

Contingent Pacifism and Contingently Pacifist Conclusions

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Those who think that war is always wrong are Absolute Pacifists. Those who think that the current system of war makes just wars unlikely are Contingent Pacifists. And those who merely think that a particular war (or battle) ought not be fought are not, properly speaking, pacifists. Someone may reach a contingently pacifist conclusion without being committed to anything like Pacifism. Even realists can reach contingently pacifist conclusions against a particular war based upon prudential criticisms. This article aims to clarify the distinction between *Contingent Pacifism* and merely *contingently pacifist* arguments and conclusions while also providing an argument in support of *Contingent Pacifism*. I will capitalize *Pacifism* (and related terms, *Absolute Pacifism* and *Contingent Pacifism*) in this article in an attempt to distinguish Contingent Pacifism from other contingently pacifist arguments and conclusions.

Contingent Pacifism has been discussed by a number of authors. Larry May considers Contingent Pacifism in a recent article where he distinguishes it from what he calls “traditional pacifism.” May explains:

Traditional pacifists appeal to universal moral principles against inflicting violence on other humans, or on the killing of the innocent. Contingent pacifists also appeal to moral principles such as the principle against killing the innocent. But the application of this principle is contingent on certain facts being true, and may have a different application if other facts obtain. . . . Contingent pacifists can apply the same moral principles as traditional pacifists. Yet, contingent pacifists find the application of these principles sometimes to justify war, whereas traditional pacifists make no exceptions in applying their moral principles.¹

James Sterba also points toward a type of Contingent Pacifism in his work. In one analysis of recent wars, he concludes: “In fact, most of the actual uses of belligerent means in warfare that have occurred turn out to be unjustified.”² This results in what Robert Holmes has described—following James Sterba—as “Pacifism for non-pacifists.”³ Similar arguments can be found in John Rawls’s *A Theory of Justice*, as I will show in what follows.

Pacifism as Social and Political Theory

Pacifism is best understood as family resemblance terms. Careful analysis shows that there exist a broad variety of Pacifisms.⁴ What is often called “Absolute

Pacifism” involves an absolute prohibition against violence. Historically, Absolute Pacifism has been associated with religious ideas—some versions of Christianity (Quakers, Mennonites, and so on) and some versions of Hinduism and Jainism. Philosophical versions of Absolute Pacifism are difficult to justify since the right to self-defense appears to be a fundamental right within natural law, deontological, and consequentialist moral theories; and thus violence employed in self-defense appears to require a violation of any absolute prohibition against violence.

We should note that there is a range of behaviors that pacifists may critique as violent and unjustifiable: cruelty to animals, duels, police action, and even football games. But my focus here is Pacifism understood as a critique of war. This is the focal point of the authors mentioned above as well as authors such as Teichman and Cady, who define Pacifism as anti-warism.⁵ McMahan describes this anti-war focal point as “war-specific pacifism.”⁶ Pacifism is often understood in practice not only as a broad critique of war, but also as a critique of militarism and the military system, which provide the social and political conditions that make war possible. While it is possible to derive contingently pacifist conclusions about a given war from a stringent application of just war principles (or from prudential considerations), such anti-war conclusions are not best construed as Pacifist. What makes a theory or standpoint Pacifist, in the comprehensive sense of the term, is its level of generality: Pacifists are not merely opposed to a given war, they are opposed to wars in general and to the system in which war is valorized. I argue that Contingent Pacifism is best construed in a comprehensive sense that points toward a criticism of the larger war-system based upon the claim that given the nature of current military systems, it is unlikely that morally justifiable wars will be waged.

This point is important because it is possible to reach a contingently pacifist conclusion about some wars while still supporting other wars. For example, a plausible conclusion of the past decade was that the war in Afghanistan was justified while the war in Iraq was not. Thus, one might have reached a contingently pacifist conclusion with regard to Iraq but not with regard to Afghanistan. Some soldiers did in fact reach such a conclusion—such as Lt Ehren Watada. Watada was not a pacifist and thus was not opposed to all American military operations when he refused to serve in Iraq.⁷ Although it makes sense to claim that Watada reached a contingently pacifist conclusion with regard to Iraq, we would not want to say that he is committed to Contingent Pacifism in general. Indeed, the challenge of the Watada case is that he is not a pacifist. Watada used just war theory and international law to argue that the war in Iraq was immoral and illegal. The challenge of the case is that the U.S. military is not prepared to accept just war arguments as reasons for selective conscientious refusal. Instead, conscientious objection is only permitted in cases where a soldier espouses a deeper and more pervasive commitment to Pacifism.

A position is a form of Pacifism in the more comprehensive sense of the term when it is critical of the broadly construed system of war, what we might call the war-system or militarism. This understanding of Pacifism is derived from the

history of Pacifism, which develops out of a religious lineage that included refusal to serve in the military. “Traditional Pacifism,” to use May’s term, was not merely a refusal to serve in a particular war; it was opposed to the whole political and ethical system that supported war. The traditional Pacifists were not merely opposed to a particular war or battle. Rather, they were opposed to war in general and to the military system. They viewed war and military power as immoral and idolatrous. Traditional Pacifism was also absolutist: the reason for traditional Pacifism was religious and *a priori*.⁸ When we interpret Contingent Pacifism, then, as a contingent and nonabsolute commitment or theory, the focus of this theory is not only the particularity of a given war, but also the general features of a militaristic social and political system.

