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# Just War? Moral Soldiers?

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LAURIE CALHOUN

Moral reasoning within the just war tradition is far more like a skilled musical conductor interpreting a symphonic score than it is like an engineer reading a blueprint. The conductor has notes and other instructions on his score. But the beauty (or dissonance) of the music he or she makes is a function, not simply of the notes, but of the application of the conductor's imagination, intelligence, and discipline.

George Weigel (1991, 2)

**W**ar is often romanticized. Military and veterans associations and their publications abound, and general readers devour books about the violent conflicts of the past. War may to some be a pastime, but it is a deadly one. The reality of war probably cannot be appreciated fully until one has suffered the loss of a loved one as a result of a bloody battle fought for nothing or, rather, nothing really worth dying for.

Still, when most soldiers enter mortal combat, they believe that their cause is just.<sup>1</sup> They have been told that their cause is just. "Just war theory" is used by leaders to galvanize soldiers to fight, kill, and die for what the leaders claim to be justice. History reveals, however, that appeals to justice are every bit as effective in galvanizing the masses when the leader in question is depraved, for example, in the case of Adolf Hitler, as when the leader comes later to be written into the annals of history as "great." When just war theory actually matters, but altogether fails to bring about what its name suggests, is not in the retrospective writing of history by the victors but in the moment of conflict, when soldiers are deployed to wreak havoc on the people

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Laurie Calhoun is an independent scholar and author living in Cambridge, Massachusetts.

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of another nation in the name of what their leader has proclaimed a just cause. The theory matters, practically speaking, because nothing could be weightier than the annihilation of conscious human life, the inevitable consequence of any war.

### Just War Theory and the Problem of Interpretation

The idea that some actions are unacceptable even during times of war has been espoused throughout history.<sup>2</sup> Basic tenets of the “just war tradition” were articulated systematically by the natural law philosopher Thomas Aquinas in his efforts to reconcile his devout Christianity with a basically Aristotelian philosophical outlook. The seventeenth-century thinker Hugo Grotius has been identified as the “father of international law” for his contributions to what have become widely accepted principles among the international community.<sup>3</sup>

Grotius conceived of international law as analogous to moral relationships between persons, and he articulated six *jus ad bellum* conditions that are accepted by many as limitations on a nation’s legitimate recourse to war:

1. Just cause: The war must be waged with right/moral intention and must have an objective, not merely a subjective or selfish, aim.
2. Proportionality: The gravity of the situation must warrant the extreme measure of war.
3. Reasonable chance for success: Sending soldiers into suicidal missions for unobtainable objectives is unacceptable.
4. Public declaration of war: Those to be attacked must be given fair warning and the opportunity to avoid violent conflict through accession.
5. Declaration only by legitimate authority.
6. Last resort: All pacific alternatives must have been exhausted before opting for war.

Grotius also insisted on the logical independence of *jus ad bellum* from *jus in bello* conditions, which specify limits on the means that engaged soldiers may employ in battle.<sup>4</sup>

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1. Mercenaries, or soldiers who fight for any cause if only the price is right, are exceptions to the general rule. But note that a mercenary, no less than any soldier whose means of sustenance derives from the military, views his continued employment as a matter of self-defense, though in a sense not usually construed as moral or just. Mercenaries and others who fight for their own reasons, whatever they may be, are not the subject of the present critique.

2. Paul Christopher (1999, chap. 1) cites such concerns among the writings of the ancient Chinese, Egyptians, and Babylonians, in addition to the more familiar examples of Plato, Aristotle, and Cicero. I discuss “the problem of interpretation” at a more general level in Calhoun 1996.

3. Especially influential has been Grotius’s treatise *The Law of War and Peace*.

That the initiation of violence by a state is legitimate does not imply, according to defenders of just war theory, that “everything is permitted” on the battlefield. Grotius focused on three aspects of *jus in bello*: legitimate targets (only combatants may be targeted), acceptable means/proportionality (means may not exceed what is warranted by the cause), and treatment of prisoners (combatants are through capture rendered noncombatants). These guidelines appear to reflect widely shared intuitions regarding the moral requirements for initiating violence and the moral limits of conduct on the battlefield.

In the modern world, the foregoing concepts and distinctions continue to be widely accepted and are viewed as nominally authoritative, as is evidenced by the frequent reference to them in the assessment of alleged infractions committed by military personnel.<sup>5</sup> The just war tradition is conservative insofar as it has appealed to many people’s intuitions, throughout history, regarding what constitutes permissible and impermissible conduct. But some authors have criticized the vagueness of the tenets of just war theory on the grounds that, in reality, they seem to permit any action, so long as it is viewed from the proper perspective. Most obviously problematic would seem to be the first *jus ad bellum* condition, that war be waged only for a “just” cause. Pacifists, of course, are generally opposed to institutional killing and deny that any cause could warrant the intentional destruction of human life inevitable in war. More important for our present purposes is that even some of those who insist that institutional killing is sometimes just renounce other specific criteria of just war theory as impossible to satisfy if taken literally.

Consider Michael Walzer’s rejection of the “last resort” condition, in his analysis of the Gulf War:

Taken literally, which is exactly the way many people took it during the months of the blockade, “last resort” would make war morally impossible. For we can never reach lastness, or we can never know that we have reached it. There is always something else to do: another diplomatic note, another United Nations resolution, another meeting. (Walzer 1991, 5)

Similarly, George Weigel writes:

In the just war tradition, “last resort” is not an arithmetic concept. One can always imagine “one more” nonmilitary tactic that could be tried, one more

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4. Whether or not conditions for *jus ad bellum* (just recourse to war) and *jus in bello* (justice in the course of war) are in fact logically independent of one another is a matter of some controversy. Some (Nagel, McMahan, and others) claim that in wars waged unjustly, no killing is permissible (beyond acts that can be construed as literal acts of self-defense by individual agents). Others (Christopher, Walzer) assert the absolute independence of the *jus ad bellum* and *jus in bello* conditions. The latter position can be traced to Francisco de Vitoria, a sixteenth-century theologian who claimed that soldiers are endowed with an “invincible ignorance” regarding the causes for which they have been told by their leaders to fight. According to Vitoria and others, soldiers are to conduct themselves in accordance with the principles of *jus in bello*, but they cannot be held morally responsible for what would be immoral actions outside the context of war when the cause for which they have been ordered to fight is actually unjust.

