

*I. Indecent Compromise*

*II. Decent Peace*

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## I. APPEASEMENT

On September 29, 1938, Hitler, Chamberlain, Daladier, and Mussolini met in Munich and reached an agreement to transfer a narrow strip of land populated by ethnic Germans, the Sudetenland, from Czechoslovakia to Germany. In return Hitler promised not to make further territorial demands on Europe. In March 1939 the German army seized the whole of Czechoslovakia; the rest is history, horrendous history.

The Munich agreement became an emblem of a rotten compromise, a compromise that one should not sign come what may. “Appeasement” became the label to describe the policy that led to the Munich agreement. Since the agreement was perceived as rotten the term “appeasement” underwent total reevaluation: it lost its positive sense of bringing calm and peace and came to mean surrender to the demands of a bully because he is a bully.

Munich was a traumatic experience for the generation that lived it—how traumatic I learned from Isaiah Berlin, who was haunted by the specter of Munich for the rest of his long life. It was he who made me face the moral nature of political compromise: honorable and rotten.

Traumatic experience is as poor a guide in politics as it is in private life: it typically involves overreacting to an event in the present as if it were that harrowing event in the past that created the shock. A poignant example is Eden overreacting to Nasser nationalizing the Suez Canal in 1956, as if he were facing Hitler or Mussolini (“Mussolini on the Nile” in his words).

Is the Munich agreement a clear case of a rotten compromise? Was the Munich agreement the outcome of a compromise?

A preliminary effort to answer these two questions will give us a handle on the general concern of my lectures, namely, what is the distinction between a compromise—an honorable compromise if you will—and a rotten compromise, a compromise that one should not accept come what may?

For an agreement to be a compromise the sides to the agreement should make mutual concessions. One of the criticisms of the Munich agreement is that Hitler made no concessions on his part, except perhaps for giving vague promises to refrain from further territorial demands on Europe.

Another criticism is that the agreement was nothing but an act of coercion by Germany, and coercion is no compromise.

These two lines of criticism were roared against the agreement by no less than the later lionized Churchill. In his House of Commons speech (October 5, 1938) he used the following analogy: "One pound was demanded at the pistol's point. When it was given, two pounds were demanded at the pistol's point. Finally, the dictator consented to take one pound, seventeen shillings and six pence, and the rest in promises of good will for the future."<sup>1</sup>

I understand the proverbial "pistol's point" as a reference to coercion rather than compromise. I understand the retreat in demand from two pounds to one pound, seventeen shillings, and six pence as telling us that Hitler's insignificant concession amounts to no concession.

So the Munich agreement as Churchill understood it was not a compromise but a total surrender: Hitler bullied Chamberlain, and Chamberlain capitulated.

There is no question that the Munich agreement involved coercion. But the coercion was exerted on Czechoslovakia—victim of the agreement, not party to it. As for Britain and France, it is better to describe the two as compromising at the expense of Czechoslovakia, rather than simply being subjected to a direct coercive threat.

The relation between compromise and coercion, as we shall see, is pretty convoluted. But one thing is straightforward: the clearer the case of compromise, the freer it is from coercion. Yet it is conceptually possible for an agreement to be a clear case of rotten compromise and not a clear case of compromise, much as a clear case of a lapsed Catholic is not a clear case of a Catholic. Nevertheless, a rotten compromise *is* a compromise, unlike a rotten stone that is powder and not stone.

The question of whether the Munich agreement is a compromise is related to, though not determined by, the question of whether the Munich agreement was coercive toward Britain or France. Coercion, unlike compulsion, involves threats. If there is no threat, there is no coercion. To evaluate coercion, I maintain, we should adopt the subjective viewpoint of the one who is presumed to be threatened. The justification for accepting the subjective viewpoint is that coercion, unlike compulsion, hinges on a communicative act of threatening. The act of threatening should be understood by the victim to have its coercive effect. So the way the prospective victim understands the situation is crucial.

1. *Parliamentary Debates*, 5th series, vol. 339 (1938), October 5, 1938.

As far as Britain is concerned, the Munich agreement was not perceived by those who signed it as yielding to a coercive threat but as a genuine compromise. As far as I know, at no point did Chamberlain claim that he was coerced to sign the agreement, and there is no reason to suppose that he defended this stand of his in bad faith. The Munich agreement according to the subjective test is a compromise. But is it a rotten compromise?

The Munich agreement is a rotten compromise, but it is rotten not because of its content but because it was Hitler who signed it. Fancy that instead of the dreadful Hitler making demands on the Sudetenland it was the dignified Walther Rathenau. Fancy that he made the demand on behalf of the Weimar Republic, in the name of the Sudeten Germans' right to self-determination, arguing that Czechoslovakia, true to its name, was meant to serve up only two peoples—7 million Czechs and 2 million Slovaks—with utter disregard for the 3 million Sudeten Germans who were forced to be included in Czechoslovakia. Even if we believe that argument to be flawed—for it means among other things that Czechoslovakia had to give up its natural and constructed defenses against Germany—still it is a moral argument and by no means a rotten one.

So if it is not the content of the agreement that is shamefully rotten, what is it? It cannot be the motive for signing the agreement that makes it rotten. There was nothing shameful in Chamberlain's yearning for peace as a motive for signing the agreement. Even Churchill, not a great fan of Chamberlain, recognized his sincerity: "No one has been a more resolute and uncompromising struggler for peace than the Prime Minister." So the purity of Chamberlain's motive for peace was never in dispute.

The agreement cannot be rotten just because it was based on an error in political judgment—putting Britain's trust in the hands of a serial betrayer—for that is an empirical blunder, not a moral sin. So what is rotten in the Munich pact? My answer: it is with whom it was signed and not what was signed that makes it rotten. A pact with Hitler was a pact with radical evil, evil that was meant to eradicate morality itself. Not recognizing Hitler as radically evil was a moral failure on top of being a bad error of political judgment.

True, Hitler in 1938 was not the Hitler of the war years. But already in the thirties it should have been clear what Nazism stood for: it stood for radical evil. By that I mean not just doing evil but trying to eradicate

the very idea of morality—in actively rejecting the premise on which morality is predicated, namely, our shared humanity. Virulent global Nazi racism was a total effort to eliminate the sense of shared humanity, so compromise with Hitler was a compromise with someone who undermined morality itself. It was right, morally right, for the allies to declare an all-out war on Germany and to proclaim any effort to come to terms with Nazi Germany as basically rotten.

## 2. MY CONCERNS

I started with the example of Munich to pave the way to my two concerns in these lectures: compromise and peace. There is a moral distinction to be drawn between honorable compromise and rotten compromise—a compromise that one should avoid come what may. It is, I believe, a distinction of merit. It should help us sort out the relation between peace and justice.

In presenting my interest in justified peace, it is clear that I am interested first and foremost in political compromise: compromise between groups and states rather than compromise between individuals. Rotten individual compromises, personal “pacts with the devil,” concern me here mainly with respect to individuals who negotiate for a collective—say, Neville Chamberlain in Munich, or the “great compromiser” Roger Sherman of Connecticut, rather than the personal pact of Dr. Faustus with the devil as an act of hubris. In fact, individuals are going to play center court in my court of history. I shall present individuals making compromises that strongly reflect on them personally, but in these cases the compromise under review is going to be a political compromise, on behalf of a collective.

As to personal compromises my belief is that the quality of our personal compromises should take center stage in moral theory. We should be judged more by the compromises we make than by our principles and ideals. Ideals and principles usually tell us what we would like to be; compromises tell us who we are. But again, my concern is with political compromises, and the thesis I would like to advance is this: peace is justified if it is not based on a rotten compromise.

Peace can be justified by being just a peace without being a just peace. In fact, I am making a much stronger claim: peace can trump the pursuit of justice, if the pursuit of justice endangers peace. This claim is easier said than explained, let alone defended, but then I have two lectures to explain and partially defend it.

My first lecture is on compromise; my second lecture is on peace.

## 3. TWO PICTURES

There is deep ambivalence toward the idea of political compromise. Compromise is a term of praise, but it is also a term that conveys betrayal: it is a boo-hurray concept. How to understand the ambivalence is what I am about to suggest.

