

## 2, Immanuel Kant

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### Can there be an Ethical War?

War is not only a very important issue but also an unsurpassable one when you're talking about Ethics (the study of Morals and what you ought to do). Ethics is certainly one of the most important and impactful parts of philosophy, for one can't help but wonder whether or not one is acting the right way and, for that matter, when does one act the right way or ethically. War is a theme which is not only connected to Ethical Philosophy but also to Political Philosophy and whether or not a righteous state can ever go to war justly.

Before one says whether war can be morally right, one first has to define what it is to be morally right and one does not only have to do that but also think whether or not anyone may declare a war or something very similar if you're talking about its practical implications. One is then confronted with the two main ethical positions to evaluate an action: Consequentialism and Deontology. Then one must not only think about what criterion one should use to say what's good or ethically promotable, but whether or not a State is amoral or if it still has to act according to ethical stipulations even though it has brought us out of the "state of nature". I'll defend preference consequentialism and that both state and war are a moral issue and not an amoral one to which ethics has nothing to say.

Deontology defends that one ought to act according to a pre-established set of rules, which are rationally developed (Kant's Categorical Imperative) and do not derive from or mere wishes and inclinations, thus being called duty. It defends that actions are good according to the agent's intentions. On the other hand, consequentialism defends that we must not evaluate whether or not some action is valuable because of the agent's intention but because of its consequences. It defends that we should promote the most happiness possible for it is desirable. I will ask you to consider the following situation:

Imagine an artist who wants to produce the greatest master piece he has ever produced (For this thought experiment's purpose, he will be a painter). Although he has the intention of painting his best painting ever, he is not successful in doing so. Should we say he has indeed produced a master piece because he meant to do so?

I find that pretty much all of us will not say that he has produced a master piece for a painting's technical does not depend on an painter's intention but on the result of his actions. One is then lead to consider whether or not this applicable to Ethics. It is some sort of an oversimplification but one I find important in introducing the paper of intention in the evaluation of something. Consider then the following situation, now concerning Ethics and not artistic quality:

John and Anna went on a boat trip. Although they are friends, Anna is resentful of John for he broke one of her most precious objects. Neither Anna nor John know how to swim and as they sail into the sea (a sea which was know for it bad weather and danger) a storm breaks out. After a while they crash into a rock they had not seen and the boat simply shatters. Anna is able to get hold of a big enough piece of the boat, and so she's able to stay afloat, but John is left astray in the water. Anna sees a wooden plank right besides her and she thinks that if she killed John now, by hitting him in the head, nobody would ever know. She then, while the wind settled a bit, throwed the plank at him but she missed and John was able to grab onto it. She wholly responsible for that for she knew how gravity and the laws of motion worked and she had that in consideration.

Now should we say her action was unethical? One may think so because she didn't mean to save him, but one can argue it isn't because she did indeed save him and I think that's the most important part. Consider an attempted murder which failed completely. No one knows about it, but the one who tried to do it. How can we morally evaluate something which had no relevant consequences? Is eating an apple moral or imoral, just for the sake of it? Whatever your intention is? Whether you're acting rationally or not, an action without relevant consequences is but amoral. But one question is raised: "If Anna acted morally, should we praise her because of her actions?" and the obvious answer would be "No." We then have to explain why that is and why should an agent not be praised if they acted morally. And the answer is that the subjects moral value is not linked directly to his/her actions but to his intentions for good intentions usually turn out to get good results and bad intentions usually turn out to get bad results. So, adopting consequentialism, the ethical thing to do is to promote intentions, not for their intrinsic value but because they usally turn out to have good results. But one must not have uninterested intentions and one may even have bad intentions and still be able to act morally. One may even be better of to act in self-interest because it may be the best thing to do if one also considers everyone around him/her. We are able to imagine someone who, while meaning to always do bad things, sometimes, by chance, does either good things or amoral things and one is then lead to the conclusion that it must not be intention which matters. And one may also argue that to act rationally is not to act morally because rational egoism is a rational position. Competing salesmen may do whatever it takes to get their product sold but they won't deny that the other salesmen are acting irrationally if they use the same techniques. Acting rationally is

not synonymous with acting morally as we see in rational egoism. It shows us that, if we disregard consequences, one may act rationally in a way that could never be accepted by a deontologist like Kant for his principle of universalization regards actions' consequences, for it asks us to consider whether or not we'd like the result of the universalization of our maxim.

