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### Killing and Dying for Public Relations

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# Killing and Dying for Public Relations

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## Abstract

*My starting point is the first major American military action in World War II in Europe, “Operation Torch.” The action was controversial because the American military regarded it as militarily useless, if not counterproductive. But the military was overruled by President Roosevelt on the grounds that, while it was not militarily necessary, it was politically justified. This indifference to military necessity seems to violate standard rules about the legitimacy of military force. The larger question it raises is the relation between military concerns and political ones in warfare. Much of this essay explores the relation between these two dimensions in war: the military dimension and the political dimension. I argue that the second dimension is the most important one, as well as the most problematic one for the legitimacy of war. Yet it is ignored by standard just war theories. I then return at the end to consider again the problems raised by “Operation Torch,” and especially the question of the harms inflicted on a country’s own soldiers – in the name of killing and dying for public relations.*

**Keywords:** *war; soldiers; World War II; harms; just war theory; military necessity*

Suddenly war again became the business of the people – a people of thirty million, all of whom considered themselves to be citizens. The people became a participant in war; instead of governments and armies as heretofore, the full weight of the nation was thrown into the balance. The resources and efforts now available for use surpassed all conventional limits; nothing now impeded the vigor with which war could be waged, and consequently the opponents of France faced the utmost peril.

Carl von Clausewitz, *On War*<sup>1</sup>

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<sup>1</sup> Carl von Clausewitz, *On War*, eds. and trans. Michael Howard and Peter Paret (Princeton, NJ: Princeton University Press, 1989), 592.

When the armed forces began to work out the strategy appropriate for total war their views were also shaped by the assumption that high levels of economic mobilization and the maintenance of domestic morale and financial stability were as important as performance on the battlefield.

Richard Overy, *The Oxford History of Modern War*<sup>2</sup>

We failed to see that the leader in a democracy has to keep the people entertained.  
General George C. Marshall<sup>3</sup>

The last of these remarks is from General George C. Marshall. Marshall was United States Army Chief of Staff during World War II, making him the senior military figure in the entire Allied war effort. His reference to “leaders in a democracy” was to President Franklin D. Roosevelt, who, as president, was commander-in-chief of the armed forces hence Marshall’s superior. The occasion for Marshall’s remark was the first major Allied action of the war in North Africa. Marshall and Roosevelt completely disagreed on the wisdom of the action, which Marshall regarded as conducted solely for “public relations” – or more bluntly, for “entertainment.”

I shall say more about the details later. The basic problem was this: “Operation Torch” was the name given to America’s November 1942 invasion of French North Africa. It would be the first joint Anglo-American offensive since the French and Indian War. American military leaders starting with Marshall objected to it vigorously on the grounds that it served no military purpose, on the contrary it diverted energy and resources from valid military actions. 107,000 troops were involved, along with 350 warships and 500 transport ships. This was almost twice the number of American soldiers involved in the D-Day invasion. Roosevelt did not disagree about its military value but his concern was a political one. Mainly, he needed to send the right message to the American home front to bolster its commitment to the war effort by showing that its military was actually doing something. Sacrifices were already being asked of the citizenry in the form of taxation and conscription. For Roosevelt, *what* the military did was less important than *that* it was doing something – anything.

Others were even more alarmed by the action. General Dwight D. Eisenhower, Supreme Allied Commander in Europe, commented at the time that Torch’s inception could go down as the “blackest day in

<sup>2</sup> In *The Oxford History of Modern War*, ed. Charles Townshend (Oxford: Oxford University Press, 2005), 139.

<sup>3</sup> Jean Edward Smith, *Eisenhower: In War and Peace* (New York: Random House, 2012), 216.

history.”<sup>4</sup> American military officers might not be the only ones upset by such an action. For on its face, it would seem contrary to one of the fundamental laws of war, *jus in bello*’s “principle of necessity.” Thomas Hurka puts that principle thus: “The necessity condition [...] says that killing soldiers and especially civilians is forbidden, if it serves no military purpose; unnecessary force is wrong.”<sup>5</sup> This encapsulates the ICRC “principle of military necessity” which

permits measures which are actually necessary to accomplish a legitimate military purpose and are not otherwise prohibited by international humanitarian law. In the case of an armed conflict the only legitimate military purpose is to *weaken* the military capacity of the other parties to the conflict.<sup>6</sup>

For Roosevelt, the aim of the action was not to “weaken” the enemy’s military capacity. Of course, one could inflate the notions of “serving a legitimate military purpose” and “weakening the enemy’s military capacity” to argue it did so in the long run. This would be an awfully *ad hoc* response, plus it is one that America’s own military leaders would have disputed. A more accurate characterization would be that Roosevelt’s concern was not to weaken the military capacity of the enemy, but to bolster political support back home. This is how it was regarded at the time and by historians ever since.

Let’s put it thus: Marshall’s concern was the *military effort*, while Roosevelt’s concern was the *war effort*, which necessarily included a significant political dimension.

There are compelling reasons why one might *want* to set aside the political dimension to focus only on the military side. Talk about *military necessity* lends itself to some precision. You can look at the number of enemy soldiers killed, and of one’s own soldiers sacrificed, and of the material expended, and weigh that against the advantages in terms of ground gained, etc. It seems readily quantifiable. But talk about what’s “necessary” *politically* seems inherently messy, if not invariably – and endlessly – contestable. This is why Operation Torch re-

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<sup>4</sup> Stephen E. Ambrose, *Eisenhower Vol. 1: Soldier, General of the Army, President-Elect, 1890-1952* (New York: Touchstone, 1985), 73.

