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2016

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UNIVERSITY OF CALIFORNIA

Los Angeles

War and Peace:

Towards a Theory of Just Peace

A dissertation submitted in partial satisfaction

of the requirements for the degree

Doctor of Philosophy in Philosophy

by

Lee Sook Chae

2016

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2016

ABSTRACT OF THE DISSERTATION

War and Peace:

Towards a Theory of Just Peace

by

Lee Sook Chae

Doctor of Philosophy in Philosophy

University of California, Los Angeles, 2016

Professor Alexander Jacob Julius, Chair

Wars cause unconscionable damage and are universally condemned as a scourge of humanity. Yet most of the philosophical literature, in a tradition stretching back at least to Augustine, focuses on its justification, either as a form of national defense or as a means of securing a future peace. And this tradition, which has now crystallized into just war theory, continues to dominate our thinking about war and peace.

Because we use the concepts and principles of just war theory, we are very limited in the range of questions we ask. The dominant concerns have to do with whether there is just cause for war, and what kinds of violence it is permissible for soldiers to use, both against each other and against civilians. Questions of peace rarely enter into the frame, and when they do, it is only in the context of ending or preventing a war.

In this dissertation, I bring peace to the forefront. I argue that war cannot be justified either as a form of national defense or as a means of pursuing peace. Rather than understanding peace primarily in contrast to war, I offer an independent account of peace, as a kind of trusting relationship between political communities. Since peace is a relationship of trust, it cannot be secured by force or threat of force. And so if we seek to live together in peace with our adversaries, under conditions of justice and goodwill, war will be an impossible means. I conclude by considering the question of how, in a world that is marked by so much violence, suspicion, and fear, we can turn away from war and towards peace, and suggest that the answer lies in hope.

The dissertation of Lee Sook Chae is approved.

Aslı Bali

Barbara Herman

Alexander Jacob Julius, Committee Chair

University of California, Los Angeles

2016

For my parents

σκόπει δὴ οὖν καὶ σὺ εἴ μάλ᾽ αὖτε πότερον κοινωνεῖς καὶ συνδοκεῖ σοι
καὶ ἀρχώμεθα ἐντεῦθεν βουλευόμενοι,
ὡς οὐδέποτε ὀρθῶς ἔχοντος οὔτε τοῦ ἀδικεῖν οὔτε τοῦ ἀνταδικεῖν
οὔτε κακῶς πάσχοντα ἀμύνεσθαι ἀντιδρῶντα κακῶς

Socrates

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ACKNOWLEDGMENTS

I'd like to thank first of all my advisor, A.J. Julius, whose constant yet unobtrusive direction helped me to shape a simple intuition into a work of philosophy. The profound influence that his work has had on my own reveals itself plainly, and I can only hope that this dissertation reflects his influence well. As my fortunes would have it, his boundless intellectual support was accompanied by his friendship. I am constantly astounded by his generosity, kindness, and authenticity, and, as I cannot with any justice express my gratitude for his faith in this project and for convincing me that I had worthwhile things to say, I can only rely on a heartfelt *thank you*.

I am also deeply indebted to Barbara Herman, under whose aegis I have prospered. As a result of our many conversations, I have come to see more clearly the role of philosophy in understanding the value of our lived experience. I see in her work a model for what I hope to achieve.

I would like to acknowledge a special debt to Calvin Normore for preserving my sense of wonder in doing philosophy, and for his willingness to let our conversations roam far and wide.

The UCLA Department of Philosophy has provided me with an ideal home to do philosophy, and I am grateful to have had the time here to grow as a philosopher. My debts are many: to John Carriero and Asli Bali for their help at various stages in completing this dissertation; to Sean Kelsey, David Blank, and Gavin Lawrence for supporting my interest in ancient philosophy, even though I ended up specializing in something completely different; and to Pamela Hieronymi and to the members of the

Ethics Writing Seminar. For their help in developing many of the arguments contained herein, I would especially like to acknowledge Greg Antill, David Bordeaux, Denis Buehler, Arudra Burra, Lindsey Chambers, Ashley Feinsinger, Piera Maurizio, Eileen Nutting, Alex Radulescu, and Steve White.

I would feel remiss if I failed to thank Del Chrol, who was willing to teach me Greek and Latin when graduate school was just a dream.

During the 2015-2016 academic year, I was supported by a Dissertation Year Fellowship from UCLA Graduate Division, and I am grateful to have had the opportunity to focus on completing my dissertation.

On a more personal note, I'd like to thank my dear friends – Ivana Bandic, Michael Goltermann, John Kostrey, Jessica Lake, and Christina Yang – for filling my life with joy, and my parents-in-law, Ann and Jeff Hutler, for their love and support.

I am especially and forever grateful to my husband, Brian Hutler, on whom I leaned heavily in completing this project, and who held me up when I faltered in my resolve. I am overcome when I look back on the path that we have made. He is, together with our child, Noah Jin Chae Hutler, the light of my life.

Finally, I owe my greatest debt to my parents, who shouldered every burden with love and fortitude that I might have a chance at something more.

VITA

2001 B.A. Legal Studies
University of California, Berkeley

2004 J.D.
University of Southern California, School of Law

2008-2012 Teaching Assistant
Department of Philosophy
University of California, Los Angeles

2009 M.A. Philosophy
University of California, Los Angeles

2012-2016 Instructor
Department of Philosophy
University of California, Los Angeles

2014-2015 Dissertation Year Fellow
University of California, Los Angeles

2015- Postdoctoral Research Fellow
Department of Legal Studies and Business Ethics of the
Wharton School
University of Pennsylvania

INTRODUCTION

There is a long history in the analytic tradition of thinking about war and peace. Most of the attention, however, has been paid to war, namely what reasons can justify going to war (*jus ad bellum*) and what kinds of violence are permissible in war (*jus in bello*). The kinds of violence that are prohibited under the rules of *jus in bello* are determined partly by the end or aim of a just war, which, as John Rawls explains, is a just and lasting peace with the current enemy. But for all its mention as the aim of a just war, peace remains largely under-theorized and is understood primarily as the absence or cessation of war. And so the concepts associated with peace deal mostly with how to regulate the conclusion of a war – the signing of treaties and the cessation of open hostilities, the payment of reparations, and the administration of justice through war tribunals.

In trying to understand why it is that, in the domain of war and peace, our focus has been so narrowly concentrated on war, it would be useful to consider what just war theory's foundational assumptions are, how those assumptions affect what questions are asked, and how this combination of assumptions and questions determines its methodology.

One of the most fundamental assumptions of just war theory is that war is inevitable, and so must be accepted as a part of life. Given war's inevitability, we can only restrict its lawful outbreak and mitigate its horrors. And the primary responsibility for protecting us against aggressive war falls on the state, because the state has an obligation to protect its citizens. The way that the state defends its citizens is by engaging in war, or by maintaining a credible threat that it will engage in war. And here is where we see another fundamental assumption of just war theory – that only violence is effective in repelling violence. As Michael Walzer explains, nonviolence can only be the desperate last stand of a doomed people.

If this is the world as just war theory finds it, then the central question for the just state is how it can fight a defensive war well, *i.e.*, justly. The just state aims at peace, but because it shares the world with many unjust states, it must have contingency plans in place, in the form of a standing army. The just state, with its standing army, has no plans of its own to kill anyone, and hopes it will never have to use its army. But the army must be maintained in order for the just state to discharge its duty to its citizens. And so for the just war theorist, there is nothing inconsistent about calling a state with a standing army a just state or a peace-seeking state.

The methodology of just war theory is driven by fear or suspicion of others, and an understanding of one's own community as moral. And so the cases that are at the heart of just war theory involve an immoral aggressor, and never, for example, two immoral or two virtuous parties. Seeing the party that we fear

as immoral is what provides the momentum, I suspect, for considering more and more horrible “what if” situations. Brian Orend, in classic just war form, asks:

[W]hat if the aggressor is utterly brutal and ruthless? What if, faced with civil disobedience, the invader ‘cleanses’ the area of the native population, and then imports its own people from back home? ... And what if, faced with economic sanctions and diplomatic censure from a neighbouring country, the invader decides to invade *it*, too?¹

Just war theory is developed by looking at the most extreme cases of unjustified violence to construct a justificatory framework that’s then used to cover all cases of (potentially violent) conflict between states.

Once we recognize just war theory’s constellation of assumptions, central questions, and methodology, we can see why so little attention is paid to developing a theory of peace. According to just war theory, states that are internally well-organized lack the motivation to aggress against others. The just state is a state that is “satisfied with the status quo for the right reasons,” and so will seek neither glory in domination, nor excitement in conquest.² The more internally well-organized states there are, the fewer wars there will be. And so the closer to peace we will get. On this picture, peace will not add anything to a world composed of just states.

If peace just is the absence of war, then it makes sense to focus all our attention on limiting permission to war and limiting methods of warfare. So how does this negative understanding of peace affect our “peacetime” behavior? Instead of war as the continuation of politics by other means, we have peace as the continuation of war by

¹ Brian Orend, *The Morality of War* (Peterborough: Broadview Press, 2013), 248 (emphasis in original).

² John Rawls, *The Law of Peoples: With, The Idea of Public Reason Revisited* (Cambridge: Harvard University Press, 2001), 47-50.

other means. We use peacetime to develop even more devastating techniques of warfare. We prepare for a victory that's as quick as possible, so that when the inevitable war does break out, we can reinstall peace as quickly as possible. We live by the maxim, *If you want peace, prepare for war.*

If peace just is the absence of open warfare, then it makes sense to try and fight your way to peace. One side, or all sides, will lose, and whoever loses has to stop fighting. If peace just is the absence of open warfare, then it also makes sense to build up huge armaments and armies, since we can then intimidate others into peace by vigilantly and at all times threatening war. And so Walzer writes that we can justify threatening war by the peace it maintains.

My project rides on a very different set of foundational assumptions. Unlike just war theory, I see nothing inevitable about war. Wars are not things that just happen to us, like the weather. Wars are the result of complex historical, social, economic, and political processes, which are themselves influenced by innumerable choices that we have made, individually and collectively. If wars are the result of choice, then we can choose differently.

And so the central question for me isn't how we, as a just society, are to prosecute a war justly. In fact, I am extremely suspect of just war theorists' assumption that a just society's character *qua* just society will remain unscathed by its preparation for, and execution of, mass violence. And this is because of the intuition that the means and the end must cohere. An analogy that Gandhi was fond of using was that the means are to the end as the seed is to the tree. That is, the means reflect the end in process. So then the questions that concern me have to do with how to understand peace as a positive

ideal, and how that ideal should bear on our practical reasoning about what to do in our actual world.

I've tried to gesture at why I think questions about genuine peace are difficult to consider from within the architecture of just war theory. If we are to take these questions seriously, we need to leave behind the concepts and principles and guiding concerns of just war theory, and develop a suitable new methodology. I propose that instead of running from what we fear, we examine what it is that we seek, and instead of spending our energy on hating what is evil, we focus on what is good. And so instead of pressing out to the edges of horror, the cases that I will hold at the center of my analysis involve those relationships that bring meaning into our lives. In my dissertation, I hope to replace the theory of just war with a theory of just peace.

I begin my project in Chapter 1 by examining the central argument of just war theory – that defensive war can be successfully defended on an analogy to individual self-defensive killing. Just as a person faced with an aggressor may kill the aggressor in order to defend her right that she not be killed, the analogy goes, a state faced with an aggressing state may prosecute a defensive war in order to defend its right to sovereignty. But I argue that locating the wrongness of aggressive killing in the violation of a right not to be killed does not provide the fullest explanation of why aggressive killing is morally impermissible and why it must be resisted.

As Barbara Herman has argued, what's wrong with aggressive killing can't just be that the victim dies, for mortality is a part of human nature. Rather, what's wrong with aggressive killing is the aggressor's attempt to use the victim and her death as a mere means for the aggressor's own, private end. That is, the aggressor attempts to

subjugate the victim to her own will. The victim must resist, then, because she must not be complicit in her own subjugation.

A conclusion that one might draw from Herman's analysis is that the victim must kill the aggressor in order to resist her subjugation (where she cannot otherwise escape). But in fact, I argue, resistance requires that we respond to aggression, even lethal aggression, nonviolently. This is because the aggressor, in confronting the victim with lethal aggression, is attempting to force upon her the following choice: kill or be killed. To choose either option is to accede to the aggressor's terms. One of the problems with responding to violence with violence is that it demonstrates a concord with the aggressor concerning the efficacy, salience, and permissibility of exploiting the vulnerabilities of the human body and spirit.

Nonviolent resistance is the only way to squarely address the wrong that the victim is being confronted with; it is the best way to reject the coercive choice the aggressor attempts to impose. The victim resists, then, by recognizing the aggression as impermissible, condemning the aggression either silently or out loud, deciding to limit her own counter-violence for the sake of the aggressor as a member of her moral community, and hoping that others will continue her resistance by pursuing justice on her behalf.

Resistance against an aggressing state should take the same form as resistance against an individual aggressor. The pacific state must refuse to accede to the terms of the aggressing state and must resist being baited into the activity of strategic, mass killing. As members of a pacific state, we are not willing to let our opponent convert us to their value system, a system based on principles of domination and exploitation. And

compared to the individual case, the collective case provides even more opportunities for nonviolent resistance.

In Chapter 2, I turn away from war and towards peace. Peace, I argue, is a trusting relationship between two political communities that affects their deliberation in the following ways – (1) each community assumes the other’s continued goodwill, and (2) they don’t reason strategically about each other. To reason strategically is to instantiate a relationship where one seeks to manipulate, coerce, threaten, or otherwise bypass another’s ability to respond to reasons, in order to make the other conform to one’s own plans or goals; it is to treat the other as something to be controlled, like a force of nature, instead of as a moral agent.

Those in a pacific relationship should relate to each other only in the ways that their continuing pacific relationship makes appropriate, which will preclude planning to harm the other, even if premised on the condition of the other’s betrayal. To make such contingency plans (*e.g.*, by maintaining a standing army) is to step outside of the deliberative scope established by the pacific relationship, and so to undermine their relationship.

Unlike violent contingency plans, tactics of nonviolent resistance, such as those developed by Martin Luther King, Jr. and Mahatma Gandhi, are very promising way of pursuing peace. Such resistance confronts the aggression as something impermissible and dramatically reveals the violence as something illegal, unjust, and ugly. In the face of aggression, the pacific state acts always with an eye towards repairing the moral breach, and this will require recognizing the members of the aggressing community as responders to moral reasons. The way to act, right now, for the sake of a future peace

with our adversary is by addressing arguments for peace to them. Through our nonviolence, we simultaneously demonstrate our trustworthiness and make the first gesture of trust, thereby illuminating that there is a moral conversation here to be had.

The skeptic may agree that this is a pretty picture of peace, but will doubt that the picture has anything to tell us about how we ought to act now – any unarmed state that attempts to form pacific relations with hostile states will just be annihilated. I agree with the skeptic that pacific relationships cannot be formed *ex nihilo*, but I disagree that the ideal has no bearing on our practical reasoning. Peace is not merely a utopian theory, it is a practical theory as well. I propose in Chapter 3 that part of the reason why the ideal of peace is valuable is because it gives us something to hope for. Acting on our hope for peace gives our actions a meaning they wouldn't otherwise have had, and these meaningful actions can lay the foundation for the peaceful world that we seek.

CHAPTER 1

Pacific Resistance as a Moral Alternative to Defensive War

Introduction

It is widely believed that some wars are just, and some unjust, and that the justice of a war depends on the justice of the cause. The defense of sovereignty, understood as the rights of political independence and territorial integrity, is commonly accepted as the paradigm case of a just cause. And so while the UN Charter generally forbids “the threat or use of force against the territorial integrity or political independence of any state,”³ it provides the notable exception that “[n]othing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations.”^{4, 5} A state may fight an aggressing state in self-defense because its sovereignty is being threatened.⁶

³ United Nations, “Charter of the United Nations.” <http://www.un.org/en/sections/un-charter/chapter-i/>.

⁴ United Nations, “Charter of the United Nations.” <http://www.un.org/en/sections/un-charter/chapter-vii/>. In this UN article, “individual” refers to an individual state, and “collective” refers to two or more states. See, e.g., Yoram Dinstein, *War, Aggression and Self-Defence* (New York: Cambridge University Press, 2005), 252. In this chapter, I’ll use “individual” to refer to individual people, and talk about “individual self-defense.” I’ll use “defensive war” to refer to killings authorized by a state in its defense.

⁵ For the purposes of this chapter, I’ll consider only the limited case of traditional wars covered by Arts. 2(4) and 51, that is, wars fought by armies under the authority of states.

⁶ See, e.g., Dinstein, *War, Aggression and Self-Defence*, 177, explaining that “[t]he provision of Article 51 has to be read in conjunction with Article 2(4) of the Charter.”

What makes a defensive war a just war? It cannot simply be that such wars save lives, for a state might save the lives of its citizens by surrendering. There is radical uncertainty, before the fact of the war, about whether more lives might be saved than lost by prosecuting a defensive war. Nor can it simply be that sovereignty is so excellent a goal that it somehow overcomes the presumption against killing, for we recognize many excellent goals that cannot overcome the presumption. A state may not declare war on another state in order to redistribute their food to feed their own starving population.

In order to understand why a defensive war is a just war, we will have to try to understand sovereignty in a different way, as something that you can fight for in a way that's explained by the same moral considerations that underlie the permission for individual self-defense. In the just war tradition, we find a strong conceptual link between the permissibility of individual self-defense and defensive war. A common strategy used to justify defensive war is to infer its permissibility from the individual case. So, for example, Michael Walzer argues that "territorial integrity and political sovereignty can be defended in exactly the same way as individual life and liberty."⁷ The state protects the community that the individuals have made together, and this is "why we assume the justice of [its] defensive war[]." ⁸ States, like individuals, are rights-bearers,⁹ and if individuals are permitted to kill in defense of (some of) their rights, then so may states.

⁷ Michael Walzer, *Just and Unjust Wars* (New York: Basic Books, 2006), 54.

⁸ *Id.*

⁹ Michael Walzer, "The Moral Standing of States: A Response to Four Critics," *Philosophy and Public Affairs* 9 (1980): 212.

