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RADICAL PACIFISM, LIMITED PACIFISM OR JUST WAR? (A RESPONSE TO PROFESSOR JACEK HOŁÓWKA)

Abstract. This article formulates a critical response to Professor Jacek Hołowka's opinion on (the philosophical debate about) the morality of war. It is claimed that by rejecting the plausibility of any argument justifying the occasional permissibility of military action. Hołowka finds it difficult to avoid (tacitly) endorsing some form of pacifism. In its radical version – presumably most closely matching Hołowka's apparent position on war ethics – pacifism is shown to be completely unsupported by any serious social or political theory. More extensive analysis is focused on a compromise version of pacifism proposed recently by David Rodin. Described as “the middle ground between pacifism and just war theory,” Rodin's proposal permits military resistance to genocidal violence while banning all other types of war, specifically defensive wars waged by invaded states. As closer scrutiny indicates, the view is based on faulty analogies, it disregards the reasonably expected increase in human rights abuses following most invasions, and it underestimates the natural inclinations of some aggressor states to embrace murderous methods of subjugating the populations of the annexed territories. What is more, the limited pacifism Rodin promotes is bound to effectively incapacitate sovereign states even when they confront unquestionably genocidal aggression (in most cases preceded by a purely political “take-over” of the attacked country). This paper concludes by endorsing the states' traditional right to self-defence: granted only to “minimally just societies,” it turns out to be the most credible safeguard against conventional military aggression and its possible calamitous escalations – the threat of the latter being all too often grossly underrated by pacifists.

Keywords: Jacek Hołowka; military aggression; right to self-defence; genocide; pacifism; just war theory

1. Introduction. 2. Radical pacifism? 3. Limited pacifism? 4. And yet just war. 5. Ending.

1. INTRODUCTION

In his deeply impassioned contribution to last year's debate on moral intuitions regarding war, Professor Jacek Hołówka¹ presented a number of arguments (highly applauded by a large part of the audience) against engaging in any philosophical speculation about the morality of military endeavours of any kind. The key reference point of his reasoning was the views of the American sociologist Charles Wright Mills, who, in the book *The Causes of World War Three*, published in 1958, made a case for the possibility of eliminating the threat of the (otherwise allegedly inevitable) nuclear conflict between the then Soviet Union and the US, conditional upon people – specifically the American public – resisting the warmongering ideology of their political elites. Designed and sustained by the “crackpot realists,” the military-rivalry-based policies of the US were, according to Mills, the principal cause of the critical tension in international relations, which – less than two decades after World War II – might have triggered a direct clash of the global superpowers, with all its utterly devastating consequences for mankind (Mills, 1959). The specific militaristic mind-set, which, in Mills' view, was responsible for the “deranged” strategy adopted by the architects of the American foreign policy in the 1950s, is also manifested, as Hołówka believes, in the idea of considering war-related issues to be a legitimate subject matter of ethics. According to Hołówka – following in the footsteps (in his own view) of Wright Mills – the very act of contemplating military action (killing in war) as a rational, morally permissible response to (imminent) acts of military aggression inevitably amounts to promoting war itself: the only appropriate approach to be adopted by an ethicist to questions arising from the (necessary?) employment

1 Jacek Antoni Hołówka (born 1943) – Polish philosopher and ethicist, professor of humanities, academic teacher at the University of Warsaw. Author of numerous books and publications on ethics.

of military violence by the state is that of complete rejection of their morally relevant character.²