The reasoning behind Contingent Pacifism may be absolutist, that is, grounded in absolute moral claims about the immorality of killing people. This may be more subtly expressed as an absolute rejection of deliberately killing noncombatants or accidentally killing the innocent. Just war theorists will point out that there may be a relevant moral difference between deliberate killing and accidentally killing, as well as between innocent people and noncombatants. Contingent Pacifists will have to clarify how these moral principles are understood and applied. But in general, they will claim that in present conditions, it is unlikely that these principles will be adhered to. What makes this form of Pacifism “contingent” is the acknowledgement that under other conditions in which these moral principles are not violated, war could be justifiable. The point here is that although the principles are absolute, the Contingent Pacifist conclusion is dependent upon empirical and historical facts.

The above way of formulating Contingent Pacifism focuses on the *in bello* issue of killing in war. A further concern will focus on *ad bellum* issues, such as just cause and legitimate authority. It might be that given a long history of imperialism and military hegemony, the current international order is deeply flawed and unjust. Thus, states that wage war may not live up to the image of the just war ideal of a sovereign state defending itself against foreign aggression. Contingent Pacifists may reject the idea, for example, that Israel could wage war justly against Gaza or Lebanon—given the history of how Israel’s borders were established—or that the United States could wage war justly against Afghanistan or Iraq, given the history of prior American interventions in the region. Much more historical detail would be needed to flesh out this critique. But Contingent Pacifism can result from a general criticism of the political status quo that calls into question the legitimacy of current borders, remaining injustices in the international system, and so on. This way of reasoning is Pacifist in the comprehensive sense when the conclusion is reached that given present social and political circumstances, the application of *ad bellum* principles is fraught with question-begging double standards and moral ambiguity.

This discussion of Contingent Pacifism provides a respond to Jeff McMahon’s critique of what he calls “Contingent Pacifism.”⁹ McMahan states that Contingent Pacifists are primarily opposed to the killing of the innocent that

occurs in war. And he points out that it is possible to imagine circumstances both in which there are noninnocent civilians and in which some innocent people may justifiably be killed. His moral reasoning is persuasive (although not all Contingent Pacifists will be convinced). But McMahan does not extend his discussion to the larger issue of militarism and the war-system. Nor does he consider the way that the current international order is structured by unjust borders, hegemonic military powers, and double standards. While McMahan focuses on an important set of distinctions in moral theory, Pacifists are often more focused on the larger set of social and historical contexts and circumstances.

An analogy with feminism may help to explain my point here. We may agree—as a matter of moral theory—that women should be treated equally, and the oppression of women is wrong. And we may agree that not all men are sexist—and even that some unequal treatment can be justified (say for jobs requiring physical strength). But there is a further question of which social and historical circumstances make it more or less likely that women will be treated with respect. In this sense, Pacifism’s critique of militarism and the war-system is similar to feminism’s critique of patriarchy and male-dominant social systems. One might also argue that there could be a sort of “Contingent Feminism”—that feminism is a standpoint that is contingent upon certain social circumstances, that is, that feminism is needed in patriarchal societies; and that if conditions were different, feminism would no longer be appropriate. Contingent Pacifism is contingent upon militaristic social systems—and may not be needed in a world where militarism is no longer prevalent.

The most obvious way to reach Contingent Pacifism is to begin with the just war theory and apply it in a comprehensive fashion. The just war theory is useful because it combines both deontological and consequentialist reasoning. It includes deontological prohibitions against deliberately targeting noncombatants and against the use of torture and rape. But it also includes consequentialist elements that focus on the question of last resort and on judgments about proportionality. Contingent Pacifists may base their judgments on any of these principles. For example, a Contingent Pacifist may conclude that in the era of aerial bombardment, it is unlikely that collateral damage can be contained and justified. Or a Contingent Pacifist may conclude that given the nature of modern warfare and hegemonic political structures, wars tend toward all or nothing battles for supremacy, and thus principles of proportionality will tend to be violated. If things were different—say if drones, nonlethal weapons, or multinational forces were employed in a justifiable ways—then the Contingent Pacifist may switch sides and come to be a supporter of the military system and its limited pursuit of just wars.

