MORALITY AND WAR

CAN WAR BE JUST IN THE TWENTY-FIRST CENTURY?

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Aquinas to Aristotle and beyond, that had a very different view of morality. In that tradition—in which, as we shall explore in the next chapter, there has been a recent revival of philosophical interest—morality was conceived as pre-eminently an area for rational discourse; and ethics as a moral science. There is no perceived unbridgeable gap between facts and values; values are rather conceived as the precepts, practices, and dispositions of character we need to nurture if we are to flourish as human beings.

But is that Aristotelian tradition any longer available to us in the twenty-first century? The sceptics' arguments may founder, but we have yet to show that morality can be rationally grounded. Is it possible to provide a rational justification for morality that will guide not just our private but our public lives? To this key challenge of moral philosophy we now turn.

THREE

Virtues and Consequences

It is not a trivial question: what we are talking about is how one should live one's life.

Plato, *Republic* 352d

Introduction

In posing the question how one should live one's life, Socrates was not asking how one ought to live in a special moral sense of 'ought'. For there was no such concept of moral obligation in Greek culture. The demand was rather for guidance on what it is necessary to do in order to achieve *eudaemonia*, to have a fulfilled life, to flourish as a human being. The surprising answer that Socrates, Plato, and Aristotle gave to this question was that it was necessary to be moral, to practise virtue.

This answer is surprising to the modern ear for two reasons. First, the Greek word we have translated as a 'fulfilled' or 'flourishing life'—*eudaemonia*—is often translated as 'happiness', which, in modern parlance, means not just a satisfying life but also carries with it implications of pleasant sensations and experiences. It may seem odd, indeed, to suppose that morality would represent a good strategy to achieve happiness in that sense.[1] We think rather of falling in love or winning the lottery as being keys to such happiness. Second, while morality may perhaps be a more plausible candidate to contribute to a fulfilled life, even that claim would seem open to challenge. For, as we explored in the previous chapter, we have been taught by modern philosophy that there is a sharp dichotomy between facts and values. There is thus no reason to expect any consonance between what morality requires and our natural desires; no reason why morality should conduce to a flourishing life.

But, however surprising their answer may be, the Greek philosophers believed that morality was necessary for a fulfilled life and that this provided us with a reason to act morally. The challenge I wish to address in this chapter is whether in the twenty-first century it is possible to provide a rational justification for morality as a guide to our public and private actions.

Consequentialism

One modern attempt to make morality a rational activity is utilitarianism, the best-known variant of the form of ethical reasoning known as consequentialism. The nineteenth-century reformers Jeremy Bentham and John Stuart Mill rejected what they perceived to be the prevailing Victorian view of morality as a system of unquestionable moral principles and inscrutable fiats. Instead, they sought to provide a rational framework for discussing moral issues by arguing that what counted as a right action should be determined by reference to its consequences and, in particular, to its contribution to the promotion of human happiness. Since its foundation in the nineteenth century, the popularity of utilitarianism has waxed and waned. But, even during its relative decline in the twentieth century, it has remained an honourable exception to the general trend of philosophy in that century to seek to restrict morality to the private sphere. For utilitarianism has always been intensely concerned with morality in the public, as well as private, realms.

Utilitarianism offers a way to make morality a rational activity by assigning a clear role to reason. This is to calculate the consequences of actions and determine among the various outcomes which are most likely to promote human happiness. Utilitarianism has had a proud record as an agent of social reform, providing an effective practical guide in public policy-making. Starting with Bentham's zeal to reform the eighteenth- and nineteenth-century legal system, many of the great social reform movements of the nineteenth and twentieth centuries were guided by consequentialist reasoning.

So, for example, in the UK such reasoning underpinned the great sweep of reforms to the criminal law introduced during the 1960s. Suicide was decriminalized because more harm than good was achieved by treating as criminal an act that harmed no one but the agent (1961). Capital punishment was abolished because no one could satisfactorily show that the evident harm caused was outweighed by the beneficent deterrent effect, which could be achieved just as readily by imprisonment (1965). Homosexuality was legalized between consenting adults because such behaviour, however distasteful to some, had no harmful consequences (July 1967). Finally, abortion was legalized where the harmful consequences of proceeding with the pregnancy outweighed the disadvantages of its termination, whether through the risk to the physical or mental health of the mother, or because of the risk that the child, if born, would be seriously handicapped (October 1967). Consequentialism's promotion of social reform has continued into the twenty-first century, with the prominent British social reformer Lord Layard employing unashamedly utilitarian arguments to justify the case for better treatment for those suffering from mental health problems. A rallying cry of his successful campaign was 'Bully for Bentham'.[2]

Despite its proud record of social reform, consequentialism has been under sustained attack in recent years from both deontologists/moral absolutists, who hold that fundamental to morality are absolute moral rules; and from the recently revived school of virtue ethics, for whom virtues are the key to moral behaviour. In the face of such attacks, consequentialists have tended to bunker down, give no quarter and fight off all intruders.[3] In turn, the deontologists and virtue ethicists have heaped further contumely upon consequentialism, a doctrine they regard as not just profoundly erroneous but pernicious. Indeed, since Elizabeth Anscombe first introduced the term 'consequentialism' in her scathing critique of modern moral philosophy, it has become almost a term of abuse.[4] For Anscombe, consequentialism was necessarily 'a shallow philosophy'.[5] Peter Geach roundly declared that consequentialist calculations—which he argued could lead to an endless chain of consequences—were 'absurd': 'I therefore reject consequentialism root and branch'.[6] John Finnis similarly described consequentialist calculations as 'senseless', since they require us to compare goods that are, in his view, incommensurable.[7]

An unbridgeable gulf has thus appeared to open up between consequentialists, on the one hand, and deontologists and virtue ethicists, on the other, with each side slinging insults at the other and neither appearing willing to amend his or her position to accommodate the arguments of an opponent.

In this chapter I propose to argue that there is no such unbridgeable gap and that the consequentialist, the virtue ethicist, and the deontologist can each learn from the other. Far from rejecting all the arguments of his

opponents, the consequentialist should be prepared to revise and amend his doctrine to accommodate the genuine concerns of his opponents; and that, if he does so, it may be possible to end up with a form of moral reasoning that can draw strength from all the traditions. I shall call this 'virtuous consequentialism'.

To determine whether such an accommodation is possible we need first to consider some of the main objections levelled against consequentialism.