But if we should adopt consequentialism, we should still have in mind that human beings are not capable of doing everything and as such not every situation that promotes the most happiness can be humanely accessed. We are then lead not only to accept but to praise one of Kant's principles usually stated as "Ought implies can", for if we cannot fly up to the third floor to save a child from a fire, we cannot be in any way be morally obliged to do it. Because of this we must consider not consider the state of most happiness possible as a logically possible state but as a physically possible one.

Within consequentialism there are many ways of defining happiness, the most "popular" being hedonism. Hedonism defines happiness as the presence of pleasure and the lack of pain and unhappiness as the lack of pleasure or the presence of pain. This position obviously raises some questions, for in arguing that happiness is desirable and that the only intrinsically good thing, the only desirable thing, is pleasure and the lack of pain we are to be confronted with two situations. Both masochism and the notion of superior pleasures are brick walls hedonism is not able to get over. For masochists, pain may be a desirable state for it brings them happiness, even if only in that moment. This is a very big issue for hedonism for it shows its definition of happiness is not quite right. The famous quotation "It is better to be an unsatisfied Socrates than a satisfied pig" also brings hedonism some major problems for it argues that not only pleasure is desired by itself but that there must be some other things that make us prefer the so-called superior pleasures to the inferior ones.

I then propose Peter Singers's Preferencism, for it defines happiness as being the fulfilment of one's desires and preferences, and unhappiness as being the frustration of one's desires and preferences. In many situations both positions will agree with each other that the subject is happy or unhappy, but it really is important to distinguish them, because Preferencism does a much better job in promoting and identifying what we desire. We must also ponder whether or not the preferences we're discussing have indeed the same importance for the subject. We can say one is really happy when his/her most important desires and preferences (such as having a stable job one likes, having a home and a family and visiting the Eiffel Tower) are fulfilled, being that we must promote the most fulfilment possible of desires and preferences according to their importance. But some objections are also to be proposed: For starters, almost all consequentialism struggles in identifying the "desirable" and not only what we desire, for it does not mean the same to desire something and for it to be desirable, to deserve to be desired. As a more specific objection, one may desire something he would not desire if he had more information. What should we promote

in that situation? Can we really say they are happy? Although they do not seem, at first sight, connected I'll argue that they are indeed and I will, as such, propose an adaption of this position that will try to answer both of these objections. Consider the following situations:

In the book "A Brave New World", inhabitants are genetically conditioned not only to be more physically fit for one of the six castes society is divided in, but also to be more prone to like their job and caste. They feel happy for their desires and preferences are indeed met by their reality. Would they be happy though if they knew enough about themselves and the world around them to know they had been genetically modified to have those preferences? A woman in a very sexist country might have as her only desires to have a husband to whom she is a servant, to visit her parents birthplace and to raise her kids well, to be a good mother. If this is situation she's, can we argue she's happy even though she could vastly prefer a more egalitarian society regarding gender?

It is then important to take into account what one would desire would he have been informed well enough for it, for we do not think either the people from "A Brave New World" nor the woman I talked about are really happy although they think they are happy and that their preferences are met. We must then consider happiness as being the fulfilment of one's informed desires and preferences, defending a position called Informed Preferencism. If the woman we talked about did know about the western way of living (a more egalitarian society) and about feminist and matriarchal societies (which are structured upon the belief that the female gender is superior) and still maintained her desires and preferences, we would have no choice, and it would be wholly irrational, but to say she wasn't indeed happy. Promoting what is desired should the subjects in question be informed can more closely resemble the notion of promoting "desirability" or, at least, get a step closer to it for we are promoting what makes a person truly happy. Considering the importance of each desire and preference and the fact that they are informed, which means they'll be more adequate to the world, we can more closely be promoting what deserves to be desired. An individual's war as Kant describes in the quote, "war between you and me in the state of nature", is by extension only morally right when it promotes the situation where happiness is promoted the most. Being an extreme situation one ought to try other ways to tackle the situation for physical confrontation is almost never the solution, because diplomatic confrontation involves the frustration of less desires while promoting the fulfilment of even more! But one might imagine a situation where physical confrontation would really be the only possible way to act ethically and that should be our course of action.

