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**PERSONAL HONOR, NATIONAL HONOR  
AND INTERNATIONAL JUSTICE**

Harvey Mansfield's most recent book is about "manliness." I want to talk about honor. Honor is, at least in some of its aspects, related to manliness, perhaps even a child of manliness, as Professor Mansfield indicates in his book. But honor operates more on the surface of political life. It is more insistent on being seen or recognized in public and it varies, according to the different "publics" of different eras or different political regimes.

It is characteristic of Mansfield to pursue his inquiry to the root. Given my own interests and limitations, I must stay closer to the surface – where the light is better. My thesis in brief is this: while the modern world is ambivalent about honor, it remains important – and perhaps most important – as it is most salient, in international politics, because international politics cannot be entirely removed from domestic political understandings.

Much of what I will offer here has already been indicated in Mansfield's own writings, though I sometimes proceed by a different path. Everything I will argue here is, I hope, at least in the spirit of Mansfield. I learned much from him as a graduate student, many years ago. Since then, I have tried to sort out many things on my own and often found that I was simply following trail pointers first planted by Harvey Mansfield.

Most of my illustrations will come from American experience (or from conflicts in which the United States participated). That is not because I think the history of other countries is less instructive, but because American history is the history

I know best. I trust that readers outside the United States can find points of interest in this history, both where it parallels and where it does not run parallel with the histories they know better.

### Is Honor Outdated?

In a characteristically confident assertion, Mansfield claims that “we all know what honor is” – though he concedes that we “honor different thing in different societies.” Honor, he says, is “characteristic of manliness” in the way it “joins together private circumstances and public belief,” allowing claimants of honor to “feel entitled to act as they do.” The connection seems important: “Through the assertion of honor they surpass mindless aggression not devoted to a cause.”<sup>1</sup>

But for many people in the modern world, honor seems more questionable. Of course, you may need to defend yourself. But if you *need* to defend yourself, then the issue seems to be necessity rather than honor. If there is dispute about what things *need* to be defended, why not focus on determining which rights or interests are most important rather than worrying over the degree of honor involved?

One might answer that not everyone has equal resolve to defend the right, nor equal clarity about what is right. But then the potential for honor seems to be unequally distributed. Doesn’t the modern world insist upon equality as a fundamental political principle?

We should start by acknowledging the challenge. Aristotle depicts honor as recognition of virtue. Honor is what is due to the most outstanding men. The great-souled man does not so much seek honor as he seeks to display his virtue by undertaking those deeds that are worthy of honor. He does not acknowledge that his virtue is dependent on the recognition bestowed by others. Certainly he is not much moved by the honor conferred by inferiors.<sup>2</sup>

The modern world finds so much to doubt in all this. If Aristotle equivocates it is not on the core point – that the best men act from something within themselves. So what is recognized by honoring – the inner character of the one who is honored – is more important than the honoring itself. Modern doubts about this view are hardly recent.

We might start with the most famous dramatization of these doubts in the English language – Shakespeare’s *Henry V*. According to Tocqueville, it was a play that could be found in remote log cabins on the American frontier when he visited America in the 1830s.

Amidst other memorable lines, the play includes Henry’s concession that it might be “a sin to covet honor.” Perhaps that is because the desire for honor violates Christian precepts of humility. Perhaps “coveting” of any kind is un-Christian.

<sup>1</sup> *Manliness*, Yale University Press 2006, p. 65.

<sup>2</sup> *Nicomachean Ethics*, 1125b.

Or is it wrong because it betrays a kind of neediness at odds with heroic virtue? At any rate, Henry still affirms that if coveting honor is a sin, “I am the most offending soul alive.” (IV, 3, 31–32)

But this is what he says to his soldiers on the eve of a desperate battle; it is what he says in public and in character as a warrior king. When in disguise, he speaks rather differently to two soldiers he chances upon in the dark of night: “I think the king is but a man ... his ceremonies laid by, in his nakedness he appears but a man.” So, when the king “sees reason of fears, as we do, his fears, out of doubt, be of the same relish as ours are.” Yet the disguised Henry then admonishes his fellow soldiers not to impart “any appearance of fear” to the king, “lest he, by showing it, should dishearten his army.” (IV, 1, 105–115)

So the fearless resolution of the warrior king may, after all, be something of a pose, which all must claim to trust, lest it begin to dissolve on too close scrutiny. When he is entirely by himself, Henry questions whether public honor provides enough personal reward to compensate the personal cost:

What infinite heart's-ease Must kings neglect, that private men enjoy! And what have kings, that privates have not too, Save ceremony, save general ceremony! And what art thou, thou idol ceremony? What kind of god art thou, that suffer'st more of mortal griefs than do thy worshippers?

What are thy rents? what are thy comings in? O ceremony, show me but thy worth!...

What watch the king keeps to maintain the peace, Whose hours the peasant best advantages. (IV, 1, 244–252, 292–293)

The whole soliloquy presumes that outward recognition – the honor confirmed by “ceremony” – is the main motive for accepting the responsibilities of kingship. For all his personal doubts, however, Henry still recognizes that appeals to honor and heroic exertion are motivating to others. So on the day of battle, Henry speaks in his kingly role to his soldiers and makes honor – and the honor of associating with the king – seem to compensate all risks:

From this day to the ending of the world, But we in it shall be remembered; We few, we happy few, we band of brothers; For he that sheds his blood with me Shall be my brother; be he ne'er so vile, This day shall gentle his condition... (IV, 3, 60–66)

It is a stirring speech – but even in the confines of the play, Henry does not actually deliver on it. When the French seem to rally against his small force, he orders French prisoners to be executed – contrary to the chivalric code. (IV, 6, 35–39; IV, 7, 1–11) And when his own army finally triumphs against the far larger French host, as if by miracle, Henry withdraws credit from his “band of brothers”: he forbids his soldiers, on penalty of death, from boasting of the victory, lest they take “that praise from God which is [H]is only.” (IV, 8, 119–121) And then, as the chorus reports, when Henry and his army returned to London, the king was celebrated by citizens as a “conquering Caesar” in the style of “antique Rome” (V, 1, 27): Henry himself received the honor, not he and his lowborn “band of brothers.”

Precisely because it can be a powerful motivating force, the honor of recognition seems caught up in all the conflicting pressures of political management.

So even a play that seems to celebrate honor leaves much doubt about its true nature and its “comings in.” The last lines of the play remind us that under Henry’s son and heir, Henry VI, “so many had the managing of the state” that they “lost France and made England bleed.” (V, Epilogue, 11–12) Was this the consequence of Henry’s disdain for “ceremony” and the honor of status and rank? Or did it follow from the incitement he bequeathed to so many of his followers, to seek personal honor of their own?

Tocqueville referred to this play as a “feudal drama.”<sup>3</sup> Yet even defenders of Europe’s feudal inheritance could express doubts about feudal notions of honor. Harvey Mansfield’s first book was on the thought of Edmund Burke. Burke is certainly a telling example. As Mansfield shows, Burke’s defense of nobility is by no means starry-eyed about the actual virtues of actual nobles in 18th-century England. His defense of nobility – in the sense of a hereditary class of nobles – is more about holding property than displaying virtue. Burke’s famous panegyric on chivalry in *Reflections on the Revolution in France* celebrates its softening of manners – its inducement to monarchs and their courtiers to adopt a courtly conviviality – rather than its inspiration to hard virtues of courage and discipline.<sup>4</sup>

As to celebrating the point of honor and taking a stand on principle, Burke’s defense of parliamentary parties in *Considerations on the Causes of Present Discontents* is notably dismissive of those who try to stand alone in politics: Only a man

inflamed by vain-glory ... can flatter himself that his single, unsupported, desultory, unsystematic endeavours are of power to defeat subtle designs and united Cabals.

Men of this kind “will fall, one by one, an unpitied sacrifice in a contemptible struggle.”<sup>5</sup> There is not, in this account, much honor in losing, especially if one should have expected to lose.