The idea of political compromise is caught between two pictures of politics: politics as economics and politics as religion. Roughly speaking, in the economic picture of politics everything is subject to compromise. Compromise is not always desirable or prudent, but it is always possible. In the religious picture there are things over which we must never compromise.

The religious picture is in the grip of the idea of the holy. The holy is that which is not for negotiation, let alone compromise. Crudely put, one cannot compromise over the holy without compromising the holy. In the economic picture of politics compromise is at the heart of politics and the ability to compromise is highly praised. The cliché that politics is the art of compromise is one tired expression of it.

Economic life is based on the idea of substitution: one good can be substituted for another, and this is what enables exchange in the market. Exchange leaves room for negotiation; and where there is room for negotiation, there is room for compromise. Compromise has an internal relation to what is exchangeable and divisible.

Economic products serving as the model for politics make it seem as if compromise is always possible. Not so with the religious picture.

Religions, by which I mean religious institutions and religious states, make political compromises all the time; they routinely develop elaborate justifications and techniques to carry out their compromises. The politics of the holy leaves plenty of room for compromise in matters profane. It may in practice even be engaged in compromise in matters holy, but the logic of the holy as an ideal type is the negation of the idea of compromise.

Modern politics is seized by these two irreconcilable pictures. There is of course nothing surprising about secular modern states' being in the grip of the economic picture. But it is surprising yet nevertheless true that modern secular states are still under the spell of the religious picture. Thus for example the French Constitution (1958) declares France to be secular, but not before it declares France to be "indivisible."<sup>2</sup> The same goes for the expression "indivisible nation" in the American pledge

2. French Constitution, Article 1, October 4, 1958.

of allegiance. In both cases the choice of the expression “indivisible” is no accident. It has strong religious underpinnings—it is one of God’s attributes that informs the picture of an indivisible France and an indivisible United States as absolute entities with no legitimate parts. So no claim of secession is acceptable as legitimate because these two entities have no legitimate parts. To compromise over the Union is to betray the Union in the same way that the idolater betrays the oneness of God.

The religious picture feeds politics with the idea that politics is a domain of human activity meant to protect a way of life and give meaning to human life. It is the antidote to the economic picture, which is concerned with satisfying desires and interests, not with meanings.

The two pictures—the religious and the economic—bring two different sets of motivations to explain political life. The economic picture, even if not strictly hedonic, still explains human behavior in terms of satisfying preferences, whereas the religious picture brings the willingness for self-sacrifice into the picture. A key mistake in political thought lies in disregarding the workings of one of the two pictures, in the belief that only one of the pictures feeds politics.

It is not just politics that is in the grip of the two pictures, the religious and the economic; this holds true for morality itself. Utilitarian morality is clearly under the sway of the economic picture. The competing Kantian morality that promotes absolute moral imperatives irrespective of their consequences is molded on the picture of absolute religious commandments. We are ambivalent in valuing compromise precisely because we are in the grip of two imprecise, powerful, and irreconcilable pictures both of politics and of morality.

#### 4. TWO OBSERVATIONS

The economic picture of politics is framed by two very broad observations: one is David Hume’s observation; the other is Adam Smith’s.

Hume’s observation starts with a reminder. Look at nature and see how lions fare in comparison to human beings. Lions have bodies impressively adapted to their life—they are majestically strong and remarkably agile—whereas we naked apes called humans look quite pathetic. Yet in the animal kingdom humans are the kings, not the lions.<sup>3</sup>

What accounts for this brilliant human success? Hume’s answer is

3. *Enquiry concerning the Principles of Morals*, edited by L. A. Selby-Bigge, 3rd ed., revised by P. H. Nidditch (Oxford: Clarendon Press, 1975), book 3, section 2; *Dialogues concerning Natural Religion*, edited by Norman Kemp Smith (Oxford: Oxford University Press, 1935), part 10.



that humans, unlike lions, are wonderfully capable of cooperating in many varied and flexible ways: leonine cooperation, unlike human cooperation, is rigidly confined to a few tasks. Human cooperation is, in the language of Hume, artificial. It is based on dispositions that are sensitive to social conventions, and not on fixed innate dispositions that Hume calls natural. The artificial disposition to cooperate, which may vary from society to society, requires trust. Trust is enshrined in the institution of promise, which in turn is the cement of social life. Compromise, which etymologically means co-promises or mutual promises, is cooperation based on mutual promises.

Smith's observation is this: human beings compete over goods that are produced out of scarce resources. Competition means that agents who strive to gain scarce goods cannot all have them to their full satisfaction. Scarcity is a necessary condition for competition. Scarce but undesirable things are not subject to competition. We desire diamonds, or at least some of us do. We do not desire ashes. With no desire for ashes, even in a world that has very few of them, ashes go to ashes—they are not subject to competition as diamonds are. Ashes may be rare without being scarce. Rarity is a fact of nature; scarcity is a social fact. Scarcity is what turns something into an economic or a political good—a good subject to competition. Competition is built into the very idea of economic and political goods.

Hume's and Smith's observations are vast and vague. Moreover, Hume and Smith were not the first to make these observations; but they were perhaps the first to understand their full implication: namely, that the fundamental problem of human political life is how to address the tension between cooperation and competition. Compromise is an essential element in relieving this tension.

##### 5. ANEMIC COMPROMISE AND SANGUINE COMPROMISE

There is a curious puzzle to solve here. The notion of compromise hardly appears in the most elaborate conceptual account of the relation between competition and cooperation, namely, game theory. Compromise has two senses: an anemic sense and a sanguine sense. The anemic sense is covered by game theory, though not under the name "compromise"; the sanguine one is not. In the anemic sense of compromise any agreement within a range of a bargaining is a compromise.

Abraham wants to buy a burial place from Ephron (Genesis 23:7–9). Let us assume that the worth of the burial site is 450 silver shekels for

Abraham and 200 silver shekels for Ephron. Any agreement in the range between 200 and 450 is beneficial for both (cooperation). But different possible agreements in this range benefit each one of them differently (competition). The range between 200 and 450 is the bargaining range. Abraham the buyer wants to keep the price close to 200, whereas Ephron the seller wants to keep it as close to 450 as possible. Abraham is hard pressed: he must bury his beloved wife Sarah quickly. Ephron can afford to be patient, but he may be afraid that if he insists for too long someone else may offer Abraham a better deal. The Bible tells us that the deal was struck at 400 silver shekels.

We may call any agreement in the bargaining range (200–450) a compromise in the anemic sense; bargaining theory as a branch of game theory covers this sense of compromise. I am interested in a more sanguine sense of compromise, the conditions for which I am about to describe. I believe that our daily nonsystematic use of the term “compromise” fits the sanguine sense better than the anemic sense. However, there are ordinary uses of compromise in the anemic sense.

I am after the phenomenology of sanguine compromise, whether game theory can accommodate it as part of the logic of bargaining or leaves it out, as I believe it does. Something similar happened to the familiar phenomenology of competition in neo-classical economic theory: Perfect competition was rendered so perfect that things that are associated with competition—price reduction, saving costs, making your product salient, hiring and firing—faded away.

There is too much sanguine compromise in our life—even if there is not enough of it—to leave it unaccountable. But more to the point: it is the sanguine sense of compromise that is pertinent to morality. So let me repeat: an anemic compromise between you and me over  $X$  is any agreement between us within the range on what  $X$  is worth for you and what  $X$  is worth for me. A sanguine compromise over  $X$  is an anemic compromise that also satisfies enough of the conditions that I am about to enumerate and discuss.

## 6. CONDITIONS FOR SANGUINE COMPROMISE

### *A. Mutual Concession*

Every sanguine compromise must be based on mutual concessions, on splitting the difference. This is not true for all anemic compromises. If Abraham and Ephron end up with Abraham paying the full price for the burial site worth for him—450 silver shekels—we shall view it as

an agreement, and by definition as an anemic compromise. Yet the deal between them is not a sanguine compromise.

