

Een interview met Michael Walzer

Ronald Janse & Jean-Marc Piret*

Michael Walzer behoeft nauwelijks een introductie. Hij promoveerde op *The Revolution of the Saints; A study in the Origins of Radical Politics* (1965), dat handelde over radicale groeperingen tijdens de Engelse burgeroorlog. Sindsdien heeft hij vele bekende boeken op het gebied van de politieke theorie geschreven, waarin hij vaak theorie en geschiedenis op bijzondere en fascinerende wijze met elkaar verbindt. Tot hoogtepunten in zijn oeuvre behoren o.m. *Obligations; Essays on Disobedience, War, and Citizenship* (1970), *Political Action* (1971), *Spheres of Justice* (1983), *Exodus and Revolution* (1985), *Thick and Thin; Moral Argument at Home and Abroad* (1994). Veel van zijn boeken zijn vertaald, vaak in verscheidene Europese en Aziatische talen.

Walzer was verbonden aan de universiteiten van Princeton en Harvard voordat hij in 1980 hoogleraar werd aan de *School of Social Science* van het prestigieuze *Institute for Advanced Study* te Princeton, New Jersey. Hij is redacteur en medeoprichter van *Dissent*, redacteur van *Political Theory* en schrijft regelmatig in *The New Republic*. Hij geldt als het linkse geweten van de Verenigde Staten.

Walzer is misschien wel het beroemdste geworden door *Just and Unjust Wars* (1977), dat inmiddels viermaal herdrukt is (met steeds een nieuw voorwoord dat bijzonder de moeite waard is). Daarnaast schreef hij een groot aantal opstellen over oorlog, waarvan een aantal gebundeld is in *Arguing About War* (2004).

Deze publicaties waren aanleiding voor het Soeterbeeck Programma van de Radboud Universiteit om Walzer uit te nodigen voor het houden van de Thomas More Lezing 2007. Walzer sprak deze op vrijdag 5 oktober 2007 uit onder de titel *Oorlog en dood: bespiegelingen over de betekenis in onze tijd*

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van de theorie van de rechtvaardige oorlog. De tekst van deze lezing zal in 2008 verschijnen, vergezeld van opstellen door Thomas Mertens en Desiré Verweij. Na afloop van de lezing werd bekend dat Walzer in 2008 de internationale Spinozaprijs zal ontvangen.

Het interview vond plaats op maandag 8 oktober tussen 08.00 en 09.00 uur in het Ambassadehotel te Amsterdam.

Afghanistan

RJ/JMP: In the aftermath of 9/11, you signed, together with many other American intellectuals the famous 'letter from America' *What we're fighting for*. This text was a strong support for military action against the Taliban-regime in Afghanistan that supported al Qaeda. The war in Afghanistan was just, because it was a defensive war against a regime that actively supported a type of international terrorism that had launched an attack on a scale of mass-destruction that was hitherto unknown. Six years later we're still in there fighting. So the question is this: are we still there for defensive reasons and how long can this war remain just?

MW: Yes ... Hmm ... Well ... It's not an easy question to answer, because ... although I think it was right to go in, we never went in in the right way. We fought through proxies we didn't control. We never invested the resources that we should have invested, either of men or money. We never really committed ourselves to the economic reconstruction of the country. We didn't ask for help soon enough, and bring in other people. And the result is what we see, which is a war that hasn't been won, and a political and economic reconstruction that has barely begun and nowhere near sufficient. And now the question is: Is it right to continue once you've made all those mistakes? I guess I think that, in contrast to Iraq, Afghanistan is still salvageable, and that we do have a responsibility to all the people who have worked with us or with NATO to produce a better government, and to reopen schools and to do all sorts of things that became possible as a result of the overthrow of the Taliban. We have a responsibility to those people to try and see it through, which means to defeat the Taliban or negotiate a truce with them and then to do the reconstruction that we haven't done. That seems to me to be an obligation.

RJ/JMP: So the rationale for fighting has shifted from self-defence to reconstruction, which is an aspect of *just post bellum*?

MW: Yes, I think it is. It is a *just post bellum* complicated by the fact that we're not quite post yet.

RJ/JMP: Yes, that would be the next question ...

