

# THESIS

## INCLUSIVE JUST WAR THEORY: CONFUCIAN AND MOHIST CONTRIBUTIONS

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## ABSTRACT

### INCLUSIVE JUST WAR THEORY: CONFUCIAN AND MOHIST CONTRIBUTIONS

Warfare has permeated humanity across cultures and through time. It is a human activity that often carries with it large-scale consequences. However, even if it does not, human lives are always lost, and the effects of war are devastating. Because of this, thinkers from around the globe have given accounts regarding the ethics of war. Can war ever be justified? If so, how? What entity has the authority to declare war? What actions are permissible in a justified war? These are only a few of the questions that are often raised, and the answers to them are perhaps as numerous as their developers. This project serves to explain and examine some of these theories. I begin by describing three major positions as they have developed in the West: realism, pacifism, and Just War Theory. Using the categories and conceptions described here, I look to classical Chinese approaches to war from the Confucian and Mohist traditions. *Ren xing*, “human nature”, is important to Confucian thoughts on the ruler. I use this account to craft a more robust notion of Just War Theory’s “legitimate authority” condition. *Jian ai*, “impartial care”, is a Mohist concept that I argue informs a type of pacifism and may also play into thoughts on justification for going to war, especially in cases of humanitarian intervention. The latter part of this project applies these theories and new formulations to specific examples of warfare, hoping to show their relevance. Upon this examination, and overall, I hope to increase our understanding of the ethics of war by looking to forgotten or less popular approaches to thinking about the conducting of military affairs.

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## DEDICATION

*For My Parents, Douglas and Beverly*

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## INTRODUCTION

War has pervaded humanity across cultures and through time. From the hills of ancient China to the islands of the Pacific to the deserts of the near east to the jungles of Columbia – it is clear to see that war is ubiquitous. Given the characteristic of being ever-present, many philosophers from around the globe have theorized on best how to deal with war, and there are a vast number of approaches in regards to thinking about ethical warfare.

War has been a critical part of human history, as it has shaped nations and cultures – sometimes even yielding favorable results all-things-considered. Yet, no war comes without a price. Hundreds, thousands, and sometimes even millions of lives are lost during times of war with just as many people being physically injured or harmed in other ways. Most people would agree that killing is something that is morally blameworthy; however warfare is permeated with this action. Many people also claim that sometimes war is a necessary evil. A conflict arises here. How can we say that killing is wrong, but that sometimes war is permissible? This sort of question helps to give rise to thinking about warfare from an ethical standpoint. When considering the ethics of war, many other questions come to mind as well. Can war be justified at all? If it can, what are just reasons for going to war? Should there be moral considerations in war regarding the actions of belligerents, or are any actions permissible? Can civilians, or civilian infrastructure be justly targeted? Should a state be morally permitted to intervene in another nation's civil war? If so, what are the reasons? What are the courses of action that should be taken when a war ends?

Unfortunately, there is no consensus on the answers to these inquiries. Many philosophers from around the world have been considering questions such as these for thousands

of years. However, it seems that most attention is given to theories and traditions that have developed in the West, or had strong western influence. This project seeks to expand our thinking about the ethics of war by looking at approaches that are less often cited in the field, specifically found in the schools of Confucianism and Mohism.

Chapter 1 will consist in a discussion of different approaches to the ethics of war from predominantly Western theories. Realism essentially claims that moral considerations have no place or should be jettisoned in warfare. The position of pacifism may come in many forms, but I place an emphasis on what is called anti-war pacifism. The name suggests the thesis of this approach, anti-war. Just War Theory, which has been heavily influenced by Catholicism and other Western sources, contains two main components: *jus ad bellum* and *jus in bello*. *Jus ad bellum* describes the conditions that must be met for a state or nation to enter into a war justly. *Jus in bello* lays out right actions or approaches in warfare – that is after the war has been initiated. These categories and conditions will be detailed in depth below.

Describing these theories, conceptions, and stipulations will be of great importance to the overall project as I move into Chapter 2. Here I examine Confucian and Mohist approaches to war, and how they may inform the categories described in Chapter 1. Specifically, I consider Confucian positions on *ren xing*, “human nature”, and the role it plays in regards to rulership. I hope here to incorporate these views into the *jus ad bellum* clause of legitimate authority, creating a more robust sense of the stipulation. The self-cultivation/reformation of the ruler’s virtues described by the Confucians Mengzi and Xunzi are key to this new conceptualization. Additionally, this chapter examines the Mohist idea of *jian ai*, or “impartial care”. This concept, I argue, may inform a version of pacifism. Impartial care also contributes to *jus ad bellum*’s just cause condition by advocating for or supporting the thought of humanitarian aid. Self-defense



on the Mohist paradigm may be framed as a form of punishment against the aggressor. It may be taken up by a state to bring benefit to the people and restore order to the realm.

Chapter 3 is rather brief, but nonetheless important. Here I apply the various theories discussed to cases of war. Pacifism and realism are revisited and clarified using specific examples. I also examine two different wars/conflicts using aspects of Just War Theory, and the Confucian and Mohist approaches to war. The second war in Iraq is an often cited conflict in discussions of just war. I consider this war's initial attempts at justification using the traditional Just War Theory's *jus ad bellum* category with a special emphasis on the condition of just cause. I also provide a discussion on the case of L. Paul Bremer, the presidential envoy to Iraq after major combat operations ended – calling into question and critiquing his perceived “legitimate authority” using the new conceptualization with Confucian influence. Second, I look to the struggle in Pakistan in 1971, and claim that India showed *jian ai* in providing humanitarian aid to the people of East Pakistan.

Overall, this project is important as it expands our understanding of the ethics of war by taking into account less popular and often ignored approaches to morality in martial affairs. It may also serve as an improvement to some clauses of the frequently cited Just War Theory, helping to create a more robust sense of some of the categories.

## CHAPTER 1: WESTERN THEORIES ON THE ETHICS OF WAR

This chapter purports to give an account of the major approaches to thinking about how to conduct warfare. Below, I consider three differing views on the ethics of war as they have developed predominantly in the West. Ultimately, for this project, this will be important as I will use these theories to consider classical Chinese approaches to military affairs. Through a discussion of these theories, a framework consisting of the major conceptions and categories regarding war and the ethics of war will emerge. This will provide a segway into chapter 2, and will assist in situating Confucian and Mohist thoughts on warfare.

Below, I provide a discussion of three predominantly western approaches to thinking about warfare. Realism, pacifism, and Just War Theory each are rather complex in the way that they have developed and been influenced by a number of factors. A large influence on these theories is religion, specifically Christianity; although other religions play a part as well. This is the clearest in the cases of pacifism and Just War Theory. Additionally, there have been secular influences as well. Philosophers who actually engaged in military acts have had great influence on the development of these theories. Their experiential accounts have informed and enriched the way in which they decided to formulate their own views on the ethics of war.

### **The Realist Approach**

The realist position (in regards to warfare) is the first of three major positions I wish to discuss in this chapter. Realism is the stance claiming that in war, there is no place for morality.

As General William T. Sherman wrote, “War is hell.”<sup>1</sup> This speaks to the belief that hell is a place where the force of atrocities, terror, and death has no boundaries. Similarly, and expounded through Sherman’s quote, war is also the sort of situation in which we find insurmountable horror. The response to this line of thought claims that because the point of war is to have the enemy surrender, this end must be sought by any means necessary. That is, the quickest way to bring about the enemy’s demise is to hold no restrictions in the fighting of a war.

An important point should be made here. While the received tradition of realism has largely given no consideration to morality in the conducting of martial affairs on the surface, there do seem to at least be subtle hints at morality from some thinkers in the paradigm. This sense may be gleaned by considering the main thesis of the position. Here, war is thought of as being the sort of thing that should be carried out as briefly as possible. Having the enemy surrender may be expedited by forgoing moral considerations. However, the question here becomes “If morality holds no place in warfare, then why should it be carried out as quickly as possible?”. I would be inclined to say that this question may be avoided, or answered by making an appeal to pragmatic considerations. Since the goal of warfare is victory, belligerents may increase efficacy by altogether jettisoning moral concerns. This seems to be the main approach of realist thinkers. However, cases have also been presented claiming that in forgoing morality and speeding along the process of war, less suffering comes about altogether. This is a suggestion of a utilitarian ethic. In carrying out martial acts, this take on realism still holds that any weapons or strategies may be used. So it is clear that with this approach to realism moral concerns are largely not present. Yet there is an underlying moral consideration for people who may suffer in the conducting of a war. The rapid surrender of an enemy overall is seen as causing less suffering on either side of the fighting, so this realist line of thought goes. With

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<sup>1</sup> Luban, David. “War Crimes: The Law of Hell”, p. 268

these two approaches, one may see both a pragmatic and moral (perhaps nearly meta-moral) argument for realism in combat.

It seems that the practical consideration above is the reason taken up by most realists, however the moral argument may be cited in order to appease moralist critics. This being the case, it is of no consequence to the realist as moral concerns in carrying out war are not present in either argument. Yes, it may be argued that there is an underlying utilitarian, and therefore moral, consideration all things considered; but this has no effect on how the war is actually conducted. A realist military may engage in any sort of violence which brings about the quickest and most efficient victory, whether that be for efficiency's sake or for utilitarian concerns.

The realist position has been advocated for by a number of political theorists throughout history. Cicero and his famous phrase *inter arma silent leges*, or “in times of war the law is silent” expounds realism.<sup>2</sup> States are viewed as having to forgo the luxury of being able to conduct themselves with moral restrictions. At a more fundamental level, and perhaps most notably recognized in the work of Thomas Hobbes' *Leviathan*, we are given a portrait of human nature as a state of war – every human against every other human. This is recognized in chapter 13, as persons are viewed as ultimately and always being in the pursuit of security of some sort. Hobbes writes that this security is found by three ends: competition, diffidence, and glory.

[Competition uses] violence to make themselves masters of other men's persons, wives, children, or cattle; [diffidence], to defend them, and [glory] for trifles, as a word, a smile, a different opinion, and any other sign of undervalue, either, direct in their persons, or by reflection in their kindred, their friends, their nation, their profession, or their name...[They] are in that condition which is called war.<sup>3</sup>

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<sup>2</sup> Notice here that I am not making the claim that Cicero was a realist, but only that this famous statement of his is often cited in discussions of realism. He is also frequently alluded to by many scholars as being a major beginning influence on the tradition of Just War Theory.

<sup>3</sup> Hobbes, Thomas. *Leviathan*, p. 119

As the fundamental state of persons is warlike, it only makes sense that this be extended to that of nations. He goes further to make the claim that “to this war of every man against every man, this also is consequent; that nothing can be unjust. The notion of right and wrong, justice and injustice have there no place.”<sup>4</sup> And here a clear advocacy for realism is noticed. It is through this line of thought that Hobbes goes on to develop his account of the social contract, in which individuals submit themselves to a political authority, or the sovereign, in exchange for security.

Sovereign nations, like individuals, seek safety, access to resources, and, at least in some cases, glory. “War”, as defined by Carl von Clausewitz, is an extended act of violence used to compel the enemy to submit to our will.<sup>5</sup> According to him, it is a great error for one belligerent or both to put forward an attempt at benevolence in the context of warfare. This comes from the line of thought that claims that the primary objective in war is for one belligerent to assert its superiority over that of the other, as quickly as possible – and often times, in order to achieve this end, absolute war is imposed.

This strategy is viewed as containing three reciprocal actions according to Clausewitz. The first is an utmost use of force. If war is an act of violence taken to its most extreme boundary, with one side X attempting to have the other side Y submit to the will of X, there will inevitably be a reciprocal action from Y. This creates an escalation, leading to further extremes being taken on behalf of either belligerent. The second reciprocal action outlined by Clausewitz is the disarming of the enemy. This is a reciprocal action in the following way: Nation X is attempting to disarm nation Y. Nation Y is attempting to disarm nation X. So long as neither nation is disarmed, the conflict will continue and further escalate. “As long as the enemy is not defeated, he may defeat me; then I shall be no longer my own master; he will dictate the law to

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<sup>4</sup> *Ibid.*, p. 120

<sup>5</sup> Clausewitz, Carl Von. *On War*, p. 3

me as I did to him.”<sup>6</sup> The third reciprocal action, the utmost exertion of powers, is two-fold. The sum of available means and the strength of the will cannot be separated. A state X takes into account the means or resources available to their enemy Y, i.e. the enemy’s strength of resistance, and is then able to approximate the degree to which to employ their own means against nation Y. All the while, nation Y will be engaging in this strategy as well, making this a reciprocal action.

Ultimately, for Clausewitz, absolute war is something of an abstraction. That is, it is certainly a realist approach to warfare, however he was of the idea that war would always have political or legal restraints in some way or another. This is inevitable due to the fact that when sovereign nations are involved in conflict, some sort of policy or code of conduct tends to creep in – war is never an isolated action, nor are the results ever absolute.<sup>7</sup> There is a continuity when war ends, both on the part of the protagonist and the antagonist: reparations, implementation of new policies, the rebuilding of infrastructure. And this gets solidified and carried forward as history becomes concrete.

