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# *Bastards, Brothers, and Unjust Warriors: Enmity and Ethics in Just War Cinema*

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**Abstract:** How do members of the general public come to regard some uses of violence as legitimate and others as illegitimate? And how do they learn to use widely recognized normative principles in doing so such as those encapsulated in the laws of war and debated by just war theorists? This paper argues that popular cinema is likely to be a major source of influence especially through a subgenre that I call 'Just War Cinema.' Since the 1950s, many films have addressed the moral drama at the centre of contemporary Just War Theory through the figure of the enemy in World War II, offering often explicit and sophisticated treatments of the relationship between the *jus ad bellum* and the *jus in bello* that anticipate or echo the arguments of philosophers. But whereas Cold War era films may have supported Just War Theory's ambitions to shape public understanding, a strongly revisionary tendency in Just War Cinema since the late 1990s is just as likely to thwart them. The potential of Just War Cinema to vitiate efforts to shape wider attitudes is a matter that both moral philosophers and those concerned with disseminating the law of war ought to pay close attention to.

**Keywords:** Just War Theory; cinema and international relations; the enemy.

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[W]e know enough, if we know we are the king's subjects: if his cause be wrong, our obedience to the king wipes the crime of it out of us.

William Shakespeare<sup>1</sup>

Erm, Hans. [...] Have you noticed that the little badges on our caps have actually got pictures of skulls on them? [...] Are we the *baddies*?

David Mitchell and Robert Webb<sup>2</sup>

## 1

How do members of the general public, especially lay persons so far as theoretical training is concerned, come to regard some uses of violence as legitimate and others as illegitimate? In particular, how do they come to do so using widely recognized normative principles such as those encapsulated in the laws of war and debated by just war theorists?

Efforts by the International Committee of the Red Cross to promote awareness of International Humanitarian Law (IHL) attest to the belief that the ability not only of combatants,

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<sup>1</sup> *Henry V*, 4.1.

<sup>2</sup> David Mitchell and Robert Webb, 'Nazis,' in Amnesty International, *The Very Best of the Secret Policeman's Ball: the Greatest Comedy Line-Up Ever*. (Edinburgh: Canongate Books, 2013), p. 381.

but also of civilians to understand and apply its principles is important.<sup>3</sup> Belief in the importance of informing public opinion likewise motivates some of the most influential work of recent decades by philosophers writing on just war theory. Michael Walzer's classic *Just and Unjust Wars* (1977) was addressed to general readers as much as academics and his critics too present their scholarly work as part of an effort to shape and improve public understanding.<sup>4</sup> Nevertheless, philosophers often assume quite a wide public consensus on some of its basic principles. Walzer's theory, for instance, offers an interpretative synthesis of ideas already embodied in a widely accepted tradition he refers to as the 'War Convention'.<sup>5</sup> Likewise, Jeff McMahan's challenge to key components of the Walzerian interpretation is motivated in part by the belief that they are widely accepted by the general public in the US and elsewhere.<sup>6</sup> In particular, both assume widespread acceptance of what Walzer calls the 'Doctrine of Moral Equality' according to which lawful combatants opposing each other in war are equally entitled to fight *regardless* of whether their side is fighting for a just cause and are subject to exactly the same rules in doing so.<sup>7</sup> If they are correct and there is such a widespread 'common sense' about these things, then it raises an important question of how it might be accounted for.

Presumably some learn it through formal instruction in schools and universities, through reading the philosophical literature or studying law, or through religious instruction. But I think it likely that many others acquire it implicitly or obliquely. One way to characterize this possibility is by reference to Cynthia Weber's term, 'moral grammars of war'. Knowledge of these 'codes or contexts (or both) about the good and the bad that structure narratives of interpretation about war' is often pre-theoretical and intuitive rather than formal and explicit and may be acquired just like the way children first grasp the principles of linguistic grammar.<sup>8</sup> They learn to *use* it without necessarily being able to *name* or *explain* many of its constituents. And so, analogously, it may be that relatively few people know the technical vocabulary for debating principles such as belligerent status and the Doctrine of Moral Equality, but they know how they work and demonstrate it when they invoke standards connected to them such as non-combatant immunity, prisoner of war rights, and war crimes.

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<sup>3</sup> See Yoshifumi Tanaka, 'Treaty obligation to promote public education and the teaching of international law,' *European Journal of Legal Education*, 4:2 (2007): 135-147, especially pp. 136-9. For a survey of popular knowledge of and attitudes towards IHL, see ICRC, 'The People on War Report: ICRC Consultation on the Rules of War,' Conducted by Greenberg Research, Inc. 1999.

<sup>4</sup> Walzer, *Just and Unjust Wars: a Moral Argument with Historical Illustrations*. New York: Basic Books, 1977 (2001 reprint); Jeff McMahan: see his *Killing in War* (Oxford: Oxford University Press, 2009), pp. 3, 6-7, and 'Rethinking the "Just War,"' *New York Times*, Nov. 11 & 12, 2012, available at: {<http://opinionator.blogs.nytimes.com/2012/11/11/rethinking-the-just-war-part-1/>}; {<http://opinionator.blogs.nytimes.com/2012/11/12/rethinking-the-just-war-part-2/>} (accessed November 2012).

<sup>5</sup> Walzer (1977), pp. 44ff.

<sup>6</sup> McMahan (2009), pp. 3-7.

<sup>7</sup> The ICRC (1999) found quite high levels of awareness of the Geneva Conventions, especially in the UK and Israel but also in the US and France.

<sup>8</sup> Cynthia Weber, *Imagining America at War: Morality, Politics and Film*. (Abingdon: Routledge, 2005), p. 5.

Grammatical ability of this sort is likely to be acquired through less formal channels. The *People on War* report, for instance, suggests that popular awareness of IHL is likely to be ‘derived mainly through media reports’.<sup>9</sup> But this overlooks another possibility, which is that some might learn the moral (and legal) grammar of war through fictional depictions of armed conflict. My argument, in fact, is that the widely accessible medium of the motion picture is likely to be a major source of influence on the popular grasp of these things, especially through a subgenre that I call ‘Just War *Cinema*.’

Movies contributing to Just War Cinema are identified by two characteristics: first, they are open to the possibility that war can be necessary and, hence, justifiable; second, as I hope to show, they raise and suggest answers to questions about the ethics of participating in just war. This category will not encompass *all* films that, as it were, ‘have something to say’ about the ethics of war: just as some philosophers reject the very idea of a just war, some filmmakers adopt variants of a pacifist ‘anti-war’ stance, pillorying the idea that mass military killing can ever be wedded to justice. But it includes films adopting divergent ethical positions that shadow or anticipate those falling within the wider tradition of Just War *Theory* that I’ll outline below in section 2: some run closer to what is sometimes called the ‘orthodox’ view exemplified by Walzer’s work; others challenge that view, promoting a moral perspective with something in common with the ‘revisionist’ Just War Theory associated with McMahan, Cécile Fabre and others.<sup>10</sup> My aim is to show how Just War Cinema has thus (fore-) shadowed Just War *Theory* in the decades since World War II, sometimes anticipating and sometimes echoing, reinforcing, or challenging several of its central ethical arguments. This suggests, at the very least, that combat cinema ought to be an interesting medium for ethicists: as Diane Jeske remarks, ‘[e]thics is an area of philosophy that demands the use of rich and detailed narratives, and so it behoves moral philosophers to attend to the uses to which they can put artistic works such as film and literature.’<sup>11</sup> But more than this, it is an important finding that those concerned with public knowledge of the ethics and law of armed conflict ought to take seriously because their own chances of shaping public attitudes and opinion are likely to be affected for good or ill by interventions in such an accessible and emotive medium.

In the next section, I preface the analysis of films by highlighting, first, the moral drama at the heart of recent Just War *Theory* and then by saying something, second, about how Just War *Cinema* can be understood as intervening on different sides of the philosophical debate. Pivotal to both is the figure of the ‘Unjust Warrior,’ the enemy in a war fought for a just cause.

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<sup>9</sup> ICRC (1999), p. iv, n.2.

<sup>10</sup> McMahan (2009); Cécile Fabre, *Cosmopolitan War* (Oxford: Oxford University Press, 2012).

<sup>11</sup> Diane Jeske, ‘Review of Ward E. Jones and Samantha Vice (eds) *Ethics at the Cinema*, Oxford University Press, 2011,’ *Notre Dame Philosophical Reviews*, November 9<sup>th</sup> 2011. Only one essay in the book examines a war film but the theme has received some attention from international relations scholars, however, e.g. in James Gow, ‘Strategic Pedagogy and Pedagogic Strategy,’ *International Relations*, 20.4 (2006): 393-406.

## 2 Enmity and ethics: the Rommel Paradox

### *The moral drama in just war theory*

Recent debates in Just War Theory have uncovered a source of deep ambiguity in the moral status of the enemy in a Just War. According to ‘orthodox’ theorists, the rules of proper conduct that apply to soldiers *in war* (known as the *jus in bello*) apply independently of whether their side has a ‘just cause’ for war (the central principle of the *jus ad bellum* which concerns the justice *of war*). If you’re a combatant, in other words, the same rules apply whether or not you’re fighting in a ‘just war’. And just as it’s possible to fight unjustly (*in bello*) in a just war (*ad bellum*) by committing war crimes, for instance, it is likewise possible for you to fight justly in an unjust war, chiefly by using force discriminately and proportionately.<sup>12</sup> Walzer calls the idea underpinning this view the ‘Doctrine of Moral Equality’. As illustration, he cites the paradoxical status of Field Marshal Erwin Rommel, whose high popular reputation for principled (and highly effective) conduct as a soldier seems undiminished by the fact that he served on the side of the Third Reich in World War II. I’ll return to this *Rommel paradox* when I turn to his treatment in popular films below.

