Ethics of War and Conflict

Spring 2013 - Prof. Daniel H. Levine
Mondays 9:15-11:45AM, VMH2101F (Dean's Conference Room)
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Overview and Objectives
This class is an introduction to the normative/moral/ethical issues that arise concerning warfare and other forms of large-scale violent conflict. The emphasis will be on exposing you to the basics of the moral traditions, with an eye towards applying moral principles to real-world cases. We will explore the moral terrain of war, violence, and conflict through a combination of readings, class discussion, in-class participatory exercises, small group work, and writing.

By the end of this course, if all goes well, you should be able to:

- understand and articulate the major principles of traditional just war theory, as well as some contemporary critiques of those principles
- apply ideas from the moral theory of warfare to real-world situations, with a special eye towards identifying morally-relevant considerations for making forward-looking policy decisions
- critically reflect on received notions of the morality of war and conflict, and defend your moral judgments clearly and cogently, both in written and oral work
Assignments and Grading

General Note on Grading

Most assignments in this class will be graded using some variation of a simple 3-point grading method. Some assignments (like peer comments and class participation) will simply be graded as 0-3. Others, like the case study presentation or memos, will have several sub-elements, each graded 0-3.

This is what the numbers represent, roughly:

0: Wholly inadequate. You didn't turn in the assignment at all or it does not even begin to address the requirements, you've missed more that half the classes without a good explanation, etc. Please don't make me hand out this grade.

1: Needs improvement. You've clearly put some effort into this, but it has one or more significant issues. You've seriously misunderstood some concept, you've recommended an impossible action, you've overlooked key and well-known data, you're in class most of the time but you never speak up, etc.

2: Fine. The work is not perfect, but it represents a competent take on the assignment. You have done more or less as expected, and your work may even have some nice points. You're in class most of the time, and when you speak up, it's clear your basically on top of things, etc. Solid.

3: Great. You still need not be perfect, but on the relevant aspect, something stands out about your work. Your memo is a stylistic pleasure to read, or you've made a particularly insightful point. You almost always come to class prepared and you make frequent and high-value additions to the discussion, etc. Kudos.

The theory behind this is simple: even the most brilliant professor
(which is not me) will have difficulty being truly objective about fine distinctions like A vs. A-. But, it is pretty easy to tell the difference between a solid piece of work and one that is either seriously lacking or very good. And, with a significant number of these simple judgments over the course of the semester, your grade will be sufficiently fine-grained.

Yes, Professor Levine, but what does it mean for my GPA? In accord with MSPP grading practices, I calibrate my translations between these simple grades and final grades around the assumption that solid, competent, but not wow-inducing work receives a B - meaning that a 2 is roughly a B. So, if you get an 8 on a memo, that will be a B, with better and worse grades being spread out accordingly.

What if I turn things in late? You know, until last semester, I did not think that I needed a section on this, as we are all adults. I hope that this semester it will go unneeded again! If you turn in an assignment late, without some sort of adequate explanation, I will mark you down half a letter grade, or a full letter grade if it is more than three days late. For most assignments, if it is more than a week late, I will not accept it unless you have made some prior arrangement with me. For assignments with multiple parts that all lead to a single grade, this penalty will apply to each late part. Of course, all of this is subject to emergencies and such - in that case, deal with your emergency and just let me know what's up when you have a chance to breathe.

The first exception is memo drafts and comments. These will not be accepted after three days, as it gives your classmates insufficient time to make/respond to comments.

The second is the summary for fights. These will not be accepted after the day before the presentation, as I need to get them out to your classmates in time. Obviously, if you don't do your presentation, you'll get no credit for it, but let's hope it doesn't come to that.
Short Papers
Over the course of the semester, you will be asked to write three short papers. Each should between 6-10 pages long (double spaced, with reasonable margins, 12 point font, and all that jazz). And each will have a different focus.

Your first essay will be a *jus ad bellum* exercise. You should select some (real-world) decision to engage (or not) in a conflict and argue for why it was or was not morally justified (on the part of some particular party, of course - one side may be justified and the other not). Try not to pick a case that seems too obvious - if you are arguing that Nazi Germany should not have been a thing, you are unlikely to find much to say. In your paper, make clear your interpretation of the relevant *jus ad bellum* principles (especially if you have an unusual or controversial interpretation of any), and discuss how they apply to the case you have chosen. As part of your argument, consider one plausible objection to your perspective, and explain why you reject it.

