

Editorial

The Ethics of War

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Introduction

War has been there since time immemorial. Ever since man has been there, war has been there. We have seen the ramification of the World Wars and the recent wars like the Gulf War and now the Russian-Ukraine conflict. This article tries to elucidate some issues from an ethical standpoint related to war. Philosophers and Ethicists have for centuries been puzzled by War and one can understand why this has been the case. What could be more intuitive or ethical than the consideration that it is morally wrong to kill on a massive scale? The premise of ethics pertaining to warfare is that war is only waged as the last remaining alternative to an even worse atrocity. If the moral justification for going to war is to avoid an even greater atrocity or evil, then one can argue that you cannot inflict more harm than what you are trying to rectify or prevent. However, many also would argue that there are times when war is morally permissible and even obligatory.

Background

The discussion of the ethics of war goes back to the Greeks and Romans, although neither civilization behaved particularly well in war. In the Christian tradition war ethics were developed by St Augustine, and later by St Thomas Aquinas and others. Hugo Grotius (1583-1645), a Dutch philosopher and author of *De Jure Belli Ac Pacis* (The Rights of War and Peace), wrote down the conditions for a just war that are accepted today. The purpose of war ethics is to help decide what is right or wrong, both for individuals and countries, and to contribute to debates on public policy, and ultimately to government and individual action. War ethics also leads to the creation of formal codes of war (e.g. the Hague and Geneva conventions), the drafting and implementation of rules of engagement for soldiers, and in the punishment of soldiers and others for war crimes.

The 'Just War Theory'

A well-accepted way of ethically assessing war is to use the 'Just War Theory'; Just War Theory provides a useful framework for individuals and political groups to use for their discussions of possible wars. The theory is not intended to justify wars but to prevent them, by showing that going to war except in certain limited circumstances is wrong and thus motivates states to find other ways of resolving conflicts. Just War theory considers the reasons for going to war (*Jus ad Bellum*) and the conduct of war (*Jus in Bello*). This distinction is important. A war might be ethical but the means unethical, for instance, using torture, chemicals and the current debate is concerned with drones. Once a war is completed, steps are necessary to transition from a state of war to a state of peace (*Jus post-Bello*), is a new area of just war theory aimed at identifying principles for this period.

Jus ad Bellum

When political leaders are trying to decide whether to go to war or not, just war theory requires them to test their decision by applying several principles:

Is it for a just cause: This requires war only be used in response to serious wrongs. The most common example of just cause is self defense, though coming to the defence of another innocent nation is also seen as a just cause by many (and perhaps the highest cause).

Is it with the right intention: This requires that war-time political leaders be solely motivated, at a personal level, by reasons that make a war just. For example, even if war is waged in defence of another innocent country, leaders cannot resort to war because it will assist their re-election campaign.

Is it from a legitimate authority: This demands war only be declared by leaders of a recognised political community and with the political requirements of that community.

Does it have due proportionality: This requires us to imagine what the world would look like if we either did or didn't go to war. For a war to be 'just' the quality of the peace resulting from war needs to be superior to what would have happened if no war had been fought. This also requires we have some probability of success in going to war – otherwise people will suffer and die needlessly.

Is it the last resort: This says we should explore all other reasonable options before going to war – negotiation, diplomacy, economic sanctions and so on. Even if the principles of jus ad bellum are met, there are still ways war can be unjust.

Jus in Bello

These are the ethical principles that govern the way combatants conduct themselves in the 'theatre of war'.

Discrimination requires combatants only to attack legitimate targets. Civilians, medics and aid workers, for example, cannot be the deliberate targets of military attack. However, according to the principle of double-effect, military attacks that kill some civilians as a side-effect may be permissible if they are both necessary and proportionate.

Proportionality applies to both Jus ad Bellum and Jus in Bello. Jus in Bello requires that in a particular operation, combatants do not use force or cause harm that exceeds strategic or ethical benefits. The general idea is that you should use the minimum amount of force necessary to achieve legitimate military aims and objectives.

