

**Lecture –introduction to Walzer, *Just & Unjust wars*, chapter 1  
Philosophy 162 Winter, 2008**

The Nature of Moral Controversy

When there is ethical controversy, and people disagree about what morally we ought to do, what sort of disagreement is this? For example, suppose one person supports capital punishment for some crimes and another person is opposed. What is going on?

One view is that when one person claims that capital punishment ought to be carried out, and another denies this, the one is making a genuine assertion, capable of being true or false. The question immediately arises, what is it for a moral claim to be true or false. What makes such a claim true or false? Contrast moral (and other normative) claims about what should be done with empirical factual claims. These represent the world as being a certain way, and are true or false depending on whether or not the world is the way the empirical claim represents it as being. In broad terms we know how to resolve empirical factual disputes—by observation and the evidence of our senses, as interpreted by common sense and the more refined methods of the empirical sciences.

Sometimes moral disagreement does reduce to empirical factual disagreement. One person might favor capital punishment on the ground that it significantly deters people from committing serious crimes and hence reduces the total number of serious crimes, while an opponent of capital punishment might believe that capital punishment does not significantly deter crime in this way. But moral disagreement can persist even if we agree about all the facts that might seem relevant to the issue. For example, a person might hold that it is inherently morally wrong for the state deliberately to kill a human person, whatever the consequences, while another person rejects this moral claim. How might this claim be assessed as true or false?

Some deny that in such a case there is genuine disagreement in assertions capable of being true or false. There is the appearance of disagreement, but nothing in the world could make any moral claim true or false. What is really going on here is that people who disagree morally are disagreeing in their attitudes. The claim that capital punishment is morally wrong expresses a negative attitude about capital punishment and the claim that capital punishment is morally acceptable expresses a positive or pro-attitude regarding capital punishment. When someone says “capital punishment is morally wrong,” what the person is saying is roughly equivalent to “boo for capital punishment!” and “capital punishment is morally acceptable” is roughly equivalent to “yea for capital punishment!”. Call this view about the nature of moral judgments *expressivism*—moral judgments are not genuine assertions capable of being true or false but rather express the emotional attitudes of the speaker. On this view, moral argument would seem to be futile, unless it is understood as an attempt at manipulating another person’s attitudes, inducing attitude change. (But—to complicate matters further—if one thought that moral attitudes can be variously rational or irrational, and that in each situation there is a uniquely rational moral attitude that is appropriate for that situation, there would again seem to be a legitimate role for moral argument, aimed at discovery of the uniquely rational attitude. But if one takes this line, one needs to explain what makes one attitude more rational than another.)

Let’s go back to the thought that moral judgments make genuine assertions. What kind of assertion would be involved? One idea is that moral judgments purport to offer resolutions of conflicts of interest between persons from an impartial perspective—a perspective that does not favor any of the parties in conflict. These judgments are universal in the sense that they are addressed to everybody, apply to everybody. They are also, or purport to be normative, or to have authority, for everyone. They provide reasons for choice for anyone and everyone. Moreover, they are thought to be supremely authoritative—to trump other sorts of reasons with which they might conflict.

The above paragraph attempts to characterize moral judgment as regarded by ordinary common sense—or one prominent strand in ordinary common sense, anyway. One might agree that moral discourse and judgment has this character but think it is a misguided enterprise shot through with illusion. This would be a hybrid view combining expressivism and the view that moral judgments are genuine assertions. The hybrid view says that when we use moral language we commit ourselves to the idea that we are making genuine assertions that can be true or false, but really this is never true, and what is really going on is that we are expressing our negative and positive attitudes but in a language that disguises this fact.

Suppose we resist this debunking view of the enterprise. What’s the alternative? To repeat the question, when one person judges that capital punishment is morally okay and another person denies this, how might the disagreement be rationally settled? How would one show that one party to the dispute is right? One

thought is that we justify particular moral claims by appealing to moral generalizations, principles, from which the particular judgment follows. Here's a toy example.

1. Killing a human person who wants to live is never morally permissible except in a self-defense scenario—in which one is innocent, under immediate threat, and can save oneself from grievous harm only by killing the person whose actions will otherwise cause one grievous harm.
2. When the state executes a convicted criminal in its custody, the execution never qualifies as a killing in a self-defense scenario.
3. So, when the state executes a convicted criminal in its custody, such killing is never morally permissible.

And from 3 we can infer particular judgments such as that the State of Connecticut should not execute Fred, a convicted first-degree murderer now up for sentencing.