But I reject the rights-based account of individual self-defensive killing. In Section I, I argue that it fails to account for what's distinctive about killing, as opposed to other rights violations, and that it fails to distinguish between rights violations that are intentional and those that are non-intentional. In Section II, I account for the (apparent) permission to kill in self-defense by developing a resistance-based account according to which a victim kills her aggressor, as an act of self-respect, in order to prevent her subjugation. In Section III, by analogy with individual self-defensive killing, I show how the prosecution of a defensive war might be understood as an exercise of collective resistance. But instead of ending my analysis here, I go on to argue that we should take seriously the idea that collective resistance might take a non-violent form, and that this is a better form of resistance if our end as a just society is peace. And so in Sections IV and V, I develop a more expansive conception of resistance that I call pacific resistance, which rejects the use of lethal violence both individually and collectively.

Walzer argues that citizens who are aggressed against by another state are forced “to risk their lives for the sake of their rights,” and “in most cases, given that harsh choice, fighting is the morally preferred response.”¹⁰ What I hope to show is that pacifism is a real moral alternative, and if that is true, then I think it becomes less clear that fighting is the morally preferred response.

I. The Problem of Self-Defensive Killing and a Rights-Based Account

Why is killing in self-defense permissible? It cannot be enough that it's your life or mine. This is intuitive enough – if you and I are adrift in a life raft with only enough

¹⁰ Walzer, *Just and Unjust Wars*, 51.

supplies for one person, I cannot permissibly throw you overboard that I might have all the food and water for myself and live.

We could try to fill out the “it’s your life or mine” test by adding a culpability requirement. If it’s your fault that we’re now in this kill-or-die situation, then I can permissibly kill you. But this view is not without its own difficulties. Even once we distinguish between responsibility and fault, and produce a justification for the infliction of punishment, there remains Thomson’s compelling question, “But who are you, private person that you are, to be dishing out punishment to the villainous for the things that they do?”¹¹

Thomson herself argues that what makes self-defensive killings permissible has to do with the fact that the aggressor, in threatening your life, has made it the case that unless you kill her, your right not to be killed by the aggressor will be violated. Thomson begins with the claim that “[o]ther things being equal, every person Y has a right against X that X not kill Y.”¹² So then it is true that, as between you and another person, if other things are equal,

- (1) In the circumstances, you have a right that the other person not kill you.

But now imagine that that other person is going to kill you. Now it is true that

- (2) If the other person kills you, she will violate your right that she not kill you.

And given it is also true that

- (3) If you do not kill her, the other person will kill you,

it follows that

¹¹ Judith Jarvis Thomson, “Self-Defense,” *Philosophy and Public Affairs* 20 (1991): 285.

¹² *Id.*, 299.

(4) In the circumstances, the other person lacks a right that you not kill her.

Thomson claims that if (1)-(3) are true, then (4) must surely follow. But it's not clear that (1)-(3) by themselves must entail (4). I think that something like the following premise must be implicitly at work:

(5) For any two people, X and Y, if Y has a right that X not ϕ , and the only way for Y to stop X from ϕ -ing is to ψ , then X must lack the right that Y not ψ . (I'll call this the requirement of consistency.)

On Thomson's account, it is permissible to kill not only aggressors, but also innocent threats – people who, through no fault or action of their own, will kill you unless you kill them first. Thomson invites us to consider the following scenario:

Case Innocent Threat: You are lying in the sun on your deck. Up in the cliff-top park above your house, a fat man is sitting on a bench.... A villain now pushes the fat man off the cliff down toward you. If you do nothing, the fat man will fall on you, and be safe. But ... if he falls on you, he will squash you flat and thereby kill you. If [you shift the position of your awning] the fat man will be deflected away from you... down onto the road below.

You may shift the awning because the falling man will otherwise violate your right not to be killed. Neither fault nor agency is relevant to the question of whether your right is about to be violated, and so neither is relevant to the question of whether you may kill aggressors and threats.¹³

Although you may kill an innocent threat, Thomson argues that you may not kill an innocent bystander. She defines a bystander as one who is in no way causally involved in your being at risk of death.¹⁴ Since, all things being equal, each person Y has a right against X that X not kill Y, and an innocent bystander has done nothing to make

¹³ *Id.*, 301-2.

¹⁴ *Id.*, 299.

the things that need to be equal unequal, the innocent bystander keeps her right not to be killed by X who is now in peril. It seems you may interrupt the causal chain leading to your death, so you can kill an innocent threat who is about to innocently crush you to death, but an innocent bystander is not a part of the causal chain in such a way that violates your right not to be killed by her, and so you may not kill her.

I'd like to take a closer look at Thomson's argument by asking if the requirement of consistency, understood with the requirement of proportionality, is a satisfying explanation for the permissibility of killing. The requirement of consistency reveals the two-fold nature of a right – that I have some right *R* means that I have a claim against others that they not violate *R*, and that I may enforce that right by any proportionate means. But this right to enforce my right is not absolute. That is, it's not the case that wherever I have a right, I am immediately permitted to do whatever is required to prevent the violation of that right. So, for example, Y could not kill X just because X would otherwise violate Y's right that X not steal her hat. The proportionality requirement "flows very naturally out of the fact that some rights are more stringent than others,"¹⁵ and requires some fit between the stringency of the right being threatened and the violence permitted in defense of that right.¹⁶ It's clear in the case of the theft of a hat, that killing the rights-violator would be disproportionate to the rights violation

¹⁵ *Id.* n. 13.

¹⁶ While the right to defend one's right does not unqualifiedly include the right to use lethal force, it is assumed that the proportionality requirement allows for lethal violence in response to a lethal threat. A reasonable question to ask is why a life for a life is proportionate, but because a close examination of the proportionality requirement is outside the scope of this chapter, I'll leave this question for now.

threatened.¹⁷ But in the case of lethal threats, what makes it proportionate and therefore permissible for you to kill rights violators “is the fact that they will otherwise violate your rights *that they not kill you*,” and that this is “a very stringent right.”¹⁸

While I think Thomson’s account helps us to understand *when* it’s permissible to ψ , but I think we don’t yet know *why* it’s permissible; it doesn’t provide the kind of explanation needed to offer deliberative guidance. Consider the following case.

Case Innocent Gladiators: Two innocent people, A and B, are thrown into a gladiatorial pit and ordered by the Emperor to fight to the death. Only the winner will go free.

A is in the gladiator pit thinking about whether or not her killing of B would be permissible as a self-defensive killing. A reasons:

If it’s true that

(6) In the circumstances, I have a right that B not kill me,

then it’s true that

(7) If B kills me, B will violate my right that B not kill me.

Given it’s also true that

(8) If I do not kill B, B will kill me,

¹⁷ In “War as Self-Defense,” *Ethics & International Affairs* 18, no. 1 (2004): 78, Jeff McMahan presents the following puzzle regarding the proportionality requirement. A thief threatens to kill you unless you give him a dollar. You have three options: (1) surrender your dollar, (2) attempt a proportionate response, or (3) kill the thief. Option (2) is rejected as prudentially and morally foolish, leaving only options (1) and (3). Clearly killing the thief over a dollar is disproportionate. But McMahan asks, “But can [the thief], by making his conditional threat, really reduce your morally acceptable options to one: capitulation?” How is the reader to understand McMahan’s question, which is left unanswered. Read in light of his other work, I think it’s an invitation to consider a puzzle about how and when the requirement of proportionality is triggered, and not a rejection of the requirement of proportionality.

¹⁸ Thomson, “Self-Defense,” n. 13 (emphasis in original).

and

- (5) For any two people, X and Y, if Y has a right that X not φ , and the only way for Y to stop X from φ -ing is to ψ , then X must lack the right that Y not ψ ,

it must be false that B has a right that I not kill her. And so I may kill B.

And now let's look at B, who is also in the gladiator pit thinking about whether or not her killing of A would be permissible as a self-defensive killing. B reasons:

If it's true that

- (9) In the circumstances, I have a right that A not kill me,

then it's true that

- (10) If A kills me, A will violate my right that A not kill me.

Given it's also true that

- (11) If I don't kill A, A will kill me,

and

- (5) For any two people, X and Y, if Y has a right that X not φ , and the only way for Y to stop X from φ -ing is to ψ , then X must lack the right that Y not ψ ,

it must be false that A has a right that I not kill her. And so I may kill A.

It seems like we've reached a contradiction: from A's perspective, A has a right not to be killed by B, and A may kill B; and from B's perspective, B has a right not to be killed by A, and B may kill A. But if A has a right not to be killed by B, then B may not kill A; and if B has a right not to be killed by A, then A may not kill B.

In assessing A's and B's reasoning, I think it will be useful to consider why (8), and its counterpart (11), might be thought to be true. One possibility is that B just is bent on killing A, whether or not A has a right that B not kill her. Then (8) just is true, and the

conclusion that B lacks a right against A's killing her follows. It's our dispositions to kill each other that makes us lack the right not to be killed. There's no interaction between A's permission to kill B and B's permission to kill A.

A second possibility is that we are assuming that A will kill B only if B lacks a right against A's killing B *and* that B will kill A only if A lacks a right against B's killing A. Then (8) and (11) are true *only if and because* the relevant right is lacking. And so they can't both be used in an argument for the conclusion that the rights are lacking on pain of circularity.

Jeff McMahan also relies on a rights-based approach to explain the permissibility of self-defensive killings.¹⁹ According to his view, once I threaten you with lethal violence and your resistance is justified, your right to self-defensive killing is "immediately" activated.²⁰ I take this to mean that as soon as I threaten you, you may kill me (reading "immediately" as temporal), and once you kill me, you do not need any further explanation for your action beyond the fact of my threat (reading "immediately" as justificatory). Even if what you stand to lose is not itself sufficiently grave to warrant a lethal response (*e.g.*, mere possessions), you are nonetheless permitted to resist the loss.²¹ McMahan is careful to distinguish his view from Thomson's. But what their

¹⁹ Jeff McMahan, "The Basis of Moral Liability to Defensive Killing," *Philosophical Issues* 15 (2005): 386-405; and "Innocence, Self-Defense and Killing in War," *Journal of Political Philosophy* 2 (1994): 193-221.

²⁰ McMahan, "Innocence, Self-Defense and Killing in War," 196.

²¹ *Id.* McMahan goes through the argument twice, once in a non-war context, and once in a war context. It seems he takes the argument to be the same in both contexts. But in the war context he explicitly adds, as part of the argument, that resistance is justified. In the non-war context, I take as implicit that the attempt to defend one's possessions is justified.

views share is a strong reliance on the fact that the aggressor will violate some right of yours, to do much of the justificatory work.

I don't take the gladiator example to defeat Thomson's view or a rights-based view. It doesn't. What I do think it starts to show is the limits of such an account. If this account is all our gladiators have to go on, it's not clear how each gladiator will, *ex ante*, decide what to do. Either both gladiators are innocent bystanders, and so both have the right not to be killed by the other; or both gladiators are, in a sense, about to be crushed by the falling man, and so both have the right to kill the other. Each gladiator knows that *if* the other gladiator is going to kill her, that her killing the other gladiator first is permissible as self-defensive because the other gladiator was going to violate her right. And if the other gladiator *isn't* going to kill her, that her killing the other gladiator first is impermissible. But we're interested not only in *post facto* judgments about the permissibility of killing. The reason we are interested in the question of the permissibility of self-defensive killing isn't just so we can determine whether some action was or wasn't permissible. Part of the purpose of an answer to the question is to help us deliberate about what we should do. So we might look for a different kind of explanation of the permissibility of self-defensive killing.

Again, on Thomson's account, the fact that consistency is a structural feature does much of the heavy lifting in explaining why Y may kill X in self-defense. On the rights-based account, the reason why we may kill the killer is no different from the reason why we may coerce the coercer or lie to the liar. Killing is just one instance of a larger pattern. But I think that just pointing to this structural consistency is not a very satisfying explanation of the apparent permission to kill.

A second way in which the rights-based account is less than satisfying is in explaining what, on the part of the lethal threat, makes it permissible to kill her. Perhaps it is on some dimension of fault or desert, but Thomson rejects this, arguing instead that the permissibility comes from the fact that the threat will otherwise kill you and violate your right that he not kill you. You may kill the falling man because of the causal force that his falling body will have on you. For Thomson, neither agency nor intention bear on the issue of whether the falling man will violate your right, and so do not bear on the question of whether you may kill him.²²

The example of the falling man is representative of the kinds of examples used in the self-defense literature, in that the examples are often about sudden and unexpected one-off encounters between strangers, two people whose mortality is suddenly laid bare and who must decide, between themselves and in an instant, who may live and who must die. In such cases, we can see why we might have little care for intentions. But as between states who are on the brink of war, their encounter is neither sudden nor unexpected, and rather than being one-off, is part of a continuing drama. Once we are involved in something ongoing, we must be much more concerned with things like communication, and the expression of anger, dissatisfaction, or hope, and so we must be concerned with intentions. And so if the goal is to justify war (more realistically described than as a one-off event) by appealing to the justification for self-defensive killing, we must look for a justification that is sensitive to the role of intention.

²² *But see, e.g.*, Michael Otsuka, "Killing the innocent in self-defense," *Philosophy & Public Affairs* 23, no. 1 (1994): 74-94, rejecting the claim that the innocent threat will violate your right not to be killed by him by killing you.

I think that an agency-based account can deliver on both fronts, explaining how there is more to be said about the apparent permissibility of self-defensive killing beyond the sheer consistency of rights, and what it is about the aggressor, beyond the sheer causal force of his body, that makes it permissible to kill him. We will see that the killing intention of the aggressor does matter, and matters because it gives my own violence a character it wouldn't otherwise have had – namely of resistance or self-respect.

II. The Agency-Based Account

According to Barbara Herman, what's wrong with aggressive killing cannot rest solely on the fact that the victim dies, for dying is part of what it is to be human.²³ What's wrong with aggressive killing has to do with the maxim under which the aggressor acts. When the aggressor decides to kill the victim, whether it's because she wants the victim's wallet or because the victim stands between the aggressor and some other goal she has, the aggressor treats the victim as something to be used and destroyed for the purpose of securing the aggressor's private end. She treats the victim as a mere means.

Acting on such a maxim is incompatible with recognizing the victim as a rational agent, and seeing her as an end in herself. It is not possible to act on such a maxim and at the same time recognize those features that characterize the limits of our powers as human agents – that we are physically vulnerable, mortal, and need the help of others. As human agents, our lives are a necessary condition for the continued exercise of our agency. We must take the fact of a life as a reason not to destroy it.

²³ Barbara Herman, "Murder and Mayhem," in *The Practice of Moral Judgment* (Cambridge: Harvard University Press, 1993).

The aggressor who treats the victim as a mere means fails to recognize the victim as a rational agent, and so fails to correctly value the victim's life. Because of this mistaken valuation, the aggressor dismisses the victim's life as a reason not to destroy it, and tries to use the victim and her death for her own private purposes. What is it to fail to respect agency, and so fail to take life as a reason not to destroy it? The aggressor is deciding for the victim what should be done with her life only in terms of the aggressor's own life. The aggressor is not deliberating about what to do in terms of both her own life and the victim's. And in fact, the victim cannot accept the aggressor's reason that the victim should be killed so as to advance the aggressor's private ends.

For the victim to fail to resist the aggressor who acts on the impermissible maxim would be for her to go along with the aggressor's plan to use her as a mere means. And she cannot allow herself to be used in this way. The victim must refuse to go along with the aggressor's plan to use her life as a mere means, and so ensure that she's not complicit in the aggressor's devaluation of her agency. The victim must resist because she must not be complicit in her own subjugation.

As in the case of the aggressor, the moral character of the victim's action can be determined by the maxim under which she acts. The victim must respond to the aggressor by acting under a maxim of resistance and thereby "asserting [her] status as a rational agent."²⁴ In some cases, resistance might involve fighting back and possibly killing the aggressor. In other cases, though, it might not be possible for the victim to fight back because, for example, she might be physically restrained or because if she attempts a physical defense, she might kill innocent bystanders. But even in such

²⁴ *Id.*, 130.

circumstances, the victim can still act under a maxim of resistance, in part by recognizing that the aggressor is impermissibly discounting her agency and condemning the aggression.

When the victim acts under such a maxim, the aggressor cannot now assert self-defense. As long as the victim acts under the maxim, and not out of interests in prolonging her life (that is, a private end), she will not be using the aggressor's death as a mere means to save her own life and so will not be impermissibly discounting the aggressor's agency. If she should kill to save her own life, then the victim's killing of the aggressor would suffer from the same thing that makes the aggressor's attempted killing of the victim impermissible. The aggressor, even when she aggresses against the victim under an impermissible maxim, "forfeits no moral title, so [i]f I may act with violence against aggression, I must do so without ignoring the fact that the object of my action is an aggressing *agent*."²⁵

There must be a way to understand the maxim of resistance so that the victim's relation to the aggressor's activity isn't merely a relation of taking the aggressor's death as related to her own private purposes. The victim is, in a straightforward sense, trying to bring about the death of the aggressor, but not as a mere means because it's done from duty. The end of not being subjugated is already a rational attitude toward aggressor's agency. Subjugation consists in my action being determined by this other person's will. The harm I'm trying to prevent is my being determined by another; my end in trying to stop that involves seeing the aggressor as an agent who is trying to determine me. The aggressor's attempt to kill the victim, and a boulder's falling off a cliff and heading to

²⁵ *Id.*, 130.

crush the victim are, morally speaking, different, even though in both cases the victim will be killed. The falling boulder does not implicate the victim's agency; the aggressor's aggressing does. The boulder does not fail to value the victim's agency and attempt to use the victim as a mere means for its own purposes, the aggressor does.

Because the aggressor is a rational agent, I still owe him respect as an agent, and it is by "limiting my action where possible [that] I demonstrate the moral regard he is still owed."²⁶ The requirement of proportionality of response requires that the victim limit her counter-violence to what is necessary to defuse the threat. She cannot use more counter-violence than she thinks is necessary to defend her agency, since any excess violence cannot be justified as a necessary defense of her agency.

Notice that the maxim of resistance is not a blanket permission to kill. Consider the following case.

