



PREAMBLE:
VIEWS OF THE CAUSES OF WAR

Competition for Resources

"Society originates because individuals can't supply all their own needs. Does that seem right?"

"I think so."

"And should each work at just one job, or should they split the work between them?"

"Stick to one specialized skill, they'll be better at it."

"We'll need more citizens then.. The farmer will need smiths to make his tools and the weaver will need to rely on the shepherd. Our community has grown. Do you think it will be able to provide everything for itself?"

"I suppose not, it will need imports."

"So that means ships and sailors and merchants."

"Lots of them."

"And retailers, laborers, a market and a currency. Will that complete our community?"

"I think so."

"So how will our people live? They'll produce wheat and barley, wine, clothes, shoes and houses. They will serve fine cakes on leaves and relax on beds of myrtle."

"No luxuries?"

"I forgot; they'll have salt and oil and cheese and figs, country herbs and acorns to roast by the fire."

"Really!" said Glaucon, *"that might do for pigs; people need proper comforts."*

"If they want luxury, they'll need more people; painters, seamstresses and such. That will mean more land, and trying to get it from our neighbors, especially if they want unlimited material possessions too, will mean war."

"It will."

— Plato, *The Republic*

Human beings are essentially equal in body and mind. From equality of ability comes equality of hope in attaining our desired ends. So if two people desire the same thing, they become enemies. And from this diffidence there is no way for an individual to secure with certainty his mastery over all others.

So there are three principle causes of quarrel found in the nature of human beings:

1. **Competition**, which causes human-kind to invade for gain, using violence to possess another's property;
2. **Mistrust**, which causes humankind to invade for safety, to defend oneself and one's possessions; and

3. **Desire for glory**, which causes humankind to invade for reputation, "for trifles," such as a difference of opinion or perceived undervaluation by the other, either directly or indirectly.

"Hereby it is manifest that, during the time men live without a common power to keep them all in awe, they are in that condition which is called war, and such a war as is of every man against every man."

War is not just a matter of engaging in battle or fighting, but having the known will to do so.

"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 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."

Human beings accept the restraints on their freedom and power over each other that living in a commonwealth necessitates only for the sake of their own preservation and a less stressful life.

People must transfer their power to a single ruling power—composed of one person or many—in order to protect themselves against invasion and from each other. This is the commonwealth, which serves as a Leviathan or "mortal god."

—Hobbes, *Leviathan*



Competition between Ideologies

The Christian Crusades¹

The Western View

The expansion of Islam and the Arab empire through the Seljuk Turks in the 11th century caused a note of distress to the clergy of Christianity. The conquest of areas in the Christian Byzantium Empire helped to spur anger and resentment against Muslims.

With an ever increasing population in the western world and the papal state's need for power and territory the Crusades was the end result. There were a series of campaigns against Islam and against heretics and troublemakers in Europe itself.

They were led by kings, princes, knights and papal legates as well as by shepherds and hermits. Frequently, they were under the control of the Church but in some instances they were not. The Church also offered many incentives to encourage men to take the Cross and conquer the Muslims. There were altogether seven crusades that were launched to conquer or regain land from the Arabs.

The Eastern View

"Regard the Franj! Behold with what obstinacy they fight for their religion, while we, the Muslims, show no enthusiasm for waging holy war."

¹ *The Crusades: History through Arab Eyes*, last accessed April 22, 2009 at <http://crusades.org>.

—Salah Al-Din (Amin Maalouf, *The Crusades Through Arab Eyes*.)

To those of the Eastern world, the invasion of the Frankish people was not one of enlightenment. It was instead an attempt to conquer a land that was for centuries in the hands of eastern civilizations ranging from Arabs, Kurds, Armenians, and many more people of different ethnic descent.

To the Muslims and the non-Muslims of the east, the Crusades were a war of a barbarous nature that needed to be repelled. It was a war against their faith and their customs.

Jihadism

See discussion of on p. 338 of your text.

"...[U]nder modern Islamic law, Muslims are allowed to use warfare only to defend themselves and to free themselves from tyranny. Period.

"...Jihad is most popularly translated into English as 'holy war.' This simplifies and distorts the actual meaning of jihad, particularly since Islamic law does not actually include the notion of 'holy war'...

"Jihad literally means 'to strive' or 'to struggle.' In its most common and comprehensive context, it means to 'strive toward a praiseworthy aim.' The most important jihad is the struggle to purify oneself of wickedness....

