

Tocqueville21

Book Forum

Humane: How the United States Abandoned Peace and Reinvented War

Samuel Moyn

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Contents

Introduction by David Klemperer and Christopher Schaefer.....	2
Review by Duncan Bell (University of Cambridge).....	4
Review by Michael Brenes (Yale University).....	7
Review by Emma Mackinnon (University of Cambridge).....	11
Review by Mel Pavlik (Yale University).....	15
Response by Samuel Moyn (Yale University).....	19

Introduction by David Klemperer and Christopher Schaefer

In the aftermath of the United States military's chaotic withdrawal after a twenty-year occupation of Afghanistan, few deny that America's approach to the world is in serious need of re-evaluation. Ideally, such a re-evaluation should not be limited to an analysis of these recent events. Rather, a longer and larger historical perspective is needed regarding not just the tactical issues of the Afghanistan withdrawal but the broader question of how the world's most powerful nation wages war and pursues peace. Few public intellectuals could be better suited to provide this kind of perspective than Samuel Moyn.

Currently the Henry R. Luce Professor of Jurisprudence at Yale University, Moyn has acquired a well-deserved reputation as one of American liberalism's most trenchant internal critics. Perhaps most significantly, his influential series of academic works on the intellectual history of human rights have called into question the shibboleths of twenty-first century democracy and international law. By offering critical genealogies of concepts that have become foundational to global political discourse, Moyn's historical investigations have served to undermine conventional narratives, exposing both the contingency and the inadequacies of contemporary political visions. In more recent years, Moyn has turned his attention to America's foreign and military policy, offering public criticism of the "forever wars" prosecuted by successive presidential administrations. As a non-resident fellow at the Quincy Institute, he has established himself as an important voice within the nascent "restraint coalition."

In *Humane: How the United States Abandoned Peace and Reinvented War*, Moyn brings together the threads of his public and academic work to make an argument for the origins of America's endless wars. At once a work of intellectual history and a commentary on our present moment, *Humane* chronicles the emergence of the "humane warfare" supposedly practiced by the United States. The question Moyn asks is an important—if counterintuitive—one: have efforts to make warfare more "humane" come at the cost of normalizing it? If so, have liberal efforts to restrain violence missed the point, wrongly prioritizing ethical war over genuine and enduring peace?

Moyn's narrative covers a century-and-a-half of theorizing, policy-making, and activism, ranging from Leo Tolstoy's *War and Peace* to George W. Bush's "War on Terror." The book is global in scope, and as in Moyn's previous works, international law plays a central role. Appearing in print on the twentieth anniversary of 9/11, *Humane* is a timely and provocative intervention. For those within the academy, it offers a challenging new interpretation of the history of thinking about war. For those outside of it, it forces a reckoning with how we confront war's horrors.

In this Tocqueville21 book forum, four reviewers offer their perspective on *Humane* and on the questions it raises. All hail it as a vital historical and political contribution, but each approaches it from a different angle.

Duncan Bell and Emma Mackinnon, both historians of political thought at the University of Cambridge, focus primarily on Moyn's re-narration of the intellectual history of warfare. In his review, Bell emphasizes Moyn's history of "popular jurisprudence," and what his narrative can tell us about how words, images, and doctrines have shaped moral sensibilities. Mackinnon contextualizes *Humane* within Moyn's wider *oeuvre*, before going on to explore its account of the anti-war movement over the past two decades. She finishes by considering its implications for contemporary anti-war activists. Bell ends his review with this same question, asking where Moyn thinks activists should go from here.

Michael Brenes, a historian of foreign policy, and Mel Pavlik, a political scientist, both at Yale, similarly center this question in their commentaries. In his review, Brenes draws out the political stakes of Moyn's account, focusing on how Moyn shows that "humane war is a problem of liberalism." For Brenes, *Humane* successfully demonstrates how responsibility for legitimizing endless war lies with "well-intentioned reformers" and practitioners of international human rights law. However, where Brenes declares himself convinced by Moyn's argument, Pavlik offers a more critical assessment. If the essence of war is, as Moyn appears to argue, domination rather than violence, what is it then, Pavlik asks, that makes war unique as an evil? And why is it aggression, rather than atrocity, that we should see as the gravest sin?

Finally, in a generous response, Moyn takes up the questions posed to him by the reviewers and concludes with a restatement of his central argument: that as we seek to unwind the "deterritorialized brutal force" of America's war on terror, it is force itself, as well as brutality, that we must combat.

As Mackinnon comments in her review, "Moyn's books have consistently worked to open conversations rather than close them." *Humane* is no exception, and *Tocqueville 21* is proud to provide a forum for some of those conversations here.

Review by Duncan Bell (University of Cambridge)

Dissolving the Dream of Peace

To write compellingly about the history of international law for a general audience is no mean feat, but Sam Moyn, describing himself as an old dog having to learn new tricks (383), has pulled it off. After transforming historical debates over human rights in a provocative series of books, he has turned his attention to the often paradoxical relationship between law and war, with a particular focus on the United States. The result is impressive. *Humane* makes a powerful argument about the transformation of war across the twentieth century and into the present.

The book ranges widely, weaving together illuminating portraits of notable individuals – a mix of eccentrics, misfits and establishment figures including Tolstoy and Bertha von Suttner, through Jean Pictet, Quincy Wright, Telford Taylor, and Richard Falk, to Michael Ratner, Harold Koh and Jack Goldsmith—with analytical discussion of geopolitics and legal debate. At its heart lies a convincing line of argument: recent efforts to humanize war by reducing its lethality have come at the expense of normalizing violence. Whereas the ambition of the nineteenth century peace movements and their successors was to outlaw war—or at the very least to establish forms of legal arbitration or international institutions to radically limit its occurrence—recent decades have been dominated by efforts to regulate the conduct of war. The dream of peace has all but dissolved. “We had made a moral choice to prioritize humane war, not a peaceful globe” (7).