2 The debate was part of a symposium organized on 19-21 October 2023 by The Lvov-Warsaw School Research Centre [Centrum Badań nad Tradycją Szkoły Lwowsko-Warszawskiej]. In the follow-up to C.W. Mills' presentation, Hołówka makes the following remarks: "It seems to me that there are people who are convinced that war cannot be entirely eliminated from human civilisation, therefore it is necessary to make it as chivalrous as possible, and if not chivalrous, then at least not completely savage and cruel. I am convinced that this type of activity, this type of intention and this type of attempts to argue, to act or to persuade are in the highest degree harmful. War is a savage, barbaric and unacceptable behaviour. And it is necessary to assert something to that effect as, in my opinion, a fundamental belief. War cannot be justified. It is mass murder that is explained and justified by historical, political circumstances, and so on. However, while war cannot be justified, it also cannot be excluded from human life. Thus, we are facing a dramatic situation. And it is not reasonable then to pretend that an unsolvable, profoundly dramatic and irrational problem can be civilised, and that we can be offered decent forms of warfare. This kind of thinking is inspired by something that, in my opinion, is completely unconvincing, namely the duelling code. Meanwhile, wars that are waged in the real and open world between large groups of people and between nations and armies cannot be systematised, they cannot be rationalised. ... [W]hat we can really contemplate in rational terms is what can be done to avoid a situation of utter despair and distress, in which all the brakes stop working, and the agent is faced with [a dilemma]: either to become a scoundrel in his own eyes and in the eyes of those around him, or to let himself be killed like a hen or a rooster. Therefore, I don't really believe in talking about just war, about decent and indecent, proportional and disproportional measures – these are all theoretical considerations that allow us to have a better night's sleep while there are no convincing arguments here." Notably, such statements are paired in Hołówka's argument by apparently opposite, though much less coherent, assertions: "When [war] does break out, then it is too late for discussion, and there is only one mechanism at work, namely the mechanism of retaliation: an eye for an eye. Everyone must be persuaded that if they are already forced to engage in war – that is to say, if they have decided that the conditions in which they have been placed no longer make it possible for them to suffer some kind of humiliation, misery, lack of independence, slavery that have been imposed on them by the enemy – then as long as it does not [sic!] come to war, it is necessary to observe [the rules stipulating] how far we will go if we are driven to despair. But if indeed we are already driven to despair, then discussing what is acceptable and what is unacceptable is simply ridiculous. Of course, an enormous amount of wickedness, mischief, cruelty and absolutely unacceptable things are committed during war." It remains an open question whether in articulating such views Hołówka prescribes abandoning all conventional restraints in the case of a military action taken by the party "driven to despair," or just

Before attempting to critically analyse Hołówka's bold pronouncement concerning the illegitimacy (contradictory nature?) of war ethics, one should briefly examine the historical significance and possible philosophical validity of the claims made in the book regarded by Hołówka as the main inspiration of his own views about the (a morality of war. Authored by a sociologist considered to this day a legendary figure of post-World War II American academia, it did not, nevertheless, avoid substantial criticism since its publication. While acknowledging the crusading zeal of Mills' writings and his remarkable efficiency in identifying the most important social and political challenges of his times (Hughes, 1959), the contemporary critics of *The Causes of World War Three* were the first to point out two of the book's characteristic features: "a relentless thrust of assertion and a bludgeoning style, neither of which [was] much affected

makes a general observation on the most regrettable, yet fairly common, episodes of armed conflicts. Judging by the conclusion in the last chapter of his recent book about the "policies of violence" – discussing Michael Walzer's *Just and Unjust Wars* – he does, in a way, endorse the standard ethical requirements referenced in evaluations of military endeavours: "It seems ... that the two principles of the war conventions [rendering all soldiers liable to attack at any time after the outbreak of hostilities and making all noncombatants immune from attack at any time] are a fairly plausible basis for defining the relationship between ethical and political norms. I also think that we should not expect deeper commentary on war from philosophy any time soon." The very same analysis of Walzer's seminal book, however, contains an explicit and comprehensive anti-war pronouncement: "Each war should be fought with (at least) a slight sense of guilt and with the belief that it is being used to settle difficult disputes irrationally. ... For even when it is conducted very judiciously, war remains the evidence of the extreme ineptitude of the peace policy that ultimately allowed unbridled hatred to erupt. The aforementioned 'two principles of the war conventions' systematise the thinking about wars, but they do not legitimise wars, and they can still be criticised from various points of view" (Hołówka, 2021b, 297, 312 – all translations by A.C.). In this paper I put aside Hołówka's vague and somewhat incongruous statements related to the unfortunate but inevitable – as he seems to believe – predicaments of combatants "driven to despair," and focus exclusively on his blanket rejection of the moral legitimacy of military action as such. The video recording of the debate can be found at: https://www.youtube.com/watch?v=YzMpKqBzx_g&t=7259s (for Hołówka's contributions, see the following two fragments of the recording: 33:07 – 44:40 and 2:25:47 – 2:32:27).

by complexity of argument or thoroughness of evidence” (Howe, 1959 in: Goertzel, 1989, 242). A sober sociological analysis, verifying the accuracy of Mills’ ominous warnings on the 30th anniversary of the book’s publication, leaves little doubt that the whole project – thought of as a “work of social science” – should be qualified as a failure (Goertzel, 1989, 244). Serious reservations have also been expressed about the practical solutions proposed by Mills to overcome the “crackpot realism and military metaphysics” of the American ruling elites: the unilateral disarmament of the US, effectuated long before the intervention of the military forces of the Warsaw Pact in Czechoslovakia in 1968 – to quote but one example of the methods used by the Soviet Union to assert its dominance in the post-war Europe – could hardly be interpreted as an act observing the minimum standards of (even most loosely defined) political reasonableness. Whether any serious philosophical content might be implied by such a suspicious amalgam of inaccurate sociological assertions and naïve political admonishments seems extremely dubious. One can only proceed, however, with the discussion of Hołówka’s own views by giving the philosophical potential of Mills’ somewhat curious ideas the benefit of the doubt.

