

RETH 36002/RLST 24120 The Ethics of War: Foundational Texts
T/Th 11:00am-12:20pm
Swift 200
Winter 2020

Professor Richard Miller
Office: Swift 202
rbm1@uchicago.edu
Office phone: 773-702-7252
Office hours: Tuesdays,
2:30-4:30pm. Please sign up
with Julia Woods at
jlwoods1@uchicago.edu

TA: Mr. John Sianghio will lead discussions on Fridays from 12:30-1:50pm in Swift 403, hold office hours, and serve as a junior partner to me in seminar discussions. Contact him at sianghioj@uchicago.edu

Description

The decision by social movements, religious communities, nation-states, or international agencies to authorize the use of deadly force, and to expect individuals to risk their lives on behalf of a common cause, is one of the gravest and most controversial decisions that human beings make. What can justify such a decision? This course will examine answers to that question in Western theological, philosophical, and political ethics. Specifically, it will focus on texts that are foundational to the rise and development of the just-war tradition, constructive critiques of that tradition, and contemporary writings on liberation, nonviolence, and pacifism. Assigned readings are both classical and contemporary. Topics include morality and realism, natural law, justice, human rights, the rule of double effect, necessity, the value of political community, revolution, nonviolence, the use of force “short of war,” and moral injury. We will also engage in practical reasoning about concrete cases in the experience of violence and war.

Requirements

1. Regular class attendance and participation (Grad: 10%; Undergrad: 20%).
2. Concept Paper (Graduate students only: 20%). A 1-2 single-spaced 12 point font analysis of a concept in our reading assignments. You should choose from one of these concepts: **intention, nature, virtue, right order, sovereignty, justice, love, rights**. For this assignment, you may draw from one or two authors. Due: **Feb. 2**, submitted to me as a Word document via email by 5pm. Please write your name and the course number in the email’s subject heading, e.g., J Jones RETH 36002 Concept Paper.
3. Case Analysis (Grad: 30%; Undergrad: 40%). A three page, single-spaced paper assessing a case from the reading in light of the material we have examined. Due **Feb. 21**,

submitted to me as a Word document via email by 5pm. Please provide your name and the course number in the email's subject heading, e.g., R JONES RETH 36002 Case Analysis.

4. Final exam: Comprehensive (All students: 40%), March 17.

Auditing Policy

Students may enroll as Auditors with my approval. They are expected to keep up with the readings, attend all classes, and submit a 1-2 page single-spaced summary paper on one text by March 12.

Texts

Augustine, *Concerning the City of God against the Pagans*, ed. David Knowles
Francisco de Vitoria, *Political Writings*, ed. Anthony Padgen and Jeremy Lawrance
Hugo Grotius *On the Law of War and Peace*, ed. Stephen C. Neff
Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, 5th ed.
Frantz Fanon, *The Wretched of the Earth*
Nancy Sherman, *The Untold War: Inside the Hearts, Minds, and Souls of Our Soldiers*
Martin Luther King, Jr. *Strength to Love*
U. S. Catholic Bishops, *The Challenge of Peace: God's Promise and Our Response* available at <http://www.usccb.org/upload/challenge-peace-gods-promise-our-response-1983.pdf>

Recommended: Carl von Clausewitz, *On War*; Michael Walzer, *Arguing about War*; David Rodin and Henry Shue, eds., *Just and Unjust Warriors: The Moral and Legal Status of Soldiers*

These books have been ordered for purchase from the Seminary Co-op Bookstore. Other reading assignments are on Canvas\Files, as noted below. Many recommended readings are also on Canvas\Files. These recommendations are meant to enable you to see a very small portion of the extensive body of primary and secondary source material, both classical and contemporary, on the ethics of war and peace.

Format

The course meets twice a week and follows a lecture-and-discussion format. Typically I will provide a handout with key ideas, terms, and excerpts. This is meant to provide an intellectual log of the course and to focus class discussion.

Focus Questions

As you work through the reading material, consider the following questions:

- How is war normatively conceived as *an institution* by our authors? What values does war either jeopardize or seek to defend?

- How are acts of killing and other acts of destruction and violence in war normatively evaluated? Again, what values are at stake?
- What are the distinctive marks of each author's core claims? What specific terms and distinctions shape how each author reasons about the rightfulness or wrongfulness of killing, violence, and war?
- What broader framework or set of concepts organizes each author's thinking? How are killing, violence, peace, and war understood in relation to, e.g., human nature, politics, law, or history?
- How would you compare one author's work with the work of at least one other author, either by way of similarity or contrast? What concepts shape your comparison? Why are these comparisons important?
- To what extent does the author under review examine the ethics of killing and war in terms of *role morality*? What difference exists between role morality and *personal morality*? Do different roles or offices in war suggest different moral responsibilities?
- To what extent do the values of *love, justice, freedom, rights, peace, or order* inform the author's ideas under review?
- What examples, concrete problems, and analogies from experience are used by our authors, and to what end? What light do the cases throw onto the more general concepts or theories at work?

Calendar

Wk 1

Jan. 7 Augustine, "Reply to Faustus the Manichean," Book 22, pars. 74-76 on Canvas\Files and at <http://www.newadvent.org/fathers/140622.htm>; Book 22, pars. 74-76;

Augustine, excerpt from Letter 47 to Publicola;

Augustine, Letter 138 to Marcellinus; all on Canvas\Files.

Jan. 9 Augustine, *City of God*, book 19.

