

The Ethics of War

[Notes for a lecture given in November 2008]

What happens if there is no law, no overall sense of justice? What would life be like if we lived in a natural state, without any agreements or political structures, and if each person was responsible for his or her own security? Here is one view:

‘In such condition, there is no place for industry, because the fruit thereof is uncertain; and consequently no culture of the earth; no navigation, nor use of the commodities that may be imported by sea; no commodious building, no instruments of moving or removing such things as require much force; no knowledge of the face of the earth; no account of time; no arts; no letters; no society; and, which is worst of all, continual fear and danger of violent death; and the life of man solitary, poor, nasty, brutish and short.’
From *Leviathan* by Thomas Hobbes (1588 – 1679)

Look at a country like Somalia. There is no law, no single political system, no authority. As a result there are groups that are literally a law unto themselves.

Pirates capture an oil tanker belonging to Saudi Arabia – and they hold the ship and crew and demand ransome.

But, what interests me – how can most of those who are lawless ever enjoy the results of their lawlessness. Can you really live the good life in Mogadishu? In a lawless state, can you trust anyone? The breakdown of established authority is a very serious matter.

Hence also – and we’ll come to this again later, there is a responsibility, after a war, to make sure that the country is left with a reasonable, viable government. It is not enough to remove a government and leave a country lawless. This, of course, is the problem with the aftermath of the war in Iraq and with the on-going war in Afghanistan – the problem is how to established a legal authority that controls the whole country. If it doesn’t, then you have the possibility of pockets of lawlessness – and that, of course, is what benefits Al Qaida and other terrorist groups.

In other words, civilisation depends on security and peace. Ethical issues arise once peace is threatened by an act of aggression. In general, actions are deemed ‘just’ or ‘right’ if they aim to re-establish peace. But if a just peace can only be secured permanently by the use of (or the threat to use) violence, is that right?

Notice the context in which we are examing the ethics of war and peace – Civilisation, kindness, health etc all depend on a peaceful and just society. One way to examing the ethics of war is to look at what is happens when there is no justice and no peace. Hence – on a utilitarian basis one can look at what is gained or lost by the world community through a war. And there can be many ‘what if’ games – What if Hitler had taken over Europe? What would have happened? Would that outcome have been worse overall, compared with the sacrifices make in the war that stopped him?

In war we authorise individuals to kill. The morality that normally applies to the relationship between individuals is replaced by one in which the individual, in uniform, become an agent of the state.

- His or her actions are not judged on an individual basis, but (provided that the established rules of war are followed) according to the validity of the war itself.
- A military uniform is the sign that the person is not acting as an individual, but as a representative of the state.
- Many issues here – especially when things are done that are considered morally wrong – torture of prisoners, indiscriminate bombing, excessive force in an area where there might be civilian casualties.
- Is it right to require individuals to act as agents of the state? Is it right to execute a conscript who deserts for whatever reason?
- Does an action become right just because it is commanded by someone in authority?

State v individual – Does a nation exist over and above its citizens? Is it possible / practical to wage war against a nation but not against its citizens? Margaret Thatcher once said that there was no such thing as ‘society’, only individual people and their families. In other words, to do something for the benefit of ‘society’ involved simply helping individuals and families – that ‘society’ was in some way a convenient myth, a word used to summarise to many people’s lives, not a thing in itself. But it raises huge issues when it comes to warfare...

Can you, for example, say that the State of Israel, or a full and independent Palestinian state, should or should not exist over and above the rights of individuals to live on a particular bit of land. The right of Israelis to settle in what is called the ‘occupied territory’ is also an example of this issue – is it just the freedom to build a house where you choose, or should it be seen as a political act of provocation?

At what point is it right to interfere in the internal affairs of a sovereign state, in order to secure a benefit for its citizens? How do you assess legitimate authority within a state?

To what extent should a nation accept collective responsibility for decisions made by a leader or party or faction?

(e.g. Germany / Nazi Party / Hitler)

Propaganda in time of war, sees all citizens of the enemy country as potentially wishing you harm – sometimes portrayed in less than human terms. In practice, of course, there are a variety of people, a majority of whom want nothing to do with the hostilities, or any political situation that led to them. How do you balance warfare against the country with a just attitude towards those individual citizens?

Ethics applied to warfare:

Many ways of assessing what is right and wrong in terms of war and violence. Utilitarian approaches, weigh up the benefits to be gained against the harm to be done.

