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A Critique of the Practicality of Military Ethics

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by

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Introduction

Classically, two schools of thought in military ethics have governed the administration of warfare throughout history: realism and just war tradition. While the school of pacifism seeks to address the same issues as realism and just war tradition, it will hereafter be ignored because it does so in a way opposite of the main two traditions, namely by refusing to administrate any type of warfare whatsoever. Now, presupposing that the general loss of life and destruction caused by warfare are considered by humanity to be intrinsically tragic, by no means a given statement, realism and just war tradition look out upon the grand debacle that is war and seek to justify the absolute chaos and depravity that remain while offering avenues of reason that can preserve the humanity of those who are witnesses to and participants in such inhumane actions. Primarily, realism and just war theory seek to effect policy change; however, it is both the presupposition and premise of this brief exploration of these war traditions that warfare carries with it a sense of guilt that must be alleviated and that these traditions seek to, at their core, alleviate that sense of guilt. In more plain terms, these traditions can be condensed down to rigorously academic methods of coping with the tragedies found in warfare. It is also the premise of this exploration that, while realism and just war theory have classically been categorized as diametric opposites, the primary division between them is purely motivational. Rather than being opposites, they can be more aptly considered as two paths separating at the fork in the road of action that is motivation, with one tradition being motivated by national interest and the other by the interest of justice.

The realist, skeptical by definition, sees the battlefield as no place for empathy, rather choosing to focus on the interests of states and limiting warfare only to that which is necessary and beneficial to the state. On the other hand, just war theorists seek solace in justice and, in turn, focus on making the battlefield a more just and equitable place to limit the barbarism of

warfare in general. One could assert that just war theory does for the conscience of a nation what the blank cartridge does for the conscience of an individual executioner in a death row firing squad. While the premise of just war theory is laudable and certainly a legitimate avenue by which one can assuage his or her conscience for sanctioning actions that will result in death, it can be contended that the battlefield is much too wild a place to be tamed by theorists or scholars who share an overly optimistic view of warfare. The realist application of the sole advancement of national interest puts every nation on the battlefield in the default state of taking actions that are only beneficial to its own interests. It is not that realism ignores the humanity or conscience of those behind national banners but expects moral satisfaction to be found in the defense of national interest because necessity overrules morality. However, just war theory would require that states mutually abdicate their interests to preserve the rights of the other states in the conflict, a premise that realists criticize as being fundamentally impossible. Therefore, even though just war theory aims to make warfare more benevolent, the application of such benevolence on an unforgiving battlefield produces tangibly practical concerns regarding national wellbeing that cannot be taken lightly.

With that being said, just war theory, while certainly remaining more idealistic than realism, picks up on different realities that lie below the surface of human motivation. At the beginning of this paper, it was postulated that war is considered by humanity to be intrinsically tragic, but realism fails to address why it is tragic. This is not to say that realism does not acknowledge that humanity in general finds violent, mass loss of life to be tragic, but it certainly does not offer any moral justification for its actions besides that of allowing for what was necessary to achieve victory. Thus, the tragedy of war does not matter because it is not covered by the scope of national interest. But it does. If the tragedy of war did not matter, there would be no idea of tragedy in war and no just war tradition. On the surface, realism is tangibly more

realistic, but just war theory touches upon the more intangible aspects of the conscience in war. It questions the primacy of national interest to the effect of questioning if it can really justify any action in its own defense. So long as there are combatants that return from combat feeling remorse for actions that they took in the security of national interest, it can be known that, to them, they found that national interest was not sufficient justification to appease their own consciences. Just war theory recognizes that humanity has need for moral justification and not only tangible justification (such as the preservation of the community) in a way that realism does not. In that way, it can be reasonably seen that while realism is considered realistic due the tangibility of its focus, just war theory can also be viewed as realistic since it deals with intangible but all the more real moral concerns that do affect the practical state of mind of those involved in war.

