Marxism, Internationalism, and the Justice of War*

DARREL MOELLENDORF

ABSTRACT: This paper examines the UN provisions concerning the legitimate use of force, which justified the 1991 Gulf War, and Michael Walzer's arguments, which can be read as a justification of the UN provisions. After a brief historical sketch of the approach to internationalism of Marx, Lenin, and the early Bolshevik regime, alternative internationalist criteria of Jus ad Bellum are proposed, which assume certain forms of common oppression among peoples of different states. If certain forms of common oppression can be defended (in the case of Marxist theory, exploitation and imperialism), and if one shares Walzer's concern for individual rights, then the internationalist criteria for Jus ad Bellum are morally superior to the UN's and Walzer's.

Do the theoretical resources of the Marxist tradition provide the foundation for a moral theory of war? Or even a theory of Jus ad Bellum, the justice of war? Can key Marxists concepts, such as exploitation, lay the basis for a particular view of the legitimate use of force? Would a Marxist account of the legitimate use of force have any role to play in criticizing more standard accounts such as the provisions of the UN (United Nations)? The Gulf War posed these questions with particular urgency. Neither the Socialist International, the (then) Soviet Union, *I am indebted to Ted Stolze for clarifying the ideas that started me going on this inquiry, for directing me to New Statesman & Society, and for encouraging me to continue, to Cynthia Gobatie, Andrew Light, Don Adams, and Donald Kraemer Jr. for their comments on early drafts of this paper, to those who attended a panel discussion of the Young Philosophers' Society for International Exchange at the Eastern Division, American Philosophical Association in 1990, where an early version was discussed; also to those who attended a workshop sponsored by the Inland Coalition for Peace in the Middle East at California State University, San Bernardino, in the spring of 1991, where another version of this paper was presented.

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nor the People’s Republic of China offered resistance to the war. Many socialists in the United States found it particularly difficult to resist.1 In England Fred Halliday and Norman Geras, long time members of the editorial board of New Left Review, came out in favor of the war. The reasons for the particular positions varied, but often they were derived from a correct assessment of the Iraqi regime as a brutal dictatorship, and more importantly an acceptance of the UN provisions which legitimated the use of force.2

The Spring 1991 issues of the English magazine New Statesman & Society document a debate between Fred Halliday and Norman Geras on the one hand and those who opposed the war on the other. In the issue of March 8, Halliday issued the following challenge to the non-pacifist left:

There is the question, one that cannot be suppressed merely by moral outrage, of the conditional legitimacy of war. Here people seem to have marshalled behind the idea that war is terrible and should be opposed at all costs: but everyone knows war is terrible and we did not need General Schwarzkopf or the Campaign for Nuclear Disarmament to show us this. If this entails a strictly pacifist position, then it is quite consistent. But the majority of the left and peace movement never held this position: it has supported wars of national liberation with far greater human cost than the Gulf War, and has indeed called for armed action against oppressor states, as in South Africa. Whether or not this war was legitimate, or was conducted within legitimate bounds, it is incumbent on those who oppose it on “peace” grounds to say what the criteria for the legitimate use of force would be.

Given the continued hostility between the United States and Iraq (as this is written a “no-fly” zone is being enforced over southern Iraq under UN Gulf War Resolutions 687 and 688), the presence of U.S. troops in Somalia under UN sanction, the presence of UN troops in Croatia and Bosnia and the call for U.S. intervention there, the importance of establishing some criteria for the

1 One example from the United States is the following: “About the Gulf War the signers of this statement have different opinions. Some thought war the only means available to force Iraq to leave Kuwait and reduce its military threat. Others thought sanctions the proper means to accomplish these ends and thought the carnage of war the greater evil” (Dissent, 1991).

2 Acceptance of the UN provisions is implicit in the view of all of those who worried so much about Iraqi aggression.
legitimate use of force is (unfortunately) likely to remain. Furthermore, as these examples all suggest, an examination of the UN provisions on this matter is of particular importance.

Halliday realizes that there are two moral questions concerning any war: Is it legitimate? And, is it conducted within legitimate bounds? This is the distinction between *Jus ad Bellum* and *Jus in Bello*. Many of those who have sought to answer Halliday have addressed issues such as civilian casualties, which respond only to the second question. The more fundamental question, however, is the former. For if a war is illegitimate, it is no justification of it to contend that it was prosecuted well. Furthermore, taking issue with the way a war is conducted is not likely to dissuade those who may think that the war is basically legitimate, although prosecuted in some dubious manner. Halliday’s challenge then needs especially to be answered in terms of *Jus ad Bellum*, rather than *Jus in Bello*.

