

Right Intention and a Just and Lasting Peace

Historically, the norm of *right intention* has been a constitutive part of the *ad bellum* phase of just war theory, and “aims to overcome the possibility that a state may have a just cause, but still act from a wrong intention.”¹ Wrong intentions aim or intend acts or effects (e.g., punishing the state one is at war with, using the resources of that state, causing more destruction than is needed, or pursuing a war longer than is necessary) that are not warranted by and do not serve to vindicate a state’s just cause. “Having the right reason for launching a war is not enough: the actual motivation behind the resort to war must also be morally appropriate; the only right intention allowed is to see the just cause for resorting to war secured and consolidated”² Without the condition of right intention, “the connection between one’s action and the reason that justifies it remains contingent, and this allows for the possibility that just cause could be only a pretext or excuse for bellicose action aimed at some further goal beyond that which one’s justifying reason supports, or at some completely independent goal that can be pursued using the justifying reasons as a rationalization only.”³

Having a just cause does not necessarily entail that the state’s leaders and citizens will not have ulterior motives. However, as Joseph Boyle posits, “This does not mean that one cannot engage in war in anticipation of benefits that go beyond one’s justified war aims. Those aims are goals that instantiate, often in a minimal way, the good of peace.”⁴ Moreover, “further goals that instantiate that good and that can

be seen as possibilities if one's war aims are realized are thus justified if the war aims are."⁵ A state can have a just cause and yet (its leaders and/or citizens) still hope for, perhaps might even be moved by a desire for, many other results (improving political and economic ties and/or securing of other national interests: maintaining open sea lanes, stabilizing the world's oil supply distribution, and having more influence in regional or global politics) in addition to vindicating its just cause. Achieving these other types of ends does not seem particularly problematic as long as these results and the means to achieve them are not inconsistent with the norm of right intention. If vindicating a just cause with right intention can possibly be expected to bring other goods, then those are acceptable. In a sense, "[t]hat intention was for actions and benefits that became real prospects once the normal international relationships were restored by the successful achievements of the war aims."⁶

Although right intention has habitually been tied to just cause as a way to ensure that the fighting is only conducted long enough to vindicate the rights that were originally violated, this cannot be all that "right intention" entails. Fighting with right intention is not merely a matter of having a just cause and fighting with the intention to vindicate one's just cause. On my view, right intention is a separate requirement from just cause, with its own content. In order permissibly to go to war, a state must not only have a just cause and limit its war-making activity to that necessary to vindicate the just cause, but it must also seek to vindicate its just cause in a manner likely to yield a "just and lasting peace," which is the overarching result at which acts of war must be directed.

In this book, I try to articulate when states may resort to force justly and that those states must have a right intention. Before attempting to discuss right intention, I would first like to elaborate on what the concept of *Just Cause* entails because just cause undergirds right intention. That is, right intention doesn't follow if there isn't a just cause in the first place.

Just Cause is a foundational principle regarding the morality of war (*jus ad bellum*) and is a familiar and traditional principle of justice. It is a principal tenet that at least dates back to St. Augustine (a fourth-century theologian and philosopher). Just cause is what gives a political community the moral warrant or justification to use armed force. The reason a political community or state (I use the term *state* to refer to the governance of a country) has a just cause to resort to armed

conflict is because the rights that a state possesses has been unjustly or wrongly violated.

St. Thomas Aquinas (a thirteenth-century theologian and philosopher) in his work *Summa Theologica* posits, “Namely that those who are attacked, should be attacked because they deserve it on account of some fault.”⁷ Aquinas’s point is that a state is just in responding to a wrong—the aggression—it has suffered. Acts of force that are unwarranted constitute aggression, and, “Aggression is the name we give to the crime of war.”⁸ Michael Walzer asserts that “[w]e know the crime because of our knowledge of the peace it interrupts—not the mere absence of fighting, but peace-with-rights, a condition of liberty and security that can exist only in the absence of aggression itself.”⁹ Acts of aggression “involve the infliction of serious and direct physical force,”¹⁰ which violates not only a state’s rights to political sovereignty, self-determination, and territorial integrity but also the basic human rights of that state’s citizens.

