

The Ethics of War

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Topic Description

The purpose of this course is to investigate whether, what kinds, and under what conditions, political violence – chiefly, war – is morally justifiable. Among contemporary war ethicists, the most significant divide lies between the political and reductivist camps. To simplify, the political approach views war as a violent encounter between two polities, while the reductivist approach treats war as a collection of individuals acting in self-defense and other-defense. Historically, the political approach held prominence and gave rise to fundamental just war doctrines, many of which are enshrined in contemporary international laws of war. However, over the past twenty years, reductivism has made groundbreaking contributions by exposing the weaknesses of the political approach and challenging the validity of nearly every just war doctrine embedded in these laws.

Reductive individualism (or the ‘reductivist approach’ for short) includes two claims. The first claim is that the moral principles governing violence in war are wholly reducible to the moral principles governing violence in ordinary life. Morality is all ‘of a piece’ in that, at the most fundamental level, moral principles do not change for, or otherwise carve out an exception in, the context of war. The second claim is that the proper objects of moral evaluation and prescription in war are individuals and their acts. Those who commit acts of violence in war are typically part of groups or act on the behalf of groups – but it is moral alchemy to think that violence somehow becomes licit when many people engage in it together, or when individuals act on behalf of others who themselves possess illicit aims. Together, these two claims yield a radically revisionist account of war ethics, one which challenges the assumption, central to just war theory, that what is impermissible when done as an individual, becomes permissible when done as part of a political collective.

In response to the systematic challenges posed by reductivism, the political approach has sought to strengthen its arguments. By its lights, reductivism—reducing war to a collection of individual acts of self-defense and other-defense—is inadequate for understanding wars that are fundamentally political, which are sometimes referred to as ‘public wars.’ Public wars are inherently political, as they either seek to defend public rights (e.g., a people’s right to self-governance) or depend on public means (e.g., conscription and taxation). The political approach argues that public wars have their own unique logic, shaped by the nature and value of a people’s self-governance, a state’s rights to rule as embodying the people’s self-governance, the normative authority of state orders, and so forth. These elements, it contends, affect how we should conceptualize the rights, obligations, and liabilities, in public wars as opposed to private conflicts.

In this course, we will explore prominent issues in just war theory through the lenses of both reductivist and political approaches. Topics will include the moral (in)equality of just and unjust combatants, civilian immunity versus liability to attack, the right—or lack thereof—to national defense, the justifiability of civil war, humanitarian intervention, and more. By examining how both

the reductivist and political approaches analyze these issues, we aim to achieve three primary goals. First, by comparing how the two approaches address these topics, we can determine which account of these issues is more plausible. Second, by evaluating the plausibility of each approach's treatment of these issues, we can better assess the respective strengths and weaknesses of both approaches. Finally, drawing insights from both approaches may enable us to develop innovative accounts of ethics in war that integrate their strengths.

Students in this class will engage with both fundamental and cutting-edge theories in ethics and political philosophy, particularly regarding the ethics of self-defense, the foundations of state authority, and the normative power of state directives. Familiarity with these theories will equip students with tools that are adaptable for engaging in philosophical discussions beyond war ethics.

Grading and Class Structure

The grading for this course will be based on three components:

- a choice between i) a single 6000-word term paper which will be due during finals week, or ii) three 2500-word commentaries on selected readings over the course of the quarter;
- a 30-minute presentation (followed by class discussion) of a detailed synopsis and commentary of two assigned readings (excepting those covered in the first week) over the course of the quarter; the synopsis will cover the entirety of the reading, though your commentary can be on the reading as a whole or just on a particular part of it;
- a 150-250-word weekly-reflection (posted on the course's Canvas page) on that week's readings.

