

Character and Critique in the Ethics of War

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extremely pleased that several soldiers with battlefield experience have found empirically plausible my claim in chapter 2 that the use of lethal violence can be motivated, not at all by hatred, but by love—even for the enemy.

So, there you have what the author thinks that *In Defence of War* is about. But as with life, so with books: authors are not always the best judges of what they are doing.

Note

1. See also Hays 2010, 83 (“hyperscholastic hair-splitting”).

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Character and Critique in the Ethics of War

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As its title suggests, Nigel Biggar’s *In Defence of War* offers a strong response to pacifists who argue that the use of armed force can never be morally justified. However, though it is cogently and convincingly made, this argument is not really the heart of *In Defence of War*. Indeed, it constitutes only one chapter of the book, which is primarily dedicated to the defense of a particular *kind* of

war—the justified war, whose characteristic features are described and debated in the centuries-long conversation most often called the just war tradition. In this endeavor Biggar has two primary sparring partners, neither of them pacifists: philosophical critics of the just war tradition (represented chiefly by David Rodin) and just war thinkers (such as Michael Walzer) whose version of the just war idea is strongly influenced by the modern traditions of liberal individualism, absolute human rights, and legal positivism. Biggar defends a particular tradition of reasoning he refers to as the “early Christian just war tradition.” One of Biggar’s primary concerns is to draw a distinction between just war thinking in its Walzerian and early Christian forms. This strategy is key to the success of his defense; Biggar denies that many of Rodin’s criticisms of liberal just war thinking apply to the early Christian just war tradition.

This effort to provide nuance and context, to complicate the landscape rather than to force material into rigid, preexisting categories, characterizes not only Biggar’s description of the forms of just war reasoning but also his normative arguments concerning the content of that reasoning. His work is a welcome response to the all too common tendency among modern just war thinkers to simplify and absolutize. While for many modern thinkers, just war reasoning is best described as a single “theory” that issues in universal and absolute rules, Biggar’s approach makes more room for the complexity that necessarily accompanies discussions of morality and warfare. As he puts it in the book’s early pages, “Moral thinking seeks to make sense of human conduct by ordering it in terms of normative principles and rules. This is as it should be. The danger, however, is that intellectual tidiness with its careful logic, clear concepts, and nice distinctions ceases to do justice to the intractable messiness of flesh-and-blood human experience—that it buys clarity at the expense of reality” (2013, 4). This awareness of messiness plays out in varied ways in Biggar’s book: in his aforementioned recognition of the diversity of approaches to just war reasoning, in his rejection of positivist approaches to international law (chap. 5), and in his insistence that proportionality cannot be measured in terms of simple arithmetic (140, 147), among other examples.

Biggar characterizes this quality of his work as indicative of his “realist” orientation, one that arises not only from his observations of the complicated nature of human life but also from his theological conviction that the

combination of sin and goodness characteristic of the human person prevents human beings (whether as individuals or as members of groups and institutions) from acting in ways that can be classed as simply good or bad. In this sense, Biggar is profoundly interested in the concept of *character*. His understanding of human beings as morally complex creatures leads him to reject the marginalization of character that is a recurring feature of many contemporary discussions of war. The tendency of modern just war thinkers to overlook character can be explained variously as a result of the move toward law, which does not concern itself with character, as the framework for regulating war; as a consequence of the related adoption of a moral framework based in absolute rules and rights that do not allow for the kind of nuance and context needed to take character seriously; and as a reflection of the modern tendency to privatize and interiorize character, rendering it immune to the moral judgment of others. As Biggar points out, however, moral character was a central concern to many of the classical just war thinkers, including the great representatives of the early Christian tradition he is interested in recovering—a tradition that stretches from Augustine through Thomas Aquinas to Vitoria, Suárez, and Grotius.