Moyn traces this remarkable change principally to the closing years of the Vietnam War, and the public and political recoil against the atrocities committed by American soldiers, symbolized by the massacre at My Lai. Along the way he discusses many other important issues, including the racialized character of much “peace” discourse, the entanglement of international law and colonialism (91-115), and the often forgotten horrors of the Korean War—indeed for Moyn, it is Korea, rather than Vietnam, that represents the apogee of the unregulated American way of war. It was the “most brutal war of the twentieth century, measured by the intensity of violence and per capita civilian death.” Four million people, half of them civilians, were killed in the space of three years (155). Vietnam was “the pivot,” triggering a series of changes, including the adoption of the “epoch-making” 1977 Additional Protocols to the Geneva Conventions (201), though it was only during the post-Cold War years that “humane warfare” emerged in its current recognizable form. It can be seen today in the American obsession with “clinical” special forces missions and drone strikes, the phalanx of lawyers involved in the planning of operations, and dreams of fully-automated killing. Potentially endless violence has been ushered in under the guise of legal regulation. “In our time, swords have not been beaten into ploughshares. They have been melted down for drones” (4).

Here I’d like to mention three things I took from reading the book. Two of them relate to what might be called popular jurisprudence—the multifarious ways that legal norms and principles are disseminated, invoked, reinforced and contested, outside the formal structures of the legal system. The third is about the future.

My first observation concerns the role of word and image in shaping moral sensibilities and informing legal change. The theme recurs throughout the text. For example, Moyn emphasizes the significance of Tolstoy’s fictional work in propagating his ideas about peace, and he rightly draws attention to the extraordinary success of von Suttner’s novel, *Die Waffen Nieder!* (1889), translated into English as *Lay Down Your Arms!* (1893). Prior to the First World War, he suggests, “no document of Western civilization did more to turn what had been a crackpot and marginal

call for an end to endless war into a mainstream cause” (52). When discussing Vietnam, Moyn touches occasionally on the affective power of images, such as the horrific 1972 photograph of an injured young Vietnamese girl, Kim Phúc, fleeing a napalm attack (169). Perhaps one reason why Korea remains the forgotten war in the West is the relative lack of visual imagery that emerged to record its deathscapes. Later, Moyn draws attention to [the impact of the Abu Ghraib torture photographs](#), and notes how the US military became so concerned about [the representation of torture in the popular TV show 24](#) that a General was dispatched to Hollywood to remonstrate with the producers (257).

The British novelist J. G. Ballard claimed hyperbolically that constant mediated exposure to violence during the 1960s—from the assassinations of JFK and MLK to the killing fields of the Congo and Vietnam—[lead to the “death of affect,” a dulling of empathy among the affluent populations of the Euro-American world](#). Moyn hints at something otherwise: that media coverage, circulating through new global communications networks, changed public attitudes to the conduct of war, and helped motivate policy and legal initiatives. Implicit in Moyn’s analysis is a story about how the image—whether still or moving—supplanted (without fully replacing) the word as the privileged medium of persuasion.

A second theme concerns the role of just war thinking in the pattern of legal change that Moyn charts. While ethical arguments are not the same as legal doctrine, the two discourses intersected, even converged, during the twentieth century. Following the Second World War there was a burst of academic and public discussion in the United States (and elsewhere) about the just war, shaped initially by theologians and church leaders, but later on by those working with a secularised version of the tradition. It morphed from a casuistical mode of reasoning to a repertoire of principles enshrined or discussed in terms of rights and laws, a transition that [Nick Rengger described aptly as the ‘legalization’ of the just war](#). The initial focus of debate, in the 1940s through to the early 1960s, was [on the ethical implications of nuclear weapons](#)—the [new human capacity for species-destruction](#) offered a fundamental challenge to traditional forms of thinking about conflict.

Later, in the context of the war in Vietnam, the debate shifted to a wider set of questions about both the *jus ad bellum* and the *jus in bello*. As such, it encompassed both strands of Moyn’s paradoxical story. The just war tradition makes a couple of passing appearances in *Humane*. In his chapter on World War II, for example, Moyn mentions Bishop George Bell, who drew on just war thinking to publicly criticize the area of bombing of German cities. But Michael Walzer appears mainly as a critic of Tolstoy rather than an important contributor to debates over the legitimacy of war. His 1977 volume *Just and Unjust Wars* (1977) is the classic statement of secularized just war thinking (with each new edition, it also serves as an index of the increasingly permissive attitude to military intervention, especially in the name of “humanitarianism,” that Moyn charts in legal terms). It shaped academic debate on the subject and was adopted as a pillar of ethics teaching in military academies around the Western world. Moyn contends that the “self-humanization of the [American] military under law” (207) was arguably the most important post-Vietnam factor in the emergence of humane war. I would add just war pedagogy to the mix. A combination of legal reasoning and (legalized) ethical instruction helped reshape the ethos. The two cohered neatly, with just war theory providing a shape-shifting set of principles for justifying war and for regulating its conduct. In accepting the legitimacy of conflict under certain circumstances it assumed what the traditional advocates of peace denied.

A final brief question. I finished the book wondering where Moyn thinks we should go from here. Is there a simple binary choice between supporting the “humanization” of war and efforts to create a peaceful world, or are there better alternatives, whether legal or political?

Duncan Bell is a Professor of Political Thought and International Relations in POLIS and a Fellow of Christ's College at the University of Cambridge, “that most secluded grove of academe” (161).

Review by Michael Brenes (Yale University)

American War from Sherman to McChrystal

“It became necessary to destroy the town to save it,” stated an anonymous United States Major in February 1968 following the destruction of the Vietnamese city B n Tre during the Tet Offensive. Conveyed to New Zealand journalist Peter Arnett, and much misquoted since then—its source still unknown or, at least, [shrouded in myth](#)—the line has become a cultural touchstone, revived periodically by both Democrats and Republicans, liberals and conservatives, and butchered anew to identify individuals who pursue their ambitions to self-destructive ends and try to fulfill long-term goals with malignant short-sightedness.

The absurdity of humanity saving itself through war has a long history, one that is endemic to war’s purpose. But Samuel Moyn’s new book *Humane* goes beyond the dilemma of war as a civilizing force to argue that as war became more ethical, and thus more palatable to Americans in the twentieth—and twenty-first century, its immutable, inherent destructiveness only expanded. The result is a fascinating and necessary book. Moyn has produced a revelatory, sweeping, clear-eyed treatise on how the U.S. has “humanized” conflicts—to prohibit crimes of war rather than war itself—to the detriment of American democracy.