Case Innocent: An aggressor is trying to kill her victim. The victim can neither deflect the threat nor retreat. The only way she can stop the threat is by killing the aggressor. But to kill the aggressor, the victim will also have to kill an innocent bystander ("Innocent").

Or consider a similar case, where hijackers have taken control of an airplane and are attempting to send it crashing into the victim's house to kill her. The victim cannot shoot down the airplane even if it is the only way to save her life, because to do so would be to fail to respect the passengers as ends in themselves. To shoot down the airplane would be to use the passengers as a mere means for the victim's own private end of

²⁶ *Id.*, 130.

extending the duration of her life.²⁷ And similarly in Case Innocent, the victim cannot kill Innocent in order to save her own life.

Perhaps it is not immediately clear in what way the victim would be using Innocent or the passengers as a mere means. After all, it's not like the victim is pushing Innocent into the path of a bullet intended for the victim, or throwing her onto the tracks to stop a trolley from crushing five people to death. To kill either Innocent or the passengers in order to deflect the lethal threat would be to use them as mere means because the victim would not be thinking about what to do in terms of Innocent or the passengers, but only in terms of her own ends. The victim would be treating their lives as merely part of the causal story that will save (or promote) her own life; she is not reasoning about what to do while recognizing others as end in themselves. And this is exactly what makes aggressive killing wrong.

We're now in a position to consider the first challenge to the rights-based account – is there anything beyond the sheer consistency of rights that can explain the apparent permissibility of self-defensive killing? The purpose of rights is to give me the space necessary to exercise my agency in valuable ways. This explains the two-fold nature of rights, and why I may enforce my rights. The basis of my claim against others (that they not treat me in certain ways) is the basis of the enforcement. It's not for the sake of consistency that I may kill others, but for the sake of preventing my subjugation to the will of others.

²⁷ *See, e.g.*, Federal Constitutional Court of Germany, file no.: 1 BvR 357/05 (02/25/06) (striking down the Aviation Security Act which authorized the government to shoot down hijacked airplanes, on the grounds that the Act violates the guarantee to life and human dignity).

It might seem that on the agency-account discussed so far, it will be permissible for the victim to kill Innocent, or shoot down the hijacked plane, as long as the victim is acting for the purpose of preserving her agency from subjugation by the aggressor or the hijackers. For what the victim must not do is to participate in the aggressor's subjugation of her agency. If the victim must choose between killing the aggressor (and simultaneously Innocent) or letting the aggressor kill her, and she may not allow herself to be killed because she may not be complicit in her own subjugation, it seems the victim must kill Innocent.

But this doesn't seem like the right answer. I'd like now to try to develop the agency-based account to exclude the killing of Innocent from the scope of permissible self-defensive killings.

Acting on a maxim of resistance, the victim must only use as much violence as is minimally necessary to defuse the threat, *and* must restrict her actions as required by other regulative maxims and concerns.²⁸ In Case Innocent, the victim's killing of Innocent would be opposed by other moral reasons. What the victim owes the innocent bystander in that case is serious enough to make it the case that she should not fight back. When the victim deliberates about what to do in Case Innocent, she's not weighing the value of her life against the value of the aggressor's and Innocent's lives. The value of human lives is not merely additive, such that two lives are more valuable than one.²⁹

²⁸ Herman, "Murder and Mayhem," 130.

²⁹ See, e.g., Taurek, "Should the Numbers Count?" *Philosophy and Public Affairs* 6 (1977): 293-316. Considering the question of whether you may kill one to save five, Taurek writes, "It seems to me that those who ... would have me count the relative number of people involved as something itself of significance, would have me attach importance to human beings and what happens to them in merely the way I would to

Refraining from doing what will kill Innocent constitutes good resistance. The victim's failure to land a lethal blow against the aggressor in that case does not make her complicit in her own subjugation. What qualifies as good resistance will depend on the exigencies of the particular case. In general, where a victim finds herself in a situation like Case Innocent, she will count as resisting even if she does not do what will kill the aggressor where she (a) recognizes the aggression as impermissible, (b) condemns the aggression either silently or out loud, and (c) decides to limit her violence against the aggressor for the sake of Innocent.

It might be wondered why limiting my violence so as to spare Innocent is part of resisting. The skeptic might argue that resistance requires me to do everything possible, perhaps subject to the requirement of proportionality, to stop the aggressor; maybe I do have a decisive reason to spare Innocent, but acting to spare Innocent is a separate consideration and not part of resisting.

To address this objection, consider the hijacked plane example again. According to the skeptic, resistance itself requires shooting down the plane. This counts as resistance because when I shoot the plane down, I am refusing to allow the hijacker to decide for me whether I will go on to choose my own future activities. But when I shoot the plane down, I do allow the hijacker to bring it about that I now kill innocent passengers despite my having decisive reason to spare their lives. Then I don't just kill

objects which I valued." But, he continues, "it is the loss *to the person* that I focus on ... It is the loss to the individual that matters to me, not the loss of the individual." Taurek, "Should the Numbers Count?", 307. *But see* Gregory S. Kavka, "The Numbers Should Count," *Philosophical Studies* 36 (1979): 285-294, arguing Taurek fails to show that numbers *shouldn't* count; and John T. Sanders, "Why the Numbers Should Sometimes Count," *Philosophy and Public Affairs* 17 (1988): 3-14, criticizing Taurek for failing to see the significance of the distinction between a loss *to* a person and the loss *of* a person.

the innocent passengers to prevent the hijacker from deciding for me whether I go on to choose my own future activities, I am also complicit in my own subjugation of becoming a killer. If something like this is true, then resistance itself calls for me to resist by doing (a)-(c) rather than by shooting down the plane.

An argument like this doesn't show that resistance generates the reason not to kill innocent bystanders. It takes that reason as given. Instead it explains why that decisive reason is consistent with an equally decisive reason to resist, and tries to show that killing the bystander counts as an inferior form of resistance *qua* resistance.

With Herman's agency-based account as I've developed it, let's finally reconsider the gladiator case. In considering Thomson's account, we were left with the worry that it could not offer deliberative guidance to the gladiators. Are the gladiators any better off now? I think so. Each gladiator knows that if she kills the other gladiator just to preserve her own life, she will be using the other gladiator and her death as merely part of the causal story that will promote her own private end. That it's a kill-or-be-killed situation doesn't change this fact. Using another person's death in this way is the mark of an impermissible killing. And so each gladiator knows that she may not kill the other, at least not as a self-defensive killing. Each gladiator also knows that if the other gladiator picks up her weapon and tries to kill her, that it will be permissible for the gladiator who is being aggressed against to fight back in self-defense. And she may do so not just to promote her own life, but as a way to assert her agency.³⁰

³⁰ I think the situation is more complicated. In this case, I don't think it's immediately clear that fighting back, even if it is permissible as self-defense, is the thing to do, since fighting back might also be to participate in making a spectacle of coercive killings for the entertainment of the spectators.

III. Defensive War as Resistance

Now that we see what a more promising account of the permissibility of self-defensive killing might look like, I'd like to turn to the state case and see how such an account might bear on the permissibility of defensive war. Consider the following scenario: State Alpha announces that it is taking over the entirety of State Omega; Omega, as a state, is over. Alpha has no unconditional plans to kill anyone; as long as Omega surrenders to the annexation, no lives will be lost.

We have reason to doubt that the justification to prosecute a defensive war comes from the fact that fighting back will save lives. For in the scenario we are considering, it will be *by* fighting a defensive war that Omegan lives will be lost. We saw in the individual case that the justification for killing an aggressor in self-defense comes from the fact that the individual must not be complicit in her own subjugation by the aggressor, and fighting back against the aggressor is how she asserts her agency. We need to find a similar value on the state side. Walzer suggests that

[w]hen states are attacked, it is their members who are challenged, not only in their lives, but also in the sum of the things they value most, including the political association they have made. We recognize and explain this challenge by referring to their rights. ... How these rights are themselves are founded I cannot try to explain here. It is enough to say that they are somehow entailed by our sense of what it means to be a human being.³¹

So what kind of political association have the Omegans made? The Omegans have decided that they will make important decisions with each other about how they will live together, including how they will educate their children, protect against rights violations and peacefully resolve disputes, create public spaces, and satisfy the basic

³¹ Walzer, *Just and Unjust Wars*, 53-54.

needs required to live a decent human life. These social and political institutions are an expression of the community's values, and connect the present Omegans to the past and future Omegans. The right to political independence protects this kind of self-determination.

The right to territorial integrity is necessary because, as Walzer argues, it is a necessary condition for political independence. Just as an individual cannot be secure in her life or liberty unless there's some space within which she is safe from intrusion, the political community "requires the existence of 'relatively self-enclosed arenas of political development.'"³² To cast it in a slightly different light, territorial integrity is important because the members had decided that they would associate with each other in the space they now occupy or claim. The citizens of Omega are doing various projects that require their presence in and use of the territory. Alpha's assumption of sovereign power over the territory could amount to shutting down those projects and deciding for the Omegans how they will associate.

When Alpha aggresses against the territorial integrity or political independence of Omega, it is deciding for the Omegans that they cannot continue to decide with each other how they will live together. So the decision Omega must make when faced with Alpha's coercive threat isn't whether sovereignty is such a worthy goal that it's worth killing or being killed for. If the Omegans decide to fight back, their defensive war will be justified as a refusal to be complicit in their subjugation by Alpha.

When Alpha aggresses against the territorial integrity or political independence of Omega, it is deciding for the Omegans how and where they may continue their political

³² Walzer, "The Moral Standing of States," 228.

association. And so Alpha interferes not only with the Omegans' exercise of their rights, as Walzer fears, but also with the Omegans' exercise of their agency.³³ So the decision Omega must make when faced with Alpha's coercive threat isn't whether sovereignty is such a worthy goal that it's worth killing or being killed for. Fighting a defensive war is not about aiming at democracy as a good, or about increasing the probability of attaining some particular outcome. When a state fights permissibly in a defensive war, the permission doesn't come from the fact that the goods of territorial integrity and political independence somehow outweigh or overcome the prohibition against killing. The state fighting a defensive war is not fighting in the pursuit of some goods. Unlike wars of aggression, defensive war is not aimed at private gain. The state fights so that the community can continue to be self-determined.

Democracy is not only a form of representative government, but is an exercise of collective agency. Democracy is a way that democratic citizens act, a way that they deliberate together and decide what to do. Fighting so as not to be subjugated to the will of another is an exercise of agency. So if the Omegans decide to prosecute a defensive war, their war isn't just a means to preserve their democracy, it *is* democracy. Fighting against aggression is the form that their collective self-rule takes.

Fighting for sovereignty, then, might be understood as an instance of following a maxim of resistance. The Omegans cannot allow Alpha to use their community as a mere means for its own ends. If the Omegans decide to fight back, their defensive war will be

³³ We can imagine a situation where almost none of the substantive rights of the invaded are threatened, and yet the exercise of agency is. *E.g.*, Alpha gives Canada an ultimatum – leave the Commonwealth, or else. Leaving would have almost no effect on the substantive rights of Canadian citizens. And yet, since Canada has decided that it would like to remain a part of the Commonwealth, it seems that to force them to leave would be to interfere with the kind of political association they have made.

justified as a refusal to be complicit in their subjugation by Alpha. Fighting just is resisting, the very thing characterized in Section II, and so we might expect it to carry the same kinds of permissions.

IV. A Pacific Interpretation of Defensive Resistance

Having developed an account of how the justification of individual self-defense might justify defensive war, I'd like to turn back to our initial account of the permissibility of individual self-defensive killing, and try to show that non-lethal resistance can also count as good resistance. To develop a pacific interpretation of the maxim, it seems the question for us is – what is it in virtue of that a person counts as resisting even where she doesn't kill, or try to kill, the aggressor? What counts as good resistance will depend on the situation. But we saw from Case Innocent that non-lethal resistance will count as good resistance because the victim (a) recognizes the aggression as impermissible, (b) condemns the aggression either silently or out loud, and (c) decides to limit her violence against the aggressor for the sake of Innocent.

But this is not the only form that resistance can take. In some cases, the permissibility of an action cannot be judged in momentary isolation. In those cases, it's necessary to step back and consider the moral character of an entire course of action. To borrow a phrase from Herman, we shouldn't shrink the moral moment. The moral moment can last beyond the aggressive act. Once the aggressive act is over, the victim can still go on acting on her own reasons – she can condemn the violent act, report it to the police, join a neighborhood watch. She can act against the violent act that has already happened, and continue to act on the maxim of resistance.

It might seem that in the case of lethal violence, unlike coercion or beating, once the violent act is done, the moral moment is truly over. But I think we can take the idea of not shrinking the moral moment even further. Even for the person who faces a murderous aggressor, I'd like to suggest that the victim's non-lethal resistance can still count as good resistance, and that the moral moment can go on. Imagine that the victim lived her life taking others' lives as reasons not to kill them, and she treated people with respect, maybe she even tried to convince the murderous aggressor what she was doing was wrong. The victim, by living her life according to the good maxim and taking all lives as reasons not to end them out of respect for life-bearer's humanity, and by living with others according to the good maxim, will qualify as resisting her own subjugation through that activity (both before her death and continuing on after), even though she refrained from landing a lethal blow to destroy her aggressor. We should not characterize the victim's restraint in this case as a failure to respect herself.

This view, that non-lethal resistance can count as good resistance, becomes more plausible when we notice that moral moments are interpersonal. They are not just about the victim. They are about the victim, and the aggressor, and bystanders. And because the moral moment lasts, it might also include the police, and the victim's neighbors and others to whom the victim might tell her story, all of whom share the victim's activity of respecting the rational nature of others. If moral moments are not just about the victim, then it seems the moral moment *could* continue even after the victim is killed. The moral moment could be filled out by the victim's friends, and her family, and the police, *etc.* And maybe this is part of the reason why we embed ourselves in moral communities. So it looks like not shrinking the moral moment can characterize the victim's restraint

against the murderous aggressor in the same way it can characterize the victim's restraint in cases of non-murderous aggressors, namely, as permissible.

If we think the pacific interpretation is a good one, I think we now bear the burden of showing why self-defensive killing, as opposed to non-lethal self-defensive violence, is justified. Having accepted that what's at stake in Case Innocent is important enough such that we have to hold fire, I think that to make a really compelling case for the permissibility of self-defensive killing, we need to make sure that that same value isn't also present when the victim is confronted by a murderous aggressor alone. (Or, if that same value is also present, we have to be able to account for why it should factor in our reasoning about what to do differently than it does in Case Innocent.)

V. Pacific Resistance

We saw in the case of Omega's resistance to Alpha's annexation that self-rule is a present reality, and not a future goal. But violence is not the only form our collective agency might take. Just as collective self-rule took the form of war in the case of the Omegans, our collective self-rule, if we are a community that seeks peace, will take the form of pacific resistance. As a pacific community aimed at promoting peace with all our neighbors, we are not willing to let Alpha change us to their value system, a system based on principles of domination and exploitation of the vulnerabilities of the human body and spirit. We choose peace, and so we choose freedom through nonviolence.

We saw in the case of the individual resister that shrinking the moral moment threatens to obscure from view moral facts salient to the characterization of what is happening, and so salient to the deliberation of what should be done. This is no less true

as between states. Just as an individual is embedded in a larger community, so is our pacific community embedded in a larger, international community. How effective the pacific community's resistance will be will depend, in part, on what this larger community looks like.

This, then, is the first of two ways that the moral moment could be filled out at the international level – along an interpersonal or institutional dimension. It's not obvious that we have a supranational community dedicated to peace. If there isn't an international moral community of pacific resisters, our community, when faced with the threat of annexation, can't count on others to carry on the moral moment by continuing to resist. Then for us to choose not to fight be for us to go along with our own subjugation.

But we have (at least nascent) global institutions of peace, through which international non-violent democratic action is possible. There are organizations that have been created to try to create an international community and an international system of law, mostly obviously the United Nations, and also the International Criminal Court and the International Court of Justice.³⁴ There are also nongovernmental organizations, grassroots movements, along with regional partnerships and alliances between sub-national groups, aimed variously at promoting economic interdependence, political cooperation, cultural and educational exchange, and providing for the basic needs of all the members of our human family. And the fact that this initial framework exists, and

³⁴ See, e.g., Ronald Dworkin, "A New Philosophy for International Law," *Philosophy and Public Affairs* 41:2-30 (2013).

might be the only way out of international violence, might obligate us to develop these global systems.³⁵

One of the assumptions that just war theorists make in identifying a community's right to self-determination as the value that justifies defensive war is that each moral community is unique and coincides with a state. But an individual is, of course, a part of many moral communities that give meaning to her life, and the territorial boundaries of a state contain many moral communities. We can see from the bitterness of our current election that there might not be anything, fundamentally, that binds two Americans together, as compared to, say, a liberal American and a Canadian. If we could move away from the state-centric mythology that I have but one face with which I interact with the world, *i.e.*, my nationality, I suspect we could go a long way in coming to see others as multi-faceted, also, and so become more skeptical in accepting that all the various moral communities circumscribed by a territorial line are a monolithic entity – my enemy.

The second way the moral moment could be filled out is along a time dimension: unless the invader is going to kill me, I can resist, later, by acting, myself, for the sake of restoring our original association. The individual self-defender has no equivalent to this option – if she should be killed by an aggressor, there is no way that she herself could continue her resistance. But this is not the case for a political community. Even after

³⁵ Even if one is skeptical of whether these systems are robust enough to serve the purpose for which they were created, I think we are far from being able to conclude that states therefore exist in a state of nature. (See, *e.g.*, Alexander Wendt, “Anarchy is What States Make of It,” *International Organization* 46 (1992): 391-425.) With respect to war, even before the creation of these international institutions, states did not interact with each other as in a state of nature. For as long as wars have been rule governed, states that participate in wars have been governed by law and custom.

annexation or aggression, the bonds of civil society endure, and so although we are under an illegitimate regime, some version of us still exists. As a political community, we ourselves (or a version of us) can continue to resist for the sake of restoring our political association.