<sup>5</sup> Thomas Hurka, “Proportionality in the Morality of War,” *Philosophy & Public Affairs* 33, no. 1 (2005): 36.

<sup>6</sup> See International Committee of the Red Cross, “Military Necessity,” [https://casebook.icrc.org/a\\_to\\_z/glossary/military-necessity](https://casebook.icrc.org/a_to_z/glossary/military-necessity).

mains hotly contested in ways that other World War II actions are not. Stephen Ambrose writes that “many critics regard it as the greatest strategic blunder of the war.”<sup>7</sup> Stressing the political dimension makes war more like a political campaign, and talk about what’s “necessary” to win it is more like what’s “necessary” to win a political campaign. Indeed, the problem may be worse insofar as what *counts* as “winning” a war may be itself a matter of political rather than military judgment.<sup>8</sup>

My specific concern in this essay is the problem of killing for public relations. Operation Torch is a dramatic example of it, showing that the issue is not just killing enemy soldiers, but sacrificing one’s own soldiers – i.e., *dying* for public relations. The slightest acquaintance the modern war suggests it happens all the time. Consider, for example, the defense of the Philippines after the Japanese invasion. The loss of the Philippines was inevitable and ultimately of marginal military importance. Yet, the United States invested significant resources into its futile defense for the political message it sent. As just noted, even the meaning of “victory” can be a political matter. General Eisenhower, who went on to become President of the United States, felt that equating victory with “unconditional surrender” was a serious mistake. He felt that it prolonged the war with Germany in ways that cost needless loss of lives. General Marshall agreed with him. The call for “unconditional surrender” was a political decision in Eisenhower’s view, to send a message especially to the home front about the seriousness of the war. Qua political, it also proved vague – as the waffling over its meaning related to Japanese surrendering demonstrated.<sup>9</sup> (The problems are only multiplied when surrender is conditional, as it almost always is, since then its terms become a deeply political affair as they did following World War I.)

My larger concern in this essay is the question of how we think of war generally. Is it a purely *military* matter, as Marshall conceived it? I’ve referenced Hurka because I think this is how much contemporary

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<sup>7</sup> Ambrose, 79.

<sup>8</sup> I focus on the principle of necessity, but the point obviously bears on the principle of proportionality as well. That principle holds that the harm caused to civilians or civilian property must be proportional or not excessive in relation to the military advantage anticipated. But the harm to civilian/civilian property in Operation Torch involved *no* military advantage, but political benefits.

<sup>9</sup> “Eisenhower Regrets Policy of Total Surrender; Asserts Roosevelt Erred in His World War, II Goal; Says the Fear of U.S. Terms Sparred Nazis to Fight,” *New York Times*, December 21, 1964. See Michael Balfour, “The Origin of the Formula: ‘Unconditional Surrender’ in World War,” *Armed Forces & Society* 5, no. 2 (1979): 281-301; Brian L. Villa, “The U. S. Army, Unconditional Surrender, and the Potsdam Proclamation,” *The Journal of American History* 63, no. 1 (1976): 66-92.

just war thinking approaches it; *jus in bello* judgments of “necessity,” like “proportionality,” etc., reference legitimate “military” purposes, just as *jus ad bellum* judgments reference “victory” as if it were a purely “military” matter. But this is a truncated picture of war which, by abstracting from its political dimension, abstracts from what is most distinctive – and messiest – about modern war. To what extent is *all* war a matter of public relations? Significantly, someone who *chastised* the de-politicized picture of war of those who focus on the military dimension alone was Carl von Clausewitz, our greatest theorist of war. He felt that ignoring war’s political dimension was the particular vice of those who sought to construct a “war by algebra,” much as some of today’s just war theorists seek to do.<sup>10</sup>

The first parts of this essay draw on Clausewitz’s views to address how we think of war and the importance of recognizing the political dimension. Much of it involves drawing distinctions that are necessary to regarding war as a political endeavor, but which tend to be ignored or blurred by today’s just war thinking. I shall comment as I proceed on some of their bearing on today’s just war discussions. With this as my framework, I return to the Operation Torch case in the final section to question specifically how we should think of the harms that killing for public relations involves.

The sketchy if not schematic nature of what follows can be explained – if not excused – by its being part of a larger critique of contemporary just war theory, in progress. I argue that its picture of war is a truncated one that abstracts from the political dimension, and in so doing ignores that which is most distinctive, messiest, and most problematic about war generally. I think this explains the concern that some people often have when first encountering just war discussions, that there is something unreal about them. But my point is not to dismiss today’s discussions, but to argue for expanding our framework into what I call *critical war theory*.<sup>11</sup>

### I. Just war theory, or just battle theory?

The great theorist of war Carl Clausewitz insisted that any discussion of war must begin by considering what is meant by “war.” He maintained that the single greatest error in thinking about war was confusing *war* with *battle*. It was a natural mistake in his view. Battle is the most *spec-*

<sup>10</sup> Clausewitz, 76.

<sup>11</sup> Some of these points are developed further in my forthcoming book, *Pacifism as War Abolitionism* (New York: Routledge, 2024).

*tacular* part of war, the site of the virtues like heroism typically associated with war. Still, battle is only one part of war, and reducing war to battle skewed (in his view) our entire understanding of war.