Humane shows how the United States ended up waging wars with boundaries on the battlefield but not the home front. Because these wars have been waged through autonomous weapons and covert operations, and because they endure—quietly, out of the public eye—they have proven impervious to democratic restraints. Rather than see the United States engaging in a [perpetual war for perpetual peace](#), or fighting a series of “endless conflicts” [since the 18th century](#), Moyn argues that the “forever wars” of Iraq and Afghanistan (so dubbed by their critics) derive from the ways the United States has tried to hide, even curtail, its global hegemony over the past half-century. Forever wars are normative, but novel; they are a product of our post-Vietnam, post-Cold War moment where the United States sought to rectify the atrocities of war but not prevent future conflicts.

Moyn’s history of the United States begins in Russia with Leo Tolstoy. Tolstoy “fixated on corporal wrongs and physical violence” in war, his epic novel—and arguably the greatest anti-war novel—*War and Peace* a reflection on the horrors of the Napoleonic wars—ostensibly wars for liberation. Tolstoy’s pacifism existed at a time when the architects of modern wars, including Carl von Clausewitz, thought brutality in war made it better: it encouraged a quick, decisive peace. The growing demand for states to adhere to “rules of war” by the late nineteenth-century century was a fool’s errand for Tolstoy: they legitimized war, even encouraged it. Better to ban war altogether.

Tolstoy spurred a coterie of followers (the “Tolstoyan movement”) including peace activist Bertha von Suttner and pacifist and progressive Jane Addams. Suttner, who in 1905 became the first woman to win the Nobel Peace Prize, participated in the Hague conventions but grew jaded with “hypocritical institutions” who professed to seek peace but in fact wanted diplomatic subterfuge—to claim the mantle of peace without demanding it. Suttner’s cause was taken up by political scientist Quincy Wright, who sought refuge within “international arbitration” to compel nations to prohibit war and punish leaders like Kaiser Wilhelm II for his role in escalating World War I. But the Great War sullied the notion that the law could liberate peace for Wright, who felt instead that it could “not greatly reduce the destructiveness of war.”

World War II then showed how “peace and brutal war went together,” according to Moyn, with no regulations on air power before or following Dresden or the firebombing of Japan. The Nuremberg trials and revived Geneva conventions—encouraged by groups like the International Committee of the Red Cross—punished Nazis’ atrocities but failed to address the criminality of war-making. And the Korean War proved the capstone to the era of brutality, with General Douglas MacArthur abusing, and outright flaunting, the weaknesses of international law when he brought allied troops across the 38th parallel, leading to an era “of endless war for decades in the global south” where the postwar “rules of peace”, Moyn writes, were relevant only to America’s enemies.

The United States did not take the laws of war seriously until the latter years of the Vietnam War. Moyn argues that Vietnam marked a profound shift in war, as the logic and legacy of Nuremberg was applied to the behavior of individual Americans and specific decisions and policies made during Vietnam, but not the overall war. Congressional figures and international lawyers’ criticism of war crimes committed in the Central Intelligence Agency’s Phoenix Program (where suspected Vietnamese communists were tortured and killed by U.S. special forces), instead of Operation Rolling Thunder or Operation Menu (the official name given to Nixon’s bombing of Cambodia), marked a conspicuous shift in how war crimes moved “from the far left to the liberal center” to ultimately define the humane contours of war post-Vietnam. America’s decimation of Vietnam received impunity through laws that protected the dignities of its victims. In other words, the crimes committed in Vietnam were deemed exceptional by the standards of the law; but that did not mean the Vietnam War was immoral. This logic, propounded by lawyers like Telford Taylor, relied on a broader premise of American exceptionalism—that the United States wages war in legal terms and will actively persecute those who fail to recognize that exceptionalism in their wartime conduct.

The interregnum between the post-Cold War and the War on Terror invigorated this premise, with the fall of communism creating “not a demand for peace but for interventionist justice” among President Bill Clinton and his administration. After the 9/11 attacks, lawyers like John Yoo told George W. Bush that he could ignore inhumanity in war, that Common Article 3 of the Geneva Conventions, and the nascent history of humane war, did not apply to “enemy combatants.” Yoo therefore “resuscitated a type of brutal war that was beyond the pale of legality but already become obsolete”: torture and indeterminate imprisonment were fair game. Progressive lawyers like Michael Ratner tried to push back against the bipartisan consensus that would challenge Yoo’s conclusions without rejecting them. Ratner fumed about threats to civil liberties and the dangers of the imperial presidency but gave up on criminalizing aggression.

Obama was beholden to the Bush administration in ways that Obama’s supporters have overlooked, according to Moyn. The Obama administration kept the “Bush-era permission slips around *going to war*” and embraced a War on Terror that had “no limitations in space or time on the conduct of counterterrorism.” Obama’s intention to close Guantanamo Bay, and his critique of torture during the Bush years—“We did some things that were contrary to our values”—reflected his “desire to be good and a desire to mask evil,” as lawyers like Harold Koh provided the “legal-ish” framework for Obama’s drone strikes—a framework that Donald Trump inherited and exploited when he decided to assassinate Iranian General Qasem Soleimani with a Reaper drone.

Throughout his book, Moyn alludes to a question that few historians have asked yet is omnipresent in how we think about contemporary war: When did the United States decide it

could wage wars endlessly? Moyn's answer is unsatisfying: few did, because they never considered the question. No one saw the arrival of humane war—or endless war—until it was our prevailing vision of war. (Except Tolstoy and his followers.) This is because humane war became the inevitable outcome of an unwillingness to relinquish primacy among proponents of liberal internationalism, who needed the threat and reality of war to maintain a world order determined by American hegemony, but feared the bad optics if human rights abuses were committed in the process.

Moyn has convinced this reader that humane war is a problem of liberalism, a condition of America's better angels. Endless war, Moyn proves, is not the fault of blatant militarists, of unrepentant hawks, but well-meaning reformers whose efforts to criminalize the fighting of wars have made it difficult to end them. The rise of humane war is concurrent with the crisis of liberal internationalism after Vietnam. Humane war allowed liberal internationalism to survive and thrive when Vietnam should have been its death knell, and when the utility of America's global hegemony briefly diminished after the Cold War.

