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Etyka wobec wojny, terroru i przemocy politycznej : słowo wstępne redakcji

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ETHICS ON WAR, TERRORISM AND POLITICAL VIOLENCE

Guest Editor's Foreword

Ethical issues arising from armed conflicts and the use of violence for political purposes have been much discussed in practical ethics during the last few years. The September 11 terrorist attacks that provoked a firm reaction from the United States and some of its allies, are undoubtedly among the main reasons for the recent popularity of the ethics of war. In the wake of these attacks, a revival of discussions can be observed – also among ethicist and philosophers – concerning: 1) when is it permissible to use force in international relations (*ius ad bellum*); 2) what are the permissible ways of waging wars, including “the war on terror” (*ius in bello*); 3) what are the obligations of the victors, especially in the context of building a democratic order (*ius post bellum*).

The ongoing war in Afghanistan and the war in Iraq, which hopefully is nearing an end, are two wars that are fought in response to unprecedented (also in the symbolical sense) terrorist attacks. They are not defensive wars in the standard sense of the term (they are not a defense against the attack of another state); neither can they be treated as cases of humanitarian interventions. Rather they seem to be something between revenge and a preventive war against future terrorist attacks (Afghanistan) or a military intervention against a dictator ruling a country of substantial strategic significance (Iraq). But preventive wars or forcible regime change (in contrast with pre-emptive strikes or forcible humanitarian interventions) are not allowed by international law and the traditional ethics of war. Moreover, the new ways of fighting terrorism have created or revived practices that are highly controversial from a moral point of view and very often contradict international law: treating enemies as unlawful combatants (participants of military conflicts that are prosecuted under domestic penal codes); abductions and long-term detentions of suspected terrorists without right to trial and without right to legal defense; targeted killings of suspected terrorists; interrogational torture aimed at forcing testimonies; the revival of the phenomenon of mercenaries. These problems are also important in Poland, since our soldiers fought in Iraq, are involved in the war in Afghanistan, and the Polish government granted strong political support for the American strategy of fighting terrorism.

Other ongoing events also seem to be of great importance from an ethical perspective. Let us enumerate some of them: the threat of further proliferation of nuclear weapon (Iran) and the important ethical and philosophical puzzles it implies (e.g. the problem of wrongful intentions); the ethical problems of asymmetric wars, which now seem to be the dominant form of armed conflicts, e.g. the requirement of proportionality during the justified use of force, treating civilians as human shields or methods of fighting that *de facto* have this result (both of these problems were important during the intervention of Israel in the Gaza Strip in 2008/2009); problems connected with the right to secession (the war in South Ossetia in 2008); exploiting children in fighting (some countries in Africa). These examples show that the questions discussed in this issue of "Diametros" are not only of theoretical significance, but also of great practical importance to any reliable analysis and evaluation of ongoing events and political processes. Nowadays, the voice of ethicists plays a significant role, since it seems that many rules of international law and the traditional ethics of war do not accommodate recent challenges nor the recent moral sensitivity.

The other reason for which the ethics of war is lately so much discussed, apart from its usefulness for the evaluation of recent events, is its connection with many fascinating and significant philosophical problems. An excellent example for the above is the supreme emergency exception – a situation in which we are allowed to break the rules of war and to act in a way that normally would be treated as morally outrageous (a common example is the bombing of German cities at the beginning of World War II, but now some would want to use this exception to justify interrogational torture). Yitzhak Benbaji proposes here a modified consequentialist account of the supreme emergency exception and criticizes some of the previous interpretations of this issue (Michael Walzer's and Daniel Statman's accounts).

The philosophical problems of humanitarian intervention and the limits of our obligations toward people living in distant parts of the world are the next highly important questions. Steven P. Lee discusses here a few recent accounts of humanitarian interventions (appearing both in some official documents, e.g. the UN Charter or the well-known report *The Responsibility to Protect*, and in philosophical texts, e.g. Michael Walzer's or David Luban's. Lee argues that these accounts are inadequate, and presents his own theory that also tries to answer the question of when humanitarian intervention is justified.

The connection between the ethics of war and some significant philosophical issues is traced by McMahan, who discusses contingent pacifism. This is a form of pacifism that does not totally exclude the permissibility of violence, e.g. to de-

defend others or in self-defense, but claims that any contemporary war, even if it has a just cause, cannot be morally justified because it inevitably involves the killing of innocent people on a large scale. McMahan finds two theoretical presuppositions of contingent pacifism untenable: firstly, the claim that intentions are irrelevant to permissibility of an act and, secondly, a strong version of the distinction between killing and letting die.

A very important issue, which is in the centre of the recent debate, is the problem of the limits of permissible self-defense and the possibility of grounding just wars in the individual right to self-defense or in the moral obligation to defend others. This problem is analyzed here by Phillip Montague, who criticizes some theses of the well-known book *War and Self-Defense* by David Rodin.

Next, Uwe Steinhoff discusses the problem of guerrilla wars and criticizes the belief, common among some war theorists (e.g. Paul Ramsey), that this type of war makes it harder for counter-guerrilla forces to obey the principle of discrimination (which prohibits direct attacks on non-combatants during war).

The history of the ethics of war seems to be of great importance, since it gives us an opportunity to track down the process that finally gives legal and moral norms their present form. This problem is discussed here by Henrik Syse, who claims that the doctrine of just war has its origins in Plato's dialogues where we can find elements of both *ius ad bellum* and *ius in bello* rules.

Of course, these five topics do not exhaust all of the philosophically interesting issues in the ethics of war. Here are some of the other important and broadly discussed questions: the moral significance of the distinction between combatants and non-combatants; the moral equality of soldiers and individual responsibility of combatants for fighting in an unjust war; the independence of *ius in bello* rules on *ius ad bellum* rules; the limits of collective responsibility; the permissibility of attacking non-combatants during armed conflicts; the relation between the ethics of war and international law; the doctrine of double effect and moral significance of intentions; the wrongness of death; the moral significance of the political community, etc.

This special section about the ethics of war in the present issue of "Diametros" has been prepared by me at the invitation of prof. Włodzimierz Galewicz. Distinguished authors from various parts of the world, working at universities and research institutions in the United States, Israel, Norway and Hong Kong kindly accepted my invitation to contribute to this issue. It is to be hoped that this issue of "Diametros" will be an important supplement to publications on this problem that have been already published in Poland: the anthology *Etyka wojny* [*Ethics of War*] published in 2009 by Wydawnictwo Naukowe PWN; the classic

book *Just and Unjust Wars* by Michael Walzer published in Polish translation also by PWN in March 2010; and a few case studies in the ethics of war at the web site of the Interdisciplinary Centre for Ethics "incet".

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