

# On Reciprocity and Practical Morality: A Response to Sagan and Valentino

*Michael Walzer*

As Sagan and Valentino say several times in their article “Just War and Unjust Soldiers,”<sup>1</sup> the findings they report are highly disturbing—not only to those of us who defend the “traditional” version of just war theory but also, and perhaps more so, to the revisionists. Traditionalists should be concerned, obviously, if most Americans do not accept what we take to be the fundamental teachings of just war theory. But revisionists should be even more concerned if most Americans do accept their account of the fundamentals and then go on to draw morally terrible conclusions from it. No revisionist scholar would be comfortable calling for the execution of soldiers fighting in unjust wars (as significant numbers of the respondents do); nor would any revisionist give soldiers fighting in just wars a license to kill innocent civilians (as even more of the respondents do). Indeed, if these are the consequences of accepting the revisionist account, many revisionists would probably want to rethink the account. But I am inclined to question some of the most disturbing findings. I do so with considerable hesitation, as I recognize the sophistication of the Sagan-Valentino article. And since I am not engaged in survey research, I am not acquainted with the methodological arguments that go on among the pros. I am going to argue for different kinds of questions to be asked in a different order, and I do not know if these suggestions have been made before and smartly addressed. However, since my suggestions derive in part from a particular view of moral philosophy,

it is possible they have not yet been made or addressed. In any case, I will present them here.

First, however, a few not-so-minor caveats. Neither I nor, so far as I know, any other traditionalist has ever argued that soldiers fighting in an unjust war are acting “ethically.” That is not quite the right word. We argue that these soldiers are acting within their rights, and that they have the same right to fight as the soldiers on the other side. But there are many things that I have a right to do that might invite ethical criticism. The arguments about my rights and my ethics are two different arguments. When I claim that soldiers who fought an unjust war should not be punished after the war but just sent home, I am not saying anything about what their friends and neighbors, or any of the rest of us, should think of their conduct. My own judgment is that what they did was not wrong; the injustice of the war was not their responsibility. Traditional just war theory does not require me to say anything more than that. Asking if their participation in an unjust war was ethical invites a negative answer that might not come if the question were phrased as I will suggest below.

I also worry about the near certainty that is ascribed to the words “just” and “unjust” in the scenarios from the Sagan-Valentino study (in which these terms are given the stamp of legitimacy by the former UN Secretary General and an “independent expert”). Perhaps certainty is what we expect from everyman and everywoman, at least about their own country’s wars, but Sagan and Valentino appear to be trying to avoid that kind of certainty by using the hypothetical scenarios. It would reflect everyday life better if they were to tell the respondents both that the government launching the unjust war denies the injustice and that its soldiers believe themselves to be fighting justly. Surely (in any plausible scenario) the soldiers would have been told that their war was just by leaders at least as authoritative in their eyes as the UN Secretary General. A more realistic question than the ones Sagan and Valentino ask would be something like this: “Are soldiers acting wrongly when they fight for their country in a war that we consider unjust?” Or, if that is too subjective, they could end the question: “in a war that is widely considered unjust—though not by most of them?”

In general, I do not like hypothetical cases in survey research any more than I like them in analytical philosophy. Sagan and Valentino are trying to avoid “us vs. them” stories and replace them with stories in which all the acts, on both sides, are the acts of “others.” But what is the point of doing that if what we need to understand are the real-life moral intuitions of the men and women who are, whether

they like it or not, engaged? They are on this side or that one, or they feel close to this side or that one. Imagining a war in which we have no stake at all will not give us insight, as Sagan and Valentino acknowledge, into how people would respond “in specific real wars” (p. 421) when the stakes are high. They assume that all such responses would reflect “patriotic favoritism” (p. 420), but that may depend on how the issues are specified—how they appear not only in the survey scenarios but also in real life.