Having an Ethical structure we can work with (Consequentialist Informed Preferencism) we are then led to the problem that started our discuss. Can there be an Ethical war? We have already defined "Ethical" so we must at least grasp the idea of what is "war". There's not much discussion about this definition, at least outside of Philosophy, for this issue is

about what happens in our world in our day-to-day lives and we are confronted with pretty much everyday. Be it a civil war or a war between countries, war is not synonymous with the lack of peace for there may be situations like the Cold War where the world wasn't at a state of peace not only because there were civil wars and wars between countries in Africa and Asia, but also because of the tension between the United States and Russia. We cannot say they were at war because their armies never confronted each other directly but can't say either that they were in a state of peace mainly because of the intelligence and influence conflict between the two countries. We can then define war as being an armed conflict between people representing two or more different legitimate states in the case of wars between countries but civil wars are quite different in nature. A civil war is an internal conflict within a state confronting the figures of supposed authority and rebels who do not think they have legitimate authority or between factions which mean to be the authority.

Because of that, not every conflict which we call war is referent to a conflict between states but it may also be between parties which are disputing authority over a state. This brings up to situations which are very different in nature and must, because of that, be discussed separately.

To tackle the first situation and, later on the second one, we have to think about what it means to be a state, for we do not consider that every fight is a war (for example, a fight between gangs is not considered a war). Let's consider a state a legitimate authority with the means of maintaining which exerts power over a certain region. To understand what "legitimate" might mean, we are led to imagine what Hobbes called the "state of nature". For Hobbes, the state of nature was not a very welcoming sight. The continuous distrust for each other lead humans to act in a way that benefited them the most in the worst situation possible, for anyone could betray, attack and kill you, since there was no authority to punish them. This strategy is called, in game theory, the maximin strategy where one tries to get the best possible outcome considering the worst possible outside constraints. For Hobbes the only thing an authority needed to do to be a legitimate state was to protect you from the state of nature, that is, protecting your life, because it was in your own interest to belong to that state so that you wouldn't be abandoned in the state of nature. This view defends the state as an amoral entity for it was conceived in an amoral situation, since in the state of nature no morals may apply. This view leads to the Realist position regarding war which sees it as an amoral activity. Since the state and its actions are amoral and war is an action promoted by the state, then war is also amoral.

Many objections can be raised to this position, not because of the realist's deductive reasoning but because of its premisses, mainly that a state is amoral. Hobbes's view seems wildly divorced from the world we live in. When Europeans discovered the Americas they found natives which could be said to be living in the state of nature. Most of them, mainly in South America, didn't have a central authority nor did they claim any territory. But that state

of nature is vastly different from the one Hobbes described. People still organized in groups for common good and they still had codes of morals. They wouldn't punish someone that acted against their codes of morals, since they didn't have that authority, but rather they teased them and somewhat ostracized them in order to get them to behave according to them. One may also be lead to criticize Hobbes's position not for his premisses but for its conclusion for it sets very few constraints on what may be considered a legitimate state. If individuals are to be constrained by ethical rules, why should an individual or a group of individuals that protects other individuals' lives be allowed to torture them, take their freedoms away and give them little to no rights? If a group of bandits took over a region and established authority over it, while protecting the people in the region (for it was in their interest to have a slaving work force) we still would call them a legitimate authority. As Hobbes argues, there is, nevertheless, value in having a situation which prefer over the state of nature.

The state of nature is not amoral as we've seen and the fact that an organized state may be a little bit better than doesn't legitimise everything. A state must follow ethical principals for people could choose to live in it over the state of nature, but they wouldn't consent that, if anything better was available. A legitimate state must then not only provide security and maintain authority over a certain region as it must also, at least, try to promote the desires and preferences of the populace, educating them so that they may have informed preferences and desires. It must, then, give them means to achieve a fulfilled life, if they want to do so, which means guaranting basic freedoms, rights and basic needs. A state which lets some of their citizens live in awful conditions on the streets riddled with hunger, disease and thirst while having the means to provide them with a better life is not a legitimate state. This does not mean we should start a civil war but we should modify it so that it is indeed legitimate That way a contract may be established in which there's the guarantee of a life that has the potential to be happy for the citizen and a guarantee that he/she will follow of a set of laws and rules that do not go against the first part of the contract. This is a legitimate state according to the contractualist view, for it may be agreed upon by all the entities concerned. If one does not agree with the laws and/or doesn't think he/she can be happy in said state, while having his basic needs fulfilled, then one must have the freedom of leaving and the state must provide him/her with help if he does not have the means to do so. The basic needs provided have to be such that the citizens have the possibility of self-actualization, which is the most important factor in the creation and fulfilment of informed desires and preferences as is defended by some of the most influential branches of psychology.