But Contingent Pacifists in the more comprehensive sense I am describing here will conclude that given the current military and political system, it is unlikely that any war will live up to the standards of the just war theory. This derivation of Contingent Pacifism accepts the just war theory as providing a basic framework for articulating the morality of war. The just war theory criticizes wars that are not fought for just causes, that are not proportional, or that do not respect

principles of *jus in bello* such as discrimination. But the just war theory is not pacifist in the absolute sense of the term. This use of just war theory explains a variant of Pacifism that has developed in recent years known as “just war Pacifism,” which uses just war theory to argue that war cannot be moral under modern conditions of warfare, which use mechanized weapons of mass destruction.¹⁰

Let me stipulate, then, a distinction between usage of the terms “contingently pacifist” (as an adjective describing a concrete argument or conclusion) and “Contingent Pacifism” (as a broadly anti-war and anti-militarist theory or commitment). Those who reach *contingently pacifist* conclusions argue against a given war. One might reach a contingently pacifist conclusion based upon just war principles. But one may also reach such conclusions by responding to prudential concerns. The conclusion of a contingently pacifist argument is simply that a given war ought not be fought. Such a conclusion would be *contingently pacifist* when it is open to other conclusions given different circumstances and when it is not committed to an absolute rejection of all war. But *Pacifism*, more broadly construed, is a general framework that is critical of militarism and the social and political war-system. A theory of or commitment to *Contingent Pacifism* will still depend upon certain contingent, empirical, and historical circumstances, conditions, and consequences. But *Contingent Pacifism* aims more broadly at the system of militarism than does a *contingently pacifist argument* about a specific war. The difference between these concepts can be seen in the fact that *contingently pacifist arguments* can be accepted even by those who serve in the military—when, for example, they believe that a given war is unjust. But *Contingent Pacifism* aims more broadly at a system in which the militaristic system itself is viewed as flawed. While soldiers such as Watada may reach contingently pacifist conclusions with regard to specific wars, it is highly unlikely that a soldier in the volunteer military would be a Contingent Pacifist. This broader critique of the military system will remain contingent (and not thus become absolute Pacifism), however, if the proponent of Contingent Pacifism remains open to the idea that war and a different sort of military system could be justified in different circumstances.

Pacifism contra Militarism

We have stipulated, then, that Pacifism is a general stand against war and against militarism and the war-system. Pacifism is not only concerned with the morality of individual battles and wars. It is also concerned with larger social and political structures. Pacifism is thus the opposite of militarism. Militarism is a social, economic, and political system that is devoted to standing armies, the armaments industry, and constant preparation for war. Cady calls this “warism” and the “war system.”

Warism is a cultural given, a national presupposition in the contemporary world. This is not to say that all nations are necessarily belligerent; rather, it is to say that the war system, the

standard operating procedure of sovereign states constantly preparing for, threatening, and employing military force in domestic and international affairs, goes almost wholly unquestioned.¹¹

Pacifism, broadly construed, rejects the constant preparation for, threat of, and employment of military force. Such a criticism will obviously include a critique of specific battles and wars. Often pacifists will employ just war categories in such criticism. But Pacifism is broader than just war criticism insofar as it aims at a comprehensive criticism of militaristic social and political institutions. Pacifists may use just war theory as a support, perhaps arguing that given current social, political, and militaristic institutions, just wars are unlikely: perhaps because the military possesses immoral weapons of mass destruction or because the current regime is racist, imperialistic, or corrupt. In this case, the just war theory is a method or tool that is used to support anti-war and anti-militarist conclusions. Pacifists can also be advocates of creative methods of conflict resolution, mediation, and what is often called “positive peace.” Creative pacifists, in this sense, envision the construction of a new form of social life that rejects the constant preparation for war.

Militarism has been described and criticized by a variety of authors. Karl Liebknecht criticized militarism as part of the ideology of capitalism more than 100 years ago: “Militarism’s task is to uphold the prevailing order of society, to prop up capitalism and all reaction against the struggle of the working class for freedom.”¹² We should note today that militarism is not exclusively a feature of capitalistic economies and societies. Nor is it merely a feature of Western social and economic systems. It is possible for there to be Muslim militarism, Chinese militarism, and so on. What makes a social system militaristic is its commitment to military solutions and the structure of military power. Caverly has more recently described militarism as follows:

At high levels, militarism is a pathological grand strategy in which a large portion of a society supports the building of an excessively strong military, believes in its superior efficacy as a foreign policy tool, and exhibits a heightened willingness to employ it. Militarism is an over-weighting of military power within the portfolio of investments designed to increase a state’s security, its grand strategy. In a highly militaristic state, the use of force becomes increasingly attractive to a large cross-section of the public relative to the employment of other foreign policy tools (or doing nothing).¹³

A variety of authors—even nonpacifist authors, such as Andrew Bacevich—have argued that the United States suffers from militarism and that this points in the direction of immoral and unnecessary wars.¹⁴ Consider, for example, Ismael Hossein-zadeh’s analysis of what he calls “parasitic military imperialism.”¹⁵ Parasitic militarism occurs when the military becomes an “end in itself.” It is no longer merely a means to self-defense or national glory, but also an economic force within the domestic economy. Under parasitic militarism, the armament industries and defense contractors continue to produce arms and profit from them without

regard for their effectiveness or for the issue of justice in warfare. The problem here is that war and the military system are profitable for some—whether those wars and this system are just or unjust.

Pacifism is thus best understood in opposition to militarism. This allows us to distinguish between the critical and “contingently pacifist” employment of the just war tradition and a broader commitment to “Contingent Pacifism” as a critique of the current system of military power.

