

# THE CHANGING CHARACTER OF WAR

## *When is it right to fight?*

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For more information about the University's Asia-Pacific Centre for the Responsibility to Protect, visit [www.r2pasipacific.org](http://www.r2pasipacific.org)

**Tim spoke as part of The University of Queensland's Global Leadership Series in July 2012. To find out about upcoming events in 2013 or to view videos of past events, go to [www.uq.edu.au/global-leadership-series](http://www.uq.edu.au/global-leadership-series)**

Why wage war? History has given us different answers to this question. My position is that the only acceptable reason for waging war, other than self-defence, is to respond to a humanitarian emergency. In other words, we can only fight when it is right.

Believing that it can be right to fight is a moral argument that stands as an alternative to two other traditions of thinking about ethics and war: pacifism and realism.

The pacifist position is one that is familiar: pacifism takes many forms, including the Christian view that the taking of any life is sinful, but also the utilitarian view that no good can come about through evil means. The philosopher Bertrand Russell neatly captured this position; in his words, "modern war is practically certain to have worse consequences than even the most unjust peace".

In Biblical terms, pacifists want the lamb to lie down with the lion.

Historically, it is not hard to find justifications for war that had nothing to do with moral purposes as we might understand them. In one of the founding texts of international relations, the historian of Ancient Greece, Thucydides, tells us that the Athenians slaughtered the islanders of Melos in 416BC, not because the islanders had done them any wrong, but because the Athenians could.

As the modern European states system developed, waging war became a right of sovereign states. Prior to invading Silesia in 1741, the Prussian leader Frederick the Great asked his foreign minister Podewils to supply him with a justification for the annexation.

Podewils duly came up with an argument relating to an ancient dynastic title, which prompted Frederick to proclaim: "Splendid, that's the work of an excellent charlatan." (A few leaders in western capitals in 2003 were saying much the same thing to their attorney generals on the eve of the Iraq War).

To return to the Biblical metaphor, realists predict that when the lamb lies down with the lion... it will get eaten.

In contrast to the traditions of pacifism and realism stands the Just War tradition. It too has a long history, reaching back to Roman philosopher Cicero and forward to many great contemporary philosophers including Michael Walzer and Jean Elshtain.

Just War theory holds that moral principles can be universally shared; that moral judgments are possible in relation to aggressor or victim; and that it can be lawful to wage war against those who commit atrocities even if this breaches the prerogative of non-intervention in the affairs of another sovereign state.

To illustrate Just War thinking today, let us consider two prominent and historic Arab cities caught in the arc of crisis across the Arab world: the Syrian city of Homs and the Libyan city of Sirte.

Homs is the stronghold of the Free Syrian Army that has been bearing the brunt of President Bashar al-Assad's armed forces; heavy shelling has been occurring through 2012, and has been the object of intense criticism on the part of the UN High Commission for Human Rights, Navi Pillay and United Nations Secretary General Ban Ki-Moon.

Sirte is a coastal city in Northern Libya – it was the last to fall to the Transitional National Council in September 2011, with so-called anti-Gaddafi rebels assisted by NATO attack aircraft and Special Forces on the ground.

The question is this: here we have two historic Arab cities destroyed by modern weaponry. What makes Assad's destruction of Homs a crime against humanity, and the destruction of Sirte liberation? The answer to this question is only intelligible in relation to the modern doctrine of humanitarian intervention – founded upon Just War principles.

The most violent and deadly conflicts in the post-Cold War era have been civil wars that have sparked humanitarian emergencies. 800,000 perished in Rwanda, 250,000 in the Bosnian wars, and untold millions in Darfur and the Congo.

What should outsiders do about such atrocities? It is clear from the Just War tradition that "something should be done", but what, by whom, and under the authority of which institution?

Over the last decade, there has been an evolving framework for thinking about humanitarian intervention that tries to build a consensus in response to these questions. This framework is often expressed in the language of "Responsibility to Protect" (R2P) and Australia has been one of its leading advocates, both in Canberra and in Brisbane.

According to this framework, there is a moral right or duty to forcibly intervene, against the wishes of the host state, where it can be demonstrated that the following six principles hold true:

1. That there is a just cause - defined in terms of systematic and large-scale loss of life.
2. That there is a United Nations Security Council resolution conferring authority on those states/institutions carrying out the action.
3. That the interveners have right intention.
4. That they exercise proportionate means.
5. That there is a likelihood of success.
6. That the interveners exercise a responsibility to rebuild the country after the guns have fallen silent.

How does this Responsibility to Protect criteria look in relation to the countries of Libya and Syria?

Advocates of the intervention against Colonel Gaddafi in early 2011, of which I was one, believed the Security Resolution calling for a no-fly zone met all six action-guiding principles. I say this with some hesitation for the reason that it is arguable that the international action against Gaddafi went beyond the United Nations mandate by targeting the state leadership and aggressively going after all Libyan assets. Responsibility to Protect is not a doctrine of regime change.

What about Homs? The absence of concerted United Nations intervention has enabled the Syrian state to bomb cities like Homs without any serious international restraints being imposed upon it.

Why has the Security Council let this happen? The answer, quite simply, is that Russia and China believe that in the Libyan case, western capitals added regime change as a seventh principle of intervention. If this analysis is right, what happened in Sirte tells us why Homs was left unprotected.

What both pictures reveal is that arguments about humanitarian war – when to do it and how to do it – occupy the minds of state leaders and global citizens to an extent that was unthinkable before the end of the Cold War. Yet comprehensive and consistent moral judgments remain as elusive as ever.

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The Syrian city of Homs which has undergone heavy shelling throughout 2012



Libyan city of Sirte, birthplace of Muammar Gaddafi

