The Ethics of Armed Conflict
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Our cause is just.

Barack Obama, Remarks by the President in Address to the Nation on the Way Forward in Afghanistan and Pakistan (1 December 2009) (2009c)

The [Afghan] insurgents in general and Taliban in particular have a sense of themselves as being moral and noncorrupt. They generally consider themselves to be fighting a just cause.

Michael Semple, Reconciliation in Afghanistan (2009: 37)

From the temporal standpoint of 1 December 2009, do the counterinsurgency operations in Afghanistan by the US and NATO have a just cause? Do the insurgents in Afghanistan have a just cause?

A main thesis is that a generalised just cause principle should be applicable by all sorts of responsible agents to all forms of armed conflict. Moral deliberation should be dialectical. In addition to questioning whether our own military operations have a just cause, we should raise the just cause question from the agential standpoint of our adversaries. This dialectical approach to the subject of just cause is illustrated by the above two block quotations. Even if the US and NATO have a just cause for counterinsurgency operations in Afghanistan and Pakistan, it is illuminating to raise the just cause question from the agential standpoints of the various insurgents.

What should be meant by the term ‘just cause’? What just cause principle should a just war theory accept? How should we determine whether a military action has a just cause? My purpose in this chapter is to explore such questions concerning the idea of just cause.

The first part contains some preliminary remarks. In the second part, a traditional state-centric conception of just cause is critically examined – roughly, that a just cause for interstate war is defence against aggression. In
the third part, the criterion of seriousness of threat is scrutinised and revised. In the fourth part, in terms of that revised criterion, a generalised just cause principle is formulated and illustrated.

I. JUST GOAL

Roughly, a traditional just cause for war is attack by an aggressor. But the just cause here is not an event – namely, the occurrence of the attack. Indeed, the harms caused by the attack may be evaluated as morally bad, but such a moral evaluation of consequences is different from an agent-centred moral constraint on action. Instead, the just cause is the just goal of stopping the attack.

To generalise, just war principles are agent-centred. Most importantly, they morally constrain us from performing unjust military actions. Specifically, the just cause principle morally constrains us from performing military actions that have unjust goals. For the concept of just cause should be understood teleologically; and the term ‘cause’ should be construed to mean ‘goal’ (Lango 2007b). A just cause is a just goal. A just cause principle should be a just goal principle.

It might be objected that, because a teleological theory is a type of consequentialist theory, this teleological concept of just cause is a consequentialist concept. However, as explained in the preceding chapter, the goal of an action is (primarily) another action. For example, when we perform the action of using armed force as a means of stopping an aggressor’s attack, our just goal is performing the action of stopping the aggressor’s attack. A deontological just war theory can incorporate a teleological concept of just cause.

More exactly, the primary unit of moral evaluation is a planned course of actions – that is, a course of actions that is followed for the sake of some goal. To determine whether a projected military action has a just cause, we have to morally evaluate not only the goal of the military action, but also the planned course of military actions that together comprise the means of achieving that goal. A just cause is a just goal pursued by just means. A just cause principle should be a principle of just goal and just means. Insofar as the idea of just cause has been understood differently in the just war tradition, my understanding of it is revisionary.²

Let me provide a real-world illustration (Lango 2010b). From the temporal standpoint of 27 March 2009, is there a just cause for US military operations in Afghanistan? In a speech given on that particular day, Remarks by the President on a New Strategy for Afghanistan and Pakistan (2009a), Obama answered such a question as follows:
We have a clear and focused goal: to disrupt, dismantle and defeat al Qaeda in Pakistan and Afghanistan, and to prevent their return to either country in the future. That’s the goal that must be achieved. That is a cause that could not be more just.

Noting the linkage between the word ‘goal’ in the second sentence and the word ‘cause’ in the third sentence, it would appear that Obama understands the concept of just cause teleologically. It would appear that, by the third sentence, he meant: ‘that is a goal that could not be more just’.

But should the concept of a just cause be understood instead in terms of the concept of a ‘moral reason’? The term ‘just cause’ is a philosophical term of art. In the just war tradition, it is used to translate Thomas Aquinas’ term ‘causa iusta’. What did Aquinas, a medieval originator of just war theory, who was greatly influenced by the philosophy of Aristotle, mean by ‘causa’? In accordance with Aristotle’s doctrine of four ‘causes’, he might have meant ‘causa efficiens’ (i.e. ‘efficient’ or ‘moving’ cause) or he might have meant ‘causa finalis’ (i.e. ‘final cause’ or goal). (For brevity, the ideas of ‘formal cause’ and ‘material cause’ are ignored.) In the Aristotelian tradition, those reasons that are final causes (or goals) have explanatory priority.

By contrast, in modern science, those reasons that are efficient causes have explanatory priority. Omitting a qualifying adjective such as ‘moving’, the term ‘cause’ has become a scientific term of art: the ‘cause’ of a given event is an antecedent event that is productive of it as an effect. For example, the event of the al Qaeda attack on 11 September 2001 was (partly) productive of the event of US military operations in Afghanistan on 27 March 2009.

In light of these different meanings of the term ‘cause’, I would reject the view that a just cause for the use of armed force is an antecedent event that justly motivated that use of armed force. A just cause is not a moral reason to be ‘reactive’. The question of just cause is not a question of ‘just retaliation’ or ‘just retribution’. Instead, it is a question of ‘just prevention’. A just cause is a moral reason to be ‘proactive’. Granted, a just cause is a moral reason, but it is a specific kind of moral reason – namely, a just goal. More precisely, to anticipate a main thesis of this chapter, the just cause is the just goal of preventing sufficiently grave violations of basic human rights.

II. AGGRESSION

In the twentieth century and in most contemporary accounts of just war doctrine, the main just cause is self-defence in the event of external aggression.

Mary Kaldor (2007: 162)
Should the received just cause principle voiced by Kaldor be revised? How should the concept of ‘aggression’ be defined? Should a just war theory accept defence against aggression as a just cause?

A. ACTS OF AGGRESSION AND INTERNATIONAL LAW

In developing a cosmopolitan just war theory, I am featuring the moral ideals expressed in the UN Charter. To begin with, let me make some remarks about Article 2(4): ‘All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations’.

Explicitly, interstate wars – and other uses of force, as well as threats to use force – that violate territorial integrity or political independence are prohibited by Article 2(4) (May 2008: 10). Implicitly – because of the clause ‘or in any other manner inconsistent with the Purposes of the United Nations’ – other sorts of threats or uses of force are also prohibited. According to Article 1, the ‘Purposes of the United Nations’ include the following: ‘To take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace’. The concepts of ‘threat to the peace’ and ‘other breach of the peace’ are (apparently) all-inclusive (and also have open textures).

Accordingly, Article 2(4) can be read as expressing the following moral ideal. It is morally obligatory for each state, in its relations with other states, to refrain from threatening to use armed force or using armed force to threaten the peace or to breach the peace, whatever the sort of threat or breach.

Nevertheless, Article 51 permits some wars of self-defence against aggression, albeit temporarily:

Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.

Similar to the concept of ‘military action’, the concept of ‘armed attack’ has an open texture. Is a cyberattack against a Member State an armed attack or a coercive nonmilitary measure or both?