Another influential advocacy for realism is found in the works of Niccolò Machiavelli. The main thrust of his realist argument is found in *The Prince*.<sup>8</sup> While in a ruling position, the “prince” is encouraged to completely devote himself to the martial arts. That is, his most important task is to commit himself, almost exclusively, to the methods and practices of

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<sup>6</sup> *Ibid.*, p. 6

<sup>7</sup> *Ibid.*, p. 6-11

<sup>8</sup> The realist idea is found throughout the *Prince*, but is especially apparent in chapter XIV “A Prince’s Duty Concerning Military Affairs” and chapter XVII “On Cruelty and Mercy, and Whether it is Better to be Loved than to be Feared or the Contrary.”

warfare.<sup>9</sup> While this in itself is not sufficient enough to count as a sort of realism, it does speak to his emphasis on the military. The reader is, however, provided with his realist account in that Machiavelli advises a “calculating and self-interested use of fraud and cruelty” towards enemies of the state.<sup>10</sup> Clearly, this is a realist claim. Moreover, in the *Discourses* he highly commends generals and conquerors from ancient Rome for their courage and ruthlessness in battle. He recognized this as being crucial in the acquisition of lands and expansion of the Roman Republic.<sup>11</sup>

Although the realist position has been pushed forward or at least recognized by a great number of political philosophers, it does not seem to be a tenable stance. It seems that a critical examination of war yields a conclusion claiming that morality and military affairs are inseparable. In the words of Michael Walzer, “The language we use to talk about...war is so rich with moral meaning that it could hardly have been developed except through centuries of argument.”<sup>12</sup> Persons cultivate judgments on war – how it is instigated, the way in which it is fought, and the procedures for when it ends. The rules of war, or moral conduct in war, may be thought to be irrelevant, yet this does not excuse the fact that war is a human endeavor. Those engaging in war are, or at least should be, held culpable for the way in which they choose to carry it out.<sup>13</sup> We want to hold people responsible for decisions that they make, so why shouldn't there be a moral standard to hold people to in regards to warfare?

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<sup>9</sup> Machiavelli, Niccolo. *The Prince*, p. 28-30

<sup>10</sup> Hornqvist, Mikael. “Machiavelli’s Military Project and the Art of War”, p. 122

<sup>11</sup> *Ibid.*, p. 123

<sup>12</sup> Walzer, Michael. *Just and Unjust Wars*, p. 3

<sup>13</sup> For further reading, see Michael Walzer’s “Against ‘Realism’” chapter in *Just and Unjust Wars*.

Of course, the majority of political thinkers on war recognize that morality does occupy a significant place in the conducting of martial affairs. In most cases, these philosophers roughly fall into two camps: pacifists and Just War theorists. These approaches to war are full of subtleties, and can further be broken down into more specific ethical positions. There are four main types of pacifism discussed below.

### **Pacifism**

The first pacifist approach, broadly construed, takes non-violence against other humans to be its ultimate goal. This sort of pacifism has early roots in the Christian Gospels, and was expounded by Christ: “Ye have heard that it hath been said, an eye for an eye, a tooth for a tooth; but I say unto you, that ye resist not evil: but whosoever shall smite these on the right cheek turn to him the other also...”<sup>14</sup> Perhaps the most notable and influential pacifist of this sort in the 20<sup>th</sup> century is Mohandas Gandhi. He saw violence as being a hindrance to the natural condition of the soul. In fighting for India’s independence from the British, Gandhi employed *satyagraha*, or purification of the soul by experiencing suffering on behalf of justice. Non-violent tactics such as sit-ins, fasting, weaponless marches, and peaceful protests were his preferred methods to achieving his goals.<sup>15</sup>

However noble this extreme understanding of pacifism (non-violent pacifism) is, it is still viewed as somewhat problematic in that there is a recognition of the right to life, yet it would be considered morally wrong to defend that right. Jan Narveson formulated this objection, and explains that non-violent pacifism is incoherent because “having a right entails the legitimacy of

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<sup>14</sup> Matthew 5:38-39

<sup>15</sup> Lackey, Douglas. *The Ethics of War and Peace*, p. 13-16



using force in defense of that right at least in some occasions” (i.e., occasions in which one is enacted upon with violence or one’s life is in immediate danger).<sup>16</sup> Her argument claims that this sort of pacifism asserts a duty on everyone’s part to avoid violence. This being the case, she argues that it is implied that everyone has a right not to have violence done to them. Yet, sometimes we are enacted upon with violence, and in these cases Narveson recognizes that we have a right to defend ourselves. She notes that the pacifist may first prefer to use rational persuasion to deter the aggressor, but that if that fails then other means become necessary (i.e., violence).<sup>17</sup> In this way, non-violent pacifism has been argued to be inconsistent.

Given the thrust of arguments of this type, a second sort of pacifism emerges. Non-lethal pacifism may escape this objection by the fact that it may be morally permissible for one to defend their right to life without having to kill in order to meet this end. In warfare, however, this seems to be quite an unpalatable position. For example, if we suppose that someone is making an attempt on your life (as is inevitable in combat), the non-lethal pacifist may inquire as to why that gives you the right to defend yourself by killing or trying to kill the attacker. James P. Sterba pushes forward the argument claiming that insofar as you are reasonably convinced that an aggressor is unjustly making an attempt to deprive you of your life, then you would be rightly justified in taking their life. This is assuming that killing the aggressor is the only way in which to save your own life.<sup>18</sup> The right to life entails a right to defend the self, and this does not exclude violent self-defense.

If we take this line of argument, and do not extend the idea of self-defense from the individual to the entity of a state, then we are provided with another sort of pacifism. Anti-war

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<sup>16</sup> Sterba, James. “Reconciling Pacifists and Just War Theorists”, p. 22

<sup>17</sup> Narveson, Jan. “Pacifism: A Philosophical Analysis”, p. 259-271

<sup>18</sup> Sterba, James. “Reconciling Pacifists and Just War Theorists”, p. 23

pacifism is the position that asserts that it may be permissible to literally self-defend – that is, one may use violence in order to defend one’s own right to life. However, this type of pacifist sees violence on a large scale as being always morally blameworthy. Any and all participation in warfare or military force is morally unacceptable. War is viewed as always being the sort of thing that involves vast amounts of unacceptable infractions upon the rights of humankind.<sup>19</sup> The very nature of warfare on this view takes total war to be the standard – that is, anti-war pacifists see any and all wars as inevitably involving destruction on a grand scale, directly affecting both civilians and soldiers alike.

War, unlike other human pursuits, always carries with it massive amounts of harm on a very large scale. Granted, the loss of human life in regards to soldiers is often viewed as acceptable, or at least a necessary harm, because being a soldier assumes many risks – the main one being that, if you are a soldier, you very well may have to forfeit your life. This risk is part and parcel of serving in a military force. The anti-war pacifist, however, does not accept this thesis. For them, every individual has the right to life. The killing of soldiers in war is intentional killing, and is therefore a deliberate violation of the right to life. If we take the model interpretation of basic rights, then it follows that it is never morally justifiable to usurp an individual’s basic rights in order to produce some good.<sup>20</sup> Furthermore, and perhaps more importantly, a major critique from anti-war pacifists is that not only do many soldiers suffer through bodily harm of some fashion, but a great number of innocents or non-combatants suffer as well. Non-combatants do not take up the same risks that soldiers do. They may play a part in the political process and electing leaders, but this does not imply that they are prepared to assume the risks that come with war. There are those war theorists who make a distinction

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<sup>19</sup> Lackey, Douglas. *The Ethics of War and Peace*, p. 18

<sup>20</sup> *Ibid.*, p. 18

between the intentional killing of civilians and the regrettable, albeit foreseen infliction of civilian casualties. But, for the anti-war pacifist, this distinction is rendered futile. It is never permissible to engage in warfare and to exterminate human life on such a large scale, as a great number of both soldiers and non-combatants must forfeit their right to life.

There is another form of pacifism that is worth mentioning here. Opposed to the argument from Sterba above is the position of pacifism in the private sphere. That is, this form of pacifism holds that it is not morally permissible for one to defend oneself as an individual, but that defense or humanitarian aid in a political sense may be justified. Augustine assisted in formulating this argument coming from the Christian tradition. As non-violent pacifism was the predominant form of Christian pacifism in his time, he recognized that while Christ advocated for the abstention of violence this was probably not a broad condemnation of all violence. He saw violence in the private sphere to be what Christ was addressing, however when taking into consideration the principle of charity, a new paradigm emerged.<sup>21</sup> According to him, there are valuable things in this world, namely justice and the relief of suffering. Violence on a political scale in the name of humanitarian aid or the defense of the Church, for example, was seen as unproblematic and could be justified. Military force needs a just cause in order to be morally acceptable.

### **Just War Theory**

The doctrine of Just War Theory has been evolving for hundreds of years. Many Western thinkers have contributed to this vein of literature; and while most of them have their own specific versions of Just War Theory with slight variations, there are some common precepts that

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<sup>21</sup> *Ibid.*, p. 16-18

are fairly general to this approach. It is important to note that however diverse these theories are, they are much more alike than they are different. The variations are in the subtle details, and not with the substance of the theory. The doctrine of Just War Theory is additionally often cited in more recent debates involving global warfare and international law, and is generally accepted, at least in some form, around the world by varying entities.

The tenets of Just War Theory are often attributed to having their early roots in the works of Cicero (106 - 43 BCE). Additionally, credit is often given to the Catholic theologian Augustine of Hippo (354 - 430 CE) for its first formalization, and as being carried into modernity by thinkers such as St. Thomas Aquinas (1225 - 1274 CE), Francisco de Vitoria (1483 - 1546 CE), Francisco Suarez (1548 - 1617 CE), Hugo Grotius (1583 - 1645 CE), and Michael Walzer (b. 1935 CE).

A major development that occurred during the evolution of the theory took place in 1648 CE with the Peace of Westphalia. This was a set of treaties signed in the Roman Empire, and between Spain and Holland, ending the Thirty Years' War (1618 - 1648 CE) and the Eighty Years' War (1568–1648 CE), respectively. Its contribution to Just War Theory was quite significant. Up until that point, Just War Theory was not necessarily considering states or nations in its calculations, but rather it was just looking at various “groups” of belligerents. With the Peace of Westphalia, there was a shift from focusing on these groups to focusing on nations. The aim then became to restrain states from engaging in war, as well as restrictions in warfare.

Just War Theory in its common form provides the *de jure belli*, or rules of warfare, as well as a host of important concepts and distinctions within the realm of war – *jus ad bellum* (the proper reasons for instigating war), *jus in bello* (appropriate behavior while engaged in war), and *jus post bellum* (understood as justice after war has ended) to name a few. Within each of these

categories, there are further stipulations given that must be met in order to actualize, say *jus in bello* for example.

It may be of interest to note here that the categories of *jus ad bellum* and *jus in bello* can be noticed in the realist position discussed above. That is, the realist holds that there is no place for morality in war, *jus in bello*, but they may hold that the reason or reasons for going to war must be morally justified. The justification for going to war would depend on which specific realist approach is under analysis.

In any case, laying out the general precepts of Just War Theory will be important to the overall project. These categories, and the stipulations and conditions for meeting each are important to note as the discussion moves forward, especially in chapter 2 as some of the concepts will be explicitly expounded upon by way of the Confucian and Mohist models. Furthermore, giving a brief sketch of the tenets of Just War Theory assists in bringing the Western and Eastern approaches together helping to create a more robust sense of justice in martial affairs.

### *Jus ad Bellum*

Here I will begin with the *jus ad bellum*, or the just reasons or rules for going to war. Often times, Just War theorists will give a “checklist” of six conditions that a state must fulfill before they can claim that they are engaged in a just war. Nicholas Fotion has coined this as the “Six Principle Test”.<sup>22</sup> Many other Just War theorists acknowledge these six conditions, and while they may have their own formulations, it is important to note that they are all fairly general

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<sup>22</sup> Fotion, Nicholas. *War & Ethics*, p. 9-10

in their approach.<sup>23</sup> A special emphasis will be placed on the stipulations of just cause, right intentions, and legitimate authority as these will be the categories addressed in the following chapter with regards to the classical Chinese positions. The conditions for *jus ad bellum* are as follows:

### 1. Just Cause

This condition is often times the first consideration, and basically makes the claim that a nation must not only have good reasons for entering a war, but this stipulation also provides the framework for what those good reasons entail. Ultimately, it seems that having a good reason involves responding to an aggressor in some way. The offending belligerent making advances upon a state or that state's allies is viewed as deserving a military response. According to this condition, war may be justified in engaging with the aggressive belligerent for reasons of 1) self-defense or 2) humanitarian aid. Self-defense may be understood as an imminent, present, and/or recent act(s) of aggression against one's own state. In regards to the principle of imminence, an important distinction should be pointed out. Often times, reference is made to preventative action and preemptive action. These are both anticipatory in nature; however prevention usually suggests a longer time-frame, while preemptive action is undertaken when an armed attack is immediately imminent.<sup>24</sup> Humanitarian aid encapsulates assistance for allies as well as groups or nations that are unable to defend themselves. This seems to be a less often cited reason for having a just cause, but

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<sup>23</sup> Gregory Reichberg, Larry May, Laurie Calhoun, Noam Chomsky, Michael Walzer are some of the leading scholars in this area, but there are many others.

