

Cornwallis XIII Monday Evening Discussion: The Morality of War: Perspectives from the West and the East

E. P. Visco

Cornwallis Fellow

e-mail: genevisco@embarqmail.com

Eugene P. (Gene) Visco is a semi-retired military operations analyst, with over 50 years of experience. He is a co-founder of the Cornwallis Group and a member of the planning committee as well as a Fellow of the Group. He continues to be an active consultant to the US defense community.

INTRODUCTION

Following a tradition, established a few years ago at a meeting of the Cornwallis Group at its founding location, the Pearson Peacekeeping Centre in Nova Scotia, Canada, a post-dinner discussion session was scheduled at Cornwallis XIII. The subject is as indicated in the title of this paper. A spirited interchange took place, with a grand proportion of Cornwallis XIII participants involved. An abortive attempt was made to record the discussion; the tapes defy transcription. The balance of this paper, then, sad to say, is an expansion of the note distributed at the outset of Cornwallis XIII to inspire participation in the discussion. It therefore reflects only my interpretations of the issues involved drawn in the main from the sources cited and from my own thoughts on the very complex matter, only slightly flavored by the “spirited interchange.” Perhaps these comments will inspire others to pick up the torch and pursue this important topic with vigor.

The principal sources of information used to provide the background for the discussion are:

Brian Orend, *The Morality of War*, Broadview Press, 2006.

John Kelsay, *Arguing the Just War in Islam*, Harvard University Press, 2007.

HISTORY: WESTERN PERSPECTIVE

Orend provides a detailed history of the development of the three facets of the morality of war (reasons for going to war [*Jus ad Bellum*], behavior in war [*Jus in Bello*], and behavior following war [*Jus post Bellum*]). His claim is that “...just war theory first developed in the West—and, more narrowly, among Roman lawyers and the Catholic theologians....” He does say, however, that the theory “...genuinely deserves universal attention.” He also mentions the Koran, in passing, as one of the ancient sources referring to warfare and moralizing about it. However, the history of the development of the theory, according to Orend, consists primarily of western philosophers. The beginnings are with Greco-Roman contributions (384 BC); continuing with the early days of Christianity and Augustine (354 AD), through the

Dark Ages and during the Holy Wars (800 AD); carried on by Aquinas and what is referred to as Legitimacy (1225); Vitoria and the Spanish conquest influences (1470s); Grotius and the Wars of Religion (1583); and Locke, Kant and the Revolutionary Era (1630s).

Subsequently, we have the beginning of codification from the US Civil War and Lieber's Code (1860s). Lieber, a legal consultant, was charged with providing a code of behavior for the Union army during the Civil War. The result was General Order 100, the remnants of which still formally direct US military behavior (contrary to the recent argument about torture administered against alleged terrorists incarcerated in military prisons). One of the principal topics dealt with by Lieber is treatment of irregular enemy forces. There was impact from the codification on post-Civil War behavior of the US Army, for example, during Reconstruction. Further codification came from the Declaration of St. Petersburg (1868) which banned some weapons' projectiles (e.g., "dum-dum" bullets). Other codification came from the Hague Conventions, which produced 10 international treaties from 1890-1907 and which attempted to govern behavior during war.

Moving on in time, we have The Great War (World War I) and the apparent collapse of moral behavior during war (1914). Many violations of the codifications and the emerging principles of moral behavior ensued, hence the notion of collapse. Following World War I was a sort of Rebirth with the League of Nations formation, and a number of disarmament conferences (e.g., Kellogg Briand, 1928). There were more attempts at further codification and the involvement of many governments. A number of failures of the principles and the efforts of the League occurred. Among the failures: Italy versus Ethiopia; Japan in Manchuria; and the withdrawal of nations from the League. Probably contributing to the failures was the decision of the United States to not participate in the League of Nations, although that is argumentative. During this "between the wars" period, Catholic scholars and politicians used just war theories to buttress support for (eventual) war against the Third Reich (Nazi Germany) as well as using the theory to support the civil war against Franco in Spain. World War II led to more concern about morality in war. Subsequent discovery and detailing of the treatment of concentration camp prisoners, by the Germans and the Japanese, contributed to greater consideration of issues related to the treatment of one's own population during war, a topic explored in detail by Orend. Other morality issues surfaced by World War II included the use of the atomic bomb, which fostered increased arguments about the morality of indiscriminant weapons, possibly the only logical argument against chemical and biological weapons.

