The Ethics of Care and the Ethics of War

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Abstract

Recent decades have seen not only the integration of women into the military, but also the development of a feminist ethic of care as an important supplement to traditional approaches to ethics. This ethics of care, however, has had little influence on military ethics, partly because it is often presented with a critique of war and militarism and seems to entail complete pacifism. The ethics of care does not necessarily entail pacifism; it implies that we have a responsibility to protect those we care about, which is sometimes only possible by using military force. While its rejection of uncaring uses of military force differs from (and is somewhat stricter than) Just War Theory’s rejection of unjust uses of military force, the ethics of care shares Just War Theory’s basic assumption that some uses of military force are immoral and some are not. In calling on us to consider multiple perspectives and to include all possible objects of care, the ethics of care avoids one of the limitations of the jus ad bellum principles of Just War Theory, which look at a potential conflict only from a single perspective. The most important and most surprising result of applying the ethics of care to military ethics, however, is its ability to acknowledge the moral importance of relationships between comrades in arms; while these relationships are essential to military operations, they have been neglected by Just War Theory. Ironically, a feminist ethic of care has more to say about the moral importance of a “band of brothers” than traditional, patriarchal military ethics does—just as the military transitions to a “band of siblings.”
The Ethics of Care and the Ethics of War

I. Introduction: The Ethics of Care and the Ethics of War

As Carol Gilligan and others have noted, there is some evidence that women tend to approach ethics very differently than men do: while men tend to make arguments about justice based on abstract, universal principles, women tend to tell stories about caring, based on specific interpersonal relationships. This observation has generated both a critique of traditional ethics as male-dominated and the development of an ethics of care by Nel Noddings, Annette Baier, and others.1 While these generalizations should not be overstated, there is a growing understanding of the need to listen to women’s voices regarding ethics, and to at least include an ethics of care along with other approaches to ethics.

Although Virginia Held and Joan Tronto have explored how an ethics of care supports humanitarian intervention, the military has not yet paid much attention to the ethics of care. Since the military has traditionally been a male-only institution and women who join the military are still generally expected to take on traditionally male characteristics, it is not surprising that the military has not yet really begun to incorporate the insights provided by an ethics of care into military ethics. One reason the military has neglected the ethics of care is that it has often been presented in such a way that it seems to entail complete pacifism. This is not true, however; the ethics of care implies that we have a responsibility to protect those we care about, which is sometimes only possible by using force. In this paper, I will argue that the ethics of care shares Just War Theory’s basic assumption that some wars are moral and others are not, and that it has three significant advantages over Just War Theory: it establishes a responsibility to protect

rather than a right to intervene, it examines potential conflicts from multiple perspectives, and it acknowledges the moral importance of relationships between comrades in arms.

II. Is the Ethics of Care Pacifist?

The ethics of care, and the feminist critique of male-dominated ethics that accompanies it, has often been presented along with a critique of war, militarism, and violence, it is thus an open question as to whether an ethics of care can be a basis for a military ethics that goes beyond the purely pacifist view that the military should not exist at all. As Lawrence Hinman notes, “Gilligan’s recent work offers us a cautionary note: Beware of the ways in which so-called morality can be used to justify violence. Wars are an obvious example: All too often, countless people are killed in the name of honor.”

Hinman’s claims express a common view: that a feminist ethic of care rejects moral justifications for violence and war and thus supports pacifism. This initially seems to be a rather straightforward implication of the feminist ethic of care; after all, if you care about someone, you don’t kill them, or use military force against them. As Virginia Held puts it, “care is obviously antithetical to violence, which damages and destroys what care takes pains to build.”

From the perspective of this pacifist interpretation of the ethic of care, Just War Theory seems to be a perfect example of the male approach to ethics; it presents abstract, universal principles which serve as the basis for arguments that a war is either just or unjust, and asserts that violence is justified if these principles are met.