2. RADICAL PACIFISM?

Interpreted in terms of the ongoing academic (mostly Anglo-American) debate on the moral aspects of military operations, Hołówka’s position might – firstly and tentatively – be classified as that of classic pacifism. If Hołówka is a pacifist, he believes that war as such is morally unjustifiable – no matter the circumstances and the aims (real or declared) pursued by any warring party. The acceptance of this assumption makes it necessary for him to consider any form of participation in any type of military conflict on either side of the frontline unequivocally impermissible. An obvious consequence of holding this view is calling into question the very

plausibility of developing/pondering over any war ethics whatsoever. Promoting radical pacifism, however, may entail more than that: if (participation in) any war is morally deplorable, advancing any argument justifying (some forms of participation in) some wars is necessarily linked, it can be argued, to engaging with the “military metaphysics” exposed and condemned by Mills, and thus clearly deserves to be disqualified as a morally legitimate exercise in moral philosophy. From the perspective of radical pacifism, arguing about the (alleged) morality of war is always morally wrong.

There can be no denying that the adherence to such a version of pacifism makes one a representative of an extreme philosophical view. Extreme as it is, radical pacifism also appears to be a particularly eccentric view when endorsed here and now, i.e. in a country like Poland in the year 2023 (arguably, at least some types of normative claims demonstrate a high level of vulnerability to the historical/geographic/geopolitical contexts in which they are made). Seemingly, it allows one to terminate (steer clear of?) a number of continuing military-engagement-related controversies underlying much of today’s Polish public debate. With the still unresolved ethical dilemmas surrounding some pivotal episodes in the country’s history of the past century – The Warsaw Rising in 1944 and the long-lasting guerrilla resistance against the installation of the local communist regime in the years 1944-1963 being but two examples of such momentous events/processes – adopting a radically pacifist approach in the evaluation of political decision-making seems to be a perfectly convenient, even if somewhat simplistic, interpretive strategy. It proves much less helpful, however, when employed in a discussion of earlier historical developments leading to the emergence of, and/or exerting a powerful influence on, the whole region of Central Europe as part of the continent’s contemporary geopolitical structure.

Were the politically supervised, nation-loyalty driven, state-building engagements of local (e.g. Polish, Czech, Lithuanian or Estonian) military formations – precipitated by the turmoil of World

War I and remarkably successful at restoring basic public order in the region in its aftermath – but instances of a collective moral failure? Did the Polish-Soviet conflict in 1919-1921 stem from the symmetrical entanglement of both warring parties with the deranged logic of the self-propelled interstate military competition? Was Poland's defensive war in September 1939 an essentially fallacious response to the Nazi German aggression against the country? Can it be described in this way when all the thoroughly premeditated atrocities perpetrated systematically by the German occupying forces in 1939-1945 are taken into account? One could take this historiographic challenge to the Polish pacifists even further by raising the issue of the rationale behind the attempts repeated by Poles several times in the 18th and 19th centuries to restore the annihilated Polish state by military means.³ And, obviously, by asking today's most urgent question about the moral legitimacy of the current preparations of Poland – alongside the other NATO member states – for a possible military invasion of the country's territory by Putin's Russia (not to mention the aid being offered to Russia-invaded Ukraine in the form of weapons and other types of military equipment).

A radical pacifist response to the last question – denying any moral justification to (supporting, undertaking preparations for, or – in Hołówka's terms – even considering) any type of military action in the case of a country being subject to (in danger of) military aggression – may boil down to an outright rejection of the plausibility of anyone's commitment to furthering the interests of their own political community at the cost of the interests of other political

3 The last issue was famously tackled by Polish writer and journalist Tomasz Łubieński in his collection of essays *To fight or not to fight? On the Polish upsurges* [*Bić się czy nie bić?: o polskich powstaniach*] (Łubieński, 1976). One may wonder why this issue hasn't yet been systematically explored in the work of Polish moral philosophers. For a discussion of some of the other questions listed above – most of them evoking (as of yet?) pretty uniform intuitive responses in contemporary Poland, and thus commonly glossed over in the Polish public and academic debate – see, e.g.: Cebula, 2020a; Cebula, 2020b.

