1 Understanding war in moral terms

> In the exercise of arms, many great wrongs, extortions, and grievous deeds are committed, as well as rapine, killings, forced executions, and arson.
>
> Christine de Pizan[1]

> Even war is a good exchange for a miserable peace.
>
> Tacitus[2]

War is monumentally destructive, deeply tragic, and, to many, morally incomprehensible. War involves death on an awful scale. In the war between Vietnam and the United States (1960–1975), an estimated 2.3 million people died. In warfare in the Democratic Republic of the Congo between 1998 and 2007, an estimated 5.4 million people died. In World War II (1939–1945) an estimated 70 million people died. In the many wars that occurred in the period from the end of World War II until 2000, an estimated 41 million people died.[3] It is claimed that in the 3,500 years of recorded history, there have been only 270 years of peace, and that the United States has enjoyed only 20 years of peace since its founding.[4] In

[1] Christine de Pizan, *The Book of Deeds of Arms and of Chivalry*, ed. Charity Cannon Willard (University Park, PA: Penn State University Press, 1999), p. 14. Used by permission of Penn State University Press.

[2] Cornelius Tacitus, *The Annals*, from *The Complete Works of Tacitus*, trans. Alfred Church and William Brodribb (New York: Modern Library, 1942).

[3] The Congo Wars estimate is from Benjamin Coghlan *et al.*, "Mortality in the Democratic Republic of Congo: An On-Going Crisis," report of the International Rescue Committee, www.theirc.org/sites/default/files/resource-file/2006–7_congoMortalitySurvey.pdf, accessed July 12, 2010. The other estimates are from Milton Leitenberg, *Deaths in Wars and Conflicts in the 20th Century*, 3rd edn. (Ithaca, NY: Cornell University Peace Studies Program, Occasional Paper #29, 2006).

[4] L. Montross, *War through the Ages*, 3rd edn. (1960), pp. 83–86, 313. Cited in James E. Bond, *The Rules of Riot* (Princeton University Press, 1974), p. 7.

war, people suffer and die in appalling numbers and in appalling ways. It says something important and terrible about humans that we are capable of engaging in such destructive activities. In the face of such devastation, what sense does it make to talk about the ethics of war? Isn't the very phrase an oxymoron? War seems to be a moral outrage, not to be tolerated. Yet people do talk about war in moral terms. They distinguish between the morally acceptable and the morally unacceptable in wars and ways of fighting. There are deep relations between war and morality, despite any initial appearance to the contrary, and it is these relations we will explore in this book. Despite the moral horror that war can be, it is sometimes the morally preferable choice.

1.1 Rwanda, 1994

From April to June of 1994, 500,000 to 1 million citizens of the Central African state of Rwanda were slaughtered by their compatriots. The victims were primarily members of the Tutsi ethnic group, and the murderers members of the Hutu ethnic group. The Hutu perpetrators set out to destroy the Tutsis. It was a clear case of *genocide*, the worse such case since the Holocaust of World War II. Genocide is a systematic effort to destroy "a national, ethnical, racial or religious group, as such."[5] In a genocide, a large number of people, men and women, young and old, are killed for no reason other than that they belong to the group into which they were born. Genocide is perhaps the worst moral act humans can commit, and attempts to stop it from happening are, correspondingly, morally imperative.

But stopping it would have required the use of military force; it would have meant going to war with Rwanda, with the Hutu government in power that was controlling the genocide. That war, had it occurred, would have been a *humanitarian intervention*. There is good reason to think that it could have been successful. Control of the genocide was centralized in the Rwanda government, and it was a low-tech affair, most of the killings done with machetes. At the time of the genocide, there was a UN peacekeeping operation of about 2,500 troops on the ground in Rwanda, led

[5] The 1948 UN Convention on Genocide, reprinted in William Schabas, *Genocide in International Law: the Crime of Crimes* (Cambridge University Press, 2000), p. 565.

by Canadian Lieutenant-General Roméo Dallaire. As the genocide began, Dallaire urged his superiors at the UN to increase the size of his force and give it a mandate to stop the killing. Instead, the international community looked the other way and the Security Council of the UN reduced his force to 270. Dallaire argued that a force of only 2,500 troops, in addition to the 2,500 he already had, deployed by mid April, could have "saved hundreds of thousands of lives."[6] The expectations, then, were that many lives could have been saved with only a relatively small number of casualties from the military action. This sort of example makes the case that going to war, despite its moral costs, can sometimes be the morally correct thing to do.