Compared to the individual case, there are even more opportunities for resistance to take a non-violent form in the collective case. Citizens of the invaded territory can make it very difficult for invaders to rule them. Possibilities include civil disobedience, protests, mass strikes, destruction of infrastructure, exclusion of invaders from civil society.³⁶ The invaded can make it very costly for the invaders to try and stay in the newly annexed territory. Those citizens of the invaded territory who are killed by the new regime for resisting the take-over might be killed, and their deaths will be terrible, but their deaths will be part of the greater resistance that will be carried on by their compatriots. Neither preparation for defensive war nor pacific resistance offers a guarantee that one's community will not be destroyed. But a community prepared for pacific resistance, while it might be destroyed, will not be conquered.

³⁶ See, e.g., Gene Sharp and Bruce Jenkins, *Civilian-Based Defense: A Post-Military Weapons System* (Princeton University Press, 1990) and Sharpe, *The Methods of Nonviolent Action* (Boston: Porter Sargent Publishers, 1980).

CHAPTER 2

Peace as a Trusting Relationship

Introduction

In the analytic tradition, most of the discussions about peace have to do with how to regulate the conclusion of a war – the signing of treaties and the cessation of open hostilities, the permissibility of surrender, and the establishment of war tribunals. What is needed now, however, is not a theory of how wars ought to be concluded, or when wars are permissible, or how they can be fought justly, but a theory of what peace is so that we can begin to work towards it. In order to work towards peace, and not merely run from war, we must fix our gaze on what has largely been overlooked in the literature – a positive conception of peace.

For those in the just war tradition, peace is understood as the aim of a war. As Augustine describes peace, “Indeed, even when men choose war, their only wish is for victory; which shows that their desire in fighting is for peace with glory. For what is victory but the conquest of the opposing side? And when this is achieved, there will be peace.”³⁷ More modern just war theorists, however, see the issue of peace differently, as something distinct from victory. John Rawls, following Kant, argues, “The aim of a just

³⁷ Augustine, Book XIX, Chapter 12, *The City of God Against the Pagans* (Cambridge: Harvard University Press, 1966).

war ... is a just and lasting peace, especially with the present enemy.”³⁸ Since just wars are fought under the goal of peace, we see where we might get the limitations of *jus in bello* from. Kant, for example, argues against the use of assassins and poisoners, because they undermine trust, and so undermine the possibility of a future peace.³⁹ For Rawls, a just society’s adherence to the rules of *jus in bello* demonstrates a basic respect for humanity, and so prefigures the post-war relationship between the two sides.⁴⁰ War, then, is best justified as a form of peace-making.

Some just war theorists have added one more dimension to just war theory – *jus post bellum*. *Jus post bellum* is “rights vindication constrained by a proportionate policy on surrender” which includes, *e.g.*, elimination of unjust gains from aggression, punishment in the form of compensation and war crimes trials, and possibly coercive regime change or forcible demilitarization. Punishment is necessary, it is argued, in order to deter, produce atonement in the aggressor, and because failing to punish the aggressor degrades and disrespects the worth, status and suffering of the victim.⁴¹ On this picture, peace is the restoration or vindication of international order.

³⁸ John Rawls, *The Law of Peoples* (Cambridge: Harvard University Press, 2002), 94. See also, *e.g.*, Hugo Grotius, Book III, Chapter XV, *The Rights of War and Peace* (New York: M. Walter Dunne, 1901), 417-418, explaining that “the unabated desire and invariable prospect of peace” is “the only end for which hostilities can be lawfully begun.”

³⁹ Immanuel Kant, “Perpetual Peace” in *Kant: Political Writings*, ed. H.S. Reiss (Cambridge: Cambridge University Press, 1991), 96.

⁴⁰ Rawls, *Law of Peoples*, 94-96.

⁴¹ Brian Orend, *The Morality of War* (Peterborough, Ontario: Broadview Press, 2013), 163-5. But see David Luban, “War as Punishment,” *Philosophy & Public Affairs* 39, no. 4 (2011) on why we should reject the understanding of a just war as punishment.

From this brief survey, we can see that in the just war tradition, peace is an ill-defined term. It is mostly defined in terms of a war – peace is the just conclusion of a humanely fought war. But this is a strange place to begin. After all, we don't look to define friendship, for example, in terms of hatred, otherwise friendship would be nothing more than the just conclusion of hostility. If what we're interested in is what a good friendship looks like, we shouldn't look first at the case of hostilities, and then determine what punishments would be necessary to move the two parties into a good relationship. It makes more sense to look first at good friendship.

If peace is what we seek, then I think we need to take a radical departure from traditional just war theory and stop beginning our analysis with war, which means we should stop beginning our analysis by looking at states that are already in a dysfunctional relationship. And so instead of beginning my analysis of peace with states that are already at war with each other, I'd like to begin with a paradigm of a trusting, respectful, and mutually fulfilling relationship – a friendship – and take this relationship as a guide for how states at peace ought to interact with each other.

Those in the just war tradition assume that a just society seeking peace may, at the same time, have a standing army aimed at any and all potential aggressors. But facing the world with hands outstretched in peace, and looking out at the world down the barrel of a gun, are two profoundly different stances. I'd like to argue that, in fact, pursuing peace is incompatible with being prepared for war, even a defensive one. If this is true, then as long as a Rawlsian just society is prepared for defensive war, it can never be instrumentally rational if it seeks peace as an end.

In this chapter, I will develop peace as a positive ideal, as a relationship between two political communities based on mutual trust. I'll begin, in Section I, by examining the Hobbesian strategy of anticipation because it underpins just war theory's reliance on standing armies as a means of pursuing peace. In Section II, I will develop a theory of peace as a relationship of mutual trust, on a model of a friendship. I will then show why a Hobbesian strategy of anticipation cannot be consistent with being in a pacific relationship. In Section III, I will show that just war theory attempts to occupy an unstable mid-point between Hobbesian realism and a just peace, which can only slide back into Hobbesian realism. But if just war theory could free itself from the grip of Hobbesian anticipation, then the reasons that motivate the limits of *jus in bello* might finally direct just war theorists on the path to peace.

I. Hobbesian Anticipation

Hobbes is widely recognized as the philosopher who most comprehensively developed the position now called political realism. The position might be summed up by the mantra *inter arma silent leges*. States fight wars because they exist in a state of nature. Without a greater power to keep them all in awe, there can be no such thing as justice or injustice, and so there can be no such thing as a just or unjust war. Moral language when thinking about war is simply inappropriate. In such a climate of uncertainty and danger, the only language that matters is the language of strategy – what will it take to preserve our state? I'd like to take a moment to examine what Hobbes meant by strategy, and why it matters in a state of nature.

People living in the state of nature are equals with respect to intelligence and strength, in the sense that no one person can rely on her intelligence or strength to ensure her safety against others.⁴² Because of this natural equality, each person believes she has just as good a chance as any other person to achieve her ends. But our world is one of limited resources. And so when two people hope for the same end, which cannot be shared by two people, each will try to attain that end by dominating the other person. And so each person should expect that if he “plant, sow, or build, or possess a convenient Seat, others may *probably be expected* to come prepared with forces united, to dispossesse, and deprive him, not only of the fruits of his labour, but also of his life, or liberty.”⁴³ And because we are natural equals, “the Invader again is in the like danger of another.”⁴⁴ This creates the condition of mutual fear.

In such a climate of mutual fear, the most “reasonable” strategy according to Hobbes is “Anticipation; that is, by force, or wiles, to master the persons of all men he can, so long, till he see no other power great enough to endanger him.”⁴⁵ Hobbesian anticipation is attacking first and killing others before they can kill you, or coercing others into submitting to you so that you can put their power at your disposal, because you expect that others will try and attack or kill you. The more general idea is that a

⁴² Thomas Hobbes, Chapter 13 in *The Leviathan*, ed. CB Macpherson (London: Penguin, 1968), 183.

⁴³ *Id.*, 184 (emphasis added).

⁴⁴ *Id.*

⁴⁵ *Id.*

person living in a state of nature, out of her fear of other people, must use violence or be prepared to use violence, in order to preserve her own life.⁴⁶

People fear death not only because it's the end of a life, but because it deprives them of the opportunity to fulfill their other life goals. We can see this in Hobbes' three-fold explanation of why people are motivated to leave the state of nature: "Feare of Death; Desire of such things as are necessary to commodious living; and a Hope by their Industry to obtain them."⁴⁷ As Gregory Kavka explains, "It is vitally important to recognize the *rational* element in Hobbes's account of death-avoidance, for this makes clear that self-preservation solely for its own sake, that is, mere survival, is not the guiding value of Hobbes's Philosophy. Survival is prized as well as a prerequisite of the attainment of other human goods."⁴⁸

And so people leave the state of nature and form a commonwealth. According to Hobbes, the creation of a commonwealth not only serves the purpose of securing internal peace, but also serves a second purpose of providing security from external enemies.⁴⁹ Security from external enemies is necessary because states, like individuals before they

⁴⁶ Our principal end is our own conversation. *See, e.g.,* Hobbes, *The Leviathan*, 184. And the way we conserve ourselves is through violence. *See, e.g.,* Hobbes, "The Citizen," in *Man and Citizen*, ed. Bernard Gert (London: Harvester, 1978), 113, explaining that "it is through fear that men secure themselves ... for the most part, by arms and defensive weapons."

⁴⁷ *The Leviathan*, 188.

⁴⁸ Gregory S. Kavka, *Hobbesian Moral and Political Theory* (Princeton University Press, 1968), 82.

⁴⁹ *See, e.g., The Leviathan*, 227-228, where Hobbes explains that the sovereign "hath the use of so much Power and Strength conferred on him, that by terror thereof, he is inabled to forme the wills of them all to Peace at home, and mutuall ayd against their enemies abroad [or Common Defence]." *See also The Leviathan*, 232, 235.

form a commonwealth, are in a state of nature, a war of all against all.⁵⁰ Hobbes claims that while “there had never been any time, wherein particular men were in a condition of warre one against another,” that this *is* in fact the situation between sovereigns. As Hobbes explains,

[I]n all times, Kings, and Persons of Sovereigne authority, because of their Independency, are in continuall jealousies, and in the state and posture of Gladiators; having their weapons pointing, and their eyes fixed on one another; that is, their Forts, Garrisons, and Guns upon the Frontiers of their Kingdomes; and continuall Spyes upon their neighbours; which is a Posture of War.⁵¹

And like an individual in the state of nature, the most rational strategy for a state is anticipation.⁵² In a climate of mutual fear, based on the expectation of being attacked by others, the sovereign must be prepared to actually fight a war, and this includes raising an army, having war counselors, and being ever vigilant (*e.g.*, spying on other states).⁵³

⁵⁰ Hobbes skips lightly from talking about individuals in a state of nature, to talking about states in a state of nature. Commentators take this to suggest that Hobbes thought the argument worked analogically. *See, e.g.*, Donald W. Hanson, “Thomas Hobbes’s ‘Highway to Peace,’” *International Organization* 83, no. 2 (1984): 331; Hedley Bull, “Hobbes and the International Anarchy,” *Social Research* 48, no. 4 (1981): 721. I’ll adopt this reading, also, and so apply things Hobbes says about individuals in a state of nature to states.

⁵¹ Hobbes, *The Leviathan*, 187-8.

⁵² There are at least two crucial distinctions between (a) individuals in a state of nature and (b) states in a state of nature. One, “because [persons of sovereign authority] uphold thereby, the Industry of their Subjects; there does not follow from it, that misery, which accompanies the Liberty of particular men.” Hobbes, *The Leviathan*, 188. Two, for individuals, the basis of mutual fear (and therefore for the strategy of anticipation) is their natural equality. But are states equal like individuals are equal – is it true that “the weakest has strength enough to kill the strongest, either by secret machination, or by confederacy with others”? Hobbes, *The Leviathan*, 183. Developing these distinctions and what to make of them, *see* David Boucher, “Inter-Community and International Relations in the Political Philosophy of Hobbes,” *Polity* 23, no. 2 (1990): 210-11.

⁵³ *See, e.g.*, Hobbes, *The Leviathan*, 233, 235, 373.

The commonwealth fulfills its purpose of protecting its citizens by relying on violence directed at other states. And so while some states might fight for conquest or glory (or, as Hobbes puts it, for “Gain” or “Reputation”), some will fight for “Safety.”⁵⁴ As Kavka again explains, what we see from Hobbes’ conclusion that all states must be prepared to fight is that “the dangers of violence can arise even among virtuous parties, provided they are sufficiently vulnerable to and distrustful of one another.”⁵⁵ This observation is familiar enough and explains why, in prisoners’ dilemma games, even if one player is not out to “get” the other player, as long as each player is rational, she’ll use a dominant strategy and choose to defect.

While Hobbes believes that individuals can leave the nature, he is skeptical that states can leave the state of nature.⁵⁶ The best that a state can do is anticipate, and maintain an army so that its members won’t get killed. But *contra* Hobbes, I’d like to argue that states, like individuals, can leave the state of nature, and that the way to do this is through trust. Peace can do what a Hobbesian sovereign is supposed to do. Instead of relying on a violent, coercive mechanism through which we suspiciously regard other people as objects in a probabilistic game, peace requires that we relate to each other on the basis of trust. An illuminating example of a relationship based on trust is a friendship, which I’d like to turn to now.

⁵⁴ *Id.*, 185.

⁵⁵ Kavka, “Hobbes’ War of All Against All,” *Ethics* 93, no. 2 (1983): 309.

⁵⁶ And so I think one way to understand what happens in the formation of the commonwealth is that individuals leave one state of nature for a different state of nature.

II. Peace as a Relationship of Trust

To get started on the topic of friendship, I'd like to consider the question of whether friends merely rely on each other, or whether they trust each other. Let's think about this question through the following hypothetical:

Can you water my plants?: I'm headed out of town, and I need someone to water my plants while I'm gone. And so I need to trust someone with the keys to my house while I'm out of town. I decide to ask my friend.

Why do I ask my friend? There are two possibilities I'd like to consider – the first I'll call mere reliance and the second, trust.

On the first possibility, of mere reliance, the fact that my friend is my friend gives me reason to think she'll act in certain ways, and not act in certain ways. I think to myself that because she's my friend, the likelihood of betrayal, *e.g.*, that she'll rob me while I'm out of town, is very low, and so my fear of being betrayed is very low. Then the reason why I decide to ask my friend to water my plants is because I don't have to worry that she'll rob me. I rely on my friend based on a predictive evaluation.⁵⁷

What my deliberation evidences is that I have taken a predictive attitude towards my friend. This is the type of attitude I take towards the other player when playing a prisoners' dilemma game. Once the other player and I have exchanged a sufficient number of "tit-for-tat" rounds, when I choose to cooperate on the next round, it's not because I trust that she will also cooperate. It's because I have a high confidence in my prediction of her next move.

⁵⁷ I think this is the view of trust suggested by Russell Hardin, "Trustworthiness," *Ethics* 107, no. 1 (1996): 26-42 and Partha Dasgupta, "Trust as a Commodity" in *Trust: Making and Breaking Cooperative Relations*, ed. Diego Gambetta (New York: Blackwell, 1988), 49-72.

On the second possibility, I ask my friend to water my plants on the basis of trust. When I give the keys to my friend, I do it because she's my friend who will be doing me a favor while I'm out of town. Since she's my friend, certain things do not enter into my deliberation, like the question of whether or not she will betray me. Instead of a predictive (or anticipatory) attitude, I take a trusting attitude toward my friend. I think this is the better explanation of friendship, and here's why.

The fact that somebody is my friend gives me reason to deliberate in a particular way – (1) I do not reason predictively, making assessments about risks and benefits, and (2) I assume my friend's goodwill (and because I have goodwill towards my friend, there's reciprocal goodwill).⁵⁸ To put it another way, the fact of our friendship restricts my "deliberative field."⁵⁹ So when I ask my friend because she's my friend, it's not that I find her more reliable than a stranger, and so don't have to worry as much about being betrayed. In fact, some concerns, like whether or not my friend will betray me, just won't come up. So while I *will* be sensitive to issues like whether it would be too burdensome for my friend to do me this favor, but I *won't* be sensitive to issues about the probability of betrayal.

It's true that the fact that I am not keyed in to the possibility of betrayal makes me very vulnerable to being harmed by my friend. Trusting exposes you to harm because what counts as evidence of betrayal will depend on whether you're my friend, a stranger,

⁵⁸ Aristotle, *Nicomachean Ethics*, Book VIII, Chapter 2, in *The Basic Works of Aristotle*, ed. Richard McKeon (New York: Random House, 2001). See also John Cooper, "Aristotle on Friendship," in *Essays on Aristotle's Ethics*, ed. Amélie Oksenberg Rorty (Berkeley: University of California Press, 1980), 301-340; Karen Jones, "Trust as an Affective Attitude," *Ethics* 107, no. 1 (1996): 5.

⁵⁹ Herman, "Obligation and Performance," in *The Practice of Moral Judgment*, 182-3.

or a foe. I evaluate the evidence in light of our relationship. If you are my friend, then where there is a reasonable, alternative explanation available, that is the one I will accept, and it will be hard to convince me to accept the suspicious interpretation of the evidence.

But vulnerability is a necessary component of a trusting relationship, such that without it, we couldn't call our relationship a trusting one. If I attempt to make myself invulnerable, or at least less vulnerable, to my friend, then what I have to do is be ever on guard that my friend won't take advantage of me or harm me. Consider the case of a commercial transaction. I want to sell you some apples, but I'm worried that you might not pay for them, so I add a bunch of clauses to our contract, like: buyer must pay on time or else she'll have to pay a fine, or, buyer may not reject apples after they've been shipped or else she'll have to pay my attorney's fees when I sue for payment. In addition to cutting out vulnerability, such a relationship also cuts out room for discretion, exercise of judgment, or spontaneity.

