

Morality and Political Violence

by C.A.J. Coady, Cambridge University Press, 2008, 317 pp.

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C.A.J. (Tony) Coady is an Australian philosopher with a deservedly distinguished local and international reputation. His book is the outcome of a long period of attention to the topics discussed under the general heading of the book's title. The fourteen chapters of the book have their origins in fifteen articles or book chapters written for academic philosophers in the analytical tradition over a period of more than ten years. Rather than publish a series of essays on related topics the author has chosen to rewrite the essays so as to make clear the connections between them. The enterprise is many faceted as Tony Coady provides a range of useful distinctions in discussing matters such as terrorism, combatants and non-combatants, and the correct understandings of 'aggression' and 'proportionality.' In this review I concentrate on a thread which continues through the book, namely, Tony Coady's critique of Michael Walzer.

Coady suggests that he has attempted to provide a more readable account of the matters of his concern than is required for the work of a professional philosopher writing for other professional philosophers. That together with the fact that the book has been published in the first instance as a paperback, suggests that it is intended not just for the non-professional interested reader, but also for the undergraduate market in philosophy and possibly also in politics and related disciplines. It is with that thought in mind that this review is framed.

Tony Coady on Michael Walzer's idea of supreme emergency

Much of the book is a critique of Michael Walzer's arguments especially, if not exclusively, as they are made in *Just and Unjust Wars* and it is this engagement with Walzer that I will focus on in this review.

References to Walzer abound in the book, mainly in disagreement. They are most solidly compacted in the final chapter of the book, which Tony Coady calls 'stringency' and which relates to Walzer's notion of 'supreme emergency,' (Churchill's term in 1939 for Britain's plight). This emphasis allows Coady to bring together a number of objections made earlier in the book, as well as to introduce new ones particularly with respect to specific historical instances discussed by

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Walzer. For Walzer supreme emergency involves the presence of imminent danger to an established polity such as a state. The presence of such a danger allows the rule of war that noncombatants not be harmed to be reluctantly overridden. For Walzer the paradigm case for this eventuality in historical terms is the decision by Churchill's war cabinet to bomb German cities in order to minimise the Nazi threat to Europe and especially Britain. (It is important to note here that the bombing referred to was that aimed at cities such as Berlin in the relatively early stages of the war, rather than the notorious bombing of Dresden late in the European campaign, which Walzer does not consider to be justified.) In Walzer's view, 'Nazism lies at the outer limits of exigency, at a point where we are likely to find ourselves united in fear and abhorrence. That is what I am going to assume, at any rate, on behalf of all those people who believed at the time and still believe a third of a century later that Nazism was an ultimate threat to everything decent in our lives, an ideology and a practice so murderous, so degrading even to those who might survive, that the consequences of its final victory were literally beyond calculation, immeasurably awful.' [1]

Coady challenges Walzer both on the theoretical and the historical aspects of the argument. He argues that polities with a sense of community such as states, and indeed, perhaps especially states, can claim no immunities from the rules of war by virtue of their status as communal holders of value. In addition, the whole idea is 'too elastic' in that it allows subjective views of what counts as 'supreme emergency' to do the extremely significant job required. It is not sufficient of itself to justify the harming of noncombatants. As illustrated by Walzer's paradigm case it does not, for Coady, have any more credence; the paradigm case is imported by Walzer *ex post facto*. Walzer's justification for the strategic bombing of Germany in 1940, he argues, imports into the description of the extreme and current nature of the emergency, matters that are available to us now, but not to the British war cabinet then. At the time, Coady suggests, what was known was that Hitler was 'anti-Semitic' and that the regime persecuted Jews and political opponents. While of course deploring the actual events of the extermination program, what Coady considers of especial importance here is that no program of genocide was yet clear to Hitler's opponents in Britain. 'He was perceived as a very dangerous wrongdoer, *rather than a genocidal maniac*' (p. 288). (My emphasis). For Coady nothing less than the threat of genocide, or perhaps, the actuality of genocide, will do to raise the possibility of justified harm to noncombatants. The distinction between the actuality of genocide and the threat of genocide is important because the threat of

genocide was certainly clear and present in what is breezily described by Coady as Hitler's 'anti-Semitism.'

