
Preface

Michael Walzer's *Just and Unjust Wars: A Moral Argument with Historical Illustrations* was first published a little over 35 years ago. It is worth your while to take a look at the first edition – if you have one, hold on to it fast: you are in possession of a veritable collector's item.

Few scholarly works can claim to have shaped the moral convictions of a generation, but Walzer's *Just and Unjust Wars* is one of them. And it is likely to remain an intellectual and ethical beacon for generations to come.

When the book first appeared, in 1977, America was still reeling from the bloody war in Vietnam. War in Korea was a recent event, and World War II was still fresh in people's minds. Yet few American scholars outside the military or the Catholic establishment were interested in Just War theory. Walzer's book made the subject popular again, inviting political and moral engagement by everyday readers. The book received a further boost of popularity when it became required reading for every officer entering West Point's doors.

At first glance, the status that the work obtained and retained is far from obvious. Our current world of warfare is very different from the one which emerges from the book's pages. Human suffering in war, indeed, remains the same. But the manner in which war was executed in times past might seem to us today, at least in some respects, as the stuff of history textbooks.

Walzer's book was predicated on the 'classical' war – brought to its terrifying apotheosis in World War II. The Cold War and fear of nuclear Armageddon loomed in the background, but the actual battlefields were remarkable in their conventionality. The book also contemplated decolonization, civil wars, and wars of liberation, with the contemporaneous experiences of Vietnam ever present in its pages.

At times Walzer's book seems to belong to a different era, much as *All Quiet on the Western Front* (the book or the film) felt in our day, or as *Thin Red Line* or *Apocalypse Now* seems to our students. Today's world is *Zero Dark Thirty*. The Cold War is over, but Cyberwar, with its unimagined destructive potential is upon us. Horses no longer carry soldiers into battle; we no longer rely on frigates; and even tanks are practically in mothballs. Today we have drones and targeted killings, and the War on Terror or the 'War on Terror', and GPS targeting and Rogue Regimes, and the ability to fight wars with no 'boots on the ground'. Even 'classic' wars and wars of liberation have changed. For example, the Arab-Israeli conflict, has been with us, it seems, forever, yet consider how different Gaza 2009 was to June 1967 or October 1973. This is more than a mere generation gap; it is a different era of political violence.

The range of moral and legal issues to do with war has changed as war has changed. New technologies and new battlefields breed new ethical discussions and new legal responsibilities. But perhaps the most significant change has been in the fracturing of a relatively impressive consensus in the International Humanitarian Law community on the moral and functional underlying rationales of the law itself. Arguments no

longer pertain so much to the contents of a particular interpretation of the norm or a practice within the canon as to what the relevant law is and why. Thus, even ‘conventional’ conflicts such as Iraq – and, indeed all the Iran war talk – become the focal point of novel legal and moral claims.

One would have surmised that, with such a powerful mutation in a field, a 35-year-old book would be, at best, a matter of historical interest, a footnote one adds as the volume itself collects dust on the shelf.

This is decidedly not the case. Walzer’s contribution has been enduring and the evidence for that may be found not simply in the footnotes of the literature but in the continued engagement of both scholars and practitioners with his concepts, methods and, indeed, his values. There are two reasons for its timeless strength. The first has been Walzer’s willingness to enter into the messy foray of legal rules and not limit his discussion to the rarefied air of moral philosophy, even though moral philosophy was his principal normative tool. The second was his genius for pitching his normative discussion at just the right level of abstraction – however backed by concrete case studies – which has allowed the text to be transposed with relative ease into new battlefields.

The decision to frame this symposium around Walzer’s book is rooted precisely in this realization of its continued relevance, which has conditioned its content, contour and methodology.

So, first, here’s what we are not doing: we are not revisiting Walzer’s arguments nor are we ‘updating’ the book.

Instead we are using the ‘Walzer sensibility’, meaning that the question of justice, in war, in warring, is omnipresent in these contributions. Our substantive agenda is the world of today with its myriad ways of warring – of killing and maiming and winning (whatever that means) and of losing, and its endless ways of thinking about the above. So, you will encounter the words ‘asymmetric’ and ‘*jus post bellum*’ and all the other buzz words which reflect these new battlefields and these new and contested ways of thinking about them. It is both *jus ad bellum* and *jus in bello* – indeed the distinction is explicitly or implicitly contested in several contributions. But this is decidedly not a Law Book, a manual, or a handbook. It is quintessentially in the genre of ‘Books about the Law’ which, we hope, offers a relentless exploration of the morally normative in every legal discussion.

As one surveys the literature on these issues one finds that it is quantitatively dominated by American, British and Israeli authors. This should not come as a surprise. These are all societies with deep traditions of international legal writing and countries which have put many ‘boots on the ground’ in both just and unjust wars. You will find a similar preponderance in these pages. It would, of course, be insulting to the contributors from these countries as well as to one’s own intelligence to believe that national origin paints them all with the same brush of legal and moral suasion. And yet, we recognize that the similar experiences even of ideologically and morally opposed persons can condition agendas and colour the very way reality is perceived. We therefore took care to bring many others into the mix as authors and commentators. In the same spirit we have mixed moral philosophers with legal theorists, practising lawyers and, yes, practising military personnel.

We chose 'Just and Unjust Warriors' as our title to underline a point – and our own sensibility. First, wars do not happen *deus ex machina*. There are always human beings whose decisions ultimately lead to war or, indeed, whose failure to decide leads to war or allows carnage to go unopposed. Second, these human beings, individuals and collectivities, are moral agents, responsible for their acts of commission or omission, and are subject to moral judgment and, increasingly, legal adjudication. Finally, one should not eschew the challenging task of, to the best of one's abilities and with awareness of human cognitive and moral fallibility, making those judgments.

The symposium is wide ranging in its subject matter, but it is neither comprehensive nor systematic. It is a price one readily pays when inviting independent creative minds who, unlike soldiers, are not expected to take orders. Clearly, a monograph, like Walzer's, would boast a far greater material coherence and literary elegance. But, we believe, no single author could achieve the intellectual richness and variety to be found in these pages.

We hope you, the reader, will agree.

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JHHW