

Michael Walzer Just and Unjust Wars

Part II: The Theory of Aggression; Chapter 4: Law and Order in International Society

In chapter 4 Walzer presents the **legalist paradigm** of the theory of aggression. The legalist paradigm is exclusively concerned with upholding the conventions of law and order, and, consequently, it excludes prudential considerations (i.e. is not concerned with how many lives will be lost) in decisions about when a state should resist aggression. The theory of aggression rests on the domestic analogy (the comparison of the international and domestic orders) and considers both orders to be similar in that they are both founded on rights (in fact, the rights of states – territorial integrity and political sovereignty - derive from the rights of individuals). However, unlike in the domestic order, every conflict in the international order threatens the collapse of the entire international system, which, in turn, threatened the rights of all states. Two presumptions follow from these two notions about the international system: (1) a presumption in favor of military resistance (undertaken by both the attacked state and other members of international society) once aggression has begun in order to maintain rights and deter future aggression; and (2) a presumption that there must always be some state against which the law can and should be enforced. The legalist paradigm's presumption in favor of resistance eliminates appeasement as a response to aggression. The legalist paradigm also rules out all war except for a war in response to an aggressive act. Any other wars (e.g. preventative war, war of expansion and conquest, military intervention) are a violation of the rights of political communities. The legalist paradigm's paramount concern is protecting those rights.

Walzer considers the legalist paradigm insufficient to deal with the complex realities of the international system and presents revisions to the paradigm in Chapters 5 and 6.

The theory of aggression can be distilled into six propositions that serve as a baseline for the moral comprehension of war: (taken directly from the text, pg. 61-63)

- 1) There exists an international society of independent states
- 2) This international society has a law that establishes the rights of its members – above all, the rights of territorial integrity and political sovereignty.
- 3) Any use of force or imminent threat of force by one state against the political sovereignty or territorial integrity of another constitutes aggression and is a criminal act.
- 4) Aggression justifies two kinds of violent response: a war of self-defense by the victim and a war of law enforcement by the victim and any other members of international society.
- 5) Nothing but aggression can justify war.
- 6) Once the aggressor state has been militarily repulsed, it can also be punished.

