Can There be a Just War? - by Richard Norman

Richard Norman examines justifications for war that are rooted in the right of self-defence.

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The war on Iraq has reminded us once again of the difficult moral questions about war. Can it ever be right to go to war? If so, when, and why? The question is often put in the language of what is called 'Just War' theory: when, if ever, is a war a just war? I am not going to talk about the particular case of Iraq. Disagreements about this and other cases are in part disagreements about the facts, and this is not the place to discuss them. They are also, however, wider philosophical disagreements about the general ethical question of war and justice, and it is this that I am going to discuss.

To bring out why it is a tough question, I want to refer to what I will call the 'double standard' which is apparent in many people's moral thinking about war. Normally we regard the killing of another human being as morally the worst thing you can do. Think of the horrified response when a murder gets national publicity in the media. All sorts of actions are pretty bad - lying and cheating and stealing and inflicting physical harm and pain - but if these are bad because they are wrongs done to other human beings, then it's logical to recognise that the worst thing you can do to another human being is to deprive her of her life altogether when she values that life and wants to go on living.

Notice also that we do not normally regard simple utilitarian judgements about the greater overall good as sufficient to justify the taking of human lives. Certainly we sometimes have to do bad things to prevent worse things happening, and no doubt you can think of difficult moral decisions of this kind. But when it comes to the taking of human life, we would not normally regard it as acceptable merely on the grounds that it will do more good in the long run. Each human life is unique and irreplaceable, and you cannot compensate for the destruction of a life simply by claiming that it will benefit others. If a politician were to say 'We have a policy which will confer great benefits for everyone in the long run, but in the short term it requires us to kill twenty thousand people', we should regard him as a crazed moral monster.

This however is where the double standard comes in, for if it became apparent that what this politician was talking about was going to war, for the sake of our future security or some other long-term benefit, then many people's reaction would be 'Well of course, that's the nature of war, people get killed, and that's bad, but you have to do it - war is war.' What, in any other sphere of activity, would be morally beyond the pale seems to become morally acceptable when it is described as 'war'.

We need to question this double standard. We need to be consistent, and to apply the same moral standards to war as we do to any other activity. If killing in war can sometimes be right, we have to come up with better reasons for it than simply saying 'War is different, war is war.'
THE RIGHT OF SELF-DEFENCE

The suggestion most commonly put forward is this. Killing in war, it is said, is not an isolated exception. Killing is normally a terrible moral wrong, but it becomes acceptable when it is killing in self-defence. This idea is often expressed in the language of rights. We all have a right to life, it is said, and from this it follows that we also have a right to defend that life. If someone is attacking me, then, and threatening my life, I have the right to kill him if that is the only way in which I can defend my own life. So this, it is suggested, is a special case in which it becomes morally permissible to kill, and we can see why it is permissible when we see that in this case the right to kill is not a violation of, but an application of, the right to life.

There has been a lot of philosophical discussion of the right of self-defence, why it is a right and what it consists in, but the following features seem to be obviously important.

First there is the idea of NECESSITY: if I have the right to kill my attacker, this is because it is the only way in which I can preserve my own life. If I can avoid being killed by running away, or by disarming him, or by simply hurting him or knocking him out, then I have no right to kill him.

Closely connected with the idea of necessity is that of IMMEDIACY. The threat which the attacker presents must be an immediate one, and it is only in that immediate situation that I have the right to defend myself by killing him if necessary. I do not have the right to kill someone simply because I anticipate that he might try to kill me one day, and if I have escaped I do not have the right to kill him in order to prevent him threatening me again in the future.

Thirdly there is the idea of RESPONSIBILITY. Why is it that in this immediate situation I have the right to kill my attacker but he does not have the right to kill me? It is because he is responsible for the situation; he is the one who is doing the attacking, he is responsible for putting me in the situation where I have no choice, and that is why I am absolved of the blame which I would otherwise incur if I kill him.

Now, how does this help us in thinking about the morality of war? It is a common and plausible idea that a war is a just war only if it is a war of defence against an aggressor. There are two ways in which we can understand this. We might say that a just war is a war of collective defence, or we might say that a just war is a war of individual defence. I'll look at each of these ideas in turn and explain what I mean by them.

