



Prompted by the current (April 1999) conflicts in the Balkans ('Serbian versus ethnic Albanian' in Kosovo and 'NATO/USA versus Serbia' are at least two separate ones), and what seemed to be a virtual unanimity of opinion amongst libertarians against the latter conflict, I decided to consider my own thoughts on warfare. No doubt a rather pretentious exercise coming from someone with very little to offer in the way of expertise on the subject, but war is one of those 'grand dramas' that nearly everyone feels that they have an opinion about, so what not myself too?

Regarding the present Balkan conflict, in the end I came to a conclusion at variance both with most libertarian commentary on the matter and also with what I had previously thought on a less ideologically coherent level.

CONSTRAINTS ON ACTION UNDER LIBERTARIANISM

As a libertarian, I believe that there is no legitimate prohibition on any action providing that it involves neither fraud nor force. It is the latter that I am interested in here, and I take it to mean that one cannot acquire any property or service by forcibly expropriating it from another: e.g. one may acquire a man's house and land by being gifted them or ex-

changing something else for them, but not by gathering together a group of armed individuals and forcibly disposing of them.

THE ILLEGITIMACY OF THE SANCTION OF 'SCALING UP'

Also, following from another usually accepted tenet of libertarianism, I do not believe in any higher entity than the individual human, and that humans acting *en masse*, whether calling themselves the government or some such, affords no additional sanction on actions than had they been committed by a solitary individual or a small group who did not attempt to define themselves as some socio-political abstract (e.g. as professional criminal gangs do not usually attempt to do). In other words, there is not some magical point at which the sheer number of people involved in an enterprise changes it qualitatively.

But equally, re-scaling a situation does not alter the fact that large groups of individuals can, in theory, voluntarily combine in 'an army' to engage in, qualitatively if not quantitatively, the same acts that would seem unremarkable and legitimate if conducted 'domestically' by a small group of individuals such as a private security firm.

THE RIGHT TO SELF-DEFENCE AND SOME RESULTING DILEMMAS

Whilst as a libertarian I do not believe in the initiation of force, there is absolutely no prohibition on self-defence. Libertarianism is not an inherently pacifist doctrine simply because it eschews violence as a means of getting what one wants. (However, there is absolutely nothing stopping individuals from adhering to pacifism as a personal creed.) This seems reasonably straightforward, but there are a number of problems that can arise, and the more people there are involved in something then the more likely they are actually to arise.

The first concerns the legitimacy of pre-emptive action. If a man of known violence who has persistently issued death threats against someone levels a rifle at them, does he or she (the target) have to wait until they see the bullet flying from the barrel before, instead, shooting him first in self-defence? On the face of it, the non-initiation-of-force doctrine of libertarianism would seem to suggest that pre-emptive action can never be taken and that the somewhat astonishing answer to

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FOR LIFE, LIBERTY AND PROPERTY

the preceding question is 'yes'. After all, it does seem rather like locking people up in prison on the grounds that they *might* commit a crime: until the trigger has actually been pulled one can never be fully sure that it will be.

However, I suggest that a mistake can be made in only considering the ultimate act — pulling the trigger in this case — as the actual criminal act, rather than the whole series of actions *necessary* for that ultimate act to be carried out. If one accepts that in this sense planning and execution exist as a whole, along with the already-stated right of self-defence, then the latter can be exercised at any stage during the act as an entirety. It is, of course, still a requirement that the victim does have to demonstrate the nature of the (planned) action: this is a warrant for self-defence at some point in time preceding the culminating act, not for supposed 'self-defence' against an act not yet in operation *at any stage*.

I would suggest, therefore, that it is legitimate to wage a preemptive war on others who have a clear record of military or terrorist activities against one, or who have declared their intent by some other means, and who are also provably mobilising and/or acquiring or distributing weaponry etc. which can be used to this end: just as with the common-law offence of assault, they must be in a position to carry out their threats. If the Danes suddenly decided to acquire a small but usable nuclear weapons capability it seems unlikely that, using my arguments, anyone would have much of a legitimate argument to launch an attack against them since they are a people not known for their recent history of mass aggression; on the other hand, Israel's strike on an Iraqi nuclear facility in 1981 was a rather different matter. (And yes, I *am* aware that my phraseology here perhaps conflicts with what I say later on about the use of collectivist 'ethnic nouns'!)