A feminist ethic of care, however, does not have to be completely pacifist, and advocates of this approach differ regarding the extent to which an ethic of care supports pacifism. The

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2 Hinman, Lawrence. *Ethics: A Pluralistic Approach to Moral Theory*, (Wadsworth, Belmont CA, 2003), pg 324. This claim is outdated and overstated; killing in the name of justice is far more common today than killing in the name of honor, and more consistent with Gilligan’s distinction between a care orientation and a justice orientation.

ways in which the ethics of care justifies military intervention are as straightforward as the ways in which it seems to support pacifism: protecting the people we care about is both the main motivation for using military force and the main moral justification for doing so. The main criticism of pacifism is thus that it involves a refusal to defend those whom we care about. As Cheney Ryan puts it,

What strikes us as positively bizarre in the pacifist’s suggestion, for example, that we not defend our loved ones when attacked is…what the refusal to intervene would express about our relationships and ourselves, for one of the ways we acknowledge the importance of a relationship is through our willingness to take such actions….⁴

This challenge to pacifism is, in essence, based on an ethic of care; it asserts that caring about others commits us to defending them against attack, using force if necessary. Thus Virginia Held argues that “ruling out violence a priori is as dangerous as the tyrant or revolutionary’s willingness to embrace it,”⁵ and observes that “…even in the context of care, violence may occasionally be called for. One may violently yank a child out of the path of an oncoming car even if it dislocates her shoulder.”⁶ This implies that violence in general, and military force in particular, may be justified when there is no other way to protect those we care about.

While a feminist ethic of care includes a critique of patriarchal militarism, this critique is not a condemnation of all uses of military force; it is a rejection of uncaring uses of military force, which is quite similar to Just War Theory’s rejection of unjust uses of military force.

While an ethic of care prioritizes nonviolent communication over violence, this view again has a parallel in Just War Theory’s assertion that war should only be waged as a last resort, after all reasonable non-military responses have failed; both amount to a default presumption against war.

The parallel to this principle in an ethic of care asserts that we should protect those we care about

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⁵ Ibid., p 4.
using non-violent means whenever possible, and should resort to force only in situations where no other means of protecting those we care about is available. The ethics of care, then, is not completely pacifist; like Just War Theory, it implies that some uses of military force are justified but (many) others are not. This only shows, however, that an ethic of care has something to say about military ethics beyond simply “the military should not exist”; it does not tell us what, exactly, an ethic of care has to say about military ethics.

III. The Right to Intervene Versus the Responsibility to Protect

As we have already seen, one of the main difference between Just War Theory and an ethic of care regarding humanitarian intervention is the shift from a “right to intervene” to a “responsibility to protect.” While Virginia Held and Joan Tronto have discussed this shift in terms of peacekeeping activities and humanitarian intervention, and the International Commission on Intervention and State Sovereignty advocated this approach in humanitarian interventions 15 years ago, the concept of a responsibility to protect can be extended to all military conflicts by noting that wars of national self-defense can only be justified by a government’s responsibility to protect its own citizens. This in turn establishes a principle for humanitarian intervention when a government is failing to live up to its responsibility to protect its own citizens.

The subtle but important shift from a right to intervene to a responsibility to protect significantly changes both what is required for military force to be justified and what such a

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8 The Responsibility to Protect, International Commission on Intervention and State Sovereignty (Ottawa, ON, Canada: International Development Research Center, 2001).
9 Just War Theory is compatible with the first of these senses of a “Responsibility to Protect,” since it asserts that governments have a duty to protect their citizens. It is less compatible with the second of these senses of a “Responsibility to Protect,” however, since it envisions wars as conflicts between sovereign nations whose borders may not be violated unless their actions give another nation a “right to intervene.”
justification entails. On the one hand, a responsibility to protect is a positive duty which implies not only that nation-states may use force, but that they should do so; a right to intervene, by contrast, only allows the nation to use military force if they choose to do so. On the other hand, establishing that a nation’s responsibility to protect requires the use of military force demands a higher level of justification than establishing that a nation has a right to intervene. I will argue that both of these are significant improvements over Just War Theory. A positive responsibility to protect provides for intervention on behalf of helpless populations when national interest is not at stake, as in Rwanda in 1994. Demanding a higher level of justification for the use of force is more likely to help avoid the use of force in situations where national interest is at stake.