Clausewitz's concerns were practical. From that perspective, the greatest difference between war and battle was evidenced in the fact that one could win all the battles and still lose the war, or, conversely, one could lose all the battles and still win the war. This was the fate of Napoleon's invasion of Russia: Napoleon won every battle, the invasion was a disaster. Clausewitz foresaw this as a distinctly troublesome feature of "people's war" like that which Napoleon encountered in the Peninsular War, or the United States encountered in the Vietnam War (and more recently in Afghanistan).<sup>12</sup> The United States killed an estimated 1,000,000 Vietnamese soldiers vs. 58,000 of its own soldiers killed. Still, the United States lost the war. Conversely, the Vietnamese lost every battle; most notably, the major battle of the war – the Tet Offensive – was a military disaster for the Vietnamese, in which they suffered at least twice as many casualties. But it was a political victory, leading to the Vietnamese winning the war.

For Clausewitz, this was part of a larger practical point. Reducing war to battle focuses attention on only one aspect of war: what I call war *making*, or that which happens *on* the battlefield. But success and failure in war is ultimately determined by what happens *before* and *beyond* the battlefield, or what I call war *building*. Success in any given battle may reflect particular decisions, the contingencies of circumstance, etc. But over time, success in battles reflects the resources brought to the battlefield. This was a point on which Stalin and Eisenhower agreed. Stalin said World War II would be won by which side "could produce the most tractors," Eisenhower put it more generally as which side could produce the most "stuff." But mobilization on the home front rests on the *motivation* of the home front, starting with its willingness to continue sending its members to war. America lost the Vietnam War because its citizenry was no longer willing to do this, regardless of how many battlefield successes its military was chalking up.

So significant was the error of reducing war to battle that Clausewitz claimed it blinded us to what he regarded as the very "essence" of war. By "essence" he meant what is *distinctive* about war, specifically what is distinctive about the *violence* employed in war. His special concern was what is distinctive about *modern* war, i.e., the kind of war initiated by Napoleon that came to prominence in the 19<sup>th</sup> century. Sir

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<sup>12</sup> Clausewitz, chapter 26: "The People in Arms."



Michael Howard has termed this “*nationalized war*,” the type of war that culminated in the 20<sup>th</sup> century’s two World Wars.<sup>13</sup>

To equate war with battle is to think of it as “nothing but a duel on an extensive scale,” consisting of a “countless number of duels” between soldiers on the battlefield.<sup>14</sup> Let us call this war-as-battle model the *Duel Model*.

Now this is certainly what war *involves*: soldiers killing soldiers. Here too, it is important to be realistic about the matter. Romanticized pictures of war have consistently likened battle to a medieval joust or knightly combat. This is what “war” movies invariably do – note that “war” movies are really “battle” movies! This romanticized picture is presented to young men to convince them to become soldiers by convincing them that war is “exciting,” an occasion for “heroism,” etc. In reality, modern battles have been mainly a matter of artillery, i.e., lobbing explosive ordinance at soldiers far away where you have no idea who is on the receiving end. The upshot is that in many battles you were more likely to be killed by the flying body parts of your fellow soldiers than by being shot by the enemy.

But battle is not what war is most fundamentally *about*. To understand this, Clausewitz held that we should think of war as a wrestling match, in which each adversary “strives by physical force to compel the other to submit to his will.”<sup>15</sup> This is not the clearest analogy in the world. But it points to what Clausewitz takes to be the “essence” of war – which is its *political* character. All politics is about “impacting the will of others,” it is an assertion of *power* in that regard. Thus, Clausewitz claimed that war is the “continuation of politics by other means.”

This claim of Clausewitz’s is a familiar one. Indeed, it may be *too* familiar. So, one thing I want to do is unpack it further. And one of my interests in doing so is its bearing on contemporary just war theory.

I am prompted to do this by Clausewitz’s remarks on the *Duel Model*. When I first encountered his objection to this picture of war, it seemed to me that this model actually captured the framework in which much just war discussions have been conducted. The “moral reality of war,” in Walzer’s words, is one of soldiers encountering soldiers in combat, in which each presents a “threat” to the other, and the appraisal of their actions begins with that fact. Walzer claims that there is a “moral equality of soldiers,” meaning that soldiers are morally entitled to kill each other in virtue of the threat presented to them, regardless of whether the

<sup>13</sup> Michael Howard, “War and the Nation-State,” *Daedalus* 108, no. 4 (1979): 101-110.

<sup>14</sup> Clausewitz, 75.

<sup>15</sup> *Ibid.*, 75.



larger cause for which they fight is just or unjust. This explains the moral distinction between combatants and noncombatants, since the latter present no threat, hence are not liable to be killed as enemy soldiers are. Revisionists have proceeded to critique Walzer's specific claims, but they have continued to do so within something like the Duel Model. One reason for doing so, to which I'll return, is it implies that a soldier's act of killing can be usefully approached as akin to an act of self-defense in ordinary life. Plus, I think that the sheer amount of ink expended on this problem can only be explained by the fact that Revisionists if not just war theorists generally have assumed that the picture of war that Clausewitz critiques – that war is fundamentally ("reducible to," "derivable from," etc.) the ensemble of individual encounters between soldiers.

Again, Clausewitz is not denying that war involves this. War-as-battle may be usefully approached on the Duel Model. Nor does he deny the obvious attractions of this. Duels are simple and straightforward things, it is obvious who shoots who, who wins the duel, who is not part of the duel, etc. So, thinking of war this way carries with it a promise of precision. It is attractive, as noted, to those who would construct a "war by algebra." But it is only part of the story, and not the most important part for Clausewitz.

We might summarize the point as saying that those who think of war on the Duel Model are not really providing a just *war* theory. They are providing a just *battle* theory. And doing so is not entirely innocent, for, in abstracting from the political dimension of war, it may blind us to what is most deeply problematic about war. How it does this is something we shall now explore further.