Note that Article 1 includes the phrase ‘acts of aggression’. Paradigmatically, armed attacks by a state against the territorial integrity or political independence of another state are acts of aggression. How, then, should the concept of ‘act of aggression’ be defined?

To illustrate how coherentism extends to the process of defining concepts, let me examine a legal definition proposed at the 2010 Review Conference.
of the Rome Statute of the International Criminal Court. Among the ‘Amendments to the Rome Statute of the International Criminal Court on the crime of aggression’ proposed at this ICC Review Conference, there is the following definition: “act of aggression” means the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations’ (ICC 2010: 18).

Interestingly, this ICC definition borrows wording from Article 2(4) of the UN Charter, but with some significant differences. First, the ICC definition contains the word ‘sovereignty’, whereas Article 2(4) does not. Second, whereas Article 2(4) prohibits both the use of force and the threat to use force, the ICC definition explicitly encompasses only the use of armed force. Third, in Article 1 of the UN Charter, the phrase ‘acts of aggression or other breaches of the peace’ implies that there are breaches of the peace that are not acts of aggression. By contrast, I read the ICC definition as implying that every use of armed force to breach the peace is an act of aggression. For the ICC definition includes ‘any other manner inconsistent with the Charter of the United Nations’ in the meaning of ‘acts of aggression’. And it is inconsistent with Article 1 of the UN Charter to use armed force to breach the peace.

Should the definition of the concept of ‘act of aggression’ be limited to actual uses of armed force or should it encompass both actual uses of armed force and threats to use armed force? For instance, should it include (at least some) threats to use nuclear weapons? Should it encompass every use of armed force that breaches the peace? Should it be accepted by a just war theory? A coherentist answer to these questions should involve a process of mutual adjustment of the definition of the concept of ‘act of aggression’, normative and empirical theories involving the concept and informed judgements concerning particular cases of aggression.

I am rejecting a foundationalist thesis about definitions – namely, that terms can be explicitly defined by means of primitive terms, whose meanings are transparent and indubitable. The ICC definition of the term ‘act of aggression’ is not so defined, for it presupposes concepts that have open textures, especially a concept of ‘use of armed force’ and (implicitly) a concept of ‘breach of the peace’. It is indispensable, then, that the paragraph stating the definition also states seven specific types of acts of aggression – that is, invasion, bombardment, blockade and so forth (ICC 2010: 18). In later sections, I focus on the subject of invasion.

B. THE CRIME OF AGGRESSION
Acts of aggression by groups of human beings are emergent from, or supervenient on, acts of aggression by individual human beings. The
International Criminal Court has jurisdiction over individual human beings. At the 2010 ICC Review Conference, a resolution was adopted that adds the crime of aggression to the crimes in the Rome Statute – namely, Resolution RC/Res.6 ‘The crime of aggression’ (ICC 2010: 17). The concept of ‘crime of aggression’ as a crime committed by individual human beings is defined in the following paragraph (ICC 2010: 18):

For the purpose of this Statute, ‘crime of aggression’ means the planning, preparation, initiation or execution, by a person in a position effectively to exercise control over or to direct the political or military action of a State, of an act of aggression which, by its character, gravity and scale, constitutes a manifest violation of the Charter of the United Nations.

Note that this paragraph presupposes the above definition of the concept of ‘act of aggression’.

This legal definition of the concept of ‘crime of aggression’ displays a moral ideal that a cosmopolitan just war theory ought to accept. It is morally obligatory for any human being who effectively exercises control over or directs political or military actions of a state to refrain from planning, preparing, initiating or executing such an act of aggression.

Illuminatingly, the definition is qualified by the terms ‘character’, ‘gravity’ and ‘scale’. To constitute a crime, the act of aggression must be sufficiently serious. Presumably, there are thresholds of gravity and scale above which an act of aggression is sufficiently serious and below which it is not.

C. SUFICIENTLY SERIOUS THREATENED HARMs OF INVASION
For the sake of concreteness, it is instructive to focus on a paradigm type of act of aggression – namely, violating the territorial integrity or political independence of a state by means of an armed invasion. Paradigmatically, such invasions are highly destructive. Is the goal of stopping an invasion a just cause for the use of armed force? Let me raise such a question in the language of the threat-seriousness criterion. Is the threatened harm of armed invasion of a kind and sufficiently clear and serious to justify prima facie the use of armed force?

When is a threatened harm of armed invasion sufficiently serious? A just cause for the use of armed force is not simply the goal of stopping such an invasion. In accordance with coherentism, I am presupposing that a cosmopolitan just war theory can be elucidated by interrelating it with a theory of human rights. Paradigmatically, when a state is invaded by another state – for example, the invasion of France by Germany during the Second World War – basic human rights of the citizens of the invaded state are extremely violated. The just cause for using armed force is the goal of
preventing sufficiently grave violations of basic human rights, and the means of achieving this goal is stopping the invasion.

In conclusion, should a just war theory accept defence against aggression as a just cause? Briefly, my answer is that a just cause for the use of armed force is defence against a sufficiently serious act of aggression. To be acceptable, the concept of ‘defence against aggression’ needs to be qualified by the idea of ‘sufficient seriousness’.

III. SERIOUSNESS OF THREAT

With the aim of formulating a just cause principle that is applicable by all sorts of responsible agents to all forms of armed conflict, I make some proposals in this part about how the criterion of seriousness of threat in the High-level Panel Report ought to be elucidated and revised.

**Seriousness of threat.** Is the threatened harm to State or human security of a kind, and sufficiently clear and serious, to justify *prima facie* the use of military force? (HLPR 2004: 67)

Reportedly, this criterion has ‘an explicit pedigree’ in the just war tradition (Evans 2008: 140). The High-level Panel Report was influenced by the ICISS Report. In the Supplementary Volume to the ICISS Report, the traditional understanding of just cause is summarised thus: ‘In general, then, it was understood to depend on the degree of harm inflicted’ (ICISS 2001b: 139).

Although I am not studying the history of just war theories, let me mention a conception of just cause that was expressed by a classical just war theorist. According to Vitoria, ‘the sole and only just cause for waging war is when harm has been inflicted’; however, ‘not every or any injury gives sufficient grounds for waging war’ (1991: 303–4). Noting the phrase ‘has been inflicted’, it would appear that the question of just cause is, for Vitoria, a retrospective question about an antecedent event of sufficiently serious harming. By contrast, the corresponding question in the High-level Panel Report is a prospective question about a sufficiently serious threatened harm in the present or future.

Let me also mention a modern just war theorist who expressed, prior to the release of the High-level Panel Report, a conception of just cause that is broadly similar to the threat-seriousness criterion. According to Childress, there is a just cause for the use of armed force when there is a sufficiently ‘serious and weighty’ responsibility to counter a threatened harm (1982: 75). Johnson’s ‘criterion of just cause’ is roughly similar, in that it involves ‘the purpose of protecting major values broadly held’, but the idea of ‘protecting major values’ is not the same as the idea of ‘stopping serious harms’ (1999: 69).
Jeff McMahan’s ‘formal concept of just cause’ is roughly similar, in that it involves the notion of ‘action that threatens to wrong or has already wronged other people in certain ways’, but it also involves a complicating notion of ‘liability’, and the idea of wrong is not the same as the idea of harm (2005: 8).

