War and Ethics

I. The cost of wars

A. "War is hell", no limits especially moral

1. von Clausewitz ON WAR, 'War is an act of force which

theoretically can have no limits"

a. no restraint at all in weapons used, tactics adopted, people attacked

b. no imaginable act of war which falls outside outside of war, war

c. "the ruthless user of force who shrinks from no amount bloodshed must gain an advantage if his opponent does not do the same."

2. not just descriptive argument, but moral argument,

moral argument, a justification of "war crimes"

3. Sherman and the burning of Atlanta in response

to Hood, "ingenious cruelty . . . all acts . . .dark history

of war

a. War is cruelty and you cannot refine it ... those

who brought war . . . deserve all the malediction

and curses a people can pour out."

b. "I had no hand in making this war.

c. limitlessness of war, necessary, enemy deserves

it, no my responsibility

B. Specific wars and specific battles reveal

1. necessity

a. indispensable

b. inevitable

c. mercenary Moroccan soldiers in WWII

d. bombing of Dresden and Royan

e. bombing of Hiroshima and Nagasaki

f. starvation of one million Russians at Lenningrad

g. WWI

h. German terrorism of Russian people

2. realm of freedom and human decision with a

variety of options

B. Cost is too high to ever justify war - no just wars

1. WWI

2. WW2

3. Korean War

4. Vietnam War

5. Iraq War

6. Iran-Iraq, India-Pakinstan

C. Social costs

D. Environmental costs

II. Justifying War

A. Three questions

1. are some wars morally justifiable?

2. can we establish a set of consistent rules which

can be consistently applied - an "applied ethics of

war"

3. if some wars are morally justifiable are there still

moral limits to acts

B. Considerations

1. two sorts of war

a. morally permissable - self-defense

b. morally obligatory - help

2. "just" and "unjust" are logical contradictions

3. injustice of one side doesn't mean justice of the

other side

4. Moral evaluations - two types of rules

a. jus ad bellum -

i. rules for permissability and

obligation

ii. reasons states have for fighting

iii. requires judgments about aggression and

self-defense

b. jus in bello - soldiers have an equal right to kill

i. how a war should be fought - two sets of

rules

\* when and how they can kill

\* whom they can kill

ii. judgments about the observance or violation of the cutomary and positive rules

of engagement

c. logically independent

i. can fight unjust war justly, or just war

unjustly

ii. contradiction - can't fight unjust war justly

iii. Rommel/the avg soldier

\*Commando Order Oct 28, 1942

\*Nuremberg "The killing of combatants

is legal . . . only where the war is legal

III. Jus ad bellum -

A. War - controlled use of force for political purposes

B. Just cause

1. Aristotle - enslavement

2. Mill - bestow benefits of western civilization

3. church - conversion

3. modern wrong received

a. insults, affronts to honor

b. policies or acts resulting in violation of rights

of nations

4. Aggression

a. "Aggression is the ue of armed force by a State

agains the sovereignty, territorial integrity, or

political independence of another State . . ."

i. international society of independenct states

which represent interests and rights of

citizens

ii. international society establishes rights of

its members - territorial integrity and

political sovereignty

iii. aggression is a territorial integrity and

political soveriengty

iv. aggression justifies war of self-defense

and war of law enforcement by victim and

any other member of int society

v. nothing but aggression can justify war

vi. once aggressor has been repulsed, can

be punished

b. The first use of force . . . prima facie evidence which is a physical threat to nation

i. invasion or attack on territory, or occupation

ii. bombardment

iii. blockade

iv. proxy forces

C. Rule of Proportionality

1. If cause exists and other means possible to achieve

ends then war is unjustified

2. If cause exists and ends are not obtainable by war

or other means then war is not justified

3. justness relies on "evil" prevented by war being

greater than evil without war

a. suffering

b. rights

IV. Jus in bello

A. Rules for treatment of neutrals, non-combatants, civilians,

weapons and tactics

1. Geneva Convention 1925 bans chemical weapons ( US hasn't signed)

2. Hague Conventions 1899 and 1907

3. Geneva Convention 1929

4. Geneva Conventions of 1949 - sick and wounded on battlefield, sick and wounded at sea, prisoners of war, protection of civilians

a. surrendering soldier enters into aggreement

with captors

b. rights and obligations

i. right to escape

ii. not to kill a guard, that is murder, gave

up right to kill when they surrendered

c. the "Laconia affair" and international law

i.

ii.

iii.

iv.

v.

5. Second Protocol to Fourth Geneva Convention 1977

(US hasn't signed)

B. Necessity

1. No more destruction than necessary to achieve goals

a. no wanton destruction

b. concept of military objective

i. Omar Bradley July 1944 Normandy

ii. breakout from invasion beachhead

iii. Code name Cobra approved by Ike and

Montgomery

iv. saturation bombing of 5 sq miles near

town of St. Lo

v. Bradley can't warn the civilians, need

surprise even if it meant "the slaughter of

innocents as well."

c. if other option must pursue

2. Military principle of proportionality

a. destructiveness must be proportionate

to the importance of the objective

b. certain objectives ruled out because the

destruction involved would exceed the importance

3. Principle of non-combatant immunity or discrimination

a. military force at military objectives

i. German bombing of England

b.defining "military" vs "civilian"

c. objective and subjective version

i. consequences

ii. intentional but ruled by limit of proportionality

4. Guerilla war

a. Vietnam - US Army rules of engagement for rural villages

i. must notify villagers in advance that

villages were to be destroyed

ii. (1) a village could be bombed or shelled

without warning if troops had received

fire

iii. (2) a village could be bombed or shelled

if was known to be hostile with warning,

helicopter loudspeaker or leaflets

iv. (3) once civilians moved out village and

surrounding area "free fire zone"

v. rules ineffective, ignored, no understaning

b. resettlement was goal

i. Vietnemese to camps to deprive guerillas

of base of popular support

ii. Aug 1967 Army units ordered not to generate more refugees, camps full, but search and destroy continued

5. Supreme emergency

a. saturation bombing of German cities

i. consequences of defeat are more intolerable - Nazis threat to human society

ii. Britains decision to "terror" bomb Germany

to destroy civilian morale

iii. Argument was that only bombing would

have an effect

iv. called terror bombing of civilians war

crime, but now necessity

v. Churchill and Arthur Harris 1942 until

end of war

vi. 400,000 German citizens killed and one

million more injured

vii. crucial precedent to fire bombing of Tokyo

and using the atomic bomb

viii. by late 1942 the bombing of military and

industrial targets forbidden

ix. "the aiming points are to be the built-up

areas ... not the stockyards or aircraft factories."

x. resistance from officers not wanting to

bomb civilians, should only be by-product

xi. Churchill: "The bombers alone provide the

means to victory."

xii. continued bomber raids after war turned

in favor of allies - Dresden, Royan

xiii. Churchill acknowledges in July of 1942

"other avenues now open

xiv. Harris: end the war more quickly

b. Hiroshima

i.

ii.

iii.

iv.

v.

vi.

6. nuclear deterrence

i.

ii.

iii.

iv.

v.

7. Sieges and sanctions