

The Burden of Autonomy: Non-combatant Immunity and Humanitarian Intervention

William Cornwell

ABSTRACT. Michael Walzer argues that except in cases involving genocide or mass slaughter, humanitarian intervention is unjustifiable because “citizens get the government they deserve, or, at least, the government for which they are ‘fit.’”¹ Yet, if people are autonomous and deserve the government that rules over them, then it would seem that they are responsible for the government’s actions, including their nation’s wars of aggression. That line of thought undermines the doctrine of noncombatant immunity, which is perhaps the most important of Walzer’s *jus in bello* principles. In this way, the concept of self-determination frustrates Walzer’s attempts to keep *jus ad bellum* and *jus in bello* considerations separate.

KEYWORDS. Michael Walzer, just war theory, humanitarian intervention, self-determination, non-combatant immunity, terrorism.

THE BURDEN OF AUTONOMY: NON-COMBATANT IMMUNITY AND HUMANITARIAN INTERVENTION

In 1945, American B-29 Superfortress airplanes stepped up the tempo of the bombing campaign that had begun in November 1944 against Japanese mainland cities.² Over a thousand B-29s would target these cities during some nights in 1945. By the end of the war, the planes had dropped 42,000 tons of conventional bombs and over 100,000 tons of incendiaries over highly inflammable and densely populated Japanese cities, leaving more than 60 of those cities in ruins and indiscriminately killing millions of people: young and old, men and women, imperialists and pacifists.³ Americans today recognize some of the targets, such as Tokyo and Yokohama, but other devastated cities, some as large as Los Angeles, scarcely register in American consciousness: Nagoya, Toyama, Osaka,

Nishinomiya, Shimonoseki, Sasebo, Kure, Kobe, Omuta, and so on.⁴ Then as now, the bombs and incendiaries received relatively little reflective criticism, despite having killed significantly more people than the more dramatic and much-debated events that immediately followed, namely, the use of atomic weapons against Hiroshima and Nagasaki. Yet, in retrospect, the use of conventional bombs, incendiaries, and atomic weapons looks like a single, escalating campaign to bring Japan to her knees by devastating and terrorizing her civilian centers, and the strategy worked: The conventional and incendiary bombings caused steep declines in Japanese industrial production and morale, making an American victory a foregone conclusion even before the use of atomic weapons, but was such a bombing campaign against major population centers morally justified?⁵

I will argue that Michael Walzer's just war theory suggests two incompatible answers to that question. On the one hand, Walzer is explicitly committed to the theory of noncombatant immunity: The only people who are proper targets are combatants, typically soldiers, because they alone are involved in activities that are *essentially* warlike. Therefore, the targeting of large civilian populations is illegitimate. On the other hand, Walzer endorses the presumption that states are self-determining and autonomous: Even when a state might appear to be brutal and oppressive, there almost always is a fit between the government and the culture.

According to this line of thought, most military interventions into another state's affairs illegitimately interfere with a culture's communal process of determining its own destiny. The problem for Walzer is that this notion of collective responsibility would also imply a collective responsibility for warfare and consequently would undermine the rationale for noncombatant immunity. Although I ultimately will sketch a resolution of this dilemma, my primary objective is to show why *jus ad bellum* and *jus in bello* considerations cannot be separated as tidily as Walzer, like most just war theorists, prefers.

Let us look in more detail at the two plausible answers to the question of whether the United States' bombing campaign against Japanese

cities was justified. One could reason that if the United States had just cause to go to war against the *nation* of Japan, then the nation as a whole was a legitimate target. World War II was the culmination of a trend since the Napoleonic wars toward total warfare. Every major power in WWII had to mobilize all sectors of society to produce warriors and materiel. The aggressors, including Japan, got a head start on this mobilization. Indeed, the militarism and xenophobia that swept through Germany and Japan even before the fighting had begun and which lent popular support for the buildup of their armed services might seem to implicate each nation as a whole for the acts of aggression that followed and for the war crimes its armed services perpetrated: Insofar as we treat the Japanese people as being, in Walzer's words, "self-determining," then the guilt for these atrocities is not limited to the most obvious agents, namely, the decision-makers in the Japanese government who initiated acts of aggression and the political and military leaders who approved the war crimes.

