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A REALIST RESPONSE TO WALZER'S *JUST AND UNJUST WARS*

[T]he first war of the 21st century . . . is the war against terrorism and weapons of mass destruction in the hands of dictators.
You are with us or you are against us in the fight against terror.
There are no rules.

<div align="right">

George W. Bush[1]

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Michael Walzer's *Just and Unjust Wars* is one of those rare books that more than deserves the glowing praise on the back of the paperback edition.[2] Because his thoughtful analysis is so thorough, readable, and well-grounded in numerous historical examples, it provides a broad basis for understanding the relationship between war and justice. Despite these strengths, however, Walzer's book has an important shortcoming: It does not satisfactorily address the lack of connection between his rights-based scheme of moral actions and actual conduct in the real world. One reason for this lack is the limited role that shared values play in constraining discourse and conduct in a modern nation. Another problem is that leaders believe they have a moral role-responsibility to protect the nation from the risk of catastrophic harm and often feel obligated thereby to engage in what they see as "justified" denials of rights. After a war, moral theory is sufficiently manipulable that it provides minimal guidance for assigning "responsibility." Moreover, a nation that has won a war is motivated to avoid imposing responsibility because of gratitude to leaders who satisfied their role-responsibility of protecting the nation, even if their success involved an unjust denial of rights. Given these problems, it is important to build on the strengths of Walzer's work by combining it with a more realistic approach that not only acknowledges the importance of rights and morality but also emphasizes prudential arguments and legal and political frameworks.

1. WALZER'S PRACTICAL MORALITY AND HIS ARGUMENT AGAINST REALISM

The lack of connection between moral theory and conduct is a fundamental problem with Walzer's theory because his goal is to write a "book

of *practical* morality" based on "a doctrine of human rights" (xxi, xxii, emphasis added). This practical "moral realism" is designed to do two things: (1) provide "some guidance" for people "faced with hard choices," and (2) help control officials by exposing and condemning "the hypocrisy of soldiers and statesmen who publicly acknowledge these [moral] commitments while seeking in fact only their own advantage" (xxi, 20). If one has a concern for rights and morality, Walzer's practical morality provides "some guidance" on many difficult issues. However, the scheme is *im*practical in terms of controlling conduct and assigning responsibility for immoral actions because its moral "guidance" is widely manipulated, ignored, or reformulated into a less strict system. In short, there is a gap between reality and Walzer's moral scheme.

One of the strengths of Walzer's book is that he explicitly addresses such problems. The first chapter focuses on the issue of morality's influence on war by addressing the "realist argument" that moral judgments about war are simply a charade because, in fact, "anything goes" (3–4). The realist argument is initially addressed by considering Thucydides's account of the Melian dialogue in *The Peloponnesian War*. At issue is whether the island state of Melos can remain neutral and not be subject to Athens, which has developed an empire based on its naval power. The Athenians do not waste time with "fine words about justice," about what Athens "deserved," or about any "right" of Melos to be neutral as Athens struggles to maintain its empire (5). Instead, they say, "We will talk instead of what is feasible and what is necessary. For this is what war is really like: 'they that have odds of power exact as much as they can, and the weak yield to such conditions as they can get'" (5). "The neutrality of Melos 'will be an argument of our weakness' [and] will inspire rebellion throughout the islands . . ." (5). Even if the generals had talked in terms of justice, this talk would have been shaped by their interest in denying neutrality in order to maintain their empire. Consequently, "talk about justice cannot be anything more than talk" (10).

To Walzer, this realist position is *a*moral because it asserts that even if people engage in the "fair pretense" of moral talk, "we can understand what other people are saying only if we see through their 'fair pretenses' and translate moral talk into the harder currency of interest talk" (11). Thus, decisions concerning war and the survival of a particular conception of one's state (or tribe or culture) are "distinct and separate from the laws of moral life" (7). This separateness involves two interrelated aspects: (1) decision-makers lack the freedom to make moral decisions, and (2) talk about justice is just talk (10).