Then when may state go to war without losing their legitimacy and while acting morally? It must be promoting a cause which creates more happiness than the unhappiness that the means that are used create, for war could possibly be a necessary evil. It must also

do so while maintaining the contract which makes it a legitimate state. It must then not disrespect their citizens' basic needs and rights if there's the possibility to do so. But imagine an invading country would want to enslave or even kill the other country's citizens. Then in that situation, the state is ethically permitted to take those rights and needs away and even ethically obliged to do so. As I've defended before, "Ought implies can", and, as such, if a state can't physically maintain its citizens' rights and needs (because if it doesn't act then their rights, needs and even lives will be taken away from them and if it does act then their rights will have to be taken away from them) then it isn't morally obliged to do so. Only in these extreme situations may a state act like that and ought a state to act like that. That may make compulsory recruitment ethically correct in some situations. Situations like defending an entire's population's life at the cost of some soldiers' lives, even if tragic may be the only option. But it usually isn't, because most of the time what's at stake isn't that, especially if you're the invading state. The invaded country will most of the time have a reason to fight back if it is a legitimate state, but invading a legitimate state is almost never ethically correct because you'll be invading a state that provides for their citizens the best it can. If it doesn't provide them with enough then the thing to do is to help them through international help and donations.

But it might be a different situation if the state is not a legitimate one. In that situation it isn't even deserved to be called a legitimate state. But war may only be used as a last resource if the diplomatic approach is practically useless and if basic rights and needs are at stake. One ought first to try to act through an international organization, such as the UN, because, as I've said many times before, if there's another reality that promotes more happiness and less unhappiness then one ought to promote it.

When we consider a civil war, the situation is very different. We are now not discussing whether or not some group of individuals could overthrow an established authority and whether or not they have the right to do so. It will also depend as you might conclude on whether or not the state is legitimate. Overthrowing a ruling authority that's not legitimate may only be ethically correct if you're to establish a legitimate state afterwards and not only a better non-legitimate state and if there's no mechanism put in place for the state to be changed, which will be a likely scenario if you're state is not legitimate. In those situations not only may other states have the moral duty to try and establish a new legitimate state while maintaining its independence, if that's the populace's desire, as do individuals if it's not a hopeless sacrifice. One ought not to enter a war if nothing better is going to come out of it, to summarize. When we're talking in situations where there's no established authority, individuals ought to act in order to promote the greatest happiness because in situation we don't have the constraints associated with states.

To conclude, war is a very complicated issue and we must recognize that. Provisions of likelihood to win are difficult to assess, as are other provisions of the future, and the

means that may be used are also difficult to get a grasp on. That's one of the shortcomings of Consequentialism and we must recognize that. Nevertheless we've argued that Deontology cannot be used to assess an action's moral value because an individual with bad intentions might occasionally do something that has good or no consequences and we can't but accept that good actions may be practiced on chance by people with bad intentions. That does not mean we should praise them, because if one ought to promote the greatest happiness, as consequentialism says, then promoting attitudes which usually result in bad consequences goes against the moral principals we are assessing the actions with. While trying to define happiness and what ought to be promoted, we've argued Hedonism not only does not give a good definition of happiness as it is also completely divorced from our experience of the world, in which we sometimes prefer things that while not more pleasurable in duration and intensity, do provide us with more happiness. We proposed Informed Preferencism as a way to define happiness and how we ought to act so that we could get a position that's closer to reality and is more logically consistent than Hedonism or mere Preferencism and set that "Ought implies can" While trying to grasp the idea of state, we discussed how the state of nature would be and we argued Hobbes had not only a flawed reasoning but also a improper starting point. We then moved to contractualism so that we could assess the legitimacy of the states properly. We have then concluded that most wars are not ethical, if any and only pretty much only defence may be ethical when legitimate states are the only one involved. In other situation individuals acting as mere individuals may only act to promote the greatest happiness possible but ought to try other options and may only use war as a last resort, as is with countries. War may sometimes be a necessary evil but those times are very very limited.