I will argue in part I of this paper that the UN provisions are beset with significant problems; that there is a consistent and powerful internationalist response to them with a basis in the Marxist tradition, although not bound by that tradition. I begin by examining the UN provisions concerning the legitimate use of force and Michael Walzer’s arguments, which can be read as a justification of these provisions.\(^3\) In part II I present a brief historical sketch of the, arguably consistent, approach to internationalism of Marx, Lenin, and the early Bolshevik regime. Finally, in part III the classical Marxist concepts of oppression provide the basis for alternative internationalist criteria of *Jus ad Bellum*. These criteria assume certain forms of shared oppression among peoples of different states, such as Marxist and Leninist claims about exploitation and imperialism. Although the internationalist criteria are often motivated by the above mentioned Marxist and Leninist claims, they have a more general application. They presuppose only some common form of oppression for peoples of different states and a concern for individual rights. The Marxist and Leninist claims specify certain forms of oppression; different theories specify otherwise. I conclude that if certain forms of common oppression can be de-

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\(^3\) Walzer’s arguments apparently have exercised some influence over George Bush, Halliday and Geras. Recall the text of Bush’s January 29 speech: “The community of nations has resolutely gathered to condemn and repel lawless aggression” (*Los Angeles Times*, 1991). Geras’ debt to Walzer is obvious in his valuable work on revolution and *Jus in Bello* (Geras, 1989).
fended (in the case of Marxist theory, exploitation and imperialism), and if one shares Walzer's concern for individual rights, then the internationalist criteria for *Jus ad Bellum* are morally superior to the UN's and Walzer's. This provides the basis for a critique of the legitimacy of the Gulf War.

I. THE UNITED NATIONS CHARTER

The passages of the *Charter of the United Nations* which are most relevant to the legitimate use of force are articles 2(1), 2(4), and 51.

2(1). The Organization is based on the principle of sovereign equality of peace-loving states.

This is in effect a declaration of the sovereign integrity of states. There have been two attempts in the history of the UN to clarify the notion of "sovereign equality," once at the founding in San Francisco and again at the General Assembly's 18th session. In each case a point was made to respect the "personality" of states, the emphasis being on the sovereignty, rather than the legitimacy of states.

2(4). All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political sovereignty of any state, or in any manner inconsistent with the Purposes of the United Nations.

An examination of the historical application of this section indicates that its primary purpose has been to legitimize existing sovereign states in relation to both internal and external threats. The prohibition is directed only against the threat and use of military force by one state against another. Other forms of coercion, political and economic, when condemned, are condemned on other bases (GHS, 49). This article in effect stipulates aggression as a crime based upon the sovereignty of states. Halliday is implicitly accepting the idea behind this article when he poses, as fundamental for the left, "the question of whether or not Saddam could have been removed from Kuwait other than by war, either by sanctions or by negotiations."
Article 2(4) has been the basis of condemnation of what are considered to be indirect threats or uses of force by other states, such as actively assisting or encouraging civil strife or armed bands in other countries. So, on November 27, 1948, the General Assembly condemned Albania, Bulgaria, and Yugoslavia for aiding Greek communist guerillas (GHS, 50).

Although third parties may not aid revolutionary movements within countries, those countries, being sovereign, may legitimately use force to suppress such movements (GHS, 50). This is the significance of the language "in their international relations." The use of force internally is not questioned; there would then be no symmetrical condemnation of third parties who actively assisted or encouraged states in their internal struggles. The Soviet Union sought to justify its intervention into Hungary in 1956 with the claim that it was doing so at the invitation of the Hungarian government. The United States presented the following as a rationale for its intervention into the Dominican Republic on April 28, 1965: "... the threat to the lives of its citizens, and a request for assistance from those Dominican authorities still struggling to maintain order" (GHS, 55).

On the whole, UN practice appears to support armed incursions into the territory of other states, at the invitation of the government of that state, if it is deemed consistent with the right of collective self-defense under article 51.

51. Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain internal peace and security. . . . (GHS, 53, emphasis added.)

The language of this article betrays a problem. If a state's right to self-defense is inherent, this declaration would appear to be the legal recognition of a moral right which all states have insofar as they are sovereign. The right to self-defense could be claimed by any sovereign state. But if it is inherent, then it is not in virtue of signing on to the UN Charter, contrary to the statement of the article. The contradiction arises, I believe, because these three UN
provisions are merely an attempt to robe in moral dress what is in fact merely part of the body of conventional and problematic international law. The key concept, sovereignty, and the criterion for the use of force, aggression, have more to do with the preservation of might than right.

Twice in its history, the UN has voted to use military force as collective self-defense in response to aggression against a state: on June 27, 1950, which began the Korean War, and on November 29, 1990, in response to Iraq's invasion of Kuwait. To anticipate a point which becomes important later, there is by conventional wisdom room for misuse of article 51, when third parties are granted the right to assist beleaguered states.

Article 51 does open the door to arrangements and specific actions by some members of the organization which, though professedly in accordance with the purposes and principles of the Charter, are not subject to the built-in assurances of the Charter that important interests of members will not be disregarded. Nor does Article 51 or the treaties concluded under it provide any assurance that emergency measures of self-help will be restricted to the circumstances justifying them and will be subjected to effective control by the responsible organs of the United Nations. (GHS, 352.)

The concern is clear. What is done in the name of self-help or protection of sovereignty, may in fact be an attempt at domination, or oppression with a human face.

Walzer's Justification

Michael Walzer's book Just and Unjust Wars provides a theoretical basis for these UN provisions. Walzer contends that aggression is the only crime that states can inflict upon each other, and that the right of a state not to suffer aggression, the right to sovereignty, derives ultimately from the rights of individuals. States have rights in virtue of the individual rights of their citizen members.