The proverbial case of sanguine compromise is that of meeting each other halfway. In our case, dividing the surplus of 250 of what the site is worth for the two (450–200) by two: in the proverbial compromise, Abraham should pay Ephron 325 silver shekels. In a proverbial compromise, the relative strength of the two sides to the bargaining is ignored. Meeting halfway may of course be a result of an anemic compromise, but only if the two sides are symmetrical in their bargaining strength. In contrast, a proverbial compromise of meeting halfway does not assume that the two are symmetrical. A sanguine compromise is not necessarily the proverbial compromise of meeting halfway, yet it does mean splitting the difference not too far from some central value.

The concept of mutual concession is quite straightforward; the psychology involved, however, is complicated. We tend to regard our own concessions as real sacrifice and to minimize the concessions of others. It is what the psychologists dub the “endowment effect”: the effect of enhancing the value of our endowment relative to its value in the hands of others. This is partly why doves find it tough to sell a compromise, being exposed—as they always are—to the charge of the hawks: You are not engaged in a compromise but in capitulation; the other side is not making a significant concession.

Does compromise always require the splitting of the difference? Not quite. There is a notion of compromise that sees the essence of compromise not so much in splitting the difference as in the willingness to accept a redescription of what is in dispute. For example, if Jews and Muslims would agree to redescribe their dispute about sovereignty over the Temple Mount in Jerusalem in terms of a dispute about the *use* of the place, then the main step in the compromise is already done; splitting the use is trivial.

### *B. Having It All*

In trying to reach an agreement we compare a proposed agreement to a point of conflict: this is the position into which the two sides will be thrown if they fail to reach an agreement. In the case of a sanguine compromise, there is an additional implicit comparison—a comparison to a “whole hog” point. Each of the two rivals believes that it can go the whole hog and get the whole thing for itself. Trying to get the whole thing may be mad and dangerous to risk, yet each side believes that with stamina, sacrifice, and true grit it can have it all for itself, with no need

to share. The two sides may differ greatly in what they believe it takes to gain the whole hog, but it is nevertheless a point to which each side compares the agreement.

The belief that one can go the whole hog and have it all for oneself encourages the view that compromise is surrender. If by blood and fire one can have the greater Israel, or the greater Palestine, then any compromise based on partition of land invokes the accusation of surrender and betrayal.

### *C. Deadlock*

A sanguine compromise is a response to deadlock. Compromise is breaking a deadlock by mutual concession, by splitting the difference. Breaking a deadlock by having one side make all the concessions is not a sanguine compromise.

A deadlock that can be broken by a compromise is one in which the agents genuinely do not know what they prefer: to insist on the whole hog, to retreat to the conflict point and do nothing, or to carry on with the negotiation.

A deadlock, even one that leads to bloody conflict, is not necessarily an indication that there is no agreement point between the two rivals. The more costly the conflict, the higher is the chance that there is an agreement that is better than the bloody conflict. This important point was made amply clear by James Fearon.<sup>4</sup> We may add that, by this logic, if there is one feasible and better agreement then there is more than one. So a deadlock may be due to there being more than one possible agreement rather than none at all.

But how can two agents be interlocked in a deadlock that leads to a bloody conflict and be considered rational? Given that not reaching an agreement is perilous and the conflict point is bloody, it must be the case that there is an agreement that is better than no agreement. So how can the two fail to reach an agreement and be regarded as rational?

One worn-out yet true answer is that it can happen if the two are locked in a situation of inbuilt rational mistrust, say of a prisoner dilemma kind, in which neither believes that the other will keep an agreement. Another tack is to argue that it can happen if the two rivals face different agreements that favor the two parties very differently: each

4. James Fearon, "Rationalist Explanations for War," *International Organization* 49, no. 3 (1995): 379-414.

agent rationally prefers the agreement that works in its favor. It might perhaps be rational, in certain circumstances, for each to try to fake strength and hide vulnerabilities so as to push the other to accept its favorite agreement, even at the risk of war. This is not as simple as stated. Rational bargaining theory presents the set of all feasible agreements between two competing rivals as a convex set. This means that any weighted average between two possible agreements is also an agreement open to the two. So how can rational agents fail to reach an intermediary compromise point and indeed end in a bloody war? This is a deep puzzle for those who try to give a rational explanation for wars—at least for some wars.

My underlying concern is not with the rationality of wars but with their morality. It is not with the question of how the two rivals can end up in war and still be regarded as rational, but rather with the question of Thomas Aquinas: Is it always sinful to go to war? Given my concern, I would like to highlight two worries that are related to the possibility of a deadlock and that will loom large in my next lecture: the politics of the holy and the fear of irredentism.

One tactical move in bargaining is painfully familiar: to make a commitment to a demand that leaves very little room for compromise, thus forcing the other side to accept your terms of the agreement. Declaring your soil holy is one way of making a strong commitment in negotiation. “Our land does not yield itself to bargaining, it is not even open to argument. To us the nation soil is equal to the holy valley where God Almighty spoke to Moses.” The speaker of these words is Anwar Sadat, the president of Egypt, in the Israeli parliament (November 20, 1977).

The holy sometimes creeps into profane politics as a tactical commitment, but the language of the holy is not tactical language; it has a life of its own. Using this language makes it very hard to revoke one’s commitment; the cost of revoking a commitment when the holy is invoked is so high that it may lead to deadlock and to war rather than to compromise. Thank God, if this is an apt expression, that Sadat was successful in his gamble. But playing with the language of the holy is literally playing with fire. This is one worry.

The other worry is the fear of future irredentism: making territorial claims in the future that undermine the agreement. The fear of irredentism as a fear that your partner to the agreement won’t keep her side may paralyze the two parties into a deadlock.

*D. Noncoercion*

A clear case of sanguine compromise is when concessions made for the sake of compromise are not extracted by coercion. The coercion I have in mind is the coercion of one side to the agreement by the other side.

Coercion involves a credible threat. A threat amounts to coercion if the threatened party faces options that are all noticeably worse than those it faced before the threat was made. There are endless epicycles in the literature on this crude condition of coercion; but crude as it is, it is good enough for my needs.

I distinguish four cases:

- One, the two sides agree that they should compromise and make mutual concessions, but the split between them is coerced. Accepting arbitration can take this form, yet it does not vitiate the idea that arbitration can end in a compromise.
- Two, the two sides are coerced by a third party, or one side is coerced by the other side to compromise, but the mutual concessions required from each side are left open for negotiation.
- Three, the case when not only the requirement for mutual concessions is imposed, but also the extent of the concessions is imposed. If *ex post* the two parties willingly accept the imposition, I still regard it as a compromise; if they do not, then it is not a compromise.
- Four, a third party coerces only one side to the dispute (say, its client state) to reach a compromise. This does not preclude the agreement reached between the two sides from being regarded as a compromise, even though the main reason for the coerced party to accept the compromise is the coercive threat by the third party.

The four cases of coercion that I just listed are cases whereby coercion and compromise may go together. This should not undermine my claim that the central cases of compromise, what I call clear cases, are cases of agreements free from coercion. Coercion goes by degree; the distance of a given agreement from central cases of compromise depends, among other things, on how free the agreement is.

*E. Recognition*

A clear case of sanguine compromise suggests (rather than implies) recognizing the point of view of the other. Compromise may be an expression of such recognition. It confers legitimacy on the point of view of the other side.

Sanguine compromise may even involve a measure of sacrifice by the strong side, not driving a hard bargain to get what it could get. The point of such sacrifice is indeed to confer recognition on one's rival and to dispel an image of domination. By meeting the other halfway one may give a semblance of equality between nonequals. Acting in such spirit of compromise is what the Talmud calls acting for the sake of peace.

The Talmud distinguishes three types of reasons under the heading of acting "for the sake of peace," as distinct from acting "for the sake of justice [*din*"]:

- Compromise to neutralize hostility.
- Compromise to enhance harmony by reducing friction.
- Compromise as a gesture to your rival that you recognize the force and the legitimacy of your rival's claim even if you can win in a trial.

It is the third category of acting for the sake of peace that is tied to the idea of recognition as a salient element in sanguine compromise.