Acts or wars of aggression not only interrupt the victim state’s autonomy and governance but also wrongly jeopardize if not completely infringe upon the victim state’s citizens’ basic human right to physical security (as well as possibly the human right to subsistence and basic liberties). The wrongness of aggression is that it “forces men and women to risk their lives for the sake of their rights,”¹¹ which men and women should not have to fight for because, fundamentally, men and women are entitled to these rights. However, aggression confronts these men and women “with a choice: your rights or (some of) your lives!”¹²

And so, men and women unduly forced into such a position of confronting an act of aggression have to respond. “Groups of citizens respond in different ways to that choice, sometimes surrendering, sometimes fighting, depending on the moral and material condition of their state and army, but they are always justified in fighting.”¹³ States have both legal and moral rights to resort to actual, intentional, and widespread acts of self-defense (physical resistance/force) or collective self-defense (come to the defense of an ally or coalition partner who is being attacked) when the victim of aggression.¹⁴ St. Augustine declared: “A just war is wont to be described as one that avenges wrongs, when a nation or state has to be punished [stopped], for refusing to make amends for the wrongs inflicted by its subjects, or restore what it has seized unjustly.”¹⁵ Now, granted, punitive wars (or wars of punishment) are no longer seen as just, but St. Augustine’s words remain prevalent because we still recognize today that a state that makes no amends for

its violations or does not restore what it has seized unjustly needs to be stopped. And using force to stop those acts of aggression is justified.

Although “[w]ar should be understood as an actual, intentional, and widespread armed conflict between political communities,”¹⁶ there may be acts of aggression that are actual and intentional but are not actually widespread. These can constitute a just cause of allowing military armed response but based on other *jus ad bellum* factors (proportionality, reasonable chance of success, last resort, etc.), it is determined that full-blown war is not the best option and so limited force or *jus ad vim* (justified force short of war) such as incorporating special forces units, drone strikes, security forces assistance, or a combination thereof is a reasonable and justifiable course of action in a given circumstance.

In order permissibly to go to war, a state (no matter how large or small it is) must not only have a just cause and limit its war-making activity to that which is necessary to vindicate the just cause. This suggests that war as an act of self-defense or collective defense should only be waged until the rights that were violated by the aggression are secured and no longer threatened. So the proper aim of a just war “is the vindication of those rights whose violation grounded the resort to war in the first place”¹⁷ This does not necessary mean that State A successfully defends itself against an offensive operation from aggressor State B and then must stop fighting. In a sense, it depends on the magnitude, scope, and intention of the aggressor state. In one particular instance that might be enough, but in another, extensive offensive operations into State B might be warranted in order to actually secure State A’s political sovereignty and its right to exercise its self-determination, to maintain its territorial integrity, and to protect the human rights of its citizens. However, “The principle of rights vindication forbids the continuation of the war after the relevant rights has, in fact, been vindicated. To go beyond that limit would itself become aggression: men and women die for no just cause.”¹⁸ That is, that men and women—both soldiers and civilians from both sides—would continually be subjected to the harms of war, even though the state that resorted to war justly as an act of self-defense no longer is warranted to continue the fight because the victim state’s rights are no longer violated, threatened, or in jeopardy of being threatened.

I attempt to articulate and illuminate the *jus ad bellum* tenet of Right Intention throughout this book. However, I do recognize that the in-depth analysis of what right intention entails might not always fit a