The right of individuals appealed to is the right to share a common life together. Walzer believes that the right to sovereignty is based upon a special sort of consent which obtains in states, best understood using the metaphor of a contract. "'Contract' is a metaphor for a process of association and mutuality, the ongoing char-
acter of which the state claims to protect against external encroach-
ment” (Walzer, 1977, 54). States have for Walzer something of an
organic structure, unified through a process of mutuality. This
conception of states permits Walzer to make an analogy between
the state protecting the way of life of its citizens and a person pro-
ecting his or her privacy.

A man has certain rights in his home, for example, even if he does not
own it, because neither his life nor his liberty is secure unless there exists
some physical space within which he is safe from intrusion. Similarly again,
the right of a nation or a people not to be invaded derives from the com-
mon life its members have made on this piece of land — it had to be made
somewhere — and not from the legal title they do or don’t hold. (Walzer
1977, 55.)

Walzer’s full-fledged theory of moral relations between states
then is based upon this analogy to the rights and duties that per-
sons possess in their daily intercourse. This he calls the domestic anal-
ogy. The central criterion of Walzer’s theory of Jus ad Bellum is
aggression. Aggression against a sovereign state is wrong, just as
burglary or trespassing against a person is wrong. The reasoning
is reminiscent of the UN talk of the “personality” of states. Walzer
asserts that the use of the criterion of aggression is simply unavoid-
able, if one wishes to talk at all about the justice of war. It should
have come as no surprise to readers of The New Republic then to
learn that Walzer was a reluctant supporter of the Gulf War (Walzer,

Walzer gives the name legalist paradigm to the theoretical conse-
quences of the domestic analogy. The legalist paradigm echoes the
claims of the three UN articles. Because the legalist paradigm is

4 The analogy between persons and polities is, of course, an ancient one. It is central to
Plato’s Republic. Plato, however, was more realistic; the only polity possessing the unity
that Walzer speaks of is the just polity. All other polities are in fact two, one rich and
one poor (cf. Plato’s Republic, 422E, 462C-E).

5 The legalist paradigm can be summarized in the following six propositions: 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 mem-
er of international society. 5) Nothing but aggression can justify war. 6) Once the
aggressor state has been militarily repulsed, it can be punished. (Cf. Walzer, 1977, 61.)
based upon a conception of political sovereignty, not only are invasions impermissible but so also is the aiding of revolutionary movements in another state. Walzer’s own words are in the spirit of UN article 2(4): “. . . revolutionary activity is an exercise in self-determination, while foreign intervention denies to a people those political capacities that only such exercise can bring” (Walzer, 1977, 89).

II. MARX, LENIN, AND THE BOLSHEVIKS

A brief historical survey of Marx, Lenin, and the Bolsheviks will reveal a common internationalist political outlook derived from a tradition of shared concepts and oriented towards a prudential concern for the success of socialist revolutions. The aim of this section is not to evaluate these concepts, but to show that they contain a general orientation that can provide the basis for a consistent internationalist theory of Jus ad Bellum. Marx’s commitment to internationalism is well known through the phrase at the end of The Communist Manifesto, “working men of all countries unite” (MECW, Vol. 6, 519). Underlying the position was, of course, his belief that capitalism was a world system. In a system of class stratification, workers have more interests in common with their counterparts in other countries than with the capitalists of their own country. Capitalists of all countries are class enemies while workers of all countries are class allies. Thus, “the working men have no country” (MECW, Vol. 6, 502).

Furthermore, a successful working-class revolution requires international coordination: “All efforts aiming at that great end have hitherto failed from the want of solidarity between the manifold divisions of labor in each country, and from the absence of a fraternal bond of union between the working classes of different countries” (MECW, Vol. 20, 14). In order to endure, a revolution in any given state must be answered by successful revolutions in other states (MECW, Vol. 5, 49). In practice this meant that Marx worked to organize coordinated international activity of the working class through, for example, the founding of what came to be known as the First International.

Although Marx was opposed to the working class identifying with the interests of their own nation state when it merely served to maintain class oppression, he was not opposed to the self-deter-
mination of nations. This view rests on a distinction between nations as political states and as groups with common ethnic or cultural identities. In contrast, although Walzer speaks of the rights of political communities, his domestic analogy doesn’t distinguish between the sovereignty of states and the moral claims of nations bound by a common identity. Marx’s mature view allowed for the self-determination of nations, particularly colonial nations, in the sense of a people with a common cultural history or language. Marx came to see the self-determination of Ireland, for example, as a necessary condition for socialism in England because only a working class movement that advocated this could unite the English and Irish working classes.

Marx’s conception of internationalism is far from a theory of international relations in the sense in which this is now understood. Marx was never forced to develop a set of principles to guide conduct between states; his theoretical framework tended to minimize the importance of that. If a victorious working-class revolution meant the rapid withering away of the state, and if such victories were near on the historical agenda, then obviously relations between states could not be expected to last long. Nor was Marx’s conception of internationalism derived as part of a moral theory. His main concerns in each of the above instances were prudential: how the working class can attain and keep power.

Internationalism was extremely important for the Bolsheviks, and for similar reasons. They were revolutionaries in a multinational state, who had witnessed the acquiescence of the international working-class movement to patriotism in the First World War, and who eventually had to exist within a world system of capitalist states.