A core of sanguine political compromises consists of disputes that involve more than interests, narrowly conceived. Alongside interests, it also involves principles and ideals (moral, political, aesthetic, religious). What is negotiated in such serious disputes, beyond interests, is sometimes the very identity of the sides to the dispute. By "identity" I do not mean reputation in the eyes of others but self-identification. A serious sanguine compromise involves not just recognition of the other but also self-recognition. This is perhaps the sense in which Marshal Pétain was accused in his trial: that when he concluded the armistice agreement with the Nazis, he compromised the historical identity of France.

In religion compromising the holy is a sin. In politics of identity inspired by the religious picture of giving meaning, compromising on core identity as Pétain did is betrayal. In the economic picture a bad compromise is neither sin nor betrayal but only a mistake.

So a clear case of a sanguine compromise is an agreement (compromises) that breaks a deadlock by making mutual concessions that express recognition of the other's point of view and that are not based on coercion of one side by the other.

If this is compromise, what then is a rotten compromise? In particular, when is compromise rotten because of its content and not because of the nature of the compromisers?

I shall address these two questions by a short elucidation and a long illustration.

## 7. WAS THE GREAT COMPROMISE A ROTTEN COMPROMISE?

A rotten compromise is a compromise. It is an agreement that establishes or maintains a political order based on systematic cruelty and humiliation as its permanent features: Needless to say, usually the party that suffers the cruelty and the humiliation is not a party to the agreement. By humiliation I mean dehumanization—treating humans as nonhumans. By cruelty I mean a pattern of behavior that willfully causes pain and distress.

The institution of slavery is a clear case of humiliation and cruelty. Slavery based on racism is doubly faulted, for one is degraded as a human being both on account of being a slave and on account of one's race. So let me deal with compromises that involve slavery as a test case for my account of rotten compromise as a compromise that consists of establishing or condoning the infliction of cruelty and humiliation.

It looks ridiculously anachronistic to charge the Mesopotamian King Hammurabi for adopting slavery as a basic institution some 4,000 years ago. But there is nothing anachronistic in holding Thomas Jefferson accountable for the acceptance of slavery: abolition for him was a live option. A live option in a society is not necessarily the preferred option, but an option that is on the horizon of its members: especially if a significant number of members in the society, or in their immediate vicinity, actually opt for it. There is no question that during the formation of the Union abolitionism was a live option.

In my view, a historical society is morally accountable relative to its live options. This does not mean that the wrongness, say of slavery, is relative but only that moral accountability is. So asking whether the United States was founded on a rotten compromise in accepting slavery is not an anachronistic question. The issue here, unlike the issue in the case of the Munich agreement, is the content of the compromise rather than who signed it. As a matter of fact the agreement was signed by exceptionally impressive individuals.

What enabled the formation of the Union and the acceptance of the American Constitution by its framers was the Connecticut compromise, which was hailed as the Great Compromise. The one most responsible for devising the compromise was Roger Sherman, hailed as the "great compromiser." The two thorny issues that the compromise was meant to settle were political representation and slavery. The sticky issue for us is the compromise on slavery; slavery was recognized (though James Madison succeeded in keeping the word "slave" out of the wording of



the Constitution). The importation of slaves was authorized until 1808. Moreover, there was a requirement to hand over slaves who escaped from one state to another.

The extent of the recognition of slavery came to the fore in the Missouri compromise of 1820. In 1787 the Congress passed a law that banned slavery north of the Ohio River. When Missouri was to be admitted as a state the question of whether to admit it as a slave state or as a free state became a hot issue, since parts of Missouri are north of the Ohio River latitude. The compromise: Missouri was allowed to enter as a slave state and Maine as a free state; additionally, Congress determined a geographical latitude north of which slavery should be banned.

This was the situation that the fiery abolitionist William Lloyd Garrison faced.

- “The abolitionism which I advocate is as absolute as the laws of God, and as unyielding as his throne. It admits of no compromise.”<sup>5</sup>
- “I will be harsh as truth, and as uncompromising as justice. On this subject...I will not retreat a single inch.”<sup>6</sup>
- “The compact which exists between the North and the South is a covenant with death and an agreement with hell.”<sup>7</sup>

And then he made the statement that “with the North, the preservation of the Union is placed above all other things—above honor, justice, freedom, integrity of soul.”<sup>8</sup>

The Union was for Garrison “the latest and the most terrible form of idolatry”;<sup>9</sup> by that he presumably meant turning the Union, which he regarded as at most something of instrumental political value, into something of ultimate value. The Union was perceived by its adherents not solely in instrumental terms but as a moral ideal of great moment—forming “a more perfect union,” a political order that would be not just more efficient but morally better. Even as a child in remote Jerusalem, reading “The Devil and Daniel Webster” in class, I understood that when Webster kept asking from his grave, “Neighbor, how stands the

5. William Lloyd Garrison, “Abolitionist William Lloyd Garrison Admits of No Compromise with the Evil of Slavery” (1854), in *Lend Me Your Ears: Great Speeches in History*, ed. William Safire (New York: Norton, 1992).

6. William Lloyd Garrison, “To the Public,” *Liberator*, January 1, 1831.

7. William Lloyd Garrison, *Resolution Adopted by the Massachusetts Anti-Slavery Society* (January 27, 1843).

8. Garrison, “Abolitionist William Lloyd Garrison Admits of No Compromise.”

9. Garrison, “Abolitionist William Lloyd Garrison Admits of No Compromise.”

Union?” it was an echo of the belief that the Union is something much higher than mere political arrangement. One can sell one’s soul to the devil for personal gain and still be defended by Webster, but no one can betray the Union and be defended.

Be that as it may, for Garrison the Constitution was a pact with the devil: a rotten compromise if there ever was one. Garrison had the sublimity of language, the fearless independence, and the spiritual nobility of a biblical prophet. But was he right? Was the Union based on rotten compromise, enabling the Constitution to be accepted at the price of recognizing a political order that is systematically cruel and deeply humiliating for a distinct group of people?

The Constitution and the Union did not establish slavery. This in itself is a relevant fact though not a decisive one in judging the agreement to be rotten. Establishing slavery is much worse. But the question we face is: Did the agreement help maintain slavery? The historical verdict is most likely not. It seems that the establishment of the Union undermined slavery more than it helped to maintain it.

This verdict is an empirical historical judgment, not a normative judgment. But what is morally relevant is the question: At the time of making the agreement could one assess in good faith that forming the Union was going to help the cause of abolishing slavery, rather than sustaining it? The ultimate verdict on the compromise involved in forming the Union depends on assessing such judgments.

If the soundest judgment available to those who framed the “more perfect Union” was that the Union was going to help maintain slavery rather than abolish it, then the compromise must be pronounced rotten.

But what if in good faith they believed that forging the Union would help the cause of ending slavery more quickly? The answer should *not* automatically be: Well, this would absolve the compromise from being a rotten compromise. An added question should first be addressed: How long would it take for the compromise to produce the beneficial effect of ending slavery?

I suggest that the upper limit for the relevant time span should be a generation: the prospect of abolishing slavery within the frame of the Union should be within the horizon of a living generation. The reason is that one should morally reject the biblical notion of a “desert generation”—a generation whose life can be sacrificed for the sake of building a better future for the coming generations. (The “desert generation” gets

its name from the generation that wandered with Moses in the desert only to die out before the next generation could enter the Promised Land.) Any revolutionary moral futurism that advocates sacrificing the revolutionary generation so as to enable future generations to enter a Promised Land should be discarded on the basis of my desert generation test. In moral life the long run is the span of one's mature life.

The twenty-year span envisaged by the Constitution for a ban on the importation of slaves veered toward the limit of a generational span (given the life expectancy of slaves at the time). Madison was keenly aware of the span problem. "Twenty years will produce all the mischief that can be apprehended from the liberty to import slaves; so long a term will be more dishonorable to the National character than to say nothing about it in the Constitution."<sup>10</sup>

Yet Madison defended the compromise of the twenty years clause by saying that in the old arrangement the importation of slaves was permitted forever. So in the end Madison did not accept the generation-span condition. He wanted us to compare the prospects of slaves to be freed under the Constitution to their prospects without the Constitution in order to assess whether the compromise was rotten ("mischief"). This violates my desert-generation criterion; a compromise should not be struck if it means accepting systematic cruelty and humiliation over the horizon of a generation, unless it is the only way to prevent a much worse cruelty and humiliation. The 1808 clause pushed the desert-generation test to its limit.

