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Staring at Armageddon

> . . . my thoughts were powerless against an unhappiness so huge. I couldn't alter European history, or order the artillery to stop firing. I could stare at the War as I stared at the sultry sky, longing for life and freedom and vaguely altruistic about my fellow-victims. But a second-lieutenant could attempt nothing – except to satisfy his superior officers; and altogether, I concluded, Armageddon was too immense for my solitary understanding.
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> Siegfried Sassoon[1]

Sassoon's ironic articulation of the enormity of war and its capacity to reach beyond understanding or individual control captures something that has been echoed in the thoughts and writings of many participants, observers, and theorists of warfare. Indeed, the impotence and blankness that Sassoon describes is one of the perceptions that lies behind a famous dictum propounded by the philosopher Thomas Hobbes in the seventeenth century. Always a foe of euphemism and evasion, Hobbes succinctly posed a central issue with which much of this book will be concerned: "Where there is no common power, there is no law: where no law, no injustice. Force and fraud, are in war the two cardinal virtues."[2] Amongst other things, we shall examine whether this bleak view is true and what would follow if it were. Initially, the existence of laws of war, just war theories, and codes of military ethics would seem to give the lie to Hobbes, and it is interesting that he makes virtually no reference to the extensive body of writing on such matters that existed at the time he wrote, though he must have been familiar with it. Hobbes may have thought most of this to be "mere words," and we must ask whether it is so. We must also ask whether the "force and fraud" outlook, if true, could form the basis of arguments for the total rejection of war ("pacifism") or for the removal of war altogether from the scope of morality (some forms of

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[1] Siegfried Sassoon, *Memoirs of an Infantry Officer* (London: Faber and Faber, 1965), pp. 82–83.
[2] Thomas Hobbes, *Leviathan*, ed. C. B. Macpherson (Harmondsworth: Penguin, 1968), p. 188.

"realism"). Both of these options have in fact been urged by people impressed with what they see as the truth in such an outlook as Hobbes's.

Hobbes's comment, while it poses a challenge to any treatment of the ethics of war, is first of all addressed to the question of whether there are moral constraints upon *how* a war should be conducted, upon the ways and means of waging war. This question has been discussed in the just war tradition under the heading of the *jus in bello* (or as I shall hereafter refer to it, the JIB). But the question that is, in some sense, prior to this is the question of whether morality has anything to say about going to war in the first place. (In just war terminology, this is the matter of the *jus ad bellum*, or as I shall abbreviate it, the JAB). Hobbes, in fact, thought that resort to war was often morally legitimate, an exercise of natural right by the state, but he insisted that rebellion was always immoral. In keeping with his generally "tough" outlook on the power of the state and his theory of absolute sovereignty, Hobbes might be thought to give carte blanche to the sovereign state's right to go to war, but his discussions of war between states, though not fully developed, suggest otherwise. The sovereign cannot be called to account by the citizens, but has certain obligations as a ruler to preserve the peace and is bound before God to conform to the tenets of Natural Law. Consequently, many resorts to war would be ruled out on prudential and moral grounds (insofar as this distinction can be made in Hobbesian theory – and, in a complex way, I think it can). Moreover, Hobbes, at least sometimes, allows for some, admittedly minimal, restrictions on how warriors should conduct themselves in the course of a war. In *The Elements of Law*, for instance, he rejects the resort to unnecessary violence or cruelty. After mentioning with approval the idea that laws are silent about war (captured in the Latin saying that he cites, *inter arma silent leges*), Hobbes draws back from this terrifying brink by adding: "Yet thus much the law of nature commandeth in war: that men satiate not the cruelty of their present passions, whereby in their own conscience they foresee no benefit to come. For that betrayeth not a necessity but a disposition of the mind to war, which is against the law of nature."[3] He continues by noting that even in those times when "rapine was a trade of life," some restraint in killing and dispossessing victims was nonetheless exercised, both in obedience to the law of nature and as a matter of honour. He concludes "that though there be in war no law, the breach whereof is injury, yet there are those laws, the breach whereof is dishonour. In one word, therefore, the only law of actions in war is honour; and the right of war providence."[4] In this discussion, he echoes some of the views of medieval theologians about proportionality in the use of military violence and also seems to have in mind some of the military codes of honour, but he

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[3] Thomas Hobbes, *The Elements of Law: Natural and Politic*, ed. Ferdinand Tonnies (Cambridge: Cambridge University Press, 1928), Part 1, Chapter 19, section 2, p. 100.