communities. Odd as such a view is, it was indeed put forward in the public debate in Poland a few years ago: „From an impartial point of view, which characterises moral thinking, patriotic exaltations and prioritising obligations to some people over obligations to others just because they happen to live on the wrong strip of land, are like racism. Treating people differently because of the colour of their skin is no different from differentiating them on the basis of where they live. What counts in a moral assessment of human behaviour is the objective state of the world, not the result viewed from one particular point of view or another. Therefore, national borders do not set limits to our moral obligations, and the life of every human being should be of equal value to us – regardless of whether that person is black or white, whether he or she lives on this side of the Oder River or the other. Patriotism has no moral justification – it is an unnecessary relic of the past, a remnant of long-forgotten ways of life. And putting the interests of the citizens of the country in which we happen to live above the interests of other people is a serious moral failure” (Żuradzki, 2007 – translation by A.C.). One could hardly imagine this type of moral stance on international relations being promoted in Central Europe in today’s circumstances (with a special emphasis put on the alleged moral irrelevance of the differences between the interests of the people living on the opposite sides of the borders between, e.g., Ukraine and Russia). However, the key moral precept articulated in the quoted cosmopolitan manifesto must be deemed unfeasible regardless of the historical and geo-political contexts in which it is to be applied.

Taken at its face value, the demand for the absolute impartiality of people’s deliberate actions – even if limited to their activity in the public sphere – has no chance of being accepted as part of any reliable social or political theory. After all, the elementary loyalty, social coordination or wealth redistribution schemes devised in such theories – crucial as they are for the very existence of individual nation states – are for the most part confined to domestic societies.

Any type of individual compliance with those schemes – e.g. basic forms of participation in one’s country’s taxation policies – directly contradicts the requirement of not “putting the interests of the citizens of the country in which we happen to live above the interests of other people.” Possible methods of not contravening this requirement would all entail, first and foremost, disentangling oneself from the complex networks of elementary social and political bonds forming organic human communities. In other words, they would make it necessary for people to adopt in their public engagement the attitude of more or less radical anarchy. How to induce in anarchists the willingness to adopt “an impartial point of view which characterises moral thinking” remains an intriguing question to be answered by the advocates of renouncing patriotism – in the most elementary sense of the term – as “an unnecessary relic of the past.” It seems, however, that one can rather expect from anarchists the opposite, i.e. a proclivity for rampant selfishness with all its morally objectionable consequences.⁴

3. LIMITED PACIFISM?

It cannot be surprising that the prevalent versions of pacifism do not impose on their adherents the adoption of such an extreme standpoint. In its most popular form pacifism does permit a relatively high level of loyalty to one’s own political community (presumably also in the case of potential rivalry between individual nation states), and bans only resort to (individual participation in) state-organised

⁴ A compelling critical discussion of anarchy – referencing its most famous modern proclamation in Robert Nozick’s *Anarchy, State, Utopia* – is presented by Hołówka (2021a, 321-351). As he writes in the concluding paragraph of his analysis: “An attempt to abolish the state, or significantly reduce its functions, could easily culminate in the revival of extinct, primitive control mechanisms. If we are not ruled by the state, we will be ruled by informal groups and their accomplices bent on intimidating people. What will reign will be public opinion gripped by envy, selective egalitarianism, gossip and magic” (translation by A.C.).

military endeavours aimed at enforcing/defending the rights of the community in question (of course, it also bans resorting to/participating in acts of unprovoked military aggression against any other political community). As one might expect, the biggest challenge for this milder version of pacifism – not totally antagonistic to the idea of a state as a basic form of organisation of people’s public life – is working out a formula for a morally adequate response to unprovoked military aggression against a political community.

Several alternative approaches to the morality of defensive war were proposed a decade ago in a special volume devoted to the discussion of this central issue in contemporary war ethics (Fabre, Lazar, 2014). The most remarkable solution (of those offered in the book) to the problem of the permissibility of undertaking a military defence of a sovereign state was put forward by David Rodin.⁵ According to Rodin, proclaiming “a Copernican moment in international ethics,” acts of unprovoked military aggression against the political sovereignty of attacked states do not provide sufficient reason for being resisted by military means. As he puts it, “The right of national self-defence is a myth, unsupported by coherent moral reasoning. ... Like many myths, however, the belief in national self-defence has exerted an extraordinary power over long periods of time. Until very recently it was doubted by no one, other than committed pacifists who typically reject all forms of violence. The reason for this myth’s enduring power is that it has served an important function in the historical development of political order.” However, the political order thus developed is inevitably coming to an end, in Rodin’s view. This epochal shift has been caused by what he terms the human rights revolution. It is this revolution that has led to the discovery

5 The article draws on Rodin’s earlier work – a comprehensive critique of the idea of the state’s moral right to military self-defence presented in his book *War and Self-defence* (2002). A specific corollary of the case made in the book is a set of arguments calling in question the essential utility of modern states’ military establishments developed in Ned Dobos’ *Ethics, Security, and The War-Machine* (2020).

of a new axiological perspective in which “[t]he individual human with attributes of freedom, rationality, and equality stands at the centre of the ethical universe.” With the adoption of this perspective – together with the famous revisionist opponents of the classic, Walzerian ethics of war – one cannot avoid, according to Rodin, the following logical, even if somewhat counterintuitive, conclusion: “Political entities gain their normative status from the contributions they make to individual rights and welfare. The most profound objection to the traditional conception of national self-defence is that it permits, and often mandates, the mass wastage of individual rights in order to support the formal rights and status of political entities” (Rodin, 2014, 74, 88).