With the aim of helping to bridge the divide between abstract theorising by academics about the idea of just cause and practical deliberations by political and military agents about the use of armed force, I am critically examining the criterion of seriousness of threat in the High-level Panel Report. There is no space for comparable critical examinations of other versions of a just cause principle.

Three questions about the threat-seriousness criterion are explored. Which kinds? This is the categorial question of ‘specificity of threat’. How clear? This is the epistemic question of ‘clarity of threat’. How serious? This is the evaluative question of ‘scale of threat’.

A. REVISING THE CRITERION OF SERIOUSNESS OF THREAT

In Chapter 3 (‘Moral Theory’), the following presuppositions are introduced. A just war theory can be elucidated by interrelating it with a theory of human rights. In particular, the concept of grievously harming can be elucidated by interrelating it with the concept of gravely violating basic human rights.

Utilising these presuppositions, my purpose in this section is to propose some revisions to the threat-seriousness criterion. Specifically, the concept of ‘grievously harming state or human security’ can be elucidated by interrelating it with the concept of ‘gravely violating basic human rights of individual human beings’. Paradigmatically, when armed force is used unjustly, basic human rights of individual human beings are gravely violated.

Accordingly, my first proposal is that the criterion ought to be revised thus:

*Seriousness of threat.* Is the threatened harm to basic human rights of a kind, and sufficiently clear and serious, to justify prima facie the use of armed force?

The just goal for using armed force is preventing sufficiently grave violations of basic human rights, and the means of achieving this goal is stopping the threatened harm.

More exactly, the primary unit of moral evaluation is a planned course of military actions – for instance, gathering intelligence about an imminent invasion, mobilising troops to counter the invasion, preparing border defences against the invasion, firing weapons at invading military forces, stopping the invasion and (thereby) preventing sufficiently grave violations of basic human rights.
Accordingly, I propose to revise the criterion further:

**Seriousness of threat.** Is the threatened harm to basic human rights of a kind, and sufficiently clear and serious, to justify prima facie the planned course of military actions?

The just goal for using armed force is preventing sufficiently grave violations of basic human rights, and the means of achieving this goal is the planned course of military actions to stop the threatened harm.

The criterion contains the phrase ‘justify prima facie’. In Chapter 3 (‘Moral Theory’), such moral principles as the counterharm principle are presupposed as prima facie moral principles. It should be recognised that these are different uses of the term ‘prima facie’. To avoid confusion, my final proposal is that the criterion ought to be re-written as follows.

**Seriousness of threat.** Is the threatened harm to basic human rights of a kind, and sufficiently clear and serious, to justify tentatively the planned course of military actions?

The justification is tentative, and it becomes definitive only if the other legitimacy criteria prove satisfied.

### B. SCALE OF THREAT

To begin with, I address the evaluative question of ‘scale of threat’. Some threatened harms are not sufficiently serious. The concept of ‘seriousness’ is a scalar concept. When the threat-seriousness criterion is applied, problems of scale or degree have to be addressed. Sometimes basic human rights are not violated, or they are violated, but not sufficiently gravely. The concept of ‘graveness’ is also a scalar concept.

For the sake of concreteness, let me scrutinise a specific type of threatened harm – namely, the threatened harm of armed invasion of uninhabited territory. There is not a just cause for war, Larry May contended, ‘merely to protect territory or property, unless that territory was occupied’ (2008: 103). Granted, his contention holds of some particular cases.

From the temporal standpoint of the year 2011, let us envisage such a case, one that involves the territorial dispute between China and Japan about some uninhabited islands controlled by Japan, the Diaoyu/Senkaku Islands: ‘a group of five small volcanic islands and three rocky outcroppings’ (Heflin 2000: 2). Suppose that Chinese military forces were to invade and occupy one of the islands. Suppose further that this armed invasion is not intended as a means of achieving some broader military goal. Suppose instead that it is intended only as a targeted act of ‘coercive diplomacy’, the goal of which is
to pressure Japan to cede control of the islands. Disputably, then, there would not be a just cause for the use of armed force merely to counter this military operation of targeted invasion.

C. THE JUST-CORRELATIVITY REQUIREMENT
Some threatened harms of invasion are sufficiently serious, but others are not. In general, some threatened harms are sufficiently serious, but others are not. In order to apply the threat-seriousness criterion correctly, it is presupposed that there is a moral requirement of ‘just correlativity’ between the scale (or degree) of seriousness of the threatened harm and the scale (or degree) of the amount of armed force used to stop it.

Just-correlativity requirement. Given that the threatened harm to basic human rights is sufficiently serious, the planned course of military actions by means of which the threatened harm is to be stopped must be correlatively limited.

In other words, given that the seriousness of the threatened harm is sufficiently large scale to satisfy the threat-seriousness criterion, the planned course of military actions must be correlatively small scale. How is this just-correlativity requirement different from a proportionality principle? This question is answered in Chapter 8, ‘Proportionality and Authority’.

Roughly, the term ‘correlatively’ can be understood thus: a less serious threatened harm must be stopped by a more limited use of armed force, and a more serious threatened harm may be stopped by a less limited use of armed force.

In brief, the scale of force must be justly correlative to the scale of harm. I want to emphasise that acceptance of this just-correlativity requirement by diverse responsible agents is compatible with principled moral disagreement among them regarding how it should be applied to difficult cases.

D. JUST CORRELATIVITY AND TARGETED INVASIONS
Specifically, there is a moral requirement of ‘just correlativity’ between the scale of the seriousness of the threatened harm of invasion and the scale of the amount of armed force used to defend against it. Thus, in reaction to a targeted invasion of uninhabited territory, there might be a just cause for a correlatively small-scale targeted defence.

To illustrate the just-correlativity requirement, let us envisage three different hypothetical cases, from the temporal standpoint of the year 2011. The three cases involve the aforementioned territorial dispute between China and Japan. They share a balance-of-power context. What are the goals of Chinese military strategy? ‘In the twenty-first century’, Robert Kaplan
predicted, ‘China will project hard power abroad primarily through its navy’ (2010: 33). What are the goals of US maritime strategy? According to the 2010 *Quadrennial Defense Review Report*, ‘U.S. naval forces likewise will continue to be capable of robust forward presence and power projection operations’ (DOD 2010a: x). Indeed, US naval power projection and Chinese naval power projection might clash. Is the projection of naval power a threat to the peace?

In the context of these potentially conflicting US and Chinese maritime strategies, the three cases involve three different US targeted military operations against China’s targeted invasion of the uninhabited island. First, there is a planned course of military actions that includes imposing a naval blockade of the island, patrolling the island’s airspace and firing warning shots at supply ships. Second, there is a planned course of military actions that includes aerial bombarding of the island, landing ground forces and killing, disabling or capturing occupying troops. Third, there is a planned course of military actions that includes targeting a destroyer, firing cruise missiles at it, sinking it and signalling resolve to escalate, if necessary. It is assumed that each of these three different planned courses of military actions is intended as a means of achieving the goal of defeating China’s invasion of the island; that defeating China’s invasion of the island is intended as a means of achieving the goal of containing China’s military power; and that containing China’s military power is intended as a means of preventing sufficiently grave violations of basic human rights of those individual human beings who are threatened by China’s military power. Of course, this assumption is highly controversial, but my purpose is only illustrative. (Let me be clear that my purpose is not to endorse any of these alternatives.)

