A Philosophy of War

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PhD
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This thesis has been composed by myself and is my own work. Signed.

Darran Alexander Moseley
July 1997
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Abstract of thesis

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This thesis examines in four parts a collection of philosophical arguments dealing with war. The conclusions drawn are that war is a definable and applicable concept, that above the level of biological reactions war is the result of beliefs, that an objective distinction exists between aggressive and defensive actions, and that war is only justifiable in the protection of core rights.

The first part analyses competing definitions of war. It is argued that the concept of war is philosophically appropriate and captures the conceptual common denominator between particular wars. The essence of war is defined as "a condition of open-ended violence".

Part Two explores the causal relationships between metaphysical and epistemological beliefs and war. It is held that war cannot be explained away as an unalterable fact of the universe, hence deterministic explanations fail in favour of the conclusion that wars are the product of ideas and ideas are volitionally obtained.

The third part continues an exploration of determinist accounts of war and examines how various theories of human nature attempt to explain why war occurs. For methodological purposes human nature is trisected into biological, cultural, and rational aspects. Theories that attempt to interpret war using only a single aspect are inadequate, for each aspect must logically presuppose the existence and hence the influence of the others. It is concluded that human wars are the product of ideas, but ideas are distinguishable between tacit and explicit forms. Tacit forms of knowledge evolve through social interaction and sometimes have unintended consequences; war on the cultural level can be the product of human action but not of human design (Ferguson), hence attempts to abolish war by reason alone are bound to fail.

Part Four assesses the application of ethical and political reasoning to war. It is argued firstly that morality, in the form of universalisable core rights and socially generated general rules of conduct, must not be removed from the sphere of war. Secondly it is concluded that the ideal just government exists to protect rights, from which it will follow that defensive wars and wars of intervention to protect rights are morally supportable.
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CHAPTER ONE

INTRODUCTION

By thus abandoning reason, they split mankind into friend and foes.
War is a philosophical problem.

Philosophy provides the guidelines to integrate knowledge: war may be studied as a problem of economics, or of sociology, psychology, biology, anthropology, and so on; many of the individual sciences relate in some way to war, service it, or attempt to offer explanations of its nature and of its cause; but only philosophy can provide a unified account of war.

Philosophy can examine causal explanations of war for their soundness, but also, since wars are human events, can challenge moral justifications.¹

The first part considers the definition of 'war'. It argues that the use of such a concept is philosophically appropriate as referring to the essence of the phenomenon. The essence of war is 'a condition of open-ended violence'. The meaning of 'war' is important, for alternative meanings may not capture its nature adequately which would have repercussions for comprehending its cause and justifications.

Different types of war fall under the general concept. 'Animal wars' are distinguishable from human wars; human wars can be separated into 'primitive' and 'political wars'. 'Low

¹Popper, *Conjectures and Refutations*, p.236.
²All human actions beyond the automatic biological events of the body depend on choices and choices, whether or not they are articulated, are amenable to considerations of justice.
³As humans are animals, defensive instinctive reactions shared with other animals may generate war at the pre-rational level of action, but culture and reason play such influential roles that animalistic warfare on the part of humanity should be effectively discounted (see Chapter Six).
'primitive' wars emerge spontaneously as a custom, or a ritual, or as a method of spreading populations or resource use over given territories; they are organised according to tacit forms of ritual or to conventions, hence the reasons people fight may be unarticulated or inarticulable. 'High primitive' wars involve a modicum of organisation through the temporary existence of a state, but there is no standing army or permanent government. Above what is called the 'military horizon' of primitive wars are 'political wars'. Wars above the low primitive type are the deliberate and express choice of those who direct and plan them, but their power presupposes cultural institutions sustaining their role through obedience and compliance. Political wars include 'civilised wars' that involve states and forms of permanent armies, 'modern wars' that add an industrial economy of mass production, and 'nuclear wars' that radically alter the dimensions of warfare.

Another useful description captures the conflict between the opposing sides. 'Primary wars' are between different civilisations whilst 'secondary' or 'civil wars' are between similar civilisations.¹

Parts Two and Three investigate the causation of war. Part Two analyses how metaphysical and epistemological theories relate to war's causation, whilst Part Three questions attempts to blame war on all or parts of human nature.

¹ From F.J.P. Veale, Advance to Barbarism.
Conclusively war is a man-made product. Entities are either metaphysical (or natural) and hence unalterable, or they are man-made and hence alterable. As a human product, war is an institution that can be limited, controlled, and abolished, if humanity so chooses. Wars are not unalterable facts, hence wars do not just "happen" to humanity.

The second conclusion is that human war is predominantly the product of ideas. By 'ideas' I do not mean only the articulated expressions of reasoned intelligence, for ideas are also composed of tacit forms of knowledge, which for the most part are learned culturally through observation and through forming implicit conclusions of what to expect of one another. Ideas hence produce 'reason states' or 'causal conditions' that are propagated through cultures and cause wars when people act on beliefs supporting war as efficacious, just, necessary, etc..

Even as a product of tacit cultural conventions, the belief in war is still chosen in the sense of being learned. Against Platonic and Cartesian rationalism knowledge is not a necessary fact of the universe but depends on the exercise of volition, on opportunity and on environment. Knowledge is to be gained through experience, but it is up to the exercise of the mind to make sense of experience. The fact that people can learn tacit rules of conduct implies that groups may converge unintentionally onto war as a conventional solution to
societal problems, but this does not rule out that humanity's responsibility for war. We are logically responsible for the consequences of our actions, even though they may not always be foreseeable or intended, but above the level of biological reactions we are also morally responsible.

Above the military horizon, wars are explicitly considered, planned, and organised. Much planning goes into political warfare - whether it is a small foray or a nuclear war. Resources have to be diverted from normal patterns of distribution, whilst people are trained and prepared to fight. At each point in the process a choice is available to fight or not or to use resources for alternative employment; or, in a broader sense, to choose an ideology that upholds war or one that upholds peace. In retaining ideas that support aggressive war, either as a means to an end, or as an end in itself, people choose war. It may be true that the realm of choice is limited, and war may be the only option available if a society is to survive, but such a reduction in choice does not constitute evidence of metaphysical necessity.

Humanity can choose to rationalise war as an inevitability stemming from the nature of the universe or from the nature of the human mind. Chapters Four and Five examine the relevant metaphysical and epistemological beliefs that lend themselves

5 Cf. a useful discussion of causation by Helen Steward, "On the Notion of Cause 'Philosophically Speaking'."

6 Actions, rather than events, are amenable to choice.
to determinism, but all are found wanting, since humans choose
to believe in determinism.

The emphasis on ideas does not ignore the biological basis
of war. Human biology provides the necessary conditions for a
being to live by ideas, i.e., a mind, a language, and a
culture. Part Three -Chapters Six and Seven- discusses the
relationship of human nature with the causation of war. War
for biologicists is allegedly explicable in terms of inherited
capacities and drives. Biologicism is examined and rejected;
nevertheless it does provide a partial truth, for trivially if
humans were biologically different, they might not wage war.
Thus the prerequisite of a warmongering species is a capacity
for conducting organised blood shedding.

Whereas human biology is irrational, or a brute fact of
existence, culture is pre-rational in the sense that its
content is subsumed into tacit forms and rules of conduct that
generally lie below the province of reason. Explanations of
warfare must acknowledge this influential aspect of humanity.
War may thus be the product of unintentional designs, a side-
effect of cultural processes that none initially intended, but
which all now support. A cultural predisposition to war is
humanity's greatest obstacle to its abolition, hence all the
best intentions to abolish war amount to nothing if cultural
patterns do not change accordingly.

Humans are also rational beings. By 'rational' in this
work I mean capably of articulating arguments. Explicit
ideology forms the final causal condition of war. All human actions above the automatic biological ones are reducible to the human mind and its content of tacit and explicit knowledge, but with high primitive and political wars the final logical cause of any action is willing a choice on the basis of an articulable argument, for example, "war is the right thing to do, because it will defend our homes".

Choosing (or implicitly accepting) ideas commits people to certain states of mind and inclinations and hence to courses of action. Some ideas lead logically, inexorably, or through implication to the advocating of violence over peace. For example, the notion that 'might is right', or that 'war is necessary for historical change', if accepted as correct or efficacious, will foster a warlike disposition, and hence increase the likelihood of war. Challenging such presumptions, beliefs, and notions of war and their place in social affairs is thus philosophically crucial.

As a human action, war may be judged ethically. Whether a particular war is good or not depends on the principles for which it is fought. It befalls philosophy to examine the soundness of the justifications for war. Chapter Eight establishes the basis for an ethical critique of warfare. It is concluded that the initiation of physical force is unethical. Force is the antithesis of the prerequisites to a proper life qua man. Aggression is unjust because it denies

Even if the argument is not articulated, it is still chosen.
the individual the right to think for him- or herself, and
taking (tacit or explicit) is the prerequisite of human
adaptivity. Force is unjust against the group because it
denies individuals an arena of rights in which to develop
ideas and adapt as they see fit. Violence and war can only be
justified when their explicit aim is to uphold the freedoms
necessary for a human existence.

Chapters Nine and Ten examine aspects of the justum bellum
and compare the traditional principles with an individual
rights position, whilst Chapter Eleven considers theoretical
attempts to abandon or to deny justice or morality in war.

Chapter Twelve discusses the state’s involvement in war
and propounds an instrumentalist view of the state.
Individualism rightly holds that individuals are the political
and moral units of society, and hence it supports an
instrumentalist conception of the state in which the just
state exists as an instrument to protect individual rights.
The just state should possess no rights above those of the
individuals it is meant to protect. On the other hand,
positivists view governments as intrinsically sovereign
entities that are morally equal in the international sphere.
The alleged ‘rights’ of governments are summarised in the
rights to political sovereignty and territorial integrity.
However, state sovereignty is a dangerous presumption in
political philosophy. It connects to collectivist theories
that assume group supremacy over individuals by claiming that
the state embodies the will of the people or that the state is morally and politically supreme. Warfare is thus construed in terms of the state's interests rather than in terms of universalisable rights. Whilst positivism upholds ethical neutrality, instrumentalism proposes that an objective distinction exists between aggression and defence that is not subject to political borders - not only should wars of defence be justifiable but so too should wars of intervention that seek to alleviate domestic aggression on the part of unjust regimes.

Chapter Thirteen expands the analysis of justifying war to include wars of intervention designed to protect rights. Individualist theories of intervention focus on the rights of individuals to be protected rather than on the advancement of the state's interests, hence rights-based interventions are deemed justifiable.

The subject of terrorism relates well to the problem of just conduct in war, but requires more than a cursory mention, hence it is omitted from this thesis. Nor are pacifist doctrines dealt with, on the assumption that they are invalid for the simple reason that aggressive people sometimes have to be dealt with violently. John Stuart Mill writes:

> If life is a value and values are things to be maintained or gained and pacifism rejects defending the value of life it follows that pacifism is anti-life.
War is an ugly thing, but not the ugliest of things. The decayed and degraded state of moral and patriotic feelings which thinks nothing is worth a war is worse.

What is more useful is to outline the conditions of when wars are justified, and what activities in war are to be considered proper, rather than hoping for a complete change in the nature of humanity and of power for pacifism to work. Pacifism denies that any form of war can ever be just, but in so doing implies that fighting for what is just is unjust, leaving the values of core rights to be undefended and hence vulnerable to irrevocable loss. As such pacifism is rejected, albeit rather cursorily, for it does offer shades of theories amenable to discussion.

To solve the problems arising in the philosophy of war, I have had to resolve or to provide complementing and adequate accounts in other philosophical fields including epistemology, metaphysics, value, political philosophy and ethics. I have endeavoured not to distort these other subjects to reach the conclusions that I have formed on war.

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PART ONE: DEFINING WAR

CHAPTER TWO

What is "war"?
War is "a condition of open-ended organised violence". This definition is supported against competing definitions. Defining "war" runs into problems generated by the philosophy of meaning.

The position that I am sympathetic to is a form of contextualist conceptualism - the theory that the use of concepts is a valid process and that some concepts refer to the essences of things in terms of individually necessary and jointly sufficient conditions for something to be the kind of thing that it is. Supporting this theory is beyond the remit of this work, but briefly, contrary to Platonic Forms, these contextualist essences depend on human knowledge. Thus the essence of 'war' entails describing that which constitutes the conceptual common denominator found in all wars.¹

The concept of war is contextual in the sense that as our knowledge of a phenomenon expands we are capable of gleaning a better understanding of it.² For example, as children we may consider war simply as involving soldiers; as adolescents our view of war may begin to involve the destruction, death and misery caused by physical violence. As we learn more history we become aware of different types of war - Cold Wars, bloodless wars, and ritualistic wars. Defining the concept requires inducting the commonalties to all particular forms of

¹ "Conceptual Common Denominator" is defined as "The characteristic(s) reducible to a unit of measurement, by means of which man differentiates two or more existents from other existents possessing it." Rand, Introduction to Objectivist Epistemology, p.15.
war, and that, I argue, is the 'condition of open-ended organised violence'; under this concept other sub-categories are useful.

Following Wright, war can be usefully sub-divided into 'animal wars', 'primitive wars', and 'civilised', 'modern' and 'nuclear' wars, each of which describes the nature of the organisation of the war. ('Civilised', 'modern', and 'nuclear' wars can be collectively termed 'political' or 'true' wars.) Wars can also be divided into primary and secondary types, which are respectively wars between groups of very different cultures or civilisations (e.g., the Spanish Conquest of South America 1535-1700s, the Crusades 1096-1145) and wars between groups of similar culture or civilisation (e.g., The War of the Roses 1455-1485, the First World War 1914-18, the Hundred Years War 1338-1453). These refer to the types of engagement within the subdivisions of "war", but they differ between themselves on other, accidental criteria.

When a particular war is referred to, it can be individuated by its dates and the events belonging to it. For instance, the 'First World War' is the proper name given to a series of events falling between the dates 1914 and 1918 and some of the actions of the British Empire, the French, German, Austro-Hungarian, Russian, etc., governments and people. And the event of the First World War is numerically different from

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2 Rand, ibid., p.6
3 It may be claimed that nuclear war is a concept of its own, but I will argue that it remains a sub-category of 'war'.
the recent Gulf War that took place during 1991 that involved members of the United Nations, Kuwait and Iraq. The two wars are independent, yet certain similarities exist between them and, more importantly, between all other events called 'wars'. Abstracting the elements common to all wars provides a definition of war.

Some believe this task of defining war ought not to be undertaken at all, as Gallie comments:

War is, logically as well as brutally, a rough-and-ready as well as a brutal and bloody affair. And philosophers and military men have been, for once, at one and right in refusing to waste their time in worrying about its essential nature. Yet, as Gallie himself notes, "it is of the first importance that we learn how to think about it." The attempt to formulate a concept of war has also been criticised by Frondizi, who asserts that: "[W]ar does not exist; what exists are wars, in the plural, ranging from tribal skirmishes to World War II." The same theory is also advanced by William James:

Let us not fall immediately into a one-sided view of our subject, but let us rather admit freely at the outset that we may very likely find no one essence, but many characters which may be equally important...The man who knows [for instance] governments most completely is he who troubles himself least about a definition which shall give their essence. Enjoying an intimate acquaintance

Terms used by Veale in Advance to Barbarism.
Gallie, Understanding War, p.60
Gallie, ibid., p.67
"War" is a generic form that applies to certain bellicose acts that have in common the use of force and violence. If war is not a unique event but a multiplicity of events, or of types and classes of events, it seems logical that they are initiated by different causes. A diversity of causes must correspond to the diversity of phenomena." Frondizi, "The Ideological Origins of the Third World War," p.80
with all their particulars in turn, he would naturally regard an abstract conception in which these were unified as a thing more misleading than enlightening.'

Gallie’s comments should be rejected on the grounds that nothing can be gained unless an effort is made to consider what war is, whilst Frondizi’s point is plausible and seemingly trivial; yet it belies a fundamental epistemological error, namely that abstract concepts, or ‘universals’, do not exist.

This anti-conceptualism is trivially right in that, for example, The Peloponnesian War, the Zulu Wars, the Gulf War, and the Napoleonic Wars are different entities, as it is valid reasoning that the two letter fs in the word ‘different’ are not the same entities, for what is being pointed out are the numerical differences between wars. But anti-conceptualism goes further in denying that wars are qualitatively similar. Numerically different objects cannot occupy the same space at the same time, hence individual wars are different in the particular, yet it is absurd to deny that commonalties, or even at least Wittgensteinian ‘family resemblances’ (see

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1 William James, from The Varieties of Religious Experience, quoted in Brenner, Logic and Philosophy, p.29.

9 This anti-conceptualist position is reflected in Berkeley’s criticism of Locke’s epistemology; “in truth, there is no such thing as one precise and definite signification annexed to any general name, they all signify indifferently a great number of particular ideas.” The Principles of Human Knowledge, p.58. Berkeley would agree with Frondizi, that ‘war’ does not exist, for his epistemology entails that when we think of war what we envisage individual wars we know of.
exist which enable us to refer to each phenomenon as part of the collective concept 'war'.

It is true that each war will have its own particular combination of causes, either in the trivial sense that different people are involved, or in the broader sense that wars necessarily have different causes if they are chronologically separated (but that is not to deny that the particular causes of war can also be abstracted*), yet it does not follow that the resulting phenomena are intrinsically different. Deafness can result from a variety of causes, but to deny the usefulness or existence of the concept 'deafness' is nonsensical. In this sense, universal terms are applicable in forming an understanding of war.

Underlying the refusal to consider the essence of war sits an anti-conceptualism that is not conducive to understanding anything. For example, think of the people X knows. To learn about them, it is worthwhile considering each of them in turn, and such a method is highly useful; yet to deny the next step in considering common factors is to handicap research. The same is true of examining war -much can be learned from studying individual wars, but without forming (or applying) a guiding conceptual framework, wars cannot be compared, and hence lessons from particular wars cannot be applied to other wars.

E.g., motives of fear, economic gain, aggrandisement, alleged destiny and so on.
A final disparagement of conceptualism is provided by Wittgenstein's analysis of games. Some concepts—such as games—do not possess an essential component at all, but it would be wrong to infer that war is one of these things. Wars and games are separate entities, and the lack of an essence in games is not a reason for there to be a lack in war.

What is at stake is whether essential elements can be derived from particular wars, a task I consider feasible. Weaponry and tactics may differ, as do casualties and geography, yet a commonality emerges that permits us to refer to the essence of war—namely the 'condition of open-ended organised violence'.

The appropriate definition of war can be endorsed through a dialectical analysis of competing definitions.

The putative conceptualisation of war is split into two broad classes. The first class assumes that the essence of war is not so much the physical clash of battle, deaths, and strategy, but is an attitude, a state of consciousness, or a condition befalling humanity. The second class assumes that

According to Wittgenstein, games are too varied to possess any one similarity that can be referred to as their essence. For example, Wittgenstein asks us to consider board games, card games, ball games, chess, noughts and crosses, patience, and throwing a ball at a wall and catching it: "How should we explain to someone what a game is? I imagine that we should describe games to him, and we might add: 'This and similar things are called 'games'.' Wittgenstein continues: "I am saying that these phenomena have no one thing in common which makes us use the same word for all, -but that they are related to one another in many different ways." Philosophical Investigations, §66 and §65 respectively p.26., quoted in Brenner, Logic and Philosophy, p.26.
the essence of war is the aggregation of the spatio-temporal phenomena of troop movements, firing weapons, killing, and so on. This latter position is subdivided into teleological definitions of 'war' that claim the essence of war is found in its function and into war as an armed conflict pure and simple. These competing definitions offer useful but incomplete glimpses of the essence of war.

War as an attitude

That war is an attitude is expounded, for example, by Plato and Hobbes. Plato writes:

for what men in general term peace is a name; in reality, every city is in a natural state of war with every other, not, indeed, proclaimed by heralds, but everlasting. All men everywhere are the enemies of all, and each individual of every other and of himself.

And Hobbes comments:

WAR consisteth not in battle only, or that act of fighting; but in a tract of time, wherein the will to contend by battle is sufficiently known...so the nature of war consisteth not in actual fighting, but in the known disposition thereto.

That the essence of war is an attitude rather than physical conflict is plausible, but Plato’s definition does not capture the possibility that humans could be ruled by an attitude of peace. Indeed, Plato’s theory is expanded by Hegel who assumes war to be a necessary product of fixed structures of human consciousness, and hence an ineluctable element of praxeology.

12 Plato, Laws, 625ef.
13 Plato, ibid., 626
14 Hobbes, Leviathan, Ch.XIII, p.82.
But human life is for the most part necessarily peaceful, otherwise life could not be sustained, and two parties may mutually despise one another and secretly wish the other's demise, yet still live peacefully, or a community may desire no war at all, and hence may not seek mastery over others.  

Defining war as an attitude is useful for noting that wars belong to more than just the particularities of the clash of arms. Combatants are readily members of a war, as are the events of exploding bombs and incidental deaths; yet so too are individuals who are not nominally affected by the violence of war, but who nevertheless give support to it, hence part of war's nature is its embracing quality. An entire group of people becomes members of a war through their attitudes, even if not all of them partake in actual fighting. O'Hear aptly states the argument:

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11 Hegel's description also discloses a metaphysical theory that the universe is a malevolent place, for conflict is assumed to be inevitable. The rejection of metaphysical theories of war is taken up in Chapter Four. Opposing this argument is methodological individualism, which attempts to reduce social phenomena to individual action. Karl Popper, for instance, comments that: "For most of the objects of social science, if not all of them, are abstract concepts; they are theoretical constructions. (Even 'the war' or 'the army' are abstract concepts, strange as this may sound to some. What is concrete is the many who are killed; or the men and women in uniform, etc.)." The Poverty of Historicism, p.135. Popper's overriding concern in epistemology is unmasking holistic approaches that claim that the fundamental unit of human action is the group. It is true that individuals are the initiating units of any society, yet Popper's reasoning goes too far in this case, as O'Hear points out in Karl Popper, pp.165-166. For Popper, a war can only involve the individuals physically affected by it, thus his argument entails leaving out a necessary component of human existence -that individuals
it has to be insisted yet again that many of the aims, hopes and thoughts of individuals are in turn due logically to the existence of collective phenomena, by which it is not meant merely that social traditions influence the minds of individuals, but that the very existence of motives like patriotism or treachery, one way or the other, depend for their sense on the individual’s existence in a collective.¹⁷

Methodological individualism is true in that for wars to occur, it is a necessary prerequisite that individuals act, yet it does not logically follow that individuals are not influenced by social entities such as cultures, languages, or wars; hence they can consider themselves to be partaking of war. The conclusion is strengthened by considering that firstly in war each person’s property and life are at stake, and secondly even if the fighting is delegated to soldiers who fight battles far from the non-combatants, the soldiers are usually contracted (paid, ordered, expected) by non-combatants who thus can claim membership in the war -but membership in a war does not entail being a legitimate target. A clash of arms is also not necessary for war to exist -a bloodless war is possible in which sides declare war and manoeuvre accordingly but without any exchange of blows.

These considerations validate the point that an element to the common denominator of 'war' is partly an attitude or 'condition' that people embody and that war is thereby a

consider themselves to be members of groups and that wars are essentially group activities.

¹⁷ O’Hear, ibid., p.169
social entity that transcends the actions of agents actively engaged in warfare. 18

The teleological definition of war

Functionalisits prefer to ask what a thing is for rather than what a thing is. Functionalism thus focuses on war's purpose in human affairs. Two theories are outlined here - Aristotle's consideration that war is a method of acquiring values, and Kant's assumption that war is a means of bringing about new relations.

Aristotle defines 'war' as a method of acquisition. His definition relies on the assumption that humanity is naturally divided into those who are born to rule and those who are born to be ruled, with war being the proper method of ensuring this natural hierarchy. 19 Circumventing Aristotle's biological presuppositions, the notion of war as acquisition also conveys part of war's activity - battles are indeed fought to gain values such as territory, slaves, trading rights, etc.. Yet such valued things are material, and other wars are fought for non-material things such as maintaining or propagating ideologies. Aristotle's definition of war would thus have to be expanded to include ideological wars.

18 Obviously not all wars are fought with an explicit contract between the non-combatants and the combatants - but they should. The point turns on the problem of legitimacy. Wars waged by combatants for private gain or for clandestine purposes cannot be condoned by the principles of just government, i.e., open, accountable, representative, etc.. Aristotle, Politics, 1256b.
However, a second problem remains for not all acts of acquisition are acts of war.\textsuperscript{20} Values can be acquired through violence, intimidation, or through peaceful means. Whilst theft is an act of violence, trade is an act of peace. Both are means of acquisition yet neither is an act of war. Therefore, the Aristotelian definition is too general to be of use, but it is salvageable. War entails acquiring values, but 'value' has to include non-material as well as material values; the method of acquisition should also be violent, or at least intimidatory, rather than peaceful, for acts of violence and acts of peace are ontologically different.

Values can be acquired by four distinct methods:\textsuperscript{21} original acquisition (material values); an act of creation (immaterial values); an act of exchange (trade, conversation, teaching) or gift; and finally by force. The first three methods are intrinsically peaceful and the last method intrinsically violent. War belongs to the fourth category.

The use of force to gain a value is itself separable into three distinct activities. Firstly force can be used to gain a value from another peaceful party -e.g., plundering a neighbour's harvest. Secondly, force can be used to gain (or protect) a value against the violence meted by another party - e.g., defending land against an invasion. Thirdly, force can be used to compete for a value alongside another party using force -e.g., two groups fighting for possession of unoccupied

\textsuperscript{20} A mistake of the mercantilist school of economics.
lands. A distinction obviously exists between using force to gain a value from another and not using force to gain the same value, which, incidentally, provides a strong basis for the argument that aggressive and defensive wars can be morally and politically distinguished. Yet the concept of "war" as a forceful method of gaining values is immediately too broad and unwieldy, for too many counterexamples are available that show force can be used in non-war settings. For instance, a bailiff may use force to gain entry but cannot be said to be at war with anyone. Since not all acts of acquisition involve war, this reduces the overall usefulness of Aristotle's definition. Therefore, the essence of war cannot solely be acquisition, since not all acquisitions are acts of war and not all acts of war are acts of acquisition. Nonetheless, I believe it useful to retain the notion that war implicitly involves gaining or acquiring values in the trivial sense that all actions (rather than events) involve the maintenance of or striving for values—in which case the essence of war can be rewritten as an 'open ended condition of organised violence to gain values'. The acquisition of values subsumed in further discussions on the nature of war.

It is a truth that any human action is an attempt to substitute one state of affairs—a state of uneasiness—with another state\textsuperscript{21}, even if the reason is not articulated. Hence war cannot be engaged in "for its own sake", for the activity

\textsuperscript{21}Cf. Carl Menger's Principles of Economics.
of war is believed (implicitly or explicitly) by the agents as preferable to peace.

The second teleological definition of war is Kant's who defines wars as;

so many attempts (not indeed by the intention of men, but by the intention of nature) to bring about new relations between states...  

This is a teleological definition of war, since it refers to the function of war to effectuate new relations. Prima facie the Kantian concept of war seems to be rather benign and even trivial, for wars necessarily produce new relations (I will ignore Kant's premise that wars always involve states), since any action logically generates a new relation between the agent and the world. However, it also invokes a determinist philosophy of history ("by the intention of nature"). This less benign aspect is taken up by Hegel, who considers war to be causally necessary for bringing about new relations between states:

Thus war, or the like, has now to decide, not which of the rights alleged by the two parties is the genuine right -since both parties have a genuine right- but which of the two rights is to give way. War, or whatever it may be, has to decide this, precisely because both contradictory rights were equally genuine; thus a third thing, i.e., war, must make them unequal so that they can be unified, and this happens when one gives war to the other.  

The notion that the essence of war is to create new relations combines well with militarism, which conceives of

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22 Mises, Human Action, p.13
23 Kant, Kant's Political Writings, p.96
24 Hegel, Hegel's Political Writings, p.210
history as being generated by war. Yet it is blatantly false that war is a sufficient condition for bringing about new relations between peoples and states at all. Trade, alliances, federations, cultural change, and so on, can individually and collectively bring about new associations between states, without blood being shed.

It is also debatable whether wars are a necessary condition to forge new relations in the sense Kant means, beyond the obvious elements of destruction, death, and diverted resources. A militarist interpretation of history may emphasise the importance of specific battles or wars, yet cannot but sloughs over quietly those which produced only disruption and death, for some wars are indecisive and some victories or defeats do not bring about new relations between states. The recent Gulf War (1990-91) was an ostensible victory for the United Nations, yet the post bellum scenario is not dissimilar to the ante bellum position, since the Iraqi regime remained intact and the Kuwait royal family regained power. From such counter examples, the validity of the Kantian definition of war is questionable. It is either too trivial to be of use, since any action necessarily brings about new relations, or it lends itself to the militarist view that war is a necessary prerequisite for generating new relations, albeit between states. War is neither a necessary nor a sufficient condition for producing new relations between states.
War as a conflict

Putatively, a common element in all wars is the existence of conflict—the violent clash of arms. Yet a too narrow definition here removes the conceptual inclusion of wars that remain non-violent.

For example, Gentili defines war as “a contest of armed public forces”. Gentili’s concept focuses on the commonalties of a group of wars belonging to his familiar era—namely the wars of the sixteenth century. Yet the definition ignores those activities of nomadic groups, primitive peoples, guerrilla forces, and so on, which also can readily be called wars. Thus the existence or absence of publicly funded armies is accidental to the essence of war.

Cicero defines war as a contention by force, to which Grotius adds that “war is the state of contending parties, considered as such.” Grotius’ addendum shifts the essence of war towards Hobbes’ position that war is also an attitude: “By war is meant a state of affairs, which may exist even while its operations are not continued.” This is an obvious improvement on Cicero’s concept, for war is not always a contest of forces but is a condition, or state, of being part of that contest. This definition adequately captures so-called ‘bloodless wars’ in which two sides do not meet in battle yet

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25 In Quincy Wright, A Study of War, p.9
26 Grotius, The Rights of War and Peace, (tr.1901) p.18
   Also translated as a “condition of those contending by force as such.” De Jure Belli Ac Pacis Libri Tres, (tr.1925) p.9
their manoeuvres strongly imply the existence of war. Very few wars above the military horizon are bloodless as such, although the rituality of war for some non-state societies ensures casualties are minimised - e.g., the Maring peoples, as Divale observes: "In spite of the huge array of warriors involved in [their] pitched battles, little killing took place." From 1700-1750 Europe experienced some bloodless wars in which generals attempted to outmanoeuvre each other rather than come to a battle. However, the impoverished economic base from which wars were funded necessitated such strategies: foraging was prohibited for example, not from any concern for the rights of the civilians, but for the practical reason that the European economies could not support it, and when battles were joined the usual ferocity and destruction of life returned (e.g., the battles of Blenheim 1704, and of Fontenoy 1745).

An objection to the view that war is a contention of arms is that counterexamples exist of events that are armed contests but not wars. For example, jousts are armed contests, and so too are boxing matches, and kendo fights. Yet none can be described as war. They differ in that they are prescribed by rules defining precisely the nature and extent of the combat, the permissible modes of attack and defence, the areas in which the fight can occur, and so on. They fall under the remit of 'sports', whereas war is not a sport.

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2 W.Divale, quoted in Keegan, History of Warfare, p.98
Conflict, or its threat, is a necessary but not sufficient condition for war. It is necessary in the sense that wars are characterised by conflicts, or threatened conflicts of values, bodies, and even propaganda (the war for people's minds), but conflict can exist outside the arena of war, hence it is not a sufficient condition. For example, conflict may emerge in peaceful debate, when the party's only aim is to defeat the other's arguments (such conflict can only be considered "war" in a metaphorical sense). Conflict arises when choices have to be made, and choices do not have to necessitate violence, and a fortiori not warfare.

The Grotian definition can be criticised for its implicit presumption that both sides are consciously committed to or are aware of the condition of war, and this need not be so. The IRA has waged war with the British Government since 1916, yet the British governments have declined to consider their defensive actions being part of a war at all. Grotius's definition appeals to a rationalist-legalist paradigm of warfare, which assumes that wars are wholly relatable to the existence of separate states and their laws -even Grotius's comments on 'private wars' are related to the absence of legal bodies, not on the possibility of wars as cultural phenomena. This reliance on a rationalist-political expression of war obviously strains, since war is predominantly a cultural

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Example given by Stephen Priest: The common conception by British Governments of the actions in Ireland is that they constitute 'open rebellion'.
phenomenon that may not even involve the articulated intention of agents. Hence, while Grotius’s reference to a ‘condition’ of war is useful, the implied rationalist-legalist paradigm handicaps his concept.

Others have also followed Grotius’s emphasis by focusing on the political nature of war. Diderot, for example, comments that war is “a convulsive and violent disease of the body politic.” Diderot implies that “war” is derived from the existence of states, from which it follows that in the absence of a state, or at least its reformation, war would not occur. The Russian thinker Kropotkin agrees, but the most famous proponent of war as a purely political activity is Karl von Clausewitz.

For Clausewitz, war is the continuation of politics by other means. Although prima facie Clausewitz offers direct support of the Grotian concept of rationalist and political war, he also provides a competing definition as part of a dialectical analysis in which war is seen as a struggle that has a tendency to escalate. Hence, although Clausewitz acknowledges the Grotian primacy of political decisions, he is also keenly aware of an apolitical characteristic to war.

Clausewitz’s political definition of war is rightly confrontable on the grounds that war can be a cultural

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30 In Wright, A Study of War, p.10
31 Kropotkin believes that “any external authority [is] corrupt by definition.” David McLellan, “Kropotkin”, p.451
activity that exists before rationalist calculations.\textsuperscript{32} Rationalist descriptions of war may point to the universal faculty of reason, and the corollary requirement to create a set of principles which define the nature and function of war.

Rationalist political wars entail explicating reasons for going to war in terms of balance of power politics, utilitarian considerations, or even in terms of a logical analysis of deontology. In other words, cultural aspects of war are deemed redundant.

Keegan argues that Clausewitz's definition is a product of the historical context in which he was writing - the Enlightenment- in which all relations were generally considered to be amenable to reason. For Keegan, war is "always an expression of culture"\textsuperscript{33}, but this is also too strong, for rationalist-political wars can occur, but they logically presuppose the existence of cultural conditions favouring warfare over other activities.

The second questionable element of Clausewitz's definition is war as a struggle in which "each strives by physical force to compel the other to submit to his will".\textsuperscript{34} Firstly not all wars aim to achieve submission. Wars of defence primarily entail protecting one's own interests rather than forcing a submission. Secondly not all acts intending a submission are acts of war. The apparatus of the state can be used to enforce

\textsuperscript{32} Cf. John Keegan's critique of Clausewitz in A History of War, Chapter 1.
\textsuperscript{33} Keegan, ibid., p.12
obedience to law, yet such actions ought not to be deemed acts of war. The purpose of judo is to exact a submission from one’s opponent, yet judo and other martial arts are not wars. Similarities with war increase with the deadlier of combat games such as jousts and duels, yet they too are prescribed (or ‘closed’) in a way that war is not. But Clausewitz can be applauded for recognising the theoretical boundlessness or open-endedness of warfare. Nations may act to limit its jurisdiction, he notes, but the essence of war constitutes, in the absence of counter-prevailing attempts, an ineluctable tendency to ‘absolute war’ in which:

he who uses force unsparingly, without reference to the bloodshed involved, must obtain a superiority if his adversary uses less vigour in its application.

Thus war is essentially an open-ended activity, and this contrasts with sports and games that are closed activities.

The essence of war as ‘an open-ended condition of organised violence’ is the commonality that can be abstracted from all particular wars. Whilst competing definitions are inadequate, support for the definition comes from a review of

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34 Clausewitz, On War, Ch.1, §2, p.101
35 The limits on war are contingent to its essence. Clausewitz rightly argues: “If the Wars of civilised people are less cruel and destructive than those of savages, the difference arises from the social condition both of States in themselves and in their relations to each other. Out of this social condition and its relations War arises, and by it War is subject to its conditions, is controlled and modified. But these things do not belong to War itself; they are only given conditions; and to introduce into the philosophy of War itself a principle of moderation would be an absurdity.” Clausewitz, ibid., Ch.1, §3, p.102
36 Clausewitz, ibid., Ch.1, §3, p.102.
the different types of war. Quincy Wright offers four types, namely animal war, primitive war, civilised war, and modern war. A fifth can also be added to Wright’s list, namely nuclear war. Each type retains the essence of 'an open-ended condition of organised violence to gain value', but offers more specific information on groups of common elements.

Animal warfare exists as a collective defensive mechanism. It pertains, for example, to the social insects, who will fight in organised patterns to defend territory. However, the organisation of individuals occurs at an instinctive level, since the actions of attacking and defending are already genetically pre-programmed. Some species (e.g., ants) even have separate castes that have evolved specially for war purposes.37 Wright observes that:

Animal fighting...must ordinarily be interpreted functionally in relation not to a society or a specific culture but to a race or species. A tendency towards deadly intra-specific fighting would be a serious disadvantage for the race and would usually be eliminated by natural selection.38

Animal warfare is thus limited according to evolutionary principles, for if it were endemic it would result in self-destruction. Since humans are animals, Wright notes that much can be gained from learning about the nature of animal warfare, especially the roles of sex, dominance, and activity.

37 For individual organisms the instinctive act of violence is motivated by sex, territory, dominance, and activity between members of the same species. For the more social creatures the act of violence can be motivated by the group's needs for territory, food, migration or parasitic dominance. Wright, op cit., p.44
as witnessed by humanity’s closest relatives, the primates.\textsuperscript{39} But a gap arises between animal warfare and human warfare, for humans are vastly more complex social creatures capable of speech and extended reason.\textsuperscript{40} The first level of human war is primitive warfare.

The organisation of primitive war is a step above the instinctive actions of animals, involving semi-articulated actions and reactions of cultural beings. The organisation of primitive war exists on a rudimentary level of sporadic team work perhaps identified around specific individuals. Primitive war usually results from unintended cultural structures as ostensible solutions to social problems involving territory, dominance, food, and sex. Primitive war can be distinguished between higher and lower types. ‘Low primitive’ war is exemplified by the conjectured wars of proto-humans whose reasoning capacities are small, whilst ‘high primitive’ war developed with homo sapiens sapiens as articulated expression evolved.

With civilised wars, the possibility of organising war expands as a result of rational, articulated organisation.\textsuperscript{41} This usually, but not necessarily, involves the existence of a

\textsuperscript{36} Wright, \textit{ibid.}, p.45
\textsuperscript{39} Wright, \textit{ibid.}, p.51
\textsuperscript{40} By ‘extended reason’ I mean the capacity to imagine, conjecture, formulate beliefs and arguments. Animals are rational beings too in the sense that they behave in a rational manner according to their preferences; hence the distinction here between rationality and extended rationality.
government which permits a greater exploitation (through forms of taxation) of evolving divisions of labour and increases in production that are characteristic of civilised society. This possibility necessarily increases with the growth of the economic base, so it is not surprising that fortifications become more elaborate, weapons more intricate and longer ranged, and wars sustainable over longer periods of time and across greater distances with the material progress of society.

The nature of civilised war remains predominantly unchanged until the invention of gun-powder and of printing. The explosion of knowledge, of inventions, and of exploration characterises the modern era of warfare. The modern era emerging from Western Europe in the sixteenth century heralded revolutions in science, humanism and liberalism with ideas of toleration, rights, justice, and liberty. Nonetheless, the accompanying economic expansion also meant that a belligerent state could tax more resources for its war-machine. Modern warfare is thus also characterised by an intensified capacity to channel resources for war alongside an increased mechanisation of weapons and communications and the formation of professional or standing armies.

Modern warfare divides into pre-industrial and industrial types. Wars prior to the mid-nineteenth century were

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For instance, Keegan comments that it was not the Sumerian tools that made them successful warriors but their superior powers of organisation. A History of Warfare, p.126
characterised by a reliance on predominantly agrarian economies with little diversity of production. The onset of the industrial revolution altered the nature of war through the mass production of arms. The new character of war was witnessed in the American Civil War (1861-65) -which involved the might of the industrial north against the predominantly agricultural south- and was experienced in its most horrific form in the First World War involving the industrialised economies of Britain, France, and Germany, Russia, the Austro-Hungarian Empire, and so on.

Nuclear war is at once as different from modern war as modern war is different from civilised war. Again it represents an intensification of technology in war. The invention of nuclear arms alters the form but not the essence of war. The recent Cold War (1945-89) between the United States and the Soviet Union exemplifies this new era of war of implicit threats of total destruction overhanging international incidents such as the Cuban Missile Crisis (1962). Nevertheless, the more conventional modern wars of containment in Korea (1950-55), Vietnam (1945-75), and wars against aggression in the Falklands (1982) and against Iraq (1991, 1996) did not involve any explicit or publicised threats of nuclear war.

Unlike other types of war, the potential nature of nuclear war renders obsolete any theoretical possibility of limited warfare involving discrimination of targets and
proportionality; it thus has grave implications for ethical thinking on war—nuclear war is total war. Its nature is elucidated by Sakharov:

*[T]he absorption of the radioactive products of nuclear explosions by the billions of people inhabiting the earth leads to an increase in the incidence of several diseases and birth defects of so-called sub threshold biological effects—for example, because of damage to DNA molecules, the bearers of heredity. When the radioactive products of an explosion get into the atmosphere, each megaton of the nuclear explosion means thousands of unknown victims.*

Sokolovsky states that:

"[t]he appearance of rockets with nuclear warheads radically changed previous concepts of the nature of war."*

Sokolovsky argues that the unlimited capacity to deliver nuclear weapons creates unlimited modern warfare; trivially an unlimited capacity to wage any type of war is impossible, for resources are scarce, but the existence of a quantity of weapons that has the capacity to destroy the world many times over does not reduce his point. However, nuclear war—although its prospect is thoroughly mortifying—does not alter the common conceptual denominator of war that has been proposed. Nuclear war certainly expands war's dimensions and reduces its time-frame but the common denominator of being a condition of organised violence is sustained.

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42 See Chapters Ten and Eleven.
43 From "Sakharov Speaks", Andrei Sakharov, in Continuity and Change, ed. Philip C. Ensley, p.168
Why nuclear war is only an extension of conventional war

Nuclear warfare extends warfare beyond any controllable limits to proportionality and discrimination of targets, and with the speed of delivery reduces the temporal element of war below the level of traditional strategy thinking involving troop and supply movements. The time involved in declaring war and firing missiles is reduced to extraordinary levels in comparison with conventional wars in which time-consuming troop movements are common, but apodictically it remains on the same standard of temporal comparison.

Nuclear warfare of course raises the stakes of war to the unprecedented level of mutually assured destruction, and therefore alters the strategies required for effective fighting - just as the inventions of gunpowder, submarines, telegraphic communications, and so on necessitated changes to military thinking. Nonetheless, the temporal reduction involved in nuclear war does create a new set of problems for war. If decisions can lead to almost instantaneous strikes, it follows that the possibility for post-declaration political and military manoeuvring is reduced, although it is not reduced to instantaneousity, for all human action takes place through time.

If it were a matter of instantaneousness, war would be very different. But orders still have to be given, silos have to be opened, and systems readied. Nonetheless, with modern computer technology it is feasible that a communication of war
(which is not a necessary prerequisite of war) could be followed by almost instantaneous firing of missiles from a central command overseeing and directing an entire war from a computer screen without declared intent.

Given this alteration to the military dimension, strategic focus should shift from defining an act of aggression as a physical firing of a weapon or a border incursion to the creation of nuclear capacity itself. Pre-declaration nuclear manoeuvres -i.e., the building up or buying of nuclear arms- should be deemed acts of war in themselves. In analysing conventional war, the creation of a larger army does not in itself amount to a warlike act, whereas a movement of troops near to a border becomes closer to an act of war. However, with the advent of nuclear technology no visible movement, apart from the opening of silo doors, could be apparent to a vigilant neighbour. In that sense, the reduction of the time frame does give reason for strategists to consider the building up of a nuclear arsenal as equivalent to the warlike act of moving troops nearer to the border.

It can also be argued that nuclear warfare radically alters the nature of war, for it makes war virtually unwinnable. Indeed, the devastation following a nuclear attack eliminates any possible gains from war, especially if the war is protracted. In effect a prolonged nuclear exchange amounts to suicide, but that does not change the essence of war. Total
war has been waged throughout history, and the burning and salting of fields has left irreparable damages. These are mildly comparable to the potential devastation of a nuclear attack, since the after-effects of a nuclear attack linger on for thousands of years in the altered chemistry of the land and the DNA of survivors. Nonetheless nuclear warfare remains a form of organised collective violence -with the admission that the violence is not just committed against contemporary but future generations too.

A potential sixth type of war can be added to the list. This is post-modern war, "cyber-war" or "info-war". Cyber-warfare involves attacking the electronic communications systems of an enemy through the use of computer viruses or electromagnetic blasts in the atmosphere designed to disable computer systems. However, cyber-warfare deals with a particular strategy of fighting, i.e., targeting communications. It is therefore not a new type of war.

In the five types of war described above the organisation or the nature of the violence alters, but the essence of war as 'a condition of open-ended organised violence' endures.

The final part of the essence of war is the condition or state of violence. Following Hobbes and Grotius, this entails that it is not a necessary condition of war that violence has to occur. The threat of organised violence sufficiently determines the existence of war, and by 'threat' is meant an

45 For the distinction between acts of war and warlike acts,
indication or declaration of intent to do harm. The condition of affairs that characterises the existence of war thus entails the threat of organised violence as much as its actual use.

The essential attributes of war have thus far been outlined and different types of war noted. The concept of open-endedness refers to part of the essence of war in that it is not limited by rules governing the conduct, nature, and place of warfare, except only contingently so.

The concept of organisation is instinctive with animal warfare and is predominantly cultural with primitive war. With the advent of civilisation, warfare becomes more rationalistic or political, in the sense that it is dependent on articulated policies of state organisations; similarly with modern and nuclear warfare, except that they differ in the extent of the organisation and the nature of the weaponry used. Being organised means forming a group possessing a common purpose. All wars are necessarily organised, in the sense that they could not occur without some organisation. Wars are characterised by collective activity in the sense that they involve groups and not individuals, hence the distinction between war and, say, rioting involves differences in the degree of organisation.

Acts of war and warlike acts

see below.
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Acts of war and warlike acts
Acts of war and warlike acts must be distinguished. An act of war is putatively an action that is sufficient to precipitate a war. Warlike acts, on the other hand, are those acts which are not sufficient to be considered acts of war, yet do pertain to the general category of acts construed as belonging to the condition of war. Whether an act of war is legitimately or morally sufficient to justify war is a separate question. What is of interest here is when should a particular act fall under the conceptual aegis 'acts of war'? The presence or absence of the condition of organised violence is a useful guide, yet other considerations must also apply. For example, troop manoeuvres near a border may constitute warlike acts but not acts of war, whereas an incursion into a neighbour's territory, or illegal possession of nuclear arms, may constitute an act of war. However, defining a strict boundary to distinguish acts of war from warlike acts is problematic, for it is culturally relative. Such disparate thinkers as Grotius and Hegel agree on this matter: Grotius comments that "there is no dispute, which may not give rise to war", and Hegel writes:

> A state through its subjects has widespread connexions and many-sided interests, and these may be readily and considerably injured.\(^{47}\)

These arguments can in turn be used to support the view that human wars are not always an outcome of rational or

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\(^{46}\) Grotius, *The Rights of War and Peace*, (1901) p.17

\(^{47}\) Hegel, *Philosophy of Right*, §334
political calculation, since the difference between a warlike act and an act of war ultimately depends on relativist concepts.\textsuperscript{48} Similarly, insulting behaviour or humour is culturally dependent.\textsuperscript{49}

**Aggressive versus defensive acts**

A real distinction between aggressive and defensive wars should not depend on cultural or subjective interpretations. If the difference is assumed to be non-real then the difference is cultural or subjective -i.e., dependent on agents' beliefs and not on facts. The relativist argument is epitomised as follows: "What you consider to be my act of aggression I consider to be my act of self-defence. Since you and I disagree about who is being aggressive and who is being defensive, it follows that the concepts 'aggression' and 'defence' are subjective." This epistemological subjectivism ought to be rejected. It is obviously at times self-serving, but it also presupposes an invalid metaphysics, namely idealism, for idealism asserts that the nature of the universe is mind-dependent which implies subject dependent. The idealist Hegel, for example, notes; "wars of aggression or defence [are] a matter on which the parties never agree." That it is extra-mental must be supported.

\textsuperscript{48} Between societies of similar cultural roots the distinctions will be readily understandable in the relevant context (e.g., the gift of tennis balls to Henry V was sufficiently deemed an act of war [Henry V, Shakespeare], but between different cultures mistakes in intent will be more probable.

\textsuperscript{49} Hegel's Political Writings, "The German Constitution", p.208.
Aggressive war is the act of war against a peaceful group. Violent means are organised to gain value from a group that is not actively organised for war, does not seek war, or whose militant elements are for defensive purposes only. This clarification of an act of aggression cannot be subjective or relative but must be objective. Locke argues that:

declaring by Word or Action, not a passionate and hasty, but a sedate settled Design, upon another Mans Life, puts him in a State of War with him against whom has declared such an Intention.\(^50\)

The person who throws the first punch is the aggressor, and the state that first breaches international borders with its troops or weapons is the aggressor. Pre-emptive strikes against intended aggression are however acts of defence, for a declaration of intent to take another's life or to injure is a sufficient condition for the existence of an act of aggression. A person defending himself may similarly declare an intent to injure or kill, but the objective distinction remains that an act of defence is against an act of aggression, whilst an initiation (or probable initiation) of aggression is committed against a non-aggressive party.

It remains in this chapter to review other characteristics of warfare. The examples are chosen are weaponry, propaganda, columns, lines, control and co-operation, and basic drill. These are analysed as to whether they can be considered

\(^{50}\) Locke, *The Two Treatises, Second Treatise*, Ch.III, 16, p.319.
nonessential characteristics of war, i.e., whether they are contingent on the type of war fought.

Weapons?

If weaponry is a prerequisite for war in general then it must be a prerequisite for all the types of war - 'animal', 'primitive', and 'true'. Whether this is true or not depends on what is meant by 'weapon'. An object can either be solely used for the purposes of doing violence against another, or it may be used primarily for other purposes and hence only contingently be used as a weapon.

A person or creature may use parts of the body to kill or injure another. Parts of some creatures' anatomies have evolved purely for the purpose of either predatory or defensive violence. Parts normally used for other purposes, such as walking and climbing, cannot be essentially weapons. They are so only contingently. For example, humans are naturally not endowed with obvious weaponry, yet the hands and legs may be used to strangle, the fingers and thumbs to gouge, and the fists and feet to punch. On the other hand, an animal may also use physical objects as weaponry (e.g., birds cracking open snail shells on a stone). Such physical objects can be divided into categories of those unaltered by the user - e.g., a stick, a stone, or an animal bone, or those that are altered. Altered objects - artefacts - in turn can be designed for killing or maiming others, or for other purposes - tools.
If we define 'weaponry' as a 'class of artefacts used for the purposes of violence against others' this will encompass tools used as weapons but not designed for killing people, as well as tools specifically designed for killing, injuring, maiming, etc.. This, however, leaves out natural weapons such as claws, sharp teeth, quills, poisons, etc., thus removing the possibility of animal warfare, which has implications for the nature and understanding of human warfare. The definition of weaponry must then include all tools -natural and artificial- used or potentially used for violence.

Given this adequate definition, it must be asked whether weapons are a necessary prerequisite for warfare. Analytically, the definition of 'weapon' rules out the possibility that war can occur without weapons. But are there any counterfactual examples that may require an alteration to the definition? For example, rioters may use their hands and feet to wreck havoc and injury; although they are not using artificial weapons they are still using their limbs as weapons.

All warfare necessarily involves weapons, but it is not the case that the use of weapons wholly constitutes warfare. That is the use of weapons is a sufficient but not a necessary condition of war. Weapons such as water-cannon and truncheons used to quell public disorder or weapons such as prods and electric fences used to herd animals, yet such policing actions cannot be termed warfare.
From this reasoning the definition of 'war' can be altered to include the necessity of weaponry. That, however, makes the definition overly cumbersome, and the necessary requirement of weapons can be subsumed into the concept of violence. Acts of violence require weapons of sorts to be used. John Harris defines an act of violence as occurring:

when injury of suffering is inflicted upon a person or persons by an agent who knows (or ought reasonably to have known), that his actions would result in the harm in question.\

How violence is enacted in war depends on the use of weapons. Harris's definition though can entail violence being committed without the use of physical weapons such as hands, guns, or chemicals. Propaganda is also a weapon of violence, for its aim is to disorient or condition the subject into submitting to the will of the agent. Howard Parsons's definition of 'war' invokes such sub-physical violence. Violence, he asserts, can be done to a person's self-esteem through a constant or well-timed campaign of psychological attrition. Propaganda, Parsons claims, is essential to the

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Harris, Violence and Responsibility, original in italics. p.19

"In its most general sense, war is the use of physical weapons and forces in a conflict that may be expressed without the use of such weapons and forces. Ideas, propaganda (emotive and directive language), manipulation of expectations, roles, and institutions, words that cut, looks that kill, an ideology that enslaves the mind, a system of classes that dehumanises men—all can be injurious and destructive of human life, both directly and indirectly. If a person is told repeatedly that he is subhuman and if he adopts such an evaluation and role for himself, then his sense of worth, initiative, and responsibility is injured (traumatised) and his freedom and power of action are crippled and may be eventually destroyed."
concept of war, for its aim is to overpower the will of others to eventually make them subservient or reduce their resistance to orders.

It is questionable whether propaganda is a logical necessary condition of war, for propaganda and war are distinct entities. In warfare, propaganda plays a complementary part to the actions of those fighting, and perhaps it can also be admitted to play at times a necessary part in the case of aggressive warfare, for without a manipulation of words to stir defensive instincts to aggression and latch onto cultural traditions that support war, people who have done no wrong could not be turned into enemies. Hence propaganda can be assumed to be a causal prerequisite for aggressive wars. Aggressive wars require much more justification than defensive wars in which the values defended are more obviously recognisable to those affected and manipulation of beliefs so much less needed. Insulting or dehumanising one another is not in itself war. Propaganda should thus not be considered an act of war but a warlike act. It is an act of war if it is contemporaneous with a violent action, or if it incites a group to violent action, but in itself it is not war.

Only the use of physical weaponry can be included in the general concept of war. The next contenders for inclusion are the concepts of 'column' and 'line'.

The column and line

A column is the required supply for war to occur. The column is trivially a necessary prerequisite of war in the sense that any action requires energy, and wars require the actors to possess enough energy to manoeuvre. What differs between the types of war is the amount and form of the energy available for fighting.

At the animal or individual level, the ability to fight depends on the particular biological strength of the agent at any time and the capacity for the agent to renew or regain strength over time. Indeed, the nature of the biological organism is the first limitation on the ability to wage war for all creatures need food and rest.

Above the animal or individual level of fighting the quantity of energy available for war intensifies with the exploitation of co-operative behaviour. Firstly, warfare need not depend solely on the capacities of individual agents, but on the capacity of the group to fight, and co-operation permits some to rest while others fight. Secondly, co-operation in productive activities usually creates a greater quantity of resources than autarky. Given that the product of co-operative action is greater than that of individual action, the size of the column, i.e., the amount of resources that can be channelled for war purposes, is thereby much greater.

The formation of a state apparatus substantiates a people's ability to muster resources for the support of a
moving army. Whereas hunter-gatherer societies are limited to waging raids or single battles, centrally organised armies can wage wars over vast distances and for long periods of time. Similar considerations intensify with modern and nuclear war.

Given the existence of a column, waging warfare depends on the ability to command and control the column. At the animal level this control or organisation of the biological energies of the individual or the group remains instinctual. With human war, control passes into either culturally evolved institutions and arrangements (primitive war) or deliberately created plans of political entities (political war). The form of controlling the column is hence dependent on the type of war.

For political warfare the available resources of the community worked communally, individually, or interdependently through exchange commonly come under the command and control of the state apparatus, whatever the form of the state (monarchy, aristocracy, plutocracy, democracy, etc.). The officers of government, with the state apparatus of coercion at their disposal, are in a position to tax resources (commonly referred to as 'surpluses') for the purposes of state activities including war.

The link between the fighting units and the resources required for that fighting is a crucial element of all warfare. With animals and individuals the column is substantiated in the body of the agent, but with groups, the
ability to fight, and hence the dimensions of the column deepen and widen. War at the group level depends less on the life of the individual but more on the capacity of the group to co-operate, and this brings in the analysis of lines.

Turney-High argues that; "the line is the simplest tactical formation, and a sociologic trait without which there can be no true war." The line for Turney-High is a necessary and a sufficient condition for 'true' or 'political wars', i.e., civilised, modern, and nuclear wars. No doubt the evolution of the line became a great advantage to those societies able to practise the strong discipline required, as witness the successes of the Greek hoplites and the Roman armies against their more primitive, disorganised enemies (e.g., the defeat of Boudicca in England by Suetonius Paulus in 65 AD), yet the line does not exist in all political wars.

The tactics of the line are epitomised by the shoulder-to-shoulder marching infantry of the eighteenth century wars. The concept can be stretched to include cavalry, charioteers, and even tanks as forming their own more fluid lines, but guerrilla tactics and later modern developments such as long range missiles and nuclear capabilities can hardly be said to fit into any sense of linear organisation -indeed they radically eliminate any notion of the line. But the conclusion remains that the line pertains to a specific form of war and

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not to all wars; its absence or presence does not effect the essence of war.

Control and co-operation

Organisation is a necessary condition for all types of warfare, and organisation presupposes co-operative behaviour on the part of the agents. Some, such as Turney-High, allege that co-operation and control go hand in hand.

Self-reliance has its part in war, but the keynote of good fighting is co-operation and the more rugged the better...A successful war party ought to respond to the commander's will as the orchestra responds to that of the conductor. All units of the war party should direct their efforts to the common end. 54

Control and co-operation are two separate things, and although co-operation is a necessary prerequisite to any form of organised behaviour, control is not.

Control requires obedience on the part of others, whilst co-operation requires an implicit or explicit acknowledgement of a common purpose - to defend common territory, for example. Hence co-operative behaviour is required for controlled organisation, but organisation can occur without control. The separate roles of co-operation and control need outlining.

Co-operation itself is necessary and indeed vital for human survival. It is the opposite of conflict, as Mises clarifies:

Heraclitus was wrong. Though conflict and opposition are extremely important elements in every sort of life, it is absurd to suggest that, even at the unconscious level, they could be its central feature. Where there is no

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54 Turney-High, ibid., p.53.
cohesion, things simply fly apart and are heard of no more. Life processes, by contrast, depend on an immense background of harmonious co-operation that builds up the system within which the much rarer, though still important, phenomenon of competition becomes possible.\footnote{Midgley, \textit{The Ethical Primate}, p.126.}

Although there is co-operation in collective conflict, the means to an end are more readily achieved when people co-operate peacefully. Even though a desired end may conflict with another group's, co-operation is still required for the warring party to form the necessary condition of organising for war.