So a certain kind of vulnerability is necessary in order to characterize a relationship as trusting, and in order for friends to be vulnerable to each other, each must trust the other. What is it that I trust when I hand over the keys to my apartment to my friend? My friend's goodwill towards me. What our friendship does is enable each of us to be properly oriented to each other in the right way – we each aim at each other's good, and not harm.⁶⁰ To take stock, what a trusting relationship does is organize each friend's deliberative field to make possible the trusting relationship. That is, we trust because

⁶⁰ Of course, that I aim at my friend's good doesn't mean my life is just about pursuing her ends. See Herman, "Agency, Attachment, and Difference," *Ethics* 101, no. 4 (1991): 782, explaining, "What my son has reason to trust is that I am committed to his well-being: that among the things that matter to me most and that will determine how I act is that he do well and flourish. But, as I must often remind him (and myself), his interests are not the only ones I care about."

we're friends, and we're friends because we trust. When we're in a friendship, consistent with this mutual trust, we act only in ways that our continuing relationship makes appropriate.

I'd like to take one further step now, and argue that acting only in ways that our continuing relationship makes appropriate means not making plans for the other's harm, even conditionally. Let's continue the plant watering hypothetical:

Can you water my plants? Part 2: My friend agrees to water my plants while I'm out of town. But I'm worried she might try and steal my computer, so I install a zapper. If my friend tries to take my computer out of my house, she will be zapped.

Is it consistent with our friendship for me to install the zapper? It might seem okay because as long as my friend doesn't do something inconsistent with our friendship, she won't be zapped. It's only when she does something inconsistent with our friendship that she will be zapped. And I'm not zapping her just to zap her, or to teach her a lesson, I'm zapping her because it's the only way for me to protect myself against her betrayal and keep my computer.

But in fact it's not okay because in making this contingency plan, I've included in my reasoning the fact that friends sometimes betray each other. By preparing right now for the end of our friendship, I'm taking the fact of my friendship as giving me reasons in the wrong way. I'm taking my friendship as a token of a type of relationship that is sometimes betrayed, and seeing that as giving me reason to act right now as if I will be betrayed. To put it another way, I'm failing to properly restrict my deliberative space.

First, I'm taking an anticipatory or predictive attitude towards my friend, instead of a friendly one. I'm failing to respect my friend *qua* friend because each of us has to

trust the other to do what's constitutive of our friendship. My failure to see my friend as living up to her commitment is untrusting and disrespectful of my friend.

Notice that my contingency plan is keyed to my prediction of *how* my friend will betray. Because I predict my friend might betray me by taking my computer, I install a zapper in it. The goal of the contingency plan is to shift the cost of the disintegration of the relationship onto the party who betrays first. It's a way to try and make sure that if the bad thing happens, I can deflect as much of the harm away from myself and onto my friend.

And this leads us to the second problem, I'm failing to be properly oriented to my friend. I have to orient myself, practically and emotionally, to the good of my friend. And not just contingently, but unconditionally. I shouldn't think, "I aim at my friend's good as long as we're in this relationship." As Aristotle explained, a true friend is one who wishes the other well *for her sake*.⁶¹ That I must aim at my friend's good unconditionally doesn't mean that if our friendship does end, that I must continue to aim at my friend's good. We might part company and never speak again. I don't want to argue that ending friendships is impermissible or even bad. What I am trying to argue is that where two people are in a friendship, they have to take that trusting relationship seriously and act as if they are in that relationship. When I reason from the fact that friends sometimes betray to the necessity of installing a zapper on my computer, I make it difficult for me and my friend to actually relate as friends.

The fact that someone is my friend means "that I have reasons for action of a certain sort. Having these relationships is to have these reasons... They are reasons such

⁶¹ Aristotle, *Nicomachean Ethics*, 1155b25-1156a5; *see also* 1156b5-15.

that acting on them (and not on other reasons that can produce the same outcomes) is important to maintaining the relationships that generate them.”⁶² Whether I give my keys to my friend because I think it’s unlikely she’ll betray me, or because I trust her to water my plants, my plants will get watered. But only in the second case do we really have a friendship. This is because trust isn’t just instrumental to friendships, it’s constitutive of them.⁶³

Acting for the wrong reasons, then, changes what it’s possible to achieve, because it changes what we’re doing. When I make a contingency plan, I’m no longer aiming at your good, but either at your harm, or at my good by way of your harm. When we make contingency plans, we step outside of the deliberative field made possible by our relationship, and so step outside of our relationship. If we fail to trust in the right way, then we cannot achieve the deliberative field within which we orient ourselves to each other in the right way.

Trust might seem, then, like something that is built up over time between two or more particular persons. But actually, trust is also a very ordinary part of our relationships with strangers. We trust strangers all the time, otherwise a society such as ours, where our daily activities are marked by interactions with people we don’t know, wouldn’t be possible. Consider the following example:

Bus riding. I’m on the bus. On the bus, I don’t think to myself, “I trust these people not to randomly attack me.” I just do. And now I have an idle thought because of a movie I saw last night: what if some people on the bus are out to get me? I start to think up a hypothetical plan: if some

⁶² Herman, “Agency, Attachment, and Difference,” 780.

⁶³ This is what the risk-assessment, or economic/political science, views get wrong, and it’s why I disagree with Dasgupta that “[t]he problem of trust would of course not arise if we were all hopelessly moral.” Dasgupta, “Trust as a Commodity,” 53.

people on the bus were out to get me, what would I do? I consider this for a moment, and start to scope out the nearest exit, make sure it's clear. And now I start to act on my hypothetical plan: I notice that the umbrella, which I had been holding on to all along, can be used as a weapon; and maybe I move closer to the door, so I can escape more easily.

Preparing to be able to implement my hypothetical plan creates a framework within which I interact with others on the bus. If I'm looking for escape routes, and the next person who gets on the bus stands in front of me, I'll see that person *as* an impediment to my escape route, and therefore as a danger to me. What we see from this example is that contingency plans seep into what you're doing *now*, even if on the outside it doesn't look like anything is changing (*e.g.*, maybe I already had my umbrella in my hand, and I was already sitting next to the exit). These kinds of contingency plans degrade civic trust.

What the appropriate standard of trust is between strangers of a particular community will vary greatly, and is sensitive to innumerable factors. There is no single, *a priori* standard of trust, below which we might be accused of disrespecting each other. Rather, there are many particular standards of trust, and learning what the appropriate standard consists in is part of the process of enculturation. And so, for example, as a visitor traveling with my baby to Copenhagen, I could not trust to leave my baby unattended outside on the curb while I ducked inside a café to grab a quick lunch. While the Danes might tease me, I don't think they could claim that I was disrespecting them, since I am not part of their particular community of mutual understanding and expectations concerning leaving babies unattended.

So what can we learn from the case of friends and of strangers riding the bus together about how two states ought to act? Imagine state Alpha and state Beta make a

commitment to peace with each other. But they don't dismantle their respective standing armies. This is because each believes that being at peace is great, but just in case the other betrays, the one betrayed needs to be able to defend itself. What each side is doing is acting on anticipation. That is, each side maintains a standing army as a contingency plan, out of fear that the other might betray.

Why is having an army inconsistent with pursuing a pacific relationship? Or, to put it more consistently with the friendship case, why does having an army undermine the possibility that the pacific relation will go right? It's because being peaceful isn't just about not fighting, and it isn't just about having a pacific character (although this is necessary). To be at peace is to be *in* a pacific relationship; it is trusting another political community because you believe them to be trustworthy because they are; and having that other political community trust you because they believe you to be trustworthy because you are.

Does this mean that any and all contingency plans are incompatible with trust, and therefore with peace? I don't think so. Notice that the kinds of contingency plans we've been thinking about so far are based on fear of being harmed by the other, with the goal of deflecting the cost of the fallout onto the other, and not made in a spirit of goodwill.

I think that preparing to use tactics of nonviolent resistance, as developed, for example, by Martin Luther King, Jr. and Mahatma Gandhi, is a very promising way of pursuing peace in a non-ideal world because it is a way to acknowledge the reality of uncertainty, and the great risks that come with that uncertainty, while acting in ways that respect everyone's dignity, and so preserve the possibility of peace.

Unlike violence or threats of violence, nonviolence doesn't seek to crush or humiliate the opponent, but to win their friendship and understanding. By nonviolently resisting the opponent's aggression, we demonstrate our regard for the opponent's dignity and life. We show that we believe violence is not the only way to solve our conflict, that we are interesting in solving our conflict together, and that, as a mark of our sincerity, we will bear the cost of our emerging friendship as much as possible. Winning the opponent's trust, attempts at mutual understanding become possible. And we can begin to develop a friendship based on mutual respect for human personality that excludes any forms of interaction that degrade, humiliate, or injure the other.

In the face of aggression, the pacific state acts always with an eye towards repairing the moral breach, and this will require recognizing the members of the aggressing community as responders to moral reasons. The way to act, right now, for the sake of a future peace with our adversary is by addressing arguments for peace to them. Through our nonviolence, we simultaneously demonstrate our trustworthiness and make the first gesture of trust, thereby illuminating that there is a moral conversation here to be had.

III. Just War Theory's Instability

The challenge to my view, from just war theory, is that there are many states that are not our friends, and we cannot create a trusting relationship *ex nihilo*. Until we're in a trusting relationship, the just war theorist might argue, we should take Hobbes' advice – the most rational thing to do is to anticipate and maintain a standing army – tempered by the requirements of just war theory, that is, *jus ad bellum* and *jus in bello*. And so we

why they put their faith in the equation: anticipation + just war theory = no unjust war (or at least less war). For just war theorists, anticipation is a way of acting for the sake of no one making unjust war on each other. If we're all prepared to fight, then the cost of aggression will be sufficiently high that people will be less likely to do it, so we'll have less aggressive war.

Maintaining a standing army is partly a deterrent – a declaration of a threat to make it very costly for anyone invading – and partly a contingency plan – if someone should aggress, we will defend ourselves by killing the invaders. In order for a standing army to be either a deterrent or a contingency plan, it must be trained and maintained at a level where it might actually be able to defeat or repel an invading army, or at least make the cost of invasion potentially high enough to make the would-be aggressors think twice.

I don't think such a strategy of anticipation could ever be stable. That is, I think anticipation ensures that we remain not only ever armed, but ever escalatory. Consider two states, A and B. B decides to pursue a strategy of Hobbesian anticipation and arms itself. When state A sees that state B is armed, then out of fear that B will use violence against A, and based on the belief that the best way to prevent B from using violence against A is to be armed, A decides to arm itself. But in arming itself, A now becomes a reason for B not only to be armed (which it already is) but to secure more arms. And B believes that this is what it should do because the strategy of anticipation is supposed to give you an advantage against others. In order to be able to use violence to kill or subdue others, you have to be able to use more violence against them than they can against you.

So what has happened? When B armed itself, B became a reason for A to arm itself, and then when A armed itself, B's already being armed became reasonable, and B had reason to gather more arms. Each side's belief that anticipation is rational does two things. One, it makes it the case that each state's anticipation is rational. Two, it creates more and more anticipation.

Even if neither side fires a single shot, the fact that they are armed against each other and prepared for war means that

They are in that condition which is called Warre... For Warre, consisteth not in Battell only, or in the act of fighting; but in a tract of time, wherein the Will to contend by Battell is sufficiently known.⁶⁴

State A knows that state B is willing to fight it because A can see B's war preparations; State B knows that A is willing to fight it because B can see A's war preparations. So although A and B are not fighting right now, their relationship is one organized around war. And so they cannot be said to be at peace, because, as Hobbes could see, being prepared to kill each other is not the way that states at peace with each other act.

The trick for just war theory is to show how this cycle of escalatory anticipation could be consistent with peace. And I think this is a trick that just war theory cannot pull off. What we have, when we're all prepared to fight, is a state of mutual fear. And it's hard to say what the difference is between this state of mutual fear and what Hobbes calls war.

I've argued that a posture of war preparedness is inconsistent with seeking peace. It's not possible to anticipate our way to peace with our enemies, any more than it's

⁶⁴ Hobbes, *The Leviathan*, 185-6. See also Hobbes, *The Citizen*, 260-1, explaining, "When physical hostilities cease there is no condition of peace; merely a breathing space during which time preparations are made for the next encounter."

possible to anticipate our way to friendship with other people. I think the main error made by just war theory that leads it to rely on war as a way to peace is in thinking about peace as a state of affairs – no fighting between states – that is supported by values, such as “securing things as are necessary to commodious living,”⁶⁵ or respecting each other, or justice. But peace isn’t a state of affairs, it’s an activity; and we should act directly on and for the sake of the values that support a just peace.

It would, of course, be a fine thing if we had a state of affairs where we didn’t kill each other. If we ask how to achieve that state of affairs, then one option is going to be having really effective killing machines. There’s a way that state A can bomb state B so that there’s a state of affairs where B doesn’t bomb A, and A doesn’t bomb B (anymore). But there’s no way I can bomb you for the sake of your flourishing, or more generally, there’s no way I can bomb you with goodwill towards you. If we think about this on the analogy of a friendship, it seems possible that I could lie to my friend for the sake of preserving a state of affairs where she continues to trust that I am her friend. But it’s harder to see how I might lie to her for the sake of our trusting relationship.⁶⁶

Acting directly on and for the sake of the values that support a just peace doesn’t mean we spend all our efforts agonizing over which ways of killing each other are humane and therefore permissible, and which are insufferably cruel and therefore impermissible. What it does mean is that, first of all, we stop anticipating.

⁶⁵ Hobbes, *The Leviathan*, 161.

⁶⁶ It does seem that there are instances where I can lie to my friend with goodwill (the oft given example of lying to save a friend from some unnecessary pain), but can I do it for the sake of our trusting relationship? In any case, I don’t think this kind of “loving lie” can find an analog in killing in war, unless we think we are, e.g., compassionately euthanizing the enemy soldiers for their own good.

If I am going to act for peace, I have to see others as moral agents, and not as probabilities. Just war theory's anticipation makes this very hard to do because it creates such a climate of distrust and fear that I have a hard time gauging others' actions correctly. We saw that one of the dangers of trust is that it is self-confirming – if I trust you, I interpret your actions in light of our trusting relationship, and so will fail (at least *prima facie*) to pick up on your betrayal. But this danger is also present with distrust – because I distrust you, I interpret your actions in light of my distrust, and so will fail to pick up on your signals to start a friendship. E.g., why is X signing the nuclear treaty? To distract me while they secretly arm. In a way, the danger of distrust has an extra bad-making dimension (compared to the danger of trust) – I disrespect X because they take themselves to be trustworthy, and I refuse to see them that way; I cannot relate to X the way it wants to be related to, and the way I should be relating to it, as an agent sensitive to moral demands. And because I deny the possibility of having a moral interaction with X, I will tend to minimize whatever interactions I have with X, exacerbating my self-confirming circle of distrust.

Conclusion

To convert from being a just-warist society to a pacific one, we have to move away from being motivated by fear (fear about what the enemy might do to us), to being motivated by hope. As Bertrand Russell commends us, “We must learn to think rather less of the dangers to be avoided than of the good that will lie within our grasp if we can believe in it and let it dominate our thoughts.”

Just war doctrine has long dominated our thinking about the morality of war. We use its concepts and principles to think about war and peace, and so we only ask two questions: is the cause just, and are the means permissible?

I think it would be difficult to overestimate the role that that just war theory has played in creating our cultural bias for war. Because of our just-warist framework, while we fear what some enemy might do to us, we never fear what we are doing to ourselves by organizing our society around principles of violence. Eisenhower, who no one will mistake for a dove, warned the nation in 1953,

“Every gun that is made, every warship launched, every rocket fired signifies in the final sense a theft from those who hunger and are not fed, those who are cold and not clothed. This is a world in arms. This world in arms is not spending money alone; it is spending the sweat of its laborers, the genius of its scientists, the hopes of its children. . . . This is not a way of life at all in any true sense. Under the clouds of threatening war, it is humanity hanging from a cross of iron.”⁶⁷

I think it is well worth considering the question, also, of whether it’s possible for a democratic society to survive a war. The lesson learned from victory is that he who is mightiest at wielding the sword wins, and it is hard to see how this could be compatible with the virtues of democratic citizenship.

The concerns that lead just war theorists to agonize over the proper limits of *jus in bello* should help us to see what’s wrong with war, and also to see what’s necessary for a real, robust peace. And that is the recognition, celebration, and protection of our common bond. It is often argued that we can justify threatening war by the “peace” that it maintains. But in fact, the means we adopt can change the sorts of ends that are

⁶⁷ “Chance for Peace,” Eisenhower’s first major address as President, delivered before the American Society of Newspaper Editors on April 16, 1953.
https://www.eisenhower.archives.gov/all_about_ike/speeches/chance_for_peace.pdf.

possible to attain. Since peace is secured by conditions of justice and cooperation, and not by threatened or forced domination, it cannot be imposed by violence. And so for those seeking peace, a situation wherein former adversaries live together under conditions of justice and goodwill, war will be an impossible means.

CHAPTER 3

Hoping for Peace

Introduction

I'd like to begin this final chapter by taking stock of where we are in the argument. In Chapter 2, I argued that peace is a kind of trusting relationship. People who are in trusting relationships do not reason strategically or probabilistically about each other, and assume each other's continued good will. The question we're faced with now is how the ideal of peace bears on our practical reasoning in our non-ideal world. Given the state of the world as it is, how are we supposed to bring about these pacific relationships? Perhaps it is by seeking out those actions that might instrumentally cause, or help to cause, pacific relations. But it's possible that there might not be any particular action that's available to me or to my community that could increase the probability of peace. Considering that we live in a world armed with over 15,000 nuclear weapons, and that spends more than \$1.2 trillion a year on defense budgets, it seems inconceivable that any particular action could make a dent in the probability of continued war violence. Faced with such impossible odds, is it rational for us to give up on peace and instead work to incrementally restrict war?

We're also left with a question at the end of the first chapter. In Chapter 1, I argued that one who is aggressed against can resist her subjugation by acting on the principle that people not kill each other. Such nonviolence could be valuable as the

satisfaction of a personal principle. But I also suggested that such personal nonviolence might constitute something more – pacific resistance. How is it that one’s refusal to meet violence with violence counts as pacific resistance – that is, resistance against this particular aggression and resistance that aims at realizing a peaceful world?

In this final chapter, I’d like to offer a tentative proposal to help with both questions, that is, whether we should hope for peace (as opposed to just less violence) and how nonviolence in the face of aggression becomes pacific resistance. I’ll argue that because hoping is different from trying, we can hope for a peaceful society and act on that hope. Part of what a pacific resister does, then, in choosing not to meet violence with violence, is to act on her hope for a peaceful world. And so she understands her action as a (non-instrumental) part of humanity’s coming to live in peace.

