

Ethical concepts of just war theory



Claims of The Paper

In this paper I examine the ethical ideas behind ‘ just war theory’ in relation to what it has to say about the methods of warfare used by modern-day terrorist groups. This paper will examine two moral questions about war and morality which the ‘ just war’ tradition deals with. The first question is, under what condition, if any, is it morally acceptable to resort to the violence of war. The second question is, what moral limits, if any, are there to what is permissible to the methods used during warfare. This paper will focus primarily with the latter question. I argue that modern-day methods of violent acts of terror by terrorist groups who intentionally or indiscriminately kill innocent civilian non-combatants is not morally permissible. This paper will have two opposing voices representing my claims and a rebuttal to my arguments. The male character called the ‘ interlocutor’ will be the mouthpiece in providing a rebuttal to the arguments I make.

Defining the Nature of Terrorism

For many years there has been a plethora of studies from a multitude of disciplines behind the origins and nature of terrorism. For some time now, scholars have attempted to give us a universal or all-inclusive definition of the nature of terrorism. Some argue that since the term has been utilized primarily in a pejorative manner, many have claimed that developing an objective and adequate definition of what terrorism is without the term being fraught with negative and derogatory meanings is impossible to adequately formulate. Depending on which ideological fence one is sitting on, it is argued that one person’s freedom fighter is another person’s terrorist. Thus,

since the term is loaded with so many conceptual difficulties, many thinkers claim that attaining an acceptable or adequate definition is an exercise in futility. Nevertheless, I am confident that the definition of terrorism provided below is sufficient for the purpose of this paper.

Terrorism can be described as public displays of violence committed individually or collectively with the intention of creating fear directed towards blameless victims. Terrorism is also the deliberate act of killing to instill crippling and incapacitating ‘terror’ or fear in a civilian population leaving them to feel that where they live is no longer safe. Terrorism is envisioned to impact, stimulate or pressure changes in individuals or a group’s idea about their political or social policies. Acts of terror towards non-combatants are dramatic media displays of violence with the purpose of morally justifying the legitimacy of a rebellion. Finally, the purpose of a terrorist act is for the terrorist to publicly proclaim a political stance which they argue cannot be accomplished without doing so since it is believed that they have no other available choice or means with which to accomplish their political goals(Marsella & Moghaddam, 2004).

Rules of the Game – Just War Theory & Modern – Day Forms of War

Just War Theory makes a sharp distinction between justice of a war (jus ad bellum) and justice in warfare (jus in bello) although both ideas inevitably overlap. The bare bones criteria of ‘jus ad bellum’ and ‘jus in bello’ are as follows: for jus ad bellum, the rules behind a just war are that the war must be defensive in nature; the purpose of a state is to protect its innocent citizens. The war must be waged by a legitimate authority, the war must be

a just cause and it must be fought with the right intentions. The war must be waged with a foreseeable or reasonable expectation in that the means employed will be proportionate to the ends sought. Moreover, a state should not engage in a war in which the probability of success is too low for success. Finally, the war must only be undertaken when all other exhaustible non-violent means have been sought. That is to say, the war is a last resort after all non-violent negotiations have failed. The concept behind proportionality and discrimination are the ideas behind 'jus in bello'. The idea behind proportionality is that one is not allowed to use more force than is absolutely necessary to achieve a just and peaceful end. The rules behind discrimination are that no intentional killing of innocent civilians or any non-combatants is permissible. Although I touch on both justice of war and justice in warfare, it is the latter that I will focus on in showing that terrorist acts that kill innocent civilians are morally reprehensible.

The King David Hotel bombing attack by the pre-State of Israel Irgun underground militia that killed more than 90 individuals is arguably the first primary example of what we now consider modern-day terrorism and moreover a watershed moment in ushering in a new era of modern-day terrorist acts. In the past, wars were principally fought between nation-states in which combatants clearly knew their enemy. Now, responses to terror attacks are very difficult for opponents to deal with since there is no clear target or boundary to focus on. Thus, modern day forms of warfare between terrorist groups and nation states are described as 'asymmetrical warfare' since the two opponents in conflict are different kinds of adversaries because they do not typically face each other like warfare in the past. For example,

the well-known international terrorist group ' Al Qaeda' seems to be more like a haze or a fog than a typical military target because one cannot pinpoint where they are. Thus, the enemy is known to be transnational, decentralized and mobile across the world. Moreover, they seem to be like the mythical beast ' Hydra'; no matter how many times one cuts off a head, two seem to spring up to take their place. Nevertheless, however asymmetrical, complex and perplexing these conflicts between nation states and terrorist groups may be, one can still utilise the ideas of ' jus in bello' to denounce acts of terror from terrorist organizations because they intentionally and indiscriminately kill innocent civilians.