Walzer rejects both aspects of this realist position. He argues that moral freedom exists because choosing to deny rights is rarely necessary to further self-interest in the sense that the choice or the result to be avoided is inevitable (8). In virtually all cases, a particular war or military action is rarely essential to prevent a dire catastrophic result; the result may not really be catastrophic and no one can be sure of the future (8). For example, the Athenians cannot be certain that the goal of maintaining an empire based on "domination and subjugation" was essential to preventing the catastrophic "fall" of Athens (8). Even if maintaining the empire is essential, how can one be sure the destruction of Melos is necessary to do this? (8). Moral talk is meaningful because: (1) *it is limited* in the sense that it cannot be simply manipulated to justify any and all unjust conduct concerning war; and (2) *this limited moral talk can constrain conduct concerning war* because the ability to hold actors "responsible" for immoral actions offsets to some extent people's motivation to seek self-interest without concern for justice.

In addressing the nature of moral talk, Walzer recognizes that morality is, in part, a "world of ideology and verbal manipulation" (12). In this world, arguments based on morals can be manipulated to "justify" actions that are, in Walzer's scheme, unjust. However, he argues "the possibilities for manipulation are limited" because moral claims have "entailments" and involve underlying "principles" and "commitments" (xxi, 12). These claims are subject to analysis and canons of "coherence," and we can "hold such people to their own principles" (xxi). Therefore, persons making moral claims and using moral justifications are led into "a world of discourse where" they are "severely constrained" in what they say (12).

Even if moral talk can be limited, the realist argument is still valid if this talk does not, in fact, constrain behavior. "The moral theorist . . . must come to grips with the fact that his *rules are often violated or ignored* – and with the deeper realization that, to men at war, the *rules often don't seem relevant* to the extremity of their situation" (14–15, emphasis added). Walzer addresses this difficulty by arguing that, because his moral scheme is based on the shared values and meanings underlying justifications and judgments about war, officials can be held "responsible" for violating values they espouse to justify their conduct. In addressing the problem of unjust actions by officials, the theorist "does not surrender his sense of war as a human action, purposive and premeditated, for whose effects *someone is responsible*. . . . [H]e searches for human agents" (15, emphasis added). The theorist is not "alone in this task" because "*[a]ll of us are inclined to hold them responsible* for

what they do . . ." (15, emphasis added). "[T]he moral reality of war is not fixed by the actual activities of soldiers but by the *opinions of mankind*" (15, emphasis added). "The moral world of war is shared not because we arrive at the same conclusions . . ., but because we acknowledge the same difficulties on the way to our conclusions, face the same problems, talk the same language" (xx–xxi).

The responsibility of those who wage war unjustly is the focus of Part Five, which opens with the assertion, "The assignment of responsibility is the critical test of the argument for justice" (287). "[T]he theory of justice should point us to the men and women from whom we can rightly demand an accounting" (287). "If there are recognizable war crimes, there must be recognizable criminals" (287). Despite the use of the terms "crimes" and "criminals," the task is to assign *moral* responsibility, not legal responsibility. "[W]e are concerned with the blameworthiness of individuals, not their legal guilt or innocence" (288). "What is crucial is that . . . [the criminals] can be pointed at . . ." (289).

2.   A REALIST CRITIQUE OF WALZER'S PRACTICAL MORALITY

Walzer argues that his theory provides a *practical* morality of war because: (1) moral discourse will constrain the arguments that can be made to justify wars and the conduct of wars; and (2) "the opinions of mankind" will hold those who commit "crimes" "responsible for what they do" (14–15). These two assertions are interrelated because both assume that the "opinions of mankind" will in fact limit immoral conduct by constraining moral discourse and by assigning responsibility. As indicated below, Walzer himself seems to doubt the validity of this very questionable assumption.