Unlike the radically cosmopolitan (anarchistic?) rejection of military violence employed in defence of independent states, Rodin’s proposal appreciates the value of individual political communities. Admitting with Michael Walzer that “the enduring community produced by the shared experience of living within a state can have great moral importance,” Rodin does not, however, grant the members of such a community the right to repel military attacks on its political sovereignty by resort to military force. At the same time, he entirely endorses state-coordinated military efforts aimed at putting an end to what he calls “genocidal aggression,” threatening “the vital interests of all, or a significant portion, of a group of people.” By people’s “vital interests,” Rodin means “those centrally important interests, the unjust threat to which can justify lethal force in a domestic context of self-defence,” the latter including – in broad terms – “threat to life, substantial threat to bodily integrity (including loss of limb, torture, and rape), profound attacks on liberty such as slavery, and permanent or long-standing displacement from one’s home.” In describing the nature of a genocidal aggression, the author of *The Myth of National Self-Defence* articulates an important final declaration: “Because a functioning state is a prerequisite for the secure enjoyment of almost all rights and vital interests in the modern world, any

aggressive act that either intentionally or foreseeably deprives a group of access to an effective state (in other words reduces them to a state of anarchy) would constitute genocidal aggression as I am using the term” (Rodin, 2014, 79, 80).

It is abundantly clear that Rodin’s position on the permissibility of coordinated, lethal violence does not by any means qualify as classic pacifism, let alone its radical version, presumably affirmed by Hołówka. As Rodin openly admits, the normative stance he proposes occupies the middle ground between pacifism and just war theory. However, considering the way it embraces the effective abandonment of the idea of political communities’ rights to defend themselves by military means, the proposal surely makes a giant step towards delegitimising – in Rodin’s view – most of the conventional (“crackpot-realist”?) assumptions about morally permissible employment of armed forces. By allowing military engagement aimed at eliminating genocidal aggression, Rodin concedes the least convincing (arguably indefensible) part of the pacifist project⁶ while still promoting a relatively robust theory of international non-violence. Bearing this in mind, radical pacifists might be tempted to accept his proposal as a sensible – perhaps only temporary – compromise between their views and the prevalent legal and political mind-set. Could it also be accepted by pacifism-inspired adherents of the (minimalist versions of) traditional, statist political theories?

Judging by Rodin’s broad understanding of genocidal aggression, extended to acts depriving the attacked political community of access to effective state institutions, one might acknowledge a certain level

6 As Michael Walzer puts it in his seminal *Just and Unjust Wars*: “Nonviolent defense is no defense at all against tyrants or conquerors ready to adopt such measures. Gandhi demonstrated this truth, I think by the perverse advice he gave to the Jews of Germany: that they should commit suicide rather than fight back against Nazi tyranny. Here non-violence, under extreme conditions, collapses into violence directed at oneself rather than at one’s murderers, though why it should take that direction I cannot understand” (Walzer, 2015, 332).

of openness on his part towards some of the arguments deployed by the defenders of a state's traditional right to self-defence. Of course, to prevent the "collapse" of the intended revolution in war ethics back into traditional just war theory, the openness in question is fairly limited: drawing on an alleged analogy between a hostile takeover of one company by another – clearly not permitting any type of violent resistance by the victim company – and a military "takeover" of one state by another – potentially bloodless, unless violently resisted by the victim state – Rodin definitely rejects the standard communitarian rationale for putting up military defence in the latter case.⁷ However, he seems to accept (regard as morally justified) military resistance mounted by a political community whose members will foreseeably be exposed to a state of anarchy if the aggression against the community's sovereignty is successful.

Apparently, apart from these two cases – resistance against genocidal aggression and preventing a given territory from falling into a state of lawlessness – Rodin's refusal to grant individual states a moral right to self-defence is exceedingly ecumenical. It extends to all forms of political organisation of individual communities (ensuring their membership in the international society), including those embodying a perfectly democratic system of government. Though the right in question is denied by the author of *The Myth of National Self-Defence* universally to all states, there is a clear indication of his special treatment of democracies in what he envisages as a chronological order of the actual – past and future – revocations of this right within the mainstream framework of just war theory (i.e. the process of its being progressively denied by traditional just war theorists to more and more types of political regimes): "it is conceivable that in

7 In Walzer's words, the attacked state defends much more than the rights of its individual citizens: "The protection [against external encroachment] extends not only to the lives and liberties of individuals but also to their shared life and liberty, the independent community they have made, for which individuals are sometimes sacrificed" (Walzer, 2015, 54).

the future we will deny the right of self-defence to states that violate the democratic rights of their citizens in the same way that we have progressively denied the right of self-defence to states that systematically violate the basic human rights of their citizens.” Yet, despite their exceptional status as the most reliable guarantors of human rights, democratic states as such are ultimately not to be exempted from the general prohibition against employment of military means in response to non-genocidal/non-anarchy-engendering military aggression. This conclusion is, again, drawn from the alleged analogy between military conflicts and business takeovers (including hostile ones): “The right to democratic participation in a self-determining community does not play a decisive role in establishing rights to collective defence through war” (Rodin, 2014, 78).