The term 'conflict' is ambiguous, referring either to the presence of two or more values from which an agent has to choose or to violent contact between two or more people. It is useful to refer to the fact of choice by 'competition' rather than 'conflict' which leaves the term 'conflict' to describe only violent contacts.

The concept of conflict can be broken down into the various relations between individuals and groups that can exist in a society. A "quarrel" is a conflict between two persons, a "feud" that between two families, a "crime" that between the individual and society, a "riot" that between the citizens and the police, a "class war" that between workers and owners, a "civil war" that between large groups within a nation, a "defensive or offensive war" that between nation states, and "international or world war" that between alliances of states. There are obvious overlaps in this kind
of taxonomy and hence problems for forming the essence of war. A "class war" can be also perceived as a "crime" against property and persons; a "civil war" can involve assistance from other nations; a "crime" may be said to be committed when a nation violates human society (by engaging in aggressive war); a feud may exist between more than just families, for the conflicts that raged in the former Yugoslavia in the 1990s can be viewed as a feud between the national groups of Serbs, and Croats, and complicated by religious factions.

Co-operation may be explicitly organised through a temporary or permanent institution or hierarchy to pursue an articulated and definitive plan. This is 'explicit co-operation'. This form lends itself to controlled organisation in which assemblies of people or single individuals take the responsibility of planning and directing war.

Secondly co-operation may arise through the voluntaristic actions of many individuals pursuing their own plans but whose actions converge on mutually benefiting arrangements. This is termed 'tacit co-operation'. Tacit co-operation is capable of generating results beyond that which is desired or even considered by individual agents.

Wars usually involve both types of co-operative behaviour⁵, although some theorists argue that the most

⁵Historically, warfare spans the spectrum of the varying proportions of the two forms of co-operation, from the more freely organised warfare of the Boers (1899-1902), Spanish guerrillas against Napoleon (1808), and French Partisans
efficient form of war is that which rests wholly on the explicit form. Wars that use controlled co-operation are usually organised according to a single plan. Their form of organisation mirrors the nature of government in that government is subject to rules of organisation, i.e., articulated plans to exploit resources and personnel through central control. For the pursuit of a successful war channelling control into as few people as possible is putatively better than a wider dispersion of power.

"Formations are only instruments", writes Turney-High:

They do not work themselves any more than a violin of the finest craftsmanship can play itself. They require skilful handling, which is the commander's role, and adequate foresight.\(^5\)

Assumedly, even more effective is to have this power (effectively or apparently) concentrated into one person.

However, effective wars have been fought without such figureheads, and there is much to be said for a decentralised style of fighting - the Boer Wars (1899-1902) provide an excellent example- for the regimented and controlled individual is unwieldy and non-innovative, whereas flexibility to act according to circumstances gives a soldier much more effective power: he does not have to relinquish obvious tactical sense for the sake of obedience.\(^6\) This is the strength of guerrilla warfare. Nonetheless, a strongly held

\(^{(1941-45)}\), to the supervised manoeuvres of the armies of the period of the Enlightenment.

Turney-High, op cit., p.60
common motive for war must be presupposed, for when a group goes to war, cohesion and co-ordination geared to a single end usually win over anarchy within the confines of a pitched battle.

The disadvantages of attempting to wage warfare through the total control of the organised units quickly become apparent. Much in war is chaotic, or full of Clausewitzian "friction". The impossibility of all-round controlled planning belongs not just to war in which chance plays such a great part, but to all forms of human action. The general point is that the more a society or state attempts to control all the aspects of its members' lives, the more unwieldy it becomes as a group and hence vulnerable to collapse. Aristotle observes that:

To say that a state has trained itself in the acquisition of power with a view to ruling its neighbours - that is no ground for calling it happy or applauding the lawgiver. Such an argument may have dangerous consequences: its acceptance obviously requires any citizen who can to make it his ambition to be able to rule his own city...

Sparta collapsed, as too did Nazi Germany and Soviet Russia. Closed societies, in which all activities are regulated and prescribed, necessarily become vulnerable, for they lack any means of adapting to changing circumstances. Closed systems rest on the assumption that change will not take place, and

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58 E.g., Rommel's frustration in the North African campaigns in WWII stem directly from Hitler's usurpation of control. "Clausewitz, On War, Book One, Ch.VII
59 The impossibility of the necessary calculations is well described in economics. Cf. Mises, Socialism.
their citizens are incapacitated to adapting at the local level when the need arises. The entire system becomes fragile economically and then biologically - its population not possessing the means to adapt in the shape of political and economic freedom. The same is true of attempts to control the 'war machine' - the armies, the supplies, the industries that make war possible, and so on. The diversity of experience and of knowledge is sufficient to confound plans for the total control of human life, in whatever aspect. It follows that the form of co-operation that takes on the habit of obedience to authority is limited by the necessity of allowing some amount of tacit and voluntaristic co-operative behaviour, since controlled organisation cannot work if individuals are not permitted to adapt to situations that only they know how to deal with. 62

Two other elements of co-operation and control also need to be reviewed - the requirement of a division of labour necessary for organising warfare, and the assumed need for

61 Aristotle, Politics, 1333b
62 The market economy is characterised by the second type of co-operation - voluntaristic and tacit, in which the pursuit and formation of plans are organised by the individual and is effected through trading and the implicit acceptance of conventions. Only through the latter can the division and specialisation of labour evolve on which the more intricate forms of government and hence of warfare rest. Nonetheless, the resulting cohesive situation that emerges through tacit co-operation can then be mimicked by political powers in the formation of a state and in the pursuit of war. That is, the more advanced and intricate the levels of spontaneous co-operation the more power that can be usurped for purposes of organising a state and hence a war.
basic drill for controlling co-operative behaviour in the organised units of the army.

Basic drill

Basic drill is commonly supposed to be another element of war. The drill aims at turning individuals into co-operating soldiers. However, basic drill is neither a necessary nor a sufficient condition for warfare - it is thus accidental to war's essence.

Basic drill is used to remove inhibitions that are not conducive to warfare. This provides evidence for the thesis that human inhibitions are learned rather than innate, since soldiers need to be trained to kill. Supposedly killing becomes easier once a person is removed emotionally from the target, which is facilitated with the use of long range projectiles. Lorenz comments:

> The man who presses the releasing button is so completely screened against seeing, hearing, or otherwise emotionally realizing the consequences of his action, that he can commit it with impunity.\(^5\)

However, even basic drill is not always sufficient to overcome natural and cultural inhibitions, as Colonel S.A. Marshall found out when he surveyed the actions of servicemen in combat during 1943-45. He found that even under fire only fifteen percent of (infantry) soldiers fired their weapons.\(^6\)

Basic drill emphasises the need for obedience in a controlled organisation. Yet obedience is not enough to form a

\(^5\) Lorenz, *On Aggression*, p.208

soldier who will overcome social and personal inhibitions against killing others. A crucial, fundamental part of the individual recruit’s moral make-up has to be crushed in the formative basic training. Dyer comments that:

Basic training is not really about teaching people skill; it is about changing them, so that they can do things they wouldn’t have dreamt of otherwise.  

The goal is thus to convert the individual from a civilian into a soldier. This is effected by overriding former beliefs and inculcating helplessness and a dependency on the group. Drill training, for example;

is a direct physical way of learning two things a soldier must believe: that orders have to be obeyed automatically and instantly, and that you are no longer an individual, but part of a group.

The individual soldier has to conform, for it is held that his very survival in combat depends on conformity. From these considerations it is argued that for the army to be efficient it must instil conformity into its members, demand obedience, and inculcate an ability to transcend normal codes of behaviour.

But what must be asked is whether obedience is a necessary condition for warfare to take place, and I do not see how that can be. Wars can be fought by mobs who obey none, although they tacitly organise for some common purpose. Such counterexamples of non-obedient armies are sufficient to remove basic drill from being an essential part of war. It can

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Dyer, ibid., p.114.
also be questioned whether basic drill is efficacious in modern warfare.

Conclusion

This chapter has identified the essence of war as being "a condition of open-ended organised violence (to gain value)". That this is the essence of war entails that it is both a necessary and a sufficient condition of war, i.e., for war to exist there must be a condition of open-ended organised violence, and whenever such a condition exists there is war.

Singularly the different criteria do not form the essence of war. Violence can exist outside war and wars can be non-violent but constitute a condition of readied violence (e.g., the Cold War 1945-89); organisation obviously occurs within and without wars; but relating both of these criteria to a condition that exists between people and that the organised violence is boundless (unlike a violent sport), forms the essence of war.
PART TWO: CAUSATION

CHAPTER THREE

WHAT CAUSES WAR?
Human warfare is predominantly a chosen activity, and since humans make choices on the basis of their ideas, it follows that human war is predominantly the product of ideas. The concept of idea is qualified to admit that ideas may be chosen tacitly through culturally expected forms of behaviour rather than explicitly through articulated argument. The conclusion that war is a product of human ideologies is defended against alternative explanations of war’s causation and against objections to the argument of the primacy of ideas. The deterministic thesis that war is something that happens to humanity is rejected.

Causation

The occurrence of war, as with any event, can be described in terms of causally necessary and sufficient conditions. The task of stipulating the causal conditions of war is different from that of defining the essence of war, which is described in terms of logically necessary and sufficient conditions.

On the one hand, the existence of a condition of open ended organised violence is necessary and sufficient for there to be war, so whenever that condition exists war exists. On the other hand, a necessary causal condition for the occurrence of war is one in whose absence war could not occur, i.e., if there is no cause (C) then there is no war (W). A sufficient causal condition for war is a circumstance in whose presence war must occur, i.e., W must follow if C occurs.
There may be several necessary causal conditions for war to occur, and given these conditions they form a jointly sufficient causal condition - i.e., given the conditions of \( C_1, C_2, C_3, \ldots, C_n \), war must ensue. A necessary and sufficient causal condition denotes a unique cause for a unique event.

For something to cause an event various logical possibilities arise. Firstly, the cause can be necessary but not sufficient, i.e., \( C \) is a necessary cause of \( W \) but not sufficient, for \( C \) could cause something else to occur. For example, consider the argument that there is no war without aggressive behaviour. Aggression may be a necessary causal condition for the occurrence of war, but it cannot be a sufficient causal condition, for aggressive behaviour can be used to uproot a tree stump or to shout at a football match, and possibly wars entail no (actual) aggression, although the threat of aggression must be present.

Secondly, the cause may be sufficient but not necessary, i.e., whenever \( W \) occurs \( C \) is occurring. The plucking of a guitar string for instance is causally sufficient for it to sound. Yet whenever a guitar string is heard it is not necessarily the case that it has been plucked, for the string maybe resonating from the vibrations caused by another instrument.

Finally, a sufficient causal condition may arise when a group of necessary conditions occurs forming a jointly sufficient condition for \( W \) to occur. For example, the presence
of oxygen is a necessary condition for combustion to occur, and its presence connected with a certain range of temperatures forms the causally sufficient condition of combustion.

A philosophical problem arises in relating causal events to chronology - do C and W occur at the same time, or are they separated in time? If they are separated in time, are we capable of postulating the existence of a connection between C and W? Hume denies that such a connection is necessary, since he reasons that events are separate phenomena, and causation is a mental device we use to refer to similar results following similar successions of events.¹

However, being temporally separated in time does not rule out the possibility of a causal connection between two events. The philosophical problem raised by Hume remains unsolved. Regarding war, a command to go to war (by a relevant agent) is a sufficient causal condition for the outbreak of war, and the two events (the decision D and the war W) can be deemed synchronous.

If the necessary causal conditions of war can be ascertained, and if those conditions are amenable to control and abolition, it raises the possibility that war can be abolished or controlled, although knowing the cause of something and being able to affect change are distinct issues.

¹Hume, An Enquiry Concerning Human Understanding, p.54
The cause of war can also be understood in terms of proximate and remote causes. Remote causes or 'conditional states' are those which are necessary for the outbreak of war, yet are logically or chronologically distant from the actual event of war. For example, a remote cause of war can be the existence of armies or weapons, or even more remotely the existence of humans or of the universe. But given a series of necessary causal conditions \(-C_1, C_2, C_3, \ldots, C_n\) that form a jointly sufficient causal condition for war, the problem arises of which conditions are more relevant to explain war. A pedantic historian may list all the events that were necessary for a war to occur, but causally remote conditions may be ignored not just for a sense of brevity but also for the sound reason that only learning the proximate causes can help us to understand why wars occur.

Proximate causes though may not seem to be chronologically close to an outbreak of war. For example, the events leading to the Falklands war (1982) can be traced back, according to the Argentinean perspective, to the original British occupation, for that is a necessary, albeit remote, causal condition for the eventual war in 1982. However, a more proximate cause lies in the Argentinean claim to the islands, which is chronologically closer to the outbreak of war. The claim is held to be a proximate cause in that Galtieri used it as part of his decision to invade. The claim constitutes a proximate necessary causal condition: that and the decision to
enforce that claim formed a sufficient causal condition for the invasion of the Falklands.

The final or most proximate necessary causal condition of war is the command or decision to use open-ended organised violence. The decision to wage war is based on a belief that war is efficacious, just, necessary, honourable, glorious, and so on. The final declaration -whether explicated or a tacit agreement²- implies that no alternative remains but to fight, i.e., that war is a value imperative held above all other values. For example, a politician may be motivated by the opinion polls: to increase support he or she may reason that "there is no alternative" but to declare war. Since war is a chosen activity many alternatives are available -surrendering, ignoring, allying with others, etc., but logically the final causal act prior to war is its declaration.

Deciding that war should take place is a necessary and sufficient causal condition of war, assuming the decision to go to war is causally efficacious in the sense that of being made on the part of an agent on whose words or actions others will act. In logical terms this implies that beliefs are proximate causal conditions for war to occur, but beliefs are

² The declaration does not have to be articulated though -at the pure biological level the declaration of war may be instinctive -i.e., faced with conditions X,Y, and Z, the creatures instinctively go to war. At the cultural level, such a declaration may be tacit. The point is that an articulated declaration is not a necessary and sufficient causal condition of war: i.e., a person's behaviour may be intentionally aggressive without any expressed or even mentally declared intention.
not causally sufficient conditions, since beliefs alone are not enough to cause action. Only when a belief -and 'belief' captures instinctive, tacit, and explicated reasons- that war is necessary is presupposed and a decision to engage in war is made can a sufficient causal condition arise.

For example, the declaration of war on the part of the United States can only come from the President -no other political body is legislated to enact such decisions. This declaration is a sufficient condition for the United States to be at war, and it is causally efficacious in the sense that his decision then commands armies to be mustered, missiles to be fired, etc. (i.e., presupposing continued military obedience to the President). Other paramilitary bodies may declare war on behalf of the USA, and they may indeed commence war, but not war waged by the USA. Their relevant leaders or committees make the decision to go to war, a decision that is enacted into commands and orders. For instance, the IRA is a non-state organisation that engages in warfare with the British government. It does not wage war on behalf of the Irish people, for only the Irish government is in a position to declare war on their behalf, instead the IRA wages war on behalf of ideals they wish to see enacted -a united Ireland, a Marxist government, and so on. It may be countered that the IRA is not waging war in Northern Ireland but comprises of outlaws engaging in terrorist activities. But their activities
meet the characteristics that form the essence of war, namely a condition of open-ended organised violence.

The decision to wage war provides a logical description of causation but is philosophically uninteresting. In effect the logic entails that wars occur because people decide to have them, i.e., it can be asked, 'what caused Britain to wage war against Nazi Germany?', but the reply that 'Britain declared war on Germany', although logically a correct deduction does not provide much useful information.³

Rather than reducing this aspect of the philosophy of war to a triviality, what should be salvaged is the thesis that the decision to go to war rests on belief systems (ideologies) which uphold war as just, efficacicus, necessary, and so on. People choose war, and they choose war because of the ideas they hold. Unravelling the ideological causes of war is a more productive enterprise.

The next section reviews commonly held beliefs of causal conditions for warfare. These include, the existence of economic surpluses, weapons, aggressive predispositions, and of balance of power considerations.

Considerations on surpluses

Weapons can only be produced or used if other areas of production are neglected. This is analytically true, for even

³ It is a deduction because a necessary and sufficient causal condition for war to occur is that agents decide to enact war. An analogy is useful here: a burglar chooses to steal, and the enact of choice is the necessary and sufficient condition for the burglary to take place. However, of more interest to the
using hands as weapons forgoes their use for other employment. With artificial weapons the proposition is more evident, and is aptly summarised in the commonly used example of opportunity cost between guns and butter. All actions involve forgoing other possibilities, and agents have to weigh the preferred states of affairs intended with those forgone. Possibilities increase, or rather the opportunity costs of not doing some activities decrease, when the capital structure that exists to enable an individual to act deepens. This raises interesting questions about the need for a surplus with which to start and sustain a war. Hence considerations on surpluses are about the causally sufficient conditions of war and not about the essential nature of war.

Theories concerning surpluses are imprecise, for they are usually oblivious to questions concerning who deems what a surplus is and to whom it belongs. Conceptually surpluses are embroiled in the philosophy of value.

Value is inherently subjective, hence what is valued as surplus to the individual's needs is also subjective. Needs are subjective too. The individual lays out a list of priorities regarding resources, time, and effort. That list of preferences is subject to change at any moment - it is in a state of constant flux, or should be so deemed, for the investigator is why a person decided to burgle - what was the motive? and what did the burglar think he had to gain? etc..

4 Goering sardonically commented that; "Guns will make us powerful; butter will only make us fat." Broadcast Speech, 1936, in general quotations books.
contents of the individual's mind are intrinsically private. The concept of surplus refers to the things, effort, or time, that the individual has control over but which fall low on a list of preferences of things to be held. In other words they are things to be exchanged or given away for higher valued things. The point is that no one else can assume of others that 'X is surplus to their needs'. This implies that the term 'economic surplus' is vacuous, since individuals are the valuing agents of a society, and each prioritises 'goods' accordingly. Goods that are 'surplus to needs' are goods given a low evaluation by individual subjective valuation, hence any theory of surpluses must acknowledge the subjective origin of value.

The common use of the term 'surplus' originates from theories that conceive society in a holistic or collectivist sense, rather than being composed of individuals. Surplus is thus deigned to be what 'society' does not need for subsistence, i.e., an alleged metaphysical entity existing over and above the individuals comprising it that is assumed to possess the capacity, among other things, to value. But given that collective entities do not exist, it needs to be asked: deigned by whom? and whose produce, time, or effort is referred to? Obviously, it is implied that an individual acts as the ultimate evaluator of others' lives and dictating what

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5 One can enter into a discussion to show how the individual may alter the priority of X in A's mind, but any presumption of an individual's evaluations of things, time, and effort cannot be made.
he or she thinks each person ought to possess and ought to forego. Collectivist theories have justified the redistribution of putative ‘surpluses’ to use them for purposes possessing a higher valuation in the minds of those in power.

Wars result from the production of surpluses, it can be argued, for when the people have more goods than they need, they will become bored or can afford to waste resources and men in warfare (this is part of the economic theory of physiocracy). Collectivist explanations can presuppose different premises, for example: civilisation may be blamed for war, because civilisation produces surpluses; or the formation of an aristocratic elite that lives off the surpluses generated by economic activity forms a causal condition for war, for they are in a position to usurp the wealth for their own political purposes including war.

‘Surplus’ is a useful word though, as it does capture what is at stake for a political war to occur. Swallowing the above problems, the concept can still be used to explain that a society requires an ability to muster resources to sustain a war, and these resources must not immediately reduce the community, as a whole, to below a subsistence level of existence. In concrete terms this means that resources are diverted away from their present uses for the purposes of war, and this (assuming Pareto optimality) entails a wastage of resources, since governmental organisation of resource use is
inherently inefficient. When resources are redirected by involuntary measures, they cannot satisfy the highest needs of the people as would be determined voluntarily through market behaviour.

The economic prerequisite to forming a column (a supply line) for war is that enough capital can be distributed from nominally peaceful enterprises into nominally violent ones. The greater the capital that can be so distributed, the greater the numerical and temporal extension of the column. The product of the division of labour is then made available, in Turney-High's description, for "[t]he organisation of men and materials into one beautifully co-ordinated whole, working for the common mission according to a well-understood tactical pattern."

However, the existence of a surplus of resources or energy is a remote necessary causal condition of warfare rather than a proximate cause. Without the energy to fight, a war cannot take place, and with an increase in the quantity of resources available for war the level of warfare can be intensified. But possessing the energy for war does not in itself cause war, for war still requires a decision to effect it. It is false therefore to argue that the existence of economic surpluses is a necessary and a sufficient causal condition for war to take place.

'Capital' here refers to the broad class of resources destined to create, support, and maintain the soldiers, weapons, and hinter-industry necessary for potential or actual warfare.
The next section deals with the theory that the existence of weapons supposedly causes war.

Considerations on weaponry

Qadir takes the view that:

A machine is never an innocent contrivance. Its powers to do evil are immense. And once it has come into being, no power on earth can prevent its potentialities from appearing in one form rather than another.\(^7\)

But all technology is created by specific humans for specific ends that they have in mind - machines do not control humans, for they cannot have aims or goals. Tools may be used to kill or they may be used to heal; what purpose they are used for depends on the aims of the individuals using them, as Dyer explicates:

Yet the easiest and worst mistake we could make would be to blame our present dilemma on the mere technology of war. Napalm, nerve gas, and nuclear weapons were not dropped into our laps by some malevolent god; we put a great deal of effort into inventing and producing them because we intend to fight wars with them. It is our attitudes toward war and our uses for it that really demand our attention.\(^8\)

It can be countered that the science of artificial intelligence may produce robots that could control people. The problem raised though is a matter of definitions - a machine is a tool, and hence is used by an agent for certain purposes; an android on the other hand, could be manufactured by humans to possess a will, but then an android (e.g., 'Data' on Star

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\(^7\) Turney-High, *Primitive War*, p.53

\(^8\) Qadir, "God and War", p.271

\(^9\) Dyer, *War*, p.3
Trek) is not a machine, but a sentient artificial person. Machines can never control -by definition.

But does a preponderance of weaponry ease people into using them? Humans are not always cool-headed, thinking through what ought to serve and maintain peace and cooperation in society, pressed hard, like any animal, a person has the capacity to retaliate violently, and if a weapon is at hand will probably choose to use it. I say 'choose', because picking up a weapon is not (I presume) an instinctive reaction, for the thought of self-defence with a weapon will have been entertained by the person: hence a choice has already been made—a choice influenced by education, observation, and by personal reflection. The snatching up of a weapon in 'blind panic' does not absolve the individual from making that choice. But if the weapon were not there, or the person did not live in a culture that emphasised self-defence with weapons, physical conflict would be weaponless.

The existence of weapons does not cause war -their use depends on what people believe they should be used for.

Civilisation and war

It has been argued that civilisations cause war. Dyer, for example, observes:

[All the wars and the massacres, the ruthless application of power and the unrestrained cruelty of the victors, were implicit in the invention of civilisation.]

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10 The intent to harm connects to a plan of how to enact harm.  
11 Dyer, ibid., p.33
Dyer agrees with Hobbes in describing uncivil life below the military horizon as nasty, brutish and short. Civilisation does bring with it a plethora of opportunities for more interesting lives, but it also brings with it "unleashed boundless violence." Others point to the evidence that prehistoric war emerges with civilisations; Leakey, for instance, notes that "[b]eyond the beginning of the [prehistoric] agricultural revolution...the depictions of battles virtually vanish." And Fagan comments that:

"warfare can be rejected as a primary cause of civilisation without much discussion since large military conflicts appear to have been a result of civilisation, not a direct cause of it."

The strong hypothesis that civilisation is the cause of war is misplaced though. As Fagan notes, civilised war "is a far cry from the tribal conflict common to many peasant societies", for wars do occur below the military horizon, but are intensified with the development of civilisation.

Civilisation rests on peaceful co-operation -which ultimately is a function of freedom from arbitrary coercion, and peace at the borders is conducive to benefiting from the advantages of co-operative effort than fear of constant war. The values that emerge with the 'great' or 'open' society foster an emphasis on peace in which arbitrary violations are condemned by common rules of conduct favouring a just use of...

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12 Hobbes, Leviathan, p.186
13 Dyer, op cit., p.33
14 Leakey, Origins, p.233
15 Fagan, People of the Earth, p.426
force by a neutral government. Criminals are those who seek to overthrow or exploit the peaceful society by taking values through force and fraud; such actions are not conducive to civilised life, and a fortiori criminal activity abroad in the form of aggressive war is not conducive to enjoying the gains of co-operative enterprise of international trade.

Civilisation per se does not cause war, for the rule of force is inimical to the essence of civilisation. Nonetheless, civilisations do go to war, but only because their economic product is usurped and exploited for the criminal pursuit of aggressive war, as Germany has done twice this century (1914-18, 1939-45), or for defence against aggressors, e.g., France in the First World War (1914-18). Either way, civilisations are taken into war by a belief in war's efficacy, its justness, its necessity, etc. In terms of aggressive wars, these include such uncivilised ideas as the philosophy of might over right and the support of the arbitrary or unlimited use of force.

With the rise of civilisation it is true that more destructive weapons were invented, but the fundamental forms of warfare available to civilised and non-civilised societies remain. Either could enact indiscriminate warfare17, or a

16 Fagan, ibid., p.426
17 Nor is it historically true to say that civilisation developed 'civilised warfare' with its codes of just conduct. Just and fair rules in war are known to non-civilised and civilised societies -by non-civilised societies is meant those which do not possess writing and/or a permanent form of government, or a settled community. Nevertheless such rules
policy of scorched earth, sparing none and destroying everything, and both forms of society have been guilty of the most atrocious acts of war, as well as having acted to mitigate some of war's excesses. But why wars occur and why they take the particular forms they do ultimately rest on peoples' ideologies.

Civilisation itself is not responsible for war or for its conduct. It confers benefits on humanity through permitting an unleashing of the talents of all through the extended division and specialisation of labour. It has invented the most destructive technologies, but it has also invented the most creative technologies - the means to combat illnesses, to educate, and to provide, almost universally, food and shelter. War remains the result of ideas not of the environment or the technical state people find themselves in.

Aggression

Lorenz alleges that a necessary and sufficient causal condition of war is aggression. Midgley defines aggression as "the general tendency to attack members of one's own species." The theory that aggression is assumed to be not are more likely to develop with secondary types of war, i.e., wars between similar societies that can agree to mutually benefiting restrictions on the extent of war. In the case of primary wars - wars between different civilisations - common rules of conduct have no mutually beneficial basis to develop except from self-imposed restraints. Restraints are less likely in wars between different civilisations, since the combatants are not likely to envisage peaceful co-operation with their enemies.

Cf. Lorenz, On Aggression.

Midgley, Beast and Man, p.54
only a cause of war, but the sole cause of war, requires particular attention.

Some species are predominantly aggressive, others more peaceful, but all creatures become aggressive if provoked or threatened enough. Aggression is natural to humans in the sense of a reaction when faced with a need to defend vital interests such as territory, family, or personal identity. But it does not follow that a predisposition to aggression causes war. Fromm notes evidence that supports the thesis that, although it is an innate response to threats and violence, aggression remains a defensive mechanism vital for survival.

Care must be taken not to draw the conclusion that aggression is the sole motive for human action, a fallacy analogous to drawing the conclusion that because humans can be self-interested they are psychological egoists. The conclusion that humans are 'psychological belligerents' should be avoided for logical reasons, but, as Fromm notes, the concept of aggression is divisible into benign defensive aggression and malignant offensive aggression. Defensive aggression plays a specific role in human and animal life in assisting the maintenance of life, whereas offensive aggression is a

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20 In the vertebrate kingdom fighting is common, but what forms it takes differs. E.g., Howler monkeys' fighting is restricted to a shouting match, for the gibbons both sexes fight ferociously, and in gorillas only the males fight.
22 That it is a close argument unassailable by conflicting evidence.
peculiarly human trait and is destructive.\textsuperscript{23} Different arguments are propounded for why aggression is a necessary or even a sufficient cause of war, but all are found to be weak, since they do not make the useful distinction pointed out by Fromm.

For example, Ardrey contends that aggression arises within the species once personal ties are formed.\textsuperscript{24} The capacity to differentiate between members of the group is the first step to bond-forming, but, Ardrey asserts, also the first step to increased intra-specific tensions.

This argument is questionable on a number of levels, the most important being that cruelty and destructiveness in war is geared towards enemies who have been dehumanised or objectified, and not just against neighbours. Although the capacity to sympathise plausibly involves only immediate kin, humans are also reasoning creatures who can sympathise beyond the family; but the converse action of deliberately objectifying others is most likely not an instinctive but a

\textsuperscript{23} Fromm, \textit{ibid.}, chs.9-10
\textsuperscript{24} Ardrey, \textit{Territorial Imperative}, Ch.8.

Ardrey's argument begins with noting the distinctions between a herd and a community formed of social ties. Anonymity within the herd excludes intra-specific aggression, and this behaviour has evolved for a reason, namely that the herd faces continually a predator presence. Aggressive behaviour gains evolutionary support as soon as personal affections arise for certain members of the species, and bonds are formed that create distinctions between 'us' and 'them' within members of the group. Being a member of a well defined group, it is implied, reduces the level of intra-social conflict.
cultural trait. People learn to dehumanise or to objectify other people.\(^{25}\)

Ardrey's theory of the solidarity of the group against outsiders should be described as a theory of 'offensive aggression' to the extent that the group dehumanises others, and 'defensive aggression' if their behaviour is in response to an actual or perceived threat.

The second problem is that conflicts also occur within the group, for instance between friends. Obviously a friend is considered to be a person and not a thing (in mature relationships at any rate), and any aggression in friendship that may arise can be explained in terms of defensive rather than offensive aggression. Whereas in war, any mutually binding values may be completely destroyed in a dehumanisation of the enemy. (In total warfare such a dehumanisation is necessarily total, whilst in regulated war the rules of just war ensure a modicum of humanitarian considerations).

Another example is provided by McDougall who contends that aggression is a necessary condition for natural selection.\(^{26}\) Aggression towards outsiders plausibly plays a crucial role in fostering communal values necessary for a social existence - e.g., the emergence of the nation state of Britain in the face of external threats from others - the French, the Germans, the

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\(^{25}\) E.g. Cf. Descartes's arguments on the nature of animals as machines.

\(^{26}\) McDougall, "The Instinct of Pugnacity", pp.34-35
Spanish, the Scots, etc.- but the proponents should be aware of the evolutionary precariousness of intensifying aggressive capabilities which overwhelm other requirements and which can make a species vulnerable to extinction. An overdeveloped capacity for aggression that is phylogenetically inheritable may become useless or even inimical to the survival of the group.  

MacDougall’s theory can be read as a twist on Hegel’s master-slave theory in which a group can only be said to gain an identity through its activities in relation to another entity that it seeks to dominate. Hegel’s master-slave theory is dubious. Humans, according to Hegel, cannot help but become masters and slaves, either with one another or in themselves, as Copleston describes:

The master is the one who succeeds in obtaining recognition from the other, in the sense that he imposes himself as the other’s value. The slave is the one who sees his own true self in the other.  

The Hegelian concept is taken up by Marx and also is found in the existentialism of Sartre; it claims a broad causal condition of war in inferring that war or conflict necessarily results from the inexorable development of the master-slave

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27 In the case of the North American Ute tribe, natural selection through continuous warfare with neighbouring tribes led to a relatively intense phylogenetically inherited capacity for aggression. Within the tribe, culture and rituals evolved to ensure that aggression was not turned inward against members of the group, instead it was constantly directed outward against enemy tribes. Lorenz, op cit., pp. 210-211

relationship. The relationship is not something that can be properly overcome, hence war remains a perpetual threat to humanity.

Although a people may gain a deeper understanding of what unites them in the face of a common threat, this presupposes that there exist unifying elements prior to the need for mutual defence. Clausewitz, no doubt echoing Hegel, notes: "In war things which are hidden become revealed." Yet the same can be said of any inter-social activity. Games for example, reveal different aspects of people's personalities, as does relaxing under the influence of alcohol. It follows that war is not a necessary condition for revealing hitherto hidden aspects of cultures.

A third argument supporting aggressionism links the existence of aggression to human frustration. If a person is frustrated, plausibly he or she is more likely to become aggressive. Bertrand Russell notes:

This morning I read a paper to a Pacifist Conference. They were an awful crew. Pacifists are really no good. What is wrong with mere opposition to war is that it is negative. One must find other outlets for people's wildness, and not try to produce people who have no wildness.  

However, the thesis is problematic. Firstly, a logical gap exists between an individual becoming frustrated and a whole community becoming so, the latter supposedly being a necessary condition for wars to take place. Secondly being frustrated is a common experience to all creatures who cannot have their

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preferences met all of the time. Living demands adaptation to environment, society, and an individual constitution, and the reality matrix is not always going to provide the circumstances preferred by the agent. And given that humans are not omniscient, it is inevitable that mistakes are made in acting, so the feeling of frustration is a natural reaction. But its existence does not imply that we become aggressive towards others or to the world, never mind organising society for war. Such behaviour can only emanate from a deliberate decision to take out frustration in a violent manner. Other decisions are available, such as to try again, or to come to terms with the facts impeding one's preference satisfaction.

Scapegoats have been used by societies as the symbol for a frustrated group. For example, ancient Jewish high priests would take two goats, one of which would be sacrificed to Jahweh, whilst with the other the priest would lay his hand on it and recant all of Israel's sins, thereby transmitting them to the goat. The goat was then cast out into the desert and the supposed realm of the devil Azazel.10 The institutional use of scapegoats can emerge spontaneously, for it can certainly be said to play an efficacious role in quelling a discontented society. On this consideration war can be explained as the phenomenon of striking out at a scapegoat, in which neighbours and other cultures are accused of being the cause of ills befalling a people. The scapegoat theory may be used to
explain some wars but not all. Plausibly Galtieri invaded the Falkland Islands (1982) to channel domestic discontent into a common cause, but other wars, such as the Crimean War (1854), cannot be said to emanate from a desire to blame a scapegoat, but from balance of power considerations.

The refutation of these arguments conceiving war as a product of humanity's aggressive instincts lead to a positive conception of aggression and its proper relation to war.

Aggression can be either indiscriminate, as in the case of socio-pathic individuals, or it can be discriminate. Individuals above the socio-pathic level discriminate between those they care for and those they do not. Objects of aggression are thus formed from ideas conceived through either reflection or cultural conditioning. Explicit or implicit justifications are necessary for a normal person to say that he or she 'hates' another person or group and wishes violence against them. Such justifications can emerge through cultural structures, in the form of expectations held of other peoples -that they are untrustworthy, violent, inhumane, dogmatic, and so on. Such stereotypes are readily recognised in any culture's descriptions of other groups, and such descriptions usually last over many generations.\textsuperscript{31}

\textsuperscript{30} "Scapegoat" in Encyclopaedia of Religion and Ethics, ed. James Hastings, pp.221-222
\textsuperscript{31} As pointed out to me by Professor Jack Granatstein in a talk to the University of Edinburgh Canadian Studies centre on the attitudes of Canadians to Americans during the Vietnam war, 1995. Cf. Granatstein's Yankee Go Home: Canadians and Anti-Americanism (1996)
Desiring violence against another group requires a stirring up of such stereotypes in the use of propaganda, which has been so effectively used in political wars. D.H. Lawrence rightly notes that: "Loud peace propaganda makes war seem imminent."\textsuperscript{32} Probably propaganda becomes a necessary causal condition of at least aggressive wars above the military horizon, for the existence of an open society is characterised by a dispersal of allegiances. To form a common ideal and rationalisation by which to fight is the object of propaganda, for without that common purpose wars can only be haphazardly organised. Illusions and stereotypes shatter once people realise that the enemy are persons.\textsuperscript{33} A valuable counter to propaganda's dehumanisation of others is a humanist emphasis on the similarities between people, the dignity of humanity, the freedom of the soul, the pursuit of secular goals, and toleration.\textsuperscript{34}

That we possess a capacity for aggression is undeniable, but against whom or what it is exercised is a matter of choice. Cultural and political warfare is different from biological reactions prompting aggressive responses. Such wars are concerted efforts employing time and resources beyond what could be available in a quick reaction to forms of frustration. Other species may fight amongst themselves over

\textsuperscript{32} From Peace and War, in general quotations books.
\textsuperscript{33} Cf. for example, The Long and The Short and The Tall, by Willis Hall.
territory or sex and engage in animal warfare as a product of inherited instincts, as humans may react to threats with aggressive behaviour, but humans also live by ideas. Ideas can promote or denigrate warfare, but no other species chooses to wage organised war on its own members for purposes beyond strict survival.

Wars cannot be explained by aggression alone, since other factors, namely cultural and rationalistic factors are involved. The simplistic resolutions of aggressionism are useful for noting innate mechanisms that all creatures are endowed with, but the theorists do not adequately differentiate between offensive and defensive aggression, nor they explain how an innate individual reaction becomes a collective phenomenon of war.

**Balance of Power**

A common theory offering an explanation of war is provided by the balance of theory. Michael Howard is a recent exponent of this view, but he acknowledges that it goes back to Thucydides' comment that; "[w]hat made war inevitable was the growth of Athenian power and the fear this caused in Sparta." Balance of power theorists stress the interplay of state relations, the theory thus rests on a political theory of the nature of the state and deals only with political wars.

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34 For example, in the humanist renaissance of Italy in the fourteenth and fifteenth centuries, Lorenzo Valla (1407-1457) asserted the goodness of pursuing pleasure.

35 Thucydides, quoted in Howard, *The Causes of Wars*, p.10
Wars, Howard argues, are solely the province of state relations. From the definitions of 'war', Howard is referring to political wars and not animal or primitive wars. Political war for Howard begins with Frederick the Great and the Staatspolitik of which it was a function. Howard invokes Raymond Aron's contention that: "The stakes of war are the existence, the creation, or the elimination of States." He also concurs with Rousseau, arguing that "if one had no sovereign states one would have no wars", although the absence of states, he agrees with Hobbes, might not entail peace either.

There are four assumptions to the balance of power theory: states cause wars; states are individuals; states naturally reside in fear of one another; and the decision to go to war is rationally or politically made. The cause of war, from this perspective is hence either the existence of an international arena of independent states and/or the fear that pertains to their conceptions of each other. The decision to go to war as a rational choice describes the process that states use to

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36 Although he erroneously interprets Wright's definition of civilised war as commencing after the Medieval ages. For Wright, civilisation and hence civil wars stretch back to the period of writing and of a rudimentary state. Cf. Wright, A Study of War, Ch.VII, and Howard's quotation on p.13: "Medievalists will perhaps bridle at the application of the term 'primitive' to the sophisticated and subtle societies of the Middle Ages...", which is not what Wright has in mind at all.
37 Howard, The Causes of War, p.13
39 Howard, op cit., p.11
weigh the pros and cons of waging war. The balance of power theory can be refuted on all four levels.

First of all wars involve power, but power does not have to be incorporated in the existence of a state. States may form with the development of settlements, but alternative social systems are also available to humanity—anarchist and communist thinking asserts that a state is not required for society, but more importantly wars evidently occur between pre-state and non-state societies.\(^{40}\)

Secondly states are to be considered as individuals on the international arena. This conception of states as individuals is prominent in political philosophy, as Charles Beitz notes:

Perceptions of international relations have been more thoroughly influenced by the analogy of states and persons than by any other device. The conception of international relations as a state of nature could be viewed as an application of this analogy. Another application is the idea that states, like persons, have a right to be respected as autonomous entities.\(^{41}\)

This is a characteristic of Wolff's positivism that presumes states possess rights and Hegel's collectivism that regards the state as society incorporated. Wolff writes:

Nations are regarded as individual free persons living in a state of nature. For they consist of a multitude of men united into a state. Therefore since states are regarded as individual free persons living in a state of nature,

\(^{40}\) The state is not a necessary causal condition of war. Many wars are indeed fought by states, but many also do not involve states as such, as Scottish clan wars or North American Indian wars, and so on, exemplify.

\(^{41}\) Charles Beitz, *Political Theory and International Relations*, p.69.
nations must also be regarded in relation to each other as individual free persons living in a state of nature.42

And Hegel assumes the state to be the moral absolute:

In the Government, regarded as an organic totality, the Sovereign Power or Principate is...the all sustaining, all-decreeing Will of the State, its highest Peak and all-pervasive Unity.43

Both are false descriptions of states for states can also rightly be considered as tools to defend society from external and internal threats. Yet Howard is keen to lay the blame at the door of the State: "It is hard to deny that war is inherent in the structure of the State."44 The Hegelian underpinnings of Howard's musings become evident in such remarks. He continues:

States historically identify themselves by their relationship with one another, asserting their existence and defining their boundaries by the use of force or the immanent threat of force; and so long as the international community consists of sovereign states, war between them remains a possibility...45

The Howard-Hegelian thesis is a more extreme offshoot of the positivist jurists who assert that the head of the state assumes the person hood of the collective over whom they have power -hence the term 'England' can refer to the country and

43 Hegel, quoted in Popper, *Open Society Vol.II*, p.45
44 Howard, op cit., p.25
45 Howard, op cit., p.25.

Cf. Hegel: "It is as particular entities that states enter into relations with one another", Philosophy of Right, §340

"Individuality is awareness of one’s existence as a unit in sharp distinction from others. It manifests itself here in the state as a relation to other states." Philosophy of Right, §322
to the monarch. If the state is construed as an individual in the moral, legal, and political sense, then the balance of power concerns that Howard has in mind are actively promoted.

Thirdly, balance of power politics are employed through the medium of a fear of others. Howard emphasises Thucydides' observation that it was Spartan fear of Athenian power that precipitated the war—and no doubt it was.

\[\text{In general men have fought during the past two hundred years neither because they are aggressive nor because they are acquisitive animals, but because they are reasoning ones: because they discern, or believe that they can discern, dangers before they become immediate, the possibility of threats before they are made.}\]

The fear of others' activities that is characteristic of balance of power politics is no doubt a causal condition of warfare, but is not a metaphysical inevitability (pace Hobbes) to which humanity must resign. Fear arises from an anticipation of pain or from ignorance of a situation and can

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Fear is assumed to be—explained to be—a necessary condition of war. Realists may contend that it is also a sufficient condition.

Howard, op cit., p.15

Bertrand Russell claims that the instinct of fear is the cause of war. This is not the only cause that he asserts in his pamphlets and letters on war, but for the purposes of elucidation, his comments are useful: "Man as he is can only be explained by man as he was, and never by man as we would like him to be—the wishful thought of the pacifist. He is the product of thousands upon thousands of generations of savage and bloodthirsty progenitors, who have bequeathed to him his instincts. Fear, the most potent of all, is the sentinel of barbarous and civilised man alike; it remains the oldest of protective mechanisms, and becomes manifested in every child before the end of its third month." Russell, "Fear as the Ultimate Cause of War", p.30

Russell argues that the sacrifices demanded of individuals cannot be attributed to a desire for conquest, rather the
thus be justifiable or not. Ignorance of others' intentions no doubt can lead to a fear of them, but a nation ought not to go to war through fear alone—it must be justified by referring to what exactly is prompting the fears, and then acting to assuage those fears.

The final element of the balance of power theory rests on the notion that political power is a necessary and sufficient condition of human relations—i.e., for any form of relation to exist with the other power is not only an inevitable element but also a necessary component, hence balance of power theorists ignore wars emanating from below the province of reason—'cultural wars'.

Against this presumption, the contrasting importance of co-operation can be asserted and co-operation does not require political deliberation. In terms of biological evolution, co-operation remains the sole form of effective adaptation, since, at the limit in evolutionary principles conflict, parasitism, and violence in general are logically self-destructive. Hegel acknowledges this in his master-slave theory in which he asserts that recognition of the self-desire is found in fear, "the principal motive with ordinary citizens." Russell, ibid., p.30

The philosophical basis of this is found in Hegel's master-slave thesis that is assumed to be logically a necessary and sufficient condition of all human relations, and whose origin is assumed to be in the structures of human consciousness. Hegel dubiously concludes that people are determined to strive to dominate one another. Nonetheless, the master-slave theory relies on co-operation—that the slave co-operates with the master, but the overriding characteristic is the uncooperative function of domination.
requires the continued existence of the other. Nonetheless, a permanent state of 'terror' (Sartre) is expected to exist between the relations of people remains. Hegel's master-slave thesis proffers support of militarism, and militarism is not conducive to peace but is an attempted justification of war. Yet the master-slave theory is not a brute inalterable fact of existence—it can be rejected and other theories of inter-social relations accepted. The proposals of Christianity, humanism and liberalism, for instance, propound the unification of humankind, rather than its dissolution into castes.

Each of the four aspects characterising the balance of power theory offers an unsound position on which to base a theory of causation of war. The theory is efficacious to the extent the people use it to explain and predict human affairs, but it is not a doctrine that must, of necessity, be held.

Nonetheless, it would be imprudent for a government not to examine cautiously events abroad. Political change in other countries can forge paths to war, and it is wise for officers of the state to maintain a vigilant watch for such developments. Here we can agree with Howard's advice:

Sophisticated communities...assess the implications that any event taking place anywhere in the world, however remote, may have for their own capacity, immediately to exert influence, ultimately perhaps to survive. Hence, in an international arena of sovereign states the balance of power theory is a useful guide to examine others'
actions with interest and to avoid misunderstandings and war; but it does not in itself explain why wars occur except to the extent that people believe the world to be characterised by balance of power considerations.

It remains true that human war is chosen and that choices emanate from ideas.

Howard, op cit., p.14
Chapter Four

Metaphysical Beliefs and War
Metaphysical beliefs deal with our understanding of the ultimate nature of the universe. They are efficacious for human action in that people act on their beliefs or presuppositions concerning reality. This chapter examines theories that make the grave mistake of assuming war to be a metaphysical fact, i.e. "a fact inherent in the identity of that which exists rather than a man-made fact that depends on the exercise of human volition."

Determinist metaphysical theories consider war to be a brute fact of human existence outside the province of human reason. Such theories, it will be argued, are false, for wars are predominantly the product of human ideologies, and hence dependent on choice. That war is a product of free will, or at least explicable from compatibilism, is also a metaphysical theory of war.

Free will is rejected outright by determinists for attempting to introduce into the universe an uncaused event - an act of will, imagination, desire, etc., which is irreducible to other events. Since determinism considers free will as illusory, as an explanation of war, or of any human activity, it is false. However, so far as determinism is held as a metaphysical explanation of the events of the world, then it does carry causal powers in the sense that individuals subscribe to the position and then attempt to live their lives by it -inauthentically, as Sartre would describe it.

In determining what makes a person act the way they do we refer to purposefulness, and to understand the individual’s purpose and hence the means used, we refer to the ends the individual has in mind when acting. As Mises emphasises, no statement or proposition regarding human action can be made that does not refer to the ends aimed at:

The very concept of action is finalistic and is devoid of any sense or meaning if there is no referring to conscious aiming at chosen ends.1

Humans act to achieve certain ends, hence when they fight their fighting is for a purpose. What an individual desires as an end is a matter of thinking, of prioritising values and of wondering how best to satisfy them. The result is an idea invoking a value, its end, and its means. Hence ideas guide behaviour.

War is a product of ideas and ideas are the product of volitional action - of drawing conclusions about the world. Their acceptance may be pre-rational in the form of tacit agreements to traditions or of conventions, but in the case of an articulated agreement to wage war, the idea can usually be traced, paraphrasing John Maynard Keynes, to some dead defunct philosopher.

Deterministic attitudes are reflected in arguments such as: "I could not help it, for I had no choice", "War forced us to strike the cities", and "war [the hidden premise goes] is not of our choosing", and so on. Whenever war is explained as

1Mises, op cit., p.284.
an event outside human choice, the proposal is that it is determined by other factors.

Materialism

Materialism emphasises the continuity of human nature with the rest of the universe. The argument is as follows.

War is the result of a concatenation of events that stand initially outside the jurisdiction of human activity, but which nonetheless cause humans to go to war with one another. This argument refers to events in the universe such as the movement of the planets, sun spot activity, and climatic or environmental changes. These events purportedly alter the behaviour changing people from, say, peace-loving, curious folk into ferocious, suspicious beasts. If humans are subject to great matrices of causes and effects characterising the physical development of the universe, it follows that people are not responsible for business cycles, creative periods, dark ages, or wars. This theory rejects the primacy of ideas for it asserts that humans are subject to the casually closed universe. It is hence a deterministic metaphysics.

Attempts to reduce human activity to determinism are in vain. Even if it is a solid principle that external systems like the weather affect human behaviour, strict determinism has to be rejected. Warm and humid weather may induce physical lethargy, but what lethargic humans do with their time is not determined by physical events, since choice is an integral part of human nature. The choices people make are dependent on
the beliefs they have, and those beliefs are not determined by the physical universe (although actions are constrained by it). Strict determinism rejects free will, hence it is an unsound theory, and ideas retain their causal position in human affairs.

The materialist theory of war removes responsibility from humanity to deal with war, since its causes are purportedly outside human jurisdiction. But humanity is responsible for its actions, since it possesses free will.³

Secondly, materialism rejects the possibility that humans are capable of altering their behaviour to remove the seeds of war. If war stands outside of human province, whether it is caused by divine mischievousness, primeval urges, or sunspots, then such an implication is of course a logical one. However, it rests on false premises presupposing that people live by reaction alone: a truer proposition is that humanity forms ideas of how to act. Obviously, the nature of the universe is a given, as are the physical laws that must be obeyed for the successful adaptation of any species (and similarly certain social laws constrain activities -the laws of economics for example), but the values people pursue within the universe are functions of the ideas they hold.

Strictly, materialists cannot hold wars to be human events, for humans are merely reactive materials that are incapable of choosing -wars are thus metaphysical (or natural)

³ Peikoff vouches that; "because man has free will, no human choice -and no phenomenon which is a product of human choice-
facts. For instance, in a material universe without conscience or purpose wars can only be an emanation of behaviour caused by physical processes.¹

To others the universe is an evil place and the domain of evil forces subjecting humanity to a constant barrage of violence, anxiety, and pain. The universe is assumed to be fundamentally malevolent towards human life, and war is just one of the characteristics of this baleful existence. The theory is false.

A malevolent monism is maintained, for example, by Hobbes. Hobbes postulates a material universe, whose underlying nature is inimical for human existence, for people cannot live peacefully in it without artificial structures:

Hereby it is manifest, that during the time men live without a common Power to keep them all in awe, they are in that condition which is called Warre; and such a Warre, as is of every man, against every man.²

Hobbes's conception of the basic nature of humanity, and thus his primal conception of the universe as it is relevant for human action, is that in a state of nature humans are predisposed to war with one another. The state of war is thus a constant companion of humanity, and what seems to be peace is considered merely a lull between wars. The universe is thus inimical to co-operation and to peace.³

¹ is metaphysically necessary." In "The Analytic-Synthetic Dichotomy", p.149
² Behaviourism is quite akin to strict materialism, since it too denies the possibility of consciousness.
³ Hobbes, Leviathan, Ch.xiii., p.185
⁴ The same metaphysical attitude is held by Santayana who believes that: "There is eternal war in nature, a war in which every cause is ultimately lost and every nation destroyed. War
The implication for Hobbes's malevolent universe metaphysics is that war can never be abolished, for it is innate in human nature—that is, if left alone, humans would fight. They only co-operate out of self-interest to form a commonwealth that will take up their powers and arbitrate disputes and thus secure peace. The 'Leviathan', or state, is created to quell the innate predispositions of people to war. Seemingly though for Hobbes, life can be considered a good thing, worth preserving and defending against aggression, for the state is formed to preserve life.

Although it is to human nature that Hobbes looks, he proffers a metaphysical theory of war. That human nature is considered to be deprived implies that the universe in which humanity finds itself is not natural or beneficial. Dualists, like Plato (and later St Augustine7), point to supernatural dimensions of a heaven as being the proper place for humans, is but resisted change, and change must needs be resisted so long as the organism it would destroy retains any vitality. Peace itself means discipline at home and invulnerability abroad—two forms of permanent virtual war; peace requires so vigorous an internal regimen that every germ of dissolution or infection shall be repelled before it reaches the public soul." From "Soliloquies in England and Later Soliloquies", pp.104-5, in The Wisdom of George Santayana, p.217.

Both arguments are also anticipated by Cleinas in Plato's Laws, except, whereas Plato holds a dualist metaphysics, Hobbes maintains a materialist view of the universe. Cleinas asserts: "for what men in general term peace is a name; in reality, every city is in a natural state of war with every other, not, indeed, proclaimed by heralds, but everlasting." Plato, Laws, 625ef, trans. B.Jowett, p.189 Plato argues through the Athenian Stranger that peace should be the purpose of laws, not war, nonetheless we can comment on Platonic dualism as it relates to war, for Popper remarks that militarists often espouse the words of peace but practise war. Popper, The Open Society and its Enemies: Plato, p.259, fn.33.

7 Cf. Copleston, History: Vol II, pp.78-79
whereas monists argue that contentment can be gained by supporting those institutions minimising the breakouts of war and arresting the supposed outbreak of human reactions to the universe in which people finds themselves.

Hobbes's malevolent universe thesis is incorrect. It cannot be doubted that humans commit the most awful crimes, but it must be asked what prompts them to evil deeds? The universe cannot be an evil place per se, since it has allowed life to evolve and to be sustained. Admittedly for most living creatures life is fraught with danger - a constant struggle against environment and predators, and Hobbes emphasises this when he calls life "solitary, poore, nasty, brutish, and short". But life adapts, and through natural selection those forms and patterns of behaviour best suited to living succeed in reproducing. Hobbes's description of the "condition of Man of everyone against everyone" is false, for the universe 'allows' new adaptations to succeed. It follows from this that humans can live peacefully, if they so choose to act.

The Permanent War Theory

Clausewitz maintains that peace is a mere facade to hidden tensions:

The theory which makes an absolute distinction between war and peace is false. War is an overt expression of covert tensions and conflicts which exist in every stable and peaceful situation. In war, things that have been hidden become revealed.8

8Clausewitz, quoted in Col.J.Friedrich, "War as a Problem of Government".
For Clausewitz, peace is a mere facade covering tensions and conflicts, and war brings these to the fore.

Similarly Hegel asserts an idealist position that warfare is necessary for humanity, for it is embedded in the structure of the human mind. Hegel’s master-slave thesis is a theory of permanent war. Verene interprets Hegel’s theory of war as depending for its existence on armies, and armies depending for their existence on a way of life -on the way of the warrior;

war exists not because of man’s inability to conceive the principles whereby to organise for peace, but because the warrior is a specific way in which men relate to their own existence. Any solution to the problem of war must rest on a solution to the problem of warriors; and this is particularly difficult since the style of life of the warrior is rooted in one of the basic structures of consciousness.  

Hegel’s master-slave relationship is assumed to dominate human existence, for it is found in the actualisation of mental categories. Hegel claims that war should “not to be regarded as an absolute evil and as a purely external accident”. On the contrary, it is a necessity;

the fact remains that wars occur when the necessity of the case requires. The seeds burgeon once more, and harangues are silenced by the solemn cycles of history.

That war is a permanent or inevitable state of human affairs and peace is illusory is consistent with Heraclitus’ putative observation that “war is the father of all things” that through violence and chaos new forms of societies or agreements can be forged. But the permanent war theory denies

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9 Verene, op cit., p.177
10 Hegel, Philosophy of Right, §324
the possibility of volition -of choosing to fight or of choosing to co-operate.

**Cataclysmic War**

A weaker version of the permanent war thesis is the 'cataclysmic view' of war, which describes war to be a periodic disaster encumbering human life, but that it remains a necessary and unfortunate part of life. The theory prescribes the formation of defences against the inevitability of war just as lightning rods and storm breaks are used to shelter people from the vagaries of nature.

Part of the theory is false, since humans actively choose war. It is partly true though, for wars that exist below the military horizon can evolve as purely cultural solutions to inter-societal problems for dispersing populations or ensuring proprietary rights. But with the rise of complex society, war can be lifted above the unchosen or unarticulated response to inter- and intra-social conflict to a deliberately invoked enterprise (although the reasons and justification for doing so may remain couched in atavistic terms).\footnote{Hegel, *ibid.*, §324 Addition.}

**Irrational motives**

\footnote{The cataclysmic theory does not rule out the possibility that ideas beget wars. But since its focus is on absolving people from any responsibility for war, the theory could logically, for example, entertain the possibility that the universe prompts people to believe in militarism. Nor need the theory invoke fatalism, which suggests that the defending group is helpless to divert war, for it entails that precautions may be taken to prevent war from ravaging the community. Nonetheless, according to the cataclysmic theory of war, humanity is helpless to get to the root cause of war.}
Another determinist explanation is that war is the product of irrational motives. This theory supposes humans are divided into two or more parts, with reason acting as the governor of the lower instinctual parts, as exemplified in Plato’s trisection of the psyche:

Wars and revolutions and battles are due simply and solely to the body and its desires. All wars are undertaken for the acquisition of wealth; and the reason why we have to acquire wealth is the body, because we are slaves in its service.  

Irrational elements (e.g., Plato’s appetite, or Freud’s ‘id’) may periodically overwhelm individuals causing them to lose their rationality and hence to desire war. The theory emphasises the irrationality of human nature, that despite attempts to live and act rationally and reasonably, humans are beset by strong urges to do things which reason cannot stop (e.g., Freud’s ‘death instinct’). This element has the strength to override all cultural or rational inhibitions that attempt to stop men from fighting one another. It follows from this theory that no one can be blamed for causing a war, or for any event that can be described as the result of such irrational forces: i.e., given that primeval forces may take control of individuals and even of entire groups, the conclusion follows that warfare is an inevitable catastrophe. Some though, such as Freud and James, allow that the released

14 Some historians consider the First World War to be the result of such neuroses, e.g., Howard, The Causes of War, p.9
15 Freud, “Why War”, p.77
energies can be channelled into other activities that occupy the destructive irrational nature of humanity.\textsuperscript{16}

However, the thesis that human irrationality causes wars may be refuted on five points. Firstly it is based on a reductionist fallacy, that wars can be explained by a single element of human nature. Attempting to explain human events by a single hypothesis (appetite, emotion, id, etc.) is erroneous, for human motivation is pluralistic. Secondly, a false conclusion is drawn that irrational motivations necessarily entail war. Even if irrationality exists as a predisposition, it can lead to other events, such as suicide or to standing on one's head. Given the strongest emotional or appetitive desires, choices still have to be made and war is only one such choice, hence it remains a volitional event. Thirdly, 'war' may be characterised as being synonymous with a 'herd instinct', in which entire nations are overwhelmed by irrationality and hence plunge themselves into war, just as buffalo periodically stampede collectively. But this ignores counterfactual evidence that not all humans get caught up in hysterical mass movements, and that even mass movements assume a direction of sorts -i.e., the object of the collective movement may be tacitly assumed or explicitly verbalised by individuals.\textsuperscript{17} Fourthly, it can be countered that instinctive

\textsuperscript{16} Freud, "Why War" and James, "The Moral Equivalent of War".
\textsuperscript{17} In the flight of refugees, for example, their path may be to the closest sanctuary they can know. But with regards to war the necessary prerequisite of having to plan and divert resources entails the passing of a period of time during which it cannot be maintained that those engaged remain under some form of hysteria.
actions belong to individuals and not to groups. An explanation is required for how individual motives and beliefs spill over into forms of collective behaviour in which individuals renounce part of their own agency in favour of that of the group. Unless the group is acting like a herd in which no one individual leads but all take cues from any individual, leadership of sorts must arise to command and organise the group. This is a rather simplistic explanation, but it can be given greater credence by acknowledging that individuals may see themselves as being part of a group and identify their own interests with those of the group. The act of identification remains a voluntary choice. Finally, the presupposition of an irrational side to human nature is disputable. Irrationalism offers superficial explanations of behaviour and problems that can be adequately and accurately described by the workings of the mind in conjunction with ideas.