2.1   Understanding Walzer's Argument in Terms of Western Democratic States

Walzer's reliance on discourse and the "opinions of mankind" has a dated feel to it today. The gender reference to "*man*kind" is jolting to some sensibilities. In addition, like Jefferson's reference in the Declaration of Independence to "a decent respect to the opinions of mankind," the phrase suggests unspoken qualifying adjectives, as in the qualified phrase: "opinions of *thoughtful, educated, right-thinking* mankind." Regardless of whether Walzer intended such qualifiers, the "opinions of mankind" are now viewed as fundamentally diverse, and it takes considerable optimism to think there will be worldwide consensus on anything

about morality except generalities. Specifics, particularly where issues of the application of a general moral theory to a specific war are involved, will be matters of contention.

To the extent Walzer addresses specifics, he generally does so within the context of a modern Western nation-state. In this context, there is more basis for assertions like the following: "The Athenians shared a moral vocabulary, shared it with the people of . . . Melos; and allowing for cultural differences, *they share it with us too*" (11, emphasis added). Though this shift to "western culture" avoids the more extreme problems of global multiculturalism, the range of views in our culture still limits agreement to broad abstractions. In addition, this emphasis on western culture implicitly accepts the ways political and moral opinions are formed and operate within a modern Western state. Because this context limits and structures the role of popular opinions and moral discourse, theory can only provide, at best, "*some* guidance."

Walzer recognizes that debate about and the assignment of responsibility for injustice in war is difficult within a "realistic picture" of the state and politics, where "[t]he state that goes to war is, like our own, an enormous state, governed at a great distance from its ordinary citizens by powerful and often arrogant officials" (301). Recent events indicate this realistic picture sketched in the 1970s is still accurate. For example, regardless of one's moral or political views about American actions since 9/11, the *process* of forming opinions and making decisions about the Iraq war suggests a limited role for reasoned argument about morality.

One problem is that rhetoric like "war on terror" is used so widely. Unless radically redefined in some Orwellian manner, "war" is an activity where nations (or other identifiable groups) engage in violent, deadly actions directed toward one another. Where a broad social or political problem or a dispersed hidden "enemy" is involved, the violent techniques of war – armies, bombs, etc. – have limited effect and involve high collateral costs. Nevertheless, a metaphor like "war on terror" is used (like its predecessors "war on poverty" and "war on drugs") for a simple reason: "War" has a powerful rhetorical impact because the term conveys a sense of extreme urgency requiring unity and sacrifice and justifying denials of rights. Dissent and questioning are suspect, and liberties and moral rights tend to look like luxuries that should be sacrificed until the emergency passes. In "war," the world is divided into two worlds – us and the enemy. As with Melos, the third world of neutrality becomes suspect, dangerous, and subject to forceful conversion to "our" side. To the extent these wartime reactions are inappropriate for a metaphorical war, debate is distorted.

Distortion also results because debate about issues like the invasion of Iraq in 2003 "is mediated by a system which is partially controlled by . . . distant officials and which in any case allows for considerable distortions" (301). A sense of the impact of this *media*ting system is conveyed by the following description of press coverage of the invasion:

In Doha, the US built a $1.5 million press centre. 700 journalists were "embedded" with coalition forces. . . . John Donvan of ABC News [expressed the following "anxieties"]:

[T]he networks were so enthusiastic about the prospect of covering the war in this excitingly close-up fashion that it coloured their entire attitude to the war itself. They *wanted* it to take place, because they knew how effective the reporting of it would be, and how large the audiences would be. And that meant . . . they largely ignored the anti-war protests in the United States and around the world as freakish and irrelevant.[3]

2.2   The Limits on Moral Theory in the Real World

2.2.1   Constraining Decisions as Wars are Declared or Fought: The Problem of Leaders' Role-responsibility   In contrast to the discussion of the assignment of responsibility, which is a backward-looking task, Walzer says little about the role of moral theory in constraining decisions about war as they are being made. To the extent he addresses this topic, his "realistic picture" of modern democracies causes him to recognize that moral theory imposes little, if any, constraint because "[w]e are not usually philosophical in moments of crisis . . ." (xvii).