In what sense were the Japanese self-determining? The Japanese had elected leaders *who answered to the Japanese people* and who were largely responsible for Japan's policies and actions in WWII. Yet, even if Japan had been a simple military dictatorship or if the parliament had been outmaneuvered by undemocratic forces, the Japanese still would be self-determining. As Walzer writes when approvingly summarizing John Stuart Mill: "We are to treat states as self-determining communities, he [Mill] argues, whether or not their internal political arrangements are free, whether or not the citizens choose their government and openly debate the policies carried out in their name."⁶ Thus Walzer endorses a burden of autonomy principle: A people bear responsibility for their governance and hence for their government's actions, whether or not the state is a free state.

Walzer's only exceptions to the burden of autonomy principle are when one community enslaves or massacres another community,⁷ and the exceptions seem to fall within his general *jus ad bellum* prohibition of one community's aggression against another, even if in these exceptional cases

the communities are within the same borders and hence do not meet the standard of aggression in international law. Walzer, of course, is arguing for a change in the legalist paradigm to allow for humanitarian interventions, counter-interventions, etc. where oppressed communities cannot be thought of as self-determining, but Japan was not such an example shortly before and during World War II. There were no outside forces controlling Japan, and the Japanese people were and are about as homogeneous and naturally one as a political philosopher could demand. Nor could Walzer argue that there were two communities in Japan standing in a relation of master to slave such that the enslaved community was neither autonomous nor self-determining and consequently that the enslaved community's noncombatants were not a legitimate target for military action,⁸ because no such conditions held in Japan.⁹ No, Japan was a single community whose people shouldered the burden of autonomy, the burden of being responsible for their nation's governance and hence for the evil actions of that government. Of course, a government temporarily can be a renegade and act against a people's wishes, but if, as in Japan, the people do not reign in that government and instead allow it to continue an aggressive war involving war crimes, then the people bear moral responsibility for those actions and hence are legitimate targets during war. There still are discriminations of guilt to be made: There is no reasonable way to think that, say, infants or noncombatant children bear the burden of autonomy. Even so, the doctrine of double effect can justify some harm to these innocents as long as the youngsters are not the deliberate target and there are no better options. In light of the burden of autonomy principle, the firebombing and atomic bombing of Japan might have been a reasonable response to the perception of the Japanese people's criminal misuse of their self-determination.

That, at least, is one way of analyzing how the United States could have morally confronted Japan during WWII. There is an alternative theory to which Walzer is explicitly committed: The locus of responsibility and of guilt should not be analyzed, as the notion of self-determination does, at the

communal level but at the individual level. We must distinguish the combatants, who, through their warlike activities, are trying to harm others, and the noncombatants, who are merely going about the daily activities that take place in war and in peace: growing crops, making clothes, providing entertainment, teaching children, and so forth. Some of these noncombatant activities may be necessary to the successful prosecution of the war, but their purposes are not essentially martial. Workers making MREs “are like workers manufacturing medical supplies, or clothing, or anything else that would be needed, in one form or another, in peacetime as well as war. An army, to be sure, has an enormous belly, and it must be fed if it is to fight. But it is not its belly but its arms that make it an army. Those men and women who supply its belly are doing nothing peculiarly warlike. Hence their immunity from attack....”¹⁰ Therefore, if an American general were to have asked, “Who amongst the Japanese is responsible for trying to kill me and my fellow soldiers?”, the answer would not be “the entire nation of Japan” but “the Japanese soldiers (and perhaps a few special categories of civilians, such as munitions workers),” whom we could refer to collectively as “combatants” and who would be the only legitimate targets of American military operations. Although the doctrine of double effect sometimes could justify anticipated noncombatant casualties, the American use of incendiary and atomic weapons against Japan would harm noncombatants disproportionately and would count as a massive violation of the most basic of their human rights: the right to life. Various theories of noncombatant immunity disagree as to where to draw the line between combatants and noncombatants, but the theories agree that there is a significant class of people in the enemy state whom it would be immoral to target during military operations.

