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Ethics, Killing and War

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The book is academic in tone and should be read with a highlighter in hand, for much of it is crammed with nuggets of insight, and there are numerous topics ripe for discussion and debate among military and political professionals. In sum, this book should be required reading for all officers, policy makers, and policy shapers of our new national defense.

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Norman, Richard. *Ethics, Killing and War*. Cambridge, U.K.: Cambridge Univ. Press, 1995. 256pp. \$39.95

Richard Norman, professor of moral philosophy at the University of Kent at Canterbury, has produced a book that should be required reading for theorists and practitioners of war, and especially for political leaders. His challenge to our habitual ways of thinking about war is profound, and his arguments are powerful, subtle, and lucid.

This work is a contribution to the literature on the morality of warfare. Norman seems to have read, and here to comment on, everything in English, but he presupposes no acquaintance with the field. In fact, this book is intended "to exhibit philosophical thought at work, to introduce the reader to various ethical concepts, modes of argument and theoretical traditions with which people have tried to come to grips with the moral dilemmas of war, and to explore what can be done with those philosophical resources."

The first two chapters (of six) outline the structure of ethical thinking and the

grounds for the wrongness of killing. Killing people is wrong both because it harms them and frustrates their preferences, and because it fails to respect them as beings with purposes of their own. Utilitarianism can account for the first of these reasons, but not for the second, so utilitarianism cannot be an adequate moral theory by itself. Similarly, utilitarianism cannot account for the moral difference between killing and letting die (the subject of the third chapter), an important issue in some justifications of wars or other military actions. But that is, very often, a difference of substantial moral significance. (If Sally refuses the terrorists' demands she may in some way let the hostages die, but she does not kill them. The terrorists do.) So to the requirements of beneficence and non-maleficence that utilitarianism supports must be added requirements of (at least) respect for others. I think that Norman underestimates the conceptual resources of the subtlest forms of utilitarianism, but that may matter little here.

Now to war. That aggression justifies defensive or restorative war is a principle explicitly endorsed by international covenants. To most of us, most of the time, it seems obvious. But how is it justified? An individual being attacked with deadly force may also use deadly force in defense if no alternative is present. So, by analogy, a state may defend itself. Happily reassured by the analogy, we return to our war plans. But just how does this analogical argument work? Individuals are the analogues of states, and the lives of individuals those of the sovereignty or territorial integrity of states. Neither of those analogies will

bear much weight. And if they did the conclusion of the argument would be not that we individuals can kill other (invading) individuals but that the state can, somehow, threaten the sovereignty and territorial integrity of the attacking state. Notice how, in the conclusion, the analogy suddenly ceases to be an analogy: since something analogous to me is having something analogous to its life threatened by something analogous to you, I can kill you.

Retreating (analogously) from the self-defense analogy, the champion of defensive war occupies the venerable redoubt of just war theory. Norman pursues. He challenges the theory as insufficiently supported (assertion, even by St. Thomas, is not enough). And he argues further that even on its own terms the theory (almost always) fails to justify resort to armed force.

Even where the other requirements of *jus ad bellum* are met, "last resort" rarely is. It was not met in the Falklands/Malvinas War, nor in the Persian Gulf War. Alternatives to war are often ignored or dismissed. "There is no other choice" is often just false. Even when and to the extent that it is true, it is true because we have prepared no other choices. The financial and intellectual resources devoted to pacific dispute resolution and to passive defense are an infinitesimal fraction of those devoted to preparation for war.

The central component of *jus in bello* is noncombatant immunity. But this is rarely observed in practice. Further, it is unsupported in theory. Most uniformed "combatants" are innocent, if innocence has any moral significance. How can we be justified in killing soldiers?

They are not the ones who start wars. What coherent moral view makes it justifiable to kill World War II Wehrmacht conscripts but not "civilian Nazi gauleiters"?

Norman's final considered position is not an absolute pacifism, but it places an exceptionally heavy burden of justification on those who would make war, even defensive war.

Norman's prose is clear, he is never dogmatic, and he never preaches. But you will never think of these matters in quite the same way again.

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McMichael, William H. *The Mother of All Hooks: The Story of the U.S. Navy's Tailhook Scandal*. New Brunswick, N.J.: Transaction, 1997. 337pp. \$32.95

The first agency directed to look into the Tailhook episode was the Naval Investigative Service (NIS), which did criminal investigations. The failure of this first approach led the Secretary of the Navy to give the task to the Department of Defense Inspector General, an organization profoundly unsuited for command-quality investigations. Experienced commanders know that most misconduct of military members falls well short of criminal conduct but still calls for disciplinary action. Judging fairly where on the scale of seriousness an act of misconduct lies requires finesse, experience, and a balanced investigation.