Held argues that an ethic of care supports the NATO intervention in Kosovo in 1999 and would have supported intervention in Rwanda in 1994, although it also implies that the U.S. invasion of Iraq in 2003 was immoral. These conclusions are very similar to those reached by other ethicists using Just War Theory, although Held’s arguments are very different from theirs, in that they are based on a responsibility to protect rather than on a right to intervene. The case of Rwanda illustrates the advantage of a responsibility to protect over a right to intervene. While Just War Theory, international law, and the United Nations all established a right to intervene in Rwanda, this right to intervene in and of itself did not establish a responsibility to intervene. Nations with the potential to intervene—including the United States—considered their own national interest, and decided that any potential benefits to the U.S. from intervening in Rwanda were outweighed by the probable costs and harms the U.S. would incur by intervening. What got lost in this calculation was the probable harm to Rwanda of not intervening; while Just War

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10 Held, 2008, pp 8-11. I am skeptical of Held’s notion of “retroactive justification,” and do not entirely agree with her conclusion that an ethics of care “allows us to say that only those interventions capable of receiving at least retroactive justification in international law, if not prior Security Council authorization, should even be considered candidates for morally justifiable intervention” (pg 13). In my opinion, the responsibility to protect may establish a duty to intervene directly, rather than only indirectly via international law or the United Nations.
Theory considers those probable harms as establishing the right to intervene in order to prevent such harms, there is no provision in Just War Theory, international law, or the United Nations requiring nations that are deciding whether to intervene to weigh the harms to Rwandan citizens from not intervening against the potential harms to their own national interest from intervening. A positive responsibility to protect, by contrast, would have required that each nation weigh its duty to protect its own citizens against its responsibility to protect the people of Rwanda. While the outcome of this weighting is not predetermined, it seems clear that this would have served as a better basis for intervention in Rwanda in 1994.

A positive responsibility to protect, on the other hand, requires additional justification for the use of force than a right to intervene does, and thus demands a higher level of justification for the use of force. Establishing that a nation has a right to intervene implies that the use of military force is justified; establishing that a nation has a responsibility to protect does not in and of itself imply that military force is justified—it requires a further argument to support this conclusion. This is consistent with the intuitive idea that a positive responsibility to do something requires more justification than a negative right to do it. It seems quite possible for a military intervention to be justified but uncaring.\footnote{The Israeli intervention in Gaza in 2008-9 is a likely example of a justified but uncaring use of military force; the British invasion of the Falklands in 1982 and the U.S. invasion of Grenada in 1983 are two other likely examples.} It is difficult to see, however, how a military intervention could be caring but unjustified. This seems to show that the set of all justified military interventions is larger than the set of all caring military interventions, and thus that the ethics of care demands a stronger justification for the use of military force than Just War Theory does. An ethics of care is thus closer to pacifism (and farther from ‘realism’) than Just War Theory is, both because it demands a higher level of justification for the use of military force than Just War Theory does.
and because it limits the influence of national interest (which holds sway in ‘realism’) more than Just War Theory does.

This higher level of justification is important in conflicts which seem to be in the national interest. In these situations, the lower level of justification required by a right to intervene may be combined with national interest to result in a military conflict that would not have been approved by an ethics of care. The problem with Just War Theory and the right to intervene is that it gives national interest too much influence in the moral evaluation of whether or not to go to war. When a nation has a right to intervene, they are likely to do so when they believe doing so is in the national interest, as in Iraq in 2003, but they are unlikely to do so when they believe that doing so is not in the national interest, as in Rwanda in 1994. As Joan Tronto notes, “many states view with great suspicion the claims made in favor of humanitarian intervention” precisely for this reason: “frequently, those claims have been little more than justifications for pursuit of national self-interest.” A responsibility to protect, by contrast, does not give national interest as much influence in deciding whether to intervene; it demands that national interest be weighed against the interests of those one has a responsibility to protect, rather than being the sole determinant of whether or not to intervene when a nation has a right to intervene. For these reasons, the responsibility to protect that comes out of an ethics of care seems superior to the right to intervene that comes out of Just War Theory, and seems likely to alleviate some of the skepticism regarding humanitarian intervention that has been generated by the large role that national self-interest currently plays in the process of deciding whether to intervene.