The just-correlativity requirement is illustrated controversially as follows. Conceivably, the threatened harm of invasion of the uninhabited island might be sufficiently clear and serious to justify tentatively the first planned course of military actions, but not the other two planned courses of military actions. For the first planned course of military actions might be sufficiently small scale, whereas the other two planned courses of military actions might be too large scale.

**E. TARGETED INVASIONS AND THE SECURITY COUNCIL**

In light of the moral ideals expressed in the UN Charter, I am investigating the question of whether a cosmopolitan just war theory ought to be SC-centric. Apparently, Article 51 permits such defensive targeted military operations by a Member State against such a targeted invasion by another Member State, but only ‘until the Security Council has taken measures necessary to maintain international peace and security’. Realistically, the Security Council would
most likely fail to take any measure in this hypothetical Diaoyu/Senkaku Islands crisis, because the United States and China are permanent members.

Ideally, nonetheless, the Security Council ought to accept the criterion of seriousness of threat. Note that, according to Article 42, the Security Council has the power to authorise any of these US targeted military operations. Conceivably, then, it might be best if the Security Council were to decide to authorise one of them. However, in accordance with the just-correlativity requirement, the Security Council must not authorise a targeted military operation if it is not sufficiently small scale.

F. CLARITY OF THREAT

Having addressed the evaluative question of ‘scale of threat’, I want now to address the epistemic question of ‘clearity of threat’. In the fog of armed conflict, there will always be some unclarity, so the question concerns whether there is sufficient clarity.

To interpret the phrase ‘sufficient clarity’, I draw upon conceptions of ‘moral presumption’ and ‘burden of proof’. When we deliberate about whether to use armed force, we should make the moral presumption that we must not. To override this moral presumption, we have the burden of proving that just war principles are satisfied. In particular, we have the burden of proving that there is a just cause. In terms of the threat-seriousness criterion, we have the burden of proving that the threat is both of a kind and sufficiently serious to justify tentatively the planned course of military actions. To satisfy this burden of proof, there has to be sufficient clarity.

That is, to satisfy the burden of proof, there has to be sufficient evidence. Prospective clarity stems from present evidence. As explained in Chapter 3 (‘Moral Theory’) in the section ‘An Epistemic Standard’, moral deliberation in just war theory should be governed by an ‘epistemic standard’: the burden of proof must be satisfied by clear and convincing evidence.

G. CLEAR AND CONVINCING EVIDENCE ABOUT CACHES OF WEAPONS IN RWANDA

January 10 [1994]. Belgian UNAMIR officers met with an informant [code-] named Jean-Pierre, an Interahamwe commander, who offered to show the location [in Kigali] of a weapons cache in return for protection for himself and his family.

Alison Des Forges, Leave None to Tell the Story: Genocide in Rwanda (1999: 150 [emphasis in original])

In the fog of armed conflict, there can be clear and convincing evidence, even when there is not proof beyond a reasonable doubt. For an elementary
illustration of this standard of sufficient clarity, let us return to the case of Rwanda.

From the temporal standpoint of 10 January 1994, as the block quotation indicates, a just goal for a targeted military operation by UNAMIR is to seize weapons. On 5 October 1993, the establishment of UNAMIR was authorised by Security Council Resolution 872 (1993). In that resolution, UNAMIR was tasked with upholding ‘a weapons-secure area’ in and around Kigali – the capital of Rwanda. Disputably, then, UNAMIR was authorised by the Security Council to use armed force to seize weapons in the weapons-secure area (Barnett 2002: 70–1).

My own moral judgement that there was such a just cause stems from the testimony of Dallaire, UNAMIR’s Force Commander, in his book _Shake Hands with the Devil_, which I summarise as follows. The informant, a commander of the Interahamwe – the militia of genocidaires – claimed that there were ‘four separate arms caches in Kigali’ (2004: 143). From this testimony by itself, the existence of these weapons caches might seem more likely than not. However, the informant ‘might not be telling the truth and this might possibly be a set-up’ (2004: 141). On 13 January 1994, in order to verify the testimony, the informant took members of UNAMIR’s ‘intelligence team’ to the location of ‘one of the arms caches’ and showed them the weapons (2004: 150). Indeed, this was proof beyond a reasonable doubt that, in violation of the weapons-secure area, there was a cache of weapons.

‘If we did not react to the reality of the arms caches’, Dallaire argued, ‘the weapons could eventually be turned against us and against many innocent Rwandans’ (2004: 147). From the temporal standpoint of 13 January 1994, Dallaire’s argument is not beyond a reasonable doubt. In the fog of armed conflict, how could there be certitude of future massacre? However, when the verified testimony of the informant is combined with other contemporary evidence related by Dallaire in his book, the standard of ‘clear and convincing evidence’ is satisfied. From the temporal standpoint of 13 January 1994, it is highly likely that the weapons will be used to massacre many innocent Rwandans. This is an emergency – ‘I had to catch these guys off guard’, Dallaire explained (2004: 144) – there is no time for proof beyond a reasonable doubt.

Therefore, from the temporal standpoint of 13 January 1994, a just goal for the immediate use of armed force by UNAMIR is preventing the future massacre of innocent Rwandans, and the means of achieving this goal is a justly correlative planned course of military actions, including rapidly mobilising UN soldiers, quickly storming the buildings where the weapons caches are located and seizing the weapons.

This military operation by UNAMIR did not happen. When Dallaire
informed the UN Department of Peacekeeping Operations that he was planning to seize the weapons, he was ordered ‘to suspend the operation immediately’ (Dallaire 2004: 146). Truly, there can be principled moral disagreement about armed humanitarian intervention.

It might be objected that such an operation by UNAMIR would have been a police operation. My reply is that it would have been both a police operation and a military operation. It would have resembled sufficiently both paradigm police operations and paradigm military operations. As discussed in Chapter 4 (‘Theory of Action’), it would have been an ‘overlap military action’. In general, when a military operation authorised by the Security Council is sufficiently narrowly targeted, it is, or is tantamount to, a police operation.

H. SPECIFICITY OF THREAT

Having addressed the evaluative question of ‘scale of threat’ and the epistemic question of ‘clarity of threat’, I address in this section the categorial question of ‘specificity of threat’ – that is, the question: which kinds?

As explained in Chapter 3 (‘Moral Theory’) in the section ‘A Specificity Standard’, moral deliberation in just war theory should be governed by a ‘specificity standard’: the military action or nonmilitary measure must be sufficiently detailed. In order to apply the threat-seriousness criterion correctly, the planned course of military actions by means of which the threatened harm is to be stopped must be sufficiently detailed. To determine whether there is a just cause, we must specify sufficiently both the goal and the planned course of military actions that together comprise the means of achieving that goal.

In particular, the kind of threatened harm to basic human rights has to be specified sufficiently. In the High-level Panel Report, the paragraph containing the threat-seriousness criterion also contains this illustration: ‘In the case of internal threats, does it involve genocide and other large-scale killing, ethnic cleansing or serious violations of international humanitarian law, actual or imminently apprehended?’ For instance, the threatened harm of large-scale killing is of a kind to justify tentatively the use of armed force, if it is sufficiently clear and serious. By contrast, the threatened harm of a global economic recession, no matter how clear and serious, is (presumably) not of a kind to justify, even tentatively, the use of armed force.