A second problem concerns what is euphemistically known in military circles as 'collateral damage', i.e. the killing of innocents (those not participating in the overall act of aggression against one) resulting from an act of self-defence (or perhaps even more tragically from accidents or mistakes). This is unquestionably regrettable, but I believe that it can be justified by invoking the libertarian view that, when all other possibilities have been exhausted, the individual's right of self-preservation is, *to that individual*, supreme, even if it means killing someone else who has no intention of harming them. This may sound a particularly callous point of view, but consider the logic of denying its veracity. It is surely to say that: if to me I am *less* important than you, then necessarily to me you must be *more* important than me. This strikes me as 'altruism' of the bad sort: the notion that others are inherently more important than oneself. Again, this is not a warrant for murderously indifferent behaviour, but it is an explicit justification for killing non-aggressing others in ultimate defence of at least one's own life. (Whether it is legitimate in other circumstances when the life of oneself or others one has decided to protect is not in jeopardy is another matter pertaining to the question of proportionality discussed below.)

In a war situation, not only does this mean that killing an enemy's conscript troops is legitimate, but so too may be killing its unarmed and perhaps (to the enemy) hostile citizenry if it is done in pursuance of a legitimately libertarian military objective: i.e. one which is ultimately one of self-defence.

However, the distinction between actual aggressor and unfortunate bystander still remains. None of the above should be taken to mean that, as a libertarian, one can arbitrarily designate people as 'the enemy' when they are not, and set about killing them. It will often be a fine line between just who is

a genuine combatant and who is not, but I would suggest that those engaged in occupations which, even if they are in some manner sustaining the war effort (e.g. farmers growing food), they would still be engaged upon in the complete absence of conflict must be given the benefit of the doubt and can therefore never be the deliberate targets of military action.

In the same vein, to use the existence of military installations located in a centre of population as an excuse for carpet-bombing the entire area and its non-combatant inhabitants — war by terror — seems very wrong. The mass conventional and nuclear bombing of cities of by then almost no military significance located in more-or-less already-defeated Nazi Germany and Imperial Japan that the western allies engaged in right at the end of the second world war was, by my reasoning, of very dubious morality and may in fact have been morally similar to, for example, the Nazi German murder of whole villages of civilians such as at Oradour and Lidice to quite successfully terrorise the civilian population into quiescence.

A third concern is that of 'proportionality', i.e. that any action one takes must be proportional to stopping the assault against one, gaining restitution, etc. Anyone who wakes up to find a masked stranger in their house is entitled to think the worst and act accordingly; but in many instances the enemy and his/her intentions will be rather better known. Even the most ardent supporters of 'law and order' would, I think, be a little shocked if the armed security guards of a department store started gunning down children who had stolen some sweets from the confectionery counter; likewise, if the children survived that experience, if at the subsequent trial they were sentenced to death. I doubt that there ever could be devised a neat scale against which one could plot the situation and read off the appropriate level of response; but this does not mean that one need have no care as to the nature of the aggressor, his or her intentions, and the level of violence dealt out to them and perhaps, unfortunately, to others too.

GETTING INVOLVED IN OTHER PEOPLE'S FIGHTS

If self-defence is acceptable for ourselves, so it is for others. And moreover, it is equally proper for these others to ask for assistance in their defence: the cry of 'stop thief' is no more than this. An engagement in some action not directly concerning us is legitimated by being invited to do so by the victim. However, two qualifications need to be noted. First, one is required to wait until one is asked to assist or have good reason to think that the victim would have asked for help had they been in a position to do so (i.e. unrequested intervention should not be used as an excuse to forward one's own goals). Just because the victim of a mugging lies unconscious on the floor does not mean that I cannot assist in preventing further injury or the theft of property, or the apprehension of the mugger, simply because the poor unfortunate is currently unable to actually ask for my help: it seems very likely that such assistance would be most welcome. Equally, if a country has been suddenly overrun by another and all communication cut off — less likely these days, but think of the Baltic states in 1939 — we do not have to have an actual invitation from those natives of the area opposed to this development to render what aid we can.

Nonetheless, where an explicit request for aid is not forthcoming, we do need to consider the possible consequences of our rendering 'assistance'. For, if we have misinterpreted the situation, no matter how innocently, we can make *ourselves* into the aggressor and liable to suffer all that follows. The

man prostrate on the floor may in fact be the mugger who has injudiciously attempted to rob an expert in unarmed combat and who has been most emphatically already self-defended against!

Another major qualification to the concept of answering a *legitimate* call for help is that one has no binding obligation to do so unless one has in place a contract that says one should, e.g. if employed as a paid bodyguard. There may be perfectly good reasons for not rendering assistance. First-and-foremost because we can't be bothered. This may seem reprehensible but, again, our ultimate loyalty is to ourselves not to someone else. Other reasons may be that the likelihood of damage to ourselves is very great and/or that we are simply not in a position to provide meaningful help: the overwhelming majority of the population of the Baltic states did not want to live under Soviet rule (which is why thousands joined the Nazi German armed forces after 1941), but there was very little that could be done for them except to wait for the whole rotten edifice of communism to collapse.