Based in large part on his interpretation of these thinkers, Biggar argues that Christian just war thinking permits the use of violence only “as an expression of love for the neighbour” (61), a category into which both the innocents whom just warriors seek to protect and the aggressors against whom just warriors fight fall. Thus, the character of those going to war is a central criterion to be considered in assessing the moral justification of a war; for Biggar, should the actions of states or soldiers not be expressions of a loving character, then they are unjustified. Although he thinks of just war as essentially punitive, Biggar argues that forgiveness practiced alongside punishment is an expression of the loving character demanded by the Christian ethic. Moreover, he rejects the idea that actors’ character and intentions are too interior and private to be considered in a modern human legal regime that must base its judgments on what can be known to others. For Biggar, intention is *expressed* in action. The way one acts gives measurable evidence of one’s intention. Evidence of right, loving intention in war includes such actions as actively attempting to avoid civilian casualties and choosing proportionate means to achieve one’s end (100, 113).

On the other hand, Biggar does not expect that even just warriors will always resemble saints. His Christian realism leads him to argue that virtue and vice always coexist in the human character. One of the strengths of Biggar's work—and one of the ways in which his book is noticeably different from the majority of contemporary just war texts—is that he relies not only on accounts of historical wars but also on personal accounts provided by participants in such wars as evidence. In these accounts, veterans themselves acknowledge their mixed intentions, revealing that while they often feel compassion toward enemy soldiers, that compassion is sometimes coupled with feelings of rage and pleasure in fighting (78–91). These feelings could have negative effects in the prosecution of a war, leading soldiers to act in non-loving ways. To counteract this possibility, Biggar stresses the importance of strong moral education for soldiers. Additionally, his understanding of intention and act as mutually inseparable leads Biggar to argue that *acting* in ways that are consistent with a loving intention will actually mold and develop a more loving character within the soldier. Conversely, when soldiers act in ways that express a desire for vengeance or an intention to kill, they risk doing “grave moral and spiritual damage” to themselves (64–65, 101). Vice and bad intentions must be acknowledged in a realistic portrait of the character of a just warrior; however, it is not unreasonable to hold soldiers and states responsible for nurturing and expressing strong moral character and commitment to just war norms.

All this means that it is, indeed, possible for us to make judgments about the moral (and not simply the legal) status of a particular use of armed force. We have access to reliable evidence of the actions and intentions, and thus the moral character, of both state regimes and the members of the militaries who take up arms on their behalf. Moreover, the necessary existence of vice and messiness of human conflict does not preclude moral judgment; it simply means that such judgment will be complex and, I would add, fallible. Accordingly, in *In Defence of War*, Biggar offers moral judgments of three twentieth-century conflicts: World War I, the intervention in Kosovo, and the recent war in Iraq. Given the constraints of space, I will focus the remainder of my comments on the last example, to which Biggar devotes the book's final chapter. After considering the actions of the United Kingdom and United States with respect to each of the *jus ad bellum* and *jus in bello* criteria

endorsed by the Christian just war tradition, Biggar concludes the chapter with the following statement: “All things considered, therefore, I judge that the invasion of Iraq was justified” (325).

This judgment is surprisingly simple given everything I’ve said about Biggar’s general approach. True, as Biggar is careful to emphasize, he is not declaring the Iraq war *just*, but merely “justified”; given the pervasive coexistence of virtue and vice, no war fought by humans will ever be perfectly just (3). And yet even this more modest claim strikes me as a sweeping one, particularly given the deep ambiguities displayed in the long chapter that precedes it. If human actions express human intentions, and if human intentions are the product of human characters in which virtue sits alongside vice, then one would expect complex human actions such as war to be resistant to simple classification as justified or unjustified. Instead, particular actions or moments during war might express more or less of a commitment to justice. On a model such as this, the just war criteria would serve less as a tool for making a single judgment of a war and more as a vocabulary to guide moral decision making and the assignment of moral responsibility.