MW: That's a major complication, and as I understand it that's one of the major sources of the political controversy in the Netherlands. You sent soldiers there to keep a peace, but there's no peace to be kept. And so it turns out that they are fighting a war rather than doing the post bellum work of reconstruction. And I recognize the difficulty, both the political and the moral difficulty, but it does seem to me that if the war can still be won, and that's a judgment that I can't make, it should be.

RJ/JMP: So *just post bellum* considerations can become a distinct justification for fighting. Would you agree then that this is an addition or amendment to the legalist paradigm you describe and analyse in *Just and Unjust Wars*?

MW: It's an amendment or an addition, yes.

Pre-emption and prevention

RJ/JMP: In international law there is an explicit prohibition of military aggression. But the UN Charter is not very clear about the meaning of the right to self-defence. Classical thinkers of international law such as Grotius have clearly dismissed preventive war as a means of self-defence. A notable exception is Vattel. In his 'Le Droit des Gens' he discusses the possibility of pre-emptive attacks against a neighbouring state when this state has shown clear signs that it is preparing an aggressive war. But even Vattel stresses that one has to be pretty sure about the evil intentions and the actual capacity of that state. When the risk of being attacked and subjugated under the tyrannical rule of such a foreign state is high, then it would be irresponsible to wait for one's own ruin before reacting. In international law these criteria were further specified in the 'Caroline case' where it was stated that preventive self-defence is legitimate when the threat is 'instant, overwhelming, leaving no choice of means and no moment for deliberation'. In regard of these very restrictive criteria many scholars in international law believe that the Bush-doctrine of pre-emptive strikes and in particular the overstretching of this concept into 'anticipatory self-defence' and preventive war, is incompatible with international law and that the Iraq war is an illegitimate aggression. Intellectual supporters of the decision to attack Iraq such as Michael Novak and George Weigel have argued that you have to take into account 'the regime factor' and that in the case of Saddam there was overwhelming evidence that there was an 'aggression underway' and that the US didn't have to wait until that threat was materialised, because it would have been too late. In *Just*

and *Unjust Wars* (p. 81) you write on that topic that ‘the line between legitimate and illegitimate first strikes is not going to be drawn at the point of imminent attack, but at the point of sufficient threat.’ And you add that this ‘phrase is necessarily vague’. It seems to us that this phrase could legitimize a much more permissive view on preventive self-defence than the criteria that were developed in international law after the ‘Caroline case’. Could you clarify your position on this issue?

MW: When I wrote the book I thought that there was a pretty clear line between pre-emption and prevention. A pre-emptive strike was directed at an attack that you knew was coming, that you knew with a fair degree of certainty was coming, and it seemed right to get in the first punch if that was a way of avoiding being knocked out by their first punch. And I took the Israeli strike in 1967 as a paradigm case for a pre-emptive attack and then I looked at some earlier European examples of preventive war and argued that preventing a distant danger which was still in some sense a speculative danger, and a situation where you could respond in a number of different ways short of war, that going to war was not justified. So pre-emption, but not prevention. And what has happened since is that a whole series of cases have arisen where the judgment one makes seems radically unclear. I have tried to hold the line at something like pre-emption, at something as closely to pre-emption as possible. But I’ve also been increasingly thinking about what I call the use of force short of war. That might be a way of thinking, for example, about the Israeli attack on the Iraqi nuclear reactor in 1981, which was a one-time, almost one bomb story, and one which produced, as far as I know, no civilian casualties ... That looked like a defensible situation, especially since Iraq at that time still claimed to be at war with Israel. And now the challenge comes not only from Weapons of Mass Destruction, but also from means of deployment that are very rapid, so it begins to look like pre-emption might not be possible. If the attack you know is coming, is coming in five minutes, then a pre-emptive strike may not be possible and then you have to think about versions of what you call anticipatory self-defence. But I would want to keep them as far away from dealing with speculative future threats and as close as I can to imminent threats. So, for example, right now I would certainly not defend an attack on Iranian nuclear facilities. There still seems to be a lot of other things that we can do about that threat. And it might even be that you don’t do that at all because there’s a good chance that deterrence will work. So it’s a more difficult judgment than I thought it was when I distinguished pre-emption from prevention, but I still think we need to hold the line as closely to pre-emption as possible.

RJ/JMP: So you do not support the Bush-doctrine that you have to confront threats before they emerge?