<sup>24</sup> Reichberg, Gregory. "Jus Ad Bellum", p. 25-26

nonetheless aid in these types of situations may be justified as well on the Just War paradigm. As with self-defense, the allied nation or group receiving assistance must be currently under attack, under an imminent threat of armed conflict, or under recent attack. In some cases, aid comes to entities experiencing genocide or other forms of human catastrophe.<sup>25</sup>

## 2. Right Intention

The right intentions condition is often times closely associated with the just cause principle. A nation must have a just cause along with the right intention. What is required here is not that a nation's motives be mostly pure or good, but rather that the intentions are right. This condition is slightly different in that it is not procedural in nature. It is a consideration of the mentality of the agents making the decision to go to war. A wrong intention mentality would come from a nation seeking to increase wealth or exploit another entity. Selfish-gain is an unjust motivation. If a state intends to take action in order to correct an injustice, and does not take additional action that lead to its own aggression or to the opposing belligerent's exploitation, then it can be said to have right intentions.

Unfortunately, most if not all nations claim to have right intentions upon entering a war, but it is only after the dust settles that an accurate portrayal of intentions becomes clear.<sup>26</sup>

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<sup>25</sup> Fotion, Nicholas. *War & Ethics*, p. 10-14

<sup>26</sup> *Ibid.*, p. 16-18

### 3. Legitimate Authority

In short, this principle claims that only those who are legally designated to make decisions about going to or withholding from war be permitted to do so. This condition is fluid in that not all nations have the same process for establishing a legitimate authority. In some states it may be a single figure at the head of the government, some sort of legislating body, or a combination of both. In any case, the proper authority is identified by the laws of their respective nation. If the legitimate authority authorizes a war, then one stipulation of the *jus ad bellum* category has been met. If a war is triggered by any entity other than a legitimate authority, then they have started a war unjustly. This understanding of legitimate authority comes off as rather thin however. It would seem that in order to be a legitimate authority, the figurehead, whether that be one individual or cooperating agents, must exemplify some qualities that are valued in a leadership position.

### 4. Likelihood of Success

This condition is quite simple, and basically says that a war should not be entered into if there is little or no chance that it will conclude with some degree of success. One issue that arises with this principle lies in what constitutes “success”. Often times at the outset of the war, a total victory is expected and may be the threshold for claiming a successful campaign. However, when the war is underway the standard of “success” is frequently lowered.



## 5. Last Resort

We often hear state leaders and politicians making the claim that war is, or at least should be, the last resort. Yet it is sometimes too obviously clear that their words are merely empty. This condition attempts to slow down the process of going to war by asking potential belligerents to make a series of legitimate efforts to avoid war. The intention of this principle is to impede the development of a war so that in some cases war never actually breaks out. With this condition also comes the line of thought that says that no preventative wars are ever justified, however preemptive ones may be. If there is a threat of war that will prompt a preventative response in the future, then there is time to take measures to avoid combat.<sup>27</sup>

## 6. Proportionality<sup>28</sup>

Also known as the “Benefits v. Costs Principle”, this stipulation says that since war is such a horrifying event used to settle conflict for all involved, the potential participants to a war should estimate the benefits and costs of going to war. For this hurdle to be cleared, the benefits must definitely outweigh the costs of engaging. This notion of proportionality takes into consideration the entirety of the possible war.

If a nation seeks to engage in a just war, then these six conditions are expected to be met on most versions of (or the general version of) Just War Theory. Now I will turn my attention to the aspect of Just War Theory which analyzes having just actions in war. This is the category mentioned above that is devoid from the realist position.

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<sup>27</sup> *Ibid.*, p. 15-18

<sup>28</sup> We will see a variation of this condition in regards to *jus in bello*.

## *Jus in Bello*

Following the Just War Theory set of guidelines, we are also presented with the *jus in bello*, or the rules while engaged in a war. Here there are a lesser number of conditions, yet they do seem a bit more complicated. They are:

### 1. Proportionality

This notion of proportionality differs from the *jus ad bellum* stipulation in that this condition is taking into account specific battles, skirmishes, or campaigns instead of the entire, expected war. Proportionality here involves the attacking or defending force identifying available options and choosing the one that is expected to cause the least amount of excessive damage. When considering the minimization of damage, they are to take into account both the protagonist(s) and antagonist(s). After the best option has been identified, further scrutiny is needed. If it proves that even the best option available will still in all likelihood cause excessive damage, then the belligerent must desist from attacking the target or defending whatever land it is holding. Belligerents are expected to only deploy means proportional to the cause.

An example may be helpful in understanding this principle. Triangular bayonets were used in warfare for centuries. These types of blades were such that when a combatant was stabbed with it, it was nearly impossible to be able to stitch the wound. So the soldier would often times be rendered helpless and be left to simply bleed out. Over time this strategy began to be seen as inhumanely cruel. The line of thought was that enemy combatants were to be stopped from advancing and disarmed. This could easily be accomplished with regular bayonets, which caused

serious injury to be sure, but not excessive damage. Hence, in modern times triangular blades have largely been outlawed in warfare.<sup>29</sup>

## 2. Discrimination

This condition expects that those that participate in war should distinguish between legitimate and non-legitimate targets. Legitimate targets may include military entities, those who supply money/weapons/equipment/aid to the military, civilians who work with or lead in the military, military facilities or factories, vehicles used as weapons, and vehicles transporting martial supplies (autos, trains, planes, ships). Non-legitimate targets include those who work for/as civilians, children, mothers, fathers, retired people, religious leaders, medical personnel, civilian factories/institutions, hospitals, schools, and religious buildings. These lists are not exhaustive. Non-combatants are seen to be immune from attack. On this view POWs are considered to be non-combatants.

Closely tied to this principle is the doctrine of double effect. Civilians and/or civilian infrastructure may never be permitted to be legitimate targets in battle; this much is clear. However it is nearly impossible, especially in wars fought today, not to involve civilian life in some way. This is because the common people often reside in close proximity to where wars are fought. The principle of double effect ultimately seeks to justify the killing of innocent lives. The attempt is made by making the case

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<sup>29</sup> A further example may include the use of mustard gas, a substance used in chemical weapons that produces large boils on the skin and in the lungs when breathed, and often results in a very unpleasant death. Radically Invasive Projectiles are essentially bullets that explode upon impact. This causes shards of metal to be dispersed throughout the inside of the body resulting in certain death. However, they are viewed as inhumane insofar as a regular projectile could also produce the effect of stopping an aggressing belligerent. Both of these, as well as other types of weaponry, have been outlawed in the international arena due to their inhumaneness.

that some civilians are killed in accomplishing a greater good for the overall war; so long as they are not the intended target, then these harmful side effects may be permissible. The direct effect must be morally justified while the side (“double”) effect is seen as a necessary evil.<sup>30</sup>

## **Conclusion**

The three major positions discussed above on the ethics of war have been, for the most part, influenced by western sources. Pacifism has early roots in Christian doctrine, and the early writings of the disciples of Christ. The contemporary position of pacifism may even make reference to some aspects of eastern religion/philosophy, namely Hinduism as well as Jainism, a religion that focuses on recognizing sacredness in life. These adherents range from those thinking that killing fellow humans is morally blameworthy, those who think that killing animals is morally wrong, and those who think that killing any living thing (plants and animals) is morally wrong. The Just War Theory, as was noted above, has its beginnings in the works of Cicero, and predominantly evolved through Catholicism and Catholically influenced philosophers. Although these are majorly accepted approaches across the globe today, and while no country specifically or outwardly advocates for the general Just War Theory explained above, it is clear that at least International Law makes attempts to align with a version or versions of the theory.

However, since these theories have evolved mostly through western sources and influences, with little to no reference to eastern traditions, it seems that they are limited in their

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<sup>30</sup> Walzer. *Just and Unjust Wars*, p. 151-154

scope. The question then becomes “What if these traditions had been influenced by eastern, and specifically Chinese, thoughts on warfare?”. It seems as though a more robust understanding of the ethics of war would emerge. In the next chapter, I will consider Chinese conceptions of war in the Confucian and Mohist traditions. Special attention will be given to Just War Theory, and the categories found within the doctrine. There will be an examination of the righteous war in Chinese thought and how these schools may inform the received tradition of Just War Theory.

Specifically I will be looking at the principles of legitimate authority and just cause. The issue of legitimate authority will be discussed with reference to the Confucian tradition using the philosophers Mengzi and Xunzi. Just cause, as well as the position of pacifism, will be discussed in the context of Mohism with heavy reference to thoughts on *jian ai*, or impartial care. In the discussion of just cause, it may also be beneficial to look at another stipulation of Just War Theory - that of right intention - as it is often times closely tied to the condition of just cause in some form or another.<sup>31</sup> Additionally, and with both of these schools of thought, reference may be made to other categories found within this chapter. Hints at the condition of proportionality are found within the texts of both Confucianism and Mohism. The next chapter will consist in a taking up of these conditions through classical Chinese lenses in order to craft a more robust, and in some cases a slightly improved, understanding of the ethics of war.

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<sup>31</sup> Fotion, Nicholas. *War & Ethics*, p. 19-20

## CHAPTER 2: JUST WAR IN CONFUCIAN AND MOHIST THOUGHT

Eastern, and specifically early Chinese conceptions of justified war tend not to perfectly fit into the categories of Just War Theory as it has developed in the West. The most closely related concept within early Chinese philosophy is that of *yi-bing*, translated as “righteous” or “just warfare”. As Mark E. Lewis, who has done extensive work in this area has noted, it is important here to keep in mind that one must take care not to equivocate eastern and western conceptions of “justice”. To clarify, *bing* is translated as “warfare”. This is not problematic, however the translation of *yi* is a bit more complex. It is commonly translated as “righteousness” or “justice” and often carries with it a notion of the tendency to behave in the morally correct manner. The concept implies an ability of discernment in moral situations. The *yi* person is able to competently engage in moral decision-making as well. Although the term *yi* seems to have deeper meaning and further intricacies and implications than that of the western concept of “justice”, for the purposes of this project translating *yi-bing* as “righteous war” will suffice.<sup>32</sup>

*Yi-bing* is often cited as having its roots in the early Warring States Period (481-221 BCE). As the name suggests, this time was fraught with conflict between varying states in the area known now as China. The frequency of war during this time is credited as assisting in giving rise to thinking about how to carry out war in a just manner. It was towards the end of this time that there was a political shift resulting in the recognition of a single head of the early Chinese empire. The ruler began to be perceived as the “center and defining element” of the

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<sup>32</sup> Lewis, Mark E. “The Just War in Early China”, p. 185

realm.<sup>33</sup> This was based in earlier thought regarding political theory; however it was actualized on the political scene at the end of this period.

According to Lewis, there are three distinct characteristics of the *yi-bing* doctrine. The development of a central head-of-state gave rise to the idea that it was only the ruler that could appropriately instigate a “righteous” war. War was seen as being a natural, unavoidable course of action by bringing peace to the people and order to the world. Primarily, early Chinese philosophers argued that war was the highest form of punishment – a way in which the ruler was able to suppress wide-scale opposition to the state.<sup>34</sup> But, of course, it is rather difficult to identify a general theory on war encompassing the whole of Chinese culture at this time, as this was also a time of the development of central, influential Daoist and Confucian classical texts, which are often seen as being oppositional in many respects.

Perhaps the most notable text regarding military strategy to come from this period is Sunzi’s *Art of Warfare* - often cited as being a text with many Daoist aspects. While this text primarily, and perhaps exclusively, deals with classical Chinese notions of warfare, other works also emerged which covered a wide range of topics, including discussions on *yi-bing*. Among these texts are the *Analects* from the Warring States Period, and the *Lu shi chun qi* and the *Huainanzi* from the later Han Period. In addition to these works, we are also presented with the writings of some of the great figures of classical Chinese philosophy such as Mozi, Mengzi, Xunzi, and Han Feizi. These varying authors, of course, have differing points of view on warfare, and helped to give rise to and solidify the schools of Mohism, Confucianism, and Legalism.

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<sup>33</sup> *Ibid.*, p. 185

<sup>34</sup> See *Mengzi* 7B, *Xunzi* chp. 15, and *Huainanzi*, 15.4

This chapter will examine the precept of legitimate authority from the Confucian paradigm using the philosophers Mengzi and Xunzi. Their debate on human nature, I argue, is key to understanding their views on the ruler. Additionally, I provide a discussion of the Mohist conception of “impartial care” and how this idea may inform the category of just cause described above.

### ***Ren Xing and Legitimate Authority***

Confucianism is a philosophical tradition that stresses the importance of ethics, education and statesmanship. Persons are expected to practice social norms (which are subject to change based on the given individual situation), and must display proper character – which results from a substantial notion of self-cultivation. By implementing proper ethical education at an early age, one begins forming appropriate habits – resulting in a disdain for the vicious and an admiration for the virtuous.<sup>35</sup> Furthermore, the continuation of ethical, intellectual endeavors into adulthood is seen as resulting in the attainment of proper character on the Confucian paradigm. Human-heartedness is regarded as one of the highest virtues an individual can attain through education. It is through proper education that an individual becomes prepared to take part in a peacefully ordered society.

The four Confucian virtues of *ren*, *yi*, *li*, and *zhi* are important to make note of here. The virtue of *ren* (仁), translated as “benevolence” or “humaneness”, should not be confused with *ren* (人), translated as “human” or “person”, in *ren xing*. *Ren* is viewed as having a profound concern for humanity. *Yi* (義), “righteousness”, as was mentioned above, seems to shift

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<sup>35</sup> Kupperman, Joel. “Tradition and Community in the Formation of Character and Self”, p. 113



according to one's particular situation. A person must take into account his or her role in certain settings to behave in the correct manner. As we will see, this will be important taken with the thoughts on *yi-bing* and legitimate authority. *Li* (禮) is translated as "ritual propriety". It is important to note that rites are not simply rituals that are held in religious ceremonies or a Confucian temple – rather they are the everyday activities carried out by persons, from the lowly peasant to the government official. Rites may be understood as a set of demands that dictate an individual's "conduct, actions, and demeanor."<sup>36</sup> The capacity of persons to act in accordance with *li* is viewed as being essential to the proper formation and adherence to human virtue.<sup>37</sup> And finally, *zhi* (智) is translated as "wisdom" or "knowledge". This conception of wisdom, it has been suggested, has to do with the proper discernment between moral categories, such as 'right' and 'wrong'.