"When it is used in a religious context, jihad may mean 'to struggle for the right to worship God' or 'to struggle in the way of God.' It can mean 'self-exertion,' or exerting oneself to become a better person. This may also include exertion in warfare, but its meaning is far more comprehensive than that....

"When the word 'jihad' is used today, what is often actually meant is 'use of force,' rather than jihad."

— Sumbul Ali-Karamali, *The Muslim Next Door: The Qur'an, the Media, and that Veil Thing* (2008 White Cloud Press), pp. 168-9.

"The attack upon [South] Korea [by North Korea] makes it plain beyond all doubt that Communism has passed beyond the use of subversion to conquer independent nations and will now use armed invasion and war. It has defied the orders of the Security Council of the United Nations issued to preserve international peace and security.

In these circumstances the occupation... by Communist forces would be a direct threat to the security of the Pacific area and to United States forces performing their lawful and necessary functions in that area."

— Harry S. Truman, press statement released June 27, 1950²

² Accessed April 22, 2009 from <http://www.archives.gov/education/lessons/korean-conflict/>



JUST WAR THEORY

Look to your *svadharma*, your own duty,
and do not be afraid of it, Arjuna.
You are a warrior,
and there is no finer thing for a warrior
than waging a sacred war of duty.

— *Bhagavad-Gita*

To fight and conquer in all your battles
is not supreme excellence.
Supreme excellence consists
in breaking the enemy's resistance
without fighting.

— Sun Tzu, *The Art of War*

There are three requirements for a just war:

1. It must be waged by the legitimate leader of a group of people, not a private citizen.
2. It must be waged for a just cause, namely, "that those who are attacked, should be attacked because they deserve it on account of some fault."
3. It must be waged for the right intention, namely, to secure peace, punish evil-doers and bring about good.

—Aquinas, *Summa Theologica*

A. *Jus Ad Bellum*: Justice of Going to War³

These principles are considered to apply first and foremost to heads of state, since they are the ones who *start* wars. Leaders who start unjust wars are said to be guilty of "crimes against peace."

According to conventional theory, for a war to be just requires that the state resorting to it adhere to all six of the following conditions—

1. Just cause

War must be started for the right reasons:

- self-defense from external attack,
- defense of others from external attack,
- protection of innocents from brutal governments, and
- punishment for uncorrected and grievous wrongdoing.

Contemporary just war theory reduces these causes to the single just cause of *resisting the use of armed force in the violation of another's rights*.

This includes the rights of legitimate states to political sovereignty and territorial integrity. For one country to invade the territory of another, overthrow its government and

³ Significant portions of the following summary of just war theory have been adapted from Brian Orend, "War" in *The Stanford Encyclopedia of Philosophy Online* (2000, rev. 2005) at <http://plato.stanford.edu/entries/war/#2>, last accessed April 20, 2009.

establish a new government in its place is to violate state rights (ex., Germany's invasion of Poland or Iraq's invasion of Kuwait).

There is controversy over whether **pre-emptive wars** are ever justified.

Traditional theorists have been split on the justifiability of waiting for an act of aggression to actually happen, or launching a pre-emptive strike against anticipated aggression.

Vitoria (traditional theorist): one must wait, because it is absurd to "punish someone for an offense they have yet to commit."

Walzer (contemporary theorist): if certain exceptional criteria are met—concerning the severity of the anticipated attack, the kind and quality of available evidence, time restraints on decision-making before the attack, etc.—then striking first is justified, because a leader of a state has a duty to protect his people from a known immanent attack.

At issue:

- *Can one attack first and not by definition be the aggressor?*
- *Is striking first ever really an act of defense?*

The United States has maintained in its National Security Strategy that it has the right to strike first as part of the "war on terror," but many countries disagree.



International law⁴ forbids pre-emptive strikes unless they are first authorized by the United Nations Security Council.

2. Right intention

The war must be fought only for the sake of its just cause, and not for ulterior (e.g., taking land or resources) or irrational (e.g., ethnic hatred) motives.

Note: International law does not include an explicit statement of this rule, as it would require being able to know definitively a state's motivation for its actions (or: a state's leaders' motivations for their actions).

Consider: Mill separates the terms "intention" and "motive" in his assessment of moral right and wrong—the former being what one intends to do and the latter being why one intends to do it— and deems only the first relevant to judging the morality of an action (although the actual consequences of action also matter to that judgment); the second is relevant only to judging the morality of an agent.

If a war crimes tribunal prosecutes a state leader for what he has done, then should motivation factor into the judgment reached?