MW: Yes, I thought that the speech at West Point from which I think you're quoting, represented ... that the people who wrote it were quite deliberately confusing pre-emption and prevention, and using the old pre-emption arguments to justify preventive wars.

RJ/JMP: But holding the line as closely to pre-emption as possible is still stretching the limits. The 1981 attack by Israel against Iraq was condemned by all members of the Security Council, including the United States. The recent Secretary General's High-level Panel on Threats, Challenges and Changes says quite clearly that preventive action may be taken by the Security Council only. The reason behind this is, of course, a concern for international stability: What if all countries, for instance India or Pakistan, were to claim extended rights of self-defence? How do you balance the interests of an extended right to self-defence and international stability?

MW: Well, the same issues arise with regard to unilateral humanitarian interventions in cases where the Security Council is not prepared to authorize or support intervention. And in those cases I do think that the formula used by Habermas – I never found this in print but I'm told that he said this – that the Kosovo intervention was illegal but morally necessary ... seems the right formula. Now in the case of pre-emption and prevention, we might want to say in a very limited number of cases: illegal but morally permissible. And then the question is: What's the force of the illegality? And there the problem lies with the United Nations. If the UN were in fact like a domestic government with a police force which was capable in most instances of guaranteeing the safety of its members, then acts that were illegal in international law would be like acts that are illegal in domestic law. But since the UN does not guarantee the security of its members, since – I said this Friday night – there is no political leader in the world who would entrust the safety of his people to the UN ... since that is the case, we have to recognize that illegal but morally necessary or illegal but morally permissible acts are in fact necessary.

RJ/JMP: So the Security Council is not a solution?

MW: Yes, I think it's important to work to strengthen the UN as a international force for security, but it's wrong to pretend that the UN already is that force.

Unilateralism

RJ/JMP: You opposed the Iraq-war as unjust because, according to you, the regime of Saddam was no *actual* threat to the US and even to its neighbours. The sanctions and the no-fly zones (you call that 'force-short-of-war') were effectively containing the Iraqi regime and they even had the effect of a humanitarian intervention in preventing Saddam Hussein from perpetrating genocide on the Kurds. Many politicians and intellectuals in continental Europe made the same analysis of the situation. But they always added that according to international law the *legitimate authority* to take the decision for military action against Iraq was not the US government, but the UN Security Council. In continental Europe most of the intellectual opponents to the Iraq war are also in favour of multilateralism and very much concerned about safeguarding the institutions of positive international law. That is a point where you might seem to disagree. When discussing humanitarian interventions such as India's intervention in Bangladesh (1971) or Tanzania's in Uganda or Vietnam's in Cambodia, you write, in *Just and Unjust Wars* and *Arguing about War* that you don't think 'that there is any moral reason to adopt that posture of passivity that might be called waiting for the UN ...' and that the removal of Idi Amin and Pol Pot has been made possible by unilateralism. Is our impression correct that you want to revise the legalist paradigm in that respect and that you have little against unilateralism?

MW: Well yes, it's a little more complicated than that. If you look at the history of humanitarian interventions, or the history of interventions which have served humanitarian purposes ... I'm not sure they're always in intention humanitarian interventions ... but I mean the Vietnamese in Cambodia, the Tanzanians in Uganda, the Indians in Bangladesh ... those kinds of cases, each of them unilateral interventions that would not have been either authorized or endorsed by the UN, but each of them justified ... nonetheless it seems to be that it makes a lot of sense to go to the UN after the fact and ask for help in reconstruction. The UN eventually did come into Cambodia many years later. But I think there can be a role for multilateralism and internationalism in the post bellum months or years. It seems to me very clear in Afghanistan, for example, that the UN and regional groups should have gone in the day after the so-called military victory.

RJ/JMP: By the way, if it turns out after an intervention or attack that the post bellum planning is seriously deficient or absent, does that affect the judgment as to whether the war was *just ad bellum*?

MW: Well we do make these judgments at different temporal points, and it is always necessary first to make the judgment from the standpoint of the people who originally made the decision and ask whether this was the right thing to do. But then I do think that this initial judgment is subject to revision to some degree if it turns out that it did not incorporate some sense of responsibility for what comes after. It's a problem of moral judgment. Do the judgments actually change, or does the full and final judgment of the event wait until some future when we supposedly know everything about the event?