John Rawls provides a description of Contingent Pacifism in *A Theory of Justice*, in his discussion of conscientious refusal and civil disobedience. Rawls recognizes the claim I am making about Contingent Pacifism as being based upon a broad critique of militarism. Rawls concludes:

The conduct and aims of states in waging war, especially large and powerful ones, are in some circumstances so likely to be unjust that one is forced to conclude that in the foreseeable future one must abjure military service altogether. So understood, a form of contingent Pacifism may be a perfectly reasonable position: the possibility of a just war is conceded but not under present circumstances.¹⁶

What is interesting here is that Rawls does not argue against the injustice of a specific battle or war. Rather, Rawls speaks more broadly of “the possibility of just war” under present circumstances. For a Contingent Pacifist, those circumstances include the likelihood that the great military powers are likely to fight unjust wars. Rawls has in mind both the possibility of nuclear war and the foreign interventions of the United States during the Vietnam War. The historical circumstances of Rawls’s discussion of Pacifism in *Theory of Justice* help us to understand his position: he completed the book during the Vietnam War—a war that he personally opposed on just war grounds.¹⁷ But Vietnam is not the only concern: Rawls was also concerned with the use of atomic bombs against Hiroshima—attacks that he condemned on just war grounds.¹⁸ The larger concern is militarism: that large and powerful states in an era of weapons of mass destruction are likely to engage in unjust wars. Rawls is not advocating absolute Pacifism since he admits that in different circumstances, a just war might be possible; but he recognizes that under present conditions, it is reasonable to conclude that just war is unlikely. I am not arguing, by the way, that Rawls himself is a Contingent Pacifist. But he clearly sympathizes with the position in these sections of *A Theory of Justice*. Since Rawls, we continue to have good reasons to be skeptical of American militarism—with the war in Iraq, the use of cross-border drone attacks, torture, and so on. Contingent Pacifism results when one begins to suspect that the reality of modern warfare is that large, powerful, and militaristic nations with mechanized weapons will tend to violate principles of justice in war.

Rawls may seem an unlikely source for a defense of Pacifism. In his *The Law of Peoples*, Rawls outlines a theory of justice in warfare that is similar to the just war tradition. Indeed, he follows Michael Walzer in allowing for supreme emergency exceptions to principles of *ius in bello* in certain back to the wall situations.¹⁹ Rawls is not then an Absolute Pacifist. Indeed, in his condemnation of the

atomic-bombing and fire-bombing of Japan, he makes it clear that the war was initially justified. But his reflections in *A Theory of Justice* provide a provocative argument for Contingent Pacifism that is grounded in a critique of the larger problem of militarism. Indeed, he notes in a footnote in *The Law of Peoples* that militarism is part of the problem that led to the Holocaust: “The lesson of the Holocaust is that a charismatic leader of a powerful totalitarian and militaristic state can, with incessant and rabid propaganda, incite a sufficient number of the population to carry out even enormously and hideously evil plans.”²⁰ The point here is that militarism tends to push toward injustice, which thus gives support for a contingent version of Pacifism. Again, I am not claiming that Rawls was *advocating* Contingent Pacifism. Instead, he was providing an account of how one might justify conscientious refusal on political (rather than religious) grounds. But his theoretical account of the conditions under which Contingent Pacifism would be justifiable is more compelling today in light of the unjust Iraq war and the continued growth of militarism in the United States. Of course, there are unresolved arguments about the morality of the war in Iraq, the morality of torture, and the morality of cross-border drone bombing. This is why absolute Pacifism does not follow: these things could be justifiable according to some forms of moral reasoning. Contingent Pacifism is not an absolute condemnation of war; rather, it is a moral (and in Rawls’s sense, “political”) critique of war and the war-system based on probabilistic consequentialist arguments.

Contingent Pacifists will be reluctant to affirm political judgments that call for war. Contingent Pacifists may also be unwilling to serve in wars that they deem to be unjust. Rawls even suggested that conscientious refusal was not only a right, but also possibly a *duty*: “if the aims of the conflict are sufficiently dubious and the likelihood of receiving flagrantly unjust commands is sufficiently great, one may have a duty and not only a right to refuse.”²¹ But Contingent Pacifism is not based upon absolute refusal of the sort associated with religious Pacifism. Rawls rejected absolute Pacifism as sectarian: “The refusal to take part in all war under any conditions is an unworldly view bound to remain a sectarian doctrine.”²² Instead of sectarian Pacifism, Rawls provides *political* arguments in favor of Contingent Pacifism, meaning that these arguments can be accepted by all citizens who accept the basic principles of justice that underlie the current political system. This is why Rawls bases his case for Pacifism on principles of justice in war—as these principles are derived from notions about sovereignty, including the right to national self-determination and self-defense, which would be accepted by nearly all citizens. Unlike religious Pacifism, political Pacifism develops from the shared principles of political life. These shared principles include ideas familiar from the just war tradition: defense of sovereignty, respect for the innocent, and so on.