Objections to consequentialism

Consequentialism is sometimes presented with such all-embracing objectives that its very ambition can seem overweening. Bentham's initial popular injunction was that we should pursue 'the greatest happiness of the greatest number'. He subsequently modified this to the more judicious formulation 'the greatest happiness of all those whose interest is in question', making clear that his concern was with the greatest total sum of happiness.[8] But, even so, it still sounds an ambitious target, suggesting, as Geach complained, a grandiose calculation of endless causal chains that may appear beyond human capacity. Bentham also thought happiness could be reduced to pleasure, which is unduly restrictive, since we pursue many other ends than pleasure.

Utilitarians sometimes speak as if the principle of utility provided a guide to all our actions, a panacea for reaching any decision on any subject. But that seems an implausible claim. A man who proposed to his girlfriend on the grounds that their marriage would, on balance, increase overall happiness would be lucky to get away with a slapped face! Utilitarian calculation is hardly appropriate to explain love or friendship.

If consequentialism is not to fall at the first hurdle, we need to be careful to avoid expressing it in over-ambitious terms. Consequentialism can, however, be reformulated in a more modest way. This would be to offer advice to those pondering what is the right thing to do: that they should choose that course of action the consequences of which are judged likely to contribute more to the welfare or reduction of suffering of those whose interests are involved than those of the available alternatives.

Such a more modest formulation of the principle helps address Geach's complaint that consequentialist reasoning inevitably involves endless chains

of consequences. For in this more modest formulation there is no reason why it should do so. We can and do apply sensible cut-off points to avoid such pitfalls, restricting the consequences to be considered to those that are reasonably foreseeable. Finnis's complaint about the incommensurability of values can also be challenged. For, in our everyday practical reasoning, of which moral reasoning is but part, we frequently and successfully weigh up and evaluate the different consequences of our actions and, in doing so, necessarily rank and choose between our values. If we could not do this, it is difficult to see how we could ever come to practical conclusions about what we should do, even in such mundane matters as choosing to visit a sick relative in hospital rather than going to the cinema. Still less could we reach decisions of greater moment, such as choosing to evacuate a football stadium to protect the spectators from a terrorist bomb, even though this interrupted the skilled performance on the pitch.[9] A list of incommensurable values would also offer little guidance to the policy-maker. For it is frequently necessary to rank values in the complex formulation of public policy—for example, in determining the allocation of scarce resources between competing demands. The task is often difficult, even daunting, but it is not impossible.

Let us now consider some of the criticisms that present more fundamental challenges.

First, the deontologists complain that consequentialism belittles and ignores the moral rules and principles that they believe are fundamental to morality, rules that, in their view, are absolute and admit of no exception. Geach explains:

> And legalism will further hold that if in working out the description of an action we reach certain descriptions, e.g. that it is an act of blasphemy, or killing the innocent, or perversion of just judgment, or perjury, or adultery; then we need consider no further: this is already the cut-off point and the act is ruled out.[10]

An act that is forbidden by one of the 'bedrock' rules of morality is forbidden, regardless of its consequences.[11] Indeed, in such cases it is inappropriate to have any further regard to the consequences. The consequentialist who insists that consequences should always be taken into account is led to propound implausible and counter-intuitive moral judgements, including the licensed killing of the innocent.

I shall consider the claims of moral absolutism in more detail in chapter 5. But at this stage it is important to note that there are strengths and weaknesses on each side of this debate.

The consequentialist is right to point to the way moral principles can conflict and that there may, on occasion, be cases where sticking to the rules may bring about very much greater harm than breaching them and that, when that happens, it would be rational to break the rule. An example is that of a householder sheltering Anne Frank and her family in her attic. A Nazi storm trooper knocks on the door and enquires if there any Jews inside. Most would agree that in such circumstances it would be permissible to lie in order to save many lives.

The consequentialist is also right to note that our moral lives are more complex than the deontologist assumes and that many crucial moral decisions may not be covered by moral rules. Examples might be the choice of a career or how to spend an inheritance; or, in the public sphere, what social or environmental policy to adopt. A decision whether or not to go to war would also fall into this class. For, although there are principles to guide and structure our reasoning about warfare, issues of such moment are hardly likely to be decidable by simple application of a rule, without a great deal of further profound deliberation.

The consequentialist is, however, wrong to suggest that moral principles are, as Smart describes them, mere 'rules of thumb' to be discarded whenever our calculations show there might be even a slight balance of advantage in doing so.[12] The rule utilitarian may face difficulties, as does the deontologist, because of his failure to offer guidance when rules conflict or no rules apply. But he is right to object to such downgrading of the importance of moral principles. This grossly oversimplifies the complexity and difficulty of moral decision-making. Moral principles incorporate the accumulated experience and wisdom of ages. An agent, faced with a difficult ethical dilemma, unsure how to act and with little time to calculate consequences, may sorely need the guidance of moral principles, whose wisdom he would be ill advised to ignore. There is a very strong presumption in favour of the rules, any breach of which is likely to cause harm. Any breach would require the most profound justification and be sanctioned only *in extremis* if there is clear evidence that very much greater harm would thereby be avoided. Moral principles play a key role in guiding our decision-making. The consequentialist should accord great importance to moral principles. *The first adjustment to consequentialism is that it needs to be principled consequentialism.*

The next charge against consequentialism is that it offers an outsider's view of ethics. All that matters are the consequences of actions, and no special status or role is accorded the agent. This can lead to absurd conclusions. One such is Smart's suggestion that, in a universe consisting of only one sentient being who falsely believes there are others undergoing exquisite torment, it would be preferable that he should take delight in their sufferings rather than sorrow over them. For, as Smart says: 'After all, he is happy, and since there is no other sentient being what harm can he do?'[13] The answer is the harm that the deluded sadist does to himself which Smart can only ignore because he neglects the key role of the agent and the importance we accord to the interior quality of the action, as well as its external effects.

This is well illustrated by Peter Strawson's example:

> If someone treads on my hand accidentally, while trying to help me, the pain may be no less acute than if he treads on it in contemptuous disregard of my existence or with a malevolent wish to injure me. But I shall generally feel in the second case a kind and degree of resentment that I should not feel in the first.[14]

In assessing the moral qualities of an action, it is not just the external consequences that count. The mental states of the agent are also crucial. For, as human beings—as intentional agents—we are concerned not just with what happens to us. It matters intensely to us how others view us, what beliefs, feelings, and intentions they have towards us. It equally matters to others what are our mental states towards them. Acts with the same effects (a crushed hand) can be judged differently depending on the mental states of the agent. An act with good effects may not be judged good if undertaken with a wrong intention. A prince who invades his neighbour's territory and, in so doing, overthrows a brutal and oppressive regime is not deemed to have acted justly, despite the beneficial outcome, if his motive was not to liberate the people but to seize control of his neighbour's gold mines.