The concept of responsibility differs in the two theories of *jus in bello*. The burden of autonomy principle implies that the entire nation (of persons above a certain age, but that will go without saying from now on) is *morally* responsible for initiating aggressive wars and for war crimes because an aggressor government of a free country reflects the citizens’

direct agency and the aggressor government of an authoritarian country requires the citizens' culpable failure to exercise their agency to prevent injustices. The nation *as a whole* is morally culpable because of a sin of commission, as in a nation's wholehearted militarism, or a sin of omission, by failing to prevent unjust actions committed in her name. By contrast, according to Walzer's version of the theory of noncombatant immunity, responsibility attaches only to those parties involved in essentially martial activities, regardless of the reasons the people are engaged in those activities. Unlike the notion of responsibility implicit in the burden of autonomy principle, the concept of responsibility in theories of noncombatant immunity is detached from concepts of intention or volition, for in a war of aggression, the combatant who can be intentionally targeted may be conscripted and have no desire to fight, whereas the industrialist who cannot be intentionally targeted may be beating the war drums.¹¹ According to Walzer's version of the theory of noncombatant immunity, what makes the combatant responsible is the combatant's voluntary or involuntary participation in a project whose essential purpose is to harm the enemy.¹² The soldiers are responsible for trying to harm other people and for being a threat to those people's lives and welfare, but the soldiers are not thereby morally deficient. Hence, one of the tragedies of wars fought justly is the slaughter of soldiers who have the duty to try to kill each other despite their collective moral innocence.

The problem for Walzer is that although he explicitly and eloquently defends the theory of noncombatant immunity, when discussing interventions he invokes the burden of autonomy principle but does not recognize the subsequent contradiction, perhaps because his writings on the burden of autonomy and on noncombatant immunity occur in different contexts: one in the context of *jus ad bellum*, and the other in the context of *jus in bello*. In his discussion of *jus ad bellum*, Walzer rejects a traditional thesis that the only *casus belli* is self-defense. Walzer wants to make room for various types of interventions, including humanitarian interventions. Humanitarian interventions easily can turn into either adventures in

masked self-interest or crusades of cultural imperialism, so Walzer permits interventions only on behalf of people who have lost their autonomy and self-determination, i.e., “in cases of enslavement or massacre.”¹³ As I mentioned earlier, Walzer does not think that a people’s lack of freedom implies their heteronomy, for they may be complicit in their government’s autocracy. Hence, aside from the most egregious instances of human rights violations, humanitarian interventions are unjustified because of their interference with citizens’ “thin” right of self-determination.

Here is where Walzer’s theory begins to unravel. Walzer asserts that a nation is responsible for its own fate and hence “there is no right to be protected against the consequences of domestic failure, *even against a bloody repression* [my emphasis].”¹⁴ Remarkably, even when peaceful protesters are shot dead or a political prisoner is hung by his thumbs from a basketball hoop or is given electrical shocks to his testicles, he is still part of a collective project of self-determination, so foreigners have no *prima facie* right to assist him. Walzer instead believes that only fellow citizens who are also engaged in the same process of self-determination can use force to aid political prisoners. I would argue, through, that unless he is like one of Stalin’s henchmen who got consumed in fires he helped inflame, the tortured political prisoner is less implicated in his own torture than the average resident of a militaristic state is implicated in the aggressive actions and war crimes of his own state. Furthermore, insofar as the rights in question are human rights, that is, duties and permissions grounded in a shared humanity, the rights, including, one would think, the occasional obligation to give aid, impose obligations upon all of humanity.