These just war principles are the source of recent considerations of Contingent Pacifism. In addition to his recent essay on contingent Pacifism and selective refusal (noted at the outset), Larry May has provided other significant discussions of Contingent Pacifism. He claims to find it in Grotius, Pufendorf,

and in some of Jeff McMahan's recent work. In *Aggression and Crimes against Peace*, May suggests that McMahan first coined the term "contingent pacifism" in 1993.²³ But, as we've noted, Rawls used the term in his *A Theory of Justice* in 1971—a point that May recognized in his more recent essay. At any rate, May explains, "Contingent pacifism is opposed to war not on absolute grounds, but on contingent grounds, namely that war as we have known it has not been, and seemingly cannot be, waged in a way that is morally acceptable."²⁴ Such a conclusion requires some empirical support. A variety of authors have provided that sort of support to reach the conclusion that war has usually not been just.

A similar point has been made by Jeff McMahan—even though, as noted at the outset, McMahan is not advocating Contingent Pacifism. McMahan points in the direction of what he calls "a contingent form of Pacifism" based upon concerns about epistemic limitation and the likelihood that more wars are unjust than just.²⁵ McMahan argues that soldiers should trust their own judgment while remaining skeptical of the proclaimed war-rationale of the authorities. For McMahan, it is "statistically probable" that war is unjust, which is why soldiers should trust their own judgment when they suspect that a war is unjust. McMahan argues: "their judgment is supported not only by the statistical probability (that the war is unjust), but also by its being contrary to their natural bias in favor of believing that one is right."²⁶ While not absolute, the conclusions of Contingent Pacifism are still quite radical since most people—especially politicians and government officials—tend to think that war is usually easily justified. But if McMahan is right, even soldiers should be suspicious of war rationales—since wars are often unjust.

May, Sterba, and McMahan admit that contingent pacifist conclusions can be reached by looking at the history of warfare. But such contingently pacifist conclusions do not, I argue, become full-blown Contingent Pacifism unless they encompass the broader critique of militarism. Indeed, these authors have not argued—to my knowledge—that there is something flawed in the system of militarism itself. It is the broader critique of militarism that grounds Contingent Pacifism, unlike the contingently pacifist conclusions of a stringent application of just war principles in particular cases. Contingent Pacifism does not argue that state power is always or inherently predatory and unjust. Such absolute claims are unsupported. Nonetheless, Contingent Pacifism would argue that there is an immoral tendency in militaristic state power. Rawls writes, "given the often predatory aims of state power, and the tendency of men to defer to their government's decision to wage war, a general willingness to resist the state's claims is all the more necessary."²⁷ Contingent Pacifism is focused on the broader and systematic issue of the predatory aims of militaristic nations. Of course, much further empirical and historical information is needed in order to fill out this argument—and advocates of Contingent Pacifism must be receptive to countervailing data (unlike proponents of absolute Pacifism, whose moral view is not grounded on consequentialist or empirical concerns).

Proportionality and Just War Theory

Recent history can be used to bolster this sort of argument. American wars of the past decade have been fought in pursuit of questionable causes (in Iraq) and in violation of the prohibition against immoral means (with the use of torture in both Iraq and Afghanistan). The problem of civilian casualties remains significant despite the use of smart bombs and more discriminate targeting. There is much more to be said about both Iraq and Afghanistan along these lines.²⁸ Leaving the deontological issues aside, Contingent Pacifism is also concerned with a consequentialist inquiry into the question of whether war and the military system in general tend to promote more good than bad. This is not quite the same as inquiring into the question of proportionality as ordinarily understood in the just war tradition, so it is important to clarify that difference here.

Proportionality in the just war tradition is focused both on specific wars and on specific battles with these wars. Despite this specificity, proportionality remains a slippery concept. There is an open question about how we measure and weigh the costs and benefits in a war. Such a measurement must be linked to the prior deontological issues, with the justice of the cause creating a sort of sliding scale for determining proportionality. Judgments about proportionality are notoriously difficult to make—even if they are crucially important—since they involve speculation about future costs and benefits. Larry May put it this way: “Proportionality may not be the supreme *jus ad bellum* principle but it often is the most important one, restraining war often even more than the principle of just cause. Proportionality may sometimes be hard to assess, as is true of all future-oriented considerations, but a good enough sense of it can normally be obtained that proportionality will weigh heavily in the determination of whether a war is just.”²⁹ May goes on to conclude that considerations of proportionality can point in the direction of “contingent pacifism.”³⁰ He concludes: “proportionality is a major moral restraint on the justifiability of most wars. I do not wish to claim that proportionality is generally a much greater restraint than is just cause. But I do want to emphasize how important proportionality is and to reemphasize that this is at least in part because for wars to be justified the nearly inevitable killing that occurs in war must be offset by something at least as serious.”³¹

Contingent Pacifism—as a broad critique of war and the war-system—generalizes the discussion of proportionality in particular wars in a more comprehensive consequentialist approach to thinking about the war-system. Contingent Pacifism will consider the global effects of militarism in light of its purported benefits: the tendency of militarism to destabilize borders and regions, as well as the way that military expenditures take funds away from other social spending. This reminds us that proportionality judgments must be linked to considerations of other values. Proportionality is not a simplistic cost–benefit analysis confined to two valences. Rather, judgments about proportionality must be scaled to or understood in light of the other values in both international affairs and in the domestic political and economic structure. The problem of militarism is that it

leads to social expenditures that take resources away from other socially valuable endeavors.