In determining the moral quality of an act we need to attend not just to its effects but to the role and status of the agent. *Any balanced ethical judgement needs to address both the internal and external aspects of action: the mental states of the agent and the consequences of his agency.*

The next charge against consequentialism is that it misdescribes and oversimplifies the nature of moral reasoning.

For the consequentialist, the act of moral reasoning is construed as if it were a simple calculation of consequences, with the course of action to be chosen that whose consequences are more beneficial than those of the alternatives. But this makes moral choice appear simpler than it is. It hardly corresponds to the bewildering complexity and sheer difficulty of our moral life. It is very hard to be good. The difficulties we face are not just—as the consequentialist would concede—in the complexity or uncertainty of the calculation of consequences. Our moral mistakes may be multifarious. Consequentialism, just like deontology, makes the decision process appear too easy.

Modern man, without any schooling or training in moral conduct, is supposed to be able to confront the most complex and challenging moral dilemmas and behave correctly. He is able instantly to discern the right thing to do, whether, for the deontologist, by seeing which moral principle to apply; or, for the consequentialist, by undertaking a rapid, yet accurate, calculation of consequences. If only it were so easy! In reality, our moral life is more demanding. Consider three examples.

In a recent court martial case in 2007 eight US marines were charged with murdering Iraqi civilians in Haditha, a city in the western Iraqi province of Al Anbar.[15] This followed an incident on 19 November 2005 when twenty-four Iraqis, including women and children, were killed, after an attack by terrorists with an improvised explosive device that killed a US Marine Lance Corporal and wounded two other Marines. Quite what happened in this case has not yet been fully established. But it was alleged during the court martial that the soldiers had gone on a rampage seeking revenge on those they held responsible for the murder of a well-liked comrade. Rage and anger at their comrade's death were a major motive for their actions. Anger may often be an important motive on the battlefield. Just so, three millennia earlier, the rage of Achilles at the death of his comrade Patroclus impelled his return to the battlefield and mass slaughter of Trojans, including the slaying and profane mutilation of Hector's body.

The second example is in Afghanistan. A British soldier spots a woman behaving suspiciously on the edge of a crowded marketplace. Is she an innocent shopper or a Taliban suicide bomber? He has seconds to decide whether or not to shoot, with the lives of many innocents hanging on the outcome of his deliberation.

The third example is of a happily married senior executive who drinks too much at a Christmas office party and ends up in bed with an attractive

junior trainee. Inflamed by alcohol and lust, he gave no thought at the time to the ethics of his conduct, although next morning regrets bitterly what he has done.

What these examples underline is that moral decisions do not always—or even usually—present themselves to us neatly labelled as such. Recognizing that our choices may have ethical implications may be a crucial first step to making the right moral judgement. The angry soldiers in the first example may not have appreciated in the heat of the moment the full moral significance of what they were doing. Fuelled by rage at their comrade's death, they acted without thinking, attacking with the frenzy of berserk Norse warriors.

These examples also show the importance of the emotions we feel; and that what passions we feel and how we have been taught to control them may contribute crucially to the quality of the moral judgements we make. They show how unlikely it would be that we would make the right choice if we had to make complex calculations of consequences on each and every occasion. Indeed, the second example shows how critical moral decisions may need to be taken in seconds, with no time for complex calculation of consequences. The final example shows the importance to our moral life of the habits of character we have acquired as a result of which we may succumb to or be able to resist the excesses of alcohol and of lust. A man practised in the virtue of temperance would know how to resist such temptations.

It was a fallacy of most twentieth-century ethical theories to suppose that a person confronts each moral dilemma as *homo episodicus*: fresh-eyed, empty-headed, a man with no past or future, only the present, untrained, and equipped with, at most, a powerful calculator. The prospects of such a person choosing the right course of action in the heat and passion of the moment and amid the many tempting paths to error would be remote indeed.

We need rather to recognize that we confront each moral dilemma as *homo durabilis*: a man with a past and a future, whose present choices may, in part, be determined by those he made in the past, which helped make him the sort of person he is now, and which may also crucially affect how he acts in the future. Indeed, if he is to have any hope of choosing rightly, he will need all the help he can get and to have undergone a great deal of moral education and training, so that he confronts the difficult moment of choice with appropriate thoughts, feelings, and desires.

Virtues

Considerations such as these have rightly reawakened interest in the teachings of Aristotle, who underlined the importance of a sound moral education and training to help us acquire the appropriate states of character—the appropriate virtues—to enable us to make the right choice, unswayed by passion or emotion, when faced with difficult moral decisions.[16] The variety of virtues, ranging from self-regarding virtues, such as temperance and prudence, to other-regarding virtues, such as generosity and justice, also reminds us, in a way that a uni-dimensional consequentialism can overlook, of the richness of our moral life and the multiplicity of dispositions and skills that are needed if we are to make ethically correct choices.

These are important and profound insights that any adequate restatement of consequentialism would need to incorporate. *Virtues are crucial to our moral life.* But the virtues on their own may not always provide all the guidance we require when we are faced with difficult ethical choices. We are told that the right thing to do is—depending on the circumstances—whatever is just or courageous or temperate (or whatever other virtue might apply). If we ask how we are to discern such actions, we are told they are what a just or courageous or temperate person would do. So how do we find a just or courageous or temperate person to guide us? If we are told it is whoever performs just or courageous or temperate actions, we seem to have been led around in a circle.

The circle is not as unhelpful as it may appear, since virtue terms are 'thick' ethical concepts that describe particular ways of behaving and so do provide guidance. A Greek soldier, who broke the line in battle and fled, knew well that his action was not what a courageous man would do. But, as we shall explore further in Chapter 6, we may be faced with situations where we are not sure what virtue is required; or where the virtues appear to conflict and point in different directions; or where none of the established virtues provides clear guidance. How do we then decide what to do? Aristotle recognized the difficult choices with which we could be faced and counselled that the man of virtue would then need to exercise practical wisdom to determine the right thing to do. He defines practical wisdom as 'correct deliberation about what serves an end'[17] and 'the ability to reach sound conclusions about . . . what conduces to the good life as a whole'.[18]

So, to help determine the right thing to do in situations of moral perplexity, we may, according to Aristotle, need to reflect on how our actions will conduce to human flourishing. This, in turn, will require attending not just to the nature of the action but also to its consequences. Virtue ethics may thus need help from consequentialism, just as consequentialism does from virtue ethics. But, even if consequentialism is amended and supplemented in the ways we have suggested, are we yet in a position to answer the question that we posed at the outset of this chapter: Why should I be moral? Why should I act justly?

Why should I be just?

This question has perplexed philosophers almost since philosophy began. This was the challenge thrown down by Thrasymachus in book 1 of Plato's *Republic* and taken up by Glaucon and Adeimantus at the start of book 2. The *Republic* was Plato's attempt to answer the challenge.