I will give an anecdotal example before I turn to my own suggestion about how people should be questioned. In the 1940s, there was a prisoner-of-war camp located near my hometown in western Pennsylvania. Local people knew that the German prisoners were being treated well—in accordance with the rules of benevolent quarantine. Nobody I or my parents knew or heard about argued that this treatment was too lenient for soldiers who had fought in what we were certain was an unjust war. We probably had in mind the American soldiers held in German camps; we wanted them treated in the same way that German prisoners were treated in the United States.

This last point is centrally important to me because of my sense of how morality, or at least practical morality, works. Let us begin with the most famous moral maxim, the golden rule: “Do unto others as you would have them do unto you.” (The negative version, “Do not do . . .,” might better fit our wartime judgments.) The maxim assumes one set of “others,” not two, and we only know how to treat the others if we know how we ourselves want to be treated. It often seems as if moral philosophy generally, and just war theory particularly, begins with a reference to the others, posing the morality or immorality of doing this or that to “them.” Should we bomb the cities of an enemy state? Should we torture possible terrorists? Should we shoot enemy civilians trying to leave a city under siege? The right answers: no, no, and no. Sagan and Valentino worried that many or most of their American respondents would get the answers wrong *because* of the mention of “we,” and so they anonymized their hypotheticals. It appears that the respondents also got the answers wrong after Sagan and Valentino replaced “we” with “combatants fighting for a just cause” (p. 419). The problem is that we (the researchers) are starting in the wrong place.

Practical morality begins at home, and it begins with the self. Indeed, self-regard is not alien to morality but a central part of it. If we do not have a sense of our own wants and needs, rights and entitlements, we will not be able to figure out how to behave toward anyone else. Reciprocity is, I believe, a deep moral intuition, but

you cannot evoke it with stories in which it is only our treatment of the others that is at issue, or with stories where there are only others and no selves at all.

So, I would not ask Americans how they think the Westrian or Eastlandic soldiers and civilians should be treated. How can they know that? I would ask them, first, how they think American soldiers and civilians should be treated. And then I would ask them about the others, whoever they are. I think (cautiously) that a good many Americans, when questioned in that order, would apply the golden rule. How many would do that and how many would not—that is a question survey researchers should be interested in.

Perhaps it sounds as if I am asking researchers to educate their subjects rather than discover what their subjects think. No, I just want to discover what they think *when they are thinking*. No doubt, it is also worthwhile to know the first judgments that Sagan and Valentino's scenarios elicit, which they call "intuitions." But I would like to test these against the judgments that respondents would make if we were to devise scenarios that evoke the intuition of reciprocity. I would not be afraid of scenarios that make room for patriotic favoritism, since this might lead respondents to put a very high value on American lives and then recognize that valuations of this kind have necessary extensions—for both moral and practical reasons (as in the prisoner-of-war case).

It might be true that the first intuitive responses reported by Sagan and Valentino reflect what revisionists call the "deep morality of war," while the reflected-upon judgments that I want to elicit are more prudential and therefore come closer to what international law or traditional just war theory requires. The deep morality of war is, after all, the ordinary morality of domestic life. Hypothetical war stories, where nothing is at stake for the respondents and the just and unjust sides are clearly marked, may seem to be very much like stories of criminals and cops, where the moral difference between the two sides is similarly obvious. Real-life cases might produce different results—if the moral uncertainties are accurately described and the possibility of reciprocity evoked.

It may help if I suggest the sorts of questions that I would ask people to get a sense of their practical morality—and the order in which I would ask them. First, a couple of questions that speak to the debate about the moral equality of soldiers:

1. "Assume for the purposes of this survey that the American war in Vietnam was an unjust war (as, in fact, it was widely considered to be). In that case, our soldiers would have been fighting unjustly—though

most of them presumably would not have agreed with that description. If taken prisoner, how should they have been treated by the Vietcong or North Vietnamese authorities?”

2. “Assume for the purposes of this survey that the Communist effort to overthrow the government of South Vietnam was an unjust war (as many Americans took it to be) and that the American intervention to protect that government was justified. Vietcong and North Vietnamese soldiers would therefore have been fighting unjustly—though most of them presumably would not have agreed with that description. How should they have been treated if captured by the Americans?”