Human nature

Human nature is often castigated as being the cause of war. To blame human nature for war is initially trivial or analytic, for if human nature were different, people might not fight one another. But implicit in the trivial proposition is the argument that war is an inevitable product of human nature, hence war can be described as being as natural to

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19 Cf. McCrone, ibid.
20 E.g., John Nef, "Political, Technological, and Cultural Aspects of War", p.122., Immanuel Kant, "Perpetual Peace" In
human existence as breathing. However, to blame war on human nature is to shrug one's shoulders with fatalist indifference to violence.

The fact is that beyond a few automatic violent responses that humans possess in community with animals war is a choice and not an inexorable or cataclysmic fact of human existence. Wars are chosen—hence they are so tragic.

**Teleological theories**

Teleological theories of war propose a metaphysical purpose to human events that override volition. Teleological theories parallel the other determinist theories of this chapter in that they hold humanity to be subject to alleged laws of history or of eschatology.

**Historicism**

According to historicism, the ideas people hold are impregnated in their minds by mysterious or metaphysical forces. Ideas are hence not freely chosen or freely created, they are either pre-established in all humans, or enter into human minds at predestined stages of the evolving story of humanity. The ideas may emanate from a divine source (Spinoza), from Universal Reason (Hegel), from otherworldly dimensions of pure forms (Plato), or from inherent characteristics present in humanity that predispose people to certain modes of thinking that fit a teleological plan.
Historicism is deterministic in the sense that all human events are foreordained. Each event fits in to the general path humanity is destined to walk, and, if a fatalistic determinism is accepted, no volitional act.

For example, in the metaphysics of Heraclitus, the world is assumed to be in a constant flux, in which things necessarily change towards their opposites—hot becomes cold and cold becomes hot, for instance. For Heraclitus war is such a catalyst of change, and without war humanity could not 'progress', as the historicist conceives of progression as a movement into the next, inevitable, stage of unfolding history:

One should know that war is common, that justice is strife, that all things come about in accordance with strife and with what must be. Historicists may claim wars as evidence of the inevitable changes in all laws and minor conflicts as heralding the oncoming apocalypse that will bring forth the new age. It is reasonable to conclude that from such a vantage point wars are to be greeted. Indeed, H.G. Wells lapses into such thinking when he declared the Great War (1914-18) to be the war to end all wars.

Kant’s definition of war is also entangled in an historicist philosophy of history, for he believes that the actions of nature belie a teleological purpose for humanity. At the political level humans are inexorably involved in a natural process to create a federation of states. The means to this end, Kant explains, is warfare. War thus has a purpose in nature, and history is the reading of the exposition of this purpose. Cf. "Perpetual Peace."

Cf. "Heraclitus", in Early Greek Philosophy, pp.114-5

Quoted in ibid., p.114
If by historicism is meant that human actions inextricably are fated to the final goal or purpose of human history, then freedom of choice is inconsistent with such a position—hence historicism can uphold fatalism. Fatalist historicism implies that all actions move inextricably toward the final end, therefore all actions are determined, that is they are set by alleged laws of history and human choice is but illusory. Likewise, the concept of "world historic figures" becomes an empty concept. They too are all part of the overriding laws of history, since they could not have acted differently.

Fatalism errs as a philosophical argument. What actions we pursue are the result of preferences we make, and making different choices alters the result of our actions. We often deliberate over what will be the best course of action, and sometimes we err. We are filled with remorse and disappointment at such moments which equally reflect the capacity for choosing. The fatalist attempt to explain human events is rejected.

If by historicism is implied a theory of destiny in which humans choose courses of action which then tie them into a predetermined path, then freedom of will can be partially rescued. But the acceptance of choice and of free will contradicts the tenets of historicism. The destinal concept of history rests on many false assumptions. Firstly it is assumed that certain 'world historic figures' exist who can choose the destiny of humanity or of their nations. Such a reading of
history is very naive, since the actions of others (emanating from the choices they make) also interact with one another and form cultural and political structures that were initially unintended or which counteract the decisions of the historic figure. Secondly, making a choice does not always commit an agent to a determined course of action. Pulling the trigger of a gun does, but assuming a policy of isolationism does not. The unfolding event of a bullet whistling through the air cannot be altered by the agent, whereas a policy of isolationism can be changed. These considerations dissolve the soundness of destinal historicism.

Eschatology

Eschatological doctrines assert that the catalyst for the final war already exists, or that it may come about through the chaos of the war. The first Rapoport terms a 'messianic' philosophy of war and the second a 'global' philosophy.24

Messianic philosophies of war entail that some individuals -'prophets'- are able to access the principles governing the future history and development of the human race. For instance, the prophets may decry that a purge of the human race, or a war of the righteousness against heretics or the bourgeoisie may be required, hence justifying crusades, class wars, and holy wars to unite humanity (or at least a part of humanity) under one ruler or faith. The forthcoming apocalypse or war will supposedly bring forth a better order. These premises are support the theories of manifest destiny,

24Rapoport, ibid., p.15.
and of the Nazi Master Race. What has to be questioned are the premises on which the theory of messianic war rest.

The first premise is that the future of humanity is determined, which presupposes fatalism to be true. Since fatalism is false, it follows that the destiny of humanity is one of its own making. The second premise is that some individuals are able to comprehend forms or relations of knowledge that others cannot, hence they can set themselves up as prophets. This too is unsound reasoning, for knowledge can only ultimately be gained through the senses, and is thus open to all to pursue. Prophets falsely allude to epistemologically dubious, unverifiable and unfalsifiable, non-empirical knowledge. Messianic philosophy entails a requirement to suspend rational judgement and to accept calls for war on the basis of blind obedience or faith. As such, it is an irrational demand, and forms of irrationalism can support anything, including aggressive war.

The global variant of eschatology holds that the design of the universe will be disclosed in a final war. The immediate criticism of this theory, assuming it to be plausible, is why should war bring about the final plan of the universe or of God? Why should it not be a fantastic technological invention, or the overcoming of poverty? Why should something destructive necessitate the final plan? If the eschatological premise is accepted, it dubiously implies that the universe is a malevolent place or that God is a malevolent being. If the eschatological premise is not
accepted, then the notion that the universe is unfolding along the lines of an unknowable plan must be challenged.

Firstly, if the plan is beyond human comprehension, why should global eschatology be given any consideration in the first place? On this analysis it is reduced to a fiction. Secondly, it may be countered that it is obvious that humanity or the universe is following a path of sorts, since historians are capable of discerning trends. But the future is for the most part unknowable, and since it was unknowable to those in the past making predictions, it is unknowable to those now making predictions. Although we can look back into history and recognise the unfolding of a trend, we are incapable of extrapolating into the future, for our minds are assumed to be incapable of grasping the ultimate reality of the plan. However, this returns us to the first counter argument that the theory becomes a fantasy, or if some credence is permitted, it still does not follow that warfare should be the catalyst to unveil the hidden plan. From which it can be concluded that eschatological doctrines rest on erroneous premises of either fatalism or epistemological irrationalism.

Free will

Given an array of values, choices have to be made, and choice is a volitional act and only the individual can choose which values ought to be acted on. The individual can rely on knowledge gained from cultural conventions for which values

25 "The categories of value and action are primary and aprioristic elements present to every human mind." Mises, Theory and History, p.284.
are socially acceptable, and from the theories of the sciences for which means are efficacious for personal ambitions, but these considerations stress the fact that choices have to be made, and that ultimately only individuals can make choices based on their belief systems—that man is free to choose.

Given that war is the result of ideas, of the tacit or explicit decisions of people and that actions are freely chosen by individuals, it follows that war is definitely within the human sphere to alter, to adapt, and even to abolish. This conclusion stands in contrast to determinist theories which assert that war cannot be eradicated, except by the suggestion that humans are somehow fated to eradicate war, a proposition that niggardly removes any basis for applauding success or achievement in life.

Conclusion

This chapter reviewed various determinist theories of war. It is by no means an exhaustive review, but it sought to underline connections between metaphysical beliefs to war. Many however refuse to consider the efficacy of metaphysical beliefs or even their study (e.g., logical positivists\textsuperscript{26}), nonetheless the study of metaphysics is crucial for it offers individuals their first premises on the nature of the universe and its contents, and war is assuredly a product of those systems that conceive death and destruction to be somehow necessary to human life or progress.

\textsuperscript{26} Cf. Ayer's \textit{Language, Logic, and Truth}, Ch.1
War is an artificial institution, the product of human volition; it cannot be rationalised as humanity's fate.
CHAPTER FIVE

Epistemological Attitudes and War

If democracy is not to be a failure the ordinary citizen must be given more training in critical thought, and opportunity for pleasures less harmful than a sensational delight in violence.
- Bertrand Russell.

The irrationalist insists that emotions and passions rather than reason are the mainsprings of human action... It is my firm conviction that this irrational emphasis upon emotion and passion leads ultimately to what I can only describe as crime. One reason for this is that this attitude, which is at best one of resignation towards the irrational nature of human beings, at worst one of scorn for human reason, must lead to an appeal to violence and brute force as the ultimate arbiter in any dispute.

Russell, "Lord Northcliffe's Triumph", p.123
Popper, Open Society, p.233-234.
This chapter contrasts two epistemological theories posed by Karl Popper -rationalism and irrationalism- for their involvement in idea formation and action, and hence in causal beliefs for war. It is assumed that people implicitly and explicitly form attitudes towards gaining knowledge which in turn assist idea formation. These assumptions are important in that alongside attitudes to metaphysics they partly determine the nature of philosophies held by people which in turn foster ideas on war.

The epistemological premises a person holds guide behaviour. And if behaviour is partly the product of epistemological premises, it can be inferred that epistemological thinking can influence whether people fight or not.

This claim, it can be countered, seems rather strong, for most people have not heard of the concept 'epistemology', let alone can be said to be influenced by philosophical reasoning on the subject. But that is not the argument being made. All people qua rational beings implicitly or explicitly possess a philosophy -a set of principles that guide their everyday actions. Hence their thoughts on how knowledge is gained will play a part in how they interact with others.

**Epistemological elitism**

The argument of relating epistemology to war is strengthened by considering the example of a society that believes true knowledge can only be held by a political élite. The desires of the citizens must be then deferred to the
élite, who sees itself as the proper interpreter of the truth, whether it is called the truth of God, Nature, Science, or of the State. The political implications of such theories are obvious: since none but the selected should pronounce on questions of knowledge, the majority become epistemologically subservient to the élite, which translates well into political subservience to a Platonic philosopher king.

Platonic epistemology rests on the presumption that society is divided into castes that are characterised by varying capacities to think.¹ For Plato, only philosophers are assumed to know what is the Truth, and it is their duty to lead the other lesser mortals in all aspects of their lives for their own good.²

Slavery, for instance, is often justified on the patronising assumption that the owners know what is best for the slaves. The same is true of feudal societies, in which those who hold a higher status claim a better understanding

¹ Hence Plato's "Republic" is a blueprint for a dictatorship as Popper describes in the Open Society volumes.
² It can be countered that any subject necessarily becomes elitist, for those who study it the longest are those who are able to teach others. In terms of subject knowledge this is true to some extent. But in Kuhnian analysis of the development of scientific knowledge, the formation of a hierarchy begets a conservatism within the subject, since students are taught the accepted ideas of the elders. On the other hand, individuals who challenge the framework are usually self-taught or approach the subject from a different angle, perhaps later in life, for instance Hobbes, which positions them to challenge a dominating paradigm. Examples of the absurdity of ideological conservatism are replete in history (e.g., the unwillingness of intellectuals to consider Galileo's or Darwin's theories). And it does not follow that elitism in a subject provides an individual with any political right to govern.
than those below. And if it is the wish of the elite to wage war, it is not the position of the soldiers to question the justice of it, as characterised in the following conversation from Henry V:

Henry: I could not die anywhere so contented as in the king's company; his cause being just and his quarrel honourable.

Will: That's more than we know.

Bates: Ay, or more than we should seek after; we know enough, if we know we are the king's subjects: if his cause be wrong, our obedience to the king wipes the crime of it out of us.  

Bates's point is more than a political one, for it reaches into epistemological considerations. The presupposition he holds is that some individuals are capable of possessing the truth, whilst others are not. It is not a coincidence that political systems that attempt to enslave others or reduce their political importance must do so on epistemological grounds as well.

Theories which rest on epistemological differentiations between groups (polylogism) necessarily uphold political collectivism, i.e., that some groups possess true knowledge and others are assumed to be dependent on them for guidance. The assertion of the epistemological primacy of a group constitutes a form of collectivism. Collectivism is behind many rationalisations of aggressive war, since its epistemological premises create a political distinction

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between people. Once the underlying assumption that people are differentiable according to their capacities to know is refuted, political collectivism collapses and a philosophical tier supporting forms of oppression and aggressive war by élites disappears.

If knowledge is assumed to be the province of the individual, the political corollary is a form of egalitarianism supporting the equality of individuals to strive for truths. If man is assumed to be 'the measure of all things', then it is to the individual that theories of epistemology must turn. Only individuals can be said to know things, and only individuals can be said to learn things. Knowledge is essentially diffused hence no objective reason exists to divide humanity into groups who supposedly have their own truths, who are dependent on a Platonic philosopher king for knowledge and guidance, or have their own sciences.

The political implications of epistemology are thus evident.

Epistemological theories are, according to Popper, subsumed into causally efficacious attitudes. For instance, Popper insists that the attitude of 'critical rationalism' is

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6 German Nazism, for instance, claimed support from racial polylogism to wage war on its neighbours and its own civilians claiming that the Aryan race ought to rule the rest of the world.

7 The Renaissance thinker Giordano Bruno offers an heroic example of one who dared to question theological and political dogmas by postulating the possibility of life on other planets, for which he was burned at the stake. Randall, Making of the Modern Mind.

8 Popper, Open Society: Vol II, pp.224-225
conducive to peace, whereas an attitude of 'irrationalism' is conducive to totalitarian systems and hence to warfare.⁹

The second proposition is that individuals can interact in two different ways.¹⁰ They can communicate 'rationally' as equals (i.e., with the attitude that the truth can be learned through discourse and recourse to empirical facts, or that parties may mutually benefit from intercourse, for reasoning creates neutral standpoints or observational views), or they can determine to overcome the others' will through varieties of force.¹¹ From this it can be inferred that the choice for each agent is to act 'rationally' or to act 'irrationally'. In irrationalism Popper finds an origin not only to violent behaviour but to war itself, for those who renounce reason become vulnerable to solving inter-social problems through the use of force, and force is ultimately inimical to progress and life in that it destroys the possibility of creativity and growth by undermining social co-operation.

The two opposing epistemological attitudes have different implications for war. Since people possess different attitudes towards knowledge, they will have different conceptions of what kinds of relations and politics there ought to be between

⁹ Popper uses the term 'rationalism' to mean those epistemologies which rest on the validity of logical explanation and the senses to explain and know the world. For Popper then, the 'attitude of rationalism' entails intellectual reasoning as well as seeking empirical evidence, for both are required for rational thinking. Popper, ibid., p.224
¹⁰ Popper, Conjectures and Refutations, p.373
¹¹ Popper does not mention using intimidation, perhaps because he includes it in the use of force.
themselves. Popper asserts that people should adhere to an
attitude of critical rationalism that lends itself to peace,
for "rationalism is closely connected with the belief in the
unity of mankind." Irrationalism does not necessarily condone
warfare; the problem is that it is neutral, for it offers
neither reasons for or against war, which leaves it vulnerable
to challenge from those who believe force is a value; it may
thus lend itself to feudal or totalitarian political
structures:

Irrationalism, which is not bound by any rules of
consistency, may be combined with any kind of belief in
the brotherhood of man; but the fact that it may be
easily combined with a very different belief, and
especially the fact that it lends itself easily to the
support of a romantic belief in the existence of an elect
body, in the division of man into leaders and led, into
natural masters and natural slaves, shows clearly that a
moral decision is involved in the choice between it and a
critical rationalism. Choosing irrationalism, we can surmise, panders to the roots
of human conflict, whereas critical rationalism can only
condemn aggressive war as being contrary to the life of
social, reasoning, and reasonable people. As such it is
against our "better" nature; Kant writes

Reason, as the highest legislative moral power,
absolutely condemns war as a test of rights and sets up
peace as an immediate duty.

Critical rationality necessarily holds peace as its political
corollary, for war invokes force against reason, and as such
it is inimical to thinking and hence to life. Reason demands

14 Kant, "Perpetual Peace", p.104.
the use of the mind and the mind cannot work well under threats of ill.\textsuperscript{15}

Reason denies the validity and efficacy of aggressive war. This position is supported by two related arguments. Firstly, reason demonstrates the futility of war, and secondly the capacity to reason is an attribute that unifies humanity, from which it follows that all conflicts can be resolved peacefully by those who are willing to reason instead of fight. Incidentally, those who resort to force cannot adequately resolve conflicts, for defeating an opponent in war or in battle provides no assurance to gain truths, nor can it provide for a co-operative society that can reap the benefits of trade and divisions of labour.

\textbf{Irrationalism}

Irrationalist theories reject humanity's means to a peaceful world. Irrationalism entails placing little or no emphasis on the capacity of thinking to relate to the world. Reason itself is considered an obstacle to knowledge and to human progress. Relative to the use of reason, the passions are invoked in various shades by the irrationalists. Some irrationalists may argue that only a few people are capable of reasoning, whilst the majority -the masses- are governed on

\textsuperscript{15}Irrationalism can lead to peace only if agents agree to separate in the case of disagreement. Forms of irrationalism (as epitomised in political doctrines such as Nazism and Fascism, etc.) that pose threats to the life of reasoning beings should be unmasked on epistemological grounds for their errors and the dangers they pose.
the whole by their passions, whilst others may claim that the passions completely rule reason.

Irrationalists may differ on whether reason ought to play some or even no role in knowledge - i.e. "mysticism". Mysticism asserts that knowledge is not dependent on the senses or rational thinking, but is derived intuitively through non-sensorial or rational methods such as prayer, meditation, ecstasy, and so on. Popper summarises that "mysticism attempts to rationalise the irrational", and Rand defines mysticism as:

the acceptance of allegations without evidence or proof, either apart from or against the evidence of one's senses and one's reason...[and] mysticism will always lead to the rule of brutality.

Against Rand it may be argued that mystics may attempt to uphold peace and non-violence as moral and political goals. But such principles remain vulnerable against those who desire to manipulate others through intimidation or force. A peaceful mystic may reply that this life is not important, that the next or the other world should guide our actions here, but that entails that life is not a value to be held above death.

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16 "The masses are like an animal that obeys its instincts. They do not reach conclusions by reasoning", claimed Hitler. Hitler, quoted in Peikoff, *Ominous Parallels*, p.41.
17 I avoid terming intuition as irrational, for I do not consider it to be so.
18 Diodorus, for instance, characterised the Celts as mystical, pointing to their tendency to talk in riddles: "In conversation they use few words and speak in riddles, for the most part hinting at things and leaving a great deal to be understood." Diodorus, quoted in Rafferty, *The Celts*, pp.32-33
19 Popper, *Open Society Vol.II*, p.246
21 Rand, *ibid.*, p.70
life is deemed a value, forms of mysticism and the attitude of irrationalism must be rejected as inimical to the requirements of human life.

The concrete repercussions of irrationalism can be horrific, as seen in a form of epistemological conservatism. Epistemological conservatism entails a stubbornness to change one's opinion in the face of reasonable doubt. In the context of military activities, Dixon points out that a main problem of military incompetence is a:

fundamental conservatism and clinging to outworn tradition, an inability to profit from past experience (owing in part to a refusal to admit past mistakes). It also involves a failure to use or tendency to misuse available technology.

Dixon notes that in the First World War (1914-18) conservative attitudes meant, for instance, the refusal to take up the innovatory ideas of tanks until 1916 and a refusal to change outmoded strategies such as the frontal assault. On the first day of the Somme offensives fifty-seven thousand were casualties of this irrationalism.

Unfortunately, a strong behavioural tendency exists to support uncritical conservatism. Conservatism requires using less energy than rationalism which requires making an effort to think. As new ideas arise rationalism's imperative is to consider them critically, whereas epistemological conservatism implies following what others are doing, or

falling back on old bromides and platitudes. Thinking about something new requires effort, as Norman Dixon elucidates:

One of the particularly hazardous aspects of the relationship between information and decision processes concerns the revising of decisions. It seems that having gradually (and painfully) accumulated information in support of a decision people become progressively more loath to accept contrary evidence.\(^2\)

The incentive for upholding conservatism is that the new information will, by definition, be of a high informational content requiring effort to analyse, for it threatens to return the agent to an earlier state of uncertainty and discloses the realisation that he or she may have previously erred.\(^1\) Rejecting effort -i.e. critical thinking- then forms a conservative disposition in this sense: new information requires new thinking, and the uncritically minded will prefer to let new information go.\(^2\)

Epistemological conservatism does not augur well for any species: biologically and culturally, humans must adapt to their circumstances, and to accept an ideology that praises conservatism is not conducive to this requirement of flexibility. Edward Gibbon warns: “All that is human must retrograde if it does not advance.”\(^2\)

This is not to deny the validity of political conservatism as espoused by Edmund Burke and Friedrich

\(^{2}\) Dixon, op cit., p.30.

\(^{1}\) Dixon, op cit., pp.30-31.

\(^{2}\) Ultimately, all shades of irrationalism fall back on conservativist epistemology. Even nihilism and mysticism, for what they propose in context can only be have gained by through the content of present knowledge.
Hayek. They both rightly point to the individual's dependency on traditions and conventions. The wisdom of the past is highly useful and it would be impractical and foolish to reject the efforts of previous generations. But critical rationalism maintains that traditions must not be deemed epistemologically sacred or inviolable, otherwise society will stagnate and become vulnerable whenever the need arises for it to adapt to new forms of behaviour. What should be rejected are epistemological attitudes that repudiate critical thinking and the possibility of improvements for a better understanding.

Faith

Some forms of irrationalism as well as being essentially conservative in nature pander to faith, which implies that in terms of upholding the peaceful coexistence of society faith must be rejected as an epistemological basis for action. As an example of this kind of irrationalism, Hitler writes:

Faith is harder to shake than knowledge, love succumbs less to change than respect, hate is more enduring than aversion, and the impetus to the mightiest upheavals on this earth has to all times consisted less in scientific knowledge dominating the masses than in a fanaticism which inspired them and sometimes in hysteria which drove them forward.28

Rather than invoking an ad hominem fallacy, the consequences of abiding by faith alone are evident in Hitler's argument -

27 Commonly found quotation, from Decline and Fall of the Roman Empire, 71.
faith can lead to fanaticism and hysteria which are so easily manipulated by warmongers,\textsuperscript{29} for faith rejects reality as an absolute.

The rejection of reason in favour of faith is found in Kant, who writes: "I have therefore found it necessary to deny knowledge, in order to make room for faith."\textsuperscript{30} For which Peikoff blames Kant for modern totalitarian movements.\textsuperscript{31}

Fatalism

The attitude of irrationalism also touches deeper philosophical positions. One plausible connection is to the metaphysical notion that the world is a frightening place, that humanity's position in it is precarious, from which it is concluded that it is assuredly better to let things be. Hence the natural or social order should remain unquestioned. In its extreme version this position entails fatalism - the doctrine that individuals are powerless to change anything. When such ideas are held by those who wield power or who control armies, the results are disastrous,\textsuperscript{32} and through various historicist arguments a gullible population can be led into wars which it assumes are its rightful or only destiny.

The abandonment of reason

The initiation of force is by definition the negation of reasoned argument. Since irrationalism involves a partial or whole rejection of reason, it can be maintained that civilised

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\textsuperscript{29}As also witnessed in the activities of Peter the Hermit in stirring up support for the First Crusade (1195).
\textsuperscript{30}Kant, *Critique of Pure Reason*, p.29.
\textsuperscript{31}Peikoff, *Ominous Parallels*. 
war—in which war is the product of political analysis—results precisely from the abandonment of reason and a succumbing to fewer unifying structures of social relations such as violence, mob-rule, suspicion, and subjectivism. It is the replacement of the war of ideas with the war of might. General Moltke commented that if his troops were allowed to think, none would remain in the ranks, and Hitler agreed: “I need men who will not stop to think if they are ordered to knock someone down.”

Irrationalism is parasitical on rationalism and that the choice between being rational or irrational is not an arbitrary decision but one that is determined by the necessary (metaphysical) conditions of human life. For a human to live requires thinking, and for thinking to be efficacious, the mind must recognise the independent, non-contradictory facts of the universe. Peikoff vouches that: “If concepts refer to facts, then knowledge has a base in reality, and one can define objective principles to guide man’s process of cognition. If concepts are cut off from reality, then so is all human knowledge, and man is helplessly blind.”

32 Cf. Norman Dixon’s examples, op cit., pp. 81-2, and 115.
33 Quoted in Rauschning, The Voice of Destruction, p. 97.
34 Popper’s arguments are useful in emphasising the relation between epistemology and political doctrines. However, they lack a good foundation in that Popper gives the epistemological high ground to irrationalism, for he believes that the acceptance of critical rationalism is in itself an act of irrationality. cf. O’Hear, Karl Popper, p. 150. And Popper: “the choice [is not] between knowledge and faith, but only between two types of faith.” Open Society: Vol. II, p. 246.
Rationalism is thus a metaphysically necessary epistemology—it is not an arbitrary choice or an act of faith. And if it is held that the mind is the most important means of human survival, it is thoroughly incumbent on humanity to be rational, and no Popperian "minimum concession to irrationalism" need be thus effected.\textsuperscript{36}

Conclusion

The philosophical common denominator to deliberate violence and organised aggressive war is a rejection of reason as a tool for communication and its substitution by force. Once an individual decides to underplay the role of reason, or to reject it fully in intercourse with society, conflict almost inevitably results.

Popper is right that irrationalist epistemologies provide no basis for the unity of humankind, whereas rationalism provides such a basis for it provides the foundation for resolutions for people through discussion and argument.

The attitude of rationality is therefore the key to peace—and the attitude has to be chosen again and again, by each successive generation, indeed, by each of us every day of our lives: once it is abandoned in favour of forms of irrationalism then the path to violence is short.

\textsuperscript{36}Popper \textit{op cit.}, p.232
Part Three: Human Nature and War

CHAPTER SIX

BIOLOGY AND WAR

"Man has always been unwilling to admit his own ferocity."
-Mary Midgley
This chapter asks whether war is an inevitable generation of human biology.

The 'instinctivist thesis', a form of determinism, claims that war is such a product and not produced from human cultures or from reason. Instinctivists disagree though on whether this tendency can be dissipated by other enterprises.

The thesis of instinctivism is inaccurate, however. The biological constitution of humanity can be said to play a remote necessary causal condition to war in that were human nature different humans might not war, but the instinctivist thesis is too strong, for it asserts that human biology is a proximate and sole causal condition for all war. Humanity possesses biological capacities for aggression, instinctual defence, group solidarity and so on, which may generate animal warfare, but none of these alone causes warfare for a cultural and rational species. Wars do not necessarily follow or are caused by aggressive traits, or a tendency to solidarity, etc.. War is predominantly an artificial institution, the product of human activity qua cultural and qua rational beings.

To argue that instincts cause warfare is divisible into three statements. Firstly, instincts are a necessary condition for war, which implies that wars necessarily follow from the automatic urging of the instincts but that these same instincts may cause other activities; secondly the argument that instincts are a sufficient condition for the existence of

'Mary Midgley, Beast and Man, p.31
war -i.e., whenever war occurs instincts can be said to be blamed, although this assertion entails that other causes of war may be operative. Finally, instincts can be held as necessary and sufficient conditions for war: people war if and only if instincts are operating. This analysis provides a useful tool for discussing the validity of the instinctivist thesis.

Instinctive behaviour is divisible into two classes. Firstly programmes designed for responding to specific circumstances and secondly predispositions designed for more general circumstances or types of behaviour.\(^2\) The capacity for learning, for instance, is instinctive; although some animals are born with relevant content, the human mind is generally considered to be contentless with regard to specific knowledge, but still possessing prerequisite forms of internal knowledge which generates motives to action, for instance of inquisitiveness (Aristotle) and even the biological capacity to recognise abstractions.\(^3\) General predispositions are innate but they are not programmes for action, since the content has to be learned and perhaps volitionally engaged for the predisposition to work. General predispositions are discussed below.

It can be agreed that in particular circumstances humans may react violently from instinct, and not from deliberation,

\(^2\) The difference between instincts and predispositions is usefully described by Ardrey in *The Territorial Imperative*, p.24.  
and may, for instance, instinctively fall in with a mob as it runs amok in the streets. Such actions are biologically highly primitive, in the sense that such behaviour probably evolved long before intervening rational and cultural standards emerged. Humans, instinctivists contend, are not so fully removed from the instincts witnessed in animal studies—a tormented beast will react violently, and a group threatened by a common enemy will merge together into a defensive herd, and it is plausible that humans also can react at this pre-rational level. But are the reactions of the herd sufficient to cause war?

For Nicolai the herd instinct is sufficient to explain war. The instinct for war, he argues, comes from two channels. Firstly from a biological disposition to fighting, and secondly from a biologically based ideological predisposition to glorify warfare—which complements the active predisposition to fight. Nicolai refers to humanity as possessing a strong instinct for war as "[a] primeval impulse", and people become "intoxicated" for war, falling into a "war fever". Reason can guide the instincts for war but can never suppress them. Some instincts rule human lives, and he gives the examples of hunger, thirst, the sexual urge, and maternal love. But;

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4 Nietzsche claims: "Our entire sociology simply does not know any other instinct than that of the herd, i.e., of the sum of zeroes—where every zero has "equal rights," where it is virtuous to be zero." Nietzsche, Will to Power, p.33

5 I.e., a Kantian view of the mind, that it possesses specific structures by which to understand the world.
although instinct is indeed infallible, which is an advantage, it is also blind and incapable of learning, and this is its doom.\textsuperscript{6}

A new environment may reduce the instinct not only to uselessness but make it dangerous. The conclusion Nicolai infers is that the instinct to war is a dangerous inheritance for humanity.

A similar theory is offered by Raymond Aron. According to Aron, “[m]an, as an animal, is relatively combative—in other words, a slight stimulus is enough to release aggression.”\textsuperscript{7} Aron believes in biological determinism—that actions are the result of biological inheritance and reflection can do nothing about it. Combativity, he declares, is strictly a biological act.\textsuperscript{8} Hence a violent act by a person, or an animal, can be explained by a causal chain of events that initiate the response.\textsuperscript{9}

Aron agrees with the frustration-aggression hypothesis of psychoanalysts but notes that it offers only a partial explanation. The frustration-aggression hypothesis claims that being frustrated in life leads to being aggressive. Being frustrated can lead to aggression, but the connection is not a

\textsuperscript{6}G.F. Nicolai, \textit{The Biology of War}, pp.15 -21


\textsuperscript{8}Aron in Freedman, \textit{ibid.}, p.78

\textsuperscript{9}"The chain of causality which leads to emotions or acts of aggressiveness can always be traced back to an external phenomenon. There is no physiological evidence of a spontaneous impulse to fighting, the origin of which is in the body itself. The human animal happy enough to live in an environment offering no occasion, for motive for fighting,
necessary one. Nevertheless, he believes that being a creature that attempts to resolve inner urges and demands in a social context inevitably creates an aggressive atmosphere:

ambivalence of feelings and rivalry among individuals for coveted goals are phenomena of experience, constants which reveal an element of conflict in most if not all interpersonal relations...Physical aggression and the will to destroy are not the only response to frustration, but they are one of the possible responses and perhaps the spontaneous one. In this sense the philosophers were not mistaken to consider that man is by nature dangerous to man. 10

Wars become one choice among many activities which act as displacement vehicles for humanity’s pugnacious tendencies. Hence Lorenz, who also propounds the instinctivist thesis, anticipated by William James here, proffers sports as a good alternative. 11

Nicolai’s and Aron’s instinctivism is unsound though, for it circumvents a great part of human, and even animal, nature, namely the ability to make choices. People form rules and expectations regarding behaviour, from which it follows that changing the physical environment of a person is not sufficient for abolishing war, for a person’s ideas must also change before aggression is renounced. Secondly, on grounds of consistency -since Aron’s theory acknowledges that aggression need not result in physical violence and that it may be relieved in displacement behaviour- this implies the

would suffer no damage, either physiological or nervous,” Aron, in Freedman, ibid., p.80.
10Aron, in Freedman, ibid., pp.80-81.
possibility that how we deal with frustration is learned and hence the provenance of ideas.

It may be held that the supposed urge to war is temporarily suppressible— that the belligerent urge can be damned up. This reputed phenomenon is referred to as the 'hydraulic mechanism' analogy, which entails that an agent, or humanity as a whole, must periodically go through a catharsis releasing aggressive energies in warfare or in some other violent or active pursuit. Physiocrats explained wars on this analysis, by claiming that a leisure class having no decent, peaceful outlets for their abundant (youthful, masculine) energies seeks thrill and adventure in warfare.

The 'hydraulic mechanism' analogy is fallacious on empirical and logical grounds. Empirically it is not the case that individuals or even whole groups must periodically find a release for energies which somehow charges up inside. The hypothesis is testable, but simple counter factual evidence is sufficient to render the theory invalid. Some individuals never strike out angrily, and likewise some cultures, such as the Amish absolutely prohibit violence. Logically the hydraulic mechanism theory permits absurd conclusions: the most placid person should be assumed to be most dangerous, for he or she will supposedly possess a greater level of pent up energies than one who obviously releases tension frequently. This is by no means the case, and we have more to fear from aggressive individuals than from commonly passive folk. The retreat to the hydraulic mechanism analogy also creates the
impression that instinctivists tender a closed argument, which is impossible to refute and which undermines criticism using its own premises. To avoid lapsing into dubious closed arguments, the counterfactual evidence of peaceful societies is sufficient to undermine the broad assertion that humans are biologically warriors.  

Monistic instinctivism attests that one instinct alone leads to war, and an interesting disjunction exists between those who believe the instinct of self-preservation is the cause of war and those who believe the instinct of self-sacrifice is guilty.

Some hold the instinct of self-sacrifice responsible for war. Urpo Harva, for example, offers a succinct argument:

Man possesses a need to sacrifice himself -this is dissipated in modern societies and militarists can easily tap into this repressed desire to sacrifice- not sacrifice for self but for others, ideals- absolute values.

The instinct of self-sacrifice is akin to what Freud terms the 'death wish', and similarly, Jaspers asserts that the instinct to sacrifice the self leads to the formation of the warrior, and the warrior mentality causes war, but tempers the thesis to suggest that causation is not necessary:

\[\text{The relevant data in the fields of neurophysiology, animal psychology, palaeontology, and anthropology do not support the hypothesis that man is innately endowed with a spontaneous and self-propelling aggressive drive.}\] Erich Fromm, *The Anatomy of Human Destructiveness*, p.132.

\[\text{The theory that there is a biological instinct to self-sacrifice is different from the ethical theory that self-sacrifice constitutes the good.}\]

\[\text{Urpo Harva, "War and Human Nature", p.49}\]
Fighting -risking one’s life so as either to meet force with force or else to use force to win power and booty- is a primordial phenomenon of human life. The primordial element is the fierce fighting spirit. Unleashed, it engenders the self-transcending lust of flinging one’s life away and the savagery that rates other lives no higher, vents itself in pillage and rape after victory, and finally abates in the climatic feeling of power: to spare the conquered and let him serve as a slave. This abatement led Hegel to interpret the productive meaning of life-and-death struggles. The warrior is a human type, but not everyone is a warrior.\textsuperscript{15}

However, Jaspers and Harva’s theses can be disputed. Assuming such an instinct exists, what activity is required to satisfy the urge of self-sacrifice is not given. The form that the self-sacrificial urge takes is culturally specific, and as we have noted, not all people and not all cultures plunge themselves into war. Secondly, although people may risk their lives for the sake of values they hold above all else, for example family, friends, ideals, and so on- such actions cannot be called ‘sacrificial’. To sacrifice is to give up a higher value for a lower value,\textsuperscript{16} therefore the act of risking one’s life for a higher value cannot be termed a sacrificial act. Thirdly, it is illogical on evolutionary grounds for humans, or for any species, to possess a phylogenetically inherited instinct to sacrifice, when by ‘sacrifice’ is meant the foregoing of a higher value for a lower value. Such behaviour can only be termed irrational, for it is not conducive to successful living. At the limit such behaviour in a species can only result in its extinction. A sacrificial act is therefore biologically illogical.

\textsuperscript{15} Jaspers, The Future of Mankind, p.45
This instinct of self-preservation is more readily understandable and observable than that of self-sacrifice though, but whether such an instinct can be said to cause war is a separate question from whether self-preservation ought to be the good.

Two considerations arise. Firstly, how the instinct to preserve oneself is satisfied is not innate. Beyond the body's reaction to fear, human reactions prompting flight, fright, or fight are learned, and diplomacy requires even greater consideration. Secondly, explaining war from the existence of an instinct of self-preservation leaves the instinctivist hypothesis attempting to explain the complex phenomenon of war from a simplistic solution. It does not explain why one man should attack another beyond the justification of self-defence, neither does it explain why men would be willing to fight in another part of the world for abstract ideals such as freedom or religion. To save the theory from absurd simplicity, it must be recognised that instincts act pluralistically rather than singularly. If the instinct of self-preservation exists alongside other instincts, the argument for a plurality of instincts forming jointly sufficient causal conditions for war needs to be addressed.

Yet it can be countered that despite the plurality of instincts, only one is the root cause of war. This is prima facie feasible, but immediately the argument runs foul of historical counterexamples. Fear of Athenian power may have

"Rand, The Virtue of Selfishness, p.44"
prompted the Spartans to seek war against the Athens, whilst
glory, honour, and prestige have motivated other wars (all
three playing a part in the Roman invasion of Britain).\textsuperscript{17}

Given a plurality of instincts, choices have to be made,
and warfare can be connected to different instincts at
different times. Even in the individual facing grave danger at
least three impulses arise—fight, fright and flight (and a
possible fourth in taking a defensive/offensive posture); and
a choice has to be made.\textsuperscript{18}

To sustain the argument, other factors which are involved
in war, especially cultural and rationalist aspects, have to

\textsuperscript{17} Fear is a base response to a single object, whilst Angst is
a response to all objects; the more information a person has
about a situation, the further removed from a simple response
is a person’s motivation. In abstracting motivational causes
one can move upwards for example from fear to glory to love or
duty: glory is invoked by more than just a single object,
whilst love and duty are invoked by a plurality of
considerations.

\textsuperscript{18} Lorenz offers a plausible description of the options
available as depending on a matrix of inherited instincts:

“Man can behave very decently indeed in tight spots,
provided they are of a kind that occurred often enough in the
palaeolithic period to produce phylogenetically adapted social
norms that deal with the situation. Loving your neighbour like
yourself and risking your life to save his is a matter of
course if he is your best friend and has saved yours a number
of times; you do it without thinking. The situation is very
different if the man for whose life you are expected to risk
your own, or for whom you are supposed to make other
sacrifices, is an anonymous contemporary on whom you have
never set eyes. In this case it is not love for the fellow
human being that activates self-denying behaviour—if indeed
it is activated—but the love for some culturally evolved
traditional norm of social behaviour.” Lorenz, \textit{On Aggression},
pp.216-217

It can be readily agreed with Lorenz that human instincts
have evolved over a long biological inheritance, and the
extent that they will prompt seemingly moral acts is dependent
on that inheritance, but Lorenz’s argument contradicts his
initial instinctivist thesis that war results from aggression.
be acknowledged which logically dissolve the instinctivist thesis. The argument that it is not a sole instinct that prompts warfare but a conglomeration of basic impulses requires us to consider the possibility that it is general predispositions or motives that cause wars.

General predispositions to war

Motives differ from instincts in that whilst instincts are pre-programmed reactions to events, motives are more general predispositions to action. For example, a baby’s seeking of the mother’s nipple is instinctual, but a child’s stealing a friend’s toy is motivated by jealously or attention seeking. Hume argues that such actions remain prior to articulated thought, but to possess a motive is to have a propensity to act towards a goal. However, desiring a goal and thus possessing a motive can not be a biological instinct, for it is a mental attitude. For instance, that I am motivated to act honourably means that my actions in day to day life will be such that I believe they will be viewed as honourable in the minds of my peers. Beliefs may be reducible to reasoned arguments or to cultural conventions (e.g., that one should be brave in battle is based on the belief that, say, bravery is rewarded in heaven, or that X is the “done thing”). Possessing

All moral duties may be divided into two kinds. The first are those, to which men are impelled by a natural instinct or immediate propensity, which operates on them, independent of all ideas of obligation, and of all views, either to public or private utility. Of this nature are, love of children, gratitude to benefactors, pity to the unfortunate...the person, actuated by them, feels their power and influence,
a motive is to possess intentionality, and intentionality is reducible to ideas—to mental attitude towards something. Mental attitudes may be explicit or tacit.

The theory that predispositions or motives are mental attitudes is opposed by those who consider motives to be biological impulses, which may act to overwhelm the capacity for choice and rational action. This counterclaim is absurd though. In effect it implies that humans are mindless, that they must obey all impulses and hence possess no free will.

Some theorists maintain that single motives cause war, and one specifically requires challenging in detail: the theory of territorialism.

Territorialism

Territorialism is the alleged predisposition to possess and to defend territory, hence the causes of war can be reduced to the need for territory. Ardrey contends that it is a predisposition rather than an instinct, for territorial boundaries have to be learned:

The disposition to possess a territory is innate. The command to defend it is likewise innate. But its position and borders will be learned. And if one shares it with a mate or a group, one learns likewise whom to tolerate, whom to expel.20

Controlling territory, Ardrey argues, is a necessary prerequisite for human existence, and this dear attachment, he believes, explains why people fight.

20 antecedent to any such reflection." David Hume, "Of the Original Contract", p.479.
The predisposition, he assures us, is also connected to fulfilling other needs, especially security, identity, and stimulation. Territory provides a spatial range for the privileges it bestows its occupiers. Primarily that includes property rights over valuable resources, as well as filial ties, but in a more interdependent and urban economic system controlling land is not as crucial as it once was to the economic unit—the family, clan, or nation; nonetheless the need to have one’s own space as an individual, as a family, as a social group still dominates. The strength of territorialism implies that territory cannot be ignored in the study of war.

However, not all wars are about territory. Some wars are about honour, glory, creed, or power. Wars above the animal level are the product of ideologies, and people may believe that they should fight for territory, but they are capable of believing that they should fight for something else instead, such as religion (Crusades, jihad), ideology (Communism), race, and so on.

As an ideology supporting warfare, territorialism complements the militarist doctrine of Lebensraum. The policy of Lebensraum is primarily an economic argument which asserts

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21Ardrey, _ibid._, p.170
22Fromm remarks that possessing a certain amount of space is a fundamental requirement of a healthy life for all animals. _Anatomy..._, pp.153-157.
23Wars do not occur on a non-spatial plane in which freely floating Cartesian souls fight. That is not what human war is about. Human war necessarily involves territory, in the sense that soldiers fight on territories.
that a nation needs to be economically self-sufficient, and since complex societies can hardly produce all their needs through the domestic markets, the policy of Lebensraum deduces that the domestic realm ought to be expanded until all production falls within the jurisdiction of the state. As a political policy it was the focus of the Nazi agenda, but the idea can be traced back to Aristotle and Plato who both argue that self-sufficiency is vital to a nation.

The theory of Lebensraum is fallacious, for a group cannot gain economic sufficiency for anything greater than a small population. To increase wealth, it is better, indeed necessary, to trade rather than to expand political jurisdiction over others' lands.

The biological nature of the territorial instinct does not need to be thoroughly rejected, since humans use and need space and when personal space is denied, an instinctive reaction is to become frustrated and annoyed. Utopian communities designed to supersede the need for personal property and personal ties hence founder against instincts to own. Wars, it follows, will not be abolished through the abolition of private property or of territory.

Regardless of its positive attributes, there are genuine philosophical problems with territorialism. Firstly, the

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24 Cf. Mises, Omnipotent Government, p.1
25 E.g., Aristotle claims that the purpose of the state and its perfection is self-sufficiency. Politics, 1252b. And Plato's own version of Lebensraum is read at 373d-e in the Republic.
concept does not apply to all animals or to all human cultures. Caribou, elephants, and sea otters possess no territory, for example. Secondly, the spatial jurisdiction of territoriality is vague, permitting many overlapping areas in which others are permitted to travel or to reside without hindrance. Thirdly, as Fromm notes, it is not obvious that the purpose of territory is not to avoid aggression. Fromm professes that wars on the other hand are usually geared to gaining advantages rather than to defending territory.

Territorialism plausibly contends that humans require a territory (especially a private space), and hence have an instinctive predisposition toward property ownership of sorts, but territoriality is not necessarily a motive for war. It can easily be used to argue the opposite—that it is a motive for peace, for territory and property provide claims and rights that can be readily acknowledged thus dissolving possible conflicts.

What remains to be insisted is that a belief in territorialism can be efficacious in causing wars, for example in the Nazi Lebensraum policy. Otherwise territorialism is reductionist and simplistic.

Motivational predispositions

From these considerations it can be noted that the first proper foundations are being formed to support the thesis that

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Footnotes:

1 For example, Midgley notes the necessary redevelopment of family life in the Israeli kibbutzim, *Beast and Man*, p.329.
2 Cf. Carrighar, "Aggression".
3 Fromm, *op cit.*., p.164
war results from ideas, for motives are resolvable into beliefs.\textsuperscript{31}

The instinctivist rejection of responsibility is repudiated by Butler's observation that people are capable of reflecting on their impulses. The very plurality of motives determines that choices must be made.\textsuperscript{32} It follows that acting according to motivation remains in the sphere of moral decision making, and quite within the bounds of critique. Whenever motives compete, it is necessary to prioritise them, and prioritising is the voluntaristic action of choice.

What should be rejected is a strict determinism that entails fatalism and hence the denial of moral responsibility.

\begin{flushright}
\textsuperscript{31}Fromm, \textit{ibid.}, p.164
\textsuperscript{32}Honour and glory are commonly held motives that lead to war, but so too are justice, envy, jealousy, shame, self-preservation, group solidarity, and fear. One single motive may be traced by the historian as deciding a desire to begin a particular war, or a plethora of motives may have contributed.
\end{flushright}

"Mankind has various instincts and principles of action, as brute creatures have...[and] several which brutes do not; particularly reflection or conscience, an approbation of some principles or actions, and disapprobation of others. Brutes obey their instincts or principles of action, according to several rules; suppose the constitution of their body, and the objects around them.

The generality of mankind also obey their instincts and principles, all of them; those propensions we call good, as well as bad, according to the same rules; namely, the constitution of their body, and the external circumstances in which they are in. Therefore it is not a true representation of mankind to affirm, that they are wholly governed by self-love, the love of power and sensual appetites: since, as on the one hand they are often actuated by these, without any regard to right or wrong: so on the other it is manifest fact, that the same person, the generality, are frequently influenced by friendship, compassion, gratitude; and even a general abhorrence of what is base, and the liking of what is fair and just, takes its turn amongst the other motives of action." Bishop Butler, \textit{The Works of Butler: Volume 1, "Preface"}, paragraphs 18-21, p.9.
Determinism is false. Motives cannot be thus reduced to reactions, but to chosen actions.  

Motives acted on are chosen through the volitional act of value prioritisation. Why an individual chooses a particular value over another is for the most part an irreducible phenomenon, for the individual's mind is essentially private, (although factors involved in making a choice can feasibly be isolated). This implies that the possession of a range of motives is prima facie sufficient evidence to support the argument that conflict is inevitable in human society. If, the argument goes, the individual is inherently racked with motivational conflict, it becomes more than probable that individuals acting in society will conflict over basic values. Conflict, it is concluded, is therefore inevitable for it emanates from humanity's plurality of motives.

The reasoning is unsound though. It can be agreed that humans possess a quantity of motives for action, but rather than describing the need to choose between varying motives as a conflict, competition is a better concept. This point alone

_Cf. Mises: "Man is not a being who cannot help yielding to the impulse that most urgently asks for satisfaction. Man is a being capable of subduing his instincts, emotions, and impulses; he can rationalise his behaviour. He renounces the satisfaction of a burning impulse in order to satisfy other desires. He is not a puppet of his appetites. A man does not ravish every female that stirs his senses; he does not devour every piece of food that entices him; he does not knock down every fellow he would like to kill. He arranges his wishes and desires into a scale, he chooses; in short, he acts...It may happen that an impulse emerges with such vehemence that no disadvantage which its satisfaction may cause appears great enough to prevent the individual from satisfying it. In this_
does not refute the previous argument for it proffers a different argument namely that competition is inevitable for human society. Yet this argument is more reasonable and plausible, since it captures natural society more adequately. Organisms compete for resources, and those who adapt best survive over those that do not. Competition is not in always the same as conflict, and the two should remain separate concepts.

Competition for resources, food, reproduction, and so on, can lead to physical conflict, if the resources competed for become scarce and threaten the survival of the animals. For animals the ability to fight is more of a product of the instinct of self-preservation, and likewise, humans, if their vital interests are threatened will react instinctively -i.e., on a neuro-physiological level, as Fromm comments:

> the conclusion seems unavoidable that aggressive behaviour of animals is a response to any kind of threat to the survival or...to the vital interests of the animal.\(^3\)

Conflict as a way of life for biological organisms is not logical in evolutionary terms, nor is it for humanity.\(^3\) The

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\(^3\)Fromm, op cit., p.139

\(^3\)In an interesting passage, Wright notes that: "It is to be anticipated that man, having organised his societies toward intellect and progress, will not converge toward the ant's "societies" emphasising instinct and stability, though despotic totalitarianism would lead in that direction. The mechanism of formic social solidarity throws light, however, upon the irrational foundations of human societies. The history of both types of society indicates that there is survival value in minimising predation, parasitism, and other forms of violent behavior. In this respect convergent
fact that it is not sound on evolutionary principles does not stop other humans from believing conflict to be conducive to survival, which is an erroneous as well as a highly dangerous belief. Social darwinists, for example, propound the value of conflict as the necessary means for a society to survive, whilst Hegel considers conflict to be necessary to form self-knowledge and individuality. Both positions are unsound as discussed earlier. Although competition for resources may lead to conflict, the existence of competing motives does not. To possess a choice is not to be in conflict with anyone or anything -the chosen course of action may of course conflict with others or with the world, but the capacity of choice in itself is not the same as being in conflict.

Given the argument that the individual necessarily lives a life of competing motives, it does not thereby follow that society will be in a constant state of conflict. Institutions can be formed to ensure that conflicting interests are dealt with peacefully by recognising rightful claims, etc.. This can be read as the Hobbesian view of human nature, for Hobbes believes that without a state humanity would be perpetually in a state of war. Hobbes bases his argument on the notion of psychological egoism, which is properly related as a description of general motives, and on an overriding fear of violence from others ("The passion to be reckoned on, is

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*evolution of the human and insect types of society may be expected." A Study of War, p.52*
However, Hobbes's theory of the formation of the state is a theory of imposing power structures on conflicting individuals to keep them apart, rather than solving disputes through reason and hence enabling further co-operation. This theory rightly permits the transcending of impulses and acting in accordance with a plurality of motives and that reasoning can dissolve any seemingly intractable conflicts of interest.

Inhibitions

If humans possess inhibitions against certain actions, specifically against killing each other, then war must be seen as a thoroughly unnatural practice. And if war is unnatural, then a return to a more instinctive mode of living will be sufficient to abolish war. Alternatively, those activities that aim to overwhelm biological inhibitions against killing or viewing others as objects ought to be abolished. On this reasoning, only then can humanity be freed from the artificial institution of war and live peacefully.

A traditional argument from ethnology, as expounded by Lorenz, for example, is that humans possess few if any inhibitions against killing intra-specifically. Lorenz reasons that inhibitions were not required in a time when killing was a "difficult process" (i.e., by unarmed combat), hence inhibitions did not evolve phylo-genetically. But with the use of tools killing became "easy", and hence necessary inhibitions had to evolve through laws and rituals rather than

36 Hobbes, Leviathan, p.200
from genetically inherited structures.\textsuperscript{37} The media of adaptation of the new powers unleashed by human creativity are human culture and reason rather than biology. Responsibility and morality on this argument are cultural-rational inhibitory arrangements that are necessary given the lack of innate inhibitions.

Yet is humanity completely without inhibitions? Killing another person seems to be instinctually wrong when there are emotional attachments to the person, when the attacker can engage sympathetically with the life of the other.\textsuperscript{38} Perhaps humans have developed a phylogenetically inherited inhibition against killing known kin but weaker inhibitions against killing those further from the sympathetic circle of the attacker, since beyond ties of friendship and kin, respect and sympathy of others diminishes, as Adam Smith poignantly remarks;

\begin{quote}
the loss or gain of a very small interest of our own, appears to be of vastly more importance, excites a much more passionate joy or sorrow, a much more ardent desire or aversion, than the greatest concern of another with whom we have no particular connexion.\textsuperscript{39}
\end{quote}

\textsuperscript{37}For Lorenz, the problem for humanity lies in its lack of natural weapons -having evolved no sharp teeth or claws proto-humans required no innate inhibitions against using force on their own kind. All fine and good for a defenceless creature, until tools were invented for hunting. Now humanity possessed the means for easy killing but without the inhibitions other animals evolved to prevent intra-specific violence. On Aggression, p.207

\textsuperscript{38}“Even the first compensatory function of moral responsibility, preventing the Australopithecines from destroying themselves with their first pebble tools, could not have been achieved without an instinctive appreciation of life and death.” Lorenz, ibid., p.215.

\textsuperscript{39}Smith, The Moral Sentiments, III.3.3, p.135.
Beyond the sympathetic circle, representations of others may become dehumanised, hence the easy characterisation made by most warring societies of the 'enemy' as objects or subhuman things who threaten the group with impunity. Carlton's examinations of wars show cases of perceptions of the 'enemy' as a variety of things: non-people, political obstacles, economic rivals, uncouth barbarians, ritual outlaws, unbelievers, effete degenerates, ritual fodder, colonial intruders, opponents of democracy, class antagonists, and racial inferiors. Yet some people do kill their parents, children, spouses, and so on, which suggests that whatever inhibition there exists against killing a blood relative it is not strong.

It is possible that humanity has few natural inhibitions, and the inhibitions we do exhibit are derived from taboo-forming rituals, customs, and articulated reasons to protect the group against intra-group aggression, as Lorenz stipulates:

Among the many phylogenetically adapted norms of human social behaviour there is hardly one that does not need to be controlled and kept in leash by moral responsibility. But a lack of inherited inhibitions does not excuse the killing and dehumanising of people. The extension of the group morality beyond the boundaries of territory and common culture requires the exercise of reason, but since all humans are

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\(^{41}\) Lorenz, *op cit.*, p.218.
capable of reason the extension of sympathy to other groups remains an optimistic possibility.

Conclusion

This chapter argued against instinctivism that war is a product of more than biology, for war is the result of tacit and explicit ideas rather than a biological programme that determines humans to fight. As such, humans are not naturally warmongers, despite possessing seemingly few inhibitions against killing.

Instincts remain active, for we are biological creatures, but qua cultural and rational beings the categories of thought and choice are more vital elements to understand the generation of war.
"Even at the earliest dawn of culture, when the invention of tools was just beginning to upset the equilibrium of phylogenetically evolved patterns of social behaviour, man's new born responsibility must have found a strong aid in cultural ritualization."
- Konrad Lorenz

"War may well be more resistant to the human will than our everyday thinking would suggest...Human beings stumbled into war and we can see no guarantee that they will not just as inexplicably stumble out of it again.
-Paskins and Dockrill

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1On Aggression, p.222
2The Ethics of War, pp.109-110.
The existence of general predispositions or motives offers the beginnings of a plausible account for why wars occur, since the very reason for their efficacy is that they are essentially mental attitudes. As mental attitudes culturally and rationally held beliefs form proximate causal conditions for human war. An exposition of the relationship between culture and war leads on to the relationship pertaining between reason and war.

**Culture**

Cultures provide necessary and sufficient conditions for human learning. A culture is a very flexible and efficacious medium of adaptation, for it allows new ideas to spread quickly, and so long as humans are free to conjecture and to pursue new ideas, culture provide the necessary medium for ideas to gain popular ascendancy over no longer useful or ineffective ideas.³

To explain the role of culture in war, the epistemology supported is that ideas are resolvable into tacit and explicit forms. The content of the mind is ultimately dependent on the senses, although admittedly the brain has evolved 'programs' for abstract thinking. Tacit ideas are generated from observing conventions and attitudes in others and forming implicit conclusions from facts and relations concerning the

³For example, an innovation in the treatment of prisoners of war - enslaving them rather than killing them - may be quickly taken up in different cultures given the benefits accruing from possessing productive prisoners.
world. Explicit ideas are the result of articulated thinking, of reason and of deliberation. An account is offered on unintended cultural consequences and warfare, that offers a realistic albeit pessimistic conception of warfare — that war may be the result of cultural forces and consequently be beyond the pale of reason.

Cultures can manufacture a general disposition to war in agents' minds logically prior to or distinct from rational discussion. War can hence be a cultural phenomenon.4

However, culturalism, the theory that all human action is comprehensible through an examination of culture entails that war is purely a cultural phenomenon. The theory is rejected on several grounds, principally for its lack of acknowledging the biological prerequisites of human nature and its ignorance of the role of reason and articulated ideas in human affairs.

A culture is the set of rules, customs, norms, rituals, and etiquette that a group holds in common. Two useful and complementing definitions are provided by Rand and Hayek.

A nation's culture is the sum of the intellectual achievements of individual men, which their fellow citizens have accepted in whole or in part, and which have influenced the nation's way of life. Since a culture is a complex battleground of different ideas and influences, to speak of a 'culture' is to speak only of the dominant ideas, always allowing for the existence of dissenters and exceptions. (Rand)5

Just as instinct is older than custom and tradition, so then are the latter older than reason: custom and

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4The complementing historical hypothesis is that human wars began as purely cultural phenomena prior to the evolution of language and reason.
5Rand, Philosophy Who Needs It, p.205.
tradition stand between instinct and reason -logically, psychologically, temporally. (Hayek)

Individuals are born into a culture, and in biological terms a culture is a necessary and sufficient condition for psychological and sociological development. Cultural institutions such as rules of conduct and of language have evolved as an outgrowth of biological development. Plausibly, the formation of rules begins with phylogenetically inherited limitations to action, but then proceeds with the development of more intricate creatures to learned forms of behaviour.