War can present political leaders with the choice of risking the basic well-being or the existence of their nation, which are outcomes "that must be avoided at all costs," or avoiding such outcomes by denying the rights of others (325). Walzer argues a leader cannot choose the second alternative simply by using a "sliding scale" that devalues the rights of enemy citizens in order to further a "just cause" (231–232). Instead, that alternative can be taken only in "extreme cases" that satisfy two strict conditions. First, necessity provides a justification for denying rights, but only in the rare situation where there is "certainty" that: (1) the outcome to be avoided is an imminent, horrific result like a world ruled by Hitler's Nazis; and (2) the denial of these rights is essential to avoiding this outcome (8, 231–232). Second, because the decision to deny rights where the two requirements of necessity are satisfied should be "agonizing," leaders who decide to deny rights for this reason are not "free of guilt" (326). Walzer attempts to use these conditions to bridge the gap between the requirements of his moral theory and his candid appraisal of the conduct of the leaders within his realistic view of the state. However, this "bridge" does not work because it is based on an "ideal" view of leaders, not a realist view.

As to the first condition, Walzer concedes that this requirement does not limit leaders to the rare "extreme cases" where a denial would be appropriate. Instead, necessity arguments "are common enough in time of war," and "the case for breaking the rules and violating those rights is made . . . often, . . . by soldiers and statesmen who cannot always be called wicked . . ." (228, 253).

It is not hard to understand why anyone *convinced of the moral urgency of victory* would be impatient with . . . [limits]. . . . Either fight all-out or not at all. This argument . . . is universal in the history of war. Once soldiers are actually engaged, and especially if they are engaged in a Righteous War or a just war, a steady pressure builds up. . . . And then, . . . the rules are broken *for the sake of the cause*. (227, emphasis added)

The conduct of political leaders is based on a different scheme from Walzer's for a basic moral reason: They have a role-responsibility to protect their citizens, who will suffer if the leaders' decisions result in a catastrophe for the nation. Satisfying this responsibility results in three important charges in Walzer's scheme. First, the requirement of "imminent" catastrophic is abandoned. Why is a catastrophe in five years any less catastrophic? Second, the certainty requirement is abandoned because realistic assessments of probabilities, much less certainties, concerning the risk of a catastrophe or the effectiveness of methods to address the risk are virtually impossible in war. In contrast to Walzer, leaders feel that their decisions must be based on "probabilities and risk" (*see* 8). Third, leaders address this risk and uncertainty by focusing on their concrete, specific obligation to protect their citizens and, in effect, placing less value on their more general duty to respect the rights of enemy citizens. These changes result in a more easily satisfied test: Deny rights where the denial may avoid a risk of some horrific impact on the national interest.

The generals who destroyed Melos adopted an approach that was not only different from Walzer's but also from the role-responsibility scheme sketched above. Does it matter whether the generals destroyed Melos simply out of a concern for power, feasibility, and the interests of Athens (5) or out of a concern to fulfill their role-based moral duty to Athenians to deny the rights of Melians in order to avoid risking the fall of Athens? Walzer argues there is an important difference because, if the Athenians claim to be doing what is morally right, their claims will be constrained by moral discourse. Such a claim of moral correctness "presumes on the moral understanding of the rest of us . . ." (20). "[T]he possibilities of manipulation are limited . . . [because] each . . . claim has its own entailments, leading into a world of discourse where . . . I am severely constrained in what

I can say" (12). "[T]hough it is not easy to judge [factual claims] . . ., it is important to make the effort" (20).