We should not leave this brief survey of modern doubts about honor without consulting Tocqueville, whose great treatise was translated into English by Harvey Mansfield (with his wife, the late Delba Winthrop). *Democracy in America* offers an entire chapter on “honor.”<sup>6</sup> It begins by distinguishing, in a brief footnote, two different senses of the term. There is, first, “the esteem, the glory, the consideration” gained, it seems by some notable action or achievement – honor as a thing “to win.” There is, on the other hand, honor in the sense of a restraining set of standards, whose violation prompts people to say “he has forfeited honor.”

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<sup>3</sup> *Democracy in America*, ed. H. Mansfield, D. Winthrop, Vol. 2, part 1, ch. 13 University of Chicago Press 2000, p. 445.

<sup>4</sup> *Statesmanship and Party Government*, University of Chicago Press 1965, p. 94–96.

<sup>5</sup> *Select Works of Edmund Burke*, Liberty Fund 1999, Vol. 2, p. 146.

<sup>6</sup> *Ibidem*, Vol. 2, part 3, ch. 18, p. 589–599 (in H. Mansfield and D. Winthrop edition).

Tocqueville does not emphasize the fact but it is apparent that these two sides of honor are somewhat at odds. One might be tempted to “win honor” by using means that would otherwise be thought to “forfeit honor.” Alternately, one might follow all the rules and be defeated, thus failing to “win honor.”

Perhaps it matters, therefore, who judges. Tocqueville, in fact, depicts this as the key to honor. Whereas “simple virtue lives on itself and is satisfied with its own witness,” honor “only acts in public view.”<sup>7</sup> Honor needs an audience. It seems to follow, for this reason, that honor may reflect “very particular notions that belong only to one country and one period” whereas “simple notions of the just and unjust are widespread over the earth.”<sup>8</sup>

Tocqueville follows out the implications. Honor was strong in feudal Europe, when nobles formed a very well defined rank and could enforce their notions of honorable conduct on each other. In a democratic age, where “ranks are confused and where the entire society forms a single mass,” honor is

necessarily less powerful. ... Public opinion, the natural and sovereign interpreter of the law of honor, does not see distinctly in which direction it is fitting to make blame or praise incline and pronounces its decision only with hesitation.

What remains are only the differing notions of different nations. Rather than claims of rank, honor reflect “the particular needs of the nation itself, ... its individuality among peoples.” So if

all the peoples of the world should come to the point of having the same interests and the same needs ... the general needs of humanity that conscience reveals to each man would be the common measure” [and] one would no longer encounter in this world any but simple and general notions of good and evil...<sup>9</sup>

But Tocqueville leaves this observation as a deduction from the logic of his analysis. He does not quite predict that the world will actually reach this condition.

### **Honor in the Law of Nations**

If there is no room for gradations of honor “where the entire society forms a single mass,” we might look to see honor preserved in smaller communities, where individual qualities remain more visible to all the participants. We might think of international society as a kind of political community – the “community of nations,” as it is sometimes called. It is certainly a small community. Even today, it has less than two hundred members. If we think the personal honor of the warrior knight has no

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<sup>7</sup> *Ibidem*, p. 598.

<sup>8</sup> *Ibidem*, p. 589.

<sup>9</sup> *Ibidem*, p. 599.

place in the settled conditions of modern societies, we might look for some residue of honor in the entities that still wield force – independent states.

Or is this too simple? Mansfield himself remarked, in an essay on Machiavelli's *Art of War*, that Machiavelli's forthright recognition of skill at conquest had something in common with ancient ideas about virtue, at least when compared with modern doctrines. The modern doctrine of right, founded in equality, denies that claims to rule can be founded on superior merit, so "a determinate test of who is sovereign replaces a contestable judgment of who is best ruler."

Mansfield acknowledges that "one could suppose" the modern view, pioneered, as he says, by "international jurists Hugo Grotius and Samuel Pufendorf," provides "an important advance," since "the art of war, when used in defense of sovereignty is both justified and limited." But he offers this warning:

Nations that do not know that they themselves can be tempted by aggression will always be surprised by the aggression of others and will have difficulty in identifying and resisting it.<sup>10</sup>

Mansfield speaks here of doctrines of "natural right." I want to look a bit more closely at what these writers and their successors say about "honor." As it turns out, they do make room for honor. They acknowledge that "right" (and even self-interest within right) does not quite exhaust the subject of what deserves to be recognized in relations between nations.

We should start with Grotius, whose treatise, *De Jure Belli ac Pacis* ("The Law of War and Peace") (1625) is sometimes credited with launching the phrase "community of nations." As the title indicates, it is largely concerned with relations between sovereigns – with international affairs – and treats this subject, for the most part, quite legalistically.

But to emphasize the law governing the relations between sovereigns is, in a way, to give special dignity to the status of sovereigns. And Grotius is quite explicit on this point: a sovereign state, even when it acts unjustly, has a status which confers a certain dignity, compared with the claims of a mere wielder of force, like a pirate band. For "pirates and brigands are banded together for wrong-doing," while "members of a state, even if at times they are not free from crime, nevertheless have been united for the enjoyment of rights."<sup>11</sup>

Though most of his treatise focuses on the rights of sovereigns, Grotius does not reduce all standards to self-defense. He offers a long list of recognized offenses against the accepted standards of the community of nations (and Grotius was the first important writer to speak of a society of states including non-Christian peoples). People who engage in extreme depravity, such as cannibalism or incest, deserve to be punished by natural law. So, according to Grotius, any sovereign state

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<sup>10</sup> *An Introduction to Machiavelli's, Art of War*, [in:] *Machiavelli's Virtue*, University of Chicago 1996, p. 201.

<sup>11</sup> Book 3, ch. 3, Subch. 2 in translation by F. Kelsey, Clarendon Press 1925, p. 631.

may make war on such peoples to punish their crimes and correct their waywardness. And it is “more honorable” to “avenge” such wrongs against “the interests of human society” than it is to make war to rectify “wrong” to “one’s own.”<sup>12</sup>

But Grotius goes on to qualify this argument. There is a right to make war in such cases but there is no duty to do so. In fact, he says, it is wrong to launch such wars unless they are likely to succeed.<sup>13</sup> So the claim to speak for the community of nations seems restricted to the strong or those with a capacity for strategy and discretion. The wrong-doers have violated universally binding standards, but their pursuers claim distinctive privileges when they deliver the punishment that wrong-doers deserve.

When it comes to the conduct of war, on the other hand, Grotius acknowledges that the most brutal tactics have been endorsed by the practice of nations. He relies much on Roman histories for his examples, acknowledging that practices sanctioned by Roman jurists cannot be considered contrary to natural law. But Grotius emphasizes, in the last chapters of his treatise, that Christian nations have adopted many humanitarian restraints in war which have a claim to be honored.

So, for example, the “better nations” punish soldiers who rape female captives.<sup>14</sup> It is “praiseworthy” to avoid the sacking of a town after its capture.<sup>15</sup> To be generous with defeated enemies is “noble.”<sup>16</sup> And while it is permissible to deceive enemies, it is “more noble” as well as more “Christian” to refrain from false claims, even with enemies.<sup>17</sup> Whatever the rights of a nation by law, it is more praiseworthy to show regard for preserving the potential for wider peace in the future.

Two generations later, the treatise of Samuel Pufendorf, *De Jure Naturae et Gentium* (“The Law of Nature and of Nations”) (1676) follows Grotius on most points. But Pufendorf focuses much more on the individual interests – or the particular security needs – of sovereign states than the moral claims of the general community of nations. So Pufendorf, without explanation, simply omits the entire Grotian discussion of natural crimes and the natural right to punish them. A nation which does not follow customary constraints on the conduct of war is guilty, he says, of nothing more than “ungentlemanliness,” for which it cannot be seriously faulted.<sup>18</sup> What remains, for the most part, is the obligation to honor treaty commitments, as a necessary obligation for all.

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<sup>12</sup> Book 2, ch. 20, Subch. 40, p. 504–505.