RJ/JMP: To come back to the issue of unilateralism, we have the impression that you criticize some of the European rhetoric about 'international law' because it is being used by the Europeans as an excuse to remain passive. For example in your preface to the fourth (2006) edition of *Just and Unjust Wars* you write that 'the states that opposed the war on the grounds that containment was working, were not themselves making it work. (...) The containment of Saddam's Iraq began as a multilateral enterprise, but in the end it was the Americans who were doing almost all the work'. Do you hold that the continental European governments and the intellectuals who support them can only afford to take the stance of being the 'conscience of the world' if they are willing and able to put their money where their mouth is? Should the EU have a common defence policy, perhaps even aim to become a superpower?

MW: Well, let's step back for a minute. There are a variety of ways to act responsibly in the world and they do not all involve the use of force on a scale that is now possible for the US. It's not necessary to be a superpower to take on certain responsibilities. When the regime of constraint and containment was imposed on Iraq after the first Gulf War ... that was at the beginning an international regime, even the French were prepared to enforce the no-fly zone ... That is what I call the use of force short of war. It did not require massive military establishments. All it required was a plausible threat of some scale to get the UN inspectors in. You didn't have to be a superpower to participate in this regime. Now the Europeans, except for the British, pretty much withdrew over the years, and at the end it was mostly an American enterprise. And because it was mostly an American enterprise, we were able to cancel the whole operation and go to war. But had it been a multilateral enterprise, had other countries been involved, it would have been much more difficult for the US government to cancel the whole thing. In fact, we couldn't have done it, at least it would have required lengthy negotiations. So though the Bush-people still would have wanted, did want, to go to war, they would have found it much much more difficult had this been a genu-

inely multilateral operation. So that's just one example. But it's crucial for the Europeans. Had they been willing to be partners with the US, then they might have been partners who could say no as well as yes. And as an American I think we need partners of that sort who can say 'no thanks'. And if you think about humanitarian interventions, or interventions with humanitarian outcomes, the least you should be able to do is what the Vietnamese did when they shut down the killing fields. You need a military establishment for self-defence. Maybe you also need a military establishment, a brigade or division or something, of volunteers, trained specifically for humanitarian tasks. It would be very useful if the UN or the EU or NATO had such a force.

The equality of combatants

RJ/JMP: In *Just and Unjust Wars* you have defended the principle that soldiers who fight a just war have the same rights, liabilities and immunities as soldiers fighting an unjust war. This principle of the equality of combatants has recently been challenged by Jeff McMahan from Rutgers University¹ Have you had a chance to read this?

MW: Yes, I have had an extended back and forth with Jeff ...

RJ/JMP: Ok, good ... well, according to McMahan, soldiers who fight a just war are in the same league as civilians: they are innocent in that 'they have done nothing, and are doing nothing, that entails the loss of their rights' (this is your definition of innocence in *Just and Unjust Wars*). It is not clear what the implications are of this argument: McMahan does not say anything about the rights, immunities and liabilities that just combatants, unlike unjust combatants, would have under his theory. But this matter may perhaps be left aside for this moment. Our question is this: Do you still believe in the principle of equality of combatants, and if so (or if not), for what reasons?

MW: There is an extended exchange between us in a philosophical journal called *Philosophia* ...²

RJ/JMP: Sorry, we didn't know ...

1 On the moral equality of combatants, in: *Journal of Political Philosophy*, 2006, Vol 14, no. 4, 377-93; *The Ethics of Killing in War*, in: *Ethics* 114, 2004, p. 693-733.

2 *Philosophia* (2006) 34.

MW: Well, it's published in Germany by Springer. This is one of those magazines ... I think a lot of Springer publications are like this ... He wrote a piece, I wrote a critique of his piece, he replied to my critique, I wrote a piece, he wrote a critique of my piece, I replied to his critique, it's all in the same issue ... They sent me the online address, and they called me and said I had to pay 90 dollars to get access to my own articles ... So I don't think it's a particularly accessible publication.

MW: The controversy focuses on this notion of the autonomy or relative autonomy of *ad bellum* and *in bello* considerations. And the case that Jeff makes, and I think there are a number of other younger philosophers who argue along similar lines ...

RJ/JMP: David Rodin, for example ...

MW: Yes, and I'm identified as an orthodox just war theorist, which is the only time I've ever been called orthodox in my life ...

