

Philosophy 104, Ethics, Queens College
Russell Marcus, Instructor
email: philosophy@thatmarcusfamily.org
website: <http://philosophy.thatmarcusfamily.org>
Office phone: (718) 997-5287

Lecture Notes, November 10

We'll put aside the problems of defining innocence, for now, and tackle the problem of moral justification of war.

Consider the claim of *moral nihilism in respect to war*: There is no morality in war.

This has a certain plausibility.

But Wasserstrom argues that it's wrong.

I. Rejecting moral nihilism with respect to war

Wasserstrom believes that we can implement a notion of morality with regards to war.

Also, he thinks there may be moral justifications of war.

This means that he rejects the claim of *moral nihilism in respect to war*.

This claim can have three different interpretations:

1) Descriptive interpretation: it just doesn't come up.

In other words, this claim is that that's not how we do things.

This is not a reason to give up on morality in war, even if true.

Maybe we should think about morality in war, even if we don't.

2) Prescriptive interpretation: one shouldn't think about morality in war.

Consider the national-interest argument.

Read the Acheson quote, p 112; and the Truman quote, p 114.

The obligations of president and staff may demand ignoring morality.

Consider also social-role morality: our moral duties vary depending on our social position.

E.g. lawyers and clients, corporate exec and shareholders.

On social-role morality, the president has different moral duties than the rest of us.

But you need a backdrop of morality to develop social-role morality, p 115a.

A different morality is still morality.

Even if the rules are different, we can still make gradations.

This social-role morality can't support the prescriptive interpretation.

3) Analytic interpretation: war is immoral by definition.

Like 'Bachelors are unmarried'.

This interpretation allows one to avoid the hard questions.

But it seems wrong, too.

Surely, killing and other acts which are normally impermissible are allowed in war, but that doesn't mean there's no background of morality.

We might be misled by Ten Commandments-type morality, absolute rules against killing, to thinking that this means that war is necessarily immoral.

Wasserstrom argues that it is better to perform utilitarian analyses.

The analytic interpretation doesn't hold, and so doesn't support moral nihilism.

None of these interpretations are viable, so Wasserstrom rejects moral nihilism with respect to war. If we accept that there can be moral justifications of war, and morality within war, we are left to assess the moral justifiability of particular wars. (115b)

II. Evaluating the morality of wars

Wasserstrom asserts that there are three ways to evaluate the morality of a war. He really provides only two and a half. The third is really a sub-question of the second.

1) Are rules of war followed?

For example it's better to have less killing, no looting, and to avoid torture.

We can create guidelines with a basis in morality, even though we are giving up normal moral precepts, e.g. don't kill.

Look to non-civilian targets (avoid hospitals), even in the absence of a firm 'innocents' delineation.

See the website for links to rules of war, including the Geneva conventions.

2) Does the war have a just cause?

These can be either backward- or forward-looking.

Some examples of backward-looking considerations:

a) Treaties either to go or not go to war

These are insufficient to justify going to war.

We sometimes should break our promises.

NATO partners have to think about this one.

b) Punishing aggression

Consider Iraq's invasion of Kuwait

The terrorist attacks of 9/11 certainly are the result of aggression.

But punishing is a Kantian consideration - giving some one what they deserve.

Aren't the real justifications utilitarian?

Did we declare a war on terrorism in order to punish the attackers, or to prevent future attacks?

Should we be the source of just punishment?

Forward-looking considerations focus on whether the goal of a war is a good one.

These are basic consequentialist calculations, looking to deterrence, and reparation, perhaps, instead of punishment.

2b) Is there a self-defense justification?

This is another forward-looking consideration.

The *Doctrine of Self-defense* states that you may use any means necessary to defend yourself from harm, but no more force than is necessary to repel an attack.

Proportionality clause: You should use no more force than necessary to prevent comparable harm.

You may not kill a person to prevent him from stealing a radio.

Corollary: You can not invoke self defense when escape is possible.

Possible exception to the corollary: You may use force in lieu of escape when escape means abandoning your property.

But there are theoretical problems applying the doctrine of self-defense to war.

There is an awkward anthropomorphism: treating countries as individuals is odd.

For example, what would count as escape?

Self-defense could never justify a full-out war, since it would violate the limit on force.

Also, a war usually entails a demand for unconditional surrender, which self-defense could not justify.

These all make the application of the doctrine of self-defense to war awkward, though not completely implausible.

There are further considerations, though, which seem to prohibit this application.

Most importantly, there is, in general, no way of knowing what will prevent the harm.

The prototypical application of the doctrine of self-defense is a mugging, or similar.

In the context of the September 11th attacks, the doctrine of self-defense could justify shooting down planes as they headed toward the targets.

If people are attacked and threatened, and one wants to justify merely repelling the attack, such a defense can be used.

Self-defense can not be used as a justification for preventative measures, like deposing Saddam Hussein.

Here we have to look at something else forward-looking, like pre-emption.

The doctrine of preemptive war requires additional justifications.

These are likely to be forward-looking.

If we have reasons to believe that a terrorist group will use nuclear weapons, for example, forward-looking considerations in favor of destroying the group are not hard to find.

But these will not be considerations of self-defense, directly.

III. Summary

A just war is one which has some theoretic justification and which is fought by minimizing violations of ordinary morality.