The idea is that what makes the particular judgment correct is that it is implied by a correct moral principle. But this just pushes the issue up a step. What makes a claim that a moral principle is correct warranted?

I'll just mention two possible lines of response. One appeals to ideal coherence, ideal harmony among one's moral judgments. We can test proposed moral principles by checking to see whether their implications about what to do in particular situations are plausible, and one can test one's initial particular moral judgments by trying to find moral principles that are themselves independently plausible and that imply the particular judgments. One goes back and forth in this way, reflecting on particular and moral judgments, seeking a *reflective equilibrium* in which all the particular moral judgments one affirms can be derived from moral generalizations one also affirms. Such a reflective equilibrium might be disturbed by new moral argument or moral experience. So we might hold that moral truth is what would be affirmed by way of particular and general moral judgments by a rational agent after ideally extended critical scrutiny and deliberation canvassing all relevant moral arguments. The ideal result of such inquiry, *ideal reflective equilibrium*, is the criterion of moral truth and falsehood.

Another possible line of response would be to hold that some moral judgments are self-evidently true. The idea would be that if one understands what the judgment asserts, and thereby comes to believe it, one would be justified in doing so. Other moral judgments can be justified by showing they can be derived from judgments that are self-evidently true. (To make this line plausible one would have to develop an account that shows, when people disagree, and each thinks her judgments rest on what is self-evidently true, how one or both parties to the disagreement can be mistaken.

In this class we seek to make progress toward ideal reflective equilibrium, without hoping we will actually arrive at that happy state. We seek to understand the moral views advanced by course authors and to understand and assess the moral arguments they provide by way of justification of their views. In doing this the idea is to acquire understanding of a range of opposed ethical viewpoints and perhaps to gain more insight and understanding regarding our own moral convictions.

#### Walzer against "Moral Realism"

In *Just and Unjust Wars* Michael Walzer proposes an account of what makes a nation's (or other group's) engaging in war morally right or morally wrong. He also proposes an account of what makes the conduct of an individual participant in a war morally right or morally wrong. So he asserts an account both of just war (under what conditions one morally should and should not go to war) and just warfare (what ways of waging a war are morally permissible and what ways are morally impermissible). In chapter 1 he discusses a challenge to his enterprise, one that threatens to undercut or subvert it. This is the doctrine he calls "realism." I'm not sure what exactly he means by this term. Maybe this: the realist about war holds that each nation always engages in war or refrains from war according to the leaders' beliefs about what policy is most to that nation's advantage. Moral judgments do not apply in this realm of policy making. The realist might be specifically a realist about war, taking war to be somehow special, or she might instead take a realist line across the board—holding that each person as a matter of fact always does whatever she believes to be maximally advantageous for her and that moral judgments of human conduct are never appropriate or really applicable. Walzer takes the realist to hold that not only is it true that political leaders and rulers always in fact choose whatever is maximally advantageous for their nation (why for the nation rather than for the ruler herself?) but that this is a matter of causal necessity; the world is so constituted that rulers and nations causally must do what they perceive to be to their advantage.

The challenge realism poses to Walzer's enterprise is reasonably clear, as Walzer sees it. If moral judgment is inapplicable to war, then all the judgments Walzer makes in his book are inappropriate. What he is trying to do makes no sense.

Walzer considers two writers who voice what he calls "realism." One is the ancient Greek historian Thucydides; the other is the 17<sup>th</sup> century English philosopher Thomas Hobbes.

Thucydides reports a probably imaginary conversation between generals of the city-state Athens and political leaders of the island state of Melos. The Athenians are about to attack Melos. They intend to conquer it and incorporate it in the Athenian empire. The generals insist that the Melians must surrender or be slaughtered. They reject talk of morality and justice. They say "they that have odds of power exact as much as they can get, and the weak yield to such conditions as they can get." If the strong do not exert their strength and conquer, they will be perceived as weak and attacked, so by "a necessity of nature" those who can conquer, do so. The Melians insist that the Athenians have no just cause to attack them, so the Athenians should refrain from attacking them. The Melians state that they intend to resist the Athenians, if they attack. The Melians know it will be tough to fight the Athenians, but say "nevertheless we believe that, for fortune, we shall be nothing inferior, as having the gods on our side, because we stand innocent against men unjust." The Athenians then attacked the Melians, defeated them, slaughtered all men of military age, made slaves of the women and children, and made Melos part of the Athenian empire, ruled for the benefit of the Athenians.