The question 'why should I be just?' has been central to philosophy for over two thousand years. But, for most of the twentieth century, as we explored in the previous chapter, most philosophers declined to answer it. They declined to do so for a variety of reasons, of which the most challenging is that the question, while important, is just too difficult to answer. This was the view, widely shared by other philosophers, expressed by Bernard Williams: 'The project of giving to ethical life an objective and determinate grounding in considerations about human nature is not in my view very likely to succeed.'[19]

There was also a concern expressed by deontologists and some virtue ethicists that the question was inappropriate. We should do what is right because it is right, for its own sake, not for some other reason. We should not seek to ask why we should be moral. To do so is to misunderstand the nature of morality. As Archbishop Whately of Dublin put it: 'Honesty is the best policy; but he who is governed by that maxim is not an honest man.'[20]

So the question that Plato placed at the centre of philosophy was for different and, sometimes, conflicting reasons judged to be unanswerable. A key area of human life—morality—becomes an irrational activity for which no reasons can be given. Do we have to accept this gloomy conclusion?

The claim of the deontologist or virtue ethicist that we should do what is right for its own sake embodies an important insight into the nature of moral

motivation. But that insight needs to be tempered to avoid the implication that our objective is only to enhance our own moral integrity rather than concern for others. The insight would also not necessarily preclude seeking a deeper grounding for morality. After all, Aristotle—who is often cited in support of this view and who certainly stressed that virtue needs to be pursued for its own sake[21]—also maintained that virtuous conduct constituted the good for man, essential to our flourishing as human beings.[22] A brave soldier displays courage in the heat of battle because that is the honourable thing to do and does not seek for further reasons.[23] But, if the path of virtue is unclear, if moral rules conflict, or if the man of virtue is asked to explain why he has chosen a life of virtue, then a deeper explanation of how such actions contribute to human welfare may still be in order. There is no necessary inconsistency in both recognizing the special nature of moral motivation and seeking a rational justification for morality.

Even if there is no such inconsistency, we still face the objection from those who accept that the question is appropriate and important but think it is just not possible to answer it. So is it possible to explain why we should be just?

One answer is that acting morally is in our own interest, if not in the immediate, short term, then at least in our longer-term, enlightened self-interest. The advantage of this appeal to self-interest is that it is a motivation that everyone can safely be assumed to have. This justification does not depend on the contingency of altruistic feelings that may or may not be present.

This is the argument that Glaucon eloquently expounded in Plato's *Republic*:

> Our natural instinct is to inflict wrong or injury and to avoid suffering it, but the disadvantages of suffering it exceed the advantages of inflicting it; after a taste of both, therefore, men decide that, as they can't have the ha'pence without the kicks, they had better make a compact with each other and avoid both. They accordingly proceed to make laws and mutual agreements, and what the law lays down they call lawful and right. This is the origin and nature of justice.[24]

To achieve the greater benefit of never being harmed by others, we forgo the lesser benefit of sometimes harming them. We may be tempted to steal others' goods, but we do not want our own property stolen. So we abstain from theft to assure the security of our own property. This exchange is necessary, because we are approximate equals in power. If we were not equals—or if we were equipped with magical powers, like Gyges with his magical bezel ring by turning which he could make himself invisible—we could get away with harming others with impunity and so would have less reason to accept the constraints of morality. Men are, however, by and large and for the most part, as Aristotle would say, approximate equals, and so they have reason to act morally. We can thus provide grounds for acting justly.

Since Glaucon first expounded the theory that morality is founded on mutual advantage, it has attracted many supporters.[25] The agreement underlying morality may be regarded as informal or, as with the social-contract theorists, it may be treated as a more formal, if still idealized, agreement. A distinguished modern exponent of the social contract was John Rawls, who sought to show that his principles of justice as fairness would be the rational choice for determining the distribution of social goods within society of men in a state of nature, unaware of the position each would occupy in society, and acting only to further their own interest.[26]

The claim that moral rules work to our mutual advantage has substance. It works well with self-regarding virtues, such as temperance. Moderation in satisfying her physical appetites can be readily judged to conduce to the well-being of an agent who practises it. It also seems not unreasonable to suppose that some of the most basic moral constraints, such as the prohibitions on murder, theft, and rape, are mutually advantageous. But there are three fundamental problems with this approach.

First, while the approach works up to a point, it soon runs out of explanatory power. For it fails to explain all our moral actions, including, crucially, those that are held up as models of moral behaviour. One such paragon is the Good Samaritan, who went to the aid of the stricken stranger on the road to Jericho. Of the Good Samaritan, we are told: 'when he saw him, he was moved to pity.'[27] He acted from compassion for the stranger, not because he calculated that it would be in his interest to offer aid. Still less is it apparent how parents who, at great personal cost, devote their lives to caring for a severely disabled child—for example, a child afflicted with cerebral palsy—can deem that their action will be to their advantage.

Second, social-contract theorists face notorious difficulties in explaining how moral rules adopted to constrain behaviour within a society can be extended to cover behaviour between societies and so be extended internationally.[28] The assumption on which such theories are based of an approximate

equality of powers seems difficult to apply in an international arena where superpowers jostle uneasily with powerless microstates.

Moreover, underlying both these doubts is the concern that we noted earlier of Archbishop Whately that the notion that morality pays, even if true, does not capture the motivation that we feel appropriate for moral action.

Should we then jettison altogether the idea that acting morally can be to our mutual advantage? That would be mistaken. The insight is valid as far as it goes. But it does not go far enough. What else then do we need?

One option would be simply to add to our assumption that a person acts from self-interest, the recognition that she can sometimes, as a contingent fact, also act altruistically. Such was the view that Philippa Foot once put forward, famously observing that 'the people of Leningrad were not struck by the thought that only the contingent fact that other citizens shared their loyalty and devotion to the city stood between them and the Germans during the terrible years of the siege'.[29] Her observation on the motives of the brave denizens of Leningrad is well made. But the mere addition of the contingent possibility of altruism to a human's presumed selfish egoism still seems to furnish too fragile a basis for morality.