On the one hand, Biggar’s assessment of the justice of the war in Iraq does follow this model. As he works through the various criteria, he points to examples of both justice and injustice perpetrated by the United States, the United Kingdom, and their allies. He also often comments on the difficulty of making precise calculations weighing the good against the bad outcomes of the war. For me, however, the complexity of Biggar’s evaluation makes it all the stranger that he issues a single judgment of justifiability. He addresses the possibility that some might criticize him along these lines. He rejects, for instance, the argument made by Craig White and others that if we find a given war to fail to meet any single one of the just war criteria, we must conclude that the entire war is unjust (318). I agree; it is possible for states and individuals to act justly in some aspects of war but unjustly in others. Biggar takes this to mean that even if we judge a state to have failed to meet some just war criteria, such a judgment need not preclude us from judging a war justified. I think, however, we can stop short of issuing a blanket judgment of that sort altogether. Such judgments tend to smooth over the complexity to which Biggar otherwise repeatedly draws our attention, and may serve to hide moments of injustice that should be highlighted in order to prevent their reoccurrence in the future. Just before stating his judgment that the

invasion of Iraq was justified, Biggar acknowledges that the war “suffered from some serious flaws” that ultimately resulted in “unnecessary loss of life” and threatened the possibility of establishing a just peace following the war (325). However, given that all wars, as human endeavors, will suffer flaws resulting from human vice, the existence of these morally problematic aspects of the war is not enough to render it morally unjustified.

I take it that Biggar makes this judgment in part because he judges the aforementioned flaws to pertain to aspects of just war reasoning that are less morally decisive than others. When he argues that failure to meet some just war criteria does not prevent a war from being judged morally justified, Biggar focuses in particular on what he calls the “prudential” just war criteria, which include such *jus ad bellum* criteria as reasonable hope of success and proportionality as well as the *jus in bello* criterion of proportionality. Biggar identifies “the deontological criteria of just cause, legitimate authority, right intention, and last resort” as “clearly decisive” when it comes to judging a war’s morality (319). In contrast to these deontological criteria, the prudential criteria are not “always required” and are difficult to calculate with any certainty (319–20). An emphasis on such criteria “load[s] the dice against the justification of war” (322). Thus, Biggar argues that moral judgment of the war in Iraq should instead focus on the deontological criteria.¹

But has Biggar convincingly argued that the war in Iraq can be morally justified on deontological terms? At the outset of his chapter on Iraq, Biggar charges critics of the war with giving an overly simplistic account—of both George W. Bush and Tony Blair, as vengeful and imperialist liars, and of the decision to go to war, as illegal and unthoughtful. Certainly, he succeeds in giving a much more nuanced evaluation, particularly when it comes to the multiple, coexisting motivations the two administrations had for pursuing the war. And yet there are times when the reader has the feeling Biggar is being a bit too generous toward the U.S. and U.K. governments in his attempt to respond to these overly simplistic critiques.

Take for example Biggar’s discussion of just cause. Biggar concludes that there were in fact two just causes for the invasion of Iraq: first, the “atrocious character” of Saddam Hussein’s regime, as demonstrated by Saddam’s prior uses of force against Iraqi civilians, and second, the threat posed by the weapons of mass destruction (WMD) we believed the regime to possess (255, 259). He notes that though the regime’s atrocities against civilians a decade earlier

were enough just cause for war, it was not until the perceived threat of WMD became imminent that the United States and United Kingdom found it in their interests to act. As we now know, the regime did not in fact possess these weapons. While for some this fact has served as evidence that the war was based on, at worst, an outright lie or, at best, a negligent lack of care, Biggar calls it a reasonable error.² As evidence of its reasonableness, he argues that in early 2003 the intelligence services and administrations of every Western government, Russia, and the U.N. weapons inspectors all shared the belief that Saddam possessed some WMD and intended to acquire more (263–65).³ At the same time, however, one of Biggar's primary pieces of evidence that the war fulfilled another deontological criterion, that of last resort, is the "significant lack of collective will" to continue to address this threat through means short of war, such as enforcement of the no-fly zone and the use of economic sanctions (296–98). Mightn't such lack of collective will be evidence that the belief in the imminence of the threat posed by Saddam's regime was not, after all, as strong or as widespread as Biggar claims? He does not explicitly consider this possibility.