## 8. FINALE

When contemplating what renders compromises rotten, why single out cruelty and humiliation, from among the many vices that popped out of Pandora's Box?

I single out the combination of humiliation and cruelty not because we dread them most, nor for welfarist reasons. My reason is constitutive: cruelty and humiliation, when severe, undermine the notion of shared humanity. Cruelty involves physical pain—pain that we feel as prisoners rather than as patients, namely, pain that comes from humiliation. Morality regulates our relations with others on the sole ground that we all are humans; morality is predicated, therefore, on shared humanity. Systematic cruelty and humiliation, which means systematic treatment

10. James Madison, *Notes of Debates in the Federal Convention of 1787, Reported by James Madison*, bicentennial ed. (New York: W. W. Norton and Co., 1987), p. 530.

of humans as nonhumans, is worse than just evil; it is radical evil, as it uproots morality itself.

In my lecture I have referred to rotten compromise as compromise that one should avoid come what may. This is an overstatement. If, and only if, a compromise prevents much worse cruelty and humiliation, the compromise should not be avoided, even if it is rotten. One should accept something rotten in order to prevent something more rotten. This is the only morally justified tradeoff, in the case of a rotten compromise.

A compromise that contributes to treating humans as nonhumans is an indecent compromise; if, in addition, it involves cruelty then it is also rotten. International law has its own language: a treaty between states that is based on genocide, torture, or slavery is not binding. Vitiating “peremptory norms,” it is null and void. In my language such treaties are rotten. Some moral implications of their rottenness are too urgent to be postponed to kingdom come: I shall discuss them in my second lecture.

## II. DECENT PEACE

### I. ROAD MAP

Immanuel Kant, in his justly celebrated pamphlet “Toward Perpetual Peace,” contrasted truce, as a suspension of hostilities, to perpetual peace. His first article reads: “No treaty of peace shall be held valid in which there is tacitly reserved matter for future war.”<sup>11</sup> Otherwise, he says, the treaty is but a truce.

I shall be concerned with the territorial aspect that might undermine perpetual peace, what may be termed the irredentist clause (or, more obnoxiously, the revanchist clause) in a peace agreement.

Here is my concern: after war, or in averting war, a compromise is reached that leaves “unredeemed territory” in the hands of the mighty (who may not be the just). The treaty looks like finished business, but it tacitly contains the unfinished business of irredentism: the claim to the “unredeemed” territory. Irredentism might undermine peace morally and politically (I account for both). Moreover, it is irredentist compro-

11. Immanuel Kant, “Toward Perpetual Peace: A Philosophical Sketch” (1795), in *Kant’s Political Writings*, edited by Hans Reiss (Cambridge: Cambridge University Press, 1991), p. 93.

mises that are in danger of being rotten or perceived as such. So I am doubly concerned with irredentism: once on behalf of peace, and once on behalf of compromise (rotten or not so rotten).

“Irredentism” and “revanchism” are nineteenth-century terms, which occur in a modern nationalistic context. “Irredentism” was coined in Italy, “revanchism” in France; both refer to political campaigns to regain national territorial losses. I use “irredentism” in a broader context by tying it to the religious picture of politics. Specifically, I claim that the politics of the holy is strongly irredentist, and as such it threatens the idea of permanent peace. This will be the first part of my lecture today. The second part will deal with how we should morally finish with the unfinished business of (justified) irredentism, so as to make room for permanent peace. As you can see, there is already too much on my plate, so let me begin.

## 2. THE HOLY AND IRREDENTISM

The religious idea of the holy sets severe limits on what humans are entitled to negotiate and compromise. Holy places, holy days, holy artifacts—all are dedicated to God. I shall confine myself to holy sites and territories because they are the locus of so much current political discussion. There is a paradox here. On the one hand, the whole universe is the domain of God; on the other, the domain of God is confined to sacred grounds. All the rest is profane, the realm of what is humanly negotiable.

In the history of religion, there are two competing views on what makes something holy. One view is that a place is holy because humans consecrate and dedicate it to God. The other view is that humans consecrate a place because it is objectively holy: there was antecedently a divine presence in the place, and this is why it is sanctified. The Hebrew Bible offers yet a third way for a place to become holy: when people first consecrate the place and then a sign from God approves it.

In the actual practice of the three religions of Judaism, Christianity, and Islam, we find various combinations of these three views. When humans make a place holy by declaring it so, there is some room for negotiation. It appears that it is left up to the believers to desacralize the place without desecrating it; yet as long as the place is declared holy it is holy, with little latitude for negotiation. In the objective sense of holy, no room is left for humans to negotiate. However, in all views of the holy, the domain of the holy should be free from human manipulation

and human interests. It is the domain of God, his sanctuary. Violating God's honor by compromising what is due to God alone is anathema, an act of worshiping evil.

The idea of the holy is not confined to belief in one God. The politics of the holy when the dispute is between believers in one God (say, Jews and Muslims over the holiness of the Temple Mount) is no different from a dispute between monotheists and polytheists (say, Sikhs and Hindus over the Golden Temple of Amritsar in the Punjab). There is, however, a belief that polytheistic religions allow much wider latitude for compromise and tolerance. This belief strikes me as conceptually plausible and factually dubitable.

The politics of the holy is the art of the impossible. It makes compromise destined for the long run untenable. If a site or a territory is considered holy, then a claim to it becomes an absolute claim. When forced to make concessions the believers view their concessions as a temporary setback. In their weakness, they may opt for truce, but only for the sake of regaining strength and not for the sake of peace. The politics of the holy may include cessation of violence but never cessation of the expectation of violence. Thus the politics of the holy, I maintain, is inherently irredentist. The believers regard themselves as the trustees of the holy, and as such they are not allowed to compromise at its expense. So if peace means both cessation of violence and the cessation of the expectation of violence in the future, the politics of the holy is not the politics of peace based on compromise. Compromise is construed by the devout believers as an act of betrayal and not as a sensible act of splitting the difference.

The politics of the holy creates its own ideal advocates, the unbending ascetics who are not for sale. Julius Caesar was famously and superstitiously afraid of thin people. But regimes are very rational when they are terrified of ascetic people who are not in the business of compromise and yet assume holy politics. Being disabled, say like the Hamas leader Sheikh Yassin, or being blind, like Sheikh Rakhman, helps convey the impression of political figures for whom nothing worldly can be offered as a temptation. They must not and would not compromise their holy politics come what may.

The claim about the uncompromising nature of the holy should be significantly hedged, especially with respect to holy sites. One hedge, typical of religions that have lost political and military power, is to spiritualize the holy—to remove the holy from the physical space. So if the Holy Sepulcher is held by the Muslims then Jerusalem is transposed into

heavenly Jerusalem, the Jerusalem of the spirit rather than earthly Jerusalem, Jerusalem of the flesh. But, as happened with the Crusaders, the nearer they approached Jerusalem the more earthly the domain of God became to them. Retreat to the spiritual is one way in which the holy is negotiated within religion.

Another hedge is to rezone the holy, to retreat in space from the holy to the holy of holies, which includes placing the holy in the innermost citadel, the soul. Holy geography, like the geography of Paris, maps the world in concentric circles. The inner circle is the holy of holies: the farther we move toward the outer circle the farther we move away from the holy. This structure of the holy space enables us, when the chips are down, to retreat to the inner circles and devalue the outer circles as if they did not really count or never even really counted. In short, there is more structure to the holy than just being simple and indivisible.

### 3. THE PSYCHOLOGY OF THE HOLY

The politics of the holy rarely occurs in history in undiluted forms. When believers lack conviction and extremism does not hold, then the holy becomes hollow. Secular ideologies, however, especially nationalism, tend to gain an acquired taste for the politics of the holy. The fusion of nationalism and religion creates its own politics of the holy. Whether in its pure religious form or as a fusion of religion and nationalism, the politics of the holy is inherently hostile to any peace that implies compromising the honor of God. In the fusion of nationalism and religion, we find the following inference: if it is holy to me, it is mine. The whole logic of the holy—if logic is the word—is that what is holy is neither mine nor yours; it is the domain of the divine.