The Case for Realism

To begin with the case for realism, just war theory itself displays an incompatibility with practical application in warfare by the contradiction between how the requirements for *jus ad bellum* and *jus in bello* are met. As just war theorist Michael Walzer himself admits in his book *Just and Unjust Wars*, "It is perfectly possible for a just war to be fought unjustly and for an unjust war to be fought in strict accordance with the rules[;] . . . [t]he dualism of *jus ad bellum* and *jus in bello* is at the heart of all that is most problematic in the moral reality of war." Here, Walzer addresses the fact that a moral consideration of war is not fully coherent due to the different priorities that are considered in *jus ad bellum* and in *jus in bello*. In "The Incoherence of Walzer's Just War Theory," Graham Parsons says,

Despite his claims to the contrary, Walzer has two distinct views of justice at work in his theory. On the one hand, according to his theory of *jus ad bellum*, just war is based on the rights of supra-individual political communities whose interests trump the private interests of individuals[.] . . . On the other, according to his theory of *jus in bello*, just war

is based on the rights of autonomous, private individuals whose interests trump the rights of political communities.

As one can easily see, the question of which rights take precedence arises. One could proffer that incoherence arises from the attempt to apply morality and regard for the rights of enemy forces to warfare. While just war theory seeks to appease the conscience and justify the use of force by making certain that soldiers use their force justly, this line of thinking has the potential to divide soldiers on the matter of what uses of force they consider to be just. The result of such thinking can only be a justifiable questioning of orders on the battlefield, leading to disruption of the military organizational structure. If soldiers are mandated to go to war by their duty to their political community, even for unjust reasons, then their consciences are not much relieved by knowing that they are justly killing for an unjust cause. How can an effective war be administered when soldiers cannot decide whether they owe more of a duty to their community or to the human rights of their enemy when the two duties conflict on the battlefield?¹

In addition to the dualism of the duties to *jus ad bellum* and *jus in bello* within just war theory, the way that *jus ad bellum* affects foreign policy is problematic for states looking to limit their involvement in conflicts. In "Power and Order: The Shared Logics of Realism and Just War Theory," Valerie Morkevičius contrasts the ideas of Walzer and Kenneth Waltz, the founder of neorealism and a leading realist scholar, to reconcile their opposing points of view, and in her comparison, she finds that "necessity . . . motivates realists . . . [while] [c]oncern with justice, by contrast, drives just war theorists." This is highly significant due to her conclusion that,

¹ Walzer, Michael, *Just and Unjust Wars*, New York, NY: Basic Books, 1977, 21.

Parsons, Graham, "The Incoherence of Walzer's Just War Theory," *Social Theory & Practice* 38, no. 4 (October 2012): 663-688, 682.

Perhaps surprisingly, the just war tradition legitimates more kinds of war than does realism. Realists' emphasis on state survival leads them to argue that the pursuit of lesser national interests rarely justifies war. They view wars fought for morality or justice as unnecessary and, to the extent that they waste military capabilities and even risk overextension, often incompatible with power-political concerns.

In the just war tradition, *jus ad bellum* allows for wars to be fought to protect other states or to administer justice on behalf of less empowered peoples. However, this idea would prompt a nation to adopt a more warlike foreign policy as it views itself as justified for reigning in perpetrators of injustice throughout the world.²

Such an application of *jus ad bellum* would effectively turn certain nations into righteous crusaders of justice in the international community, eroding the national sovereignty of other nations as evidenced by J. Bryan Hehir in "Just War Theory in a Post-Cold War World" when he speaks to how this interest in human rights has given rise to international law. He notes how the United Nations has attempted to make justice transcend borders by issuing international laws, and how, "In contrast to the pre-U.N. regime, when human rights violations were regarded as matters of 'domestic jurisdiction,' the U.N. texts affirm an obligation on the part of states to defend human rights in states found guilty of persistent and gross violations of rights." This crusading for justice that is warranted by just war theory thus places strain on the crusading nation to support the expenses incurred in its just wars. In addition, such a policy could logically end in colonialism for those nations who would become the victims of justice. A crusading nation could trample over the national sovereignty of another nation in the name of

² Morkevičius, Valerie, "Power and Order: The Shared Logics of Realism and Just War Theory," *International Studies Quarterly* 59, no. 1 (March 2015): 11-22, 17.