Lenin’s writings reveal a threefold significance to working-class internationalism. First, Lenin saw internationalism as acquiring greater importance as the result of the development of the imperialist stage of capitalism. Second, he held that the international coordination of working-class activity against the First World War

6 Cf. Rosdolsky, 1965. This paper is not the place to evaluate the difficulties that have plagued Marxists in taking up the "national question." For a summary and evaluation of various positions see Löwy, 1976.
7 For more on this see Gilbert, 1980.
8 See the first chapter of Kubalkova and Cruickshank, 1985. The authors provide a comprehensive account of the friction between Marxist theory and a theory of international relations.
was the only hope for peace. Finally, he believed that the survival of the post-revolutionary state in Russia depended upon a Europe-wide revolution, and that international coordination and aid was necessary to facilitate this. In addition to this, Lenin further developed Marx’s position on the self-determination of nations.

Lenin’s theory of imperialism contends that imperialism is a necessary stage in the development of capitalism. Imperialism results from the concentration of capital into monopolies, the complete coverage of the national market, and the convergence of the interests of the state and monopolies. In these circumstances neither expanding the domestic market nor undercutting the competition is a viable source of increased profit. If money is to be made, new sources of profitability must be found. The imperialist stage of capitalism is characterized not by exporting commodities, but by the exporting of capital to less economically developed countries (Lenin, 1964, Vol. 22, 242–241). Thus, the case for internationalism is strengthened; workers in different countries have not merely a common class enemy, but at times the very same enemy.

Lenin contended that the First World War was an imperialist war. “It was a war for the division of the world, for the partition and repartition of colonies and spheres of influence of finance capital, etc.” (Lenin, 1964, Vol. 22, 189–190). This characterization entailed that it was in the interests of the working class to oppose the war, and was the basis of an argument for the international coordination of working-class antiwar efforts. In the tradition of the 1907 Stuttgart resolution of the Second International, Lenin argued that the efforts of the international working class ought to be directed towards defeating their own governments with a revolution (Vol. 21, 275–280).

When the Bolsheviks came to power Lenin saw an international working-class revolution as key to the survival of the Russian revolution.

Regarded from the world-historical point of view, there would doubtlessly be no hope of the ultimate victory of our revolution, if we were to remain alone, if there were no revolutionary movements in other countries, then our position would be hopeless. (Lenin, 1964, Vol. 27, 95.)

The fact that the new Soviet government came to power in the midst of a very costly war with a much more economically and technol-
logically advanced Germany needs to be kept in mind in order to appreciate the force of this claim.

In fact, the new Soviet regime made no clear distinction between the interests of Soviet power in Russia and the world revolution. If Soviet power were to survive, the world revolution would have to advance. On occasion Lenin even put the emphasis in favor of the interests of the world revolution.

Proletarian internationalism demands, first, that the interests of the proletarian struggle in any one country should be subordinated to the interests of that struggle on a world-wide scale, and, second, that a nation which is achieving victory over the bourgeoisie should be able and willing to make the greatest national sacrifices for the overthrow of international capital. (Lenin, 1964, Vol. 31, 148.)

Not surprisingly, then, Lenin saw nothing wrong in principle with aiding revolutionaries in other countries. Prior to the Russian revolution he went so far as to suggest that aid in the form of armed intervention would be acceptable (Vol. 21, 349). After the revolution Lenin moderated his tone. The Decree on Peace, drafted immediately after the revolution, called for a “just or democratic peace,” clarified as “... an immediate peace without annexations (i.e., without the seizure of foreign lands, without the forcible incorporation of foreign lands) and without indemnities” (Vol. 26, 249). There was a current among the Russian revolutionaries at that time, headed by Nikolay Bukharin, which argued that the revolution should go on the military offensive internationally. Lenin opposed this policy because of the failure of a revolutionary movement in Germany to follow in the wake of the Russian revolution, and because of the weakness of the Russian army (Lenin, 1964, Vol. 27, 94–96).

In the absence of a pan-European working-class revolution, international relations became a necessity for the Soviet regime. Although it was important to develop terms of agreement with other states, the Bolsheviks did not neglect internationalist appeals to the working people of the world on the basis of a common interest in advancing the world revolution. Thus, the first Soviet diplomats were strange creatures. One historian describes the actions of Karl Radek, diplomat of the Soviet delegation at the Brest-Litovsk peace negotiations, as follows:
The Austro-German diplomats were amazed by the conduct of Radek when the Soviet delegation’s train arrived at the Brest-Litovsk railway station. High Imperial dignitaries were present, along with the leaders of the Austrian and German armies, and a guard of honour was drawn up on the platform. Radek, however, unwilling to waste time, proceeded on descending from the train to turn his back on all those august personages and, in the most natural way possible, to distribute revolutionary leaflets among the soldiers of the guard of honor. (Liebmann, 374.)

Radek had also been given the charge of editing a German-language paper to be distributed to hostile troops on the border and to prisoners of war (Carr, 18). A further example of the Soviet regime’s willingness to aid the revolution in Germany is the role that its embassy played in providing organizational and financial support to the German revolutionaries (Liebmann, 380).