The less controversial consequence of this idea is that both those who fight for a just cause (‘Just Warriors’ from now on) and those who don’t (‘Unjust Warriors’) are subject to the same constraints: all, for instance, are prohibited from intentionally targeting non-combatants.<sup>13</sup> More problematic, however, is the belief that *Unjust Warriors* are morally justified in attempting to kill *Just Warriors*: enemy soldiers have as much right to try to kill you as you have to try and kill them *even if* they are the aggressors and you fight only to defend the innocent against them. ‘Revisionist’ Just War Theory challenges this aspect of the orthodox view, arguing that even if the Doctrine of Moral Equality corresponds to the *law* of war, it cannot be the right way to view the *morality* of killing. This is because it flatly contradicts deeper, more general moral convictions about the wrongfulness of harming innocent people and the right to defend them, which revisionists argue are relevant to times both of war and of peace.<sup>14</sup>

To illustrate, imagine seeing an innocent person wrongfully attacked in peacetime. If it was the only way to avoid being killed, would you think it wrong of them to use force in self-defence? I presume not. But what if the victim’s attempt at self-defence threatened to harm the attacker? Would the attacker then have a corresponding right of self-defence in return? I think most people would say that only the victim of a wrongful attack had the right of self-defence, not the attacker. And, indeed, this is also the ‘common law’ view.<sup>15</sup> What this shows

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<sup>12</sup> Walzer (1977), p. 21.

<sup>13</sup> Though see McMahan (2009), chap. 5 and Fabre (2012), chap. 2.

<sup>14</sup> E.g. McMahan (2009); Fabre (2012).

<sup>15</sup> See, for instance, Crown Prosecution Service (UK) legal guidance on ‘Self-Defence and the Prevention of Crime’ {[http://www.cps.gov.uk/legal/s\\_to\\_u/self\\_defence/](http://www.cps.gov.uk/legal/s_to_u/self_defence/)} (accessed 23 April 2016). For a discussion of both Common Law and the Model Penal Code in the US, see Josh Gilliland on George Lucas’s controversial re-editing of *Star Wars IV* (1977): ‘Han’s Justification for Shooting Greedo First’ (2012)

is that defensive rights as commonly understood are *asymmetric*: victims can claim them against aggressors; aggressors cannot claim them in return *while aggressing*. Now, if war is morally justified when necessary as a means of defending innocent people from wrongful threat (the Poles from the Third Reich; European Jews from Nazi genocide; and so on), then the morality of self-defence would appear to present significant problems for the Doctrine of Moral Equality. From the perspective of the *jus ad bellum*, Just Warriors are those who exercise rights of self- and other-*defence* (on behalf of themselves and others). And by definition, Unjust Warriors are those posing the wrongful threat. Surely, therefore, the *jus in bello* should usually recognize only those fighting for a just cause as having the *moral* right to kill? So, far from supporting equal combat rights, the ethics of self-defence seems to indicate that Unjust Warriors who kill their Just enemies commit a very serious *moral* wrong.

There is, however, a dramatic tension between the *morality* of war and the *law* of war. Even some revisionists who reject the Doctrine of *Moral* Equality accept that an artificial regime of *legal* equality is necessary in the current international order.<sup>16</sup> Accepting that there are significant practical dangers in recognizing belligerent rights only on the just side, McMahan follows Walzer in defending an apparatus similar in form to what Carl Schmitt calls ‘conventional enmity’. Once a state of war is established *de facto* and recognized *de jure*, then opposing sides acknowledge their armed opponents as combatants, granting them the ‘war privilege’ as a trade-off to incentivize greater respect for non-combatant immunity.<sup>17</sup> Otherwise, as Walzer warned, ‘[w]ithout the equal right to kill, war as a rule-governed activity would disappear and be replaced by crime and punishment, by evil conspiracies and military law enforcement.’<sup>18</sup>

All of which puts the enemies of those (who believe themselves to be) fighting a just war in an acutely ambiguous position which is at the heart of the moral drama explored by both *Just War Theory* and *Just War Cinema*. The law permits soldiers on both sides to cast off their uniforms and, hence, their identity as warriors, Just or Unjust, at the war’s end provided they abide by IHL. But if you were a combatant captured by soldiers believing themselves to be fighting a Just War made necessary by the wrongs of your side, they may be tempted to judge

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available at: {<http://thelegalgeeks.com/2012/08/20/han-shot-first-a-legal-discussion/>} (accessed, April 2016). Lucas’s motivation for altering the 1997 version to make Greedo shoot before Han Solo kills him was partly pedagogic: ‘when you’re John Wayne,’ he says, ‘you don’t shoot people [first] — you let them have the first shot. It’s a mythological reality that we hope our society pays attention to’ (in Hank Stuever, ‘George Lucas: To feel the true force of ‘Star Wars,’ he had to learn to let it go,’ *Washington Post*, December 5, 2015, available at: {[https://www.washingtonpost.com/lifestyle/style/george-lucas-to-feel-the-true-force-of-star-wars-he-had-to-learn-to-let-it-go/2015/11/27/d752067a-8b1f-11e5-be8b-1ae2e4f50f76\\_story.html](https://www.washingtonpost.com/lifestyle/style/george-lucas-to-feel-the-true-force-of-star-wars-he-had-to-learn-to-let-it-go/2015/11/27/d752067a-8b1f-11e5-be8b-1ae2e4f50f76_story.html)} (accessed, April 2016).)

<sup>16</sup> Jeff McMahan, ‘The Morality of War and the Law of War,’ in D. Rodin and H. Shue (eds.) *Just and Unjust Warriors: the Moral and Legal Status of Soldiers* (Oxford: Oxford University Press, 2008), p. 27. Fabre sets aside the question of laws to concentrate on purely moral analysis (2012: 12).

<sup>17</sup> McMahan (2008), pp. 27ff; Walzer (1977), p. 41; on Schmitt’s idea, see Gabriella Slomp, ‘The Theory of the Partisan: Carl Schmitt’s Neglected Legacy,’ *History of Political Thought*, 26.3 (2005): 502-19, p. 509.

<sup>18</sup> Walzer (1977), p. 41.

you by at the bar of morality rather than law. To be sure, you fought discriminately so far as the law is concerned, but you now stand before comrades of the Just Warriors it permitted you to kill. As far as they are concerned, their fallen friends were the innocent victims of morally wrongful attack. McMahan has even argued that from a purely *moral* point of view, Unjust Warriors may be morally liable to be harmed if it could ‘significantly contribute to the achievement of the just cause’ or to the safety of the Just Warriors while fighting for it.<sup>19</sup> But captured enemies will be all the more vulnerable if their captors are in any case tempted to seek summary ‘justice’ to avenge their fallen comrades – a prominent theme in *Just War Cinema*.

### *The theory in Just War Cinema*

Recent philosophical debates thus highlight a dramatic moral tension in the way enemy soldiers are apt to be judged, arising between the egalitarianism of the law (and the contested Doctrine of Moral Equality), which exonerates them if they have fought discriminately, and the ‘deep morality of war,’ as McMahan calls it, which may yet condemn them for killing morally innocent Just Warriors.<sup>20</sup> As I will show in parts 3 and 4, *Just War Cinema* has paid close and careful attention to this tension. The films discussed in the two parts of section 3 tend towards the Walzerian orthodoxy by focusing on the reasons why people find themselves fighting for the wrong side and enjoining audiences to extend a sense of compassion (even admiration) beyond the trenches of ‘their own’ soldiers. By contrast, those I analyse at the first part of section 4 appeal to the moral intuition that killing in an unjust war cannot be justifiable and may have grave consequences for perpetrators. The second part of section 4, finally, reads Quentin Tarantino’s *Inglourious Basterds* (2009) as a complex *reductio* of these more one-sided treatments.

Two factors guided the selection of films. First, I focus almost exclusively on films set in the Second World War and chiefly those focusing on the encounter with German enemies. These are the films that have contributed most to the unfolding debates of *Just War Cinema*. Pictures set in the Vietnam War or Iraq after 2003, in western Europe during World War I, or even on the eastern front in World War II, can afford to express a more comprehensively anti-war view due to popular willingness to question the justifications offered by all sides in those theatres. Such scepticism is nearly impossible in settings that see GIs confronting Germans fighting for an empire animated by Nazi ideology. As Thomas Doherty writes, ‘Postwar antiwar cinema stopped short of pacifism because of the more persuasive anti-antiwar cinema of the Second World War.’<sup>21</sup> While peacenik filmmakers dealing with Vietnam could afford to forget the idea of the just war entirely, ‘the World War II mythos

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<sup>19</sup> McMahan (2008), p. 22.

<sup>20</sup> For thorough analysis of the effects of knowledge, evidence, and duress on responsibility, see McMahan (2009).