The following facts of the situation are matters of wide acceptance: By 1940 not only were the writings of Hitler and leading members of the German ruling party on the importance of the final solution to the Jewish problem and the central plank of the Nazi Party namely, that of Aryan purity available, but also a number of actions and strictly speaking laws, were pointing in that direction. The Nuremberg laws had been enacted by the mid 1930s and Jewish families lost their citizenship rights, in many cases their means of existence and their children the opportunity to attend school or university. The discussion of the consequent emigration was a matter for at least one international European conference. In 1937 Hitler devoted a large part of a very public speech at a Nazi Party rally to the elimination of Jews from German society. By 1938 the issue of the Jewish population was part of war preparation and the elimination of German Jewry was discussed openly as part of the elimination of potential fifth columns. Following the assassination of the minor German diplomatic official, Ernst vom Rath, by a young displaced Jewish boy acting alone in November 1938 in Paris, Hitler ordered a widespread, well organized physical action against German Jewry. Especially synagogues, but shops and Jewish businesses and homes were targeted for burning, destruction and looting. Some civilians joined in with the brown shirts and storm troopers. Civil authorities such as emergency providers and police sometimes joined in as well. The events of the 'Night of the Broken Glass' were widely reported in the international press. As Richard J. Evans points out in the second volume of his magisterial study of the Third Reich, 'For many foreign observers, indeed, the events of 9-10 November 1938 came as a turning point in their estimation of the Nazi regime.' [2]

The point of this short historical excursion is not so much to suggest that it gives a complete indication of the actual reasons for the adoption by the British war cabinet of supreme emergency measure of the bombing of German cities in 1940. Of course it does not. Rather, it is to indicate that there can be no foundation for Tony Coady's assertion that Walzer's use of the war against the Nazi regime as the paradigm for supreme emergency is *ex post facto*, in that the true nature of the Nazi regime was not yet available to Churchill. It is also a response to the ambiguity in Coady's requirement that even to be *prima facie* justifiable, the supreme emergency measure must be a response to the threat of genocide or the actuality of genocide. If it is the threat of genocide, then the signs were there for Churchill loud and clear in 1940.

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Tony Coady on Israel, 'a special case in Walzer's moral world'

Neither Israel nor indeed Palestine is listed in the index. Yet Israel has a substantial presence in the book. The following is a less than exhaustive list of the places where it comes up explicitly. In the first chapter Coady ponders why the twentieth century interest in just war theory followed a period in the nineteenth when, 'there was little sympathy for the tradition outside Roman Catholic circles' (p. 10). He suggests a number of reasons including the national liberation struggles, the Vietnam War, the possibly special nature of the Second World War and the nuclear stalemate during the Cold War. He ends with the thought that, '... at least for some, the case of Israel, a state whose people have an intimate connection with the victims of Nazi violence but whose politics commit them to persistent dramatic and often contentious violence in defence and pursuit of what they and their numerous external sympathisers see as their rights constitutes a reason for a renewed interest in just war theory' (p. 10). (My emphasis)

In a second mention of Israel, Tony Coady is discussing the idea of a just cause. 'Israel's war against the Palestinians, in its latest phase can cite the dreadful acts of suicide bombers as its 'just cause,' but they can hardly be considered in isolation from the unjust Israeli 'settlements' on Palestinian land, along with other acts of Israeli belligerence that have served in part to provoke them' (p. 90). What is striking in both these examples, is that in discussing the case of Israel, Coady takes as given in commonsense discourse, the meaning of 'persistent, dramatic and often contentious violence' in the first example and of 'Israeli acts of belligerence' in the second. Thus even in a book devoted to analysis, no further analysis is required. I am also a little exercised, in an analytical vein, by the force of the word 'but' after the comment made about the Israeli connection to Nazi violence, by which he no doubt means the Shoah.

In the third example of discussion of Israel, Walzer is directly named. The context is Walzer's distinction between prevention, which is not a legitimate tool of war, and pre-emption which might be, in the case where one side strikes the first blow in anticipation of an imminent attack. Tony Coady finds the distinction useful but also suggests that it is undermined by Walzer's motives in introducing it. Thus for Coady, 'the clarity of Walzer's discussion is blurred by his desire to show that the Israeli anticipatory attack on Egypt, was legitimate' (p. 100). In the same passage Coady cites with endorsement Noam Chomsky's view that in postulating the distinction Walzer was exhibiting the 'special place of Israel in Walzer's moral world' (p. 101).

The fourth example is also directly concerned with Walzer's views of Israel. Here, Coady refers to a more recent discussion of the Bush administration's plan for invading Iraq, where Walzer uses the preventive/pre-emptive distinction to critique such an invasion, arguing that it would be at best preventive and not pre-emptive. Yet, 'Here, again, it appears that the record of Israel is at least influential in his thinking, since he cites with approval the Israeli preventive strike against Iraq's nuclear reactor in 1981' (p. 101).