Historically, that brings us to the modern era, considered the Nuclear Age, with a large number of contributors to the theory of morality relative to war, with Michael Walzer [*Just and Unjust Wars*, 1977] being the standout theorist. Orend relies on Walzer's work, seen as seminal in the field, extensively.

In general, the Western foundations involved religious perspectives, with a legitimacy of wars against non-believers. Over time, there has been a lessening of focus on support for theory (a philosophical approach) and increasing emphasis of humanity and respect for life, with lay authority dominating over clerical authority. However, the shift in domination of the topic does not deny the responsibility or the value of clerical leadership contributions to the arguments (e.g., the Pope and the Bishops, on occasion, speaking out against wars of aggression).

HISTORY: ISLAMIC PERSPECTIVE

First, a caveat. The author, Kelsey, is not a Muslim scholar, but rather a western scholar interpreting Muslim history. This is not to say that Kelsey should not be accepted as a good source; it is simply to warn the reader of a potential weakness in Kelsey's presentations.

Kelsey has a somewhat similar approach, to that of Orend, to the foundation of Islamic thinking about war by providing a summary history at the beginning of his text. Kelsey argues "...that Muslims today are involved in a serious argument about political ethics... [While some] claim that Islam is intimately or even intrinsically bound up with indiscriminate violence, Muslim apologists and those committed to cultural diversity assert that Islam has nothing to do with violence of this type. The truth, as in most cases, is more complicated. Islam is a *living* tradition, in which men and women attempt to forge links between the wisdom of previous generations and the challenges posed by contemporary life, in hopes of acting in ways consistent with the guidance of God."

Before Muhammad came on the scene (born about 570), there was an Arab culture, derived from both Christian and Jewish influences. The beginning to Islam (out of that existent Arab culture) is with Muhammad (the Prophet and Messenger of God) and his receipt of the revelations from Gabriel, the angel who visited Muhammad over a period of 22 years (610 to 632). The revelations make up the *Qur'an* (Koran). The development of *Shari'a* reasoning began with philosophers soon after Muhammad's death (644). According to Kelsey, *Al-shari'a*, often translated as Islamic "law", literally means "the path" that "leads to refreshment." He goes on to say: "More prosaically, *al-shari'a* stands for the notion that there is a right way to live." Philosophers and theorists abound up through the present period, with a wide range of scholarly interpretations, dealing with three contributions: the *Qur'an*, *sunna* (the life and practices of the Prophet), and precedents.

Kelsay further points out that "...Islam is the religion of jihad, in the sense of struggle. That is the premise of the Islamic mission. Through the ministry of Muhammad and the proclamation of the Qur'an, God created a community dedicated to commanding right and forbidding wrong. The community fulfills this duty by spreading the blessings of legitimate government, and by calling humanity to return to the natural world." It is this central focus on the word of *al-lah* (God), as interpreted through the *sunna*, that establishes the Islamic view of morality of behavior with respect to war.

A BRIEF DIVERSION

There are, according to David Barrett, *et al.*, *World Christian Encyclopedia: A Comparative Survey of Churches and Religions – AD 30 to 2200*, Oxford University Press, 2001, about 34,000 Christian groups throughout the world. There are about 1,000 such groups in the US alone. Among these groups there are at least three interpretations of the Bible. One is that the Bible is the Word of God (Himself?). A second view is that the books contain the Word of God, as interpreted by scholars often referred to as prophets. However, it contains material that we must reject because it has always been opposed to the will of God. Such material includes discussion of the legality of slave ownership, for example. The third broad view is that the Bible is essentially a wide-ranging but human document.

Among other important matters, there is wide disagreement among the many Christian groups on subjects such as abortion, homosexuality, physician-assisted suicide, therapeutic cloning, disciplining children, and divorce. Among the groups there are different beliefs on historical Christian teachings, such as the virgin birth, the atonement, the resurrection, Heaven, Hell, salvation, Satan, demons, etc. These observations are mainly about the more than 1,000 Protestant and Anglican denominations. However, there is a major conservative versus liberal split within Roman Catholicism and Eastern Orthodoxy, for example.