1.2 Morality, self-interest, and national interest

Whatever the reason for going to war, it is important to impose *limits* on war. As bad as any war is, it could always be worse, and the limitations that the parties at war often recognize when they restrict when and how they fight keep war from being worse. All cultures through history, it seems, have recognized that there should be limits on war. War has always been understood as a *normative* activity, an activity bound by rules, however often the rules are recognized in the breach. The international relations theorist Hedley Bull noted that war "is an inherently normative phenomenon … unimaginable apart from rules by which human beings recognize what behavior is appropriate to it and define their attitude toward it."[7] The rules that limit war distinguish war from mere savagery or barbarity, however savage and barbaric war may seem. The ethics of war is a study of the moral reasons for limiting war. Almost any limits may be morally valuable, since they would lessen the overall destruction, but certain kinds of limits are of special moral interest, and it is these limits we will investigate.

We begin this account of the ethics of war with a brief discussion of ethics or morality in general. (I will use the terms "morality" and "ethics"

[6] Gregory Stanton, "Could the Rwandan Genocide Have Been Prevented?" *Journal of Genocide Research* 6, no. 2 (2004), pp. 211–228, at pp. 221, 222. For an account of how the world looked the other way, see Samantha Power, *A Problem from Hell: America and the Age of Genocide* (New York: Basic Books, 2002), chapter 10.

[7] Hedley Bull, "Recapturing the Just War for Political Theory," *World Politics* 31, no. 4 (July, 1979), pp. 588–599, at p. 595.

interchangeably.[8]) All of us view the human world through the lens of morality. We see the actions of others (and of ourselves) in moral terms, and we judge those actions and their agents accordingly. Morality is a universal human phenomenon. It is an application of *moral values* to human actions. For a person's actions to be morally acceptable, they must respect those values. One important moral value is *justice* or *fairness*. We act justly, for example, when we take no more than our fair share of some benefit (such as a ration of food), and unjustly when we take more than our fair share. We may *want* more than our fair share, but in order to act morally we set aside that want and take only our share in order to be fair to others. If we do act unjustly by taking more than our fair share, we usually recognize that we are doing something wrong, and often try to keep such actions secret. Moral issues arise when persons interact. Morality concerns rules for how people should treat each other. In acting morally, we take account of the *interests* of others. For example, when we take only our fair share, we take account of the interests of others who deserve their fair share.

There are other values besides moral values. There are, for example, *prudential values*, which concern only a person's own interests, not the interests of others. When people act prudentially, they act in terms of what they believe to be their *self-interest*, in terms of what they want for themselves. There is nothing wrong with acting prudentially, when this does not conflict with acting morally. Most self-interested actions are not selfish actions. But moral and prudential values often do conflict, as when morality requires us to take only our fair share, and we want or need more. Morality places limits on a person's pursuit of self-interest. This conflict between morality and self-interest is a reason that it is sometimes difficult to do what is right. (Another reason is that it is not always clear what is right.)