MW: The argument they make ... that Jeff makes, because he's the one that I've been engaged with, is a very commonsensical application of ordinary morality to war. One of the things I said in this controversy, which Jeff did not like, is that his position would make perfect sense if war were a peacetime activity. Because he's assuming that ... the paradigm case is a bank-robber, he's a member of criminal gang, he goes into the bank, he encounters an armed guard who starts to pull his gun, the bank-robber shoots him, and claims self-defence. And you will say: 'No, he can't claim self-defence, because you have no right to defend yourself while you're engaged in a criminal activity'. And you can see the plausibility of that. But the relationship of a criminal to his gang is very different from the relationship of a citizen-soldier to the state. The actual circumstances in which this kid has been brought into this unjust war are different. He's been told by his teachers in school, by his parents and peers, by his next-door priest or rabby, that this war is the right thing to do. It just doesn't seem plausible to treat him in the same way that Jeff wants to treat the criminal. I think of just war theory as an adaptation of ordinary morality to the circumstances of war, and Jeff is arguing against the adaptation. And my response is that we should try to provide a better and better account of the circumstances of war which seem to me to require the adaptations of just war theorists.

RJ/JMP: So the reason unjust combatants have the same rights as just combatants is that they are coerced?

MW: Moral coercion. In a conscript system there is also discipline coercion, but I think the other form is more important.

RJ/JMP: The international lawyer Sir Hersch Lauterpacht defended the principle of the equality of combatants in the 1950's on other, perhaps more pragmatic grounds: it is generally not that clear who is fighting on the just or unjust side, so that a McMahan-like principle would create uncertainty among soldiers and would hardly be applicable. Do you accept this argument?

MW: I think that is another consideration, though the former, to my mind, is the stronger one.

Self-determination

RJ/JMP: In your introduction to *Arguing about War*, as well as in the foreword to the 2000 Edition of *Just and Unjust Wars*, you wrote that you have slowly become more willing to call for humanitarian interventions, and that you have become prepared to defend long-term military occupations and extensive nation-building in the aftermath of such interventions. You also admitted that your earlier views on humanitarian intervention were somewhat naïve in that they relied on a good guy/bad guy image of governments which commit gross violations of human rights against their own citizens. In fact, situations which call for humanitarian interventions are often characterised by endemic ethnic, religious et cetera conflicts, and by the fact that the categories of victims and victimizers may partly be overlapping. The inhumanity cannot be attributed to an external government, but is locally and widely rooted, 'a matter of political culture, social structures, historic memories, ethnic fear, resentment and hatred' (*Arguing about War*, at 70). Consequently, it is not an option for intervening forces to get in and out as quickly as they can, and leave the people to build a new life; a long-term presence is called for.

RJ/JMP: In *Just and Unjust Wars* and in your essay 'The Moral Standing of States', you argued that aggression is prohibited in just war theory because it violates the rights of states to territorial integrity and political sovereignty, which in turn are justified because they protect individual rights as well as the right to self-determination of the community to which these individuals belong. You then suggested that the two rights are harmoniously related to each other: if individual rights are violated on a massive and a large scale, one can no longer assume that the community is self-determining; hence the right to intervene. Do we understand you correctly if we say that

individual rights have become the ultimate standard in your theory, in the sense that the right to self-determination of a community deserves to be protected to the extent that individual rights are protected by the community? Would you agree that your position is thus ultimately cosmopolitan?

MW: I am not a cosmopolitan in the strong sense. I don't believe that one should apply the difference principle all over the world. I don't believe in an absolutely free labor market across the globe. But I have always thought that since wars are fought across borders, there have to be international standards that regulate the conduct of these wars, and whatever the principles are, whether you express them in terms of individual rights or not, they take precedence over any state claim to sovereignty.

MW: Also, I am not sure that I want to say to any communal claim that it is to be viewed as self-determination, because in these cases where a majority is persecuting a minority...this is not a process of self-determination ... Because self-determination is a process in which there is always an argument, people loose elections, but the minority accepts the legitimacy of the determination because it hopes to win next time ... it continues to make an argument. Self-determination is a process. If you systematically exclude a group of people from this process and start killing them, this is not self-determination.

