

Lecture #10:
Morality & War IIIb:
Non-Combatant Immunity

Outline of J. Murphy, “The Killing of the Innocent”

1. Statement of a case for “just-war pacifism:”
an argument that no modern war is just, based on the killing of the innocent
2. A range of replies to that argument
3. A definition of innocence
4. An argument that the intentional killing of the innocent is always wrong

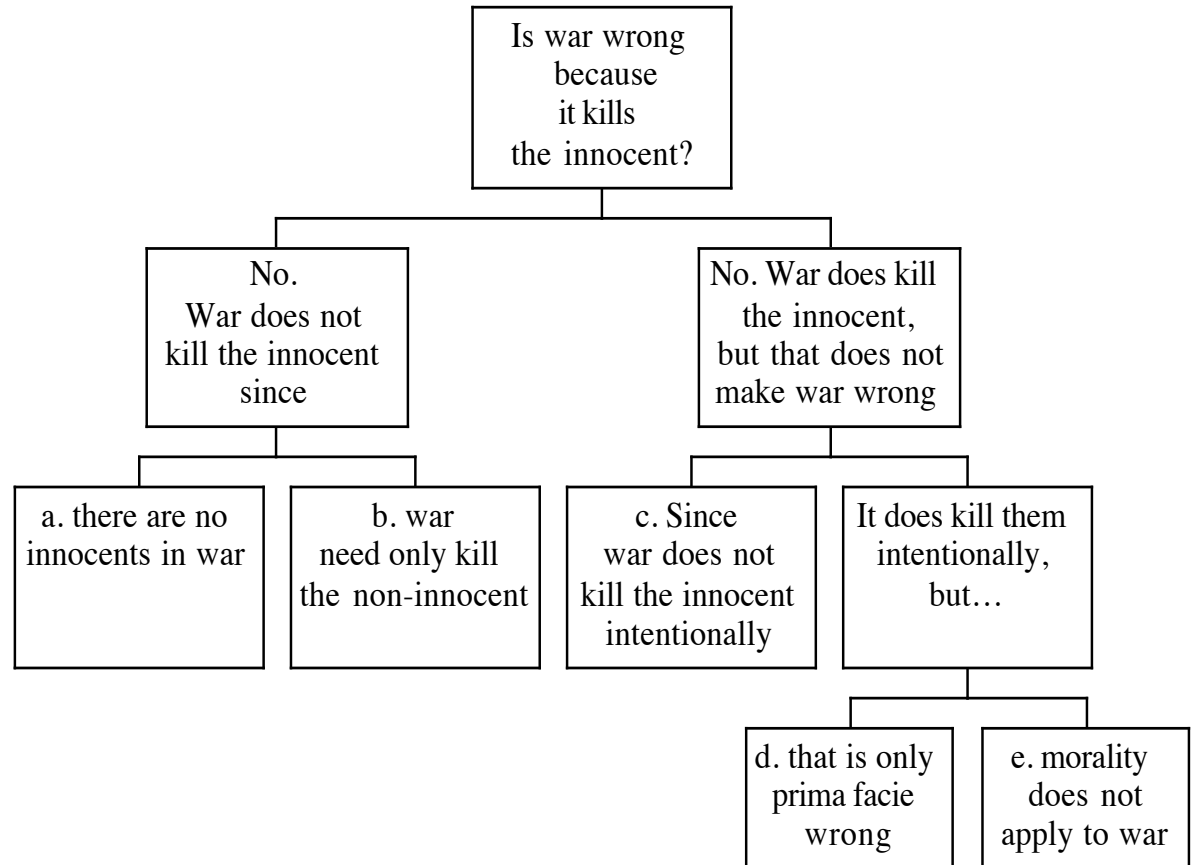
A Common Just-War Pacifist Argument

1. No war that violates the Just-War Theory is morally justifiable.
2. Any war that kills the innocent violates the Just-War Theory.
3. So, No war that kills the innocent is morally justifiable.

=No war that kills the innocent is morally justifiable.
4. All modern wars kill the innocent.
5. So, no modern war is morally justifiable.