WAR AS COLLECTIVE DEFENCE

The idea of collective defence is the idea that, if a person is entitled to kill her attacker in order to preserve her own life, then a nation (a society, a community) is likewise entitled to defend itself by force against the aggression of another nation. And defending itself by force means taking military action against the armed forces of the aggressor, and killing enemy soldiers and other military personnel. Here we have a plausible account of when, and why, it is morally acceptable to kill in war. It is a common idea. It is the dominant form which the theory of 'Just War' takes in the modern world, and it is enshrined in international law and in the Charter of the United Nations. What are we to say about it?

There are two things I want to say. The first is that if it does provide a possible justification for war, the justification is a strictly limited one. The ideas of 'necessity', 'immediacy', and
'responsibility' which we saw were essential to self-defence must apply here too. A war of defence against aggression is permissible only if it is a necessity. If there are other ways of preventing the attack - for example by means of diplomacy and negotiations - then they must be preferred and war should be avoided. (This is sometimes expressed by saying that war must be the 'last resort'.)

Likewise a defensive war is justified only against an immediate threat. This is important when thinking about the idea of 'pre-emptive' war, which we heard a lot about in the arguments about the Iraq war. Think back to the case of individual self-defence. If someone is about to shoot me, I don't have to wait for him to pull the trigger before I defend myself. I can try to shoot him before he shoots me. But that doesn't mean that I can argue 'I know he doesn't like me, and I know he's got a gun, so though he's not threatening me at the moment it's all right for me to kill him now to prevent him attacking me in the future.' Similarly, if the troops of an invading force are assembling on the borders, a defensive war doesn't necessarily mean waiting for the attackers to fire the first shot. In that situation a pre-emptive strike may still be genuinely defensive. That doesn't mean, however, that we can invade another country simply on the grounds that its government is unfriendly, that it may be developing new weapons, and that it might possibly want to use them against us in the future.

Finally there is the idea of responsibility. In the case of individual self-defence this has the implication that the defence has to be directed against the attacker. It doesn't allow me to kill innocent bystanders. I can't mow down a crowd with a machine-gun and justify myself by saying that my attacker was in the crowd. I can't kill the attacker's children as a way of distracting him and saving myself. Likewise in a war of collective defence the only people whom it would be permissible to kill would be the armed forces who are doing the attacking. It doesn't allow us to kill innocent civilians ('non-combatants'). So it's not acceptable to wage even a defensive war by bombing centres of population in the aggressor country.

The killing of innocent civilians is sometimes excused by saying, as was said in the war on Iraq, that it is 'collateral damage'. This is an up-dated (and evasive) version of the traditional moral principle of 'double effect', which says that though it is wrong deliberately to kill innocent people, it may be acceptable to carry on a war knowing that the deaths of civilians will be an unintended side-effect. The principle of double effect is a controversial one, and I do not have space to discuss it here, but I will simply say this. The idea has some plausibility, but only within a narrow range. To bomb a city and say that the deaths of civilians are 'unintended side-effects' is to stretch the idea of 'side-effects' out of recognition. And if the bombing of inhabited areas is morally unacceptable, that means that many modern wars which have been described as 'defensive' have in fact been unjust.

The justification of war as collective defence, then, has only a limited application. But the second thing I want to say about it is that it is not a very convincing idea anyway. The suggestion was that if killing in self-defence is acceptable, then killing in a war of collective defence may also be acceptable. The trouble with this move from self-defence to collective defence is that it is only an analogy. The reason why it looks plausible to say that I am allowed to kill in self-defence is that my life is being threatened. Defending my country is something different. The independence of my country and the integrity of its borders may be valuable and important, but we haven't yet been given any reason why they are sufficient to justify killing thousands of people. We don't acquire a reason merely by appealing to the right of self-defence. Remember where we started. Killing another human
being is always a terrible thing, and our problem is to see whether anything could ever make it right. It's not enough, we saw, simply to say that killing is acceptable if it is for the sake of some greater good. The right of self-defence looked relevant because we can see how it could be acceptable to kill an attacker if that is the only way to prevent him killing me. But that's not enough to convince us that it is acceptable to kill for the sake of your country.