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12 For example, several administration officials argued that revenues from Iraq’s oil would pay for much of the 2003 invasion, and nearly all of the reconstruction, and thus that the invasion was in the national interests of the United States. Most Just War Theorists assert that the U.S. had no right to intervene in Iraq in 2003, and few would now assert that this intervention was actually in the national interests of the U.S. If the U.S. did have a right to intervene, however, the perception that doing so was in the national interest would have made such an intervention extremely likely under Just War Theory and traditional military ethics—but not necessarily under an ethics of care.

The greatest difficulty with a responsibility to protect, of course, lies in apportioning that responsibility and determining whose responsibility it is. If everyone has a responsibility to protect everyone, then in a sense no one has a responsibility to protect anyone. Certainly this responsibility cannot be apportioned simply according to the ability to intervene; this would give the U.S., as the dominant military power, a global responsibility to intervene, and neither the U.S. nor the international community would be comfortable having the U.S. be the policemen of the world. As flawed as they are, international law and international organizations such as the United Nations are the only plausible vehicles for effective apportionment of the responsibility to protect. Given the current absence of promising alternatives, the only viable option is to agree with Virginia Held’s conclusion that “the ethics of care would recommend respect for international law, though it would recognize its grave limitations.”\textsuperscript{14} It is important to add, however, that the ethics of care would demand that international law, and international organizations such as the U.N., assume a positive responsibility to protect those whose governments are failing to do so, and see its mission as apportioning this responsibility, rather than merely declaring a right to intervene and hoping that sovereign nation-states do so.

While this is not a completely satisfactory answer to the problem of apportioning the responsibility to care, it is important to note that this problem is even more difficult for Just War Theory and the right to intervene. Establishing that nations have a right to intervene in a particular situation does not give any particular nation an obligation to intervene; it leaves the decision of whether or not to do so up to each particular nation, where it is likely to be decided by appeals to national self-interest. Establishing that nations have a responsibility to protect a threatened population at least implies that nations ought to weigh that responsibility against their national interest, which is at least a step forward.

\textsuperscript{14} Held (2008) p 4.
IV. Considering Multiple Perspectives

In addition to the shift from a “right to intervene” to a “responsibility to protect,” as Joan Tronto has shown, an ethics of care requires that “care, and peace keeping as care, be genuinely engaged in from multiple perspectives,” which she describes as “a far reaching and radical departure from many current aid and intervention practices.”15 This requirement that we consider multiple perspectives was implicitly presupposed above in refuting the view that an ethics of care entails pacifism; it also allows us to avoid the conclusion that an ethic of care supports “realism,” the view that there are no moral limits on war. As we saw, considering only enemy combatants as objects of care makes an ethic of care seem to entail pacifism; on the other hand, considering only those who need to be defended against attack as objects of care seems to imply that there are no moral limits on what may be done to attackers and to entail a kind of ‘realism’ in which people defend those they care about against those they do not care about by any means whatsoever. The requirement that we consider multiple perspectives and see both the attackers and the attacked as potential objects of care makes it clear that an ethic of care seeks to find a caring way to defend the latter against the former.

The requirement that an ethic of care consider multiple perspectives and account for all potential objects of care allows it to overcome one of the significant limitations of the jus ad bellum principles of Just War Theory: these principles look at potential conflicts only from one perspective at a time, and do not require nations that are considering going to war to consider the perspective of their potential adversary. The jus ad bellum principles of Just War Theory tell us whether a particular nation would be justified in going to war; they thus evaluate the morality of going to war solely from the perspective of a single nation. While the perspectives of other

15 Ibid., p 193.
nations may play a role in this evaluation (for example, an attack on a nation with whom the U.S. has a defensive alliance can provide the U.S. with “just cause” for war), Just War Theory looks at the morality of war from the perspective of one nation at a time.