What we need rather to do is question the assumed nature of a human being on which all these arguments are based. Since the Enlightenment, the paradigm that we have unquestioningly adopted is that a human is, *au fond*, an isolated, atomistic individual each selfishly pursuing his or her own interest. If such is human nature, then the only grounding for morality might, indeed, appear to be a kind of reciprocal tit-for-tat, like the mutual grooming for fleas of chimpanzees.[30] If man is pictured as such a selfish egoist, then we have already conceded too much to Thrasymachus, so that his challenge may, indeed, be unanswerable. But that paradigm is not the only one available and would seem based on a partial and flawed view of human nature. As Alasdair MacIntyre noted: 'What for the kind of ancient and medieval moral enquiry and practice which Thomism embodied was the exceptional condition of the deprived and isolated individual became for modernity the condition of the human being as such.'[31] An older and wiser view was that of Aristotle, for whom 'the human being is by nature a political animal'.[32] Indeed, Aristotle countered: 'It is rather peculiar to think of the happy person as a solitary person: for the human being is a social creature and naturally disposed to live with others.'[33]

Man is an animal that lives in a *polis* or community, an animal that flourishes in and through the life of a community. A being that lacks such communal concerns would not be human but, like the Cyclops, anthropomorphic in form but subhuman and monstrous in nature. As Homer relates of the Cyclops: 'They have no assemblies that make decisions, nor do they have binding conventions. But they inhabit the summit of lofty mountains . . . and they have no concern for one another.'[34]

Humans, by contrast, live a communal life. That life, as MacIntyre reminds us, begins with us as vulnerable, dependent babies and may end for us in decrepit senility once more reduced to dependent vulnerability. In between, others may have depended on us and to them we may have freely given our services in a complex web of relationships of uncalculated giving and receiving: uncalculated because 'what I am called upon to give may be disproportionate to what I have received and . . . those to whom I am called upon to give may well be those from whom I have received nothing'.[35]

If we are political animals, animals drawing life in and through a community, and animals mutually dependent each upon the other, then what counts for us as human flourishing will be very different from that envisaged by the selfish egoist of the post-Enlightenment paradigm. Human flourishing would not be the passive enjoyment of pleasure or satisfaction of desires sometimes imagined by utilitarians. It would be rather the complex of actions and activities that go towards our living well together in communities, where importance is accorded not just to the external effects of agency but to its internal qualities, to how we view and are viewed by those with whose lives ours are intertwined. Recognition of our communitarian nature also helps explain how it may be rational for us to cede individual rights for the sake of the common good—for example, through redistributive income tax policies. For the rational egoist, by contrast, individual rights may always appear over-riding.

Having shifted our paradigm of human nature, we can see more clearly how it may be possible to answer the question why I should be just. Moral constraints, reinforced by the precepts and practice of virtue, are essential to our flourishing together as humans. Indeed, for us to flourish as humans is to live well in a community, with the good of others as important, if not more important, to us as our own good and, in an important sense, becoming our own good. The good of others may, equally as our own, furnish reasons for our action. In acting morally we may, as the social contract and other theorists supposed, be pursuing our own good. But that good is not conceived as a

narrowly egoistic good but is transformed into a good that also comprehends the good of others.

This complex interplay of motives can be illustrated by family life, an example suggested by Herbert McCabe:

> Running a family cannot be done unless it is possible to rely on the justice of others and unless others can rely on your inclination to act justly—including faithfulness to vows to provide stability over time and over varying circumstances essential to raising a family. A family will tend to fall apart if people involved are simply at the mercy of their passion, acting upon every passing sexual attraction—if they lack the virtue of temperance, the project of a family is doomed. Courage is required in adversity . . . and, above all, there is required the moral/intellectual virtue of good sense, knowing what to do in order to realise the goods of family life in these particular circumstances.[36]

The virtues are needed for the successful management of a family. Acting virtuously within a family is mutually advantageous. But that is only part of the answer. For it does not explain the unconditional love that a mother may give to her child, even a child who is severely disabled and who may never be able to return the kindness. Family life illustrates the way the good of others can become our own good, with moral rules and virtuous action promoting both our own good and the good of others, with the distinction between the two becoming increasingly difficult and artificial to draw. The consequences of agency to which we need to attend are not to be narrowly construed as in the post-Enlightenment model as those promoting our own self-interest. They need rather to reflect our communitarian nature, with the goods of others furnishing reasons for acting quite as much as our own. So interpreted, the beneficial consequences of virtue may be as much for others as for ourselves.

This recognition of our communitarian nature also provides the final crucial bridge enabling virtue ethics and consequentialism to be reconciled. For one of the reasons virtue ethicists have been loath to acknowledge the key role that consequences play in our assessment of moral action is their concern that, if we act virtuously only because of the beneficial consequences to us—because morality pays—this subverts the true nature of morality. Such a view reflects an understanding of consequences based on the post-Enlightenment paradigm of human agency, with consequences interpreted narrowly as those promoting our own self-interest. If we broaden our concept of human flourishing to reflect our communitarian nature, the good of others may furnish reasons for acting quite as much as our own. The virtue ethicist is

right to reject the contention that morality pays. But, in rejecting such a view of morality, as too narrowly conceived, we should not conclude that all consequences should be ignored. Consequences are a key part of our moral assessment, but the consequences should reflect the good of others and not just our own.

Responding to Thrasymachus' challenge

So are we now in a position to respond to Thrasymachus' challenge and furnish reasons why he should behave justly? Acting morally is necessary for human flourishing, to enable us to live together well in communities. But could Thrasymachus not agree that virtues are necessary, in general, to the good life and yet still argue that, in his particular case, they were not needed? He could still add the profits of his injustice to the benefits he receives from others' justice. He could be like Bernard William's successful villain, 'who is horrible enough and not miserable at all but, by any ethological standard of the bright eye and the gleaming coat, dangerously flourishing'.[37]

But could he? It is important to note the extent of Thrasymachus' claim. He is not just arguing that there may be a particular individual case where acting unjustly may contribute better to his flourishing, a possibility we would concede. He is rather arguing that for him and others like him—the rich and powerful—a *practice* of injustice would contribute to his well-being more than that of justice. That is more difficult for him to justify. He might get away with lying and cheating on one occasion. But, if he makes a practice of this, it will risk undermining his relationship with others in the community—family, friends, and others with whom his life is intertwined. He risks ending up an isolated, lonely individual. He may need reminding that man is not the solitary and independent egoist he may have assumed, that his good is bound up with the good of others.

Aristotle cautions us to judge someone happy 'not just for any length of time but for his complete life'.[38] That life, as we have seen, may include at the beginning and end, and at any time in between, periods when we are dependent and vulnerable. Thrasymachus may flourish for a while, and may flourish in his bushy-tailed prime, but what happens to him when he is old and vulnerably dependent on others? What help can he expect from those with whom his relationship has been poisoned by his lying and cheating? If Aristotle is right that we are by nature 'political animals,' who live and

flourish only in and through communities, it is less easy to suppose that Thrasymachus could flourish—could live well in a community—and do so over a lifetime if he adopts such an egocentric practice of injustice.