<sup>21</sup> Thomas Doherty, *Projections of War: Hollywood, American Culture and World War II*, revised ed. (New York: Columbia University Press, 1999), pp. 295-6, 279. ‘World War II in Europe [is] the paradigm,’ for Walzer, ‘of a justified struggle’ (1977, p. xxii).

emerged from postwar history with its honor intact.<sup>22</sup> The ‘confrontation with Nazism’ on screen ‘concentrated the mind powerfully’ and films like *Catch 22* (1970) and *Slaughterhouse Five* (1972) that attempted a more thoroughgoing rejection of war in a European setting between 1939 and 1945 were rare and commercially unsuccessful. The idea of the just war is therefore encoded within the World War II combat movie as one of its basic moral presuppositions.<sup>23</sup> This is what David Mitchell and Robert Webb allude to in the joke quoted at the top of this article. Realizing he’s the ‘baddy,’ Mitchell’s SS officer reviews his predicament in light of ‘a *lot* of films’ he’s seen and becomes anxious about his ‘place in the narrative structure of this war’: as he says, the SS skulls (and, implicitly, the evil they symbolize) leave the victors with little work to do in vilifying the defeated enemy retrospectively.<sup>24</sup> Audience awareness of the Allied cause isn’t always taken for granted, however, and filmmakers (and their backers) often take care to remind audiences of what was ultimately at stake with references to German oppression and the Holocaust.<sup>25</sup>

As a second selection criterion, I concentrate on films showing the most articulate awareness of the moral drama of the enemy in a just war. Rather than merely illustrating ideas about conflict, these films offer a variety of moral *arguments*, often making an appeal to the sympathies of the audience that is not only emotional but also intellectual.<sup>26</sup> According to Stephen Mulhall, films don’t simply offer ‘handy or popular illustrations of views and arguments properly developed by philosophers’ but commonly may be read as ‘reflecting on and evaluating such views and arguments [and] thinking seriously and systematically about them in just the ways that philosophers do.’<sup>27</sup> This might overstate the point a little, as some suspect, but I think the general idea is right and it finds an echo in other sources. Among Just War Theorists, for instance, Jean Bethke Elshtain declared that sometimes ‘American films have done a better job of grappling with the question of force than many contemporary analysts and commentators.’<sup>28</sup> And among film critics, Roger Ebert has interpreted Steven Spielberg’s *Saving Private Ryan* (1998) as a ‘philosophical’ movie that offers its ‘argument’ chiefly through photographic images, thereby bypassing express verbal declaration.<sup>29</sup>

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<sup>22</sup> Clive Stafford Smith, Director of Reprieve, recently suggested: ‘If you ask people which wars of the 20<sup>th</sup> century were genuinely worth fighting, most of them would say, only the second world war. We have a collective psychosis that war can solve problems. To that extent, movies [that reinforce this idea] can be dangerous’ (in Henry Barnes, ‘Death From Above,’ *Guardian G2*, April 15, 2016: 4-7, p. 7.)

<sup>23</sup> Doherty (1999), pp. 295-6, 279

<sup>24</sup> Mitchell and Webb (2012), p. 384.

<sup>25</sup> On which, see Peter Lev, *Twentieth-Century Fox: the Zanuck-Zkouras Years, 1935-1965* (Austin, TX: University of Texas Press, 2013), pp. 237-39, regarding *The Longest Day* (1962).

<sup>26</sup> By contrast with Matthew Evangelista’s rich analysis in *Gender, Nationalism and War: Conflict on the Movie Screen* (Cambridge: Cambridge University Press, 2011) I’m interested in films as a possible influence shaping public attitudes.

<sup>27</sup> Stephen Mulhall, *On Film*, Second Edition (New York: Routledge, 2008), p. 4.

<sup>28</sup> Jean Bethke Elshtain, *Just War Against Terror: the Burden of American Power in a Violent World* (New York: Basic Books, 2004), p. 54.

<sup>29</sup> Roger Ebert, Review of *Saving Private Ryan*, July 24, 1998, available at: {<http://www.rogerebert.com/reviews/saving-private-ryan-1998>} (accessed, April 2016). Nigel Morris



Among the films to which I now turn, some track orthodox Just War Theory by offering narratives of *exculpation*, distancing Unjust Warriors from the regime for which they fight or shifting moral evaluation onto a different footing from the *jus ad bellum*, discussed in the next section. Others (discussed in the section after that) challenge this view by *inculcating* Unjust Warriors, emphasising the cause of war and invoking intuitions about innocence, guilt, and the *jus ad bellum*.<sup>30</sup>

### 3 The Unjust Warrior exculpated

There are two distinct exculpation narratives in Just War Cinema. More common, perhaps, is the one that finds common humanity between the ordinary foot-soldiers on all sides, which I discuss in the second part of this section. But I begin with some leading examples of a different approach in which the enemy is a sort of aristocratic hero whose outstanding qualities render him a *worthy enemy*.

#### *Worthy Enemies*

When it was released only six years after the defeat of Nazi Germany, the sympathetic treatment of the eponymous hero of *The Desert Fox: the Story of Rommel* (1951) provoked widespread controversy in the US.<sup>31</sup> The Production Code Administration had already raised ‘scathing objections’ to the script, questioning its ‘glorification of professional soldiers and militarism’ among other things.<sup>32</sup> A press release endorsed by leading American Jewish organizations denounced it as ‘a ghastly mockery of the lesson of history’ while the *New York Times* saw in it a failure of moral judgement.<sup>33</sup> By contrast, on its eventual German release, the *Hamburger Freie Presse* welcomed the presentation of ‘German soldiers and officers not as criminals and murderers but as decent people’.<sup>34</sup> But it was to be only the first of many significant examples of this sort of narrative in post-war cinema including the treatments of Christian Diestl, a fictional German officer in *The Young Lions* (1958),<sup>35</sup> senior German commanders including Rommel in *The Longest Day* (1962),<sup>36</sup> and Wilhelm Bittrich, a historical

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comments on ‘the ethical and military niceties debated so assiduously within the film’ in *The Cinema of Steven Spielberg: Empire of Light* (London: Wallflower Press, 2007), p. 294.

<sup>30</sup> On *exculpation* and *inculcation*, see Christopher Kutz, ‘The Difference Uniforms Make: Collective Violence in Criminal Law and War,’ *Philosophy and Public Affairs* 33.2 (2005): 148–180

<sup>31</sup> Dir. Henry Hathaway. [DVD]. UK: Twentieth-Century Fox Home Entertainment. Produced by Nunnally Johnson.

<sup>32</sup> Quoted in Lev (2013), pp. 188–89.

<sup>33</sup> Brian C. Etheridge, ‘*The Desert Fox*, Memory Diplomacy, and the German Question in Early Cold War America,’ *Diplomatic History*, 32.2 (2008): 207–38, pp. 207–8; Bosley Crowther, ‘Curious Twist: New a German General is Heroized on Screen,’ *New York Times*, October 28, 1951.

<sup>34</sup> Lev (2013), p. 189.

<sup>35</sup> Dir. Edward Dmytryk. [DVD]. UK: MGM Home Entertainment. Producer, Alexander Lichtman.

<sup>36</sup> Dir. Ken Annakin, Andrew Marton, and Bernhard Wicki. [DVD]. UK: Twentieth-Century Fox Home Entertainment.

Waffen-SS General in *A Bridge too Far* (1977)<sup>37</sup>. Appetite for such films no doubt had a great deal to do with the international political context – as Peter Lev writes about *The Longest Day*, the producer Darryl F Zanuck ‘probably felt that a movie presenting the Germans as worthy adversaries would be accepted’ at a time when ‘the Soviet Union was threatening and the US was defending Berlin’.<sup>38</sup>

In this kind of story, the Unjust Warrior achieves a heroic status in spite of the country he serves. Yes, he fights on the wrong side but for motives with which it is possible to sympathize, not out of enthrallment to racist ideology but rather from a sense of duty and service that deserves (our) respect. As Bosley Crowther wrote in his review of *The Desert Fox* in 1951, the enemy appears as ‘a type which, except for the uniform, is indistinguishable from all the familiar and conventional representations of the heroic officers on “our” side’.<sup>39</sup> The key idea is established by drawing a line between the *good* soldier and the *poor* soldier that cuts across the dichotomy between Just Warriors and Unjust Warriors. Poor soldiers, like good soldiers, are found on all sides in every war. ‘Worthy Enemy’ narratives focus attention on the exceptional qualities of a ‘good’ Unjust Warrior and contrast them with these inferior people (whether they are Just or Unjust), thereby displacing the more purely moral *ad bellum* distinction as the main focus of attention.

If the *jus ad bellum* constructs the categories of just and unjust deontologically, the story of the Unjust Warrior, here, speaks in the language, at one level, of virtue ethics. The good soldier is distinguished from his inferiors by superior virtues of three distinct though, in important ways, related kinds: first, ‘military’ excellence (a *technical* virtue but one with moral consequences); second, ‘moral’ virtues of clemency and restraint; and third, perhaps more problematically, the ‘civic’ virtue of dutiful obedience. Worthy Enemy stories don’t mark a Nietzschean shift from moral binaries (of ‘good / evil’) to non-moral (‘good / bad’) but offer a more complex, hybrid taxonomy.<sup>40</sup>

All these films highlight military excellence. Rommel’s reputation for ingenuity and daring is announced in *Desert Fox* in a memorandum from the Allied commander-in-chief to his staff insisting that Rommel is merely ‘an ordinary German general,’ not some kind of ‘superman’. Diestl and Bittrich (respectively in *The Young Lions* and *A Bridge Too Far*) both appear in mili-

<sup>37</sup> Dir. Richard Attenborough. [DVD]. UK: MGM Home Entertainment. Producer, Joseph E. Levine. There are some similarities in the treatment of Anthony Quayle’s character in J. Lee Thompson’s *Ice Cold in Alex* (1958).

<sup>38</sup> Lev (2013), p. 238; See also J Hoberman, *An Army of Phantoms: American Movies and the Making of the Cold War* (New York: the New Press, 2011), p. 178 and Etheridge (2008) on Cold War contexts for US war films with sympathetic German characters. Also Stephen E Ambrose, Spielberg’s historical advisor for *Saving Private Ryan*: ‘*The Longest Day* offered a kind of exculpation [...] for a worthy, chastened, and now useful former foe’ (*The Longest Day* (US, 1962): “Blockbuster” History,’ in John Whiteclay Chambers II and David Culbert (eds) *World War II, Film and History* (New York: Oxford University Press, 1996), p. 105).

<sup>39</sup> Crowther (1951). On chivalry and duties of obedience, see Walzer (1977), pp. 34-7, 38-9.