The holy as the negation of compromise can be viewed in an opposite way: as a liberating idea that enables a wide range of compromise in matters that are not holy. The idea is that the holy reduces the scope of things that are non-negotiable to a very limited list of items: what is not on the list is open for negotiation and compromise. People with fixed points in their lives should be, and perhaps in general are, more flexible than those who lack fixed points. Those without fixed points are constantly vacillating between being unyielding and being flexible, on each and every point. There is truth in this claim. But then there is truth in the counterclaim that the adherents of the holy tend to resist compromise by being more susceptible to fears that by compromising they are treading on a slippery slope. A compromise, any compromise, looks to the pious like accepting the first premise in a slippery slope argument: you accept

*A* (the compromise), which clearly does not involve giving up on a fixed point, but then you are led by small steps to conclusion *B*, which *does* involve giving up on a fixed point, on an article of faith.

The issue here is not the logical validity of slippery slope arguments. The issue is the psychological plausibility of the domino effect in moving from acceptance of *A* in a compromise to the sinful acceptance of *B* at the end of the day. The psychological assumption of many religions, as well as of many ideologies, is that, with respect to strong views weakly held, the supporter of the faith should avoid accepting any premise that has slippery slope potential. Between these two plausible, offsetting tendencies—fixed points increase overall flexibility and fixed points increase the fear of setting the believer on a treacherous slippery slope—it is hard to tell ahead of time which tendency will have the upper hand.

#### 4. REVOLUTIONARY TACTICAL RETREAT

Revolutionary politics with regard to compromise, any compromise, is under the sway of the religious picture. Revolutionary ideology views compromise as a lethal step on a very slippery slope that ends with selling out the revolutionary goals. Compromise with the enemies of the revolution moderates the revolutionary goal; an unclear goal is already corruption. The term “rotten compromise” originated, I suspect, in the circle of revolutionary socialism.<sup>12</sup> Revisionists, Fabians, and social democrats are all versions of those who compromise the revolution in the sense of betraying it through their willingness to compromise with the exploiters.

Yet revolutionaries have sometimes to compromise. They call it “historical necessity.” Lenin had to compromise with the peasantry by allowing a free market in agricultural products, to save the Soviet Union from famine. Conceding large chunks of Russia to Germany in the Treaty of Brest-Litovsk (ratified in 1918) is another glaring example of historical necessity. But such compromise is to be judged as an irreproachable necessity, according to who signs it on behalf of the workers, not according to what is signed.

Revolutionary compromise is rotten and hence not to be excused by appeal to historical necessity, if the one who signs it is not one to be

12. In *My Life* (chapter 36) Leon Trotsky writes that on January 11, 1919, he sent a telegram to Lenin in which he said: “Compromise is of course necessary, but not one that is rotten.” Four years later, Trotsky writes, “Lenin returned to the phrase almost word for word,” when writing to him that “Stalin will make a rotten compromise and then he will deceive us.” This may very well be the origin of the expression “rotten compromise.”



trusted with the interests of the working class. Lenin, we were told by the Bolsheviks, was allowed to compromise, for we could rest assured that he was merely engaged in a tactical retreat for the sake of saving the revolution, but never in a strategic (“historical”) compromise. Compromise as historical necessity is not a historical compromise: it is truce; it is never peace.

During the 1970s Enrico Berlinguer, then secretary of the Communist Party in Italy, advanced the notion of historical compromise (*compromesso storico*): the idea of joining forces with the conservative Christian Democrats to help stabilize the political and economic situation in Italy. It was clear that the expression “historical compromise” did not mean temporary truce in the class struggle, but a total reorientation and accommodation with the existing order.

Conceptually there is no place for historical compromise in a revolutionary ideology. If the compromise is historical rather than a mere temporary necessity of tactical retreat, what is compromised is the very idea of the revolution.

The prototype of the uncompromising religious or revolutionary person is the sectarian. Sectarianism is the ultimate denunciation of compromise as betrayal. The enemy of the sectarian is not the one with whom compromise is made, but the one who makes it, and thus betrays what used to be the sectarian’s and the betrayer’s common faith. A compromise may look to the outsider quite trivial, but not so for the sectarian. I mention the sectarian since the sectarian cast of mind is what is taken to be the unbending and uncompromising religious cast of mind. This is more often than not a mistake.

##### 5. COMPROMISE AS TRUCE

The holy feeds politics with the idea that compromise is never peace but only truce. The dialectic between truce, peace, and the holy is exemplified in the pact of Hudaibiyya, a pact that sheds light, or casts its shadow, on political Islam today. In 628 CE Muhammad arranged for a pilgrimage to the Q’aba in Mecca. The Quraysh tribe that controlled Mecca forbade him from advancing to Mecca. Negotiation took place in Hudaibiyya. The result was an insulting treaty. Muhammad was to turn back anyone who came to his camp without permission of his guardians, but anyone from Muhammad’s camp who defected to the Quraysh was not to be sent back. Muhammad was under harsh criticism from his most devoted loyalists. “Aren’t you truly the Apostle of Allah?”

The Prophet said, “Yes, indeed.” “Isn’t our cause just and the cause of the enemy unjust?” He said, “Yes.” “Then why should we be humble in our religion?”<sup>13</sup> Later Muhammad broke the treaty of Hdaybiyya. He refused to hand over women who joined him and were asked by their guardians to be sent back and was willing only to restore their dowries.

The story of the treaty of Hdaybiyya is of great significance for understanding the politics of the holy and the possibility of compromise therein. The Hdaybiyya treaty was a temporary peace agreement with the idolatrous and hence a temporary retreat in an all-out war against idolatry. To reach a compromise with the idolatrous on matters that pertain to the holy is to compromise the holy. Making pilgrimage to the Q’aba is clearly an issue that pertains to the holy. Handing back people who have joined your religion, thereby making them return to idolatrous practices, is another. What was at stake at Hdaybiyya was not worldly matters such as returning stray camels but serious matters that touched the foundations of the Apostle’s faith.

The elements of the Hdaybiyya treaty are the following: the messenger of God is not recognized as such by those who stop him on the way. This is taken by his loyalists as an affront to the prophet and a mortification of their religion. This act of mortification justifies a war or at least avoidance of the pilgrimage to Q’aba. It does not allow for compromise: the agreement is not an outcome of coercion. The sole justification of the agreement is in its being a temporary truce, limited in time, with no real commitment to abide by it if circumstances allow otherwise.

If this is the right reading of the story, then the implication is that there is no room for a genuine peace treaty between the emissary of the holy, who acts in the name of God, and the infidel, but only limited truce. Let me hasten to add that there is nothing peculiar to Islam in this regard: Judaism and Christianity can provide a parallel instance. When it comes to the holy, then, compromise is truce and not peace. Is that the case with morality, too, so that compromise on what is just is truce and not permanent peace?

## 6. TENSION BETWEEN PEACE AND JUSTICE

We tend to talk of peace and justice as we do of fish and chips—as two complementary things. But there is tension between peace and justice, a tension more severe than the tension between the two values that consti-

13. Muhammad Ibn Ismail al-Bukhari, *Sahih al-Bukhari* 3.891, English translation by Muhammad M. Khan (Lahore: Kazi Publications, 1979).

tute justice: liberty and equality. By tension I mean that there is a suspicion that those values in their common understanding may on occasion be incompatible.

The Talmud, of all books, conveys a strong sense of the tension between compromise and justice, and therewith between peace and justice. The context of the Talmudic discussion is whether a judge should seek compromise for the sake of peace (harmony) between two disputing parties or whether he should judge by what justice requires (according to the rabbinic law). This issue has been the source of heated controversies.