The demand for coordinated international revolutionary working-class action led to the establishment of the Third International, which held its first conference in March 1919. The platform of the Third International explicitly placed the organization in opposition to other international organizations, whether it be the reformist socialist parties’ international or the League of Nations (Alder, 1983, 45). Among its other activities, the Third International helped to organize and direct revolutionary activity in France, Germany, Hungary, and Italy in its early days (Liebmann, 413–415).

Lenin’s belief in the importance of working-class internationalism didn’t blind him to the aspirations of nations to self-determination; quite the contrary. He advanced the position that Marx had taken on the issue of Irish independence. Lenin argued that a consistent internationalism must recognize the right of nations to self-determination. This was of course of particular importance to the revolutionaries in the multinational state of czarist Russia.

Lenin contended that any union that didn’t recognize the right of nations to self-determination could not be a free international union, rather merely the national dominance of a more powerful nation over others, a relationship characteristic of imperialism. Thus, the recognition of the right to self-determination is neces-

9 The internationalism of the Third International, however, was short-lived. With adoption of the ideology of “socialism in one country” the Third International became completely concerned with the foreign policy needs of the Soviet Union, rather than the advancement of revolution in various countries. Cf. Trotsky, 1987, 186–193.
sary, if there is to be genuine internationalism (Lenin, 1964, Vol. 20, 422-423). Lenin made it quite clear that a sovereign state could indeed be guilty of forcefully suppressing a nation (Vol. 26, 249). He argued that socialists as internationalists have a duty not only to demand the liberation of oppressed nations but also to render support to movements of national liberation, assisting in uprisings or revolutionary wars (Vol. 22, 151-152). Consistent with this analysis, The Declaration of the Rights of the Peoples of Russia adopted by the Soviet regime immediately after the revolution recognized the right of the Russian peoples to secede and to form separate states.  

Thus, the internationalist approach of Marx, Lenin, and the Bolsheviks constituted a challenge to the notion of the sovereignty of states. Yet, the language of internationalism was employed more often for prudential reasons than for moral ones. Whatever moral force it possessed would depend upon the claims that people of different states shared a common class oppression, and that capitalism also served in many cases to maintain the national oppression of peoples. The solution, according to this tradition, was an international effort to further a world socialist revolution.

III. THE INTERNATIONALIST CRITERIA FOR THE LEGITIMATE AND ILLEGITIMATE USE OF FORCE

Since Marxist theory traditionally has not endorsed pacifism, the challenge that Halliday poses, to give an account of the conditional acceptance of war, is appropriate. Support for some wars and not others demands that some criteria of support be developed, unless of course one is prepared to cast aside a concern for moral consistency.

Lenin's writings on the justice of war give some direction. He employed the language of just war theory to make a distinction between those wars which he thought should be supported and those which should not. He saw capitalist wars as just during the historical period in which capitalism was still consolidating on a national level against the former feudal ruling class. His judgment of the justice of these wars does not involve determining which party

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attacked the other first; it is based rather on the social and historical role that the wars played.

When, in speaking of the wars of such periods, socialists stressed the legitimacy of “defensive” wars, they always had these wars in mind, namely revolution against medievalism and serfdom. By a “defensive” war socialists have always understood a “just” war in this particular sense. . . . It is only in this sense that socialists have always regarded wars “for the defense of the fatherland,” or “defensive” wars, as legitimate, progressive and just. For example, if tomorrow, Morocco were to declare war on France, or India on Britain, or Persia or China on Russia, and so on, these would be “just,” and “defensive” wars, irrespective of who would be the first to attack; any socialist would wish the oppressed, dependent and unequal states victory over the oppressor, slave-holding and predatory state. (Lenin, 1964, Vol. 21, 299–300.)

In at least two other writings Lenin makes use of the language of just war theory. In both cases the writings defend socialist revolution, and one also defends national self-determination (Vol. 29, 391; Vol. 33, 132). Far from accepting what Walzer contends to be the unavoidability of the criterion of aggression, the question of which state violated the territorial integrity of the other is, for Lenin, moot. The key question for him concerns the social character of the war, whether or not it is a war of liberation.11

Internationalists, such as Lenin, are concerned to advance the cause of liberation among peoples of various states who suffer under oppression. It is the recognition of this oppression which provides the basis for moral thinking about war. An internationalist criterion for the legitimate use of force may be put as follows: 1) A war is just only if its victory would effect the liberation of oppressed peoples, or is a war against a force which if victorious would oppress a people. This criterion is a necessary, although not sufficient, condition for the legitimate use of force. There is good reason to believe that internationalists should also hold to the traditional criterion that just wars are wars of last resort. For war is a prima facie evil, and ought to be avoided unless justified by a higher good. Another traditional criterion, that there must be a reasonable

11 According to E. H. Carr, the Bolsheviks adapted this view from the French revolutionaries (Carr, 549).
chance of winning the war, may be a bit more contentious because this has to do with weighing the probability of outcomes, the good of outcomes, the courage to struggle, the dignity of a people, and the deaths of innocents. I will not dwell on these matters here, however, because the first criterion and its partner are sufficient for displacing the criterion of aggression. The partner stipulates the criterion for the illegitimate use of force as follows: 2) A war is unjust if its victory would preserve domination over an oppressed people, or establish domination over a people who were not previously oppressed. This establishes a sufficient condition for an unjust war. The acceptance of war as a *prima facie* evil that can only be justified by its liberatory effects means that if those effects are contradicted the war is unjust.

