

War and Self Defence in Contemporary Just War Theory: A Philosophical Critique of Collectivist Account

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Abstract

The nature and degree of the link between self-defense and war are sources of great debate in modern just war theory. The thinkers who are called collectivists contend that war should be seen as a relationship between collectives rather than between individuals. As a result, we must see soldiers' activities as being performed on behalf of the group as a whole. As a result, we are unable to evaluate their behaviours using the same criteria that we use for individual behaviour. Reductive individualists, on the opposite side, contend that the laws controlling killing in war may be reduced to the laws governing killing in everyday life and that these laws are based on people's rights and obligations. According to the individualist perspective, killing does not change a person's moral character only because it is done often or for political reasons. To support the individualist explanation of self-defense and war, I will provide a philosophical criticism of the collectivist account in this essay. This will be done in agreement with Jeff McMahan's opinions and with reference to him.

Keywords: War, Moral, Killing, Just War Theory, Combatants.

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Michael Walzer contends that the study of aggression between states requires an examination of civil society. He argues that a society similar to that of people may be envisioned among states if they are shown to possess rights on par with those of individuals. The idea of aggression relies heavily on the contrast between international and domestic law. He says, "Every reference to aggression as the international equivalent of armed robbery or murder, and every comparison of home and country or of personal liberty and political independence, relies upon what is called the domestic analogy" (Walzer 58). Our first and most reliable ideas and evaluations of aggressive behaviour arise from using analogies. When the comparison is made in a clear way, as it often is in the legal field, the international system of nations looks like a political society whose nature can be understood in its entirety through ideas like crime and punishment, the right to self-defense, the upholding of laws, and other related topics.

He emphasises that these ideas are not mutually exclusive with the observation that modern international society is a very flawed establishment. In certain ways, our current culture may be compared to a

faulty construction based on legal protections, with an elevated deck: as the state itself does via political struggle, so too does commerce and trade; the entire system is precarious and unsteady because it's missing some serious authority anchors like something out of a home culture in which males and females coexist peacefully (often), creating their own opportunities for survival via bargaining and social dealing with the people around them. This is clearly in contrast to traditional American culture, because every fight brings the entire house of cards closer to falling down.

Aggression directly threatens it and is therefore much more dangerous than homicides since there aren't any cops to deter it. However, that only implies that they rely on both each other and themselves. Powers in the police force are divided among individuals within the group as a whole. Not enough has been done, and these representatives are to blame if they just use their authority to prevent more violence or just finish it quickly, as though the cops were trying to stop a killer just after he'd slain a few folks and sent on his way.

As such, it is imperative that the rights of the member nations be upheld. Only because of such privileges can we call ourselves a society. However, if international society collapses, if they are not respected (at least occasionally), it erupts into open warfare or metamorphoses into a global dictatorship.

Walzer contends that we can only recognise international aggression, which is the global equivalent of attacks on our person and property, because we recognise such assaults at home. Helen Frowe argues that, from Walzer's perspective, it is possible to better recognise acts of aggression between states by considering the role of civil society. Another rationale for why nations could respond to hostility with force is that countries have the protection of one another's right to use force in self-defense (Frowe 32).

Walzer contends that the "common life" that people cultivate is the essential good to be safeguarded in conflict, not individual life or property (Walzer 54). This shared existence is a way of life, moulded by the preferences and needs of the populace as a whole. One of which may be a certain kind of government, following a particular set of morals or beliefs. In a defensive war, governments defend not just the lives of their populations but also their right to be able to lead a lifestyle of their own choice. Oftentimes, it is only via intermediary channels that people's everyday lives are threatened. So, much of the violence in warfare is conditional. Only when assaulted people put up a fight can they realise that they are in danger of losing their lives as opposed to just their way of life.

A state needs sovereignty to guarantee its citizens' safety and improve their quality of life. Having the right to maintain one's own government and territory is a basic definition of sovereignty. It is imperative that no one from the outside interferes with these rights. It causes disruption in the normal functioning of a state's government by intruding upon, seizing, or ruling over its territory. According to Walzer, it is the government's responsibility to protect these freedoms. They are founded, ultimately, on the rights of people who rely on their strength. For those who hold this perspective, a state's right to self-defense consists, put simply, of the collective defence rights of its citizens.