But that makes one wonder if humane war was always there, just in different form. Moyn forces us to think of humane war in its pluralities, rather than as a singular concept. America's way of war has always encapsulated a dreary, perfunctory paradox: the fantasy of [cheap](#) and “clean” war to salvage war's brutality. Fear of nuclear war, thought defense intellectuals, would entail an anxious but stable [“long peace”](#) during the Cold War; Brigadier General Billy Mitchell believed air power after World War I would put a salubrious end to bloody, protracted land-based conflicts; the occupation of the Philippines after 1898 relied on Filipino “scouts” to reduce American deaths—a racist policy that stemmed from an effort to spare the lives of (white) American soldiers. War was cruel, but military officials consistently thought the brutality of war could be managed through “humane” innovations in war-making. To return to the Major's quote from 1968—the “humanity” of killing to save war's future victims—we can see that some version of humane war existed before it appeared in Moyn's terms.

Moyn also faults international human rights lawyers for creating endless war. Since Nuremberg, lawyers have targeted battlefield atrocities with moralistic fervor, which then reifies the morality of war—with justice served against the vanquished, while the victors go unpunished. But how much agency do international lawyers have in American military policy? As [historian Michael Klarman](#) has revealed, the law (or in Klarman's case, the judgments of the Supreme Court on civil rights), often codifies and reflects a pre-existing consensus on contemporary issues, rather than being an “activist” force for change. Societal norms evolve, and the law legitimizes them. Can the same point be made for humane war? In the case of our post-9/11 era, it could be said that unrestrained military force already had validity; the law only clarified this conclusion. International law gave credence to the parameters of war-making, fulfilled the expectations for the use of military force, but was not the determinant of how military force was used.

This is only to say that Moyn begs us to consider who else is responsible for endless war. One could also point to the culpability of America's generals, as well as its lawyers. Civil War generals like William Tecumseh Sherman feared waging war in perpetuity—an unbridled occupation of the South during Reconstruction—but by the end of World War II, as Moyn demonstrates, Douglas MacArthur had no such reservations about the military's ability to oversee defeat without temporal limits. We need a history that connects Sherman to MacArthur—or better yet, Sherman to Stanley McChrystal—that does not fall victim to technological determinism or to an

undue focus on the proclivities of personalities in order to see why American generals, and the military overall, came to believe war could be fought beyond a presumptive peace.

It is too easy to finish Moyn's book and become a fatalist; to resign oneself to the notion that endless war is our precedent, and therefore our future. Just like that proverbial U.S. Major's quote, humane war has taken on a life of its own—it has assembled a coalition of supporters on the Left and the Right who rely on it and who therefore lack an alternative to it. To make matters worse, Moyn's protagonists are often immobilized by their opponents. Those promulgating a pacifist tradition have great influence but little power; they lie at the margins—in academia, letters, and society—with their work overwhelmed by war's humanizers. We root for overlooked figures like Suttner or Ratner only to see them languish in posterity, or worse, cave to those who ameliorate war's evils but avoid war's causes. The American anti-war movement never penetrates the allure and advancement of humane war, whether the "peace progressives" of the early 20th century, the anti-war movement against the Vietnam war, or the stunted activism against the Iraq war in 2003.

But those who oppose humane war should not lose hope. For Moyn's focus on lawyers compels us to see how endless war need not be permanent. Structural forces can realign to compel new laws and new modes of thinking—if only war's abolitionists can achieve institutional power. If not, the corollary to our humane wars, the legal basis for them, Moyn implies, will be a new Cold War with China. The laws of humane war will be reapplied to the new enemy, the "rules" of America's War on Terror entrenched within the different logic of great power conflict. While an important book, I hope that *Humane* is not the past as prologue. But only time will tell.

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Review by Emma Mackinnon (University of Cambridge)

Duped by Morality

Samuel Moyn's *Humane* offers an indictment of efforts to sanitize or humanize war, tracking how such efforts have ultimately enabled apparently endless and profoundly asymmetrical forms of warfare. Moyn argues that contemporary American wars, in addition to being seemingly endless, are marked by deeply unequal stakes and results. The book stands as a history of humanitarianism as applied to war, drawing together contemporary critical scholarship on the history of humanitarianism as well as of human rights. Its focus is on the interrelationship between US wars, anti-war movements, and the rise of so-called international humanitarian law. It offers a critique of contemporary warfare, a history of the wars that the US has instigated since the early 1990s, and a history of anti-war politics. In the final chapters, Moyn focuses on the US military's involvements after September 11, 2001, including the US war in Iraq, the "torture debate," and the rise of drone warfare, and tracks how claims of humanitarian concern and legal limitation were deployed both for and against war. The book carries an additional indictment, then, not only of US war-making, but of the failures of recent anti-war movements. As Moyn shows, humanitarianism at war, while perhaps once a language of critique, has become instead a language of power. More than co-optation, that change reflects the limits of the project of humanizing war itself.

Much like Moyn's earlier book *The Last Utopia*, *Humane* tells a long history in order to argue for a short one. The first chapter opens with Tolstoy and the siege of Sevastopol in the Crimean War as a way to think about nineteenth-century anti-war sentiment. With this opening, Tolstoy is presented as an alternative to Henri Dunant at the Battle of Solferino as the usual starting point for the genealogy of humanitarianism and war (Dunant appears a bit later in the first chapter). Yet while Tolstoy remains a persistent foil, the book's historical focus is very much on wars involving the US, starting from colonization and wars of native dispossession and continuing through the US Civil War, the Philippine-American War, both World Wars, and the US wars in Korea and Vietnam. This longer story is prelude to the "humane war" of the title; that itself, he argues, began only in the 1990s. The prologue opens semi-autobiographically, and a touch confessionally, with Moyn as an intern in the Clinton White House during the NATO bombings of Kosovo (which Noam Chomsky denounced at the time as the appearance of a "new military humanism"). This particular version of war, Moyn claims, reached its apogee (at least so far) under Obama, though has continued since. Earlier moments, particularly the Nuremberg trials, are not truly part of this history, Moyn asserts: they involved opposition to war itself, in part through a focus on aggression as a crime.