Ibid., 20.

bringing peace and security and, in doing so, destabilize that nation in such a way as to justify colonizing it to bring order.³

Moreover, just war tradition, in practice, is frightfully open to interpretation as it is not based on the logic of what is in a nation's best interest; rather, it allows certain nations to determine how much justice they wish to force upon the rest of the world. This is addressed by Barrie Paskins in "Realism and the Just War" when he notes that "[r]ealists often think that the just war tradition is so vague and ambiguous, so indeterminate in practice, that its fine words lend themselves to so many conflicting interpretations as to afford no definite guide to policy." The results of this lack of a definite guide to foreign policy are realized in the form of the "Bush Doctrine" which Andrew Fiala describes in his article, "The Bush Doctrine, Democratization, and Humanitarian Intervention: A Just War Critique," as "an idealistic approach to international relations that imagines a world transformed by the promise of democracy and that sees military force as an appropriate means to utilize in pursuit of this goal." In this case, just war theory left the door open to an interpretation of itself that included the spreading of democracy as an exercise of humanitarian aid. Especially on the part of the United States, such a policy amounted to patronization and disrespect for the national sovereignty of all nondemocratic nations. Likewise, this patronization, sanctioned by the just war tradition, led to the use of United States military force to enforce a change in the Iraqi system of government that realist theory would have firmly placed outside of the United States' jurisdiction notwithstanding further reason to believe that direct American interests were endangered. Thankfully, Fiala slams the interpretive door shut in saying that "humanitarian aid does not

³ Hehir, J. Bryan. "Just War Theory in a Post-Cold War World." *Journal Of Religious Ethics* 20, no. 2 (Fall 1992): 237-257, 244.

include the goal of spreading democracy; rather, a humanitarian war is a response to conditions that shock our moral consciences." Regardless, the evidence for the danger of idealistic interpretation remains.⁴

The Case for Just War Theory

As it stands, it might seem that just war tradition has been presented as having little practical purpose, but the mind of man is its own frontier, subject to thoughts regarding morality and ideas regarding right and wrong that are projected onto the world around itself. This statement is justified by the very existence of a just war tradition which is outlined by scholars throughout history who have recognized that moral concerns regarding right and wrong, extending past mere national interest, do, in fact, enter into considerations about war.

Just war tradition starts with St. Augustine of Hippo who presents a new purpose for warfare throughout his writings. In *The City of God*, Augustine outlines the crux of his ideas regarding war by saying that "war's aim is nothing but glorious peace . . . [s]o that peace is war's purpose, the scope of all military discipline, and the limit at which all just contentions level. All men seek peace by war, but none seek war by peace." Augustine pointed to peace as the preferable goal of war, and such an aim would indeed seek to limit unnecessary conflict. Augustine sees war to be used for the love of one's neighbor. John Langan also points out in "The Elements of St. Augustine's Just War Theory" that Augustine viewed just war as being punitive rather than defensive in nature. This is seen through Augustine's writing in *Contra*

⁴ Paskins, Barrie, "Realism and the Just War," *Journal Of Military Ethics* 6, no. 2 (June 2007): 117-130, 119.

Fiala, Andrew, "The Bush Doctrine, Democratization, and Humanitarian Intervention: A Just War Critique," *Theoria: A Journal Of Social & Political Theory* 54, no. 114 (December 2007): 28-47, 28.

Ibid., 42.

Faustum Manichaeum, where he says, “The real evils in war are love of violence, revengeful cruelty, fierce and implacable enmity, wild resistance, and the lust of power, and such like; and it is generally to punish these things, when force is required to inflict the punishment, that, in obedience to God or some lawful authority, good men undertake wars[.]” Here, Augustine, writing as a Christian, fully accounts for morality in his conception of war, and in his understanding that war is waged to bring peace, he issues an admirable call to keep war within its proper sphere by limiting it to the non-malicious motives of love and protection of others. Truly, Augustine’s call is extremely powerful and practical in that such motives would, without doubt, prove to be a boon to the general morale of a justified fighting force. While realism pushes troops forward in the knowledge of the necessity of their struggle, the knowledge or belief in the just righteousness of a cause does affect how combatants will fight, and allowing combatants a lighter conscience affects morale in a positive way.⁵

In light of Augustine’s redefinition of the purpose of war, it can also be noted that realism, as quickly pointed out by Walzer in *Just and Unjust Wars*, easily gives way to and tolerates excessive acts of barbarity such as the slaughter of the Melians by the Athenians during the Peloponnesian War that was so popularized by Thucydides’ dramatization of the Melian-Athenian negotiations in his *History of the Peloponnesian War*. Primarily, the purpose of modern just war theory can be deduced to be moderation. In the same way that just war theory can be open to interpretation, the definition of what is best for the national interest depends upon who

⁵ Augustine, St. *The City of God* vol. II, trans. John Healey, 1610, (Edinburgh: John Grant, 1909), 225.