Given the character of the second criterion, as a sufficient condition for an unjust war, it must take priority over the first in a situation where they appear to conflict. Assuming that a case can be made for taking U.S. foreign policy in the Middle East as imperialist,12 U.S. intervention in the name of Kurds in northern Iraq, or the Shiites in southern Iraq, might be examples of this sort of situation. These are the sorts of situations which the language of UN article 51 doesn’t prohibit but (assuming imperial ambitions) the internationalist criteria do.

These criteria still do not clarify all of the moral ambiguities of warfare. Difficult cases will remain — for example, in situations where no imperialist interests can be discerned, and the United States is called upon to intervene on behalf of a just struggle. Defense of the government of Bosnia may be an example of such a difficult case. But no criteria of *Jus ad Bellum* can clarify all ambiguity. Their implementation has to rely on potentially contestable interpretations of the facts. An obvious problem for Walzer’s criterion, for example, is whether to characterize a particular war as a civil war or a war of aggression. With regard to Bosnia this is the issue of whether the Serbs are combatants in a civil war or aggressors.13

Both internationalist criteria judge the morality of war by evaluating its effects. One might object that in order for the criteria to


13 For different appraisals of this see Glenny, 1993; Magas, 1992.
be practicable a prescience on the part of possible belligerents must be assumed. Without prescience the outcome of the war is unknown. Central Americans, say, could conceivably struggle against an intervention by U.S. troops which if successful would have some (hypothetically) liberatory effect. Still, given the history of U.S. intervention in Central America, such a struggle against intervention is, arguably, just. One might conclude from this that the first criterion is inadequate, for it would judge the struggle as unjust. I think that the appraisal of the hypothetical struggle as just is probably correct, but that the conclusion about the internationalist criteria can be deflected. This sort of criticism is not peculiar to these criteria, but apply to many moral standards that assess outcomes. Jefferie G. Murphy’s appeal in similar matters to the concept of reasonable belief used in criminal law offers a way to meet such a criticism (Murphy, 1973). All that can be expected of combatants is a reasonable belief, not prescience, that their war is just (according to the first criterion). Given the record of U.S. intervention in Central America, in this hypothetical situation the belief of the combatants that the U.S. troops will effect their oppression is reasonable.

The first criterion contains the term “liberation.” By “liberation” I have in mind an idea which is fundamentally democratic. It may involve either the overthrowing of minority rule or some other movement towards greater collective self-rule. In any case, the aim is to advance the rights of individuals to control their social environment. So, an argument for these two internationalist criteria for the legitimate and illegitimate use of force is made by appeal to the same grounds to which Walzer also appeals — individual rights.

Assume that the UN provisions for the legitimate use of force

14 For a record of the history, see Chomsky, 1985.
15 Without entering into the theoretical side of the debate on whether or not Marxists should employ the language of individual rights, one might count as a reason to accept a theory of rights its utility in facilitating the resolution of practical problems, such as the justice of war. Furthermore, as long as the matter under discussion is international relations, states most certainly have not withered away, and a need for principles of justice and rights would seem to remain. A good discussion of this can be found in Peffer, 1990. It is also worth remembering that a stated concern for the advancement of individual rights is not foreign to the Marxist tradition. Consider the following statement from the General Rules of the First International: “The emancipation of the working classes must be conquered by the working classes themselves. . . . the struggle for the emancipation of the working class means not a struggle for class privileges and monopolies, but for equal rights and duties and the abolition of all class rule” (MECW, Vol. 20, 14).
are to be justified by invoking a concern for the promotion or preservation of individual rights, as Walzer argues. The thrust of the argument for the internationalist criteria then can be put as follows: There is no guarantee that sovereign nations will respect individual rights and democratic rule; and when in fact they do not, they lose any moral basis upon which to argue against intervention and to demand protection. Contrary to UN article 2(4), by this argument and the first internationalist criterion, a war that if victorious would liberate a people of a sovereign, but oppressive, state may be just.

It might be responded that this argument simply points out the limiting cases for the criteria of sovereignty, namely that sovereignty is of concern only insofar as the sovereign states observe individual rights. Such a response, however, suggests that more fundamental than a concern for sovereignty is a concern for the preservation of basic human rights. This is exactly the point that the argument above is supporting. A concern for individual rights entails that the operative criterion be not sovereignty but the social character of the state and its struggle with other states.

This argument serves also to dispel the relativist’s claim that criteria from two very different political philosophies or systems can’t be rationally compared.

To the extent that communism and capitalism represent different “modes of social life,” containing, at least implicitly, their own standards of what is logical and illogical, rational discourse intended to resolve disagreements between them would in this view, seem impossible. There is no point of view, or vantage point, outside of them from which to make such an assessment. (Holmes, 1989, 284.)