<sup>13</sup> Book 2, ch. 24, Subch. 8, p. 574–575.

<sup>14</sup> Book 3, ch. 4, Subch. 19, p. 657.

<sup>15</sup> Book 3, ch. 12, Subch. 2, p. 748.

<sup>16</sup> Book 3, ch. 15 Subch. 12, p. 777.

<sup>17</sup> Book 3, ch. 1, Subch. 20, p. 620.

<sup>18</sup> Book 2, ch. 3, §23 in translation by C. H. Oldfather and W. A. Oldfather, Clarendon Press 1934, p. 227–228. Lest the reader give too much moral authority to “gentlemanliness,” Pufendorf explains the point by reference to “those by whom war is considered one of the liberal arts,” so one who fails to follow its rules might be compared to a “gladiator” who might be “accused of lack of skill ... [for] wounding another contrary to the rules of the art.”

Yet even here, Pufendorf recognizes the claims of necessity and self-interest far more emphatically than Grotius. No state is obligated to honor its treaty commitments if that would threaten the safety of its own citizens, “for no state is obligated to any one more than to its own citizens.” It follows, as Pufendorf says quite openly, that only “a fool puts any trust in a treaty when its observance is of no importance to the other party.” The obligation to assist an ally is conditional on the prospect of success:

if any ally of mine sees that he is not the equal of an enemy, even with my aid, and yet persists in courting certain ruin when he could close with him on tolerable terms, it would be insane of me to join myself to his folly.<sup>19</sup>

What seems to follow, then, is that only a strong state can expect to assert its rights in full. Weaker or less self-confident states must accept such terms as they can secure for themselves. Though the rights of states are supposed to be equal, not all have the equal capacity to assert or defend their rights.

Pufendorf regularly cites the authority of Grotius for various conclusions, but wrestles more intently with the arguments of Hobbes, which had gained so much notoriety in the intervening decades. Attentive readers might doubt that Pufendorf was always compelling in his efforts to refute or deflect the logic of Hobbesian inferences from the right of self-defense.

One might expect, then, a continual descent toward such harsh conclusions in subsequent writers. That is not quite what happened, however, as we can see from the last classic treatise on the law of nations – that of Emmerich de Vattel. Vattel’s *Le Droit des Gens* (“Law of Nations”) (1758) was the first great treatise in this field to appear from the outset in a modern language (French), rather than the Latin of its predecessors. And it seems to have been far more influential with diplomats and statesmen than its predecessors. Certainly Vattel’s work was far more often cited and for a far longer period than the works of his predecessors. Yet compared with them, Vattel gives much more explicit and sustained attention to the claims of honor.

Vattel begins by stipulating that as “men are by nature equal,” so “nations ... which may be regarded as so many free persons living together in a state of nature, are by nature equal.” As a “dwarf is as much a man as a giant is, a small republic is no less a sovereign state than the most powerful kingdom.”<sup>20</sup> But Vattel also acknowledges, some chapters later, that the “renown of a nation is intimately connected with its power” and this “noble possession wins the esteem of other nations” and makes even its “enemies dare not manifest their ill-will.”<sup>21</sup>

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<sup>19</sup> Book 8, ch. 6, §14, p. 1306.

<sup>20</sup> *Introduction*, §18, in translation by Ch. G. Fenwick, Carnegie Institution 1916, p. 7.

<sup>21</sup> Book 1, ch. 15, §186, p. 78.

While sovereignty or independence in itself is “deserving of honor and respect,” it is “reasonable” that smaller or newer states should show at least diplomatic gestures of “deference” to the more powerful or older states in public settings. All nations should acknowledge titles of honor (such as “Majesty”) accorded by treaty or tradition to particular sovereigns. But these are courtesies or “ceremonies” – though they may have “influence upon men’s minds.”<sup>22</sup>

Conduct, according to Vattel, counts for more than titles. Thus, “nothing is more honorable in a prince and his Nation than the reputation of inviolable fidelity to a promise.” So, too, “zeal in assisting allies ... is the source of an immortal glory; it creates the confidence of Nations and thus becomes the certain cause of power and honor.”<sup>23</sup> Conversely, all nations have “the right to unite together to check a Nation which shows contempt” for treaties since such a nation is “a public enemy which attacks the foundations of the common peace and security of nations.”<sup>24</sup>

What about pursuing advantage from dishonorable means? Even Vattel acknowledges that to despise all forms of deception in war is to show “greater generosity than wisdom” and to make courage the sole arbiter, as in “the insane practice of dueling.”<sup>25</sup> But he acknowledges that traditional prohibitions on the use of poison weapons should be honored, except in extreme cases.<sup>26</sup>

A telling comparison appears in the treatment of a particular tactic – inducing enemy commanders to betray their sovereign. Grotius, while acknowledging that this is unsavory, holds that it is “winked at” by the law of nations, much as prostitution is often indulged in cities.<sup>27</sup> Pufendorf insists there can be no objection to such practices, since such tactics can bring a speedier victory.<sup>28</sup>

Vattel engages in quite a bit of handwringing on this question. He acknowledges that such practices are “made use of in all wars” but they are not “honorable.” They can “only be excused in the most just war, when it would be a question of saving one’s country from the destruction threatening it at the hands of an unjust conqueror.”<sup>29</sup> This equivocation takes for granted a central premise in Vattel’s treatise – there are different kinds of wars and different kinds of enemies – and different claims of honor corresponding to these different circumstances. The issues between nations are not always so clear as the difference between war and peace.

<sup>22</sup> Book 2, ch. 3, §40–§41, p. 127.

<sup>23</sup> Book 2, ch. 12, §163, p. 163.

<sup>24</sup> Book 2, ch. 15, §222, p. 188.

<sup>25</sup> Book 3, ch. 10, §178, p. 299.

<sup>26</sup> Book 3, ch. 8, §156, p. 289, concluding that “all nations are warranted in repressing and punishing the first attempt” to use poisoned weapons – implying that their use in reprisal might be allowable.

<sup>27</sup> Book 3, ch. 5, Subch. 4, p. 662.

<sup>28</sup> Book 8, ch. 6, §18, p. 1308 (“why then I may not attain that end [of “inflicting loss” on the enemy] by corrupting the minds of his citizens with hopes of rewards, I cannot see”) but he does acknowledge the possibility that such tactics by a commander may “set an example which may work to his own injury” and therefore concedes that “he who refrains from such conduct ... deserves the praise accorded to unusual generosity.”

<sup>29</sup> Book 3, ch. 10, §180, p. 300.

## Honor as a Theme in Early American Statecraft

These writers might be dismissed as historical curiosities. After all, contemporary commentators on international law do not often defer to them. But their works were studied by a group of men whose legacy has been far more lasting and influential – the American Founders. And the American Founders extend the claims of honor in ways that emphasize its internal or domestic ramifications.

Start with the Declaration of Independence itself. It proclaims as “self-evident” that “all men are created equal” and “governments deriv[e] their just powers from the consent of the governed.” But the Declaration also acknowledges the “dictate” of “prudence” that “governments long established should not be changed for light and transient causes.” Revolution does not become a just cause when government crosses some predetermined legal standard but when “a long train of abuses *evinces a design*” to impose a “despotism” – and the evidence for such “design” may well be disputed. In effect, the Declaration argues for the justice of a preemptive strike on abusive authority, when resistance may have better chances of success.

Harvey Mansfield pointed to the tension in this reasoning more than thirty years ago, on the occasion of the Declaration’s bicentennial. If it is right to launch revolution before it is necessary or before its necessity is evident to all, then resorting to revolution may sometimes reflect reckless impulses or low intrigues. So revolution cannot simply be justified by appeal to necessity, let alone by precise legal standards, drawn in advance. As Mansfield noted, the Declaration itself offers an implicit answer to this difficulty: it concludes, not with an abstract doctrine, but with a personal claim by the named representatives who signed it, pledging “our lives, our fortunes and our sacred honor.”<sup>30</sup> The Declaration is famous for its doctrine of equality but its last word – quite literally – is “honor.” And it is the personal honor of named representatives, who must vouch for the arguments in the Declaration.