Moreover, since our characters are moulded and shaped by our individual acts, as are our relations with others from whom we may be divorced by a single selfish act, Thrasymachus would be wise to pause before committing even a single act of injustice. For it is through our individual acts that we become the people we are. If he becomes an unjust man, he risks being cut off from ties of friendship and family. He risks his life becoming subhuman, like that of a monstrous cave-dwelling Cyclops.

So perhaps the challenge set by Thrasymachus can be met. We have reason to act justly because only thus will we be able to live well together in communities, so fulfilling our social needs and nature. Morality is justified because it furnishes the rules and guidelines we need to enable us to live together well in communities and so flourish as human beings.

Moral rules, including the precepts of virtue, are justified by their beneficial consequences. But we do not normally need to deploy a complex calculation of consequences to justify individual acts. Once it is clear that an act falls under a moral rule or virtuous precept, that may provide sufficient justification for the action. The Good Samaritan acts from charity in direct response to the urgent needs of the stricken stranger. The brave soldier acts as he does once he sees what courage requires him to do.

But the moral rules and requirements of virtue may not always so clearly point the way. Calculation of consequences at a more fundamental level may still be required to determine the right thing to do on individual occasions where it is uncertain whether and what rule or virtue applies to the situation or where the virtues or principles may appear in conflict. When faced with such ethical dilemmas, as well as attending to the internal quality of the action, we may need to calculate consequences to determine which of the actions available to us would better promote welfare or reduce suffering.

In so doing, the requirement to reduce suffering—to respond, for example, to the cries of the stricken stranger on the road to Jericho—may often provide the more immediate and practical guidance. But the negative injunction to reduce suffering does not always over-ride the positive. If that were so, we would be obliged always to give in to the demands of a bully threatening violence in order to avoid suffering. A democracy might then find it difficult to resist the claims of a dictator. But, as we shall explore

in the next chapter, it may be permissible for a democracy to use force to defend its way of life against the aggression of a dictator. A democracy is not always obliged to cede to a dictator's demands to avoid the suffering that war brings.

The requirement to promote welfare or reduce suffering helps guide our actions when ethical conflicts or dilemmas arise. But following this guidance does not necessarily yield easy or simple solutions. Drawing what support we can from moral principles and our virtuous training, we still need to apply careful practical judgement in determining the right thing to do. In so doing, we will be exercising a virtue that itself needs to be acquired, practised, and internalized, the virtue of 'practical wisdom'. This is the virtue that Aristotle insists is needed to guide and inform all moral conduct. We shall consider this virtue further in Chapter 6, when we address in more detail the role that the virtues play in our moral lives.

Moral rules and virtuous conduct are needed to enable us to live well together in communities. Morality is necessary for the good life. But it is not, as Stoic philosophers supposed, sufficient. There is room for our private choices and preferences over the kind of lives that we lead, the occupations, pastimes, and pleasures we pursue. But, without the guidance and constraints of morality, communal life becomes difficult, if not impossible.

It is, moreover, a key feature of morality that it extends its claims progressively further out through ever-widening concentric circles of the communities to which we belong. We start our lives and first learn moral rules and virtuous behaviour within a family. But the claims of morality soon extend outwards from the family to: a school, a village, a regiment, a town, our country, and so outwards to the international realm. We learn that morality governs our behaviour as individuals even towards distant strangers. Morality also governs the relations between the political communities or states to which we belong.

This extension of the claims of morality does not mean that we have exactly the same responsibilities everywhere. The utilitarian claim that each person counts for one and no one more than one is an oversimplification. This can lead to the 'blandly generalized benevolence' criticized by Alasdair MacIntyre since it is directed towards an abstract Other rather than the particular others with whom we share common goods and participate in a network of relationships.[39] A mother has particular responsibilities to her own children she does not have to others. A soldier feels a sense of loyalty to the comrades whom he knows well in his own platoon or regiment that he

may not feel to others. It is not inappropriate for loyalty to be geographically confined. The intense loyalty that a soldier feels towards his immediate comrades he could not feel towards people he has never met or known. But, as we shall explore in Chapter 6, loyalty that becomes too narrowly based and that, at the extreme, even encourages soldiers to break the law to cover up the crimes of their comrades turns a virtue into a vice.

A mother may have particular responsibilities to her own children. But the obligation not to kill innocents applies equally to other children as to her own. Such moral rules apply equally, everywhere. We also respond to urgent pleas for help, regardless of location or relationship. The Good Samaritan went to the aid of a stricken stranger on the road to Jericho, offering help to a neighbour whose status was defined by need rather than physical proximity. A mother will rush to save her child that has fallen down a well. But she will equally respond to pleas for help from a child, not her own, that has fallen down a well within her village. If travelling abroad, she will respond to the cries for help of an unknown child, stuck in a well shaft in a distant land. For, as Aristotle judiciously noted: 'One may also observe in one's travels to distant countries the feelings of recognition and affiliation that link every human being to every other human being.'[40]

Conclusion: Virtuous Consequentialism

The gulf between virtue ethics and deontology, on the one hand, and consequentialism, on the other, is not unbridgeable in the way sometimes supposed. Each party can, and needs to, learn from the other. It is only by doing so that we can furnish a convincing answer to the question why should I be moral. It is a mistake to stress just one aspect of our moral lives, to the neglect of others—whether these are rules, intentions, virtues, or consequences. Morality is a multidimensional activity. Both in appraising the actions of others and in ourselves deciding how to act, we need to consider all these features. To account satisfactorily for the full complexity and richness of our moral lives, as well as to provide the guidance needed to respond to the difficult ethical challenges we face, requires attending, and according proper weight, to all these aspects of our moral agency.

The approach of what I have called 'virtuous consequentialism' seeks to draw strength from each of these traditions. It is very different from consequentialism as traditionally conceived. It accords proper weight to

moral principles that enshrine the moral wisdom of our forebears and play a key role in guiding our actions. It recognizes the importance of both the internal quality and the external effects of moral agency, so eschewing an uncomfortable outsider's view of ethics. Above all, it seeks to learn from the teachings of Aristotle and Aquinas on the nature of man to help furnish a broader and more generous vision of what constitutes human flourishing and hence what consequences are to be attended to in making moral judgements. To live well is to live well together in a community, not as passive recipients of pleasure but as active contributors to the common welfare, where our flourishing depends not just on what happens to us but on what we do and how we view and are viewed by others, with whose lives ours are intertwined. In that enlarged vision of human happiness, the good of others may furnish us reason for action as much as our own.

Virtue ethics rightly stresses the range of skills that contribute to human flourishing and the importance of moral training and education in those skills to help us address the difficult challenges of the moral life. If we are to stand any chance of acting rightly in the heat and passion of the moment, we need schooling in the virtues, so that we develop states of character that enable us to discern and to choose what is right, undeflected by passions or emotions. Virtues are crucial to our moral life.