In an essay discussing the Israeli war against Gaza (published in *Dissent* in 2009), Walzer reminds us of the difficulty of proportionality judgments. He pointed out that the question of proportionality has to be linked to a consideration of just cause (as well as to considerations of how the enemy is behaving and whether they are “responsible” for some of the apparently “disproportional” casualties caused in the war). Walzer’s conclusion is important: “Because proportionality arguments are forward-looking, and because we don’t have positive, but only speculative, knowledge about the future, we need to be very cautious in using this justification.”³² This point holds for all consequentialist reasoning. Attempts to weigh consequences are speculative and merely probabilistic. So at best—if we conclude that a given war is wrong on consequentialist grounds—we can only reach a contingent conclusion. Some wars may be justifiable in terms of proportionality—perhaps even the Gaza war.³³ As Walzer reminds us, we need to be very cautious about generalizing our conclusions. But Contingent Pacifism does point toward a larger concern about the costs and benefits of militarism in general. This would include critical reflection on the social, political, and historical circumstances that make militarism and war necessary—as in the case of Israeli policy toward Gaza and toward the Palestinians in general.

For Walzer, the discussion of proportionality with regard to Israeli actions against Gaza is focused on the just cause of defending Israel’s own civilian population from rocket attacks. Military actions performed in self-defense are justifiable so long as the harm caused is proportional to the harms that are defended against. But the problem that Walzer points us toward is the fact that the harms we are preventing remain speculative. He notes that the severe Israeli bombing attack occurred in anticipation, as it were, of Hamas militants obtaining more powerful weapons that would eventually cause even more widespread damage to Israeli cities. At some point, one must act, Walzer suggests, in anticipation of preventing further harms. Proportionality also must be weighed against other traditional *ad bellum* ideas of reasonable “hope for success” and “last resort.” In thinking about whether a war is proportional, we also have to think about whether the proportionate use of force gives us reason to hope for success and whether war is more likely to produce benefits than some other nonviolent act (i.e., as other methods that do not yet lead to war as the last resort). Thomas Hurka has explained the issue this way:

The *ad bellum* proportionality condition incorporates hope-of-success considerations, and it can also incorporate last-resort considerations. Now imagine that a war will achieve certain goods at not too great a cost, but that the same goods could be achieved by diplomacy. Here the war may not be disproportionate in itself, but it is disproportionate compared to the alternative, since it causes additional destruction for no additional benefit.³⁴

Hurka’s analysis of proportionality is an important one. He notes that James Turner Johnson and Douglas Lackey (among others) focus on a basic

consequentialist way of understanding proportionality that aims to add up and assess the total harms and benefits of a war.³⁵ But he rejects this by focusing more carefully on the connection between just cause and the proportionality analysis.

One problem, however, is that there are goods (and evils) produced by war that are not directly relevant to the war aim—such as scientific advancement or economic development. The benefits of militarism include the jobs, the scientific research, and the infrastructure development that are created by military spending. These benefits may outweigh the harms of instability and war. There are even deeper questions. Consider, for example, the value that we place upon the goods that we view as providing just causes for war—namely sovereignty and human rights. The mainstream just war tradition recognizes that just cause includes defense of sovereignty—in the idea of resisting aggression—and defense of human rights—in humanitarian intervention or the new idea of “responsibility to protect.” The proportionality question asks us to weigh how much value we place upon sovereignty and human rights in comparison with how much harm we are willing to inflict in order to defend these goods. It might be, for example, that if civilians are harmed during military interventions aimed at protecting civilians from atrocity (despite our best efforts to discriminate), then such a protective intervention is disproportional. Or it might be that we view the very idea of law and order and human rights as supremely important, so that we are willing to permit a significant number of “foreseen but unintended” civilian casualties in pursuit of a humanitarian war aim that also reasserts what is often called the “stability of order.” The same sort of problem arises in thinking about defending sovereignty against aggression. Perhaps a minor border incursion should be tolerated, if war would produce significant harm. Or perhaps sovereignty and borders are so important that cross-border incursions simply cannot be tolerated, even if war would produce significant harm. The costs and benefits of war must be proportioned to the justice of the cause: significant harms may be permitted in order to prevent a massive genocide while the same is not true if the war’s cause is merely to defend a disputed border.

As is well known in the literature, this even allows for apparently *disproportional* uses of force in what Walzer and Rawls call “back to the wall” or “supreme emergency” situations.³⁶ Some versions of the just war theory permit massive violence if the cause is significant enough—say if there is an “existential threat” or supreme emergency. But Walzer and other defenders of the just war paradigm fail to account for the general problem that the war-system and militarism can lead us toward unjust wars. They also fail to consider that even justifiable resort to war can produce instability and lead to more war. One interesting example discussed by Walzer is the Israeli first strike against Egypt in 1967 in what is now called “The Six Day War.” Walzer notes that there is a long pre-history for any war. The particular problem leading up to the Six Day War was the very question of whether the state of Israel had a right to exist (which Egypt and the other Arab states denied). Walzer defends the Israeli first strike as resulting from a complex series of calculations that depended in part upon that historical background knowledge

(including the fact that Israel had already been in an adversarial relation with Egypt and her other neighbors since 1948). The problem of the Six Day War example is that in that war, Israel seized Jerusalem and the Temple Mount, which has gone on to be a central problem for any lasting peace in the region. Thus a narrow focus on the justification of a given war may cause us to miss the larger problems caused by war (even justifiable war), including long-term historical reaction, the ongoing expense of an occupation, and the lasting resentment of veteran soldiers and of defeated enemies.