Recommended: Thomas Nagel, "War and Massacre;" Michael Walzer, "The Triumph of Just-War Theory (and the Dangers of Success)," in *Arguing about War*; James F. Childress, "Just-War Criteria;" John Langan, "The Elements of St. Augustine's Just-War Theory;" Richard B. Miller, "Just-War, Civic Virtue, and Democratic Social Criticism: Augustinian Reflections;" on Canvas\Files.

Wk 2

Jan. 14 & 16 Thomas Aquinas, *Summa Theologiae*, II-II, on Canvas\Files.
N.B: Read "Roadmap of the Question in the *Summa*" on Canvas\Files.

Q. 25 A. 8 (On loving one's enemy)

Q. 64	Aa. 7, 8	(On Homicide)
Q. 40	A. 1	(On War)
Q. 42	Aa. 1, 2	(On Sedition)

Recommended: John Mahoney, “Aquinas and ‘the Law of Nature’;” Joseph T. Mangan, “An Historical Analysis of the Principle of Double Effect;” Gratian, *Decretum* (selections) and from Decretists, selections, on Canvas\Files

Wk 3

Jan 21 & 23 Francisco de Vitoria, *De Indis* and excerpts from *Political Writings*, pp. 233-93; 295-327.

Recommended: Anthony Padgen, “The ‘School of Salamanca’ and the ‘Affair of the Indies,’” *History of Universities of England* 1 (1981): 71-112; Brian Tierney, *The Idea of Natural Rights: Studies on Natural Rights, Natural Law, and Church Law, 1150-1625* (Grand Rapids, Mich.: William B. Eerdmans, 2001): chap. 11: “Aristotle and the American Indians” on Canvas\Files; Bernice Hamilton, *Political Thought in Sixteenth Century Spain* (Oxford: Clarendon Press, 1963).

Wk 4

Jan. 28 Hugo Grotius, *On the Law of War and Peace*, ed. Neff.
 Book 1
 Book 2, chap. 1
 Book 3, chaps. 1-8

Recommended: Brian Tierney on Grotius, on Canvas\Files.

Jan. 30 Reinhold Niebuhr, “Why the Christian Church is not Pacifist,” on Canvas\Files.

Recommended: James F. Childress, “Reinhold Niebuhr’s Realistic Critique of Pacifism,” on Canvas\Files.

Sunday, Feb. 2: Concept Paper due as Word attachment via email by 5pm (graduate students only).

Wk 5

Feb. 4 Paul Ramsey, “The Case for Making Just War Possible,” and “Is Vietnam a Just War?” on Canvas\Files.

Recommended: David Mapel, “Realism and the Ethics of War,” in *The Ethics of War and Peace*, ed. T. Nardin; A.J. Coates, “Realism,” on Canvas\Files.

Feb. 6 Michael Walzer, *Just and Unjust Wars*: read the Table of Contents and the book's classifications, and pay close attention to the book's organizing structure (Parts I, II, III, IV, and V). Also, read the Preface to the first edition and chaps. 1-3.

Wk 6

Feb. 11 Walzer, *Just and Unjust Wars*, chaps. 4-6.

Recommended: Michael Walzer, "The Politics of Rescue," in Walzer, *Arguing about War*, chap. 5.

Feb. 13 Walzer, *Just and Unjust Wars*, chaps. 9, 16.

See articles from *New York Times* on Hiroshima, Nagasaki by Jim Holt, John Connor, Stephen Ambrose, Peter Steinfeld; and articles on war crimes trial of Drazen Erdemovic, Gen. Tihomir Blaskic, all on Canvas\Files.

Recommended: Walzer, *Just and Unjust Wars*, chap. 18, 19.

Wk 7

Feb. 18 Jeff McMahan, "The Morality of War and the Law of War," on Canvas\Files.

Recommended: Walzer, *Just and Unjust Wars*, Postscript to the 5th edition; Henry Shue, "Do We Need a 'Morality of War?'" in *Just and Unjust Warriors: The Moral and Legal Status of Soldiers*, ed. David Rodin and Henry Shue, on Canvas\Files.

Feb. 20 Nancy Sherman, *The Untold War: Inside the Hearts, Minds, and Souls of Our Soldiers* (selections TBA)

Friday, Feb. 21: Case Analysis due as Word attachment via email at 5pm (graduate and undergraduate students).

Wk 8

Feb. 25 & 27 Frantz Fanon, *The Wretched of the Earth*.

Recommended: Walzer, *Just and Unjust Wars*, chaps. 12, 13; and Walzer, "Terrorism: A Critique of Excuses," *Arguing about War*, chap. 4, on Canvas\Files.

Wk 9

Mar. 3 U. S. Catholic Bishops, *The Challenge of Peace: God's Promise and Our Response* at <http://www.usccb.org/upload/challenge-peace-gods-promise-our-response-1983.pdf> (excerpts TBA)

Mar. 5: Stanley Hauerwas, "Should War Be Eliminated?" on Canvas\Files

Recommended: William James, “On the Moral Equivalent of War,” on Canvas\Files

Wk 10

Mar. 10 Martin Luther King, Jr., “Pilgrimage to Nonviolence,” and “Letter from Birmingham Jail” on Canvas\Files.

Mar. 12 Cheyney Ryan, “Self-Defense, Pacifism, and the Possibility of Killing,” on Canvas\Files.

Wk 11

Comprehensive Final Exam: Tuesday, Mar. 17 (graduate and undergraduate students)