The second essay will be a *jus in bello* exercise. Like the first, you should pick a real-world example, this time some particular incident in a conflict. Discuss whether or not a key participant of your choice acted in a morally justified way. Again, make clear your interpretation of the relevant moral rules and discuss one plausible objection.

The last essay will be a more wide-ranging critique/reaction essay. Select one of the pieces we have read for the class that you disagree with on a significant point, and explain your disagreement. Clarify the point you are objecting to, explain why you disagree (and argue for why you are right), and consider one plausible response the original author could make to your critique (and why the response is not sufficient).

All essays will receive a grade for form and style that reflects the quality of the writing, proper grammar and spelling, etc. In addition, the first two essays will be graded on the basis of how well you clarify the relevant principles, how well you explain your case (and, if there are any
controversies about the facts, the quality of your argument for your take on them), how well you argue for your point, and how well you respond to the objection. The third essay will be graded on the basis of how clearly you summarize the point with which you are taking issue, the quality of your argument against it, and how well you deal with a possible response from the original author (yes, this means that the first two essays have 15 possible points and the third only 12; this will not matter in the weighting of the grades).

Peer Review

Philosophy, like policy, is not a discipline best pursued in isolation - engaging with others and responding to critiques is how you hone your ideas. And I would much rather read fantastic papers than bad ones. So, each essay will be created in three stages.

First, you will turn in a rough draft. This should, of course, be as good as you can make it. I will post the drafts to a Google Doc/Canvas "collaboration" that everyone in the class has access to.

Second (due a week after the rough draft due date), you will be expected to choose one of your colleagues' papers and comment on it. Do your best to both read their arguments charitably, and to consider as ruthlessly as possible any objections there may be (while, of course, being constructive - think of it as "stress-testing" the argument).

Finally (due a week after comments are due), you will turn in a final copy to me for grading.

Due Dates

Pick a Fight
Once during the semester, you will be asked to spur class discussion by taking a position on some issue related to the topic of the day. This exercise is intended to do two things: first, tie some of the more theoretical issues we discuss in class to real-world, concrete examples; and, second, make sure that we at least occasionally talk about the sort of things you, the students, are interested in rather than just what I am interested in.

To do this, you will pair off (if we end up having an odd number of students after drop/add is over, there will be one group of three). I will create a sign-up sheet as a Google Doc/Canvas Collaboration.

Yes, there will be more dates than groups - that's fine. We don't need to do this every day.

For that date, you and your partner should choose a particular policy issue relating to the general topic of the class. Be concrete --- your task is not to talk about, e.g., whether the use of drones could ever be justified but rather about whether the US should continue to make "signature strikes" in Afghanistan. The issue you choose should ideally be something current, where choices need to be made about what policy going forward should be.

You should consider the issue in light of the topic of the day for class, and then each of you should choose a different position on it to present and defend. Ideally, you should each choose a position you actually believe --- this is intended as an exercise in engaging on values and moral beliefs, not just on debate. At the very least, you should each choose a position you find plausible and defensible. Yes, it may be an advantage to pick a partner with whom you expect to disagree!

No later than the Thursday of the week before which you will be presenting, please send me a short summary of the issue (3 pages maximum) that I can circulate to your classmates, since we may not all
be experts on the details of your issue. In class, after the break, you should each take five minutes (or so) to present your "side," and then we will discuss the issue as a class. Again, this is not a debate *per se* (despite the pithy name); the class discussion should focus on exploring the reasons behind each position, you need not defend your side at all costs (this is a good reason to pick a view you actually agree with, where possible, rather than one for which you are simply a "devil's advocate"), and it is entirely possible for the discussion to land us on some compromise.

**Class Participation**

Generally speaking, here is how to get a good grade for class participation. Show up to class unless you have told me that you cannot make it (or there's an emergency, of course), having read the material for that class. Ask questions and make comments that contribute to the discussion. Be respectful of your classmates.

There are two more specific things that go into your grade in this class in particular.

First, you should come to each class prepared with a question for discussion to toss out to the class. We will not get to all of these every time, but I will be sure to randomly call on one or two people to ask their questions. Discussion questions can be matters of clarification ("what do you think X was on about when she said Y...?")", possible objections ("do you think that X can coherently maintain that Y given Z...?"), applications to practical situations ("if X is right about this, what does it mean for US policy on...?")", or anything else you think will spur interesting conversation.