given scenario. Although all just wars should be waged with right intention, the level of commitment might be less than others, which doesn't mean that right intention is not present or that its absence is somehow excusable. Although every state has the moral responsibility to vindicate its just cause in a manner likely to yield a just and lasting peace, there is a comparable difference, for example, between actions such as the 2003 U.S. invasion in Iraq and the 1944 uprising against the Nazi occupation army in Warsaw, Poland. The former example and ones similar to it will be my focus, whereas the latter example of attempting to repel an unjust occupation force will not. Understandably, Poland's sole focus was on expelling the Nazis from their country in order to restore its boundaries, its state's right to governance, and its citizens' basic human rights, without worrying about developing a just and lasting peace per se. It seems unreasonable to suggest that Poland—whose existence was in serious jeopardy due to Nazi brutality, subjugation, and extermination—should have had to worry about setting the conditions for developing a just and lasting peace when it teetered on the verge of annihilation. That being said, the Polish home army and its partisan forces still were subject to the moral responsibility to engage only legitimate enemy combatants, offer quarter to those that surrendered, and limit collateral damage. Doing so would have been consistent with Poland vindicating its just cause in a manner that would have been likely to yield a just and lasting peace. That is, Poland did not conduct acts of aggression, but rather defended itself justly. Poland acting in this way set the conditions for a *possible* just peace once the Nazi regime was removed from power. I am aware, though, that other particular states (in a given situation) might only attempt to defeat the aggressor state's offensive strike force as it rolls across its border because, given the strength of such an aggressor, the goal of achieving a just and lasting peace might be unrealizable. Yet a defensive war is just, even though the victim state only attempts to secure or vindicate its own rights, which have been violated, instead of trying to achieve a just peace but rather only a cessation of hostilities (its state has stopped the attack and expelled aggressor forces from its state). Although the war is over, the regime of the aggressor state still remains in power because the victim, or a coalition of states, is/are too weak or is/are currently unable to remove the outlaw state's regime.

Although these are possible scenarios—among many types of scenarios—I do not plan on covering them all. Rather, my focus throughout this book remains in the vein of first world powers or other states

that are not on the verge of destruction or capitulation but rather have the means (political, military, informational, and economic resources) to realize and actualize what right intention entails, as opposed to the example cited above of Poland in 1944, in which the main concern—quite legitimately—was the nation's own existence.

In order permissibly to go to war, a state must not only have a just cause and limit its war-making activity to that which is necessary to vindicate the just cause, but it must also seek to vindicate its just cause in a manner likely to yield a just and lasting peace, which is the overarching result at which acts of war should be directed. In order to establish conditions for a just and lasting peace, two elements must be addressed: peace and justice.

That is to say, the intended goals of waging war are (1) those that derive from the requirement that a state aim to achieve *peace* (by fighting with restraint, immunizing civilians from the harms of war, and educating its military); and (2) those that derive from the requirement that a state aim to achieve *justice* (by fighting only until the rights that were violated have been vindicated, respecting human rights, leaving the enemy in a position to secure human rights, allowing for political self-determination, tolerating regimes that honor basic human rights, and supporting a public political culture that adheres to just war).

Before moving farther, I think some historical context is not only necessary in order to illuminate but to also gain an appreciation for the concept of right intention, which has been a part of the just war tradition since at least the fourth century. Although right intention has been a guiding principle in just war, it has lost some traction throughout the centuries. With this in mind, my aim is to give the concept of right intention the prominence it deserves.

St. Augustine (AD 354–430) is commonly referred to as the father of the just war tradition because of his works, as found in his sermons, writings, pastoral letters, and in particular his book *De Civitate Dei* (*The City of God*). It is not that Augustine wrote solely on war; rather, he wrote about war while discussing other critical ideas in society: politics, governance, Christianity, peace, etc. Augustine, through his writings, attempted to set parameters that allowed for only just reasons to resort to war. He also declared that military acts should only be pursued out of necessity, and that the harms of war should be restricted as best as possible. Augustine's work privileges the concept of right intention as a fundamental principle of just war that spans *all* phases of war. However,

through the centuries, Augustine's perspective and influence regarding right intention, though it still has momentum, has been reduced to that of addressing merely one phase of war, as a principle that can only be consistent with a state's reason of when to resort to war.

Yet, there is much more to St. Augustine's concept of right intention. This being the case, right intention as an underlying principle to the just war tradition needs to be given full articulation. In a sense, we need to "go back to the future." That is, we need to look at the past—the works of St. Augustine—in order to rediscover the importance of the Right Intention principle/axiom, which should inform our present and future developments regarding war. Especially since nowadays, probably because of international law, so much emphasis is simply on the external action and there is agnosticism about internal actions. However, intention, right intention, is an essential part of war and needs to be further explored and resurfaced as not only a mainstay in the just war tradition but in fact the only principle that unites all three phases of war.