Hayek contends that rules of conduct for the most part evolve with social interaction. Rules are crucial to assist living a social existence. His position entails that such rules cannot be explicated prior to action. We cannot know beforehand everything that is 'in our nature' or 'against our nature', since we lack omniscience. Conventional laws evolve through processes of trial and error and by mutually beneficial arrangements; they form a matrix of social experiences that in turn assist reflecting on what ought to be done in predicaments. Sometimes the emergent rules are inconsistent with other more important values, and people make mistakes, hence evolving rules need to be corrected through trial and error or through rational analysis.

Hayek, Fatal Conceit, p.23
Hayek postulates: "It may well be asked whether an individual who did not have the opportunity to tap such a cultural tradition could be said even to have a mind." Fatal Conceit, p.23
Since these arrangements of moral laws, codes of conduct, and etiquette evolve for the most part on a tacit level, many may emerge spontaneously and independently of the intention of particular agents or authorities to construct rules. However, not all that develops or evolves culturally is necessarily conducive to survival and adaptation. The existence of culture is thus no guarantee of the correctness of human values, as Lorenz warns concerning war:

> With humanity in its present cultural and technological situation, we have good reason to consider intra-specific aggression the greatest of all dangers.⁹

When conflicts arise, how they are dealt with depends firstly on cultural mechanisms. A culture ostensibly provides paths of development and solutions to problems. New problems can be dealt with by individuals acting within and from their cultural framework by relating new problems to old ways of thinking; in providing solutions to the new problems the culture that they are working within necessarily evolves. Successful solutions may then be passed through society via behavioural and linguistical alterations to be assimilated or rejected (tacitly or explicitly) by the members of the group. Hence an entire culture is a forum for communicating aims, solutions, and codes of behaviour.

Understanding a culture provides the basis from which to understand war, but it does not imply infallible predictability of how members will act and will want their

⁹Lorenz, On Aggression, pp.22-23.
polity to act when encountering a different culture. A new situation, for example, the meeting of a new culture, demands adaptation, and inevitably the culture will change. What happens to it depends on whether the members of the culture deem it worthwhile saving.

For some societies, notably the Eskimos, Australian aboriginals and the Lepchas of Sikkim, war is an alien concept. For them it never evolved as a solution to inter-societal problems. Instead other solutions evolved. At this point it is futile to note which societies made the better choice, for what is important are the rules and institutions that were successful in achieving what the people expected from life and from one another.

10 Mead, "War is only an invention", pp.270-1

"Meeting a new culture prompts a reorganisation of the rules and codes of conduct and the expectations people have of each other. This is obvious when a new culture is encountered as Margaret Mead’s experience of the Manus illustrates this: "[W]hen Margaret Mead first observed the Manus, their society seemed stable, even stagnant, and the people safe in supposing that they should always maximize the delights of trading, quarrelling, and being in the right, and should fear the vengeance of their ancestors for failure in these activities. That was the communal choice. But when Manus life was disturbed by World War II, and change began to seem possible, it turned out that many people had not been satisfied. And, as some of Margaret Mead’s informants explained to her, they learned from the American soldiers that people mattered more than property." Mary Midgley, Beast and Man, p.295. Cf. Mead, New Lives for Old, 1956, pp.177-8.

12 "It may be less obvious when cultural change comes from within. Internal cultural change happens when new religions and new philosophies are generated from within a society, or new ideas may be a response to population growth or decline or to technological changes. Technological change in itself is prompted by new thinking, but once the new technology is grasped and used by the general populace then the technology is a vehicle for the original idea of what it should be used for as well as a host of other thoughts regarding the impact and use of the technology. E.g., the expansion of the
The ultimate standard to which the good can refer is the maintenance and progression of the species. Reason demonstrates that co-operation is the most conducive activity to this end, as well as a host of other acts such as productive and entrepreneurial endeavours. Paul Johnson observes that whereas the ability to unite increases with civilisation the characterisation of aggressors is:

A society...led by men whose status rests solely on force, possesses great initial advantages. But its strength is more apparent than real; it has no self-sustaining moral authority, no internal discipline other than violence; it can satisfy only a limited spectrum of human desires; it is inherently corrupt; it possesses no collective wisdom except in the narrow field of military expediency; it can tolerate no freedom of discussion, and therefore has no capacity to respond to changed conditions; its victories generate anarchy, and its defeats despair, for it has nothing worthwhile to defend.13

Unfortunately, it is reason and not instinct that teaches us the importance of co-operation, whilst cultural evolution may or may not stumble on it.

Co-operation, as John Stuart Mill recognised, can only be learned and practised.14 It is a requirement of peaceful railroads in the nineteenth century and television in the second half of this century. Yet the evidence of change can also be very apparent when societies are torn asunder as different groups attempt to deal with new ideas or new cultural demands in different ways. When reasoned argument and discourse fail, or agents demand quicker solutions to social problems or debates, bloody civil war may result. The Religious Wars that swept Europe in the sixteenth century can be seen in this light.

13 Johnson, The Offshore Islanders, p.49. Johnson argues that the uncivilised values of the Vikings who invaded Britain between 865-878 AD eventually led to their demise; and the same principle can be said of the Mongol invasions of Eastern Europe and Asia (1207-1227), for internal division eventually meant the momentum of their successes was lost.
14 J.S. Mill, “Civilization”, p.122
society that has to be learned, for it is not innate in humans, although it is plausible that some people are may be genetically more adapted to co-operative behaviour than others. With biological triggers instigating a defence of security and identity, attempting co-operation beyond the close group, or the common culture, seems intrinsically difficult. It seemingly requires a great deal of articulated education and reasoned prodding to overcome xenophobic cultural inhibitions that have evolved in most societies. Evidentially, suspicion against the foreigner is easily roused, since most cultures consider outsiders as potential threats. No doubt, as Hayek notes, thousands of years of living in small groups needing to defend hunting and foraging grounds has aroused deep cultural biases, although it is doubtful that a phylogenetic adaptation to distrust those outside of one’s group has occurred.15

It follows that to stir men to war on a cultural level is easier than to rouse their interests in global co-operation, despite the obvious consequences of the latter.

Cultural activity provides the first order ideological causation of war; but it is not a sufficient explanation. Culturalism assumes that it is, and this argument needs to be examined.

Culturalism

15 A feasible reason for this is the lack of genetic disparity in humanity, suggesting that genetic drift between societies has been common.
The theory of culturalism is that human affairs are solely comprehensible according to their cultural background. For example, White deems any links made to the human organism in the study of culture as not only irrelevant, but also wrong:

In short, the differences of behavior from one people to another are culturally, not biologically determined. In a consideration of behavioral differences among people therefore we may regard the biological factor as a constant, and hence eliminate it from our calculations.

To understand the Ancient Romans and their wars it is necessary to first comprehend the Roman culture -what was expected of its commanders and citizens, how other groups were to be treated, and so on. According to culturalism, the culture of a group is the source of the values and rules which govern members' lives and that cultures provide solutions to social and inter-social problems, and given that cultures differ it follows that solutions to similar problems will vary around the world. An implicit conclusion of culturalism is that relativism is true, i.e. values are different and ought to be different between groups.

The descriptive conclusion of culturalism is sound, since peoples' reactions to others and their rules and principles of conduct do differ. It does not follow that this ought to be the case though. However, what is relevant here is the

16 E.g., Ruth Benedict's school of "cultural psychology" asserts that cultures form theories of reality which condition the human mind. Such theories necessarily involve forms of epistemological relativism or polylogism.
17 Leslie White, quoted in Dobzhansky, Mankind Evolving, p.74
conclusion that war is wholly a cultural phenomenon. The thesis that culture is a sufficiently proximate cause of war is false, for the ideas produced by reason also pose a necessary, proximate causal condition, from which it follows that reason and culture acting in concert form a jointly sufficient and proximate causal condition for war.

For culturalism war and violence are understood as cultural solutions to problems. Why warfare is chosen over another solution is only comprehensible within a framework of tacit and articulated cultural standards of what is right and what is wrong, of how motives should be dealt with, of how people should behave to one another and to outsiders. In this context, war is viewed as a cultural response to outsiders, to their actions, proximity, culture, encroachments, wealth, military might, and so on. The relativist conclusion of culturalism ensures that aggressive and defensive wars can only be judged relatively -i.e., no absolute condemnation of aggressive war is possible. This conclusion is rejected, for the initiation of physical force is always immoral.

Cultural relativism explains war by noting differences between cultures that are assumed necessary and sufficient conditions for the resulting frictions when cultures clash. This position entails two prescriptions. Firstly, it can be held that the differences are irreconcilable, in which case either humanity is necessarily subject to constant warfare, or one culture should (has a duty or a 'manifest destiny' to)
police the world to minimise conflict. Secondly, the differences can be held to be reconcilable, in which case the prescription can be either to foster educational ties and cultural exchanges and to form cultural federations, or again it behoves one group to impose its culture on the rest of humanity.

Relativism is problematic as a moral and political theory. The gravest concern levelled against relativism is what ought to be done with a culture that deems war against other cultures as somehow heroic, natural, or necessary? From the moral objectivist standpoint culturalism is rejectable for supporting moral relativism. Peace and rights are values that ought to be upheld, for only peace and rights are objectively conducive to human survival. Such objective values are rejected by culturalists as being essentially relative.

As a descriptive thesis though, the desire to go to war fits in with cultural precedents and expectations of a people and such sanctions form necessary causal conditions of war according to culturalism.

Culturalism offers no prescription for abandoning warfare through reasoned arguments, although it can admit that cultures change through migration, technological change and so on, but this begs the question of why people migrate, invent technologies, and so on. It offers no adequate explanation for an alteration to customs and rules, since it alleges that
culturalism is considered to be of greater epistemological status than biology or reason.

Culturalism is right in stressing the non-rational and parochial aspects of change, but it is wrong in ignoring the possibility that articulated ideas (philosophies, scientific theories, etc.) can also affect cultural development. Culturalism rejects the possibility of changing culture through rational discourse, for a part of culture lies within the realm of articulated discourse. However, a part of culture remains at a pre-rational level, for certain institutions evolve not from articulated formations but through the unintended results of tacit conventions (see below).

The biological element of learning is wrongly ignored by culturalism. Although the human mind is born without content, contrary to Platonic and Cartesian rationalism the capacity in the species and in the individual for learning is predetermined to a great extent. Dobzhansky recognises the importance of culture, but also stresses the role of biology in human development:

Human evolution has two components, the biological or organic, and the cultural or superorganic. These components are neither mutually exclusive or independent. Human evolution cannot be understood as a purely biological process, nor can it be adequately described as a history of culture. It is the interaction of biology and culture. There exists a feedback between biological and cultural processes.

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18 Dobzhansky, Mankind Evolving, p.18
The range of capabilities is not determined solely by the ideas accepted by or taught to the individual—they interact with the biological inheritance of the person just as biology and culture interact with the external environment. Contrary to culturalism (and hence Lockean empiricism), humans are not blank pages on which any career, any capability, can be imprinted, since each possesses a unique set of inherited capacities.

The next section of cultural explanations of war is derived from the theories of Friedrich Hayek on how evolutionary principles act in cultures. This is the theory that war is feasibly the result of unintended structures.

War as an unintentional result of cultural evolution

The tacit element of cultural dynamics implies that not all that is cultural is intentionally chosen. Culture is the result of humans acting in concert, and many institutions evolve without the express intention of individuals. Hayek observes that many social norms and customs are the result of unintended consequences. The elaboration of this thesis leads to:

all the classical paradigmata of the spontaneous growth of orderly social structures of law and morals, of language, the market, of money, and also the growth of technological knowledge.\textsuperscript{20}

Those actions that sustain or benefit society will be taken up and continue to be used over time. They are useful to the extent that they act as "vehicles for the generation and

\textsuperscript{20} Hayek, "Dr Bernard Mandeville (1670-1733)", in The Trend of Economic Thinking, p.83.
dissemination of knowledge"\textsuperscript{21} which is crucial for the overall capacity for the group to survive. They evolve with the community's growth and become internalised in the actions of the members of the group.\textsuperscript{22}

The relevant question is whether war is such an unintended consequence of cultural processes. If it is, then its abolition becomes a devilishly complex affair. Do certain cultural conventions and codes create unintended institutions that are not to the public benefit? Is war the result of cultural structures created from seemingly benign and independent actions of individuals? In a sense these rules and institutions are 'voted for' in what is essentially a daily plebiscite. Rules and codes of behaviour that become outmoded or inefficacious may lose votes and hence ebb from the daily lives of most people.\textsuperscript{23}

War may result from a two-pronged unintentional consequence: firstly, from the one side of idea formation.

\textsuperscript{21} John Gray, *Hayek on Liberty*, p.41

\textsuperscript{22} For example, a person learns to speak by internalising rules without having to learn the rules, but more importantly the interaction of individuals creates something over and above their own private actions and intentions, as Hayek explains: "We stand in a great framework of institutions and traditions—economic, legal, and moral—into which we find ourselves by obeying certain rules of conduct that we never made, and which we have never understood in the sense in which we understand how the things that we manufacture function." Hayek, *The Fatal Conceit*, p.14.

\textsuperscript{23} For example, McDougall notes that the tribes of Central Borneo were constantly at war with one another and if intelligent chief were to be asked why; "the best reason he can give is that, unless he does, his neighbours will not respect him and his people and will fall upon them and exterminate them." McDougall, "The Instinct of Pugnacity", p.34
itself, and secondly from internalised customs that cannot be removed piecemeal without effecting a whole matrix of what may turn out to be unforeseeable consequences and on which entire sub-matrices of activities may depend.

The first argument supporting the possibility that war is an unintended consequence is that old ideas, as formed and subsumed in the words of living languages and concepts applicable to customs and institutions may linger. This means that language may (for a while) sustain behavioural patterns which reason deems inapplicable or undesirable, for example in calling wars 'glorious', or the casualties of wars 'collateral damage'.

The case of idea formation is complicated by language which sets limits to which ideas are created and communicated. A conservatism is necessarily present in the articulation of arguments and their development, not only in the sense that new ideas take their time to penetrate the minds of other people, but also in the sense of the slowly adapting use of words and the worlds of intentions and feelings they secure. The plausible conclusion is that language and hence cultural traditions permit the succession of ideas over time that nobody truly intends.

Ideas the group would like to rid itself of will never be discarded so long as the unintentional actions and interactions of the members of the group result in their

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24 Against such notions General Sherman declared: "There is many a boy here today who looks on war as all glory, but, boys, it is all hell." Quotation from a speech given in 1880.
continued existence. At the individual level of interaction, people will support those rules and institutions that are seen to be and/or have proven to be beneficial to the group over the long run. At the social level such reasonably benign actions may create an institution inimical to peace.

If, as is the contention here, ideas lead to wars, and ideas are formed from observation, imitation and reflection formed in a cultural-linguistic framework whose nature is partly the result of unintended effects, then it is plausible that conventions supporting war are transmitted unintentionally across generations. There is hence a lag on the possibility of social change, from which it follows that the realm of tacit knowledge (held in pre-linguistical forms) can be a continuing source of aggressive war, even though rational analysis of war deems it destructive. Alongside the attempts of governments, philosophers and campaigners, the greater body of humanity may continue to give indirect and direct support to a culture supporting warfare as a solution to problems. If this is true then humanity has fallen into a sociological trap, and war can never be abolished by design. This poses an intricate problem for rationalist attempts to deal with social problems in general, yet thereby provides us with an understanding of the limits of reason in social affairs. We can entertain the general conclusion that for a cultural species human war originally evolved as "a product of human action but not of human design."\textsuperscript{25}

\begin{footnote}
\textsuperscript{25} Quoting Adam Ferguson, in Hayek, "Dr Bernard Mandeville
At the level of low primitive war, war is wholly an unintended enterprise—in the sense that it is a purely cultural phenomenon falling below articulated intentions. As such, low primitive war bridges the gap between animal and human war and is probably only relevant for proto-human groups. For high primitive war, articulated beliefs and tacit conventions may invoke war's necessity. Each foray or battle may be organised and deliberated over, but the participants may not be in a position to justify warfare or to account for its requirement, except by invoking atavistic reasons—noting that it has always been the case.

This is a strong thesis, for if we acknowledge the evolutionary pressures working on cultural structures, war is an institution that has survived the test of adaptability. War, on this account, has proved a successful institution for some groups, at some times. It has meant their survival, and even their expansion, which in turn fosters a transmission of war as an evolving cultural institution.

The theory that war is the result of unintended consequences is different from the argument that views war as a means of natural selection, as held, for example, by social darwinists. The latter theory has, for example, been applied to primitive warfare in proposing that the stronger males survive battles or forays and are hence in a position to propagate their genes. The notion of fighting to ensure a survival of the fittest however runs into difficulties with (1670-1733)" in The Trend of Economic Thinking, p. 96.
more complex societies. In complex societies the means of successful adaptation permit individual members to pursue their own ends and which in turn foster the dissemination and transmission of knowledge through market and cultural institutions. War becomes on this argument a counterproductive institution that no longer meets the demands of complex societies. War is a spanner in the machinery of civilisation.

The validity of this Hayekian analysis also apparently leads to the repugnant conclusion of moral positivism that ‘might is right’.

For if war has proved successful for a group then why should the group entertain peaceful conduct with its neighbours? And is the retort that aggressive war and other forms of parasitic behaviour are self-destructive, and are illogical on evolutionary principles sufficient? Aggressive war is a parasitical enterprise which, like any form of parasitism, requires the continued existence of those forms of activity or of life that allow the parasite to live. Animal and primitive war could hardly become so exploitative as to annihilate the hosts, but war above the military horizon could become so self-destructive especially with the advent of nuclear weapons. With nuclear weapons war’s inherent tendency to escalate reaches its pinnacle; any putative benefits accruing from aggressive war are entirely lost -radiation ensures that any resources would be effectively unusable, and

*Cf. Plato’s Republic and the conversations with Thrasymachus 338c ff.*
with Mutually Assured Destruction no incentive except martyrdom exists to motivate aggression.

Any possible limit to self-destruction evaporates once permanent forms of government are created. Above the military horizon war is the product of articulated intentions, for war can only be described according to explicit policies and rational analysis. Political wars are highly organised affairs. Armies are created which fall under the general rules of organisation, and whose deployment and engagement in warfare are defined intentionally by the government. All is now 'above board' as it was: why a war is declared, and what are its objectives, are verbalised and hence are amenable to reasoning and political processes. Political war in contrast to primitive war is the result of articulated design -essentially of politics. If war is the result of human design, it follows that its abolition is within human capacity. But humans can design policies that ensure deliberate or unintended self-destruction -hence the fears generated in the Cold War; sub-nuclear warfare could always be winnable, but above the nuclear threshold that is no longer a certainty.

Nonetheless, what the people desire from government is not always enacted by government, and the rules of organisation for framing the jurisdiction of government and as being articulated for the very purpose need not comply with the expectations held by the people, or vice versa. War can be
let in through the back door of even the most rationally codified of states by being an institution that has been culturally successful and hence continues to be expected of government. Government leaders may easily fall back onto the cultural framework of which they are part, and it is these unarticulated expectations, as well as explicit thoughts, beliefs, notions, conjectures, and so on, that converge unintentionally onto the traditional acceptance of war as a proper solution to problems in the international sphere.

If governments are subject to the pressures of public opinion, this implies that war is a pre-rational phenomenon, a part of the evolutionary process of cultural and ideational selections. The call for war is 'voted on' by the general supporting population. Hence war continues to exist regardless of the well intentioned objections of the few.

However, government can wage war regardless of the cultural affinities of the people, for it may use, or rather abuse, its position to enslave the citizens for the purposes of war. Burke reflected that "Tyrants seldom want pretexts", for they can usurp the power of government that is invested in them for their own purposes. Such is tyranny. Once a people are deemed servants of those in power, it is a small step for those who seek to expand this power to lead the people to war.

Rand claims:

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27 A good example is the War of 1812 in which the new USA invaded Canada, causing much constitutional confusion.
28 General quotations books, from a letter 1791.
Wars are the second greatest evil that human societies can perpetrate. (The first is dictatorship, the enslavement of their own citizens, which is the cause of wars).\textsuperscript{29}

This argument is more straightforward than the previous, but it also has intricacies of its own. Questions arise regarding the legitimacy of power. For example, if the people were desirous of being enslaved does that change the argument? Does a society evolve culturally into a totalitarian dictatorship, because, for that society, such political structures have been successful in the past? Obviously Hume's dictum that "all human affairs, are entirely governed by opinion" is assailed by affirmations to these questions; nonetheless, even if dictatorship evolves culturally it does not make it right.

Justice is not meted out by those in power, it is an independent, objective code to which all humans have recourse, and it is epitomised by core rights to life and freedom of movement, conscience, speech, and so on (see Chapters Eight to Twelve).

**Political Rationalism and War**

"Intelligence, even with all the powers of culture at its disposal, has certainly never enabled our species to clear out its vast cavern, to uproot all the pre-existing emotional structures and start again. And this is probably just as well, since intelligence would not have the slightest idea how to generate a whole new set of emotions to replace them."

\textsuperscript{30}Midgley

\textsuperscript{29}Rand, Capitalism: The Unknown Ideal, p.224. Herbert Spencer argues the reverse, that militancy abroad fosters domestic enslavement. The Man Versus the State, p.72

\textsuperscript{30}Midgley, The Ethical Primate, p.181
"Let our conjectures, our theories, die in our stead! We may still learn to kill our theories instead of killing each other."
-Karl Popper

The rationalist theory of war declares that war is the result of articulated arguments and political deliberation rather than of tacit-cultural or biological factors. A strict rationalist thesis of war is rejected, since it attempts to explain warfare without reference to any cultural or biological factors. Nonetheless, the importance that reason plays in war and generally of the universalism to which rationalism appeals is supported.

Wars above the military horizon are predominantly the deliberate policies of governments and since they fall within the articulated designs and ambitions of those in power, the appeals are to humanity's capacity to reason. Hence political wars can be termed 'rationalist wars', which has nothing to do with whether they are reasonable or not, but deals with whether the intentions to fight are articulated and hence are amenable to logical analysis.

As a political doctrine rationalism should emphasise the need for discussion of problems over violent solutions, however, argument and rhetoric can lead people away, on the one hand, from cultural processes which converge on violent solutions, or on the other hand, from the principles of social co-operation and toward destructivism. Mises writes:

\[31\] Popper, "Natural Selection and the Emergence of the Mind", p.152.
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31 Popper, "Natural Selection and the Emergence of the Mind", p.152.
With the exception of a small, negligible number of consistent anchorites, all people agree in considering some kind of social co-operation between men the foremost means to attain ends they aim at. This undeniable fact provides a common ground on which political discussions between men become possible. The spiritual and intellectual unity of all specimens of *homo sapiens* manifests itself in the fact that the immense majority of men consider the same thing -social co-operation- the best means of satisfying the biological urge, present in every living being, to preserve the life and health of the individual and to propagate the species.\(^3\)

For some, if humans were to act reasonably wars would never occur again, since reason emphasises the futility of war. The implication of this theory is that the pursuit of war is an irrational pursuit, which in turn suggests that the agents involved were acting irrationally, as Ginsberg claims:

> In one manifestation or another, the cause of war is the irrationality of man. Armed with reason man ought to be able to master himself.\(^3\)

Why a rational animal fights is because reason is a double-edged sword. It offers explanations and justifications which may ultimately be complementary to life, or it can offer rationalisations that may negate human life. Rationalisation is the use of articulated arguments which propose excuses or putative justifications of cultural demands and expectations, but which nonetheless fall short of logical soundness or morality. Lorenz, for instance, argues:

> [T]he same human faculties which supplied man with tools and with power dangerous to himself, also gave him the means to prevent their misuse: rational responsibility.\(^4\)

\(^3\) Mises, *Theory and History*, pp.37-38

\(^3\) Robert Ginsberg, "Philosophy vs. War", p.xvi

\(^4\) Lorenz, *On Aggression*, p.206
Although we admit the limitations to rationalism, given the presence of tacit forms of knowledge, can we accept that reason is a dangerous tool that threatens mass annihilation?

Reason, it can be argued, may disengage us from what might prove to be better methods of adaptation. Peter Singer refers to the analogy of an escalator that once reason is engaged its upward path is unlimited, which raises the possibility that conceptual, articulated thought, permitting a speedier means of adaptation, potentially loosens the links a simpler creature has to its needs and hence to its potential for survival. Lorenz infers that:

Knowledge springing from conceptual thought robbed man of the security provided by his well-adapted instincts long, long, before it was sufficient to provide him with an equally safe adaptation.

This is a plausible contention, but which also fosters a tragic sense of life. War on this theory is viewed as a result of humanity's capacity to reason, which echoes the condemnation of human nature epitomised in the Fall of Man myth.

The problem raised is analogous to that posed by civilisation for some theorists as noted in Chapter Three. Civilisation provides much more than a non-civilised culture can in terms of opportunities and expanded material goods, through its extension of the division and specialisation of labour. Yet its product can be usurped by those who use force

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36Lorenz, On Aggression, p.205
37Cf. Pagel, Adam, Eve, and the Serpent.
for the purposes of war. Similarly, reason can be used to manipulate or to offer rationalisations for devious ends. The sometimes subtle distinction between sound reasoning and rationalisation can only be uncovered through a critical analysis. Wars justified on say forms of moral relativism or from Lebensraum policies are examples of rationalisations.

Singer's 'escalator of reason' implies that articulated thought adapts quicker than cultural, and especially biological processes. To paraphrase Malthus's theory of population -conceptual thought expands geometrically, whereas cultural adaptations expand arithmetically. This lag poses a danger for humanity, for people may not culturally adapt quickly enough to expansions in knowledge and technology. The conjecture becomes particularly troublesome in an age of nuclear weaponry in which, following Lorenz's fears, if instincts have not biologically adapted to match the greater power humanity possessed from wielding the simplest of weapons, humanity may be far behind the mentality required for controlling the use of nuclear weaponry. Cultural structures (the tacit and explicit ideas supported by individuals in their daily lives) thus may not match the achievements of reason. If culture is the first level of creating inhibitions against killing and warfare, reason advances knowledge to a higher level, for it is free to some extent from traditions

This fear leads to the strong political demand that nuclear weaponry should not fall into the hands of societies that would not be trustworthy owners of the technology (Cf. Chapter Ten).
and thus it offers new vistas from which to view the past, present, and future.

Although reasoning permits humanity to envisage the consequences of actions and to comprehend errors in behaviour or in institutions, cultures that uphold war as a solution to inter-societal problems may take their time to catch up to the realisation that war is inimical to human life.

**Rationalist theory of war**

The rationalist theory of war is logically connected to a realist political theory of war that assumes that the state and its officers are the agents of war.

> "However inchoate or disreputable the motives for war may be, its initiation is almost by definition a deliberate and carefully considered act and its conduct, at least at the more advanced levels of social development, a matter of very precise central control."  

Howard continues:

> States may fight...not over any specific issue as might otherwise have been resolved by peaceful means, but in order to acquire, to enhance or to preserve their capacity to function as independent actors in the international system at all.

Keegan characterises the rationalist theory of war as follows.

It is assumed to be an orderly affair in which states are

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40 For Bertrand Russell, the very existence of politicians and diplomats is sufficient to raise the probability of warfare: "In every nation, by the secrecy of diplomacy, by co-operation of the Press with the manufacturers of armaments, by the desire of the rich and the educated to distract the attention of the working classes from social injustice, suspicion of other nations is carefully cultivated, until a state of nightmare terror is produced..." "War: The Cause and The Cure", p.18.

41 Howard, *op cit.*, p.14
involved, in which there are declared beginnings and expected ends, easily identifiable combatants, and high levels of obedience by subordinates. The form of rational war is narrowly defined, as characterised by the expectation of sieges, pitched battles, skirmishes, raids, reconnaissance, patrol and outpost duties, with each possessing their own conventions. As such, Keegan notes, the rationalist theory does not deal well with pre-state or non-state peoples and their warfare. It also proves inadequate to deal with nuclear weaponry which essentially makes a mockery of traditional national borders and hence balance of power politics. From which we can surmise that the strict rationalist theory of war is inadequate.

But is war wholly subservient to political considerations as Clausewitz is assumed to believe? Clausewitz writes that: "We see...that under all circumstances War is to be regarded not as an independent thing, but as a political instrument." But he also argues that war necessarily takes on its own nature in the sense of possessing an inherent tendency to escalate to absolute war, and hence the overall control of politics is never complete," but politics remains the master to which war refers:

War is...a wonderful trinity, composed of the original violence of its elements, hatred and animosity, which may be looked upon as blind instinct; of the play of probabilities and chance, which make it a free activity

42 Keegan, A History of War, p.5
43 Clausewitz, On War, Ch.1, §27 p.121
44 As interpreted by Gallie, Understanding War, p.58.
of the soul; and of the subordinate nature of a political instrument, by which it belongs purely to reason.\textsuperscript{45}

Although Clausewitz acknowledges the influence of biology and what can also be termed cultural influences, his political-rationalism entails presuming the primacy of politics. However, political theory is itself pluralistic, thus different schools of thought offer competing analyses of war.

The various political schools -classical, jurist, realist, psychological, etc.\textsuperscript{46}- have their own conception of the origins of war. The political rationalist doctrine is thus too broad to be of use as it stands, unless the theories are analysed in turn for their strengths and weaknesses, which is beyond this work's jurisdiction.

**Interest**

The rationalist accounts of war turn on the role of interest. Reason, it is argued, will show where peoples' interests ought to lie. For example, Marxists and realists claim that a state will not enter into a war unless it is in its material interests to do so, as criticisms of the recent Gulf War (1991) illustrate. As wars necessarily involve values, it is worth contemplating the relation of interest to war.

All human action subsumes value, and warfare presumably serves some notion of interest. Interests are nominally held to be a cause of war, if they are threatened or if they are to

\textsuperscript{45} Clausewitz, \textit{ibid.}, Ch.1, S28, p.121, italics added.

\textsuperscript{46} Wright, \textit{op cit.}, pp.1378-9
be gained. People fight to defend interests but this entails aggressive as well as defensive wars. For example, war mongers may claim that a nation can enrich itself by attacking and pillaging others' lands and resources (e.g., Hitler). The assumed justification is ancient. Mises notes its modern inception:

Wars of aggression are popular nowadays with those nations which are convinced that only victory and conquest could improve their material well-being. On the other hand the citizens of the nations assaulted know very well that they must fight for their own survival. Thus every individual in both camps has a burning interest in the outcome of battles.47

An aggressor could offer the rationalisation that it is necessary to attack a neighbour to defend some value (land, culture, etc.), however, when it is argued that it is in the interests of the nation to go to war, the nature of those interests cannot be divorced from the ideas held of those interests, as Fromm notes:

But man, being endowed with a capacity for foresight and imagination, reacts not only to present dangers and threats or to memories of dangers and threats but to the dangers and threats he can imagine as possibly happening in the future. He may conclude, for instance, that because his tribe is richer than a neighbouring tribe that is well trained in warfare, the other will attack his own some time from now...[And if] a government can make the population believe that it is being threatened, the normal biological reaction against threat is mobilized.48

Following Hayek, human values or interests have three sources -biology, culture, and reason.49 These sources reflect the three aspects of human nature taken up in this Part. The

47 Mises, Omnipotent Government, p.104
48 Fromm, Anatomy of Human Destructiveness, pp.265-266
49 Hayek, Three Sources of Human Value.
biological condition of our species offers the first order of values which must be secured and maintained for the physical well-being of the individual. Secondly, the social aspect of the individual's life must be considered -humans are social animals and as such they must be able to adapt to a social existence -culture provides that mechanism. Finally, reason provides the third source of value which humans can construct and then pursue.

When a warrior speaks of interests to be defended, it is incumbent to inquire into the nature of these interests.

The concept of interests logically requires a standard by which values are judged. Reason offers the means to universalise values and is the proper method by which we examine where interests should lie.

Values emanate from three sources, but interests are predominantly the product of the mind -of thinking, of beliefs, notions, and expectations, etc.. An individual may believe that interests are served by praying to God, or that raising import barriers will increase wealth (by raising domestic production), or that invading neighbouring states will ultimately serve the country's interests. In each case an interest is putatively served, but interest is defined by the ideas held.

For some, interest is equated with power, hence reasoned argument (e.g., Machiavelli's The Prince) can be used to

*This aspect includes not only the relationship of the individual to society, but also the relationship of the individual to him/herself.
rationalise war. However, rationalism does not have to uphold war at all, for investigation emphasises that aggressive war is inimical to the very survival of the species. Force is the antithesis of reason and reason is humanity's best method of adaptation. That does not rule out that sometimes it is reasonable to fight, as Part Four explains.

Interests are not something that arise without human agency to define what ought to be achieved—what a particular person conceives as acting in his or her own interests is derived from the dominating ideas he or she adheres to qua individual.  

Conclusion

This chapter has examined the cultural causal conditions of war and has found that a strong element exists in cultures which may uphold warfare as a tacit solution to societal problems. This is derived from the theory of unintended consequences, which asserts that many cultural structures evolve unintentionally without explicit intention on the part of agents. War, or at least a part of war, is plausibly one of those structures.

"It may be pointed out that a person's interests are not always held voluntarily, that social ideas—ideas held by the culture in which the individual acts—act to form a person's behaviour. This argument cannot be wholly rejected, for it complements the theory that ideas can be tacit as well as explicit. This is more obvious with the maturation of children who soak up their cultural environment, but also with the majority of adults who uncritically accept the ideas they encounter in their social groupings—family, work, recreation and today through the popular media."
If war is this unintended construct, a Frankensteiniann result of human action but not of human design, then war cannot be abolished by design. It can only fade away as do any cultural structures which do not meet the needs of the group in terms of transmitting knowledge and fostering the group’s survival.

Liberalism emphasises the destructiveness of war and justifies it only as a last resort and only against aggression. Nonetheless, the extent that cultures have evolved and are not the product of a single generational wedge, imply that removing parts of cultural activities that are seemingly rather anachronistic may be a difficult task. Undesired cultural institutions cannot be terminated without long consideration, or perhaps a gentle disentanglement from them; for like particular words in a language they do not stand alone but evoke a variety of functions in a plethora of contexts.

Warfare is not conducive to social co-operation, but as a cultural institution (which may have served purposes in the past -ignoring whether those purposes were just or not) it might not be wise to declare, if it were at all possible, a global pacifism. The laying down of arms is no easy task, for too much cultural, and even biological, baggage is attached to warfare.52

52 Note the present intransigence of the IRA to give up their arms following the cessation of terrorist violence in Northern Ireland, 1994-5. Similarly, the American cultural fascination with the right to bear arms.
Cultural warfare is not an inevitability though, for some cultures evolved other methods of dealing with social and inter-societal problems that avoided the use of warfare, and one method of resolving disputes is to resort to argument and reason, as Popper maintains:

The war of ideas is a Greek invention. It is one of the most important inventions ever made. Indeed, the possibility of fighting with words instead of fighting with swords is the very basis of our civilisation...

Civilisation has been wrongly impugned for causing war, and under its jurisdiction political warfare is assumed to be the product of rational analyses of situations and interests. Yet various theories exploit differing concepts of 'interest'. Reasoned arguments are dependent on cultural and biological prerequisites, for example, in the form of language spoken and in the capabilities of the mind to think. As such, a reasoning being is not wholly separable from cultural and biological conditions. Individuals are motivated by their 'reason states' (Sosa) - their beliefs, wants, and intentions - whose ideas are not wholly articulated, or perhaps even articulable, which implies that wars are not wholly rational endeavours - i.e., the product of an articulated 'reason state'.

The overlap between tacit-cultural structures and explicit cultural and rational structures of thought explains the intractability of warfare as a human institution. War

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53 Popper, Conjectures and Refutations, p.373 The same idea is epitomised on Churchill's famous remark "to jaw jaw is better than to war war." Found in quotations books. Source: Speech at White House, 26th June, 1954, quoted in New York Times, 27th June, 1954, p.1
cannot be abolished by reason alone – humanity’s entire mind set of tacit and explicit beliefs, desires, and intentions has to alter.
PART FOUR: JUSTICE AND MORALITY

CHAPTER EIGHT

THE FOUNDATIONS OF JUSTICE
The final Part applies the philosophy of war to political and ethical problems generated by war. It is divided into two broad sections, the first (Chapters Nine to Eleven) dealing with how morality is related to war, and the second (Chapters Twelve and Thirteen) with problems of political philosophy. It is concluded firstly that since war is morally distinguishable between wars of aggression and defence, only wars of self-defence of core rights or extended self-defence can be justifiable, and secondly, since states exist to protect rights, wars of intervention to uphold core rights are also justifiable.

Ethics is the province of reason, but ethical theory has to be qualified to admit that a portion of our existence is tied up in living according to the dictates of our nature as homo sapiens sapiens and according to cultural rules which for the most part have evolved rather than were deliberately intended. Morality thus begins in human nature and is developed through culture and reason into ethics.

The biological nature of living entities provides the first order values a creature can be said to possess, the most obvious being an instinctive pursuit of self-preservation over death. Morality pertains only to living things, and in so far as morality is characterised by biologically evolved rules it pertains to animals as well as humanity. Animal warfare is

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1 This entails that the good is objectively based in the nature of life —but the good is dependent on context. What is good
plausibly interpreted as the product of biologically inherited value systems of predation and defence, in so far as ethics is characterised by culturally evolved and articulated rules of just and fair conduct it pertains only to humanity (and perhaps in elementary parts to some of the higher animals). Human warfare thus invokes biologically determined values, cultural values, and rational values.

The proposition that life forms the basis of ethics is different from the proposition that such an ethics is objective. Nonetheless, I support attempts to provide an objective basis for morality which is also universalist. Such attempts may involve emphasising the metaphysical premise that living creatures are different from inanimate objects because of the obvious requirement of living creatures to pursue life.

The concept of self-preservation has been used to justify many ethical and political treatise, especially those in the communalist natural law tradition. For example, for John Locke the action of self-defence is a 'fundamental law of nature': "[I]t being reasonable and just I should have a Right to

for a lion is different for what is good for an antelope; yet, the actions of both animals presuppose a common concept of the good being pursued —namely the pursuit of life.

A friction exists between objective and universalist ethics. The two need not be inseparable, for an objective ethics need not be held universally (objectivism may demand that each person holds true to their own ethical view point), and universalism may be held arbitrarily and not objectively (i.e., my personal belief is that morality entails acting unto others as I would have them act unto me, but I cannot provide a foundation for that belief).
destroy that which threatens me with Destruction."³ For Thomas Hobbes, the first fundamental law of nature is to seek peace, but the second is "By all means we can, to defend ourselves."⁴ When a person's life is threatened, Rousseau acknowledges that "he is obliged to give himself the preference."⁵ However, it is not enough to survive and preserve oneself at all costs, for there must be something else to live for.

This line of reasoning touches on an important philosophical problem of the distinction between facts and values. That is, it is a fact that I must act to live, but given the facts, the next question is 'how should I act?' - what should I eat, where should I live, what should I study, etc.. The answers are complex, for they invoke psychological, sociological, physiological, etc., requirements. In terms of ethics though, the universalist doctrine of impartiality provides a useful guide as to how we ought to act.

The universalist position can be reached from a biologically founded motive for moral behaviour - sympathy, from which it can be held that at the first level of moral inquiry, war begins when sympathy is lacking.

Consideration of others, of how one's actions affect them and of the subject-oriented views they possess of life,

³John Locke, The Two Treatise of Government, p.319
⁴Thomas Hobbes, Leviathan, p.92
⁵Jean-Jacques Rousseau, Social Contract and Discourses, p.47
constitutes the capacity of sympathising. A plausible argument, held by Singer for example, is that sympathy is naturally, i.e., biologically, strongest for immediate kin and then expands outward to friends then other members of the same group. As such it is inherently partial.

Sympathising, Singer claims, may begin with reciprocity to acts of kindness which form bonds of trust and friendliness and a desire to repay in kind. Singer notes that there may even be sound evolutionary principles at work that are complemented by reciprocity as against purely self-interested actions, since reciprocity can assist the group to survive. But, for reciprocity to be of use, logic entails there must be a critical number of those willing to act reciprocally as against those who 'cheat' by free-riding.

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6Sympathy is at once emotional and thoughtful, but prior to rationality it is a predisposition, that can be cultivated in human society.

Hume notes: "Have we any difficulty to comprehend the force of humanity and benevolence? Or to conceive, that the very aspect of happiness, joy, prosperity, gives pleasure; that of pain, suffering, sorrow, communicates uneasiness?" Enquiry into the Principles of Morals, p.43

Midgley writes of sympathy that it: "Emotionally...calls for an intense, unstoppable interest in what others are feeling and thinking, a constant awareness of them which gives their responses enormous importance and makes their opinion of us, and of many other things, a permanent background of our mental landscape...Cognitively, this same power of sympathy calls for and makes possible an immense enlargement of the imaginative horizon by including the thoughts of others among the things that we can think about. This mass of material multiplies manifold the paths that suggest themselves for our reasoning. And it makes argument possible." Mary Midgley, The Ethical Primate, p.143.

Singer, The Expanding Circle.

Singer, ibid., p.18.
However, once reciprocity is working in the group, Singer argues that the group becomes vulnerable to other groups that may attempt to live off the benefits formed by the reciprocity without offering anything in return. "This", argues Singer; suggests that group altruism would work best when coupled with a degree of hostility to outsiders, which could protect the altruism within the group from penetration and subversion.  

This argument gives credence to communalism, that individuals naturally gravitate towards a social existence, with the proviso that social existence is limited by the biological constraints on reciprocity.  

The tendency for the group to look after its own also provides an explanation of the poor treatment of outsiders and a fortiori of war. The lack of sympathy to others reduces the emotional connection that could be possible, from which we can infer that the outsider becomes dehumanised. Support for this thesis comes from the fact that cultures possess arrangements for inhibiting intra-social aggression which differ from the principles concerning extra-social conflict. However, this analysis remains at the biological level of morality which is inadequate as a sole explanation of war, since it avoids the influence of culture and rationality in human life. Adam Smith recognises natural limits to sympathy and argues, anticipating Singer, that it is conscience -or reason- that permits its

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1 Singer, ibid., p.20.

10 It also recalls Ardrey's enmity-amity theory. Cf. Ardrey, *Territorial Imperative*, Ch.8
workings to be extended beyond kin to all of humanity via the
universalisation of our moral principles.¹¹

Reason demands consistency in justifying actions to others
-hence the morality of sympathising is extendable beyond the
immediate group. Accordingly, this argument that wars should
be justifiable to impartial spectators. In other words, the
justification must be indifferent to the individual agent’s
interests, hence it must be objective.¹² Initially the
universalist position may be that of the tribe, but with the
growth of intertribal relations it must be the greater group
to whom the action ought to be justifiable -i.e., to humanity
in the abstract. With the advent of nuclear war, the
possibility of Mutually Assured Destruction creates a new
dimension -to whom except Death could MAD be justified? MAD
invokes the argument that if you try to kill me, I have the
means to kill you at the same time, which putatively entails
the political realism of threats, bluffs, and luck, yet it
cannot be justifiable to any secular party thus rendering
difficult ethical discussions on the matter (see Chapters Ten
and Eleven).

Ethical reasoning thus prompts the objective view point
that considers the self as one among many, and ethical actions

¹¹Smith, Theory of Moral Sentiments, p.137.
¹²Singer rightly asserts that: “In a dispute between members of
a cohesive group of reasoning beings, the demand for a reason
is a demand for a justification that can be accepted by the
group as a whole. Thus the reason offered must be
disinterested, at least to the extent of being equally
acceptable to all.” Op cit., p.93.
should be judged according to impartiality principles. It can thus be held that ethical principles which are universal and objective can only be reached through reason. Indeed, it can be held that reason prompts a search for the objective viewpoint, for it seeks common denominators between different entities, and is hence able to transcend the biological and cultural basis for morality.

The capacity to think permits humanity to expand morality -to engage in ethical discourse- and to formulate objective codes of ethics.

The search for objectivity, it can be retorted, can be pursued along non-rationalist lines. Hume for example, believes objectivity possible, but denies that rationality could be the sole method of its pursuit. Hume is wrong though. His scepticism leads his theory inexorably to the false metaphysics of idealism. Hume doubted the validity of empiricism for empiricism cannot be supported on empirical grounds, a problem that is only overcome if the method of empiricism is held true axiomatically. Objective morality and ethics are thus supported for an analysis of war and justice, but other positions deny the possibility of objectivity or of universalisability.

One consideration is that ethics is necessarily relativistic, i.e., people's conceptions of right and wrong differ, hence what is just or what is good depends on people's perspectives. This is the position of subjectivism.
Subjectivism

The subjectivist considers values to be inherently dependent on individual tastes, and concludes that a universal moral or ethical code is impossible. If no moral code is possible then no actions may be considered always good or always evil for all people, since the criterion of good or of evil is dependent on the subject’s view of the action.

Subjectivism is an extreme form of moral relativism, which posits the source of approbation or condemnation in a subject group, or a specific historical era, or both, rather than in an individual. Relativism and subjectivism imply that there are no objective values to which all peoples can agree. Values can only originate from individual minds or fantastic ‘group minds’, and even if codes of behaviour are accepted universally, they remain necessarily subjective in origin. For example, if the value of life attains universal approbation it can only be so because all sentient beings perceive it as such. This theory is fraught with problems.

It can be argued that if we accept the relativist position then we must accept that differences in ethical opinion will occur, and that therefore a liberal attitude must be supported which permits individual differences to flourish. But the opposite may be just as reasonable. If humans inherently disagree on the nature of what is right or wrong, why should they just part ways and allow others to pursue their ideals?
With no common ground for discussion conflict becomes attractive.

For instance, a man believes he does good by killing, but the victim believes that she would do good by living. For the former the standard of his actions is the pleasure received in inflicting harm, for the latter the good life is one without violence. For the subjectivist the two positions are mutually exclusive, since each agent is guided by what they consider to be right. A third party is in no position to condemn a potential murderer, except to say, “if I were you, I would not kill others”, to which the murderer replies, “well, you’re not me.” Logically, for the subjectivist, no problem occurs. Given the premise that moral and ethical values are inherently subjective, the conclusion follows that disagreements are not resolvable except perhaps by force, which in turn implies that might determines right. The subjectivist agent sits as judge and jury for his or her own actions, but obviously subjectivism entails the unsustainable thesis that the law of identity (A=A) is false.

We must contend with the possibility of subjectivists being able to change others’ opinions -i.e., their tastes concerning ethics. Four possible ways to get other people to act are: exemplification, argument, intimidation, or force. Subjectivists who consider ethics to be the province of feeling face this choice too. What they want to do is to get other people to feel the same way. But that can be done only
by offering a behavioural example, by discussing and explaining why they should feel in a certain way, or by intimidating or forcing them to reject their own feelings. The latter two are inefficacious and morally repugnant and do not further the subjectivist's position. Behaviour may alter accordingly, for the agent can offer a nominal characterisation of having emotionally changed, but the realm of conscience and taste remains uniquely personal.

A combination of force, intimidation, example and reason may change a person's attitude, but reason and example play the most efficacious part, for how people feel about an ethical issue is governed by their ideas (tacit and explicit knowledge). To alter feelings either an example has to be made which others will emulate, and/or reason has to be used to show why something should be seen in a different light, or why they should feel or behave differently, and so on. In other words, for the subjectivist to attempt to alter others' feelings, he or she must engage their thoughts. By invoking reason or example a common ground for understanding is presupposed, which dissolves subjectivism.

**Objective ethics**

As there is a common ground for discussion, it follows that there is the possibility of a common morality and universal ethical codes. Whilst realist objectivism denies that morality is found in the acting subject, other objectivists believe morality to be the command of a divine
entity existing in a super-phenomenal world, or that it exists in human nature or the structures of the human mind. I consider it to be the product of intra-subjective agreement (e.g., the English agree it is wrong to belch at the dinner table) and of reason (e.g., an individual has core rights to life).  

Humans act toward ends. The ends people aim for are the product of their beliefs, desires, intentions - i.e., of their ideas. Ethics studies the ends and means of human action and its duty is to seek out truths, to sift out good ideas from the bad and in part to examine what actions are conducive to the ends desired and what actions are not. If end values are assumed to be subjectively held, what can the philosopher comment but that the relevant value is to his or her liking or disliking? Against subjectivism it can be asserted that a bad idea is something whose enactment is (contextually) inimical to humanity, and a good idea something whose enactment is beneficial to humanity. This is to uphold an absolute value above all other values - that life itself holds some objective quality that cannot be ignored. Given this, all other principles of justice, morality, and politics can be derived from such an objective stance.  

It can be retorted that such reasoning introduces an unsound premise, namely that values exist externally to acting

\[\text{13}\] Although the possibility of biological predispositions to ethical thinking cannot be ignored.
humans. As only individuals think, value, and act, such an argument is nonsensical. Admittedly a lot could be solved by forming ethical considerations on a realist argument for the absolute sanctity of life -this is a strength of natural law theories- however, the value given to life can only come from a valuing being, and hence valuing life in itself remains a subjective preference. The argument is plausible, but an objective consideration of morality can still be rescued.

Bambrough argues that objective morality can begin with the answer to the question of whether a child about to undergo what would otherwise be a painful operation should be given an anaesthetic. An affirmation produces at least one objective ethical argument. From which it follows that ethics is or can become an objective science.

Although reason prompts the search for the objective code, it must be asserted that rationalism is not sufficient for morality that cultural and even biological elements have their roles to play. This is exemplified by Hayek's discussions on the emergence of rules.

Moral conventions are vital for the existence of society. They arise naturally through biological and then through

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14 As argued for example by Rand, The Virtue of Selfishness, Ch.1
15 Bambrough, Moral Scepticism and Moral Knowledge, Ch.2.
16 Bambrough's argument could entail hedonism, that morality is based on the pain/pleasure principle, which in turn supports subjectivism. But this can be rescued by noting that it is wrong to intend and plan to cause harm, even if in the event no pain is caused.
17 Cf. Hayek, Law, Legislation, and Liberty: Vol.1
cultural processes. Such rules arise spontaneously, that is they do not require prior codification or articulation, and they evolve independently of particular wills to form what is known as laws of civil morality, as Montesquieu declares: "Intelligent beings may have laws of their own making; but they also have some which they never made." Civil morality is not an abstract Ideal in the Platonic sense—it is fully a product of human beliefs formed by what people expect of one another in terms of conduct which has been tried and tested over generations and which has been successful in accordance with the maintenance and progression of the group.

We can infer that the rules of war evolved, in a way that is analogous to the evolution of rules in the animal kingdom, as Lorenz vouches:

All the culturally evolved norms of 'fair fighting', from primitive chivalry to the Geneva Convention, are functionally analogous to phylogenetically ritualized combat in animals.\(^\text{19}\)

Civil morality refers to this matrix of rules that people know of, although they may not be able to articulate them with much precision. In the evolution of spontaneous law, Hayek contends that inconsistencies and gaps can be removed by judges who act as interpreters of what the law supposedly consists of.\(^\text{20}\) This is where reason enters and ethical thinking begins. Judges aim


\(^{20}\) Hayek, *op cit.*, p.72
for abstract rules that cover unknown individuals in similar circumstances.

The rules of just conduct are thereby tinged by antecedent cultural structures. The past overwhelms decisions regarding justice, for what is to be deemed just depends on underlying rules and codes of what is already considered just; by analogy new rules may be formulated to appease the demands for justice. As with the body of common law, concepts of justice evolve over time. Law precedes legislation, as Hayek remarks.\textsuperscript{21} This theory is akin to natural law theory in that the law is presumed to exist independently of legislation, hence any legislation that does not match civil morality is deemed not to be a law at all but a violation.

We must firstly be careful that the arguments of natural law do not imply moral positivism. Moral positivism claims that contemporary morality is just on that grounds that it must be useful or good for having evolved and having been tried and tested. Another premise must thereby be exploited, namely that civil morality and law must also be guided by reason and reason may elucidate contradictions in the present civil morality.

Secondly, the influence of deliberate, articulated argument implies that rational discourse may act to guide new matrices of thinking and/or come to terms with describing why we act the way we do. For example, if justice is considered to

\textsuperscript{21} Hayek, op cit., p.72.
be the word of God then a very different interpretation of just legislation and just war emerges; similarly if the legislature is considered the sole creator of law and justice (positivism), what is the law is thus the word of the legislators. If justice is deemed the province of princes, then notions of fairness and justice will logically depend upon the will of those in power. Any intentional thinking concerning the nature of law is therefore influential in its interpretation. This implies that the law commonly described by natural law theorists is subject to bias. This is partly true, but reason can proceed towards principles of justice common for all humanity.

Since legislation is logically and morally dependent on this law, it can be concluded that legislation may run short of what is expected of fair conduct, or it may anticipate and hence solve contradictions or problems that may emerge through the processes of law formation. This may raise a variety of practical problems. On the one hand, legislation to outlaw war or certain kinds of warfare may be totally ignored by cultures not ready for new rules of conduct, whilst on the other hand, customs and expectations may rule out as immoral certain practices that are not yet legislated against.

It can be countered that this directs the theory of justice to a form of relativism, which is surely to be avoided. At the level of pre-rational human interaction with

\[22 \text{ Cf. Hayek, op cit., p.77}\]
its non-deliberated, non-articulated formation of culture, language, customs, and conventions, this is plausible, since what is just or unjust is discernible or knowable implicitly at least to the members of the group. But even acknowledging the pre-rational nature of law and morality, human morality need not remain statically relative. It is feasible that once two groups meet a pre-rational ideational selection works within and between each group. The input and generation of ideas alters the expectations of members of both groups as they adapt to new rules. The process may be gradual, but those rules held independently by each group which prove not to be mutually beneficial will be winnowed out by individuals not abiding by them. New structures and rules may also form, which could never have been planned or conceived before hand.

The pre-rational mechanism is a form of ideational selection acting on the interests of the parties to converge on mutually benefiting rules. And the results of such convergence need not be articulated, or even be articulable, as Hume's important remark on the use of conventions with the example of two men rowing a boat exemplifies: "Two men, who pull oars of a boat, do it by agreement or convention, tho' they have never given promises to each other." From such conventions, argues Hume, the concepts of justice and injustice, and of obligation and right emerge.²³

This evolutionary theory of rule formation explains the discrepancy between systems of values between different cultures and explains their similarity between cultures that are in much contact with one another.

However, it can be rightly noted that it is not necessary that better rules will emerge through inter-cultural processes, or that good rules will emerge independently of other groups. That is, rules that are conducive to the group's members' health and progress. Broader ideas governing social life, as integrated in a culture's attempts at philosophy, may influence notions of justice, and hence as the dominant philosophy of a culture changes, so too may notions of justice.  

Reason can transcend elements of justice in particular cultures to develop a sense of what is or is not just. But the role of reason is limited—it cannot provide a clear, concise, universal, absolute conception of justice a priori, for it cannot consider what situations may arise and how they ought to be dealt with, for the particular actions of people tomorrow are subject to change from creativity and entrepreneurialship, hence invalidating attempts to construct an apodictic justice. Rules of human behaviour necessarily evolve and likewise so do conceptions of justice.

24 For example, the ascendancy of the political philosophy of individual rights in the West assisted the growth of individuals' private spheres of conduct; the lack of such a philosophy or its demise under alternative philosophies (e.g.,
Civil morality thus emerges from the behaviour of individuals in society; it is supplemented by articulated discussion of moral problems and reason prompts a search for impartiality and a universal code of ethics, from which objective principles of right and of wrong and of core rights can be discerned.

Proper legislation ought to reflect the general principles of just conduct held by society and the objective codes of justice - general rights or privileges - and of core rights as determined by rational analysis. Hence however governments come into existence, they are subject to rules of either their own creation or of their subjects.

The rules of just conduct similarly emerge not through government edict but through the interactions of all in society whose concepts of morality and of fairness converge on principles that become widely known. Society indeed depends on the observance of such rules, as Hume observes:

But, though it be possible for men to maintain a small uncultivated society without government, it is impossible they should maintain a society of any kind without justice, and the observance of the three fundamental laws concerning the stability of possession, translation by consent, and the performance of promises. They are therefore antecedent to government...government, upon its first establishment, wou’d naturally be suppos’d to derive its obligation from those laws of nature, and, in particular, from that concerning the performance of promises. 25

socialism, communism, fascism, etc.) tends to undermine the possibility of such notions.

25 David Hume, Treatise, p.541 ("Of the Source of Allegiance").
Since notions of justice (i.e., of civil morality) are ultimately held by the members of a society in the form of the expectations they have of one another and in reasoned, objective theories of core rights, it can be inferred that the principles also apply to government. Hence morality and ethics form the standards which govern the framework of civil law, rights, and the jurisdiction of public law. Although it is to a rights analysis that governments and legislation are ultimately subject, initially the rules and actions of government are dependent on the expectations people implicitly or explicitly held of them, that is, the government's actions are subject to moral and ethical scrutiny.

An examination of the role of government and its relation to war elucidates this principle.

Civil society is necessarily pluralistic in its moral and cultural traditions. The necessary condition for an open or great society is that the people are free to exploit local knowledge—to experiment with music, art, writing, philosophy, carpentry, architecture, and so on. Constantly individuals and subcultures are faced the need to adapt their matrices of tacit and explicit knowledge to new demands and new situations. The resulting flow of information is much more rapid in an open society than in a smaller, more primitive society. The springs of cultural change are many in civil society, and they can only flow and hence benefit society if there is political freedom. That is not to argue that
political freedom is justified on consequentialist grounds alone. Freedom produces the goods only if people desire progress and act on that desire. Freedom's value to humanity is not reduced should freedom not produce material prosperity. Freedom is intrinsically valuable. By political freedom I mean the rights of individuals to live without coercion or threats from others.26

The characteristic pluralism of civil society requires freedom to flourish, but only reason can emphasise the logical requirement of liberty. Intimidation, threats and acts of violence undermine civil society that requires peace and the freedom of expression for social co-operation to be effective. Since individuals and subcultures require freedom to adapt and to evolve culturally without the fear of violence, it is logical to infer that the just state should exist to promote freedom from coercion.

If a society is coerced by another group initiating violence, the aggressor is objectively acting unjustly.27 This is because violence negates individuals' ability to live and denies their capacity to freely contract and to proceed without harming others. Peikoff argues that this freedom entails:

26Freedom, Hayek defines, is "independence of the arbitrary will of another." Constitution of Liberty, p.12
27This claim does not entail initiating force to intervene on grounds of extended self-defence, for example against a tyrannical regime, for violence has already been committed by the regime (see Chapter Thirteen).
the power to act without coercion by others. It means an individual's power to act according to his own judgment, while respecting the same right in others. In a free society, men renounce a lethal method of dealing with disagreements: the initiation of physical force...The mind is a cognitive faculty; it cannot achieve knowledge or conviction apart from or against its perception of reality; it cannot be forced.28

From what has been considered before concerning the power and influence of cultural processes, it follows that people must also adapt their cultural rules and expectations to the requirements of the open society if they are to survive and flourish. But cultural evolution only gets the best out of people in a peaceful situation in which freedom of expression permits a plurality of traditions offering varieties of peaceful attempts to adapt and flourish to life; since violence is inimical to freedom of expression, it is also counterproductive to human progress. It follows that a just war can only be one that maintains freedom.