We can look at the issue of killing in general (as do religions such as Buddhism and particularly Jainism) and see the killing of other human beings in that context.

We can look at the virtues and vices that arise during the course of war – courage, compassion, self-sacrifice – but also, cruelty, callous disregard for the life of the enemy, pride partiality, narrowness of sympathy!

BUT for most of the time, discussion of the ethics of war and peace concentrate on the valid reasons for going to war, and the ethics of fighting a war.

Traditionally, the ethics of war has concentrated on two sets of issues, in what is generally termed the '**Just War**' theory:

1) When is it right to go to war? (*jus ad bellum*)

It may be just to go to war if:

1. it is done by proper authority (e.g. by a nation, not by an individual)
2. there is a good reason to go to war (e.g. in self-defence)
3. the intention is to establish peace / justice

A nation? An ethnic group? A particular social group? International organisations (UN, NATO)? Any group who feel unfairly treated? Who should have the responsibility of declaring and carrying out acts of war? Look at the Middle East, Kashmir, Iraq – many areas are artificially constructed out of very different groups of people. Are national boundaries the only consideration? E.g. Kurds? – divisions between Sunni and Shi'ite in Iraq. Remember – Iraq is an artificially constructed nation, not a natural one. To what extent does the imposing of nationhood explain later warfare and problems. (e.g. even Northern Ireland – long running troubles for so many years there, because of an imposed political settlement)

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Terrorism –

What morality is there in it?

Can a sense that one is oppressed be considered a valid basis for lethal action?

Is terrorism morally more acceptable if it is aimed at military targets rather than civilians?

When does a freedom fighter or resistance fighter become a terrorist?

How does it relate to the acts that happen in a conventional war situation?

- Should the decision to carry out an act of war depend on the anticipated result, or on the intention of the person who took the decision to go to war?
- What if the decision to go to war is found to be based on false information? Does that affect whether the war itself is right or wrong?

2) How should wars be fought? (*jus in bello*)

While waging war, justice is established if:

1. It is waged against military personnel, not against civilians.

Is it ever possible to wage war without civilian casualties, either directly or indirectly?
Can 'smart weapons' make a war morally acceptable?

Is it ever possible to assess the total suffering inflicted through war? Wars cause long-term economic harm, which leads to further suffering for civilians.

(c.p accounts of the First World War – endless rows of people marching forward, little sense of progress. (Seen sometimes as a glorious and patriotic act – but challenged in terms of the effectiveness of warfare in achieving aims.) – Ian Hislop's series of programmes called – I think – The Not Forgotten – looking at the memorials to all the men and women who died in the first world war, and the impact that had on those left behind. War is not straightforward – and the person who dies with a machine-gun bullet through the head as he goes up over the top at the battle of the Somme is only the start, many suffer as a result of his death.

You have 'war crimes tribunals' attempting to assess whether 'crimes against humanity' have been committed – mainly where these are against civilians, rather than as a legitimate part of warfare. In the Balkan wars – Bosnia etc. Supremely, after the Second World War – the Nurenberg Trials, examining the Holocaust.

2. The force used is proportional (e.g. the harm caused should not outweigh what is to be gained)

(You can approach each of these issues in terms of the 'just war criteria that have been set out. Is the bombing used an appropriate and proportionate response to the threat? Has all action possible been taken to minimise civilian casualties? What is the ultimate aim of the war, and is it likely to be achieved? In other words, if the effect is to sign up more terrorists, has anything been achieved?

3. The minimum force should be used sufficient to achieve one's end

Can the use of nuclear, chemical and biological weapons (WMD) be justified? Is it as bad to own such weapons as to use them? What of non-proliferation? Is it possible to keep absolute control on a technology, once it is public knowledge?

It is also important to think about the broader social and political effects of war.

- Civilisation depends on security and peace. Ethical issues arise once peace is threatened by an act of aggression. In general, actions are deemed 'just' or 'right' if they aim to re-establish peace.
- But if a just peace can only be secured permanently by the use or threat of violence, does that justify the violence? Is it right to go to war in order to establish regime change in another country, however unjust the political situation in that country?
- On a **utilitarian** basis one can look at what is gained or lost through war. 'What if' games – What if Hitler had taken over Europe in 1940? Would that outcome have been worse overall, compared with the sacrifices made in the

war that stopped him? Can you ever achieve a definite answer to that utilitarian question?