Augustine, St. *Contra Faustum Manichaeum*, trans. Richard Stothert, *Nicene and Post-Nicene Fathers, First Series* vol. 4, ed. Phillip Schaff, (Buffalo: Christian Literature, 1887), 301

Langan, John, "The Elements of St. Augustine's Just War Theory," *Journal Of Religious Ethics* 12, no. 1 (Spring84 1984): 19-38.

is asked. For some, it is to do only what is necessary, but even then, there is no static definition of what is necessary in war. In the case of Melos, the Athenians considered it necessary to capture the city despite its neutrality. However, while it was not in the interest of Athens to capture Melos because Melos was directly injuring their war effort, it could be considered that the capture of Melos was in Athenian interest because of the wealth that the Melians possessed and how that wealth could further the Athenian war effort. Thus, one can see, the ideas of what is best for national interest can be wildly open to interpretation. It is evident that the control and restraint present in just war theory is then necessary to limit the barbarity of war. To clarify, while just war theory does expand the types of warfare that are acceptable to engage in, it also limits the types of acts and violence that are allowable within the theater of war.⁶

Lastly, with the practicality and necessity of just war theory shown in comparison to realism, just war theory must face its greatest challenge: implementation. Just war theory conflicts with the realism of Waltz and the offensive realism of John Mearsheimer which is built upon Waltz's original theory. Mearsheimer states in *The Tragedy of Great Power Politics* that,

Fear among great powers derives from the fact that they invariably have some offensive military capability that they can use against each other, and the fact that one can never be certain that other states do not intend to use that power against oneself. Moreover, because states operate in an anarchic system, there is no night watchman to whom they can turn for help if another great power attacks them.

This paints a bleak picture of international relations, but under just war theory, governments would be afforded a chance to unite with the goal of establishing a secure peace that is not under threat of distrust. However, it cannot go unaddressed that the greatest challenge to just war theory is distrust. Indeed, it has been shown that realism is tangibly convenient, but just war theory has the even greater potential of propagating good will throughout international

⁶ Walzer, Michael, *Just and Unjust Wars*, New York, NY: Basic Books, 1977, 5-13.

relations and improving general quality of life around the world by removing the fear of unjust acts of aggression and increasing international cooperation. Still, just war theory remains difficult to implement in an international community where distrust runs rampant. Even then, just war theorists can see the tenants of just war theory as the individual responsibility of each belligerent in a conflict, and in that way, even though just war theory may never be able to fully take hold as a way for nations to relate to each other, it can still serve the purpose of mitigating the damage that unbridled wars can cause. This is a compelling argument on the part of the proponents of just war theory that cannot be fully addressed by realism; however, no definitive pronouncement can be made here as to its voracity since the issue is situationally dependent.⁷

Conclusion

While just war theory does seek to mitigate the destruction of warfare, it attempts to do so in a way that is not necessarily compatible with the situations faced in practical warfare. It has the power to boost the morale and unity of soldiers while also potentially dividing them; it has the power to allow more types of warfare for the defense and establishment of international justice while also restricting the violence within war; and it has the power to undermine national sovereignty due to a lack of policy guidelines while also upholding the rights of combatants and civilians on each side of a conflict.

While it may seem that the defense of just war theory in this aspect is rather sparse, realism has a distinct advantage in the realm of tangible practicality due to how it accounts for how nations act rather than dictating how they should act. The defense of just war theory is a fairly simple matter despite the fact that it faces challenges from many sides because the viability of just war theory conclusively rests upon a question of value judgement: is a nation's

⁷ Mearsheimer, John, *The Tragedy of Great Power Politics*, New York, NY: Norton, 2001, 23.

collective interest of higher value to it than the collective rights of all the nations that it interacts with (itself included), or is the opposite true? For those who view the national interest to be more valuable, realism will naturally prevail; conversely, for those who view the rights of all nations to be more valuable, just war theory will be the prevailing school of thought.

In an attempt to reach a conclusion regarding such a divided and varied issue, it can be seen in the esteemed writings of St. Augustine that men make war for a reason, and he logically demands a responsible form of war-making. Regardless, this responsibility cannot be enforced, leaving nations to enforce just war theory upon themselves to their own potential disadvantage. Here, realism accounts for how nations will never trust each other enough to disadvantage themselves for the sake of other nations, and this is the overriding factor. Although just war theory seeks an admirable end, its application does pose great practical liabilities. In a world where what is right and wrong matter less than who is more powerful, sadly, even the most moving and eloquent arguments of St. Augustine are overcome by the tension and distrust present in the anarchical international community.

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