negotiating effort that could be launched, one more conference that could be called—in a sequence that is, by definition, infinite in duration. No, what the tradition means by “last resort” is that reasonable people can reasonably conclude that all reasonable efforts at a nonmilitary solution have been tried, have failed, and in all probability will continue to fail. (Weigel 1991, 24)

That self-proclaimed defenders of just war theory themselves admit that one of its central tenets cannot be interpreted literally would seem, *prima facie*, to constitute a capitulation to either realism or pacifism, both of which deny that the notion of “just” or “moral” war is anything more than a self-delusive interpretation of institutionally inflicted violence.

At issue are two rival hypotheses:

*H1*: If no war meets all *jus ad bellum* criteria, then no war is just.

*H2*: If no war meets all *jus ad bellum* criteria, then just war theory is suspect and requires revision or rejection.

Pacifists wholeheartedly concur that “last resorts” are never really last. That is one of the reasons why pacifists deny that war is ever just. But Walzer and Weigel reject *H1* and in effect insist that, although the “last resort” condition can never be literally satisfied, we may merely reinterpret the “maxim” in such a way that it will sanction as “just” those wars that we wish to characterize as just. This evidence suggests that just war theory is used not in deciding whether to go to war but in the retrospective rationalization of organized and state-funded violence.

Strikingly, Walzer rejects not only “last resort” but also “proportionality” and “objectivity” conditions. Regarding proportionality, he writes:

Certainly, we want political and military leaders to worry about costs and benefits. But they have to worry; they can’t calculate, for the values at stake are not commensurate—at least they can’t be expressed or compared mathematically, as the idea of proportion suggests. How do we measure the value of a country’s independence against the value of the lives that might be lost in defending it? (Walzer 1991, 7)

Regarding objectivity and intentions, Walzer goes so far as to claim that although a country’s actual motives for going to war may be morally dubious, that fact does not bear on the question of justice:

It was a common criticism of the [Gulf] war that the United States had “imperialist” motives: world order masked a desire for influence and power

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5. For example, in the slaughter at My Lai, noncombatants were said to have been targeted, and prisoners, who according to just war theory should be treated as immune from further attack, were executed.

in the Gulf, for a strategic presence and control over the flow of oil. I assume that motives of this sort played an important part in American decision-making: even just wars have political as well as moral reasons—and will have, I expect, until the messianic age when justice will be done for its own sake. An absolutely singular motivation, a pure will, is a political illusion. (Walzer 1991, 11)

William V. O'Brien, another expositor of just war theory, in effect rejects the publicity condition: "Any examination of modern wars will show that the importance of a declaration of war has diminished greatly in international practice. Because of the split-second timing of modern war, it is often undesirable to warn the enemy by way of a formal declaration" (O'Brien 1995, 254).

Despite their rejections of the last resort, proportionality, objectivity, and publicity conditions, the authors I have cited nonetheless regard themselves as defenders of just war theory. Unfortunately, they fail to recognize the danger of this so-called theory, which can be deployed by any leader, indeed any agent, and used to interpret any act of killing as just.<sup>6</sup>

Because human beings find moral stories compelling, just war theory is a powerful tool of propaganda that can be used to lure unsuspecting men into what they are thus persuaded to believe is a noble and rational enterprise, namely, the conduct of war. Now, the reader may object that if the cause is in fact just, then a negative characterization of the process is unwarranted. But the very possibility of a "just" war implies that when one side is right, the other is wrong. In reality, and unsurprisingly, however, *both* sides of every conflict appeal to justice in galvanizing their troops. To call a war "just" (or "holy") seems to be the only way to persuade large numbers of otherwise nonhomicidal men to kill human beings. These considerations suggest that just war theory may cause much more harm than it prevents.

### The Irony of Just War Theory

The idea of a just war presupposes the concept of "war crime" and thus the truth of absolutism, the thesis that some actions are absolutely forbidden regardless of the time, place, or circumstances.<sup>7</sup> To label certain actions as "crimes" but do nothing about them is tantamount to expressing a weak form of disapproval toward those actions. If just war theory is to be something more than empty (but deadly) rhetoric, there must be sanctions for what are deemed criminal acts during times of war.

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6. For a discussion of the extreme lengths to which agents may take the self-defense justification for brutality, see Calhoun 1995.

7. Gilbert Harman characterizes moral relativism as the negation of moral absolutism in Harman and Thomson, *Moral Relativism and Moral Objectivity* (1996).

Much has been written regarding the moral or legal status of international law governing warfare. The crux of the problem is whether sanctions with no means of implementation and enforcement are anything more than cant. In domestic affairs, to characterize an act as a crime is to specify that it has been deemed impermissible by the members of society (either explicitly or tacitly) and that convicted perpetrators of the act will be punished. The problem with international laws, as some critics of just war theory have observed, is that at the international level there is nothing analogous to the police force and the penal system of a nation-state. But what is the import of a law for which no means of implementing sanctions exist?

Ironically, if just war theory measured up to the pretension of its name and thus truly allowed us to distinguish instances of just recourse to violence from mere murder, then war could be completely circumvented. For if war crimes were readily characterizable and identifiable, then the criminals whose actions supposedly justify recourse to war could simply be prosecuted as criminals. One example of such a procedure occurred in the Nuremberg trials, when Third Reich judges charged with war crimes were themselves judged by an international tribunal. A small percentage of the German officers and other accomplices to the mass murder of millions of innocent people in Nazi Germany were convicted and punished, either incarcerated or executed.