The Declaration of Independence was, in the circumstances, a declaration of war. It was not everyone’s choice at the time and it was certainly not put to a referendum. A lot was riding on the decision, made official by those who signed the Declaration, but dragging half a continent along. The text of the Declaration tries to persuade a “candid world” that Americans have made a choice that deserves to be honored – again in a literal sense, by having other nations acknowledge the United States as another independent nation, eligible to claim its rights as an equal member of international society. The Declaration was a bid for international recognition of Americans, not as mere rebels but as a people capable of sustaining a sovereign government and a government capable, in turn, of sustaining its obligations among the community of nations.

The Declaration itself did not establish a sovereign government, however. The states of America struggled along under Articles of Confederation until a con-

<sup>30</sup> *The Right of Revolution*, [in:] *The Spirit of Liberalism*, Harvard University Press 1978, p. 79–81.

ference in Philadelphia in 1787 proposed a constitutional framework for a full national government. But the delegates to that convention had been charged only with proposing “reforms” to the Articles. So leaders again had to appeal for trust in a disputable, dangerous and extra-legal undertaking. In the ensuing debate, appeals to honor again played a considerable role. Advocates for the new Constitution were more explicit about the connections between the distinctive honor of nations, the collective honor of their citizen-bodies and the personal honor of their leaders.

In defending the decision of the Philadelphia Convention to draw up an entirely new scheme of government, *The Federalist* invoked the principles of the revolution, quoting the Declaration of Independence on “the right of the people to alter or abolish their governments...” But while stressing the claim to safety, Publius also acknowledged a different consideration: to wait for agreement among all thirteen states even to propose a change would rekindle the “indignation of every citizen who has felt for the wounded honor and prosperity of his country.”<sup>31</sup> Honor seems to have demanded a bolder course in order to avoid national disgrace.

Honor, in the arguments of *The Federalist*, tends to be associated with efficacy, with potency, with the ability to demand or enforce respect. The most frequent appeal is to the need for strength – and the qualities of resolution and constancy that support strength – in foreign affairs. So long, for example as the United States retains a system where thirteen state legislatures must cooperate in implementing treaties, *The Federalist* warns, the “faith, the reputation, the peace of the whole nation” will be “at the mercy of the prejudices, the passions and the interests” of each state: how much longer, then, “can the people of America ... consent to trust their honor, their happiness, their safety, on so precarious a foundation?”<sup>32</sup> Honor here seems only the first in an ascending scale of concerns, but still a concern that is entangled with “happiness” as much as “safety.”

When it comes to foreign nations, strength and honor are particularly close. Suppose that the United States inadvertently violates some treaty commitment or some established standard in the law of nations: “it is well known that acknowledgements, explanations, and compensations are often accepted as satisfactory from a strong nation, which would be rejected as unsatisfactory if offered by a State or confederacy of little consideration or power.”<sup>33</sup> The point seems to be not simply that foreign nations will be more prone to accommodate strong states, but more ready to trust explanations from a state that can make convincing commitments to avoid impulsive missteps in the future.

In fact, it is not just strength that matters, as *The Federalist* explains, but constancy, standing one’s ground, having fixed positions: If one nation’s “affairs betray a want of wisdom and stability,” others take “undue advantage” – so America is now “held in no respect by her friends” and is “prey to every nation which has an

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<sup>31</sup> No. 40, p. 247.

<sup>32</sup> No. 22, p. 147.

<sup>33</sup> No. 3, p. 39.

interest in speculating on her fluctuating councils and embarrassed affairs.”<sup>34</sup> On the other hand, “every government” may find it “desirable” that its actions “should appear to other nations as the offspring of a wise and honorable policy.”<sup>35</sup>

That is part of the argument for giving a special role in foreign affairs to the Senate, “an assembly so durably invested with public trust that the pride and consequence of its members may be sensibly incorporated with the reputation and prosperity of the community.”<sup>36</sup> National honor will be bound up with the personal honor of the senators, since there is no honor in providing public “advice and consent” to low stratagems or disastrous initiatives.

As it proceeds, the argument tends to reduce honor to “respectability.” That might seem more appropriate to the ordinary citizen of a republic, while still separating “character” from “unsteadiness and folly.”<sup>37</sup> Yet “respectability” also links status to the opinion of others, who can “respect” even what they do not entirely honor. In fact, “respectability” seems more attuned to the moral claims of international relations.

A few years later, when defending President Washington’s Declaration of Neutrality in the wars between revolutionary France and its neighbors, Hamilton laid down this general assessment: when one nation provides benefits to another, “the predominant motive ... is the interest or advantage of the Nation which performs them.” But Hamilton immediately disavows the inference that the United States should follow “a policy absolutely selfish”: he calls for Americans to embrace “a policy regulated by their own interest, *as far as justice and good faith permit...*” [emphasis added]<sup>38</sup> Even when urging a hard-headed policy, Hamilton could not ignore the claims of respectability – for a policy “regulated” by self-interest is not simply “driven.”

President Washington’s Farewell Address (in words supplied by Hamilton) puts the point this way:

the nation which indulges towards another [nation] an habitual hatred or an habitual fondness is ... a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest.

A self-respecting nation must disdain slavish impulses, whether of loyalty or enmity: a self-respecting nation respects its capacity to make considered – though part of what it needs to consider is the proper balance between its immediate “interest” with its sense of “duty” toward others.

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<sup>34</sup> No. 62, p. 379.

<sup>35</sup> No. 63, p. 380.

<sup>36</sup> No. 62, p. 381.

<sup>37</sup> No. 62, p. 378–379.

<sup>38</sup> *Pacificus*, No. IV, [in:] *Pacificus-Helvidius Debates of 1793–94*, edited by M. Frisch, Liberty Fund 2007, p. 33.

To rise above mere impulse or habit might not seem a particularly high standard. But Hamilton insisted on the importance of displaying a respectable level of resoluteness and capacity. Maintaining respectable conduct affects not only the opinion of foreigners but what Americans think of themselves – their self-respect. As Hamilton put it at the Philadelphia Convention,

No Government could give us tranquility and happiness at home which did not possess sufficient stability and strength to make us respectable abroad.<sup>39</sup>

How much strength was required was disputed between the rival parties that arose in the 1790s. But even James Madison, who affiliated with the “republican opposition” at that time (urging a more modest federal role), sounded similar themes as president. In justifying America’s resort to war against Britain in 1812, he observed that this ultimate recourse had been “delayed” as long as possible – until no further delay could be accepted

without breaking down the spirit of the nation, destroying all confidence in itself and in its political institutions and either perpetuating a state of disgraceful suffering or regaining by more costly sacrifices and more severe struggle our lost rank and respect among independent nations.<sup>40</sup>

“Suffering” is disgraceful when it can be resisted, while successful resistance makes a nation “respectable” – to its own citizens as much as to foreign nations. Or perhaps, “successful resistance” makes their own government respectable to the citizens by forcing foreign nations to respect their claims.

Some fifty years later, when the United States faced an even more direct challenge to its physical integrity and political authority, President Lincoln addressed Congress in very similar terms. At the outset of the Civil War, he acknowledged the “great honor due to those [military] officers who remain true” rather than deserting to the side of the southern rebels. But Lincoln went on to affirm that “the greatest honor and the most important fact of all is the unanimous firmness of the common soldiers and common sailors.”

The people of America had shown that popular government – which “has often been called an experiment” – could be successfully established and administered. “It is now for them *to* demonstrate to the world,” Lincoln concluded,

that those who can fairly carry an election can also suppress a rebellion – that ballots are the rightful and peaceful successors of bullets and that when ballots have fairly and constitutionally decided, there be no successful appeal, back to bullets.

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<sup>39</sup> M. Farrand, *Records of the Federal Convention*, Yale University Press 1911, 1966, Vol. 1, p. 466.