But consequences, while only a part, are still an important part of our moral evaluation. We justify the virtuous life because of its beneficial consequences. The moral rules and precepts of virtue are justified because they contribute to human welfare and the reduction of suffering. We may also need calculation of consequences—considering which action will better promote human welfare or avoid suffering—to help us determine the right thing to do where it is uncertain whether or what moral rules or virtues apply or where the rules or virtues may be in conflict.

Virtuous consequentialism, accordingly, insists that the complexity and challenge of our moral lives can be properly addressed only if we give appropriate weight to all facets of moral agency: to both the internal qualities and external consequences of our actions, as well as to the principles that guide those actions and the virtues needed to enact the principles in our daily lives.

Now that we have established a framework for evaluating our moral actions, the next challenge is to consider how this might be applied to the central question with which this book is concerned—the morality of war. We shall first examine the body of teachings known as the just war tradition.

CHAPTER 3: VIRTUES AND CONSEQUENCES

1. A point noted by Julia Annas, *The Morality of Happiness* (Oxford: Oxford University Press, 1993), 431.
2. Layard, *Happiness*, 125.
3. For a robust defence of consequentialism see, e.g., the essay by J. J. C. Smart in J. J. C. Smart and Bernard Williams, *Utilitarianism for and Against* (Cambridge: Cambridge University Press, 1973).
4. G. E. M. Anscombe, 'Modern Moral Philosophy', *Philosophy*, 35 (1958), repr. in Anscombe, *Collected Philosophical Papers* (Oxford: Basil Blackwell, 1981), iii. 26–42; and in Roger Crisp and Michael Slote (eds.), *Virtue Ethics* (Oxford: Oxford University Press, 1997), 26–44.
5. Anscombe, 'Modern Moral Philosophy', in Crisp and Slote (eds.), *Virtue Ethics*, 37.
6. Peter Geach, *The Virtues* (Cambridge: Cambridge University Press, 1977), 106.
7. John Finnis, *Fundamentals of Ethics* (Oxford: Clarendon Press, 1983), 87.
8. The more judicious formulation is that offered by Jeremy Bentham in the 'Note by the Author' added in July 1822 to *An Introduction to the Principles of Morals* (London: 1789; Oxford: Clarendon Press, 1907). What Bentham meant by the principle of utility is discussed by B. Parekh, 'Bentham's Justification of the Principle of Utility', in B. Parekh (ed.), *Jeremy Bentham: Ten Critical Essays* (London: Frank Cass, 1974).
9. The 'Superbowl' dilemma is discussed by Jean Porter, 'Basic Goods and the Human Good in Recent Catholic Moral Theology', *Thomist*, 57/1 (Jan. 1993), 39.
10. Geach, *Virtues*, 107.
11. 'Bedrock' is the term used for the basic rules of morality by Elizabeth Anscombe, 'War and Murder', repr. in Richard A. Wasserstrom, *War and Morality* (Belmont, CA: Wadsworth, 1970), 50.
12. Smart, in Smart and Williams, *Utilitarianism*, 42.
13. Smart, in Smart and Williams, *Utilitarianism*, 25.
14. P. F. Strawson, 'Freedom and Resentment', in Strawson (ed.), *Studies in the Philosophy of Thought and Action* (Oxford: Oxford University Press, 1968), 75.
15. For an account of the 'Haditha killings', see Thomas E. Ricks, *The Gamble: General Petraeus and the Untold Story of the American Surge in Iraq, 2006–8* (London and New York: Allen Lane, 2009), 1–8.
16. The revival of interest in Aristotelian ethics has been led by Alasdair MacIntyre, with his fully developed Thomist position set out in *Dependent Rational Animals* (Chicago and La Salle, IL: Open Court, 1999). Similar Thomist views are found in Herbert McCabe, *The Good Life* (London: Continuum, 2005). The first modern exposition of the virtues, combining both deontology and Thomism, was Geach, *Virtues*. The leading secular exponent has been Philippa Foot, whose mature reflections are in *Natural Goodness* (Oxford: Clarendon Press, 2001). Other works on virtue ethics are in the Bibliography (see Hursthouse 1995, 1999; Crisp 1997, 2003).
17. Aristotle, *Nicomachean Ethics*, $1142^{b}32$–3. The translation is by J. A. K. Thomson, *The Ethics of Aristotle* (London: Penguin Books, 1966), 184.
18. Aristotle, *Nicomachean Ethics*, $1140^{a}26$–28; Thomson, *Ethics*, 176.
19. Williams, *Ethics and the Limits of Philosophy*, 153.
20. Quoted by McCabe, *Good Life*, 40.
21. Aristotle, *Nicomachean Ethics*, $1105^{a}32$: for acts to be counted as virtuous they have to be 'chosen for their own sake'.
22. Aristotle, *Nicomachean Ethics*, $1098^{a}16$; cf. $1102^{a}5$.
23. Aristotle, *Nicomachean Ethics*, $1116^{a}10$: 'the brave man chooses to face danger because it is the fine [*kalon*] thing to do.'
24. Plato, *The Republic*, bk. II, sect. 360. The translation is by H. P. D. Lee, *Plato: The Republic* (Harmondsworth: Penguin Books, 1965), 89–90.
25. For a modern attempt to revive Glaucon's argument, see David Fisher, 'Why should I be Just?' *Proceedings of the Aristotelian Society*, 77 (1976), 43–61. For the reasons explained in the text, I no longer subscribe to this view.
26. John Rawls, *A Theory of Justice* (London, Oxford, and New York: Oxford University Press, 1973).
27. Luke 10: 25–37. The quotation is from v. 33 in The New Revised Standard Version.
28. See, e.g., Martha C. Nussbaum, *Frontiers of Justice* (Cambridge, MA, and London: Harvard University Press, 2007), especially ch. 4, 'Mutual Advantage and Global Inequality: The Transnational Social Contract'.
29. Philippa Foot, 'Morality as a System of Hypothetical Imperatives', *Philosophical Review*, 81/3 (July 1952), repr. in Foot, *Virtues and Vices* (Oxford: Basil Blackwell, 1978), 157–73. The reference to Leningrad is on p. 167.
30. This is the basis of virtue according to Matt Ridley in *The Origins of Virtue* (Harmondsworth: Penguin Books, 1997), expounding the theory of Richard Dawkins, *The Selfish Gene* (Oxford: Oxford University Press, 1976).
31. Alasdair MacIntyre, *Three Rival Versions of Moral Enquiry* (London: Duckworth, 1990), 193.
32. Aristotle, *Politics*, $1253^{a}1$.
33. Aristotle, *Nicomachean Ethics*, $1169^{b}16$–19. The translation is by Martha Nussbaum in the frontispiece to *Frontiers of Justice*.
34. Homer, *Odyssey*, 9.112–15. The translation is by Martha Nussbaum in 'Aristotle, Nature and Ethics', in J. E. J. Altham and R. Harrison (eds.), *World, Mind and Ethics* (Cambridge: Cambridge University Press, 1995), 97.
35. MacIntyre, *Dependent Rational Animals*, 108.
36. McCabe, *Good Life*, 55.
37. Williams, *Ethics and the Limits of Philosophy*, 46.
38. Aristotle, *Nicomachean Ethics*, $1101^{a}16$.

