



## Episode 553: The Failure of Just War Theory

Guest: Laurie Calhoun

**WOODS:** I decided when I — I knew you had a book called *War and Delusion: A Critical Examination*, so I thought in the back of my mind that you were a good candidate to be a repeat guest on the show, and then I started reading the book, and that's when I remembered where I first heard of you, and I guess I had filed your name away in the back of my mind, and I hadn't made the connection the last time you were on. You wrote an article for *The Independent Review*, which I guess that time was probably being edited by Bob Higgs, in which you challenged the idea that the just war theory really does anybody any good whatsoever. To the contrary, just war theory is basically used to justify war. And I remember at the time — I didn't study the article carefully, but I remember being really upset that anyone would say that, because I had made good use of just war theory, and I couldn't believe that somebody would say something like that. And yet, the more I think about it, the more I think, oh doggone it, Laurie Calhoun was right. So that was you writing that article.

**CALHOUN:** That's correct (laughing).

**WOODS:** Well, how about that? So tell us about the connection between the thesis in that article and your book, *War and Delusion*. Now, what year did this book come out?

**CALHOUN:** 2013.

**WOODS:** Oh okay, so it's still fairly recent.

**CALHOUN:** It's fairly recent. It's the culmination of about 10 years of my investigation into what I consider to be a puzzle, which is why it should be the case that a man in civilian dress who kills another man commits a crime but a man in a uniform who kills, say, the same man but has been ordered to do so by another human being does not commit a crime. So that was a real puzzle to me from the very beginning, and I decided I really needed to dive into just war theory and find out what exactly the justification was supposed to be. And so I read everything. I began with Michael Walzer's *Just and Unjust Wars*, which is considered sort of the bible of just war theory, and I read just about everything I could find.

And what I determined through my investigation was that the emperor's theory really has no content. So it sounds really nice, and it's really appealing, and it's very handy

for leaders. They can put their little just war requirements on a 3 x 5 card, but what I discovered is that, in fact, on examination the theory is vacuous. It sounds extreme to say such a thing, but in fact, if you examine it rather than just reading off all the bullet points of the theory of the use *ad bellum* conditions on waging war and the use *in bello* conditions on executing a war, you find that in fact they tend to be platitudinous, and they're used rhetorically by leaders to support their calls for war.

So for example, one of the conditions is just cause. A just war must be waged for a just cause. Well, that's a platitude. It doesn't mean anything. It has no content. It just means that the leader has decided that he wants to wage war, and he thinks he has a good reason for it.

**WOODS:** I think the aspect of your thesis — I mean, I must have at least skimmed that article, because the aspect of your thesis that really stuck with me and that I couldn't quite shake was that basically it's impossible to think of a case in which somebody was supporting a war and then became acquainted with just war principles and then abandoned support for the war. That to the contrary, what people do with these principles is what they do with all kinds of principles that stand in the way of something they want. They twist them to yield whatever outcome they need them to yield.

**CALHOUN:** That's exactly right, and the best example of this is last resort. The last resort "requirement" on just wars really doesn't preclude anyone from doing anything. And in fact, just war theorists themselves have interpreted last resort metaphorically so that it doesn't really mean last resort anymore. It means we think war is a good idea, or it means we think war is feasible, or it means we can't think of any other better way to adjudicate this conflict. It doesn't mean it's a last resort. There's always something else that can be done. So it's really a metaphor.

But it's very powerful when leaders come forth and say this is a last resort. Barack Obama's someone who really likes just war theory. George H. W. Bush also really liked just war theory. Even Donald Rumsfeld, former Secretary of Defense under George W. Bush, called the invasion of Iraq in 2003 a last resort. So these little principles and concepts, they tend to be persuasive to people because they figure, oh, there's this whole tradition and these really smart people since the Middle Ages have been talking this, and so of course we have to defer to these experts. So when George H. W. Bush invoked the authority of Augustine in defending, for example, defending the 1991 Gulf War, this all sounded really impressive. And in fact, Princeton University gave him an honorary PhD right after the Gulf War, to my horror, since I was a graduate student in philosophy there at the time (laughing).