WAR AS INDIVIDUAL DEFENCE

I said that I would look both at the idea of a just war as a war of collective defence and at the idea of a just war as a war of individual defence. I have argued that the first idea is questionable, because it rests on an analogy between defending your life and defending your country, and we've not be given sufficient reason to suppose that the analogy is good enough to justify killing people. What about the idea of individual defence? This avoids the problem of appealing to a questionable analogy. It is the direct application of the right of self-defence. On this view a war can be just if it is the literal defence of individual lives. Consider what this would mean in practice.

It would mean that some wars of defence against an invading force are just, but some are not. If the invading forces are intent on killing some or all of the inhabitants of the invaded country, then military resistance is a direct case of individual self-defence, of killing as the necessary means of defending lives against those who threaten them. On the other hand, if the intention of the invaders is to annex the invaded country to their own, or to take over the running of it, or to impose a different system of government on it, then military resistance cannot be justified by appealing to the right of individual self-defence. If the armed forces of the invaded country do not fight, then it may be that no lives will be lost. Bear in mind that other forms of opposition, using methods of non-violent resistance, are possible. So the right to defend individual lives cannot justify military resistance when the invaders are not intent on taking lives if it can be avoided. On the other hand, the idea of individual defence could in principle justify war in situations other than resistance to an invasion. Suppose that the government of a country is carrying out policies of killing sections of its own population. Perhaps the government is acting on behalf of one ethnic group and slaughtering members of another ethnic group. Perhaps the government is a brutal dictatorship which is bent on systematically torturing and assassinating all its political opponents. In such a situation, the armed forces of another country could intervene, and could plausibly say that they were doing so in order to defend the lives of individuals against the actions of their own government. This is what is sometimes called 'humanitarian military intervention', and we have heard quite a lot about it lately. It is what some people said should have happened, but didn't happen, in Rwanda in 1994 when several hundred thousands members of the Tutsi ethnic group were massacred by government-backed Hutus. It was the reason given for NATO intervention in Kosovo in 1999. And it was one of the justifications offered for the invasion of Iraq by US and British forces, when other justifications began to look increasingly threadbare.

In such cases, it can be said, what is being defended is not a country, but individual lives, and if there is a right of individual self-defence, then foreign armed forces may sometimes need to intervene in another country to assist in the defence of individual lives. Perhaps so, but again we should recall the strict limitations on the right of self-defence - the conditions of 'necessity', 'immediacy', and 'responsibility'. It cannot justify war and the killing involved in war if other methods of defending individuals' right to life are available. It can justify military action only to avert an immediate threat; the fact that people's right to life has been violated in the past, or that it might be in the future, is not sufficient.
justification. Most important of all, the only people who may justifiably be killed, in a war to defend people's right to life, are those who are themselves violating that right. There is no justification for killing innocent civilians. Nor, indeed, is there any justification for killing members of a country's military forces, if they are not themselves guilty of violating the right to life of their fellow-citizens. If the massacring or the torturing or the assassinating are being done not by the regular army but, say, by special 'hit-squads', then it is only the latter, not the former, who can justifiably be killed in a military intervention to defend human rights. You can consider for yourself how this restriction applies to recent actual cases, and to possible future ones, but I think it is clear that these conditions are difficult to meet and that only very rarely, if at all, could wars of humanitarian military intervention be justified in practice.

CONCLUSION

I have been arguing for the following claims.

1. We should apply the same moral standards to killing in war as we do to killing in any other area of human life.

2. It looks as though the best bet for deciding when killing in war can be morally justified is to appeal to the right of self-defence.

3. If 'defence' is understood to mean collective defence, a war of this kind can be justified only within very strict limits; but in any case the attempt to justify war as collective defence rests on a questionable analogy between the defence of a country and the defence of a human life.

4. If 'defence' is understood to mean individual defence, it can justify a war against invading forces only if the latter are intent on taking lives. It could also in principle justify wars of intervention to defend the lives of people in another country, but again only subject to very strict conditions which would be very difficult to meet.

Can there be a just war? Perhaps there can, but I'm not convinced. And even if wars can sometimes be just, it's only in very limited circumstances, and subject to conditions much more stringent than are typically applied to decisions to go to war. Most wars are unjust.

Further reading


An important recent criticism of the analogy between war and self-defence is: David Rodin, 'War and Self-Defense' (Oxford: Oxford University Press, 2002).

My own further discussion of this topic is: Richard Norman, 'Ethics, Killing and War' (Cambridge: Cambridge University Press, 1995).