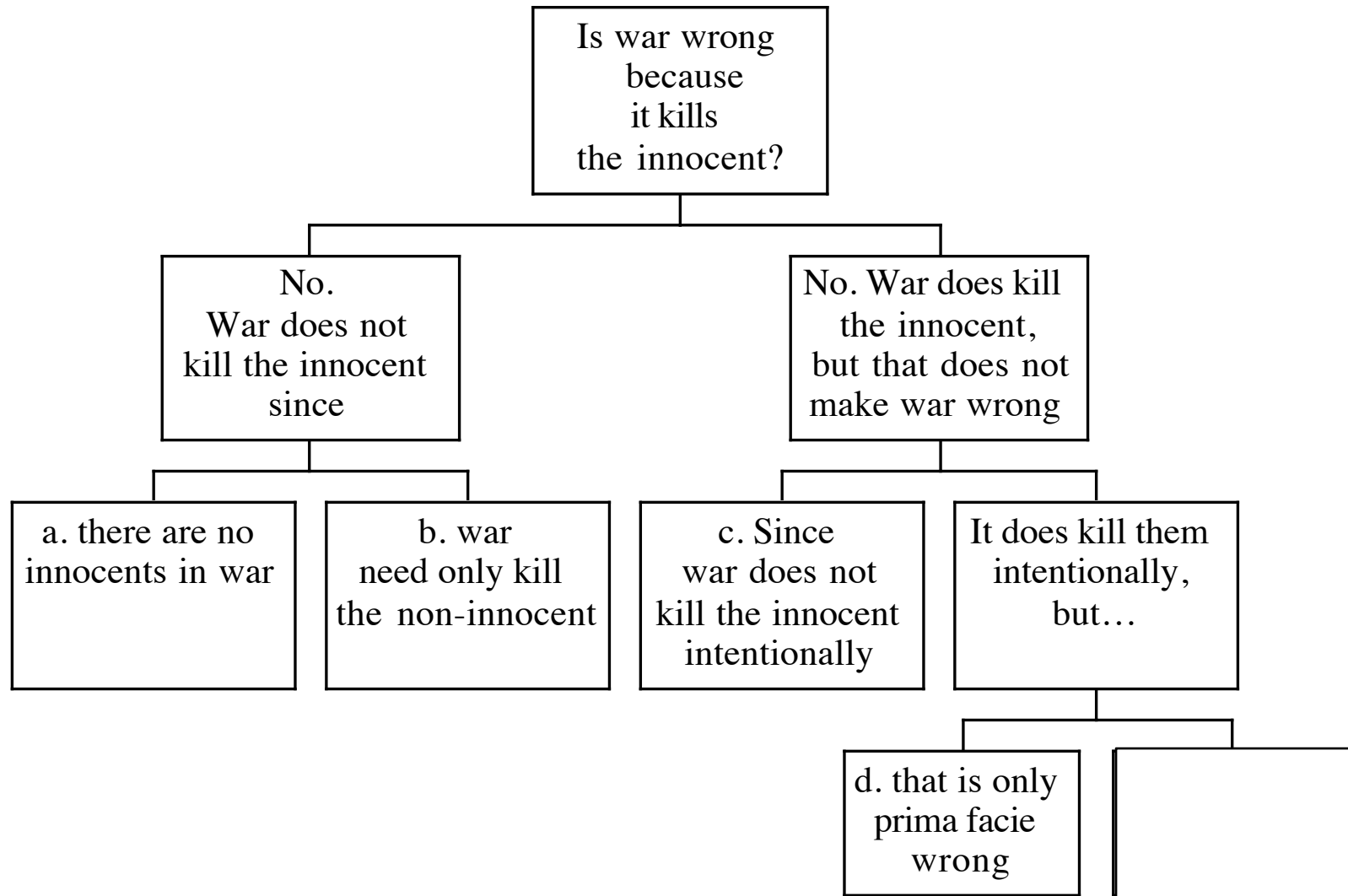
A Range of Replies to the Just-War Pacifist Argument

- Murphy identifies five possible replies to the just-war pacifist argument
 - a-e on the diagram
- He then argues that four of them are unsatisfactory
 - a, b, d, & e
- He accepts c



Reply to (e)

- Discussed in a previous lecture (Question 1 on nihilism)



Reply to (a)

The Definition of Innocence

- That there are innocents is incontestable
 - Anyone who does nothing in support of the war effort is innocent.
 - *Babies* do nothing in support of the war effort.
 - So, *babies* are innocent.
- That many *other people* are also innocent
 - General
 - *Innocence* here does not mean *legal* innocence
 - *Innocence* here does not mean *moral* innocence
 - It does not contrast with *guilt*.
 - *Innocence* is the opposite of *nocence* (=harmfulness, < Latin *nocere*, “to harm”)