[4] Ibid.

also looks forward to the doctrine of "military necessity," which, as we shall see, can be used both to restrict certain forms of immoral activity in war and to license others.

I have begun with Hobbes and war, but the key term in the title of this book is "political violence" rather than "war," and this requires a terminological explanation, since the choice of terms raises substantial issues. My use of the expression "political violence" includes war as the primary instance of such violence, but it is also meant to cover other violent activities that some would not include under the heading of war. Such activities encompass terrorism, armed intervention (for "humanitarian" or other purposes), armed revolution, violent demonstrations or attacks by citizens aimed at less than the overthrow of their government, and the deployment of mercenary companies or individuals. It could also include other activities, which, for reasons of space, I will not discuss in great depth, such as certain forms of torture, assassination, and violent covert operations. There are common usages, especially, I think, in the United States, which would restrict the term "political violence" to the activities of nonstate agents and strongly separate ethical questions concerning such activities from those having to do with war or intervention. This form of discourse would have it that war and armed intervention by states are not uses of political violence.

I want to resist this restriction of the term on semantic, political, and ethical grounds. Since the usage I object to is often linked to a "legitimist" definition of violence, which I discuss in Chapter 2, my reasons need to be supplemented by the discussion to come in that chapter and in Chapter 6. Nonetheless, they can be briefly outlined here. Given the appalling record of states in the unjustified employment of lethal force to devastate populations, economies, and cultures over the centuries, I am unimpressed by any attempt to put a conceptual or moral gulf between the resort to such force (or, as I would prefer to say, violence) for political purposes by state agencies and its political employment by nonstate actors. The tendency to talk of the state as using "force" and of terrorists or revolutionaries as using "violence" embodies an attempt to bring initial opprobrium upon the nonstate actors (via the negative connotations of "violence") and to give an a priori mantle of respectability to the state actors. When the qualification "political" is added only to the activities of the nonstate agents and withheld from the state's operations, even where the means employed are identical or similar in kind, this can suggest that the purposes of state violence are somehow above politics and presumptively acceptable, at least when employed by "our" state. But we should not smuggle into the terms of our discussion some bias in favour of states when they employ morally contestable means. Indeed, given the power of states, their deployment of the sword is more likely to wreak morally objectionable damage, at least in terms of scale, than anything nonstate agents can achieve. These facts can be concealed by the anodyne expression "force," which is one reason why I prefer to use the

term "violence"; military cum political jargon is replete with euphemisms for the state's efforts to inflict death, carnage, and damage, and a serious discussion of the ethical problems these efforts pose should be plainspoken. Talk of "force" makes it sound as if we are proposing to move things by using superior physical strength (as we might lift protesters out of the way without seriously harming them), when what is usually on the agenda is killing, maiming, and destroying.[5]

So I shall view the moral problems of international war as a central part of the wider issue of the use of violence for political purposes. It is true that there are aspects peculiar to international war that cause grave moral concern, such as the scale of actual and possible carnage and the capacity for escalation. These help to explain the tendency to concentrate upon it. It is also true that the last quarter of the twentieth century and the beginning of the twenty-first century have seen a dramatic decline in warfare understood as direct state-versus-state conflict, and a proportionate increase in other forms of warfare such as revolutionary and secessionist war; client war, such as the U.S.-Pakistani sponsorship of Mujahideen violence against the Soviet Union in Afghanistan; tribal war, such as the Hutu massacres of Tutsi in Rwanda; violent terrorist attacks like that of September 11 and the "war on terror" it provoked, and so on. These developments have induced the Archbishop of Canterbury, Rowan Williams, to declare that "we have come very near to the end of war," and others have made similar claims.[6] Of course, they don't mean that there is an end to violence on behalf of political or ideological causes. It is rather that they identify war with war between nation-states and an associated paraphernalia of formal declarations, opposing massed armies, clearly identified enemy states, and so on. What Archbishop Williams believes to be outmoded is war "conceived as sovereign states squaring up," and he thinks that this means that just war theory is similarly outmoded.[7] But I do not believe that this was ever an adequate understanding of war, and I doubt that it was essential to the operation of the just war tradition. After all, sovereign states in the way Williams seems to think of them – namely, nation-states – are held by many scholars to be products of the modern world, and the evolution of just war thinking predates them by many centuries. Civil wars, tribal wars, wars against invading "barbarians," and wars of imperial conquest have been common enough throughout the ages, and many of these have not comfortably conformed to