**WOODS:** That is shocking. I wasn't aware that happened. Even in the Ivy League everybody was on — well, let's just say certain people in the Ivy League were on board for that war. That's amazing.

**CALHOUN:** That's right.

**WOODS:** And in terms of intelligence, I get that George H. W. Bush is smarter than his sons. Okay. That's a pretty low bar. And you don't get an honorary PhD just for being smart, anyway. All right, let's talk about — and by the way, you're right. Obviously that last resort requirement. Obviously how could there be an objective way to determine whether something's a last resort? Of course there's no way. For a neocon, just waving and saying hello is a last resort. Like, everything is a last resort. When they say, "We've tried everything," it means, "We've barked some orders at them and they haven't complied." So what else do you expect us to do? Of course we have to go to war. So that is obviously a requirement that's extremely slippery.

Let's to go to, in your first chapter of the book, you're sort of clearing the decks so that you can go into the just war analysis, and in doing so, you want to answer the claim that war is or at least can be a form of self-defense and that this is why people are inclined to think that the wars waged by their own countries are just, because they comply with this basic moral intuition we have that it's all right to defend yourself.

**CALHOUN:** That's right. Many people conflate self-defense and defense more generally, so this is why you see the populous supporting every single initiative that is claimed to be a form of defense, because the appeal of legitimate self-defense is intuitive. It means that you can defend yourself against harm by an aggressor who is wrongly attempting to take your life away from you.

The problem is that when groups start doing this, then depending on the circumstances it may or may not constitute an instance of legitimate self-defense. And groups and nations and states are not moral persons. They are groups of moral persons, but the fact that an individual moral person has the right to defend himself from an aggressor does not imply that a group has that same right, because that would be to commit what is called the fallacy of composition, to ascribe to the conglomerate the properties of the individual thing making up the conglomerate. So states and nations and groups are not sentient beings. They're not rational beings. They're not conscious beings. They are artifacts. So to ascribe the properties of the individual, who has a right to defend him or herself, to the group is to commit a fallacy, actually.

I do believe that some war — if your neighborhood is invaded or if your name is invaded, you have the right to defend yourself, but has happened is war is now being waged abroad, and if it's analogous to self-defense, it would be like the individual who creeps into his neighbor's house in the middle of the night and kills him because he may try to harm him later on. So that's what it really is analogous to, which of course is a crime in civil society.

**WOODS:** Well, that's one of the themes of the whole show, is that a lot of things that would be crimes in civil society are perpetrated by the state, but it always has some cute-little-sounding reason why it's okay for them, or they use language — the way they abuse language is just beyond belief, and especially and in nowhere is there a better example than how language is abused in war to cover over things that, as you say, we would rightly describe as crimes.

In this chapter — again, the book is *War and Delusion*; we'll be linking to it at [TomWoods.com/553](http://TomWoods.com/553); that's today's show notes page — what you're trying to do is show the difference between what we think of as legitimate self-defense by an individual and what is sometimes thoughtlessly or carelessly described as self-defense by this collective. And you're showing, first of all, a collective is not a moral agent anyway.

**CALHOUN:** That's right.

**WOODS:** But secondly, one of the ways in which the two situations are different is that if I'm making a determination that I'm in danger — there's an imminent threat, there's a gun to my head or whatever — that's my judgment based on my assessment of the circumstances. But that's almost never the case in the military. We don't have soldiers who say — I mean, there's basically almost nobody in the U.S. who on September 11th, 2001 said, "We are under a terrible threat from Saddam Hussein." Nobody — only a lunatic would have thought that on September 11th, 2001. And yet somehow, a lot of people were persuaded that that is an imminent threat and you have to go and fight against that. So that was not a case of people rendering their own independent judgments. They're listening to whatever fairytale their ruler is spinning.