Second, on occasion you will be responsible for making a short presentation as part of a mosaic exercise (see under readings, below).

**Schedule of Classes and Readings**
Two notes on the readings.

First, there are two required books for this course, and below, I will refer to each by a three-letter acronym to save my poor typing fingers. The required books are Bruno Coppetiers and Nick Fotion, eds., *Moral Constraints on War* (MCW) and C.A.J. Coady, *Morality and Political Violence* (MPV). Note that I do not have a copy of the first edition of MCW - all readings are based on the Second Ed. I do not know what may be different between the editions, so if you have the First Ed., you are just responsible for making sure that things line up.

Second, on a couple occasions you will see a "mosaic" reading list. Mosaic reading is a technique for covering a lot of material without making everyone read everything. What you will do is select one option from the list to read - I will circulate a sign-up sheet so that we can spread the coverage as widely as possible. We may not cover all the readings, depending on the final number of students in the class, which is fine - the mosaics are given for classes where there are many different examples or aspects we could explore, and no course could cover everything. On the class day, you will be expected to make a brief presentation of they key points from your reading to the class or a smaller workgroup.

1/28/13: Introduction to the Just War Framework
We will begin our discussion of the ethics of war and conflict by laying out the overall, traditional framework of Just War Theory and talking about its relationship to militarism, pacifism, and realism. Over the course of the semester, we'll be going into more detail on various bits of the framework, but the parts all work together (and we will not delve into detail on each one) so it will be worth keeping at least a thumbnail of the whole thing in mind as we go forward.

Readings

None required. However, you might want to take a look at the
introduction in MCW and "The Just War Tradition," pp. 58-61 in MPV.

2/4/13: Just Cause: Self-Defense, Pre-emption, and Prevention
Just cause is in some ways the "master principle" of jus ad bellum. If a war is not being fought for a good reason, it is difficult to see how other criteria could be met - what evils could be proportional, e.g., to a goal that is not good?

This week, we will look at the most traditional just cause, self-defence. Almost everyone agrees that if war is ever justified, it is justified in immediate self-defence. But more difficult issues arise when we move away from the paradigm of response to ongoing attack and ask how far nations can respond to imminent and gathering threats.

Readings

- MCW, 27-42
- MPV, 62-67, Ch. 4, 88-90
- Michael Byers, War Law, chs. 4 ('Inherent Right' of Self-Defence), 6 (Pre-Emptive Self-Defence) (PDF)
- Jeff McMahan, "Preventative War and the Killing of the Innocent" (PDF)

2/11/13: Just Cause: The Responsibility to Protect
While there is broad consensus that self-defence is just cause for war, there is more controversy over whether military action can be undertaken in defence of others or to enforce human rights norms or avert great evils. This is the realm of "humanitarian intervention" and "the Responsibility to Protect."

This week's mosaic will give us an opportunity to discuss different
candidates that have been put forward as situations that demanded humanitarian intervention, or wars that have been put forward as examples of humanitarian intervention.

**Readings**

- MCW 43-54
- Review MPV 80-84
- International Commission on Intervention and State Sovereignty, *The Responsibility to Protect*, chs. 1-2, 4
- Alex Bellamy, *Just Wars: From Cicero to Iraq*, ch. 10 (Humanitarian Intervention) (PDF)
- Richard Norman, "War, Humanitarian Intervention and Human Rights" (PDF)

**Mosaic**

- MCW, chs. 9, 10 (pick one)
- Nicholas Wheeler, *Saving Strangers* 2-7 (pick one) (ebook available via WorldCat)
- Interested in a different plausible case of "humanitarian intervention?" Have a better idea for a reading than the ones listed? Talk to me.

**Optional**
2/18/13: Right Authority
Not just anyone can pick up a gun and declare a war. No matter how just your cause and pure your heart, if you take up arms without legitimate authority to do so, you are a violent criminal, and not a soldier (so the story goes). The traditional rule was that only states could declare war, and this perspective persisted for centuries in international law. But there are at least two pressures on this traditional account. In order to maintain world stability, do we need to reserve at least some declarations of war (perhaps anything beyond immediate self-defense) to supra-national entities like the UN? On the other side, it seems intuitive that at least some sub-state entities can legitimately declare war - moral insurgency does not seem to be a conceptual impossibility.