The argument that the United States and United Kingdom should be judged as having had a right intention is even more problematic. Biggar is right to point out that any good examination of motives and intention in war will necessarily be complicated, reflecting the fact that actions as complex and multifaceted as those of war will express many (sometimes competing) intentions; moral motivations and national interests must all be taken into account alongside the character and intentions of the thousands of individuals—civilian and military leaders as well as ordinary members of the armed forces—involved. But even if we focus in on a few more specific aspects of the question of right intention, it is hard to avoid the feeling that Biggar is overly charitable in his estimation of American and British motives.

In just war language, a war may be considered to satisfy the criterion of right intention if the purpose of the war aligns with the just cause that motivates it—if the war is aimed at responding to some grave injustice and restoring a just and lasting peace. There are reasons to be suspicious that the invasion fulfilled especially that latter part of the criterion, given the apparent failure of the invaders to establish a secure and just Iraq following the overthrow of Saddam's government. Biggar claims that the United States and United Kingdom did plan for the aftermath of the invasion, but that their

planning was inadequate. For Biggar, “the significance of a lot of inadequate planning is ambiguous. It *could* be symptomatic of an insincere intention to create a better Iraq, but equally it could express naïveté about what a sincere intention’s realization would require” (301n176). For Biggar, evidently, these are not one and the same, though one could argue that states show right intention by accepting the responsibility to do the research needed to avoid naïveté. He concludes: “The United States and the UK did make plans to secure the peace after a successful invasion. They were serious in intending regime-change and not merely regime-toppling. Their plans were vitiated, however, by naïve optimism, impatience with human frailty and inconvenient counsel, unwise disdain for regional and local expertise, and consequent imprudence. Nonetheless, all wars are waged by sinners, and even just wars give rise to vice. . . . Vice alone, therefore, does not an unjust war make” (305).

Yet if we agree with Biggar that intention is best measured by looking at what people and institutions actually *do*, then the very sorts of actions he describes here—ignoring warnings and counsel from experts and natives, failing to commit an adequate number of troops, stubbornly refusing to acknowledge bad news—would seem to provide very strong evidence that the criterion of right intention was not in fact met. Here Biggar’s desire to declare the entire Iraq war “justified” may prevent him from making the very kind of nuanced evaluation he sets out to provide. The idea that vice is irrelevant to the moral judgment of right intention is difficult to understand. After all, I have argued that Biggar’s approach is essentially based in character—is essentially interested in questions of the expression of virtue and vice in action. Moreover, right intention is the criterion that touches most deeply on questions of character. The existence of vice *does* matter when evaluating right intention. It does not necessarily indicate evil intentions, but it does point to a more complex judgment.

In the *in bello* context, right intention relates to the criterion of discrimination. Biggar endorses the doctrine of double effect, with its requirement that militaries never intentionally target civilians, to explain this criterion. Surprisingly, given his detailed discussion of the other deontological criteria, Biggar devotes only a few pages to a discussion of discrimination in the Iraq war. This is not because he thinks it was not a problem. He acknowledges that the United States in particular did not take sufficient care to avoid such casualties in the early years of the war—though he notes that there was

later improvement (311–12). Additionally, even though many civilian deaths were caused by insurgents and not by the invading militaries, Biggar agrees that the United States and the United Kingdom share partial responsibility for those deaths, given that they “failed initially” in their “obligation to maintain law and order,” resulting in a stronger and deadlier insurgency (313).