<sup>40</sup> Second Inaugural Address, Mar. 4, 1813, [in:] *James Madison, Writings*, Library of America 1999, p. 693.

The honor of “popular government” had to be “demonstrated to the world.”<sup>41</sup> But that demonstration would depend on the “firmness of the common soldiers and sailors.” When he celebrated the “honored dead” at Gettysburg two years later, Lincoln struck the same theme: “The world ... can never forget what *they* did here” – “they” meaning “the brave men, living and dead, who struggled here” at the famous battle and “so nobly advanced” that “cause.” The honor of the country depended, at that moment, on the honor of its soldiers.

Was it paradoxical to threaten force – and then unleash it on such a scale – to uphold the authority of peaceful balloting? Only if one emphasized the claims of peace above constitutional authority. A half century later, Theodore Roosevelt, by then a former president, derided “resolutions demanding universal arbitration for everything and the disarmament of the free civilized powers and their abandonment of their armed forces....” The advocates for such nostrums “go wrong at the outset, for they lay all the emphasis on peace and none at all on righteousness.” For Americans to talk in this way seemed to Roosevelt “peculiarly scandalous,” since by their logic

it would have been better that Americans should never have achieved their independence, and better that, in 1861, they should have peacefully submitted to seeing their country split into half a dozen jangling confederacies and slavery made perpetual.<sup>42</sup>

Among other illusions, Roosevelt insisted, such “amiable but fatuous persons” underestimated the American people’s sense of honor:

But I know my countrymen. Down at bottom their temper is such that they will not permanently tolerate injustice done to them. In the long run they will no more permit affronts to their National honor than injuries to their national interest.

So proposals to “agree to arbitrate all matters, including those affecting our national interests and honor,” misjudged foreigners as well as Americans: “the sober, self-respecting judgment of the American people” was equally averse to “gushing promises to do everything for foreigners” and self-indulgent rhetoric that “offensively and improperly reviles them.”<sup>43</sup> Americans would insist that the United States decide for itself.

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<sup>41</sup> Special Message to Congress, July 4, 1861, [in:] *Abraham Lincoln, Speeches and Writings, 1859–1865*, Library of America 1989, p. 260.

<sup>42</sup> T. Roosevelt, *An Autobiography*, chapter 15: *The Peace of Righteousness*, [in:] *Theodore Roosevelt, Rough Riders, An Autobiography*, Library of America 2004, p. 787.

<sup>43</sup> *Ibidem*, p. 789–790.

## Honor in the Era of Modern Wars

Talk about the national honor and the judgments of “self-respecting” people might seem to have been dispelled by the miseries and horrors of the world wars. That opinion has been expressed not only by voices on the left but even by sober, thoughtful observers of the center or the center right. Here, for example, is the French scholar Pierre Manent – as it happens, a friend to Harvey Mansfield for many decades, though often an ocean away – commenting on the outlook of Charles de Gaulle. De Gaulle, he says, responded to the crisis of 1940 with unique clarity. What set him apart was that he was “wholly dedicated to military, national and personal honor” in a way which was already quite unusual by 1940:

Honor, particularly military honor, has no recognized place in modern moral life ... Indeed, as a self-sufficient motive, honor has long ceased to exist. A course of action is praised, or at least authorized, when it can claim as its motives the protection of life and limb, the relief of man’s estate, the bettering of the human condition, the realization of social justice, the self-government or even self-aggrandizement of a human association, or the accomplishment of some ideological goal.<sup>44</sup>

This may be a rather Franco-centric or Euro-centric perspective. De Gaulle himself took the trouble to remind readers of his post-war memoirs that he had received no support from any prominent public men in France, when he sought to rally continuing French resistance in 1940. But across the Channel, Churchill spoke often and insistently about honor. And unlike de Gaulle, Churchill found his outlook embraced by political men in his own country – when it most mattered. It was a leader of the Labour Party who demanded war in 1939, not only for the sake of security but to protect, as he said, “the foundations of our national honour.”

A year earlier, Churchill addressed an American audience by radio, sighing that there could still be peace if “the German people” were not “lacking in the proper spirit of civic independence.” Alexander the Great, he recalled,

remarked that the people of Asia were slaves because they had not learned to pronounce the word ‘No.’ Let that not be the epitaph of the English-speaking peoples or of Parliamentary democracy or of France.<sup>45</sup>

By the end of the war, it was common wisdom. General Eisenhower refused to extend military courtesies to surrendering German generals. And it was not only military officers who were subjected to ceremonial dishonoring. A week after the British army overran the camp at Belsen, mayors of surrounding German towns were summoned to stand before its still uncovered burial pits.

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<sup>44</sup> *De Gaulle as Hero*, [in:] *Modern Liberty and Its Discontents*, translated by D. Mahoney and P. Seaton, Rowman & Littlefield 1998 [originally published in 1992], quoted passage at p. 179.

<sup>45</sup> *The Defence of Freedom and Peace*, “Radio Address to the People of the United States of America”, October 16, 1938, [in:] *Blood, Sweat and Tears*, G. P. Putnam’s Sons 1941, p. 73.

A British colonel addressed them – in a scene recorded by British newsreel cameras and very probably arranged for the benefit of those cameras:

German youth ... bear a small part of the direct responsibility for this crime. Only a small part, yet too heavy a burden for the human soul to bear. But who bears the final responsibility? You who have allowed your Führer to carry out his terrible whims. You who have proved incapable of doing anything to check his perverted triumphs. You who had heard about these camps, or had at least a slight conception of what happened in them. You who did not rise up spontaneously to cleanse the name of Germany, not fearing the personal consequences. You stand here judged through what you will see in the camp.<sup>46</sup>(74–75)

It was a convenient sentiment to express at a moment when Allied governments were preparing to place Germany under the total control of their own armies for an indefinite period. Perhaps it was an overly confident speech, coming from an officer who had always lived under the protection of British law and never experienced a terrifyingly efficient police state. Perhaps it was even a bit unfair, since nothing was known at the time about what these petty municipal officials actually had or had not done, themselves, in the preceding years.

But a world that was skeptical of honor was still able to grasp the force of shame and disgrace. The mayors might not be criminals but they were not random individuals, either. They were people entrusted with public honor and expected – or in a normal country, at least, would have been expected – to assume some responsibility for maintaining public or national honor. Germans of rank or status failed in this responsibility and the country still lives in the shadow of their disgrace.

Within months of the German surrender, the victorious Allies organized trials of the leading officers and officials who could be charged with actual crimes. At the same time, they tried to organize institutions to prevent future wars. So at the very time that one part of the United States government was assisting in trials of German (and later, Japanese) war criminals, others were raising questions about how far the United States would go in submitting its own conduct to international controls.

In the U.S. Senate, both parties heeded the admonitions sounded by Theodore Roosevelt decades earlier. The Senate ended up placing significant restrictions on U.S. participation in the new International Court of Justice: the United States would agree to arbitration of bilateral disputes, but not to be judged on any question touching its own internal affairs, nor any question about American obligations under a multilateral convention (which might imply that it was simply a fractious province under a world government). Decades later, similar sentiment made it impossible for the United States to submit its soldiers to the judgment of an International Criminal Court.

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<sup>46</sup> B. Shepherd, *After Daybreak*, Schocken 2005, p. 74–75. Shepherd identifies the speaker as “Col. Spottiswoode,” connected with military government. That his first name has not been preserved suggests that he was not on the site for very long.

European states and many others ratified the ICC treaty after its completion in 1998 but Americans were disgusted by the thought that American soldiers could be placed on a par with the war criminals of the 1940s.

National honor could still be seen, however, not merely as a claim to independence, but the grounding of onerous obligations. For all his talk about honor in his war memoirs, as President of France, Charles de Gaulle bowed to what he saw as necessities or at least highly advantageous choices. In the early 1960s, he repudiated the French claim that Algeria was a part of France and then abandoned this nearby territory to murderous ethnic cleansing and decades of brutal tyranny. American leaders did not think they could so readily abandon their commitments to South Vietnam, on the other side of the world.

