assure their publics that they were being waged in the right manner. It is development that Walzer (2004: 12) refers to as the 'triumph of just war theory'.

This raises the question whether the triumph of just war is something to be celebrated. Should we read it as marking the emergence of a robust and progressive normative agenda in the spheres of statecraft and international conflict? Two reasons suggest themselves for thinking that the triumph of just war theory is indeed a beneficial development. The first of these supposes that it is reflective of the emergence of a more normatively sensitive approach to warfare. This view takes the triumph of just war theory at face value and supposes that, because political and military leaders are talking about discrimination, proportionality, just cause, et cetera, they must really care about these things. Or, put more accurately, they must be incorporating these concerns into their plans and actions. Understood in this light, the growing prominence afforded to just war ideas in official discourse reflects the maturation of a long-term process whereby the norms of restraint governing warfare have been buttressed and consolidated. So proponents of this view like to point to the increasing ratio of smart to dumb bombs dropped during major international conflicts, the routine deference to moral and legal scruples that is now the norm in military command centres, and the swing that has taken place towards more virtuous and humanitarian forms of war (O'Donovan, 2003: 125-6; also Ignatieff, 2000). Critics who challenge this view are shot down with the rhetorical question: Would you rather have been a civilian in Blitz-torn London or in shocked-and-awed Baghdad? The point being, of course, that these bookends demonstrate an impressive trend towards more restraint and discrimination in war over the last half-decade or so.

But not everyone is comfortable adopting such a sanguine view about the role and nature of war in the modern world. These sceptics find support for their position in damning civilian casualty statistics (80% of casualties in contemporary warfare are civilian, compared to 20% a century ago) and the brutishness of recent conflicts. The inference derived from these statistics is that the turn towards just war is of no substance, being little more than a rhetorical device. Although political and military leaders may gesture towards just war ideas in their speeches and presentations, this is just a superficial moral veneer that has no correlation to their behaviour, that is, to the decisions they reach and policies they execute in times of war (for example: Carr, 2001: 64-5). Some critics go even further and suggest that the recourse to just war discourse plays a more sinister role than this, enabling bloody wars by cloaking them in the guise of justice (Fiala, 2008: xi; Booth, 2001).

It is in response to these charges that we encounter a second, more oblique but possibly more powerful, argument for thinking about the triumph of just war in positive terms. This is the argument that, though the use of just war ideas by contemporary leaders may be opportunistic or even hypocritical, it is still likely to possess behavioural significance. This is because it establishes and consolidates standards of behaviour against which those same leaders will be judged. The implication of this is that, even if their engagement with just war discourse is cynical rather than sincere, political and military leaders 'will find themselves committed to behaving in such a way that their actions *remain compatible* with the claim that their professed principles genuinely motivated them' (Skinner, 2001: 155; also Wheeler, 2000: 7). Put more simply, unless leaders wish to expose themselves as frauds, they will be drawn over time to act in a manner consistent with their stated convictions. And in those cases where leaders fail to do even this, the just war ideas they invoked and then betrayed may be cited against them. Putting this in some kind of useful order, it is possible to say that if just war discourse is used by political and military leaders to justify their military campaigns, it also provides a means of keeping them honest. It supplies a language of immanent critique that enables us to call our leaders to task on their mendacity, and hold them to their word (Walzer, 1992: xxix; Walzer, 2004: 12). Summing up this second argument, the triumph of just war theory, that is, the adoption of just war as the lingua franca of those in power, is a good thing because it means that we, as critics and engaged citizens, have enhanced critical leverage on those in power.

Or a reason for Concern?

There are, however, also compelling reasons for taking a more equivocal stance regarding the so-called triumph of just war. Principal among them is the concern that the triumph in question is properly understood as a pyrrhic

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victory. Denoting a hollow or empty triumph, the term pyrrhic victory is derived from the success achieved by King Pyrrhus of Epirus over the Romans at the Battle of Apulia in 279BCE. This victory was achieved at such high costs that it threatened to hobble Epirus's campaign plans: 'Another such victory', he lamented, 'and we shall be lost' (Lane Fox, 2006: 305-6). This section will unpack the concern that the so-called triumph of just war should properly be viewed in this light, elaborating both a weaker and a stronger version of it.

The weak version is best introduced by an apocryphal tale recounted by Peter Temes in his 2003 monograph, *The Just War* (91-3). The story goes that, prior to the declaration of war against Iraq in 1991, President George H. W. Bush experienced strong feelings of doubt and apprehension regarding the forthcoming military action. Specifically, he was struggling to reconcile his role as commander-in-chief of a nation at war with his Christian faith. Seeking reassurance, he sought advice from a minister known to his family. The minister obliged by summarizing the basic tenets of the just war tradition on an index card, so that the president might reflect upon them at his leisure. On the one hand, one might read this story as corroboration of the triumph of just war – it signifies Washington's embrace of the just war – but one can also read it in a more circumspect light such that it illustrates the danger that just war theory is in the pocket of power.

