

Example 1: Leona

In *Just War: Principles and Cases*, Richard Regan defines just war conduct in terms of the principle of discrimination and the principle of proportionality. These principles can be defined as who is a just target in war, and whether destroying the target is just in comparison to the possible number of civilian deaths, respectively. In *Just War*, A.J. Coates defines the theory of Just War as a war with “moral limitations.” Recent media, both mainstream and alternative, have reported many bombings along with varying reports of the number of civilian deaths. These articles show inconsistencies in the number of deaths, and in some cases, discrepancies on whether there were any bombings at all. Readers must interpret the truth through their own research in order to answer the question, are these bombings ethical according the Regan’s principles. In my essay, I will use Regan’s book and a variety of alternative and mainstream media articles to determine whether American military action adheres to the abovementioned *just war* principles. As a result we will see that by making ethical choices, the United States goal of war, fighting for the “greater good,” is achieved.

Richard Regan’s first principle is that of discrimination, which he describes by saying “just warriors may directly target personnel participating in the enemy nation’s wrongdoing but should not directly target other enemy nationals” (87). He then goes into a very specific list of who is a just target. The basic argument is that it is only just to target those civilians directly involved in the war, which consists of a very large portion of the population. This includes armed forces (with the exception of medical military personnel), political leaders, and civilians in war-related work or engaging in war-related activities. These targets are merely an ideal list of justified deaths, and each country has a different point of view. Ultimately, the death of innocent civilians is inevitable in wartime and the goal, according to Regan, is to keep this number to a minimum. Some may wonder if it is ever ethical to kill any innocent human. Regan approaches this issue from both a deontological and teleological perspective. The deontological approach looks at the “intrinsic nature of actions,” and the teleological approach looks at the “extrinsic consequences of actions” yet both come to the same conclusion that killing an innocent enemy civilian is wrong (92). The only exception to this policy is in the case that a

civilian performs a wrongdoing equal to their death. William O'Brien argues that the principle of discrimination is no longer applicable to modern war because modern war "necessarily involves the death of ordinary citizens" (Regan 93). This "does not mean that ordinary civilians are necessarily the intended target," but simply that destroying military targets necessarily means the death of innocent civilians (Regan 93). The principle of proportionality analyzes whether the number of these civilian deaths is comparable to the military target. This principle is the condition in which "the morally good effect...should equal or outweigh the morally bad effect" (Regan 96). More specifically, bombings are "morally permissible only if the importance of the military targets equals or outweighs the resulting deaths of ordinary civilians" (Regan 96). In order to apply this principle a reasonable prediction must be made about the number of civilian deaths to be expected. There is no exact science to the process, which is why it is so difficult to come up with a yes or no answer as to whether any of these deaths are just. Determining whether or not these deaths are just leads to a conclusion about whether or not the US is fighting a just war. The main contrasts of the just war theory with other war theories are that it "insists on the moral determination of war where that is possible, and on the moral renunciation of war where it is not," "consistently affirms the moral primacy of peace over war," and "resists the blanket moral condemnation of war and of all things military, affirming the potential moral instrumentality of war and the virtues of an imperfect often precarious peace" (Coates 97).

Example 2: Tom

The terrorists attack on the World Trade Center and the Pentagon changed the course of the world forever. I remember exactly what I was doing the moment I heard a plane flew into the World Trade Center. The events of 9-11 altered our way of life. Some of the basic values that we hold dear in the United States were attacked that day. Presently, the United States is involved in a war against the terrorist network Al Qaeda, headed by Osama Bin Laden, and the Taliban government of Afghanistan. Because of their evil attacks on the World Trade center and Pentagon on September 11th, an estimated 5000 innocent Americans were killed. Therefore, our declaration of war is justified according to the *jus ad bellum* criteria examined by A.J. Coates in his book "The Just War." Now we must focus our attention on another just-war concept called *jus ad bello*. This principle is used to evaluate our actions in carrying out this war. In other words, it is a guide to determine the methods that are morally acceptable in combat. One can do

this by evaluating the principles of discrimination and proportionality found in the chapter entitled “Just War Conduct” by Richard Regan. The discrimination principle provides a framework of who is a legitimate target once engaged in a just war, while the principle of proportionality outlines if the action is morally permitted. In this essay, I will examine Regan’s principles of discrimination and proportionality in just war conduct. Then I will relate these ideas to articles about U.S. bombings in Afghanistan to show that the United States is morally justified in its war against terror.

As stated by Regan , the principle of discrimination claims “just warriors may directly target personnel participating in the enemy nation’s wrongdoing but should not directly target other enemy nationals.” (87) That is, the killing of innocent civilians in war is unethical in relation to the just war theory. However, this principle is not as absolute as one may think due to the rise in modern warfare, which will be discussed later in the essay. The principle of proportionality is more complicated. To understand proportionality, one must understand the principle of “double effect”, which proportionality is part of. Regan states “When human agents consciously will to do something, they are morally responsible for the foreseeable consequences of their actions, and their actions can have several affects...The principle of double effect holds that human agents are morally permitted to act in such cases if and only if certain conditions are met.”(95-96) These conditions are that the action should be morally neutral, the human agent should desire the morally good effect, the morally bad effect must not be the means whereby the morally good effect is achieved, and finally, the morally bad effect should equal or outweigh the bad effect. This fourth principle is what is called the principle of proportionality. It is also the most difficult moral matter to determine.