President Nixon insisted it was not sufficient to withdraw from Vietnam until the United States had secured “peace with honor.” His national security adviser, Henry Kissinger, though often seen as the most hard-boiled realist, also thought (by his own account) that it was vital to protect “the principles of America’s honor and America’s responsibility.” He felt a special

responsibility to end the war in a way compatible with American self-respect and the stake that all men and women of goodwill had in America’s strength and purpose. It seemed to me important for America not to be humiliated ... but to leave Vietnam in a manner that even the [anti-war] protesters might later see as reflecting an American choice made with dignity and self-respect ... it was precisely the issue of our self-confidence and faith in our future that I considered at stake in the outcome in Vietnam.<sup>47</sup>

Thirty years later, President George W. Bush presided over another war against insurgents that was becoming increasingly unpopular. Most of his generals urged withdrawal but Bush decided to send more troops to Iraq in 2006. Almost certainly he was influenced, in some part, by memories of what followed the refusal of American assistance to South Vietnam after the false peace agreements of 1973. Certainly, the memories of that era influenced others. When the leader of the opposition party in the Senate declared “the war in Iraq is lost,” a retired Marine colonel protested that such statements “disgraced America.” He cited the statement of General Odierno, “I say to our soldiers, ‘You’re finishing it so it wasn’t in vain for those who came before.’”<sup>48</sup>

A sense of honor, according to the military historian John Keegan, is what motivates soldiers to refrain from unnecessary violence, particularly against civilians: “there is no substitute for honour as a medium of enforcing decency on the battlefield...”<sup>49</sup> In the debate about American interrogation tactics during the Bush administration, some of the most insistent critics of “torture” were American military lawyers, who insisted that practices like “water-boarding” were simply “not

<sup>47</sup> *White House Years*, Little Brown 1979, p. 228–229.

<sup>48</sup> B. West, *The Strongest Tribe, War, Politics and the Endgame in Iraq*, Random House 2008, p. 373.

<sup>49</sup> *Honour and the Decencies of Battle*, “Times Literary Supplement,” 11 Nov. 1995.

American” and would disgrace the American military.<sup>50</sup> A journalist travelling with the army in Iraq recorded this speech by a captain of the 82nd Airborne:

I need guys who can hit targets. I need guys who will do anything to protect their buddies. I need guys who are ready to kill. ... And I want you to remember something. You are Americans. Americans don't shoot women and children. They don't kill soldiers who have surrendered. That's what the assholes we're up against do. That's what we're fighting. We're gonna do things differently.

But he also offered this assurance of seriousness: “But if your life is in danger, you shoot. And you shoot to kill.”<sup>51</sup>

Perhaps this speech was just meant to keep up morale. But that's the point. Honor is about pride. Soldiers are told not to “disgrace the uniform” and reminded of heroes who have “died in that uniform” before them. Honor remains a world used without irony or embarrassment among soldiers in Iraq. A chain of coffee shops on American military bases there carries the prominent slogan: “Honor first, coffee second” – which is intended to acknowledge the high status of caffeine by ranking it only second to the first claim on soldiers.

The logic seems to be this: If you want to be associated with heroes, you must maintain the standards that give honor to the uniform you share with them. The honor of the unit and the service are the special concern to those who claim it, those who participate in it, those who understand it from firsthand involvement. But part of the pride is in serving something larger – a country that can, in some way, support and recognize the honor of its military.

There are surely counterparts to the military sense of honor in other institutions – among police, among judges and legislators, among lawyers and doctors. They have codes of conduct holding members to a higher standard than the minimal expectations set for ordinary citizens by the criminal law. In these specialized services or institutions, there are often informal uniforms to mark the members (as with the white coats worn by doctors) or even official uniforms (as with police and judges) to mark off the members from ordinary citizens, holding them out for special notice and special respect which go along with special obligations. The misconduct of individual members is thought to injure the others, because the personal reputation of each member is tied up with the collective reputation of the institution or profession.

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<sup>50</sup> M. Osiel, *The End of Reciprocity, Terror, Torture and the Law of War*, Cambridge University Press 2009, p. 334–335 and elsewhere: this very thoughtful book demonstrates that the legal case against interrogation practices was by no means so clear as often claimed and the objections of military lawyers had less to do with law than a sense of honor. See, particularly, ch. 12 (*Martial Honor in Modern Democracy*). I can add, from my own conversations with military officers, that their expressions of disgust at the abuses which took place at the Abu Ghraib prison (photographing naked prisoners with leashes around their necks and so on) had less to do with legal standards than with an offended sense of military honor.

<sup>51</sup> K. Zinsmeister, *Boots on the Ground, A Month with the 82nd Airborne in the Battle for Iraq*, St. Martin's 2003, p. 126.

There are, of course, scoundrels in every profession and every institution – in every country and every era. But there are places or times when corruption is particularly rampant, perhaps because most participants have come to see that right conduct will not be recognized or rewarded. That is part of the point about honor – that it is rooted in the pride of distinction and tends to dissolve when distinction can no longer be recognized.

Yet there are few professions where misconduct can have such immediately terrible consequences as in the military. Careless or timorous soldiers are, in the first place, a danger to comrades and then to their home countries. So it is not surprising that talk of “honor” remains most prominent in the military, where, for example, every discharge from service (at least in the American military) is explicitly certified as either “honorable” or “dishonorable.” It may be that countries that still support fighting militaries retain a more vivid sense of what it means to maintain national honor and the honor of national institutions.

### **Alternate Worlds**

How much does any of this matter? How important is it that soldiers still speak about “honor”? How important is it that national leaders and their citizens still have some residual concern with national honor? Perhaps a thought experiment can help clarify what is at stake.

Suppose a world in which all nations are agreed that resort to force – and even the threat to resort to force – can only be authorized by the UN Security Council. Suppose a world in which officials who defy this standard of international conduct will be prosecuted by the International Criminal Court for the crime of “aggression.”

In such a world, all nations might seem to be truly equal. They would not only be equal in the formal sense that they retain an equal claim to self-government. They will also be equal in their capacity to defend themselves, since none would have the capacity to act independently. There would thus be a fuller approach to equality between large and small nations, between rich and poor nations – and between nations which organize themselves to be productive and innovative, on one side, and nations which are resigned to sloth and corruption, on the other.

If such a scheme were fully implemented, nations which devoted effort and resources to maintain their military capacity (presumably for participation in internationally approved efforts) would have no more authority in international councils than nations which squandered all their resources on current consumption and retained no capacity for military action. In such a world, national independence would mean very much less than it did in earlier times.

Nations which could not imagine that they would make any real contribution to defending themselves against outside threats would be more prepared to defer to

international or regional authorities. They might delegate more and more national authority to international councils – or if not enough others agreed, delegate to some appropriate regional entity. They might not worry very much if they found that their national governments were relegated, in most areas of public policy, simply to implementing decisions of the regional entity. They might not worry very much whether the regional entity actually had a reliable constitutional form – since it would not be quite theirs anyway. Lots of political concerns might drift away when the pride or the honor of national self-determination had dribbled away.

In such a world, it might seem natural that people would also rely on regional or international organizations for protection of their basic rights. It would certainly seem natural and proper that everyone should have the same rights, since such a very long list of personal rights could be conceived as “universal” and “human,” including economic and social rights to provision of government benefits.

If some people still did not sufficiently appreciate these rights and resorted to acts of violence to dramatize their disaffection, it would still be permissible to deploy the criminal justice systems of various nations to restrain them. But even people who were called “terrorists” would retain their human rights – how otherwise could rights be called “universal”? And if rights were not universal, might not some people begin to question whether it had been a mistake to delegate so much authority to outside entities? Even people who participated in armed para-military forces would retain their human rights.

They would have the same rights to due process in criminal trials. If they were not prosecuted in the ordinary criminal justice system, they would have to receive the same protections as uniformed soldiers of national armies under the Geneva Conventions.