<sup>40</sup> Friedrich Nietzsche, *On the Genealogy of Morality* [1887], ed. Keith Ansell-Pearson (Cambridge: Cambridge University Press, 1997), First Treatise.

tary encounters where their leadership and expertise are decisive in securing German success. As a much more recent example, *The Sinking of the Laconia* (2011) culminates with Admiral Dönitz awarding the ace U-Boat commander, Werner Hartenstein, the Knight's Cross for his share of Allied tonnage destroyed.<sup>41</sup>

At first glance, military prowess might seem unlikely to generate sympathy given what the Unjust Warrior uses it for. But it may excite *admiration* and is morally significant in two different ways. First, military ability is about more than just being able to kill enemies *in larger numbers*; it is also about achieving military objectives efficiently. Efficiency minimises costs in combatant (and, collaterally, civilian) lives on both sides. This is one of the central moral themes running through *A Bridge too Far*. Its harsh focus on the incompetence of the Allied commanders is sharpened through the contrasting virtues of Bittrich, a key figure in thwarting Operation Market Garden. While poor Allied planning and wishful thinking are seen wasting soldiers' and civilians' lives, Bittrich's painstaking and sensible leadership minimizes costs and avoids armed confrontation unless it answers to military necessity.

Purely technical virtue thus offers moral rewards by minimizing human suffering through the efficient use of force. But the Unjust Warrior is even more sympathetic when it appears hand-in-hand with clemency and restraint. To win while conceding tactical advantages for the sake of compassion or principle throws excellence into starker relief. Bittrich's clemency motivates a temporary ceasefire to permit Allied wounded to seek medical attention behind German lines. Hartenstein concedes a major advantage to rival U-Boat commanders in their race to win the Knight's Cross when tries to save survivors from the *Laconia* (and wins anyway). His technical brilliance and moral restraint both contrast sharply with the thoughtlessly bureaucratic American air force commander who authorizes the bombing of the U-Boat in spite of clear signals that it was engaged in a humanitarian mission.<sup>42</sup>

Unjust Warriors who unite technical and moral virtues are apt to provoke paradoxical emotions in viewers whose natural 'side' is that of the Allies. When Diestl advises his superior to wait for the sun to rise behind his men before opening fire on a blinded convoy of British soldiers in *The Young Lions*, his superior capacity as a soldier is impressive even though it leads to a greater number of dead Just Warriors; and when he refuses the order to execute the wounded survivors, the film highlights the compatibility of military skill and determination with humaneness. Similarly, just as Rommel's military successes inflict high human cost on the Allies, *The Desert Fox* underlines his principled insistence on the *jus in bello* when it shows him preventing a subordinate from coercing the captive Desmond Young. Voiced by the narrator Michael Rennie,<sup>43</sup> Young captures the paradox at the end of the scene:

So this, then, was Rommel [...], commander in chief of the enemy army, and the most celebrated German soldier since World War I. Already a legend in the desert, [...] his tricks and turns had made even the Tommies chuckle, which is scarcely the proper

<sup>41</sup> Written by Alan Bleasdale and directed by Uwe Janson (BBC2 broadcast, 2011).

<sup>42</sup> Walzer also discusses the *Laconia* (1977, pp. 157-51).

<sup>43</sup> Lev (2013), p. 187. A similar scene occurs in *The Desert Rats* (1953). Cf. Walzer (1977), p. 38.

reflex to the enemy in times of war. In spite of which, he was still, of course, my enemy. The enemy not only of my country and the army in which I served, but of all life as I knew it. Not only of democracy as free men had fashioned it, but of civilization itself.

This eulogy to the ‘cool, hard, professional soldier [with a] scrupulous regard for the rules of warfare’ expresses the paradox acutely. His fight displays military prowess and discrimination but in the service of a regime marked by injustice in the highest degree. And if conscientious professionalism reduces battlefield casualties, his proficiency nevertheless brings death to many Just Warriors whose cause in fighting had simply been to prevent the expansion of the Nazi empire. How, then, can his engagement even in restrained and efficient killing be seen as something other than criminal?

The Worthy Enemy narrative addresses this issue in a number of different ways. First, while the films all presuppose an audience morally aligned with the Allies, they also generally push the most damning aspects of the Third Reich into a carefully composed space in the background. At the end of *The Young Lions*, it is only by accident that Diestl, a volunteer, discovers a concentration camp and its apparently secret purposes. He instantly turns away in disgust, smashes his rifle, and deserts. The distance the film thus puts between the Warrior and the injustice for which he fights is epistemic. To use Francisco de Vitoria’s Thomistic term, Diestl suffered from ‘invincible error’: he acted in good faith, stepping forward to serve his people when they appeared to need him; he knew nothing of these other facts and as soon as he found out, he laid down arms.<sup>44</sup> In many other films the Holocaust isn’t even mentioned, which may have something to do with (and it may, in turn, contribute to) a popularly accepted story that, while genocide was the concern of the SS, the ordinary German army was generally focused exclusively on military matters (a narrative which Jonathan Littell’s novel, *The Kindly Ones*, painstakingly subverts).<sup>45</sup>

A second approach is to highlight the importance of civic-military duty. This is the argument Rommel offers in *Desert Fox* when Karl Strölin tries to recruit him to the conspiracy against Hitler: ‘If this is politics, Strölin, I don’t want to hear it.’ Soldiers must obey. To do otherwise, no matter what questions they might have about the regime as such, would be to make the very existence of armies impossible (no matter on whose side): ‘You aren’t naïve enough,’ he argues,

to think that a soldier must approve of every detail of his government before he can fight for it. What army could exist like that, with every man in it free to decide what he will or won’t do? The truth is that a soldier has but one function in life, one lone excuse for existence, and that is to carry out the order of his superiors. The rest, in-

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<sup>44</sup> Francisco De Vitoria, ‘On the Law of War’ [1539] in Anthony Pagden and Jeremy Lawrence (eds) *Vitoria: Political Writings* (Cambridge: Cambridge University Press, 1991), p. 313. Cf. Fabre (2012), pp. 80-1.

<sup>45</sup> On the omission of any reference to genocide in *The Longest Day*, see Lev (2013), p. 238; also above, n. 23. Jonathan Littell, *The Kindly Ones* (London: Chatto & Windus, 2009).

cluding government, is politics. And if I must remind you again, I'm a soldier not a politician.<sup>46</sup>

This argument in particular was singled out in the protest from American Jewish groups: 'The audience is asked to believe that [...] the soldier, Rommel, – and other German generals – were military men, without "political" aims or motivations, carrying out orders.'<sup>47</sup> But it draws on arguments with a more respectable lineage that the film handles with some finesse. Francisco de Vitoria claims that, 'if the subjects cannot serve [their prince] in the war except they are first satisfied of its justice, the state would fall into grave peril...'.<sup>48</sup> Likewise, Immanuel Kant invokes Frederick the Great's declaration, 'Argue as much as you will and about whatever you will, *but obey*', in his answer to the question 'What is Enlightenment?' Whereas a Rommel, on this view, might permissibly engage in public debate about war, he must not permit doubt to motivate insubordination. That would be an impermissible exercise of 'private reason':

What I call the private use of reason is that which one may make of it in a certain *civil* post or office with which he is entrusted. Now, for many affairs conducted in the interest of a commonwealth a certain mechanism is necessary, by means of which some members of the commonwealth must behave merely passively, so as to be directed by the government, through an artful unanimity, to public ends (or at least prevented from destroying such ends). Here it is, certainly, impermissible to argue; instead, one must obey.<sup>49</sup>

But *Desert Fox* also suggests duty has a limit. Whereas *Young Lions* draws the line at the discovery of the Holocaust, *Desert Fox* defines it in terms of the military responsibilities of soldiers themselves. Normally (as Kant implies) the duty of the soldier is to manage effectively the means, leaving the question of ends to the political leaders. But what if the leader decides to interfere in the direction of the army's role itself? This is decisive in the film. By taking over supreme command of the armed forces, Hitler (the suicidally incompetent 'Bohemian corporal') becomes an impediment to the operation of the means themselves. Consequently, it is not only consistent with the soldier's duty but its corollary that he try to restore the appropriate order. Far from accepting that soldiers have a duty to question their government and its purposes, Rommel's decision to rebel therefore tracks and reinforces the separation of military duty (the means) from politics (the ends).<sup>50</sup>

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<sup>46</sup> In *The Sinking of the Laconia*, Hartenstein declares, 'I have no political role, or actually interest ... I have no concern but the safeguarding of my nation and the safety of those under my command.'

<sup>47</sup> Etheridge (2008), pp. 207-8.

<sup>48</sup> Quoted in Walzer (1977), p. 39. Compare the translation in Vitoria (1991), p. 311.

<sup>49</sup> Immanuel Kant, 'An Answer to the Question: What is Enlightenment?' [1784] in *Kant: Practical Philosophy*, ed. and trans. Mary J. Gregor (Cambridge: Cambridge University Press, 1996), p. 18.

<sup>50</sup> I make no claim, one way or the other, as to the validity of this argument. I assert only that it *is* an argument and, moreover, a *sophisticated* one.

In sum, these films point their audience towards two important thoughts: first, that it is possible to be both an Unjust Warrior and an honourable, good, and, indeed, even a *morally* good, soldier.<sup>51</sup> The second is that there may be a duty to obey, albeit one with intrinsic limits defined by the means / ends distinction and by the idea that some ends (discovered by Diestl) are so patently wrong that they must be rejected without hesitation.<sup>52</sup>

I turn now to a very different approach, familiar from many films, but exemplified by Sam Fuller's *The Big Red One* (1980; 2004).<sup>53</sup>

#### *Common Servitude*

Released to rather lukewarm reception in 1980 due partly to cuts imposed by the studio, Fuller's partly autobiographical film was reconstructed from surviving reels under the guidance of Richard Schickel and rereleased in 2004 (the version I will cite below). Like *The Young Lions*, it presents parallel narratives, mirroring the actions and experiences of Just and Unjust Warriors, and like all the films discussed above it presupposes moral alignment with the Allied side under the *jus ad bellum*. But by contrast with Worthy Enemy stories, films like *The Big Red One* invite us to consider the predicament of *ordinary* Unjust Warrior. They direct attention not at the ways soldiers might distinguish themselves, but at the common experience of unexceptional people who find themselves drafted into war, whether they believe it to be just or not. Since all are subject to this common discipline, it suggests, all deserve at least some common sympathy.<sup>54</sup> War itself is the true enemy while the human adversary is an enemy only in a more contingent and limited way. As Lisa Dombrowski writes, 'Fuller builds in parallels between World War II and World War I and between the protagonists and the enemy, suggesting that all war is the same, all soldiers are the same. The soldier's job is to kill, and his job is to survive. End of Story.'<sup>55</sup> Crucially, in this perspective, as soon as the state of war ends, soldiers cease to be liable to violence even if they were fighting on the wrong side.