As in both *The Last Utopia* and *Not Enough*, Moyn tracks the narrowing of political imagination, and the failure to dream bigger or to demand more. Moyn regularly returns to Tolstoy throughout the book as a reminder of how much more there is to demand: an end to war itself. At the same time, Tolstoy's inclusion, while conceptually clarifying, is something of an aberration. As in his previous books, Moyn is primarily interested in a hegemonic discourse and less interested in radical alternatives unrealized in their time. In places, this can make the argument seem too easy: that the dominant discourse was insufficiently radical may simply be true by definition. That one single organization, or even movement, confined itself to demanding one thing, rather than everything, can also feel unsurprising. Moyn anticipates these concerns in

places—and yet ultimately, for him, they are beside the point. As in earlier work, his concern is with paths taken, not those that weren't. To point to past radical thinkers who attempted to move things in another direction is, in a sense, only to prove his point. This is ultimately the strength of the book: a condemnation, delivered via genealogy, of dominant ways of thinking in our present.

In addition to the echoes of Moyn's books on human rights, we might also see echoes of his first book, on Emmanuel Levinas. Memorably, Levinas opens his book *Totality and Infinity* with a question: are we not duped by morality? Does morality, in other words, demand nonviolence—and is it thus ultimately for losers, constituting in effect a form of unilateral disarmament? Levinas's answer, across that book and the following volume, *Otherwise than Being*, is an argument for morality – as he puts it, “ethics is an optics,” a way of seeing and being in relation to “the other.” To act ethically, to avoid violence, is not to be duped; it is the only viable way of being, and opposed to war altogether. In *Origins of the Other*, Moyn argues for reading Levinas's concept of the other as a product of interwar intellectual foment. Notably for present purposes, the interest in Levinas and “the other” was part of a late-1990s to early-aughts “ethical turn” in academic philosophy that tracks, in many ways, with the story Moyn is telling here. And yet what Moyn raises in *Humane* is an even scarier way of understanding what it would mean to answer Levinas's question in the affirmative. Moyn argues we have all been duped by morality: not into the morality of nonviolence but into endless, supposedly moral, violence. Yet here ethics are for winners, and an optics in a much more banal sense: good public relations.

In this sense, in *Humane*, Moyn is reframing debates about pacifism, intervention, and nonviolence more widely. Those debates have largely focused on a dilemma: how to respond to the suffering of strangers elsewhere, and a sense of responsibility to act, in a manner simultaneously responsive to an ethic of nonviolence. This is an old dilemma; Kant's image of the endless peace of the graveyard offers an early touchstone. But the historical conjuncture which is Moyn's focus in *Humane* was one in which it felt particularly urgent: the end of the Clinton era and the attacks of September 11, 2001. As Moyn argues, the reconfiguration of Holocaust memorialization in the previous decades contributed to this. Looking a bit more widely, so did the debates about intervention and the viability of apolitical humanitarianism during conflicts in newly independent states in the 1960s forward. Here, the Biafra crisis and the pursuant formation of Médecins sans Frontières, breaking off from the International Committee for the Red Cross Dunant had founded, are often taken as a key turning point. The centrality of this framing—the urgency of action and the challenges posed by that responsibility – was perhaps best exemplified in the US popular press by the success of Samantha Powers' *A Problem from Hell*, which Moyn discusses, and in the UN's endorsement of a “Responsibility to Protect” doctrine, which gets glancing reference in *Humane* in contrast to its (likely disproportionate) prominence in the critical literature.

Moyn's book does not explicitly argue against this frame. In moments he historicizes it, but for the most part he simply refuses it. He never spells out explicitly why, but we do get some implicit clues. What seems most important is that the question of responsibility is never asked from a position of neutrality, but instead in a world characterized by deep inequality. The opening and the very end of the book provide a frame for the argument, one focused on inequality and hierarchy. If there is any lesson to the history of humanitarianism, it is the impossibility of the dream of neutrality—and yet the persistence of that dream all the same. But the US military is

not, to say the least, a neutral force. The power imbalance between those in a position to decide to intervene and those living with the effects of the endless wars that result are stark, and the ability of ‘humane’ war to lessen the impact on the former only works to prolong the conflict.

In this sense, Moyn is proposing new terms for what we might consider a stale debate. This is hardly surprising: Moyn’s books have consistently worked to open conversations rather than close them. *Humane* may well do the same. It offers an account of what that new military humanism of the 1990s has wrought, focusing on the perverse consequences of the idea of humane war without relying on the terms or evaluative frameworks that have characterized many conversations, academic and otherwise, about that period. It is also an early entry in what we might expect to become a larger field, providing a history of US military action in the early twenty-first century.

As a history of the wars of the last two decades, *Humane* offers an account of the perils of a political agenda focused on making war more humane, for which the current US administration would seem to be the primary intended audience. But the book speaks not only to the most powerful: it also offers thoughts about the politics of opposing war, and how those of us against war might frame our demands. To this end, in addition to its focus on the Obama Administration’s actions, the book offers an account of the last two decades of the US anti-war movement as well. In particular, Moyn condemns the anti-war left’s focus on legality and on the “torture debate,” as though these were adequate terms on which to oppose war itself. He contrasts opposition to the war in Iraq with opposition to the US war in Vietnam, arguing that the earlier anti-war movement considered issues of torture and lawlessness while also opposing the war itself. With this description – which, I would argue, is a bit distorted—Moyn largely reduces the conversation about the Iraq war to the debates about law and torture. This focus helps sharpen Moyn’s intervention, particularly as it concerns legal restraints on war, and the refusal to focus on the war in Iraq as a singular frame also helps extend his analysis into the present, considering drone fighting and the emphasis on humane fighting more widely (including, in the epilogue, the objections to the Trump Administration’s assassination of General Qassim Suleimani which focused on the attack’s legality). It also means he captures something all too familiar about the limits on political imagination and vocabularies of protest against warfare since 2001. Yet also, as a result, he misses or downplays moments when arguments against endless war were made explicitly, and pointedly. Looking back to those moments, more than mere historical corrective, might in fact tell us even more about the nature of the project to humanize war, and just how much of a juggernaut it presents.

Moyn blames the anti-war movement for, in effect, not being anti-war enough, and so for falling in line too easily, after 2008, with Obama’s shift to “humane” war as a way out (Medea Benjamin is referenced as a notable exception). But, especially before 2008, there were real, meaningful efforts to denounce the war on terms of which Moyn (and Tolstoy) might approve. Those efforts did not succeed only because of limits on political imagination or because of the anti-war movement’s own susceptibility to arguments for humane war: they were actively defeated. That defeat had already happened before 2008, in part because the Bush Administration itself switched to arguing for the war in terms of its humaneness. But, I would suggest, the fact that the war was contested on actively anti-war grounds does not detract from Moyn’s point—rather, it suggests that the challenge is even more extensive than he tells us.