*Ren xing* (人性), translated as "human nature", was of key debate during the formation of the Confucian tradition. While both Mengzi and Xunzi ascribe to and did much work to promote Confucianism, they are most often cited in regards to their debate on the essence of *ren xing*. Following closely to Confucius on many of their views, this is a point where they diverged.

Confucius himself, it has been argued, had very little to say in regards to human nature, with the term *xing*, or "nature", only appearing twice in the *Analects* – 5.12 and 17.2. However, there are other passages from Confucius that hint towards a discussion of *ren xing*. For purposes here it may help to start with passage 17.2 where Confucius claims that "by nature men are alike. It is through practice that they have become far apart."<sup>38</sup> This statement does make the claim

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<sup>36</sup> Zehou, Li. *The Chinese Aesthetic Tradition*, p. 11

<sup>37</sup> Fingarette, Herbert. *Confucius: The Secular as Sacred*, p. 6-7

<sup>38</sup> Chan, Wing-tsit. *A Sourcebook in Chinese Philosophy*, p. 45

that human nature is fundamentally the same, yet there is no claim as to how this nature is to be understood. Additionally, another problem often pointed to here is that there is no claim as to whether or not persons are born with this nature. These different readings remain as a point of contention, as it is often acknowledged that Confucius's position on human nature is somewhat unclear. Perhaps noticing the cloudiness on the topic of *ren xing* in the *Analects*, Mengzi and Xunzi made strides to provide clarification here, and much of their prospective views are based around this.

Key to Confucian political philosophy is the consideration of proper governance through a supreme ruler. Ideally, the ruler was one who had secured the four virtues mentioned above. For Mengzi, the ruler as well as all persons were to cultivate their nature. Xunzi's view states that the development of one's nature is due to self-reformation, or correcting. This will be examined further in this chapter. In any case, this is important to note as the discussion moves forward, as the view that the ruler should retain certain virtues will play into the new formulation of what it means to be a legitimate authority.

The development of a ruling position was often credited as stemming from conflict. The Warring States period, it has been argued, helped to centralize power in the ancient Chinese Empire.<sup>39</sup> During this time, many factions across the country were looking to expand their control and territories through the use of power – and power seemed to be equivocated with violence by most. It was through violence that the single ruler was born. Violence, in a chaotic time involving an unstable system of governance, caused the population to realize the importance of some type of leadership. When individuals in the population began to form groups, they also began to select varying chiefs for those groups. As the groups became larger in size, through combining or a growth in populace, there was a shift needed in leadership. While these smaller

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<sup>39</sup> Lewis, Mark. "The Just War in Early China", p. 190

groups may have only needed leaders akin to chiefs, the development of larger factions saw a need for more powerful leaders. These leaders, now known as princes, had much more expansive dominion and may have been like the types of leadership in place during the Warring States period. Yet, there still remained widespread violence, as the 8 established states sought to gain control of early China. Finally in the year 221 BCE, Qin Shi Huang, the “prince” of Qin, having overtaken the other princes and their states, was established as the ruler under a unified China. Thus, in short, violence gave rise to chiefs. Chiefs gave rise to princes. Princes gave rise to the true ruler.<sup>40</sup>

The classical Confucian position on warfare places a high emphasis on the autonomy retained by the Emperor. In works such as the *Art of Warfare*, priority is given to a formulation of military strategy using deception, maneuver, and positional advantage. However, the Confucians argued against this. Instead, early Confucians generally stressed that the use of the military was to be punitive. That is, the ruler was to use the military only in order to punish criminal behavior or suppress rebellion against the throne.<sup>41</sup> A legitimate ruler, on the Confucian paradigm, reserved the ability to correctly “complete things”. That is the sage ruler was able to complete themselves by cultivating or reforming their nature resulting in an increased ability to lead justly and effectively. Additionally, in this context, completing things may be referencing the task of appropriately handling persons or resources with propriety. This was a key feature of the true ruler.<sup>42</sup>

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<sup>40</sup> *Ibid.*, p. 189-190

<sup>41</sup> See *Mengzi* 7B2, and *Xunzi* chp. 15, 31

<sup>42</sup> Allen, Barry. “War as a Problem of Knowledge”, p. 3

## *Mengzi*

Mengzi's view on human nature, which has been written about extensively, was that it is fundamentally good. He portrays his position in book 6A of the *Mengzi* beginning with a debate with fellow philosopher Gaozi. Gaozi argues that human nature is at its base neutral, using an analogy to a pool of water. He states that by making an opening on the east side of the pool results in the water flowing east, while if the opening is on the west side the water will flow west. The water does not “distinguish between east and west” much like human nature does not distinguish between good and evil. Mengzi, using Gaozi's analogy of water, concedes that indeed water does not distinguish between east and west, but makes the claim that water does distinguish between up and down. Water tends to flow downwards. In much the same way, human nature tends towards goodness.<sup>43</sup>

This debate in the *Mengzi* begins the contemplation of human nature as being good from birth. For Mengzi, humans are born with innate tendencies – what he calls *si duan* (四端), or “four sprouts”, towards the four virtues of Confucianism. He writes that:

[I]f one is without the heart of compassion, one is not a human. If one is without the heart of disdain, one is not a human. If one is without the heart of deference, one is not a human. If one is without the heart of approval and disapproval, one is not a human. The heart of compassion is the sprout of benevolence. The heart of disdain is the sprout of righteousness. The heart of deference is the sprout of propriety. The heart of approval and disapproval is the sprout of wisdom.<sup>44</sup>

There are some important implications to make note of here. With Mengzi's claim that all humans are born with these “sprouts” or tendencies towards goodness, there is also the claim that all humans are fundamentally equal, as he writes “The sage and I are the same in kind”.<sup>45</sup> He

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<sup>43</sup> Ivanhoe, P.J., and Bryan Van Norden. “Mengzi”, p. 145

<sup>44</sup> Mengzi, and Bryan Van Norden. *Mengzi*, p. 46

<sup>45</sup> *Ibid.*, p. 150

draws an analogy to stalks of wheat, claiming that while there may be differences in varying stalks of wheat, the differences are due to the quality of the soil, the availability of nourishment (e.g., rain, dew), and the commitment of the farmer.<sup>46</sup> In the same way, persons are subject to their environment, including living situations as well as the other humans who interact with them. Because he saw humans as being equal insofar as they have a nature that is good, each person also has the capacity to become a sage through self-cultivation. But how does this cultivation take place?

Mengzi argued that, while human nature may be originally good, this does not mean that persons are good. Since humans are only born with a natural propensity towards goodness, these *duan* must be cultivated and shaped. The task of self-cultivation for Mengzi, it has been noted, comes hand-in-hand with the development of one's nature.<sup>47</sup> Proper, active self-reflection provides one with a means to recognize the individual nature that has been inscribed upon their heart by *Tian* (天). Reflection here is of supreme importance, as it is necessary for the process of cultivating the *duan* and proper self-development. The sage-ruler engaged in critical self-reflection is able to extend his virtue to the whole of the military, thusly nourishing their moral sprouts and bringing order.<sup>48</sup>

While the retention of the ability to self-reflect may be seen as a prerequisite, the fruition of the sprouts are chiefly due to proper education, especially in the realm of ethics, and a healthy environment.<sup>49</sup> On Mengzi's view, one's failure to fill out their *duan* results in the deviant

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<sup>46</sup> *Ibid.*, p. 150

<sup>47</sup> Ivanhoe, PJ. *Confucian Moral Self-Cultivation*, p. 17

<sup>48</sup> *Ibid.*, p. 20

<sup>49</sup> Mengzi, and Bryan Van Norden. *Mengzi*, p. xxix

behavior often found in humans. The cultivation of this sort is not something that one can accomplish on their own, but is something that must be done cooperatively. That is, humans must build up one another in order to fully actualize themselves. Persons working together, helping each other cultivate *ren* within and for humanity, serves the ever-ensuing task of achieving *hé*, or “harmony”.<sup>50</sup>

The stipulations for a healthy environment involve having one’s basic needs met. This includes things such as having meaningful relationships with other people, as well as ample access to food and water. It is important to note here that while Mengzi acknowledged the importance of having healthy relationships with other humans, he stressed that one must learn to love their own family before they can properly love strangers. He writes:

That which people are capable of without studying is their best capability. That which they know without pondering is their best knowledge. Among babes in arms there is none that does not know to love its parents. When they grow older there is none that does not know to respect its elder brother. Treating one’s parents as parents is benevolence [*ren*]. Respecting one’s elders is righteousness. There is nothing else to do but extend these to the world.<sup>51</sup>

Here we see the clear case presented that through having love for one’s parents and respect for one’s elders contributes to being able to spread one’s love to the greater population. This plays in to the larger theme of having the right responses to certain situations. Incorporating the four virtues is viewed as being key to making proper judgments and formulating appropriate responses. Mengzi presents a portrait of this with the story of King Xuan and the ox. As the king watched an ox being led to slaughter, he could not help but notice terror in the ox’s demeanor. Perceiving this, the king was inflicted with a profound sense of *ren*. This resulted in

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<sup>50</sup> See Roger T. Ames’s “*Li* and the A-theistic Religiousness of Classical Confucianism.”

<sup>51</sup> Mengzi, and Bryan Van Norden. *Mengzi*, p. 174-175

the ruler sparing the ox, and was acknowledged to be a display of benevolence towards the situation.<sup>52</sup>

Ethical education is also of ultimate importance for the cultivation of oneself as we see in *Mengzi* 3A4. Mengzi makes the claims that while people may have their basic needs met, they must have proper ethical instruction as well. Without it they “come close to being animals”.<sup>53</sup> This type of education should be carried out by a wise instructor. While this sort of guidance is of great importance, Mengzi is careful to note that although a mentor may provide the necessary tools to cultivate one’s ethical being, further “skill” is required.<sup>54</sup> This “skill” must come from self-reflection, and results in developing a “flood-like *qi*”.<sup>55</sup> The type of *qi* (氣) Mengzi refers to, translated as “vital life-force” or “energy”, is viewed as an “energy of moral courage” or the motivation that provides one a means to cope with challenging moral dilemmas.<sup>56</sup> It is recognized as being “supremely great and supremely unyielding” as it “unites righteousness with the Way”.<sup>57</sup> Developing this type of *qi* and the sprouts of virtue is of central importance, especially for the ruler in dealing with state affairs, such as warfare.

With Mengzi’s account, and considering his conceptions of *ren xing*, the true ruler was expected to have cultivated and maintained the sprouts of benevolence, righteousness, wisdom, and ritual propriety. The ruler’s cultivation of the *duan* and retention of key virtues would

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<sup>52</sup> Mengzi, and DC Lau. *Mencius*, p. 55

<sup>53</sup> Mengzi, and Bryan Van Norden. *Mengzi*, p. 71

<sup>54</sup> *Ibid.*, p. 186

<sup>55</sup> *Ibid.*, p. 38

<sup>56</sup> Ivanhoe, PJ. *Confucian Moral Self-Cultivation*, p. 20

<sup>57</sup> Mengzi, and Bryan Van Norden. *Mengzi*, p. 39

nullify the need to engage in battle. This is because, on Mengzi's view, enemies would readily submit themselves to a truly virtuous ruler. He writes that "if the ruler of a state is fond of benevolence, he will have no enemies in the world".<sup>58</sup> The true king, having this deep love for humanity, would therefore avoid types of outward aggression. The ruler's benevolence, as being noticed by his subjects, would create in them the desire to serve such a king. But what of outside states and militaries?