Either international laws regarding war crimes can be articulated and enforced or they cannot. Clearly, if international sanctions can be enforced, then a national leader who commits a crime should simply be brought to trial by the international tribunal that presumably would have prosecuted war crimes at the culmination of the violent conflict. In other words, if it is possible to enforce international law, then just war theory becomes irrelevant because no recourse to war will ever be justified, assuming that it is never right to punish the innocent for the crimes of the guilty. (Later I shall develop this point further.)

Unfortunately, as matters stand, appeals to just war theory goad soldiers on both sides of every conflict to fight, kill, and die for what are alleged to be just causes by rhetorically persuasive men whose true intentions are ultimately inaccessible. A man who believes that his cause is just may well be empirically indistinguishable from a man who believes that the best way to achieve a following is to characterize his cause as “just.” But although leaders on both sides of any conflict adduce just war theory on their behalf, only one of those sides can be right, if in fact absolutism is true. In other words, (approximately) *half of all of the courageous soldiers who fight, kill, and die for the interpretations of their leaders, do so for unjust causes.* Let us now turn to the peculiar role of the soldier.

## **Soldiers versus Human Beings**

Judging by the depictions of them in nearly every recent war film, male soldiers and military men in general have a reputation for being exaggeratedly masculine.<sup>8</sup> They are

easily provoked to anger and often embroiled in brawls, even with their own comrades. Throughout history, soldiers have been notorious for taking liberties with the women of occupied territories. Of course, military men have willingly entered into a profession that will likely require that they engage in mortal combat. So one might explain their evident proneness to violence by the not entirely implausible “testosterone hypothesis,” that the sorts of men who enlist in the military are a naturally bellicose lot.<sup>9</sup> Or perhaps the hyperbolic masculinity of soldiers is merely a compensatory façade.

The question of what it is to be a man is not identical to the question of what it is to be a human being.<sup>10</sup> However, with the advent of sexual equality in the modern world, many people think that the morally significant concept, the one that Aristotle defined as “the rational animal,”<sup>11</sup> is the species *Homo sapiens*. Many thinkers have considered the concept of “moral person” to be more important than the (in some sense) arbitrary species to which we happen to belong. We can reproduce only with members of our species, but that property is not our distinguishing feature, because the same could be said of the members of any other species. Instead, those who think that moral personhood is what distinguishes us from “lower” animals view the properties that confer moral personhood upon us as essential. Properties such as gender, race, sexual preference, nationality, and taste are not supposed to matter, morally speaking.

Nonetheless, people fight wars in the name of nations. The uniform appearance of uniformed soldiers metaphorically displays this truth. It is not qua human being, thinker, rational agent, or sentient creature that a soldier kills an enemy soldier.<sup>12</sup> Rather, soldiers kill enemy soldiers in the same way in which they deactivate enemy mines and destroy storage and weapons facilities. Soldiers fight soldiers who have been labeled “the enemy” by the leaders whom they must, in their capacities as

8. Examples include Stanley Kubrick’s *Full Metal Jacket* (1987), Oliver Stone’s *Platoon* (1986) and *Born on the Fourth of July* (1989), and Francis Ford Coppola’s *Apocalypse Now* (1979).

9. Lest the reader surmise that I jest, it would be well to point out that, in fact, prison studies have shown that sex criminals and other violent offenders tend to have higher levels of testosterone than do nonviolent offenders. For more on rape, see Calhoun 1997.

10. Certainly Aristotle’s own definition of *man* is gender neutral. Aristotle considered women to be substandard representatives of the species only because he believed that, as a matter of fact, women were less rational than men. Plato, in contrast, held open the possibility that some women might be capable of becoming philosopher-kings (*Republic*, book 5).

11. *Nicomachean Ethics*, book 1.

12. George Orwell expresses this point poignantly when he describes his confrontation of an enemy soldier with his pants down. Seeing the man in that position rendered Orwell unable to act toward him as his soldierly profession mandated: “He was half-dressed and holding up his trousers with both hands as he ran. I refrained from shooting at him. It is true that I am a poor shot and unlikely to hit a running man at a hundred yards. Still, I did not shoot partly because of the detail about the trousers. I had come here to shoot ‘Fascists’; but a man who is holding up his trousers isn’t a ‘Fascist,’ he is visibly a fellow creature, similar to yourself, and you don’t feel like shooting him” (“Looking Back on the Spanish Civil War,” in Orwell 1954, 199).

professionals, obey and trust. It is only during times of war that, it is alleged, donning a uniform strips one of immunity from mortal attack while simultaneously protecting one from prosecution for killing other appropriately dressed human beings. Soldiers act as weapons against enemy soldiers, who are also acting as weapons. Soldiers qua soldiers are the tools of the leaders of nations.

## The Good Soldier

Philosophers sympathetic with the views of Immanuel Kant hold that an exemplary human being should be rationally and morally autonomous.<sup>13</sup> We should govern ourselves using our own faculty of reason and heed the dictates of our conscience. Some philosophers, among them Aristotle, consider our faculty of moral sentiment, our ability to manifest sympathy for others, to be important as well.<sup>14</sup> From either perspective, the essence of a soldier qua soldier and his essence qua human being are in serious conflict.

Soldiers are trained to be able to kill unflinchingly and then proceed without further ado, without pausing to sympathize with their victims. When noncombatants are accidentally killed in the execution of a mission intended to incapacitate a military target, soldiers have been trained to construe and characterize such deaths as “collateral damage,” unfortunate but unavoidable, given military exigencies. Whether they are called “murder victims” or “collateral damage” matters not to the dead. Whether a soldier can “rehydrate” his capacity to appreciate the suffering of his fellow human beings and the sanctity of human life outside the context of the battlefield is an empirical matter and most likely varies from case to case. In an Aristotelian view, according to which habits build character, a long-engrained character trait such as imperturbability in the face of death may not be easily reversed.<sup>15</sup>

The soldier’s profession also necessitates that he suppress his faculty of reason so long as he is a member of the military. For the soldier is required not to criticize but to submit, not to reflect but to obey. Indeed, soldiers are positively indoctrinated *to not criticize* and *to not reflect*; in other words, to be ready and willing to do whatever they are told to do. Although soldiers are given the liberty to carry out in the most efficient manner a mission involving specific military objectives, those objectives are predetermined and must be accepted without protest by the soldier in his capacity as a soldier. According to just war theory, it is military authority that renders permissible a massively destructive action such as the bombing of a water-treatment facility or a military installation situated in the vicinity of noncombatants presumably immune from at-

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13. For a survey of positions held by self-proclaimed Kantians, see O’Neill 1993.