## II. War: Its military and political dimensions

The problem with reducing war to battle is that it ignores the *twofold* character of war. Modern war has *two* dimensions: a *military* dimension, and a *political* dimension. Each must be understood on its own terms, as must the relation between them. Ironically, then, Clausewitz's claim amounts to saying that standard approaches to war emphasize the military element *too much*, it is too military-centric, for it is the political element that is primary. Let me unpack this by considering first the military dimension, or what war involves, then the political dimension, or what war is about.

For those familiar with Marx, this parallel might be useful. Clausewitz himself at one point likens battle in war, or what I term war making, to the sphere of *exchange* in capitalism. War building may be likened to the sphere of *production*. Just as Clausewitz chastises

other thinkers for focusing too much on battle, Marx chastised other political economists for focusing too much on the sphere of exchange and ignoring the sphere of production – which in Marx’s view was the “deeper” sphere and the “determining” factor of relations in exchange. Focusing on exchange provides for a simpler picture; indeed, it allows for us to intelligibly discuss what is just and unjust in exchange. By the same token, focusing on battle allows us to discuss what is just and unjust in battle. But for Marx, the appraisal of *capitalism* was something else entirely; the parallel claim would be that the appraisal of *war* is something else entirely. I have elsewhere suggested that the matter can be understood in this way. Marx claimed that the deepest problem of capitalism was not its injustice but its inhumanity, by which he meant that the capitalist system took on a life of its own that was indifferent to human agency. The parallel claim is that the deepest problem of war is not its injustice but is inhumanity, that the war system acquires a life of its own such that war is no longer an instrument of human purposes, instead human beings become an instrument of war’s purposes.<sup>16</sup>

a. The military effort, or what war involves

The differences between the two dimensions begin with who the *agents* of war are. In its military dimension, the agents of war are (as its name suggests) *militaries*. They are the ones that fight the battles, hence are the heart of the military effort. It is natural to think of war as “what soldiers do,” but soldiers do what they do only as members of *militaries*. By the same token, professors do what they do only as members of universities. The difference is that the organization of *militaries* is such that membership in the military makes soldiers *instruments* of the military, whereas professors are not the “instruments” of the academies for which they teach. Soldiers were not always “instruments” of their *militaries*, either. Once they were more like independent contractors who came and went as they pleased, and often acted as they pleased. The transformation of soldiers into instruments of the military (and of *militaries* into instruments of the state) occurred largely in the 18<sup>th</sup> century, led by the innovations of Prussia and Frederick the Great in practices like drill – that transformed soldiers into fungible parts of a larger whole. Maybe this will happen to professors one day, in which case we will speak of the militarization of their institutions. What do *militaries do* in war?

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<sup>16</sup> See Ryan, *Pacifism as War Abolitionism*, chapter four.

Let us distinguish the *general goal* of militaries in war from their *particular aims* in pursuit of that goal. The general goal of militaries in war is to degrade the forces of the enemy military through the infliction of violence. This is the goal of the military effort. “Degrading” is a broad term. It can mean destroying, depleting, demobilizing, or otherwise impairing enemy forces. *How* they pursue this goal is a matter of their particular aims in war. We might speak of this as the goal *in* the military effort. Scholars of war have explored how different countries have different “ways of war” that are reflected in the strategies they typically adopt. In World War I, the general goal of British forces was to degrade the forces of the Central Powers. This led to straightforward battles, like the ill-fated invasion of Gallipoli. But the principal way the British pursued this goal was through a naval blockade, which scholars have identified with the typical “British way of war” as distinct from straightforward battle typical of Prussia or France.<sup>17</sup>

What is the *harm* that militaries inflict or threaten to inflict in war? Let us term it *destructive harm*, for the purpose of *demobilizing* enemy forces. Militaries destroy other human beings, but they destroy lots of other things such as the enemy’s physical resources. The question of *responsibility* for such harm has a twofold answer depending on the *type* of responsibility concerned. On the one hand, there is the question of who *contributes* to the harm. Or, since “contributes” is rather vague, let us understand this as who *partakes* in the harming. Presumably everyone in the military partakes in the harming. On the other hand, there is a question of who *authorizes* the harm, where this includes who defines its particular aims. The answer to this varies depending on institutional facts. It is generally true that such authorization comes from military leaders insofar as they give the orders. But decisions about which actions are authorized are often made in consultation with civilian authorities. Winston Churchill was heavily involved in the British decision to invade Gallipoli in World War I though he was not a member of the military, but First Lord of the Admiralty. In the United States, decisions about which actions are authorized are made by military leaders, but that is because the authority is delegated to them by civilian authority. This is why President Roosevelt could overrule Marshall’s decisions about these matters in World War II.

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<sup>17</sup> See Basil Henry Liddell Hart, *The British Way in Warfare* (London: Faber and Faber, 1932); Andrew Lambert, *The British Way of War: Julian Corbett and the Battle for a National Strategy* (New Haven, CT: Yale University Press, 2021). The argument of Torch partly reflected differences between the British and American “ways of war.”

The impulse to focus on the first kind of responsibility, contributing/partaking responsibility, may reflect the fact that there is a general answer to this – soldiers. There is no general answer to the question of who bears authorizing responsibility. It will depend on the particular institutional facts. As noted, military leaders may give the orders, but the power to do so may be delegated to them; how this is done can vary from case to case.

War in its military dimension is about inflicting violence. What is distinctive about war, thus construed, is *how* the violence is inflicted. Most importantly, it is done in an organized manner. This is what most distinguishes a “war” from, say, a spontaneous violent melee. It is this picture, I think, that inspires people to think of war as a “multitude of duels” since duels too are about inflicting violence but unlike melees they abide by a certain organization – indeed, an organization that we take to be informed by a certain code of ethics.