16 A similar point is made by David Luban in an interesting article (Luban, 1980). Insofar as I understand his view, a difference between Luban’s position and mine is the greater skepticism about intervention that I have based upon a concern about imperialism. An analysis of imperialism may lay the basis for distinguishing a position based upon internationalist criteria from one based upon Luban’s criteria.

17 Holmes characterizes the incomparable differences between capitalist and communist societies in terms of differences between individualistic and contextualistic outlooks (Holmes, 1989, 289). But the quotation from the German Ideology that he uses to support this point with respect to the Marxist orientation betrays his point: “Only within the community has each individual the means of cultivating his gifts in all directions; hence personal freedom becomes possible only within the community” (MECW, Vol. 5, 7, emphasis added). Marx’s concern here is with individual freedom. This concern underlies both Walzer’s and the internationalist criteria.
The fallacy of this claim is obvious. Walzer's criteria and the internationalist criteria have a common moral concern, namely individual rights. The previous argument contends that internationalist criteria better serve that moral concern.

Some might fear that criteria for *Jus ad Bellum* which place the value of human rights above that of the sovereignty of states would be too permissive of third-party interventions in the name of liberation. Intervention does not, however, receive anything like blanket sanction by the internationalist criteria. There are plenty of times when intervention would be wrong. But the evil of the intervention would derive not from a violation of the sovereignty of the invaded state, but from the violation of the rights of the individuals residing in that state. Even when a party has been wronged, third-party efforts purportedly on behalf of those wronged are not automatically justified. Assume, for example, that Iraq's invasion of Kuwait was unambiguously wrong, as judged by the second criterion. (It will become apparent below that the assumption is spurious.) This would be little solace to the U.S. policy of intervention, however, since a history of imperialism in the region is likely to sustain the invocation of the second criterion again, this time against the United States. Furthermore, following Marx, liberation through revolution cannot be bestowed from the outside; it is won when a people are historically necessary. Thus, third parties may intervene militarily in the name of revolutionary liberation only when the oppressed are judged to be historically ready (but lack, say, sufficient arms). Judgment of when this is the case is empirical and, of course, contestable but it should rest upon an assessment of the degree of self-organization of the oppressed.

The two internationalist criteria are general enough to be applied in conjunction with a variety of theories of oppression — gender based, race based, etc. — but they are clearly applicable within the Marxist tradition. If a compelling case can be made that capitalist states preserve relations of class exploitation and often oppress national minorities, then wars between such states do not effect liberation any more than do wars between feudal lords. They would not, then, be just wars. Furthermore, assuming an account of advanced capitalist states as motivated in their external affairs

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18 Cf. the quotation in note 15 on the self-emancipation of the working-class.
by imperialist drives, wars by these states effect domination, and are therefore unjust.

Something like this is implicit in Lenin’s own declarations about the First World War. The analogy which demonstrates this I shall call the slave analogy.

But imagine a slave-holder who owns 100 slaves warring against another who owns 200 slaves, for a more “just” redistribution of slaves. The use of the term of a “defensive” war, or a war “for the defense of the fatherland,” would clearly be historically false in such a case and would in practice be sheer deception of the common people, philistines, and the ignorant by the slave holder. It is in this way that the peoples are being deceived with “national” ideology and the term of “defense of the fatherland,” by the present-day imperialist bourgeoisie, in the war now being waged between slave-holders with the purpose of consolidating slavery. (Lenin, 1964, Vol. 21, 301.)

The assumption behind the analogy is that states preserve relations of social domination. In contrast to the domestic analogy, the slave analogy sees states not as organically unified, but as fundamentally stratified and conflict-ridden. On this view, if states are in any way like persons, then they have split personalities (but personalities related to one another as dominated and dominant). Thus, the sovereignty of states, which is essential to the legalist paradigm, is of no importance to Lenin for determining the morality of war.

A second argument supporting the claim that the internationalist criteria are morally superior to the criterion of aggression may be made by comparing a war between sovereign states to a war between slaveholders. A war of defense by a slaveholder, who is protecting her or his property against another slaveholder, is not justified, because neither slaveholder has a moral right to her or his property. The institution of slave ownership violates fundamental individual rights. The argument can be broadened by understanding the term “slaveholder” as a place holder for any member of a class or group that benefits from the oppression of others in society, and letting the term “slave” hold for those oppressed. To give moral recognition to the sovereignty of slaveholders would simply be condoning the rule of might, not the rule of right. If, for example, one group of slaves were to rise up against their master and take over, it is hard to see any injustice in their breaking an agreement between slaveholders by aiding another group of slaves in their own revolt.
The conclusion drawn from the analogy does not depend upon a claim that capitalist society is as oppressive, or as unjust, as a slave-based economy. It does, however, depend upon an analysis of states as preserving relations of social domination (without specifying whether these be along class, national, ethnic, or gender lines). The point is that one needs to look at the intra-state relations assumed in the inter-state agreement before one accepts the agreement’s moral force; and this is precisely what UN article 2(4), the domestic analogy, and the legalist paradigm ignore.