14. Although both Aristotle and Kant stress the importance of rationality, they do so in different ways. Notably, in contrast to Kant, Aristotle holds both rationality and emotion to be important to human beings. Kant denies that emotionally motivated behavior has any moral worth whatsoever, whereas Aristotle regards the person devoid of emotion as deficient.

15. In the *Nicomachean Ethics* (book 2), Aristotle provides a plausible account according to which our characters are built through a lengthy process of acting or failing to act in certain ways rather than others.



tack. During peacetime such actions would be criminal, but during wartime they may be asked of the soldier, and he must carry out his orders, dutifully trusting the judgment of his superior officers. When a soldier enlists (or does not resist the draft), he agrees to submit to the authority of his superior officers. He agrees to do what other men decree.<sup>16</sup>

The suppression of the soldier's critical faculties is demanded in part because during wartime a soldier's very life is at stake when he faces the enemy. A soldier who paused to consider whether or not he ought to destroy the enemy approaching him would not be a soldier for long. The suppression of reason is also required by the essentially coordinated nature of military operations. A soldier agrees to enter the battlefield with one goal in mind: to do his part to stop the enemy. Soldiers always work in tandem with others who are performing their allotted tasks. In order to execute his professional duty proficiently, a soldier must resolve not to question the authority of those whose commands he is obligated to follow. Stopping an enemy requires incapacitating him, which entails killing whenever killing is deemed appropriate (in accordance with military exigency) by the officers coordinating the action. In agreeing to soldier, one agrees to submit to the authority of one's superiors and to kill human beings who are also killing human beings submitting to authority. Except in the execution of glaringly illegal orders from above, the soldier trusts, and indeed must trust, that his superiors have correctly assessed the situation and arrived at a morally satisfactory plan of action, one in accordance with the dictates of just war theory (the soundness of which is simply accepted on faith). Soldiers are often exculpated or their sentences are mitigated for crimes committed under command. Presumably they receive such leniency because, in their regular line of duty, soldiers are required to heed authority without question, as a matter of prudential and professional necessity.

Unfortunately, the essential incoherence of blindly submitting to authority in missions that terminate the lives of human beings appears not to be recognized by most soldiers. It certainly behooves leaders to glorify the romantic image of the soldier as an exemplary human being. The effusive motivational speeches delivered by leaders to their armed forces during wartime aim to boost morale and unite the troops to fight to the bitter end for their leader's cause. However, even a moment of serious reflection reveals that political leaders and military officers are human beings who are sometimes mistaken in their judgments and sometimes corrupt or perverse. In reality, the soldier has no epistemologically respectable grounds for killing on command, because, for all he knows, his leaders may be mistaken. Indeed, for all the soldier knows, his leaders may be liars.<sup>17</sup> One thing is clear: both sides of the conflict in question cannot possibly be right.

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16. The issue of economic coercion—for example, cases in which the only clear option for a prospective soldier is to enter the military—is a difficult and disturbing one.

17. Regarding the rampant lying of U.S. leaders during the Vietnam era, see Arendt 1969.

## The Fallacy of False Authority

An apparently seldom recognized though fairly obvious point is that leaders are made such by groups, which are conventionally delimited. Though just war theorists seem to think of nations as eternally reified entities with rights to self-defense,<sup>18</sup> in reality, nations are simply more stable (at least for the time being) than less formal, more loosely associated groups. But, of course, all nations began as loosely associated groups, often of people dissatisfied with their former homeland, as were the men and women who expatriated themselves from England to start a new life in North America.

One way of appreciating the depth of a soldier's predicament is to recognize that, had the soldier been born elsewhere, then his present leader might have been the leader of what he now takes to be an enemy nation. So the very same good soldier would have submitted to a different leader. A recognition of the historical contingency of where a given soldier happens now to reside suggests that the soldier's stance, that his own country is right and the enemy is wrong, has no rational justification whatsoever. Soldiers typically do not enlist in order to serve a particular leader. More often than not, the only reason a soldier has to fight for his country against the enemy is that he happens to live where he lives.<sup>19</sup> Soldiers typically enlist in order to gain a means of sustenance or to serve their homeland. Some soldiers are drafted or required to serve for a period in their country's military. But it is patently fortuitous that a particular person was born in, for example, the United States as opposed to Iraq, or England as opposed to Germany.

Leaders interpret their own wars as just. Leaders of both sides claim and often seem truly to believe that God supports their cause. Consider these statements by George Bush and Saddam Hussein:

May God bless each and every one of them and the coalition forces at our side in the Gulf, and may He continue to bless our nation, the United States of America. (George Bush, January 16, 1991)<sup>20</sup>

God is great, God is great, God is great, and accursed be the lowly. (Saddam Hussein, January 20, 1991)<sup>21</sup>

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18. For example, the legitimate authority tenet of *jus ad bellum* either is vacuous, precluding no act of killing, or presumes that nations are reified entities.

19. There are, of course, exceptions to the general rule. Avid proponents of particular ideological outlooks are committed to a movement or set of ideas for which they are willing to die. My present critique focuses on the soldiers of well-established and stable nations (such as the United States), not revolutionaries, who typically are much more involved in decision-making processes regarding when to engage in subversion or insurrection.