In fairness, some of the big moments in the pre-2008 opposition to the war do get mentioned in *Humane*: the massive February 15, 2003, demonstrations against the invasion and the lack of an exit strategy; Cindy Sheehan’s protest, camping out in Texas to demand an explanation of what her son was fighting for; the retired generals who spoke against the war and the quagmire it represented. Moyn is right that those arguments were both vindicated and neutralized by Obama’s electoral victories. But their neutralization began a bit before Obama—and here, credit goes to the Bush Administration, and also, perhaps especially, to General David Petraeus.

Petraeus gets only glancing mention in the book. But his testimony on September 10, 2007, and its role in the broader debate about the “surge” was a critical moment in recasting the war as a humanitarian one. Moyn summarizes Petraeus’s approach as a “hearts and minds” focus. This was certainly part of it, and central to how Petraeus made his reputation in counterinsurgency. But his testimony argued for responsibility: for continuing a “surge” in forces in the short term in order to secure existing successes, protect the Iraqi population from extremists, and allow Iraqi police and military forces time to develop. Then, he asserted, US presence could responsibly be drawn down. As a reminder of what a successful argument this was, remember the backlash against an advertisement by MoveOn that questioned his testimony. Petraeus offered a technocratic emphasis on responsible management as well as a moral appeal. The “you break it, you buy it” line, initially sounded as a cautionary note by Thomas Friedman and Colin Powell, now functioned to enlist humanitarian concern as a justification for not only war’s continuation, but its short-term escalation—all in the name of responsibility and common sense.

In this sense, the problem for the anti-war side was not its sole focus on law and the humanization of war. Instead, it was the difficulty of responding effectively to the wider co-optation and channelling of humanitarian concern into an outright justification for war. Moyn’s critique of the legally-bounded humanitarian war that Obama championed is a compelling one. But the phenomenon Moyn describes—the trap of humane war as endless war—might be even more far-reaching and more intractable than he portrays.

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Review by Mel Pavlik (Yale University)

The Horror and the Humanity

When urged by a fellow soldier to draw comfort from ‘ideals’ amidst the chaos and inhumanity of World War II, Joseph Heller’s protagonist Yossarian scoffs. “When I look up,” he retorts, “I see people cashing in. I don’t see heaven or saints or angels. I see people cashing in on every decent impulse and every human tragedy” (551). It is these—our most flimsy ideals, most humanitarian impulses, and most depraved tragedies—which concern historian and Yale Law School Professor Samuel Moyn in his latest book *Humane: How the United States Abandoned Peace and Reinvented War*.

With an eye to early U.S. anti-war activism, the philosophy of Leo Tolstoy, and the construction (and defiling) of international laws of war in the 20th and 21st centuries, Moyn traces a transition from both the de jure and de facto criminalization of war to the criminalization instead of wartime brutality. When faced with the destruction and depravity of war, Moyn argues, efforts to make it more humane have replaced our initial instincts to reckon outright with the horrendous enterprise. Making war less lethal paradoxically makes ending war itself less likely. In short, “we fight war crimes but have forgotten the crime of war” (10).

Moyn’s argument is bold and, on its face, compelling. It lends itself to a fairly straightforward foreign policy, and is akin to steadfastly ignoring the switch in the trolley problem: a contented moral stance, if you can keep it. But for all Moyn’s ingenuity, *Humane* falls short in its quest to show that America’s dreadful, perpetual wars were enabled by efforts to make them more humane. Its argument neglects discussion of the nature of ‘war’ and its alternatives; brushes past historical realities shaping the development of modern warfare, and fails to engage with moral quandaries which are worth struggling with.

Whether or not one can ever make war truly humane is for Moyn a forgone conclusion. War in its inherent essence is immoral; we can gloss over its brutality to the point of imagining a future war with zero casualties, but the true evil here is war itself, not its tactics. I would, perhaps, be willing to grant him this point, but Moyn never really explains what he means by ‘war.’ It is a rare and commendable history of warfare that can cite Clausewitz without quoting directly his famous dictum—“war is politics by other means”—but here I found myself regretting its absence. Can we separate war, the policy choice, from war, its tactics of enforcement? What is war without violence, if not simply politics?

I push this point because it has uncomfortable implications not just for the nature of war, but for what we consider to be its alternatives. Moyn argues that war is, indeed, separable from its tactics. Even at its tamest, war provokes a relationship of dominance—and dominance, not physical cruelty (as Nietzsche claimed), is for Moyn the worst thing that we can do. War’s ‘humane’ evolution does nothing to improve its true nature. In place of its grotesque brutality, we are seeing war’s transformation into patterns of permanent control—buzzing drones over an Afghan bride, covert operations stretched across the entire globe, a ‘police-ization’ of the US military.

War's present and future may be less deadly than its past, Moyn argues, but they are still war — still a unique form of coercive control over an unconsenting population.

But is war unique in this respect? Among the policy choices we are left with—including doing nothing — is war the only one which will produce the relationship of coercive dominance Moyn soberly predicts? Perhaps in bringing war's costs in line with those of other policies, we might think a bit more about their consequences. There is of course a [large literature](#) on the horrifying effects of economic sanctions on civilian populations. We see that many victims of our foreign policies die not from bullets or shrapnel, but as asylum-seekers in the midst of fleeing, or hungry in makeshift IDP encampments. [Evidence suggests](#) that even our food aid can increase conflict, and development loans fare [no better](#). The powerful exercise domination over large swaths of people through more than just our ill-advised armed interventions: one might take quail with any of these policies on the same basis.

Let us temporarily grant, however, that war is uniquely bad amongst the policy choices we might consider. Moyn has adopted a rational choice perspective in his evaluation of war's historical trajectory. The less war costs in blood and treasure, the more we are willing to wage it; meanwhile, brutality should make war rare (27). This simplification is difficult to reconcile with the history of modern warfare, and Moyn's historical account neglects certain turning points in the evolution of war which may prove instructive.