Reasons Against Terrorism

It is problematic to support the claim that killing innocent civilians is permissible by terrorist groups even in extreme circumstances such as a terrorist organization having no other option in reaching their goals. Even in extreme cases, the stakes are never high enough to be indiscriminate between the guilty and the innocent. Geographical zones in which civilians reside or carry out their daily activities should be off limits in acts of war of any type or form. Civilians, especially the most vulnerable, are innocent, and therefore, nothing warrants their murder no matter how lofty or just a cause may be. Limits must be established to methods of warfare. To blatantly disregard the inherent worth of innocent lives, they become the monster that they are claiming to be fighting against. Nevertheless, it is never really certain who drew first blood and thus it is often true that one person's terrorist group is another's freedom fighter. Thus, the history of war is all too often similar to a ' Hatfield and McCoy' conundrum in which it is unclear who

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is truly at fault in the first place. All too often there are no clear-cut cases of who is morally responsible for the initial origin and/or cause of the conflict to make a proper moral judgement. However, when it comes to the methods of violence terrorists employ there are clear-cut cases that one can judge on without ambiguity. Namely, the use of violence by terrorist groups that kill innocent civilians are ethical rules of conduct during warfare that are clearly broken. The killing of a civilian population by detonating a bomb in a non-military, public location such as an Airport or a shopping mall is clear enough to judge as being morally wrong.

The rightness or wrongness of an action should not be determined by the end result. Regardless of foreseeing some ideal state such as achieving the greatest happiness for the greatest number of people, the killing of innocent people is a violation of the rights of an individual or groups of individuals. In fact, terrorists violate the rights of innocent people even if they are not harmed because the threat of being harmed is a type of violence that causes psychological harm. Thus, there are some bare bones actions that are so monstrous that no reason or context can excuse their actions such the killing of children for fun and blowing up innocent non-combatants.

Rebuttal of the Interlocutor

Thus far in this paper, we are seeing an example of a well-known battle in moral philosophy concerning the ethics of war between the consequentialist view set against the deontologist perspective. The deontological arguments given above cannot deal with the complexity and stark reality of war. Thus, your deontological arguments can be reasonably countered on utilitarian

grounds. In some cases, such as in repressive regimes, there are absolutely no other options to utilize except using violent means for political change. Acts of violence towards an innocent population can be morally justified if it can be shown that certain methods of warfare are an essential means for securing a greater good. No tyrant who values power will ever listen to reason. As history has shown us, for social and political change to happen, violence is sometimes the only means to attain one's goals. The argument above presupposes that any civilian population that has been attacked deserves immunity. Not everyone in this world are citizens that have the privilege of living in a country that belongs to a governmental group with diverse democratic voices in which the opportunity for change in a non-violent way is a possible reality. The deontological argument presented above is naïve and moreover cannot resolve the pragmatic reality that sometimes war is hell. Sometimes resolutions are impossible to achieve and the opponent does not care about following the rules of war. Therefore, states or non-states must weigh out the greater evil which often has to do with the grim reality of needing to win a war at all costs. To radically change repressive and evil regimes under which the general population belong, groups are left with no other option but to commit violent acts against non-combatants. For example, one possible reasonable argument against giving any quarter or immunity to non-combatants that comes to mind is the German populace under the Nazis regime during World War II. One could argue that since the persecution against the Jews by the Nazis was so utterly heinous, the German populace were collectively responsible since these persecutions against the Jews were publicly displayed. The German people were not only aware of the crimes committed against the Jews, but also

condoned them. Even if the German civilians were not collectively responsible, a practical argument can be made that out of sheer self preservation, the brutality behind the U. S. fire bombings on Dresden and other German civilian populations, which clearly violated the rules behind *in bello*, was nevertheless morally justified. The fire bombs by Allied forces can in principle be shown to be an essential means for securing the greater good. In spite of one's moral revulsion, consider the possibility of the victory of Nazism and incalculable inhumanity that such a triumph would have consequenced. Thus, since citizens from a nation or non-nation states can be, in principle, collectively responsible, they are part and parcel of the whole and thus should not be deemed immune to violence for some political end.