Sometimes, a threatened harm is ‘complex’, in that it combines two (or more) distinguishable threatened harms. Correspondingly, there can be a ‘compound’ goal of stopping that complex threatened harm – for instance, the (disputable) goal of both stopping terrorism and stopping an insurgency in Afghanistan (Lango 2010b).

What, then, are these kinds? The concept of ‘kind of threatened harm to
basic human rights’ has an open texture. Indeed, some of these kinds are paradigmatic, but others are controversial. In Chapter 3 (‘Moral Theory’), the following question is raised. How can we deliberate morally about the use of armed force, both on a case-by-case basis and in terms of just war principles? In the present section, I want to raise a related question. How can we deliberate morally about the use of armed force, both in terms of just war principles and on a kind-by-kind basis? A coherentist answer to this last question should involve a process of mutual adjustment of moral principles, moral judgements about paradigm cases, relevant empirical theories and so forth. In this book, I am able to discuss in significant detail only an illustrative selection of kinds.

These kinds are quite various. Stereotypically, the actors posing sufficiently serious threatened harms are states, but such harms are also posed by nonstate actors. Darrel Moellendorf’s ‘cosmopolitan account’ of just cause is partly state-centric, in that it involves the goal of ‘advancing justice in the basic structure of the state or the international effects of its domestic policy’ (2002: 159). By contrast, the concept of ‘kind of threatened harm to basic human rights’ is more general. For instance, invoking the legitimacy criteria, the Security Council might authorise the use of armed force to counter a sufficiently serious threat posed by a transnational criminal organisation engaged in human trafficking.3 (Such a military action might also be conceptualised as a police action.)

The kind matters. Indeed, the scale (or degree) of a threatened harm matters, but so does its nature (or character). For the sake of comparison, let me mention a famous controversy in the history of utilitarianism: for Jeremy Bentham, only quantity matters; by contrast, for John Stuart Mill, quality also matters. According to the deontological moral theory that I am presupposing, the nature of an act of murder and the nature of an act of theft are such that the former kind of act is intrinsically morally worse than the latter kind of act, whatever the scale (or degree).

A single act of murder is intrinsically morally worse than a thousand thefts of diamonds. In the UDHR, some basic human rights are expressed as follows. ‘Everyone has the right to life, liberty and security of person’ (Article 3). A main thesis is that there can be just causes for targeted military operations to stop targeted violations of basic human rights. Each and every individual human being has the basic human right to life. Specifically, there can be a just cause for a targeted military operation to stop the targeted killing of a single human being. A threatened harm to the basic human right to life, even of a single human being, when it is sufficiently clear and serious, is of a kind to justify tentatively the use of armed force. Disputably, for example, when Daniel Pearl, a reporter for the Wall Street Journal, was kidnapped by militants in Pakistan during January 2002 (Eckholm and Barringer 2002),
there was a just cause for a sufficiently targeted military operation to rescue him. However, such a rescue did not happen, the fog shrouding his kidnapping was too thick and he was eventually beheaded.

I. EXCEPTIONAL OR NORMAL?

Military intervention for human protection purposes must be regarded as an exceptional and extraordinary measure.

*The Responsibility to Protect* (ICISS 2001a: 32)

Perhaps, from the temporal standpoint of the year 2001 – the year of the release of the ICISS Report – all future armed humanitarian interventions should be ‘exceptional and extraordinary’. The ICISS Report was strongly influenced by a recent paradigm: the relatively large-scale armed humanitarian intervention by NATO in Kosovo during 1999. Perhaps, from the temporal standpoint of the year 2013, all large-scale armed humanitarian interventions should remain, in future, exceptional and extraordinary.

However, a main thesis is that there is a gamut of armed humanitarian interventions, from the very large scale to the very small scale (Weiss 2007: 8–10). For example, the armed humanitarian intervention by the US and NATO in Libya during 2011 was relatively small scale. Perhaps, from the temporal standpoint of the year 2013, sufficiently targeted armed humanitarian interventions – when authorised by Security Council resolutions and with such limited purposes as imposing no-fly zones, establishing safe havens and enforcing indictments by the International Criminal Court – should become normal and ordinary. Of course, concerning the question of whether armed humanitarian interventions should remain exceptional or become normal, there can be principled moral disagreement.

It might be objected that the imposition of a no-fly zone is not an armed humanitarian intervention. In the ICISS Report, the topic of no-fly zones is relegated to a single paragraph: ‘The military intervention phase will necessarily be preceded by preventive actions’ – for instance, ‘sanctions’ and ‘no-fly zones’ (ICISS 2001a: 58). Although these preventive actions are called ‘military measures’ (ICISS 2001a: 58), it would seem that the imposition of a no-fly zone is not conceptualised in the ICISS Report as a military intervention. However, as the Supplementary Volume to the ICISS Report makes clear, the ICISS Report was also strongly influenced by an earlier paradigm of military intervention – ‘the establishment and enforcement of no-fly zones in northern Iraq in 1991’ (ICISS 2001b: 166).

Let me respond to the objection by means of an illustration. Recall that, in the ICC indictment of the President of Sudan, it is charged that the Sudanese ‘Air Force would be called upon to drop bombs’ on villages in Darfur (ICC 2008: 4). Clearly, the dropping of bombs by Sudanese aircraft on innocent
villagers gravely violates their basic human rights to life, liberty and security. On 29 March 2005, Security Council Resolution 1591 (2005) demanded ‘that the Government of Sudan . . . immediately cease conducting offensive military flights in and over the Darfur region’. Subsequently, an ICG report of 12 October 2006, *Getting the UN into Darfur*, advocated the imposition of a no-fly zone (ICG 2006: 11–12). Paradigmatically, a no-fly zone (NFZ) is enforced by the use of air power: ‘Enforcing the NFZ would require a squadron of twelve to eighteen Harrier fighter aircraft . . . that could force aircraft to land, shoot them down or disable their runways’ (ICG 2006: 12). Clearly, to shoot down a Sudanese aircraft is to perform a military action. Moreover, to shoot down the aircraft as a means of achieving the goal of stopping it from violating basic human rights of innocent villagers by dropping bombs on them is to engage in armed humanitarian intervention. Such an imposition of a no-fly zone should be conceptualised as a military intervention.

Interestingly, in this ICG report, the question of ‘whether at this stage the situation [in Darfur] is so grave as to justify . . . a major military “humanitarian intervention”’ is answered by means of the High-level Panel Report’s legitimacy criteria (ICG 2006: 16). To interpret the quoted question, it is important to grasp the qualification expressed by the word ‘major’. Briefly, it is argued in the ICG report that the threat-seriousness criterion is satisfied, but it is also argued that the last resort criterion is not satisfied: ‘Much more still can and should be done by the international community before non-consensual military intervention is considered’ (ICG 2006: 17) – that is, before considering a military humanitarian intervention that is major.