**CALHOUN:** That's exactly right, and it all is grounded in just war theory, in the just war paradigm. I realize that just war theorists think that their theory limits war and imposes restraints on leaders. I have a very contrarian view on this. I believe exactly the opposite. I believe that just war theory is the bellicose leader's most dangerous weapon. Hitler used it. Saddam Hussein used it. Basically go down the list of every war, and you find that every leader talked in these terms. Osama bin Laden talked in this sort of rhetoric. They all do. And so then the question is how do you determine whether to believe these people or not when they're all using it, and why should you go kill someone on their order when you have this entire history of people who have ordered their soldiers to commit atrocities. And they have done so, why? Because they all clung to the just war paradigm, according to which a soldier's rule is to follow unflinchingly the orders of their leader, who is a legitimate authority.

**WOODS:** And that legitimate authority idea, it's only just this minute sitting here with you that I realize how that obviously plays into the hands of the warmongers, because the legitimate authority so-called will tell you to go and do something crazy, like invade Iraq, which is not something that anyone would have spontaneously thought of, but however, it is the decree of the legitimate authority.

**CALHOUN:** That's right. And the problem with just war theory is that the entire framework arose in a completely different milieu. Okay, so Augustine and Aquinas, these were religious scholars and scholars of religion who believed that everything on earth was in its place by virtue of God's grace, including leaders. Okay, so leaders were divinely enlightened, and basically accepted advice, I suppose you could say — I mean, George W. Bush thought this too, apparently — but in medieval times people really thought there was a connection between political leaders and God. Well, since then we've had the Protestant Reformation; now we know that our leaders are fallible

human beings who are elected by a bunch of other fallible human beings. They are not divinely enlightened any more than is the man walking down the street.

And so this is the basis of the entire framework, and it has been overturned. I mean, we don't believe that God appoints our leaders anymore, right? We all know that we elect them, or if they're tyrants, they appoint themselves. But the point is that the whole concept of a legitimate authority falls apart once you remove the religious metaphysics that was held by the fathers of just war theory. But strangely, we continue to see people parroting this view and trotting it out every time there's an opportunity for war because it's so persuasive.

**WOODS:** What about the aspect of just war that has to do with targeting civilians? It seems like that ought to be one that really restrains them, because you can't deliberately target civilians. Now, is it that they play with the word "deliberately"? Is that it?

**CALHOUN:** Well, they certainly do that, but the other thing that has emerged in modern times is the concept of collateral damage, which did not exist in medieval times. Augustine never talked about collateral damage. Collateral damage was coined by war makers to basically produce an anodyne way of talking about civilian casualties. So, there will be civilian casualties; we'll call them collateral damage. And this arises also from a very powerful tenant of just war theory, which is called the doctrine of double effect. Are you familiar with that?

**WOODS:** Oh sure, that you can do — well basically, if something bad happens in the course of your doing something good and you had a pure intention in doing the good thing and you didn't intend to bring about the bad, then it's morally okay. Is it something like that?

**CALHOUN:** That's right. That's the doctrine of double effect. And so people trot out the doctrine of double effect to say, okay, so when we kill civilians we're not really committing a crime, because we intended only to kill the bad guys. But when they kill civilians, then they have committed a moral atrocity, of course. The problem with the doctrine of double effect is that it doesn't really distinguish the cases. What distinguishes the cases is a prior premise, which is that we are good and they are evil. So they have intrinsically evil intentions, and we have intrinsically good intentions, and that's why everything we do is not a crime.

So Vietnam, for example, we killed millions of people, but we didn't intend to kill civilians, even though we did. In contrast, the intention of, say, the perpetrators of the 9/11 attacks was to kill civilians, according to the received view. So the problem with this doctrine of double effect also ends up being a rhetorical weapon, because it's not the doctrine itself which tells you — you don't have access actually to anyone's intentions, so what you do is you say the intentions are good if they're our allies and people of whom we approve, and the intentions are bad or evil if there are adversaries. So it doesn't actually distinguish anything.

I mean, scholars love to talk about the doctrine of double effect, and they devise all these trolley problems and things, but the prior assumption is always that they have evil intentions. You don't look into the possibility that, oh, maybe they had some other kind of intention and they did this to realize a different sort of aim. No, the assumption is they attacked us; therefore their intentions are evil.