The ethics of care, on the other hand, demands that we consider multiple perspectives at the same time when evaluating a potential use of force, as Joan Tronto noted. As Tronto asserts, this will lead peacekeepers to seek to reduce the level of violence more quickly, to respect local customs more scrupulously, and to seek to rebuild civic infrastructure more quickly, rather than waiting until security is firmly established.\footnote{Tronto (2008) 192-3.} Considering multiple perspectives is important not only in the peacekeeping activities and humanitarian interventions that Tronto discusses, however, but also in traditional wars of national self-defense against attack. Too often, we assume that our military opponents are simply irrational and evil, rather than trying to look at the conflict from the perspective of those against whom we are fighting. Looking at the conflict from that perspective may not change the decision to fight, but it will almost always result in an approach to the conflict that is more carefully conducted, both operationally and morally. There is little doubt, for example, that if the U.S. had more carefully considered the many different perspectives of the inhabitants of Afghanistan, the Afghan war would have been more successful not only at eliminating the threat posed by al Qaeda but also at winning the battle for the moral high ground. Had the U.S., for example, initially only attacked al Qaeda after telling the Afghan military that they would be left alone unless they attacked U.S. forces, both the Afghan war and the response to it from the international community might have been very different.

The ethics of care seeks a \textit{caring} way of protecting those we care about, and rejects \textit{uncaring} ways of protecting them. Determining whether a particular way of protecting those we care about would be uncaring requires looking at the potential conflict from the perspective of all
of those who will be involved. This is a significant improvement over Just War Theory, which looks at potential conflicts from only one perspective, over current approaches to peacekeeping and humanitarian intervention, and over current approaches to wars of national self-defense.

V. The Moral Significance of Relations between Comrades in Arms

While the move from a right to intervene to a responsibility to protect and the demand to consider multiple perspectives are important implications of an ethics of care, the most profound implications of an ethic of care regarding military ethics concern a third group of people who are almost always actual objects of care but are often overlooked in Just War Theory and traditional military ethics: the comrades one is fighting alongside. While war literature from the *Iliad* to *Band of Brothers* has often focused on the relations between comrades in arms, these relations have received relatively little emphasis in philosophical writings about the ethics of war, which tend to focus on enemy combatants and on non-combatants. An ethic of care can incorporate concerns about relationships among comrades in arms—which are often the most important concerns of actual members of the military—with the broader moral perspectives regarding the use of military force that currently dominate military ethics. Ironically, a feminist ethic of care has more to say about the moral importance of a “band of brothers” than traditional, patriarchal military ethics does, even as this “band of brothers” is being replaced by a “band of siblings.”

It is difficult to overstate the practical importance of relationships between comrades in arms during military activities. As Jonathan Shay puts it, combatants “fight mainly for their comrades; this has become conventional wisdom even among civilians. Prolonged exposure to

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17 While some may argue that the intense loyalty of comrades in arms can only be experienced by an all-male unit, there is no support for this claim. While our experience with mixed-gender combat units is limited, it suggests that, although the dynamics of such groups differ in certain ways than the dynamics of all-male combat units, the loyalty that a “band of siblings” feels towards each other can be just as intense as that of a “band of brothers.”
danger and the profound strain of battle compel this contraction of loyalty to some degree in every war.” This is not only inevitable, but from a military perspective it is also desirable; unit cohesion is the key to accomplishing a military mission effectively. In combat, caring relationships among comrades in arms are not only the key to accomplishing a mission effectively, but also to doing so in a manner that minimizes trauma and future psychological damage to the members of the unit. While relationships between comrades in arms are obviously important during combat missions, they are just as important to military activities during peacetime or in garrison. Without the “profound strain of battle” to “compel this contraction of loyalty,” non-combat units must develop other methods of generating unit cohesion, which is as important to the effective accomplishment of non-combat missions as it is to success in combat.