4. AND YET JUST WAR

In analysing Rodin’s revolutionary proposal to essentially disenfranchise sovereign states from their well-established prerogative, one should consider, in the first place, the critical deficiencies of the analogies purportedly validating his central claims. Similar as it may seem to a more or less rewarding participation – in whatever role – in a commercial enterprise, being part of a self-governing political community entails a great deal of qualitatively different experience. Regardless of the elementary self-formation and self-fulfilment processes dependent solely and exclusively on one’s engagement with that community – surely not with the company one works for! – gaining/bestowing citizenship of a particular state establishes an enduring, consequential and frequently indissoluble relationship between a citizen of the state and the institutions embodying the state’s legal and political power. Not only does this relationship fully expose the citizen to potentially harmful and oftentimes grave consequences of the decisions taken/rulings issued/legislative output produced by these institutions; it may also enforce his/her direct engagement in

the implementation of those decisions/rulings/laws seriously affecting other people. Unlike being an employee of a company – which is essentially voluntary, has a fairly limited impact on the employee's private affairs, and is easily exchangeable for other employment contracts, the citizenship of a state is usually acquired by descent, it has a substantial and comprehensive influence on a person's life and it can only be terminated (usually by acquiring the citizenship of another state) in highly specific circumstances. One cannot normally choose "statelessness" as one's permanent status, but one can willingly remain unemployed for one's whole life; while there are no spheres of people's individual activity completely insulated from some forms of state (indirect) surveillance, most employees' work-life balance clearly delimits their strictly private domain as entirely unrelated to their professional career. One usually has to fulfil a number of stringent requirements to change one's citizenship, whereas changing jobs is relatively easy. Any (threat of) enforced replacement of a person's status as a citizen of a given state with the citizenship of another state is thus fundamentally different from a seemingly analogous outcome of a fraudulent acquisition of the company a person works for.

This difference becomes particularly conspicuous when a "political takeover" through a successful (unresisted) military aggression against a sovereign state brings about a significant decline in the standards of protection of the defeated population's human rights. Even if one tentatively accepts Rodin's idiosyncratic assumption about the essential irrelevance of the classic communitarian arguments for a state's right to collective self-defence by military means, a reasonable anticipation of serious and systematic encroachments on those rights – following the incorporation of the defeated state into the political regime of the aggressor – may legitimately be considered sufficient justification for the state putting up armed resistance against military invasion. It is hardly surprising that the majority of (possible) modern armed conflicts do not (would not) resemble hypothetical wars between, e.g. Slovakia and the Czech Republic, Belgium and

Holland, or South Korea and Japan. With the acknowledgement of democracy as the optimal political arrangement creating effective guarantees of individual freedom and unrestricted opportunities for human flourishing, Rodin cannot deny the significance of the more or less substantial deviations from this model in the political regimes most likely to resort to military aggression in their relations with other states. Those deviations – in their most extreme forms – may entail the state’s leaders/functionaries having no reservations about employing genocidal means in subjugating the populations of invaded countries: as stated above, in such cases the author of *The Myth of National Self-Defence* does concede to the victim state the right to defend its territory through defensive war. Yet, the actual and foreseeable increase in the violations of human rights resulting from the annexation of new territories by autocratic regimes cannot be discounted as a legitimate cause for military resistance against the aggression solely on the grounds of those crimes not fulfilling the criteria of genocide. The criminal methods of political oppression employed by aggressor states constitute more a continuous spectrum than a set of clearly distinguishable types of human rights abuses, with some of the latter indisputably approaching, even if not definitely reaching, the critical threshold of genocidal violence. The borderline character of some of the atrocities against civilian populations of invaded states was blatantly exemplified in recent months by the deportation and transfer of children from occupied areas of Ukraine to the Russian Federation, leading to the decision of the International Criminal Court to issue warrants of arrest for Russian President Vladimir Putin and Ms Maria Lvova-Belova (the Russian Commissioner for Children’s Rights).⁸

Viewed as collective resistance against the likely intensification of human rights abuses in the territories invaded by aggressor