States also have interests, and, like persons, states often act on those interests. (I generally use the term "state" to refer to the political units often also called nations or countries.) More precisely, the leaders of a state often act in what they believe to be their state's interests. The self-interest

[8] These terms are sometimes distinguished. See, for example, Terry Nardin, "Ethical Traditions in International Affairs," in Terry Nardin and David Mapel (eds.), *Traditions of International Ethics* (Cambridge University Press, 1992), pp. 1–22, at pp. 2–6.

of a state is its *national interest*. As persons have a strong prudential interest in their individual security, states have a strong prudential interest in their *national security*. As persons may have a prudential interest in taking more than their fair share, states may have a prudential interest in expanding their power at the expense of other states, taking what justly belongs to other states. They might see such expansion as a matter of national security. As a person's pursuit of individual self-interest may conflict with morality, so may a state's pursuit of its national interest. In both cases, these conflicts are sometimes pursued through force and violence. The morality of war is about the use of force to settle such conflicts. States sometimes pursue their national interests through the use of force against other states, and, when they do, we have war. Often, when states pursue their national interest through war, their actions are morally wrong. Our concern in this book is moral limitations on the pursuit of national interest through military force.

Morality may be represented by *rules*. "Take only your fair share" is one. Another is "keep your promises," and, of course, "do not kill (or murder)." The rules embody moral values. To justify a moral rule is to show that it better embodies moral values, that it is closer to the moral truth, than other possible rules. People may disagree about what the correct moral rules are and about what to do when moral rules conflict, as they sometimes do. How are such disagreements resolved? People justify claims about moral rules and how conflicts among them should be resolved through *arguments*, that is, by giving *reasons* for the moral claims they make. When we disagree about moral issues, as we often do, the response should be (and often is) for each side to present reasons for the moral claims it is making. This presentation of arguments is the *critical* aspect of morality. Some arguments are strong and others are weak. The moral claims that have the strongest arguments behind them are the ones we should accept. In the morality of war, as in other areas of morality, there are many disagreements and consequently many reasons and arguments that arise when we debate the issues. In this book, we consider these reasons and arguments.

But the prior question is: can morality be applied to war? Let us put the question this way: is it possible to distinguish morally acceptable wars and ways of fighting from morally unacceptable wars and ways of fighting? There are three views that deny this is possible.

(1) *Value relativism*: according to this view, there are no objective or universal moral values on which our moral beliefs can be based or through which we can judge human behavior, including behavior in war.
(2) *Realism*: realism is the view that morality does not apply to the relations among states, including states at war, nor to individuals engaged in those wars, even though it may apply to individual actions within a society.
(3) *Pacifism*: according to pacifism war is not morally acceptable in any form, however limited it is. Moral values rule out war.

These three views question in different ways the claim that morality applies to war.

1.3 War and peace, just war and just peace

Before we consider these views, it will be helpful to define war, as well as its opposite, peace. The term *war* is used in a variety of ways, some uses being more central than others. But we need to settle on a definition to be used in our discussions.[9] At first glance, it seems that war could be defined as *armed conflict between states*. This definition would show why the Olympics are not a war; though they are a conflict (or competition) among states and individual athletes, they are not armed conflict. This definition also shows why a shoot-out among gangsters is not a war, because, though it is an armed conflict, it is not between states. Conflicts are the stuff of human life, but fortunately most are not armed. A conflict is armed when it involves physical violence and the use of lethal weapons. The effort to avoid war is largely an effort to keep conflicts from becoming armed, to settle them peaceably.

But some revisions of the definition are required. For one thing, a war is different from a skirmish. An isolated case of two soldiers exchanging a few shots across a border is not a war (though it may lead to one). War is armed conflict on a large scale. To take account of this, we may refine the definition: war is *large-scale armed conflict between states*. But this definition is too restrictive. In addition to wars between states, there are wars

[9] On the definition of "war," see Yoram Dinstein, *War – Aggression and Self-Defense*, 4th edn. (Cambridge University Press, 2005), pp. 3–15.

within states. In civil war, the groups in armed conflict are from the same state. This suggests the following revision: war is *a large-scale armed conflict between states or other large organized groups*. The *belligerents*, the organizations at war, may be less than states, but they must be of sufficient size and must fight as an organized group. War is not armed conflict between individuals who are isolated or in small social groups, but between large social groups. A situation of violent lawlessness involves armed conflict, but it is not war, because those fighting are generally not fighting as representatives of large groups.