Most damningly, Moyn neglects any prolonged discussion of the major post-war, pre-Vietnam peace movement—namely, the anti-nuclear movement. War's potential to annihilate vast swaths of the human race in mere minutes shook the fragile earth, and contributed enormously to the US peace movement's shifting goals. Far from the threat of ultimate destruction prompting peace, war merely adjusted itself to new battlefields and actors—intrastate and proxy warfare abounded, the Cold War was forged in the fires of the developing world, and today's military-industrial complex was born. It is difficult to imagine how much more violent than 'nuclear annihilation' war must threaten to get before this elusive ultimate peace develops—if it indeed is to stem from war's destructive brutality.

The 'costly wars make fewer wars' hypothesis also finds philosophical kin in the strategic approach of America's foes in contemporary wars. Of particular note is a strain of Salafi-jihadism, outlined in Abu Bakr Naji's *The Management of Savagery: The Most Critical Stage Through Which the Islamic Nation Will Pass*. The work describes stages of violent conflict between jihadists and their global enemies, including immense brutality in the interest of bringing about the ultimate peace of the worldwide caliphate. Of course, the inhumanity it advocates has not stopped war's proliferation, and it is worth noting the infamous consequences of this approach—most notably adhered to by the Islamic State. I was disappointed that Moyn did not wrestle with these parallels; nor draw from the rich, relevant theory of many non-Western figures with something to say on the matter (Che Guavara, for example).

This brings us, at last, to Moyn's central question: Does making war more humane make it less likely that war ends for good—is our humanitarian instinct morally misguided? Moyn draws careful parallels between the arguments against war and those against slavery. Early efforts by abolitionists, he notes, focused not so much on abolition as on mitigation of the physical cruelties of slavery—as if such a thing were possible, as if the evil of slavery did not go much

deeper than that. Such an approach, Moyn contends, legitimizes and entrenches a practice of the very worst kind: the moral subjugation of a portion of humanity.

Of course, slavery did end—with a war, in fact. It left behind grave successors: legacies of structural and physical violence against Black Americans which haunt us to this day. Indeed, it is worth noting that ending the institution of slavery did not eradicate its sin, or its ability to live on in Jim Crow policies, wage slavery, and police violence. But chattel slavery as an institution did end; efforts to ‘humanize slavery’—oxymoronic on their face—did not prevent its ultimate demise. It is difficult to imagine the counterfactual, had abolitionists never pursued this (to Moyn, detrimental) approach of increasing slavery’s humanity. Perhaps the Civil War would have come earlier; maybe a war would not have been needed after all. I find in *Humane* no reason in particular to believe either possibility.

It is key when considering the costs and the laws of war to also consider the costs and the laws of peace. Moyn paints the moral quandary faced by the United States as a choice between “humane war... [and] a peaceful globe” (7). But let us not flatter ourselves; we should not fall into the trap of presuming that even if our intervention brings violence, our nonintervention brings peace. This is certainly not the case, as a cursory glance at the state of many civilians around the world would suggest. It is with noting that much of the political [violence against civilians](#) worldwide is perpetrated by domestic state forces. Perhaps we could concede that such repression is a fundamentally different and lesser evil – or at least, an evil beyond our ability to address despite its familiar moral subjugation. It is difficult to imagine that civilians facing targeted slaughter would agree, and indeed, Moyn quotes an irritable Tolstoy on the subject directly: “Why are a wound and death from an explosive bullet any worse than a wound caused by the simplest kind? It is incomprehensible how mentally sound adults can seriously express such strange ideas” (88). Peace is not a purely negative politics; it requires more than simply the absence of war.

Walzer [said](#) “we have learned that the hierarchy of terrorist and terrorized is the very worst kind.” (18). Perhaps this is not the case. But if, as Moyn implies, the hierarchy of dominator and dominated is the worst, it is difficult to see how we can morally ignore those we know are currently being dominated by others, in fear of being dominators ourselves. We have observed the horror of war: it is the basis of this book and countless others. We have also seen the brutality of the areas where we have not acted, or where we have acted through supposedly nonviolent means, such as economic sanctions. We have watched genocide unfold with thoughts and prayers. We have seen international law manipulated to enact further violence against innocent populations. Iris Marion Young [argued](#) that political responsibility for structural injustices fall on each person whose actions contribute to them. We might say that repression is one such structural injustice, and that our contribution comes in the form of inaction. Hannah Arendt distinguished between ‘guilt’—reserved for those who directly commit an injustice—and ‘responsibility’—applicable to all those who contribute, whether through action or inaction, to the committing of injustice. Is it enough to avoid guilt, if in doing so we shake off this responsibility?

It is no use. Neither intervention nor nonintervention make us immune to perpetuating cycles of coercive domination of the weak by the powerful. We cannot blame humane war for the patterns

of subjugation in which we are complicit, and too often responsible. Perhaps we might settle for, as Judith Shklar [puts it](#), “peace with injustice” (1145). But we should not claim it is anything less.

Our better instincts, argues Moyn, betray our better interests. The humanization of war may result in less fatal and destructive war, but at the cost of eternal warfare; the perpetuation of an ultimate sin. But can we truly expect that inhumane war would prompt a different trajectory? The ‘end of war as we know it’ has come and gone countless times; with the advent of the stirrup, the tank, the plane, the nuclear bomb, the drone. War has nonetheless remained in more or less recognizable form; invisible and visible, through bombs and blockades. And once we blunt the means of war, how do we weigh the costs of its domination against any other strategy we might pursue?

Near the end of Obama’s presidency, a high-ranking US official angrily noted to me that international laws against aggression have cost thousands more lives than they have spared. There is no reason to believe this official was right. But there is no reason to believe *Humane* is necessarily right, either. Moyn argues that aggression, not atrocity, is our gravest sin—and that laws against aggression, not atrocity, are those to which we are most vigorously morally bound. In doing so, he clearly concedes some benefit to setting up obstacles to waging war, the grotesque failure of humanity. Surely making war humane might be considered in the same vein: providing a knife edge, at least, on which to walk between our decent impulse to alleviate suffering, and our utmost failure to ever truly do so.

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Reply by Samuel Moyn (Yale University)

I am exceptionally grateful to Duncan Bell, Michael Brenes, Emma Mackinnon, and Mel Pavlik for taking their valuable time to read and respond to *Humane*, and equally to Chris Schaefer and *Tocqueville 21* for hosting this exchange. It is a genuine privilege to receive such astute and compelling (and quick!) feedback, and my primary reaction is to thank everyone for my good fortune in getting more than I deserve. As I find not just an excellent summary of my book in the essays, especially in Brenes's intervention, but also convincing thinking throughout on which I could not improve, I will devote my response here to the more critical remarks and questions.

