Justice of War and in War

Walzer, chapters 2 and 3

Two Independent Issues

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“War is Hell”—Why?

- Clausewitz: war has no limits, it tends to escalate and become increasingly ruthless
- Walzer: not inevitable. At every point there is moral choice.
- Walzer: war is hell because people are forced to fight without consent. (p. 28)
When Is There Consent?

- Aristocratic tournaments or where fighting can be broken off.
- Mercenary armies.
- But what if recruitment is from the desperately poor? Is there still a choice?
- Have our soldiers in Afghanistan and Iraq consented?
  - Walzer: “choosing effectively disappears as soon as fighting becomes a legal obligation and a patriotic duty.” Applies to voluntary enlistment too. (p. 28)
  - Worse than hell since hell presumably applies only to those who deserve to suffer divine punishment
  - War is hellish not only for civilians who suffer but for the soldiers too; generally neither consented.

The Crime of Aggression

- Soldiers may not have chosen, but there are moral agents who did choose.
- Those who chose to start war are guilty of the crime of aggression.
- Those resisting aggression are forced to imitate or exceed brutality of the aggressor
- Are aggressors the only ones guilty?
  - Sherman: yes. “war is entirely… the crime of those who begin it, and soldiers resisting aggression… can never be blamed for anything they do that brings victory closer.” (p. 32)
  - Why does Walzer disagree?

Chapter 3

- What is “the moral equality of soldiers”?
  - Walzer: “the enemy soldier, though his war may well be criminal, is nevertheless as blameless as oneself.” (p. 36)
- War, even today, is still a rule-governed activity “a world of permissions and prohibitions—a moral world.” (p. 36)
- Unlike aristocratic wars, not chosen; rules are based on “shared servitude” of soldiers
Can a Soldier be Honorable in an Unjust War?

- YES if the choice of war is the responsibility of leaders and the conduct of war the responsibility of soldiers
- Was General Rommel honorable? General Westmoreland?
- Can we hold individual soldiers responsible for the justice of the war?

Two Kinds of Rules in Conduct of War

- How might killing take place (e.g., restrictions against biological weapons)
- Walzer’s focus: who can be killed?
  - Central distinction of combatants and noncombatants
  - “War is distinguishable from murder and massacre.” (p. 42 top)
  - Central difficulty: what if combatants and noncombatants cannot be distinguished (Iraq, Afghanistan)?

The “War Convention”

- Normative, not descriptive: “the legal handbooks are not the only place to find the war convention” (p. 44)
- Walzer’s casuistic method: “the task of the moral theorist is to study the pattern as a whole reaching for its deepest reasons.” (p. 45)
- A central question: are the rules of wartime behavior independent of the justice of the war?
- Same question: are the rules in war the same for both aggressor and victims of aggression?