Religion and the ethics of war:

- Buddhism, Jainism and some Hindu traditions place emphasis on ahimsa (not harming) and are therefore opposed to all forms of war. The social tradition of Hinduism and Sikhism allow war in order to fulfil one's social obligation, for reasons of self-defence and to maintain the right order in society.
- Judaism, Christianity and Islam have arguments that justify the use of force, claiming that there are circumstances when it is necessary to secure justice and peace.

Judaism – similar responsibilities to defend fellow Jews (but also, as Islam, a wider responsibility towards all who suffer injustice)

- According to the Talmud, both Jews and non-Jews may kill a pursuer in order to save their own life. It is permissible to kill an attacker who is threatening the life of another person. It is obligatory to attempt to stop, and if necessary to kill, a person who is trying to kill another Jew.

These come from the scriptural principle of the right to self-defence. (There is debate about whether or not it is permitted to use war for the purposes of territorial gain.) But, according to Jewish rules on self-defence, it is wrong to kill someone **after** he or she has committed the act, only as a way of **preventing** them from doing so. Killing should not be for punishment only, but to prevent further harm. There should be restraint, never total destruction.

There is debate (stemming from Maimonides' interpretation of the Talmud) about whether or not it is permitted to use war for the purposes of territorial expansion.

In general however, warfare is permitted for defence, it is not permitted as a means of aggression.

And there needs to be restraint. For example: Maimonides codifies the Talmud's instruction that, in laying siege to a city, one should do so on three sides only, never completely.

The general interpretation of that is that civilians and those who do not wish to fight should be given some means of escape. War should not be total.

On the other hand, it is more difficult to justify pacifism within Jewish law, since most interpreters say that a person has a duty of self defence.

Christianity: Tradition of defending Christianity (and even branches of Christianity) by force. Remember that the rules for the just war we were looking at earlier developed within a Christian context – since, once Christianity became the established religion of the Roman Empire, it could not avoid its responsibility to comment on what made way 'just'. Before Christianity became Rome's official religion, a Christian would refuse to serve in the army. After that, soldiers were required to be baptised as a sign of loyalty.

However, the principles of the 'Just War' are nowadays contained also in secular agreements – including the Geneva Convention on the treatment of prisoners etc)

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- Islam has the principle of Jihad. There are 2 kinds: Greater Jihad is the spiritual struggle to overcome faults. Lesser Jihad is the struggle against external threats.

Valid reasons for performing the lesser Jihad are:

- to defend the Ummah (the Community of the Islam) against external threat.
- to fight on behalf of the oppressed against injustice
- It should only be used as a last resort, when peaceful means of defence fail
- It should be carried out with compassion, causing minimum suffering
- Its aim is to establish justice, not to cause suffering.
- A Muslim is obliged to protect himself or herself and others against injustice.

Sura 2: 190-191. 'Fight in the way of God against those who fight against you, but begin not hostilities. Lo! God loves not the aggressor.'

There are huge areas of moral concern that we have hardly touched on. Here's another ethical question involved here, related to utilitarianism –

How do you balance a utilitarian assessment of results with the **intention** of the person concerned. In other words, if civilians are killed because a bomb fails to hit its intended military target, does this have the same moral force as the deliberate disregard for civilian life? **Does intention matter?** Clearly, it is a matter of weighing things up. Was sufficient care taken by those planning the attack etc?

Was the intention to keep within the guidelines for the Just War.

But also – Politics. Things happen, especially when people have the authority and power to make them happen. And they happen in order to achieve the end of those in power, and mostly other people never find out about them. Machiavelli *The Prince* – a handbook for political leaders. In effect, it says that, in order to maintain power, you have to be ruthless. The justification for this is that, otherwise, the state will fall apart. Is that sufficient justification for ruthless action. And do you know that the state will fall apart if you fail to act. (Or do we really **know** that this country is threatened by nuclear weapons, even if our political leaders tell us that they are convinced that this political opponent has the capability and that we need to launch a pre-emptive strike against him? And, when we find that the threat was not there, what do we do? Take the view that – 'Well it was right to attack him anyway, WMD or not?'

Once you are aware of the 'just war' principles, you should make sure you have examples ready to illustrate your understanding of each of them. And, as with many ethical issues, the newspapers or serious debates on the TV are a valuable source of information.

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