However, when Walzer addresses decisions within the context of his realist model of the modern state, he appears to think discourse does *not* impose constraints. In discussing ways "to get one's fellow citizens to think seriously" about the justice of a war or oppose an unjust war, Walzer notes: "It is not easy to know what course of action might serve these purposes. Politics is difficult at such a time" (303). One reason politics is "difficult at such a time" is the usual public reaction to war in the modern nation:

> When a state like this commits itself to a campaign of aggression, its citizens (or many of them) are likely to go along, as Americans did during the Vietnam war, arguing that the war may after all be just; that it is not possible for them to be sure whether it is just or not; that their leaders know best and tell them this or that, which sounds plausible enough; and that nothing they can do will make much difference anyway. (301)

Thus, Walzer appears pessimistic not only about whether discourse will constrain leaders to follow his moral scheme but also about whether it could constrain leaders acting under the more easily satisfied moral scheme based on role-responsibility.

As to the second condition, Walzer recognizes that there is a paradox in expecting leaders to feel guilty for properly acting on necessity even though they can hardly help but choose the "utilitarian side" because "[t]hat is what they are there for" (326). His sole defense of that paradox is that it reflects "the deeper complexity of our moral realism . . ." (326). Unfortunately, this "moral realism" is more conceptual than factual because Walzer provides little, if any, evidence in this book (or in other works[4]) to show that leaders, in fact, feel guilt or shame for denying rights in accordance with the leaders' role-responsibility to avoid a risk of catastrophic harm to the nation. Instead, even though he concludes that Truman engaged in the war crime of terrorism in using the atomic bomb and that Churchill was similarly guilty for intentionally bombing German civilian populations late in the war, he seems to adopt the position that both felt guiltless because they felt they had done the right thing (255–268, 325).

2.2.2 Assigning Responsibility and Blameworthiness After Wars: The Problem of Lack of Blame   Walzer argues that "assignment of responsibility is . . . critical" because "[t]here can be no justice in war if there are not, ultimately, responsible men and women" (287–288). "If there are recognizable war crimes, there must be recognizable criminals." (287)

However, in Walzer's "realistic" model of the political world, it is not "easy to impose responsibility . . ." (301). Thus, it is not surprising that, with very few exceptions (virtually all of which involve losers in war), there has been little assignment of either moral or legal responsibility in accord with Walzer's theory. At times, Walzer himself tends to shrink from placing this label on specific actors. For example, after noting that many American "elites" were "morally complicitous in our Vietnam aggression," he states: I am not "interested in pointing at particular people or certain that I can do so" (302–303). Instead, he only wants "to insist that there are responsible people even when . . . moral accounting is difficult and imprecise" (303).

His discussion of "terrorist" action in World War II provides another example of this tendency to avoid assigning blame. In arguing that terrorism is a war crime, Walzer summarizes the purpose and methods of terrorism as follows:

> Its purpose is to destroy the morale of a nation or a class, to undercut its solidarity; its method is the random murder of innocent people. Randomness is the crucial feature of terrorist activity. If one wishes fear to spread and intensify over time, it is not desirable to kill specific people identified in some particular way with a regime, a party, or a policy. (197)

Because terrorism involves "the random murder of innocent people," it is unjust and morally criminal. Walzer labels two specific actions in World War II as criminal terrorist actions: intentionally bombing civilian populations in Germany after the initial extreme threat to Britain had passed and using the atomic bomb in Japan (261, 267–268, 323).

Because these actions "are recognizable war crimes, there must be recognizable criminals" (287). The "recognizable criminals" for the unjustified terror bombing should include Churchill, who had a central role in deciding to target German civilians later in the war, and Truman, who had the ultimate decision on the use of the atomic bomb (266–268, 324). However, the "opinions of mankind" have not labeled them "war criminals," and virtually no responsibility or blame for these terrorist actions has been placed on them.

Walzer's treatment of them is very similar. In describing the assignment of personal responsibility for the "terrorist" bombing of German cities, Walzer addresses blame in a conditional sense: "*if* blame is to be distributed for the bombing, Churchill deserves a full share" (324, emphasis added). To some extent, individual responsibility was assigned by the English after the war, but only to those who executed Churchill's orders. Arthur Harris, who directed the bombing campaign, "was slighted and snubbed . . . and not rewarded with a peerage . . . . The men

he led were similarly treated" (324). Clearly, it was hypocritical to treat these people, who were implementing Churchill's orders, in this manner. Because exposing such hypocrisy is precisely what Walzer claims his practical morality will do, one would expect Walzer to give Churchill his "full share" of blame for the terror bombing and to denounce the hypocritical actions. However, Walzer neither blames Churchill for the bombing nor criticizes the hypocrisy.