By means of the legitimacy criteria, the ICG report should also have answered a related question – namely, whether at this stage the situation is so grave as to justify the imposition of a no-fly zone. Certainly, from the temporal standpoint of 12 October 2006, if the threat-seriousness criterion is satisfied for a major armed humanitarian intervention, it is also satisfied for a relatively smaller-scale imposition of a no-fly zone. From that temporal standpoint, should the international community do more before considering the nonconsensual imposition of a no-fly zone? Such a question is addressed in the following two chapters about the idea of last resort.

J. THE PROBLEM OF MULTITUDE

To generalise, a main thesis is that, for every form of armed conflict, there is a gamut of military actions, from the very large scale to the very small scale. Correspondingly, for every form of armed conflict, there are various just causes for the use of armed force to stop sufficiently clear and serious threatened harms. The scale of force must be justly correlative to the scale of harm. There can be just causes for large-scale military operations to stop
large-scale violations of basic human rights, and there can be just causes for targeted military operations to stop small-scale violations of basic human rights.

Accordingly, the threat-seriousness criterion might appear to be both overly demanding and overly permissive. Just causes are inordinately multitudinous, or so it might appear. Let me respond briefly to this problem of multitude. When it is proven that a proposed military action satisfies the threat-seriousness criterion, the military action is only justified tentatively. The burden remains of proving that the other legitimacy criteria are satisfied. To counterbalance overemphasis of the just cause principle, I am emphasising last resort, proportionality and noncombatant immunity principles. Dialectically, the present chapter, ‘Just Cause’, is counterbalanced by the later chapters ‘Last Resort’, ‘Last Resort and Noncombatant Immunity’ and ‘Proportionality and Authority’.

IV. A JUST CAUSE PRINCIPLE

Having critically examined the threat-seriousness criterion, my purpose in this part of the chapter is to formulate a generalised just cause principle. For the sake of concreteness, the principle is applied to the problem of escalation.

A. A COSMOPOLITAN JUST CAUSE PRINCIPLE

Canonically, the idea of just cause may be expressed roughly as a conditional prohibition: it is morally obligatory not to perform a military action, if there is not a just cause.

Provisionally, this rough principle may be amplified in terms of the just-correlativity requirement: it is morally obligatory not to perform a military action, if there is not a just cause; and there is a just cause, when there is both a just goal and a justly correlative means. The phrase ‘justly correlative’ expresses the just-correlativity requirement. A just cause principle is a principle of just goal and justly correlative means.

Finally, by incorporating elements of the revised criterion of seriousness of threat, the just cause principle that I am proposing is formulated as follows:

Just cause principle. It is morally obligatory not to perform a military action, if there is not a just cause. There is a just cause, when there is both a just goal and a justly correlative means. The just goal is preventing sufficiently grave violations of basic human rights, and the means of achieving it is a justly correlative planned course of military actions.

It is presupposed that, in applying this principle, three questions about the threatened harm to basic human rights must be answered – namely, a
categorial question of kind of threat, an epistemic question of clarity of threat and an evaluative question of scale of threat.

This just cause principle is formulated rather briefly and simply. Similarly, for example, in the UN Charter, there is a rather brief and simple formulation of a right of self-defence (Article 51). As R. M. Hare argued, there are ‘practical and psychological reasons for having relatively simple principles of action if we are to learn to behave either morally or skillfully or with prudence’ (1981: 39). Instead of complicating a relatively simple principle by incorporating various qualifications within it, subordinate or elucidatory principles should be formulated, which themselves should be relatively simple.

Accordingly, the specificity standard of sufficient detail and the epistemic standard of clear and convincing evidence are presupposed as principles that are elucidatory of this just cause principle.

The threat-seriousness criterion contains the phrase ‘justify prima facie’, and the revised threat-seriousness criterion contains the phrase ‘justify tentatively’, but such phrases are potentially misleading, insofar as the term ‘justify’ is accented and the qualifying term is neglected. By contrast, this just cause principle does not contain such a phrase. When it is proven that the principle is satisfied, the performance of the military action is not justified, even tentatively. The purpose is to ensure that the principle functions clearly as a moral constraint. Let me explain.

When we apply the principle to a particular military action, we have to morally presume that there is not a just cause, and we have the burden of proving that there is. On the one hand, suppose that we fail to satisfy this burden of proof. Our moral presumption becomes determinative: we have to decide that there is not a just cause for performing the military action. And, therefore, we have to conclude that it is morally obligatory not to perform it. Formulated thus as a conditional prohibition, the principle functions clearly as a moral constraint.

On the other hand, suppose that we succeed in satisfying the burden of proving that there is a just cause for the military action. The just cause principle is a conditional prohibition. It is not a conditional permission. It does not say: ‘it is morally permissible to perform a military action, if there is a just cause’. Therefore, we cannot conclude even tentatively that it is morally permissible to perform the military action. And there is still the burden of proving that the ancillary just war principles are satisfied. Because the just cause principle does not include such a moral permission, it functions clearly again as a moral constraint.

B. PREVENTIVE MILITARY ACTIONS

The question of just cause is a question of just prevention. From a particular temporal standpoint, we apply just war principles prospectively. Specifically,
when we apply the just cause principle, our just goal is one of ‘prevention’ – namely, preventing sufficiently grave violations of basic human rights.

It might be objected that a just war theory should not endorse a doctrine of preventive war. ‘Preventive war justifications hold’, Buchanan explained, ‘that it can be permissible to make war to avert a temporally distant harm’ (2006: 2). The qualification ‘temporally distant’ is crucial. Truly, we should be sceptical about proposals to use armed force to counter threatened harms that are temporally distant. To satisfy the just cause principle (and also the other core just war principles), the epistemic standard of clear and convincing evidence must be satisfied. But the future is shrouded in a fog of uncertainty. Paradigmatically, when a threatened harm is temporally distant, the relevant evidence is less than clear and convincing. What is problematic about such preventive war justifications is not the idea of prevention per se. Instead, what is problematic is whether the epistemic standard can be satisfied.

On the other hand, when a threatened harm is not temporally distant, we need not be so sceptical. Consider again, for instance, the subject of invasion. First, by means of clear and convincing intelligence, we might discover that an invasion is imminent; and we might have a just cause for a pre-emptive first strike to prevent the imminent invasion from happening. Second, we might have a just cause for using armed force to counter an invasion that is currently happening – that is, we might have the just goal of preventing the invasion from advancing. Third, we might have a just cause for using armed force after we have been occupied by an invader – that is, we might have the just goal of preventing the occupation from continuing. In this book, the terms ‘stop’, ‘counter’ and ‘prevent’ are used broadly.

Even if the just cause principle is satisfied, the last resort principle must also be satisfied. Paradigmatically, when a suspected harm is temporally distant, there is ample time to explore alternative nonmilitary measures. It might be objected that we should also be sceptical about proposals to counter temporally distant harms by means of nonmilitary measures. Let me summarise my reply to this objection. To establish that the just cause principle is satisfied, we have to morally presume that there is not a just cause, and we have the burden of proving that there is. By contrast, to establish that the last resort principle is satisfied, we have to morally presume that it is reasonable to attempt an alternative nonmilitary measure, and we have the burden of proving that it is not. Absent clear and convincing evidence that an alternative nonmilitary measure will not be successful, it is reasonable to attempt it, before using armed force. (These points are explained more fully in Chapter 6, ‘Last Resort’.)