20. Reproduced in Sifray and Cerf (1991, 314).

21. Reproduced in Sifray and Cerf (1991, 316).

In reality, “the enemy” is always denigrated and often caricatured by those in command. Such tactics are best understood as measures of military expediency. Perhaps it is necessary to objectify the enemy in order to galvanize soldiers to do what they otherwise would not do. But “the enemy” becomes the enemy only because soldiers have been told by their leaders that “the enemy” is the enemy. In other words, soldiers’ moral interpretation of their actions depends on their blind faith in the interpretations promulgated by their leaders. Correlative to the arbitrariness of the place where a soldier happens to have been born and therefore is willing to defend, is that he accepts on faith that his leaders are right and the leaders of the country deemed “the enemy” are wrong. Again, had he been born in the enemy country (and been similarly employed), the soldier would in all likelihood have believed precisely the opposite. In any given conflict, the fact that leaders of both sides have devoted followings illustrates no more and no less than that the leaders of both sides are adept at the use of moral rhetoric.<sup>22</sup>

Even without presuming Kantian or Aristotelian theories of human nature, it is arguable that, in submitting to the authority of a superior officer who is a human being about whom he knows virtually nothing, the soldier commits an error of rationality. It is certainly no *more* rational to submit to the moral authority of one’s professional superiors than it is to submit to the moral authority of any arbitrarily selected human being. There is no a priori reason for believing that because a person is a military leader he has been endowed with sound moral judgment. In fact, men rise in the ranks of the military precisely through obedience to their superior officers, that is, through their ability and willingness to follow orders and carry out the tasks assigned to them. In other words, given what one knows about the history of successful military men, it would seem to be *less* rational to trust their ability to make sound moral judgments than it would be to trust the ability of some arbitrarily selected civilian.<sup>23</sup> Later I shall provide further grounds for this conclusion, relating to the prudential role of military officers in maintaining and perpetuating military institutions.

Although the hierarchical chain of command terminates with the political leader(s) of a nation, the properties that allow certain persons to become political leaders arguably have nothing to do with the properties one would expect to find in a person of sound moral judgment. Indeed, in a country such as the United States,

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22. Gilbert Harman (1975) defends moral relativism. It is interesting to speculate whether a widespread acceptance of moral relativism would diminish the tendency of human beings to kill on command for the interpretations of their leaders. If it is true, as I presume, that most people are not natural-born killers, then humanity might well benefit from the careful attention paid by relativists and skeptics alike to the persuasive power of moral rhetoric.

23. Although war is waged by political leaders, specific military objectives are set by military personnel. Throughout the execution of a military mission, questions arise, such as whether water-treatment facilities, bridges, television and radio stations, and so forth, should be bombed. I am not claiming that military officers are worse judges than “the man on the street” of *how* to bomb, but of *whether* and *where* to do so.

where elections turn on media images and actors can be elected president, it is reasonable to suspect that, far from being moral leaders, our political leaders are primarily concerned with power and success, as were the Sophists of ancient Greece.

A good soldier is one who obeys his leader, whether that leader be Adolf Hitler, Saddam Hussein, George Bush, or Charles Manson. The conventional nature of groups, including nations, implies that the “Manson Family” was a group with a leader to whom “soldiers” submitted no less than the United States of America was a group with a leader to whom soldiers submitted during the Gulf War against Iraq. Again, although it is obvious, advocates of just war theory seem oblivious to the fact that a military comprises no more and no less than a hierarchical structure of authority and a set of weapons, including people (soldiers) ready and willing to kill on command. Soldiers are enlisted and trained to kill for their leaders, so the agents involved in the 1969 Tate-LaBianca murders were soldiers no less than were those Germans who oversaw the workings of the concentration camps for Adolf Hitler or those Americans who bombed Iraqi water-treatment facilities for George Bush. As the cases of the Germans under Nazi rule and the Manson Family amply illustrate, the fact that one’s leader is one’s leader provides no epistemologically respectable reason for believing that he is right. We like to believe that our leaders are good, but so do the people of all nations and, indeed, all groups. This form of wishful thinking has been evident throughout the history of human society.<sup>24</sup>

### Prudence and Morality

In the United States, people who currently serve in the military are professional soldiers who earn their means of sustenance by performing this role.<sup>25</sup> Soldiers no less than administrators agree to fulfill certain obligations that arise solely from their vocation. Even when a soldier’s vocation has not been voluntarily chosen, his decision not to evade the draft or expatriate himself implies his acceptance of the appointed role.<sup>26</sup> A soldier agrees to kill enemy soldiers without regard for their identity as individual human beings, just as an administrator agrees to consider the interests of the members

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24. For my argument that it is a mistake to regard loyalty as a virtue, see Calhoun 1998. For more on the Manson Family murders, see Cooper 1974.

25. It may be objected here that the Army Reserve comprises men and women whose gainful employment is in another professional domain. However, persons who serve in the reserves are remunerated generously, with financial assistance for college and graduate school in addition to other perquisites. Consider the many enticing advertisements for enlisting in the U.S. military, which appeal not only to the alleged “nobility” of soldiering but also to its provision of gainful employment, education, and other benefits.

26. Again, the issue of economic coercion is a difficult one. It is plausible that the best (prudentially speaking) route available to people from the lower classes may be, in some cases, to enlist in the military. Often they do not know what their career choice will actually demand of them. That the clearest or best vocational option for a prospective soldier may appear to be to enter the military is tragic for anyone who was not “born to kill” and for everyone who thus sacrifices his very life in order to secure a means of livelihood.

of his group before those of any “outsiders.” In each case, alleged obligations to violate what would be a moral duty of the individual qua human being arise from one’s having accepted a professional role in exchange for remuneration. Yet, through a type of legerdemain, prudence and morality are conflated in the actual practice of the military, for the “official story” is always told as a moral one, in which reference is made to concepts such as courage, loyalty, patriotism, goodness, and righteousness.

Among just war theorists familiar with the inner workings of the military, it is widely believed that soldiers are not responsible for political leaders’ claims that *jus ad bellum* criteria have been met when in fact they have not.<sup>27</sup> It is not supposed to be the function of a soldier, in his capacity as soldier, to question the political judgments made by “legitimate authorities” regarding just recourse to war. The decision to go to war is a political one. Thus, so long as a war has been declared, the only restrictions on the soldier qua soldier are those of *jus in bello*. Soldiers are granted legal (though neither psychological nor moral) immunity from the erroneous interpretations of their leaders, owing to what has been labeled “invincible ignorance” regarding, among other things, whether in fact the last resort condition has been met. But although soldiers are officially protected by a cloak of moral interpretation, in reality prudence may well motivate their obedience.