Response to my Interlocutor

During WW II large-scale forms of terror were done by Allied forces, such as, the fire bombings on the citizens of Dresden, Berlin and Hamburg. It is well known that these Allied fire bombings were acts of terror in order to demoralize the German civilian population. I agree that the tactics used by modern-day terrorist groups are similar to the strategies of political violence that many state-run governments have utilised in the past. Many intellectuals have failed to analyse state terrorism in the same manner as non-state violence and therefore due to their pro-Western biases they have either condoned or tolerated certain state-practiced terrorist acts. I would also add that the mass media can be biased and therefore unjustly defines terrorism exclusively as a form of non-state violence. It is no secret that the U. S. government has historically employed many tactics that are similar to <https://assignbuster.com/ethical-concepts-of-just-war-theory/>

acts of terror done by terrorist groups. Terrorist groups may very well be justified in their claims that their acts of violence are a case of fighting fire with fire. In fact, it can be argued that the physical and psychological violence and paralysing fear experienced by U. S. citizens during the 9/11 attack is a bloody nose compared to the terror many foreign innocent citizens have received from the United States of America. However, two wrongs don't make a right. The attempted refutation above is similar to the 'tu quoque fallacy' or also sometimes called the 'Two Wrongs Fallacy' which does nothing in refuting my initial arguments against terrorism. For example, if a terrorist were justified in their accusation that a government such as the United States is open to similar accusations, it does not follow that the initial accusation against terrorist groups is false. As for the argument that in principle, a whole population, such as the Germans during WWII, could be collectively held as responsible as their government in acts of war; that is a ridiculous claim to make. To think that certain epistemic conditions for moral responsibility and culpability can fall on the young children and the developmentally challenged is preposterous. It is one thing to accuse adults of using the escape hatch of moral ignorance when they are in fact affecting their ignorance of the wrongdoings around them. It is another to include very young children or the developmentally challenged to ever be epistemically responsible. I understand and sympathise with the utilitarian or pragmatic concern in wanting to preserve the collective values of justice for a future generation against some evil regime, however, there must be limits to what is sacrificed in attaining that 'greater good'. However, even on utilitarian grounds, I argue that the barbaric methods of violence perpetrated by terrorist groups is not proportional to the provocation or violence these

terrorist groups claim to have been subjected to by their enemies. Further, my argument does not exclude or exempt state-run terrorist acts of violence. One can wage a just war and act unfairly and one can wage an unjust war and act fairly. Regardless of the reasons why one fights, one must fight fairly and justly. The crux of the *jus in bello* argument is that once a war or conflict has been established, terrorist groups fight their wars without impunity. That being said, regardless of one's ideological orientation, a strong case could be made that from the descriptors of the nature terrorism presented above, many military acts of warfare from the U. S. and other nation states could be rightfully described as terrorist activities as well. Many supposed 'legitimate' governments, during their campaigns of war against their enemies, have disregarded the precepts of the United Nations Charter or other important principled documents such as the four Geneva Conventions of 1949. However, we have institutions such as the United Nations and the Four Geneva Conventions in place because we believe it to be of vital importance to have and uphold certain ethical standards that protect the innocent, the wounded/war victims and the sick. If one thinks it is morally wrong to pull the pin from a live grenade after stuffing that grenade in the mouth of an innocent child, even if that action was essential as a means to achieve some 'greater good', one should equally believe that it is morally wrong to kill civilians by detonating a bomb in a shopping mall.

Conclusion

From the arguments presented above, I believe that I have reasonably shown that the modern-day acts of violence done by terrorist groups that indiscriminately kill innocent civilians is not morally permissible. Bad ideas

have had possible consequences, thus, when it comes to modern day forms of terrorist acts, one is hard pressed to understand how one can think that resistance to oppressive regimes by waging a war on the helpless and the innocent is going to incite a consciousness of sympathy for someone's cause. What is more likely, is a consciousness that is anything less than anger, revulsion and pay back that continues the cycle of violence. Giving regard, respect and most importantly immunity to innocent non-combatant citizens is the ultimate litmus test for moral decency. Even if certain individuals or groups who perform violent terrorist acts can be deemed justified in engaging in some war, the type of warfare that they engage in is never justifiable.

References

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