How can individuals legally authorise their government to fight on their behalf in a time of war? When writing about this topic, Walzer proposes a contractualist solution in which individuals agree to certain conditions in exchange for certain rights and responsibilities their state is advocating for them. While agreement is required, there is a unique kind of it that is provided, it is implied rather than spoken explicitly, and proven via actions rather than words. It's due to the fact that we're all in it together, so to speak. People agree to be protected by the state's armed forces. Walzer says

that if a state does not protect everyday life, or if there is no such thing, then the targeted state does not have the legal right to fight in self-defense wars.

Common intuition suggests that most people would agree that a state's right to employ military action in self-defense must have some basis in the rights of its citizens. The common point of contention is whether or not a state's defensive rights are not only dictated by, but also anchored in, the rights of its population. A state's ability to take defensive measures is contingent upon the rights of its residents, but this does not mean that the rights of a state are equal to those of its citizens.

Walzer argues that the ethics of war cannot be understood in terms of individual rights after we have moved beyond determining whether or not a state has the right to declare war and begun to concentrate on the conduct of hostilities itself. He says, "War as an activity (the conduct rather than the initiation of the fighting) has no equivalent in a settled civil society. It is not like an armed robbery, for example, even when its ends are similar in kind. Indeed, it is the contrast rather than the correspondence that illuminates the war convention" (Walzer, 127).

Some of the most important people in the field of just war theory hold the view that the conduct of war has no domestic counterpart. Many consider the regulations of war to be *sui generis*, meaning they have never encountered anything quite like them. So, we need to evaluate conflicts based on their own merits, taking into account the specific nature of warfare. Killing and maiming people on purpose are immoral in most contexts, yet it is integral to modern war. In what way might a business that deviates so far from everyday life be evaluated by the standards of civilised society?

Walzer claims that attempting to apply the laws of everyday life to war results in nothing more than an explanation of what the requirements of morality in war would be if it were conducted during times of peace. Individualist goals are often misplaced or misunderstood because war is not a peaceful activity.

It is this idea of collective political action giving special privilege to combatants which many other thinkers also support. According to Noam Zohar, the attacker must have committed a wrongdoing before the victim may use force in self-defense. However, soldiers, even those on the unjust side, don't feel any such shame. Zohar argues that we should not hold a soldier responsible for defensive killing if he or she follows instructions to fight from the government, maybe because the soldier believes the battle to be legitimate. Moreover, participants in violent conflicts are not always the clear aggressors. Zohar believes that many civilians, such as army cooks, drivers, and other support staff, are fair game during times of war even if they cannot be reasonably characterised as threats in

other contexts. The killing of fighters would be illegal even if they were waging an aggressive war if we applied the norms of self-defense to war. Killing these soldiers is only ethically justifiable if we accept that, in times of war, individuals may be murdered for being complicit in the actions of a larger, more evil group, even if they themselves are not directly at fault. Therefore, Zohar says, "Trying to make sense of warfare as if it were a collection of individual confrontations can only produce moral vertigo" (Zohar 615).

Because of the nature of the interaction between these sovereign collectives, which Christopher Kutz says cannot be reduced to the sum of their parts, judging war must be done collectively. He says, "When individuals' wills are linked together in politics, this affects the normative valence of what they do individually as part of that politics, even to the point of rendering impudible what would otherwise be criminal" (Kutz 156).

Because one commits violence in capacity of a participant of one party against another, commentator Kutz maintains that the argument of collective behaviour might make suitable a restricted scope for a fundamentally political authorisation to undertake violence. The right to kill as part of a group does not confer on the individual soldier any special moral authority. Soldiers who take life as part of an immoral conflict should feel some measure of guilt for the victims they murder. This does not, however, mean that a state that is at war with him has the right to execute him as a form of punishment. However, as Kutz points out, the collectivist account is meant to be used only in the realm of politics.