The role that prudence plays in the lives of soldiers is persuasively illustrated in a film directed by Hal Ashby, *The Last Detail* (1973). The story involves two low-ranking naval officers who have been assigned by their superior officer to transport a convicted criminal to a naval prison, where he is to serve an eight-year sentence for having attempted to steal forty dollars. Buddusky and Mulhall, the two escorts, consider the sentence outrageous. Nonetheless, they agree to carry out the detail, because they know that their careers will be ruined if they either refuse to do what they are told or permit the prisoner to escape. The stark conflict between morality and prudence is highlighted in this case, in which both men believe that the prisoner has been unjustly sentenced. (The sentence is inordinately stiff only because of the prisoner’s having offended the wife of his commanding officer, which is of dubious moral relevance.) But Buddusky and Mulhall do what their consciences tell them is wrong, because they joined the Navy and, in so doing, agreed to forsake their private conceptions of morality and submit to military authority.

“The last detail” is legal, for the sentence was the result of a trial conducted in complete accordance with legal and military rules. So, as soldiers, Buddusky’s and Mulhall’s duty is clear. But it seems that the men have conflicting vocational and moral duties: on the one hand, to obey their superior officers; on the other hand, to heed their own concept of fairness. In the end, both men decide to remain in the

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27. Again, not all philosophers agree (see footnote 4). However, Paul Christopher (1999) insists that part of what it means to be a “good soldier” is to accept the dictates of political authority regarding when and where to fight.

Navy. They complete the detail even though doing so requires them to disregard their private scruples. Ultimately, the two men justify their renunciation of morality on practical grounds. Each of them is vocationally better off as a soldier than he would be as an unskilled civilian laborer. Being a part of the military establishment affords the men a type of security they could not enjoy as private citizens.

If habits mold character, then by carrying out the detail the soldiers have rendered themselves more willing to renounce morality, because each time one does, it becomes easier to do. Only if prudence and morality coincide (as ethical egoists maintain<sup>28</sup>) can there be no conflict between the two. But if morality is not “a vain and chimerical notion,” nor merely a matter of looking after one’s self, then morality presumably overrides the demands of prudence upon us.<sup>29</sup> This consideration raises a vexing question for just war advocates: How can an act of killing be rendered morally permissible through its interpretation as “self”-defense of the nation for which one fights?

### National “Self-Defense”: A Fallacy of Composition

The idea of a just war presupposes the legitimacy of national borders and moral communities smaller than humanity itself. These subcommunities of humanity are conventionally delimited and presume a moral superiority, in times of war, of one’s community over those persons outside the bounds of that community. The assumption of national superiority is evidenced by the fact that, although “collateral damage” killings of civilians of the enemy nation are subject to neither criminal nor civil prosecution, accidental killings of one’s own countrymen are subject to prosecution by law. A public apology for “collateral damage” supposedly exhausts the reparation due the innocent “enemy” civilians killed in war.

In addition, moral responsibility is construed rather differently at the level of nations during times of war. In wars between two nations, the people of one country are, in effect, held accountable for the actions of their leaders, whether or not they have condoned those actions. Both silence and immobility are interpreted to constitute assent, even on the part of the sick, the elderly, and the juvenile. For example, in speeches such as the one he gave on January 16, 1991, George Bush assumed that it was the responsibility of the Iraqi people to persuade their leader to withdraw from Kuwait: “It is my hope that somehow the Iraqi people can, even now, convince their dictator that he must lay down his arms, leave Kuwait, and let Iraq itself rejoin the family of peace-loving nations.”<sup>30</sup>

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28. Ethical egoism is the normative thesis that we ought to act so as to best serve our own interests. Many philosophers have denied that egoism could constitute a *moral* outlook, on the grounds that morality must, of necessity, be other-regarding, and therefore a moral person must take into consideration the interests, needs, or rights of others even when doing so may diminish one’s ability to best satisfy one’s own interests and desires. Gilbert Harman (1977, chap. 12) argues that, according to our ordinary conception, morality is other-regarding.

29. Gilbert Harman (1977, parts 3 and 4) lucidly explains Kant’s claim that morality would be a “vain and chimerical notion” in a world where absolutism was false.

A country wages an allegedly “just” war in order to rectify what it takes to be past injustices or to defend itself against attack, that is, in “self”-defense. In the first case, the injustice being rectified is ultimately due to the leaders of the enemy nation, who have intentionally caused what has been interpreted as injustice by those seeking what they claim to be just retribution. In other words, the civilians who die as a result of their leader’s offensive tactics are killed for another person’s crimes. Viewed through the lenses of the opposing military, the deaths of civilians are regrettable but unavoidable, given the offense committed by their leader. Although it is obvious, people never seem to learn the lesson that, in war, probably the *last* individual to suffer as a result of bombing will be the national leader. So long as any food, water, or shelter remains in the country under attack, the leader will retain privileged access to those goods. Although George Bush claimed in his notorious “last-ditch effort” letter to Saddam Hussein that “the people of the United States have no quarrel with the people of Iraq,” it was precisely the Iraqi people who suffered through and in the aftermath of the Gulf War. In reality, every war leads to the suffering and slaughter of innocents.

Wars of self-defense are allegedly justified on grounds analogous to individual acts of self-defense. However, the two cases are glaringly distinct, and the analogy thus grossly mistaken. Individual human beings are subjects of moral consideration; countries are not, according to any plausible conception of moral personhood. Countries are not rational, free, or self-governing, nor are they vulnerable to pain. Countries have no consciousness. In transferring moral language to countries, as though countries had rights to life that might with justification be defended, one commits a simple category mistake. But just war theorists do not appear to recognize their flagrant error in reasoning. Consider Walzer’s explanation:

Aggression is a singular and undifferentiated crime because, in all its forms, it challenges rights that are worth dying for. The rights in question are summed up in the lawbooks as territorial integrity and political sovereignty. The two belong to states, but they derive ultimately from the rights of individuals, and from them they take their force. “The duties and rights of states are nothing more than the duties and rights of the men who compose them.” That is the view of a conventional British lawyer, for whom states are neither organic wholes nor mystical unions. And it is the correct view. (1977, 53)

Such arguments, from the existence of the basic rights of individuals (whatever they may be)<sup>31</sup> to the existence of analogous rights of states or composites of individuals, fairly obviously commit the fallacy of composition. The “right” of nations to exist

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30. “The Liberation of Kuwait Has Begun,” in Sifray and Cerf (1991, 313).