This of course permits initiating wars against unjust regimes. Chapter Thirteen elucidates when interventionism is permissible, but the foundation for intervening stems from a rights analysis.

Interventionism raises complex moral and political issues. For example, should governments intervene in the affairs of others, or should a prime directive of non-intervention be the rule? Two issues are relevant: the use or threat of the use of force, and the problem of acts and omissions. But these mean

28 Leonard Peikoff, Ominous Parallels, p.336
nothing without a rights standard by which to judge political actions.

General rights can be divided into core rights and other rights or privileges. Core rights, the product of rational analysis of what forms of action are proper to humans, are inalienable and non-contradictory; they include rights to free movement, conscience, and so on. Other rights, which may be termed 'privileges', refer to the particular actions deemed acceptable within a group reflecting the cultural expectations of the members of the group. Privileges may overlap, contradict one another and clash with core rights. They may be altered by the group to reflect changing cultural aspirations, whereas core rights ought not to be. Rights and privileges initially emerge as spontaneously evolved expectations of privacy, but reason discloses the existence of core rights that hold objective and universal status. This is an important argument that has direct implications for the topic of interventionism.

Defensive wars are justifiable for they implicitly uphold the general rights (i.e., core rights and privileges) of individuals of a community to live their own lives in the community of their choice. The just rules of conduct support what can be summarised as a rights position, although the general rights that are to be defended exist as derivatives of the civil morality of society and not of legislation.
If values are said to emerge through the cultural processes of a given society, does that imply that any basis for intervening for the sake of general rights is necessarily relativistic? If moral relativism is true then the implication is that there can be no right to intervene for the sake of some overriding law such as core rights, for relativism denies the existence of a universal code of just conduct and universal rights. However, if an ethical objectivism is upheld, in which the rule of law —i.e. core rights— is deemed to cover all peoples, regardless of their knowledge of such rights, then intervening for the sake of the (proto-)common standard of just conduct is justifiable. Core rights are such things. Governments have a right to intervene to uphold core rights, whereas the support of the cultural practices of a group can only proceed if there is local support for external intervention.

However, a sceptic may reply that although there are moral truths of just conduct to which all people would agree, it may not be certain, given a plurality of traditions, who, if anyone is in possession of the correct values (i.e., which define core rights). Secondly, interventionism should be prohibited if it is held that pacifism ought to be the just rule of conduct uniting all peoples, which implies that a defence of rights by violating rights is incoherent.

²⁹Privileges include the provision of welfare services and of taxation and redistribution.
The first argument introduces a false epistemological claim, namely that people are incapable of discerning better rules of conduct when faced with a plurality of traditions, and hence are incapable of reasoning core rights. At the level of general rights, in the evolution of a code of conduct held by a single group, such problems arise and are worked out at two levels. Firstly, cultures emerge through the voluntaristic decisions taken by individuals to accept or reject codes of behaviour. When two codes of behaviour conflict or more spectacularly, when different civilisations meet, civil morality should converge on a broadly accepted set of rules of just conduct without governments' intervention, through the private actions of traders and social interactions.30

Secondly, rational analysis can iron out inconsistencies and formulate universal ethical principles. Better rules are possible to discern through the weighing up of the varying traditions by judges immersed in the study of law. That is not to say that mistakes will be made, but the sceptical position of denying the possibility of knowing the better rules is not

30Hayek explains:
The character of grown law stand out most clearly if we look at the condition among groups of men possessing common conceptions of justice but no common government. Groups held together by common rules, but without a deliberately created organisation for the enforcement of these rules, have certainly often existed. Such a state of affairs may never have prevailed in what we would not recognise as a territorial state, but it undoubtedly often existed among such groups as merchants or persons connected by the rules of chivalry or hospitality. Hayek, Law...: vol.I, pp.95-96
valid. Historically, one can conjecture that an understanding of core rights evolved out of such processes.

The second argument from pacifism fails. The pacifist claims that the argument to violate rights to protect rights is incoherent. The alleged paradox is resolved by asserting that rights are things to be upheld and defended, firstly as negative claims requiring an absence of violation, and secondly as positive claims that require freedom to pursue goals. An aggressor violates both elements. A right cannot be a value unless it is defensible, but it does not mean that the rights of aggressors are infringed in defending one's rights, for, as Locke maintains aggressors lose rights in attacking others.

Any value is an entity to be defended, otherwise the concept of value is incoherent. General rights or privileges are defended in the broad sense when chosen over other, competing forms of behaviour. When the cultural expectations of a group are being oppressed, there is a case for intervention, but when core rights are being denied, there is a duty to intervene as Chapter Thirteen elucidates.

War and law

Political warfare is organised by government and hence principally comes under the jurisdiction of public law that deals with the workings of the state's apparatus. 31

31 This draws on Hayek's political philosophy outlined in the Law, Legislation, and Liberty volumes.
Public law deals with particulars—such as how the army is to be regimented, who or what body can declare war, how civilians are to be treated, how the funds for fighting are to be raised and so on. Public law is executed—each article stipulates who enacts the law, how the law is to be enforced, where responsibility lies, and so on. Thus war above the military horizon comes primarily under the rules of organisation rather than under the rules of just conduct that emerges independently of power structures. Yet the notion of just war is not solely derived from governmental edicts, for primitive and animal wars are still governed by spontaneously evolved principles of civil conduct.

If it is assumed that what the government decrees or codifies as law will be considered just, that implies the existence of a carte blanche for political war. Legal positivism, for instance, claims that what is the law is just, because the government decrees it as such. Legal positivism wrongly concludes that morality in the form of public justice emerges from authority. For example, Hobbes claims: “Law, properly is word of him, that by right hath command over others.” The idea that justice arises solely from power is false, because notions of justice precede government logically and historically. Government action is thus subject to the sanction and approbation of the members of society and to reasoned analysis of what constitutes just government. And,

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therefore, public law ought to remain within the bounds of
decency and fairness that arise independently of government—
hence the rules of organisation are subject to the general
rules of just conduct that evolve in the greater society.

A counter argument to this is the possibility of a false-
consciousness to exist in the minds of the people in their
independent (cultural and/or rational) formation of notions of
justice. This is the position of Marxists, for example. If it
is true that the emergent law is based on a form of false-
consciousness then the law should not be considered just and
the concept of justice should then be sought from a different
source. However, this argument entails a divergent basis for
epistemological thinking, in that one group of people is
assumed to be incapable of knowing the truth whilst another
group, or one individual, who recognises the existence of
false-consciousness is so capable. Politically this implies
that the latter ought to rule the former for their own sake.
At the least this conjecturing prescribes a paternalist
government, or at the extreme a totalitarian regime to uphold
the thesis that the ruled are incapable of knowing right from
wrong.

The theory of false consciousness is unsound on many
points, the two most important being epistemological. It is
not true that human society is divided into those capable of
knowing right from wrong and those who are incapable. The

33 Hobbes, Leviathan, p.217
capacity for knowledge depends on biological endowments and on the individual’s willingness to think. People may differ on the biological level of how quick their minds can work, but that does not imply that slower minds ought to be ruled for their own sake. Intelligence does not give greater political or moral status, and history is strewn with the ill consequences of intelligent men and women who have exploited their abilities for evil ends (e.g., Napoleon and Alexander).

**Conclusion**

The just war tradition, which will be discussed in the following chapters, owes much of its content to the rules of organising warfare on the part of governments, but underlying the laws implemented by governments are morally independent principles of just conduct, which logically precede government. Given these reflections, the morality of war can be examined in its specifics. The ontological disparity between aggression and defence is complemented by ethics which deems aggressive war unjust and immoral.

The particular rules of war form the basis a great tradition of justice in war that is the subject of the next three chapters.
CHAPTER NINE

JUSTICE IN WAR
Jus in bello refers to the role of justice in war. The chapter advances into the traditional theory of jus in bello - of justice in war. It focuses on the problems generated by the principle of double effect, utilitarian considerations, and difficulties captured in the notions of guilt, innocence, and conscript armies.

Justice in War

Clausewitz asserts that the nature of war is such that it tends to escalate to total war in which no limits apply to the actions taken to force opponents into submission, but he also admits that civilised nations do attempt to form conventions on restricting the violence of war. He infers that the reason for limiting wars is that civilisation has taught nations "more effectual methods of applying force than...rude acts of mere instinct."1 Left to their own devices, the violence of war provides an incentive for belligerents to use more and more force, but humanity places limits to stop the escalation.

Wars are first limited first by factors beyond human control. These include the weather, terrain, vegetation, the wealth of the warring parties, and their technology. Such factors are given at any particular period, i.e., they are beyond human control. Secondly, wars are limited by human conventions that have evolved and be explicit treaty to ensure

1 Clausewitz, On War, Ch.1, §3, p.103
a proper justification of and a limitation on collective violence. ²

In the traditional literature two areas of ethical constraints on warfare have emerged—the rules of joining war (jus ad bellum) and the rules of warfare (jus in bello).

Alongside conceptions of rights, civil morality acts as the ultimate judge on the justice of war and warfare. Such rules may initially arise through cultural standards and hence be relativistic, but spontaneous cultural forces prompt an intra-subjective merging of codes between cultures, and reason can transcend relative customs to establish objective principles of right conduct for warfare. The bellum justum is thus the result of civil morality and of reason.

The general rules of good conduct in war emerge and exist independently of political bodies as the product of intra-subjective conventions and agreements, tacit and explicit, as well as of reasoned debate on morality. Since civil morality emerges without legislation—law precedes legislation, argues Hayek—rules of war exist with pre-state and non-state peoples, as Turney-High notes:

² Herbert Spenser notes: "In early stages we see habitual aggression and counter-aggression...In such acts of revenge and re-revenge there is displayed a vague recognition of equality of claims. This tends towards recognition of definite limits, alike in respect of territory and in respect of bloodshed; so that in some cases a balance is maintained between the numbers of deaths on either side." The Principles of Ethics, Vol II, p.47
³ Hayek, op cit., p.72.
[I]t appears that certain rules do exist, and have existed without significant change since the beginning of real military operations.\(^4\)

And for example, Donner refers to the use of justice in war in pre-state northern Arabia:

There appear to have been definite "rules of the game" in raiding that both sides were expected to observe in the interests of fairness; attacking non-combatants with lethal intent, for example, was considered bad form and was generally avoided.\(^5\)

Sometimes political thinkers can proffer rules of engagement and conduct which either anticipate the rules being formed by social interaction, or which fall short of the expectations operating in the population. Such problems emphasise the need for analysing the codes to form an objective code of conduct proper for war.

Historically, the tradition of just war emerged from conventions to become a codified body of rules, as Veale explicates:

The credit for formulating the code based on this fundamental principle cannot be attributed to any one statesman or political thinker or, in fact, to any one nation in particular. With surprising rapidity, we find that it had become tacitly accepted by the nations of Western and Central Europe in the conduct of their wars with each other around the beginning of the eighteenth century. Warfare conducted according to this code became known as "civilized warfare."\(^6\)

\(^4\) Turney-High, \textit{Primitive Warfare}, p.22
\(^5\) Fred M. Donner, "The Sources of Islamic Conceptions of War", pp.34-35.
\(^6\) F.J.P. Veale, \textit{Advance to Barbarism}, p.88. However, Veale's next assertion, that "its acceptance never extended beyond Europe or countries not under European influence" is patently false, since the rules of fair and just conduct emerge independently of state structures or of codes of legislation, and evidence of rules of engagement exists for non-European societies.
The concept of *jus in bello*

The laws of war, that restrain the exercise of natural rapine and murder, are founded on two principles of substantial interest: the knowledge of the permanent benefits which may be obtained by a moderate use of conquest, and a just apprehension lest the desolation which we inflict on the enemy’s country may be retaliated on our own.

-Edward Gibbon

The innocent must fall with the guilty.

-Tacitus

According to the principles of *jus in bello*, the means used in war must be proportional to the ends desired, the indiscriminate use of violence is prohibited, and the goal of just conduct in war must always be the removal of evil, for evil should not be fought with evil.9

The principle of proportionality and discrimination form the essential tenets of just conduct in war, and these rules demand restrictions on warfare in its extent as well as in the behaviour of soldiers.

Peaceful relations are important in war, for they provide a door for morality to enter. Firstly, peaceful activity in war is necessary, whether it involves soldiers resting or non-

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Edward Gibbon, quoted in Geoffrey Best, *Humanity in Warfare*, p.31


Tesón argues: “For the means used in justified revolutions (and wars) must be directed as narrowly as possible to suppress the evil...Deliberate indiscriminate killing of civilians is always unjustified, even if the war is, in principle, justified.” Tesón, *Humanitarian Intervention*, p.101

And Vitoria writes: “All this must be done with moderation, in
combatants producing food for soldiers. And secondly, a just war is one that upholds rights and the metaphysical requirement of a peaceful existence for human life, hence the purpose of a just war is to ensure the speedy return to peace and normality. To ensure that peace is properly returned to, the conduct of war ought to reflect common codes of morality upheld in peacetime. An incentive also exists to ensure this, namely that abiding by morality in warfare is more likely to remove any possibility of future discontent in the warring parties.

_Jus in bello_ also requires that the agents of war be held responsible for their actions. Augustine argues against this assertion: "who is but the sword in the hand of him who uses it, is not himself responsible for the death he deals." Those who act according to a divine command, or even God's laws as enacted by the state and who put wicked men to death "have by no means violated the commandment, "Thou shalt not kill." Yet it does not follow that individuals should be absolved of crimes they commit against principles of just conduct. That soldiers kill other soldiers is part of the nature of warfare, but when soldiers turn their weapons against non-combatants, then they are no longer committing legitimate acts of war but acts of murder.

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10 Augustine, _City of God_ vol:1, p.32.

11 Augustine, _ibid._, p.32
The concepts of rights and civil morality form the basis for judging the rules of *jus in bello*. They encapsulate combatants' expectations of the political sanctuaries they possess and which ought to be respected by others. These private spheres of conduct exist independently of authority, logically and chronologically, as cultural expectations, whilst some spheres exist objectively and universally as deduced rights.

When soldiers infringe rights they are rightly condemnable on two accounts - firstly if they breach what their own culture expects of them and secondly if they breach what reason upholds as universal rights. Breaching cultural expectations is subject to relativist descriptions of right and wrong, but breaching core rights violates universal principles of proper conduct.\textsuperscript{12}

When a breach of the convention of just conduct is overt, sympathy for the soldiers' circumstances fails, for in breaching the code they move into the realm of criminal activity (e.g., My Lai massacre, 1968). Following a war, when the unfettered voice of reason challenges decisions made during the fight, a putative rationalisation is that decisions were made in the heat of the battle. For some this will be

\textsuperscript{12}In the heat of battle it is said that soldiers may lose their wits and hence be in no position to reflect morally on what they are doing. Perhaps in the heat of battle when the targets are legitimate no dilemma arises. But then we recall the legendary shame of Hector being dragged by Achilles whose dishonouring was deliberate (Homer, *Iliad*, p.413. [Book XXII, 400-45]).
true, but not for others. Nonetheless, ethical judgement must be stricter for those who act outside of the battle, whose decisions are made with much reflection. Having the luxury to think things through implies the decisions made will be all the more scrutinised, and so they should be.\textsuperscript{13}

In any strategical decision forethought and planning are logical prerequisites, for resources have to be diverted, officers briefed, equipment ordered and supplied, and so on. This implies that alternative choices are always available, hence a choice is always present to act morally or immorally to uphold civil morality and rights, or to violate them.

The role of justice in war is important. Leaders who take nations willingly or unwillingly into war necessarily invoke moral standards of sorts (even if it is to explain why war is a better activity over peace, for that presumes a standard by which actions are judged).\textsuperscript{14}

\textsuperscript{13} For example, the Allied decision to bomb German cities in the Second World War was not taken at the spur of the moment in a flash of panic - neither, it is plausible, are most murders so committed. Cf. Richard Samenow, Inside the Criminal's Mind.

The decision to bomb civilian targets was taken prior to any declaration of war in 1936. Cf. Veale, Advance to Barbarism, p.172 Codes of civilised warfare were broken on the part of Britain on May 11 1940, when Whitley bombers dropped their loads on railways in Western Germany. This, Veale writes, was "the first deliberate breach of the fundamental rule of civilised warfare that hostilities must only be waged against the enemy combatant force." Veale, ibid, p.170

\textsuperscript{14} Below the military horizon a moral justification appeals to cultural expectations and intra-subjective conventions: for example, that a raid on the territory demands a traditional retaliation, but above the military horizon in the realm of civilised wars, etc., it is incumbent on warmongers to appeal not just to cultural demands, but to supposed objective
The principle of discrimination, that soldiers ought not to target non-combatants, is taken up here with reference to problems of guilt and innocence, innocent shields and threats, and hostages. The principle of discrimination nominally asserts that in war targets should only be combatants. However, problems occur regarding the validity and jurisdiction of this principle.

Combatant and non-combatants

"Tell me one operation of war that is moral...Sticking a bayonet in a man's belly, is that moral? Then they say, well, of course strategic bombing involved civilians. Civilians are always involved in major wars."
-Sir Arthur Harris.

War commonly creates spill-over effects of death and injury to non-combatants. How and when killing takes place is the province of military history, but who ought to be involved in war is the province of moral and ethical codes. Soldiers, as military personnel, are obviously the immediate threat - but, it must be asked, what makes them a legitimate target?

The principle source of ethical conduct is a rights-based analysis with everyone possessing rights to life and liberty, or as Nozick presumes: "individuals have rights, and there are things that no person or group may do to them (without justifications for fighting. Leaders of governments do not want to be seen as murderers, they want to be seen as liberators, as rightful conquerors, as defenders of their nation, and so on, i.e., as honourable professionals upholding values and traditions and rightfully applying a reasoned code of conduct with which all rational people should concur.

15 Sir Arthur Harris, quoted in Dyer, War, p.16
violating their rights)." However, initiating physical violence against another person or group is sufficient reason to forfeit rights. Combatants lose rights when they join up and are trained in fighting skills—they become embodied threats, regardless of whether their nation is fighting to defend rights or fighting an aggressive war. Citizens however do not lose their rights when their nation enters a war, for they do not (with rare exceptions) become threats in war. From this it follows that combatants are legitimate targets.

Paskins and Dockrill offer a different justification of the principle of discrimination. Individuals, they argue, must find 'meaning in death' to make them permissible targets—and since combatants are prepared to fight and to be killed, they are presumed to make peace with death, whereas non-combatants are not:

To engage in activity that has a military dimension is to involve oneself in fighting very likely to the death, or in the preparation for or threat of such fighting: death through such fighting is part of the job...Because of the internal connection between combatancy and being killed, a combatant has the option and opportunity to regard the prospect of death as meaningful...But the death in war of a non-combatant does not have any such meaning.

In both of these theories legitimate targets are those who take up arms. Non-combatants possess the right not to be attacked by combatants in war—and they do not lose this consideration if their nation is fighting an unjust war. What

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16 Nozick, *Anarchy, State, and Utopia*, p.ix
meaning soldiers find in death is commented on by Dyer who observes:

Soldiers are the instruments of politicians and priests, ideologues and strategists, who may have high national or moral purposes in mind, but the men down in the trenches fight for more basic motives. The closer you get to the front line, the fewer abstract nouns you hear...What really enables men to fight is their own self-respect, and a special kind of love that has nothing to do with sex or ideals. Very few men have died in battle, when the moment actually arrived, for the United States of America or for the sacred cause of Communism, or even for their homes and families; if they had any choice in the matter at all, they chose to die for each other and for their own vision of themselves.18

Nevertheless, Paskins and Dockrill’s account is too vague to offer a justification of targeting soldiers. The presumption that a legitimate target has found meaning in death can be extended to non-combatants who, for instance, have been taken hostage. Their captors effectively conscript the hostages into an armed status, but killing them can hardly be legitimate. Similarly, it is not certain that all combatants will come to terms with their own death. It is much more cogent to assert that the taking up of arms changes the rights one possesses.

A problem occurs with the validity of the moral distinction between aggressive actions and defensive actions, i.e., an armed aggressor loses rights, whilst an armed defender retains them. This theory entails that the rights-based analysis permits no relativism in the claims to justice. This is a sticky claim for the traditional tenets of just war theory which consider the behaviour of soldiers to be

18 Dyer, War, p.104.
ethically separable from the justice of the war they fight. The separation is valid, but raises its own complications which stress the interdependency between *jus ad bellum* and *jus in bello*. Nonetheless, an objective distinction exists between those who initiate force and those who defend themselves, which entails support for Locke’s contention that “one may destroy a Man who makes War upon him.”

However, this implies the conclusion that the trained combatants of a defending group are acting justly in killing aggressors, whereas trained combatants of an aggressor nation are acting unjustly in killing their defending opponents. That they may not know whether their government’s war is just or not complicates condemnation of aggressing soldiers, hence, as in criminal law, the innocence of individual soldiers must be presumed till proven otherwise. That is, being trained in aggression they forfeit their civilian rights, regardless of whether their government is waging a just war or not.

The rules of just conduct as elaborated in the just war tradition castigate those who attack non-combatants. In Paskins and Dockrill’s analysis their deaths are assumed to be needless, whereas in a rights analysis, their rights to immunity from physical force have been violated, and rights violations may justly be defended and retaliated against.

Two problems muddy this seemingly straightforward analysis. Firstly, the deaths of non-combatants may be

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15 Locke, *The Two Treatises*, Second Treatise, Ch.III, §16,
required to hasten the end of a war and to reduce the overall number of deaths and suffering. This problem is allegedly dealt with firstly by the principle of double effect which offers a putative justification of the killing of non-combatants, and secondly by utilitarian considerations aiming to minimise total suffering regardless of the war status of individuals. Notions of guilt and innocence continue to complicate the matter, for non-combatants may be considered guilty in the sense of supporting an unjust war and combatants innocent for their conscientious objections to fighting. The agreeable position of *jus in bello* is that soldiers are legitimate targets of warfare, and following a war, where possible, non-combatant officers of the state who are guilty of aggression should be peacefully brought to a proper trial, one that reflects civil morality and rights based law rather than a show trial reflecting political demands. This seems rather harsh for individual soldiers who oppose a criminal regime, but being trained to kill puts them in an awkward ethical situation. The best policy for conscientiously objecting soldiers is to surrender at the best possible opportunity. These issues are dealt with in turn, beginning with the principle of double effect.

**Double Effect**

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Kant writes: "A just enemy would be one that I would be doing wrong by resisting; but then he would also not be my enemy." *(The Metaphysics of Morals, sec. 60, p.156)*
The principle of double effect in *jus in bello* theory attempts to excuse the almost inevitable deaths of non-combatants. The principle allows for the indirect killing of non-combatants, so long as four criteria are met. The first is that the act is good in itself, or at least indifferent. Secondly, the direct effect of the action is morally acceptable. Thirdly, the intention of the actor is good in that an acceptable result is aimed at. Finally the good effect sufficiently outweighs any resulting evil.

Double effect allows for the harming of civilians only if it is a peripheral or indirect effect of an action against a legitimate target. For instance, bombing a military instalment is permissible under double effect, and any deaths to civilians in the neighbourhood become a "regrettable side-effect". The foreseeable deaths to non-combatants are deemed permissible as they were not directly targeted. A more intriguing example is that of a siege. In besieging a town, the civilian inhabitants are harmed directly, as it is predictable that civilians will die through a policy of starvation. The principle of double effect disallows such direct attacks on non-combatants, but Walzer rightly argues that each individual has a right to become a refugee and leave the besieged town, which implies that those who stay forfeit their civilian rights and the town becomes a military garrison and hence a permitted (direct) target.²¹

Here an inconsistency arises in the interpretation of the just rules of conduct. Forcing civilians back into a besieged town is analogous to forcing a surrendering soldier to pick up his weapons and to continue fighting, on the pretext that the battle will be over quickly for everyone if all are forced to surrender at the same time. This is nonsensical. To demand they return runs contrary to the just rules of conduct, that people be free to seek asylum and to surrender their actual or presumed military status.

Nagel criticises the principle of double effect on the basis that its application is not always clear. Instead he proffers a moral absolutism which prohibits indirect attacks on non-combatants. If an aggressor is about to kill, he argues, it is wrong to attack his family, even if that stops him. Attacks have to be directed at the source of the threat - at combatants, not non-combatants, and, Nagel clarifies, at combatants qua armed professionals, rather than combatants qua people. But responding directly to aggression may not always be possible without side effects.

A graver problem is hence the notion of foreseeable consequences. A foreseeable result of a military operation entailing civilian casualties is supposedly permissible according to double effect doctrine. Norman rightly points out

However, the Nuremberg trials upheld the right of forcing civilians back into the town (the example was Leningrad) to allow the besiegers the opportunity to hasten surrender, but these trials were not in the tradition of the greater rules of justice, and were more akin to show trials.

Thomas Nagel, "War and Massacre", p.10.
that this implies an abnegation of moral responsibility, but recognises that most wars cannot help but produce evil side-effects such as non-combatant deaths.\textsuperscript{23} From which he concludes that the principle of discrimination ought to remain as a guide to moral action, and wherever possible civilian deaths ought to be avoided: "the traditional criteria of jus in bello can be observed, if not completely, at any rate more fully than is normally the case..."\textsuperscript{24}

Nagel's absolutist principle cannot be practical for wars occurring around and in densely populated areas. Collateral damage, a contemporary euphemism for non-combatant deaths, become an unavoidable part of warfare, which implies either such damage is amoral or that it is excusable. But, since wars (above the biological level of necessity) are of humanity's choosing, where they take place, and how they are fought, can also be in the province of choice. This has to be admitted, but the retort misses out a crucial part of war -that it always involves an act of aggression on the part of one side, and aggressors normally wish to inflict damage or to control valuable areas such as towns, harbours, and airfields. This problem can be inverted though. Given that one side is justly defending itself, it does not have any greater moral status permitting it to violate just codes of conduct. Righteousness does not give licence to kill indiscriminately or wage war disproportionally to its ends. The resulting non-combatant

\textsuperscript{23} Norman, Ethics, Killing, and War, p.204-205
deaths, while not inevitable, are highly probable, which suggests that the right thing to do is to avoid civilian targets wherever possible.

The principle of double effect entails that an attack against a military establishment can be considered as intrinsically good, and any foreseeable deaths of non-combatants living nearby are excusable. But if their deaths are inevitable, how can the act remain good? Double effect requires that the direct effect of attacking the base must have morally positive results, yet killing non-combatants cannot be considered a good result. A solution is to invoke a utilitarian argument through attempting to reduce the indirect but foreseeable casualties.25

The third principle of double effect is the maintenance of good intention. But intentions are inextricably linked to consequences, foreseeable or not. It is not morally sufficient to argue that "we mean well" when the foreseeable result of the action would be non-combatant deaths. Again, Norman's criticism that this evades responsibility is applicable here. If, for an action A result R is intended, but X occurs as a result of, or instead of R, causal responsibility can still be

25 Norman, ibid., p.205
25 Recent actions by the US military against Libya (1985) and in the Gulf War (1991 and 1996) reflect this concern. Instead of blanket bombing military targets, low level attacks were ordered to contain possible 'collateral damage'. Since the risk of such attacks is greater to the pilots involved, this begs the question of when does the risk becomes too great? No absolute answer is possible to such a question, which entails
assigned to the agent. The killing of civilians, for example, is highly probable following an enacted intention to blow up a military dump in a city, and moral responsibility can be rightly assigned.

The final principle is that the good effect sufficiently outweighs any resulting evil. This is a saving grace for the double effect principle. Indirect but foreseeable deaths of non-combatants (or any spill over effect of a military action which nominally contravenes the rules of just conduct) are acknowledged as evil. Evils must be avoided, but if a greater evil can be avoided by incurring a lesser evil then indirect killings of non-combatants can be justified. Deaths to non-combatants can not be justified, but they can be excused.

The problem demands determining the extent of the evil averted or halted and comparing it with the evil incurred. A slippery problem that should invoke Walzer’s sliding scale. Walzer argues that the greater the threat faced, the more flexibility one has in sticking to the rules of just conduct. This does not imply a carte blanche: the principle of discrimination should still guide military actions and only targeting the source of the threat can be justified.

The reference to a sliding scale opens up utilitarian considerations concerning the killing of non-combatants. Utilitarian principles of jus in bello

that the morality of conduct in war becomes highly context dependent at such points.

Walzer, op cit., p.231
In utilitarianism's purest form -'act utilitarianism'- every action must be weighed according to the greatest happiness maxim. In the restricted form of 'rule utilitarianism' types of actions are deemed ethical rather than particular acts -e.g., the bombing of civilian targets is prohibited. Rule utilitarianism asserts that some rules are deemed consistent with the overall utilitarian principle, even though in particular instances their breach may lead to an increase in total happiness. I have dealt above with a possible utilitarian claim that *justum bellum* is redundant.

Act utilitarianism relates to *jus in bello* by demanding that every action in war be examined for its potential advancement of total happiness or reduction of misery. As a broad ethical instruction this entails that the traditional distinction between combatants and non-combatants is useless, for if a war can be ended quicker by targeting civilians then targeting civilians is justifiable according to act utilitarianism.

The problem with rule utilitarianism lies in the formation of the principles that ought not to be abridged. The rule utilitarian can only invoke evidence that regardless of the adherence to a rule banning the targeting of civilians, in the past such actions have always been detrimental to the utilitarian maxim -hence a rule should be enacted to prohibit future attacks on civilians. The formation of such rules is logically based on induction, and induction in this problem is
necessarily based on evidence of past events. The inductive argument of the rule utilitarian runs foul of Bacon's warning against simple enumeration:

For the induction which proceeds by simple enumeration is childish; its conclusions are precarious, and exposed to peril from a contradictory instance; and it generally decides on too small a number of facts, and on those only which are at hand.  

Rule utilitarianism is reduced to a form of conservative pragmatism, since the rules it proposes are necessarily dependent on past evidence, and hence are amenable to future changes. This implies that the war conventions are not universal maxims of just and fair conduct, but are relativist notions dependent on time and place. Descriptive relativism is true - beliefs are different between places and times, but as a prescriptive thesis it does not necessarily follow that beliefs ought to change with locality, or that "when in Rome one ought to do as the Romans do" - it depends if the Romans are doing the right thing. Prescriptive relativism is false, for reason permits humanity to transcend the relative to formulate universal and objective codes of conduct. Rule utilitarianism fails to provide a universal code of conduct in war and hence ought to be rejected as an ethical theory.

Whilst rule utilitarianism attempts to form some principles of just conduct, act utilitarianism negates their possibility from the start. Each action is to be taken on its own merits. It is possible that a sequence of act utilitarian

\[ \text{Francis Bacon, quoted in Copi, Introduction to Logic, p.399} \]
prescriptions will converge onto general principles, but such principles are a contingent and nonessential element to act utilitarianism. It thus offers a pragmatic ethical theory in the extreme.

Objective utilitarianism transfers the principles of objective use-value from the physical sciences to the principles governing subjective use-value, hence the error that arises. In other words, objective utilitarianism attempts to impose absolute or objective valuations on personal desires, a fallacious step for such values originate in the acting subject. The acting individual does not quantify use-values, he or she just prefers, and then acts by setting aside those values which do not relinquish unease; what is important to the agent is the marginal increments to personal utility and not objective values.  

The absence of this distinction between subjective and objective utilitarianism leads to philosophical confusions and absurd arguments in ethical utilitarianism. Ethical utilitarianism commonly entails the objective utilitarianism as proposed by Bentham, therefore it falsely assumes that happiness can be measured impersonally, and that moral actions

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28 Mises clarifies: "The law of marginal utility does not refer to objective use-value, but to subjective use-value. It does not deal with the physical or chemical capacity of things to bring about a definite effect in general, but with the relevance for the well-being of a man as he himself sees it under the prevailing momentary state of his affairs. It does not deal primarily with the value of things, but with the value of the services a man expects to get from them." Mises, Human Action, pp.124-125.
should maximise social happiness. It belies no restraints on how that should be enacted, and horrendous implications result: for example, if to increase the happiness of ninety-nine people one person should die, then such killing is justifiable. Or if to end a war an atomic bomb should be dropped on a civilian target, then it should be dropped. In short, anything is allowed if the goal is to increase social happiness.

Subjective utilitarianism side-skips the problems of objective utilitarianism. In relation to moral philosophy it entails the argument that value is purely subjective in origin, for the nature of the good is decided by the subject. But that does not mean that it is without epistemological objective elements. Subjective utilitarianism can lead to the intra-social objective values and principles of fair and just conduct, for although desires and happiness are inherently subjective, effecting them immediately brings the subject into the objective realm of ethical conduct, and ethical conduct is formed by reason as well as culturally evolving structures of proper conduct.

The ethical implication of subjective utilitarianism is similar to Richard Norman's arguments on respecting life. Although Norman offers an objective grounding for his morality, similarities arise in the importance attached to the

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29 "Truman took satisfaction from having presided over a rapid conclusion to the most terrible war in history." Robert Dallek, "Truman", p.1126
acting subject, the recognition that the agent is the source of meaning for his or her life, and the acknowledgement of the autonomy of the agent’s capacity to lead a life of his or her own making. A possible dissimilarity lies in the unwillingness of the subjective utilitarian to provide an objective foundation for human actions, since the notion of the good is held to be a subjective quality. This argument entails that subjective utilitarianism dangerously floats loose of any metaphysical anchors, allowing all possible definitions of the good life to be propounded. It is thus connected with metaphysical and epistemological subjectivism. But such a conclusion may be too hasty.

It is fully consistent with metaphysical and epistemological objectivism, and hence ethical objectivism, to allow for the good to be determined by the individual actor. The acknowledgement of the subjectivity of human happiness does not detract from considerations of objectivity. Humans aim to better their situation and to remove psychic uneasiness. How that is affected depends on the subject, for only the subject can know what will remove uneasiness. But the subject lives in a mind-independent universe, in which the means to promoting happiness are not entirely dependent on belief. Biological demands, primitive responses, and emotional needs cannot be ignored. How in the particular they are dealt with is a subjective matter, but such decisions are framed by

30 Norman, op cit., Ch.3.
human nature, human society, reason, and the nature of the universe, which entails that choices are interpretable ethically.

A subjective theory of value may thus exist within an objective framework for another reason, namely that acting presupposes at least one objective value, that life is itself valuable. Life possesses an absolute value status rather than a contextual status, for it is metaphysically distinguishable from inanimate entities. This brings us back to the respect for life and the respect of the autonomy of the moral agent. A person's life should be respected as unique, autonomy be cultivated, and the capacity for making choices be acknowledged. Although people's choices make are governed by their own perception of what will make them better off, such evaluations are not always purely subjective, but they must be objectively respected as belonging to the individual by virtue of autonomy.

Utilitarianism in its subjective form can thus be rescued as an explanation of the source of value. We can relate its prescriptions for moral action back to the overriding requirement that some general actions in war are to be considered immoral or unethical. Non-combatants may thus regain their ethical status as inviolable targets of military actions - their deaths are more than needless, as Paskins and Dockrill contend, for all soldiers' deaths can be so considered. The deaths of civilians are unethical by virtue of
the violation of their rights to live, whilst soldiers, it can be maintained, lose their rights and hence are legitimate targets.

Guilt, Innocence, and Conscription

[Those who supply the army] "occasion greater destruction among the soldiers than the swords of the enemy."

-Jean-Jacques Rousseau

Problems with the conception of legitimate targets arise over the questions of guilt and of conscription. Surely, it can be argued, the guilty ought to be punished in war and the innocent left in peace? But who is guilty and who is innocent is not easily ascertained during war. Is the soldier who considers the war to be unjust, and who fires over the heads of his adversaries guilty of his nation's aggression? What of the citizen who believes incontestably in the cause and who believes the enemy to be evil incarnate? Guilt assuredly lies with the latter but not with the former. As Norman rightly comments: "There is no reason to suppose that civilians are in general morally superior to members of the armed forces." The opposite argument is held by those who consider an unjust war necessitates guilt on those who support it.

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31 Rousseau, Social Contract and Discourses, p.121
32 Norman, op cit., p.166
33 Hobbes, for instance, distinguishes between those who maintain their membership of a commonwealth and those who live in a state of nature, which implies that they are in a state of war with those living under the jurisdiction of a state: "But the infliction of what evil soever, on an Innocent man, that is not a Subject, if it be for the benefit of the Common-wealth, and without violation of any former Covenant, is no breach of the Law of Nature. For all men that are not
Perhaps then guilt should emanate from waging an unjust war - of being in a state of nature and war against civilisation. But soldiers ought not to be held guilty for the decisions of their leaders - usually civilian politicians in true wars - to send them to war.\textsuperscript{34}

This consideration does not exonerate soldiers from ascertaining whether a war is just or not, but the reasoning is insufficient to claim their moral guilt. Vattel asserts that not all those fighting an unjust war should be held responsible and hence guilty for it, for subjects must assume that their sovereign's motives are just, and it is their duty to obey their sovereign.\textsuperscript{35} But Vattel notes if the evidence is obvious to the contrary, the subjects are in the right to disobey, as they would be if their sovereign were tyrannical and did not deal with complaints.\textsuperscript{36}

Knowledge of who is guilty of the crime of waging war is impossible beyond knowing that certain individuals have acted

\textsuperscript{34} An argument which can be read in Plato's Republic; "nor will they allow that all the inhabitants of any state, men, women, and children, are their enemies, but only the few who are responsible for the quarrel... They will pursue the quarrel only until the guilty are compelled by the innocent sufferers to give satisfaction." Republic, 470, trans. Cornford.

\textsuperscript{35} Vattel, The Law of Nations, p.303. Cf. also the earlier quotation from Henry V

on their government's demand to go to war. Hence guilt and innocence cannot be the distinguishing criteria for legitimate and illegitimate targets for that can only be ascertained through a proper court proceeding, and such proceedings are not themselves necessarily conducive to just conduct, for they may turn into show trials. Norman also points out that this would wrongly invoke a 'punishment' model for war, that guilt belongs to those who kill and innocence to the victims. Obviously, he asserts, such considerations cannot apply in warfare, for the punishment model might not support the immunity of non-combatants, especially if they were guilty of supporting an aggressive war.

It follows that legitimate targets should hence only be combatants, for they are the parties that are armed and prepared for combat, and hence lose their rights to immunity.

The issue of conscription creates difficulties, for conscripts cannot all be said to be voluntarily foregoing their rights to combat immunity. Is it unethical to target a conscript army that had no choice in joining a war? The answer must be 'no'. Firstly, the issue of a legitimate target focuses on the immediate threat: that is the essence of being a soldier -willing or no. Whether the army is personelled by volunteers or conscripts is an internal matter of the relevant nation to decide, i.e., how they deal with rights. An army of conscripts is more readily pitied, but the fact that they are

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37 Norman, op cit., p.167
trained to bear arms and to kill transforms them into legitimate targets.

Secondly, innocence and unwillingness in war cannot be determined by other combatants, for consciences are hidden. What soldiers face are threats, and they themselves are legitimate targets to their opponents. Soldiers possess no rights of immunity in battle until they surrender, are wounded, or are killed.

What of those who are conscripted to fight and who object to war on principle? Rarely are conscientious objectors allowed peace from the bureaucracies of modern states at war. An objector may have alternative choices though, by opting for non-military duties, support services, hospital work, and so on; if choice is restricted by a death penalty, surrender at the first opportunity remains the best solution. Conscientious objectors possess the right ('right' meaning an objective ethical principle, despite that it may not emerge via cultural expectations of just and fair conduct) not to go to war, and that right should be respected. To send an objector into war breaches their right of non-participation as well as being cruel and imprudent.

It may be countered that conscientious objectors are free-riders, who live whilst others die for their rights to object. At times, that may be so, but that they free ride on the
actions of others does not provide a justification to enslave them into fighting.⁴⁸

Combatants are legitimate targets according to the just war tradition, but another problem, raised by Nozick, is of innocent threats and shields.⁴⁹ An innocent threat is when a person is inadvertently going to threaten one’s life, for instance if someone is thrown down a well in which one is imprisoned. The threat is immediate and obvious, but is one justified in killing or injuring that person who, through no fault of his or her own, is a threat? The description also applies to conscript armies, whose soldiers can be termed morally innocent, since they are forced to take up arms unwillingly. To kill such innocents is deeply problematic. The feeling it provokes is one of despair. To kill the innocent threat is sickening, but for one to die because of an innocent threat is also pitiable. The principle of self-preservation gives one the right to remove the threat to one’s life, which makes the killing of an innocent threat excusable. The innocent threat is an indirect source of aggression, but the

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⁴⁸Clifford Simmons, originally an absolutist pacifist changed his mind about the nature of the Second World War and joined up: "I could not stand aside from the experiences of others...I still believed that the position of the pacifist was ultimately right but I was beginning to realise that, at the same time, I could not stand aside from the struggle which was engulfing my contemporaries." He felt as if he were free-riding on the actions of his fellow countrymen and was prompted to join the army. His decision came from within, and as well as it should, for if he were forced into conscription the intrinsic wrong of forcing a person against their will far outweighs any disadvantages to the community a free rider causes. Quoted in Paskins and Dockrill, op cit., p.182.
original source of the threat remains the person (if there is one) who initiated the threat, and who is guilty of aggression against the innocent party and the potential victim. The initial aggressor ought to be prosecuted for their crime.

The case of innocent shields is even more challenging. An innocent shield is a person who is positioned in the way of stopping an aggressor. Nozick's example is of innocents strapped to the sides of a tank. To destroy the tank is to kill the innocents, yet the tank threatens one's life. The dilemma is useful to pacifists and absolutists, for in war striking at the source of aggression usually means that innocents or non-combatants die — caterers, office clerks, suppliers of provisions, etc. If the deaths of innocents are deemed wrong, the pacifist can conclude that war is wrong.

Nozick's dilemmas can be solved though. First, with innocent threats the solution lies in the combat status of the innocents. Being innocent of intention to harm does not imply that one may not be harmful. Second, that the aggressor hides behind innocents necessarily changes their combat status. An example from World War Two adequately demonstrates this. Merchant ships were usually considered of non-combatant status, but arming them for attacking submarines or ships altered their status. Effectively the non-combatant seamen became conscripts. In Nozick's example, if non-combatants are strapped to a tank — and no other course of action exists for a

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Robert Nozick, Anarchy, State, and Utopia, pp.34-35.
defending position but to destroy the tank or to die—then killing the innocents is putatively excusable on two accounts. Firstly the principle of double-effect allows them to be killed, since they are not the direct target of the defenders, but the tank is. But double effect is problematic. The deaths of the innocents are foreseeable, hence it can be reasonably countered that they are direct targets as well and the direct targeting of non-combatants is wrong. Secondly, a more plausible argument is that their change of status allows them to become legitimate targets: they have been conscripted into army status, and although morally 'innocent', they are now part of the threat, as are unwilling conscripts in any war. That they are not armed and cannot defend themselves is the fault and the despicable action of the aggressor. If their deaths can be avoided however, they should be. If not, then their deaths are highly regrettable but killing them is examinable within the framework provided by the just war tradition. The problem with this excuse of killing innocents is that it can be broadened to include essential workers at arms factories, an excuse made, for instance, by Britain's Bomber Command in World War Two (1939-45).

The case of innocent shields is likewise soluble. The innocent shield is a non-combatant physically attached to a combatant entity, for example an installation, or unit of troops. If that entity is attacked the innocent shield will

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Nozick, ibid., p.35.
die, hence the use of innocent shields is to deter attacks on the military entities which they shield.

During the Bosnian conflict in June 1995, UN peacekeeping troops were held hostage, some of whom were chained to potential military targets. The hostages were used in a move designed to halt further UN-backed NATO air strikes against Bosnian-Serb positions. In effect the soldiers were prisoners of war who were used as innocent shields. The action is firstly a flagrant abuse of prisoners, who in being captured, lose their combatant status and who ought thus to be treated as non-combatants. But to provide a better analysis, a distinction has to made between ‘hostages’ and ‘innocent shields’.

A hostage can be defined as a person held to deter certain actions, which, if enacted, will result in the killing of the hostage by the captor, or is held to force a positive act on the part of another party, with the implication that omission will lead to the hostage’s murder.

The use of the prisoners firstly as hostages, which implies that if opponents act in a specific way harm would befall some of the prisoners, and secondly as innocent shields contravenes ethical codes of conduct in war. So long as the prisoners are used as shields and not threats everything must be attempted to avoid killing or harming them, as long as they are not threats other actions necessarily remain possible.
But use of the principle of double effect and of the distinction between acts and omissions ensures that the situation becomes more complex. Firing upon their positions with intent to destroy the military installations in which hostages are held as shields is assumedly excusable under double-effect, since the intention is the destruction of the installation and not the death of the prisoners. However, it is obvious that the prisoners will die if the attack goes ahead. Since the prisoners are shields and not threats, other courses of action remain open, but once they begin to 'shield' a threatening device then their status changes to 'innocent threats'. Nevertheless, other courses of action may still justifiably be pursued.

The threat to hostages is different. It must be emphasised that the threat comes from the captors, not those who are being bribed, although if Norman's presumption of responsibility for foreseeable but unintended actions is maintained, it follows that the hostages' potential rescuers are responsible for the consequences if they refuse to agree with the captors' demands. Hostages are held to deter or to force blanket actions or specific policies, and not just to deter attacks on the positions where they are held. In striking at other positions the hostages may knowingly be killed, but it is not necessarily the case that the defending forces are guilty of their deaths. Logically they do 'allow' the hostages to be killed by proceeding with other policies,
and in that sense the deaths of hostages could be avoided, but the status of such hostages is different from pure innocent shields. Innocent shields are attached to specific military installations that need not be attacked until the release of the prisoners is possible or until those installations become direct threats themselves, whereas hostages are used in an attempt to pre-empt an area of policy rather than specific installations. In the case of holding hostages the threat to them is a blanket one of the form: if you do x (or don’t do x), we will kill the hostages. If doing x (or not doing x) can be avoided with no deleterious effects then it should be avoided, since the lives of the hostages can then be saved. But if complying entails allowing the hostage takers to proceed with other threats -allowing them to invade a new area, kill non-combatants, and so on- then complying with the demand is morally worse. The hostages are nominally being used as innocent shields for what are threatening actions. Although they are not physically attached to the aggressive action, their position as hostages attaches them to threatening policies, hence their status alters to more of an ‘innocent threat’ than an ‘innocent shield’. The intricacy of the problem raises important issues from which the only useful conclusion to be formed is that securing the release of hostages is of paramount importance. The hostage takers are to be deemed aggressors and violators of rights and hence criminals.
The principles of discrimination and proportionality are supported as guides for actions in war. They are fully justifiable according to ethical analysis, but they cannot be maintained as absolute principles, for the complexity of war requires a more pragmatic conception of the rules of jus in bello with rights and conventions acting as guides for new questions as they arise.

The next chapter examines the theory of just cause.
CHAPTER TEN

JUST WAR

"But, say they, the wise man will wage just wars. As if he would not all the rather lament the necessity of just wars, if he remembers that he is a man; for if they were not just he would not wage them, and would therefore be delivered from all wars. For it is the wrong-doing of the opposing party which compels the wise man to wage wars; and this wrong-doing, even though it gave rise to war, would still be a matter of grief to man because it is man's wrong-doing. Let every one, then, who thinks with pain on all these great evils, so horrible, so ruthless, acknowledge that this is misery."

-Augustine of Hippo

Augustine, City of God, p.311 vol II
The procedures of *jus ad bellum* outline the ethical reasons for commencing war: the rules of how wars are to be enacted, by whom, for what purpose, and so on. This chapter examines the validity and justification of the traditional principles of justifying war which have emerged in the just war tradition. For this purpose, this chapter inquires into the relation between a government and its people, into the rules of war, and into the clash between the theories of *jus in bello* and *jus ad bellum*, and into deterrence theory, especially as it relates to nuclear war.

**The rules of war**

The rules of *jus ad bellum* deal with the political rules of organising war. They are thus nominally subject in the first place to the vagaries of politics and expediency unlike the rules of just conduct which emerge independently of legislation and authority. Nevertheless, ultimately the strength of the state and the ability of government to act arbitrarily, to change the rules of just warfare (such as whether the war be declared), depends on the sanction of its society (with the exception of brutal totalitarian regimes), from which it follows that the nature of *jus ad bellum* may change with the shifting patterns of the ideas of the rules and norms which societies maintain of their governments.

But it can still be maintained that the proposals of government will only be accepted if they fit in with the entire matrix of customs that already exist. This conception
of jus ad bellum is thus relative to the traditions that support the power of the state, although primarily it is derived from the power of the state itself. It will change with new ideas bleeding into the veins of power, for instance with new demands for freedom and for the restriction of the sphere of government.²

The rules of civil morality sit in quiet opposition to the machinations of power brokers. Warmongers are judged by the people in the light of what is expected of them by these codes. Government emerges from the rules that already preside and is subject to them; but power, being what it is, de Jouvenal explains, will seek to expand its influence, and its officers will attempt to breach the moral codes of their society. This offers two theories: either politicians seek war against the wishes of the majority of people, or they will enact war in compliance with their will. The theories alone do not provide much insight into the workings of power in relation to war, but they provide the two extremes from which governments' actions can be understood.

The use of power entails the use of violence in various forms. The important question is how that power should be

²Historically, for the modern world, we may note the rise of totalitarian warfare with the increase in the relative size of and adulation of government in the late nineteenth century, a process which culminated in the great show of nuclear strengths of the Cold War (1945-89), and which only wound down with the growth in the West of the belief in a more restricted government in the 1980s. On the rise of government power in the nineteenth century, cf. Greenleaf's The British Political Tradition, "The Rise of Collectivism".
used. Objective rights theory demands a restriction on the use of violence,³ hence the moral basis for controlling war comes not from those in power, who are more likely to demand the removal of restraints, but from the traditions of civil morality that logically precede the formation of government.

The principles of *jus ad bellum*

The principles of *jus ad bellum* outline the conditions for a just war. Firstly the war must be fought for a just cause. Secondly, it must be fought with the right intention. These two form a jointly sufficient condition for a just war. A war can be fought nominally for other reasons but be incidentally for a just cause, hence the intention to fight for a proper cause must also be made. Thirdly, a war must be declared by a legitimate authority. Fourthly, the decision to go to war must be seen as a last resort—all attempts to avoid violence must be tried. Fifthly, the anticipated consequences of the war must be proportional to the intention—the evil that war creates must be more than counterbalanced by the good fought for. Finally, there must be a reasonable probability of success. Satisfying all of these conditions allegedly ensures

³As Locke is wont to argue as Cox comments: "Locke’s purpose is, then, to clarify the natural-law limitations on the right to make war, regardless of whether the principles so derived are consistent with the historical practices of states...rulers who use the war power only to achieve personal glory and power through conquests (but at the expense of misery and destruction to numbers of their own people) have broken the fundamental law of the commonwealth, violated the law of nature regarding the preservation of their own subjects, and exposed themselves to punishment and removal from office." *Locke on War and Peace*, p.155
the justness of a war according to the traditional just war theory.

The problems with the conditions are manifold. Not all conditions of jus ad bellum are questioned here, but I highlight a few to explain the general idea of how these principles can be examined.

The most important consideration is that satisfying all the above criteria does not rule out aggressive war unless the concept of just cause is elaborated. A standard for just cause is required and self-defence is commonly referred to: "One of the ends of civil society", writes Vattel, "is to defend itself, by the united forces of its members, from insults and from attacks without." For Vattel, a state has the right to defend itself against insults to its renown as well as its material being. But as Russell comments regarding this putative justification:

The justification of wars of self-defence is very convenient, since so far as I know there has never yet been a war which was not one of self-defence. Russell's sense of history is somewhat amiss here, for one can immediately think of aggressive wars -the Roman (43 AD) and Norman (1066) invasions of Britain for example. Nicolai offers a more plausible argument:

From time immemorial the attempt has been made to convert any war into a "defensive war" by shifting the question of the blame from oneself to someone else...
Russell and Nicolai both point to a common phenomenon, that aggressors usually couch their rationalisations in terms of self-defence (cf. Hitler’s invasion of Poland, 1939). But this does not rule out the need to offer a coherent theory of just cause.

Core rights provide the standard against which wars should be judged. An aggressor is one who initiates physical violence against another and thereby violates core rights. The victim is fully justified in repelling such aggression, hence a necessary and sufficient condition of just cause is that it is enacted against the initiation of physical force.

It can be countered that individuals do not possess rights, but groups do. This collectivist theory of rights entails the political and moral supremacy of the group over the individual. However, collectivist arguments for justice are false, since groups are made up of individuals, and the individual is the acting agent within the group -although individuals depend on groups for action, it individuals who act and not groups qua collective entities. A war designed to further the interests of the sovereign power or of society qua group on collectivist and utilitarian grounds is an unjust war. A just war can only be that which aims to uphold and/or further individual rights.

Aggressive war is commonly couched in collectivist terms in which it is deemed that a war has to be fought for the group’s interests. The political theory of collectivism thus
lends itself to the demands of sacrificing individuals to the group in war.

The next problem is that the principles of *jus ad bellum* are not so easily distinguishable from the principles of *jus in bello*, since the two merge at various points.

**The clash of *jus ad bellum* and *jus in bello***

The rules of *jus in bello* deal with the role of private spheres of action in warfare. Violence meted on such sanctuaries rightly incurs disapprobation, not merely because these sanctions are expected, but because they constitute a rights infringement.

When the government seeks to expand its rules of organisation beyond the basic functions of government—the policing of rights and of the rules of just conduct—then the sphere of private law is necessarily invaded by the arms of the state. The state attempts to substitute the rules of just conduct with the rules of organisation—in effect to make the members of society into officers of the state, and to bring their activities into the arms of the state.

The growth of the power of the state has, according to Hayek, in part been the result of misconceptions of the general legal system. That law has been considered the province of authority has led to the extension of public law into the realm of private law. This extension is paralleled

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7 An analogy with the evolution of money is useful here. Money evolves independently of government or legislation as a result of the interactions of traders—the notion that it is created
with an unbridled growth of power in warfare into forms of totalitarian warfare, and it is no coincidence that total war—the policies of arbitrary targeting and of mass destruction—emerges with the expansion of public laws of organisation into the private spheres of citizens.⁸

For example, in the twentieth century totalitarian regimes of Nazi Germany, Soviet Russia, and Fascist Italy, civilians effectively became enlisted soldiers, whether their place was on the battlefield or in the factory. They became subject to the organisation of the state, and hence were removed from the usual protection of the rules of just conduct, *jus in bello*, for their conscription into the war-machine entailed the removal of their private sphere of autonomy and no rights. In World War Two, the Allies mirrored to a large extent the organising powers of the Axis governments. But the principles of *jus in bello* were fortunately not wholly ignored in the war. Although subjected to the demands of the state to wield arbitrary power, the concept of just conduct managed to maintain a hold on peoples' minds and helped in turn to form the trials for crimes against humanity after the war. (Although they were obviously mired by a sense of victor's

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by fiat has led to the demise of the independent gold standard with its substitution by a fiat standard in which the government attempts to control the entire economy. With much failure of course.

justice, for none were tried on the allied sides for war crimes.\(^9\)

Cultural structures, which predispose a society to collective violence, may persist in the face of reasoned argument, but it does not follow that the responsibility of those in charge of the state's apparatus is thereby reduced. A majority demand does not form a sufficient reason to go to war. The state leads to some extent where the people want to be led, but at the same time it has a greater responsibility to enlighten its civilians to better methods of international relations. We must circumvent any political naiveté that was characteristic of the Age of Enlightenment, which suggested that democratically elected leaders would not desire war on the grounds that the people electing them would never desire war. Such optimism missed the nature of power, that, following Hume's dictum, its existence is dependent ultimately on the governed, and that cultural expectations of conduct may remain decidedly attached to warfare as a glorious activity, despite the reasoning of intelligent leaders and educators to the contrary.\(^{10}\)

De Jouvenal rightly insists that the governed offer their obedience habitually: "Force alone can establish Power, habit alone can keep it in being."\(^{11}\) Therefore, so long as those in


\(^{10}\) A stock example of this is the popularity of capital punishment in Britain and Parliament's repeated refusals to reintroduce it.

\(^{11}\) Jouvenal, On Power, pp. 23-25.
power act within what the governed are accustomed to, they will maintain their position. If they step outside what is accustomed, the apparatus of force will not sustain the government against the disapprobation of the people. Hence governments have to justify war in terms which are acceptable to the governed, which means in terms of what is expected of authority. What is primarily acceptable depends on the traditions the governed have inherited, the rules, norms, and codes of behaviour that have evolved to assist the successful adaptation of the group to social and physical environments; in other words the ideology that supports their way of life. This implies that power is subject to a political conservatism, and that new theories will be insufficient to move the governed, given the principle that culture is predominantly a non-codified process which evolves over time. It follows that the justification for going to war has to be primarily stated in traditional terms that will be acceptable to a people. Only when reason is brought to bear on the justification of war can an objective code of *jus ad bellum* emerge.

Authorities' attempts to justify war in terms of an evolved consensus poses interminable problems for analysis. For what may have emerged consensually may conflict with objective and universal principles of justice, that individuals possess core rights and such rights precede the rights of the sovereign power of government.
One such problem arises with the right to declare war which is traditionally posited with the sovereign power of a society. The delegation of this privilege to the sovereign power of government is reasonable, as Aquinas acknowledges:

Now a private person has no business declaring war; he can seek redress by appealing to the judgment of his superiors. Nor can he summon together whole people, which has to be done to fight a war. Since the care of the commonweal is committed to those in authority they are the ones to watch over the public affairs of the city, kingdom or province in their jurisdiction.\(^{12}\)

This delegation of power is commensurable with an objective code of justice as well as with a just organisation of the state apparatus. To deposit the power to declare wars with the government rather than private individuals removes uncertainties that may arise as to when a war has been declared, but more importantly provides a legitimacy in the sense of being the declared intention of recognised and traditional authoritative structures.

The traditional principles of *jus ad bellum* and *jus in bello* also conflict over other matters. The notion of just cause is entwined with the ends and means of the society. If the ends are unjust in the sense of negating basic human rights, then such a society is not in a position to demand just cause for being attacked, for the underlying principle of justice is that individuals be free to pursue their own ends, so long as the means do not infringe on the rights of other individuals to freely pursue their ends. The government of a

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\(^{12}\) Aquinas, *Summa Theologicae* vol.35, 2a2æ.40.1
society that infringes its members' rights cannot turn around and demand its rights of freedom (i.e., the 'right' to act arbitrarily). A government is a single body, but it is not a single persona, it is made up of members of the society, and if they are using the apparatus of the state to inflict threat and injury against citizens, they cannot invoke justice.