My second set of questions addresses the issue of civilian deaths. Here I will use the (what I hope will continue to be) hypothetical war with Iran that is being talked about as I write this in June 2019:

1. “Imagine that the United States attacks and invades Iran, beginning a war that most of the world considers unjust. Iran responds, in self-defense, by firing rockets at the American mainland. In an effort to end the war quickly, it targets American cities, killing thousands of innocent men, women, and children. Is this a justified response to the unjustified invasion?”
2. “Imagine that Iran attacks U.S. forces in the Middle East, beginning a war that most of the world considers unjust. In an effort to end the war quickly, the United States launches rockets at Iranian cities, killing thousands of innocent men, women, and children. Is this a justified response to the unjustified attack?”

Obviously, I do not know how these questions would be answered by a representative sample of American citizens, but I suspect that an intuitive reciprocity would produce answers closer to what traditional just war theory requires. It might be interesting to survey more specialized samples—veterans who have seen combat, especially close combat, for example; or professional army officers; or former prisoners of war; or civilians (non-Americans) who have lived through an aerial attack.

We do actually have one piece of survey research targeting that last group. Researchers in Britain in 1941 asked a national sample of men and women if they supported the bombing of German cities. People living in parts of Britain that had never been bombed by the Germans were the strongest supporters of such a campaign; there was significantly less support in areas, such as London, that had been hit hard during the blitz (the drop in support was from 75 percent

support to 45 percent).<sup>2</sup> I do not know what the standards for survey research were like in 1941, but there is at least a suggestion here of the force of the golden rule—in this case in its negative form: “Do not do unto others . . .”

Sagan and Valentino argue that we should think of just war theory as a constraint on the first responses, or what they take to be the intuitions, of many or most Americans. Let us assume this is right. How would the constraint work? Just war theory in itself has no constraining power; the constraint cannot be external to the men and women it constrains, like a stop sign on the road or a flashing signal on people’s computers that tells them, “No! You can’t punish prisoners; you can’t kill civilians.” The traditional idea of justice in war will only work as a constraint if it has some connection to our moral sense. What kind of connection? *Webster’s* definition of “intuition” includes “cognition without evident rational thought or inference.”<sup>3</sup> I have been arguing that certain forms of inference, from my experience of war to yours, are in fact intuitive. They make for (to use another definition of intuition) “quick and ready insight” if the cases are properly presented. This is the way practical morality works—as it must work if the prisoner-of-war convention and the idea of noncombatant immunity are to have any force at all. The best way to measure that force is to get people to imagine themselves as prisoners and civilians under attack. That is where traditional just war theory comes from: it is a reflection on the perceptions and practices that derive from the experience of war. To test the currency of the theory, you must evoke that experience.

#### NOTES

<sup>1</sup> This essay is a response to Scott D. Sagan and Benjamin A. Valentino, “Just War and Unjust Soldiers: American Public Opinion on the Moral Equality of Combatants,” *Ethics & International Affairs* 33, no. 4, pp. 411–444. All quotes and pages numbers refer to that article unless otherwise noted.

<sup>2</sup> Angus Calder, *The People’s War: Britain, 1939–1945* (New York: Pantheon, 1969), p. 229.

<sup>3</sup> *Webster’s New Collegiate Dictionary* (Springfield, Mass.: G&C Merriam Company, 1980), s.v. “intuition” for this and the following definition.

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Abstract: The findings reported in the article “Just War and Unjust Soldiers: American Public Opinion on the Moral Equality of Combatants,” by Scott Sagan and Benjamin Valentino, are indeed disturbing, but I am not convinced that they tell us all we need to know about public attitudes. Different questions, those that invite respondents to reflect on the reciprocal nature of practical morality (exemplified by the golden rule: “Do unto others . . .”), might reveal very different views of justified and unjustified conduct in war. I believe that these views, regarding, for example, the treatment of prisoners of war, would probably support the idea of the moral equality of soldiers on the battlefield.

Keywords: practical morality, reciprocity, intuition, just and unjust, equality, Scott D. Sagan, Benjamin A. Valentino