One way out of this problem would be to abandon the burden of autonomy principle and adopt instead a consequentialist answer to why the number of humanitarian interventions should be so low. Like most consequentialist conclusions, the belief that few attempts to intervene on behalf of human rights will succeed would require a great deal of empirical support,¹⁵ but skepticism about the efficacy of humanitarian

interventions might seem reasonable, considering such examples of failed nation-building during the last fifteen years as Iraq, Somalia, and Haiti. (Of course, other consequentialists might draw different conclusions from the relatively successful humanitarian interventions in Kosovo, Cambodia, Bangladesh, etc.) Walzer's arguments against a low threshold for humanitarian interventions sometimes are expressly consequentialist: "The common brutalities of authoritarian politics, the daily oppressiveness of traditional social practices—these are not occasions for intervention; they have to be dealt with locally, by the people who know the politics, who enact or resist the practices. The fact that these people can't easily or quickly reduce the incidence of brutality and oppression isn't a sufficient reason for foreigners to invade their country. Foreign politicians and soldiers are too likely to misread the situation, or to underestimate the force required to change it, or to stimulate a 'patriotic' reaction in defense of the brutal politics and the oppressive practices. Social change is best achieved from within."¹⁶ Walzer buttresses his consequentialist argument by suggesting that people have to have a dose of epistemic humility because they will not understand the internal logic of an alien culture and hence will not understand why the government generates such loyalty amongst its subjects or even that there is such loyalty: "They [foreigners] don't know enough about its [the state's] history, and they have no direct experience, and can form no concrete judgments, of the conflicts and harmonies, the historical choices and cultural affinities, the loyalties and resentments, that underlie it. Hence their conduct, in the first instance at least, cannot be determined by either knowledge or judgment. It is, or it ought to be, determined instead by a morally necessary presumption: that there exists a certain 'fit' between the community and its government and that the state is 'legitimate.' It is not a gang of rulers acting in its own interests, but a people governed in accordance with its own traditions."¹⁷ Even an attack upon a brutal state is likely to rouse support from citizens who think that they are bound to defend it, so the ensuing bloodshed would be the responsibility of the interventionists.¹⁸ Thus, states almost always

should be treated as self-determining, even by foreigners who cannot understand how, say, a cruel and repressive government possibly could represent the will of the people. To intervene militarily in such a state is to court failure.

Walzer's consequentialist reasoning might be correct, but it is not supposed to be his primary argument,¹⁹ as is in keeping with Walzer's approach to just war theory, which normally favors deontic over consequentialist reasoning.²⁰ Hence, although the high threshold to conducting humanitarian interventions might have a consequentialist justification, Walzer's primary objection is that interventions undermine autonomy and the right to self-determination, so such interventions can be justified only when enslavement or massacre has pushed the community into a Hobbesian state of war or has made it impossible for a community to determine its own future²¹—that is, only when the community as a self-determining agent has disappeared. Yet, when a community that is an aggressor or is permitting its armies to commit war crimes is self-determining and responsible for its actions, how could the community as a whole *not* be a legitimate target? One frightening aspect of this line of thought is that it not only could justify total warfare but also terrorism, that is, the targeting of civilians for political purposes. Some terrorist acts against adults would be morally legitimate if they were in response to legitimate grievances against the targeted country and if other *jus ad bellum* criteria were satisfied, because “*if it is reasonable to hold adult humans in a society to a reasonably high standard, morally to know their government's foreign and domestic policies and to seek to correct them when or even before they harm others illegitimately, then it is less legitimate to distinguish sharply between military and civilian targets, as civilians are required to know and to correct bad foreign policies of their government.*”²² Hence, the targeting of civilians for political ends could be justifiable, not on utilitarian grounds, but on the Kantian grounds of justifiable self-defense.

Walzer's dilemma is that the more autonomy he attributes to communities, the harder it becomes to draw a principled combatant/noncombatant distinction, but the less autonomy he attributes, the harder it becomes