But the collectivist worldview as a whole is confronted with strong opposition from someone like Jeff McMahan. He argues that it is hard to believe in the moral alchemy that underpins the collectivist worldview. Groups of individuals who have established political links among themselves cannot justify inflicting damage or taking the lives of others just because they have done so; such actions would be unacceptable even in the absence of such ties. He says, "How could it be that merely by acting collectively for political goals, people can shed the moral constraints that bind them when they act merely as individuals, so that it then becomes permissible for them to kill innocent people as a means of achieving their political goals? How could whether innocent people have a right not to be killed by others depend entirely on the nature of the relations that those others have established among themselves?" (McMahan 53).

He maintains that there are no satisfactory solutions to these problems. Whether or not a group's violent aims are primarily political is ethically inconsequential. The elimination of a group with the

aim to build a group of people that are all of the same ethnicity is both a political and wicked objective par excellence. Pursuing such goals collectively cannot be ethically justifiable or provide an automatic exemption from punishment. Not the political nature of the purpose, but its justness, is what he emphasises as crucial to the justification of violence.

Kutz's restriction of special privilege or excuse in cases of collective political action like fighting in war does not seem to solve the basic objection of Jeff McMahan. Can people have a legal right to participate in wartime collective violence when the same actions would be illegal if the collective individuals acted through when governments and their goals weren't political? The same explanation of the morality of collective activity should be applicable to both political collectives and other types of collectives to if one has no justification to believe that they are morally distinct from one another in fundamental ways. It is imperative that in times of conflict, collective aggression is governed by the same norms that control collective action at home. As McMahan points out, if this is correct, we have a bit of a problem. To insist on the logic of complicity would be to hold individuals in war to the same standards as individuals acting on behalf of collectives in domestic contexts, but to address collective violence in the context of domestic situations as it is handled in the usual manner during battle would be to argue that when people band together to form a collective, they are eligible for certain exemptions from responsibility and specific rights even in domestic society. According to him, no one believes the latter, and they never will. Therefore, there is a need for a rethinking of the conventional wisdom that gives unfair military advantages to certain groups.

One possible objection is that war is unique and cannot be compared to anything in everyday life. What can we learn about what a nation may do to avoid, say, the annexation of part of its territory by considering what an individual would do in self-defense? It's not like people can be annexed or invaded. It's possible that drawing parallels to specific people may appear pointless or obscure. However, the individualist thesis is not that wartime events are equivalent to self-defense scenarios, but that they are governed by the same moral norms. Imagine a home scenario that sheds light on the morality of war, and it doesn't take much imagination to see how it applies.

Our rulings in the domestic matter will carry over to the corresponding military case. A group of people may use fatal force to stop an invading country from enslaving them. Yes, it is right for me to kill you, if it is the only means through which I can escape being enslaved by you. But if it's immoral for you to murder me to take my land, then it's also unethical for an invading army to kill local residents to take their territory.

When we reach a certain level of violence or when we are dealing with violent actions for political purposes, the individualist contends that the rules of the game should not change in such a way that something that would normally be illegal between individuals should become acceptable between members of the collective. McMahan says, "... conditions of war change nothing at all; they simply make it more difficult to ascertain relevant facts. This is not to say that the principles and laws that do or should govern the activity of war are identical to those governing relations among individuals. Just as domestic law cannot simply restate the principles of individual morality, because the declaration and enforcement of laws have effects that must be taken into account in the formulation of the law, so too, the principles, conventions, and laws of war cannot simply restate the principles of individual or international morality" (McMahan 47).

There is a continuing argument between collectivists and individualists that has profound implications for our understanding of the relationship between people and their state, as well as the connection between ethics and the rule of law. There are, I believe, substantial challenges in offering a systematic account of how collective action attains the distinctive moral character that the collectivist perspective demands, despite the fact that international law is now more representative of the collectivist position. Likewise, the individualist perspective has its

flaws, particularly when it comes to the development of regulations that may direct soldiers who are unsure of how they should fight. McMahan's defence of the individualist agenda, despite everything, is believable. To agree with him, I hope to have shown that the collectivist account of war and self defense is flawed and that the arguments on which collectivists often rely in an attempt to bolster their case proves to be hardly helpful for supporting their cause.

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