RJ/JMP: We would like to ask you something about the issue of a *ius post bellum*, an aspect of just war theory which you have almost single-handedly put on the agenda of just war theory in your 1994 essay on 'The Politics of Rescue' and in other essays which have appeared since then (reprinted in *Arguing about War*), and which are now being discussed by just war theorists (such as Brian Orend in his 2006 *Morality of War*) and international lawyers alike. Given your commitment to the principle of self-determination, one would expect you to support a very modest role of long-lasting occupations in terms of the political structure or regime which the intervenors impose. You argue indeed that post war justice is 'probably best understood in a minimalist way', but you give a pragmatic argument in support of that: 'It is not as if victors in war have been all that successful at achieving the minimum' (*Arguing about War*, at 164). But just how minimalist is this? Is it a Hobbesian order? And what do you think of the current UN mission in Kosovo (and other recent examples of so-called international territorial administration), which aims at the creation of a liberal democratic political system? Is that too much interference, because it violates the principle of self-determination?

MW: Well, it is our understanding that the conditions for self-determination are the freedom of association, democratic elections, freedom of the press, and the like. If you are engaged in the reconstruction it isn't crazy to try to produce all this. But, having said this, I would expect the process to involve ongoing negotiations with the previous political culture, the existing culture of that society, and therefore with whatever representatives there are from that culture. If there is such a process of negotiation then maybe there will be interesting differences from the model. I would be ready for compromises along the way.

RJ/JMP: One of the scenario's with regard to the resolution of Kosovo's quest for independence is that the EU (and the US) will recognize the state of Kosovo, provided that Kosovo agrees with continued governance by an international organisation, i.e. the EU.

MW: That sounds more authoritarian than I would like, although I can understand that in the aftermath of the kind of conflict that is going on in different parts of the former Yugoslavia one would want a guarantee of the rights of the Serb minorities in this new state. And that guarantee would have to look plausible to the Serb minority, and that might require some form of continued international supervision.

Thomas More Lecture

RJ/JMP: In your Thomas More lecture in Amsterdam, you seemed to argue that even in military operations that are not on such a large scale, such as the recent incursion of the Israeli army in Lebanon, the responsibility to defend your own political community, after it has been attacked, can outweigh the *in bello* requirement of proportionality in the use of military force. Or, to be more specific, your argument, if we understand it correctly, is that the bigger part of the moral responsibility for disproportionate collateral damage can lie with the party of the victims, if the combatants of that party use civilians as a human shield and if the other party did everything it could to avoid civilian victims. Could you please explain to our readers why the proportionality argument can be a 'misshapen critical argument'.

MW: Well, in the circumstances of war it is extraordinarily difficult to make plausible estimates of proportionality. If you're fighting a war, let's say ... I grew up with World War II ... if you're fighting a war against the Nazi's, and if the proportionality measure is the importance of winning that war, then proportionality is no limit at all. If you're fighting a war of conquest, then proportionality is an absolute limit. To work out intermediate positions, I

don't think anybody has ever done that with plausibility. At the *ad bellum* level proportionality just doesn't figure, except in the sense of a standard of just war theory that goes back to the Middle Ages that there has to be some significant prospect of winning. But *in bello* proportionality remains something that we have to talk about. But it seems to me that we talk only about proportionality without asking who's responsible for these civilians being at risk. And then you get the misshapen argument, because proportionality works against the people who do the killing, whether or not they are responsible for those deaths. I want to insist that you have to make the responsibility-judgments first, and then there may or may not be proportionality judgments that you also have to make. Since I'm still a believer in the revised version of the doctrine of double-effect, I'm still committed to some kind of proportionality argument, but I do want people to recognize how difficult that is, and therefore how difficult disproportionality is ...

RJ/JMP: The paradigm case is a Hezbollah fighter during the Lebanon War launching rockets near an apartment building and afterwards seeking refuge in the basement, whereupon Israel strikes.

MW: Yes, the most difficult and controversial part of my lecture is that proportionality may cease to be necessary at all if the militants, terrorists, insurgents, or whatever they are succeed in hiding within the civilian population. Then the proportionality argument always tells you, you can't respond to those attacks at all, because any response is bound to be disproportionate to the value of that particular target. And there I fall back on what I take to be an old principle of just war theory, which is that one sides' violations of the moral rules cannot make it impossible for the other side to fight. That just can't be. So the more successful their violation is, the more it just breaks down the limits for the other party to defend itself.