*The Big Red One* states three quite distinct arguments concerning (1) the permissiveness of war as an artificial *legal* condition; (2) the moral consequences of duress; and (3) war's psychological effects. While all three accuse the institution of war as a whole, all equally excuse the individual whose misfortune it is to have to fight in one.

The first is arguably *The Big Red One's* most distinctive contribution. While the other arguments are familiar from films both before and since (think of Lewis Milestone's *All Quiet on the Western Front* (1930) and Sam Peckinpah's *Cross of Iron: Men on the Frontline of Hell* (1977)), it is rare to see a film dramatize so carefully the effects of politics and legality in transforming actions that would ordinarily be murderous into licit acts of military 'killing' (one other ex-

<sup>51</sup> Cf. Walzer (1977), p. 21.

<sup>52</sup> Vitoria (1991), pp. 307-8; McMahan (2009), p. 65.

<sup>53</sup> *The Big Red One: the Reconstruction*. (2004) Dir. Samuel Fuller. [DVD]. UK: Warner Bros Entertainment Inc. Producer, Gene Corman.

<sup>54</sup> Cf. Walzer (1977), p. 36.

<sup>55</sup> Lisa Dombrowski, *The Films of Samuel Fuller: If You Die, I'll Kill You* (Middletown, CT: Wesleyan University Press, 2008), p. 189.

ample, perhaps, being Jean Renoir's *La Grande Illusion* (1937)). Two devices bring the matter into view. First, conversations between Lee Marvin's anonymous 'Sarge' and Griff, a young private, highlight what Richard Schickel calls the movie's 'secondary theme', the permission to kill.<sup>56</sup> Griff is reluctant to engage in an action that he is used to calling 'murder.' Later, he recalls the Sarge's words to another new recruit: 'Oh, we don't murder, we kill!'<sup>57</sup> The second device occurs in two nearly identical scenes, a preface and a coda, with Sarge accidentally trying to kill someone *outside* the legal state of war. In the preface, lost between trenches and blinded by fog ('the fog of war') at the end of World War One, he charges at an approaching German and kills him. But when he eventually finds his trench, Sarge discovers that the war had ended hours previously. At the very end of the film, he will bayonet another surrendering German, again ignorant of the fact that war has just ended.

As the conversations with Griff make clear, Sarge's sense of guilt responds to the strange artifice of war as a legal state. The opening and closing scenes establish the idea that killing in war is not a matter of defending against those responsible for wrongful threat but of political authority and the permissive clauses of the law of war.<sup>58</sup> Violence is permitted when conditions are defined as 'war' by decisions taken beyond the soldier's knowledge and control. But while the legal artifice of permissible 'killing' may impose feelings of undeserved guilt onto individuals who 'murder' by mistake, it more generally has the effect of shifting moral responsibility from the combatants and onto those distant, inscrutable individuals who wield the pen. As Sarge declares, whether the death you inflict is 'murder' or 'killing',

all depends on a watch, a pen and a piece of paper. When the second hand of that watch calls the shot and the Kaiser picks up that pen and scratches his name on that paper, then you gotta call it quits. Kill all the huns you can before then, but never after, never.<sup>59</sup>

In this perspective, war is a relation between states and not persons, as Rousseau argued; individuals are enemies due to the contingencies of citizenship, the obligation to serve in one's own state, and the vagaries of international relations. Ordinary morality therefore isn't the relevant framework for evaluating the interpersonal encounters that take place in battle.<sup>60</sup> Whereas for Renoir's *Grande Illusion*, the moral arbitrariness of the law is marked spatially by the retreat of his fugitive POWs across the Swiss border (whose political reality invisibly cuts across a snow-covered meadow and beyond which their pursuers stop shooting at them), for

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<sup>56</sup> Richard Schickel, Audio Commentary on *The Big Red One*.

<sup>57</sup> Cf. Private Doll's voiceover in Terence Malick's *The Thin Red Line* (1998): 'I killed a man. Worst thing you can do... Nobody can touch me for it' ([Blu-ray] UK: Twentieth-Century Fox Home Entertainment). Thanks to an anonymous reader for suggesting this example.

<sup>58</sup> Again, cf. Walzer, 1977: 41.

<sup>59</sup> On the difficulties determining war's beginning and ending (especially WWII) and the legal implications for criminal cases, see Mary L. Dudziak, *War Time: an Idea, its History, its Consequences* (New York: Oxford University Press, 2012), chap. 2.

<sup>60</sup> J-J Rousseau, *The Social Contract* [1762] in *The Social Contract and Other Later Political Writings*, ed. Victor Gourevitch (Cambridge: Cambridge University Press, 1997), book I, chap. 4; cf. Kutz (2005).

Fuller's Sarge, the difference between the peculiar permissiveness of war and the morality of peacetime is marked by a division in time.

In *The Big Red One*, soldiers endure two further features of war as a moral reality, both diminishing moral responsibility. One is *duress*. Like many others, Fuller's film tells a story in which individuals fight due to coercion rather than virtue or duty. Their predicament is more apt to trigger compassion than the admiration sought by the Worthy Enemy story. Duress appears as the Soviet machine-gun trained on the Russian infantrymen's backs as they advance on a German position in Jean-Jacques Annaud's *Enemy at the Gates* (2001). Clint Eastwood presents a sophisticated treatment in *Letters from Iwo Jima* (2006) where Japanese soldiers tempted to surrender are prevented by threat of physical violence from their officers, social stigma back home, and, in some instances, violence from an enemy depicted killing prisoners. They are effectively hemmed in with no choice but to fight for survival: 'When it comes to war,' Eastwood has said, 'it's hard not to think about the "poor slob" fighting for the other side' such as these young Japanese conscripts 'sent to an island and told don't plan on coming back'.<sup>61</sup> In *The Big Red One*, we first see the consequences of desertion when Sergeant Schroeder (the Sarge's German moral double) shoots an insubordinate private in the African desert. But Sarge himself has exactly the same role and more than once it is his known willingness to kill that prevents insubordination among his own men. As Fuller has said in interview, he is a 'carpenter of death' symbolizing those who have carried out the same role of shaping and directing the younger recruits for thousands of years.<sup>62</sup> As a result of these sergeants, the grunts, in the words of Clint Eastwood, are 'at the mercy of what the chain of command is up along the line'.<sup>63</sup> All soldiers – Just or Unjust – are subject to the same regime; all, therefore, threaten the enemy not by personal moral choice, but under system of duress that deflects responsibility to their superiors.<sup>64</sup>

The third argument in *The Big Red One* is that the legal and coercive regime of war constitutes a form of collective insanity that robs individuals of moral agency (and hence of the ability to be held responsible). In the preface, this is established metaphorically by a horse maddened by the surrounding violence. Tearing through the fog, it crushes Sarge's rifle beneath its hooves: as another soldier says shortly afterwards, 'I suppose horses have as much right to go crazy in this war as men have'. An old wooden crucifix is seen in the background, an image of Christ blinded, his eyes hollowed out (it reappears midway through the film). Later, when Sarge's platoon attacks a group of Germans in a hospital for the insane, a deranged patient seizes a machine-gun, declaring, 'I am one of you! I am sane!' as he tears up the room

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<sup>61</sup> Michael Judge, 'A Hollywood Icon Lays Down the Law' (interview with Clint Eastwood, *Wall Street Journal*, Jan. 29, 2011, available at:

{<http://www.wsj.com/articles/SB10001424052748703293204576106080298279672>} (accessed, March 2016).

<sup>62</sup> Roger Ebert, "'All war stories are told by survivors": an interview with Samuel Fuller,' August 17, 1980, available at {[www.rogerebert.com/interviews/all-war-stories-are-told-by-survivors-an-interview-with-samuel-fuller](http://www.rogerebert.com/interviews/all-war-stories-are-told-by-survivors-an-interview-with-samuel-fuller)} (accessed, April 2016).

<sup>63</sup> In Judge (2011).

<sup>64</sup> Cf. Walzer (1977), p. 36; on duress as an excuse, see McMahan (2009), §§ 3.2.1, 3.3.2.



before being shot.<sup>65</sup> In this respect, the film conveys a message similar to Samuel Maoz's *Lebanon* (2009). A veteran of the war he depicts just like Fuller, Maoz argues:

Normal people can't kill. You need to be a psycho. So the trick of war is to take a human being and put him in this... situation. [...] Our survival instinct, starts to take control [...] You don't think about moral calls and this is the trick of war.<sup>66</sup>

Contemporary moral philosophers are divided over whether one can justify as a legitimate act of self-defence the killing of an 'innocent threat', someone who may kill you but whose psychological or physical predicament means that they are incapable of moral responsibility. In *The Big Red One*, as in *Cross of Iron*, all participants have lost their agency at least to some extent. All exercise not a right of self-defence, but something closer to a Hobbesian right of self-preservation. In this condition, as *The Big Red One*'s narrator concludes, war is 'about survivors. The surviving is the only glory in war...'