‘WEAPONS OF MASS DESTRUCTION’

Given the above, can nuclear, biological, and chemical weapons be morally justified? I think that the answer is ‘yes’. Objections to them are primarily raised on two fronts: that they are indiscriminate (i.e. that they *are* weapons of mass destruction), and they are in some manner inherently immoral in a way that conventional weapons are not.

Regarding the first of these objections, exactly the same could be said about the use of mass conventional bombing: indeed I note the point above with regard to allied bombing at the end of the second world war. And if (say) nuclear weapons *were* used for the wholesale killing of civilians, then from a libertarian perspective that would indeed be wrong. But, aside from any deterrence purpose that their mere possession might have, it is quite plausible for us to foresee their use within an entirely legitimate setting such as the at-a-stroke annihilation of an invading army or navy. The fact that this might be achievable with just one bomb or missile changes nothing.

As for some inherent wickedness that these types of weapon are supposed to possess, whilst there is undeniably something peculiarly repulsive about the thought of being affected by invisible entities such as radiation, viruses, or chemical molecules, it is hard to see rationally why this is any worse than dying on a battlefield with one's intestines hanging out, all thanks to some supposedly more moral conventional bomb, shell, or bullet.

THE CONFLATION OF ISSUES IN ANTI-WAR CAMPAIGNS

There are a number of reasons to oppose any conflict (aside from sadness at the suffering involved). Some of these reasons are of interest to libertarians *qua* idealists and are implicit from the preceding, but this is not always the case. In any event, the fact is that they *are* separable and each one needs to be identified and considered individually. I would not wish to claim that the following list is a comprehensive one, but I think that it contains some of the key issues.

- i. Because the cause is unjust. In libertarian terms, because it is not an act of self-defence but, overtly or covertly, an act of aggression.
- ii. Because no matter how just the cause, the way in which it is being conducted is unethical. I have already mentioned above some constraints on the conduct of a war. From a

rather different direction, I would also note the means by which one equips one's army. For example, an all-volunteer force is acceptable, a conscript (i.e. a slave) one is not. More generally, there is the question of how one pays for it all: voluntary contributions of some form are fine, but not a state-funded army since, as libertarians, we believe that all taxation is theft and anyway we do not believe in ‘the state’ in the first place!

- iii. Because the operation is, from a consequentialist point of view, simply not having the desired effect. Although obviously exceptionally important in practice, it is a concern very different in kind from the preceding two in that alone it is not a ideological/moral issue of the sort that I have discussed above.

Using these points, I want briefly to look at three modern conflicts — the US involvement in Vietnam, the Falklands War and the current NATO assault on Serbia (at least as it is at the time of writing where so far the NATO campaign has purely utilised air power) — and see how they fare against each one in turn.

Vietnam (c.1964 to 1975)

- i. As libertarians we can say that the cause was just. Communism must be seen as nothing more than theft on a grand scale — all the faults of our current pluralist western society raised to the nth degree with very few of its relative merits. Resisting it and/or helping others to resist it was quite correct.
- ii. However, there were problems with the morality of the conduct of the war such as the use of taxation to fund it and the impressment of conscript soldiers to fight it. Also, the physical conduct of the war appears to have strayed from a self-defensive one targeting the enemy's military — largely because the Americans could not find them — into a all-out assault on the luckless populations of North Vietnam and elsewhere.
- iii. Given the eventual outcome of the communist triumph over all of Vietnam in 1975, I think that it is reasonable to say that the conduct of the war by the US forces was inept.

Other than the basic cause which had a real foundation in justice, there were/are real grounds, both moral and practical, for questioning the legitimacy of the American war in Vietnam. However, sympathy with the Vietcong (as opposed to the Vietnamese) is not one of them.

The Falklands War (1982)

- i. The Falkland Islands, populated almost exclusively by people who considered themselves British, were invaded by enemy armed forces acting as the agents of a murderous regime whom the islanders clearly did not wish to be ruled by.
- ii. Although the campaign was funded out of expropriated taxation, all those involved on the defence side (i.e. the British) were volunteers. The campaign itself was aimed exclusively at the enemy's military: Buenos Aires was not bombed, for instance.
- iii. Although a narrower victory than the public was led to believe at the time, it appears to have been a well-conducted campaign which led to the liberation of the Falkland Islands.

Other than the issue of taxation (and the use of ‘state troops’), I think that it is reasonable to say that the Falklands

campaign fulfilled almost every criteria that a libertarian might use to consider it a ‘just war’.