Kant does not separate the morality of intention from the morality of motive, but also admits that one can never know the motives of

another and only with difficulty learns to honestly recognize one's own motives.

If motivation is a relevant factor, is it is plausibly knowable factor?

The difficulty of addressing this problem may explain why right intention (motivation) is traditionally recognized as a necessary condition for just war, but not included in contemporary international law concerning war.

3. Proper authority and public declaration

A state should go to war only if the decision has been made by the proper authority (generally as defined by that state's constitution) adhering to that state's own process for declaring war, and if this is made known to both the enemy state and its own citizens.

4. Last resort

War should be pursued only if all plausible peaceful alternatives, including diplomatic negotiations, to resolve the conflict have been exhausted.

5. Probability of Success

War should not be pursued if the state can foresee that it is unlikely to be successful.

While the traditional thinking behind this criterion is the prevention of futile violence and loss of life, it is not included in contemporary international law because it is seen as biased against smaller or weaker states.

6. Proportionality

Prior to starting a war, a state must weigh the costs and benefits involved for all those involved—including the enemy state and any innocent third parties.

This is a utilitarian requirement for considering the *universal* benefits (e.g., achieving a just cause) and harms (e.g., loss of life and destruction of property) involved in going to war. The benefits must be worth the harms.

As Orend notes, the first three criteria for declaring war (*for the right cause, for the right reason, and in the right way*) are **duty-oriented**, while the second three criteria (*as a last resort, when success is probable and when the benefits are worth the costs*) are **consequentialist**.

B. *Jus In Bello*: Justice in Conducting War

These principles are considered to apply first and foremost to the commanders, officers and soldiers who create and execute the war policy of the state. Persons who violate the principles of just conduct in war are said to be guilty of "war crimes."

- External *jus in bello* are rules to be followed by the state with regard to its enemy.
- Internal *jus in bello* are rules to be followed with regard to its own people.

⁴ "International law" refers to treaties and other agreements entered into by members of the United Nations or other international organizations.



The following are external *jus in bello*—

1. Obedience of international weapons prohibition laws

Weapons forbidden by formal treaty or informal prohibition should not be used in war.

These include chemical and biological weapons by formal prohibition and nuclear weapons by informal prohibition.

2. Non-Combatant Immunity

The civilian population of an enemy state is considered to be “morally immune from direct and intentional attack” and should not be targeted.

“[L]egitimate military, political and industrial targets involved in rights-violating harm” are appropriately attacked using non-prohibited weapons.

It is recognized that some collateral civilian casualties are likely to occur in war and these are excusable to the extent that they are unintentional.

Orend notes that almost all 20th- and 21st-century wars have involved more civilian than military casualties and suggests that this may be the reason why this rule is the most frequently and strongly insisted upon of all the rules concerning right conduct in war.

The article included in your text by Frey and Morris, “Violence, Terrorism and Justice,” includes a discussion of Kantian/natural law

prohibitions against the intentional killing of innocents (p. 346 ff.) and the complexities of applying this prohibition in dealing with terrorists:

- “If intentionally killing the innocent is indefeasibly wrong, that is, if it may never be done whatever the consequences, then many, if not most, contemporary terrorists stand condemned... Contemporary terrorists, who intend to bring about the deaths of innocent people by their acts, commit one of the most serious acts of injustice, unless, of course, they can show that these people are not innocent.”
- “Just as natural law and Kantian moral theories constrain our behavior and limit the means we may use in the pursuit of political ends, so they constrain our responses to terrorists. We may not, for instance, intentionally kill innocent people (e.g., bystanders, hostages) while combating those who attack us. Our hands may thus be tied in responding to terrorism.”
- On the natural law/Kantian view, “...a killer acts wrongly without thereby ceasing to be the sort of being that possesses moral standing. Terrorists, then, retain their moral standing, and consequently, there are limits to what we may do to them, by way either of resistance or of punishment.”

3. Proportionality

Force used must be proportional to the end sought.

This is a prohibition against “overkill” tactics, such as the use of weapons of mass destruction.

4. Benevolent Quarantine for POWs

Enemy soldiers who surrender and are captured should be provided with benevolent (non-malevolent or non-harm-intending) quarantine until the war ends.

This means that, according to the Geneva Convention, prisoners of war should be kept away from battle zones until hostilities cease and they can be exchanged for POWs on the other side.

During that interim, they should not be targeted with death, starvation, rape, medical experimentation, or torture.