Contingent Pacifism is concerned with these sorts of broader considerations. The concern of Pacifism is the question of whether war and the military system as we know it has tended to produce more good than bad. There are, of course, difficulties in reaching such general conclusions. We would have to engage in counter-factual speculation about what would have been if things had been done differently.³⁷ It is difficult to make these sorts of judgments—and any conclusion drawn will be limited and provisional. This is why Pacifism is, at best, a merely contingent thesis.

Conclusion

In this article, I have distinguished between *Contingent Pacifism*—as a broad and comprehensive critique of militarism that as based upon an analysis of empirical facts about social, political, and economic organization—and *contingently pacifist arguments and conclusions* that are focused on a concrete application of just war reasoning in specific contexts. I have acknowledged the complexity of the problem of judging in both cases. It is difficult to make judgments about specific wars (in light, e.g., of the complications of thinking about innocence and proportionality). It is even more difficult to reach a judgment about the social and political system of militarism. Nonetheless, there are good reasons to be sympathetic to the Contingent Pacifist idea that militaristic nations tend to fight unjust wars and to use social resources in unbeneficial ways. By distinguishing between contingently pacifist conclusions about specific wars and the broader thesis of Contingent Pacifism, I hope to have shown why the critique of militarism is important. If militarism is a problem, then the piecemeal approach of arguing against specific wars and battles is insufficient.

Notes

¹ Larry May, "Contingent Pacifism and Selective Refusal," *Journal of Social Philosophy* 43: 1 (Spring 2012): 1–18.

² James Sterba, "The Most Morally Defensible Pacifism," in *Pazifismus: Ideengeschichte, Theorie und Praxis*, ed. Barbara Bleisch and Jean-Daniel Strub (Bern: Haupt Verlag, 2006), 202.

³ Robert Holmes, "Pacifism for Non-Pacifists," *Journal of Social Philosophy* 30 (1999): 3. See James Sterba, *Justice for Here and Now* (Cambridge: Cambridge University Press, 1998), chap. 7. Also see Sterba, *The Triumph of Practice over Theory in Ethics* (Oxford: Oxford University Press, 2005).

- ⁴ I explain this further in Andrew Fiala, "Pacifism," *Stanford Encyclopedia of Philosophy* (<http://plato.stanford.edu/entries/pacifism/>).
- ⁵ Jenny Teichman, *Pacifism and the Just War* (Oxford: Basil Blackwell, 1986); Duane L. Cady, *From Warism to Pacifism: A Moral Continuum*, 2nd ed. (Philadelphia, PA: Temple University Press, 2010).
- ⁶ Jeff McMahan, "Pacifism and Moral Theory," *Diametros* 23 (March 2010): 44.
- ⁷ I discuss this in more detail in Andrew Fiala, *Public War, Private Conscience* (London: Continuum, 2010).
- ⁸ I discuss absolute Pacifism and the history of Pacifism in more detail in Fiala, "Pacifism."
- ⁹ McMahan, "Pacifism and Moral Theory," 44–68.
- ¹⁰ For discussions of the relation between just war theory and Pacifism see the following: Michael Walzer, *Just and Unjust Wars* (New York: Basic Books, 1977); Robert Holmes, *On War and Morality* (Princeton, NJ: Princeton University Press, 1989); Richard B. Miller, *Interpretations of Conflict* (Chicago: University of Chicago Press, 1991); Cady, *From Warism to Pacifism*; Teichman, *Pacifism and the Just War*; Jonathan Glover, *Causing Death and Saving Lives* (New York: Penguin, 1977); Stanley Hauerwas, *Should War Be Eliminated?* (Milwaukee, WI: Marquette University Press, 1984); Richard Wasserstrom, "On the Morality of War," *Stanford Law Review* 21: 1627–56, reprinted in James Rachels, ed., *Moral Problems* (New York: Harper and Row, 1971) and Martin Benjamin, "Pacifism for Pragmatists," *Ethics* 83, no. 3 (1973): 196–213; Paul Ramsey, *The Just War* (New York: Charles Scribner's Sons, 1968). For criticism of "just war Pacifism," see: George Weigel, "The Just War Tradition and the World after September 11," *Logos: A Journal of Catholic Thought* 5, no. 3 (Summer 2002): 13–44; George Weigel, "Moral Clarity in a Time of War" *First Things* 128 (January 2003); James Turner Johnson, "Just War Tradition and the New War on Terrorism," a Pew Forum on Religion and Public Life Discussion (with Jean Bethke Elshtain and Stanley Hauerwas) (Retrieved September 23, 2014, from <http://www.pewforum.org/2001/10/05/just-war-tradition-and-the-new-war-on-terrorism/>). Walzer's recent critique of just war Pacifism can be found in *Arguing about War* (New Haven, CT: Yale University Press, 2004), especially chaps. 1 and 6.
- ¹¹ Cady, *From Warism to Pacifism*, 21.
- ¹² Karl Liebknecht, *Militarism and Anti-Militarism* (New York: Garland, 1973), 20.
- ¹³ Jonathan D. Caverley, "The Political Economy of Democratic Militarism: Evidence from Public Opinion" (unpublished paper from International Relations Workshop 2012 at the University of Wisconsin-Madison, cited with author's permission: Retrieved September 23, 2014, from <http://www.polisci.wisc.edu/Uploads/Documents/IRC/Caverley.pdf>), p. 3.
- ¹⁴ Andrew Bacevich, *The New American Militarism: How Americans Are Seduced by War* (Oxford: Oxford University Press, 2005).
- ¹⁵ Ismael Hossein-zadeh, *The Political Economy of U.S. Militarism* (New York: Macmillan, 2007).
- ¹⁶ John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971), 382.
- ¹⁷ See Thomas Pogge, *John Rawls: His Life and Theory of Justice* (Oxford: Oxford University Press, 2007), 18 ff.
- ¹⁸ John Rawls, "Fifty Years after Hiroshima," in *Collected Papers*, ed. Samuel Freeman (Cambridge, MA: Harvard University Press, 1999), 565–572.
- ¹⁹ John Rawls, *The Law of Peoples* (Cambridge, MA: Harvard University Press, 1999); Walzer, *Just and Unjust Wars*. See my discussion in Andrew Fiala, *The Just War Myth* (Lanham, MD: Rowman and Littlefield, 2008).
- ²⁰ Rawls, *The Law of Peoples*, 100, footnote 22.
- ²¹ Rawls, *A Theory of Justice*, 382.
- ²² Rawls, *A Theory of Justice*, 382.
- ²³ See Jeff McMahan and Robert McKim, "The Just War and the Gulf War," *Canadian Journal of Philosophy* 23 (1993): 4.
- ²⁴ Larry May, *Aggression and Crimes Against Peace* (Cambridge: Cambridge University Press, 2008), 25. For May, Grotius offers a form of contingent Pacifism that is grounded in the likelihood that