While warfare was generally viewed as having to be punitive in nature, Mengzi did clearly acknowledge the need for self-defense against foreign aggressors as he suggests digging moats, building walls, and protecting these obstructions "side-by-side with the people".<sup>59</sup> This was a decision that was left completely up to the true king. A parallel to Just War Theory may be pointed to here. In deciding on whether or not to engage in a war on the grounds of self-defense, it was the job of the ruler to calculate the overall benefit that would be gained against the harms that may be endured by the people of the state.<sup>60</sup> Just War Theory calls this a calculation of proportionality. It must be such that the overall benefits of engaging in battle outweigh the harms to the people, whose well-being is the highest priority of the true king.<sup>61</sup>

### *Xunzi*

Pitted against Mengzi in the debate on *ren xing* is Xunzi. While Mengzi claims that human nature is fundamentally good, Xunzi argued that human nature is instead bad/evil. The

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<sup>58</sup> *Ibid.*, p. 186

<sup>59</sup> *Ibid.*, p. 30

<sup>60</sup> Twiss, Sumner, and Jonathan Chan. "The Classical Confucian Position on the Legitimate Use of Military Force", p. 458

<sup>61</sup> *Ibid.*, p. 458



title of his chapter on this subject is just that, “Human Nature is Bad”, sometime translated as “Bad/Evil Nature”. There is disagreement among scholars on what exactly Xunzi’s theory is here. Some make the claim that he was indeed arguing that human nature is bad, as the chapter title suggests. However, another common view is that he was actually claiming that human nature is pre-moral. That is, we are born with a-moral desires that, if left to develop on their own without any influence, would evolve into vices. Some have argued that understanding the chapter translated as “Human Nature is Bad” was used to catch a reader’s attention, as this directly opposes Mengzi’s view. However, the chapter translated as “Bad/Evil Nature” seems to reflect Xunzi’s actual position more accurately. In any case, it is important to note here that Xunzi was not making the claim that humans enjoy committing atrocities, but rather his assertion is that humans are without any inborn moral compass pointing them to proper conduct.<sup>62</sup>

The opening line from this chapter states that because human nature is bad, humans must exert deliberate effort in order to become good.<sup>63</sup> He claims that from birth, since humans are without an inborn moral guide, desires arise and struggles ensue. Yet, like Mengzi, Xunzi also was of the belief that humans have the capabilities to reach moral perfection – and here can be found Xunzi’s notion of “deliberate effort”, or *wei* (爲). He attempts to bring his doctrine on *ren xing* and *wei* together with a passage in Chapter 19:

Thus, I say that human nature is the original beginning and the raw material, and deliberate effort is to pattern and order it and make it exalted...Human nature and deliberate effort must unite, and then the reputation of the sage and the work of unifying all under heaven is thereupon brought to completion...When human nature and deliberate effort unite, then all under *Tian* is ordered.<sup>64</sup>

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<sup>62</sup> Ivanhoe, PJ. *Confucian Moral Self-Cultivation*, p. 29-42

<sup>63</sup> Xunzi, and Eric L. Hutton. *Xunzi*, p. 248

<sup>64</sup> Ivanhoe, PJ, and Bryan Van Norden. “Xunzi”, p. 281

The effort on humans' part to rectify themselves is a long and difficult process. Small increments of progress must be taken towards moral perfection. This is reminiscent of the old adage "How do you eat an elephant?" The answer being "One bite at a time." This may be a rather silly example, but it does clearly purport Xunzi's point on obtaining the heart of the sage. He asserts that "if you do not accumulate little steps, you will have no way to go a thousand *li* (里). If you do not accumulate small streams, you will have no way to form a river or sea."<sup>65</sup> Self-transformation on Xunzi's view is slow and must constantly be worked at. He also uses the analogy of crooked wood to explain this. Humans are compared to crooked wood, which must "await steaming and straightening on the shaping frame, and only then does it become straight", or, in the case of humans, virtuous.<sup>66</sup>

Similarly to Mengzi's view, learning is also placed in high regard. Learning on Xunzi's account involved studying the classics of Confucianism at the time. Yet it was not enough to merely study them, but in order to engage in proper education, one was expected to incorporate the texts into their daily lives. Recitation of these works was viewed as helping to bring to fruition their tenets. Proper learning also involves a reverence for and the practice of ritual propriety.<sup>67</sup> He writes that "ritual and the standards of righteousness are what the sage produces. They are things that people become capable of through learning, things that are achieved through working at them."<sup>68</sup>

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<sup>65</sup> *Ibid.*, p. 257

<sup>66</sup> *Ibid.*, p. 298

<sup>67</sup> *Ibid.*, p. 258

<sup>68</sup> *Ibid.*, p. 299

Self-renewal for Xunzi takes place in carrying out righteousness through ritual. He asserts that the exemplary person's attainment of *ren* is due ultimately to ritual practice as he writes in Chapter 27:

The gentleman dwells in benevolence by means of righteousness, and only then is it benevolence. He carries out righteousness by means of ritual, and only then is it righteousness. In conducting ritual, he returns to the roots of things and completes the branches of things, and only then is it ritual. When all three are thoroughly mastered, only then is it the Way...<sup>69</sup>

The central point here is that in order for one to maintain a strong sense of benevolence, one must uphold righteousness through ritual propriety. *Li* serves to instill within the people a sense of regulation and rectitude.

Ritual was seen by Xunzi to be of the utmost importance. It was key to correctly ordering society. By the external practice of ritual, humans could help to bring order to their inner-selves, and without it neither morality nor humanity could be perfected. Ritual helped to bring about moral nourishment, and provided the ruler a means to bring structure to the empire. A true ruler (legitimate authority) implemented *li* correctly, and by doing so ordered his realm in accordance with proper virtue.

According to Xunzi, *li* has three components: Heaven/Earth, ancestors, and kings/teachers. Heaven and Earth are viewed as bringing about life in a very general sense. Ancestors are responsible for bringing about particular instances of life. Kings and teachers are credited with maintaining order throughout society.<sup>70</sup>

Contrasted to the Mengzi's notion of the true king having to cultivate the sprouts of virtue, Xunzi's account emphasized the importance of the ruler in creating social order within the

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<sup>69</sup> *Ibid.*, p. 306

<sup>70</sup> *Ibid.*, p. 275-276

realm. Because his view on *ren xing* claims that fundamentally humans lack an inborn guide to moral behavior, it was the true king that could bring harmony to the society by enforcing an adherence to ritual propriety. Here can be seen the shift from holding in high regard the “old martial elite” to recognizing that the military was a state power “which was proper only if guided by a single ruler.”<sup>71</sup> Xunzi writes that:

The state is the most efficacious instrument in the world, and to be ruler of men is the most efficacious power in the world. If you take the *dao* to hold on to these, then you will have great security and great honor – they will be a wellspring of accumulated goods.<sup>72</sup>

Being that such a high emphasis was placed on the ruler, it was of key importance that the Son of *Tian* retained the Confucian virtues of benevolence and righteousness. In doing so, it was argued that there would be no need for warfare, as the people would flock to a principled leader.

An important point may be made here. The idea mentioned above may be extended to thoughts on legitimate authority. If we understand a legitimate authority as possessing the qualities of humaneness and righteousness/justness, a more robust understanding is presented. Instead of the legitimate authority only being so because of legislative processes, they should also possess qualities fitting of a leadership position. Traditional Just War Theory’s understanding of legitimate authority may thusly be amended to include the retention of these or similar virtues by the ruler/leader, resulting in a more just understanding of the stipulation of legitimate authority.

Given his conceptions of human nature, persons are predisposed to chaos and violence. It is the ruler, who has been properly rectified due to their implementation of righteousness through ritual propriety and who has engaged in copious amounts of ethical learning, that can properly

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<sup>71</sup> *Ibid.*, p. 189

<sup>72</sup> Xunzi, and Eric L. Hutton. *Xunzi*, p. 99

bring about order to the anarchic state of persons. He writes that when the ruler with a retention of *ren*:

...has the use of a state, day by day he becomes more perceptive. Among the feudal lords, those who early on comply with him will be secure. Those who delay in complying with him will be endangered. Those who think to become a rival to him will have their territory reduced. Those who fight against him will perish.<sup>73</sup>

This passage hints towards a suggestion of swift justice on the part of the ruler. Quick order must be brought to those subordinates who do not show loyalty to the state. In readily doling out punitive expeditions against these types of usurpers, the ruler maintains regulation in the kingdom. This line of thought would go on to influence the “Two Handles” philosophy of Han Fei, and contribute to the school of Legalism.

Xunzi also gives a portrait of proportionality, as he claimed that the “true king does not commit his army to the field for more than a single season.”<sup>74</sup> There are several reasons for this. Many soldiers were also committed to familial roles as well as having tasks such as tending and harvesting crops. If the soldiers were constantly away on military expeditions, the family structure would either become damaged or dissolve completely. Additionally, heavier responsibility would fall to those left behind, as they would then be charged to maintain the season’s crop yield. Taking these implications in conjunction, chaos would be expected to ensue. By placing limits on the amount of time that soldiers were away from home, the ruler sought to retain order and minimize disruption to the lives of his subjects – soldiers and civilians alike.

Moreover, Xunzi does seem to give some autonomy to military generals in these types of calculations regarding when to engage in battle. It is permissible for a general to refuse

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<sup>73</sup> *Ibid.*, p. 147

<sup>74</sup> Twiss, Sumner, and Jonathan Chan. "The Classical Confucian Position on the Legitimate Use of Military Force", p. 460

submission to a ruler's order if the command is illogical, as well as when there is no hope for a victorious campaign. Under a corrupted ruler, decisions of this capacity fall to the generals. Therefore, skill in proportionality calculations must be honed – not only by the emperor, but by the generals as well. A true king, however, having reformed his nature in accordance with *li*, *ren*, and righteousness would not request these types of martial absurdities. As the sage-king is “trustworthy”, strategies/commands are viewed to be certain. This entails that the ruler does not proceed with commands that may be dubious, but only acts when he possesses deep understanding and clarity of the enemy and/or situation.<sup>75</sup>

### *Synthesis*

Overall, and in reference back to the Just War doctrine, Mengzi and Xunzi both held that the dominant purpose for warfare was to be punitive in nature. Therefore, we see clearly here the primary *jus ad bellum* for Confucian thought. Disorderly conduct within the realm called for the ruler to instigate an expedition of punishment. However, it is important to keep in mind that the king should not rely on “commands, threats, regulations, punishments, and force”, but should instead seek to rectify, regulate, and structure the empire by implementing stringent ritual propriety.<sup>76</sup>

Here we can see a difference between the Confucian views on what might constitute legitimate authority and that of the received tradition of Just War Theory. To revisit, the current understanding of Just War Theory posits that the legitimate authority is the legal leader of a nation or state. The legal ruler or figurehead is the only entity that can declare a war in order for

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<sup>75</sup> Xunzi, and Eric L. Hutton. *Xunzi*, p. 152-153

<sup>76</sup> Fingarette, Herbert. *Confucius: The Secular as Sacred*, p. 8

it to be just. However, it does seem like this formulation of a legitimate ruler does not hold much weight, especially in the consideration of justice. Adolf Hitler was a legitimate authority on these grounds because he came to power through legal means. What I want to suggest is that we expand our understanding of what it means to be a legitimate authority by incorporating Confucian ideas into this conception. Legality should not be the only reason a person or entity is considered a legitimate authority. Of course, the legislative process should play a role, but the true leader should also exemplify virtuous qualities that are favored in ruling positions.

Both Mengzi and Xunzi purport the importance of *li* in ordering the state. Mengzi asserts:

If the benevolent and the good and wise are not trusted, the state will only be a shell; if the rites [*li*] and rightness are absent, the distinction between superior and inferior will not be observed; if government is not properly regulated, the state will not have enough resources to meet expenditure.<sup>77</sup>

Here rites are viewed as being key to proper governance. The ruler's adherence to ritual propriety contributes to a well-ordered state. The true king, having grasped the essence of *li*, then extends this knowledge to the larger society; and a realm with the proper implementation of rites cannot be disordered. Rites, it seems, imply order. Xunzi gives a similar view by asserting that if the true ruler is someone worthy of admiration, then the state will be well-ordered. This is because the king "exalts ritual and values righteousness".<sup>78</sup> By not placing emphasis on rites or righteousness, the emperor runs the great risk of contributing to a weak, disordered, and chaotic larger community.

Furthermore, not only should the king instill ritual propriety throughout the state, but he ought also seek to spread *li* to military campaigns and the army itself. A well-ordered militia,

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<sup>77</sup> Mengzi, and DC Lau. *Mencius*, p. 196

<sup>78</sup> Xunzi, and Eric L. Hutton. *Xunzi*, p. 148

carrying out punitive expeditions seeks to “correct” uprisings and usurpers, which is to bring about a strong sense of ritual propriety. Mengzi writes that there are no persons who do not wish to be rectified.<sup>79</sup> This is made possible through a properly ordered military. Echoing this point is Xunzi, as he writes:

And so, when a *ren* person is in charge of those below, the hundred generals share one heart, and the three armies merge their strengths...Ritual, righteousness, and transformation through education – these make one’s forces coordinated...[U]sing deception to go up against coordination can be compared to seeking to topple Mount Tai using only the blade of an awl.<sup>80</sup>

With this passage is the suggestion that a properly ordered military engaged in *yi-bing* would be insurmountable against belligerents employing deception. This also perhaps shows a slight against the more Daoist approaches to war found in Sunzi’s great work, which emphasizes a sort of deceit in military affairs. A well-ordered army would thusly be able to spread *li* throughout the realm and extend propriety to the whole world.<sup>81</sup>

While the true king is often cited in discussions of *yi-bing*, it is important to note here that the Confucian tradition, including both Mengzi and Xunzi recognized the fallibility of humans. The ruler was not above this. Actions such as piracy, the invasion of another state merely for acquisition of territory or goods, and the unwarranted murdering of the empire’s citizens are seen as “unjust” and disorderly. If the king’s power devolved into a type of tyranny, then the king could be removed from the position by a legitimate force wielding the Mandate of *Tian*.<sup>82</sup> Barring any reference to the metaphysical claims to the position of power, the thought of defying

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<sup>79</sup> Mengzi, and DC Lau. *Mencius* 7B4

<sup>80</sup> Xunzi, and Eric L. Hutton. *Xunzi*, p. 146-150

<sup>81</sup> See *Mengzi* 7B13, and *Xunzi* 15.405

<sup>82</sup> Twiss, Sumner, and Jonathan Chan. "The Classical Confucian Position on the Legitimate Use of Military Force", p. 452



the legitimate authority will be important to remember as the discussion moves forward analyzing cases in the next chapter.