NATO/Serbia Conflict (1999)

- i. The Kosovo Albanians have been the victims of a campaign of murder, rape, dispossession, and general terror by the security forces of Serbia, a country run by an authoritarian regime. The cause of restraining further predation, restoring what has been stolen (i.e. land) where this can be done, and bringing to book the perpetrators of these crimes, seems entirely just.
- ii. Excepting again the taxation and state issue, the NATO campaign is being conducted almost exclusively by volunteers (i.e. the professionals amongst the air-crews, let alone the all-volunteer armed forces of some of the major combatants such the USA and the UK), and although there have been some civilian casualties, the actual targets of the attacks have clearly been the security forces or political leadership, either directly or at their means of communication, transport, etc.
- iii. As I write, the efficacy of the NATO air campaign in restoring both peace and right to the area seems very uncertain. There are also real fears as to the consequences of any escalation of the campaign into one using large-scale ground forces.

Almost without exception, the comments by libertarians both here and in the USA about the recent NATO actions in Yugoslavia have been entirely hostile to it. For just the reasons I cite above, there may well be grounds for doubting the usefulness of the campaign: it has been noted time and time again that the use of air power alone has an (at best) equivocal record in warfare. And yet I cannot agree with those who see some profound moral outrage in what the American-led forces are doing, especially seen in the light of their equal tendency to seem to ignore the very real barbarism of the Serbian forces.

There may well be reasons for feeling uneasy about certain aspects of the war: five in particular spring to mind:

- the use of NATO for something that was never originally within its mandate;
- the sight of former draft-dodgers (and who can blame him?) and members of the CND suddenly getting all gung-ho now that they are in charge of all the weaponry;
- the suspicion that the US government in particular is pursuing some covert, ulterior motive;
- the acknowledgement that the Serbian forces have not been alone in the perpetration of war crimes in the former Yugoslavia;
- and the knowledge that Tony Benn is not being wholly disingenuous when he claims that it is rather odd that in a supposedly humanitarian cause one thousand times as much is being spent on the military element than on aid to the refugees.

But this does not alter the fact that the NATO campaign concerning Kosovo is, I think, at least in principle, a legitimate one.

WHEN LIBERTARIANS BECOME STATISTS: WARFARE AND FOREIGN POLICY

It has long been the view of many — myself included — that if some libertarians have an Achilles heel regarding the ‘purity’ of their libertarianism — again, myself included on

occasion — it concerns matters to do with the military and foreign policy. Without going into this in any detail, it has certainly been an odd experience recently to read and hear comments made by those who would normally be considered libertarians couched in the sort of collectivist and statist terms that would be anathema to them if they were discussing other issues.

It seems bizarre to hear such people talking about ‘what Britain should or should not do’ as if Britain was a real, conscious entity; or to note considerations of ‘national interest’ from people who would (rightly) jeer at anyone using that wretched phrase ‘Great Britain plc’; or to hear talk about ‘the Serbs’ or ‘the Albanians’ in collectivist ways that they would (I hope) never dream of doing about ‘the blacks’ or ‘the gays’. Even in war, both ‘we’ and ‘the enemy’ remain collections of individuals.

But then this is not surprising, and it does show up one of the fault-lines within contemporary ‘capitalist libertarianism’: the alliance between the ‘anarchists’ and the ‘minarchists’ both of whom nonetheless can legitimately lay claim to the label ‘libertarian’. The reason I say that it is not surprising is that minimal statist do, after all, believe in some sort of state. And what ‘bit’ of the state do they usually still adhere to? Those aspects connected with external and sometimes internal ‘national security’, i.e. the armed forces (as well as sometimes the police and/or legal system). I am tempted to claim that it is a corollary of this view that the deployment of these ‘good statist’ entities must tend to lead to the political environment of their usage — i.e. war, foreign policy, and anything to do with ‘foreigners’ generally — also being described in collectivist and statist terms.

THE LEGITIMACY OF THE ‘JUST WAR’

The final conclusion that I offer, then, is that warfare *can* be morally justified from a libertarian perspective providing it fulfils certain criteria such as:

- That the campaign should be paid for and supplied on a voluntary, i.e. a non-state, basis. Although this is an important consideration, and to anarchist libertarians vitally so, unlike the others listed below it seems unlikely to come about in large-scale warfare outside of the complete ‘de-stating’ of the world in which we live. Nonetheless, it is an ideal which we should always keep in mind, and the topic of libertarian, large-scale, non-state defence in a world where often malevolent, non-libertarian nations still exist is an interesting one.
- All those involved on one’s own side should be (paid or unpaid) volunteers.
- The campaign limits itself to defending the aggressed upon (whether oneself or another who has, or would have if they could have, sought and voluntarily received one’s assistance), and/or to seeking restitution, and/or punishing the transgressors.
- That the level of force used is proportional to that required.
- That the deliberate target of military action must always be the actual aggressor forces (including their political leadership), but that the infliction of casualties on innocents, although always regrettable and to be minimised wherever possible, is morally acceptable providing that they are as a consequence of appropriate action aimed at the real enemy.