wars will kill innocent people. May indicates his sympathy as follows: “Like Grotius, I am of two minds about the morality of war, wanting to support, at least in theory, certain wars, but also disapproving of wars, at least the way they are typically waged. Contingent Pacifism does not rule out in advance the moral justifiability of any war, that is, in advance of examining the specific context and circumstances of a given war. Hence, the view I have defended here appears to be not really a form of ‘Pacifism’ at all, at least as that term has been traditionally understood. But insofar as contingent Pacifism might indeed lead to no wars being justified, it might still be called a form of Pacifism, although nontraditional” (45). Also see Larry May, “Contingent Pacifism and the Moral Risk of Participating in War,” *Public Affairs Quarterly* 25, no. 2 (2011): 95–112.

²⁵ Jeff McMahan, *Killing in War* (Oxford: Clarendon Press, 2009), 153.

²⁶ McMahan, *Killing in War*, 144–45.

²⁷ Rawls, *A Theory of Justice*, 382.

²⁸ I discuss Afghanistan and Iraq in more detail in *The Just War Myth*.

²⁹ May, *Aggression and Crimes Against Peace*, 129.

³⁰ May, *Aggression and Crimes Against Peace*, 135.

³¹ May, *Aggression and Crimes Against Peace*, 135.

³² Michael Walzer, “The Gaza War and Proportionality,” *Dissent* online, January 8, 2009 (Retrieved September 23, 2014, from http://www.dissentmagazine.org/online_articles/the-gaza-war-and-proportionality).

³³ For an alternative conclusion regarding the justice of the Gaza war, see Heike Schotten, “Reading Nietzsche in the Wake of the 2008–09 War on Gaza,” *Philosophy in the Contemporary World* 19, no. 1 (Spring 2012): 67–82.

³⁴ Thomas Hurka, “Proportionality in the Morality of War,” *Philosophy and Public Affairs* 33, no. 1 (2005): 37.

³⁵ See James Turner Johnson, *Morality and Contemporary Warfare* (New Haven, CT: Yale University Press, 1999) and Douglas Lackey, *The Ethics of War and Peace* (Upper Saddle River, NJ: Prentice-Hall, 1989). Hurka notes that Lackey is quite permissive in applying proportionality: “a war for a just cause passes the test of proportionality unless it produces a great deal more harm than good” (40).

³⁶ Walzer, *Just and Unjust Wars*; Rawls, *The Law of Peoples*; Fiala, *The Just War Myth*.

³⁷ Along these lines, Walter Sinnott-Armstrong concludes, “I am inclined to think that the moral rightness of wars depends on their actual consequences, including counterfactual consequences or what might have happened if a different act had been actual” (Walter Sinnott-Armstrong, “Preventive War—What Is It Good For?” in *Preemption: Military Action and Moral Justification*, ed. Henry Shue and David Rodin [Oxford: Oxford University Press, 2007], 212).