I am puzzled by the decision not to engage in the kind of detailed analysis of harm to civilians—what Biggar himself calls “suffering on a massive scale” (313)—that Biggar gives to other issues. The acknowledgment of the U.S. military’s failure to do all it could to prevent civilian casualties in the war’s early years seems to me another strong indication that the war failed to unambiguously fulfill the criterion of right intention. One possible explanation can be found in Biggar’s response to David Rodin, whose argument that humans have a right to life that can be forfeited only through voluntary wrongdoing is problematic to Biggar in that it implies that just war is not possible in practice, given that some innocents (combatants and noncombatants) will almost certainly be killed. Biggar responds with a rejection of the notion of absolute rights and an endorsement of the doctrine of double effect. However, he also offers a third, more innovative response: an account of “the Christian view of human dignity” as consisting not only in the ability to make moral decisions but also in the human’s status as the subject of certain objective obligations of justice (188). On this view, Biggar argues, an innocent person may be “subject to an obligation to sacrifice his life for the sake of the community. . . . If an individual should find himself under such an obligation, then he does not possess a right to life” (185). Biggar characterizes such an instance as an “obligation, which is generated by the virtue of charity, to sacrifice [one]self for the good of others” (184).

There is something awkward about the idea of a virtue generating an obligation. Insofar as the concept of obligation implies a lack of voluntary choice, this idea seems in tension with Biggar’s view of human action as expressing virtues and vices of one’s character. Biggar addresses this possible criticism by arguing that an obligation is not merely external but is also generated by one’s own internal character “in the eudaimonistic sense that its obligatory force is rooted in a certain (Christian) vision of the individual’s moral and spiritual fulfilment” (185). But unless the individual in question shares that vision, it is unclear to me that such an obligation would be experienced as internal. The ambiguity is not lessened by the fact that Biggar refers on the

one hand to individuals “embracing” this obligation (and gives an example of a person who did so during the genocide in Rwanda) and on the other to the idea that killing innocents is justified even if this obligation is merely “imputed” (and not embraced) (187–89). While the former might be an example of virtuous action, I don’t see how the latter is. And yet it is in this latter way that most innocents killed in war die. Perhaps they would freely choose to embrace a “social obligation” to give up their lives in the service of a just war if given the chance, but in the vast majority of cases the innocent casualties of war are not given such a choice.

This argument makes me uncomfortable for several reasons. First, it threatens to undermine the character-based approach to ethics of war that Biggar endorses and that is so important for avoiding abstract, depersonalized accounts of war. Second, though Biggar focuses on examples of individuals embracing a social obligation to give up their lives in the name of justice, this model’s easy transferability to civilian casualties in general leaves us with the uneasy sense that killing innocents in the course of a just war is not something about which to be overly concerned; such persons may have lost their lives but in doing so they have fulfilled an obligation to the greater social good. Thus, this model may lead us to deemphasize the centrality of discrimination as a criterion for moral judgment, decision making, and responsibility-assigning before, during, and after war, as seems to be the case in Biggar’s truncated discussion of the topic in his moral assessment of the war in Iraq. On this model, once a war’s *jus ad bellum* justice has been established, then almost any number of innocent casualties can be accepted, so long as they are not directly intended, as virtuous fulfillments of social obligation.

In sum, then, I worry that Biggar’s desire to defend the Iraq war from its unsophisticated critics may result in a judgment of the war that gives far too much credit to those who prosecuted it. Biggar’s reason for defending the war seems to be twofold: first, to make the point that just war reasoning requires a more complex and traditionally minded evaluation than most critics have given; and second—though this is less explicit—to defend the war-making practices of states of a particular character. Biggar convincingly argues that the legitimacy of sovereign authority cannot be limited to legal sovereignty or to simple power over a particular territory. Instead, sovereignty has a moral quality (205). Some regimes are more morally legitimate than others; such regimes have greater authority to wage war because they are more likely to

wage just wars. A war prosecuted by a liberal democracy is more likely to be just than one waged by a “racist dictatorship,” in large part because the liberal democratic government is more constrained by public criticism of its more transparent actions (195). Biggar acknowledges the possibility of liberal democracies’ waging unjust wars, but also argues that the two most commonly cited examples of such a case (Britain and France in World War I and the United States and United Kingdom in Iraq) were in fact justified uses of force (196).