to rule out humanitarian interventions. His stance on the degree of autonomy shifts wildly, so that when writing about humanitarian interventions, he strongly endorses the burden of autonomy principle, but when addressing responsibility for aggression, he reduces the autonomy of the average citizens of a large, “imperfect” democracy, the only sort of democracy that Walzer thinks exists at present, to a vanishing point: “Even patriotic excitement, war fever, among such people is probably best understood as a reflex of distance, a desperate identification, stimulated, it may be, by a false account of what is going on. One might say of them what one says of soldiers in combat, that they are not to blame for the war, since it is not their war.”²³ The patriotic citizens and soldiers—it’s not *their* war; of course, there are not many people left whose war it could be. In any case, it is an odd doctrine of self-determination when so many citizens can wipe their hands clean of one of the weightiest actions of a state: the waging of war. It is as if the common people of a nation enjoy a moral holiday in times of war and cannot be held accountable for their actions. The holiday even may be permanent: “The state that goes to war is, like our own, an enormous state, governed at a great distance from its ordinary citizens by powerful and often arrogant officials. These officials, or at least the leading among them, are chosen through democratic elections, but at the time of the choice very little is known about their programs and commitments. Political participation is occasional, intermittent, limited in its effects, and it is mediated by a system for the distribution of news which is partially controlled by those distant officials and which in any case allows for considerable distortions.”²⁴ If the majority of citizens of an “imperfect” democracy such as the USA are so powerless and easily manipulated as to make a sham of self-determination, then surely individuals whose rights are being grossly violated within a violent, authoritarian state are not exercising *their* autonomy and therefore can be protected by foreign forces, but only if those foreign forces can intervene without making matters worse.

In this essay, I have undertaken the simpler task of pointing to inconsistencies in Walzer’s theory and have avoided the harder task of eliminating

them. Nonetheless, I will suggest a plausible compromise that does some justice to the theory of noncombatant immunity and to the burden of autonomy principle. The burden of autonomy principle's idea of collective responsibility does not entail that collective responsibility is distributed equally across the population. For instance, the man who is teaching elementary school children in the countryside and is not supporting his nation's wars of aggression might bear some responsibility for those wars—he is unlikely to be doing everything that he could and perhaps should do as a responsible citizen to stop the wars—but his relative powerlessness entails that his responsibility is not great enough to be a legitimate pretext for the death sentence that targeting his village for military action would entail. Indeed, most citizens' power to affect foreign policy will be limited to such a significant extent that intending them significant harms would be unjust. Consequently, there can be a presumption of noncombatant immunity for civilians, a presumption that would rule out, for instance, the use of incendiary and atomic weapons against Japanese cities in World War II. Although some civilians such as influential intellectuals who argued for an unjust war might bear significant responsibility for that war and thereby be just targets, they usually cannot be easily identified or separated from the general population, so as a practical matter their deaths should not be intended although there are certain types of warfare and terrorism in which a policy of targeted assassinations of those sorts of civilians might be morally justifiable and realistic. Yet, accepting the relative political impotence of the average civilian weakens Walzer's arguments, which are based on a *strong* principle of autonomy, against most humanitarian interventions. The weak principle of autonomy that I have substituted for the strong one states that civilians often have a limited ability to effect political change and provides cover against attacks on civilians, but the weak principle also opens the door to interventions for the advancement of human rights that these powerless citizens cannot secure on their own. Hence, the extent to which civilians are responsible for the actions of their government helps to determine what foreigners

can do *to* the civilians, as in targeting or not targeting them during a war against aggression, and what foreigners can do *on behalf of* the civilians, as in a humanitarian intervention. Thus, despite Walzer's attempts to keep them separate, *jus ad bellum* and *jus in bello* principles necessarily interact.²⁵

BIBLIOGRAPHY

- Corlett, J. Angelo. 2003. *Terrorism: A Philosophical Analysis*. Philosophical Studies Series, vol. 101. Boston: Kluwer Academic Publishers.
- Democratic Policy Committee. 2004. "In Their Own Words: Bush Administration Officials Predict Iraqis Will Greet U.S. Soldiers as Liberators," http://democrats.senate.gov/dpc/dpc-doc.cfm?doc_name=fs-108-2-211, accessed 20 September 2004.
- "Lesson 5." *The Fog of War*, 2003. Directed by Erol Morris. Culver City, CA: Sony Picture Classics. DVD.
- Mavrodes, George I. [1975]1979. "Conventions and the Morality of War," in Malham M. Wakin, ed., *War, Morality, and the Military Profession*. Boulder, CO: Westview Press (327-341).
- Walzer, Michael. [1977]2000. *Just and Unjust Wars: A Moral Argument with Historical Illustrations*. 3rd ed. New York: Basic Books.
- . 1980. "The Moral Standing of States: A Reply to Four Critics," *Philosophy and Public Affairs* 9(3): 209-229.
- . 1994. *Thick and Thin: Moral Argument at Home and Abroad*. Notre Dame: University of Notre Dame Press.
- . 2002. "Arguing for Humanitarian Intervention," in Nicolaus Mills and Kira Brunner, ed., *The New Killing Fields: Massacre and the Politics of Intervention*. New York: Perseus Books, Basic Books (19-35).
- . 2004. *Arguing about War*. New Haven: Yale University Press.