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[5] Even the United Nations Charter falls victim to this linguistic habit, referring consistently to "force" rather than "violence" and avoiding the use of "war" altogether. The crucial paragraph 4 of Article 2 of the Charter says, for instance: "All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other matter inconsistent with the Purposes of the United Nations."

[6] Rowan Williams, "Chaos Dogs the End of War" *Common Theology* 1, no. 2 (2002), p. 9.

[7] Ibid.

the conception Williams invokes. Moreover, from the other direction, the war against Iraq begun in 2003 has made it clear that the days of sovereign states "squaring up" have by no means disappeared. Yet Williams is not alone in thinking that the developments of the late twentieth and early twenty-first centuries have made just war theory out of date. My own view is that such scepticism is at least premature. It may indeed be that just war thinking needs adjusting in the light of recent developments, and this is part of what I shall examine in what follows. Nonetheless, it seems to me that other forms of war, or of violent conflict with a political orientation, share many of the problems of moral justification associated with international war, and it is plausible to seek a general framework within which the debate can be conducted. It seems at least promising to begin with the tradition of just war theorising and to see if it can be adapted to the broader discussion. As for a definition of war, we could modify slightly that provided by Clausewitz in his classic treatise *On War*. He says: "War is thus an act of violence to compel our enemy to do our will."[8] There is no reference here to states, but Clausewitz obviously has in mind, what the plural pronoun indicates, namely, groups of some sort. He has earlier declared that war is like a duel "on a larger scale," and he later makes it clear that war must have a political purpose, so we should slightly adapt his definition to read: "War is the resort by an organized group to a relatively large-scale act of violence for political purposes to compel an enemy to do the group's will."

The reference to "relatively" is to allow for small wars that are nonetheless large-scale compared, for instance, to an individual or small group sniper attack on a hated political figure. There will also be grey areas created by the definition, such as bloodless wars where one side is overwhelmed without bloodletting. These are rare enough to ignore and, in any case, probably should count as marginal forms of war just because the coercive occupation is effected by soldiers and their armaments, with palpable violence directly threatened and always available for use against resistance. Then there is the category of "violence short of war" or, as Michael Walzer calls it (or something very like it), "force-short-of-war," a description that embodies the unsatisfactory softening of issues that I have already discussed. The "short-of-war" description seems meant to cover interventions such as rocket strikes and bombing raids intended to punish, rescue, or deter, though Walzer uses it, *inter alia*, for more sustained violence such as the American

[8] Carl von Clausewitz, *On War*, ed. and trans. Michael Howard and Peter Paret (Princeton, NJ: Princeton University Press, 1976), Chapter 1, section 2, p. 75. I cite this English edition because it is a very good one, but the quotation in my text departs from Howard and Paret's translation of *gewalt*. The German word can mean "force" or "violence" according to context, and other translations opt for "violence." For reasons given earlier in the text (and in Chapter 2) where I comment on the difference between force and violence, I think "violence" is more appropriate here. For a translation that also prefers "violence," see that edited by Anatol Rapoport (London: Pelican, 1968), p. 1.