I. Traditional Accounts of Hope

Whether philosophers argue that hope is an emotion, a disposition, or a special kind of cognition, there seems to be a general consensus that hope can be reduced down to something that includes some kind of belief and some kind of desire. The belief at issue involves the hopeful person’s calculation of likelihood of attaining the hoped for thing. In order for the hopeful person to hope that *P*, she has to believe that the likelihood of attaining *P* falls somewhere between impossible and assured. If she believes that *P* is impossible, then her seeming hope for *P* is actually just wishful or magical thinking. One can’t hope to be an elephant or to turn back time. If she believes that *P* is a future event that is certain, then she’s not hoping for *P* as much as she is waiting, or planning, or looking forward to it. One can’t hope that the sun will rise

tomorrow or that Jimmy's will have coffee. The issue of where, more precisely, within this spectrum my calculation has to fall is a matter of less consensus, with some philosophers taking a rather expansive view (that there is uncertainty as to whether the hoped for thing will happen)⁶⁸, some taking a slightly more restrictive view (that the hoped for thing be seen as possible)⁶⁹, and others taking a rather restrictive view (that the hoped for thing be seen as likely).⁷⁰

Aquinas argues, "Hope is a movement of appetite aroused by the perception of what is agreeable, future, arduous, and possible of attainment."⁷¹ If the hoped for thing were not arduous, we wouldn't need hope, since we could just work towards the end. If the hoped for thing were impossible, hope would be pointless. To hope well, in Aquinas' sense, we must be able to realistically assess our chances of attaining *P*.

Usually when we think about hopes, we think about the future, but the uncertainty involved doesn't have to be in the future. It could be in the past, and so settled. But from

⁶⁸ See, e.g., David Hume, Book II, Part III, Section IX in *A Treatise of Human Nature*, eds. David Fate Norton, Mary J. Norton (Oxford: Oxford University Press, 2000); Luc Bovens, "The Value of Hope," *Philosophy and Phenomenological Research* 59, no. 3 (1999): 667-681.

⁶⁹ See, e.g., R.S. Downie, "Hope," *Philosophy and Phenomenological Research* 24, no. 2 (1963): 248-251; John Searle, *Intentionality: An Essay in the Philosophy of Mind* (Cambridge: Cambridge University Press, 1983), 32, explaining that A hopes that *P* when "(1) A does not believe that *P*; (2) A does not believe that not-*P*; (3) A believes that *P* is possible; (4) A desires that *P*."

⁷⁰ Hobbes and Day require that *P* is not only possible, but probable. For Hobbes, the end has to be seen as obtainable, or as he explains it, "Appetite with an expectation of success is called HOPE."⁷⁰ *Leviathan*, Book I, Chapter 6. For J.P. Day, "A hopes that *P* entails (1) "A wishes in some degree that *P*" and (2) "A thinks that *P* is in some degree probable" and "[t]hese two tests or conditions of the truth of "A hopes that *P*" are severally necessary and, it is submitted, jointly sufficient." Day, "Hope," *American Philosophical Quarterly* 6, no. 2 (1969): 98.

⁷¹ Aquinas, *Summa Theologiae*, 1a2ae, 40, 2.

the hopeful person's subjective point of view, it is unknown or unknowable, and so uncertain. And so, for example, someone might have the following hopes: "I hope she got home safely last night" or "I hope he enjoyed his birthday." In order for us to hope for P , P doesn't actually have to be uncertain, just uncertain for us given the evidence available to us.

So how does this belief in probability feature in traditional understandings of hope? According to Luc Bovens, "Hoping *is* just having the proper belief and desire in conjunction with being engaged to some degree in mental imaging,"⁷² where mental imaging consists in the "devotion of mental energy to what it would be like if some projected state of the world were to materialize."⁷³

Bovens warns that our hopes should be clear-eyed in the sense that our beliefs about the probability of the hoped for thing attaining should be properly tied to the evidence, or else we risk slipping into wishful thinking. When we wish, we raise the subjective probability of the wished for thing beyond what is warranted by the evidence. The line between hoping and wishing is difficult to guard because wishful thinking is so seductive, and this is what makes hoping so dangerous.

Philip Pettit takes a different tact, and puts our beliefs about the probability of the hoped for thing attaining on the outside of hope – we still make these probabilistic calculations, and while our hope is responsive to these calculations, the calculations are not strictly speaking a component of our hope. When we hope, we put our actual belief

⁷² Bovens, "The Value of Hope," 674.

⁷³ *Id.*

about probability “offline;” we are moved to act as if the hoped for end were going to attain (or at least as if there were a good chance).

Even though we act as if things were otherwise than we believe, one reason why hope is pragmatically rational, according to Pettit, is that it lifts us out of panic or depression and gives us control and direction.⁷⁴ Hoping protects us against emotional collapse and a loss of self-efficacy when the chances are especially low.⁷⁵ In the face of such trying odds, hope gives us a way to hold ourselves up and to keep going on.

It seems true enough that in some instances, we might use hope as a kind of shield against low odds, because otherwise there would be only despair.⁷⁶ But I don’t think this is the best or only way to understand hope. When hope’s rationality depends so heavily on its instrumental value in helping us to attain our hoped for end, we might end up with the following result, which, if you’re like me, will make you uneasy. Consider two young students, one who goes to a terrible school, and one who goes to a terrific school, and what their hopes for a bright future look like. If hope is a shield, we might be led to say that the student who goes to the terrible school should hope more than the student who goes to the terrific school for a bright future, because of the longer odds. (Or, even worse, on a Bovens-like analysis, we might be led to say that the student who goes to the

⁷⁴ Philip Pettit, “Hope and Its Place in Mind,” *The Annals of the American Academy of Political and Social Science* 592, no. 1 (2004): 161.

⁷⁵ *Id.*, 157.

⁷⁶ What is the opposite of hope? For Hume and Daniel Bar-Tal, it’s fear; for Day, fear, resignation, despair, and desperation; for Matthew Ratcliffe, depression, loss of aspiring hope, demoralization, loss of trust; and for Trudy Govier, despair, cynicism, fear, pessimism.

terrible school should hope less than the student who goes to the terrific school, again on account of the long odds.)

Analyses of hope that focus so narrowly on beliefs about the probability of attaining the hoped for end suffer from two main difficulties. First, they do not adequately distinguish between hoping and wishing, or hoping and trying. If, on the one hand, hoping is a kind of irrationality, in that we set aside what we know to be true, it becomes harder to distinguish it from mere wishing. And to say that the difference between hoping and wishing comes down to a miscalculation of the odds of attaining the desired end makes hoping too much of a kind with wishing. And if, on the other hand, hoping is a kind of prediction of success, it becomes harder to distinguish it from trying. And second, these belief based approaches, in focusing so exclusively on how the world determines or shapes our hopes, loses sight of the sense in which hope is something we bring *into* the world. A compelling account of hope should be able to explain how our hopes motivate us and give meaning to our lives. I don't think the reason why we have certain hopes and not others could boil down to (something that includes) our beliefs about the probability of attaining the hoped for end. And so instead of theorizing what kind of calculative belief is involved in hope, I'll follow Margaret Urban Walker and Victoria McGeer in treating hope as a primitive.

According to Walker, hope is "a recognizable syndrome" that cannot be identified with "a single 'recipe' of specific ingredients in precise proportions." Rather, we should recognize that "there are patterns of ingredient perceptions, expressions, feelings, and

dispositions to think, feel, and act that are part of the repertory of hopefulness.”⁷⁷

McGeer picks up on Pettit’s connection between hoping and agency, but for her, the connection is much tighter. Rather than seeing hope as something that protects our agency, McGeer sees hoping as a way of exercising our agency. So when we hope in the face of long odds, “our persisting capacity to hope signifies that we are still taking an agential interest in the world, and in the opportunities it may afford, come what may.”⁷⁸

To hope involves recognizing, but not feeling constrained by, our limitations as finite human beings. To hope is to learn, to be creative, and to be energized in the face of those limitations and sometimes to push beyond them.

I’ll build on Walker’s and McGeer’s accounts because I think there’s more that can be said about the structure of hope. I’ll offer a preliminary account of hope that can explain the role it plays in motivating our actions, and in giving meaning to our activities and experiences.

II. Meaningful Hope

In trying to understand the value of hope, I’d like to begin by considering what it’s like to live without hope and why such hopelessness is bad. Descriptions of hopelessness often share two elements. First, one who is hopeless cannot see a future for herself; she cannot imagine a future and a see a place for herself in it. When there is no future horizon that calls, what’s missing is not only the lack of direction, but also the

⁷⁷ Margaret Urban Walker, *Moral Repair: Reconstructing Moral Relations After Wrongdoing* (Cambridge: Cambridge University Press: 2006), 48.

⁷⁸ Victoria McGeer, “Trust, Hope and Empowerment,” *Australasian Journal of Philosophy* 86, no. 2 (2008): 246.

feeling that something different is possible. And second, one who is hopeless forgets that things were not always so; she forgets how things used to be. She cannot remember that things used to be different than they are now. With no light ahead, and no memories behind, the person living in hopelessness is entombed in the present.

Then what makes hopelessness so bad isn't just that hopelessness makes it less likely that you'll attain some particular end, or that you'll become efficaciously inert. What makes hopelessness so bad is that it confines you to the bad present moment, to a moment that has no meaning that relates you to a different and brighter future. If this is what makes hopelessness so bad, it gives us a clue as to hope's value.

We can contrast a life lived without hope to a life lived with hope. When we hope, the time horizon expands out from the now and we see different possible futures. In acting on our hope, we not only reach out towards a possible future, but we also draw the value of that possible good future into what we're doing now. When we act on hope, we see our hopeful action as a moment that could be a part of the hoped for end, and so it has a different meaning for us. We see our hopeful actions as meaningful because they are an early part of realizing the future good.

Hope can serve as a rational ground for action that doesn't just reduce to an instrumental trying. In thinking about whether to try to accomplish some end, the rationality of trying can depend on the belief that the particular trying action has a good chance of contributing to bringing about the end. If a friend were considering trying to undertake some activity where the chances of success were very low, we might advise her not to even bother trying. If the chances are very low, it might be irrational to try. So, for example, it would be irrational try to win the lottery by buying extra tickets, or to

try to build a house with no knowledge of carpentry, or to try to learn a foreign language in a week. It would be hard to find any sense in those activities as a trying to bring about some end.

Compare the lottery ticket buyer, or the would-be house builder, or foreign language learner, on the one hand, to a protester at a peace march who is opposing her government's war posture or imminent prosecution of a defensive war, on the other. What is she doing there? Seen as a trying, we can understand why a reporter might ask a peace protester why she bothers to march. It's hard to see how waving a banner could prevent a bomb from being dropped, or the chanting of a slogan bring about a cease-fire. Protesting is not a sensible way to try and end war. And when pressed by the reporter what she thinks the chances are that her participation in this march increases the chances of ending the war, she might give an answer like "almost none" or "very low," increasing the reporter's befuddlement.

Traditional accounts of hope are not sure what to make of hopes for world peace, either. I suspect that traditional hope theorists do not find hopes for peace sensible because traditional hope understands hopeful actions as a trying. Bovens briefly discusses hopes for peace in a footnote. As he explains it, when I hope for world peace, either (a) "the projected state in utopian hopes functions as a guiding ideal," in which case "what I am hoping for strictly speaking is that the world will move closer toward peace in my life time and it is not true that I am confident that *that* will not come about" (*i.e.*, I'm not confident that it *won't* happen)⁷⁹ or (b) I have a divided mind – I admit that

⁷⁹ I find this option unconvincing because it cannot explain why uncertainty in this case would lead the protester to march. After all, we're uncertain about many things that don't

according to the evidence, I should be confident that world peace *won't* come about in my lifetime, but part of me resists this confidence, which enables me to continue to hope.⁸⁰ And Pettit uses the prevention of war as an example of something that a potentially hopeful agent cannot influence. If we are to believe that the prospect of a war's not taking place is beyond our influence, and makes trying insensible, what are we to make of the following case?

During the Bosnian War, on May 29, 1992, at 4 p.m., Vedran Smailovic witnessed the obliteration of 22 people who had been queuing at a bakery in Sarajevo. We would understand if Smailovic had been driven to hopelessness in the face of such inhumanity. But he wasn't. "I am nothing special, I am a musician, I am part of the town. Like everyone else, I do what I can."⁸¹ Here's what Smailovic, a concert cellist, decided he could do. Every day at 4 p.m., he put on his full concert dress, took his cello to the site of the bread massacre, and played Albinoni's Adagio in g minor. As civilians dodged sniper fire and took cover from Serbian bombs, Smailovic played out in the open for 22 days.⁸² He also played in cemeteries, flooded with makeshift graves, which was especially dangerous because snipers would pick off civilians who came to mourn or

lead us to action. I would be uncertain crossing the street without looking both ways that a car wouldn't hit me, but I'm not going to cross the street without looking on that basis.

⁸⁰ Bovens, "The Value of Hope," n. 4. On Bovens' own account, such a "hope" would actually constitute a kind of wishful thinking.

⁸¹ <http://www.nytimes.com/1992/06/08/world/death-city-elegy-for-sarajevo-special-report-people-under-artillery-fire-manage.html?pagewanted=all>.

⁸² Here's another place where a Pettit-style analysis does not seem to go far enough. To say that Smailovic was acting as if things were otherwise than they were is to lose sight of the courage it took for him to play. His act was courageous because it was dangerous, and he knew it was dangerous – he was not just making-believe that everything would be alright if he could play his cello.

bury their dead. As a self-avowed pacifist, Smailovic became a symbol of civil resistance during the war by playing his cello to “daily offer a musical prayer for peace.”⁸³

When a reporter asked him if he wasn’t crazy for playing his cello while Sarajevo was being shelled, Smailovic replied, “You ask me am I crazy for playing the cello, why do you not ask if they are not crazy for shelling Sarajevo?”

So who was right, the reporter or Smailovic? If we don’t think he was crazy, there must be something more to protesting than merely trying to cause an end (for surely it seems insensible that one would try and cause the end of war by playing the cello). And that is, trying is not the only practical stance towards a possible future that helps to rationalize or motivate present action.

Take the familiar example of spending time with someone in the hopes of getting to know her better. It would be a mistake to think of my activities with her as having merely instrumental value, in that they increase the probability of attaining my hoped for end of friendship. It might be true that my activities do in fact have the effect of increasing the probability, but that cannot be my reason for doing them.

Rather than thinking of my actions as instrumental tryings aimed at the attainment of my hoped for end, it’s better to see how it is that my actions are informed by my hope. Because of my hoped for end, I undertake certain activities with my potential friend that I wouldn’t otherwise have done – we listen to music together, go for hikes, watch each other’s dogs. But not only does my hoped for end guide the scope of my activities, it also gives my activities a meaning they wouldn’t otherwise have had. Because I see myself as in the process of constructing a friendship, my interactions are characterized by an

⁸³ I am not taking this quote literally. But it would be interesting to consider the question of whether petitionary prayer counts as hope on my account.

attitude of openness and curiosity, and I am oriented to my potential friend as a whole person.

But just as I shouldn't see my activities with my potential friend as mere means to some end, or as merely increasing the probability of my hoped for end, I shouldn't see them as merely isolated incidents, either. I am not just in the moment of each activity, so to speak, and I do not greet her day after day with surprise: *Oh, there you are again!* Rather, the various activities we undertake together are held together by the value of the hoped for end. And that is because our actions pull the value of the hoped for end into what we're doing now. If I were not acting on the hope of getting to know you better, this hike we're taking together now would have a different character and a different meaning than it does in fact for me. And so if and when we do become friends, I won't be able to point to a specific moment we became friends, but I will be able to point to a history together which will have the character of a friendship in blossom.

Compare the hopefulness of getting to know someone to the hopelessness of getting to know someone. Let's say I'm meeting a famous poet at a reading. In instances like these, our social roles, which are supposed to help us navigate the world, end up limiting us in ways that can be frustrating. I might feel constrained in reaching out to the poet as a person who appreciates her work, and might feel I can only greet her as a fan. And if I do, our meeting will have a different character than if I have hope of getting to know her. It's true, of course, that perhaps the outcome will be the same whether I greet the poet with hope or with hopelessness, in that she and I don't become friends, but hoping is not outcome oriented in the same way that trying is.

There's a partial analogy here between meeting someone in the hopefulness of a friendship, and hope for peace. When faced with a violent aggressor, my nonviolence doesn't have to be an instrumental trying to bring about peace. When I can bring myself to hope for peace, I meet violence with nonviolence because it's possible that the members of the human community will live together peacefully, and I see my action as an early part of that possible peaceful world. I see this moment of nonviolence as a moment that could be a part of a peaceful world, and so it has a different meaning for me.

So there's another way to understand what the protester is doing, such that it would be difficult for the protester to make sense of the reporter's question: why bother protesting when there's no chance it will stop the war? Her trying to stop the war (if she's trying to do that at all) doesn't exhaust the value of what she's doing there because her actions are also marked by the value of the hoped for thing, peace. What the protester is doing is acting *on* her hope. This doesn't mean that she's there to buffer herself against cold, hard probability, and it doesn't mean she's there to stave off emotional and agential collapse. Nor does it mean that she's acting as if things were otherwise than the evidence suggests. Hoping is not a kind of irrationality.

Rather, the protester is looking out at the world through her hope. As the person who trusts sees the world through her trust, the person who hopes is guided by that hope in picking out what factors count as salient, in interpreting how they are salient, and in deciding how to act based on that interpretation. As someone who hopes for peace, she has become good at interpreting the world in ways that sustains her hope and orients her towards fulfilling it. This is why although we would advise our friend, in the face of low

odds, not to bother trying to win the lottery, we cannot advise our friend, again in the face of low odds, not to bother hoping for peace.

So the connection between hoping and agency is stronger than: if I don't hope, I might lose agency (either in this endeavour, or some other). Hoping for peace *is* a way of exercising our agency. What the protester is doing is living in the possibility of peace. She is in the process of constructing a reality she believes is actually possible.