#### b. The war effort, or what war is about

Who are the agents of war in its *political* dimension? The simplest answer is *states*. But this is *too* simple, though I shall tend to speak of it this way. In its military dimension, war is a conflict between militaries; in its political dimension war is a conflict between *political communities*. This is part of what Clausewitz meant by speaking of war as a “political” matter: it is a conflict between “*polises*,” or polities. And polities can take different forms, of which “states” (as we know them) are only one of them. Plus, there are different *kinds* of states, reflecting the kind of *sovereignty* that they involve. Today’s just war discussions abstract from these differences: they equate the polities that wage war with states, and states with a particular kind of state, specifically that which has predominated since World War II. Such simplifications are valid for the purposes of discussion, as long as they recognize that they are simplistic in conceiving of war in a very institutionally/historically limited manner.

Soldiers are instruments of militaries, and generally speaking militaries are instruments of states. A problem is that the boundary line between militaries and states can be blurred. In many 17<sup>th</sup>-18<sup>th</sup> century European states the distinction was almost nonexistent: most of what states did was fight wars, their budgets were overwhelmingly devoted to wars, and political leaders were also military leaders. Historians now call states of this sort “fiscal military states.”<sup>18</sup> Starting the 19<sup>th</sup>

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<sup>18</sup> John Brewer, *The Sinews of Power: War, Money and the English State, 1688-1783* (Cam-

century, the formal distinction between the state generally and its military in particular sharpened, though war remained the principal activity of states to the point that military leaders could become the effective heads of state, as they did for example in the later part of World War I in Germany.

What do states *do* in war? The first thing to note is that the answer is more complicated than might be imagined. Specifically, it is more complicated than one imagines if one pictures war as solely what militaries do.

Once again, we can distinguish the general goal of states in war from their particular aims in pursuit of that goal. The general goal of states is to bend the will of the enemy state. The phrase “bend the will” is Clausewitz’s, he also speaks in terms of “breaking the will,” etc. The key element here is *compulsion*, which is another reason why Clausewitz speaks of war as “political”: all politics is about compelling the will of others, it is about power in that regard; war is about asserting power through violence – put bluntly, it is killing for the sake of compelling. Note, then, that this provides a quite different picture of what is *distinctive* about war. What is distinctive is the *purpose* for which violence is inflicted or threatened: compelling others to acquiesce to your will. War is *political killing*, in this sense. Thus conceived, war is not like a duel at all. Duels are not about bending the will of the other person. The parties do not inflict violence on each other for the purpose of bending their wills, or bending someone else’s will. The closest analogy to war is *torture*, where violence is inflicted on someone so that they will acquiesce to your will. But even this analogy is not quite right, since the violence inflicted on soldiers aims to bend the will of the political community that sent them there.

But this is only half the story. “Bending the will” of another state is the goal of war making. But the *ability* to do this is a reflection of war *building* – of mobilizing the human and material resources for the purposes of war making. This too is a political matter, but it is not about how a state asserts its power against another state but how a state exercises power over its own populace. Modern states have done this in two ways. They have constructed *institutions* of war building like taxation and conscription to generate the money to pay for war and the soldiers to fight them. Hobbes suggested that the state itself was an institution of war building. If war making is about killing for the sake

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bridge, MA: Harvard University Press, 1990); Richard Bonney, *The Rise of the Fiscal State in Europe, 1200-1815* (Oxford: Oxford University Press, 1999).

of compelling, one might think of these institutions as compelling for the sake of killing. Modern states have also constructed *ideologies* of war building that have been central to the effectiveness and perceived legitimacy of these institutions. Far and away, the most important ideology has been *nationalism*.

There are really two things, then, that states do in war. One involves *bending* the will of the adversary on the battlefield, the other involves *bolstering* the will of the community on the home front. I shall discuss shortly how this is the issue raised in the Marshall versus Roosevelt/North African invasion dispute. Note, again, that it has no parallel on the Duel Model. When parties square off in a duel, there is no question of bolstering their support back home. It also marks a crucial distinction between war and domestic law enforcement. Police institutions must be mindful of their political support, and certainly some police activities have a strong public relations dimension. But a police effort conducted solely for bolstering political support, and otherwise wasteful of human lives and resources, would be condemned out of hand. By contrast, such activities are taken to be an essential part of war because so much rests on support back home. The Vietnam War has already been mentioned as one that ended when support for it collapsed on the home front. In World War I, Germany sought an armistice when support for the war on the home front collapsed to the point that German leaders feared a revolution like that which had occurred in Russia – and brought about Russia’s withdrawal from the war.

As its general goal is compelling, let us speak of the harm that states inflict or threaten to inflict in war as *persuasive harm*. It too has two dimensions. One dimension is persuading the enemy. Note that when you kill an enemy soldier you are inflicting several types of harm on them beyond the personal one. Militarily, the goal of killing them is to degrade enemy forces. Politically, the goal of killing them is to persuade the enemy state to surrender, or negotiate, etc. The other dimension is what I have termed bolstering the will back home, which I also claim can be the goal of persuasive harm. I shall defend this way of speaking about it shortly in considering the North Africa case.