The moral imparted by this story, in other words, is the potential for the transformation of just war theory into a strategic discourse that serves rather than challenges *realpolitik*. As presidents and generals alike internalize the vocabulary of just war, the possibility increases that unscrupulous commanders will deploy it as a strategic partner in battle. Aided and abetted by lawyers who are already versed in the art of 'lawfare', it should not surprise us if today's leaders display an adept hand for manipulating the language made available to them by just war, using it to extend the range of action available to their military commanders (Kennedy, 2006: 12). By way of example we might think of the way that the Bush administration variously expanded and contracted the reference of terms such as, respectively, 'preemption' and 'torture'. Both cases support the general point that the language of just war may be mobilized by the military and policy elite as a strategic asset, serving to enable rather than constrain the violence of war.

At the heart of this argument is a palpable fear that the triumph of just war is actually little more than an egregious case of abuse, whereby a moral vocabulary has been manipulated to serve the interests of power. There is, however, a sense in which this argument is underdeveloped. Or, put more precisely, there is a sense in which it fails to draw out the full ramifications of the developments it discusses. Namely, it omits to discuss the very real possibility that sustained abuse is not just a negative in its own right, but might also corrode the coherence and integrity of just war as a moral discourse. This leads us, then, to the stronger version of the argument that the triumph of just war is little more than a pyrrhic victory.

The stronger version of the argument is encapsulated by Thucydides' account of the stasis at Corcyra (1998: 168-70 [3.81]). This gruelling passage, which details one of the more brutal episodes of the Peloponnesian War reveals a powerful challenge to Walzer's faith in the power of normative talk to civilize international political life. As Thucydides reports, Corcyra was a traditional Athenian ally that in 427BCE was wracked by a bitter civil war that pitted democrats and oligarchs against one another in a bloody internecine struggle. As the balance of power oscillated from one party to the other, a vicious spiral of butchery and atrocity ensued. 'Every form of death prevailed, and whatever is likely in such situations happened – and still worse. Fathers killed sons, men were dragged from the sanctuaries and killed beside them, and some were even walled up in the sanctuary of Dionysos and died there' (168 [3.81]). This strife soon spread across the Hellenes, with catastrophic results for all. Order broke down, passion eclipsed reason, *logos* (speech) gave way to *ergon* (action), *nomos* (convention and law) was superseded by *physis* (unmediated natural impulse), and, finally, the moral vocabulary that the Greeks used to make sense of these events buckled under their weight (Bedford and Workman, 2001; White, 1984: 62-89; Pouncey, 1980: 149). Thucydides describes these scenes in a remarkable passage (169-70 [3.81]):

So the condition of the cities was civil war. And where it came later, awareness of earlier events pushed to extremes the revolution in thinking, both in extraordinarily ingenious attempts to seize power and in outlandish relations. And in self-justification men inverted the usual verbal evaluations of actions. Irrational recklessness was now considered courageous commitment, hesitation while looking to the future was high-styled cowardice, moderation was a cover for lack of manhood, and circumspection meant inaction, while senseless anger now helped to define a true man, and

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deliberation for security was a specious excuse for dereliction. The man of violent temper was always credible, anyone opposing him was suspect. The intriguer who succeeded was intelligent, anyone who detected a plot was still more clever, but a man who made provisions to avoid both alternatives was undermining his party and letting the opposition terrorize him. Quite simply, one was praised for outracing everyone else to commit a crime – and for encouraging a crime by someone who had never before considered one.

There is much to chew on in this passage, but what is most pertinent to this essay is Thucydides' depiction of the disintegration of moral language. Reversed, frayed, abused, and stretched to breaking point, moral terms have been so twisted that the words themselves have 'lost their meaning' (White, 1984: 3).

The effect of this loss of meaning is chilling, and extends far beyond semantics. It relates to the dissolution of those resources – speech, language, argument, discussion, shared norms and meanings – that make political community and indeed political life possible (de Jouvenel, 1957: 304). Herein lies the true horror of Thucydides' account of the Peloponnesian War. Maintaining a funereal pace, it narrates, one term at a time, the slow arc by which the 'delicate fabric' of Greek life was unpicked and rendered bare, denuding Hellenic society of the means to sustain itself as a social form (Pouncey, 1980: 149). By the conclusion of the Thucydides' book, which arrives seven years before the war is ended, man has already been reduced to something resembling bare life. Stripped of a shared moral language and grammar, that is, the means by which to make sense of the world and communicate to her fellow citizens, man has lost her social bearings and has no means of recovering them. Summing this up, the key point I wish to convey here is that Thucydides' narrative is clinical in its portrayal of what happens when the moral languages that sustain a society breakdown following a period of sustained abuse.

Conclusion

Does the Corcyran stasis have any instructive value for how we understand the use of just war discourse in the context of the 'war on terror'? An argument can be constructed to the effect that it does. This would suppose that, although just war discourse has gained in prominence over the course of the past few years, the process by which this has taken place has had an emaciating effect upon it. And, by so degrading the principal common language available to us for debating the rights and wrongs of warfare, this emaciation of just war discourse must also impoverish the common life of international society. Drawing this essay together, then, it is tempting to conclude that Corcyran pessimism is closer to the mark than Walzerian optimism. But this is just conjecture. If we really wish to think about whether the triumph of just war is meaningful or pyrrhic, we need to examine how just war discourse functions in concrete terms. The challenge that confronts just war theorists today, then, is to devise new and more sophisticated ways of pursuing this task.

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