

PHIL 390

Topics in Philosophy: Killing in War

Department of Philosophy
University of Victoria
Spring 2018

Instructor: Klaus Jahn
Wednesday 3:30-6:20
Hickman 110

At least since the appearance of Michael Walzer's *Just and Unjust Wars* in 1977, it has been widely accepted by Just War Theorists and international law that in war, there is a 'moral equality' amongst combatants on both the just and the unjust side, and as a function of this fact, combatants are possessed of an equal right to kill one another on the battlefield without moral or legal censure. This equal right to kill is, in fact, the first principle of Walzer's so-called War Convention, which gives voice to the rules of *jus in bello*, as well as to international laws of armed conflict. The second principle of the Convention follows from the first, and holds that whereas combatants are permitted an equal right to kill one another by virtue of their moral equality, it is always impermissible to kill noncombatants by virtue of their inequality. In sum, combatants forfeit their right to be free from harm as a function of their acquiring rights to kill, whereas noncombatants, who do not possess a right to kill, are to be afforded immunity from harm.

In his compelling new book, *Killing in War*, Jeff McMahan offers a rather shocking challenge to this conventional thinking about killing in war. He holds that the commitment to the notion of there being a moral equality amongst combatants is simply counterintuitive, and argues on the basis of this that the whole notion is to be rejected outright and replaced with an account of the legitimacy of killing in war based on moral responsibility. This account has radical consequences for both principles that make up our current understanding of the rules of war.

First, it entails that only combatant who fight for a just cause have a right to kill in war, and that those who fight without just cause have no commensurate right. Secondly, and as a related point, it entails that only those combatants who fight for an unjust cause are liable to harm, while those who fight a just war are immune from such harms. Finally, and indeed most shockingly, McMahan makes the case that the traditional protections guaranteed to noncombatants on both the just and unjust sides of a conflict also cannot stand. That is, McMahan would seem to draw the rather shocking conclusion that insofar as a civilian population bears some degree of moral responsibility for the waging of an unjust war, then it too is subject to harms at the hands of just combatants. In other words, McMahan's argument might seem to license intentional attacks on a civilian population, actions otherwise known as *terrorism*.

In this course, we will engage in a close reading of McMahan's *Killing in War*, with a view to understanding the force of his challenge to conventional thinking in Just War Theory.

Please note, although there is no specific prerequisite for this course, students are strongly encouraged to have some familiarity with Michael Walzer's *Just and Unjust Wars*. Those interested in enrolling in the course who are not familiar with this text ought to contact the instructor at kjahn@uvic.ca

Reading:

Given that this course is to involve us in a close reading of McMahan's *Killing in War*, our primary resource will be that text. It is available at the University Bookstore (\$27.25 [new] \$20.25 [used])

In addition to this primary resource, we will also, towards the close of the course, be reading some of the critical reactions to McMahan's text. These readings will be made available to you as PDFs.

Finally, given that McMahan's work is directed at an influential strand of Just War Theory, and that Michael Walzer's *Just and Unjust Wars* is widely considered to be the most articulate expression of that Theory, you might, if you've not already done so, wish to consult Walzer's text (especially Chs. 3, 4, 8 & 9). I will distribute this material as PDFs on the Course Spaces Page.

Note – Given that this course offers a close reading of the text, we may stray from the schedule of readings in order to more fully explore a problem or to accommodate class discussion. It is your responsibility to ensure that you know what to have read for each class.

Evaluation:

- 1) Two short reader response essays of approximately 5 pages (**25% and 30% each = 55% total**)
- 2) A final take home examination of approximately 10-12 pages (**40%**)
- 3) Attendance and Participation (**5%**)

Policy Regarding Late Submission of Written Work:

- 1) All term work submitted on or before the specified due dates will be adjudicated and returned with written comments.
- 2) Term work submitted **within one week** of the specified due dates will be adjudicated without penalty, but will be returned without written comments.
- 3) Any term work submitted **after the week** following the specified due date will be adjudicated and returned without comment, and a **penalty of 3% per day** will be assessed.
- 4) Please note, there is **no comment/no comment option** available for the final take home examination.

Policy Regarding a Failure to Submit Work:

Failure to submit some piece of work altogether will result in an **N grade** being assigned. Unless such failure is excused through a Request for Academic Concession (obtained through the Undergraduate Advising Office), an N grade will be converted to a grade that reflects the value of the missing work. In other words, your grade will be considerably lowered, and in some cases an N grade will convert to a failing grade.