⁸ <https://www.icc-cpi.int/news/situation-ukraine-icc-judges-issue-arrest-warrants-against-vladimir-vladimirovich-putin-and>; [accessed on 4/12/2024].

states, defensive wars are thus indubitably permissible at least in the case of aggression undertaken by countries displaying evidently lower standards in protecting those rights than their victims. This conclusion can be applied broadly, i.e. it holds true for situations in which the invaded state does not fulfil (all) the criteria of a (thriving) democracy. Consequently, it goes against even what Rodin takes to be a markedly imperfect, intermediate stage of the development of traditional just war theory into fully embracing – as Rodin believes it should do – his own version of an almost total prohibition of war, also when waged in self-defence by flourishing democracies. It specifically overturns what to a Polish reader of *The Myth of National Self-Defence* must seem the most unconscionable view entertained (promoted?) by Rodin, namely the slightly veiled though effectively unrelenting denial of Poland's right to resist the German military aggression in September 1939. As Rodin puts it in a fairly disparaging comment about classic war ethics: "Poland was not a democracy when it was invaded by Germany, and Kuwait was not a democracy when it was invaded by Iraq, yet these are considered to be paradigm cases of justification for defensive war" (Rodin, 2014, 78).

Given that neither of the two instances of defensive war – allegedly illegitimate if justified only by reference to the classic just war theory framework – is straightforwardly construed by Rodin as direct (and thus fully permissible by his own terms) resistance against genocidal aggression, they perfectly illustrate another aspect of the essential ineptitude of the analogy between states and other types of self-determining communities (in the specific arguments put forward in *The Myth of National Self-Defence* exemplified by commercial enterprises). While there can be no doubt about the fundamental difference between the corresponding forms of people's engagement with their states, on the one hand, and their companies (political parties, clubs, associations, etc.) on the other, it is predominantly the very risk of their getting exposed – if deprived of their state's protection – to exactly the two kinds of harm – anarchy and genocidal violence – which

in and of themselves justify, in Rodin's view, military response to military aggression that makes citizenship of a state completely unlike any other type of participation in a collective whole. By no means is the risk of losing one's job, or even the prospect of one's enduring joblessness, comparable to being deprived of access to elementary state institutions. Reprehensible as they always are, no mobbing techniques notoriously infiltrating some of today's corporate cultures can be considered even roughly analogous to genocide. The risk of an entire human community, or substantial parts of it, plunging into an abyss of statelessness or genocidal oppression is unique to the international society of sovereign states. As the experience of Poland's population during World War II amply demonstrates, the risk is absolutely genuine and can rapidly materialise after the destruction and a phoney replacement of the invaded state's institutional structures. One may wonder why Rodin does not seem to seriously consider the possibility of similarly horrendous consequences – probably of a different scope and scale – of a successful long-term occupation of Kuwait by the regime known for its previous domestic brutality and ruthlessness. With the promotion of unconditional surrender to the attacker (i.e. acceptance of the invader's administrative control over the attacked state's territory) as the only adequate response to “ordinary” military aggression, his bold assertion about “acts of genocide [being] most commonly perpetrated by states against elements of their own population” (Rodin, 2014, 81) is transparently question-begging.

Clichéd though it may sound, affording people effective protection against the reasonably expected increase in human rights abuses related to military invasion and foreign occupation (anarchy and state-controlled genocidal violence constituting two opposite poles of the arguably continuous spectrum of those abuses) is thus the primary reason for granting states moral rights (acknowledging those rights) to defend their territories against military aggression – at least in the case of invasions launched by countries demonstrating much lower respect for human rights than their victims. Rodin's

proposal to limit the justifiable employment of military means only to responses to “genocidal aggression” does not just blatantly ignore the significance of other types of violations of human rights (some of them verging on genocide in the strict sense of the term), or grossly underestimate the obvious risk of some “political turnovers” being naturally inclined to degenerate into genocidal undertakings. What it effectively amounts to is an utterly bizarre idea of a functional disablement of invaded states even when the possibility of unrestrained escalation of the aggressor states’ violence is taken into account. This paradoxical conclusion may be drawn from another remarkable analogy utilised by the author of *The Myth of National Self-Defence* to make a case for restraining states’ conventional rights to defend their sovereignty and territorial integrity. In a hypothetical situation – allegedly analogous to an aggressive war – “an armed villain invades and occupies your home without justification,” making it clear that “he will not use violence unless resistance is met.” Considering the probable casualties resulting from mounting immediate resistance to the aggression (involving death or injury of one’s family members), Rodin points out that, in his view, “most people feel that it would not be right to resist, *unless and until* the situation evolved in such a way that the aggressor was likely to kill a member of your family whatever you did – in other words, *only at the point at which the threat to life ceased to be contingent and became direct*” (Rodin, 2014, 84-85; emphasis added). Converted into a moral precept applicable in the context of a military invasion of a state, the proposed rule stipulates – in practical terms – the complete suspension by the state of any defensive endeavours until the invader is fully confident that its possible murderous plans will in no way be impeded, i.e. until the invaded state’s institutions are completely demolished, or, to put it bluntly, till the moment the invaded state no longer exists. In the end, the moral rights of states to resist genocidal aggression granted to them in Rodin’s paper can never be actually exercised.