As already noted, it is not entirely clear to me what Realism as Walzer understands it amounts to. A broad version combines two claims—(1) each person always does what she perceives to be to her best advantage, and is so constituted that she causally cannot do otherwise and (2) moral judgments have no application. Perhaps 1 is supposed to be the justification for 2. How might that go? Perhaps Walzer's Realist (broad version) holds that ought implies can; if one ought to do something, one can do it, so if one cannot do something, it is not the case that one ought to do it. If one can never do anything except what one perceives to be maximally advantageous for oneself, then one can never do what is moral if that differs from what is maximally advantageous for oneself. So moral prescriptions—for example, you morally ought to leave the Melians unmolested—are always either redundant or futile, it might seem. Either what the moralist urges on one as the moral course of action is what one would have done anyway because it is to one's advantage, or what the moralist urges as what one morally ought to do diverges from what is to one's advantage, in which case one cannot do what it is alleged one morally ought to do.

#### Free to Choose.

Walzer's response is that before one has chosen what to do, when one is deliberating about what to do, one cannot regard it as predetermined and causally fixed that one will in fact do whatever one perceives to be in one's interest. If I deliberate, I consider various courses of action, alternative choices I might make. I have to regard any of the choices as eligible, as something I might choose and can choose. I study the considerations for and against the various choices, and engaging in this choice process—regarding myself as deliberating and choosing, as being an agent—is incompatible with regarding myself as causally compelled to one course of action, the one viewed as most advantageous. (To make sense, on the Realist view, deliberation would have to restrict itself to considering which option is maximally advantageous for oneself, all things considered, it being regarded as mechanically predetermined that one will be caused to do whatever one takes to be maximally advantageous.) Against Realism, Walzer holds that when one deliberates about what to do, one must regard oneself as free to choose.

Even if Walzer were right about this, what would follow? Realism could still be true. Putting Walzer's claim and Realism (broad version) together, one would see that engaging in the process of deliberation and choice always involves being enmeshed in illusion. When I deliberate and choose, says Walzer, I must regard myself as free to choose, but says the Realist, in fact I am not free to choose, but causally compelled always to do what I perceive to be maximally to my advantage. What Walzer says and what the Realist says could both be true, so Walzer's point does not seem to undercut Realism as he seems to think. (What if I set out to refute Realism claim 1 by deliberating about what to choose and then deliberately choosing what is NOT to my advantage? The Realist would say that what goes on in such a case is that I would be deceiving myself, choosing what I imagine I think is not to my interest, whereas really what I am choosing is what I perceive (here without realizing it) to be maximally to my interest).

Walzer says that claims that choices could not be other than they in fact turn out to be are always retrospective. He states, "Judgments of necessity in this sense [causal inevitability] are always retrospective in character—the work of historians, not historical actors." But if it is correct that we are always caused by our nature to choose to do what we think most advantageous for us, then it is correct in foresight as well as

in hindsight, before we choose as well as afterward, and we should adjust our notions of what it is to deliberate, choose, and act to fit these facts. (And if before we choose it is not true that we are causally compelled to choose one particular thing, it still is not true after we choose whatever we do choose, that we had to choose it.)

More important, it does not seem to me that Realism (broad version) claim 1 actually supports claim 2. Suppose there is a uniquely privileged set of moral principles, that all rational agents would endorse if they chose principles after ideal deliberative scrutiny. (This set might consist in a system of Lockean natural moral rights assertions, or in utilitarianism, or something else.) Given a specification of one's circumstances a statement of the relevant facts—the ones the privileged principles specify as relevant—one can derive what one morally ought to do in those circumstances. In circumstances of war or looming war, the principles determine what one morally ought to do. If this diverges from what is in one's perceived interest, and claim 1 is correct, then one will not do what one morally ought to do. But how does this in any way impugn the claim that this is what one ought to do? Suppose the principles say don't go to war and one does go to war. The fact that one does not do what one morally ought to do does not per se alter the correctness of the claim that what one here ought morally to do is refrain from making war (for example). Even if we accept "ought implies can," we can interpret this principle loosely, perhaps as, what one can do in given circumstances is what is physically possible for one to do setting to the side any constraints posed by one's own psychological makeup. Even if I am caused to do what I morally ought not to do, that maybe negates my moral responsibility for doing wrong, but does not change the fact that I have done wrong.

