

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 15

I. Evaluating the morality of wars

We talked about some of Wasserstrom's criteria for evaluating the morality of wars:

- 1) Are rules of war followed?
- 2) Does the war have a just cause?

We haven't looked at:

- 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.

II. Summary, on War

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

On to the topic of capital punishment...

III. A simple argument against capital punishment:

1. Murder is wrong.
 2. Capital Punishment is murder.
- So, Capital Punishment is wrong.

You might disagree with the second premise.

If so, you can replace 'murder' with 'killing.

But then you need to change the first premise, in order for the conclusion to follow.

That is, this is not a valid argument:

1. Murder is wrong.
 2. Capital Punishment is killing.
- So, Capital Punishment is wrong.

If we change the first premise, too, we get:

1. Killing is wrong.
 2. Capital Punishment is killing.
- So, Capital Punishment is wrong.

But killing isn't always wrong.

Consider killing a harmful bacteria or insect, for easy example.

This simple argument just doesn't look like it's going to work.