The protester can act now, taking as her reason for action the possibility that her action forms a part of the eventual end that she seeks. To act on hope for peace is to be part of the movement that might end in a peaceful society. From the vantage point of the peaceful society, we will be able to look back on Smailovic's playing, and recognize it as an early part of the effort for peace.

I think we're now in a position to reconsider the nonviolent resister from Chapter 1, and understand how her nonviolence qualifies as resistance. We already saw the value of her action as the satisfaction of a personal principle, that she will not accede to what the aggressor wants her to do and that she will recognize the value of the aggressor's life as a reason not to do what will end it. But when she also resists on the basis of hope, hope for a peaceful world, she is prefiguring the peaceful world that she hopes will one day attain. In acting on the hope that we will cease to kill each other out of mutual fear, she resists her aggressor by potentially being a part of that moral community that will reject violence (including her aggressor's).

Conclusion

What is it like to live without hope? Simone Weil explains the hopelessness of the soldier engaged in the Trojan War by explaining that death is the future his profession has assigned him.⁸⁴ For the soldier, every moment is essentially tied up with the possibility of death. And so “every morning, the soul castrates itself of aspiration, for thought cannot journey through time without meeting death on the way.”⁸⁵ Permeated with death, the soldier is confined to live moment to moment. And who, in a moment where she finds herself confronted by an armed enemy, can give up the sword?⁸⁶ So the killing goes on, because without hope, there is no way out.

But it's not only soldiers who are stripped of hope in the Trojan War, and Euripides explores the hopelessness of the women who suffered in that war. Euripides' *Trojan Women* begins with a *deus ex machina*. We find Athena in conversation with Poseidon, imploring him to drown the victorious, and now homeward-bound, Greeks for having ravaged her temple in Troy. We can only assume from this radical opening that the play has, at least structurally, already ended, and so we know that nothing can *happen*. The audience can only watch as the events unfold with inevitability. And when all is said and done, we can't help but wonder what Euripides' use of this jarring narrative innovation is meant to convey.

Our protagonist is Hecuba, mother of the now dead Hector and widow of Priam, King of Troy. Hecuba and the other Trojan women – Andromache, widow of Hector,

⁸⁴ Simone Weil, “The Iliad, or the Poem of Force,” *Chicago Review* 18, no. 2 (1965): 19.

⁸⁵ *Id.*

⁸⁶ *Id.*

and Cassandra, daughter of Hecuba and Priam – struggle in the wreckage of post-war Troy to cling to some hope, to see some glimmer in the future, no matter how dim or how far off.

We first meet Hecuba lying on the ground, wailing over the destruction of her city. In short order, she learns that she is to become Odysseus' slave, a monstrous insult, that Cassandra, priestess of Apollo, is to become Agamemnon's mistress, and that Andromache will be carried off by Neoptolemus, the son of the man who killed her husband.

Andromache and her infant son, Astyanax, are wheeled onto the stage on a wagon laden with Trojan spoils. She bewails her impossible choice: either she must learn to love her new husband, and thereby betray Hector, or she must remain faithful to Hector, and become reviled by her new husband. She envies those who died in the war, as they know nothing of Troy's fortunes and suffer nothing. Hecuba gently interjects, "My child, to die is not the same as to be alive. The one is nothing, but in the other there are hopes."⁸⁷ Hecuba counsels Andromache to give up on Hector, since there's nothing that can be done for him, and to submit to her new husband, offering the hope, "If you do this, you will bring joy to all your friends in common and may raise to manhood my grandson here as Troy's greatest helper, so that sons one day born of your lineage may refound Ilium and it may become a city once again."⁸⁸

It is so tender a scene that even though we have been sternly warned by the opening scene that there is to be no *peripeteia*, we nevertheless find ourselves caught by

⁸⁷ Euripides, *Trojan Women* in *Euripides*, ed. David Kovacs, vol. IV (Harvard University Press, 1999), ll. 632-33.

⁸⁸ *Id.*, ll. 697-705.

surprise when Talthibius, the Greek messenger, comes with horrifying news. But Andromache, having taken Hecuba's hope into her heart, resists what she knows must be true:

TAL.: It has been decreed that this child ... how can I say it?

AND.: ... will not have the same master as we?

TAL.: None of the Greeks shall ever be his master.

AND.: Have you decided to leave him here as a sorry remnant of Troy?

TAL.: I do not know how I am to tell you this easily.

AND.: I approve of such hesitation unless you are telling good news.

TAL.: To tell you the terrible truth, they are going to kill your son.⁸⁹

The baby is taken from Andromache's arms and flung from the ramparts, and it is Hecuba who must bury him. But not before she suffers one final devastation. Having suffered through the death of her husband, children and grandchild, and the enslavement of her remaining daughter and daughter-in-law, she finds herself grasping for anything that might carry her forward as she faces Menelaus. He is savoring the capture of his unfaithful wife, and her imminent execution, when Helen asks for an opportunity to defend herself. Menelaus refuses, but Hecuba jumps in and convinces Menelaus to allow Helen to give her defense so that Hecuba may speak against her. At last, Hecuba hopes, she will have a chance to destroy the person she holds responsible for all her miseries. But through her hope for revenge, Hecuba inadvertently opens the door for Helen's own reversal of fortune – Hecuba's plan backfires, and Helen ends up re-seducing Menelaus.

In the end, Hecuba sees what the audience has known all along, that there is no hope for her. And so finally, as her city burns and she awaits a life of slavery, she falls to her knees and beats the dusty earth.

⁸⁹ *Id.*, ll. 713-720.

And so we come back to the question, what is Euripides' narrative innovation meant to convey? Could it be to bring to our attention to the ways in which war destroys the possibility of sustaining true hopes for the future? Our lesson might be that the kinds of hopes that war engenders are either false or vicious: they are false because war destroys not only the quotidian conditions on which all our hopes are based, but also the people for whom we have hopes, and vicious because once war leaves us bereft of true hope, we grasp at revenge. These kinds of hopes cannot sustain us. And so to believe that we can create any kind of a life out of a war is a mistake.

The opposite of despair or hopelessness about peace isn't wishful thinking. To think about a peaceful future together is not wishful thinking, as some might warn. Wishful thinking is a kind of escapism, indulging in the pleasure of wondering: what would it be like if...? But to imagine a peaceful world isn't just to indulge. It's to see the possible paths from here to there. It's to see our current actions as meaningful contributions to peace. And it's preparation for when the hoped for thing happens. So instead of just being people who say we're for peace, we can become the kinds of people who are capable of it.

When I hope for peace, I make a picture that includes not only what it would be like to be at peace, but also how to get there. And so I will imagine, e.g., what can I compromise, how much loss can I bear, what are the things that need to be asked forgiveness? I will conceive of myself not only as the person I am, but also as the person I want to be. My picture of peace has to, of course, involve others. How do I imagine them in this picture? As moral agents. (And because I imagine them as moral agents, I imagine them as people who see me as a moral agent, too.) When I make this picture, I

can put it out there in the world through my thoughts, my words, and my deeds. My actions are not just something produced by my hope that instrumentally help me attain my hoped for object, but part of what it is to hope.

Putting my hope out there is an invitation for others to try it on. The spots I created for others, as moral agents, is their way in to the picture. Someone else seeing my picture of hope, if she sees herself as a moral agent, will see herself in it because I put her there. And if she can recognize her aspirational self in there, then it'll be even easier for her to entertain my picture.

As an inspiring example, we might look to Kathryn Abrams and Hila Keren's analysis of what made Project Head Start (at least initially) successful. The program required mothers to volunteer to work with the kids because the creators of the program could "visualize" the mothers of the children who were enrolled in the program as a providing significant help to the children, the teachers, and the administrators. And it was this vision of the mothers as "competent and skilled" that helped them "to embrace a new view of themselves, and to take on the challenges before them with new energies." Recalling her own transformation and her contributions to the program, one of the mothers shared, "I really get choked up thinking about it. It's just so rewarding."⁹⁰

If we think again about my hope for peace, which contains others as rational agents, when another person entertains my picture, she might change parts of it, but when she endorses the new picture, she now becomes lit up by hope for peace. Then she, too, will put it out there in the world through her thoughts, her words, and her deeds. And she will have created new ways in to the picture for others. And this is how hope spreads.

⁹⁰ Kathryn Abrams and Hila Keren, "Law in the Cultivation of Hope," *California Law Review* 95, no. 2 (2007): 319-381.

My hope contains our aspirational selves; and your hope contains our aspirational selves. Each one of us, in hoping for peace, helps to create and sustain an understanding of ourselves as people who are for living together free of coercion and violence, as people who are for peace. And so sustained and encouraged, we will have created the world that, with courage, we will leap into together.

There have been, of course, many people who have lived their lives in hopes of peace. The pessimist might wonder whether their hopes were valuable, since we have not yet created the pacific society to vindicate their hopes. It's true that if we create a pacific society, we will be able to look back, and the hopeful actions of those who came before us will light up for us as a part of the creation of our pacific society. But the value of what I do now on the basis of my hope doesn't *depend* on the future in the sense that it's the future that determines whether my actions have value. My hopeful actions have value now and are meaningful to me now. In his final speech, given shortly before he was assassinated, Martin Luther King Jr. pronounced, "I've seen the Promised Land. I may not get there with you. But I want you to know tonight, that we, as a people, will get to the Promised Land!"⁹¹ King cannot be sure that his hopes for peace and justice will be realized in his lifetime, but he still sees himself as a part of its realization. Why is this important? The fact that the hope didn't attain for King, or hasn't yet attained for us, does not make our hopes failed hopes. As people who hope for peace, we bring the value of peace into our lives. We can see our contemporaries as potential peace partners, and so have more meaningful moral relations with them.

⁹¹ Martin Luther King, Jr., *A Testament of Hope: The Essential Writings and Speeches of Martin Luther King Jr.*, ed. James Melville Washington (San Francisco: Harper, 1991).

If the conjecture I've laid out in this chapter is right, then our hopes for peace give us a way to live meaningful lives in a bloody world, and offer us a way to construct a peaceful society. And so it would be well worth turning our philosophical attention away from war and towards hopes for peace.

CONCLUSION

On Moral Imagination

1.

Just war theory has theorized for us how we are to understand martial violence as a part of morality. How, then, after such a long time with this theory, after it has sunk into our collective and individual consciences as the only moral way to be, after it has organized so much of our social, economic, political, cultural, and even philosophical, lives, can we break from this prison we've constructed for ourselves?

One strategy would be to argue against just war theory on its own terms, to use its concepts to show the theory is internally inconsistent or flawed in some other way. We might think here of David Rodin's engagement with Michael Walzer on why individual self-defense does not provide a good analogy to defensive war, or his argument for why the use of certain accepted means of warfare constitute terrorism.

While I admire the force of these arguments, and see how these kinds of engagements might be valuable, I'm not optimistic that arguments like these will ever be able to refute just war theory. Sadly, all that these kinds of arguments have done is to entrench just war theory as our only mode of discourse. Confronted with such arguments, just war theory, because it is at heart a justification for war, creates new arguments, often pushing into even more violent corners.

And so, if what we're interested in thinking about is peace, then I think we must refuse to meet just war theory on the terrain they've mapped out. Peace cannot take root on their battlefield. I've argued in this dissertation for how we might leave just war theory behind. I'd like to end by considering what it might be like for us, as moral agents thoroughly entangled in the world that just war theory has made, to set ourselves free.

2.

Faulkner's short story *An Odor of Verbena* revolves around Bayard Sartoris, a young University student studying law, and what happens in the 24-hours following news of his father's murder. It's late fall 1873, and Bayard has just finished his dinner when Professor Wilkins bursts in to let him know that Colonel John Sartoris has been murdered by Redmond. The late Colonel's (former) slave, Ringo, is waiting for Bayard with a fresh horse to speed them both back home. As they ride, Bayard foresees what his reception by his father's young widow, Drusilla, will be like:

We rode on, toward the house where he would be lying in the parlor now, in his regimentals (sabre too) and where Drusilla would be waiting for me beneath all the festive glitter of the chandeliers, in the yellow ball gown and the sprig of verbena in her hair, holding the two loaded pistols (I could see that too, who had no presentiment; I could see her in the formal brilliant room arranged formally for obsequy [...] the balancing sprig of verbena above each ear, the two arms bent at the elbows, the two hands shoulder high, the two identical dueling pistols lying upon, not clutched in, one to each: the Greek amphora priestess of a succinct and formal violence.⁹²

As he thinks about Drusilla, his mind wanders to a conversation they'd had just last summer, and we learn that the friendship and business partnership between Colonel

⁹² William Faulkner, "An Odor of Verbena" in *The Unvanquished* (New York: Random House, 1991), 219.

Sartoris and Redmond had deteriorated, with Sartoris seizing sole ownership over the railroad they had built together; and that Sartoris, perhaps to further humiliate his old friend, ran against and soundly defeated Redmond in a bitter election for a seat in the state legislature. Bayard also recalls telling Drusilla that he meant to intervene with his father, to ask him to cease tormenting his old friend. Drusilla reproached him and, after a pause, demanded that Bayard kiss her.⁹³

Bayard's reverie ends as he and Ringo finally arrive home just before midnight. The posse is there and waiting, led by his father's friend, George Wyatt. Bayard bids them goodnight until tomorrow, and he goes into the house. He enters the parlor to pay his respects to his father, and the scene with Drusilla unfolds as he had foreseen:

[T]he scent of the verbena in her hair seemed to have increased a hundred times as she stood holding out to me, one in either hand, the two dueling pistols. "Take them, Bayard," she said, in the same tone in which she had said "Kiss me" last summer, already pressing them into my hands, watching me with that passionate and voracious exaltation, speaking in a voice fainting and passionate with promise: "Take them. I have kept them for you. I give them to you. Oh you will thank me, you will remember me who put into your hands what they say is an attribute only of God's, who took what belongs to heaven and gave it to you. Do you feel them? The long true barrels true as justice, the triggers (you have fired them) quick as retribution, the two of them slender and invincible and fatal as the physical shape of love?"⁹⁴

She slips a sprig of verbena into Bayard's lapel, and kisses his right hand. But in doing so, she is able to intuit that Bayard plans in fact *not* to kill Redmond and she becomes hysterical,

the laughter rising, becoming a scream yet still remaining laughter,
screaming with laughter, trying herself to deaden the sound by putting her

⁹³ This is a really fascinating episode, and I can only flag for now the question of why violence is so seductive.

⁹⁴ Faulker, *An Odor of Verbena*, 237.

hand over her mouth, the laughter spilling between her fingers like vomit, the incredulous betrayed eyes still watching me across the hand.⁹⁵

Bayard leaves the pistols in the parlor with his father, on top of the piano.

The next morning, Bayard sets off for Redmond's office in town. It's almost noon now, and a posse has gathered up around him.

"Have you got that derringer?" George said.

"No," I said.

"Good," George said. "They are tricky things to fool with. Couldn't nobody but Colonel ever handle one right; I never could. So you take this. I tried it this morning and I know it's right. Here." He was already fumbling the pistol into my pocket, then the same thing seemed to happen to him that happened to Drusilla last night when she kissed my hand – something communicated by touch straight to the simple code by which he lived, without going through the brain at all: so that he too stood suddenly back, the pistol in his hand, staring at me with his pale outraged eyes and speaking in a whisper thin with fury: "Who are you? Is your name Sartoris? By God, if you don't kill him, I'm going to."⁹⁶

Bayard tells George that he's tending to it, and then walks up the stairs to Redmond's office alone. He enters to find Redmond sitting behind his desk, "holding a pistol flat on the desk before him, loose beneath his hand and aimed at nothing."⁹⁷

Bayard walks towards him, in a dreamlike state. Redmond fires a shot wide. Bayard keeps walking. Redmond fires another shot, again wide, and finally Bayard stops – "it was done then."⁹⁸ Redmond puts the gun down, grabs his hat, walks out of his office straight to the train station, and leaves town never to return.

⁹⁵ *Id.*, 239.

⁹⁶ *Id.*, 246-7.

⁹⁷ *Id.*, 248.

⁹⁸ *Id.*, 249.

Then Wyatt and the rest of the posse rush into the room:

“My God! George Wyatt cried. “You took the pistol away from him and then missed him, missed him *twice*? Then he answered himself – that same rapport for violence which Drusilla had and which in George’s case was actual character judgment: “No; wait. You walked in here without even a pocket knife and let him miss you twice. My God in heaven.”⁹⁹

Bayard and George leave the office, and Bayard heads home with Ringo. On the way, Bayard stops in a nearby shaded wood and finally sleeps. He wakes at dusk, and heads home, “the moon like the rim print of a heel in wet sand.”¹⁰⁰ Drusilla, having heard the news of the confrontation between Bayard and Redmond, has taken the evening train and is gone. Bayard walks upstairs and enters his room:

And then for a long moment I thought it was the verbena in my lapel which I still smelled. I thought that until I had crossed the room and looked down at the pillow on which it lay – the single sprig of it (without looking she would pinch off a half dozen of them and they would be all of a size, almost all of a shape, as if a machine had stamped them out) filling the room, the dusk, the evening with that odor which she said you could smell alone above the smell of horses.¹⁰¹

3.

From the beginning of the story, from the very first interactions between its characters, we see how the belief in violence as virtue (that is, violence as the demand of honor and justice), expressed through the southern code, organizes relationships, creates expectations, and channels our emotions. The characters all know the script well, and

⁹⁹ *Id.*, 250.

¹⁰⁰ *Id.*, 252.

¹⁰¹ *Id.*, 254.

they all fall in line and play their part faithfully. Except for Bayard. It's through his struggle we see how difficult it is to break free, but also that it's possible.

What makes the script so powerful? Why do the characters go along with it, or feel compelled to go along with it?

Consider Prof. Wilkins who, facing Bayard, has to both deliver news of his father's death and come to terms with the fact that Bayard might be killed in a duel tomorrow. We might easily find ourselves paralyzed in such an extraordinary situation. What can he possibly say or do? How can he express his sorrow and offer his support to Bayard? What Wilkins ends up doing is repeatedly offering him his own pistol and his horse, "a short-legged, deep-barreled mare."¹⁰² It is, of course, absurd to offer such a horse to speed Bayard the forty miles home in the middle of the night, but it's the only way Wilkins can think to offer his support. As Bayard is about to leave, Wilkins reaches out to touch Bayard because "he believed he was touching flesh which might not be alive tomorrow night."¹⁰³ They both see the path laid out ahead, but only Bayard imagines deviating from it.

