# Foreword

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Since the end of the Korean War, the nature of war has changed in many ways. The most obvious change is that wars are now less often between the organized military forces of opposing states. Even when wars begin as conflicts between states, they frequently devolve, as in the wars in Afghanistan and Iraq, into protracted conflicts between the military forces of a state and a loosely organized network of fighters whose ultimate aims may be opposed but who are at least temporarily united in their unwillingness to capitulate to the state. Many recent wars have been fought by people seeking independence from a colonial power that had held them in subjugation. In some instances, such as in Angola, wars that began as anti-colonial struggles later became, or led to, civil wars between factions that had cooperated in the successful war of independence. Many wars have also been fought by people seeking freedom from the tyranny of a local despot, often imposed on them and sustained with the assistance of an ostensibly benevolent foreign power, such as the United States or the former Soviet Union.

While civil wars can be understood as struggles for political control between or among groups within a state, there have also been wars of secession in which one group has attempted, not to control the other groups, but to achieve political independence from the others as well as legal sovereignty over some territory hitherto controlled by the state. In both civil and secessionist wars, one side, or indeed both sides, may commit atrocities that precipitate yet another form of war: humanitarian intervention by a third-party state to protect innocent potential victims in the original domestic conflict.

These various forms of war, whether they pit state against state or state against rebel group, are often "asymmetrical" in that one side has vastly greater military power than the other. In such conflicts, the weaker group cannot hope to achieve its aims through reliance on conventional military tactics. It must instead use various tactics of guerrilla warfare, which sometimes include terrorist attacks against members of the opposed group who are both morally innocent and uninvolved in the fighting. And the fighters on the weaker side also typically, and often deliberately, fail to distinguish themselves from ordinary members of the civilian population, thereby making it more difficult, and more dangerous, for soldiers on the more powerful, state-controlled side to discriminate in their military action between combatants and noncombatants. Because the weaker side in some asymmetrical wars has aims that are just, these wars challenge the traditional theory of the just war, which holds that the

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central moral principle governing the conduct of war is that while combatants are always permitted to attack enemy combatants, they are not permitted to attack noncombatants, at least not intentionally.

The challenges do not, however, all derive from problems that confront the weaker side. In asymmetrical wars, the forces of the more powerful side almost always fight outside their home territory, so that their civilian populations usually face no immediate threat of harm and may thus be averse to sacrificing their state's soldiers for the sake of what they perceive to be the interests of foreigners. Their government may therefore follow the practice known as "force protection," which often involves reducing the risks to its forces by means that may increase the risks to innocent bystanders in the area in which the war is being fought. One means by which states seek to avoid exposing their soldiers to risk is to engage in what is known as "targeted killing," which, as currently practiced, involves killing specific individuals with weapons carried by remotely piloted aircraft. This practice is morally problematic in various respects, one of which is that it consists in killing people who are not actively engaged in combat and may indeed be living in a civilian community in a state with which the attacking state is not at war.

Also, in asymmetrical wars, including civil wars, the stronger side may have weapons of mass destruction, such as nuclear, chemical, or biological weapons, or autonomous weapons systems, all of which raise questions for traditional ways of understanding the morality of war.

While the nature of war has thus changed in ways that challenge the traditional theory of the just war, Just War theory has changed as well, and over a ~~relevantly~~ short period, starting around the beginning of the new century. The controversies between traditional Just War theorists and their challengers are discussed in many of the chapters in this volume and some of the ways in which Just War theory has evolved (or devolved, depending on one's point of view) are exemplified in some of these same chapters.

It is natural to suppose that the theory has been undergoing change in direct response to challenges from the practice of war. But this seems to me, as one who has participated in the debates about the morality of war over the relevant period, not to be true. The different ways in which many Just War theorists now think about the morality of war arose more in response to developments internal to philosophy than in response to changes in the practice of war.

For much of the twentieth century, moral philosophers were, like other philosophers, obsessed with language and tended to be dismissive of the idea that philosophy had anything to contribute to the understanding of practical moral issues. According to A.J. Ayer, for example, moral philosophy explains "what people are doing when they make moral judgements; it is not a set of suggestions as to what moral judgements they are to make ... All moral theories ... in so far as they are philosophical theories, are neutral as regards

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actual conduct."[1] C.D. Broad expressed a similar view when he wrote, "it is no part of the professional business of moral philosophers to tell people what they ought or ought not to do . . . Moral philosophers, as such, have no special information not available to the general public, about what is right and what is wrong."[2] Moral philosophers themselves seem to have agreed and thus resolutely confined their work to issues in metaethics and to certain issues in normative ethics, such as the nature of the good. In retrospect, it is astonishing to reflect that, apart from one essay by Elizabeth Anscombe protesting Oxford's awarding an honorary degree to Harry Truman, on the ground that he had ordered the slaughter of civilians in the Second World War, moral philosophers had virtually nothing to say about either of the world wars or the ways in which they were conducted, or the Nazi Holocaust, or the atrocities perpetrated by the regimes of Stalin and Mao, or any of the other moral horrors of the first two-thirds of the twentieth century.