Example 3: George

In *The Just War*, A.J. Coates defines the theory of just war and compares this theory to the other theories of war. The just war theory “insists on the moral determination of war where that is possible, and on the moral renunciation of war where it is not.” It also “affirms the moral primacy of peace over war” and “resists the blanket moral condemnation of war” (Coates 97). In order for a country at war to be considered just, it must comply with *jus ad bellum* (the criteria that must be met before going to war) and *jus in bello* (the criteria that must be met while conducting war) (Coates 98). Two of the *jus in bello* criteria, the principles of discrimination

and proportionality, are the subject of Richard Regan's *Just War Conduct*, where Regan describes these criteria in detail. In various articles and essays from the American media and alternative media, these criteria are used to explain why or why not the United States is currently fighting a just war in Afghanistan. In my essay, I will use Regan's ideas on discrimination and proportionality, and the articles and essays written by the American and alternative media in the Afghanistan packet to discuss whether or not the United States is presently fighting a just war. As a result, we will see that the United States is complying with the principles of discrimination and proportionality, and therefore is fighting a just war.

Regan defines the principle of discrimination by saying that "just warriors may directly target personnel participating in the enemy nation's wrongdoing but should not directly target other enemy nationals" (87). This means that members of the enemy nation's armed forces can be targeted, but those not participating in the war movement should not be. However, sometimes a target is military-related, but "collateral damage" occurs. Collateral damage is when innocent civilians are accidentally killed, but were not directly targeted. According to Regan, the principle of discrimination is concerned with the intended target, not what is actually hit. Therefore, if a country kills civilians as a result of collateral damage, the country is still fighting a just war. In his *ZNet* essay, *A Dossier on Civilian Victims of United States' Aerial Bombing of Afghanistan: A Comprehensive Accounting*, Marc Herold states that there "is no difference between the attacks upon the WTC whose primary goal was the destruction of a symbol, and the U.S-U.K revenge coalition bombing of military targets located in populated urban areas" (par. 20). As indicated by Regan, however, there is a difference. The attacks on the World Trade Center were intended to kill civilians, based upon the fact that the buildings were hit during the day when people would be working in them and the buildings were not military-related in any way. In contrast, the bombings in urban areas are intended to hit military targets, not kill civilians. As Regan states, "a just warrior satisfies the principle of discrimination if the warrior aims to target the guilty enemy" (93). Since the United States is aiming to hit military targets and not civilians, it is complying with the principles of discrimination. Therefore, it is just for the United States to bomb these targets. Another example of this idea can be seen in Eric Schmitt's *New York Times* article, *Pentagon Says Error Led to Bombing of Houses in Kabul*. According to this article, "an FA-18 fighter-bomber from an aircraft carrier in the Arabian Sea had been sent to attack a military helicopter at the Kabul airport," but instead hit a group of

houses that were located about a mile away (Schmitt par. 6). Although four Afghan civilians were killed and eight were wounded, the intended target was a military helicopter, and so the civilian deaths were accidental. This complies with the principle of discrimination because “the underlying focus of the principle of discrimination is on the nature of the target,” not on what was actually hit (Regan 93). Since the civilians were not targeted, the United States’ bombing was just. In the *National Public Radio* news report, *Afghanistan Raid a Mistake, U.S. Military Says*, it was reported that the U.S. military killed 18 Afghan civilians. As it turns out, the military had been informed that Taliban members were hiding out in the two buildings, not civilians, and that those killed were in fact loyal to Afghanistan’s new government (*NPR*). Though innocent civilians were killed, this incident still complies with the principle of discrimination. The United States military had killed the civilians believing that they were Taliban members. Regan writes that “an unjust enemy’s armed forces may be justly targeted because they are evidently participating in the enemy’s wrongdoing against the victim nation” (88). Because the United States military believed the civilians to be members of the enemy’s military, it intended to kill members of the military. As stated before, “a just warrior satisfies the principle of discrimination if the warrior aims to target the guilty enemy” (Regan 93). Therefore, their intended target was just, and, as a result, their actions were also.

Example 4: Colleen

In Just War Conduct Regan elaborates on the theories of discrimination and proportionality which form the basis of *jus in bello* discussion. In the Afghanistan Packet of readings there are thorough descriptions of how distinctively mainstream media and alternative media represent the U.S. attacks in their reporting, and how other scholars in the U.S. might argue against this War on Terrorism. Various articles from US media and alternative media illustrate how the U.S. is not being completely moral in bombing “war-related targets in Afghanistan”. In my essay, I will use Regan’s discussion of Discrimination and Proportionality to discuss the morality of U. S. bombing of “war-related targets” in Afghanistan. As a result, we will see that the morality of U.S. bombing is not well rooted according to proportionality and discrimination principles discussed by Regan.

In Regan’s Just War Conduct, the author exposes us to the ‘two central principles to govern just war conduct’: the principles of Discrimination and Proportionality. Discrimination

according to Regan is “the use of reason to discriminate between the guilty enemy and the innocent enemy as targets of military action” (95). Therefore, according to the principle of Discrimination the nature of the target must be analyzed to distinguish between those that are combatants (war-related) and those that are non-combatants (non war-related). Depending on the nature of the target, the military action will be morally permissible or impermissible. Proportionality is defined as “the morally good effect, one that it is morally permissible to desire, [that] should equal or outweigh the morally bad effect, one that it is not morally permissible to desire” (Regan 96). The principle of Proportionality is more concerned with being proportional, fair in terms of evaluating the legitimacy of targets, how effective the military force was, and if the military action was necessary to equal or outweigh the morally bad effect. Connecting these principles with U.S. bombing of “war-related targets” in Afghanistan, we notice “the bombing will be morally permissible only if the importance of the military targets equals or outweighs the resulting deaths of ordinary civilians” (Regan 96). To come to a conclusion as to whether U.S. bombing in Afghanistan is morally just we have to analyze mainstream media and alternative media readings from the Afghanistan packet. These readings will allow us to think about how our bombing of these “war-related targets” is fulfilling or violating these two principles of discrimination and proportionality.