Grade Scale & Description

| Letter Grade | Percentage | Description |
|---------------|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A+ A A- | 90-100 85-89 80-84 | An A+, A, or A- is earned by work which is technically superior, shows mastery of the subject matter, and in the case of an A+ offers original insight and/or goes beyond course expectations. Normally achieved by a minority of students. |
| B+ B B- | 77-79 73-76 70-72 | A B+, B, or B- is earned by work that indicates a good comprehension of the course material, a good command of the skills needed to work with the course material, and the student's full engagement with the course requirements and activities. A B+ represents a more complex understanding and/or application of the course material. Normally achieved by the largest number of students. |
| C+ C | 65-69 60-64 | A C+ or C is earned by work that indicates an adequate comprehension of the course material and the skills needed to work with the course material and that indicates the student has met the basic requirements for completing assigned work and/or participating in class activities. |
| D | 50-59 | A D is earned by work that indicates minimal command of the course materials and/or minimal participation in class activities that is worthy of course credit toward the degree. |
| F | 0-49 | F is earned by work, which after the completion of course requirements, is inadequate and unworthy of course credit towards the degree. |
| N | Grade withheld | Did not write examination or otherwise complete course requirements by the end of term or session. This grade is intended to be final. |

Academic Integrity Statement:

Academic integrity is intellectual honesty and responsibility for academic work that you submit individual or group work. It involves commitment to the values of honesty, trust, and responsibility. It is expected that students will respect these ethical values in all activities related to learning, teaching, research, and service. Therefore, plagiarism and other acts against academic integrity are serious academic offences.

The responsibility of the institution

Instructors and academic units have the responsibility to ensure that standards of academic honesty are met. By doing so, the institution recognizes students for their hard work and assures them that other students do not have an unfair advantage through cheating on essays, exams, and projects.

The responsibility of the student

Plagiarism sometimes occurs due to a misunderstanding regarding the rules of academic integrity, but it is the responsibility of the student to know them. If you are unsure about the standards for citations or for referencing your sources, ask your instructor. Depending on the severity of the case, penalties include a warning, a failing grade, a record on the student's transcript, or a suspension.

The University's policy on academic integrity:

<http://web.uvic.ca/calendar2012/FACS/UnIn/UARe/PoAcl.html>

Diversity Statement:

UVic is committed to equity, diversity, social justice and fostering a welcoming and diverse learning, teaching and working environment. These are essential elements in achieving excellence in research and education.

As members of a diverse and dynamic learning community, we each have a role to play in creating safe, supportive, inclusive and healthy learning environments that foster mutual respect and civility, and that recognize that people are our primary strength.

Accessibility Statement:

Students with diverse learning styles and needs are welcome in this course.

In particular, if you have a disability/health consideration that may require accommodations, please feel free to approach me and/or the Resource Centre for Accessible Learning (CAL) as soon as possible.

The CAL staff are available by appointment to assess specific needs, provide referrals and arrange appropriate accommodations. The sooner you let us know your needs the quicker we can assist you in achieving your learning goals in this course.

Office Hours:

I hold office hours on Mondays and Thursdays between 1:30 & 2:30 pm. In addition, I can usually be counted on to remain after class to continue discussion or to take up class related issues. Finally, meeting times can be arranged by appointment.

My office is located in the Philosophy Department (Clearihue B331).

Contact:

kjahn@uvic.ca

Schedule of Readings:

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| Topic 1 | Introduction to <i>Killing in War: Just and Unjust Wars – The Rules of Jus ad Bellum</i> and the Rules of <i>Jus in Bello</i> No Reading |
| Topic 2 | The Morality of Participation in an Unjust War Chapter 1 |
| Topic 3 | Arguments for the Moral Equality of Combatants Chapter 2 |
| Topic 4 | Excuses Chapter 3 |
| Topic 5 | Liability and the Limits of Self-Defense Chapter 4 |
| Topic 6 | Civilian Immunity and Civilian Liability Chapter 5 |
| Topic 7 | Critiques and Replies McMahan, Jeff. 'The Ethics of Killing in War.' Walzer, Michael. 'Response to McMahan's Paper.' Lazar, Seth. 'The Responsibility Dilemma for <i>Killing in War</i> : A Review Essay'. McMahan, Jeff. 'Reply to Lazar'. |

Important Dates:

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| Jan. 16 | Last day for 100% fee refund for dropped course |
| Jan. 31 | Essay 1 due - Comment |
| Feb. 6 | Last day for %50 fee refund for dropped course |
| Feb. 7 | Essay 1 due - No Comment |
| Feb 12-16 | Reading Break - No class |
| Feb. 28 | Last day for withdrawal without penalty of failure |
| Mar. 14 | Essay 2 due - Comment |
| Mar. 21 | Essay 2 due - No Comment |
| Apr. 15 | Final Take Home Examination due |