Let me sketch an admittedly controversial counterexample to a blanket prohibition of preventive military actions with temporally distant goals – namely, a targeted military operation to intercept a nuclear weapon in transit
at sea. The Proliferation Security Initiative (PSI) was developed by the Bush administration and has been continued by the Obama administration. The PSI has been endorsed by ninety-eight states. The PSI ‘interdiction principles’ include a principle concerning actions to ‘stop and/or search’ ships that are ‘reasonably suspected’ of transporting nuclear weapons and also actions to ‘seize’ nuclear weapons found on such ships (PSI 2003). Let me add that sometimes, if such actions were to be accomplished, armed force would have to be used. Under some circumstances, limited uses of armed force to seize a nuclear weapon in transit at sea could satisfy the just cause principle. The just goal would be to prevent massive violations of the human right to life by the detonation of a nuclear weapon in the temporally distant future, and the just means of achieving this goal would be a targeted military operation to seize that nuclear weapon. (Such a military action might also be conceptualised as a police action.)

Having discussed the subject of preventive war elsewhere (Lango 2005), my discussion here is brief. In this book, I am able to thoroughly examine only an illustrative selection of specific issues. This chapter focuses on the specific issue of escalation.

C. RIGHT INTENTION

A main thesis is that the set of core just war principles contains only just cause, last resort, noncombatant immunity and proportionality principles. Admittedly, this thesis is controversial. Should there be other core just war principles – for instance, a traditional principle of right (or proper or dominant) intention (or purpose)?

Among the legitimacy criteria in the High-level Panel Report, there is a right intention principle:

Proper purpose. Is it clear that the primary purpose of the proposed military action is to halt or avert the threat in question, whatever other purposes or motives may be involved? (HLPR 2004: 67)

Similarly, presupposing the just cause principle, a correlative right intention principle might be formulated thus:

Right intention. It is morally obligatory not to perform the military action, if the just goal is not the primary goal.

Must agents responsible for the military action have as their ‘dominant intention’ achieving the just goal by the justly correlative means (Fisher 2011: 72)?

Each core just war principle is a necessary moral criterion for determining
whether the nonharm principle may be overridden. When we morally deliberate about whether to harm other persons grievously by means of the use of armed force, we have to make the moral presumption that we must not. To override this moral presumption, we have the burden of proving that the just cause, last resort, proportionality and noncombatant immunity principles are satisfied. To override the moral presumption, should we have the additional burden of proving that our just goal is our primary goal?

A military action can be just, even when the just goal is not the primary goal. Let me sketch some controversial illustrations. (In each of these illustrations, it is supposed that the stated military action would satisfy the four core just war principles.) From the temporal standpoint of 10 January 1994, a targeted military operation by UNAMIR to seize weapons in Rwanda would still be just, even if Dallaire’s primary goal were to win a Nobel Prize. From the temporal standpoint of 2 May 2011, the US targeted military operation that killed Osama bin Laden would still be just, even if Obama’s primary goal were to win re-election. From the temporal standpoint of 17 March 2011, the authorisation by the Security Council of armed intervention in Libya would still be just, even if the primary goal were to demonstrate the resoluteness (or ‘credibility’) of the Security Council in matters of war and peace.

In conclusion, the set of core just war principles should not contain a separate principle of right intention. A right intention principle is not a necessary moral criterion for determining whether a proposed military action would be just.

D. ALL RESPONSIBLE AGENTS AND ALL ARMED CONFLICTS

Explicitly, as advocated in the High-level Panel Report, the threat-seriousness criterion is applicable only by the Security Council. However, according to Gareth Evans, the five legitimacy criteria are ‘equally applicable to individual countries’ decisionmaking about the use of force’ (2008: 140).

A main thesis is that the just cause principle formulated above is equally applicable by responsible agents of all sorts. Therefore, it is also equally applicable by nonstate actors. For instance, during the 1994 genocide in Rwanda, it was applicable by leaders of the RPF.

In accordance with moral universalism, the just cause principle is equally applicable by each and every individual human being. Even if you yourself are not engaged in decisionmaking about your own use of armed force, you may still make moral judgements about such decisionmaking by other human beings. From your own agential standpoint, you may adopt a different agential standpoint. You may imagine that the standpoint of responsible agents who are themselves engaged in decisionmaking about the use of armed force is your own agential standpoint.

For example, anyone, anywhere, may read Dallaire’s *Shake Hands with...*
the Devil (and other pertinent writings) and make the moral judgement that there was a just cause for a targeted military operation by UNAMIR in early January 1994 to seize illegal weapons in the weapons-secure area in Kigali. The generalisation of just war principles to all sorts of responsible agents is discussed especially in Chapter 8, ‘Proportionality and Authority’. Such a generalisation is essential for a cosmopolitan conception of global citizenship.

A related main thesis is that the just cause principle is applicable to all forms of armed conflict. It is applicable to every military action, however large scale or small scale. It is both a resort principle and a conduct principle. Is this generalised principle therefore overly general? According to coherentism, a resolution of this problem of overgeneralisation should involve a process of mutual adjustment of the idea of just cause, general moral principles, ancillary just war principles, moral judgements about specific issues and particular cases and so forth. In this book, I am able to discuss only an illustrative selection of specific issues and particular cases in significant detail – for instance, the problem of escalation.

E. JUST CAUSE AND ESCALATION

Typically, a military action has temporal phases, and each temporal phase is itself a military action. The just cause principle is therefore applicable to every temporal phase of any military action. In this section, I study how the principle is applicable to phases of escalation.

To begin with, let us consider the Cold War subject of nuclear escalation – that is, the process of transformation from conventional war to nuclear war. Characteristically, large-scale conventional wars are very destructive, but nuclear wars are expected to be drastically more destructive. If there had been a Third World War between NATO and the Soviet Union, there might have been two chief temporal phases – an initial phase of conventional war and then a subsequent phase of nuclear war. Because states continue to possess nuclear weapons, there is still an alarming danger of nuclear escalation. A chief function of just war principles should be to morally constrain nuclear escalation.

Coined in the Cold War, the term ‘escalation’ is extendible to armed conflicts of all forms (Fisher 1985: 96). For example, there might be escalation from a limited war to a major war. A targeted military operation has a narrowly focused goal, to be achieved by a course of military actions that are narrowly limited in fire-power, length of time, geographical extent and so forth. Obviously, there might be escalation from a targeted military operation to one that is appreciably more destructive.

Whenever there is armed conflict, there might be a process of transformation – that is, an ‘escalation’ – from a temporal phase of smaller-scale military
actions to a temporal phase of significantly larger-scale military actions. Because phases of escalation are appreciably more destructive, a chief function of just war principles should be to morally constrain them.

How is the just cause principle applicable to a phase of escalation? To begin with, let me construct a hypothetical case involving the aforementioned territorial dispute between China and Japan. (Two of the stated three cases are rewritten as two phases of a single case.) The US targeted military operation against China’s targeted invasion of the uninhabited island has two chief phases. In the first phase, there is a planned course of military actions that includes imposing a naval blockade of the island and patrolling the island’s airspace. In the second phase, there is a planned course of military actions that includes aerial bombarding of the island and landing ground forces. Evidently, subsequent to the first phase of ‘encirclement’, the second phase of ‘counterattack’ is a phase of escalation. Given that the first phase has a just cause, it does not follow conceptually (or logically) that the second phase has a just cause. Given that there is a just cause for aerial patrolling, we may still ask: is there a just cause for aerial bombardment? Given that there is a just cause for a naval blockade, we may still ask: is there a just cause for landing ground forces?