Problems also arise with the principle of proportionality. It is alleged that wars are only just if they remain proportional to the proposed ends. Vitoria, for example, argues that a war should not be waged, or legitimised, even if it is on just grounds, if its effects will produce more harm than usefulness.\(^\text{13}\)

Consequentialist considerations cannot help but be part of the just war analysis, which implies that a Kantian emphasis on the intention of an action is useless, for waging war on the basis of just cause alone may be thoroughly impractical for many economic and political reasons; potential effects have to be born in mind. Hence a just cause may be present, but the principle of proportionality demands adhering to peace.

This theory is adequate, despite the difficulty of determining proportionality. In the just war tradition, just cause arises against a wrong committed, and the victim has the right to exact an equivalent payment for the damage caused. War should thus be waged in proportion to the costs borne.

\(^{13}\) Vitoria, 'On Civil Power', p.21.
However, it is also mooted that a just war should also deter the aggressor from initiating violence again. In exacting payment for a wrong, it has to be considered whether a strict lex talionis is implied, that, say, land stolen should be land retaken. But in the case of non-priceable factors such as human lives and art works destroyed, demanding exact retribution becomes practically difficult to assess.

What deters an aggressor is also difficult to establish a priori. Assuredly the death of an individual aggressor is sufficient to ensure no more violations of rights, but capital punishment is a rather severe form of insurance and not wholly justifiable. The case is manifestly complicated with a society whose culture is predisposed to aggressive actions. Perhaps nothing short of total war or total enslavement would be sufficient to deter future aggressions. These considerations imply that only with hindsight can history comment that a just war against an aggressor was sufficient or not, which leaves a proper justification of deterrence lacking, that is, logically deterrence rests on very vague assumptions.

Yet the policy of deterrence has seemingly worked in various fields, most notably in the Cold War (1945-1989). J.S. Mill, arguing for capital punishment on the basis of deterrence theory, rightly observes that the success of deterrence cannot be ascertained from the number of executions a year: for those who choose alternative actions in the face

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For martyrdom cannot be forgotten as a motive in war.
of the threat of capital punishment do not enter into the statistics. Nonetheless, Mill's valid reasoning rests on an implicit premise that all people possess a level at which they can 'be bought'. This is the theory of cynicism. Cynicism is a theory of human nature that deems that all people have their price. However, cynicism is a closed theory for in the face of contrary evidence the cynic can always pronounce that the price was not high enough. The philosophical dubiousness of closed arguments potentially weakens the deterrence theory; the implication is, however, that a strict observance of nuclear capacities should be observed by those possessing it - nuclear powers ought to restrain themselves and also ensure that rogue nations do not gain possession of nuclear capacity. This position is brought out in a discussion of deterrence and nuclear weaponry.

Deterrence theory and nuclear weaponry

General deterrence theory must answer the question of what kind of threat is morally acceptable. Intrinsicists may argue that some kinds of threats are morally impermissible, whereas consequentialists pragmatically claim that the ethical value of a threat depends on its potential outcome. A consequentialist may therefore assert that deterrence has never worked since warfare still exists, whilst others may claim it has worked in the nuclear age since a nuclear war has not yet been fought.

\[15\] Mill, "Capital Punishment".
To salvage deterrence theory and to provide a standard by which threats are justifiable, it is incumbent to refer to core rights. Yet the standard of core rights involves problems of its own. Core rights are deemed intrinsically valuable, but does it follow that it is right to threaten the rights of another person to deter them from an action? Superficially a paradox arises in which rights are threatened for the sake of rights, but this is resolved by acknowledging that a deterrence policy should only be enacted against those who actually threaten the core rights of others, for in threatening to violate their rights, the aggressor forfeits his or her own rights to a peaceful free existence. To threaten innocents' rights also breaches ethical conduct—hence to threaten the rights of those who seek aggression is justifiable, not only on the grounds that once they initiate aggression (or are not in a position to stop aggression) they lose their rights, but also because the initiation of threats is a violation of others' rights to live peacefully.

Deterrence theory may thus be supported by invoking core rights analysis. This general solution is, however, complicated by nuclear weapons.

Two paths illustrate weapons technology since the Second World War. The first complements the moral arguments made by the *jus in bello* convention that technological advances have assisted a more precise use of weapons capable of reducing inadvertent non-combatant deaths. The second development
contradicts any notion of precision or discrimination in war: nuclear weapons destroy and kill indiscriminately by virtue of their megatonnage and the radiation fall out they produce.\textsuperscript{16}

But is it evil to threaten such weapons against potential aggressors? To threaten a nuclear attack against a civilian centre is assuredly to threaten murder, and murder is unethical, but what if the threat of murder ensures peaceful coexistence? Although an evil intention remains an evil intention, does a good result overrule the immanent evil of threatening murder? If a scale were used, the threat of an evil deed must weigh less than the evil deed itself, for the threat is contingent upon further action whilst the deed is not, which supports offering the threat of total war if that deters a potential aggressor.

Deterrence policy did not develop with nuclear weaponry though; it has always existed wherever there is violence and aggression in nature. To deter is to make a stand that one will not accept another's actions; it is to invoke the possibility of a higher cost to an aggressor's actions should the aggressor cross the line of what is acceptable. McCall rightly notes that deterrence involves forming a defensive posture in which;

\begin{quote}

a set of strategies which indicate to a potential aggressor that, whilst there is an adequate restraining force in existence, yet the possession deploys the
\end{quote}

\textsuperscript{16}The same analysis is extendible to biological and chemical weapons
Deterrent with the whole aim of preventing war from breaking out. 17

Deterrence is thus synonymous with strategy and includes the elements of posing, threatening, and intimidating. It partakes in all forms of warfare; indeed, it is an intimate part of balance of power or realist political models. But on what grounds, if any, is nuclear deterrence morally acceptable?

To deter any form of war is to avoid an immense evil. If one presumes that war is a disastrous enterprise to be avoided except as a last resort, to avoid war by invoking a threat is not only ethically acceptable but should be good in itself. To avoid war is firstly to declare an intention not to fight an aggressive war, from which it follows that if all nations were to declare such an intention war itself would cease. However, avoidance of war must also include making it unacceptable to a potential enemy — i.e., the enemy ought to be deterred. War will not likely be avoided if one does not attempt to deter aggression.

But what deters is never a certainty, and "therein lies the rub". Norman remarks that if wars were merely actions invoked by rational self-interest, deterrence policy would work by raising the costs sufficiently to deter any potential aggressor; but many wars have not been the result of rational calculations, and some have been motivated by nothing but

17 McCall, "Just War and Just Deterrence." p.10.
wanton destructiveness,\(^{18}\) hence deterrence will not always work on unreasonable belligerents. If deterrence theory rests on an unknowable factor, does that imply that it is therefore useless? A cynic may respond that it is only useless when it fails to work, and nuclear threats should not be empirically tested. Whilst the devastating consequences of a failed nuclear deterrence can mortify the mind, the problem of threatening a nuclear attack is resolvable, although not along the same lines as a conventional threat.

Paul Ramsey believes that 'pacifist deterrence' is morally supportable -that is threatening but never carrying the threat out.\(^{19}\) The choice for him is not between firing on cities or completely giving up atomic weapons -a middle ground should be sought in which nuclear weapons may be fired at military establishments. To Ramsey, using the double effect principle, the numbers killed inadvertently are of no consequence. But to threaten disproportionate damage to the opposing side, he considers, is permissible, so long as one does not carry the policy out.

What should happen if this bluff is called and the threat does not deter an aggressor? Walzer comments: "Surrender would be intolerable, and yet we cannot ourselves threaten mass murder in response."\(^{20}\) Nevertheless, surrender may open up alternative methods of resistance -civilian disobedience and

\(^{18}\) Norman, Ethics, Killing, and War, p.249  
\(^{19}\) From Michael Walzer, Just and Unjust Wars., pp.278-283.  
\(^{20}\) Walzer, ibid., p.281.
conventional, or guerrilla, resistance— which would avoid a nuclear holocaust. In defeat, Locke counsels patience till justice can be appealed to;

If God has taken away all means of seeking remedy, there is nothing left but patience...[each generation should renew its claims for justice.] If it be objected, this would cause endless trouble; I answer, No more than justice does, were she lies open to all that appeal to her.\(^\text{22}\)

But whether defeat should be accepted rather than waging a limited nuclear war should depends on the threat faced. One could proclaim against a non-nuclear power that the war would continue with conventional means, whilst one could propose against a nuclear power a unilateral renunciation and dismantling of nuclear arsenals in order to fight with conventional means for the sake of humanity. Or one could capitulate. On this reasoning, it is surely better to die or be captured as a virtuous person than be guilty of needless deaths, leaving justice to be sought at a later date by one’s descendants as Locke advises.\(^\text{22}\)

However, outside the context of nuclear arms surrendering to a despotic regime is intolerable and should not be considered except as a last resort. Aggression should not be sanctioned through capitulation, but the context of nuclear weaponry certainly complicates what the policy ought to be.

If the purpose of the threat is to deter then perhaps one ought to cultivate an appearance of a willingness to retaliate

\(^{22}\) Locke, Two Treatises of Government. Second Treatise, “Of Conquest” § 176.
-a 'conditional deterrence'. Paskins and Dockrill advise: "If deterrence is morally defensible, it must be as conditional intention, not as a bluff." \(^{23}\) A conditional intention is such that if one has threatened to retaliate, one's true intention remains uncertain. Paskins and Dockrill argue that this brings luck into morality, and luck, they reason, should not play a part in ethical conduct. They invoke a Kantian argument that humans ought to be treated as ends in themselves, from which they infer that relying on luck entails treating others as means to an end. Yet their advice, although pragmatic, does not adequately resolve the issue for in principle it falls back to Ramsey's acceptance of threatening but not carrying out retaliation.

In a similar vein Teichman focuses on the intrinsic value of threats and concludes that, although they should not be made, they are not as wrong as committing the threats. Teichman reasons that an intention to do evil is evil but any move away from that intention constitutes a moral improvement. This, she argues, is because it is easier to change intentions than deeds done. \(^{24}\) Teichman's point is that bluffing indiscriminate and disproportionate warfare is intrinsically evil, hence one should not threaten retaliation in kind at all, which leaves her supporting a nuclear pacifism. However, her logic fails in drawing the conclusion that evil should not

\(^{22}\) Locke, ibid., "Of Conquest", §176 p.433  
\(^{23}\) Paskins and Dockrill, op cit., p.69.  
\(^{24}\) Jenny Teichman, Pacifism and Just War, p.121.
be threatened, for if threatening evil consequences is not as evil as the potential consequences, it follows that threatening a nuclear retaliation is at least excusable and even justifiable to some extent.

In the case of new strategies or weapons the shift into the realm of bluffs is dangerous and morally complex. Simplistic theories fail at this frontier of human conduct. But the rules of just conduct still cannot be rejected out of hand, for they can guide choices. In any case, the nature of such intricate situations is such that new rules are most probably being spontaneously created by the players and those affected, for civil morality continues to emerge independently of particular wills or intended actions.

Norman argues that in the context of nuclear weapons only defensive deterrence is ethically acceptable. Although his arguments for this are useful, they are not sound. He rests his thesis on the principles that (a) deterrence must not involve morally unacceptable actions, and (b) the policy should not raise the probability of warfare. Nuclear arms deterrence, he asserts, violates both principles since nuclear weapons are essentially indiscriminate in their effects and nuclear deterrence more likely than not creates an arms race. Norman claims that only defensive deterrence is acceptable for it avoids the problems of (a) and (b). Retaliatory deterrent (in which a nuclear power would strike back if it were

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25 Norman, Ethics, p.85
attacked) and pre-emptive deterrence (first strike) are both unacceptable to Norman, for they invoke the use of indiscriminate warfare.

Although his reasoning is understandable in a conventional theatre of war, e.g., he argues that attacking another’s cities (or using nuclear weapons against a conventional or a nuclear attack) in retaliation is ethically wrong, his thoughts on how defensive deterrence with nuclear capacity would work are very unclear. He notes that nuclear bribery fails, i.e., when a nuclear power attempts to use its weight to intervene in another’s affairs, but he does not explain, given the acceptance in principle of defensive deterrence, how a nuclear power could enact such a policy. Indeed, his examples focus on a conventional defence using antitank weapons, antimissile missiles, etc., -but he does not explicate a nuclear defensive deterrence. He notes the obvious problem of a nuclear attack, that an aggressor is not likely to gain from a nuclear war because of the devastation involved, but, although he notes that some wars have been fought out of pure destructiveness, he does not consider the prospect of a nuclear armed nation desiring genocide. Genocide has been the policy of a few societies in human history, and one cannot rule out a nuclear armed nation pursuing such evil ends. Norman accepts the difficulty posed by such policies,

26 As historically it did from 1949-1990s.
but answers that "there is no solution... because there are objective claims to right on both sides."²⁷

Norman in effect retreats to the Vitorian policy of simultaneous ostensible justice, or perhaps even to the illogical claim of simultaneous objective justice²⁸. In the case against a non-nuclear power, it is dubious whether a sincere nuclear deterrence against a conventionally armed enemy could ever be acceptable. But maintaining a conditional or pacifist deterrence against a conventionally armed aggressor may invite warfare below the nuclear threshold; yet if war is to be avoided, threatening a nuclear attack against a persistently belligerent armed enemy is not necessarily wrong. Norman acknowledges that if a nation becomes vulnerable to attack even defensive deterrence may not deter a fanatical aggressor, but it does not follow that that there is no solution to this problem - the solution lies in the objective difference between aggressor and defender and the employment of Walzer's sliding scale.

One can imagine a sequence of sub-nuclear warlike acts that eventually constitute sufficient aggression to warrant a more devastating retaliation than what conventional arms may provide²⁹. A school bully may not have hit his victim yet, but has taunted him sufficiently to warrant a pre-emptive punch. Obviously such a policy can only be ethically justified as a

²⁷ Norman, Ethics, p.252
²⁸ For x cannot be both right and wrong, cf. G.E.Moore, Ethics.
last resort, but it is also feasible that a retaliatory action may be needed to halt further attacks and a prolonging of the war. It follows that both retaliatory and pre-emptive nuclear strikes are ethical if they involve objective defence.

However, striking a non-nuclear aggressor with nuclear weapons blatantly contradicts the non-discrimination precept of the just war convention. But not to use a nuclear weapon may mean that a more protracted war is to be fought involving great numbers of casualties and destruction than if a 'surgical' nuclear strike were permitted. To uphold an absolute prohibition against firing a nuclear weapon against a non-nuclear power intent on ravaging the world with its conventional arms would be absurd. If warning shots fail then to deter further aggression a nuclear strike against military targets becomes justifiable. But a direct conventional or nuclear strike against civilians remains deeply problematic, even against a fanatically belligerent enemy. The just war convention outlaws conventional attacks against civilians, whilst a nuclear attack not only directly affects the present generation, it indirectly (but forseeably) affects future innocent generations.30

But to attack military targets with nuclear weapons is essentially a violation of the just war conventions, for

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29 Which is implicit in Truman's rationale for striking Japan in 1945.
30 Obviously the same is true of any war - but nuclear radiation affects DNA and hence the reproductive capacities of future generations.
innocent deaths would be foreseeable and inevitable. Norman argues that such innocent deaths cannot be deemed unintentional side-effects, since nuclear weapons are essentially indiscriminate. But it does not necessarily follow that to threaten indiscriminate warfare is morally unacceptable if the policy deters. If the threatened destruction of an aggressor’s society is what it takes to stop a potential aggressor, then surely the policy’s enactment is acceptable on some level, otherwise a useless pacifist deterrence is invoked? Norman thinks not, but I have to disagree. Fanaticism is a strong and destructive motive in human affairs; leaving an aggressor to exploit the sub-nuclear military sphere cannot be acceptable, which prompts the conclusion that conventionally armed aggressors ought to be deterred with nuclear arms if necessary.

The policy conclusion reeks of dangerous extremism, in which a nuclear attack on any aggressor society could be ventured -yet such attacks should not be outlawed absolutely. Political realism seems to loom up at this junction in which balance of power politics would reign supreme, yet a solution is within grasp -the proper solution, in the case of deterrence, is to act before any threat of nuclear retaliation or first strike should ever be necessary.

The feasible solution entails that potential belligerents should never be allowed to possess atomic capability. There can be no right to bear nuclear arms.
At once this position invokes a political realism that despotic nations intent on aggrandisement should be restrained from owning nuclear weaponry that could give them the capability of killing millions, but it is also a humanitarian plea of idealistic proportions. For the sake of humanity some nations ought not to possess the bomb. Ideally none should, but as it stands the nuclear club should only be expanded with grave considerations.

The policy involves an asymmetrical burden on those nations who presently possess nuclear capability to not only ensure a tight control on their own weapons but also that the technology and resources do not fall into criminal hands. Obviously possessing nuclear weapons does not de facto entail any form of moral supremacy or paternalism -some non-nuclear nations may even be better judges governing their deployment, but the accidents of history impose a crucial ethical burden on those that do possess such weapons to ministrature well. Such is the burden of modern international politics.

The justification of this élitist position arises from several Millian type analogies. For example, to protect a community a local constable ought not to provide a known madman a licence for a gun; indeed on the assumption that weapons can be intentionally used to harm their sale and ownership should be restricted. Similarly, we recognise that by virtue of the specialised knowledge required to prescribe

31 From Mill's *On Liberty*, Ch.5 Applications.
certain drugs those dispensing them should have the right to refuse to dispense them for the sake of the individual or the community that might be affected by them. The point remains - those possessing nuclear capacity have a responsibility to the world community not to let the technology and resources get into potentially dangerous hands.

The political implications are far reaching of course. I have mentioned that the illegitimate\textsuperscript{32} attainment of nuclear capacity constitutes an act of war, for it considerably lowers the threshold of total war: unlike the accumulation and use of conventional arms which may be used against civilian population, the use of nuclear weapons necessarily involves direct effects on civilians and on neutral countries. To avoid the horrific scenario of nuclear warfare, the nuclear elite must maintain a strong grip on the possession of weapons and ensure enough checks and balances between them to elude possible misuse.

What ought to happen if a nation acquires nuclear capacity through black markets? The only reasonable solution, if its government does not accept the rules of the nuclear club, is for it to be disarmed - just as an individual possessing a gun without a licence ought to be.

It can be countered that the creation of a nuclear programme is a defensive, not offensive, measure, and each state should have the right to attain nuclear capacity for

\textsuperscript{32} I.e., outside of any treaty or pact.
such purposes. A troop movement near to a border can be a
defensive act - i.e., an act designed to anticipate an act of
aggression or to deter any such acts, and why should this not
be extended to the possession of nuclear arms? But a troop
movement near a border can be construed as aggressive, unless
guarantees are given that they are not. What the guarantees
may be is problematic. In the nuclear world, various treaties
seem to have been useful in constraining the numbers of the
nuclear club, but that there have to be constraints -
effectively a world licence - to possess nuclear capacity
follows from their nature as weapons of mass destruction.

Another criticism against maintaining an elitist position
is that nuclear weapons are great levellers. By virtue of
their power, they should put small nations on the same
political level as powerful nations. The argument is, however,
dubious as Gallie notes - he asserts that British and French
nuclear capacity did not alter the nature or direction of the
Cold War between the superpowers of the USA and USSR. Nonetheless, it is also true that the minor nuclear powers
have not been invaded, although their international power has
not necessarily increased.

Whilst conventional weaponry can be used according to the
principles of just war - and hence the building up of a
conventional army constitutes no reason for intervention - the

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33 E.g. SALT and START treaties, as well as denuclearisation
pacts in space and on the sea bed as well as bans on testing.
34 Gallie, Understanding War, pp.99-102
nature of nuclear weaponry is sufficient to warrant a stricter set of principles.

Deterrence is thus permissible not only in the recent tradition of opposing a nuclear threat with a nuclear threat but also through the active avoidance of any such situation by pre-empting strikes against rogue nations attaining nuclear capacity. Whilst some nations believe the initiation of force to be acceptable, it is imperative to constrain the expansion of nuclear capacity, because much more is at stake than localised warfare when the world could be held hostage to the bellicose ambitions of aggressor nations. And such a position should never be acceptable.

Conclusion

A just war is that which upholds the basic principles of justice, which are encapsulated in the doctrine that people be left free to pursue their own ends without harming others. An obvious extension of this principle is that defensive wars against aggressors seeking to conquer or to attain a potentially threatening nuclear capacity are just, and even pre-emptive strikes against evidential threats are justifiable.

But determining the sufficient conditions for a justified pre-emptive strike is thwart with problems. In the case of wars sanctioned by governments, resources have to be displaced and armies manoeuvred to commence effective fighting, from which it follows that the intent of aggressive war can become
apparent prior to the actual commencement of war, although recent history is fraught with examples of victims missing blatant signs of amassing forces (e.g., the Japanese surprise attack on Pearl Harbour, 1949, and the Iraqi invasion of Kuwait, 1990).

The guiding standard justifying a pre-emptive strike against an aggressor is that rights would be violated if no strike occurs; less obvious is that the theory of just cause permits wars of intervention. This is propounded by Vitoria:

Hence, since it is a fact that these barbarians kill innocent men, at least for sacrifice, princes may wage war on them to force them to give up these rituals.\(^{35}\)

Pre-emptive action is justifiable against potentially belligerent nations or who pose a general threat to humanity should they attain nuclear weapons but also against those regimes who violate their own civilians’ rights -the last invokes a further justification of intervention, an issue taken up in Chapter Thirteen.

\(^{35}\) Vitoria 'On Dietary Laws, or Self-Restraint.', p.225.
CHAPTER ELEVEN

WAR IS HELL

"The rage and violence of public war; what is it but a suspension of justice among the warring parties, who perceive, that this virtue is now no longer of any use or advantage to them? The laws of war, which then succeed to those of equity and justice, are rules calculated for the advantage and utility of that particular state, in which men are now placed."
- David Hume.¹

"War is hell".
- General Sherman.²

"To introduce into the philosophy of War...a principle of moderation would be an absurdity."
- Clausewitz.³

"The whole fine language about justice in war...gets dragged through the mire of the battlefields, and is made in practice meaningless."
- Geoffrey Best.⁴

² "War is at best barbarism...Its glory is all moonshine. It is only those who have neither fired a shot nor heard the shrieks and groans of the wounded, who cry aloud for blood, more vengeance, more desolation. War is hell." General William T Sherman, in Tsouras, ed., Warriors Words.
³ Clausewitz, On War, p.102.
Sherman's evaluation of war as "hell", captures Hume's argument, that the principles of justice are allegedly suspended in warfare. Regardless of whether the ends of war are themselves just, the argument implies that the conduct of war is or should be amoral. The implication of this amoralism is a thorough rejection of any rules of just or fair conduct on the part of combatants. Nonetheless, the "war is hell" theory is inconsistent.

According to the amoralist argument, once war commences, any conception of justice or morality becomes inappropriate or pointless. Hobbes, for instance, contends that:

To this warre of every man against every man, this also is consequent; that nothing can be Unjust. The notions of Right and Wrong, Justice and Injustice have there no place. That is, when people refuse to reason with one another and prefer instead to use force, then the standards and conventions of everyday living, embodied in the principles of sympathy, cooperation, benevolence, and justice are necessarily rejected. That this rejection be complete is a necessary and a sufficient condition for the amoralist thesis.

Amoralists may not deny that morality does not exist in peacetime, for the pertinent charge is that in war morality somehow becomes irrelevant. Those who support 'total war' -by which I mean the absence of moral restraints in war rather than

4 Best, Humanity in War, p.39
5 Hobbes, Leviathan, Part One, Ch.13.p.188
the total mobilisation of society onto a war footing (i.e., ‘totalitarian war’) - point to the incongruity of attempts to restrict violence in what is essentially a destructive and violent enterprise. Clausewitz’s dicta that restraint in war is an absurdity and that logically warfare tends to its conceptual limits of total war are referred to in support.\(^6\)

However, the idea of restricting warfare is no longer useful for some. Ferrero argues that:

Restricted warfare was one of the loftiest achievements of the eighteenth century. It belongs to a class of hot-house plants which can only thrive in an aristocratic and qualitative civilisation. We are no longer capable of it. It is one of the fine things we have lost as a result of the French Revolution.\(^7\)

Others may point to the rise of total warfare as negating the notion of limited war. Pufendorf, for example, gives credence to this view:

For it is in the law of war that one may go to any length in order to destroy one’s enemy.\(^8\)
Nor is it in fact always unjust to return a greater evil for a less...\(^9\)
Why, scarcely in a just war can it be known for certain what is a just way to defend oneself, to secure compensation for damage, or demand guarantees for the future!\(^10\)

Against the amoralist theory it must be asked what makes war so different that it precludes the need for justice and morality?

\(^6\) Although he himself insists that civilised peoples limit wars to serve the purposes they pursue, Clausewitz, op cit., p.103.

\(^7\) Guglielmo Ferrero, quoted in Fuller, The Conduct of War, p.25

\(^8\) Pufendorf, De Jure Naturae, p.323

\(^9\) Pufendorf, ibid., p.1298

\(^10\) Pufendorf, ibid., p.1307.
The attempts to remove considerations of justice or morality from war are found to be lacking logically, hence conclusively morality retains a place in war. The six amoralist arguments examined provide possible reasons for why morality and justice do not or should not play a part in warfare. Although seemingly logical—and possessing much currency in present society, each is flawed. The first argument is the incoherence of *jus in bello* which fails because it misconstrues the concept of justice in *jus in bello*.

**The incoherence of *jus in bello***

*Jus in bello* is assumed to be incoherent on the grounds that the concept of justice is inapplicable to warfare. In peaceful conditions aggressors are deemed morally guilty of committing crimes and those who do not initiate crimes are held morally innocent. The charge is that the laws of *jus in bello* blur any distinctions between the guilty and the innocent, for they focus on the disparity between combatants and non-combatants: an analysis of justice ought to involve notions of innocence and guilt, and since the concepts of innocence and guilt are removed from war then justice plays no part.

Superficially, the criticism can be countered by assuming that just cause (see below) is sufficient to overwhelm any consideration of the *jus in bello* principles of discrimination and proportion. When the rule of *jus ad bellum* is more important than the rule of *jus in bello*, arguably justice can be
reintroduced in warfare, since notions of guilt and innocence are attached to individuals fighting wars by virtue of whether their government is fighting a just or unjust war, hence soldiers fighting an unjust war are guilty by definition. This argument is consistent with the function of guilt in the punishment model of ethics, in which those who associate with aggressors are assumed to be responsible and hence guilty of aggression to some degree.

This rejoinder though is unsound. Regardless of whether a war is just or not, it may still be fought fairly or unfairly. By 'fairly' I mean according to objective rules of fair conduct, i.e., that wars be waged proportionately to their ends, that non-combatants rights are respected, that surrendering soldiers are treated humanely, and so on. These rules exist to institute havens of peace for those who ought to be unaffected by war and also to ensure some form of orderliness in what is fundamentally a chaotic practice. Even if rules emerge through mutually benefiting agreements (rather than a rights position) this does not undermine the fact that what they deal with is essentially justice in war. To breach a mutually accepted war convention, such as the humane treatment of prisoners, is to act unjustly.

But does the presence of conventions provide a sufficient foundation for justice in war? The conventions do not deal with innocence or guilt, except to imply that combatants who directly

\[1\] Norman, Ethics, Killing, and War, p.167
and intentionally break the codes of accepted conduct are guilty. If, however, they abide by the codes and fight each other fairly, their actions are presumably amoral. Consequently, a fight between combatants only cannot be said to involve notions of justice. Soldiers may abide by the agreed rules of war, but without notions of guilt and innocence their actions are beyond the jurisdictions of morality.

This argument is irrelevant. The contentious element arises from equating *jus ad bellum* with *jus in bello*, hence the criticism against the theory of justice in war in misconstrued. Justice demands a respect for rights and fair conduct, and respecting rights (of non-combatants) and acting fairly (towards combatants) form a jointly sufficient condition for *jus in bello*. Justice requires both conditions to be satisfied.

The just war tradition rightly distinguishes between possessing just cause and acting justly. A just cause can be fought unjustly and an unjust cause can be fought justly, and it follows from this that possessing just cause is not a permit to treat an adversary (a combatant) arbitrarily – justice requires that one abide by rules of fair conduct as well. Vincent Hope writes:

> Clearly, however, morality is not directed benevolently only at those of good character. Murderers are not to be murdered, thieves are not to be stolen from, torturers are not to be tortured.¹²

¹² Hope, *Virtue by Consensus*, p.125
An aggressor forfeits rights to some extent, but from humanitarian considerations it follows that surrendering soldiers fighting an unjust war ought not be put to death or be tortured. Once soldiers are injured or surrender, their status returns to that similarly held by civilians, and it is right that they be treated accordingly. If such rights are not respected then justice in the relevant sense is not being properly served. This analysis allows justice to re-emerge only when the status of a soldier reverts back to non-combatant status, and, consequently this does not support a role for justice in warfare, an argument which permits the conclusion that if war is confined to combatants then surely any means can be used to kill -"war justifies everything" (Napoléon).

A counter is offered by Nagel’s view some weapons -such as dum-dum bullets and napalm- should not be used, as these weapons are not targeted against the combatants qua combatants but qua people. Restricting types of weapons, he claims, would ensure a moral purity in the war convention. Is Nagel’s argument absurd? If a (fictional) ‘smart bomb’ could be used to instantly kill all and only one’s adversary’s combatants, then presumably, on the traditional distinction to be made between targets, no reason exists that this should not be a legitimate practice.

However, jus in bello also invokes the principle of proportionality. For action in war to be justifiable it must not
only abide by the principle of discrimination, it must be proportionate to the ends of war. The principle does not necessarily prohibit the use of 'smart bombs', if the end is deemed commensurate. To annihilate an adversary for a relatively trivial cause is unjust, since the means should not override the object of war; otherwise the action is unjust by reason of destroying more than what is necessary to achieve a goal. The principle of proportionality attempts to ensure that needless combatant deaths are avoided.

Justice plays a role in firstly defining who are legitimate targets in war, and secondly in establishing how they can be attacked. At the limit of theoretical exposition, *jus in bello* is circumscribed by the principles of *jus ad bellum* in which one can conceive of justly using 'smart bombs'. But the principle of proportionality ensures that the ambitions of warriors to destroy an enemy do not outweigh the moral costs of war, and this consideration becomes more obvious and more demanding the further one diverges from fiction. Similarly, the principle of discriminating between legitimate and illegitimate targets must be upheld, no matter what kind of war is being fought. It follows that the argument that *jus in bello* is incoherent fails, because the argument misconstrues the role of justice.

The second attempt to support amoralism in war is based on dissolving distinctions between targets.

Total War

The theory of total war asserts that in war non-combatants do not exist. If there are no non-combatants, it follows that no distinction can be made between legitimate and illegitimate targets, hence the principle of discrimination is judged inapplicable.

Some point to total war as arising with the expansion of the mass production of arms, which inextricably brings civilians into working for the war economy. When civilians are unavoidably part of the war machine, the argument is that combatants cannot be distinguished from non-combatants. But total war has existed wherever belligerents have refused to distinguish legitimate targets.

Total war theorists may argue that all who are productive necessarily assist the military behemoth, since all productivity is channelled either directly or indirectly to its needs. The soldier is armed and enters the battle to kill, but he would not be there if it were not for the entire hinter-industry that supports the war (the food industries that feed him, the textile industries that clothe him, the armaments factories that arm him, etc.).

This position is epitomised by Captain Strasser: "We who strike the enemy where his heart beats have been slandered as "baby-killers" and "murderers of women."...What we do is repugnant to us too, but necessary. Very necessary. Nowadays there is so such animal as a non-combatant: modern warfare is total warfare. A soldier cannot function at the front without the factory worker, the farmer, and all the other providers behind him." Capt. Peter
and so on). Conclusively, since civilians play an economic part or are morally supportive, the principle of discrimination is redundant.

If this is true then no distinction can be made between armed combatants and unarmed citizens, and the latter are just as involved in war as the former. The factory worker or farm labourer is as just as much a threat as the soldier.

This is questionable reasoning. First of all it must be admitted that certain elements of the population are not involved in the war in any sense. Children, for example, cannot be held responsible for a war they are born into. To avoid this fact, the focus may shift to the category of the economically productive population. But it does not necessarily follow that unarmed people earning a living are legitimate targets.

The vocations of non-combatant military staff, those working in the arms industries, and the ordinarily employed citizens of a war economy, are peripheral to the essence of war, which is fighting. They are not trained soldiers bearing arms, they are non-aggressors therefore no sound reason exists to target them. Targeting non-aggressors must be rejected as morally reprehensible—and murderous.

Only combatants should be legitimate targets, but the position of a supply line is more complex. Perhaps personelled by the unarmed, it is nonetheless a legitimate target because it is

Strasser, head of the German navy's airship division in World War
a military installation. From *jus in bello*, attacks on supply lines are justified, so long as they are the sole target. If non-combatants are involved in the supply line, it follows that non-combatant deaths are putatively justifiable according to double effect. But what defines a supply line must be considered. Any economic activity that somehow supports a war machine could be considered to part of the supply, which entails an expansion of legitimate targets. What ought to be taken into account is how necessary is a shipment or a factory to a war effort -if its function is indirect or necessary to peace time operations, such as grain storage or shoe production, then it should not be considered a legitimate target; if it is a remote but direct causal condition of war -such as the quarrying of metals for weapons- then the situation is more complex. It can be claimed, however, that the legitimacy of attacking a uranium mine is more readily understandable if it were being mined for use in nuclear weapons. This is because uranium is more directly linked to weapons of war than, say, iron is.

The principles of *jus in bello* forbid direct attacks on non-combatants and non-aggressors, and rightly so, for they do not hold the same status as the soldiers who are prepared for war.

The legitimate targets of war can only be combatants. In taking up arms they lose some rights to immunity, since they become, willingly or no, aggressors. Since targeting soldiers is

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1 quoted in Dyer, *War*, p.84.
justifiable, we can infer that justice has some role to play in warfare.

If soldiers are considered threats, it can rightly be pointed out that being a threat is not necessarily the same as being a combatant. How far, for example, can it be said that threats include those in the political hierarchy who send troops to fight, or those in the population who offer their full moral support for a war?

The relevant criterion of a threat is the activity of a person—if that activity constitutes a necessary prerequisite for a violent assault, then that person forms a threat, regardless of whether he or she is unarmed. For example, if person A possesses a code for unleashing a weapon (the control codes to fire a nuclear weapon for instance) and without that code the weapon cannot be fired, then person A is a threat, and hence a legitimate target. Although person A may not personally be armed, the use of the code forms a necessary prerequisite to the firing of a weapon. On the other hand, a person offering moral support cannot logically be said to constitute a threat.

But what of the status of a person who is not directly connected to a threat, but who seemingly is a necessary prerequisite to the firing of a weapon? For example, person B works in a gun factory. If B is easily replaceable by C, this implies that B is only contingently a prerequisite to the firing of a gun, and even then only weakly so, for this gun may or may
not be fired in war. The status of the factory, however, is controversial; it does not quite constitute a necessary causal condition, since producing weapons is not the same as firing them. Although an arms factory is more replaceable than individual workers, their labour is a more proximate causal condition to the firing of weapons, but unless they are in the position of A above, they cannot be deemed legitimate targets. No strong conclusion follows, except to suggest that an arms factory may be justly targeted when the workers are not there.

Modern warfare raises a similar problem when the combatants are not easily distinguishable from civilians. Guerrilla warfare is a good example, in which the participants use "political and moral cover" (Walzer) to hide themselves amongst the population. Nevertheless, they are soldiers. Other combatants have just cause to defend themselves against guerrillas, but a logical gap arises between defending themselves and invoking a blanket policy of executing a population at random, or of holding hostages for purposes of retaliation against guerrillas. Non-combatants should remain immune from such attacks according to *jus in bello*, and unidentified guerrillas retain non-combatant status till they become a visible threat. The principle of discrimination does not fail for want of identifying the combatants.¹⁵

Theoreticians condemn guerrillas for using political and moral cover. Bindschedler argues:
The guerrilla must mark himself off from the civilian population whose fate becomes uncertain when every civilian may be suspected to be a camouflaged guerrilla.\textsuperscript{16}

And the Declaration of Brussels 1874 provides criteria for being a combatant: distinctive clothing must be worn, arms must be carried openly, there must be a commander, and combatants must generally abide by the accepted customs and laws of war. But the Geneva Convention (Article 44) emphasises the use of arms rather than the principle of openess.

Bindschedler's argument is consequentialist rather than intrinsicist. The guerrilla ought to abide by the principle of openess for the results that may follow for non-combatants. However, Bindschedler's argument implies that a defending army may excusably attack civilians if under threat by guerrilla forces, which is by no means the case. The previous conclusion remains, that guerrillas ought to be identified before being attacked rather than permitting a blanket policy of indiscriminate violence against a population.

All aspects of total war amoralism fail. The theory is inconsistent with the factual imbalance between the status of combatants and non-combatants.

The third attempt to undermine the need for morality in war is from cultural relativism, which entails that no common moral or just practices exist.

Cultural relativism

Cultural relativism emphasises that different societies possess different rules of conduct, and infers that since cultural values differ fundamentally, there can be no universal code of conduct to which belligerents can refer. If notions of justice are relative then two societies will have different ideas on how wars should proceed. For example, one side may claim that civilians are legitimate targets, the other side that they are not, or that the definitions of concepts such as 'combatant' or 'proportionality' varies according to local conventions.

Either cultural relativism is a theory that implies that what is true for one group is not true for another, and hence it characterises the world as consisting of contradictions (polylogism), or it implies that truths can never be known, and concludes that all people can do is to pursue their own version of it.

Both arguments are forms of epistemological scepticism, namely that truths do not exist or cannot be known. If scepticism is true, it follows that notions of justice cannot be grounded in objective and universal concepts, and the argument for a universal and objective jus in bello founders. To reassert the theory that justice is not relative requires unpacking philosophical scepticism, which can only be examined for its

relation to the present argument. Scepticism is defeated by asserting the validity of facts. Facts are known by minds, but they are mind independent.

A combatant is defined as a person bearing arms. The nature of the arms may differ across time and place, but the essence of being a soldier remains essentially the same. Secondly soldiers are threats in war, by virtue of their status. Therefore only combatants are threats. These are facts not opinions. Whether a particular person is a soldier may not always be discernible, and in the fury of battle mistakes will be made. But such mistakes may be accidental and will not undermine the argument that combatants can be defined. Similarly with aggression, the initiation of force is a factual matter. Obviously an aggressor may claim (extended) self-defence, but the grounds on which such a claim is made remains ethically examinable -hence the excursion of reason into the justum bellum to examine justifications.

But for societies to differ in their notions of justice or of particular concepts then contradictions arise. A combatant is a person carrying arms, a person not carrying arms cannot be a combatant (although the latter can be a threat). If a group argues that no distinction can be made between combatants, or that an initiation of force was not really an initiation, they are committing a conceptual mistake. Concepts integrate information or facts, and facts cannot be contradictory, a person cannot be at the same time a combatant and a non-combatant, or
threat and not a threat, nor can an unwarranted act of aggression be simultaneously an act of defence. Therefore the argument that justice is relative and hence incommensurable or incoherent fails.

The fourth argument is that morality and justice in war are unnecessary impediments to ending war swiftly.

**Argument from necessity**

The natural law...forbids us to multiply the evils of war indefinitely.

- Vattel

A typical argument from necessity is that to effectively achieve military goals no consideration to morality should be made. Napoléon, for instance, argues:

My great maxim has always been, in politics and war alike, that every injury done to the enemy, even though permitted by the rules [i.e., customary international law], is excusable only so far as it is absolutely necessary; everything beyond that is criminal.

And Pufendorf claims on these grounds that “[i]t is the law of war that one may go to any length in order to destroy one’s enemy.” The theory entails that the rules of just and fair conduct obstruct greater goals, such as of achieving a quicker victory, or of reducing casualties in the long run (both excuses used in the dropping of the atomic bomb on Japan in 1945).

Military necessity is the argument forwarded along implicit or explicit utilitarian grounds to excuse breaches of the war

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17 Vattel, *The Law of Nations*, p.289
18 Napoléon, quoted in Best, *op cit.*, p.49
convention to speed up the war by using whatever means: "the greatest kindness in war is to bring it to a speedy conclusion", remarks General Moltke, and Nicolai asserts that "a war seems neither just nor right unless it in some way benefits mankind."

The theory of utilitarianism permits any action designed to reduce war's total suffering. But general utilitarian considerations can violate competing notions of rights and of justice. According to utilitarianism, any negative consequences should be cross-referenced with any benefits accruing from a projected earlier end to war, hence the argument from military necessity can demand the direct infringement of non-combatant rights. Best writes:

> Behind the definition of 'military necessity'...lies nothing other than the amount of licence a society...is prepared to give to force in the conduct of its affairs; from the invasion of a neutral neighbour, at one end, to the killing of an apparent civilian on suspicion of being a saboteur at the other.

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19 Pufendorf, De Jure Naturae, p.323
20 General Moltke, quoted in Walzer, op cit., p.131.
   A utilitarian maxim of military necessity is, for example, Sidgwick's principle that it is not permissible to do; "any mischief which does not tend materially to the end [of victory], nor any mischief of which the conduciveness to the end is slight in comparison with the amount of mischief." Henry Sidgwick, quoted in Walzer, op cit., p.129.
21 Nicolai, Biology of War, p.167
22 Another example, during World War Two Moroccan troops were given permission to rape Italian women at will to spur on their courage (presumably on the dubious policy of bringing the war to a quicker conclusion!). From Walzer, op cit., pp.133-137
23 Best, op cit., p.48.
Utilitarianism can hence blatantly and coldly ignore the fact that murder in or outside of war is intrinsically a crime. The direct attacking of non-combatants, for example, is a murderous policy, since non-combatants have a core right not to be killed. The rules which utilitarianism requires to be broken exist not as prohibitions on conduct that arose with no regard to consequences—on the contrary, rules exist because of the expected detrimental consequences that ensue from not following them. Secondly, as Walzer points out:

It is the weaker side that persistently refuses to fix any limits on the vulnerability of enemy soldiers ...pleading military necessity.\(^24\)

Walzer argues for a "sliding scale" of situations in which the need to overrule the war conventions of just conduct increases the greater and more heinous the threat faced. For Walzer, Nazism provides the standard evil against which general violations of the rules are permissible, for the threat of Nazism was a threat to humanity as a whole, and if to remove that threat the rights of non-combatants are to be overridden then so be it. For Walzer, what is at stake is deemed more important than abiding by rules. Walzer’s principle is guided by the picture of a nation facing a ‘supreme emergency’, in which its very existence or way of life is threatened. His example is Britain in 1940:

Here was a threat to human values so radical that its imminence would surely constitute a supreme emergency; and

\(^24\) Walzer, op cit., p.143.
this example can help us understand why lesser threats may not do so.  

Against the threat of Nazism, which was the embodiment of moral evil, Britain faced the strong likelihood of being overrun, and as such, Walzer argues, it was justified on grounds of military necessity in breaching the traditional rules governing conduct. by a person cornered by a mob, for the army does not face a sea of indistinguishable faces, but a variety of geographically distinct targets. Given that choices of targets will always be available in war, it follows that distinctions can be made between targets and hence be prioritised. The argument from necessity implies that there is no alternative to striking an enemy arbitrarily, but such a claim can never be justified. It is a rationalisation for heinous conduct, for in wars in which at least some of the opposing population are unarmed discrimination of legitimate targets is possible.

But what of the claim that if the rules are broken, fewer deaths will result? The argument again slips in a collectivist premise, for whose deaths are implied? In the dropping of the first atomic bomb (1945) it was allegedly the deaths of American soldiers versus the deaths of Japanese civilians. No discrimination is accorded if one accepts the principle that military necessity should be allowed to overrule the rules of just conduct. But this opens the fight up tremendously, for why

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should the other party refuse to retaliate? It is in the interests of both parties to refrain from breaching the conventions of fair conduct partly because the rules of just conduct are mutually beneficial. They should also be adhered to because they are the right thing to do.

Obviously the situation is complicated by a fanatical aggressor for whom no threats seem sufficient. But consequentialist considerations become irrelevant at this point - to halt the aggression invokes Walzer's sliding scale in that harsher measures are threatened and then enacted until the threat ceases.

The argument for ignoring rules of just conduct for reasons of military necessity fails. The restrictions on war exist for reasons other than as arbitrary obstacles placed in the path of strategists. They exist to maintain some form of continuity of life by forming sanctuaries for those seeking refuge from the ravages of war. The function of the rules of jus in bello is akin to the function of the rules of just conduct for the peaceful society, to uphold the expectations of society's members, so each can live and prosper within a framework of rules, norms, and customs. Only the criminally minded see such laws as impediments to their own designs.

Argument from retaliation

"And were a civilised nation engaged with barbarians, who observed no rules even of war; the former must also suspend their observance of them, where they no longer serve to any
purpose; and must render every action or encounter as bloody and pernicious as possible to the first aggressors.”
- David Hume

“The laws of war, that restrain the exercise of national rapine and murder, are founded on two principles of substantial interest: the knowledge of the permanent benefits which may be obtained by a moderate use of conquest, and a just apprehension lest the desolation which we inflict on the enemy’s country may be retaliated on our own.”
- Edward Gibbon

Retaliation against the immorality of the enemy constitutes the fourth justification of ignoring the just war tradition. The principle is that a vicious attack which negates the war conventions deserves to be met in kind. Pufendorf, for example, even asserts that “[n]or is it in fact always unjust to return a greater evil for a less.”

The immediate rejoinder is what justifies stooping to the moral depravity of one’s enemy? That another person ignores justice is no good reason to ignore it - is it not better to ‘turn the other cheek’?

Two problems need to be unpacked here. Firstly the more general problem of facing probable defeat against a vicious enemy will be analysed, before moving on to the issue of retaliating with kind against an enemy breaking particular rules of the war convention.

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27 Edward Gibbon, History and Decline of the Fall of the Roman Empire, Ch.34., quoted in Best, op cit., p.31
28 Pufendorf, De Jure Naturae, p.1298
First, what if only retaliation stops a war? For example, a nation is threatened by occupation and repression if it loses a war against an aggressive neighbour. From the beginning the aggressor has bombed and terrorised civilians. Nonetheless, this in itself cannot give reason to ignore the rules of just conduct and to bomb and terrorise the enemy’s civilians in return.\(^9\) We can concur with Walzer who writes:

Terrorism only reiterates the tyranny that the Nazis had already established. It assimilates ordinary men and women to their government as if the two really made a totality, and it judges them in a totalitarian way. If one is forced to bomb cities, it seems to me, it is best to acknowledge that one has also been forced to kill the innocent.\(^{10}\)

Even in a Walzerian ‘supreme emergency’ morality has to govern actions. The last flicker of civilisation should not go out with a campaign of genocide. And secondly, what characterises a supreme emergency that excuses retaliation is difficult to establish. Is it a matter of life or death? Or just surrendering? What kind of surrender? One that will effectively eliminate all the basic values taken for granted, or one that merely makes life more uncomfortable, or ‘dishonourable’?

One solution is that the greater the risk to the life of the community under the threat of aggression, the greater the

\(^9\) For example, the policy of Allied bombing of German cities may have been excusable in the dark years of 1940-41, but even then only if military and political institutions had been the intended targets; but the continued bombing of civilian targets right up to the end of the war can only be described as a terrorist policy, and should be condemned as such.

\(^{10}\) Walzer, *op cit.*, p.261.
justification in breaching the convention in retaliation. This move fails though. Risks have to be accepted in military campaigns, and losses endured rather than implementing a terror campaign to survive. Alternative choices of target are always available, even in the darkest hour.\textsuperscript{31} Besides, ethical and military efficaciousness demand dealing with the direct military threat and not with non-threatening non-combatants.

Nonetheless, sticking to the rules may not be efficacious to survival. Paskins and Dockrill consider that to passively accept the vicious blows of an enemy breaking all rules of just conduct is, in their opinion, to die 'without meaning', but to fight one's way out of a situation of utmost despair is commendable and humane;

a hopeless fight may be good. Where no flicker of humanity is possible, and there is at least the possibility of a fight, combat on the part of the people may be good.\textsuperscript{32}

The millions who went passively to the gas chambers in World War Two provide an oppressive prospect, Paskins and Dockrill observe, which was not the case for the few inhabitants who, guarding their fellow prisoners, turned the guns on the captors:

Here at least is a flicker of life: without hope of bringing about a better state of affairs in the world, without any purpose that is readily comprehensible in most systems of ethics, these few at least fought back.\textsuperscript{33}

\textsuperscript{31} For example, Britain could have diverted resources in 1940 to air defense and precision attacks of German military targets instead of pursuing a terrorist bombing of German civilian centres.

\textsuperscript{32} Paskins and Dockrill, The Ethics of War, pp.177-178.

\textsuperscript{33} Paskins and Dockrill, ibid., p.177.
But killing the cooks of a concentration camp is murderous as well as purposeless, whereas killing the commander or the armed sentries is more acceptable. And the principle of discrimination cannot be ignored. Fighting back in desperation does not give the threatened side the right to kill indiscriminately and needlessly. Even though the enemy may be at the gates, the position of enemy civilians is quite different. Their non-combatant status is maintained regardless of the probable outcome of a war. The traditional rules of just war are thus validated. The rules of just conduct deny any right to attack non-combatants directly, and rightly so. To attack non-combatants is an act of murder, and must be condemned as such.

The second argument from retaliation deals with the policy of retaliating in kind to particular breaches of the rules of just conduct. For example, the aggressor nation uses a terrorist weapon, one that aims to instil fear in non-combatants and combatants alike.\(^\text{34}\) Here we are dealing with the *lex talionis* ("eye for an eye") doctrine.

The chief rebuttal against this has much potency: the action of a miscreant does not give a victim justification to use evil means. No inference can be made, except by reverting to the argument from necessity used above, which also fails to remove

\(^{34}\) Biological or chemical weapons are such examples, but since 1945 the nuclear bomb has been the main focus of debate.
justice from warfare. More viable is a shift from actually retaliating to threatening retaliation.

The status of threatening to break the rules of just conduct is philosophically intriguing. The first question to ask is whether it is evil to threaten retaliation? Here we fall into a moral discourse concerning intention and action. Chemical weapons were not used in World War Two, so one can argue that Churchill's threat of retaliation was successful on consequentialist grounds. But what of adhering to the rules of just conduct? Churchill invoked an intention of 'if you do me evil, I will do evil back'. But evil is still evil. Does this make the policy justifiable according to the end aimed at, namely neither party resorting to breaching the rules of the convention?

Retaliating indiscriminately is rejected in the just war tradition and hence does not negate the need for morality in war, but specific retaliations are morally more troublesome, especially when threats are added, for they are a part of the rule creating process in which mutually benefiting principles may emerge and disclose new universal rules of ethics.

Argument from *jus ad bellum*

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35 Such was Churchill's threat to use chemical warfare against Germany in the Second World War if the Nazis were to have used it. "I am deeply anxious that gas warfare should not be adopted at the present time. For this very reason I fear the enemy may have it in mind, and perhaps it may be imminent. Every precaution must be kept in order, and every effort made to increase retaliatory power." Winston Churchill, *Their Finest Hour*, p. 559
"The aim of war is to eliminate war...Mankind’s era of wars will be brought to an end by our own efforts, and beyond that the war we wage is part of the final battle."
-Mao Tse Tung

The argument from *jus ad bellum* asserts the moral primacy of possessing a just cause that supposedly absolves the combatants from moral censure. From this it is inferred that *jus in bello* is redundant. The argument from just cause has historically propelled the ferocity of ideological crusades of various political and theological theories, and has been a constant explanation for breaching the war conventions. Four positions attempt to support this theory and each will be rejected in turn.

Superficially, the just cause waiver is powerful. In a conflict between two parties, intuitive notions of justice entail only one side being right. If justice is held on the one side then presumably no restrictions should hinder the upholding of justice, hence the rules of *jus in bello* need not be adhered to.

Firstly, the argument rests on a collectivist premise of guilt by association. But the principle of discrimination cannot be abandoned: some are incapable of fighting and others choose not to, and neither of these groups should be considered a legitimate target. Guilt by association cannot be claimed for non-combatants whose deaths would be as pointless as abhorrent.

Secondly, a logical jump occurs between being a guilty party and being treated with impunity. Justice requires fair treatment
as well as righteousness, accordingly being right does not provide a justification to treat others arbitrarily or without respect. Even with just cause, the principles of *jus in bello* are not to be rejected.

Thirdly, if one is in the right, prudence requires not forcing others into agreement through submission. In the poignant words of Leonard Peikoff: "intellectual clarity does not flow from the muzzle of a gun".\(^{37}\) Reason is the only proper means of education.

A different emphasis from *jus ad bellum* is provided by Winston Churchill, who argued that: "Small nations must not tie our hands when we are fighting for their rights and freedom."\(^{35}\) This argument is either morally reasonable or morally unreasonable. It is unreasonable if one presumes to fight for others' rights when they do not agree with the principles being fought for. It is reasonable if it can be said that they are acting akratically or in ignorance of the real threat. In that case, before a policy of just cause is implemented, an understanding is required of what the others would agree to, if they were (rationally) aware of their precarious position.

Churchill's argument is also inconsistent with the principle of national sovereignty -that a nation has rights to territorial and political integrity, from which a desire to remain neutral


\(^{37}\) Peikoff, *Ominous Parallels*, p.336
should be respected. The possession of just cause does not include the right to override rights of neutrality, with the exception of neutral governments that violate their civilian rights (see Chapter Fourteen).

A third argument from just cause is reflected in H.G.Wells' plea that the Great War was to be 'the war to end all wars'. This optimism challenges humanity to make a particular war (in Wells' vision, the Great War of 1914-18) the last war. From which it can be asked why men should keep to the rules of just conduct, if such a glorious and peaceful reign is in sight? This reasoning is unsound: the 'war to end all war' is still a war, and as such is subject to the rules of morality in the form of jus in bello. A good cause cannot consistently condone murder, rape, and senseless deaths, hence again justice is not served by acting unjustly.

The fourth argument is evinced in Mao's claim that: "the more justice, the more right." But does just cause concede greater justice? Herein lies a genuine tension between the jus ad bellum criteria and the jus in bello conventions. The proposition, common to the preceding arguments from just cause, is that the end should justify the means. This reasoning is countered if both sides can be said to be fighting a just cause in good faith, which removes the possibility of breaching the

39 Walzer, op cit., p.229.
rules of just conduct using the excuse of greater justice. However, the argument entails cultural relativism. If cultural relativism is accepted then both sides can be said to be in the right according to their different beliefs. However, if cultural relativism is not true, perhaps Mao’s righteousness is vindicated.

Cultural relativism and Mao’s position are however false. Although the content of the war conventions may differ across distinct societies, this need not imply that cultural relativism is valid (i.e., that truths are inherently incommensurable across cultures). At the cultural level, people of different backgrounds will tend to converge on rules of conduct that are mutually beneficial, hence relativism fades as a problem and reason assists to develop universal principles. However, this still leaves us with the troublesome prospect of moral righteousness: one society may claim superiority over another, by virtue of its differences. Regardless of whether some forms of human society are objectively better than others, a ‘superior’ group ought not to act arbitrarily in its execution of just cause. Righteousness cannot justify terrorism or tyranny; and so the traditional rules of just conduct can be sustained, hence Mao’s argument flounders.

A more plausible formulation in support of *jus in bello* here is from Aquinas’ emphasis on universal rationality, which was
implemented into just war theory by Vitoria. This argument from universal rationality permits just cause to be conceded to one side, i.e., a group defending itself against aggression. Yet again moral righteousness should not extend itself to treat the other party cruelly and to hide behind a 'greater sense of justice'. Learning from each other is more humane and just than oppressing and demanding submission through violence.

The beliefs that the rules of jus in bello are subservient to just cause disappoint upon examination. The doctrine cannot counter the principle that justice must not be dealt unjustly, thus just cause is no excuse for inhumane actions and arbitrary violence, or for indiscriminate or disproportionate killing.

The final challenge to morality in war comes from those who argue that nuclear weaponry transcends any possible ethical thinking.

**Weapons of mass-destruction**

Although the creation of nuclear weapons does not alter the nature of war, their existence plausibly casts the whole just war tradition into doubt. Ostensibly the existence of nuclear weapons makes the war conventions redundant. This rejection of just war by 'nuclear amoralists' is a very strong and a useful challenge,

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40 Johnson, "Sources", p.17. In the context of the Spanish encountering Native American Indians, Vitoria held that, although they were ignorant of Christianity, as rational beings the natives were capable of discovering the truths of just conduct. Vitoria, "On the American Indians", in Political Writings, sections 2 and 3.
nonetheless, I will argue that just war theory can be maintained, although it does not come out of the debate unscathed.

The nuclear amoralist believes that the invention of nuclear warfare exceeds all possible moral codes, leaving ethical thinking fruitlessly attempting to grasp the new nature of war. For example, Michael Walzer writes:

Nuclear weapons explode the theory of just war. They are the first of mankind's technological innovations that are simply not encompassable within the familiar moral world. Or rather, our familiar notions about *jus in bello* require us to condemn even the threat to use them...So we move on uneasily beyond the limits of justice (and peace).41

For the nuclear amoralist two solutions are possible. Either nuclear weapons are to be dismantled to permit the reintroduction of ethical discourse on war, or, as Walzer claims, nuclear weaponry negates ethical thinking.

Both solutions are inadequate - the former for its utopian hope of undoing technological progress42, whilst the latter for its unwillingness to pursue discourse into the new realm, which

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42 An unrealistic rather than an impossible task, despite Gallie's comment that "No invention can be un-invented", *Understanding War*, p.16. The onset of any Dark Ages following the demise in knowledge would result in the loss of many inventions, as previous Dark Ages have shown. Grotius follower suit, noting that "Equally shameless is it to claim for oneself by right of discovery what is held by another, even though the occupant may be wicked, may hold wrong views about God, or may be dull of wit. For discovery applies to those things which belong to no one...[and for] the exercise of ownership neither moral nor religious virtue, not intellectual excellence is a requirement." (*De Jure Pacis ac Bellis*, p.550)
does not mean that thinking about the morality of nuclear warfare is useless. James Turner Johnson writes:

As to whether the conceptual framework is adequate, we must seriously ask what else might replace such concepts as justice, proportionality, the need to protect non-combatants, the requirement that force be a last resort, and so on.43

And Johnson continues:

The purpose of thinking in just war terms, including the idea of proportionality as one of those terms, is to attempt to make rational moral decisions among possibilities that are available.44

Johnson's comments are useful for he argues that theorists should not give up on extending the just war tradition to nuclear warfare. This section continues the argument that morality is efficacious even when weapons of mass destruction are used. Firstly the existence of nuclear weapons has not precluded the existence of conventional warfare. Hence just war theory can still be applied in the modern world in which non-nuclear powers and armies fight.

Bethke Elshtain, on the other hand, observes that just war theory has remained unchanged since the fourth century, but the things with which it deals have changed, so that "just war theorists seek valiantly to apply the appropriate rules to cover

43 Johnson, Can Modern War Be Just? p.17
44 Johnson, ibid., p.26
increasingly horrific situations."\(^{45}\) But the existence of nuclear weaponry does not invalidate just war theory, for wars are still being fought with conventional means. Even the nuclear powers themselves have not used atomic weapons in their wars since 1945. This suggests that the ethical and political dimensions of modern warfare have two tiers: the conventional in which the just war principles apply, since the means used enable discrimination of targets and the limitation of warfare within the bounds of proportionality, and an absolute tier, in which weapons of indiscriminate mass destruction and an escalation of war to genocidal proportions constitute a strong possibility. But does the second tier of absolute warfare invalidate morality?