One controversy has to do with the nature of justice. Justice is of divine origin. Hence it is not up to human judges to deviate from the prescribed divine justice and pursue compromise that disregards justice, for the sake of something else. The opposite line starts with the same premise: since justice has a divine source, the judge is under tremendous risk of getting the divine justice wrong. A mistake by the judge in administering divine justice is not mere error but sin. So it is better to try to settle disputes in the mundane way of compromise and not risk a sinful miscarriage of divine justice.

But there is in the Talmud a more interesting controversy over the relative strength of the two opposing values: peace as exemplified in compromise and justice as exemplified by trial. These two values are incarnated by the two brothers Moses and Aaron. Moses is the embodiment of ferocious justice, that of “let the law cut through the mountain,”<sup>14</sup> whereas Aaron is the embodiment of the happy disposition of peace. Aaron is loved. Moses is admired but feared. On one reading of the Talmud, the tension is merely psychological (between the disposition to pursue peace and the disposition to pursue justice); on another reading, the tension is conceptual (peace and justice may turn out to be incompatible).

#### 7. THE ALGEBRA OF THE CLASH BETWEEN PEACE AND JUSTICE

Political philosophers have dealt with the notion of lasting (permanent) peace, but hardly ever with the notion of just peace. This is so, perhaps, because philosophers feel that the idea of a just peace may be the enemy of the notion of just (simple) peace, in the cliché sense in which the best is the enemy of the good. It is better, in this view, to worry about the stability of peace than to worry about whether or not it is just. Another

14. Babylonian Talmud, Tractate “Sanhedrin,” 6b.

reason is perhaps that both peace and peace-making seem so good and just in and of themselves that there is no need to justify them—to ask what is just in justice. But these explanations will not do. After all, most philosophers are neither pacifists nor Hobbesians who believe that peace is justified at any price, or at almost any price. Many of them hold that there are just wars, which are to be preferred to extremely unjust states of peace. To be sure, there is a difference between just peace and justifiable peace; not every injustice justifies war. But still, most would agree that there are states of injustice that justify war, that morally permit going to war. Yet, while there are many intensive debates about just and unjust wars, there are no parallel debates about just and unjust peace.

One proposal is that there is no need for a separate justification of peace: whenever war is unjustified, peace is *eo ipso* justified. There is a very strong presumption in favor of peace for the obvious reason that peace is a negation of a large-scale use of violent force: it is the use of violence that calls for justification, not its absence. So the presumption of peace can be rebutted only by strong reasons to deviate from it. Not every case of injustice is enough to rebut the presumption of peace, for violence is bad, very bad.

Frances Kamm, in her extremely illuminating account, deals “at a very general level” with a thesis we both share: some injustices must be tolerated in preference to making war.<sup>15</sup> Peace, any peace, is justified as long as the presumption of peace is not rebutted: namely, there is no justification that permits us to alter a relevant state of peace by war. The burden of proof is on whoever advocates war. A justification to deviate from peace does not mean an obligation to deviate. It only means, as Kamm rightly observes, permission, not obligation, whereas the presumption in favor of peace prescribes an obligation to keep peace unless and until it is rebutted. There are, however, rare cases where the moral presumption is reversed in favor of war and the burden of proof is on those who do not participate in a war. This is the case where the very idea of morality is challenged, as in the case of Hitlerism. In such cases the countries that stay neutral should justify it. It is because of such extreme cases in which the very presumption of peace is reversed, so that one has to justify why one is not at war, that I do not view the theory of just peace as the mere flip side of the theory of just war.

So far I have mentioned only two states of affairs: war and peace,

15. Frances Kamm, “Making War (and Its Continuation) Unjust,” *European Journal of Philosophy* 9, no. 3 (2001): 328–43.

peace being the cessation of war, war being the collapse of peace. But there is a third state of affairs, and that is truce, a mere temporary peace. My concern is with the relation between truce and permanent peace: when does compromise allow us—morally, that is—to turn truce into peace and when does it not?

The politics of the holy provides us with the idea that when it comes to negotiating on matters holy, only temporary peace is acceptable. One may think that the relation between peace and justice should be shaped on the model of the relation between peace and the holy. Conflict over the holy as conflict over justice enables at most a state of truce but never an acceptance of permanent peace. Truce with respect to the holy (read justice) is not rotten, but permanent peace is. On the model of the holy, peace is incompatible with the acceptance of injustice. Temporary peace can suffer injustice, but permanent peace should not.

Another approach to peace says that peace should tolerate a certain injustice as long as the injustice can realistically be remedied by non-violent means. There is no justification to redress any form of injustice by war: only very serious cases of injustice provide justification to wage war, on condition that the remaining injustices—which do not justify war—can realistically be remedied by nonviolent means. War might on occasion be the most efficient and speedy way to redress injustice, but this in itself does not justify the use of it.

I hold a different view on the relation between peace and justice from the ones just expressed. In my view, it is justified for the sake of lasting peace to accept permanently some injustices, when their removal is not meant to be pursued by violence but nevertheless carries the potential to deteriorate into war. Irredentism has this potential.

Kamm's concern is confined to making war and ending war; my added concern is with ending war in a way that will not leave room for resuming war later on. It is in transforming truce into peace that we may be demanded to trade justice for peace. Let me switch my philosophical documentary style of commenting on real past and present events in favor of a more stylized thought experiment. My thought experiment is in a way a fleshing out of Frances Kamm's austere schematic account.

## 8. WHEN PEACE TRUMPS JUSTICE

Over a generation ago, the predator state Over-Dog attacked, with no moral justification, the state Under-Dog. Over-Dog conquered two provinces of Under-Dog: Bread and Butter. It has retained the two

provinces ever since. The conquered province of Bread is heavily populated by Under-Dog people, whereas province Butter is an arid land with a thinly spread population. The densely populated province Bread is subjected to a very harsh military rule that constantly tramples people's (Under-Dog people's) human rights.

The most important event in Under-Dog history occurred donkey years ago in province Butter. It was the famous "Battle of the Eagles." Butter province also contains the most important historical site of the Under-Dog people: a cemetery and shrine for those who fell in that battle. In the collective memory of Under-Dog, there is no event as important as the Battle of the Eagles. Ever since the occupation Under-Dog people had no access to the cemetery and could not commemorate the battle as they used to do for years and years, while it was theirs. In addition, some promising signs of natural gas with serious commercial potential were recently discovered in province Butter.

These two spaces, province Bread and province Butter, express different time orientations: province Butter is oriented in the past (the battle of the Eagles) and in the future (the promise of gas); province Bread is oriented in the present (the currently depressing state of its oppressed population).

Let us assume that only on account of the population of Bread is Under-Dog justified in waging a war. Under-Dog is not justified in going to war on account of Butter, even though justice requires that province Butter—as well as Bread—should be returned to the hands of Under-Dog.

Let us also assume that the condition for compromise in the form of the possibility of having it all does hold in the following way: on the one hand, if Under-Dog does its military best and Over-Dog does its worst, then Under-Dog has a chance of regaining the lost provinces. If, on the other hand, Over-Dog does its indifferent average, no matter how well Under-Dog performs, it can cling to Bread and Butter. Yet Bread and Butter mean much more to the Under-Dogs than to the Over-Dogs. Moreover, Under-Dog has a tremendous nuisance value to Over-Dog; it can for example acutely embarrass Over-Dog in world opinion. To avoid a winnable yet costly war and preempt Under-Dog's nuisance value, Over-Dog is willing to offer a compromise. Here are various scenarios of compromises that Over-Dog might offer Under-Dog and their implications.

*Scenario 1*

Take either Bread or Butter but not both. Whatever you choose, you should effectively forfeit your claim to the alternative not taken. You are not entitled to nourish any expression of irredentism with regard to Bread or to Butter. You should, for example, remove from your school textbooks any explicit or implicit claims to the forsaken province. Giving up on your irredentism is for Over-Dog the only measure of good faith in concluding a permanent peace that is not a mere truce.

Suppose that Under-Dog goes for the suggested compromise and chooses Bread. Then it must waive its claim to Butter and refrain from pursuing any move to regain Butter, including pursuit by nonviolent means. This is tough. The demand to waive a just claim is unjust. Yet what is the force of the Under-Dog promise to refrain in the future from pursuing its claims to the lost province?