Relationships between comrades obviously have a significant practical importance, but they also have a significant moral importance that is often overlooked by traditional approaches to military ethics, which pay very little attention to relations between comrades in arms. Just War Theory, for example, has little to say about one’s comrades in arms other than stressing the importance of getting them to act in accordance with the principles of jus in bello by obeying the rules of war. Just War Theory focuses on political leaders who decide whether or not to go to war (hopefully in accordance with jus ad bellum principles), and on how combatants treat enemy combatants and non-combatants (hopefully in accordance with jus in bello principles). Just War Theory has little to say about the practical importance of relations among comrades in arms, except to the extent that such relations are essential to having a chance of success, and nothing at all to say about the moral significance of relations among comrades in arms.

19 The exception, ironically, is when the military is seeking to exclude a particular group of people from serving. Many voiced concerns about unit cohesion in opposing the integration of blacks in the late 1940s, women in the mid-1970s, and openly gay and lesbian servicemembers in the past few years. As Dr. David Segal once noted, “the U.S. military only worries about unit cohesion when trying to keep people out of the military; the rest of the time, they worry about leadership” (Private Conversation, Washington D.C., 30 August 2010).
An ethic of care, however, considers relations between comrades in arms to be of primary moral significance. The care that comrades in arms feel towards each other is far more immediate than even the care they feel towards the non-combatants they are fighting to protect. It is natural for comrades in arms to feel a responsibility to protect each other even more acutely than they feel a responsibility to protect the civilians of their own nation. This caring, which Nel Noddings would call “natural caring,” is the primary positive experience that combatants report after combat has ended; indeed, in many cases, it is the only positive experience they report. This positive experience of caring should, under normal circumstances, lead them to value “the caring relation as good, as better than, superior to, other forms of relatedness” and thus to feel an obligation to establish caring relationships when there is the potential for such relationships.

Unfortunately, a combat environment is nothing like “normal circumstances,” and the intense caring comrades in arms feel for each other makes them vulnerable to a severely negative experience if a trusted comrade is killed. If soldiers feel that this death was not the result of a “betrayal of what’s right,” and if they are allowed to “communalize” their grief at the death of a comrade in arms, this can actually increase the intensity of caring relationship among members of a unit. If unit members experience a “betrayal of what’s right” that results in the death of a trusted comrade, however, and if they are not allowed to grieve or mourn for their dead comrade, as Jonathan Shay notes, the resulting indignant rage can lead to a berserk state in which both

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20 There is, of course, a danger that this intense caring for comrades in arms may lead units to ignore their mission, or to fail to protect non-combatants, since doing so may injure or kill their comrades in arms. This problem is arguably greater, however, if combatants are weighing their caring for comrades in arms against their duty to obey than it is if they are weighing their caring for comrades against their caring for non-combatants and their nation, as they would be under an ethics of care.

mission accomplishment and moral restraints are abandoned. Keeping faith with one’s comrades in arms is thus crucial to avoiding or minimizing the moral degradation that a combat environment inevitably tends to cause—far more crucial than believing that the cause you are fighting for is just.

It is not surprising that military ethics has not paid much attention to the ethics of care, since it has often been presented as a seemingly pacifist critique of violence and militarism. As it becomes clearer that the ethics of care implies that some uses of military force are immoral and others are not, military ethicists may take it more seriously. It is also not surprising that the ethics of care has paid relatively little attention to the care felt among comrades in arms, since women have only recently been allowed into the military at all and have only been allowed into combat units even more recently. Since the ethics of care evolved as a feminist ethic, it is certainly understandable that most ethicists who have elaborated the ethics of care have taken the relation of a mother to her children as the paradigmatic example of a caring relationship, rather than the relation between comrades in arms. As women increasingly experience combat, however, they are likely to discover that, as Jonathan Shay puts it, “combat calls forth a passion of care among men [sic] who fight beside each other that is comparable to the earliest and most deeply felt family relationships.” The upcoming encounter between military ethics and the ethics of care is likely to change both irreversibly, just as relations between parents and children, or between comrades in arms, often change both forever.

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