31. Although many defenders of “just war theory” blithely assume the existence of natural or human rights, it is probably worth pointing out here that, in philosophy, the very existence of “rights” is a matter of heated controversy. See Almond 1993.

does not follow from the rights to life of their constituents any more than “the basketball team is at least six feet tall” follows from the fact that “all members of the basketball team are at least six feet tall.” Basketball teams are not the sorts of entities susceptible of heights, and nations may not be not the sorts of entities susceptible of rights. The argument from individual rights to a nation’s right to defend itself is unsound, and a fallacious appeal to authority (in this case British law) hardly suffices to neutralize the first fallacy. Perhaps references to established legal practices and texts should be construed as an appeal to tradition or an appeal to “the masses,” but such appeals would be no less fallacious.

A further glaring but seldom recognized problem is that national “self-defense,” no less than personal self-defense, is paradigmatic of prudence. Although, according to just war theory, it is presumably morality that obliges men to kill other men, the killing is often done in the name of the “self-defense” of the nation for which they are fighting. In other words, prudence and morality are conflated in war; or, perhaps more accurately, the self-interest of a nation masquerades as a moral cause weighty enough to justify the annihilation of innocents that inevitably occurs in violent conflicts between nations. But, paradoxically, as noted previously, the alleged right to self-defense of a nation is claimed by just war theorists to arise from the rights of individuals to defend their person and being. In other words, the supposed right to self-defense of a nation is grounded in the right to self-defense of individuals, but those very individuals may (indeed some of them will) be annihilated in the process of defending the nation.

I have argued that the derivation of the “rights” of nations from the rights of their individual constituents is patently fallacious. Societies, communities, countries, and all other such collectivities are conventional assemblages of people to which rights cannot, with any shred of plausibility, be ascribed. But *even if* the supposed rights of nations derived from the rights of the individuals they comprise, then war would always, necessarily, be a losing game, because in war some subset of the people whose rights purportedly give rise to the nation’s right to self-defense are annihilated. In other words, the postwar group (comprising those who survive) always ends up with fewer persons enjoying the “right” to exist than the group had before the war erupted.

Not all wars are fought under a guise of self-defense, but many are, and rhetorically persuasive leaders make reference to this justification even while insisting that the true reason for their war is retribution or rectification of gross injustices committed by the Evil and Irrational Enemy. Consider George Bush’s appeal to self-defense in preparing the United States for his war with Iraq: “The state of Kuwait must be restored, or no nation will be safe, and the promising future we anticipate will indeed be jeopardized” (November 8, 1990).<sup>32</sup>

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32. “The Need for an Offensive Military Option,” in Sifray and Cerf (1991, 229).



## Socioeconomic and Psychological Perspectives on the Military

Military leaders are professional administrators whose vocational duty it is to conduct war when called on to do so. Military leaders who never waged any wars would be expendable, as would be the fighters and other military personnel under their control. Military institutions have a derivative interest in their self-perpetuation, because they provide many people with gainful employment.<sup>33</sup> It behooves military leaders to locate outlets for the exercise of their capacities as military leaders. After all, why should they be paid for doing nothing?

This line of reasoning is lucid to some while ludicrous to others. But analyses of what retrospectively seem to have been grossly disproportionate escalations of the United States' involvement in the affairs of other nations—particularly between North and South Vietnam and between Iraq and Kuwait—lead to the conclusion that the economic-interest aspect of war may well have played a significant role in U.S. foreign policy. The military is, among other things, a very big business, on which the survival of many large corporations depends. Obviously, the maintenance and improvement of a huge stockpile of weapons is encouraged by egoistically motivated corporate leaders in the military-supply industry.<sup>34</sup>

Although one might have hoped and predicted that with the end of the Cold War most of the massive allocations of taxpayers' money to the Department of Defense would have been either diverted to other programs or returned to the taxpayers, the military budget has continued to absorb hundreds of billions of dollars annually. It is clear indeed how military downsizing was precluded in 1991 by what was made to seem the necessity of sending half a million U.S. troops and a massive amount of armaments to the Middle East in order to resolve a border dispute between two small, decidedly undemocratic nations.

A relevant sociological and psychological factor to bear in mind is that military leaders and soldiers are human beings who must live with their own actions. No one wants to believe that he is a murderer and a ridiculous dupe. So military personnel and political leaders alike have a great deal at stake in continuing to defend even delusive and sophistic "just war" interpretations of their own actions. To reject the possibility of a just war and opt for realism, according to which war is never moral and so killing in war is no different from killing outside of war, would require that the agents who

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33. In contrast to the derivation of the "rights" of a nation from the rights of individuals, the economic interests of individuals add mereologically to produce the "interest" of an institution, because the individuals' economic interests would not be served but for the existence of the institution in its status quo. In contrast, the analogous argument regarding rights paradoxically implies that the rights of an individual might with legitimacy be completely obliterated (through his destruction) in the name of national "rights" that, to reiterate, derive from the rights of individuals some of whom are, during wartime, being obliterated!

34. On the political economy of military procurement and supply, see the various analyses in Higgs 1990.

have killed on command accept that they are murderers. But people want to believe that they are good. They want to think that they are admired for virtues, that they are people of character, that they know the difference between wrong and right.