Nuclear warfare does imply a destruction of the conventions of *jus in bello* in all but strictly limited usage in which only military establishments are targeted, but radiation fallout renders such a strategy implausible. However, nuclear war is still subject to *jus ad bellum*, for as I have argued earlier, the nature of nuclear warfare is more total qua nuclear, but its possibility does not demolish the possibility of understanding its nature (for it is an extension, albeit a horrifying extension, of conventional total war), and hence does not undermine the possibility of ethical reasoning on nuclear weapons. Walzer is thus too hasty in his capitulation.

\(^{45}\) Jean Bethke Elshtain, "Reflections on War and Political Discourse: Realism, Just War, and Feminism in a Nuclear Age", 
Even though the particularities of nuclear war are hugely different from conventional war, aggressors may be still be identified and punished, from which it follows that defensive wars using nuclear weaponry may, in principle, be justified. What constitutes such a justification cannot translate into practical policies though, for the very nature of nuclear weaponry is non-discriminatory and effectively disproportionate.

The first possible just use of nuclear weaponry emanates from a strategical strike against a legitimate target. In this case the nuclear attack would prima facie fall under the remit of _jus in bello_, yet the obviously chaotic nature of nuclear fallout renders the possibility of a purely strategic strike inoperable and hence unjust. However, the just war tradition retorts that some non-combatant casualties may be acceptable if the principles of double effect are acknowledged. On that argument a nuclear attack on a legitimate target could be permitted according to the just war conventions.

However, this reasoning is rather strained because of the random effects of fall out. Not only would an enemy civilian population be put at risk, but so too would the civilians of neutral countries and even those of the striking nation. Civilian casualties must then be considered not only foreseeable but also directly related to a surgical nuclear strikes, hence they are unethical.
Generally nuclear arms are aimed at civilian and industrial centres for purposes of justifiable deterrence (see Chapter Ten). But to fire such weapons at civilian targets is murderous: to kill non-combatants directly is murder, for civilians are deemed innocent according to justum bellum, and their deaths unnecessary for self-defence, hence the targeting of civilian and industrial centres is morally impermissible. A useful analogy can be drawn from the *jus in bello* siege principles. Ethical conduct demands that the besiegers allow civilians free passage out of the town. In attacking with a nuclear weapon, no free passage is allowed, as all within the vicinity of the explosion will die, hence to fire such a weapon is murderous.

But the analysis has sustained a justum bellum. Just cause remains in the background to judge aggressive actions, and the existence of a range of targets permits an ethical prioritisation; justice is not lost. The amoralist position crumbles under analysis, since factually nuclear weapons can be directed legitimately or illegitimately according to the traditional precepts of the just war convention. We can reason that the indiscriminate effects of nuclear weapons render their use obnoxious, which in itself is an admission of continued ethical discourse on the matter. Ethics is not made redundant through the invention of a weapon, even if that weapon’s use implies total war.

**Conclusion.**
The amoralist thesis fails on the several positions advanced on its behalf. Each of the arguments attempts to explain why warfare is somehow different from peaceful conditions in which the rules of just conduct do apply, but none offers a consistent or cogent explanation in favour of ignoring war conventions.

The rules of just conduct governing all human interactions have evolved for maintaining a social existence: they provide individuals with laws and codes that guide and govern interactions. Those who ignore the laws in peaceful conditions are criminals seeking to further their own ends against the rights of others to peacefully pursue theirs; the same is true in warfare - those who breach the war conventions are miscreants, and should be treated as such.

Although warfare is a horrific activity in which death and destruction are the norm, its nature does not necessitate a total abandonment of the rules of just conduct. From which we can conclude that “war is hell” -but not as a prescription.
CHAPTER TWELVE

THE STATE AND WAR

"How are we to refute a man who declares: 'I believe only in force, and I am the stronger?'

— Émile Boutroux, *Philosophy and War*, p. 35.
The state is 'an institution of laws and officers which has a monopoly on the use of coercion'.

There are two general theories of the state, each of which possesses a variety of shades. The 'instrumentalist' theory views the state as a 'tool' taking secondary moral and political importance to the people, whereas the statist conception sees the state as a primary political body that supersedes the moral and political status of the citizens.

The instrumentalist theory deems that the laws and institutions of the state are to be used for specific purposes, and that the government is to be responsible and accountable to the people it serves. Generally, instrumentalists agree that the state is needed but should be subservient to the demands of the citizenry to protect core rights, arbitrate domestic conflicts, form international agreements, defend territory, secure freedoms and opportunities, and so on. The government in charge of the state is there by virtue of the wishes of the people, and not by virtue of any supposed moral superiority.

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2 On the definition I use, the state is distinguishable from the government. The state constitutes the apparatus of courts, legislature, executive, parliament, and so on, whereas the government comprises the officers, bureaucrats, and politicians who personnel the apparatus. The state is nothing without government and government is nothing without some form of an apparatus to assist its operation.

3Peikoff summarises this conception: "[T]he state is the servant of the individual. It is not a sovereign possessing primary political authority, but an agent possessing only delegated authority, charged by men with a specific practical function, and subject to dissolution and reconstruction if it trespasses outside its assigned purview...[T]he state...exists
Instrumentalism is compatible with political individualism, which holds that the individual is the unit and source of moral and legal values. However, the connection is not a necessary one, for instrumentalism can be held by collectivists who define the state as the tool of groups, the group being the unit and source of value. Since collectivism is a false doctrine, instrumentalism ought to be linked with political individualism.

On the other hand, statism commonly holds that the state is a necessary prerequisite for the existence of society and that the state takes precedence logically, morally, and legally over the citizens. Statism can be divided into a form recognisable to communalists in which the state is conceived to be an artificial institution—comprised of institutions and officers—which humanity cannot do without, or it can be described as an organic whole with no distinction made between institutions, laws, lawgivers and subjects. Common to all forms of statism is the view that humanity is at a loss without a state apparatus to ensure social ideals such as peaceful co-operation or justice. Statism also lends itself to prevent the division of men into rulers and ruled. The Ominous Parallels, p.113.

'This use of the term is to distinguish the concept from 'etatism', which is the political theory of the goodness of the expansion of the state's activities.

'This totalitarian theory of the state is espoused, for example, by Hegel quoted in Chapter Three: "In the Government, regarded as an organic totality, the Sovereign Power or Principate is...the all sustaining, all-decreeing Will of the State, its highest Peak and all-pervasive Unity." Hegel, quoted in Popper, Open Society Vol.II, p.45
the theory that the state is a power base for rulers (natural or elected), which contends that either the seeking of power is inevitable given the existence of a state, or that the formation of a state is inevitable given human nature. The possibility that the state is an artificial instrument for serving the people is rejected outright by statism.

The instrumentalist and statist theories have different implications for the role of the state in war. On the one hand, instrumentalism entails that wars can only be justified to protect the interests of the citizens, for the citizens are politically and morally prior to the state. On the other hand, statism entails that wars are only justified to protect the interests of the state, for the state allegedly takes moral and political precedence.

What 'interests' are logically depends on the assumed premises of what the moral or legal unit ought to be. If the unit is the individual then the implication is that morality and law should outline the extent of the just and moral interests of the individual. If the moral or legal unit is the state then the implication is that morality and law should outline the extent of the just interests of the state.

It is plausible that certain types of state do lend themselves more readily to warfare than others. The greater the state's jurisdiction in the lives of the population the more likely it will be used for imposing ideologies and policies that circumvent the freedom of the citizens, and the
more likely its policies will overflow into the international arena. Spencer argues the inverse, that militarism creates domestic enslavement. Either way, if the state's apparatus is large, or can accommodate arbitrary expansion, the more likely its power will be usurped for aggressive policies against its own population or against foreigners. Statism, the theory that the state is superior to the civilian population is compatible with étatism—the adulation of the state, and from the implementation of such theories peace is hardly to follow.

Herein lies an implicit Lockean thesis that a perennial element in society would exploit the state as a self-serving power base rather than for purposes of mutual protection. It can also support a Machiavellian theory of power and of human nature, but it does not need to be so strong. Instrumentalism can instead rely on an incentive model of public choice—that the ability to wield arbitrary power provides an open-ended incentive to try to wield that power.

Unlike instrumentalism, which is contingently connected to collectivism, statism is logically connected to forms of collectivism. If the government is deemed morally and legally superior to the ruled, society is necessarily divided into spheres of moral and legal units: of rulers and ruled. The existence of at least two morally separate entities is a necessary and sufficient condition for collectivism. As such,

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6 In this sense Acton's maxim—"power tends to corrupt and absolute power corrupts absolutely"—is useful: if the state
statism, in whatever form, is antithetical to the individualism of rights and of the independent moral status of persons.\footnote{De Jouvenal argues forcefully that the state seeks to propagate a type of individualism, one in which the individual has no allegiances to other social bodies that could act as bulwarks to the state's own plans for expansion. Nonetheless this is a different form of individualism from the one established by the a core rights theory.}

Only one theory of the state can be true. Since civil morality emerges with mutually benefiting interactions in society and evolves spontaneously,\footnote{"In each man's absolute freedom from every family and social authority, a freedom the price of which is complete submission to the state. In the complete equality as between themselves of all citizens, paid for by their equal abasement before the power of their absolute master -the state. In the disappearance of every constraint which does not emanate from the state, and in the denial of every pre-eminence which is not approved by the state. In a word, it ends in the atomisation of society, and in the rupture of every private tie linking man with man, whose only bond now is their common bondage to the state. The extremes of individualism and socialism meet: that was their predestined course." De Jouvenal, On Power, p.172.} it follows that the moral and legal rules created by the state cannot logically antecede the individual. The state is an artificial creation that emerges from civil intercourse, hence statism is false.

\footnote{The chief points on which the comparative study of behaviour has thrown such important light on the evolution of law are, first, that it has made clear that individuals had learned to observe (and enforce) rules of conduct long before such rules could be expressed in words; and second, that these rules had evolved because they led to the formation of an order of the activities of the group as a whole which, although they are the results of the regularities of the actions of the individuals, must be clearly distinguished from them, since it is the efficiency of the resulting order of actions which will determine whether groups whose members observe certain rules of conduct will prevail." Hayek, Law...: vol I, p.74}
A purpose of the just state is to ensure that individuals are able to pursue their own ends free from arbitrary coercion. It thus ought to protect society from aggression and to resolve conflicts between individuals or groups within its jurisdiction. Mirroring the important ethical principle of impartiality the state ought to be neutral between disputants.\(^9\) turn requires rules for its operation. These 'rules of organisation'\(^11\) are relevant to war for two reasons: firstly in the particular -how wars are enacted following the decisions of the executive branch- and secondly, the extent and nature

\(^9\) Whether a particular state is successful in attaining the ends sought depends on the governing ideas people have about what its functions are, and whether the means taken up are the right ones for attaining those ends. Impartiality is the key to success, for if the state is being used to divert power and resources from one group to another it begs the question what makes that group special? Polylogism, the basis of any collectivism, is a blatantly false as a political doctrine, hence one group of people can be neither politically nor legally superior to another without the ethical principle of impartiality being broken.

Similarly, the individuals of the state apparatus -the law officers- ought not to act partially. Neither should they abrogate to themselves the power to force people to do what they do not want to do beyond those considerations necessary to maintain peaceful social co-operation, which is the reason for forming a society and a state in the first place. The second code is of broader significance than the first, for it circumscribes the legitimate sphere of the state somewhat. (What I have in mind here is the limitation of government infringing of core rights -e.g., conscience, speech, movement.)

\(^10\) I.e., not necessarily.

\(^11\) "Rulers faced with the task of enforcing a given law and of organising defence and various services, had long experienced the necessity of laying down rules for their officers or subordinates, and they would have made no distinction as to whether these rules were of a purely administrative character or subsidiary to the task of enforcing justice. Yet a ruler would find it to his advantage to claim for the organisational
of the rules of organisation exhibit how powerful the state is in relation to the liberties of the citizenry. The greater the sphere of government, the less the freedoms of individuals to pursue their own lives, and the less that sphere of freedom the more likely it follows that a population can be exploited to wage war against others. This is because a 'closed society' is effectively an extended state in which the actions of civilians are demarcated by rules of organisation rather than by civil morality, which in turn implies that the civilians are owned to some extent by the governing bodies.

All wars are organised activities. Animal warfare is organised according to biologically inherited patterns or proto-forms of cultural activity. Primitive human war is a product of cultural forms in which war is a ritual or a putative solution to social problems. Above the military horizon, war is commonly directed by those holding power—usually, but not necessarily, in the form of states. A characteristic of true wars is that the emerging rules of war are articulated and codifiable, hence explicit reasons and justifications become paramount for warfare.

The role of the leaders is philosophically interesting. Government not only organises and directs the war in most of its aspects, but it also defines the rules of engagement. But Hume's dictum holds that governments are subject to the approval of their citizens and must bend to the expectations rules the same dignity as was generally conceded to the
held of them by society in general, i.e. they can only lead where the people want to be led. This ultimately reverts to positing an initial democratic basis for government initiation and direction of war. Yet that would be to ignore an evidential pliability of people's minds to charismatic leaders. Such leaders do "make history", taking their societies down hitherto untrodden paths, especially in war.

Napoléon comments:

The general's presence is essential; he's the head, he's the whole of the army: it's not the Roman army that subdued Gaul, but Caesar; it's not the Carthaginian army that made the Republic tremble at the gates of Rome, but Hannibal.12

And Hegel concurs: "The Great Man of his time is he who expresses the will of his time; who tells his time what it wills; and who carries it out."13 Powerful people are influential in forming the course of events, but history cannot be reduced to the activities of such folk, for their power is circumscribed by the societies in which they live, a theory Tolstoy emphasises:

The deeper we delve in search of...causes the more of them we find...It was necessary that millions of men in whose hands lay the real power...should consent to carry out the will of these weak [leaders], and should have been induced to do so by an infinite number of diverse and complex causes.14

universal rules of just conduct." Hayek, op cit., p.90
12 Own translation of: "La présence du général est indispensable; c'est la tête, c'est le tout d'une armée: ce n'est pas l'armée roumaine qui a soumis la Gaule, mais César; ce n'est pas l'armée carthageinoise qui faisait trembler la République aux portes de Rome, mais Annibal..." Napoléon, Pensee Politiques et Sociales, p.296
13 Hegel, quoted in Popper, Open Society Vol.II, p.73
14 Tolstoy, War and Peace: Volume Two, pp.250-252
This implies that leaders depend ultimately on the will of the people, or at least the majority, to concur with what they wish to do. Therefore powerful leaders step into the right climate for their ideas to be effected, yet plausibly they do not choose wholly what the people desire. The ideas held in the forms of beliefs, notions, customs, philosophies and theologies, create a matrix providing the springs for society. Leaders may have to clarify the tasks to be done, but it remains true that their ideas have to be acceptable to the climate of ideas in which they live.

Although it is plausible that the role of government is defined by the expectations and opinions people have of it, we must also note that the state is also a very forceful tool for those in power. The state is a power, and, de Jouvenal asserts, the essence of power is command:

> It can live...as command and nothing more. We must see it as it is if we are to grasp its inner reality, the thing without which it cannot be: that essence is command."\(^{15}\)

The use of force puts the government and its apparatus into motion, but to maintain its position, de Jouvenal correctly insists, requires the obedience of society: "Force alone can establish Power, habit alone can keep it in being."\(^{16}\) The more a population is culturally or rationally disposed to obeying authority figures, the less it can critically analyse and hence resist leaders' demands. Obedience to authority thus

\(^{15}\) de Jouvenal, On Power, p.96
forms a necessary and sufficient condition for the use of power, i.e., if and only if there is obedience is there power: once obedience is removed there cannot be any use of power, and wherever there is power there is obedience. Power is nothing without control. De Jouvenal's theorem implies a logical truth; what has to be asked is whether the theorem is sound.

Power does not require obedience. The use of power rests on the ability to intimidate or to force an opponent to submit to one's will. This, we can recall, is Clausewitz's description of war, which implies that to use power against another group is to wage war against them, but this seems too harsh a conclusion. For example, power can be used to restrain in the absence of obedience but without being an open-ended condition. A just government's use of power ought to be prescribed, that is, limited in its nature and its extent, and hence be a closed condition in which the jurisdiction of policing officers is codified and non-arbitrary. The just government's use of power is thus not a waging of war against civilians, but the proper and necessary use of coercion to protect people against aggressors. But that leaves the unjust government -one which wields power arbitrarily- open to the criticism that it is waging war against its civilians, a

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16 de Jouvenal, ibid., p.25
17 Power implies control -of people, of resources. A killer is not empowered through murder, for any control is thereby lost. To be powerful requires controlling others -it is a form of parasitism, and as such is ultimately inimical to human life.
criticism which can be supported. A government which does not restrain its officers by stringent rules of organisation delimiting the use of power is in principle a criminal regime, or a regime acting criminally.

Wars above the military horizon are defined as being organised usually by governments acting with a state apparatus, whether that apparatus is temporary or permanent. Although governments are theoretically formed on the basis of the ideas that people expect of them, they are in themselves unique institutions holding, or attempting to hold, a monopoly on the use of force. Therefore, the government will have a nature of its own. From which it follows that governments are apt to form different conceptions of how they are to act compared to how the people expect them to act. De Jouvenal writes:

Command is a mountain top. The air breathed there is different, and the perspectives seen there are different, from those of the valley of obedience. The passion for order and the genius of construction, which are part of man's natural endowment, get full play here. The man who has grown great sees from the top of his tower what he can make, if he so wills, of the swarming masses below him.

The individual officers in charge may form the laws or alter institutions according to their own beliefs, but, we can

\[\text{De Jouvenal avows that "Power is authority and makes for more authority. It is force and makes for more force...Or, if a less metaphysical terminology is preferred, ambitious wills, drawn by the lure of Power, expend unceasingly their energies in its behalf that they may bind society in an ever tighter grip and extract from it more its resources." de Jouvenal, ibid., p.157} \]

\[\text{De Jouvenal, ibid., p.116} \]
ultimately contend, they will tend to act in accordance with the nature of the power that they are wielding. If that power is open-ended, officers possess incentives to expand their spheres of activity. If their jurisdictions are prescribed then no such incentives arise. Hayek notes:

That all power rests on opinion in this sense is no less true of the powers of an absolute dictator than of those of any other authority. As dictators have known best at all times, even the most powerful dictatorship crumbles if the support of opinion is withdrawn. This is the reason why dictators are so concerned to manipulate opinion through that control of information which is in their power.  

Sovereignty

For wars above the military horizon the responsibility sits nominally with those who declare war. This is usually the executive branch of a state.

If the executive branch of government is responsible for declaring war, it can be asked whether its members are wholly responsible for the process of war, and for the means used and the ends sought? The answer revolves on the concept of sovereignty.

The concept of sovereignty, like that of the 'state', may be an indispensable tool for international law - though I am not sure that if we accept the concept there as our starting point, we do not thereby make the very idea of an international law meaningless. But for the consideration of the problem of the internal character of a legal order, both concepts seem to be as unnecessary as they are misleading.  

The officers of government are politically sovereign, but they should not be held morally sovereign, for, as has been argued,

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20 Hayek, op cit., p.92
morality exists independently of power. Statism entails the sovereignty of the government, politically and morally, whilst instrumentalism posits sovereignty outside of the government - either with the group as a whole (e.g., Rousseau's General Will) or with the individual. Since the individual is the acting agent of any group (regardless of whether personal or group interests motivate the individual) sovereignty must rest with the individual. Parenthetically, this provides an alternative foundation for a core rights argument, for if the individual is sovereign, it follows that there are certain actions which belong by right to the individual which no other person may infringe. Such rights must be non-contradictory and universalisable. From these arguments, it can be inferred that individuals are morally responsible for their own actions - responsibility for individual actions cannot be delegated or absolved on the group or on the state. Although this is a strong theory of sovereignty, it raises intricate problems regarding the relationship of a government to its people.

For instance, it can be maintained that the responsibility for government policy cannot logically lie solely with those in charge, for even the most despotic leaders rely on the support of the population for their continuing in power. As Dyer notes:

> The whole vast edifice of the military institution rests on its ability to obtain obedience from its members even unto death--and the killing of others. It has enormous

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Hayek, *Law..., Vol:II*, p.61
powers of compulsion at its command, of course, but all authority must be based ultimately on consent.\textsuperscript{22}

Although it is plausible that the officers of the state are morally responsible for their actions, accountability cannot be said to run in both directions. The officers of the state should ultimately be held accountable to the people at large, but the members of society cannot be held responsible for the deeds of those in power. This implies that the civilian population cannot be held responsible for acts of aggressive war.

However, if we accept Hume's dictum that "all human affairs, are entirely governed by opinion",\textsuperscript{23} then the blame for an unjust war, say, must rest with the people. Those in power, the dictum implies, are acting according to what is expected of them, hence successful leaders merely lead where the people want to be led. Nonetheless, blame should not be so diffused.

The simple reason is that officers of state are in a position of power that the normal individual is not, and hence greater responsibility is attached to their position. The principles of just conduct imply that officers should be impartial and equitable and not use their position for self-aggrandisement, even though the nature of power has its incentives to ignore the teachings of reason, as history amply demonstrates. It follows from the concept of just government

\textsuperscript{22}Dyer, \textit{op cit.}, p.102.

\textsuperscript{23}Also found in "Of British Government", Essays Moral...
that rulers ought to be held responsible for their actions, but the population is removed to some extent from that responsibility. To unpack the concept of a just government should be elaborated.

The just government is one that acknowledges itself as the guardian of the society that delegates to it a monopoly on the use of power. This power is a privilege—not a right—to ensure the smooth running of society—the police, army, and courts, etc. Beyond that the functions of the state become dependent on the will of the people to bear interventions into private spheres (e.g. welfare measures).

If the privilege is abused through the use of arbitrary force or for the interests of the officers of the state, the government may justly be resisted. "The government of a free society is prohibited from emulating the criminals it is created to apprehend", writes Peikoff.24 A just government must uphold the freedoms of its citizens against aggressors within and without society. The principles of just government thus vie against the incentives of power structures to expand, especially when there are no obstacles in the way.25 The nominal responsibility for the push for more power rests with those who do the pushing rather than those who let it occur.

24 Peikoff, Ominous Parallels, p.337
25 "This tendency is not due to the form taken by any particular state but to the inner essence of Power, which is the inevitable assailant of the social authorities and sucks their lifeblood. And the more vigorous a particular Power is, the more virile it is in the role of vampire." de Jouvenal, op cit., p.162.
However, de Jouvenal's dictum on power is that it necessarily rests on obedience, which implies that individuals who accede implicitly or explicitly to their government's expansion of power are responsible for the ensuing results. That is, if the government wages an unjust war of aggression, those who do not actively, to the best of their ability, make their disagreements known are guilty of compliance. When the implicit sanction comes from the people, who in the end may become the victims of the growth of power, they too must be held responsible for acts of omission or commission. Therefore, when a war is declared by the officers of the state, it is they who are immediately responsible. If their cause is unjust then they are guilty of acting criminally against morality and of violating rights. But that does not imply that the people are wholly morally blameless.

In reply, ostensibly the onus of ascertaining the justice of war is removed from most of the individuals engaged in war, for citizens cannot be presumed to know of the intricacies of international affairs and hence cannot be presumed to know whether their government is fighting a just war or not.26 Secondly, people have too much at stake in their own institution of government to oppose war policies. In the best of democracies objections to war take extraordinary moral

26 Cf. Bate's consideration quoted earlier from Henry V: "Ay, or more than we should seek after; for we know enough, if we know we are the king's subjects: if his cause be wrong, our obedience to the king wipes the crime of it out of us." (Act IV; Sc.1)
strength. To denounce a war, or how the war is fought, involves running the risk of being ostracised by fellow citizens and impounded or even executed by authorities. Most people do not or cannot remove themselves from their society enough to oppose its aims in war, thus the duties and obligations of the war convention are presumed to fall equally on both sides.

These arguments are weak. The first point, of the citizens' ignorance of diplomacy and hence of the just causes of war, is separable into two elements. The first deals with the intricacies of government and diplomacy, the second with the declaration and the investment people have in their state.

Bertrand Russell describes diplomats as "secret men who live remote from the common needs of the populations whose destinies are in their hands," and adds that:

In every nation, by the secrecy of diplomacy, by co-operation of the Press with the manufacturers of armaments, by the desire of the rich and the educated to distract the attention of the working classes from social injustice, suspicion of other nations is carefully cultivated, until a state of nightmare terror is produced...

The common people, Russell implies, are so removed from political machinations that they cannot be held guilty of the warmongering of those in power. But, elsewhere, Russell also implicitly invokes Hume's dictum:

In modern Europe diplomatists alone cannot make a war; they must have the support of public opinion, and it is

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27 Russell, "Will This War End War", p.15
public opinion that must be changed if there is to be any hope of secure peace hereafter.\textsuperscript{29}

Russell rightly returns the onus of responsibility to the people at large. However, if the majority of people are not educated enough to question the affairs of government, for if traditional beliefs hold government ought to be left to a ruling elite, then their burden of responsibility is concomitantly reduced. However, this provides an incentive for those in power to wrap their affairs in mystery and or to keep the general public from comprehending the intricacies of governing.

When the actions of government and the rules of the state are open to criticism the growth in arbitrary power and the position of a putative ruling elite can be undermined. Nonetheless, even in a system of open government some affairs of state perhaps should remain secret for a period, especially with regards to political intentions \textit{vis à vis} other states.

Godwin disagrees. He believes that a policy of openness on all matters will more likely encourage a citizenry to defend itself, for presumably they have an incentive to defend openly admitted values. Secrecy on the other hand, Godwin claims, is likely to breed mistrust of government, and hence undermine the willingness of people to follow orders. Nevertheless, Godwin's explanation is plausible but perhaps innocent, for as long as international affairs are characterised by a plurality of sovereign states, a balance of

\textsuperscript{29} Russell, "War: The Offspring of Fear", p.40.
power analysis of others’ intentions is perhaps not just pragmatic but also inevitable. This pragmatism introduces a dose of political realism into the notion of the just state, which can raise the criticism that the just state is a utopian construction. The retort is that the just government must be the standard against which present governments are to be judged, and hence does stand as an ideal to be sought. But given that humans are not always peaceful creatures, that they can be destructive and Machiavellian, the just government ought to defend its civilians with such considerations in mind. Rather than an infusion of realism into the paradigm of just government, the theory accepts some of the tenets of political conservatism—that humans can err, that they can be evil, and so on. Hence checks and balances should be provided to ensure a proper defence can be offered, and a check on other nations is to watch carefully their intentions and manoeuvres.

The second deals with the declaration of war. Reasons have to be given to gain support for the war. And these reasons must sit well with the public at large, otherwise the government could not count on their support. The rationalisation and excuses of war are varied—commonly they refer to values that a culture is predisposed to defend. Such values are held culturally in tacit or explicit forms. Tapping into such values assists motivating war. But what constitutes the proper interest of a society can only be reasoned, which
logically entails a defence of general rights and privileges. However, propagandists attempt to manipulate the public’s minds to rationalise why an aggressive war is justified. That this happens is obvious—World War I being a perfect example of the tragedy of militarist propaganda, which emphasises how important an attitude of critical rationalism is for checking propaganda.

The second argument against laying responsibility in war on the civilians is that they have too much invested in their government to question its policies. Perhaps, if it attempts to engage in an unjust war the people cannot but follow. This is weak on a few points. Firstly it ignores Hume’s dictum that government rests on opinion, hence if the government tries to enact a policy deemed unjust by most, it will fall out of power. A valid retort against this is that the government may be too powerful to object to or to defy its edicts, and this certainly has been the case in history of many regimes (e.g., for Argentinean conscripts in the Falklands War, 1982). This is a powerful point and one that must be taken into Hume’s dictum. There comes a point in the growth of power when it controls the propagation of ideas and watches the activities of people (e.g., Castro’s Cuba). Such a government is of course an unjust one and deserves toppling (see next chapter). Nonetheless, totalitarianism releases the burden of responsibility from the general citizenry, for they
effectively become prisoners of a regime, and prisoners cannot be held responsible for the actions of their guards.

The second criticism against the argument from investment is that governmental power is delegated from the people. The rulers, even if they are a separate caste or elite, still derive their status from the greater society. This is true, but the facts fall under the refutation for the previous argument that the power of the élite may be too strong to consider the people nothing but pawns of political games. Opposing this is the theory of objective civil morality, which continues to evolve and to form codes of proper behaviour within which core rights can be disclosed.

The values of justice and fairness develop independently of government, hence it can be argued that such values remain independent of even the strongest government and are standards to which all can appeal its unjust declarations and pursuits of war. However, although that may be true for the generation of values and of criticism, acting out such criticism may be very difficult politically. Again the state's power may be too strong to effect an opposition, in which case assistance can only come from the outside (see next chapter).

The position of responsibility for the greater part of society is hence problematic. Government should depend on the opinion of the population, and on their expectations of what is just government, but the nature of power, that it tends towards a monopoly on the use of force, is such that
opposition to unjust wars becomes at the limit of totalitarianism impracticable.\textsuperscript{30}

The sovereign element of the state commonly possesses a delegated privilege to declare wars. The most important element of this privilege is the justification used.

The next sections outline the main elements of just cause with regards to defensive wars, pre-emptive wars, aggressive wars, and wars of retaliation. A just cause is only admitted against aggression. The first theory concludes that a war is justified only in response to aggression.

\textbf{Defensive Wars}

When an another group initiates violence against the political territory of a society, they violate certain rights. What rights are actually violated is a controversial point, but a coherent theory avoiding logical problems involved with 'group rights' points to the individual members' rights to exist in an independent political entity of their own choosing.

Defencism asserts that war may be justly waged against aggression.\textsuperscript{31} Defencism is the theory that acts of aggression

\textsuperscript{30} There are alternative ways of expressing objection without incurring risks to oneself or family. For the conscientious objector who is forced into taking up arms one practical salvation is to surrender at the first opportunity. If the opportunity to surrender is not forthcoming, then firing over the heads of the opposing soldiers is another possibility. If such actions are difficult then one makes one's objection to oneself —one accepts the dictates of the state, but maintains a conscientious disavowal.

\textsuperscript{31} Martin Caedel, \textit{Thinking about War and Peace}
are always wrong and defensive wars are always right. Although defencism is a sound theory, it is beset with difficulties.

The first problem is that it presupposes much. For example, what defines autonomy, and how are political borders defined, or what if a border people wish to be part of another political group or be independent themselves (recently epitomised in the Kurdish struggle for independence 1990-date)? Such considerations complicate the matter, but the problems only arise if group rights are invoked. Collectivist methodology necessarily creates political problems that focus on the prime consideration of 'who constitutes the group?' to which no cogent answer can be given. Collectivism lingers in interminable problems of defining the group, for it begins its analysis from the group down, whereas political individualism starts from the basic political and moral entity that is the building block of groups -the individual. According to individualism autonomous political liberty can be assumed of groups of people who see themselves as being part of a unified group, from which it follows that they may rightly claim a right of self-determination against which any attacks should be repulsed. The second problem with defencism is the pacifist response that violence should not be met with violence. This critique can be distinguished into two main elements. On the one hand, absolutist pacifism rejects the use of force even

\[32 \text{Russell, for instance, argues: "No war is just except a war} \]
for purposes of self-defence. On the other hand, (act) utilitarian pacifism considers each war on its own merits and deems a non-violent defence to be more beneficial by virtue of the utilitarian maxim to minimise suffering.

Against both arguments is the riposte of Émile Boutroux: "How are we to refute a man who declares: 'I believe only in force, and I am the stronger?'" If it is the case that only the use of force will protect oneself or society against such an attitude, force is justified.

Nevertheless, the use of force is a philosophically intricate problem, and consequentialist concerns must be considered. As one of the tenets of jus ad bellum suggests, just wars must be proportional to the ends desired. War should not be waged disproportionately or even as a first resort. The greatest of efforts must be made to ensure that any decisions to wage war are taken with much deliberation as to the consequences. The pacifist stance is incoherent for any political morality that upholds individual rights and even life as proper values. Not to retaliate against aggression is to reward the use of force, which logically entails a retreat to Thrasymachus' pernicious theory that might is right.

A third problem levelled against defencism lies with the conception of a political society. If the state upholds the

33 This is held, for example, by Mahatma Gandhi, who declares: "Non-violence is the first article of my faith. It is the last article of my faith." Gandhi, "Non-violence is the first article of my faith." p.29
will of the people and it surrenders to another state, surrendering can be considered unjust in demanding the laying down of arms and the surrender of its entire population. Hobbes contends that:

> When in a warre...the enemies get a finall victory; so as...there is no further protection of Subjects in their loyalty; then is the Common-wealth DISSOLVED, and every man at liberty to protect himself by such courses as his own discretion shall suggest to him. 

To avoid a Hobbesian anarchy, it can be maintained that the allegiance of the people must be transferred en masse when their state falls. However, a mass transference of allegiance presupposes a collectivist analysis of the fall of the state. If the people and the state are assumed to be one entity, as Hegel implies, then the dissolution of a state by another must entail that the defeated people now become members of the victorious state. If collectivists wish to disagree with this argument, they are forced into admitting that the rights of the people are separate from the rights of the government and state. This premise might not be too hard to swallow for collectivists, except that it can be analysed at a deeper level, since we can ask who constitutes this group that supposedly has rights? This returns to the inevitably loose definitions of the group to which no adequate answer can be given. Should it be language, or geography, or religion, or race, or culture? So many subdivisions and peripheral examples exist as to make redundant any possible categorisation of

34 Émile Boutroux, Philosophy and War, p.35.
group identity beyond the voluntary choices individuals make. Opposing the collectivist view is the individualist theory of rights which asserts that groups exist only if individuals voluntarily join them\(^{36}\) - thus no problems concerning what constitutes a group identity exists for individualism.

Political individualism entails that political allegiance is thus not something that should automatically be exchanged following the fall of a state, for individuals should be left to themselves to obey the new regime or not. But it can be asked how realistic is such a claim. For instance, the most rigorous of individualist theories, political libertarianism, is hopelessly naive in its prescriptions.

For libertarianism the state logically cannot claim unqualified allegiance, since each individual has a right to act autonomously. Libertarians may envisage a scene in which conquerors demand collective obedience to the new regime, and are faced with the daunting task of getting each individual to surrender. But such a description is absurd, for it assumes that people do not possess any forms of ties with others, such as spouses, friends, family, colleagues, and so on. As de Jouvenal comments;

> in fact the governmental is but one of the authorities present in society; there exist alongside it a host of others, which are at once its collaborators, in that they help it in securing social order, and its rivals, in that, like it, they claim men's obedience and inveigle them into service.\(^{37}\)

\(^{35}\) Hobbes, Leviathan, Part II, Ch. XXIX, p.375

\(^{36}\) I.e., which also invokes a right of exit.

\(^{37}\) de Jouvenal, op cit., p.129
From the second chapter, we noted the importance of membership ties, especially in warfare. Individualism is a coherent philosophy, but it should be amended to take into account the cultural and associative ties people also form in life.

Given these considerations, it follows that although political allegiance should not be automatically transferred, the existence of a plurality of social structures eases such attempts. A pluralist society is easily divided by an aggressor, for mutual animosities between subgroups can be exploited. Although, the presence of a common enemy should be sufficient for subgroups to cast aside their internal divisions, for the group as a whole faces dissolution and extinction as a separate cultural entity if it divides, and history has many examples in which divided societies succumbed to foreign invasions. For example, during its wars of independence (1295-1314) Scotland’s clans were often exploited by Edward I and Edward II, and in English history, the division of the Celtic tribes assisted the Roman invasion of 43AD, and the division of the Britons in the sixth century helped the Angles and Saxons to eventually colonised most of the country.

It can be asked whether the state is the rightful executive of the will of the people, and if so, is it all of the time? Individualism recognises the validity of delegating the right to declare wars to the sovereign element of the government, but that does not imply that the government will
always choose rightly, i.e. in accordance with civil morality and with expectations of how governments should act. Hence when faced with an invasion or incursion a government may surrender against the wishes of its people, or it may conduct its operations so ineptly to warrant losing its privileged status as a government (e.g., Vichy France 1941-1944), in which case the people would be justified in continuing a campaign of defence against an aggressor on the assumption that its government is defunct.

Individual allegiances are usually plural in nature (e.g., to family, friends, nation, ideals, etc.) and hence not solely the domain of the state. As well they should not be, for, although a divided society is vulnerable to outside influences, a strict obedience to the state plays into the demands of power brokers. It follows from these considerations that individuals should maintain other political and social alliances to defend their right to live free from aggression - especially when the aggressor may be the domestic government. When a government is no longer accepted as a viable institution then rebellion against the state and any government that takes over the state becomes just.\(^{36}\)

\(^{36}\) Locke writes: "many have mistaken the force of Arms, for the consent of the people", and that "'tis plain, that he that Conquers in an unjust War, can thereby have no Title to the Subjection and Obedience of the Conquered." Nevertheless, Locke advises that those who waged war justly and were defeated have to remain patient until they can vindicate their claims and reinstate a government favoured by the majority. Cf. Two Treaties, "Of Conquest" §175-7, pp.431-3
But would the existence of a plurality of allegiances imply that wars may last longer than necessary? That is, on consequentialist grounds a victorious conqueror should gain title over all it has conquered, for if rebellion were justified more suffering would result. Similarly, the matters of warfare are complicated by shifting the goal, if it is held that the people may continue the fight. Surely, it can be sustained that the government is the delegated authority of the people and fights wars in their name, so why should political authority become conditional if, say, the government is losing a war? It seems unfair to demand an asymmetrical relationship between the governed and the government—that in terms of declaring war the government holds responsibility, but in terms of being defeated the people now claim rights that were not those when war was declared, particularly the right to carry on the fight. All this implies that wars may last longer than they need as well as invoking an unfair removal of authority when a people feel like it.

It is probable that permitting a war to continue after the defeat of the government will involve intensifying the destruction and death caused. Nonetheless, the previous argument masks statist premises that can be countered by instrumentalism. According to instrumentalism, the government and the state are nothing but tools for the people. They are delegated powers to oversee various functions that the people deem fit. The government’s power is morally conditional on it
doing a good job, by meeting the expectations held of it. If it fails then the officers ought to be replaced, and/or the apparatus -the rules of organisation- changed. Since one of the key tasks of government is to defend the people from aggression, whether occurring within or without the borders of its jurisdiction, it can rightly be argued that if it is not up to the task, its privileges on power ought to be revoked. In which case guerrilla warfare following an improper surrender to an invading aggressor can be considered as a just attempt of the people to reinstate a proper political body reflecting their wishes.

The reason for this is that the government, although possessing a monopoly on the use of force in its jurisdiction, holds power as a privilege, not as a right. We have noted de Jouvenal’s concerns with power, that it will naturally tend to grow, but the essence of power does not invalidate the moral and political status of government, namely that it is secondary in status to individuals. A government may betray its people, or maintain a veil of secrecy over its affairs, so as to conduct operations that would not be condoned by the people, or it may be thoroughly inept.39 Whatever the case, the people have a right to form a new government. And this is true

39 World War Two examples: the puppet Vichy regime in France as one that sold out, and the terror bombing of German cities by the Allies as a closely guarded secret kept from the British public. “We know however that the members of the British War Cabinet who accepted the Lindemann Plan fully realised its enormity because concurrently with its acceptance it was
in peace and in war. Given these considerations, we can return to the question of what constitutes a justifiable defensive war.

The immediate criterion is a military invasion, one destined to do obvious harm to citizens and property. Against any violent invasion a group is justified in defending itself. But against whom should the fight be waged? Should the target be only the government forces of the invading group (i.e., those sanctioned to bear arms), or should it include all elements that are threatening—supply lines for example?

Godwin, for instance, believes that a defensive war does not permit attacks into the aggressor's country;

the operations of war should be limited as accurately as possible to the generating of no further evils than defence inevitably requires...atrocities would be in another way precluded by the doctrine of simple defence...if we never attempted to pass the limits of our own territory.40

But in order to halt an invasion or attack, counterattacks across political borders are justifiable, so long as the targets are military and not civilian. For if the origin of aggression is considered to be out of bounds for a just war, that puts a great strain on military manoeuvres as well as on the moral capacity to punish an aggressor group, and obviously if ever a nuclear defence were justifiable it could hardly be used within a nation's own borders. Godwin uses

40 William Godwin, An Enquiry Concerning Political Justice, p.287
consequentialist reasons to prohibit the extension of a defensive war, yet on similar grounds it can be argued that if an aggressor is not punished by being invaded, it does not incur the true cost of war, hence it possesses an incentive to aggress once again.

Is it only a violent assault that gives reason for a just defensive war? Other non-violent methods may be used aggressively to compel a country to give up territory or to pay tribute in some form. Economic sanctions, for instance, may cripple a nation's commerce and effectively form a siege of its borders. Fraud and blackmail are still forms of criminal activity, whether enacted by individuals or governments, and both may be countered with force if necessary, for they remain forms of aggression. But in recent times the advent of nuclear weaponry has altered what can be legitimately deemed an act of war. I have argued earlier that the attainment of nuclear weapons, in the absence of guarantees, is effectively an act of war. Stockpiling nuclear weaponry is not in itself a violent act of course, but it is too close to being so that it must be constituted as such.

Pre-emptive Strikes

If wars against aggression are justified, does it follow that wars seeking to avoid being attacked are similarly justified? One lines of thought points to balance of power theories, whilst the second to justifiable pre-emptive attack theories. The latter demands that a war against a potential
aggressor can only be just if it is a reasonable supposition that an attack is to take place. For example, troop movements near a border, government rhetoric, the removal of embassies, or the illegitimate possession of nuclear arms, all point to an intention to attack. But in themselves can such reasons ever be deemed sufficient? This is problematic. Military manoeuvres may be interpreted in many different ways, and their occurrence near a border is not sufficient evidence to claim that invasion is imminent. Nor is the attainment of nuclear power, although clandestine attempts to acquire such weapons would be. A government declaration is obvious, and would justify striking first before borders are crossed, or nuclear weapons armed, but the nature of bluffs and intrigue usually make the evidence questionable. The justification of a pre-emptive strike then becomes very difficult to make without solid evidence of intent; although possession of nuclear capacity is obviously easier to discover in principle, in practice finding relevant evidence may be thwart with political problems.\(^\text{4}\)

The balance of power theory circumvents such problems. It prefers a consequentialist outlook -if neighbouring nations are building up their arms, it is far better to attack now than later, for striking first will avoid greater bloodshed in the future if power brokering continued unabated. Justice becomes a pragmatic notion or is even discarded altogether.

\(^4\)Witness the UN's attempts to uncover Iraqi nuclear capability
However, justice cannot be dismissed, for it stands independently of authority. Instead a more complex notion is implied: "for the greater good of the nation, we must strike first, otherwise if we do not we will be defeated in a future war when our neighbours are in a position to outmatch us."

Pure consequentialism as a moral doctrine is problematic, for it firstly rules out any status of intention, and secondly what the consequences will or will not be of an action or of an omission are inherently vague. One cannot ever be sure that a more prolonged war could be avoided if pre-emptive strikes were used.

But on consequentialist calculations a different answer may be derived, namely that balance of power wars have produced more bloodshed than not in the history of humanity. Balance of power tactics, it can reasonably be claimed, expand the arena of war once governments act on such principles, hence an atmosphere of mistrust pervades all international affairs, and the commercial activities of nationals abroad become subject to suspicions of political machinations to form new alliances, gain control over resources and so on. Since such an atmosphere is detrimental to human progress and puts people on a constant war-footing, balance of power principles should be rejected outright.

In reply, it can be argued that it is the very nature of power centres to vie against one another, to be jealous of

in the aftermath of the Gulf War.
their status and envious of any developments. Such is political life, and to discard balance of power considerations from governmental operations is hopelessly naive and dangerous. It leaves a nation unprepared and vulnerable to attack. Far better that such machinations are watched diligently and necessary precautions against any tipping of the balance be avoided, with pre-emptive strikes if necessary. History offers the example of Europe in the eighteenth century when such principles of diplomacy ruled, and wars became more bloodless and civilised by virtue of the strategic capabilities and alliance forming.

The rejoinder is firstly that the bloodless manoeuvres of Eighteenth Century wars were dictated more by economic necessity than by politics, and secondly, that although it may be in the nature of governments to view one another with suspicion and jealously, that need not be the case. Alliances should be more solid, and governments should form federations and hence abolish the need for war within their boundaries. At the logical limit is the goal that all nations will become subject to the rulings of a single world government, or federation of authorities. Even so, federations require the policing of borders, and balance of power tactics will remain in force until all nations are under a single regime.

However, the goal of world government is highly questionable, especially in light of de Jouvenal's critique of government, that it seeks to undermine all other power bases
and such a monopoly will necessarily be a danger to freedom, for the possibility of world government raises the chance that it may become a totalitarian regime, hence a plurality of governments ought to remain in existence to ensure that checks and balances are in place against possible totalitarian aggrandisements.

A solution arises if the two arguments are merged. Balance of power politics should be a tool for a government, for it is a necessary diplomatic requirement in a world of shifting allegiances, but balance of power considerations are not sufficient to justify a pre-emptive strike. Intent to aggress must be reasonably evident, before a defensive war can be enacted. Obviously determining reasonable conditions depend on circumstances and people make mistakes; hence it is far better that possible confusions in a neighbour’s actions are inquired about, and guarantees demanded that no malice is intended, especially if a nation is seemingly acquiring weaponry of mass destruction. From which the jus ad bellum traditional principle is supported that war should always remain a last resort.

Pre-emptive strikes against a potential threat are sometimes justified, but what of wars of aggression?

Wars of Aggression

A war of aggression is enacted when no threat exists. Instead the aggressors seek to justify their war in terms of ideology, religion, moral superiority, or for economic
reasons. The first two can be grouped together, for they imply the argument 'you do not agree, then prepare to be forced to, or die'. The third argument claims that 'we are special people ("God's chosen", "racially superior"), hence we have moral superiority over you ("heathens", "heretics", Untermenschen'). The fourth entails the argument 'we need those resources (land, labour, capital), and we're going to get them through force'.

An initial problem is defining what constitutes 'an attack'. Is it the destruction or pillage of resources or land, or the killing of people? Is it necessary for the people or property to be within the nation's borders? A good start is that an attack is the use of physical force against individuals of a group. However, non-violent policies may also constitute an attack, for just as fraud against people is a crime yet non-violent, an economic blockade or forging false treatises involve non-violent measures which are essentially criminal. Given this qualification, a group may justly defend itself on grounds of self-defence to protect itself against an initiation of force - military or economical, for both undermine its ability to reproduce itself economically.

The initiation of physical force can never be justified, despite attempts to rationalise it.42 A host of

42The poet John Ruskin offers a vivid description of the rationalisation of aggression in his inaugural lecture in Oxford, 1870: "There is a destiny now possible to us, the highest ever set before a nation to be accepted or refused. Will you youths of England make your country again a royal
rationalisations justifying aggression pervade history, but initiating aggression is always wrong, for it is inimical to living qua humanity.

Using force against an unjust government (Chapter Thirteen) is not in itself an act of aggression, but of extended self defence, for an unjust regime has, as its description implies, already initiated arbitrary coercion against its civilians.

The ideological justification of aggressive war follows from many political and religious standpoints, but is epitomised by the relativist epistemological claim that: "we are right, you are wrong", which, when such matters are to be fought over, entails the evil of might determining right. The ignorance of an enemy supposedly provides a righteousness to wage war against them.

Three counter-arguments stand against aggressive war on the ignorant. Firstly, if the people are deemed ignorant but capable of learning the Truth, then reasoning would be more efficacious than beating them into agreement. Assuming that they were capable of rationality, it would only require teaching to get them to understand the Truth, not violence.

throne of kings, a sceptred isle, for all the world a source of light, a centre of peace and mistress of learning and of the Arts, faithful guardian of time-tried principles?...This is what England must do or perish: she must found colonies as fast and as far as she is able...[your] first aim is to advance the power of England by land and sea.” Quoted in Denis Judd, Empire, p.121.
The second argument takes issue with a possible difference in rational capacity among groups: if a group is ignorant of the alleged Truth, and entirely incapable of comprehending it, mutually beneficial arrangements can still be made. This is analogous to David Ricardo's principles of comparative and absolute advantages in trade, that if one person is comparatively better, or even absolutely better than another at certain or even all tasks, they may still trade and both be made better off. 44

The third counter-argument is more general. How does righteousness translate into a right to enslave or kill others? No justification can emerge here. The problem requires a deeper analysis into the tenets of moral and epistemological objectivism, which was dealt with earlier and which has obvious implications for the status of aggressive wars. Can truths be known at all? Or is truth or knowledge relative? More to the point for political and moral philosophy is the question 'can a person be infallible?' The obvious negation implies that wars of aggression can never be justified on the basis of ideology that claims the "Truth" is possessed by some and not others. Secondly, force is not a good medium for learning or for teaching, for the human mind requires stable

43 This is Vitoria's argument concerning the status of American Indians who were ignorant of the tenets of Christianity. "On the American Indians".
44 For example, a professor may be a quicker typist than a secretary, and is also more capable of writing papers, but it still would be in the professor's interests to employ a secretary.
and peaceful conditions to wield its potential and to attempt
to answer questions about reality.

The argument from ideological righteousness is therefore
polemical. It supports ideological and religious crusades and
jihads, wars on behalf of the God of Truth, however conceived.
It supports a culture of dogmatism and narrow-mindedness, and
hence a distrust and hatred of people who dare to oppose the
official tenets. It is, of course, a politically advantageous
doctrine for statists to propagate, for controlling the flow
of information from government to the people is much
facilitated by intolerant minds.

The inverse of this analysis (see Chapter Fourteen) is
that nominally aggressive wars against fanatical regimes may
be justifiable. Such regimes may be deemed ‘loose cannons’,
perilous to humanity as a whole, for they can strike out
arbitrarily and without mercy or restraint against those who
deny what they see as the truths -this is especially true in
the nuclear era. Just interventions are called ‘nominally’
aggressive, for their justification is based on the theory of
extended self-defence.

Aggressive wars against less civilised peoples have been
common in humanity’s history. Perhaps technological advantages
provide strong incentives for an easy war. Aristotle outlines
the perennial justification of such primary wars as reflecting
the nature of human society -that some are born to rule
others, and war is the method of ensuring this division. Others have considered that less civilised peoples are obstacles in the way of progress, so warring against them is not so much the ratification of an alleged natural division of the species, but more of a clearing the way for the resources of the earth to be better used through colonialism. But the attempt to justify colonial wars on the basis of expanding civilisation is morally suspicious. Reasoned justice demands treating independent groups as equals, otherwise if some are considered more equal than others any notion of equality before the law is rendered inappropriate.

The immediate challenge to imperialist warmongering is why should primitiveness be a criterion for losing rights of social independence? What gives an intellectually, Aristotelian justification for wars of this kind? Aristotle: “Hunting ought to be practiced — not only against wild animals, but also against human beings who are intended by nature to be ruled by others and refuse to obey that intention — because war of this order is naturally just.” Politics, 1256. Incredulously, given his liberalism, Russell gives support to this justification on the spurious reason of expanding civilised values. “Such wars,” he writes, “are totally devoid of technical justification, and are apt to be more ruthless than any other war. Nevertheless, if we are to judge by results, we cannot regret that such wars have taken place. They have the merit...of leading in the main to the survival of the fittest, and it is chiefly through such wars that the civilised portion of the world has been extended from the neighbourhood of the Mediterranean to the greater part of earth’s surface.” Justice in War Time, p.27.

Similarly, the founder of Rhodesia, Cecil Rhodes comments that: “the English speaking man...is a type of race which does now...the most practical, effective work to establish justice, to promote liberty, and to ensure peace over the widest possible area of the planet.” Quoted in Judd, op cit., p.122
technologically superior nation the moral superiority to enslave, to enact genocide, or forcibly to move a people from its lands? One ostensible justification it is for their own good. Another justification is that such peoples obstruct progress, hence they ought to be removed to benefit humanity as a whole.

The first argument assumes a patronising position, spuriously justified on the basis of cultural or technological superiority. It entails the argument that there is only one way of progressing for humans and "we're going to force you to join it". The argument is unsound. Humanity's evolutionary success stems from its ability to adapt and to experiment, hence to assume that one group possesses the 'truth' on how humans should live is presumptuous and falls to the criticisms levelled against assumptions of ideological supremacy. Secondly, who is to decide and by what alleged objective standard are different civilisations to be compared? Material differences do not imply that one group is happier than another, and such subjective notions as happiness cannot be used in moral or political arguments to justify intervention or positions of patronage. Unless it is a war against unjust regimes that violate core rights. All we can assume is that people will prefer better conditions to worse, but what constitutes good and bad depends initially on cultural

Russell is obviously influenced in part by social darwinism here, which has been refuted in Chapter Eight, whereas Rhodes is also envisaging an historicist claim to English supremacy.
expectations. Reasoning and knowledge can open up new vistas of what would be better conditions (e.g., reduced poverty and disease), but war can hardly be said to be a policy effecting a betterment for a people than peace.

The retort is that the strongest will survive, hence the stronger, more civilised nations should overrun the weaker nations. This is assumed not to be a moral argument, but a factual claim which is extendible to a prescription that primitive weaker societies have no place in the scheme of things, a formula epitomised in the argument "it's a dog-eat-dog world, and if our nation does not strive for supremacy, some other nation soon will." However, Darwinian analysis deals with fitness not strength. For the fitter to survive implies that those capable of adapting will more likely survive than those who do not, and warring against others is conducive of parasitism, which is logically ultimately self-destructive.

The most conducive means of survival is the mind. Reason and tacit and explicit ideas assist people to survive, and the mind and social co-operation work best in stable, peaceful conditions rather than conflict and war. To wage war against all, as Heraclitus, social darwinists and Hegel prescribe, in attempts to rise to hegemony is inevitably counterproductive. Militarism entails a restricted society in which all productive talents are turned towards feeding a war machine, and no evidence in the natural kingdom suggests that might
guarantees survival. Quite the contrary: survival depends on being fit to survive, not being massive, or strong, or armed to the teeth.

Militarists may acknowledge this, but counter that it is a fact that an aggressive nation will secure territory through force and hence assist its people to survive. It is the nature of power, as de Jouvenal notes, that “[c]onquest, and nothing but conquest, gives birth to large formations.” Historically, the evidence superficially supports militarism, because the majority of governments have presided over people and lands gained through force. Locke, for instance, concedes that although the just government is one founded on the consent of the people;

yet such has been the Disorders Ambition has fill’d the World with, that in the noise of War, which makes so great a part of the History of Mankind, this Consent is little taken notice of...

This reality is evinced in history, for periods of peace have been rare, and empires and nations have only succeeded through their ability to defend themselves, to play balance of power politics well, and to assert themselves when necessary.

A just government is defined by its objective limitations and use of physical force in its jurisdiction. Any private use of force beyond reasonable requirements of self-defence is rightly outlawed when a just government exists. Competing protection agencies (e.g., Mafia) within the state’s

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47 de Jouvenal, op cit., p.99.
46 Locke, Two Treatises, p.431 “Of Conquest”, §175
jurisdiction should also be banned, for the members of a polity should have recourse to a morally objective and neutral organisation.

Incidentally, Robert Nozick’s arguments for an invisible-hand evolution of states are ostensibly plausible, were people to make their choices freely and peacefully. Nozick argues that from among the many competing protection agencies that arise to meet demands for the protection of individual rights a dominant protection agency will eventually emerge and, possessing a monopoly over the use of force, becomes a de facto state. Nozick describes the process as such:

Out of anarchy, pressed by spontaneous groupings, mutual-protection associations, division of labour, market pressures, economies of scale, and rational self-interest there arises something very much resembling a minimal state or a group of geographically distinct minimal states.49

This process is plausible if individuals were always motivated by peaceful coexistence and acknowledgements of rights. Historically the evidence has been to the contrary of course. People have been motivated, for instance, by glory and power, hence dominant protection agencies have emerged, for the good part anyway, from violence and might. Self-interest and economies of scale may have acted to temper or to avoid wars, but most politically unified nations emerged through military victories. This does not mean that the present institutions and political boundaries should be beyond the pale of moral, peaceful considerations -i.e., moral positivism is not
implied. On the contrary, acknowledgement of the rights expected by the just rules of conduct should be the standard to assess the validity of states.

From historical evidence it can be inferred that the sole choice is to assert one’s might or be enslaved, which recalls Aristotle’s theory of war. But the militarist conception of history can be refuted from a few angles. Firstly, human affairs are generally the product of ideas, of tacit and explicit agreements, notions, beliefs, and philosophies that converge to form ideologies by which people live. Militarism is only one such ideology, hence it need not be chosen. If, however, people choose to live a militarised life, in which the state directs all productive activity into the war machine, then it follows that the international arena is characterised by a war of all against all, and peace becomes the lull before the inevitable storm. But such conditions can always be bettered by a change of philosophy. War is not the father of all things, as Heraclitus described it, for peace is, and only social co-operation can promote better conditions for humans, by assisting a division and specialisation of labour.

Secondly, there is a logical gap between the assertion that history offers examples of governments using aggressive

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50 The aims of war for Aristotle are: i) to prevent men from being enslaved, ii) leadership skills, iii) to enslave those who ought (naturally) to be enslaved, therefore “the
war successfully to gain and hold territory and that such policies ought to be prescribed. This logical gap is Hume's Law that no 'ought' can be derived from an 'is'. Although Hume's assertion remains controversial, in this instance it can be upheld, for the existence of at least one counter fact is sufficient to render any jump from an 'is' to an 'ought' probabilistic. Switzerland, for example, has never possessed an empire, yet has also remained at peace for a few centuries.

Finally, militarism is an incoherent philosophy. Peace and security are presupposed within the nation's borders, for the state would not be able to act efficiently in an anarchistic, chaotic society. The militarist state thus assumes internal stability, but permanent war is assumed to be the norm over the borders. But why should the rule of chaos, of the strong conquering the weak, be assumed to be a good situation beyond the borders, but not within them? A possible retort is that it is because the international arena is similar to the domestic one in that the ultimate goal is a monopoly of power -a world hegemony, in which case we revert to the critique of a world government above. Otherwise the militarist thesis remains unconvincing. If better conditions can be promoted through the tapping into the productive capacities released through social co-operation and the division of labour, then improvements can be made by extending co-operation beyond the borders. Freedom begets prosperity, legislator should make leisure and peace the cardinal aims of
and freedom requires peace and the surrendering of arbitrary force.