NOTES

1. Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, 3rd. ed. (New York: Basic Books, [1977]2000), 87.
2. *Encyclopedia Britannica Online*, s.v. "Air Warfare," <http://search.eb.com/eb/article?tocId=53048> (accessed 22 September 2004).
3. *Collier's Encyclopedia*, 1995, s.v. "World War II."

4. “Lesson 5,” *The Fog of War*, 2003, directed by Erol Morris (Culver City, CA: Sony Picture Classics), DVD.

5. Perhaps the United States was unjustified in conducting the bombing campaign because she had no right to pursue Japan’s *unconditional* surrender, but I do not want to pursue that topic here. My question could be rephrased as, “If the United States had been justified in seeking an unconditional surrender, would she have been justified in conducting the bombing campaign against Japan’s large and densely populated cities?”

6. Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, 3rd. ed. (New York: Basic Books, [1977]2000), 87.

7. Walzer *Just and Unjust Wars*, 90. Walzer (218) later adds as another just cause for humanitarian intervention “the expulsion of very large numbers of people” (“The Moral Standing of States: A Reply to Four Critics,” *Philosophy and Public Affairs* 9 (1980): 209-229).

8. It does not follow that the members of the innocent group could not be targeted. If they have been reduced to a dangerous instrument of the oppressors, then they might legitimately be targeted in self-defense, but there would be a special burden of care to avoid such targeting. No comparable burden exists when conducting operations against a group that not only is at risk killing you but also desires to do so.

9. Compare Japan to Germany, where the Jews were enslaved and sometimes forced to help the German war effort. To put a horrible point in a horribly banal way, the Jews were not autonomous in Germany, so they could bear no guilt for Germany’s actions and could not be targeted as a guilty party by the Allies.

10. Walzer *Just and Unjust Wars*, 146.

11. George I. Mavrodes, “Conventions and the Morality of War,” in *War, Morality, and the Military Profession*, ed. Malham M. Wakin (Boulder, CO: Westview Press, [1975]1979), 332-3.

12. Some people advocate replacing the combatant/noncombatant distinction with a threat/non-threat distinction, which, like the former distinction, makes a person’s intentions irrelevant: The guy shooting a rocket-propelled-grenade at me is a threat and is a combatant, regardless of whether he is a true believer or is acting to prevent partisans from killing his family should he not fight. The threat/non-threat distinction can lead to the conclusion that all people who are supporting the other side’s armed forces in any material way are legitimate targets. For instance, the difference between the armed soldier and the farmers who provide food for him is a matter of degree; the soldier is the more immediate threat, but the people who assist the soldier are also indirect threats. Citizens who oppose a war but finance it through taxes are not that different from farmers who are forced to give food to guerillas. Hence, the threat/non-threat distinction can lead to the same indiscriminateness as the burden of autonomy principle.

13. Walzer *Just and Unjust Wars*, 90. Walzer does not make the thick/thin distinction in *Just and Unjust Wars*, but in *Thick and Thin* (Notre Dame: University of Notre Dame Press, 1994) he argues that a community regulates itself according to particularistic, *thick* moral concepts, whereas different communities typically will share at most a core of *thin* moral concepts. Cultural toleration requires permitting various communities to have their own particularistic, thick conceptions of the good, so humanitarian interventions could be justified only in defense of the basic thin rights. These basic rights are “negative injunctions, most likely, rules against murder, deceit, torture, oppression, and tyranny” (*Thick and Thin*, 10). *Thick and Thin* (16 & 80) twice discusses using the

thin conception as the basis for humanitarian interventions, but Walzer does not acknowledge or seem to notice that permitting interventions to defend basic rights “against murder, deceit, torture, oppression, and tyranny” would be more permissive than the criterion for humanitarian interventions in *Just and Unjust Wars*: to prevent “enslavement or massacre” (90).