#### The analogy between strategic and moral judgment.

Walzer appeals to facts of language, and claims that are presupposed by our language, to cast further doubt on Realism. He compares strategic discourse and moral discourse concerning war. Good strategy in war is taking the most effective steps to achieve one's war aims—usually, to win battles and win the war. Generals may not follow good strategies, and they might even be indifferent to whether or not their strategies are good, but still the judgment that a particular strategy one chose and followed was good or bad still applies.

Same goes with moral discourse and moral judgments, Walzer says. A particular general or soldier may be indifferent to moral rules and the idea of conducting oneself in war only in ways that morality approves as permissible. Nonetheless, the moral judgment does not cease to apply. Walzer writes: "Similarly, we can make moral judgments: moral concepts and strategic concepts reflect the real world in the same way. They are not merely normative terms, telling soldiers (who often don't listen) what to do. They are descriptive terms, and without them we would have no coherent way of talking about war. . . Here are soldiers lining up the inhabitants of a peasant village, men, women, and children, and shooting them down: we call this a massacre."

In the same vein, Walzer writes, "a war called unjust is not, to paraphrase Hobbes, a war disliked; it is a war disliked for particular reasons, and anyone making the charge is required to provide particular sorts of evidence." Here Walzer is responding to a claim he attributes to Hobbes, that the names of the virtues and vices and indeed all moral terms are of "uncertain specification." Walzer quotes Hobbes as adding: "For one calleth wisdom, what another calleth fear, and one cruelty what another justice: one prodigality, what another magnanimity. . . etc. And therefore such names can never be true grounds of any ratiocination." People always "hold for honorable that which pleaseth them and for just that which profitath." Walzer's reply is that people may try to manipulate and abuse moral language to their advantage, but the opportunity for such manipulation is limited.

Let's grant Walzer that at least some moral terms have descriptive meaning. The moral words only properly apply to situations that fit a certain description. If soldiers line up to fight a battle, but do not fight, but rather run away from fear that they might be injured or killed, we can't call this fearful behavior an instance of courage. Courageous behavior involves standing fast in the presence of the fearful, not being swayed from a reasonably chosen course of action by fear of danger. The term *courage* then combines descriptive meaning with another, call it commendatory meaning, for to call a person courageous is to commend him, approve of her conduct.

But what follows? You can define the term "courage" as you like, and let's say it is most convenient to maintain the common established meaning. This does not settle the question, what one ought to do when one is lined up for battle. Should one run away or fight? (If what I ought always to do is what is to my advantage, and running away from battle is to my advantage, then this is what I ought to do, what it is most reasonable for me to do—call it cowardice if you like.)

Nor do definitions of terms settle the question, is it really so that it is morally right to be courageous in any particular set of circumstances? If someone claims that one morally ought to stand and fight in ways that people call courageous and another person denies that this moral judgment is correct, how does one establish that one person is correct and the other incorrect? You can define terms as you like, but definitions do not determine what substantive judgments if any are correct concerning a given situation. Or if certain terms do have a meaning that constrains judgment, we can just refrain from using these terms, and deny that the conventional meaning of the term somehow magically brings it about that judgments employing the term make sense and can be correct. The empirical facts, including the empirical facts about how we have defined our terms and about word usage, do not by themselves determine what one morally should or should not do and they do not even bring it about that moral judgments are genuine assertions capable of being true and false, genuine assertions.

I may be misrepresenting Walzer's train of thought. You will want to read Walzer's text carefully for yourself. Perhaps he has better arguments than the ones I am considering. The one I am considering do not seem to me to get any traction against a moral skeptic who is willing to allow that we do in fact tend to employ moral language, with particular meanings, and make familiar sorts of moral judgments, but who nonetheless denies that any moral judgment is ever true or false. On one version of the skeptic's view, moral discourse as we engage in it involves an illusion. When we use moral language we use the language of assertion, and presuppose that the claims we make are capable of being true or false, but according to the skeptic such any presuppositions built into moral discourse are just mistakes. Another skeptical position in this vicinity holds that moral judgments may apply, but denies that such judgments necessarily give reasons to a person to act as directed. ("So this policy would be unjust and immoral, so what? Conquering and slaughtering the Melians is nonetheless the policy that there is most reason for us to follow.")

Maybe Walzer should be read as follows: The "Realism" issue raises big questions about the nature, objectivity, and reason-giving authority of moral judgments, which he does not claim to settle in a brief discussion. He intends rather to argue that it's not clear the Realist is right on these big issues, in a way that renders moral argument pointless from the start. (Maybe the biggest source of skepticism is our inability to come to reasoned moral agreement, and maybe working through moral controversies can make some progress on this front.)