**WOODS:** All right, I want to ask you a really good devil's advocate question. What do you say to people – and there are many of them, and they're not just neocons – who would say that war, you're lucky you even have the just war theory; you're lucky you have even that, because in war, sometimes the very existence of a people is at stake, and it's important for us to do what we need to do to preserve ourselves, and if we are fighting against a people that is absolutely ruthless, whereas our society is sitting here engaged in all this moral introspection, it's not difficult to see who's going to win?

**CALHOUN:** Okay, so you're saying this is an argument for abandoning the –

**WOODS:** Yeah, even the pretense of just war theory. I mean, your view is that it's not doing any good, and it may actually be doing harm. I'm talking about the neocon who feels constrained even by just war theory, as lame as it may be, saying that the very fact that we're sitting here trying to render moral judgments on soldiers and states is just crazy. When war happens, you have to just fight and fight and fight, and the philosophers are going to get us all killed.

**CALHOUN:** Okay, well, that's the statement of realism, according to which there is no real justice in war. So war is – all is fair in war, as they say. The interesting aspect of that argument is that the people who make up the war – the leaders, the soldiers, the people who do the killing – those people are all moral persons. So the question arises, how can it be that their individual actions cannot be judged. That's another kind of fallacy, where you say the state is not a moral person, and so when the state acts you can't judge its activities at all. It's not a subject of morality. Granted. But the people who actually drop the bombs and order soldiers into war, those are moral persons, and their individual decisions can be judged. So that's also a type of fallacy when you say that, because a state isn't a moral person, therefore during wartime none of these people are suspect to judgment.

**WOODS:** But I think that they're talking about the practicality of engaging in moral judgment about war. If the very existence of your people is at stake, which is the way they think of practically all wars – I mean, we were told that a mushroom cloud would be how we would find out about Saddam's secret weapons program.

**CALHOUN:** Right.

**WOODS:** They always portray it this way, and if we're sitting here thinking about different ways we can tie our own hands and feel good about ourselves because of our great moral virtue when we're dealing with savage barbarians on the other side who can't even conceive of the very idea of moral evaluation, then we're going to lose, and maybe that'll make you philosophers satisfied. Do you see what I'm saying?

**CALHOUN:** Well, sure, it's related to the ubiquitous question, "What about Hitler?" So everyone says, "What about Hitler?" That's supposed to be some sort of slam-dunk argument for every intervention that ever arose. But the problem is that Hitler used the very same apparatus to achieve power and to commit mass atrocities. So my answer to the question, "What about Hitler?", is "What about Hitler?" I mean, it doesn't really have any implication for anything. It's not an argument for going into Iraq. It's not an argument for lobbing missiles on Libya. It's not an argument for doing anything. It's basically just a rhetorical trope and a way of frightening people into thinking they should support war.

In reality when you look at the various scenarios in which the "What about Hitler?" question is asked, they involve people who generally bear very little resemblance to Hitler. So Osama bin Laden didn't have a state; he didn't have a formal army. Saddam Hussein, when he invaded Kuwait, disputed Kuwait's what he called siphoning off of oil from Iraq, so that was a factual dispute, which could have been investigated. And it certainly didn't imply the permissibility of killing hundreds of thousands of children and burying conscripted soldiers alive in their trenches. Nothing follows from the question, "What about Hitler?" So my answer is you have to look at the cases individually, and if you believe every person who tells you you need to go to war, then you are committing the same mistake that the Germans did under Hitler.

**WOODS:** Let's talk about some of the other requirements of just war theory, and of course not all of these were present in Augustine. We get more of them under Aquinas; we get still more of them in the 16th century and beyond, and still more of them in the modern period or in the 20th century. But today we've come to associate certain principles with it, and one of them is – well, proportionality. We've got proportionality. We've got the cause has to be just. Well, it's pretty to see how they get around that one. They just declare it to be just. And there has to be some prospect of victory. You can't launch a campaign that's totally hopeless. Well again, I don't know of any leader who's said, all right everybody, this campaign is totally hopeless, so let's go ahead and fight it. That's not generally how it's done. So when you look at some of these other ideas, what's your evaluation? How are they being used also as a way in fact to bolster, rather than retard the case for war?