Reply to (a)

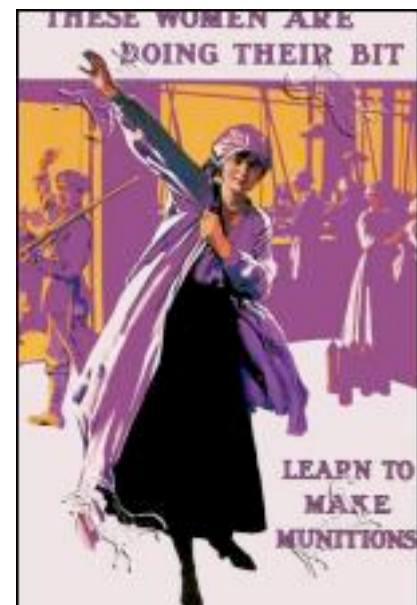
The Definition of Innocence (cont'd.)

- [There are innocents]
- That many other people are also innocent
 - Murphy's definition of innocence
 - The non-innocent are *those who are engaged in an attempt to destroy the enemy*
 - Distinguish
 - those in the *causal* chain of agency—those without whose actions the war would not be possible
 - those in the *logical* chain of agency—those whose activities do not make any sense outside the context of the war
 - Clarified principle—*only those who are in both the causal and the logical chain of agency are engaged in an attempt to destroy the enemy*

Reply to (a) Application of the Definition

- Who is in both the causal and the logical chain of agency?
 - All combatants
 - Arguably, munitions workers

in the logical chain of agency	what they are doing makes sense only in the context of the war
in the causal chain of agency	what they are doing is causally necessary to the destruction of the enemy



Reply to (a)
Application of the Definition (cont'd. 1)

- Who is not?
 - Civilian supporters of the war

in the logical chain of agency	what they are doing makes sense only in the context of the war
<i>not</i> in the causal chain of agency	what they are doing is not causally necessary to the destruction of the enemy



Reply to (a) Application of the Definition (cont'd. 2)

- Who is not?
 - farmers

in the causal chain of agency	what they are doing is causally necessary to the destruction of the enemy; without food, the soldiers could not fight
<i>not</i> in the logical chain of agency	what they are doing makes sense apart from the context of the war; soldiers (as human beings) will have to eat what the farmer produces whether there is a war or not