Not intrinsically unethical means is a debated principle in just war theory. Some theorists believe there are actions that are always unjustified, whether or not they are used against enemy combatants or are proportionate to our goals. Torture, shooting to maim and biological weapons are commonly used examples.

'Following orders' is not a defence as the war crime tribunals after the Second World War clearly established. Military personnel may not be legally or ethically excused for following illegal or unethical orders. Every person bearing arms is responsible for their conduct – not just their commanders.

Jus post Bello

Once a war is completed, steps are necessary to transition from a state of war to a state of peace. Jus post bello is a new area of just war theory aimed at identifying principles for this period. Some of the principles that have been suggested (though there isn't much consensus yet) are:

Status quo ante bellum: a Latin term meaning 'the way things were before war' – basically rights, property and borders should be restored to how they were before war broke out. Some suggest this is a problem because those can be the exact conditions which led to war in the first place.

Punishment for war crimes: is a crucial step to re-installing a just system of governance. From political leaders down to combatants, any serious offences on either side of the conflict need to be brought to justice.

Compensation of victims: suggests that, as much as possible, the innocent victims of conflict be compensated for their losses (though some of the harms of war will be almost impossible to adequately compensate, such as the loss of family members).

Peace treaties need to be fair and just to all parties, including those who are guilty for the war occurring.

War Ethics

Just war theory provides the basis for exercising 'ethical restraint' in war. Without restraint, philosopher Michael Ignatieff, argues there is no way to tell the difference between a 'warrior' and a 'barbarian'.

A "just" war (if we assume, for the moment, that such a thing even exists) is generally thought to fulfil six criteria:

- A just cause.
- Right intentions.
- Reasonable chances to succeed.
- Benefits proportional to losses.
- War must be the last resort.
- War can only be declared by a legitimate authority

Legitimate authority

When attempting to apply and interpret these principles considerable disagreement arises. An example is evidenced by the – still ongoing – debate about the 2003 US-led invasion of Iraq. Just war principles are used to address the question of whether the war lacked legitimate authority without a UN Resolution. Legitimate authority is an issue in all conflicts, including those considered to be acts of terrorism or insurgency. Example uprisings such as 2011 loosely termed the Arab Spring, and the debate about whether to arm the 'rebels' in Syria. Are these legitimate authorities? Does legitimate authority make sense anymore?

Just cause

Establishing 'just cause' is difficult and equally problematic. An example, self-defence is widely recognised, and the UN Charter grants states a right to defend themselves. However, other 'just causes' are more difficult to defend. Particularly controversial is humanitarian intervention, even though it is sometimes seen as obligatory and indeed, the most ethical reason for war. An example was for humanitarian reasons that NATO intervened in Kosovo in 1999. But, then there are instances where humanitarian disasters have left - An example being controversially the failure to intervene in the Rwandan genocide in 1994.

From evidence all criteria are problematic and hard to justify. Think about the principle of 'right intention' with regard to the 2003 Iraq war and the study report with discussions about the 'real' motives of the great powers. When we consider the principle of proportionality, the contemporary debate is particularly fraught. Can it ever be proportional to use drones where there is no risk to life on one side and risk to many lives (including civilian lives) on the other? When battles are fought in villages and homes by those with no uniforms, how can the principle of discrimination be upheld or be respected – and indeed should it be respected?

Changes needed in ethics of war

- The character of war is changing fast.
- Ethics of war needs to keep pace with these changes.
- For the discussions these War Ethics principles might well need revision.
- Important to note the fundamental ethical issues have not changed.
- Hence It is still the case that in a sense war is inherently unethical.
- To be justified, significant ethical reasons are required and although we might consider Just theory imperfect it continues to be one way to seek ethical reasons.

Conclusions

There is a long-standing tradition in Western culture of differentiating between "just" and "unjust" wars. Although Just War theories were developed primarily by theologians and most explicit references to a Just War theory today tend to come from Western sources, implicit references to it

can be found widely because of the way in which it has become incorporated into Western political thought. Using this argument, I make the case that today, all wars are unethical.

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