There is no question that Walzer has special interest in Israel, (might the same be said of Coady?), of which he makes no secret and which he does not present as established commonsense. He is on record as both a supporter of Israel's existence and a critic of its governments' policies on various matters at various moments. Perhaps the clearest brief and open statement of Walzer's views is to be found in an interview included in an anthology of Walzer's articles edited by David Miller. Here, Walzer gives his view of the Palestine-Israel conflict in a clear and succinct way to the effect that there are four wars being fought simultaneously. In two wars each side has right on its side and in two each side is in the wrong. Specifically, 'These are the four wars: there is a Palestinian war to destroy and replace the state of Israel, which is unjust, and a Palestinian war to establish a state alongside Israel, which is just. And there is an Israeli war to defend the state, which is just, and an Israeli war for Greater Israel, which is unjust.' [3]

In the fourth example, the discussion centers on 'rogue states.' Coady dislikes the use of the notion but none the less adopts a definition (from David Luban), which suggests that what characterizes such states is militarism, an ideology which favours violence to back it up and a build up in capacity in order to pose a threat. Coady sees these as characteristics primarily applicable to the U.S. but also remarks that, 'There will of course be numerous other countries beyond the 'axis of evil' that might plausibly fill the category, including China and Israel; some regimes are worse than others on some of the indicated criteria, and there is much room for debate' (p104). Here Coady does suggest debate, but not about the fitness of Israel to come under the definition, just about which bit of the definition it might meet.

Perhaps the most problematic use for Coady of Israel as a commonsensical and obvious example is in Chapter 7 'The Problem of Collateral Damage.' This chapter opens with two quotations. One of the quotations is from the Oklahoma bomber, Timothy McVeigh and the other is from the editors of the *Jerusalem Post*. It seems that the use of the term 'collateral damage' is all that the two quotations have

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in common. At the very least, the *Jerusalem Post* speaks of a real rather than an imagined enemy in the persons of the leaders of Hamas and Islamic Jihad, both of which movements had at the time an explicit policy of exterminating the Jewish population of Israel with whatever means were available to them. The editorial of 11 September 2003, the second anniversary of the 9/11 bombings, was written at a time when Israel itself was suffering large losses of innocent life from a spate of suicide bombings. It calls for the killing of the leaders of the two movements, but adds that ‘collateral damage’ should be as little as possible but, ‘should not stop us.’ Timothy McVeigh, on the other hand, is discussing an imaginary enemy represented by the Alfred P. Murrah Federal Building, and uses the term ‘collateral damage’ in the course of expressing his dismay about not having known quite how many children would be killed.

Tony Coady claims later in the careful analytical discussion of harm to innocents as a consequence of an act of war that,

It [harm to innocents] can be obscured because, if the legitimate goal is important enough, the innocent casualties can be too lightly discounted by the idea of proportionality. This comes out very clearly in the tone of the quotation at the head of this chapter from the *Jerusalem Post*. There is the breezy reference to collateral damage, but this is immediately followed by the assertion that such damage must never stand in the way of the killing of the leaders of Hamas and Islamic Jihad. This looks like trying to have your cake and eat it. It suggests that the talk of minimising collateral damage is simply a ritual gesture toward morality or world opinion. There is no suggestion that the intentional killing may have to be abandoned altogether if the minimising is not sufficient. There is no sense that alternative ways of killing the enemy that might create no incidental damage should be sought (p. 143).

This passage reads strangely in a careful analytical context. How can Tony Coady know that the authors of the editorial do not have the more complex intentions with which he refuses to credit them? At the very least, how can he know, and on what basis does he assert, that the editors are making a ritual gesture? Again, the author’s view of what counts as commonsense where Israel is concerned is at play here.

The real world case and analysis

As I have already suggested, Tony Coady's emphasis is on being open to the subtleties of the particular case. He seems not to take his own counsel when it comes to the case of Israel. Rather, a particular partisan view is presented as a matter of commonsense. More generally, in analytical philosophy commonsense is prioritised in a way in which it is not in other traditions. Representing a partisan view of a real world situation, in this case Israel, as commonsensical, intuitively clear, and not requiring further argument, does especial injustice to that real world case.

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Notes

- [1] Walzer 1977 p. 253.
- [2] Richard J. Evans 2005 p. 592.
- [3] Walzer 2007 p. 300.