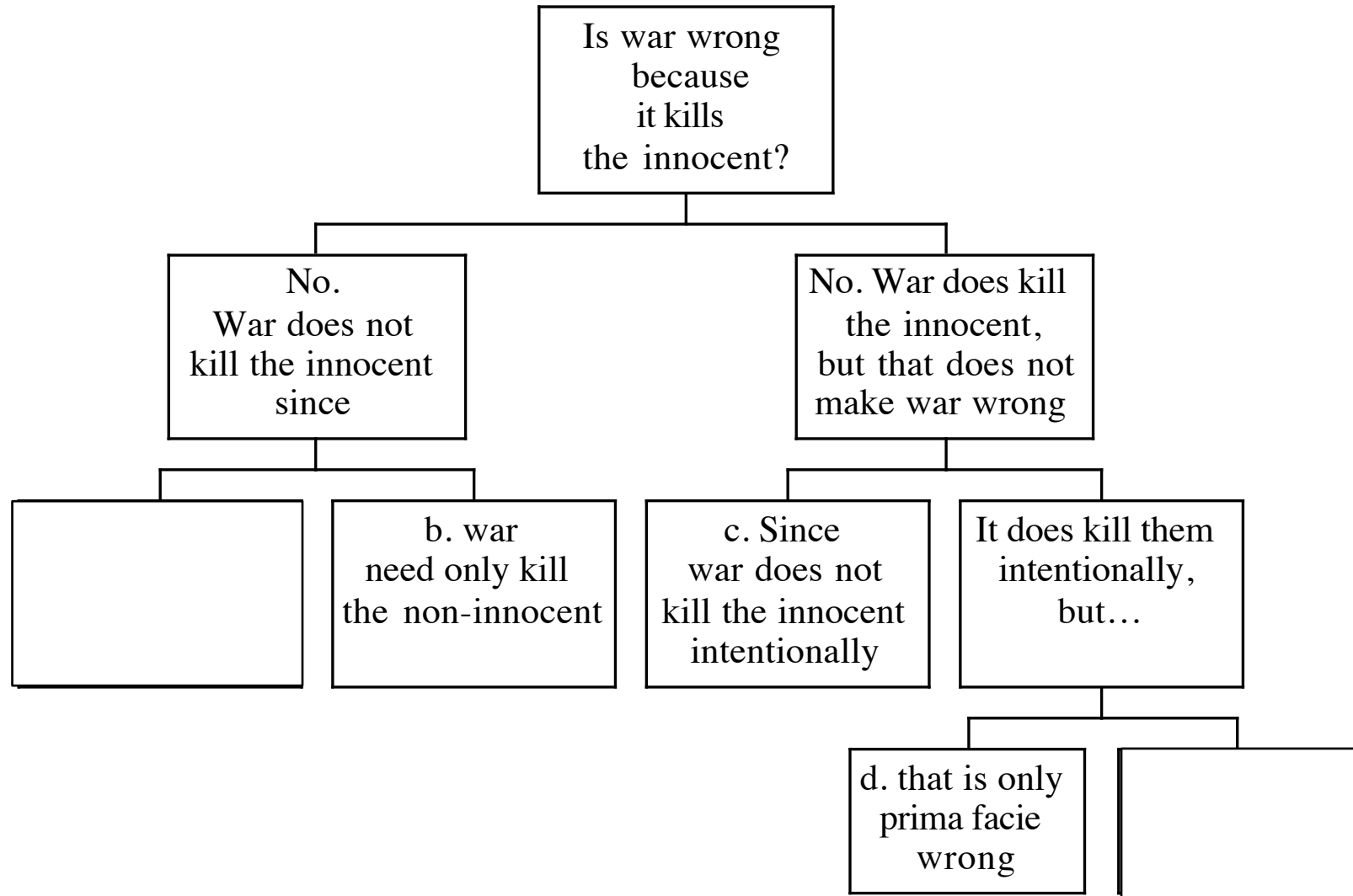
Application of the Definition (cont'd. 3)