Instead, he views the actions as those of an *im*personal actor doing what is necessary to achieve a greater goal – that is, the actions of "a *nation* fighting a just war . . . [that] *must* use unscrupulous or morally ignorant soldiers; and as soon as their usefulness is past, it *must* disown them" (325, emphasis added). In this way, the disowning of the men who executed Churchill's orders is separated from him and is praised, not criticized. The action is viewed as a positive, morally significant reaffirmation of the values defended in a just war. Though there may have been "some better way" to do this,

[t]he refusal to honor Harris at least went some small distance toward re-establishing a commitment to the rules of war and the rights they protect. And that, I think, is the deepest meaning of all assignments of responsibility. (325)

The hypocritical condemnation of men who executed orders may have affirmed values, but it is a questionable way of assigning responsibility, which Walzer asserts "is the critical test of the argument for justice" (287). From the perspective of theory, Walzer's treatment of the actions as that of the nation, rather than a person, contradicts his assertions that moral talk has meaning because the moral theorist "searches for human agents" when confronted with war crimes and because "[a]ll of us are inclined to hold . . . [these agents] responsible for what they do" (15). In addition, Walzer's approach to the British actions raises moral issues about making soldiers scapegoats for doing their duty to the nation and practical issues about how this method of assigning responsibility and affirming values will affect future leaders in Churchill's position.

2.2.3   The Conflict Between Walzer's Realist Account of Politics and his Rejection of Realism in his Practical Morality   Walzer's "realist picture" of political decision-making conflicts with his rejection of realism in moral theory. At the beginning of the book, he rejects "amoral realism" and sketches out a scheme where hypocrisy will be exposed, the possibility of manipulating moral theory will be constrained, moral crimes can be identified, and personal blame for these crimes will be assigned. However, when Walzer addresses the actual exposure of hypocrisy and the

assignment of responsibility, he does it within a realist view of the modern state. Morality does affect decision-making in this view, but it does so in ways that conflict with Walzer's scheme of morality. In particular, leaders feel justified in denying rights in order to satisfy their role-responsibility to avoid the risk of horrific consequences for the nation. In this context, rights are denied, responsibility is not assigned, and leaders are almost never blamed for actions that are immoral within Walzer's scheme.

Walzer recognizes that leaders tend to deny rights on the basis of a standard of necessity that is less strict than his standard of necessity measured by certainty of imminent catastrophe. He is also aware that his realistic assessment of leaders' conduct conflicts with his assertion that such improperly flexible "moral" arguments can be constrained by moral discourse. At times, when addressing specific events, Walzer resolves the conflict by accepting the less extreme situations as justifications. For example, even though he argues Churchill's decision to target civilians in German cities for bombing late in the war did not satisfy the strict requirements of necessity, he stops short of a serious assignment of blame to Churchill for this "crime." In addition, Walzer praises the hypocritical treatment of the soldiers executing Churchill's orders.

The tendency of leaders to do bad things for a good cause indicates a basic problem with Walzer's argument against realism. His argument is directed toward "the wicked and the simple," who attempt to "opt out" of the "shared" "moral world of war" in order to pursue their own self-interest or national self-interest by making the amoral claim that morality is irrelevant (xi–xxi). Regardless of whether Walzer's argument adequately addresses this selfish amoralism, the argument does not address the problem of leaders who sincerely believe they have a role-based moral obligation to protect the national interest by avoiding the risk of a national catastrophe. Because this is "what they are there for," they feel morally obligated to do wicked things which, absent their duty, would be clearly immoral. These leaders may be mistaken about their obligation, but they are not lying or engaging in hypocrisy. If they lie about the war in other ways, this is also viewed as required by their moral duty to the nation. Such leaders are both more common, and thus engage in more "unjust" conduct, than the amoral leaders addressed in Walzer's argument against realism.