#### 4 The Unjust Warrior inculpated

Rhiannon Harries suggests that it has become 'a moral imperative that any modern representation of war demonstrates the suffering that spans battlelines' and thus delivers 'a message of common humanity'.<sup>67</sup> This captures something of the way the films discussed above approached the figure of the Unjust Warrior but, in fact, some of the most popular and celebrated contributions to post-Cold War Just War Cinema explore precisely the opposite view: that 'humanity' is on the side of the Just Warrior meaning that the enemy must in some sense have lost their humanity; they are not just *my* enemy, but the enemy of mankind. As such, the enemy becomes, in Carl Schmitt's words, 'an unperson, and his life is no longer of the highest value: it becomes worthless and must be destroyed'.<sup>68</sup>

In this part, I focus primarily on two films that adopt the kind of morally asymmetric view that Schmitt warned about. First I interpret Steven Spielberg's *Saving Private Ryan* (1998)<sup>69</sup> as a challenge to the egalitarian conventions of what we might call 'orthodox' Just War Cinema and the expression of an asymmetric, anti-egalitarian ethic flowing directly from the *jus ad bellum*. This sets a pattern followed in more recent accounts in *Band of Brothers* (2001), *The Pa-*

<sup>65</sup> *A Bridge Too Far* also shows paratroopers meeting the dazed and smiling escaped inmates of a mental hospital.

<sup>66</sup> Rachel Cooke, Interview with Samuel Maoz, Israeli film director, *The Observer*, May 2, 2010, pp. 18-20, at p. 20.

<sup>67</sup> Rhiannon Harries, 'A ship goes down, but Bleasdale's writing wins the day for BBC drama', *The Independent*, 9<sup>th</sup> January, 2011. Available at: {<http://www.independent.co.uk/arts-entertainment/tv/reviews/the-sinking-of-the-laconia-bbc2-thursday-amp-fridaysun-sex-and-suspicious-parents-bbc3-monday-2179621.html>}

<sup>68</sup> Carl Schmitt, *The Concept of the Political*, tr. George Schwab (Chicago: Chicago University Press, 1996), p. 79, xxii, 54. On the psychological tendency to demonize enemies in war, see David Hume, *A Treatise of Human Nature*, ed. David Fate Norton and Mary J. Norton (Oxford: Clarendon Press, 2007), 2.2.3.2 (though cf. 2.2.5.10 on respect for POWs).

<sup>69</sup> Dir. Steven Spielberg. [DVD]. UK: Paramount Home Entertainment.

*Pacific* (2010) and David Ayer's *Fury* (2014).<sup>70</sup> I then turn to Quentin Tarantino's *Inglourious Basterds* (2009), which I interpret as a dramatic reduction of the asymmetric view.

### 'Brothers'

In a conversation among the US Rangers whose story forms the main focus of *Saving Private Ryan*, one recalls a 'saying': 'If God's on our side, who the hell could be on theirs?' His bookish comrade, Corporal Upham, corrects him citing the original question (from St Paul's *Letter to the Romans*, 8.31): 'If God is for us, who can be against us?' Both versions are telling but the difference even more so. St Paul's suggestion that the power of God is such that no enemy can withstand it casts the Allied war as the medieval Christian *bellum justum*, the righteous party acting to enforce God's law.<sup>71</sup> The modified version, however, goes a significant step further: if God is on *our* side, it suggests, then *your* side can only be supported by God's enemy, Satan himself. On one reading the text argues simply that the enemy cannot win; on the other, he becomes the servant if not the embodiment of evil.<sup>72</sup>

The altered quotation reflects the ethic of Spielberg's film as a whole. As with the television films he since co-produced, *Band of Brothers* (whose title invokes the just war themes in Shakespeare's *Henry V*) and *Pacific*, and like the more recent *Fury*, *Ryan* views World War Two in unapologetically asymmetric terms. In none of these pictures do we see any of the elements identified in part 3 as lending dignity to the enemy, and the idea of common humanity is effaced by the radically differentiated treatment given to soldiers on opposing sides: 'It is no longer acceptable,' as John Hodgkins infers, 'to simply survive a war; one has to earn the right to come home'. This one does by committing oneself to the righteous violence of the just war, a duty that only the Americans can claim to discharge.<sup>73</sup>

In *Ryan*, *Brothers*, and *Fury*, the evil that stands behind the enemy, of course, is Nazism and the Holocaust. *Brothers* will follow *The Big Red One* in portraying the Allied discovery of the death camps. *Ryan*, however, relies on the recollections of an audience that will already have

<sup>70</sup> Dir. David Ayer. [Blu-ray]. UK: Sony Pictures Home Entertainment.

<sup>71</sup> Stephen C. Neff, *War and the Law of Nations: a General History* (Cambridge: Cambridge University Press, 2005), pp. 46-7; on ambiguity between 'just war' and 'holy war' in medieval thought, see Frederick H. Russell, *The Just War in the Middle Ages* (Cambridge: Cambridge University Press, 1975), p. 2.

<sup>72</sup> Cf. Oliver Cromwell's speech in Schmitt (1996), pp. 67-8, on 'that enmity that is in him against whatsoever is of God.' Philip French notes that the actress who plays the elderly Ryan's wife as he visits a war grave previously played the angel who welcomed the souls of fallen Allied soldiers to heaven in *A Matter of Life and Death* (1946), perhaps further reinforcing the theology. See French, 'Ryan's Slaughter,' *The Observer*, September 13, 1998. Available at:

{[http://www.theguardian.com/film/News\\_Story/Critic\\_Review/Observer/0,4267,36480,00.html](http://www.theguardian.com/film/News_Story/Critic_Review/Observer/0,4267,36480,00.html)} (accessed, April 2016) John Hodgkins suggests the references to God reflect George Bush Sr's religious rhetoric ('In the Wake of Desert Storm: a Consideration of Modern World War II Films', *Journal of Popular Film and Television*, 30.2 (2002): 74-84, p. 77).

<sup>73</sup> Hodgkins (2002), p. 77. Weber (2005) argues that a particular conception of the family is offered in US cinema as what American soldiers are fighting for which sheds some light on the way *Ryan* provokes audience indignation at German aggression (threatening 'sons' and 'husbands').

seen Spielberg's *Schindler's List* (1993) (a film regarded as seminal in informing public awareness<sup>74</sup>) and only alludes to the genocide indirectly through the character of Stanley Mellish, a Jewish private in Captain John Miller's platoon. *Fury* simply identifies the enemies as 'Nazi' soldiers and invokes the pseudo-theology of *Ryan*'s holy war to specify the moral status of all Germans in uniform: 'do you think Jesus loves Hitler? [...] What about your regular-issue Nazi line trooper?', asks Sergeant Don ('Wardaddy') Collier of his gunner, Boyd ('Bible') Swan. Bible thinks anyone can be saved who 'accepted Jesus into his heart and got baptized,' but thinks '[i]t ain't gonna save [Hitler] from men's justice', and neither, it seems, will it save those who serve him as the tank crew's practice of summary execution will demonstrate.

Unlike some of the films discussed in part 3, *Ryan* and its successors eschew entirely the use of multiple perspectives. *Ryan*'s Normandy landings invite emotional identification only with the Americans. The staging of slaughter under the German defences helped establish the film's popular reputation as one of the most 'realistic' war films yet produced (a claim which *Fury* seems to have been intended to rival). But the only concession to the enemy's perspective is a shot depicting Americans in a German's machinegun sights, a device reinforcing the impression of a faceless threat, heartless, lethal, and inhuman.<sup>75</sup> In contrast, Spielberg's Americans – just like Ayer's – are quickly individuated (played by actors familiar as 'the cream of young Hollywood talent'<sup>76</sup>) and presented as a sympathetic focus for the audience.

Only two Germans are individuated in *Ryan* to any degree but they remain anonymous and both, tellingly, cause the deaths of key American 'characters.' One is a Waffen-SS member shown bayoneting Mellish slowly at the end of an agonizing hand-to-hand struggle. The other (listed in the credits as 'Steamboat Willie') is captured by the rangers after his machine-gun position kills Irwin Wade, the medic. His story develops the most troubling upshot of Spielberg's ethic, which is the film's close focus on the killing of Unjust Warriors after they surrender. The theme is introduced as soon as the US soldiers breach the German defences at Normandy through a quick succession of killings culminating in the execution of soldiers as they surrender. This initiates a revisionary tendency in the ethical thrust of the film as a whole: as the critic Philip French noted, 'we see, and are only moderately shocked by, angry, exhausted GIs killing German soldiers who emerge from pillboxes with their hands up'.<sup>77</sup>

In *Ryan*, Tom Hanks's Captain Miller provides a moral compass, guiding both the actions of the privates under his command and, hence, the viewer's judgement. Initially he seems troubled by the executions but when the rangers capture Steamboat Willie, Miller wavers and he permits the soldiers to make him dig his own grave. Only at the last minute does he order the

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<sup>74</sup> Pat Reid, 'Empire Essay: *Saving Private Ryan*,' *Empire Magazine*, January ,1 2000, available online at: {<http://www.empireonline.com/movies/empire-essay-saving-private-ryan-2/review/>} (accessed April 2016).

<sup>75</sup> On apparent interchangeability of individual enemies in *Ryan*, see Morris (2007) p. 293.

<sup>76</sup> Reid (2000).