What I have attempted to show here is that conceptions of *ren xing* on both Mengzi's and Xunzi's views are central to their overall doctrines – specifically in the case of thoughts on righteous warfare. Though they differ drastically on their conceptions of the core characteristic of human nature, they do agree upon the ability of persons to perfect themselves<sup>83</sup> - though the way in which this perfection is actualized differs. An overlap, however, lies in their emphasis on proper learning and education. Additionally, both stressed the importance of benevolence, propriety, and righteousness from the peasant to the sage-king. The sage-king's retention of these virtues was seen as fundamentally important to maintaining an ordered and noble realm, as well as their overall doctrines on *yi-bing*.

With this point, we may expand our understanding of legitimate authority from simply being whomever is legally designated to play that role to include being able to handle affairs with competency, benevolence, and propriety. This more robust understanding of legitimate authority only serves to increase the overall “just-ness” of the *jus ad bellum* category of Just War Theory.

### ***Jian Ai and War***

Most notably in the *Mozi* with regards to warfare are the *Fei Gong*, “Against Offensive War” or “Against Attacking”, chapters. Clearly, and simply by reading the title, one can assume the Mohist position is against aggressive war. However, the subtleties within the chapters warrant discussion. Additionally, I would be remiss if I did not include a discussion of the *Jian*

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<sup>83</sup> Chan, Wing-tsit. *A Sourcebook in Chinese Philosophy*, p. 115

*Ai* chapters. I believe that Mozi's position on impartial care plays a pivotal role in the Mohist project of what constitutes justice in going to war.

This section will focus on a discussion of Mozi's account of *Jian Ai*, and his claims that, if executed appropriately peace would ensue. This will begin a dialogue with reference to Pacifism. Conversely, while the real world may strive to a form of perfected impartial care manifested in mutual aid (care), at this moment in the march of history no such concern exists. This will bring the discussion to another point – that is, the discussion here will shift from *jian ai* understood in terms of mutual care as a form of pacifism to the concept being applied in the case of humanitarian aid. Humanitarian aid is understood to be one case in which the Western doctrine of Just War Theory cites as being permissible for a state to engage in combat. The second major justifiable reason for going to war on the Just War paradigm is that of self-defense. Mozi's *Fei Gong* chapters additionally provide insight into issues of humanitarian aid, but also further conceptions of self-defense in regards to just cause.

The tradition of Mohism is often studied in opposition to the school of Confucianism. Within Mohism, social action is placed in a high regard. Mozi himself advocated for a utopian society, and led his followers charismatically to adhere to and practice his form of social justice. His ideal state would have been one in which there was ideological unification among the citizens, entailing a highly organized and well-ordered structure of government. The concept of *ren* (仁) discussed above is most often referenced in regards to Confucianism, and indeed this is where the notion was cultivated. *Ren* is also discussed throughout the works of Mozi, however the emphasis of the tradition is not placed upon this virtue. They are actually quite critical of the concept of *ren*, as they view it as a sort of tiered concern as opposed to their project of impartial care. Instead, the Mohists embraced a sort of state utilitarianism. They, above all else, desired to

maximize three fundamental assets contributing to the good of the state. The population, wealth, and regulation of the land were of the utmost importance in maintaining a fruitful and cohesive system of government.<sup>84</sup>

Mozi's concern for social welfare can be seen throughout his works, but for our purposes, a focus will be placed on his chapters dealing with *jian ai* and warfare.<sup>85</sup> Any scholar with knowledge of the Mohist project will most likely know that Mozi advocated for *jian ai*, “impartial care”, and stood staunchly opposed to aggressive warfare. Indeed, Mozi himself led members of his type of utopian movement to participate in social actions including martial affairs in which they would come to the defense of villages, cities, and states that he deemed to be the subjects of aggressive or unjust wars.<sup>86</sup> Clearly, he believed strongly in the content of these chapters as he put into practice his own teachings. In order to fully appreciate his positions here, an explication of the concept of *jian ai* will be most helpful. This will assist as the discussion moves forward considering that I will be addressing this concept in the larger context of the Mohist position regarding the military and martial affairs.

*Jian Ai* (兼愛) is a crucial concept to the Mohist tradition. It is translated in numerous ways by scholars of Chinese thought with subtle differences – each carrying certain connotations. Some of these ways include “universal love”<sup>87</sup>, “impartial love”<sup>88</sup>, “inclusive

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<sup>84</sup> Ivanhoe, PJ, and Bryan Van Norden. “Mozi”, p. 60

<sup>85</sup> A discussion of the translation of the term *jian ai* takes place below.

<sup>86</sup> Ivanhoe, PJ, and Bryan Van Norden. “Mozi”, p. 60

<sup>87</sup> Wing-tsit Chan in *A Sourcebook in Chinese Philosophy*, and Ian Johnston's translation of the *Mozi*, which has become a standard in Mohist scholarship, employ this interpretation of *jian ai*.

<sup>88</sup> This translation comes from an article written by Benjamin Wong and Hui-Chieh Loy, “War and Ghosts in Mozi's Political Philosophy”.

care”<sup>89</sup>, and “impartial care”.<sup>90</sup> For the purposes of this project, I will elect to use “impartial care”. This interpretation seems to fit better in the discussion of warfare. It seems somewhat odd to speak of states or citizens of states as having “love” for another nation, however understanding *ai* as “care” or “concern” lends itself to a more fitting discussion in this context.

Chapters 14, 15, and 16 of the book of *Mozi* are dedicated to the idea of “impartial care”, however it is important to note that the nuances of the term are slightly different in each of the sections. Dan Robins points out that in chapters 14 and 15, when the writers speak of having “care”, it is often accompanied by the term *xiang* (相), meaning “one another”. He claims that understood in this context, impartial care most likely implied a sort of reciprocity between the practitioners. That is, a society whose members engaged in impartial care across the boards would care for one another and would themselves be cared for in return. Chapters 15 and 16 see the term coupled with *li* (利), or “benefiting” – another key concept in the Mohist tradition. The arguments in chapters 15 and 16 explicitly connect caring for others with bringing benefit to others. As opposed to chapters 14 and 15, chapter 16 focuses less on the reciprocal understanding of the term, as it is likely that when this section was completed it was recognized that their doctrine enforced persons to care for others despite situations where the concern could not be mutual.<sup>91</sup>

In regards to the role that impartial care plays into the Mohist position on ethical warfare, it is a point of contention. It is clear that contained within the chapters in the *Mozi* on aggressive warfare that the utilitarian reasoning behind impartial concern is present, however the concept is

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<sup>89</sup> Dan Robins prefers this translation in his article “Mohist Care”.

<sup>90</sup> Philip J. Ivanhoe and Bryan W. Van Norden prefer this interpretation to that of Chan and Johnston.

<sup>91</sup> Robins, Dan. “Mohist Care”, p. 60-61

not discussed. This has led some scholars to make the claim that instead of *jian ai* playing a significant role in these chapters, it is the Mohist writings on spirits that are more useful to understanding the *Fei Gong* chapters. This is due to the fact that in these sections of the text, there is a heavy discussion of how spirits come to guide and assist the righteous rulers in doling out punishments to states and individuals that are found to be in their opposition. This is the position of Benjamin Wong and Hui-Chieh Loy:

...A large part of this chapter is about how ghosts come to the aid of virtuous rulers in meting out condign punishment to errant individuals and states. The arguments against offensive war would therefore appear to rely much more on the arguments purporting to prove the existence of ghosts in “Explaining Ghosts” than the arguments of “Impartial Love.”<sup>92</sup>

However, here I must dissent. While there is an interesting discussion of the “Explaining Ghosts” chapters in relation to the *Fei Gong* chapters, I do not think that impartial care is rendered less important as it seems to be a very crucial, albeit underlying, concept in these sections. Therefore an analysis of *jian ai*, and the role that this concept plays in these chapters is warranted.

### *Ideal Jian Ai and Pacifism*

Clearly from a reading of the *Mozi*, it is obvious that Mohism does not expound a doctrine of pacifism. However, Chapter 14 on impartial care does seem to hint at a form of pacifism. If the conception of *jian ai* found in this section had been implemented properly, then a pacifist position would follow. It will be important to keep in mind that on this paradigm, impartial care required a sort of reciprocity between agents, whether that be individuals or sovereign entities, i.e. states. For purposes here, and in regards to pacifism, I will be making reference to states as entities.

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<sup>92</sup> Wong, Benjamin and Hui-Chieh Loy. “War and Ghosts in Mozi’s Political Philosophy”, p. 343

Chapter 14 is the shortest of the three chapters on *jian ai*, however this is where a pacifist notion may be gleaned. This chapter begins with a discussion of the importance of realizing from where disorder arises, and that it is a sage that may be able to bring order to the world by recognizing the origin of this chaos. When the sage ruler knows the source of disorder, then he is able to bring about order in the world. Through numerous examples, the origin of disorder is revealed to be a lack of mutual care. For our purposes the following passage expounds this point rather conveniently:

...Feudal lords each [care for] their own state but do not [care for] the states of others. Therefore, they attack the states of others in order to benefit their own state. Disorder in the world is entirely this and nothing else. If we examine this, from what source does it arise? In all cases it is due to lack of mutual [care].<sup>93 94</sup>

Instances of harm such as this, as well as other examples that he lays out, are the basis for suffering found in the human realm. This stems from one entity taking advantage of another in order to make some gain.

However, there is a glimmer of hope given through the concept of impartial care. If impartial care were instilled in states as policy, order would come to the world:

Would there still be...feudal lords who attacked each other's states?...If there were regard for the states of others like one's own state, who would attack? Therefore, there would be no instances of feudal lords attacking each other's states. If the world had [impartial mutual care], then states would not attack each other, households would not bring disorder to each other, there would be no thieves or robbers, and rulers, ministers, fathers, and sons could all be filial and [caring]. In this way then, there would be order in the world.<sup>95</sup>

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<sup>93</sup> Mozi. And Ian Johnston. *Mozi*, p. 74

<sup>94</sup> Here Johnston uses the word "love" for *ai*, however I have elected to replace it with "care" as this lends itself to a more practical reading for purposes here.

<sup>95</sup> Mozi. And Ian Johnston. *Mozi*, p. 74-75

With this passage, a portrait of pacifism can be recognized. Impartial care among states would result in a lack of desire to expand territory, increase wealth, or acquire resources at the cost of another nation or community. War would occupy no place in the world.

A parallel to the received tradition of pacifism discussed in the previous chapter may be drawn here. Specifically the non-violent form of pacifism may be recognized. The ideal implementation of impartial care results in this form of pacifism. Additionally, the form taken from here can skirt the problem pointed out by Narveson. To revisit her argument, she claimed that non-violent pacifism is problematic because it contains the recognition of a human right to life, yet it would be morally wrong to defend that right through the use of violence. If impartial care were instilled in all persons, one would have no need to defend oneself. States would not have to defend themselves from aggressors. This is due to the exemplification of impartial mutual care among any and all entities, both individuals and sovereign nations.

While this parallel may be of interest, it was not viewed as something immediately attainable in persons by the Mohists. They did recognize that persons are fallible, and that there would not be a complete compliance to the doctrine of *jian ai*. This is so even in the larger community of a sage-king, whom they accepted would, in fact, have to dispense punishments. In the cases of robbers, thieves, or states as aggressors, a look to chapter 16 is called for. Let us now shift our attention from focusing on *jian ai* as it informs a sort of pacifism, and examine the concept as it plays into the Mohist view on *yi-bing*.

### *Jian Ai and Just Cause*

A re-visitation of the stipulation of just cause found in Just War Theory will be helpful here. On the Just War paradigm, a just cause may be met in two ways. The first is self-defense.

If a state or a state's ally is attacked or provoked in some way, the defending state has a just cause to retaliate. Additionally, the second form of just cause may come in the form of humanitarian aid. This is a far less common reason for a state engaging in a war or conflict, but nevertheless it does happen. The chapters on war in the *Mozi* seem to address both of these concerns.

The *Fei Gong* chapters in the *Mozi* are a strong condemnation of offensive or aggressive warfare. The chapter begins with a critical argument from Mozi against the princes of the day, as they are constantly engaged in warlike activities. The act of war itself was not necessarily seen as problematic; however the reasons why the rulers of the day were pursuing conflict gave rise to the criticism from Mozi. Unjust war permeated the Warring States period as the territorial kings of the day sought to expand their own territory, accumulate resources, and increase wealth. The text claims that “nowadays, feudal lords only know to [care for] their own states but not to [care for] the states of others; they have no qualms about mobilizing their own state to attack another's state.”<sup>96</sup> Additionally, these leaders were fighting for control of the entire nation of China by any means necessary. Mozi's criticism was due to the observation of these seemingly unjust reasons.

He begins by drawing a parallel to thieves and robbers. They are compared to states that enter another territory seeking to take over allotments of resources. Mozi claims that if a thief steals livestock or other goods from another person, this act is condemned by onlookers and determined to be unjust. Yet, he argues that when it is a state that is involved with these sorts of activities on a much grander scale, observers claim that the nation is righteous. Increasing wealth and/or gaining honor and glory were seen as righteous by princes of the day as well as by

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<sup>96</sup> *Ibid.*, p. 76



their followers. This may be due to the viewing of these pursuits as being somewhat intrinsically valuable to a certain extent. Mozi denies this thesis and claims that wars fought for these reasons are not righteous. The harming of others in order to benefit oneself or one's nation is unjust on the Mohist paradigm as the aggressor is viewed as certainly lacking *jian ai*.<sup>97</sup> Aggressive warfare not only brings about harm to the people, but it is also economically senseless on the Mohist paradigm.