Articles in your text (Dershowitz, “Make Torture an Option” and Luban, “Torture and the Ticking Bomb”) address whether or not the use of torture is ever morally justifiable.

This issue has resurfaced in light of controversy surrounding the treatment of individuals captured in the last decade’s “war on terror.”

Some of the questions at issue in this controversy include:

- Are we obligated to treat enemy POWs in the same way that we expect our own POWs *should* be treated by the enemy, or *will* be treated by the enemy?
- What kind of war is the War on Terror?



- Should terrorists be treated in the same way as prisoners of conventional wars?
- Is torture ever morally justifiable? Is the “ticking bomb” justification for torture a sound one?

Compare specifically the utilitarian approach to answering these questions with the natural law/Kantian approach discussed in Frey and Morris’ article re: limits on measures that may be taken even against “evil-doers.”

5. No Means *Mala in Se*

Weapons or methods that are “evil in themselves” should never be used.

These include mass rape campaigns, genocide or “ethnic cleansing,” use of poison, use of treachery (e.g., disguising soldiers to look like medical personnel), forcing POWs to fight against their own people, or use of weapons whose effects cannot be controlled (e.g., biological agents.)

6. No Reprisals

A state should not respond to another state’s violation of the rules of conducting just war by violating those rules itself.

The rationale here is that such retributory measures do not stop the initial perpetrator of *jus in bello* infractions from continuing to violate the rules of just warfare, and in fact only escalate the scale of violence and loss of life.

C. *Jus Post Bello*: Justice in Terminating War

Orend notes that this is a relatively new area of consideration within just war theory and is surrounded by quite a bit of uncertainty and lack of agreement. There is little in the way of international law addressing these issues.

The following are proposed principles of *jus post bello*—

1. Proportionality and Publicity

The peace settlement should be reasonable, measured and publically proclaimed.

A peace settlement should not involve retribution. This provision will, as a rule, eliminate any insistence on unconditional surrender, which could well involve unjust provisions.

2. Rights Vindication

Given that a just war is declared when human rights are violated, the peace settlement should secure those rights.

3. Discrimination

Any punitive post-war measures should not be exercised against civilians.

Just as combatants and civilian non-combatants are discriminated during war, so they should be distinguished when war ends. So, for example, wholesale socio-economic sanctions could not justly be exercised.

4. Punishment

First, the leaders of an aggressive, rights-violating government should be appropriately punished. Second, soldiers from both sides of the conflict guilty of war crimes should be held accountable for their actions.

5. Compensation

Compensatory justice may include mandating some form of financial restitution from the defeated state, but should not involve a post-war tax on civilians or any measure that would impoverish the state so that it could not engage in its own reconstruction.

6. Rehabilitation

Reformation of institutions within the defeated state may be warranted, proportional to the degree of corruption in that state.

These measures may include:

- Demilitarization and disarmament
- Retraining of police and judicial forces
- Human rights education

Most of these proposed post-war rules would amount to ensuring a morally justifiable “exit strategy” from war.



CIVIL LIBERTIES

At issue: Should we be willing to give up provisions of the Bill of Rights for the sake of fighting the War on Terror? To whom do (and should) these rights apply?

First Amendment: citizens have a right to free speech, freedom of association and freedom of ideas (including academic freedom)

Fourth Amendment: the government shall not engage in unreasonable searches and seizures

Sixth and Seventh Amendments: citizens have a right to "a speedy and public trial" and to a jury trial in criminal proceedings

Eighth Amendment: "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted"

Arguments for Trading Civil Liberties for Safety

1. Only terrorists need to worry about unlawful search and seizure, not law-abiding citizens. People who have done nothing wrong have nothing to hide.

Vs. We have a right to privacy, and even if I have done nothing wrong I do not want my home or person subject to inspection.

2. Most people arrested for terrorism are probably guilty and those who are not citizens are not protected by the Bill of Rights, anyway.

Vs. Sometimes innocent citizens are arrested, as well; and since we hold the Bill of Rights out to the world as a symbol of our commitment to human rights and dignity, we should adhere to it even in the case of non-citizens who commit crimes here.

3. Freedom of speech is not a luxury we have during a time of war, and good citizens should not speak against the president and the government at such times, anyway.

Vs. We should never assume that the government or military's viewpoint is the correct one, or that it is unimportant to preserve free speech and public debate.

4. At least some Islamic schools are breeding grounds for terrorists, so in the interest of safety they should all be shut down.