Where does responsibility lie for war’s persuasive harm? Again, we distinguish two questions: who contributes/partakes in that harm, and who authorizes it. Let me address the second issue. Most generally, the authors of war are the states that wage them, but what this means differs from state to state. Just war theorists often speak of the decision to go to war, including the aims to be achieved, as vested in “political

leaders;" Walzer often refers to "statesmen" as well.<sup>19</sup> To begin with, not every constitutional order vests this power in "political leaders" alone. The United States of America doesn't, for example. The decision to wage war is vested in Congress, *not* the President, and the citizenry retains some of that authority in its willingness to serve in wars or not. All of this was cast aside by 20<sup>th</sup> century American politics and its "Imperial Presidency," but that is just to say that American practice no longer coincides with American principle. Clausewitz approached it in terms of the internal organization of states. He held that the "states" that waged war actually consisted of a "trinity" of factors: the government, the military, and the people. They were together responsible for war, but their relation to one another was one of ongoing conflict as well as negotiation; it too was "political," in that sense. The upshot was a picture of war's "author" as a kind of postmodern conflicted/fractured/"decentered" subject. This made talk of its "aims" in war deeply problematic, except as something themselves conflicted, contradictory, and constantly changing. At one point Clausewitz suggested that the whole idea of a unitary "state" conducting war was itself an *illusion* generated by the notion of "war aims."<sup>20</sup>

### c. Soldiers, self-defense, threats, responsibility

Before returning to North Africa, let me venture a few more comments on the Duel Model. The Duel Model invites us to think of war as soldiers encountering soldiers in which each seeks to defend themselves against the other. Let us speak of this as the *Self-Defense Model*: war is about soldiers killing each other in personal self-defense; they may not kill noncombatants because they are not threatened by them. This may put things rather simplistically, but the common equation of war and individual self-defense is evidenced in the fact that when pacifists say they are opposed to war, they are immediately confronted with the question: "Don't you believe in individual self-defense?"

The absurdity of this framework rests in the fact that war is the only social practice in which individuals, i.e., soldiers, can be compelled to *alienate* their right to individual self-defense, as when they are ordered into actions that mean certain death. This is something that the first theorists of individual rights worried about, and my own view is

<sup>19</sup> Michael Walzer, *Just and Unjust Wars* (New York: Basic Books, 1977), 112, 116, 122.

<sup>20</sup> See Mary Kaldor's discussion of this in "Inconclusive Wars: Is Clausewitz Still Relevant in these Global Times?" *Global Policy* 1, no. 3 (2010): 271-281. Kaldor cites Hew Strachan's "Clausewitz and the Dialectics of War," in *Clausewitz and the Twenty First Century*, eds. Hew Strachan and Andreas Herberg-Rothe (Oxford: Oxford University Press, 2007), 14-44.



that their worries have never been adequately addressed. Saying that soldiers “consent” to alienate their right to individual self-defense is not just questionable sociologically, it presumes that the right to self-defense is something that one *can* alienate.<sup>21</sup>

Still, aren’t many of a soldier’s actions ones of self-defense? Here, it is useful to introduce some distinctions in the “threat” presented by soldiers that are suggested by the preceding discussion. Soldiers may pose a threat to each other as persons, in the same way that individuals on a street corner may pose such a threat. Hence, when they defend themselves, they are defending their lives. But *qua* soldiers, they *embody* a threat; this is implicit in their status as “instruments.” And that threat is *twofold*: as members of the military, they embody the threat to degrade enemy forces; as members of a military, they embody the threat to dominate the enemy’s will. It is this that most distinguishes soldiers from noncombatants. A noncombatant may pose a threat to an enemy soldier’s person, in which case that soldier may defend himself. But a noncombatant does not *embody* a threat to an enemy soldier, hence whether or not they constitute a threat is a matter of what they *do*, whereas a soldier constitutes a threat by what they *are*.

Accordingly, the question of soldiers’ “responsibility” is a complex one. One question is what they do as a person, another question is what they do as a soldier. The latter begins with their responsibility for what they *are* as a soldier – as embodiments of threats. And this raises several issues: To what extent are they responsible for the *fact* that they embody a threat? To what extent are they responsible for the *particular* threat that they embody: i.e., the particular military threat that they embody, and the particular political threat that they embody? Finally, to what extent may the *different* threats that soldiers pose/embody conflict with each other, in which case which one are they responsible for abiding by? My main point here is that the Duel Model abstracts from such complexities in ways that render the status of soldiering much less problematic than it really is.

What, then, is the place of individual self-defense in all this? The question here is what soldiers are doing when they “defend themselves.” What I have characterized as a soldier’s embodying threat is invoked by Walzer’s talk of their being instruments in virtue of their lives being “nationalized.”<sup>22</sup> I think this is more accurately put as their

<sup>21</sup> Cheyney Ryan, “The State and War Making,” in *For and Against the State: New Philosophical Readings*, eds. John Sanders and Jan Narveson, 217-234 (Lanham, MD: Rowman & Littlefield, 1996).

<sup>22</sup> Walzer, 35. Walzer does not explore the different ways that nation states nationalize lives;

lives being *militarized*; in war, every citizen's life is nationalized in so far as they are liable to be enlisted in the war effort. Soldiers are those who have been enlisted in the military. In so far as they have been enlisted and their lives made instruments of the military, the question is whether, when a soldier defends his life, the life that he defends is truly "his" life anymore, or whether it is the state's life that he is obliged to defend as part of defending the state. The fact that it is not "his" life anymore would seem to follow from the fact that he can be obliged to sacrifice it, i.e., lose it, if the threat that he embodies so requires it.