Here a parallel to the *jus ad bellum* condition of proportionality can be drawn. In traditional Just War Theory, this precept recognizes the great amount of harm and destruction that war brings about, having dire effects on the population – hence the need for a cost vs. benefit calculation. This is a similar view found in the *Mozi*, however the Mohists also claim that aggressive war is economically senseless. This idea is found in several places in chapter 19, where the writers claim that engaging in offensive war wastes great amounts of resources, which in turn has a negative effect on “the very foundations of people's lives.”<sup>98</sup> Furthermore, aggressive military activity unnecessarily calls away high ranking officials from their positions in court. In doing so, they do not have time for their official duties. Farmers are summoned to participate as soldiers, and therefore cannot attend to their crops. The common people suffer because of this. Passage 19.9 expounds this point:

If attack and reduction were replaced by good order in our state, the efficacy would certainly be multiplied. If we calculated the cost involved in raising an army to protect against the evils of the feudal lords, we could see that we would certainly be able to obtain substantial benefit from the avoidance of aggressive warfare...this would be of incalculable benefit to the world.<sup>99</sup>

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<sup>97</sup> *Ibid.*, p. 91-93

<sup>98</sup> *Ibid.*, p. 101

<sup>99</sup> *Ibid.*, p. 105-106

Thoughts on proportionality like these are apparent in the *Mozi*, and play a central role in the rejection of offensive war.

For Mozi, and similarly to the Just War tradition, while aggressive war is condemned for the reasons mentioned above, the case may be made that there are two reasons to engage in battle, and these reasons were seen as justifiable. *Jian ai* plays an important role in the condition of humanitarian aid. The formulation of this concept in Chapter 16 lends itself to this interpretation. This chapter presents cases in which the strong dominate the weak in order to benefit themselves. They take advantage of the inferior's vulnerabilities for their own gain. Not only do more powerful individuals exploit the weak, but this is true of states as well.

It is apparent in the *Mozi* that there were cases that called for humanitarian aid on the part of some states. If the feudal lords or ruler of a particular state implemented *jian ai* into their own practice, they would have no qualms with engaging in this sort of assistance. Their primary goal would have been to benefit people universally, meaning that they did not discriminate between citizens of their respective states and the population of a state in need of martial aid. The application of impartial caring into their own lives would result in the condemnation of aggressive states lacking *yi*. Furthermore, if these aggressive states were large and attacking smaller states, the feudal lords and rulers exemplifying *jian ai* “would join in rescuing it.”<sup>100</sup> A small state in need of fortifications to defend their cities would also receive assistance in the form of laborers and resources. Clearly, humanitarian aid was something that the Mohists not only considered to be a just cause for engaging in combat, but also viewed as a course of action consistent with the doctrine of *jian ai*.

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<sup>100</sup> *Ibid.*, p. 105

The names of the chapters in the *Mozi* on this topic suggest that defensive warfare is permissible. Otherwise why would the titles only address aggressive warfare? Furthermore Mohism, much like the Confucian position described above, discusses warfare as a form of punishment. States or territories that were in disorder or that sought to overthrow the true leader were in need to rectification. Punishment by means of warfare was viewed as a necessary evil by the Mohists. In this way, it seems that punishment could be taken as a type of self-defense.<sup>101</sup>

Disorder among states brought about harm to the people. Disorder arose for many reasons, however in the context of defensive warfare:

...rulers not being kind, ministers not being loyal, fathers not being compassionate, and sons not being filial are among the world's harms too. Furthermore, at the present time, base men make use of weapons, poison, water, and fire to injure and harm one another. This too is harmful to the world.<sup>102</sup>

Noticing this, the sage-king was able restore order through military intervention. If one truly wished to be a sage-king, there would have to have been a condemnation of offensive warfare, with the desire to order the order the realm and bring benefit to the people of the world. The way in which this was accomplished was through incorporating and practicing *jian ai*.

Impartial caring served as a guide to the ruler and people in many aspects of life, but especially in regards to the conducting of military affairs. As was explained, the doctrine of *jian ai* informs a portrait of Mohist pacifism. However, there was a recognition that not all persons would adhere to this view. This observation resulted in a formulation of just cause from the Mohist tradition. That is, a proper implementation of *jian ai* would yield a predisposition to humanitarian aid when smaller states needed such assistance. Additionally, a sage-king would

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<sup>101</sup> *Ibid.*, p. 102-103

<sup>102</sup> *Ibid.*, p. Pg 81

use warfare as self-defense in the form of punishment against those wishing to cause disorder in the kingdom.

## CHAPTER 3: APPLICATIONS

In this chapter, I seek to apply the theories that I have discussed in the previous two chapters. First, I briefly look to the positions of pacifism and realism, and consider to what extent these positions have been implemented in the past. Next, I examine the second Iraq war using traditional Just War Theory's Just Cause stipulation, and ask whether or not the United States met this condition with its invasion of Iraq. I also use the new formulation of legitimate authority involving Confucian conceptions of the true ruler to examine the leadership of L. Paul Bremer, the civilian put in charge of the Coalition Provisional Authority. Essentially, Bremer was the governor of Iraq. Additionally, I examine the Pakistani conflict of 1971, addressing India's humanitarian intervention to the Bengali people of East Pakistan. The Indian government, I claim, exemplified the Mohist concept of *jian ai* with this action.

### **Pacifism and Realism**

To begin, a recap of these approaches to war will be helpful. There are four different pacifist positions that I described in Chapter 1, however the focus was placed on anti-war pacifism. This is the view that claims that war is never morally permissible. This is because all humans are seen as having the right to life. In war many lives are lost – both military personnel and civilians suffer. It is considered to be wrong to infringe upon this right for whatever reason. Because warfare causes the loss of life on a grand scale, it is seen as something that should be avoided at all costs. Entering into or participating in a war is prohibited on this paradigm.

Due to the nature of anti-war pacifism, it is rather difficult to find a case of war that can exemplify this position. However, I would like to make further reference to the Mohist tradition regarding pacifism. As was mentioned above, if states or nations showed *jian ai* towards one another, there would be no need to engage in warfare.

Mozi said: ‘People would view others’ state as they view their own states; they would view others’ households as they view their own households; they would view other people as they view themselves. As a result, the rulers would love one another and there would be no savage battles...’<sup>103</sup>

If states and rulers demonstrated impartial care towards each other, war would be unnecessary. They would instead seek to build up and improve each other. Mutual *jian ai* would replace the need for engaging in battle with a structure of order and justice.<sup>104</sup>

Finding historical cases of realism in warfare is not difficult. Realism claims that there is no place for morality in warfare. This is a rejection of the *jus in bello* category of Just War Theory. In warfare anything goes, but some realists may hold that there must be just reasons for entering the war initially. On the other hand, some realists would also reject the *jus ad bellum* grouping of justification. In either case however, moral considerations are abandoned in the conducting of battles. There are many cases of realism throughout history.

One such example comes from Han Dynasty China found in the *Records of the Grand Historian*. Here we are presented with examples of cruel government ministers who employed “evil and deceit” in carrying out their duties. Some of these officials (e.g., Zhao Yu) retained military posts, and were especially harsh in their conducting of military affairs. There seemed to be no reference to morality in their engaging in battle. However, their influence often extended beyond the realm of warfare and permeated into the way in which they governed. This resulted

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<sup>103</sup> Mozi. And Ian Johnston. *Mozi*, p. 77

<sup>104</sup> Mozi. And Ian Johnston. *Mozi*, p. 99-106

in “those who cared for justice and virtue [being] left to rot in insignificant posts.”<sup>105</sup> A further example comes from Athenian generals in their dealing with the Melians. They sought to conquer Melos by any means necessary as is shown in their argument saying “Let us have no fine words for justice.”<sup>106</sup> Furthermore, after they had defeated the Melians, the officials of Athens ordered that all military aged men be killed, and women and children be made to work as slaves. Clearly they were acting in accordance with realism, forgoing moral considerations.<sup>107</sup>

### **Iraq 2003**

The second war in Iraq in which the United States was involved has been and still is heavily criticized by many political thinkers. This is due to the now apparent realization that the invading of Iraq by the United States had little to no substantial justification. To be sure, reasons were provided, but upon years of reflection these reasons have fallen flat.

This war, sometimes referred to as the Second Persian Gulf War, was set into motion on March 19, 2003 when President George W. Bush ordered the American military to completely disarm Iraqi forces, and to oust Saddam Hussein. The attack commenced in the early morning of March 20, and by May 1 Bush delivered his highly controversial “Mission Accomplished” speech – highly controversial perhaps because it was too strong of a claim much too soon, as most of the military and civilian casualties came after the speech was given.

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<sup>105</sup> Qian, Sima. *Records of the Grand Historian of China*, Vol. 2, p. 419

<sup>106</sup> Walzer, Michael. *Just and Unjust Wars*, p. 5

<sup>107</sup> Another example of a realist approach comes from the Pakistani army in their encounters with the Bengali people of East Pakistan. This is pointed out below.

The *jus ad bellum* reasons provided by the Bush administration began development as early as September 2002. On September 12, Bush went before the United Nations General Assembly claiming that Saddam Hussein and his government continued to develop weapons of mass destruction. He went further to say “The first time we may be certain he has a nuclear weapon is when, God forbid, he uses one.”<sup>108</sup> Bush also referenced an International Atomic Energy Report that he claimed proved that Hussein’s government was only mere months away from having a nuclear weapon. Furthermore, if Iraq did in fact have weapons of mass destruction, this was in direct violation of United Nations Security Council Resolutions. Additionally, claims were made that Iraq had produced massive amounts, 30,000 liters to be exact, of anthrax and other highly deadly biological weapons. In the State of the Union address immediately prior to the invasion, Bush claimed that the British government had collected information regarding Saddam Hussein’s acquisition of large amounts of uranium from the African continent. In a presentation to the United Nations Security Council on February 5, 2003, Secretary of State Colin Powell referenced that Iraq was linked to Al Qaeda, a group that was thought to have an active explosive and poison training camp in the northeastern part of the country.<sup>109</sup> So the major reason that the Bush Administration justified its invasion of Iraq had to do with the fact that they viewed Saddam Hussein’s regime as posing a threat to the United States. This threat was a culmination of the purported facts that 1) Iraq possessed weapons of mass destruction, 2) Iraq was continuing to develop weapons of mass destruction, both nuclear and biological, and 3) Iraq was connected to the terrorist organization Al Qaeda.

Let us recall the traditional *jus ad bellum* stipulation of just cause for engaging in warfare. This condition says that a war may be entered into justly for reasons of self-defense

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<sup>108</sup> Sterba, James P. “Iraqi War II: A Blatantly Unjust War”, p. 659

<sup>109</sup> *Ibid.*, p. 659-660



and/or in order to provide humanitarian aid. The reasons provided for the second war in Iraq align with the self-defense aspect of this condition. Self-defense must be a reaction to imminent, present, or recent acts of aggression. To revisit, prevention involves a longer time-frame and usually involves taking diplomatic steps to avoid war. Pre-emption is a reaction to an immediate and imminent threat of war.

To be sure, the United States government claimed that it viewed Iraq as a serious threat to the well-being of the country. However, there were no threats explicitly made to the United States. So, there was no apparent imminent threat to the United States. The Bush Administration was relying on speculation involving the reasons mentioned above. This being the case, it may be argued that preventative measures could have been undertaken in an attempt to avoid armed conflict. The condition of Last Resort may have been met if the approach was prevention. But the way the United States addressed these “threats” was the more severe. That is, they took an approach more akin to pre-emption. There were little to no attempts at solving the problem in a non-violent way. So the condition of Last Resort was not met in this case. However, for the sake of argument, let us suppose that a threat can be serious enough to warrant an armed military response. Did Iraq really pose this sort of threat to the United States?<sup>110</sup>

It is, of course, much easier to judge whether or not the second Iraq war was just years afterward. Most if not all current critics would classify the actions of the United States as unjust. However, a closer look at the facts presented at the time may help in classifying this war. Let us consider weapons of mass destruction in general. Clearly nuclear arms can cause great devastation on a very large scale. Cities may be reduced to rubble, and populations

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<sup>110</sup> *Ibid.*, p. 660-661

obliterated.<sup>111</sup> This would be hard to argue against. However, biological and chemical weapons are different. Chemical weapons have been used in warfare in the past, and specifically Iraq used them against Iran in the 1980's. Poison gas shells were dropped on Iran killing over 100,000 Iranians. This is certainly devastating and would qualify as mass destruction. However, in order to kill this many people, Iraq would have needed to drop nearly as many shells.<sup>112</sup> Taking this into consideration, it is hard to see how a chemical shell could be considered a weapon of mass destruction. It would also be very expensive to produce this amount of weapons of this sort, so it seems that terrorists would have a difficult time implementing their use. Additionally, biological weapons fare no better. There is no substantial evidence that proves that biological agents may be used as weapons of mass destruction, as they have only been employed in war only once. They were used by the Japanese against China in World War II, however there were no reliable medical findings on the effects of that aggression. Aum Shinrikyo used biological weapons to carry out attacks on the Japanese Parliament and the general population by spraying anthrax spores from the top of a building. Yet, these actions produced little to no effects in the least. So, it seems that chemical and biological weapons hardly meet the criteria of weapons of mass destruction.<sup>113</sup> Hence, we are left with nuclear weapons as the major, realistic weapon of mass destruction. If Iraq did possess a nuclear weapon, and was in cooperation with Al Qaeda, surely this would be cause for concern. But did Iraq have a nuclear weapon and were they connected to Al Qaeda as the Bush Administration claimed?