Let's start with Pavlik's reflection on the ethics of war and justice, if only because it is the most critical. The truth is that, despite its critical tone, her intervention strikes me as utterly persuasive from top to bottom—with the minor exception of her attribution to my book of the dubious frameworks she goes on to critically overturn.

While Leo Tolstoy (or more exactly, one of his characters) and others suggest that keeping war brutal will lessen its incidence or shorten its length, I reject that claim in favor of his later reflections on the more plausible risks that humanizing war can incur. From Tolstoy, I have learned, not to repudiate humane war, but to control the risk its promoters court or embrace of entrenching war itself.

Pavlik believes the abolition of chattel slavery was not postponed by the vast "amelioration" or humanization attempt that dominated legal reform for a century—the insistence on kinder and gentler ownership and subjugation. "Victories over brutality," wrote the great African-American historian Winthrop Jordan, "left the real enemy more entrenched than ever. As slavery became less brutal there was less reason why it should be abolished." It is a matter of speculation, and perhaps Jordan is wrong and Pavlik right. But even if so, I offer lots of reasons for believing an ethics of humanizing war has played in our time the role Jordan suspected it did in the past. In any event, far from assuming as a foregone conclusion that it is impossible to humanize war, my thesis is the opposite: we have seen it done. And that process in recent American wars has only helped to legitimate their endlessness. As Brenes observes, of course, even if correct, my argument merely singles out one new factor in the legitimation of war, something which American wars have hardly lacked in the past.

But granting that the humanization of war abets it in some circumstances—ours at least—what are the better alternatives? Pavlik has discovered that peace is not the same as justice, and therefore calling for the one hardly provides the other. And I accept that undeniable insight. But it is perfectly compatible to add that the humanization of recent American wars has failed to promote justice overall. I am, just as Pavlik recommends, in favor of struggling with all imaginable moral quandaries. In the book, however, I have a narrower ambition: I have merely selected one such quandary for attention, abstaining from an abstract but comprehensive ethics of war in order to examine some concrete recent wars in which humanization—with many other factors in the mix to be sure—has played a nefarious role. As a historian, I am narrating when and how this has occurred. As Mackinnon observes, it has never been my game to do more than focus locally on what went wrong, leaving how it might globally go right lurking on the margins of the analysis. There is, however, always a price to pay for doing one thing and not another, and if that is the thesis of my book, it is one that certainly applies to its own choices.

Duncan Bell asks precisely about contribution of one comprehensive theory of war—Michael Walzer’s famed *Just and Unjust Wars* (1977)—in the coming of humane war. I honestly think it has been overstated, and therefore I have omitted it altogether. I vividly recall the meme in the 1990s and 2000s that Walzer’s book single-handedly revived ethical discussion of war after centuries of neglect and, taught at West Point among other places, provided a bracing example of how philosophy can transform public affairs. From my perspective as a historian, this narrative was most revealing in highlighting the professional failings of Anglo-American philosophy. Its worst effect was to consign the continuous massive discourse about the ethics of war that I try to reconstitute in my book to irrelevance. As with the influence of John Rawls, the fact that social justice began to be discussed in a certain way at certain Atlantic universities is first and foremost a commentary about them. The same is true of Walzer and war. The impact of Walzer’s book beyond narrow precincts is worth examining, but I think we can now see that the self-moralization of the American military after Vietnam primarily concerned the conduct of hostilities rather than their initiation or continuation. The American military got sucked into many an immoral quagmire in spite of Walzer’s book, even if military practices were humanized along the way.

Brenes suggests that the law was less a lead than a lag variable in determining the outcome. I am sure he is right. Bell’s call to sift word and image also rightly looks beyond law for a cultural explanation of how humane war became credible. In one chapter that mentions memorialization of war and gestures to the pivotal role of Holocaust consciousness in particular, I emphasize that it was precisely for cultural reasons—not legally driven ones—that “cruelty” became “the worst thing we do” in war. All I mean to suggest in singling law out for attention is that it became discursively significant in the process as never before. As a result, it also became central to the legitimation of war in ways that matter for the future of our politics. As in the previous case of ameliorating slavery, reformers occupied common terrain with the military in bickering about whether war was humane enough according to applicable legal standards. Their concern was not the existence of the institution. Enough of the public audience bought the assurances of politicians like Barack Obama that the legal propriety of American wars—at least when it came to *conducting* hostilities—indeinitely guaranteed their moral propriety. As I observe, this occurred in spite of other applicable legal standards on *beginning* and *continuing* hostilities that dropped from mainstream public discussion in the process.

Just as Pavlik emphasizes my omission of movements against nuclear war, Mackinnon’s beautifully honed intervention demands more fairness to anti-war energy, which, she insists, rose and fell in response to the Iraq war. That is an entirely fair point. I probably did minimize its impact in order to underline the resulting connection between humane war under Obama and the years of strife he inherited from the prior president. In my emphasis on unintended consequences of focus—stigmatizing torture even when it was sometimes meant to undermine the legitimacy of war rather than relegitimate it—I could have done much more justice to the difficult setting and worthwhile strategies of antiwar activists at a very different moment in the history of American war than our own. Still, if we do not take the time to ponder the paradox that an ethics of humanization can both make war more difficult and give it a new lease on life, then our future political discussions will lack a proper accounting of the true opportunities and risks.

In closing, it is worth zooming out. Pavlik is absolutely right to invoke Carl von Clausewitz (or Michel Foucault). War is equivalent to politics and vice versa. But from that observation, I

conclude that an analysis of cross-border state force, while surely one valuable topic to single out for attention, could have ramifications for other debates. For example, when they advocate for less racialized police killing, should Americans demand more humane policing—or less policing? As Pavlik suggests, such ethical quandaries, to be answered fully, require a far broader and more serious ethical framework than the one I employ in the book. But it seems of value, on my lesser quest, to point out that the humanization option is entirely compatible with entrenched domination if we are not careful. This is also my answer to Bell's request for my own political recommendations for the future. In the face of deterritorialized brutal force, we should make sure to keep the focus on the brutality but also on the force. This effort will require more coalitions and more grassroots action, but united action against both will be necessary if America is to unwind its global war on terror and embark on fewer misbegotten wars.

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