Hard Cases

- Some cases seem to fit the criteria, but don't seem to be legitimate targets



A Range of Replies to the Just-War Pacifist Argument

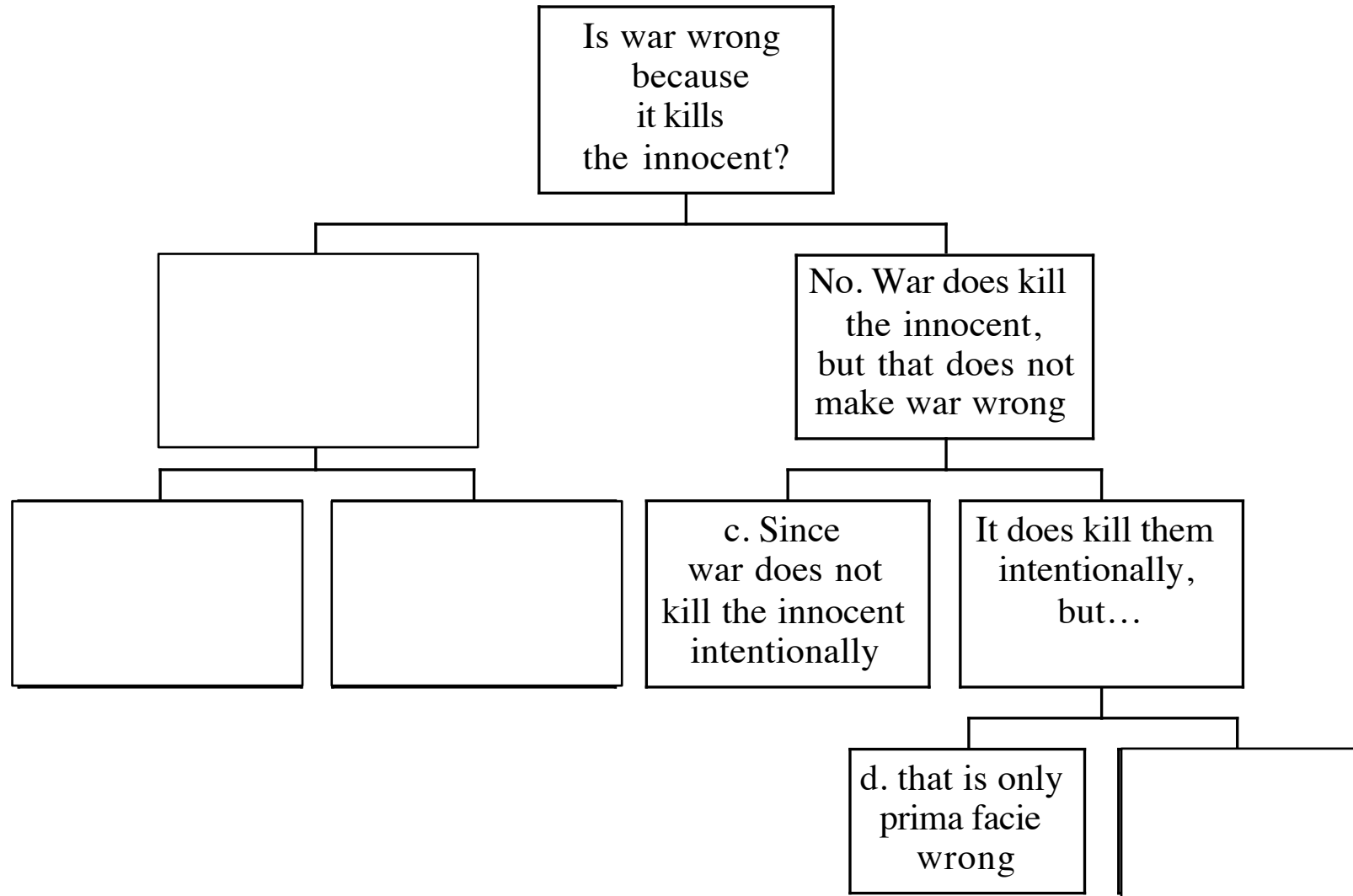


Reply to (b)

War does kill innocent people

- Sometimes it does so intentionally
 - On Feb 13-14, 1945 the RAF & USAAF launched a 1000-plane air raid on Dresden. More than 30,000 people were killed.
 - But war does not necessarily and not always involve such attacks.
- It is impossible to avoid the chance of killing civilians, which can happen in three ways
 - by targeting error—An intelligence error could misidentify a target.
 - by technical error—The Fallujah Bridge Bombing: On 14 February 1991 the RAF dropped four laser-guided bombs on a bridge in Fallujah. The laser-guidance system in one of the bombs apparently failed to deploy and the bomb hit a nearby market, killing 100-150 people.
 - by mischance—The Al-Firdus Bunker Bombing: On 12-13 February 1991, the USAF dropped 2 2000-lb bombs on a military communications site in Baghdad which was being used by senior Iraqi officials. Unbeknownst to American targeters, several hundred civilians were using the site as a bomb shelter. Nearly 300 were killed in the attack.

A Range of Replies to the Just-War Pacifist Argument



Reply to (d): Preliminary

- Moral background
 1. People have rights.
 2. There is a difference between
 - Violation of someone's rights (= violation of a perfect duty)
 - Killing the innocent would go here
 - Doing someone some other harm (= not violation of a perfect duty)
 - Killing an attacker would go here
 - Doing them some good (= at most, respecting an imperfect duty)
 - Defending people from attack would go here
 3. Anyone who violates the rights of others forfeits some of his own.
 - Violating a perfect duty to fulfill an imperfect one is always wrong.
 - But violating an imperfect duty to fulfill an imperfect one is not always wrong.

Reply to (d): The Main Argument

Argument against killing the innocent:

Violating a perfect duty to fulfill an imperfect one is always wrong.

Killing the innocent to help stop someone's attack on victims is violating a perfect duty to fulfill an imperfect one.

So, Killing the innocent to help stop someone's attack on victims is always wrong.