For example, within both Kuwait and Iraq, we see brutal examples of the ability of states to impose oppressive internal relations. Saddam Hussein has been willing to crush opposition in his country, whether it be Shiite, Kurdish or Communist. In Kuwait the vast majority of the residents have no citizenship rights and their children will have none either. More so than many other recent examples of wars, the Gulf War looked like something of a war between literal slaveholders. In such a war neither sovereign state deserves support. A war between oppressive capitalist states, regardless of who committed aggression, is not a just war. This is not to justify the invasion of Kuwait. The human rights abuses of the Iraqi occupation should be condemned, but with no more vigor than those of the Kuwaiti monarchy.

One response to this argument might be that frequently one oppressor (either the invaded or invading state) is less oppressive than the other, and therefore ought to be given support as the lesser of two evils. I have two responses to such a claim. First, the claim of “lesser evilism” is frequently a matter of pre-existing allegiance. One needs, therefore, to scrutinize it carefully before acceptance. In the case of the Gulf War, for example, it is not at all clear that the Kuwaiti regime is less evil to the vast majority of the population residing within its borders than was the Iraqi. Certainly the Kuwaiti regime was less evil from the perspective of the Kuwaiti ruling class, but (on the arguments made above) that is of no moral significance.

19 The government of Kuwait denies citizenship rights to two-thirds of its population. These people earn a fraction of what Kuwaiti citizens earn; they cannot own land, while Kuwaiti citizens can. Only male citizens over 21 were allowed to vote when the last parliament before the war was elected in 1985. This means only 3.5% of the population was able to have a voice. Cf. Middle East Report, 1990.
Second, I see no reason why the greater evil cannot in most cases be resisted without supporting the lesser. Even assuming the dubious claim that Iraq is the greater evil, the U.S. role in the Gulf War was still unjust because its effect was not merely to roll back the Iraqi invasion, but to restore the Kuwaiti monarchy (and, assuming a theory of imperialism, to maintain U.S. economic hegemony in the region). Other efforts to resist the Iraqi invasion, say, through the mobilization of Palestinian workers in Kuwait, which would also resist Kuwaiti oppression, would be justified. Again, difficult cases for any theory of Jus ad Bellum can be imagined. Perhaps the greater evil is so much greater than the lesser and the likelihood of victory in independently refusing both oppressors is so much lower than that of opposing only the greater evil (by siding with the lesser) that a case might then be made for lesser evilism.20 However, the first of these two hypothetical conditions, as is well documented, did not obtain in the Gulf War.

It should be no surprise that states with oppressive internal relations might come together to form an international society, and in the process of doing so recognize one another’s sovereign integrity. Doing this may help to preserve the existing order, and thereby be in the interests of the oppressors in each of the states. If, however, the ultimate basis for the theory of Jus ad Bellum is the rights of individuals, then it is wrong to grant any moral legitimacy to an association between states in which each maintains relations of social oppression, just as it is wrong to grant moral legitimacy to a contract between slaveholders.

Certainly arguments might be made by “realists” that agreements among sovereign states are the only hope for peace, given the evident disagreements between peoples about the best form of social arrangement. Such arguments, however, value peace over justice, and order over right. These arguments are on doubtful moral grounds (if they are on any moral grounds at all). More to the point, they cannot be employed consistently by those (like Walzer) who want to defend sovereignty on the basis of individual

20 Some might contend for example that in World War II the Nazi threat was much more extreme than the imperialism of the Allies and the possibilities for independent resistance to both so bleak that joining the Allies was the only option. As with all claims about the appropriate application of the criteria of Jus ad Bellum, this contention can be assessed only by looking at the empirical context.
rights. In other words, such arguments threaten the typical moral basis for the recognition of sovereignty as well.

The internationalist criteria are capable of laying the basis for a consistent theory of *Jus ad Bellum*, if one assumes, as does Walzer, that individual rights are the basis for moral concern about international affairs. However, the force of the internationalist criteria as a critique of the criterion of aggression depends upon the case made for the concepts of oppression under which the peoples of various states might be said to suffer. For Marxists this means that within the resources of that theoretical tradition there may be a unique challenge to the justice of wars based upon UN provisions; but this depends upon both the case that can be made for such concepts as exploitation and imperialism, and the acceptance of the use of the language of rights in matters of political morality.21

In analyzing any war there is much work to do in sorting out empirical and historical matters and in applying and defending the use of certain explanatory concepts. The Marxists who have devoted themselves to such matters have in many cases produced important works of history and social theory. But if we are to assess the *morality* of a war, in addition to the above work, at some point a moral theory of war must be invoked. This requires the development and defense of such a theory. For various reasons, not the least of which has been an underestimation of the importance of a moral theory of war, the Marxist tradition has not been very good at this.22 In this paper I have occupied myself with only a part, but a fundamental part, of this task. An adequate Marxist moral theory of war will draw on other areas of Marxist theory. It will need not only criteria for *Jus ad Bellum*, but also an analysis of exploitation and its relation to other forms of oppression, the capitalist state, and imperialism; finally it will need to come to terms with the moral claims of national self-determination.

*Department of Philosophy*
*California State Polytechnic University*
*3801 West Temple Avenue*
*Pomona, CA 91768-4051*

21 This position also allows that the internationalism of classical Marxism could be supplemented by analyses of international race- and gender-based oppressions.
22 Norman Geras documents this underestimation by Marxists of the need to morally assess the use of violence (Geras, 1989).
REFERENCES