<sup>77</sup> French (1998). Early in *Band of Brothers*, Ronald Speirs executes German prisoners, establishing an ambiguous character that his comrades (and through them, the audience) eventually learn to admire. In *Pacific* too Eugene Sledge progresses from restraint to vengeance against enemy soldiers.

man's release (under pressure from Corporal Upham), instructing him to surrender to the next Allied soldiers he meets. Later, Miller's decision is brought into question when Willie shoots him dead in Ramelle. As Krin Gabbard writes, 'the moral is not lost' on Upham.<sup>78</sup> It is for the Corporal, now, to retract Miller's clemency, underlining the idea that the immunity of German prisoners in *this* war is not an absolute matter. Previously unable to make the critical transition from bookish 'beautiful soul', to use Elshtain's words, to heroic 'just warrior' and save Mellish he has the chance to redeem himself when he recognizes – and is recognized by – Willie, captured at gunpoint along with a group of Waffen SS.<sup>79</sup> With a military band sobbing nobly in the soundtrack, Upham summarily shoots the Unjust Warrior as an example to the others, his conversion to the Just Warrior of revisionary Just War Cinema complete. He achieves 'a type of dignity or manhood ... through killing' and thereby earns his place in the band of brothers.<sup>80</sup>

*Ryan's* treatment of the ethics of killing is less *verbally* explicit than *The Big Red One*. Yet it clearly has something to say on the subject: 'the film ... condones war crimes (the killing of prisoners of war). This is its clear moral,' as a letter published by *Sight and Sound* declared.<sup>81</sup> It is hard not to read Upham's first killing as the culmination of a permissive argument developing through earlier scenes. And, indeed, the American film critic, Roger Ebert, seems to be referring obliquely to this aspect of *Ryan* when he interprets Upham not only as an avatar for the audience but also as the embodiment of a 'philosophical' argument inscribed in the film's action. As the culmination of a nuanced commentary on war delivered almost exclusively through image and action, it is what Upham does at the end of the film, Ebert suggests, that concludes an argument expressed nonverbally through the film as a whole.<sup>82</sup>

Notably, the crime for which Spielberg's rangers crave satisfaction (and the audience as it is drawn along by the film's emotional logic) is specifically the killing of Just Warriors struggling against Nazism (the Americans who died in their thousands on the beach, then Wade, then Mellish and eventually Miller himself) rather than the crimes committed within the concentration camps as such.<sup>83</sup> Likewise, a captured soldier in *Fury*, whom Wardaddy forces an inexperienced private to kill, is singled out for wearing a US army coat, linking him in the Americans' minds to the death of a comrade. As Jason Isaacs' Captain Waggoner declares (in

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<sup>78</sup> In Krin Gabbard, 'Saving Private Ryan too Late,' in John Lewis (ed) *The End of Cinema as we Know It: American Cinema in the Nineties* (London: Pluto Press, 2001), p. 123.

<sup>79</sup> Jean Bethke Elshtain, 'On Beautiful Souls, Just Warriors, and Feminist Consciousness,' *Women's Studies International Forum*, 5:3-4 (1982): 341-48. In the German TV series, *Generation War* (2013), Friedhelm Winter undergoes a similar transformation from the 'poet' to war criminal.

<sup>80</sup> Pace Morris (2007) pp. 294-5. The phrase is from Hodgkins (2002) p. 78.

<sup>81</sup> D. L. Ouran, 'Evil Ryan,' *Sight and Sound*, March 1, 1999, p. 64.

<sup>82</sup> Ebert (1998). On *Ryan's* permissive ethos and the escalation from executing soldiers 'spontaneously' to doing so 'calculatedly,' see Morris (2007) p. 292.

<sup>83</sup> Cf. Philippa Gates, ' "Fighting the Good Fight:" The Real and the Moral in the Contemporary Hollywood Combat Film,' *Quarterly Review of Film and Video*, 22.4 (2005): 297-310, p. 307. See also Morris (2007) p. 281.

flat rejection of *The Big Red One*), ‘You just paste them hard for me: they *murdered* some good boys out there today.’<sup>84</sup>

In fact, there are several apparent references to *The Big Red One* in *Fury*, each challenging its central claims. ‘Fury’ is a Sherman tank, its name recalling the Eumenides, vengeful demigods of the *Oresteia* of Aeschylus. After the opening scene, its crewmen initially lay responsibility for the death of their comrade – ‘Red’ – which occurred just before the film’s beginning at the feet of Wardaddy, their sergeant. But then they change their minds, transferring blame from Don to ‘the Germans’. Just like Lee Marvin’s ‘Sarge’, Wardaddy plays a paternal role for the privates. But whereas Sarge has a German double and his role – as both their protector and coercer – is mirrored in such a way as to coax the audience of *The Big Red One* into sympathizing with *soldiers in general*, *Fury* makes no concessions to the Germans who are consistently portrayed as the ‘murderers’ whose threat it is Wardaddy’s job to help his men survive. And like Sarge, Wardaddy is first seen bayonetting a German officer in a prefatory scene set in the foggy aftermath of battle. Just as in *The Big Red One*, there is a white horse, but this one is calm after he liberates it from its German rider. For the sergeant and his comrades, war may be hell but it is not insane because, while ‘[i]deals are peaceful, history is violent,’ as he explains to Private Norman (whose greenhorn status identifies him with the audience: we learn what he learns). And for the Wardaddy, there is no angst about the killing: war continues until the murderous threat has been eliminated.

### *‘Basterds’*

At first glance, Quentin Tarantino’s *Inglourious Basterds* (2009) resembles a contribution to the ‘brothers’ school of Just War Cinema.<sup>85</sup> Having established a classic Nazi villain in the opening scene – Christoph Waltz’s SS Colonel Hans Landa, the ‘Jew Hunter’ – the film sets off on two narrative tracks with the introduction of Shosanna Dreyfuss and Aldo Raine. Dreyfuss narrowly escapes Landa’s soldiers when they murder her family but shows up some time later in Paris as the owner of a cinema. Raine is leader of ‘the Bastards,’ a special platoon of Jewish-American ‘guerrillas’ sent behind enemy lines to kill and mutilate German soldiers. Their stories eventually converge in simultaneous plots by Dreyfuss and the Bastards to assassinate Hitler and the senior Nazi leadership. At a number of points in the film, viewers are exposed to images of bloody violence played out on the bodies of the Germans, culminating in the disintegration of Hitler’s face as he is relentlessly machine-gunned by Sergeant Donny Donowitz, the ‘Bear Jew.’ Superficially, therefore, the film reads as an elaborate revenge fantasy, radicalizing the retributive approach to the enemy developed in *Ryan* and *Fury*. On this level, it shares something with the joyous vengefulness of Tarantino’s *Django Unchained* (2013).<sup>86</sup> But closer attention reveals elements in the film’s construction pointing towards an

<sup>84</sup> Emphasis added.

<sup>85</sup> [Blu-ray]. UK: Universal Pictures UK.

<sup>86</sup> On the reception of *Inglourious* as ‘Jewish revenge porn’ as well as sources criticising the film along these lines, see Alexander Darius Ornella, ‘Disruptive Violence as a Means to Create Space for Reflection: Thoughts on Tarantino’s Attempts at Audience Irritation,’ in Robert von Dassanowsky (ed.) *Inglourious*

argument strongly at odds with revisionist Just War Cinema. This comes across particularly from the way *Inglourious* explores the theme of the military uniform and a soldier's ability to extricate himself from the moral status it bestows.

Uniforms are rendered ambiguous by the debates I am considering here. In the perspective of the law of war (and of orthodox Just War Theory / Cinema), they bestow the special status of combatant, including recognition as an equal before your enemy. Crucially, uniforms may be discarded when war ends (*The Big Red One*) or if you exit the war by entering neutral territory (as in *La Grande Illusion*). As long as you kill only enemy soldiers within the war, you have no crimes to answer for once you leave it behind you. But in the asymmetric perspective of revisionist Just War films like *Ryan*, this prospect is rendered doubtful. You fought for the Third Reich; you thereby supported its crimes; and in doing so you killed Just Warriors who fought only to prevent the spread of Nazism. Why, they ask, should you be able to set aside your identity as the Unjust Warrior so easily?

At its surface, *Inglourious* mimics the retributive logic of moral asymmetry. Only one German is allowed to survive each attack by the Bastards. He is released with an instruction to spread the word about what they did and, before setting him free, Raine always asks him one thing: what will he do with his uniform after the war? The usual answer is that he will take it off and happily throw it away. Hearing this, Raine then cuts a Swastika into his forehead with a bowie knife, making his identity as Unjust Warrior permanent. But even while *Inglourious* overtly challenges the Doctrine of Moral Equality at one level, it simultaneously subverts the challenge at another.

Consider Sergeant Werner Rachtman, the first German soldier we see 'executed' by the Bastards. Were we intended to feel unalloyed sympathy with them at this point, then we might expect Rachtman to display an array of inculcating characteristics. But there is really only one gesture pointing in that direction and it is rendered ambiguous by the context that motivates it. When Rachtman refers to the Bastards as 'Jew dogs,' it isn't presented as a spontaneous expression of his views; it is uttered as a gesture of defiance once it is clear that Raine will order the Bear Jew to murder him in violation of the same codes of military conduct that Rachtman himself scrupulously adheres to. In all other respects, Rachtman (by contrast with Landa) is portrayed as a Wehrmacht soldier *simpliciter*, not a war criminal. Upon meeting Raine, Rachtman makes the proper gesture of respect between enemies, saluting his captor. Notably, he does so with hand to forehead, not with the Hitler salute. Raine interrogates him about the location of snipers, threatening to let the Bear Jew kill him if he won't divulge. Rachtman 'respectfully' refuses to cooperate (as is his entitlement as a POW) to avoid risking 'German lives'. As if to try to force him back into the genocidal stereotype, Donowitz taunts him and asks whether he won the Iron Cross for 'killing Jews'. Rachtman's reply invokes a

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*Basterds: a Manipulation of Metacinema*. London: Continuum, 2013, pp. 226-27. Thanks to Steven de Wijze for emphasizing the theme of revenge in Tarantino's revenge films.

purely military code of honour: he won it for ‘bravery.’ And with that, as good as his word, he lets himself be beaten to death with a baseball bat rather than betray his comrades.<sup>87</sup>

As an Unjust Warrior, Rachtman’s type does not come from the *Ryan* subgenre. He has greater affinity with the Worthy Enemies of earlier films and his predicament invites a discomfiting comparison with the scenes in which Rommel refuses to interrogate captured Allied soldiers in *Desert Fox* and *Desert Rats*. Compare the leading Bastard, Aldo Raine. Played by Brad Pitt, a Hollywood ‘star’, Raine is flagged as the ‘lead role.’ But his status is subverted repeatedly throughout the film. Landa appears first, has more lines (in no fewer than four languages) and ultimately seizes control of Raine’s plot when he secures a final say over whether the Bastards’ can go ahead and end World War II.<sup>88</sup> By contrast, Raine is jarringly crude throughout the film, morally, militarily, strategically and intellectually. If he leads the moral rebellion against the laws of war, he does so as a character who lacks both sophistication and real agency.<sup>89</sup>

One layer of Tarantino’s *reductio* of the subgenre is thus seen in counter-stereotypes: the dignified German sergeant; the bloodthirsty American; the intellectually virtuosic but genocidal SS (anti-)hero who brings peace. A second is added through the casting of Eli Roth – better known as the director of the ‘torture porn’ *Hostel* movies – as the Bear Jew.