Colonel Sartoris' friends, too, see the path. The posse has already assembled at the house by the time Bayard and Ringo get there. Exhausted from the ride, Bayard rues, "Now it will have to begin tonight. I wont even have until tomorrow in which to begin to resist."¹⁰⁴ Wyatt greets Bayard:

"We'll take this off your hands, any of us. Me." I hadn't moved the mare yet and I had made no move to speak, yet he continued quickly, as if

¹⁰² *Id.*, 213.

¹⁰³ *Id.*, 216.

¹⁰⁴ *Id.*, 232.

he had already rehearsed all this, his speech and mine, and knew what I would say and only spoke himself as he would have removed his hat on entering a house or used 'sir' in conversing with a stranger: "You're young, just a boy, you aint had any experience in this kind of thing. Besides, you got them two ladies in the house to think about. He would understand, all right."

"I reckon I can attend to it," I said.

"Sure," he said; there was no surprise, nothing at all, in his voice because he had already rehearsed this: "I reckon we all knew that's what you would say."¹⁰⁵

The ritual is so ingrained in Wyatt that it has become perfectly natural, like removing one's hat or addressing a stranger politely. But the ritual is also ingrained in Bayard. The first thing he says to Wyatt is, "Was it –," and "Was he –" to which Wyatt responds, "It was all right. It was in the front. Redmond aint no coward."¹⁰⁶ The rest of the conversation is no surprise for either of them. They each know what to say, and how the other will respond. In playing out the script, they fulfill their mutual expectations and support each other in the understanding that they are pursuing justice for the Colonel. Although Bayard has decided not to kill Redmond, he doesn't yet know how to bring it to the surface for others to see.

Then, of course, he is finally greeted by Drusilla. Speaking in a "silvery ecstatic voice," her "feverish eyes brilliant and voracious," she addresses Bayard after giving him two pistols:

"How beautiful you are: do you know it? How beautiful: young, to be permitted to kill, to be permitted vengeance, to take into your bare hands the fire of heaven that cast down Lucifer."¹⁰⁷

¹⁰⁵ *Id.*, 233.

¹⁰⁶ *Id.*, 232.

¹⁰⁷ *Id.*, 238.

Like the roman priests responsible for guarding the public faith, and for declaring war and peace, Drusilla adorns herself with verbena, explaining that “verbena was the only scent you could smell above the smell of horses and courage and so it was the only one that was worth the wearing.”¹⁰⁸ Drusilla, too, guards the public faith. It’s not a religion she guards, but another profound and central belief which organizes our public and private lives – a faith in the justness of meeting violence with violence. She is the enforcer.

We can see, in these interactions Bayard has with Wilkins, Wyatt, and Drusilla, that the southern code them moral guidance, not just in terms of the content of the rule *don’t kill*, but also in how they’re supposed to get along. Like any other social convention or moral rule, it does a lot of the heavy lifting for them so that they’re not paralyzed either by having to make a thousand decisions to get through the day, or in the face of difficult circumstances. And there is a certain comfort and support in knowing what to expect from others, and in playing out the script together.

Once the dueling code becomes salient, it provides a lot of momentum, both physical and moral – Ringo procures a fresh horse, the posse is assembled, guns are repeatedly pressed into Bayard’s hands, Bayard confronts Redmond at high noon. The code is so complete that there’s no thinking that needs to be done. The path is already laid out, and the characters just need to put one foot in front of the other.

¹⁰⁸ *Id.*, 220.

4.

The space of the script is very tight, and there are only two sides – virtue and vice, goodness and evil, right and wrong. Every character, every situation has to be herded and squeezed into one of these two spaces. There is no space for ambiguity, subtlety, or complexity. There's no space to try and make one's own; that space has to be created.

When Bayard is riding home from University, and his mind is wandering into the past, he recalls a conversation he'd had with Drusilla a few years earlier. They were discussing a confrontation between Colonel Sartoris and Colonel Sutpen (who had been Colonel Sartoris' second-in-command, but who replaced him after the regiment deposed him). After the War, Sutpen dreams of rebuilding his life, starting with his home. One night, Sartoris, who had “organized the night riders to keep the carpet baggers from organizing the negroes into an insurrection,” went to Sutpen's door. As Bayard narrates the incident to Drusilla:

Father said, “Are you with us or against us?” and [Sutpen] said, “I'm for my land. If every man of you would rehabilitate his own land, the country will take care of itself” and Father challenged him to bring the lamp out and set it on a stump where they could both see to shoot and Sutpen would not. “Nobody could have more of a dream than that.”

“But his dream is just Sutpen. John's is not. He is thinking of this whole country which he is trying to raise by its bootstraps, so that all the people in it, not just his kind nor his old regiment, but all the people, black and white, the women and children back in the hills who don't even own shoes – Don't you see?”

“But how can they get any good from what he wants to do for them if they are – after he has ...”

“Killed some of them? I suppose you include those two carpet baggers he had to kill to hold that first election, don't you?”

“They were men. Human beings.”

“They were northerners, foreigners who had no business here. They were pirates.”¹⁰⁹

¹⁰⁹ *Id.*, 223.

Drusilla sees the same dichotomy that just war theory sees. If there is only good and evil, and we are on the side of justice, of restoring moral order through our violence, then they must be evil. When the evil, irrationality or essential irredeemability of the enemy is set, it becomes very hard to resist the conclusion that we will fail unless we kill them. And so it's not surprising that just war theory treats nonviolent resistance as a nonstarter.

We are to believe that nonviolence will fail because it cannot determine the means of the struggle. One cannot, in choosing not to kill, make the enemy choose not to kill. The resisters can't immediately pull the invaders into the arena of nonviolent political struggle. This means that the success of nonviolence depends on the enemy respecting the war convention.¹¹⁰ If the enemy does not respect the war convention, civilian resistance will crack. Once the enemy starts killing civilians in the street and kidnapping them at night, the resistance will melt away. The invading army has to not mow down civilians in the streets, not fire bomb cities, not kidnap people in the middle of the night and make them disappear. Civilians are not used to enduring such long, difficult struggle.¹¹¹

Nonviolent resistance is impotent against violence, and especially against evil. In a direct confrontation between violence and nonviolence, violence always wins.¹¹²

¹¹⁰ Walzer, *Just and Unjust Wars*, 330-4, arguing, "The success of the [nonviolent defense] is entirely dependent upon the moral convictions and sensibilities of the enemy soldiers."

¹¹¹ *Id.*

¹¹² See, e.g., Hannah Arendt, *On Violence* (New York: Houghton Mifflin Harcourt 1970), 53; Walzer, *Just and Unjust Wars*, 331.

The evil enemy understands no language but violence. They are the ones who forced this choice of contest by arms; we don't want to fight and kill, but we have to reply in kind because it's the only way communication is possible, especially when they don't even see us as the kind of thing that can be communicated with.

And so just war theory regrets that nonviolence will not work, and concludes that "the restraint of war is the beginning of peace."¹¹³ As Orend declares, "The constraints on violence established by just war theory are, in fact, the necessary conditions for the more peaceful world which pacifists mistakenly believe is already within sight."¹¹⁴

It's easy to give in to the pull of this kind of reasoning when we accept that the choice is between killing and doing nothing. For after the litany of horror that just war theory ceaselessly parades before us, how could we choose to do nothing?

I've argued that the choice is not between killing and doing nothing, so I'll not renew that disagreement here. But I would like to take a closer look at the enemy that just war theory imagines. The enemy is such that unless they respect the war convention, pacific resistance will fail because civilian endurance will fail. But it's also the case, isn't it, that unless the enemy respects the war convention, just soldiers' endurance will fail. Civilians might not be used to enduring such long, difficult struggle, but just warriors are not used to an enemy that kills soldiers who wave a white flag, that targets medics and hospitals, that uses unconventional and excessively cruel weapons, that uses roadside ambushes. If the cruelty of the enemy is a decisive reason for us to reject pacific

¹¹³ Walzer, *Just and Unjust Wars*, 335.

¹¹⁴ Orend, *The Morality of War*, 250.

resistance in favor of just war, then it's also a decisive reason for us to reject just war in favor of total war.

5.

In modern war, the vast majority of casualties are civilians, and among them are, of course, children.¹¹⁵ The ones who survive the guns and the bombs and the killing face countless further dangers and traumas. When a child growing up in war cries, "I hate the future so much,"¹¹⁶ she is literally de-moralized. A child with no hope for the future cannot see herself as an agent in the world, moving through time, creating a life with others. She has become moral wreckage in the wake of our just war.

At the prospect of going to war, our feelings should turn to horror at what we are about to do to others, dread over being called to do it, and despair in our failure to reach any other solution. The only way we should speak about war is in anguish and in sorrow. If our feelings and our words were such, then I suspect it'd be much more difficult than it already is to convince parents to give up their children, and society its schools and hospitals. But living without a standing army is an intolerable prospect for Hobbesians. And so we've tried to resolve the conflict between our love for our families and hopes for our society's future, on the one hand, and our fear of other people's families and their hopes for their society's future, on the other, by learning to understand ourselves as people who are pursuing justice through war.

¹¹⁵ <http://www.unicef.org/graca/patterns.htm>. *But see* Adam Roberts, "Lives and statistics: Are 90% of war victims civilians?" *Survival* 52, no. 3 (2010): 115-136.

¹¹⁶ <http://www.bbc.com/news/world-middle-east-28513709>

But what if we tried to resolve the conflict by learning to understand ourselves as people who are pursuing peace through pacific resistance? Just war theory might be warranted in its skepticism that a civilian population completely unprepared for pacific resistance will be able to suddenly mount a successful resistance. But neither will a group of people suddenly called on to mount a violent defense be successful, either. This is why we have a standing army whose training is endless. Others have written on what it would take to transform a society that depends on defensive war to one that depends on civil resistance.¹¹⁷ I'd like to take a look at what's involved in the transformation at the individual level.

I've argued that we can turn ourselves away from war and towards peace first with hope. And that involves reinterpreting our history, as well as embracing an open future. For Bayard, unlike for Prof. Wilkins, the posse, or Drusilla, the chain of events doesn't begin with Colonel Sartoris' murder. Bayard's mind wanders back. He remembers how his father treated Redmond badly in their business dealings, how his father repeatedly humiliated Redmond, how he had failed to intervene with his father on Redmond's behalf. And Bayard is able to take in a bigger picture of Redmond's character. Redmond murdered his father in cold blood and is a killer, yes. But he's not

¹¹⁷ See, e.g., John Paul Lederach, *The Moral Imagination: The Art and Soul of Building Peace* (New York: Oxford University Press, 2005); Gene Sharp, *The Methods of Nonviolent Action* (Boston: Porter Sargent Publishers, 1980); Gene Sharp and Bruce Jenkins, *Civilian-Based Defense: A Post-Military Weapons System* (Princeton University Press, 1990); Mohandas Gandhi, *Non-Violent Resistance (Satyagraha)*, ed. Bharatan Kumarappa (New York: Schocken Books, 1961).

just a killer, he's also a man who, Bayard remembers, could've been a war profiteer but instead chose to sell his cotton at a fair price.¹¹⁸

Bayard's wider perspective, his consideration of the question of what brought him to the present moment, is not an admission of guilt or an acceptance that he deserves what has happened to him.¹¹⁹ It's a way for him to try to understand what his and his father's role has been up to now so that he can understand what he should do going forward.

The future that Bayard faces is open and unknowable, but Bayard is able to embrace that uncertainty. As he is about to walk into Redmond's office, Wyatt warns him about Redmond, "And remember: he's a brave man, but he's been witting in that office by himself since yesterday morning waiting for you and his nerves are on edge."¹²⁰ Throughout this story, we have been privy to so much of Bayard's interior life, that I cannot help but interpret this first mention of what Redmond might or might not do as evidence that until now, Bayard has not considered, with *expectation*, what Redmond will do. Not only does Bayard have no idea what Redmond might do, he doesn't even know what he's going to do himself. But walking towards Redmond's office, he feels the crush of the odor of the verbena sprig.

Finally, walking into Redmond's office, what does Bayard see? Yes, a man with a gun. But also "a face much thinner than the body would indicate, strained (and yes, tragic; I know that now) and exhausted beneath the neat recent steady strokes of the

¹¹⁸ Faulkner, *An Odor of Verbena*, 224-5.

¹¹⁹ It's interesting to think here about the outcry at Obama's visit to Hiroshima – although he never offered an apology, many Americans were still outraged.

¹²⁰ Faulkner, *An Odor of Verbena*, 247.

razor.”¹²¹ Bayard sees a sad, anxious, and broken down man. (And could it be that Redmond, to his own surprise, can see that this is how Bayard sees him?)

Bayard’s resistance to the path laid out for him is finally made manifest – he has walked into a duel with no intention of engaging Redmond, and Redmond knows it. Desperate, Redmond tries to force Bayard back onto the well-worn path by firing a shot at him. But Bayard does not succumb. He keeps walking, and so forces Redmond off the path, too. Each now has to engage with the full scope of the situation – What is it that we’re doing? What should I do? What am I trying to accomplish? There are no prepackaged answers here.

In this new and unfamiliar space, Bayard’s decision to take on risk by going unarmed produces a surprising outcome. One of the problems with responding to violence with violence is that it dignifies the opponent’s chosen means. If Bayard were to have responded to Redmond’s slaying of his father with violence, he would have demonstrated a concord with Redmond concerning their fundamental beliefs about the efficacy, salience, and morality of violence. Meeting each other at high noon with fear and anger, they could’ve established a kind of moral rapport in playing out the formality of a duel as southern gentlemen. If Redmond were then to have won the duel, he would’ve been able to remake himself in the image of the self-defender, and to carry his head high.

But with his courageous act, Bayard denies Redmond this opportunity to construct this understanding between them. Bayard has declared *I am not like you*. And so Bayard has deprived Redmond of the opportunity to reconstruct himself as a self-defender. What

¹²¹ *Id.*, 248.

is left for Redmond is to see himself as a killer, and to see that everyone else sees him as a killer, too. Redmond fires his second shot at Bayard wide, bringing the duel to its conclusion and marking his defeat.

Just war theory wants us to understand violence as brute force. That's why, in a world with armed enemies, we have to make sure that we are better armed than they are. But violence is also meaningful. It is sensitive to contextualization, interpretation, and judgment. What nonviolence can do, that violence will never be able to do, is to dramatically reveal violence as illegal, unjust, and ugly. Instead of a contest of arms, or a fair "it's your life or mine" struggle, we see a murderer facing off against his victim's son.

Bayard began the story with the conviction that "if there was anything at all in the Book, anything of hope and peace for His blind and bewildered spawn which He had chosen above all others to offer immortality, *Thou shalt not kill* must be it."¹²² He feels the conviction so deeply that he denies ever having been taught it, "it went further than just having been learned."¹²³ But this conviction did not by itself make it clear to Bayard what he should do:

*At least this will be my chance to find out if I am what I think I am or if I just hope; if I am going to do what I have taught myself is right or if I am just going to wish I were.*¹²⁴

The struggle to realize his conviction in the world was hard, and the times when he found it especially punishing, Bayard literally struggled for air.

¹²² *Id.*, 216.

¹²³ *Id.*

¹²⁴ *Id.*, 215.

The conviction that neither preparation for, nor engagement in, mass, organized killing could ever be just cannot by itself lay out at our feet the singular and unique path that we should follow. Rather, the pacifist must make her own path, and her journey, though marked by struggle, self-doubt, uncertainty and surprise, will be guided by hope. Pacifism is hard, and it's a process, and like just-warism, it's a way of life.

6.

If we accept war as a part of life, as a part of our nature, what can we hope for?

Obama gives us the following answer in his Nobel Peace Prize acceptance speech:

We can acknowledge that oppression will always be with us, and still strive for justice. We can admit the intractability of depravation, and still strive for dignity. Clear-eyed, we can understand that there will be war, and still strive for peace. We can do that -- for that is the story of human progress; that's the hope of all the world; and at this moment of challenge, that must be our work here on Earth.

For me, this is the great tragedy of just war theory – in accepting its promise that adherence to its rules is the only way to escape war, we turn all our attention to perfecting a system of just war and entrench ourselves in segregated moral communities from within which peace will never be possible.

In my conversations with other philosophers, I am often asked about the Christmas Truce. Doesn't it show that the rules of *jus in bello* work? That it's possible for us to kill each other without coming to hate each other? Doesn't it show the success of just war theory in saving us from total war, and so preserving some bit of our humanity? This is what we see when we look through the lens of just war theory.

But if we look again at the Truce, this time through the lens of peace, we will see something different. That our love for our fellow man burns brightly, and burns deeply,

in our hearts. That the attempts of just war theory to carve us up into tribes – forever suspicious, forever jealous, violent and fearful by nature – haven't yet succeeded in choking out our hopes for a peaceful future. That we might yet climb out of the trenches of xenophobia and misanthropy that just war theory has dug for us.

To be in a peaceful relationship, we have to see the physical vulnerabilities of the body as making claims for protection, and never as opportunities for exploitation. Bodies get cold, so they need to be clothed, not stripped; bodies get hungry, so they need to be fed, not starved; bodies get sick, so they need to be healed, not poisoned. And so not only should human beings dressed as medics receive protection, as just war theory argues, but also the human beings dressed as soldiers. If your humanity requires that I see you as vulnerable in the ways that we all are, and requires that I take the fact of your life as a reason not to kill you, then as long as you are a human being, I must always treat you in this way. Not just sometimes, depending on what you're wearing, but all the time.

If we can see that human life is sanctified and that violence is no solution to complex political problems, we will be able to see the challenges that confront us in new ways: as problems that come with history, as problems that come with genuine grievances. We will open up space for our moral imaginations to breathe, to wander forward and backward through time, to include the points of view of others, and to see ourselves as one community among many. We will guide each other in hopefulness, and together find the courage to accept an uncertain and open future. And we will see that peace is possible.

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