Readings

- MCW, ch. 2
- Michael Byers, *War Law*, chs. 1-3, Epilogue (PDF)
- Virginia Held, *How Terrorism is Wrong*, ch. 3 (Legitimate Authority in Non-State Groups Using Violence) (PDF)

2/25/13: Discrimination
The first core principle of *jus in bello* is discrimination (sometimes called distinction). This is the principle that non-combatants may not be intentionally targeted. The application of this principle can be difficult, however. In many contemporary conflicts, it may be practically difficult
to distinguish combatants from civilians, and it may be difficult to draw the moral line when many people who do not take up arms support combatants in various ways. In addition, contemporary war often involves damage to and destruction of infrastructure used both by the military and civilians, raising questions of where to draw the line on "dual-use" targets.

**Readings**

- MCW, ch. 8
- MPV, 107-22
- Michael Walzer, *Just and Unjust Wars* p. 138-51
- Reuben E. Brigety II and Rachel Stohl, "Just War Theory and Child Soldiers" (PDF)

**3/4/13: Proportionality**

Proportionality is a principle that appears both in *jus ad bellum* and *jus in bello*. In both cases, it represents the intuitive principle that, even if the end of military action is good, it is not justified to simply take any action to achieve it - to paraphrase my old mentor, you don't burn the house down to cook a pig. But getting beyond vague notions of "comparability" can be difficult. And proportionality in *jus in bello* has two aspects: limits on the "collateral damage" that can be inflicted on civilians without intentionally targeting them, and limits on what can be done to combatants (e.g., international law prohibits the use of poison gasses and expanding bullets).

**Readings**
3/11/13: Massively Destructive Weapons
Weapons of vast destructive power, like nuclear, biological, and chemical weapons - as well as very destructive conventional munitions - raise particularly sharp questions of discrimination and proportionality. Can we even speak of discrimination when using a weapon that kills everything for miles? Is it moral to threaten to do something immoral, if the point of making the threat is to ensure that you will not have to follow through?

Readings

- MPV, ch. 12
- Alex Bellamy, Just Wars: From Cicero to Iraq, ch. 9 (Aerial Bombing) (PDF)
- Michael Walzer, Just and Unjust Wars, ch. 17 (Nuclear Deterrence) (PDF)

3/25/13: Civil-Military Relations and Individual Responsibility
A key question of military ethics is how the individual soldier relates to the state. But the proper nature of this relationship is difficult to nail down. On the one hand, the very stability of any state requires that the military, by and large, do what their political leaders ask them to. Much of the political science literature on civil-military relations focuses on why militaries bother to listen to unarmed masters - and how to keep them doing it. On the other hand, it seems deeply problematic that someone should be willing to kill another human being merely because a leader tells her to, without coming to her own conclusions about what
she is doing is right.

The mosaic readings for this week will let us complement the theoretical discussion of civil-military relations with examination of how civilian society and the military relate in a few different nations, and some particular incidents that are worth considering.

**Readings**

- MPV, ch. 11
- Yitzahk Benbaji, "The Moral Power of Soldiers to Undertake the Duty of Obedience," *Ethics* 122 (2011), 43-72. **Note:** Benbaji refers often to McMahan's *Killing in War,* which is a book-length treatment of the argument he lays out in basic form in the piece I am asking you to read. The whole book is quite interesting!

**Mosaic**

The Christian Science Monitor 2 February 2007 (http://www.csmonitor.com/2007/0202/p20s01-usmi.html); Michelle Malkin, "The Left's Definition of a 'Hero"" (http://michellemalkin.com/2007/02/07/the-lefts-definition-of-a-herobreaking-mistrial-in-watada-case/) --- Note: I would have liked to assign something a bit more temperate than Malkin's piece on the "anti-Watada" side. But he was caught up in a charged political debate, and a bit of a cause celebre on the Left, while - as near as I can tell - mostly ignored by moderate voices on the right. I would welcome if someone has a better suggestion for a balance piece.


Want to talk about civ-mil relations somewhere else? Have a better reading? Talk to me.

Optional

- Samuel Huntington, The Soldier and the State, chs. 1, 4 (PDF)
- Deane-Peter Baker, Just Warriors, Inc., ch. 1 (On Sheepdogs) (PDF)

These are some shorter pieces by McMahan laying out his theory that might be interesting/helpful, but largely cover similar ground to his
4/1/13: Pacifism

Some thinkers reject the notion that there could ever be a morally justified war. For some, this is a matter of personal conviction - they may not oppose war in general, but feel that they are obligated not to participate. We will leave this sort of individualistic pacifism aside to look at concerns that thinkers have had about the entire project of war - as against the laws of G-d, as never a good cost-benefit analysis, as requiring a dehumanizing attitude, etc. - and some responses to the pacifist objections. We will also take a look at one account of pacifist action in what might be thought to be a maximally tough test for the approach - resistance to Nazi occupation.