"no-fly zone" bombing of Iraq carried out as part of the "containment" system imposed after the Gulf War.[9] The strike authorized by President Clinton against Sudan's supposed chemical weapons factory in 1998 would presumably count as well, and it might be said that we shouldn't call this war because the United States was not at war with Sudan and because the incident was brief and self-contained. These reasons are not particularly impressive. In the conceptual and moral analysis of war, the fact that a war has not been "declared" is not overwhelmingly significant, nor should the target's incapacity to fight back absolve the attacker of the need to justify the attack by the moral standards appropriate to war. The duration of the conflict is relevant in many ways to the moral assessment of it, but short and long episodes of war are still war. Clinton's "strike" killed and maimed people for a political purpose, using the military might and technology at the disposal of the United States. It has been claimed that the factory produced half of Sudan's medicine, including drugs necessary to treat malaria and tuberculosis.[10] If this claim is true, the attack was highly damaging to Sudanese civilians. That the conflict was short-lived is as much the result of the overwhelming power and distant reach of American military capacity and the relative weakness of the enemy than anything else, nor should we ignore the contribution that such strikes have made to the way in which the United States is viewed in much of the Middle East as an aggressive war maker. As for the "no-fly zone" bombing, Walzer portrays that exercise in altogether too mild a fashion. The bombing covered 60 per cent of Iraq, and it was estimated in 2002 that the United States had averaged more than 34,000 military sorties per year since 1991. Confidential UN reports are said to put the number of civilian casualties between 1998 and 2002 at something over 300, though other estimates are higher.[11] In addition, there were many Iraqi military deaths and much property destruction, though I have been unable to find any reliable estimates of these for this nonwar. Moreover, this protracted exercise was not authorised by the UN, though its justification was couched in terms of enforcing UN Security Council resolution 688, which called on Iraq to

9   Michael Walzer, "Regime Change and Just War," *Dissent* 53 (2006), pp. 106–108. This article was taken from the new introduction to the 2006 edition of Walzer's *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (New York: Basic Books).

10 Richard Becker, Sara Flounders, and John Parker, "Sudan: Diversionary Bombing," The Institute for Media Analysis Inc., May 17, 2006, at http://www.covertaction.org/content/view/105/75.

11 Jeremy Scahill, "No-Fly Zones over Iraq: Washington's Undeclared War on 'Saddam's Victims,'" at www.IraqJournal.org, claims the figure of 300 as a "UN statistic" and cites Hans von Sponeck, the coordinator of the UN Humanitarian Program in Iraq from 1998 to 2000, as claiming that in 1999 alone 120 civilians were killed. Von Sponeck is also quoted to similar effect by Susan Taylor Martin in "'No-Fly' Zone Perils Were for Iraqis, Not Allied Pilots" in *The St. Petersburg Times*, October 29, 2004. Scahill is the source for the estimate of 34,000 sorties and the 60 percent area, and he cites as his authority the Washington Institute for Near East Policy.

cease repression of its civilian population. The purported justification of the bombing was to prevent Saddam Hussein using his military capacity against the Kurds in the north or the Shi'a in the south. But critics have argued that the motivation for the bombing was much more complex than this, especially during the later stages of the campaign. This is not the place to enter into that debate or a further analysis of the "containment" policy, but it should be clear that this sustained bombardment lasting well over a decade is a poor candidate for the title of something short of war.

Michael Walzer argues that "force-short-of-war" is easier to justify than war itself.[12] My discussion of the containment bombing of Iraq suggests some caution about this, since that bombing was hardly something softer or morally less troubling than war. What is true is that some wars are going to be easier to justify than others, and it counts as some presumption in favour of a use of violence that it involves far less killing and damage than some other proposed resort to violence might. Where some nation or group of nations possesses massive military superiority over an adversary, it will be tempting to see the resort to political violence at the less spectacular end of the scale as an example not of war but of something more like forceful correcting or policing; but that is unlikely to be how it is seen on the ground by those being "forced." Such episodes can turn into "asymmetrical war," where the enemy, lacking the standard military tools, resorts to less direct and "conventional" forms of violence such as suicide bombing to deal with the attacks. Even where no such outcome eventuates, the episodes can often escalate into or prepare the ground for large-scale warfare. Walzer does allow that considerations parallel to just war principles should govern force-short-of-war, and this surely indicates that it is a phenomenon of the same kind, but he insists that the just war condition of "last resort" and perhaps other conditions are much easier to satisfy in the case of force-short-of-war than in the case of war.[13] I shall defer further discussion of this until Chapter 5, but I will foreshadow my view here by saying that conditions like last resort are equally relevant to war and to force-short-of-war (where that involves actual political violence).