3. CONCLUSION – A REALIST APPROACH TO MORALITY

Walzer's book provides an interesting and enlightening review of the moral issues involved in war and provides at least some "rules of thumb"

for decision-making. These are important, substantial accomplishments. Is it fair to expect more from a philosophical discussion?

Apparently, Walzer expects more because he applies a very strict standard to international law:

The UN Charter was supposed to be the constitution of a new world, but . . . [t]o dwell at length upon the precise meaning of the Charter is today a kind of utopian quibbling. And because the UN sometimes pretends that it already is what it has barely begun to be, its decrees do not command intellectual or moral respect – except among the positivist lawyers whose business it is to interpret them. The lawyers have constructed a *paper world, which fails at crucial points to correspond to the world the rest of us still live in.* (xvii–xix, emphasis added)

By this high standard, Walzer's "practical morality" is also deficient because it fails to constrain actions in the real world and thus fails "to correspond to the world."

On the other hand, when Walzer places moral philosophy within his "realistic picture" of the modern state, he adopts a more modest standard. After acknowledging the problems for his practical morality raised by his "realistic" model of the state, Walzer suggests that the following "intellectual work . . . is less difficult" to do:

One must describe as graphically as one can the moral reality of war, talk about what it means to force people to fight, analyze the nature of democratic responsibilities. These, at least, are encompassable tasks, and they are morally required of the men and women who are trained to perform them. (303)

In this way, morality, though manipulable, can help structure and direct debate and help guide decisions because most people care about "being moral." Walzer notes,

the *moral reality of war is not fixed by the actual activities of soldiers but by the opinions of mankind.* That means, in part, that it is fixed by the activity of philosophers, lawyers, publicists of all sorts. . . . [, whose] views have value only insofar as they give *shape and structure* to that experience in ways that are plausible to the rest of us. (14–15, emphasis added)

In the end, Walzer accepts the realist position that giving "shape and structure" is all that philosophy can do and that, to be effective, this "shape and structure" must be able to compete in the *media*ted world of the modern state. However, he paradoxically resists the conclusion that neither his "practical morality" nor "the opinions of mankind" are likely to have any substantial effect on official decisions about war. Perhaps this somewhat contradictory position helps us in trying to bridge (or at least to live with) the gap between moral theory and the reality of decision-making about war. However, we are likely to have more success in bridging the

gap if we take a more realistic view of the problem. Such a view will provide a renewed appreciation of the need to use populist outlets for expressing the "shape and structure" of morality, to use prudential arguments that emphasize those areas where there is an overlap between a rights-based morality of law like Walzer's and a nation's self-interest, and to join in the efforts of "positivist lawyers" as they try to bind nations by international law, even if this rarely works unless the acceptance of law is in a nation's self-interest.

NOTES

1. Quoted in Dominic McGoldrick, *From '9-11' to the 'Iraq War 2003'* (Oxford: Hart, 2004), pp. 87, 161, 179.
2. Michael Walzer, *Just and Unjust Wars*, 3rd edn (New York: Basic Books, 2000). All parenthetical page references are to this work.
3. McGoldrick, *From '9-11'*, p. 41 (quoting from Randeep Ramesh (ed.), *The War We Could Not Stop* (New York: Thunder's Mouth Press, 2003), p. 286.)
4. In other works, Walzer develops his ideal of a political leader in terms of a concept of "dirty hands," which refers to the need for leaders to dirty their hands with immoral acts in order to avoid worse immorality or to accomplish more important goals. See Walzer, *Arguing About War* (New Haven, CT: Yale University Press, 2004), pp. 45–49; and Walzer, "Political Action: The Problem of Dirty Hands," *Philosophy & Public Affairs* 2 (1973), p. 160.