At the very least, there would seem to be a tension between a soldier's concern with *surviving*, as a person, and *serving*, as a soldier. Walzer actually gestures towards the problematic status of individual self-defense at one point. He writes,

States exist to defend the rights of their members, but it is a difficulty in the theory of war that the collective defense of rights renders them individually problematic. The immediate problem is that the soldiers who do the fighting, though they can rarely be said to have chosen to fight, lose the rights they are supposedly defending [...]. 'Soldiers are made to be killed,' as Napoleon once said; that is why war is hell.<sup>23</sup>

"Difficulty," indeed. If the "hell" of war consists in the fact that becoming a soldier means you not only lose the rights that individuals normally possess, you lose the very rights that you are "supposedly defending" – the question is: why would anyone *become* a soldier?

Walzer says a great deal about what people *do* as soldiers, but says little about why people *become* soldiers. What he says is ambivalent: on the one hand, he speaks of soldiering as a kind of "servitude," suggesting that individuals have zero choice in the matter; on the other hand, he speaks of it as something that individuals "allow" to happen to them, i.e., that they *acquiesce* to it in ways that presume some agency in the matter, hence some responsibility.<sup>24</sup> The subsequent quarrels

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I have suggested that liberal nation states do it via a kind of war bargain. See Cheyney Ryan, "War, Hostilities, Terrorism: A Pacifist Perspective," in *Pacifism's Appeal Ethos, History, Politics*, eds. J. Kustermans, T. Sauer, D. Lootens, and B. Segaert, 11-40 (London: Palgrave MacMillan, 2019).

<sup>23</sup> Walzer, 136. I cannot resist noting that Walzer's claim that "States exist to defend the rights of their members" is patently absurd. In the 20<sup>th</sup> century, you were as likely to be killed by your own state as by an "enemy" state.

<sup>24</sup> Walzer, 35 ("servitude"); 145 ("allow").

with Revisionists have involved how *much* agency hence responsibility individuals have for being soldiers, or how much they have for *remaining* soldiers – insofar as Revisionists insist soldiers should refuse to serve in actions that are blatantly immoral. These are really quite different questions: when I faced the question of fighting in the Vietnam War, the worst that could have happened to me if I had refused to enter the military was five years in federal prison; if I had refused *after* entering the military, the worst that could have happened to me was being executed for insubordination/desertion. Anyway, in modern war the question of what in fact motivates citizens to serve in the military and motivate soldiers to fight in war begins with the question of *nationalism*, which, as I have noted, is the principal ideology of war building. Yet the word “nationalism” does not appear in the index the Walzer’s *Just and Unjust Wars*, or in that of McMahan’s *Killing in War*. It is as if, in the era of religious wars, one talked about the problems they raised without mentioning religion. This is part and parcel of the more general problem addressed in this essay of ignoring war building for war making.<sup>25</sup>

### III. Operation Torch and persuasive harming

Let me return now to the North Africa case.<sup>26</sup> The United States entered World War II with the 1942 bombing of Pearl Harbor. Its entry into the European portion of the war resulted from Hitler’s declaration of war on the United States which immediately followed that bombing. Not only did the United States declare war on Germany, it made the defeat of Germany its number one priority. The first question was how that effort should proceed. This immediately led to a heated argument that Marshall termed a “staggering crisis” around the question of war strategy.

Prime Minister Winston Churchill was adamant that the first Allied action should be in North Africa against the mainly Italian (albeit German-led) forces fighting there. Churchill’s plan would be named “Operation Torch.” General Marshall regarded Churchill’s plan as absurd, as did the entire American military leadership. General Stanley Embick,

<sup>25</sup> See Cheyney Ryan, “‘Wretched Nurseries of Unceasing Discord’: Nationalism, War, and the Project of Peace,” *Theoretical Inquiries in Law* 21, no. 2 (2020): 207-228.

<sup>26</sup> The sources for this section are Robert Payne, *The Marshall Story, A Biography of General George C. Marshall* (New York: Brick Tower Press, 1951); Norman Gelb, *Ike and Monty: Generals at War* (Leicester: Sharpe, 2018); Ambrose; Andrew Roberts, *The Storm of War: A New History of the Second World War* (New York: Harper, 2012); Ian Kershaw, *The End: The Defiance and Destruction of Hitler’s Germany, 1944-1945* (New York: Penguin, 2011).

one of the War Department's most respected strategists, dismissed it as "fantastic," U.S. Secretary of War Stimson called it a "half-baked" idea reminiscent of the British military fiasco at Gallipoli. General Dwight Eisenhower later deemed it "a most peculiar venture of armed forces into the field of international politics; we were invading a neutral country to create a friend."

Why go chasing nearly a thousand miles south of London to find an enemy to fight, in a neutral country, when there were plenty of Wehrmacht troops stationed less than twenty-five miles from Dover?<sup>27</sup>

It was ultimately counterproductive militarily. 8,500 Germans died in Operation Torch, against around 10,000 Americans and 17,000 British killed, wounded and missing. Plus, even when they cleared North Africa and successfully invaded Italy, the immense barrier of the Alpes still stood between them and Germany. Diplomatically, Eisenhower came to regard it as a disaster when he became president. By delaying Americas entrance into the European conflict, he felt it allowed Soviet Union to occupy Eastern Europe. Marshall, Eisenhower, and the American military maintained that efforts should be entirely devoted to an invasion of Europe of the type that only came two years later at D-Day. The *failure* to do this was taken as an affront by the Soviet Union which was bearing almost the entire burden of fighting Germany and was insistently calling for the opening of the second front in Europe. The Soviets regarded Churchill's preoccupation with North Africa as driven by his concern to shore up the British Empire there. President Eisenhower later attributed the Soviet Union's deep suspicion of Allied aims to the diversion into North Africa. Moreover, Eisenhower held that if the Allies had gotten involved in the European war sooner, they could have checked Soviet advancements into Europe that became solidified in the Cold War.