It was once generally accepted that captured soldiers of national armies qualified for special protections under the “law of war.” But that, of course, gave a special honor to recognized governments. If everyone has equal human rights, then it should not matter who or what one fights for, nor how one fights: all should receive the same protections. It should not matter whether one fights for a group that respects humanitarian restraints or not, since insisting on reciprocity would be distinguishing different categories of fighters and would put “the law of armed conflict” (or as it now often called, “international humanitarian law”) at odds with the universality of human rights.

The reward of this thought experiment is that one can see it verified in today’s world. It corresponds to the outlook of the International Red Cross and human rights groups like Amnesty International.<sup>52</sup> It corresponds, more or less, to the

<sup>52</sup> See, e.g., L. Doswald-Beck, *The Right to Life in Armed Conflict*, “International Review of the Red Cross”, Dec. 2006, p. 881 who affirms that “human rights law ... does not concern itself as to whether there is an armed conflict or not.” (at 889). It follows that armies engaged in fighting terror forces may never compromise the human rights of anyone. The logic of this doctrine was blurred out by Jean Pictet, senior commentator on international humanitarian law of the International Red Cross: “If we cannot outlaw war, we will make it too complex for the commander to fight.” Cited in: W. Hays Parks, *Air War and the Law of War*, “Air Force Law Review” 1990, Vol. 32, p. 75. The atmosphere of unreality in such legal reasoning has been documented in relentless detail in M. Osiel, *The End of Reciprocity*, Cambridge University Press 2009, esp. ch. 3.

professed views of European governments – at least on some days of the week, some weeks of the year.

It has a certain internal logic, if one takes ideas about equality seriously enough – and blinds oneself to other considerations. Perhaps the consideration that one most needs to ignore is whether you can live with the consequences. But perhaps that in turn depends on who “you” are. Perhaps, for example, it doesn’t matter so much if adhering to these norms brings disastrous consequences for your own military forces, if you think there is no moral claim to prefer your own troops to others or even your own civilians to others.

If that is how you do feel, you might wonder how it can ever be just to engage in military action – since some people are likely to be hurt in the ensuing violence and you may have no clear grounds to prefer the safety of your own people to the safety or well-being of others. To under-value the safety and well-being of others would imply that belonging to a particular nation gave greater claims to your concern.

It has often been observed that the spirit of contemporary international law – and contemporary humanitarian advocacy in particular – derives from Kant or at least (as Jürgen Habermas put it, in a famous denunciation of the Anglo-American war against Saddam Hussein in 2003) that it is “Kantian in spirit if not necessarily in details.” Among other things, Kant endorsed capital punishment for murder, whereas contemporary humanitarians are convinced that capital punishment is always wrong, even for perpetrators of mass murder.

But Kant did argue that true morality must conform to universal rules and the proof that one is adhering to a universal rule is that one disregards consequences to oneself or to those for whom one has special concern: special concern is a departure from universality, hence from true morality. Kant famously denounced politicians who pleaded that governments could not always adhere to general rules. It all looks more reasonable if no great harm will follow from adhering to the general rules. So Kant urged that nations must submit to a universal peace federation which could ensure perpetual peace for all nations.

In the world that Kant envisioned, nations would not have to worry about their honor, because there would be no need to distinguish the exceptional action by the generally honorable nation from the willful defiance of all norms by the barbarous or fanatic nation. In the world which Kant envisioned, government officials or would-be leaders would have no more need for judgment than withdrawn private citizens, because all would be bound by universal norms and have no need to worry about consequences.

So those in other nations – whether in or out of office – would have no need to notice whether a particular nation was led by honorable individuals. And officials, leaders, peoples would have no need to judge by analogy with national heroes of the past. A world governed entirely by universal rules would have no need to remember the exceptional men who prevailed in extreme circumstances – nor

remember the cautionary lessons of the exceptionally wicked or the exceptionally craven or the exceptionally credulous who led their nations to disaster and disgrace.

It is easy to see why this vision appeals to many Europeans, who have so much they would as soon not remember. It certainly makes the project of European integration seem much more promising. It is equally easy to see why this vision does not appeal to countries that still can and still do take pride in their own history and their own heroes. If this vision could be realized, it would make honor unnecessary.

In the meantime, efforts to implement this vision cannot have universal appeal. Some countries might not survive if they could not show enemies that they were prepared to defend themselves -- and such countries could not, in fact, defend themselves if they could not summon the sense that they were worth defending. An embattled nation must ask citizens to risk their lives in its defense. It can only mobilize such efforts if it can honor those citizens who answer its call. Israel is an obvious example in today's world. Surely this is part of the reason its efforts to defend itself provoke such indignant criticism from advocates for universal human rights. It is a nuisance to the project of international understanding when particular small nations insist on making a fuss about terror threats to their own citizens.

What is the underlying difference between countries now engaged in efforts to defend themselves and other nations that sit smugly on the side-lines and talk about human rights? Perhaps it is a matter of honor. Or perhaps it is simply a matter of time. A world where international authorities are not, in fact, equipped to deter or to punish is a world that must expect more violence.

Dutch peace keepers allowed ten thousand civilians to be slaughtered in the Balkans in 1993. Dutch soldiers were committed to peace and human rights but not to maintaining their own honor, even as military defenders and peace-keepers. At the time, the Dutch government claimed to be highly dismayed. In the following decade, the Dutch responded to threats from Islamist extremists by expelling from the country a distinguished member of Parliament and subjecting another to criminal prosecution for violating new speech norms demanded by outside powers. But the Dutch are proud hosts to the International Criminal Court and the International Court of Justice. Apparently, that is honor enough. Whether it is security enough might depend on how well these institutions do in protecting the Dutch from worse threats.

It would certainly be grotesque to argue that the world should preserve the potential for conflict in order to preserve the potential for honor. To sever any connection between strength and justice, to reduce honor entirely to power or the will to power is a succinct definition of fascism. But for Europeans to think they have "overcome" the appeal of fascism by embracing weakness is rather unconvincing. It is merely to deny the reality of evil -- and render themselves morally as well as physically defenseless against it. Fascist powers overwhelmed Europe at the opening of the Second World War because so many Europeans had already embraced passivity and weakness and forgotten how to say no.

Of course, conflict can have terrible consequences. So can refusal to resist or refusal to judge or refusal to act. To dispense with honor because it encourages conflict is to dispense with the reward for acting or resisting or judging. It is to dispense with a constraint on human impulses in the name of escaping from any need to control or direct human impulses – leaving all concerns about security to the World Peace Federation or (even more absurdly) to the UN Security Council, leaving all concerns about honor to the International Criminal Court, leaving concerns about freedom to the anonymous technical specialists on international human rights law, who labor for humanity without need of any particular community to honor them.

That was always the promise of Kantian formulas – to found morality on indisputable premises, to escape the uncertainties and ambiguities of human nature. Under Kantian inspiration, there is much talk in international human rights forums of “human dignity” – something which is supposed to inhere in all human beings merely because they are human beings. It is not founded on any definite religious teaching (lest it be subject to the constraints of religious admonition). Still less does it appeal to examples set by the best human beings nor any induction from history, experience or observation. It rests on a metaphysical postulate so obscure in its grounding that contemporary appeals to “human dignity” are not readily restricted to human beings.

The contemporary view of “dignity” is so undemanding that it has inspired talk about the “dignity” of other species. Not long ago the Swiss Parliament voted a resolution acknowledging the “dignity” of plant species – the dignity, that is, of fruits and vegetables. It is as if the last stage of Swiss neutrality would have Wilhelm Tell hesitate between shooting the apple or shooting his son, lest he slight the dignity of one or the other.

## Honoring Honor

In ancient Greece, honor could be claimed by men who transcended political limits. Honor was so personal that it could be almost entirely personal. Plutarch describes “noble lives” of men like Themistocles and Alcibiades who offered their services to enemies of their own city. Such betrayal may have made them less trusted but was not, it seems, regarded as dishonoring in the way an act of cowardice or gross incompetence would have been.