Vs. Most Muslims do not share the views of terrorists and we should encourage that peaceful majority. It is a dangerous precedent to shut down religious schools because they might have terrorists in them.

Arguments against Trading Civil Liberties for Safety

1. The founders of this country fought hard to give us civil liberties, and for over two centuries the Bill of Rights has been a cornerstone of our country. We should not abandon it out of fear.

Vs. The founders could never have imagined the kind of threats we are living with today, and

if they knew of them they would have surely understood the need to replace idealism with pragmatism.

2. Our protection of civil liberties is what sets us apart from the rest of the world and provides the moral authority in our encouragement of others to pursue a free and democratic state themselves.

Vs. Other countries do not remotely offer the same freedoms that we do, so setting a few restrictions will not discourage them from trying democracy; even if it did, it is better to protect our country from disaster than to set a good example for countries who do not like us anyway.

3. Our civil liberties protect innocent people, e.g., those who are wrongly arrested. If we accept the diminishment of civil liberties for some, we are opening the door for diminishment of freedom from the rest of us.

Vs. As long as you stay out of trouble, the government will not come after you; most of those who are targeted are probably guilty anyway.

4. We have always valued our religious freedom, and we should not abandon that out of fear. Many religions teach tolerance and understanding, which is something that we could use right now.

Vs. Religious freedom is not okay when it preaches intolerance and hatred of American values, and we should not allow it to be used as a shield for terrorists to hide behind.



PACIFISM

“Sword-force is brute force. Killing people requires no intelligence. We may, indeed, by misdirecting our intelligence employ it in the service of brute force, but, though aided by intelligence, brute force remains brute force and the law of the sword remains the law of the beast...”

“But man has the power of distinguishing between good and evil and can also know the self. One animal subdues another simply by its physical might. Its world is ruled by that law, but not so the human world.

“The law which is most in harmony with human nature is that of winning over others by the power of love— by soul-force. When, therefore, a man wins over an enemy through love, he simply follows the law of his nature....”

“It will be evidence of India’s soul-force only if it refused to fight when it has the strength to do so.”

—Mahatma Gandhi, Aug. 15, 1920⁵

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⁵ *Collected works of Mahatma Gandhi* cited in *Mahatma Gandhi: Selected Political Writings* (1998 Hackett publishing Co.), pp. 69-71

Varieties of Pacifism⁶

Include the following—

Absolute vs. Contingent Pacifism

“This distinction organizes different answers to the question of how obligated we are to reject violence and war. Absolute pacifism is understood as a maximal and universal rejection of violence and war. While absolute pacifism admits no exceptions to the rejection of war and violence, contingent pacifism is usually understood as a principled rejection of a particular war.

“A different version of contingent pacifism can also be understood to hold that pacifism is only an obligation for a particular group of individuals and not for everyone. Contingent pacifism can also be a principled rejection of a particular military system or set of military policies. Contingent pacifists may accept the permissibility or even necessity of war in some circumstances and reject it in others, while absolute pacifists will always and everywhere reject war and violence.”

Maximal vs. Minimal Pacifism

“The difference between maximal (or broad) and minimal (or narrow) pacifism has to do with the extent of the commitment to nonviolence....

⁶ Excerpted from Andrew Fiala, “Pacifism” in *The Stanford Encyclopedia of Philosophy Online* (2006) at <http://plato.stanford.edu/entries/pacifism/#2>, last accessed April 22, 2009.

“Maximal pacifists will reject all use of military force, even in defense against dictators or in response to human rights violations. Maximal versions of pacifism will condemn all taking of life. Pacifists may also extend their rejection of violence to include a rejection of the death penalty, meat-eating, and abortion.

“More narrow versions of pacifism may take into account the distinction between the innocent and the guilty, holding only that the innocent may not be harmed. This distinction is important for thinking about the question of noncombatant immunity in war, with many pacifists arguing that war is wrong because it puts the innocent at risk.”

Universal vs. Particular Pacifism

“This distinction has to do with the issue of whether everyone is required to be a pacifist or whether pacifism can be a moral choice of some particular individuals....

“Universalism in thinking about pacifism will hold that if war is wrong, it is wrong for everyone and thus that soldiers who fight are wrong, as are those who support the war system that encourages them to fight.

“Particular pacifists articulate their position as merely personal and do not condemn the war system or soldiers who choose to fight.

“Universal pacifism is closely connected with absolute and maximal versions of pacifism; particular pacifism is related to contingent and minimal pacifisms.”