In the late 1960s and early 1970s, however, moral and political philosophy finally recovered from the long period in which it had seemed not quite respectable for a philosopher to say anything that might really matter. In part this was because there simply had to be an end at some point to the sterile work that most moral philosophers had been doing. It was also in part a result of the demand by students in the 1960s for "relevance" in university classes, which itself arose largely in response to the war in Vietnam and also to the spread of sympathy among the young for the civil rights movement. And there was also the impact of the work that John Rawls was known to be doing on his theory of justice, which culminated in the publication of his magisterial book of that title in 1971. With the publication of that book, it again became respectable for moral and political philosophers to write on matters of substance.

Two developments quickly followed. One was the revival of philosophical writing on practical moral issues that led to the establishment in professional philosophy of a new area of moral philosophy that came to be known as "practical ethics." The other was the reengagement of moral philosophers with substantive issues in normative ethics, such as whether agents' intentions are relevant to the permissibility of their action, whether the reason not to do harm is stronger than the reason to prevent equivalent harm from occurring, and so on. Normative ethics and practical ethics came to be regarded by many,

[1] A.J. Ayer, "On the Analysis of Moral Judgements," *Horizon* 20 (1949), reprinted in A.J. Ayer, *Philosophical Essays* (London: Macmillan, 1954), pp. 231–49.

[2] C.D. Broad, "Conscience and Conscientious Action," *Philosophy* 15 (1940). Reprinted in C.D. Broad, *Ethics and the History of Philosophy* (New York: Humanities Press, 1952). The quotations in this and the preceding note are cited in Peter Singer's Tanner Lecture, "From Moral Neutrality to Effective Altruism: The Changing Scope and Significance of Moral Philosophy," a PDF of which may be found on the Tanner website at http://tannerlectures.utah.edu/Singer%20manuscript.pdf

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in my view correctly, as interdependent, in that work in either area could not be done well independently of work in the other.

In the early 1970s, major philosophers, such as Thomas Nagel, published essays on the morality of war, primarily in the newly created journal *Philosophy and Public Affairs*, which for the whole of that decade was the leading place of publication for work in practical ethics and practically oriented political philosophy. In 1977, in the immediate aftermath of the war in Vietnam, Michael Walzer, another major philosopher, published his highly influential book *Just and Unjust Wars*, which was the most philosophically sophisticated work in Just War theory in more than a century. This was followed, in the 1980s, by discussions among philosophers of the morality of nuclear deterrence, and then, in the 1990s and into the new century, of the morality of the various wars in which the United States became embroiled – in Kuwait and Iraq, Panama, Kosovo, Afghanistan, and again in Iraq – and also of the conflicts in which it refused to become involved when arguably it ought to have been – for example, in Rwanda.

In the course of the debates about nuclear deterrence in the 1980s and about the wars fought by the United States in the ensuing decades, philosophers trained in the rigorous methods of analytic philosophy naturally looked to Just War theory for guidance. Yet when they sought to apply the principles it offered in a careful, scrupulous way, they discovered a range of problems of interpretation that had apparently never been addressed. They found powerful and unanswered objections to virtually all the elements of the theory. And further investigation revealed what seemed to some of them to be inconsistencies and even incoherence in the foundations of the theory. It was these discoveries, rather than the changes in the nature of war itself, that led to the revisionist challenges to traditional Just War theory. Revisionist Just War theory has no doubt gained in credibility from the way its shift of focus from states to individuals has better enabled it to understand the morality of conflicts other than traditional state-against-state conflicts. But this is largely serendipitous.

The past couple of decades have witnessed a renaissance in the effort to understand the ethics of war. This is mere speculation but I suspect that more books and articles have been published on the ethics of war in English during the past ten years than during the whole of the twentieth century. And the quality of this recent writing is unquestionably higher than that of most of the writing that has preceded it. By far the greater part of this work has been done by secular analytic philosophers who have devoted much care to grounding their arguments in the firmest possible foundations and to achieving the greatest possible rigor in argument. The result has been, in my view, a deeper, more sophisticated understanding of the ways in which morality constrains the practice of war than we have ever had before. The chapters in this *Handbook* provide testimony to how far our understanding has advanced in recent

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decades. They also offer evidence that the work of contemporary Just War theorists has begun to influence the thinking of those concerned with the interpretation and indeed the formulation of the international law of armed conflict. And, finally, they add to the great progress that has been made, and that we can hope will continue to be made, in both understanding and achieving respect for the moral constraints that govern the practice of war.

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