Thus, I wonder whether Biggar’s defense of the Iraq war rests on a worry—though one that I admit is unspoken—that to call the Iraq war unjust might undermine his larger defense of war itself. In other words, if liberal democracies are the kinds of states in which we can have the most confidence to use armed force justly, then to acknowledge instances of grave injustice committed by such states might seem to undermine the possibility of trusting the use of force to anyone. Such a worry would be one way to explain Biggar’s tendency in his analysis of the war in Iraq to draw the unobvious conclusion, to give the benefit of the doubt, to be generous in his moral assessment. And while it is a concern that I understand, I wonder whether defending the war in Iraq as “justified” is the best way to go about convincing skeptics of the morality and practicability of just war reasoning.

For me, the role of the ethicist of war—a role on which Biggar himself reflects in his book’s final pages—has to be that of a critic, of one who speaks to power. In his defense of the role of the moralist, Biggar acknowledges that ethicists lack some of the geopolitical expertise of government and military decision makers, but responds that they have an advantage over those decision makers in terms of their familiarity with moral traditions and principles and with the time and skill they can devote to thinking through complex issues in light of those resources (331–34). There is one other thing ethicists lack, however, that turns out to be a certain kind of advantage: we lack political power of the sort possessed by those who actually make decisions about going to war. In that sense we are ideally positioned to offer strong criticism of those decisions. This is not to say that we should judge every use of force to be morally unjustified. But it does mean that we should subject every aspect of that use to rigorous critical analysis. It is not, I think, the place of the moralist to offer the same benefit of the doubt to democratic governments that soldiers in their militaries can (195). To be intensely critical of democracies is not to

overlook the importance of the character of regimes in just war reasoning. It is instead to contribute to and participate in the strengthening of the character of a democracy as a state in which critique is not only welcomed but necessary.

Notes

1. Biggar follows James Turner Johnson in positing a distinction between deontological and prudential just war criteria and in worrying that some critics of war overweight the prudential criteria so as to make the justification of war much more difficult. It is perhaps worth noting that while Johnson categorizes last resort as one of the prudential criteria, Biggar classifies it as deontological, but does not explain why he diverges from Johnson on this point. Given that Biggar (again, similarly to Johnson) seems to understand “prudential” as characterizing criteria that are subject to utilitarian calculations (rather than as relating to the virtue of prudence), one explanation for this difference is perhaps that Biggar does not see last resort as susceptible to the same sorts of calculations. On the other hand, as his own discussion of whether the Iraq war is a last resort shows, it seems as though last resort may be as difficult to judge prior to entering a war as are the other criteria Biggar classifies as prudential.
2. He acknowledges, for instance, that the 2002 dossier that presented the Blair administration’s case for war, as a document intended to drum up support for the war, was hardly an objective report, but he denies that politically motivated masking of the complexity of the evidence is necessarily deceptive in a document of this genre; besides, “to stretch an interpretation to the very limits of plausibility is still to fall short of lying” (272).
3. Biggar also discusses the question of whether there was good reason to believe that Saddam Hussein’s regime was in contact with al Qaeda and thus might be reasonably expected to provide the terrorist organization with WMD. He cites a Joint Intelligence Committee report suggesting contact between al Qaeda and the regime, possibly even with specific relation to WMD; the committee argued, however, that actual cooperation between the two entities was unlikely. Biggar responds that he finds this evaluation “too confident, since common interests can make unlikely allies” and since Saddam had at different times evidenced varying attitudes toward al Qaeda (262). He concludes that this particular concern “was not merely fanciful; it did have grounds”; however, it alone would not have been enough to justify the invasion unless more substantial evidence had been uncovered (263, 268).

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