Tentative Schedule of Readings

1. Jan. 7 - Combatant Equality (part 1)

- a. McMahan: *Killing in War*, §2 (p.38-103), parts of §3 (p.115-154), parts of §4 (p.155-188) - (2009) [137 pages] **SB**

2. Jan. 14 - Combatant Equality (part 2)

- a. Ryan: 'Democratic Duty and the Moral Dilemmas of Soldier,' p.10-42 - (2011)
- b. Renzo: 'Political Authority and Unjust Wars,' p.336-357 - (2019)
- c. Yuan: 'Robust Equality Between Just and Unjust Combatants,' 1-37 - (2024)
- d. Statman & Benbaji: *War by Agreement*, §5 (p.116-132) - (2019)

3. Jan. 21 - Civilian Liability (part 1)

- a. McMahan: *Killing in War*, §5 (p.203-235) - (2009)
- b. Fabre: 'Guns, Food, and Liability to Attack in War', 36-63 - (2009)
- c. Frowe: *Defensive Killing*, §6 - (2014)

4. Jan. 28 - Civilian Liability (part 2)

- a. Bazargan-Forward: *Authority, Cooperation, and Accountability*, §5, pp. 139-151 (2022)

- b. Statman & Benbaji: *War by Agreement*, §6 (p.133-162) - (2019)
- c. Tadros: 'Orwell's Battle with Britain: Vicarious Liability for Unjust Aggression,' p.42-77 - (2014)
- d. Stiliz: 'Collective Responsibility and the State,' p.190-208 - (2011)

5. Feb. 4 - National Self-Defense

- a. Rodin: 'The Myth of National Self-Defence,' p.64-84 - (2014)
- b. McMahan: 'What Rights may be Defended by Means of War?' p.110-151 - (2014) **LW**
- c. Ripstein: *Kant and the Law of War*, §3 (p.71-102) - (2021)
- d. Stiliz: 'Territorial Rights and National Defence,' p.203-228 - (2014)

6. Feb. 11 - Proportionality

- a. Hurka: 'Proportionality and the Morality of War,' p.1-33 - (2005)
- b. McMahan: 'Proportionality and Just Cause,' p.428-453 - (2014)
- c. McMahan: 'Liability, Proportionality, and the Number of Aggressors' p.3-27 - (2017)
- d. Frowe: *Defensive Killing*, §5.5-5.6, p.147-160 - (2014)

7. Feb. 18 - Civil War

- a. Buchanan, 'Theories of Secession' p.31-61 - (1997)
- b. Renzo: 'Revolution and Intervention' p.233-253 - (2020) - ST
- c. Yuan: 'Public War and the Requirement of Legitimate Authority,' p.265-288 - (2022)
- d. Finlay: 'Assisting Rebels Abroad: The Ethics of Violence at the Limits of the Defensive Paradigm' p. 38-55 - (2022)

8. Feb. 25 - Humanitarian Intervention

- a. Eggert: 'Law and Morality in Humanitarian Intervention,' p.298-324 - (2022) **LW**
- b. Fabre: *Cosmopolitan War*, §5 (p.166-207) - (2012)
- c. Emerton & Handfield: 'Humanitarian Intervention and the Modern State System,' p.1-21 - (2015) - ST
- d. Koh: 'The War Powers and Humanitarian Intervention,' p.1004-1019 - (2016)

9. Mar. 4 - War-Crimes and Jus in Bello

- a. Dannenbaum: 'War Crime and Just War Theory,' p.775-800 - (2019)
- b. Scholz: 'Just War Theory, Crimes of War, and War Rape,' p.143-157 - (2006) **DS**
- c. Ripstein: *Kant and the Law of War*, §4 (p.103-132) - (2021)
- d. Ripstein: *Kant and the Law of War*, §6 (p.153-170) - (2021)

10. Mar. 11 - Jus Post Bellum

- a. Bass: 'Jus Post Bellum,' p. 384-412 - (2004) **DS**
- b. Lazar: 'Skepticism about Jus Post Bellum,' p. 204-222 - (2012)
- c. Fabre: *Cosmopolitan War*, [TBD]
- d. Bazargan-Forward: 'Compensation and Necessity in War,' pp. 1-30 - (2024)