Within the Jewish religion, there is a three-way division designated as Orthodox (very conservative), Conservative (somewhat less conservative than orthodox), and Reform (liberal to the extent that women are permitted as Rabbis; one contrast is that under the Orthodox branch, women must be segregated from men in the Shul or Temple during services). The views of the three groups respecting matters key to the religion vary on a wide range of subjects, as indicated by the comment on the acceptable sex of Rabbis.

Within Islam, there is the major chasm between *Sunni* and *Shi'a*, dating from the earliest days of the religion. In addition, there are a number of smaller but distinctly different sects professing to carrying on as Muslims closer to the principles established by Muhammad and the *Qur'an* than any other group.

Almost all *Mosques* are essentially independent fiefdoms whose congregations follow the arguments of the leading clerics of their *Mosque*. Even throughout the days of *al-khilafat* (caliphate) which began in 623 and ended with the demise of the Ottoman Empire finally in the 1920s there was internal conflict within Islam.

The central element for religious learning in Islam is the *madrasa*, schools established mainly to study and teach *fiqh*, which a process of thinking as to how to relate the body of laws and moral precepts by use of a set of interpretation principles. The process leads to what is now known as *shari'a*. But the existing *madrasa* are equally independent and what emerges is an array of interpretations that guide different groups of Muslims in different ways.

A burning question, then, is why do we in the west believe that Islam means monolithic behavior on the part of all Muslims?

SUMMARY

In brief, the western tradition of morality in war stems from similar foundations to that of Islam, including the Judaic and Christian bibles. However, the western tradition has diverted from the words of God (faith) to the rational development of a theory of humanist behavior in dealing with war. It is now a philosophical argument based on precedent and logic, with only a modest link with theology. Morality of war in the Western tradition consists of three components: *Jus ad Bellum*, *Jus in Bello*, and *Jus post Bellum*.

In contrast, the Islamic foundation of the morality of war stems from three sources: the continued reliance on the words of God as contained in the *Qur'an*, the life and actions of the Prophet (the *Sunna*), and precedence as argued by scholars and theologians, principally developed from the word of God. In the Islamic interpretation, there is no specific

differentiation of moral behavior among the phases of war (behavior before war, including decisions to go to war; behavior during war; and behavior after war).

FOCUS OF CORNWALLIS DISCUSSION

The focus of the Cornwallis XIII discussion was on the differences and similarities in just war theory evidenced by the two philosophies. To the extent possible, we tried to emphasize particular issues related to Orend's non-classical wars, treated by Kelsey as armed resistance and Islamic tradition, and Muslim arguments and the war on terror. Of particular interest was the perspective of avoidance of casualties among non-combatants (those who make no direct contribution to the on-going war), which is specifically cited and emphasized in both philosophies.

Both philosophies define aggression as the principal reason for war. The Western position is that it is the **only** reason. The Islamic view adds refusal to acknowledge the role of God and the role of mankind to serve God as a reason for war—hence, an explanation for some of the conflict among Muslims at present.

Terrorism is never condoned by either philosophy, except in the sense of regime changing, which is recognized by both arguments as aggression against the people. Both philosophies see illegality in governments that oppress the people. The devil is in the details, as always.

Non-combatants are seen by both as never comprising legitimate targets. Civilians engaged in direct support of aggressive governments (weapons manufacture, for example) are legitimate targets while engaged in the weapons' factories; by implication, when the workers are at home, they are not legitimate targets). On this matter, one must recall the strategic bombing campaigns conducted by both the Allies and the Axis during World War II, which actively targeted the places where workers lived in addition to the factories manufacturing war equipment.

Innocent civilians can be included (collaterally) when legitimate targets are attacked if the objective is critical (which makes for very tough target analysis and wartime decision making).

VERY BROAD AND ARGUMENTATIVE CONCLUSION

There is little differentiation in the formal statements of morality of war between the Western and Islamic perspectives. The devil is not in the details in this case. The devil is in the individuals who represent themselves as spokespersons for the different participants in world affairs. Westerners who argue for preventative war as well as Muslims who argue for destruction of all non-Muslims are both devils.

FURTHER READING

In addition to the sources cited within the paper, I found Albert Hourani, *A History of the Arab Peoples*, Warner Books, 1992 (but still available, I am sure) to be very helpful. It is a book requiring much concentration, runs to more than 500 pages, but well worth the effort. It probably deserves multiple readings. It is very useful in describing and defining many Arabic words that are important to gaining an understanding of Islam.