Although a superficial reading might suggest otherwise, Walzer’s position on humanitarian interventions does not appear to have changed in his recent book *Arguing About War* (New Haven: Yale University Press, 2004): “Faced with the sheer number of recent horrors—with massacre and ethnic cleansing in Bosnia and Kosovo; in Rwanda, the Sudan, Sierra Leone, the Congo, and Liberia; in East Timor (and earlier, in Cambodia and Bangladesh)—I have slowly become more willing to call for military intervention. I haven’t dropped the presumption against intervention that I defended in my book [*Just and Unjust Wars*], but I have found it easier and easier to override the presumption” (xii-xiii). All of these cases involve one of the triggers in *Just and Unjust Wars* for humanitarian intervention, namely, massacre or ethnic cleaning, so it would appear that although Walzer has not changed the standards for humanitarian interventions, he believes that those standards are more and more frequently satisfied.

14. Walzer *Just and Unjust Wars*, 88.

15. Walzer (*Just and Unjust Wars*, 77) disparages consequentialism as a useful rule of military conduct: “Think of what one would have to know to perform the calculations, of the experiments one would have to conduct, the wars one would have to fight—and leave unfought!”

16. Walzer, “Arguing for Humanitarian Intervention,” in *The New Killing Fields: Massacre and the Politics of Intervention*, ed Nicolaus Mills and Kira Brunner (New York: Perseus Books, Basic Books 2002), 20.

17. Walzer “The Moral Standing of States,” 212. The American Secretary of Defense Donald Rumsfeld’s oft-quoted and twice-repeated claim before the current war that Iraqis would welcome American troops as liberators (Democratic Policy Committee, 2004, “In Their Own Words: Bush Administration Officials Predict Iraqis Will Greet U.S. Soldiers as Liberators,” http://democrats.senate.gov/dpc/dpc-doc.cfm?doc_name=fs-108-2-211, accessed 20 September 2004) is a good example of the sort of epistemic hubris against which Walzer warns.

18. Walzer “The Moral Standing of States,” 213. Walzer is correct that interventionists have to exercise due care and consider all of the harms that their intervention might produce. Nonetheless, if, out of misplaced patriotism or political allegiance, people defend a state that is viciously trampling upon the rights of other, innocent citizens, then military action on behalf of the innocent is justifiable when the test of proportionality is met, there are no effective peaceful solutions, and there is a good chance of successfully liberating the oppressed group. The situation is different if the oppressed people would rise up against a foreign force that tried to liberate them. As Richard Schoonhoven remarked to me, interventionists should not destroy the village in order to save it.

19. Walzer *Just and Unjust Wars*, 87.

20. *Ibid.*, xxi-xxii.

21. *Ibid.*, 90.

22. J. Angelo Corlett, *Terrorism: A Philosophical Analysis*, Philosophical Studies Series, vol. 101 (Boston: Kluwer Academic Publishers 2003), 156.

23. Walzer *Just and Unjust Wars*, 302.

24. *Ibid.*, 301.

25. I would like to thank Richard Schoonhoven of the United States Military Academy for his helpful comments on an earlier draft of this paper. In addition, I appreciate suggestions from James Turner Johnson of Rutgers University, Paul Robinson of the University of Hull, Henry Shue of Cornell University, and Daniel Zupan of the United States Military Academy. I also am grateful to Dr. Robinson for having arranged the September 2004 conference at the University of Hull on *jus in bello* where I gave an earlier draft of this paper. Finally, I would like to express my appreciation for the sizable funding that the United States Military Academy provided for me to attend the conference in Hull.