Lastly, in view of Rodin's apparent failure to convincingly wrap up the "Copernican moment in international ethics," one may consider whether a state's conventional right to military self-defence could be acknowledged without any qualifications regarding their respect for their citizens' human rights. The universal consensus about the legitimacy of humanitarian intervention undoubtedly validates denying this right to the most extreme human rights abusers. Some accounts of traditional just war theory put forward an explicit requirement which a state needs to satisfy before it is authorised to defend itself by military means: "[t]he only way it deserves [the privilege of self-governance] is by earning it through its respect for, and empowerment of, the human rights of its citizens and those of others" (Orend, 2013, 39).⁹ What must be remembered, though, is that the status which the state needs to achieve to have a right to self-defence is that of a "minimally just society," as "we can't require perfection ..., [but] we can only require serious efforts and sincere intentions" (Orend, 2013, 38). Apart from the invasions (analysed above) clearly endangering the standards of institutional protection of human rights in the invaded territories – arguably the majority of recent and possible future aggressive wars – most (if not all) other types of politically motivated military aggression, together with the ensuing defensive efforts undertaken by the attacked states, could probably be classified as conflicts between parties whose moral standing is in either case definitely imperfect (though satisfactory) and – what is most important – hardly distinguishable from the moral standing of the other party. One might reasonably argue that the very act of initiating an aggressive war in such situations tilts the scales in favour of the invaded country.

9 An analogous qualification with respect to the state's right to self-defence is articulated in Walzer's *Just and Unjust Wars*: "The moral standing of any particular state depends upon the reality of the common life it protects and the extent to which the sacrifices required by that protection are willingly accepted and thought worthwhile. If no common life exists, or if the state doesn't defend the common life that does exist, its own defense may have no moral justification" (Walzer, 2015, 54).

Yet, the full recognition of the attacked state's right to self-defence is ultimately grounded in the fact that it is only naturally evolving political communities that are capable of pooling and managing resources necessary to protect their members – and, in emergency cases, members of other communities – from the calamities deemed by Rodin to be justifiably repelled by military measures. With “no global monopoly on the use of force” (Rodin, 2014, 87) that could (at least potentially) serve the purpose of restraining possible genocidal violence anywhere in the world, destroying any single buffer against this violence causes an irreparable damage to the international society as a whole, and should thus be prevented or stopped – most naturally through the invaded country's defensive war.

5. ENDING

Contrary to Hołówka's belief, the issue of the moral permissibility of (the specific means and measures of) military resistance to military aggression does constitute a fully legitimate topic of moral debate about the basic assumptions underlying contemporary international politics. Whatever the opinions of radical pacifists – or avant-garde sociologists opposed to “crack-pot” political realism – the issue has indeed been extensively debated over the past few decades. The recent intensification of the debate should come as no surprise: with the dramatic escalation of the Russian aggression against Ukraine, what for a long time might have seemed absolutely essential yet fairly theoretical controversies between adherents and opponents of the traditional just war theory framework, has turned into a set of direct – sometimes existential – challenges facing specific political communities, Poland included. The challenges can no longer be denied or ignored as purportedly fabricated by foolhardy politicians or cynical war-mongers. Analogously, they cannot be fended off by being declared fundamentally incompatible with the conceptual scheme undergirding rigorous ethical deliberation. Despite attempts

to characterise it as entirely off-limits for moral philosophy, war ethics is not a strained, ideologically imbued cover for strictly political endorsements of the basic self-preservation instinct.¹⁰ Since its very beginning, just war theory has been conceived of as moral justification for a socially coordinated defence of the common, i.e. supra-individual, good. An outright rejection of this project entails a radical rupture with a centuries-long tradition of exceptionally nuanced philosophical thought.

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10 Hołówka's apparent intention to endorse, in some way, the military response to aggression – despite its essentially immoral character – by the party that has been "driven to despair" (see footnote 2) could likely be classified as an instance of what Bernard Williams, in the foreword to Rodin's *War and Self-Defense*, identifies as the (occasional?) recognition of the primacy of "violent and impassioned human reactions, and (consequently) ... politics" over morality. The view is said to be epitomized by a famous quote from Georges Clemenceau: "Cet animal est très méchant: Quand on l'attaque, il se défend" (Williams, 2002, viii).

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