This last discussion invokes the argument justifying aggressive wars to push people off purportedly under-utilised lands. Allegedly 'backward peoples' are 'in the way of progress'. But what is defined by progress is susceptible to much consideration, especially as the notion is tinged with historicist and social darwinist assumptions. Nonetheless, we can unequivocally claim that expanding the sphere of co-operation and reducing the sphere of arbitrary coercion by others form a necessary and sufficient causal condition for progress. Co-operation and freedom are a more effective method of releasing human potential than violence, and progress can only occur if people are free and co-operate. However, a seemingly strong rejoinder is that under-utilised lands could be more productive, and in the end create more wealth for all if the 'backward' peoples who reside there are removed or enslaved into more productive work. This justification of imperialism is valid economic reasoning, for if a nation with more capital at its disposal were to colonise one with less capital, then an increase in the aggregate standard of living is, ceteris paribus, ensured. Economically then an apparent justification exists to colonise the lands of backward groups.

This justification connects easily to a policy to open up all legislation bearing on war..." Politics 1334a.
forcefully such lands -using regular troops to garrison and quell indigenous revolts.\textsuperscript{52} However, economic (utilitarian) justifications are not always moral justifications.

A refutation of economic imperialism lies with the notion of property rights and the moral status of economic ambition. Firstly, indigenous peoples may have no concern for private property rights, and may have no notion of a right to collective autonomy. Contentiously their lack of such institutions gives a justification for forcing them into other lands, through a mass-expropriation. But this form of aggressive war can never be justified. Theft is still theft, even if the person being robbed does not understand legal or customary entitlements to property. Secondly, the goal of increasing wealth is a noble end, but as with any ambition, the end does not necessarily justify the means. It is not right to remove indigenous folk from their traditional lands for the sake of creating wealth, even if this potentially increases the material well-being of the whole world. With assumed property rights (for peoples not acknowledging or possessing knowledge of property laws), what a person, or a community as a whole, does with the resources and talents at his or her disposal should be a private issue. The right to autonomy entails that each individual has a right to pursue

\textsuperscript{51}For instance, the wealth of North America increased with the settling of the lands by Europeans bringing with them capital to invest into farming and industrial enterprises.
their own paths in life and not be governed by other people's considerations of what they should be doing. Hence we can conclude that a person should not be forced into being 'more productive', even if, according to utilitarian calculations, more people will be better off in terms of material goods available.

Aggressive wars remain morally unjustified. Reasons of ideology, religion, or supposed moral, political, or economical superiority, do not give a right to wage war.

The next section deals with the problem of retaliation. Given an attack, is there a moral justification to react with war?

Retaliation

Nature, antecedent to all reflections upon the utility of punishment, has in this manner stamped upon the human heart, in the strongest and most indelible characters, an immediate and instinctive approbation of the sacred and necessary law of retaliation.

-Adam Smith

Retaliation divides into punishing for a deed already done and exacting a redistribution following a crime. In the first sense the aim of retaliation is to punish an offending nation for a prior offence, in the second sense, it is to retrieve a destroyed or stolen value. Wars of retaliation can be considered as forms of extended self-defence, since the crime of aggression has already been committed, and a chance

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52 Such is the history of the British policy with the Hudson Bay company in Canada for instance, and the United State's policy towards the opening up of the West.

53 Adam Smith, The Theory of Moral Sentiments, p.70.
arises to retaliate. Yet acts of retaliation and acts of self-defence are separable. A case has to be made then to establish the claim that retaliation is justifiable on grounds of self-defence.

Although a harm has been committed, it does not necessarily follow that a nation has a right to retaliate, to exact a punishment and retribution for the crime. The just war tradition assumes retaliation is a just cause, but a justification of retaliation should sit consistently with other notions of just conduct, as well as being valid in itself. Establishing this principle is important, for it could be argued that the essence of retaliations is lex talionis, and such a law is inimical to civilised society. However, this critique supports pragmatism, which entails that the truth is what works. Such reasoning is inadequate, although the proper use of retaliation should always consider the consequences. Other criticisms of retaliation are more thorough and thus must be examined.

The first argument is that retaliation is pointless. The evil deed has already been committed, and hence it does not follow that any good can ensue from attacking an aggressor. A better policy may be to 'turn the other cheek', or to show an intention not to be invaded in the future. Retaliating after the fact achieves nothing but more misery and is to be condemned as immoral.
However, it can rightly be argued that such reasoning is hopelessly naive. If one does not retaliate against aggressors, the likelihood is that they will commit the crime again. And if we are concerned with removing an incentive to do future injury then a past injury must be revenged. An intention to defend oneself in the future and thus offer no retaliation is pointless, for a precedent has already been set in the minds of the aggressors, namely that they can get away with criminal activities. Therefore, the guilty must be punished for committing the crime and for purposes of deterrence.

But, it may be countered, punishment may only incite anger and form the seeds for future wars and is thus a counter productive strategy. Indeed, Bentham claims that “All punishment is mischief.” A philosophical distinction arises between the consequentialist and the intrinsicist positions on this point. Consequentialism considers the results of an action, hence it can assert that a retaliation causing more harm than good should be avoided.

It may be claimed that retaliating for reasons of deterrence rather than retributivism is more acceptable, for retributivist actions may irritate another nation sufficiently for it to attack again, however retaliating in the name of deterrence similarly falls under the same criticism. Intrinsicism considers the harm done in the evil of aggression and maintains that retaliation is just. Intrinsicists
emphasise the retributivist aspect of retaliating, arguing that a crime ought to be punished.

However, as separate philosophical positions they do not generate coherent positions, but combined they form a reasonable argument that retaliations are intrinsically just but ought to be enacted only if the benefits to the attacked community outweigh the costs. For instance, waging a retaliatory war for a small border incursion may be best dealt with at the diplomatic level. But retaliating against a nuclear strike is problematic. To retaliate in kind may provoke a grave escalation that neither side can win, whereas not retaliating may send a signal to the aggressor that “enough violence has been done, let’s talk.” As with other areas of the justum bellum tradition, justice becomes highly contextual at such junctions.

A compromising position is useful. Following an attack a nation has a right to act against the aggressor, but whether retributivist punishment is useful or not depends on the context -e.g., the mind set of the aggressors, the cost of the not retaliating, balance of power considerations, and so on. In other words the principle of proportionality should be a guiding standard. Secondly, acting to deter future violations is just, but the intended targets must comply with the rules of jus in bello. Punishing some for the crimes of others is a thoroughly barbarous practice. The cause of the aggression should always be sought out. Perhaps it is an ambitious
government seeking territorial aggrandisement, in which case actions can be taken to either overthrow the government directly or indirectly, but the problem is exacerbated if the people as a whole seek and glorify war and hence can be called morally culpable for their government’s actions. In such cases, policies have to be taken to against further attacks and to attempt a change of the aggressors minds through raising the cost of war or through other measures.

There is no easy answer here to Boutroux’s problem of how to deal with the person who believes in force. Sometimes stooping to their level seems necessary. Hence retaliation is nominally justifiable, but should always be intended against the individual aggressors and not be taken into lightly.

Conclusion

In supporting an instrumentalist theory of the state, a government has a right and a duty to defend its people against aggression and to act to avoid reasonably anticipated attacks. Wars of aggression are rightly deemed to be criminal acts. The initiation of force is immoral, except in cases of intervention against unjust regimes. Wars of retaliation are complex affairs, for retributivism is not always conducive to furthering peace, but deterrence may well be used against intransigent governments who steadfastly maintain a desire to use force internationally (as recent events with Iraq seem to prove [1990-date]).
CHAPTER THIRTEEN

INTERVENTIONISM
Just interventions are extensions of the principle of defensive wars - that war may justly be waged against those who initiate violence. Since defensive wars against aggressors are justified, it follows that going to the assistance of a people or nation being attacked is just. However, problems arise over how an intervention is to be defined, and other issues concern how welcome is an intervention, and finally whether a government has a positive duty to assist others in need? It is concluded that governments have rights to intervene in others' affairs when an intervention would be welcomed, and they possess a duty to intervene if and only if core rights are being violated. By core rights I mean the rights to life, liberty, conscience, freedom of speech, movement, etc..

'Interventionism' is a government policy designed to alter a state of affairs in a group of people. It is a policy of using or threatening violence enacted by a government with the backing of its apparatus of force and coercion. In the case of domestic interventionism (economic interventionism) that apparatus is the police force (or the army acting as a domestic policing force as in Northern Ireland 1969-date), in the case of international interventionism it is the army. Although intimately connected with economic interventionism for its use or threat of force, the focus here is on international interventionism.

Interventionism can incorporate direct activities such as the use or threat of war, as well as indirect activities such
as assassination, subversion, and economic embargoes of all
descriptions. However, a distinction must be made between what
may be considered to be acts of intervening from true
interventions that are backed by government sanctions. Moral
persuasion and the voluntary actions of the members of a
community involve what is termed ‘pseudo-interventionism’.

Reasoning or persuading another group of people that a
chosen policy, or a certain tradition, is wrong either morally
(given a certain standard) or on consequentialist
considerations (the policy will not achieve what it’s meant to
achieve) is not an example of interventionism. Reasoning
includes all forms of rhetoric, example, persuasion,
exhortation, counselling, discourse, and so on. The other
group changes policy or tradition only if it desires to
change. They do so voluntarily. They may see the wisdom in
changing their ways, or they may feel that it will make them
look good in terms of a wider community –either way the desire
to change comes without coercion.

Likewise, the breaking off of diplomatic relations does
not imply the use of force. This is an essentially peaceful
attempt to alter another government’s actions in effect by
removing acknowledgement of its international political
status. If the other party does not desire to change its ways
then the two groups may agree to disagree, or both may
mutually benefit from discussions, or go their separate ways.
Voluntary decisions on the part of a people may change a nation's values, since trading in goods and ideas can change a society. Such changes should not, for the most part, be deemed interventionist. Changes in culture and language that result from the voluntary decisions of many individuals cannot be tied to any form of interventionism, for the policy of interventionism is a policy of threatening or using force of some description.¹ There is no force involved here, only voluntaristic patterns.² Whether such examples exist is hard to ascertain, for commonly the expansion of freedom of trade has been connected with imperialist policies. Following World War Two (1939-45) when Western imperialism dwindled as a political value, it can be argued that various societies (e.g., Taiwan, Malaysia) voluntarily took up what are referred to as 'Western values' through the influence of non-violent commercial ventures, however, critics may point out that previous military activities in the region could be considered as a necessary precursor to changes in the culture of the people.

Interventionism proper is characterised by the use or threat of force to alter a political or cultural situation nominally outside the intervenor's jurisdiction. A government

¹ Note, "for the most part", for it has not been beyond the methods of states to use free trading companies for political purposes: and when such companies comply -willingly or not-they become part of the governmental apparatus. E.g. The Hudson Bay Company in Upper Canada, the East India Company in India.

² That an individual is subject to the choices his or her fellow citizens make daily that are not to his or her liking
may also intimidate a nation into submitting to its will—for example, by asserting its political might and that of its allies (e.g., international pressure on South Africa in the 1980s). Although the use of intimidation sits between the use of reason and force, and hence raises interesting philosophical problems, I will focus on the use of force.

In the international arena a government uses military or paramilitary forces to intervene. The policy may take different forms of severity, for example: a movement of troops and weaponry nearer to a border as a strategic threat (intimidation); a military enforced trade embargo; military backed coups or insurrections; surgical strikes against targets such as key personnel or buildings; territorial invasion by crack troops who disrupt communications; territorial invasion by regular divisions; threats of nuclear attack; and the use of weapons of mass destruction.

**Goals of interventionism**

The general objects of interventionism include forcing a change of governments (e.g., Iran, 1979), people's expectations of governmental activities, or general attitudes of just conduct not held as appropriate in the wider international community (e.g., South African Apartheid). Specific goals of interventionism can be to change a state apparatus or its personnel (the government), to remove a particular statesperson or group, to change specific or is not to describe that individual as being 'forced' to accept change.
general policies, to alter cultural or political beliefs, or even to alter patterns of economic and population distributions.

Interventionism need not involve the existence of another state, since any forceful action taken up by a government against any persons external to its own political territory or jurisdiction is interventionist. Interventionism thus applies to non-state activities as well as non-state or pre-state peoples. It can thus attempt to alter others' cultures.\(^3\)

What is a necessary condition for interventionism is that it is the policy of a government. It is not necessary that the object of interventionism is another state.

Usually, though, a policy of interventionism is aimed at a government, its policies, or even its state. This goal can be achieved directly or indirectly. Direct means include forcing a change of law or institutions. Indirect means include forcing a replacement of the personnel of the state, the idea being that the new officers of the state may enact the desired changes.

To summarise, interventionism is a policy enacted by a government to affect the affairs of its citizens, or citizens of other nations, by force or the threat of force.

Non-interventionism

\(^3\)For example, a government alters the pattern of life of a nomadic anarchistic group of people, or interferes in the legal conditions of foreign nationals living in its borders.
Non-interventionists claim that their policy is conducive to the limiting or even the abolition of war. Bertrand Russell, for example, is optimistic on the possibility of non-interventionism leading to peace:

Non-intervention, sincerely and continuously adopted as a national policy, will make it gradually possible to conclude an increasing number of arbitration treaties with other countries, and so to diminish the number of possible enemies...And in time, among civilized nations, war may cease to be regarded as glorious, and may come to be viewed with horror as the greatest crime and the greatest folly of which otherwise sane men are still guilty.4

Yet non-interventionism raises many moral problems, the greatest of which is the omission to do justice when a people are being oppressed. Non interventionism ought to be rejected. But that does not imply that interventionism offers a carte blanche -like any use of physical force, interventions should be strictly defined by an objective code.

I shall next look at the argument for non-intervention, on positivist, utilitarian, and on isolationist grounds, before moving onto explicating the argument for interventionism.

**Positivist non-interventionism**

The whole history of liberalism is that of a struggle against the positivist conception of the omnipotent state.

-Friedrich Hayek5

Arguably the most popular contemporary criticism of interventionism stems from legal and moral positivism. Moral

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positivism stresses the value of existing moral standards rather than what morality ought to be. Present morality is assumed to be just, hence moral positivism entails that criticism of a standing morality is impossible, for no other conception of morality can be justified except the present one. A logical link can be made with legal positivism, which is examined in this section, in which the decrees of the executive of the government are claimed to be the source of moral and legal rightness. Legal positivism thus denies the existence of a greater body of civil law and morality existing externally to the dictates of the state to which the government ought to be subject. The state is the source of the law, which implies that criticism of the law as it stands is impossible, and as Popper argues, this entails the premise that 'might is right'.

With regards to international law legal positivism emphasises the sovereignty of individual governments. It supports a form of statism in an extreme interpretation that entails a policy of non-intervention. Political frameworks are deemed inviolable, hence no nation has the right to intervene in any of the affairs of another. Positivist non-interventionism splits into pragmatic and absolutist forms.

5 Hayek, Law...: vol.II, p.61
6 As a moral theory, legal positivism gives precedence to governments and their sovereignty over territory and citizenry, which implies the theory of statism.
The pragmatic form allows some intervention in extenuating circumstances, the absolutist form never. What is ruled out though is any kind of "moral crusade" against another government. As such it has been useful in spelling out a liberal position on interventionism, yet positivism's implicit support of relativism and/or moral positivism through its principle of territorial inviolability undermines the consistency of the theory.

Positivism denies the possibility of a just war of intervention, since the only just cause a nation can have for going to war is to defend itself against aggression, i.e., against an attack on its political sovereignty and territorial integrity. This begs the question though of how positivism relates to concepts of justice.

Traditional rules of just war assume that in a war one side has to be right and one side has to be wrong. The side that is right is thus fighting a just war, whatever standard of justice or the good held. However, the doctrine of positivism effectively renounces the concept of a just war, for theorists note that both sides could ostensibly be

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8As a moral theory, legal positivism gives precedence to governments and their sovereignty over territory and citizenry, which implies the theory of statism.

9Indeed that there is justice to be implemented in fighting wars implies that third parties should not sit idly neutral, for they are obliged to intervene on the side of right, as Augustine notes: "It is the injustice of the opposing side that lays on the wise man the duty of waging wars." St. Augustine, quoted in Stephen Neff, "International Legal Aspects of Rescue" p.162. Cf. Concerning the City of God Against the Pagans, p.862.
fighting a just war, hence no duty arises for third parties to intervene on one side or the other. Thus, according to legal positivism, if either side could be said to be fighting with justice on its side, the observer would have to look for other criteria to distinguish who is in the right and who is in the wrong. For positivism this means considering the legalist aspects of war, as compared to the greater body of civil morality, i.e., which entails a support of moral positivism and hence cultural relativism.

Nonetheless, assuming both sides to possess just cause is not very productive, since it presupposes differences to be inherently irreconcilable, unless a third party acts as a mediator. (The problem with mediation is that it puts the third party in a particularly powerful position, as evinced by the attempts of the Popes to wield greater influence over the European monarchs of the Early Middle Ages.) Hence connected to the positivist rejection of the concept of just cause is the rise of the concept of neutrality. If governments stand equally as independent entities it follows that their sovereignty ought to be respected. An optimistic positivist strain argues that wars could be abolished by strengthening and expanding this doctrine of neutrality, as Stephen Neff comments:

In this kind of atmosphere, it is hardly surprising to find that violations of the law of neutrality were looked upon very seriously in international law and that one of
the most heinous acts possible was to mount a deliberate and cold-blooded attack on a neutral state.\textsuperscript{10}

Although legal positivists try to remain morally neutral, in the act of describing existing laws and upholding states' neutrality they propose a system of rules that necessarily presupposes moral claims to which international actions such as interventions can be compared. That is, governments are entities deserving moral consideration and any action undermining their moral and political status is deemed immoral. Since governments are independent entities, any violation of their rights is to be met with condemnation and the right of the victim government to means of self-defence. Yet positivism rests on the supremacy of the state as a moral and political entity.

Governments, according to the positivist position, possess rights to political sovereignty and territorial integrity which ought not be violated. Although positivism and non-interventionism are two distinct positions (i.e., non-interventionism may be upheld for other reasons), it is common for positivists to uphold a policy of non intervention because they hold dear the supposed rights of governments.

But why should governments possess rights? Although defining what is a 'government' is an onerous task, positivists like to provide analogies to individual rights to offer an explanation of why they should possess rights; i.e.,

\textsuperscript{10} Stephen Neff, "International Legal Aspects of Rescue", p.167.
just as individuals have certain rights so analogously do governments. One of the modern founders of legal positivism, Christian Wolff writes:

Nations are regarded as individual free persons living in a state of nature. For they consist of a multitude of men united into a state. Therefore since states are regarded as individual free persons living in a state of nature, nations must also be regarded in relation to each other as individual free persons living in a state of nature. 11

This conception of states as individuals is prominent in political philosophy, as Charles Beitz notes:

Perceptions of international relations have been more thoroughly influenced by the analogy of states and persons than by any other device. The conception of international relations as a state of nature could be viewed as an application of this analogy. Another application is the idea that states, like persons, have a right to be respected as autonomous entities. 12

Since interventionism assumes that states possess for the most part inviolable rights, it follows that what goes on within a state's boundaries is politically sacrosanct.

The moral theory of relativism can be considered to be a logically necessary condition of positivism, for no universal code is accepted by which a society could seek to impose universal justice on a society or government violating the common code. The implication is that interfering with other civilisations or societies' codes is wrong, for such an action would assume that one system of rules is somehow morally superior than another.

12 Charles Beitz, op cit., p.69.
Positivists can thus uphold non-intervention as an absolute policy that no external agent may interfere within the defined jurisdiction of the state. At the one extreme, the formulation of this view implies that the government is something over and above the citizens within its jurisdiction. Hegel, for instance, provides the state with an ethical status of mythical proportions:

The state is the actuality of the ethical idea....This substantial unity is an absolute unmoved end in itself, in which freedom comes into its supreme right.

Whilst at the other end is the idea that governments' rights are derived from individual rights. For example, Hobbes' notion that in forming a government, each individual gives up some rights to benefit from state protection.

Whatever the particular justification, the upshot of the positivist theory is the assertion that government possesses rights that supersede the rights of the individuals forming its jurisdiction. This is upheld, for instance, by Rawls. He argues that in international affairs the governing principle (defined in the original position) should be the equality of nations:

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13 Wolff asserts: "no ruler has the right to interfere in the government of another, consequently cannot establish anything in its state or do anything, and the government of the ruler of one state is not subject to the decisions of the rule of any other state." *Jus Gentium Methodo Scientifica Pertractatum*, p.131.

The independent status of governments is upheld by many recent writers including Michael Walzer and John Rawls, and is instantiated in the UN Charter, article 2(4).

Independent peoples organized as states have certain fundamental equal rights. This principle is analogous to the equal rights of citizens in a constitutional régime. One consequence of this equality of nations is the principle of self-determination, the right of a people to settle its own affairs without interference of foreign powers.¹⁵

Positivism is wrong in its assumption that governments possess rights over individuals, since governments exist as a tool to protect rights.

In common with other attempts to justify non interventionism problems arise when a call for assistance is made by an oppressed group. For example, the Kurds' request for assistance in the aftermath of the Gulf War (1990-91), went unheeded because of the presumed sovereignty of the Iraqi government. The absurdity of positivism was highlighted by the protracted inaction of the United Nations and other governments, which followed a concerted UN effort to remove Iraq from its neighbour Kuwait partly on the grounds that the Iraqi invasion violated the sovereignty of Kuwait. Because the underlying premise of positivism is collectivist - the state is assumed to be the moral and political head of a country- the same aggression against the Kurdish peoples of northern Iraq sat uneasily with the UN. If, on the other hand, the premises of political theory uphold individualism, then no problem arises. The Iraqi government's aggression against Kuwaitis and Kurds is condemnable on the same ground - as violations of individual rights.

Intervention can either be for disinterested, humanitarian reasons of some description, or it can be for the interests of the intervening state. The positivist non-interventionist tradition denies the right to intervene on either ground. Even oppressive inhumane policies do not give another state the right to interfere, as Wolff contends:

If a ruler of a state should burden his subjects too heavily or treat them too harshly, the ruler of another state may not resist that by force... For no ruler of a state has a right to interfere in the government of another, nor is this a matter subject to his judgment. 16

Positivists claim that governments are assumed to possess the right to self-determination and are assumed to be able to solve their own political problems, or be in a better position to solve domestic crises than outsiders. Self determination has greater moral weight than the individual rights of citizens; but not only that self-determination is itself a vehicle for moral improvements. This is the theory of J.S.Mill who emphasises self-determination as the means by which the virtue of liberty can only be gained, for he asserts that a nation has to struggle to attain its own institutions of freedom, or fail in attempting the task. Hence no external agent can foster such virtues:

the only test possessing any real value, of a people's having become fit for popular institutions, is that they... are willing to brave labour and danger for their liberation. 17

16 Christian Wolff, op cit., Section 258, p.132.
Cf. "A Few Words on Non-Intervention", in 3 Dissertations and Discussions, p.173
The positivist tradition merges with Mill's considerations on self-determination to emphasise that the state's boundaries ought to remain inviolable, for the attempt at intervening for some humanitarian cause will not produce its desired results, since a people can only gain freedom through their own efforts. But positivism does not necessarily entail an absolute prohibition on interventionism.

Positivists may allow an intervention in extenuating circumstances when rights of individuals are being blatantly violated. A second justification is based on a Hobbesian conception of the government in which it receives its power from the people, but then assumes a greater moral and political status. A third justification is when an intervention is ruled acceptable by a supranational legal body such as the UN Security Council, for legal positivists place moral and lawful precedence in the institutions of authority and power, and it is only consistent to acknowledge that a higher political body may be turned to.

Cf. also "Of Nationality..." where Mill proffers his argument for self-determination: "the question of government ought to be decided by the governed..." p.547

The nineteenth century political economist Richard Cobden emphasises the point: "it is not by means of war that states are rendered fit for the employment of constitutional freedom; on the contrary, whilst terror and bloodshed reign in the land, involving men's minds in the extremities of hopes and fears, there can be no process of thought, no education going on, by which alone can a people be prepared for the enjoyment of rational liberty." The Political Writings of Richard Cobden, pp.35-36.
In all three justifications the sovereignty of governments remains the political and ethical standard, so even if the circumstances are such as to demand an intervention, a breach of sovereignty must be acknowledged, and such violations must never become commonplace.

In the case of extenuating circumstances, a breach of sovereignty is permissible on humanitarian grounds only if a government enacts policies of mass murder, genocide, or enslavement. This is the position, for instance, of Michael Walzer who maintains that humanitarian intervention is permissible in response to acts "that shock the moral conscience of mankind." Walzer believes that if a government enacts an evil policy then it becomes morally right for other nations to intervene. Unlike positivists who prefer deferring to the judgement of the Security Council for the right to intervene, Walzer asserts that in cases of inhumane activities unilateral intervention is permissible, for the moral appeal is to humanity as a whole, rather than to a supranational institution.

Obviously Walzer is referring to an overriding moral claim that humans have, namely not to be victims of policies of mass murder, genocide, or enslavement. This immediately brings into question the validity of legal positivism which asserts the primacy of states' rights over individuals. But we can also ask why should such extreme examples be the only

18 Walzer, Just and Unjust Wars, p.107.
justification for intervening? Does the rest of the world have to ignore blatant violations of other human rights, and wait until thousands are being ‘cleansed’, or herded into concentration camps before it gains a moral right to do something? What of apartheid policies—acts of pure discrimination against race, sex, creed, or nationality—or of restrictions on freedoms of speech, conscience, or movement? The case for interventionism is expanded in more detail below, but the criticism of Walzer’s system remains—no consistent reason is given as to why policies of mass murder, genocide, and enslavement should alone determine a right to intervene.

Balance of Power Interventions

Walzer also notes that intervention is permissible in two other cases, firstly to counteract another force already interfering, and secondly to provide assistance to a group attempting secession and the formation of its own sovereign status. These involve problems of their own.

In the first case of intervening to counterbalance a prior act of interference, one readily imagines a liberal state aiding a powerless small nation that has been attacked by a non-liberal state. This is seemingly a good policy if the policy is to uphold human rights, but Walzer’s position refers only to a counter-intervention strategy and not to the moral principles being defended. As Tesón remarks, this could imply giving assistance to an evil state in its fight against a
humanitarian intervention.\textsuperscript{19} The contention is that an intervention to counterbalance a prior intervention is useless without a moral-political standard of a rights theory. The example of aiding antidemocratic forces for the sake of evening out the odds on the battle field elucidates how absurd and even how evil such a policy can be in its indifference to morality.

In the case of a seceding group, the attempt to form its own polity demands an acknowledgement of the rights of political and territorial sovereignty. The first problem implies that the right to self-determination has greater weight than the rights of the member individuals and their personal rights, which is consistent with the positivist position. But problems arise with inconsistencies between the rights of a fledgling government to assert its independence and the rights of civilians under its jurisdiction to pursue their own lives without unwarranted governmental coercion. For example, what if the seceding nation is pursuing values inimical to the liberal life? We can imagine an illiberal society that desires to oppress minorities within its jurisdiction demanding secession from a liberal nation. The secession has the backing of the majority of the group, and is nominally just on positivist grounds. Walzer's considerations could even imply demanding the provision of assistance to such

\textsuperscript{19}Tesón, \textit{op cit.}, p.122. Or the historical example of Allied aid to Soviet Russia in its fight against Nazi Germany during
a group's aims - or to any group demanding secession, regardless of its internal policies towards its own willing majority or to its unwilling minority. However, supporting unjust regimes to support themselves cannot be a coherent policy from a rights analysis.

In both these cases, the legalist paradigm of political sovereignty and territorial integrity remains the standard for statists, even though within that sphere people must be left alone to determine their own affairs. Echoing Mill's principle of self-determination, Walzer writes: "Self determination is the school in which virtue is learned (or not) and liberty is won (or not)." Sovereignty provides the only "arena within which freedom can be fought and (sometimes) won," hence intervention must be the exception to the rule of sovereignty. Yet without a coherent ethical principle to guide it the policy can become absurd.

The second line of justifying limited interventionism by positivist statism is a contractarian form in which it is assumed that governments possess rights derived from citizens. This is the Hobbesian conception of government. Governments do not possess rights qua governments but qua representatives, and if the connection or 'fit', to use Walzer's term, between the people and their government is severed by the actions of

World War Two (1939-45) meant helping one vicious regime in its fight against another.

20 Michael Walzer, op cit., p.87.
21 Walzer, op cit., p.89.
the government, then it loses its rights to represent the people. When the 'fit' is broken, intervention on behalf of the people becomes justifiable.\textsuperscript{23} For example, if a state enacts a policy a terror against its own subjects, it can be said to have lost any rights to rule, for according to Hobbes, government is formed to relieve the violence of the state of nature from the people, hence it can be inferred from Hobbes's position that if a government reintroduces the aggression and violence of the state of nature against the people, it loses its status -although this is not the conclusion drawn by Hobbes, it is drawn by Locke.

Likewise a group of people who request secession from a larger entity are demanding that they should be allowed to form their own state, and that state will possess the right of equality in the international arena, by virtue of being the people's representative institution.

In these cases, humanitarian reasons for assisting a people are not crucial. The standard is whether the government justly reflects the desires of the people and upholds their core rights. One overstepping its moral bounds is considered a bad government and thus loses its right to represent the people in the eyes of the international community. Such a position comes close to the correct argument that governments are tools of the people and owe their position to the people for whom they govern. The Hobbesian element differs in that it

\textsuperscript{23} I am not attributing this justification to Hobbes, merely
assumes a greater status for the government once formed, in that it possesses rights over the citizenry rather than acting as a privileged institution on their behalf.

The third alternative positivist justification to permit a limited intervention is if a supranational legal body such as the United Nations Security Council judges in favour of the policy. Positivists draw parallels with the role of domestic government in acting as the arbitrator to disputes, and, following Kant's postulate of "perpetual peace", argue that a world government could act to dissolve international disputes. Without the support of such a body, positivists will condemn any unilateral intervention on similar grounds to that of individuals taking the law into their own hands. At the present, the UN Charter permits the right to unilateral self-defence, and the right of collective security -that is third parties may come to the aid of a nation defending itself against an aggressor, but intervention must be backed by the Security Council. Unilateral interventionism is implicitly forbidden by the Charter.24

playing with the strong conception of government that he has. 24Stephen Neff, op cit., p.187. However, the UN's record of intervention on humanitarian grounds is mixed. It has acted recently with military forces in Somalia and Yugoslavia in 1992, with an arms embargo against South Africa in 1977, and from 1966-1979 with economic sanctions against Rhodesia. But it has failed to act against massacres of Chinese in Indonesia in the 1960s, against cruel repressions in East Pakistan in 1971, against the despotic regimes of Amin and Obote in the 1970s and 80s, and against the vicious Khmer Rouge in Cambodia in the late 1970s. Examples from Stephen Neff, op cit., pp.188-190.
Nonetheless, it can be argued that the existence of such a supranational structure offers humanity a chance to move towards a form of world government that polices the activities of individual states with reference to human rights violations.

Liberals are torn on the theory, for some (of a Hobbesian bent) view a world government as a necessary prerequisite to world peace, whilst others (of a Lockean bent) view such an organisation more sceptically, believing that a plurality of governments should exist to maintain checks and balances on possible abuses of power. Philosophically the problem hinges on the conception of government and the role of power. The role of a world government may parallel that of a domestic government in its attempts to control criminal activities. But, if statism is accepted then individual governments retain the power to pursue their own policies, regardless of any detrimental effects to their own people. And if a world government is so defined the result will be a totalitarian regime and will pose a great threat to people's security. A world government may be able to rid the planet of international war if it is powerful enough, but that does not mean that it will remove the use of aggression and the abuse of rights. Far better that the policing power required to

The reasons behind the motley history seem to be political. The Security Council is primarily a political body, and because of that its decrees regarding UN-led interventions have been politically and pragmatically based.
resolve international disputes be lodged through independent assemblies or federations designed to uphold core rights.

Positivist non interventionism is thus fraught with problems, the most important being its reliance on false premises of moral and legal positivism - i.e., either that what is presently moral is just or what is presently law is just.

The following theories of non interventionism come from utilitarianism and isolationism. The problems generated by isolationism lead into the support of limited forms of intervention.

Non-interventionism: Utilitarianism and Isolationism

Non interventionism can be a desired policy for other reasons than the maintenance of government's rights of political sovereignty and territorial integrity. Two theories considered are utilitarianism and isolationism.

Utilitarianism is ambiguous on interventionism. It may recommend a policy of remaining neutral, because interventionism may lead to more misery (deaths) than non interventionism, and may destabilise a nominally peaceful international environment. But, as is concluded here, that is not a necessary policy.

Utilitarianism here is not concerned with the rights of states but only the consequences of political actions. If the greatest happiness is derived from humans living in peace with one another and war being notoriously violent and leading to much misery, then it is plausible that acting with force on
the international scene, even for nominally humanitarian motives, could lead to increased misery through the increase in violence. Specific humanitarian aims to overthrow even the most evil regimes may be rejected on this argument, for attacking the regime will imply the need for war and a resulting increase in world misery. Interventionism ought thus to be prohibited (i.e., a precept of rule not act utilitarianism).

Unilateral interventions can also be ruled out by utilitarianism when the destabilising effects on the world order are considered. If every nation has the right to intervene into affairs of its neighbours then the likely result will be a dissolution of a peaceful state of affairs, and again it can be inferred that wars will become the norm, and more misery and suffering a necessary result.

However, as noted earlier, aggregating the consequences for total happiness is beset by insurmountable problems, hence the entire thrust of utilitarian calculations is founded on very shaky premises. That is not to deny that the

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By the range of utilitarian calculations is meant the scope of the survey: who, or even what, is to be included in the utilitarian's equations? Humans are the normal object of the calculus, but could not states qua Hegelian entities be involved, or any collective such as the nation, or race. And why stop at people, why not include animals as Bentham demands. The aim of increasing happiness is also questionable on the grounds of problems of defining 'happiness'. As maximising the happiness of the greatest number is the aim of moral actions, then happiness has to be defined. Unfortunately, happiness is not something that can be objectively determined: happiness depends on a myriad of
consequences of any action, especially of political ones, should be ignored, for a utilitarian can counter that impressionistic claims of increased happiness are sufficient.\textsuperscript{26} With regards to a general form of consequentialism the implications of intervention have to be considered on individual merits as to the possible reactions of other governments, the costs of the operations, the goals that can be achieved, and so on.

It follows that no absolute political principles are forthcoming from utilitarianism. Bentham's tenet to act so as to maximise the happiness of the greatest number is too vague to be of use; therefore, utilitarian considerations can uphold or reject interventionism. Far from being a cut and dry case either for or against interventionism, utilitarianism is reduced to expressions of subjective opinion. On these grounds it is rejected as a moral theory to enlighten us in this matter.

**Isolationism**

Isolationists believe the state should confine its attentions purely to domestic concerns. Therefore, the state must remain neutral with regards to other people's affairs.

The moral demand of isolationism is to be allowed to pursue a peaceful and private existence. This entails that events outside of the government's jurisdiction should not

subjective conditions, that only the individual is in a position to be aware of.
concern it. Reasons for this include interfering with others' problems may prompt a backlash in the future and hence the political integrity of the nation will be compromised by wars or economic sanctions. But of greater moral status than possible future consequences to an active foreign policy is the absolute privacy sought by an isolationist government. Just as an individual has the right to remove him or herself from society and live as a hermit, so too, isolationists claim, has a government the right to remove itself from the international arena.

Interventionism can also be rejected on similar grounds that national considerations of self-interest can be easily attached to interfering. The Roman ploy of deditio in fidem (surrendering into the faith [of Rome]), for example, was to use the excuse of offering assistance to small nations to expand the Roman empire. Sceptics can point to what are declared as acts of, say, humanitarian interventions which actually are fully consistent with expanding national self-interest. (The Indian intervention into Bangladesh in 1971 is a stock example.) The main fear is that interventionism will become a fig leaf for more self-serving reasons such as political aggrandisement and control of neighbouring nations, hence arguably it is better for humanity if there is a blanket ban on interventions.

26 Pointed out to me by Vinit Haksar.
A problem arises though if another nation or people are in desperate need of help. Isolationism entails a foreign policy of inaction. This raises serious moral questions regarding acts of goodness and failing to do good. A customary analogy for individual moral isolationists (i.e. various types of egoists) is the example of a drowning child. If the river in which the child has fallen is not within the isolationist’s grounds, then he or she claims no logical duty to rescue the child. Obviously this is an absurd principle. If the isolationist assumes that someone else will rescue the child, someone who lives within the jurisdiction for the river, the moral question is why are political or property boundaries morally significant? Boundaries may determine the distribution of rights to resource use or political processes, but they should not be barriers to rescuing those in need. Political status and boundaries of public or private jurisdiction should become meaningless when a person’s life or core rights are at stake. And if one individual’s life is at stake, the logic does not alter if a group requires help.

As a policy, isolationism complements the positivist adherence to the overriding rights of governments, but it does not satisfactorily explain why matters of morality should be confined to a political jurisdiction.

A counter-argument here is that governments should uphold isolationism but could permit private groups to offer assistance. But this begs the question of what kinds of
assistance would be permissible? Charitable operations are surely assumed, but what of private paramilitary assaults? Allowing such activities to operate necessarily puts a government into a precarious position, firstly with regard to the one of the basic rules of jus ad bellum, namely that the government be the sole institution to declare war, and secondly with the repercussions of permitting military activities to emanate from its jurisdiction, which implies that it can become a justified target for harbouring sources of aggression.

Nonetheless, if core rights are being violated, the problem remains, as to why an absolutist doctrine must be adhered to. Isolationism rejects the moral course of assisting those in need. The argument for isolationism is analogous to the argument for a strict ethical egoism and is subject to the same critique. Strict ethical egoists assert that they have no duties to others except those that are profitable. The implicit presumption is that they are somehow more special than other people, for they do not acknowledge any duties to others (duties being forms of ethical conduct which are applicable to all regardless of personal interest in the matter).\textsuperscript{27} The immediate reply is to demand what makes the person so special. As a moral principle we are all equal before the laws of morality and ethics, for the principle of indifference demands that an action is ethical if and only if

\textsuperscript{27} Cf. Charlton’s “Trisecting the Psyche”.

it does not directly concern the interests of the agent. Ethical codes thus aim at objectivity and universality, and strict ethical egoism and isolationism are removed from this attempt. Isolationism is thus rejectable as a moral theory of international policy, which leaves open a proper exposition of interventionism.

The argument for interventionism

In arguing for active interventionism, the positive conception of governments possessing rights needs to be removed. Then a moral theory can be offered which will provide the grounds for intervention as well as explicating the limits to the theory. A rights argument is complemented by a more exact notion of the state.

The theory of spontaneously evolving laws emphasises that the rules of just conduct precede and are morally superior to legislative law. Core rights are defined by reason as those private spheres of conduct which rightfully apply universally. Do the rules of just conduct as defined emerging within a society and the formulation of core rights provide a valid ground from which to justify interventionist policies? That is, are moral considerations halted by the political or cultural barriers in which such laws operate, or should they extend to objective codes, thus transcending the differing codes of particular cultures?

When forms of government are created, or evolve, to meet the demands of maintaining and furthering the reason for a
social existence—namely peaceful co-operation amongst people—the individuals who deliberate and enact the laws required do not attain core rights over above their status as individuals, as the statist interpretation of political philosophy opines. Gentili remarks: "Kingdoms were not made for kings, but kings for their kingdoms." This is not to say that they (Kings, princes, officers) cannot be afforded 'privileges', or 'benefits', that do not accrue the general citizenry. Such privileges and benefits must be designed only for the office they hold, not for the individual who holds an official position. The state itself—the apparatus of laws and officers—is provided with the privilege of monopolistic use of force. Force should only be used to uphold the rules of just and fair conduct and core rights by removing domestic or international threats to the social order. Hayek affirms that:

So far as any rules of conduct delimit individual domains, the individual will have a right to his domain, and in the defence of it will have the sympathy and support of his fellows. And where men have formed organizations such as government for enforcing such rules of conduct, the individual will have a claim in justice on government that his right be protected and infringements be made good.

If the officers of the state enact laws that violate human rights, or use their power arbitrarily, then it can be plausibly claimed that they lose their political status as governmental officers and become criminals. From these

28 Gentili, quoted in Neff, op cit., p.185.
arguments it can be concluded that governments do not possess rights, hence legal positivism is invalid.

It follows from the instrumentalist theory of the state that the people have a right to change the personnel and institutions of the government, and if no peaceful means are available to enact their desires for political change, then, as Locke rightly avows, they may justly use violence to overthrow a criminal regime. Locke advises that when laws are made without the consent of the people they are not bound to obey them, "being in full liberty to resist the force of those, who without Authority would impose any thing upon them." People possess the right to revolt if their government is violating their rights on the principle that they are acting in self-defence. The next argument leads us to finalising the principles of intervention.

If a right to revolt against a criminal government is supported then a right to intervene to assist those defending such rights must also be supported. Therefore, the goal of a just interventionism must be to uphold core rights or the general expectations of a people held of their government. These are the only justifications of interventionism.

The policy can be defined as humanitarian interventionism to distinguish it from interventionist policies designed only to further national interests, or utilitarian calculations.

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Humanitarian interventions involve two considerations, namely core rights violations and privileges demands.

Core rights are violated when the officers of a government use their power to infringe, curtail, abuse, or deny rights to life, freedom, conscience, speech, and movement. In general this can be summarised as violating the right to respect as a moral, autonomous person.  

Within a particular jurisdiction victims of rights violations have a core right to self-defence. As a corollary it can be rightly claimed that passers-by also have a right to assist: that much is uncontroversial. So why does it become a problem for those desiring to assist across national borders? It is only a problem if one postulates that states possess rights -but that proposition, we have noted, is false, since only individuals possess rights. Governments and their officers possess privileges; if they abuse their privileges they have no right to remain in political power. In failing their obligations as state officers they may justifiably be removed from power, with force if necessary. It follows that political barriers become redundant when assisting people against criminals.

If a core right is violated by a government, that government has failed in its task of governing. If a

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31 Or Hayek condenses the policy into "the more comprehensive formula that no coercion must be used except in the enforcement of a generic rule applicable to an unknown number of future instances." *Law...: vol.II*, p.102.
government violates a person’s rights then another agency may justly act to uphold that person’s rights. Whether it should so act is left to the discussion below, but it does have a right to intervene.

The right to intervene is thus derived from the right to self-defence. A person has a right to defend him or herself against an aggressor, whoever that aggressor may be, and other people have the right to come to his or her aid.\(^3\)

From the principle of moral indifference, it is reasonable to argue that any person may require assistance. Thus the victim’s ethical status is equal to the assistant’s, for the individual assistant could likewise be in the position of requiring aid. To be in need of assistance is something which could befall any person, hence a person’s history, income, life expectancy, and other factors which enter into ghastly utilitarian calculations of whether a person should be saved or not are rejected. A person also deserves an initial respect for being an individual, and together with the principle of indifference it follows that those in need possess a universalizable right to assistance. Even a person

\(^3\) Legal rights of companies and institutions are effectively privileges—they are of a different class from core rights. 
\(^3\) The UN enshrines this in the principle of collective security (Article 51). And in the name of self-defence any number of people may come to a victim’s assistance. However, the UN only recognises the right to collective security for self-defence against an aggression by another state. Lawyers and scholars quibble whether the principle can be expanded to include aggression by the state against its own people. Interpreting self-defence in the light of the rights
who has acted to deserve no respect whatsoever from his or her community still should be assisted, for being helped may alter their beliefs.

A right to be helped is thus founded on the universalizable principle that the situation could befall anyone. Rendering aid is a virtue derived from the principle of indifference, or doing unto others as you would have them do unto you. But does that imply that rendering aid is a duty? With regards to core rights violations it is a duty for governments to intervene, but that is not the case with privileges demanded of governments. The duty to intervene is examined below, but firstly interventions on behalf of privileges are considered.

Charles Beitz defends intervention also on the grounds of social justice. But the notion of ‘social justice’ is vague which for Beitz includes not only traditional human rights, but also quality of life considerations. The implication is that interventions may be justified to assist a people in its demands for social justice. These and other demands or ‘privileges’ constitute people’s cultural expectations of their government but do not include core rights. (Although obvious overlapping and contradictions with core rights are probable, core rights should remain the guiding standard.) For Beitz, the question of interventionism evolves into considering how the people would choose if they are imagined expected within the community implies that humanitarian intervention is justifiable.
to possess the relevant institutions of social justice. His argument parallels Rawls' case for social justice, of the provision by government of benefits deemed necessary for the people. Intervention is allowed to the extent that social justice and the relevant institutions are not embodied in a nation. This is complicated, he agrees, by the consideration that what may be seen as the right thing to do (intervene) is the result of a particularly western outlook.

Clearly, a great deal depends on which philosophical path is followed, including the interpretation of the international doctrine of human rights and the evolution of normative standards to justify and structure the empirical study of economic and political development.

The concept of social justice is as open to interpretation as self-determination, and, he acknowledges, the principles of social justice may differ across cultures. Hence any discussion of international relations begets a need to address the topic of domestic social injustice. It follows from Beitz's musings that we are left with a pragmatic conception of interventionism: intervention is permitted when the institutions prevalent in a state are contrary to those that a rational group of people (from that state) would hypothetically adopt were they to have the means, so long as such an action is not disproportionately costly to either side.

34 Beitz, op cit., p.100.
35 Beitz, op cit., p.123.
36 Beitz, op cit., p.104.
37 Beitz, op cit., p.122.
However, Beitz’s theory rests on two philosophical assumptions. Firstly, it is obvious that for Beitz’s theory, and for other theories which assert the right to intervene in cases of supporting privileges, that it is the thwarting of cultural expectations by a government which forms the moral basis of interventionism, since the notion of ‘social justice’ is culturally relative, despite Beitz’s claim that it is defined by a Rawlsian veil of ignorance. Secondly, Beitz’s theory rests on the premise that all theories regarding international issues are empirically testable.\textsuperscript{38}

The two theories are independent, for we can have a theory based on hypothetical rational social contracts without empirically testing the findings. And vice versa. The theories are mutually inconsistent however.

The thrust of rational social contracts assumes that the rules of just conduct can be determined a priori and laid down in the form of a written constitution, whereas the empirical method requires rules to be discovered a posteriori, and the constitution to be amended accordingly. Determining cultural rules through rational consideration is an invalid procedure, for the majority of such rules required of a social existence evolve through human interactions independently of authority or of deliberate intention. This is not true of core rights, but I believe that Beitz wishes to avoid maintaining a core

\textsuperscript{38} He criticises J.S. Mill and Michael Walzer, for example, for not providing evidence to support their theories that states
rights position which would contradict his desire to use social justice as the standard for intervening. The empirical side is truer to the nature of rule forming, but again, the gist of Beitz's argument is that it is for the government to determine the rules rather than a spontaneous trial and error process on the part of individuals. Hence Beitz falls foul of Hayek's criticisms of rationalist constructivism. Hayek contends that rational constructivist theories do not capture the all important spontaneously emerging rules of civil morality.

What is required is a consistent and valid rule for intervening, and such a rule can only be interpreted in light of an acknowledgement of the greater body of rules of fair and just conduct, not from rational constructivism. The problem which manifestly besets the UN interventions in the early 1990s in Rwanda and ex-Yugoslavia, is achieving this proper foundation for the morality of intervening. A proper basis can only be offered by a rights theory in which rights are objective and universal. Yet this rules out intervening for reasons of social justice, for justice deals with the extent of such domains rather than demands on others, and Hayek agrees: "Justice does not impose on our fellows a general duty to provide for us." A rights position demands intervention to support core rights, but it does not rule out the possibility

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of intervening to support a people attaining their culturally relative demands -their privileges- from an ineffective incumbent regime.

Government should ensure the smooth operation of society, to enforce the rules of just conduct as expected by the people and core rights. Governments ideally should not seek to provide services for some that violate other people’s rights, for they ought to be neutral with regard to the expectations of people. Notions of social justice, on the other hand, include taking from one group of people to give to another, thus rendering the notion of neutrality inconsistent. Intervention for demands of social justice then is problematic, for the implied morality therein is not internally neutral. A solution is possible though. The violation of social justice or what is better termed general rights or privileges permits intervention if and only if the intervention is welcome.41

Therefore states may justly intervene for the sake of core rights, but this is not the case for general rights.

Defining when a intervention is welcome is difficult, hence the condition should be refined to acknowledge that the population of a tyranny may be unable to show its willingness to demand reforms. The onus is then on the international community to ascertain whether the people would demand assistance if they could voice their opinions. This condition

40 Hayek, Law...: Vol.II, p.102
acknowledges that wars of liberation can be immoral if the objects of liberation do not wish to be liberated. John Stuart Mill’s and Richard Cobden’s points are valid in this sense: allow a people to form their own general values, but if they desire assistance, then assistance may be given.

Thus far, the right to intervene on humanitarian grounds has been established. Third parties possess a right to assist a population against rights aggressions by another government or by its own government. Political boundaries are not inviolable walls behind which state officers are free to enact whatever policies they desire. Once governments breach core rights they lose the privileges accorded to their status; and if an intervention is welcomed by the population then a third party has the right to assist.

But do governments have a duty to assist? If they do not assist, are they guilty of moral failure? Or if there is no obligation to assist then can blame be assigned? Is the situation of offering assistance on the part of a government different from that of an individual?

A duty is an action that a person is bound to perform morally or legally in relevant circumstances. A failure to enact a duty in those circumstances is a moral or legal failing. Individuals possess certain duties which are the product of reasoning, but, I will assume, failing to assist is not a crime itself at the individual level, unless it is

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41 Tesón, op cit., p.119.
connected to an intent to harm another by not assisting, i.e., through a deliberate omission with foreseeable harmful results. However, it is different for governments in charge of a state apparatus.

With regards to the international legal aspect, the UN Security Council may enact an interventionist policy, but it is not obliged to do so. No government is presently legally bound to intervene, but are governments morally bound to do so according to the greater rules of just conduct? The problem is different from asking whether individuals are morally bound to rescue others in need, for a government is an institution whose primary purpose is to uphold core rights and ensure the smooth operation of the rules of just and fair conduct. Individuals do not possess natural duties in this concern but governments do by virtue of their status must.

Government possesses duties. Duties are bestowed due to the nature of its function as a protection agency. The officers of the state are those individuals who should act to ensure that the duties of the government towards the population are in fact adhered to. Hence a failure to protect individual rights is a moral failure on the part of a government to do its duty. In concrete terms it is a failure on the part of some individuals in their positions as legislators, executives or officers of the law.

But is a failure to acknowledge rights always a moral failure? To some extent that would be an unfair demand, since
a government of a society that has no conception of human rights cannot be said to be failing in its natural duties if it does not recognise rights. However, if privileges are being referred to, some contextual relevance is required. If a people desire privileges, their demands ought to be acknowledged and the government has a duty to accept those demands, for the moral status of government is derived from the rules of just conduct expected of it by its people. If core rights are being referred to then the case is different. If a government presides over a society with no concept of core rights and violates individuals’ rights to life and liberty, it is not a just government and the society should be rescued from such tyranny.

To intervene for privileges abuses requires the request of the people. This does not rule out other, more peaceful methods designed to change a government’s activities and/or a people’s expectations of its government, for just war must be a last resort. But if a government is violating core rights, no welcome is required, for a just government has a duty to all humans to protect core rights.

This may seem a large demand. It seems to be a demand for the liberal state to police the world, assisting those whose rights are violated and overthrowing criminal regimes. The sceptic may argue that the demand is impossible.

But who else is to do it? For those suffering injustices at the hands of totalitarian and oppressive regimes, who can
they turn to for assistance but the freer nations of the world? The government’s duties to protect human rights should not on grounds of moral consistency end at its political boundaries, hence each government has a duty to uphold the core rights of every citizen in the world.

This may still seem a large demand. It is not only a demand on the intervenors but also on their populations, for interventions involve costs. Non-military interventions have economic costs, and military interventions human and economic costs. Should costs matter though? Or more concretely should the citizens of intervening nations be saddled with taxes to pay for humanitarian interventions? Taxation has its own problems in relation to core rights, but an argument can be made that for core rights to be protected individuals of a nation have to be taxed. But is it fair that taxpayer’s money be used to protect non-taxpayers? Why should victims of human rights violations free ride on someone else’s economic efforts and tax burden?

The problem is resolved if attention is turned to the victims of domestic rights violations. If someone is a victim of a crime, the just government is obliged to retaliate and prosecute the criminal. Whether the victim is a taxpayer is not a consideration, nor should it ever be. Children, the unemployed, or retired people do not lose their rights because they are no longer paying taxes. So why should non-taxpayers who happen to reside outside of the polity of the government
be removed from rights to protection? To be consistent in the application of rights they should not.

The individual government thus has a duty to intervene. The intervention should be solely for humanitarian reasons, and should be directed against the threat to core rights.

How a state should intervene to protect human rights depends on the gravity of the violation. The principles guiding the forms of intervention are derived from the bellum justum considerations of proportionality, discrimination, and the establishment or re-establishment of human rights as the end.

That intervention should be proportional to the violation is the common demand of pro-interventionists, and such considerations fall in the greater body of the rules of just and fair conduct in the just war tradition. Peaceful, or non-military, means should be applied first, but when they fail the intervenor is fully justified in using more violent measures that are proportionate to the offences against rights. The greater and more systematic the violation of rights the more forceful should the intervention be.

It is crucial that the intervention should be as narrowly defined as possible to ensure good discrimination - indirect effects to innocents should be minimised.

Likewise, whatever benefits, incidental or otherwise, an intervenor accrues from interventionism, the end of the policy
must be the terminating of rights violations. The means used must reflect considerations of rights, and any national benefits must not contradict the policy of securing human rights. For example, annexing part of a liberated territory for securing a natural resource is permissible, if the people of that region want to belong to their rescuer's state, but thoroughly immoral if they do not.

Opponents of intervention note a possible paradox with humanitarian interventionism. For the sake of rights, rights will be violated by the actions of interventionism. A military invasion or surgical raids will inevitably cause innocent injuries and deaths, which begs the question how can that be justified when it is human rights that are being fought for? Obviously the more narrowly defined the object and the more precise the means used the better (recent attacks against Iraq reflect such concerns [1991 and 1996]), but in the case of military intervention there will inevitably be casualties incidental to the purpose.

The paradox is resolved, though, by considering recalling that aggressors lose their rights in initiating force. If, however, non-combatant deaths are pointed out, then the analysis reverts back to the problems dealt with in Chapter Eleven, which concludes that non-combatants ought not to be directly targeted. A just intervention is aimed at restoring

42 "Humanitarian intervention is governed by the interplay of the principles of proportionality." Tesón, op cit., p.116.
the rights of a population, which entails that the damage to non-combatants and their lives ought to be minimised.

Conclusion

This chapter justified wars of intervention that seek to uphold core rights or which are desired by a population attempting to form a proper government or to rid themselves of an inept one. Since the guiding standard is the core rights theory, it follows that any government may enact a just war of intervention without the approval of a legislative body such as the United Nations.

Morality, it has been stressed, exists independently of power structures, hence the moral course of action need not be the legal course, or vice versa. Just governments possess a duty to intervene in cases of core rights' violations, for political boundaries do not provide any sanctuary to aggressors. In the case of an inept government that blatantly ignores the culturally relative expectations of the citizenry, interventions are permissible if and only if they are welcomed by the people.
CHAPTER FOURTEEN

CONCLUSION
The final part examined the justice and morality of war. The justification of defensive wars lies with the postulation of a moral-political standard of rights. It was argued that rights emerge initially through cultural processes which form acknowledged and expected spheres of privacy. Rational analysis validates their existence and where possible core rights are determined on the criteria of universalisability. It was concluded that individuals possess a set of core rights existing independently of legislation. These rights are inviolable and hence are the only things in whose defence wars can be said to be just.

Rights are violated by aggressors, and whenever aggression occurs, it is moral to defend victims. Wars of intervention are deemed justifiable when their goal is to protect core rights. Pre-emptive strikes are justifiable on from the defencist position, but so too are strikes against those illegitimately gaining nuclear power, for the nature of nuclear power reduces the dimensions of manoeuvring to a minimum whilst expanding war's effects to a totality.

To ensure the moral purity of an intervention or a defensive war, warfare must be in accordance with the just war principles. How war is fought is amenable to a rights discussion, as well as an examination from general, culturally based principles of fair conduct. Core rights theory supports the validity of the main tenets of jus in bello, that wars be fought in proportion to their ends as well as through the
discrimination of targets. The latter was seen to govern the former in that non-combatants are assumed to possess inviolable status, but given that wars invariably spill over to civilian life the effects of war against non-combatants should readily be minimised. However, it was also noted that the war against combatants also should not reach beyond what is required for the overriding goal. To destroy a complete army for a small rights incursion cannot be justified.

The particular forms of conduct in war, it was held, emerge through the recognition of the need for opponents to live peacefully following the cessation of violence. The war conventions grasp that beyond the violence of war, soldiers are human beings, and thus each rule attempts to inculcate a proper sense of humanity in an endeavour that usually proceeds from a cultural dehumanisation of others.

Parts Two and Three discussed the causation of war. War arises to protect or to destroy values which emanate from biology, culture, and reason. Animals fight on the biological level, proto-humans on the biological and cultural level, whilst political wars are the product of all three elements. Culture plays the dominant role though, for much of human knowledge of rules is tied up in tacit forms. Reason is initially a product of culture but can transcend the relativist processes of cultures to form objective codes of conduct, explanations, and justifications, and hence articulated discussions can influence cultural developments.
Nonetheless, the spontaneously evolving nature of culture—the broad set of beliefs, ideas, notions, etc.—that individuals abide by implicitly forms tendencies to war which may or may not be intended. War as an unintended consequence is thus a possibility.

A possible solution to this pessimistic theory necessitates that cultural attitudes catch up to the proper warnings that reason gives on the futility and destructiveness of aggressive war.

That war can be an unintended consequence does not absolve humans from the responsibility of causing wars. War is chosen by people over other forms of conduct, hence it follows that attempts to explain war as an inevitable product of determining forces (the metaphysical theories of war) fail.

War is not the product of physical forces that make humans fight one another or force a mental predisposition to aggress. War is the product of ideas—of tacit and explicit thinking about the universe, themselves and each other. It is, above the pre-rational sphere of the specie’s reactions, a chosen institution, not an unalterable fact of the universe.

What conditions determine wars were discussed in the first part. It was noted that the occurrence of violence is not a necessary condition for war to be taking place, for wars can be joined without physical battle occurring. In that sense, war is a condition that humans experience, it is an attitude to desire conflict with an opponent, and being an
attitude it is not confined to soldiers. Hence being at war is a social experience. Unlike violent sports and games, warfare is essentially open-ended for it tends to an unlimited abuse of violence if no mutual attempts are made to restrict it. These considerations explain the nature of war as being a condition of open-ended organised violence.

The thesis has related problems belonging to various fields to produce a coherent philosophy of war. I do not believe that other subjects were distorted to support the theories of war asserted. On the contrary, adequate resolutions of difficulties in political and ethical philosophy, in metaphysics and epistemology, and in the philosophies of society, law, and value, have assisted to form a clearer picture of the theory of war.
Bibliography.


Shamgar, Meir. *An International Convention Against Terrorism.*