As for "political purposes," I intend this phrase to cover such gross and obvious phenomena as are involved in attempts to change, overthrow entirely, defend and maintain, or simply modify in some important respect one's own or another group's political arrangements, structures, or priorities. So I exclude such phenomena as family violence and child abuse, even though in an extended sense of "politics" some might well argue that these serve certain more subtle political purposes. It is one thing to act to promote a political end; it is quite another to act for personal ends that, perhaps quite unknown to the actor, serve to promote political purposes.

[12] Walzer, "Regime Change and Just War," p. 106.
[13] Ibid.

Whether my account should cover the morality of the state's "normal" use of violence in what is usually viewed as legitimate police work or the output of the legal system is another matter. These are more obviously "political," and I shall have a little to say about them, but it will be incidental, since the subject matter of my inquiry needs some limitations, and these matters also raise broader questions in political philosophy than I can usefully tackle here.

The distinction between war and revolution, from the perspective of just war theory, is interesting. In the 1960s, and sometimes today, many people rejected war between nations but were enthusiastic about, or at least endorsed, certain forms of revolutionary activity. Others tend to champion the occasional resort to international war but reject all forms of revolutionary war. Still others think that a case can be made on somewhat similar grounds for the moral legitimacy of some wars between nations and some revolutions. If we are talking about violent revolution, rather than dramatic peaceful changes such as those brought about by the "velvet" revolutions of Eastern Europe during the dismantling of communism, then we are, in all fundamentals, discussing a form of warfare. Any definition of war that restricts it to violent conflict between states is far too narrow. It would be absurd to rule out *ab initio* a case for including the American Civil War, for example, within the scope of a discussion of the morality of war, and it certainly represents an instance of political violence. We shall later discuss the morality of revolution and of the terrorist tactics often associated with it, as well as some of the special problems facing the use of violent tactics in pursuit of political reform within a state. We shall also discuss problems raised by weapons of mass destruction, nuclear war and deterrence, and some specific issues connected with conscientious objection and mercenary soldiering.

The Moral Scandal of War

Any attempt to justify the waging of war and to give moral sanction to some or all of the so-called rules of war risks underestimating the degree to which war is morally problematic, even scandalous. It is for this reason that students and other relative innocents with respect to the theory of war are liable to be astonished, amused, or even angered by the very vocabulary of "just wars" and "rules of war" with which philosophers, lawyers, politicians, and theologians discuss this difficult subject. I recall one student saying to me when I introduced the topic in lectures: "Just war? You might as well talk of 'just rape'!" Given the close empirical association of war and rape, the challenge cannot be lightly dismissed.

Certainly what must be acknowledged from the outset is the sheer scale of the evil usually attendant upon war and its consequences. As Erasmus put

it more than 400 years ago (and subsequent history has hardly made his picture irrelevant):

War, on a sudden, and at one stroke, overwhelms, extinguishes, abolishes, whatever is cheerful, whatever is happy and beautiful, and pours a foul torrent of disasters on the life of mortals – no sooner does the storm of war begin to lower, than what a deluge of miseries and misfortune seizes, inundates, and overwhelms all things within the sphere of its action! The flocks are scattered, the harvest trampled, the husbandman butchered, villas and villages burnt, – cities and states, that have been ages rising to their flourishing state, subverted by the fury of one tempest, the storm of war. So much easier is the task of *doing harm* than of *doing good*; of destroying than of building![14]

These broad destructive effects of war have hardly decreased since Erasmus's day, and we now know much more about the cultural and social psychological damage that continual warfare produces. And in addition to physical, psychological, and cultural harms, we need to take into account the moral degeneration, even madness, that often seems to afflict ordinary soldiers in warfare. A scene from Guy Chapman's excellent memoir of World War I, *A Passionate Prodigality*, illustrates the point. Chapman asked a fellow officer at the front, who seemed upset, what was wrong:

"Oh, I don't know. Nothing – at least. Look here, we took a lot of prisoners in those trenches yesterday morning. Just as we got into their line, an officer came out of a dugout. He'd got one hand above his head, and a pair of field glasses in the other. He held the glasses out to S—, you know, the ex-sailor with the Messina earthquake medal – and said, "Here you are Sergeant, I surrender". S— said, "Thank you, sir", and took the glasses with his left hand. At the same moment, he tucked the butt of his rifle under his arm, and shot the officer straight through the head. What the hell ought I do?"

"I don't see that you can do anything", I answered slowly. "What can you do? Besides, I don't see that S— is really to blame. He must have been half mad with excitement when he got into the trench. I don't suppose he even thought what he was doing. If you start a man killing, you can't turn him off again like an engine. After all, he is a good man. He was probably half off his head."[15]

These sorts of effects show the inadequacy of Michael Walzer's dramatic dictum "War kills: that is all it does." Walzer intends to show the horror of war with this aphoristic comment, but in fact it does not go nearly far enough. War kills, sure enough; but it also maims, distorts, and injures in many complex, enduring ways. It transforms people, both warriors and those caught up in the violence, and radically alters the normal conditions of their existence.

[14] Desiderius Erasmus, "A Tract of the Society for the Promotion of Permanent and Universal Peace," in *Extracts from the Writings of Erasmus on the Subject of War* (London: Thomas Ward & Co., 1838), p. 7.

[15] Guy Chapman, *A Passionate Prodigality* (London: MacGibbon & Kee, 1965), pp. 99–100.

As Glenn Gray observes in his moving account of the experience of combat, *The Warriors*, it turns cruelty into a commonplace and creates "a stupefaction of consciousness [that] is doubtless a function of the total environment of war."[16] Yet in spite of this, there is at present a remarkable concern with just war theorizing, and this represents a marked intellectual change, because early last century there was little sympathy for the tradition outside Roman Catholic circles. It would be interesting to explore the causes of this shift in fashion, but here I shall only offer some suggestions about beliefs and occurrences that have probably been significant in creating a more congenial reception for the two basic ideas in the just war tradition: that the waging of war may be morally justified and that there are moral limits to how it may be waged. Among these influences are: the belief that World War II was special, not only because the Allied cause seemed justified at the time, but also because the passing years have added weight to that judgement in spite of the colossal casualties, suffered by both civilian and military in that conflict; the feeling that a morally respectable case can be made for *some* revolutionary wars of "national liberation" against very oppressive regimes; the conviction, nonetheless, that some of the methods used in World War II by the Allies and in otherwise legitimate revolutionary wars have been morally suspect; the experience of many Americans of finding a specific war that their country was waging in Vietnam morally indefensible by standards that seemed, in theory at least, possible to meet; the persistence of conventional wars under the grim protection of the nuclear stalemate during the Cold War, and the feeling that at least some of the states involved in those wars were victims whose military response could be seen as a morally legitimate way to defend their rights; and finally, at least for some, the case of Israel, a state whose people have an intimate connection with the victims of Nazi violence but whose politics commit them to persistent, dramatic, and often contentious violence in defence and pursuit of what they and their numerous external sympathisers see as their rights. This provides only (a part of) the broad moral and political background. I have ignored more narrowly economic, ideological, and military factors that would certainly be important for a full sociological analysis, but the sketch is sufficient to make the revival of interest in just war theory more intelligible.

The Charges of Futility and Hypocrisy

The just war tradition and the very idea of philosophers, theologians, lawyers, political theorists and others trying to get a moral purchase on warfare – or, more broadly, on political violence – is sometimes attacked for its futility, and even for its hypocrisy. Maybe the words are not utterly empty, but they

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[16] J. Glenn Gray, *The Warriors: Reflections on Men in Battle* (New York: Harper and Row, 1970), p. 105.