Tocqueville notes that medieval lords were thought to be dishonored by violating their personal oath to their overlords, but scarcely at all for assisting the latter in attacks on their own homelands.

The “love of native country” was “only a weak and obscure instinct” in an era when noble rank transcended nationality, asserting its own claims to honor and dishonor in very tangible ways.<sup>53</sup>

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<sup>53</sup> *Democracy in America*, Vol. 2, part 3, ch. 18, p. 592.

Modern democratic ideas have reined in such exaggerated notions of personal honor. Those who try to impose their will on the world, without the consent or support of a particular nation, seem maniacal, like the Marxist revolutionaries of the past or terrorist master-minds today. They may hope to be celebrated for their achievements in the distant future but they seem more concerned to provoke fear among contemporaries than respect (or what would normally be considered honor).

Ordinary citizens may be self-absorbed in a different way. Hundreds of pages before his chapter on the decline of aristocratic honor in modern nations, Tocqueville comments on the national pride he observed among ordinary Americans. Americans, he finds, are quite touchy about criticism from foreigners. The ordinary citizen,

taking part in all that is done in this country, believes himself interested in defending all that is criticized there; for not only is his country then attacked, he himself is: thus one sees his national pride have recourse to all the artifices and descend to all the puerilities of individual vanity.<sup>54</sup>

Tocqueville seems to have regarded this sort of national vanity as too childish to be honorable. When everything becomes a matter of national honor, honor seems to dissolve into self-adulation. It hardly needs saying today that extreme forms of nationalism can be as blinding and stultifying as personal narcissism in individuals – and more destructive to bystanders.

Nations have gone to war over disputes that seemed in retrospect almost childish. Burke looked back on Britain's resort to war against Spain in 1739 over a supposed attack on a British sea captain – in the so-called "War of Jenkin's Ear" – as "extreme injustice."<sup>55</sup> Nations have been led to ruinous encounters, even in relatively recent times, by demagogic appeals to national honor. The effort of Argentina's military junta to wrest control of the Falkland Islands from Britain in 1982 is a relatively recent example.

Still, nations have reputations to guard as well as tangible interests. It was not pointless for Britain to use military force to retake the Falkland Islands, even if the control of these very remote islands – offering sheep meadows on the edge of Antarctica – contributed almost nothing to Britain's material resources or immediate security. Over the next decade, the United States sent troops to Grenada and Panama and conducted air strikes against Libya, in each case claiming that the action was a response to prior injuries or attacks against American citizens.

All these military actions were controversial. But there were grounds in each case to think that American decisiveness sent a signal about American readiness to act on behalf of more vital interests.

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<sup>54</sup> Vol. 1, part 2, ch. 6, p. 227.

<sup>55</sup> *Letters on Peace with the Regicide Directory of France*, Letter 1, [in:] *Select Works of Edmund Burke*, Liberty Fund 1999, Vol. 3, p. 109.

Conversely, serious observers concluded that American passivity in the face of smaller terror attacks in the 1990s emboldened the plotters of the 9/11 attacks in 2001.

The reputation of a nation – which we might still call, on important matters, its honor – remains important, in the first place, because the opinion of other nations often matters. And the opinions that matter often turn on questions of intention or commitment or self-restraint, not merely on more quantifiable questions of economic or military capacity. Something similar is true in private life: business firms, for example, sometimes concede more than the law requires in order to maintain a reputation for fair-dealing or reliable performance. When interests are hard to calculate – for those making the decision and those who stand to be affected by it – people often fall back on more abstract considerations of how a particular course of action will look to outsiders. Maintaining honor or reputation can help to reduce uncertainty and nations, like private entities, often need to reassure or warn others in the midst of uncertainty.

Naturally, rich and powerful nations, like wealthy or secure individuals (or institutions) in private life, often find it easier to be generous or accommodating or patient than those facing more pressing circumstances. The rich and powerful also find it easier to be obstinate and insistent, when they think they should. But it does not follow that honor is simply a reflection of power.

Even powerful nations sometimes need to cultivate trust, either to enlist cooperation or to diminish threats of resistance from other nations. In a world where each sovereign state is, at least in formal or legal terms, free to make its own decisions, such equality does not make honor less important, but more so. One must demand respect or win it or maintain it, when obedience cannot simply be commanded. According to the old saying, no man is a hero to his valet: with a servant who is already obliged to do as he is told, no one needs to look heroic.

The importance of reputation does not, on the other hand, imply that every nation should find it worthwhile to please as many others as possible. Honor is not the same as popularity or appreciation. A business firm that tried to please everyone by giving its products away might be popular for a while – and then find itself out of business, which would not be very pleasing to its employees or creditors or investors. A government which is not a ruthless dictatorship must first satisfy its own people. Citizens have reason to care about the reputation of their country in the wider world, for reasons of interest as well as pride.

Among other things, national honor might be a guarantor of the country's right to make its own decisions where different countries have different interests or different priorities. Ordinary citizens may take pride in the capacity of their country to make its own decisions, apart from finding it advantageous. But then it follows that, even in a democracy, citizens have some stake in supporting leaders and institutions who can maintain the respect of other nations – even if that means acting in ways that are not immediately popular at home.

Perhaps the ordinary citizen thus has a stake in supporting individuals and sustaining institutions with a special sense of honor, with a special degree of firmness and a higher sense of obligation than the ordinary citizen requires in private life. Perhaps it also follows, then, that citizens have a stake in honoring their past heroes, so they can maintain the self-confidence to make hard choices – or support those called on to make hard choices for the nation – in the future.

Honor remains important in the world, precisely to the degree that the world is not completely organized. A world government would not have to worry about maintaining its honor, if it couldn't be resisted. Institutions like the European Union and the United Nations already seem to behave as if they do not need to win trust or prove their capacity, because they are presented as indispensable and without rivals. It is hard to disgrace the honor of such abstract entities as it would be hard to work up concern for the honor of the northern hemisphere.

It might be that global policy-makers would strive to serve the interests of everyone, or at least the large majority of the world's people. It might be that they would heed those who propound global moral norms – regardless of consequences to some or other hapless victims. Between them, the global policy experts and the universal moralists would seem to crowd out any room for honor. Would they not also squeeze from the world any meaningful claim to freedom? In such a world, the claims of distinct individuals and distinct peoples to decide for themselves might seem merely whimsical.

In an essay on constitutional government, published in the 1980s, Harvey Mansfield offered this caution about reducing all political claims to claims about interest: if

freedom [is] necessary to one's interest ... then one's interest entails a willingness to *sacrifice* [original emphasis] one's interest when freedom requires self-defense either as an individual or for the sake of one's country [emphasis added]. In this view, interest is defined not against pride but in company with it.

Not everyone is so proud, nor so ready to sacrifice. But those who are not might still depend on the service of those who are. Mansfield concludes that “free government needs to allow for the ambiguity of pride and interest in the ambitious as well as in ordinary citizens.”<sup>56</sup> The ordinary citizen may share in some way, not only in the benefits gained but in the honor achieved by the more ambitious. But that requires the ordinary citizen at least to respect the honor of his country.

We should hesitate before lightly assuming that a world without national honor would be a more peaceful world. It might turn out to be simply more shameless. More likely, it would be a world where honor re-emerges in new and perverted ways, as in the heroic posturings of terror chieftains and their suicidal followers. Would no one raise a battle flag just because global authorities had outlawed con-

<sup>56</sup> *Pride versus Interest in American Conservatism*, [in:] *America's Constitutional Soul*, Johns Hopkins University Press 1991, quotation at p. 83.

flict? Perhaps more people would follow the outlaws, when only outlaws displayed a sense of honor. As Churchill remarked in the 1930s, “human nature is more intractable than ant nature.”<sup>57</sup>

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<sup>57</sup> *Mass Effects in Modern Life*, [in:] *Thoughts and Adventures*, first published 1932, reprinted by Thornton Butterworth 1990, at p. 185.