**CALHOUN:** Well, they're being used because the leaders trot them out. So for example, Obama in defending his drone campaigns, he one time said, oh, this is a just war waged in last resort; it's proportional. And so supposedly drone killing of people in Yemen and Pakistan and Somalia and wherever else is just because he has satisfied – he has gone through the little list of bullet pointed requirements and said, check, check, check, this war – what I'm calling a war – is also just. So they're all used that way. You're right that no leader calls his troops to war if he believes that they're going to fail. It's almost embedded in the very notion that he has decided to go to war. He's already decided it's a good idea, and everything is already contained within it. He's already decided that whatever costs will be paid will be proportional to the outcome.

So one example would be, again, 1991 Gulf War, which was considered by many Americans and still is considered to have been a great success story. In reality, the

means used to defeat Saddam Hussein in 1991 were rather extreme. Among other things, they bombed the water treatment facilities of Iraq, so in the aftermath of the war, many children suffered and died as a result of the sanctions that were then applied and made it impossible to purify the water. So something like — the estimates vary, but something like 500,000 children died as a result of the 1991 Gulf War. And when Madeleine Albright was asked about this, she said, oh, we think that it was worth it. So this just illustrates that proportionality is just someone's opinion, someone's opinion that my aim is more important than the lives of all of those people. So it is always vacuously satisfied by every war waged according to the legitimate authority himself, whose prerogative it is to interpret all of the other requirements.

**WOODS:** By the way, that answer just blows me away, that it's always vacuously interpreted. Even proportionality, where you would think maybe there's a hint of mathematical analysis here, that surely we can pin them down with proportionality. If some offense is committed against us, then the response has to be proportional to that offense. But if the response can include atrocities of the kind that you just mentioned that are vastly, by any normal person's moral calculus, out of proportion to the original offense, then again, this principle means and accomplishes nothing.

**CALHOUN:** That's right.

**WOODS:** So what are the other ones — what have we missed? Which ones have I missed?

**CALHOUN:** Well, there's public declaration. You're supposed to provide the enemy with the ability to resolve the dispute in some peaceful manner.

**WOODS:** Oh, that sounds like exactly what the U.S. government is always looking to do.

**CALHOUN:** (laughing) That's right, except for Obama now has decided that he doesn't have to declare any of these wars. He does them all covertly, and then after the fact we discover them from people like Snowden or Manning and find out he's been doing all these things. So public declaration has kind of fallen by the wayside. And what's another one? Oh, another one is prisoners — or soldiers are to be respected as human beings. Okay, so that also seems to have fallen apart under Obama, although the logic that they use is that the people they're killing with drones are unlawful combatants, so they're not protected by the laws of war, which is another sneaky way of just getting to do whatever you want to do basically.

**WOODS:** So what — in light of all this, in light of the failure of the just war theory to accomplish what we all think it is intended to accomplish, where does that leave us?

**CALHOUN:** Well, that leaves us with getting back to the moral basis of the use of violence, and I think that if people are genuinely defending themselves from an aggressor, they have the right to defend themselves. One of the reasons why I wrote the first chapter of this book, "Self-Defense and War," was because I wanted to dispel



this really negative caricature of war opponents as somehow irrational hippies or something. So a lot of people think, oh, if you're against war, you're somehow irrational. I think exactly the opposite. I think that there's no necessary connection between an affirmation of the right to self-defense and an opposition to war when war means sending people thousands of miles away to kill other people who do, in fact, have a right to defend themselves.

**WOODS:** Well, the book is *War and Delusion: A Critical Examination*. I'm going to link to it at [TomWoods.com/553](http://TomWoods.com/553). And as last time, I'll link to various ways to reach you: your Twitter — do you have a website or a blog?

**CALHOUN:** I do. It's called The Drone Age.

**WOODS:** And how can people reach it?

**CALHOUN:** It's at Wordpress — [TheDroneAge.wordpress.com](http://TheDroneAge.wordpress.com). So that's really a blog that's dedicated to the drone book and the latest developments in the drone wars.

**WOODS:** Okay, so I'll link also to our previous episode when we talked about that book, so that's also [TomWoods.com/553](http://TomWoods.com/553). So if you're interested in what we talked about, that's the page to visit. Laurie, thanks for your time today.