39. MacIntyre, *Dependent Rational Animals*, 119.
40. Aristotle, *Nicomachean Ethics*, 115^{a}21–2. The translation is by Martha Nussbaum, 'Non-Relative Virtues: An Aristotelian Approach', in Martha Nussbaum and Amartya Sen (eds.), *The Quality of Life* (Oxford: Clarendon Press, 1993), 242.

CHAPTER 4: THE JUST-WAR TRADITION

1. St Augustine, *Questions on the Heptateuch*, bk. VI, ch. 10, in Gregory Reichberg, Henrik Syse, and Endre Begby (eds.), *The Ethics of War: Classic and Contemporary Readings* (Oxford: Basil Blackwell, 2006), 82.
2. The history of the tradition is well set out in F. H. Russell, *The Just War in the Middle Ages* (Cambridge: Cambridge University Press, 1975); James Turner Johnson, *Ideology, Reason and the Limitation of War* (Princeton: Princeton University Press, 1975), and *Just War Tradition and the Restraint of War* (Princeton: Princeton University Press, 1981).
3. St Thomas Aquinas, *Summa Theologiae*, IIa IIae40: 'On War', art 1, responsio, in *Aquinas: Political Writings*, ed. R. W. Dyson (Cambridge: Cambridge University Press, 2002), 240–1.
4. Francisco de Vitoria, *On the American Indians*, in *Vitoria: Political Writings*, ed. Anthony Pagden and Jeremy Lawrance (Cambridge: Cambridge University Press, 1991), 233–92.
5. The just war tradition was revived in the USA by John C. F. Ford, 'The Morality of Obliteration Bombing', *Theological Studies*, 5 (1944), 261–309, repr. in Wasserstrom, *War and Morality*, 15–41; and Paul Ramsey, *War and the Christian Conscience* (Durham, NC: Duke University Press, 1961), and *The Just War: Force and Political Responsibility* (New York: Scribner, 1968). Just war thinking was deployed by Michael Walzer to furnish a critique of the Vietnam War in *Just and Unjust Wars*. In the UK, the just war tradition was applied to both sides of the nuclear debate in Fisher, *Morality and the Bomb*, and Anthony Kenny, *The Logic of Deterrence* (London: Firethorn Press, 1985), both books originating in a series of seminars delivered jointly by their authors at Oxford University in Hilary Term, 1984. A brief but clear exposition of the principles is in Charles Guthrie and Michael Quinlan, *Just War* (London: Bloomsbury, 2007). Other works are in the Bibliography (see Paskins and Dockrill 1977; Coates 1997; O'Donovan 2003; Orend 2006; Reed and Ryall 2007).
6. This is, for example, a central contention of National Conference of US Catholic Bishops, 'The Challenge of Peace', in Murnion (ed.), *Catholics and Nuclear War*, 272–6.
7. St Augustine, *City of God*, bk. XIX, ch. 7, in *Basic Writings of St Augustine*, ed. Whitney Oates (New York: Random House, 1948).

8. St Augustine, *City of God*, bk XIX, ch. 7, in Reichberg, Syse, and Begby (eds.), *Ethics of War*, 72.
9. Christine de Pisan, *The Book of Fayttes of Armes and of Chivalry*, trans. William Caxton, ed. A. T. P. Byles (London: Oxford University Press, 1932), 1.2.
10. Aquinas, *Summa Theologiae*, IIaIIae 40: 'On War', art. 1. The translation is from *Aquinas: Selected Political Writings*, ed. A. P. D'Entreves (Oxford: Basil Blackwell, 1948).
11. The problem of simultaneous ostensible justice is discussed by Vitoria in *On the Law of War*, 2.2–3, sect. 27, in *Vitoria: Political Writings*, ed. Pagden and Lawrance, 309–13.
12. Such surprise was recalled by a D-Day veteran in a TV documentary commemorating the fiftieth anniversary of the landings, quoted in A. J. Coates, *The Ethics of War* (Manchester and London: Manchester University Press, 1997), 148.
13. Vitoria, *On the Law of War*, 2.4, sect. 32, in *Vitoria: Political Writings*, ed. Pagden and Lawrance, 313.
14. Vitoria, *On the Law of War*, 1.3, sect. 13, in *Vitoria: Political Writings*, ed. Pagden and Lawrance, 302–3.
15. Vitoria, *On the American Indians*, 3.5, sect. 15, in *Vitoria: Political Writings*, ed. Pagden and Lawrance, 288.
16. Hugo Grotius, *On the Law of War and Peace*, bk.II, ch. XX, sect. XL(1), in Reichberg, Syse, and Begby (eds.), *Ethics of War*, 407. The translation is based on that in Grotius, *De jure et pacis*, trans. F. W. Kelsey, *The Classics of International Law*, no. 3, vol. 2 (Oxford: Clarendon Press, 1925).
17. David Rodin, *War and Self-Defence* (Oxford: Clarendon Press, 2002), especially ch. 6, and 'War and Self-Defence', *Ethics and International Affairs*, 18/1 (2004), 63–8.
18. Walzer, *Just and Unjust Wars*, 34.
19. A point made by Jeff McMahan in his review of Rodin's book, 'War as Self-Defence', *Ethics and International Affairs*, 18/1 (2004), 76.
20. Rodin, *War and Self-Defence*, 173.
21. Ronald Lewin, *Rommel as Military Commander* (London: B. T. Batsford, 1968), 294, 311.
22. Nigel Hamilton, *Monty: Master of the Battlefield 1942–1944* (London: Hamish Hamilton, 1983), 7.
23. Aquinas, *Summa Theologiae*, IIaIIae40, in *Aquinas: Political Writings*, ed. Dyson, 241.
24. Augustine, *Epistolae*, 189, quoted with approval by Aquinas, *Summa Theologiae*, IIaIIae40, in *Aquinas: Political Writings*, ed. Dyson, 242.
25. Vitoria, *On the Law of War*, 3.1., sect. 17, in *Vitoria: Political Writings*, ed. Pagden and Lawrance, 315.
26. Rodin, *War and Self-Defence*, 10–11.