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<sup>111</sup> One need only consider the bombing of Hiroshima and Nagasaki in August 1945 by the United States. Many would argue that this was an extremely unjust action, as estimates show that anywhere from 150,000 – 250,000 people were killed. Of this appraisal, as many as 150,000 civilians lost their lives.

<sup>112</sup> Sterba, James P. "Iraqi War II: A Blatantly Unjust War", p. 662

<sup>113</sup> *Ibid.*, p. 663

The United Nations destroyed Iraq's potential to produce nuclear weapons after the Gulf War, and sanctions were put in place to impede Iraq's ability to import the resources necessary to produce such a weapon. Additionally, Iraq was still recovering from the Gulf War, during which many of its resources had been depleted. Furthermore, the United Nations inspectors were unable to turn up any evidence of nuclear weapons prior to the invasion in 2003. There was also failure to find a true link between Iraq and Al Qaeda. Remember that Powell's statement had claimed that the terrorist group maintained a training camp in Northeastern Iraq. This camp, however, was located in an area of the country that was not in Saddam Hussein's control.<sup>114</sup> As a matter of fact, this area was controlled by the Kurdish population. The Kurds were a serious rival to Hussein's Ba'athist regime. If anything, it seems that Saddam Hussein would have had reason to condemn this camp as it was likely linked to the Kurds. Ultimately, there was never found to be a connection between the Iraqi government and the Al Qaeda terrorist network.

So, the reasons given by the Bush Administration seem to fall flat. The very reasons they gave for the justification of going to war (*jus ad bellum* just cause) were empty. Hence the first condition of *jus ad bellum* was not met. The United States completely lacked a just cause for the invasion of Iraq in 2003. Burton M. Leiser has argued that the war was justified, citing that it was fought pre-emptively in self-defense. Yet, in the very same article he claims:

It is perhaps too soon to determine whether the war was a "just war" in the sense that used to be called *jus ad bellum* – a war that was fought for a just cause. But it is certainly a just war insofar as it was *jus in bello* – fought in accordance with the laws of war. The coalition forces did not employ outlawed weapons.<sup>115</sup>

First, it is a dubious claim to say that it was a pre-emptive war. There was no evidence of an immediate imminent threat posed to the United States by Saddam Hussein's regime. This was

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<sup>114</sup> *Ibid.*, p. 664

<sup>115</sup> Leiser, Burton M. "The Case for Iraq War II", p. 651

instead a preventative measure taken by the United States. On the Just War Paradigm, preventative actions are not and cannot be justified.<sup>116</sup> Second, it seems pointless to cite that the war was fought in a just manner if the instigation of the war is subject to being considered unjust. If a war is unjust (which it was in this case), then it seems that the actions that follow are unjust as well. Suppose someone breaks into your house, but while they are there they do your laundry or feed your dog. No one would commend the intruder for these actions because the fact that they broke into your house seems to nullify them. In the same way, how can one commend the United States for fighting justly if they were ultimately engaged in an unjust war? It is clear to see that on the traditional Just War paradigm, the second Iraq war did not meet *jus ad bellum* precepts, and therefore may be considered an unjust war.

Let us now turn our attention to another aspect of this war that came after the ousting of Saddam Hussein and his regime. L. Paul Bremer, who worked closely with Henry Kissinger<sup>117</sup>, was the civilian put in charge of Iraq after major combat operations were announced to be over by Bush. Bremer's appointment to this position made him subject to the authority of Donald Rumsfeld; however he was essentially the governor of Iraq. Legally, then, Bremer would be considered a legitimate authority in this capacity. On the traditional Just War understanding of legitimate authority, one must be designated to a ruling position by legal or legislative means. In this sense, Bremer meets the criteria. However, I would like to call this into question using a new understanding of legitimate authority, informed both by Just War Theory and Confucian thought.

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<sup>116</sup> Fotion, Nicholas. *War & Ethics*, p. 13

<sup>117</sup> Kissinger is often cited as a war criminal. Books could be written on the unjust actions he took in both Asia and South America under the administrations of Presidents Nixon and Ford.

The installation of Bremer to the position of governor of Iraq brought many problems. Bremer himself, it has been argued, had no place serving this role. This was due to his lack of experience in the region. He had very limited knowledge of Iraq or its politics before being deployed, and his inability to speak Arabic was also seen as a detriment. Many of the military leaders in Iraq at the time criticized his appointment. In any case, Bremer was still the head of the Coalition Provisional Authority (CPA). However, taking into consideration his lack of practical knowledge, it is my claim that he should not be considered a legitimate authority.

Truly Bremer meets the criteria to be considered as such on the traditional understanding of the legitimate authority clause – he was legally appointed to the position. But, my new formulation adds that the commanding official must exemplify virtues fitting of a leadership position. Bremer lacked *zhi*, or practical knowledge, needed for his role. He also seemed to be void of *ren*, benevolence, and *yi*, righteousness, as well. As a reminder, *zhi* is a quality that implies practical wisdom of how to handle situations and persons. One exemplifying this Confucian virtue is able to discern between moral categories such as right and wrong. *Ren* is the quality of humaneness, and involves ritual practice, *li*. *Li* must be carried out through righteousness involving proper conduct in certain situations. Below, I will cite some examples of actions taken by Bremer to show that he did not meet the Confucian aspect of the new formulation of legitimate authority.

Bremer arrived in Iraq in May 2003 and was surprised to find that much of Baghdad was burning, and that there were many looters. This may have been due to the fact that Iraq's infrastructure was nearly non-existent at this point. Fire departments, the army, and police forces were absent. Noticing this, Bremer decided that the most efficient way to put a stop to the looting was to have the U.S. soldiers shoot the looters. The reasoning he had in mind was

deterrent in nature. He claimed that only a few of the looters would need to be shot in order to prevent the rest of the Iraqis from plundering. However, when he suggested this plan to the top military officials, they defied his order as they claimed that looting did not provide substantial justification for one to be shot or killed. This was somewhat embarrassing for Bremer on his first day in Iraq, and shows that he lacked a certain form of *ren* towards the citizens of Iraq. Furthermore, alluding to Xunzi above, generals are allowed to go against orders from the ruler if they are illogical or unjust. In this case, stealing a TV from a burning school or government building did not warrant military action against the citizens.

Moreover, Bremer lacked practical knowledge of the politics of Iraq, as he showed with CPA Order #1. This order was very concerning to the top advisors to Bremer as many of them warned against this. Ultimately, this order would remove all Ba'athists from the government. However, the order also extended to Ba'athists working in the civilian sphere, e.g. teachers. It made room in the government for rival religious and political parties. This surely caused disorder in the country. Not only this, but many Ba'athists, about 40,000, were now out of work. CPA Order #2 disbanded the Iraqi army, also an order heavily criticized by top officials. With this order 300,000 men were put out of a job. They also were able to return home with their guns. Bremer gave no consideration to the advice of his cabinet, or to these orders' possible long-term effects. He lacked the practical wisdom of Iraqi politics needed, as well as a sense of righteousness regarding his particular situation.

On the new formulation of legitimate authority, Bremer meets some of the criteria – he was legally appointed to the position. However, he fails to meet the Confucian standards that a true leader is viewed as needing to exemplify. He lacked *zhi*, *ren*, and *yi* as he showed with his commands and orders given in his first days in Iraq. Some have argued that the CPA orders have

caused further disorder in the region. That is, they claim that these mandates helped to give rise to the insurgency and the development of ISIL. From this example, it is clear to see that one in a leadership role must retain virtues fitting of a ruling position. The Confucian qualities of *ren*, *zhi*, and *yi* are very commendable qualities. If Bremer would have had these qualities, perhaps he would have brought order to Iraq instead of disordering the people and state.

### **Bangladesh 1971**

As opposed to the United States making an attempt at the Just Cause stipulation by way of asserting a sort of self-defense, nations may also claim just cause for going to war through humanitarian aid. Some say that the Ba'athist regime in Iraq was engaged in behavior against the country's citizens in such a way that called for another country to act on their behalf. However, it is unclear why this country had to be the United States. Furthermore, Saddam Hussein, although he was a brutal dictator, was not committing any large-scale crimes against the people of Iraq. There are however cases where humanitarian aid is called for and warranted, such as in Operation Searchlight.

Before this conflict started, Pakistan was divided into two sections: West Pakistan and East Pakistan. These wings of the country were separated by the country of India, but they also had a cultural divide. The western part of the nation was predominantly Punjab, while the east was made up mostly of the Bengali people. East Pakistan had little to no voice or representation in the government of Pakistan at the time. The time came when the Bangladeshi had enough of the mistreatment by the government in West Pakistan, and called for East Pakistan to be granted independence. Authorities in the Western part of the country however viewed the Bangladeshi

people as sub-human, and were not willing to grant this autonomy. Instead, the government unleashed an army on East Pakistan's Bengali population with the goal in mind of ethnic cleansing. Hundreds of thousands and perhaps millions of civilians lost their lives in unrestrained slaughter. Not only was massacre rampant, but the Punjabi army of West Pakistan was also encouraged to participate in genocidal rape against Bengali women. Soldiers were given death lists containing the names of cultural, political, and intellectual leaders to dispose of. Their followers were to be slaughtered as well.<sup>118</sup> It is nearly unanimously agreed upon in the academic realm that the actions of West Pakistan against East Pakistan in 1971 may be classified as genocide. The Pakistani army seemed to be employing a type of realist approach in order to accomplish their goals.

Many of the Bangladeshi people fled to India, and in doing so brought with them the incredible stories of horror regarding the genocide taking place in East Pakistan. The government of India took it upon themselves to provide assistance to those being oppressed. The Pakistani army attacked India first with an airstrike, but the Indian invasion had other means of justification – that is, humanitarian aid.<sup>119</sup> The ultimate goal of the Indian army was to drive out Pakistani forces from East Pakistan providing relief for the population.

Let us now revisit the concept of *jian ai* and the role it plays in humanitarian aid. The *Mozi* claims that:

Nowadays, if there were feudal lords in the world who were able to good faith in their dealings and gave primacy to benefitting their people, then, when a great state was without righteousness, they would join in grieving for it. When a great state attacked a small state, they would join in rescuing it. When the inner and outer city walls of a small state were incomplete, they would join in repairing them.<sup>120</sup>

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<sup>118</sup> Walzer, Michael. *Just and Unjust Wars*, p. 105

<sup>119</sup> *Ibid.*, p. 106

<sup>120</sup> Mozi. And Ian Johnston. *Mozi*, p. 105



If a stronger country is preying on a smaller country, or in this case the government was the aggressor against a major part of its own population, then warfare may be warranted. The government of India exemplified impartial care towards the citizens of East Pakistan, driving out West Pakistan's army in a very timely manner, two weeks to be exact. Indian officials did not require the Bangladeshi people to pass some sort of test for help.<sup>121</sup> Instead, they observed the need of the citizens of East Pakistan, and provided military intervention. This seems to be in line with the Mohist conceptions on *jian ai* and military intervention on behalf of the weak and oppressed. But, not only did India drive out the aggressors, they also did not impose their own ideology onto the people of East Pakistan. This is important to note because if they did try to incorporate their political culture, humanitarian aid would be a more difficult claim to make for just cause. So the residents of East Pakistan were able to form their own government, giving birth to the new nation of Bangladesh. India, by exemplifying *jian ai* and providing military assistance to the Bengali people in East Pakistan, helped to restore order and to bring benefit to the people of the region.

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<sup>121</sup> Walzer, Michael. *Just and Unjust Wars*, p. 106

## CONCLUSION

War seems to be inescapable. It is hard to imagine a time in which warfare was not part in parcel of human social interaction. Not only this, but war also carries with it devastating effects. This has caused many philosophers and political theorists to consider ethical approaches to war, in many cases hoping to decrease, or at least limit, the amount of suffering that it entails. And of course, there are a variety of ways in which to accomplish this. Some of the theories are actually better than others. However, what about less popular views?

Ultimately, this project serves to contribute to the continuation of considering the ethics of war from a multitude of perspectives. In describing the predominantly western approaches, a foundation was laid to assist in talking about the ethics of war as it developed in the Confucian and Mohist schools. Specifically, I argue that traditional Just War Theory's stipulation of "legitimate authority" is too weak. Persons can be legally designated to a ruling position mistakenly. Hence the need for a reformation of the clause. The Confucian view on *ren xing* and the role it plays in the cultivation of the leader's virtues is important for this new formulation. Not only should the ruler be legally appointed, but they should also exemplify certain qualities (e.g., practical knowledge and benevolence) if they are to lead appropriately. Furthermore, the Mohist concept of *jian ai* may yield a form of pacifism, if it is demonstrated by all persons. Additionally, this idea plays into the just cause condition of Just War Theory by informing "humanitarian aid". States or leaders having impartial care would provide assistance to those who are being oppressed or killed unjustly.

The goal here is to deepen our understanding of the ethics of war. Often reference is given to the western approaches of pacifism, realism, and Just War Theory. By looking to less

popular methods, a more robust theory may be developed. This project looked at two classical Chinese conceptions on the ethics of war and how it may influence western notions. However, I do not think that the discussion should stop here. What if we were to consider other non-western views on ethical warfare? Surely addressing theories from places like Africa, Central/South America, or Southeast Asia would only serve to increase our thinking still. Since war and morality regarding war are so fundamental, it seems that looking to different paradigms in order to create a more potent conception of ethical warfare is warranted.

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