A similar argument that "Killing *the attacker* to help stop his attack on victims is always wrong" cannot be made, since

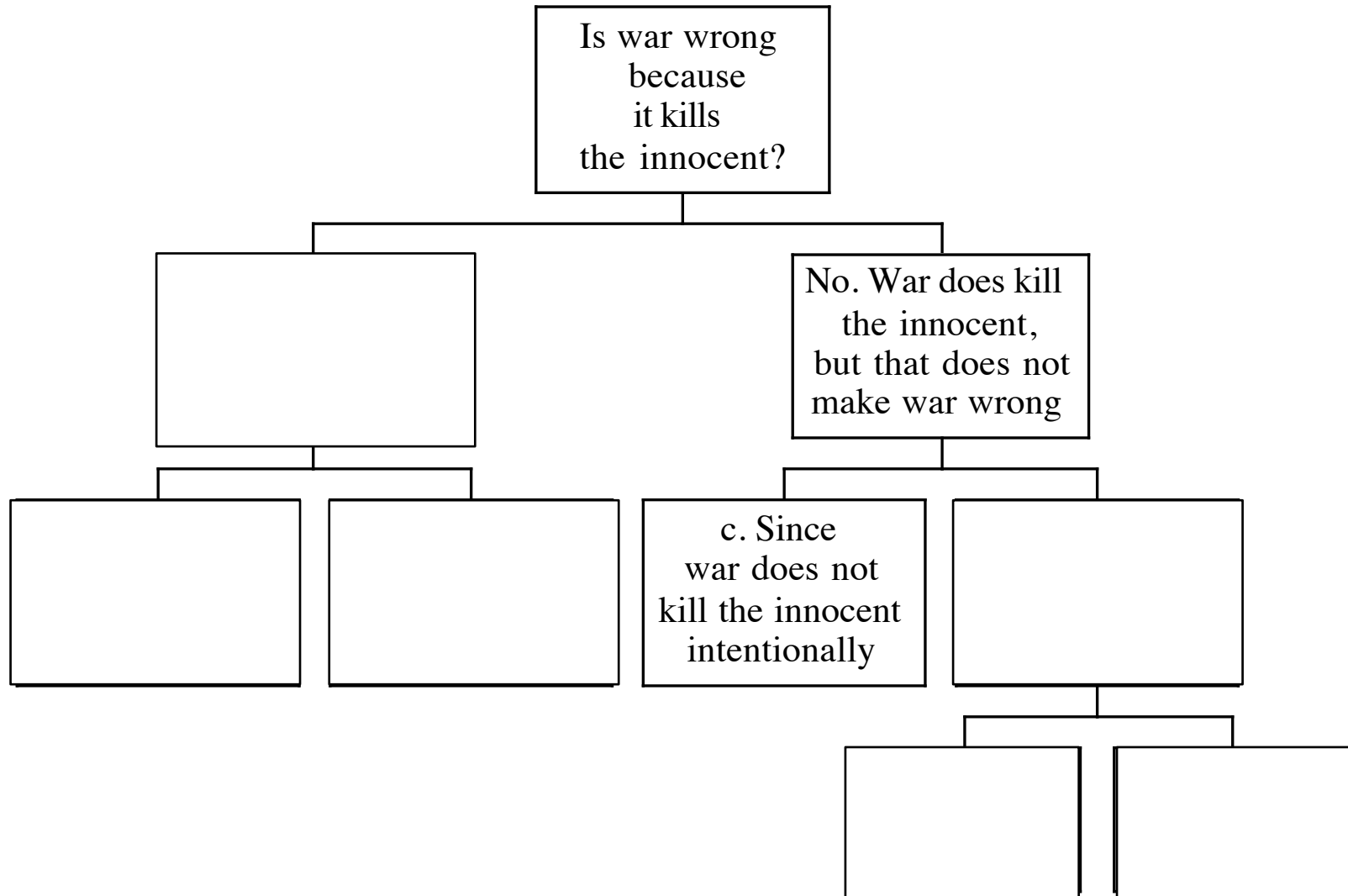
The attacker forfeits some of his rights.

Killing the attacker to help stop his attack does not violate a perfect duty to fulfill an imperfect one.

Reply to (d): Defense of the Key Premise

- Defense of the key premise (#1): Perfect duties (respecting rights) override imperfect duties (promoting good).
- This can't be proven.
- It is plausible because
 - It makes primary the status of persons as free or choosing beings.
 - It refuses to use other people as means in the agent's calculations of what would be good for others.

A Range of Replies to the Just-War Pacifist Argument



Comment on (c)

- This is the reply to the Just-War Pacifist that Murphy accepts.
- It requires showing that intentional killing is different from foreseeably causing someone's death.
 - Analogy: These two actions are morally different:
 - *Intentionally* killing babies
 - Building highways, even though one knows that babies will die in highway accidents. These deaths may be *foreseen*; they are not *intended*.
- Note the difference between (b) and (c). More will be said about this later.