That the social groups in war must be *organized* is important. War is conducted through military hierarchies in which those fighting (the individual *combatants*) have assigned roles, some giving orders and others obeying them. There is a small group at the top, the leaders, civilian or military, who direct the entire group and seek to control what it is doing. The members of this leadership group can, through their individual decisions, initiate war or end it, because they can effectively order their combatants to begin or to stop fighting. A military hierarchy establishes discipline and accountability on the part of the combatants. War may seem to its participants and victims like random violence, but it is not. For all its devastation, war is a socially organized affair, and so it is a normative activity, conducted through rules (some of which are moral) that control and limit the actions of those involved.

This definition of war (large-scale armed conflict between states or other large organized groups) obviously differs from some ways that the term "war" is used. For example, it differs from the way it was used by the seventeenth-century English political theorist Thomas Hobbes, who, in his great work *Leviathan*, famously claims that, in the absence of government, there would be "such a war as is of every man against every man."[10] He seems to mean that without government, violence would be frequently used by individuals in pursuit of their own ends without organizational control. Such free, unorganized violence is not war in our sense.

Some other uses of the term *war* include: the cold war, the war on drugs, gang wars, the war on poverty, culture wars, and the war on disease or hunger. These are not wars in our sense (though gang war may come close). These secondary, metaphorical uses of the term are fine, so

[10] Thomas Hobbes, *Leviathan* (Indianapolis, IN: Hackett Publishing, 1994), p. 76.

long as we recognize that they are metaphorical. They may mistakenly lead us to believe that we should use a military approach to the problem they label. We do not fight the war on poverty or cancer the way we fight a military conflict, nor perhaps should we fight the war on drugs in this way. One example of this problem is the "war on terrorism." After the September 11, 2001 attack on the World Trade Towers in New York, the US administration declared a "war on terrorism," and proceeded to fight this "war" in a largely military way. Critics of the administration's policies argued that the United States was misled by the term "war on terrorism" into believing that a military approach was the most effective way to deal with the problem. To take another example, the war on crime may not best be fought by military forces in the streets of our cities.

In addition, it is important to note that war is a *purposive activity*. States choose to go to war; they go to war with goals in mind. When states go to war, it is often because their leaders believe the goals they have for their states, usually connected with settling conflicts with other states, cannot be achieved by non-military means. States usually prefer to pursue such goals with non-military means, if they can. The goals that leaders seek in war are broadly *political goals*. War is the pursuit of political goals by military means, an insight of the nineteenth-century Prussian philosopher of war Carl von Clausewitz, who observed that war is "a true political instrument, a continuation of political intercourse, carried on with other means."[11] But, despite its purposive nature, war is no ordinary political instrument. Its exceeding moral costs set it apart from politics as usual.

There is another important definitional point. *War* may refer to the overall military conflict between the belligerents, that is, to the military actions by all sides in the conflict taken together, as in "World War II." But *war* also refers to the military struggle of each side in an armed conflict considered by itself. A war in the former sense is composed of at least two wars in the latter sense. "World War II" refers to two different wars: (1) the war of the Allied Powers (the United States, Britain, the Soviet Union) against the Axis Powers (Germany, Italy, Japan) and (2) the war of the Axis Powers against the Allied Powers. I will use *war* in the second sense, because the moral rules of war may yield different judgments when

[11] Carl von Clausewitz, *On War*, ed. and trans. Michael Howard and Peter Paret (Princeton University Press, 1989), p. 87.

applied to the different sides. War is the military struggle of one side in an armed conflict. For the purposes of moral assessment, Inis Claude notes, "it is essential to divide wars into their component parts, giving separate consideration to the war of A against B and to the war of B against A, the two half-wars that together constitute the A-B war."[12] Often, one side is fighting a morally acceptable war, and its opponent is not. Most people would say, for example, that from 1939 to 1945, the Allied Powers fought a morally acceptable war of defense against the morally unacceptable war of aggression by the Axis Powers. It is rare or impossible for each side to fight a morally acceptable war.