One response is that the force of the promise is very limited. On the one hand, it is bad to break a promise; and on the other hand, it is bad not to get back what belongs to you by justice. Under-Dog has to weigh what is worse: breaking its promise or breaking with its heritage. Under-Dog should opt for the lesser evil: breaking a promise to a bully seems, on the face of it, considerably less evil than giving up for good what justly belongs to you. By this line of thought, justice trumps peace, and you are morally justified in accepting compromise as temporary peace, knowing that it is morally right to walk out on your promise.

A compromise of the kind suggested by Over-Dog should be regarded by Under-Dog as a shabby compromise, a compromise that one may be allowed to accept tactically only to renounce later on. Over-Dog is not morally entitled to expect that acceptance of its offered compromise is going to last and thus yield a permanent peace.

Note that Under-Dog's justification in breaking its promise does not mean that Under-Dog is morally justified in going to war over Butter: remember, Butter alone does not justify going to war. So what does breaking the promise to renounce irredentism amount to? It means that Under-Dog is justified in effectively pursuing and diligently regaining the lost province by any means at its disposal short of war: for example, by lobbying hard to impose international economic sanctions on Over-Dog. I suppose that this fits Kamm's position.

My response is different. The promise to give up on an irredentist claim has a special moral force, much beyond the ordinary moral force

of keeping one's promises. It is a promise for the sake of permanent peace. This is a worthy cause that endows the promise with special binding force: we do not want to live in a world where a peace agreement is no more than a ceasefire; we want a peace agreement to be more binding than other normal agreements because of our immense stake in peace. Signing an agreement for the sake of peace, even if it includes unjust terms, has a strong binding force not just on those who sign it but on future generations. A shabby compromise like the one suggested by Over-Dog, if signed, should be respected.

### *Scenario 2*

As before, Over-Dog offers Under-Dog Bread or Butter but not both. Unlike the previous case, Under-Dog opts for the arid land with its glorious past and rosy future of gas, at the expense of liberating its oppressed people, who are constantly humiliated and treated cruelly.

This is a rotten compromise. Under-Dog should not sign such an agreement. In a peculiar way it is the Under-Dogs who make it rotten: they could have opted for the shabby agreement of the previous scenario. It is rotten in that it recognizes and helps to maintain a state of affairs based on cruelty and humiliation. It is a compromise that should not see the light of day. But if it does, is the next generation of Under-Dogs free to revoke the agreement, declare it rotten, and regain its moral justification to go to war on behalf of Bread? My answer is no.

In opting for Butter when Bread was offered, Under-Dog lost its justification to go to war later. It may be the case that the situation in province Bread is so wretched that there is justification for outside intervention on behalf of Bread on the grounds of human rights, but Under-Dog has no special moral standing in the matter; it lost it by signing a rotten compromise. (Unless by signing this agreement it prevents a much worse case of cruelty and humiliation, for its people in the province, and there is no other way to prevent such a case.)

### *Scenario 3*

Over-Dog offers Under-Dog province Butter, on condition that all irredentist activity with regard to province Bread should end immediately. Remember, it is Bread that justifies Under-Dog's going to war, but here Bread is not in the offer. In light of the fact that Bread is not offered, how morally different from the point of view of Under-Dog is this scenario from the previous one in which Bread is offered? What is the binding



force of Under-Dog's promise in the co-promise to forfeit any claim to Bread in the future? Let me review two responses.

First response: extract from the aggressor whatever you can without war: namely, in this case, Butter. Wait for an opportunity to walk out on your promise and keep pushing for regaining Bread, by war if necessary. You are not in the wrong if you break your promise to an aggressor who oppresses your people. The prospect of exploiting the gas of Butter in the future is a very good reason for Under-Dog to accept what is offered since among other things it enhances its chance to regain Bread by war.

Second response: the right thing to do, from a moral point of view, is to reject outright Over-Dog's offer and retain an untainted right to wage war over Bread. If, however, you go for the shabby compromise (shabby and not rotten since Bread was not offered), then you should keep your promise to give up entirely on Bread for the sake of peace, on condition that the agreement includes elimination of cruelty and humiliation for your people in Bread. If you cannot eliminate humiliation and cruelty, don't sign, because then it is clearly a rotten compromise.

We can go on and toy with more elaborate combinations, but the general drift should be clear by now. We are facing two conflicting intuitions: on one intuition peace based on compromise is justified, even if only partial justice is granted, as long as Under-Dog retains the right and the might to struggle for the remaining justice and has a fair chance of achieving it.

On the other intuition, which is my intuition, peace based on compromise is justified even if, for the sake of peace, Under-Dog has to give up on war for a just cause, and even if it has to give up on nonviolent struggle for that cause. This is justified because it removes rational fears of future violent irredentism. It is the sacrifice of some justice for the cause of peace. This second intuition pits peace against justice in a radical way. It is willing to put up with partial injustice for good, provided that it is done for the sake of permanent peace. This is a true clash of peace and justice.

## 9. JUSTICE AND STABILITY

An immensely important treatise about peace is *The Economic Consequences of the Peace* by John Maynard Keynes, which was of course written in the very specific context of the Versailles peace treaty. In writing this piece, Keynes was thinking both about peace and about justice. "The task of the peace conference is to honor engagements and to satisfy

justice: *but no less* to re-establish life and to heal wounds.”<sup>16</sup> The way I read Keynes, the “but no less” phrase ought to be replaced by “but even more.” Keynes was predominantly interested in the stability of the peace. Carthaginian peace in Europe will not only be unjust; it will, more importantly, be unstable. The issue that I am raising is this: what price are we entitled to pay in terms of justice for the sake of a stable peace? Stability of peace seems to be an empirical question, and indeed it is. But it should also concern pure normative theory.

Let us go back to our little thought experiment. It assumes that Over-Dog is barely interested in justice as such, but recognizes that a strong sense of injustice on the part of the victim has a motivating force to destabilize its conquest. So Over-Dog is willing to offer the minimum justice required to divert the prospect of war. It wants to retain not so much the maximum of its conquest as the maximum of conquest that is compatible with long-run stability. Over-Dog has a keen interest not in truce but in permanent peace: a recognized permanent peace serves its long-run interests best. Under-Dog knows that its best bet is to gain the moral high ground, since world sympathy for its cause is the best weapon it has against Over-Dog. We may say that Under-Dog for whatever reason is the side that cares more about morality even if not for its own sake.

In any case the perspective we have addressed so far with regard to the normative relation between peace and justice is the perspective of the Under-Dog. The question I keep asking is: What should Under-Dogs sacrifice for the sake of permanent peace? Directing the question to the Under-Dog seems grossly unfair. It is unfair to make moral demands only on the victims, instead of addressing the question of what one should do for peace to the predators. Why not ask the Over-Dogs what they should sacrifice for peace? The reason I did not address the perspective of the Over-Dogs is that it is uninteresting. The moral demand on Over-Dog is clear and distinct: for the sake of peace and for the sake of justice you should give Bread and Butter back to Under-Dog, period. This is so clear and so boringly right that there is nothing useful to add to it.

The moral demand on Under-Dog, however, is less clear and less distinct, and hence more interesting: in facing Over-Dog you are justified in going to war to regain Bread and Butter. If offered Bread (the morally

16. John Maynard Keynes, *The Economic Consequences of the Peace* (New York: Harper Torchbooks, 1971), chapter 2, section IV, p. 26 (emphasis added).

justifying reason for war), with an option of regaining Butter by non-violent means later, you should not wage war. If offered Bread, but on condition that you give up any struggle, violent or not, for Butter, you may morally reject the offer, even though your moral justification to go to war is only over Bread and not over Butter. But if you accept *in toto* the terms of the Butter-for-Bread compromise, the compromise is morally binding: it is binding because it is done for a very good cause—for the cause of peace. Peace, unlike war, deserves a great deal of sacrifice.

The general idea of my two lectures can be simply stated. Humanistic morality should treat cruelty and humiliation the way religion treats attacks on the holy: on these one should never compromise. Everything else is negotiable.