President Roosevelt overruled his military leaders in approving Operation Torch. It was one of just two occasions during the war when he directly overruled them. Marshall said bluntly that Operation Torch was a "public relations stunt." Churchill felt it had some military logic to it, but he basically agreed with Marshall's appraisal: "As I see this operation, it is primarily political in its foundations." Marshall's principal objection involved the needless sacrifice of his own troops. Marshall's biographer writes that he "hated to see his men die under any

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<sup>27</sup> Ambrose, 181.

circumstances, most of all the transparently political, and that is how he looked upon Torch.”

We have no record of the direct discussions between Roosevelt and Marshall. Having lived through World War I, Roosevelt was mindful of how the fate of wars could hinge on support from the home front. Before the war began, he had increased taxes and introduced conscription, despite their unpopularity, to send a message of how important such support was. It was all to send the message, “We are in this together.” Even after Pearl Harbor, support for the war was problematic. Military leaders called for a strength of three hundred divisions, Congress froze the ceiling at ninety divisions. Getting American “boots on the ground” was essential to the war building effort, even if it had no value as an act of war making. It was not irrelevant that the 1942 election would be happening soon, where support for the war would be an issue.

So, in response to Marshall protest, we can imagine Roosevelt saying: “General Marshall, you protest that Operation Torch is just a public relations stunt. I admit that sounds bad, so I will probably fudge the whole issue of what we are doing North Africa and hope that later generations forget this dispute. But what do you think politics is, and what do you think *war* is – if not political? This is the whole *point* of Clausewitz’s classic text, *On War*. Much of what happens in modern war is for psychological effect rather than any military value. Take the Battle of Stalingrad, which later generations may come to see as the turning point of the entire war. The city itself was of marginal military importance; Hitler could have just gone around it. But he wanted to capture it for its symbolic value that it was named after Stalin. The upshot was that his entire 6<sup>th</sup> Army was trapped and destroyed and the German war effort never recovered.” One might imagine Roosevelt’s address to the American people, if he had been candid about the operation: “Today, American forces landed on the shores of northern Africa. This action has no particular military purpose. Rather, young Americans will be fighting and dying to ensure that those who are listening to this broadcast will continue to support the war effort.”

Qua political, the harms inflicted in Operation Torch were instances of *persuasive harm*, where the persuasion was directed entirely at the home front. The victims of that harm obviously included enemy Italian and German soldiers; these also included soldiers from Vichy France. I think the disturbing question is whether American soldiers were subject to such harm as well. The principle that sacrifices should only be incurred that weaken the enemy’s military capacity would seem to im-

ply that sacrificing one's own soldiers to bolster the will on the home front is a needless one. But note that an upshot of my discussion is that this sort of act is an inevitable, if not essential, part of modern war – that countries send their own soldiers to kill and die for public relations. It will be responded that soldiers consent to being treated this way, as part of consenting to being “instruments” of their state in war. But what is the status of that consent, if in fact the logic of such political sacrifice is obscured if not denied by the dominant models of war? The question I want to conclude with involves the fate of those in the home front, those that are meant to be persuaded by the sacrifice of their loved ones. Here is a remark by the great historian John Keegan from his book on the American Civil War. It begins with a reference to American poet Walt Whitman, then proceeds to a remark about the logic of modern war that raises questions about the centrality of something like torture to it – the emphases are mine. He writes,

Whitman was a great poet of the Civil War, because he understood the purpose and nature of the war, which was to inflict suffering on the American imagination. The suffering was equally distributed between the two sides, and was felt particularly by those not present. *The whole point of the war was to hold mothers, fathers, sisters, and wives in a state of tortured apprehension*, waiting for the terrible letter from hospital that spoke of wounds and which all too often presaged the death of a dear son, husband, or father. It was a particular cruelty of the Civil War that because neither side had targets of strategic value to be attacked – not, at least, targets that could be reached by the armies in the field (until Sherman took the war to the Southern people by marching into their homeland) – its effect had to be directed principally, indeed for years exclusively, at the man in the field and at the emotions of those who waited at home. Torturing the apprehensions of the non-combatants was a new development in warfare, produced by the rise of an efficient postal service. Before the days of rapid and reasonably certain postal communication, soldiers could be banished to the mind's recesses after they marched away, because the nearest and dearest knew that they would receive no news of their fate until the war was over, if indeed then. The only certain news of a soldier on campaign came by default, when he did not return. Whit-

man caught at the truth in an entry in one of his notebooks. “The expression of American personality through this war is not to be looked for in the great campaign and the battle-fights. It is to be looked for [...] in the hospitals, among the wounded.”<sup>28</sup>

I have spoken of war’s general goal as “bending the will of the opponent,” but this puts the point rather impersonally and antiseptically. Privileging the military dimension alone suggests that the harm to noncombatants is entirely the physical harm of treating them as soldiers. The suggestion here is that, in Keegan’s words, the “whole point” of modern war is “torturing the apprehensions” of the citizenry, placing them in a position of permanent anxiety via the prospect that their loved ones will be harmed for that very purpose. More generally, the attention to harms – including the *kind* of harms – inflicted by war seems to focus inordinately on the harms in battle, as questions of who is, and who is not, included in the battle. The suggestion here is not just that the purpose of those harms is to impact the home front, or war building. It is also that the harms experienced by the home front have their own distinct character, as typically experienced by groups like wives and family members, that escape our military-centric thinking about war.

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<sup>28</sup> John Keegan, *The America Civil War* (New York: Random House, 2009), 455-456.



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