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978-1-107-12186-7 - Contingent Pacifism: Revisiting Just War Theory

Larry May

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Contingent Pacifism

In this, the first major philosophical study of contingent pacifism, Larry May offers a new account of pacifism from within the Just War tradition. Written in a non-technical style, the book features real-life examples from contemporary wars and applies a variety of approaches ranging from traditional pacifism and human rights to international law and conscientious objection. May considers a variety of thinkers and theories, including Hugo Grotius, Kant, Socrates, Seneca on restraint, Tertullian on moral purity, Erasmus's arguments against just war, and Hobbes's conception of public conscience. The guiding idea is that the possibility of a just war is conceded, but not at the current time or in the foreseeable future due to the nature of contemporary armed conflict and geopolitics – wars in the past are also unlikely to have been just wars. This volume will interest scholars and upper-level students of political philosophy, philosophy of law, and war studies.

LARRY MAY is W. Alton Jones Professor of Philosophy, Professor of Law, and Professor of Political Science at Vanderbilt University. He is the author or editor of thirty books, including *After War Ends: A Philosophical Perspective* (Cambridge, 2012), *Global Justice and Due Process* (Cambridge, 2011), *Genocide: A Normative Account* (Cambridge, 2010), *Aggression and Crimes Against Peace* (Cambridge, 2008), *War Crimes and Just War* (Cambridge, 2007), and *Crimes Against Humanity* (Cambridge, 2005).

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Acknowledgments

My grandfather served in World War I – coming home from the trenches hating war and everything related to it. My father served in World War II – coming home with a different, somewhat more positive, reaction, but largely because he managed not to be sent into combat. In 1971, I went before my draft board arguing that I should be exempted from military service in the Vietnam War on the grounds that I was conscientiously opposed to the Vietnam War. Because I was raised Catholic, and because I was only opposed to some wars, I declared myself to be a “selective” conscientious objector. Then after making my case, and to my surprise, the draft board granted my request. But to my even greater surprise the draft board members asked me if I was conscientiously able to serve in the medical corps in Vietnam, rather than to stay stateside and work in a hospital, in lieu of serving in the military. I agreed to serve in the medical corps but for unrelated reasons (I had a very bad case of acne) I was never asked to serve overseas.

These experiences have colored my view of serving in wars for my entire adult life. I have nothing but admiration for those who feel that it is their patriotic duty to serve in war or in peace, both those who carry weapons and those who do not. In this book, I discuss selective conscientious objection, and the form of pacifism that would support such a position as I tried to articulate before my draft board. In general, I try to provide a coherent account of this form of pacifism and what are the best arguments that I can construct in its favor.

I have written previously about conscience and about the Just War tradition, and I have begun to explore contingent pacifism in some of my writings over the years. Certain chapters appeared earlier in other forms. A version of parts of Chapter 5 appeared as “Contingent Pacifism and the Moral Risks of Participating in War,” *Public Affairs Quarterly*, 25/2 (April 2011), 95–111. Parts of Chapters 7 and 8 appeared as “Human Rights, the United Nations Charter, and Contingent Pacifism,” *Florida State International Law Review* (Winter 2014). Part of Chapter 10 appeared as “On Conscience,” *American Philosophical Quarterly*, 20/1 (January 1983), 57–67. And an earlier version of Chapter 12 appeared as “Contingent Pacifism and Selective Refusal,” *Journal of Social*

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Philosophy, 43/1 (Spring 2012), 1–18. All of these pieces have been extensively revised and reorganized for the book. In addition, some of the material for Chapter 5 was part of my essay “Humanity, Necessity, and the Rights of Soldiers,” which won the American Philosophical Association’s Frank Chapman Sharp prize for best unpublished work on the philosophy of war and peace from 2012–14.

I first presented some of these ideas in Oxford at the Institute for Ethics, Law and Armed Conflict which has been a wonderful place for me to get feedback from the leading scholars there who work on Just War issues. I am similarly grateful for excellent feedback I received in seminars at the Australian National University where my ideas became more detailed. And I was fortunate to be able to get excellent comments on relatively late versions of several of these chapters as the Ida Beam Visiting Scholar at the University of Iowa. Several theorists read earlier drafts of the book: Saba Bazargan, Mathias Thaler, Cian O’Driscoll, Andrew Forcehimes, and Tony Coady, as well as an anonymous reviewer for Cambridge. I am very grateful for their many suggestions and criticisms, without which the book would be much poorer.

I have tried out many of these ideas at conferences here in the US and am especially grateful for feedback received at Middlebury College, the University of California–Berkeley, Binghamton University, the University of California–San Diego, and at Vanderbilt University. Also in Europe I thank audiences where I presented versions of some of these chapters in The Hague, Manchester, and Geneva. I am grateful to all of these audiences for their patience and support. In addition, I would not have been able to complete this project without the financial support that I have received from Vanderbilt University and from the Centre for Applied Philosophy and Public Ethics in Canberra.

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Most significantly, I am grateful well beyond words for the countless discussions, often during our morning walks, which I have had with Marilyn Friedman, whose advice and especially her criticisms made my work better than I could possibly have made it on my own. Philosophy, for me, has never been a solitary enterprise. Thinking, especially about difficult contemporary social issues, needs dialogue, and I am profoundly grateful for all those who have been willing to engage with me in conversation over the many years that I have worked on this book. But Marilyn deserves special thanks for prodding me to explain why pacifism appeals to me, and for forcing me to see its problems so well.

Last but not least I thank my draft board for taking me seriously as a nineteen-year-old struggling with my conscience long before I was able to explain myself in a coherent fashion. I dedicate this book to those young men and women who struggle with their own consciences when they are asked to serve in their nation's wars. I hope the adults who hold these youngsters' lives in their hands take them as seriously as I was taken by my draft board in 1971. Hopefully this book will encourage others to speak up and engage their fellow citizens in a discussion of why and whether war and armed conflict should still be so prevalent today. But those who choose to serve in foreign wars should not be blamed but rather thanked for their service, as is true for those who serve their nations in other ways. The form of pacifism presented in this book is meant to be soldier-friendly.