It is thus easy to explain what often seems to be the hyperbolic patriotism of military personnel. The more soldiers kill, the more reason they have to defend their leaders' causes as just. To radically revise or to reject the interpretation that persuaded them to kill would require soldiers to admit that they are mere murderers (and taxpayers their accomplices). The more people they kill, the more vehemently leaders and soldiers alike defend their causes, and that vehemence itself leads to more killing. For their own peace of mind, leaders and soldiers who have already killed for a cause must convince themselves and others that their original interpretation was correct. In some cases, the degree of self-deception required to retain one's original interpretation becomes overwhelming in the face of the bloody brutality of the conflict.<sup>35</sup> For example, in the tragic aftermath of the Vietnam War, the soldiers who were swindled into killing for what many now acknowledge to have been a chimerical cause are left with no choice but to admit that they needlessly terminated the lives of fellow human beings as a result of having gullibly heeded orders from on high.<sup>36</sup>

### The Dogmatism of Leaders

Consider the following statement in George Bush's January 9, 1991, letter to Saddam Hussein: "Nor will there be any negotiation. Principle cannot be compromised."<sup>37</sup> This statement presumes infallibility on the part of Bush. Hussein claimed that he was right about Kuwait (that it was a part of Iraq), whereas Bush claimed that Hussein was wrong about Kuwait (that it was not a part of Iraq). These two claims are of course mutually inconsistent. It cannot be the case that both  $p$  and not- $p$ , so either Bush or Hussein was mistaken in his claim about Kuwait. To many, it is highly plausible that no part of Kuwait was ever a part of Iraq. However, it is equally manifest that human beings are fallible. George Bush is a human being. Therefore, George Bush is fallible. To refuse to negotiate is to assume absolute infallibility.

Negotiation need not necessarily lead to compromise, but it does involve a willingness to attempt to understand the apparently incomprehensible. In reality, men who refuse to negotiate assert their own infallibility, which is a symptom of megalomania. Rational people know that they are fallible. The soundness of mind of any man

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35. Gilbert Harman (1986) discusses our generally conservative cognitive tendencies and diagnoses people's resistance to abandon even seemingly well-refuted beliefs.

36. Regarding the Vietnam War, Hannah Arendt (1969) observes that the motivations and reasons given were so diverse and diffuse as to defy coherent identification. Ultimately, U.S. leaders' concern with their own and the nation's reputation came to dominate.

37. "The Letter to Saddam," January 9, 1991, in Sifray and Cerf (1991, 178).

who insists that there is no possibility that he might be mistaken is, at best, highly suspect. Yet this presumption of infallibility on the part of leaders is in reality very common, and is plausibly the reason why millions of people throughout history have been slaughtered in wars waged by leaders who opt for large-scale institutionally sanctioned violence in lieu of nonviolent means of dispute resolution. Regarding Saddam Hussein, Bush proclaimed in his speech of January 16, 1991: "Saddam was warned over and over again to comply with the will of the United Nations, leave Kuwait or be driven out. Saddam has arrogantly rejected all warnings. Instead he tried to make this a dispute between Iraq and the United States of America."<sup>38</sup> The pride, arrogance, and intransigence of leaders do indeed appear to be the true *raison d'être* of war.

### The Power of Leaders

Just war theory is obviously not the prerogative of the righteous, for it is invoked by the leaders of both sides of all violent conflicts between nations (indeed, between groups of people in general). The actual power of leaders who wage wars inheres not in their use of force against enemy nations but in their ability to persuade their constituency to commit what would ordinarily be regarded as crimes, in the name of what the leader has deemed to be a just cause. The actions demanded of soldiers in wartime would be manifestly immoral (assuming, as presupposed by just war theory, that "not everything is permitted") if committed by unaffiliated individual human beings. The power of such leaders who wage wars resides in their ability to motivate soldiers to fight, kill, and die for their leaders' interpretations. The power of such leaders resides also in their ability to persuade the populace to pay for their killing sprees. Using rhetoric, leaders persuade citizens of their nations to believe that they should do what they are told, even though, in most cases, they would not otherwise ever have thought to slay their fellow human beings. To persuade a nonhomicidal person to kill another is a remarkable feat, exemplified in some of the most notorious criminal cases of this century. Although few people seem to recognize the similarity between men such as Adolf Hitler, Charles Manson, and George Bush, in fact, these men are adept at the very same skill: persuading other people to kill for what the leaders claim to be true and authoritative interpretations.

Soldiers are not merely soldiers, though they confront their enemies as soldiers. Soldiers are also human beings. If it is true that our habits mold our characters, then we should expect people who develop the habit of unreflectively doing what they are told to do to end up as unreflective agents, whose faculties of moral judgment have been anesthetized if not entirely shut down. A killer, whether soldier or civilian, adopts a perspective toward his victim. He willfully squelches his feelings of sympathy for what he may have to view, in the moment of killing, as an inanimate object. The objectification of fellow human beings can only become easier through practice.

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38. "The Liberation of Kuwait Has Begun," in Sifray and Cerf (1991, 313).

When a soldier kills human beings, he does not know whether the cause for which he is fighting is just. He knows only what he has been told to believe, the official story offered by his leaders. If absolutism is true, then exactly half of the official stories propagated by leaders must be fictitious, because only one side can be right, though all leaders claim that justice is on their side. Whether or not a particular story stands the test of time ultimately determines history's characterization of a soldier's acts of killing. But the soldier cannot know when he pulls the trigger or drops a bomb that his leaders will get the last word. The soldier who kills on command is a slave in the sense that, in accepting the interpretations and obeying the orders of his leader, the soldier transforms himself into the weapon of another merely human being. What soldiers are asked and agree to do explains the degeneracy seen among war veterans of conflicts as dubious as was the Vietnam War. One becomes a killer by killing.

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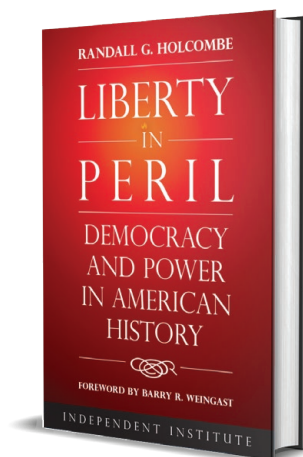
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