Combining the last two points, our revised definition is:

> *Definition*: war is the use of force for political purposes by one side in a large-scale armed conflict where both (or all) sides are states or other large organized groups.[13]

Given this definition of war, what is *peace*? One way to define peace is simply as the absence of war: peace is a state in which there is no large-scale armed conflict between states or other large organized groups. (Of course, at any one time, some parts of the world may be at peace, while others are not.) But this is not quite satisfactory. In the absence of war, a society may have overall what we could call a negative or a positive social order. A negative social order includes an abundance of unnecessary human suffering due to political factors, as in the case of a repressive government that exploits those over whom it rules and does not respect their rights. On the other hand, a positive social order lacks such large-scale suffering, as when people are allowed to flourish under a government that respects and protects its citizens' rights. A positive social order is just, and a negative social order is unjust. An absence of armed conflict, then, may represent either a *just peace* or an *unjust peace*.

The difference between just and unjust peace indicates how war may be morally justified. First, consider an insight of the late-period Roman

[12] Inis L. Claude, Jr., "Just War: Doctrines and Institutions," *Political Science Quarterly* 95, no. 1 (Spring 1980), pp. 83–96, at p. 84.

[13] The force involved in war is often violent. When the term "military force" is used, it must be kept in mind that the force is mainly violence, though the term is appropriate because in war the military often does its work through the threat to inflict violence, as when combatants are forced to surrender.

philosopher Augustine that the "end of war is peace."[14] The end to which Augustine refers is not the time at which a war is over, for if it were, the claim that the end of war is peace would simply be a repetition of the claim that peace is the absence of war. Rather, in Augustine's claim, "end" refers to the purpose for which a war is fought. A war is fought in order to achieve peace. But the claim that peace is the end of war does not make much sense if peace is merely the absence of war, because one can always have peace, of a sort, simply by choosing not to fight and accepting the demands of an aggressor. Rather, states often fight wars to avoid one kind of peace (domination) and to achieve another kind (independence). If state M goes to war to dominate state N, M fights for an unjust peace, a peace in which it dominates N. But N goes to war to defend itself against the imposition of that unjust peace and to restore a just peace in which it retains its independence. If N declines to fight and accepts M's domination, it would have peace, but an unjust peace.

A war that is morally justified or acceptable is a *just war*, while a war that is not is an *unjust war*. There is a close connection between the ideas of just peace and just war, as well as between unjust peace and unjust war. Because N is fighting for a just peace, its war may be a just war, and because M is fighting for an unjust peace, its war is an unjust war. The ancient Roman orator Cicero asserts: "Wars, then, ought to be undertaken for this purpose, that we may live in peace, without injustice."[15] A war should be fought, he suggests, if it is meant to avoid injustice, that is, if it is fought to achieve a just peace. A just peace may be something morally worth fighting for.

But thinkers are divided on this, even against themselves. In addition to the above comment, Cicero is also reputed to have said that an unjust peace is better than a just war. The two remarks are inconsistent. If a war ought to be fought to achieve a just peace, then a just war may be morally better than an unjust peace. The pursuit of a just peace could make war morally justified. Benjamin Franklin seems to be similarly conflicted. On the one hand, he claimed: "There never was a good war or a bad peace."[16]

[14] Augustine, *City of God*, book XIX, chapter 12, in Reichberg *et al.* (eds.), *The Ethics of War: Classic and Contemporary Readings* (Oxford: Blackwell Publishing, 2006), p. 79.

[15] Cicero, *On Duties*, in Reichberg *et al.* (eds.), *Ethics of War*, p. 52.

[16] Benjamin Franklin, Letter to Josh Quincy, September 11, 1783, quoted in Jay M. Shafritz, *Words on War* (New York: Prentice Hall, 1990), p. 463.