By casting Roth, Tarantino draws attention to what is going on *within* the film through decisions that are taken (as it were) *outside* the film. The climax of *Inglourious* converges on a cinema at which a Nazi propaganda film will be shown called *Nation’s Pride*. This film-within-the-film depicts the exploits of Private Friedrich Zoller, a sniper who single-handedly massacred several hundred American soldiers in only three days. The implicit comparison becomes clear as we watch the vengeful glee of its *German* audience (within *Inglourious*).<sup>90</sup> As we (the viewers of *Inglourious*) watch them (Hitler, Goebbels, and the audience of *Nation’s Pride*), the grotesque resemblance between *their* enjoyment and *ours* calls into question any emotional enjoyment we might experienced in seeing the slaughter of *German* soldiers in *Inglourious* and the war films it recalls. Roth’s significance is twofold: first, his presence recalls the torture-porn he is better known for, inviting comparison with the gore of *Inglourious*; second, it turns out that Tarantino assigned Roth the job of making *Nation’s Pride* itself. So it was the man playing the Bear Jew who *really* (in our world) directed *Nation’s Pride*, the spoof parody of (the official plot of) *Inglourious*. Roth thus appears at once as the maker of films about sadism, as the bloody killer of prisoners of war *and* (behind the scenes) as the *real* director (in our world)

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<sup>87</sup> Compare Ornella’s reading (2013, pp. 322-23) which also notes Rachtman’s courage and the ambivalence viewers are likely to feel as their complicity in murderous voyeurism is highlighted.

<sup>88</sup> On the other hand, Shosanna Dreyfus is a good deal less ambiguous and more sympathetic. In fact, her conspiracy to kill Hitler and the German leadership renders attempts to do so by the Bastards unnecessary.

<sup>89</sup> By contrast, Ayer seems to redeem something of Raine in the more sophisticated (polyglot) tank commander of *Fury*. Raine’s behaviour towards German soldiers is recalled by our first sight of Wardaddy ambushing a German officer and killing him with the knife he keeps in his boot.

<sup>90</sup> The scene also recalls the beach scenes in *Ryan*.

of the spoof ‘torture porn’ movie in the fictional space of *Inglourious*. This short-circuits the distinctions between fact, movie-fact and movie-fiction and underlines the connection between ‘our’ enjoyment of the Bastards’ slaughter and the Germans’ pleasure in watching Zoller’s.<sup>91</sup> The comparison thus brings any satisfaction we might gain from the Bastards’ ‘justice’ – and, by association, that of the various Brothers movies – into question, morally and aesthetically.<sup>92</sup>

## 5 Conclusions

I hope the film interpretations in sections 3 and 4 will have convinced readers of Just War Cinema’s ability to offer moral arguments. If so, then it is worth concluding with some comment on the influence it might have socially. I think the ability to reach such a wide audience means that Just War Cinema may be either an enormous help to theorists (and others such as the ICRC) in their efforts to shape public opinion or, depending on what it is arguing, a dangerous hindrance.

The first is seen in Walzer’s *Just and Unjust Wars*. When Walzer argues that Unjust Warriors might yet be principled and honourable, he does so with reference to Rommel, just as *Desert Fox* did in 1951. And like the film, Walzer’s source is the biography by Desmond Young.<sup>93</sup> But I want to suggest a further possible interconnection. Rommel was a useful illustration because Walzer could refer readers to Rommel’s ambiguous status in popular lore about World War II. And one widely accessed influence on this lore was *Desert Fox*. Walzer, in other words, was able to rely on a public already primed to find the validity of a key component of orthodox Just War Theory intuitive and cinema is part of the explanation. The theory, as Walzer said himself, interpreted ‘a moral doctrine ready at hand, a connected set of names and concepts that we all knew – and that everyone else knew’.<sup>94</sup>

If the films in section 3 are part of the explanation for wider public awareness of the orthodoxies Walzer alluded to, those in section 4 suggest that the resulting consensus is likely to have suffered some damage more recently. Since Spielberg’s *Ryan*, the immunities of the Unjust Warrior have taken a battering. And, of course, *Ryan*’s offspring aren’t limited to treatments of the ‘Good War’ of 1939/1941-1945 but have more recently depicted US armed engagements since 9/11 (e.g. *Zero Dark Thirty* (2012)). Seth Rogan’s controversial comment that Eastwood’s *American Sniper* (2014) reminded him of *Nation’s Pride* takes on greater signifi-

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<sup>91</sup> Note that this doesn’t necessary affect the viewer’s attitude towards Shosanna Dreyfus’s plan to avenge her murdered family and defeat the Nazis which is entirely independent of the Bastards’ story.

<sup>92</sup> Controversy over Seth Rogan’s Tweet about *American Sniper* recalling *Nation’s Pride* suggests Roth’s movie raises painful questions for those seduced by the morally one-sided cinema discussed in part 4.1. See Christopher Rosen, ‘Seth Rogan Clarifies ‘American Sniper’ Tweet’, *Huffington Post*, January 19, 2015, available at:

{[http://www.huffingtonpost.com/2015/01/19/seth-rogen-american-sniper\\_n\\_6503586.html](http://www.huffingtonpost.com/2015/01/19/seth-rogen-american-sniper_n_6503586.html)} (accessed, April 2016). Thanks to an anonymous referee for drawing my attention Rogan’s comment.

<sup>93</sup> Desmond Young, *Rommel: the Desert Fox* (London: Collins, 1950); Walzer cites a 1958 edition of the book (1977, p. 339 n.4).

<sup>94</sup> Walzer (1977), p. xvii.



cance when viewed in this context.<sup>95</sup> The moral asymmetries of unapologetically populist cinema are now dressed up as a frank, accurate, and serious depiction of history. But as Philippa Gates argues, the “authentic” and “realistic” combat sequences that define the new Hollywood war film [...] do not necessarily offer a more *accurate* portrayal of war and most often merely mask increasingly idealistic moral assertions.<sup>96</sup> Idealistic they may be in some respects, but they risk inscribing on public understanding an ethical grammar that is deeply troubling both morally and aesthetically, as *Inglourious* suggests.

From the perspective of Just War Theory and its concern with limiting the destructiveness of war, I think this trend should be seen as profoundly worrying. The best of Just War Theory aims to inform opinion not only in academia but also beyond. But it hardly needs stating that cinema has a greater capacity to engage popular attention than the writing – however lucid and simply stated – of academic philosophers. As Sam Fuller declared, “[t]he power of the camera [...] is exactly like bold-faced type; you cannot compete with it [...] Don’t talk about it, show it.”<sup>97</sup> My closing thought is that films following the pattern of *Ryan* show how Just War Cinema might therefore vitiate the aims of contemporary Just War Theory.

Consider the social aim of McMahan’s challenge to orthodox theory: to erode the confidence of soldiers in doctrines claiming to absolve them of moral responsibility for killing in unjust wars. A successful challenge, McMahan hopes, might make it more difficult for governments to start morally dubious wars, thereby reducing their frequency.<sup>98</sup> But the analytical blade cuts the other way too: what happens when governments successfully persuade their soldiers that they *do* have just cause? And what if soldiers absorb their scepticism about the Doctrine of Moral Equality less from philosophy than from the revisionist cinema of Spielberg and Ayer? It comes as no surprise to read of Colonel David Hackworth’s remark that, during the 1990s, ‘the self-image and self-esteem of US troops were greatly colored by “Hollywood” movies’.<sup>99</sup> If they thereby internalized the ethos I discussed in the ‘*Brothers*’ subsection and then supposed themselves to be fighting in a contemporary just war, it could motivate a radically increased permissiveness, particularly in behaviour towards captured enemies, with the risks of reciprocal escalation that this is likely to bring in its wake (a dark thought indeed in the era of Abu Ghraib).

As the ICRC ‘People on War’ report states, ‘[c]onsciousness of the Geneva Conventions matters’: ‘[p]eople that are unaware of the Conventions are more likely *not* to help or save a wounded or surrendering enemy combatant that had killed someone close to them’.<sup>100</sup> But of course it’s not enough that people *know* about the Conventions; they also have to *believe* that

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<sup>95</sup> Rosen (2015). On apologetics for US assertiveness post-9/11 in cinema, see David Hastings Dunn, ‘*The Incredibles*: an ordinary day tale of a Superpower in a Post-9/11 Worlds,’ *Millennium*, 34.2 (2006): 559-62.

<sup>96</sup> Gates (2005), p. 298.

<sup>97</sup> Interviewed by Richard Schickel {[https://www.youtube.com/watch?v=zP5BhK\\_xMIA](https://www.youtube.com/watch?v=zP5BhK_xMIA)} accessed, 5 July 2016 (from *Pickup on South St.* (1990). Dir. Samuel Fuller. [DVD] US: Criterion Collection).

<sup>98</sup> McMahan (2009), pp. 3, 6-7.

<sup>99</sup> Hodgkins (2002), p. 78.

<sup>100</sup> ICRC (1999), pp. xi, 19.

they are morally valid. Both those concerned with reinforcing this belief for the sake of humanitarian purposes and the revisionist philosophers who raise legitimate doubts about the potentially permissive consequences of doing so need to figure out how best to pursue their aims in the face of the rival (and potentially dangerous) influences on public opinion in popular media.