F. UNAMIR II AND MISSION CREEP

During an armed humanitarian intervention, there might be a somewhat gradual process of escalation, sometimes termed ‘mission creep’ (Cushman 1993). For example, from an initial phase of securing safe havens by the defensive use of armed force, there might be a process of escalation to a subsequent phase of preventive military intervention in a civil war. Given that there is a just cause for securing the safe havens, we may still ask: is there a just cause for intervening in the civil war?


According to SC Resolution 918 (1994), UNAMIR II has this primary responsibility: ‘the establishment and maintenance, where feasible, of secure humanitarian areas’. Securing these safe havens is the means of achieving as a goal ‘the security and protection of displaced persons, refugees and civilians at risk in Rwanda’. Military action may be taken by UNAMIR II ‘in self-defence against persons or groups who threaten protected sites and populations’. Just as the imposition of a no-fly zone is a limited form of armed humanitarian intervention, so is the use of armed force to establish and maintain safe havens.
In applying the just cause principle from the temporal standpoint of 17 May 1994, the categorial, evaluative and epistemic questions must be answered. Obviously, stopping genocide is a paradigmatic kind. Surely, a just goal for the use of armed force by UNAMIR II is preventing large-scale massacres of innocent Rwandans. Evidently, a justly correlative means of achieving that just goal is a planned course of military actions that involves fortifying safe havens and using armed force when necessary to defend them. Furthermore, from the testimony of Dallaire, Human Rights Watch and other reliable sources, there is clear and convincing evidence that such targeted uses of armed force would stop Hutu genocidaires from massacring some (but not all) innocent Rwandans.

There is a problem of mission creep. SC Resolution 918 (1994) demands that ‘all parties to the conflict immediately cease hostilities, agree to a cease-fire, and bring an end to the mindless violence and carnage engulfing Rwanda’. However, it is not stated in this Resolution that UNAMIR II is permitted to intervene militarily to enforce this demand. According to Michael Barnett, the Security Council’s view was that ‘a cease-fire was required before UNAMIR II could be deployed’ (2002: 142). Disputably, however, what is minimally required is that the Hutu Government and the RPF agree not to interfere with the establishment of safe havens and also that they agree to cease their hostilities in demilitarised zones around safe havens. Should the Security Council permit UNAMIR II to use armed force to compel the Hutu Government and the RPF to adhere to such agreements? There is a slippery slope here, from the use of armed force against Hutu genocidaires to armed intervention in the civil war.

Disputably, then, from the temporal standpoint of 17 May 1994, responsible agents for UNAMIR II should plan contingently for two chief temporal phases in the implementation of the mandate of UNAMIR II – namely, a phase of safe havens initially and (potentially) a subsequent phase of armed intervention in the civil war. Given that there is a just cause for the safe haven phase, they should still ask: is there a just cause for a phase of civil war intervention?

Specifically, there are categorial, evaluative and epistemic questions regarding a phase of civil war intervention. Surely, there is still the just goal of using armed force to prevent large-scale massacres of innocent Rwandans. However, civil war intervention is a quite different and more disputable kind. The plan about safe havens involves military actions that are narrowly limited in fire-power and geographical extent. By contrast, any plan for civil war intervention would most likely involve military actions with appreciably greater fire-power – for instance, airstrikes from helicopter gunships – extending over a much larger geographical area. It is more disputable, then, whether the just-correlativity requirement would be satisfied. Further, any
such plan would be obscured by the fog of civil war. Would UNAMIR II create ‘an informal alliance with the RPF’ (Barnett 2002: 140)? In light of the RPF’s announced opposition to UNAMIR II (Barnett 2002: 137), would the troops of UNAMIR II have to engage the RPF in combat? Disputably, the epistemic standard of clear and convincing evidence would not be satisfied.

G. THE GOAL OF PEACE

The purpose of war is peace.

Vitoria (1991: 305)

The set of core just war principles contains only just cause, last resort, proportionality and noncombatant immunity principles. Let me raise, again, the question of whether there should be other core just war principles. In the just war tradition, we find the moral requirement that a just war must have as the ultimate goal ‘the end of peace’ (Johnson 1984: 18). Should there be a core just war principle mandating ‘the goal (or end or aim) of peace’?

To answer this question, a related question needs to be answered. What should be meant by the term ‘peace’? On the one hand, as Dower explained, there is a significant ‘positive conception’ of peace – namely, that peace consists of ‘harmonious relationships between individuals and groups’ (2009: 138). I am happy to endorse this ideal of harmony. However, harmonious relationships between people cannot be imposed through the force of arms. A just war theory should not include such a core just war principle as the following: ‘it is morally obligatory not to perform a military action, if that military action is not intended as a means of achieving the goal of harmonious relationships between people’. Instead, the ideal of harmonious relationships should be encouraged by peaceful means.

On the other hand, as Dower also explained, there is a minimal ‘negative conception’ of peace – namely, the mere ‘absence of war’ (2009: 6). To generalise, a minimal goal of peace is the goal of the absence of armed conflict. Again, I am happy to endorse this goal. However, there is no need to have a separate core just war principle about it.

Is there an intermediate goal of peace that is not so minimal as the mere absence of armed conflict, but also not so maximal as the ideal of harmonious relationships between people? Interestingly, Dower advocated a ‘middle position’ between the negative and positive conceptions of peace – namely, a conception of ‘just durable peace’ (2009: 7). My view is that such a peace also cannot be imposed through the force of arms, but instead must be promoted by peaceful means.4

The just cause principle formulated in this chapter includes an intermediate goal of peace. The just goal of preventing sufficiently grave violations of basic human rights is a substantive goal of peace. Relationships between individuals
and groups are substantively peaceful, even if not fully harmonious, when basic human rights are not gravely violated.

Are there additional goals of peace that may be achieved by means of armed force – for example, the goals of regime change and democratisation? We should beware of an answer that is too expansive. Analogous to the process of escalation from properly small-scale military actions to ones that are unduly large scale, there might be a process of ‘escalation’ from properly circumscribed peace goals to ones that are unduly extensive. Nevertheless, in morally deliberating about a particular case, we might judge that the just goal of preventing grave violations of basic human rights ought to be achieved by means of a course of military actions that includes the action of forcibly democratising a regime or the action of forcibly changing a regime. Let me emphasise that, in making such a moral judgement, we have the burden of proving that the just-correlativity requirement is satisfied. In short, additional peace goals for using armed force are thus subordinate to the stated just goal.

In conclusion, the set of core just war principles should not contain a separate principle that peace must be the ultimate goal.

NOTES

1. Similarly, according to Sjoberg’s feminist just war theory, the ‘standard of just cause’ should be ‘interpreted dialogically’ (2006: 77).
2. Compare this chapter with the chapter entitled ‘Just cause’ in Coates (1997). The term ‘just cause’ is interpreted in terms of a conception of ‘goal’ in Kamm (2011: 119). In surveying the just war tradition, Hensel expresses the idea of just cause thus: ‘force may be used only to secure just goals’ (2007: ix).