#### Historical Relativism

Walzer correctly points out that people do often use moral language seriously and that people interacting within a community often tend to moral agreement or at least broad similarity in the moral judgments they accept. Do these facts or similar ones determine what is normative, what ought to be? Walzer seems to think so. He seems to be a *conventionalist*, one who holds that what is morally true and false for a community of people is determined by their conventional agreements and shared judgments. He writes: "reiterated over time, our arguments and judgments shape what I want to call *the moral reality of war*—that is, all those experiences of which moral language is descriptive or within which it is necessarily employed. It is important to stress that the moral reality of war is not fixed by the actual activities of soldiers but by the opinions of mankind."

Again, Walzer writes: "It is by the assignment of such meanings that we make war what it is—which is to say that it could be (and probably has been) something different." I am not sure whether Walzer here is making a descriptive sociological claim—the moral beliefs of a community are constituted by their shared beliefs that persist over time—or a normative claim—what is really moral and immoral, just and unjust, is ultimately fixed by the shared judgments that actual people make. The descriptive claim is pretty obvious; it verges on banal tautology. The moral opinions of a people constitute the moral opinions of a people. The normative claim is controversial. The moral opinions of a people constitute what is genuinely moral and immoral for that people.

Taken normatively, the claim appears to involve a community relativism: what is right and wrong morally is relative to the shared opinions of a community of people at a time. So what is morally right and wrong for the Chinese in 1200 is fixed by the opinions of the Chinese community then, and what is morally right and wrong for Inuit (native Americans living in the far north of North America) in 1900 is fixed by the opinions of the Inuit community then, and what is morally right and wrong for Californians in 2008 is fixed by the opinions of the California community circa 2008. So for example the practice of infanticide will not be morally right or wrong period, but right or wrong relative to a community at a time—right perhaps for Inuit circa 1900 and wrong for Californians circa 2008.

In the section of chapter one titled "Historical Relativism," Walzer seems to resist the doctrine. But what he seems to resist is that the moral opinions of people in different communities regarding war and warfare differ

all that much even over long stretches of time. He doesn't appear to deny that if (to the extent that) the opinions of one community differ sharply from the opinions of another, what is morally right and wrong is fixed for each community by its own shared values and opinions.

(In contrast, someone who thinks that moral judgments are objectively right or wrong holds that there are moral claims that are true whatever people's opinions or practices or conventions regarding the matter happen to be. If people have a right not to be enslaved, they have the right, on this view, regardless of what the subjective opinions of people in any community happen to be.)

In the battle of Agincourt, Henry V of England led a band of English soldiers who defeated a French army. In the course of the battle Henry ordered a slaughter of captured French combatants. Comparing different accounts of the battle written by commentators living in different eras, Walzer tries to stress what he sees as the shared agreement that Henry's order to slaughter captured enemy combatants is at least provisionally morally wrong—wrong unless some overriding consideration countervails against its presumptive wrongness.

Walzer reiterates the analogy between strategic judgments and moral judgments. He writes: "Henry's command belongs to a category of military acts that requires scrutiny and judgment. It is *as a matter of fact* morally problematic, because it accepts the risks of cruelty and injustice. In exactly the same way, we might regard the battle plan of the French commander as strategically problematic, because it accepted the risks of a frontal assault on a prepared position. And, again, a general who did not recognize these risks is properly said to be ignorant of morality or strategy."

But as Walzer tells the story, there is a big disanalogy between moral judgments and strategic judgments. Given a specification of a military objective—to win a battle, to disable or rout opposed troops, or whatever, it is a factual empirical question, what military deployment of troops and plan of battle are most likely to lead to success in gaining the military objective. (We may find it difficult to discover what the relevant empirical facts are, so we speak of military strategy as an art rather than a science.) Whatever judgments of military strategy you or I or anyone else is inclined to make about what would be the best choice for a commander in a given battle, there is in fact an optimal strategy. However, according to Walzer, whereas what is correct strategy is independent of our beliefs and opinions about strategic matters, what is morally right and wrong is constituted by the shared values and opinions of a people. The analogy would be close if one held, contrary to what seems to be Walzer's position, that there are objective truths about what is morally right and wrong to do in given circumstances, regardless of what people's subjective opinions and beliefs about these matters might happen to be at any time.