Readings

- MCW, 7-10, ch. 6
- MPV, 278-82
- Judith Butler, Precarious Life, ch. 2 (Violence, Mourning, Politics) (PDF)
- G.E.M. Anscombe, "War and Murder" (http://philosophyfaculty.ucsd.edu/faculty/rarneson/Anscombe.pdf)
- John Howard Yoder, The War of the Lamb, ch. 1 (A Theological
Critique of Violence) (PDF)

- John Dewey, "The Future of Pacifism" (PDF)
- Peter Ackerman and Jack DuVall, A Force More Powerful, ch. 5 (Denmark, the Netherlands, the Rosenstrasse: Resisting the Nazis)

4/8/13: Sanctions and Sieges

When we want to coerce compliance from a recalcitrant state, but war seems infeasible or unjustified, we often resort to economic sanctions. Attempting to change a nation's behavior through sanctions is often a key part of the argument that the last resort criterion has been satisfied. But many thinkers have pointed out that sanctions are not painless, and in fact they may be even more damaging to civilians than outright war, especially when they persist over long periods.

Readings

- Michael Walzer, Just and Unjust Wars, ch. 10 (War Against Civilians: Sieges and Blockades) (PDF)

4/15/13: Counter/terrorism and Counter/insurgency

Few contemporary wars are fought between reasonably evenly-matched nation-states. Rather, the typical form of political violence in our world pits coalitions of powerful states against decentralized opponents that use non-traditional tactics. While insurgents and terrorists are not
identical, they raise overlapping issues about the justification of violence, the scope of legitimate targets when insurgents are fighting for cultural or economic liberation as much as political independence, and the unfairness of war.

**Readings**

- MCW, ch. 12
- MPV, ch. 8, 128-131
- Virginia Held, *How Terrorism is Wrong*, chs. 4 (Terrorism, Rights, and Political Goals), 7 (The Moral Assessment of Violence and Terrorism) (PDF)
- Frantz Fanon, *The Wretched of the Earth*, ch 1 (On Violence) (PDF)
- Michael Walzer, "Terrorism: A Critique of Excuses" (PDF); *Just and Unjust Wars*, ch. 11 (Guerilla War)
- David Rodin, "Terrorism without Intention" (PDF)

**4/22/13: Private Military Actors**

Western militaries are increasingly relying on vast numbers of personnel who are not members of their militaries to perform tasks once performed by soldiers. Some call them mercenaries, other "contingency contractors." A small number serve in active combat, more as advisers and "security," and vast numbers cook, drive trucks, repair vehicles, and perform other military tasks that do not involve killing. Their presence raises questions both about the nature of the military profession, about accountability, and about the proper limits of government reliance on privatization.

**Readings**

- MPV, ch. 10
- Deane-Peter Baker, *Just Warriors, Inc.*, chs. 2 (What the Heck is a Mercenary Anyway?), 3 (The Private Warrior's Virtue), 4 (The Right to Fight), 6 (Contracting and Delegation)
4/29/13: Peacekeeping
Around the world, thousands of troops are deployed as peacekeepers, mandated to oversee peace processes and (now) protect civilians threatened with death and atrocities. Soldiers often look on peacekeeping duty with some skepticism, as a kind of war-with-one-hand-tied, police work, or even social work. And analysts sometimes look at it as a way to be seen to be "doing something" without doing something, or as imperialism-on-the-cheap. Yet in many places, it represents the international community's tool for trying to eliminate the "scourge of war."

Readings

- Alex Bellamy and Paul Williams, Understanding Peacekeeping, ch 1 (Peace Operations in Global Politics), 15 (Protection of Civilians)

Optional

5/6/13: Ending Wars

Every war must end.* But the end of a war does not necessarily mean the end of moral obligations. Willing or not, most victors are drawn into messy post-conflict situations in which they need to stabilize an area or "nation-build." Traditional just war rules may not give sufficient guidance for the post-war period.

Readings

• MPV, ch. 13

Optional


* Offer not valid for the War on Terror, War on Poverty, or War on
Drugs.