St. Augustine of Hippo (modern-day Annaba, Algeria), a Catholic bishop and theologian, significantly influenced Christian, political, and military thought regarding war. Living in North Africa, he experienced war firsthand as a civilian and felt its effects "having lived through the period of Alaric's sack of Rome in 410 AD and seeing the spread of the Vandal armies across North Africa."¹⁹ Both civilians and soldiers feel the grave effects of war. However, the civilian population is much more helpless. Furthermore, civilians have no control over where war will be fought, where operations will be conducted, or where bombing runs will take place. War promises death, and civilians are killed just the same as combatants. In addition, war causes deterioration of the life-supporting services that a state's infrastructure provides to its civilian population. As if trying to survive in deleterious conditions were not hard enough, civilians are also at the mercy of an enemy military force. "Augustine's own experiences and the age of plundering and slaughter in which he lived left him with a deep hatred of war and a great scorn for those who thought that conquest and military victories were glorious and noble accomplishments."²⁰ He believed that war will always be a part of the human condition and will be "inevitable as long as men and their societies are moved by avarice, greed, and lust for power, the permanent drives of sinful men. It is, therefore, self-delusion and folly to expect that a time will ever come in this world when wars will cease."²¹ Thus, St. Augustine thought it was necessary to write about war. He

realized that peace might be an aftereffect of war but that security is never guaranteed and acts of greed and aggression will never cease. "For in the great mutability of human affairs such great security is never given to any people, that it should not dread invasions hostile to this life."²² Although war is a central characteristic of human civilization, Augustine's goal was to try to limit its occasion and its destructiveness. And he did this by articulating that both Christians and non-Christians fundamentally wanted the same thing as they inhabited the earth.

As a theologian, Augustine wrote about two cities, the earthly city and the city of God, and believed that these two cities were inextricably linked. Although, as a Christians, both men and women should strive to be accepted into the city of God upon their death, in order to achieve eternal salvation, these Christians should also seek peace and the advantages associated with doing so will "aid them to endure wither greater ease, and to keep down the number of those burdens of the corruptible body which weigh upon the soul."²³ In addition, Augustine did not believe that peaceful disposition pertained to only Christians but to all men. All people should seek peace in the earthly city (living on earth), which is the natural order of things. St. Augustine states: "The earthly city, which does not live by faith, seeks an earthly peace, and the ends it proposes, in the well-ordered concord of civic obedience and rule, is the combination of men's wills to attain the things which are helpful to this life."²⁴ Helpful to life on earth is peace: "The things which this city desires cannot justly be said to be wrong, for it in itself, in its own kind, better than all other human good, for it desires earthly peace for the sake of enjoying earthly goods, and it makes [just] war in order to attain this peace."²⁵ The attainment of peace sets the condition for harmony: "The peace of the body and soul is the well-ordered and harmonious life and health of the living creature."²⁶

Although peace is desired, sometimes war must be fought, but, "It is therefore with the desire for peace that wars are waged."²⁷ Augustine proclaims that "[h]e, then, who prefers what is right to what is wrong, and what is well-ordered to what is perverted, sees that the peace of unjust men is not worthy to be called peace in comparison with the peace of the just."²⁸ Surely, we can have peace that is not just (coercion, subjugation, etc.), but what we should seek is a peace that is just. A just and lasting peace assures a harmonious community of human beings: "The peace of all things is the tranquility of order, and order is the distribu-

tion which allots things equal and unequal, each to its own place.”²⁹ Moreover, a just peace is “the fulfillment which is realized most fully in the active neighborliness of willing cooperation in purposes which are both good in themselves and harmonious with the good purposes, and enterprises of others.”³⁰

Critical to the Augustinian claim that “we fight so we can live in peace”³¹ is achieving a just peace. And the way in which this is accomplished is by fulfilling the tenet/principle of *right intention*. According to St. Augustine, a just war can only be fought with a right intention. The idea of right intention is the overarching constraint on war. A state must only fight out of necessity as well as limit death, destruction, and harm, with a true and lasting peace as the actual aim of such a war. Right intention is not only the motivation behind the resort to war but must also influence and guide both a state’s fighting as well as the reconstruction and reconciliation after the war ends. Right intention is what unifies *ad bellum*, *in bello*, and *post bellum* (of, during, and after phases of war). A just war is one fought with the right intention of not only vindicating a just cause and doing so in a just manner but also reliably serving as a means to a just and lasting peace.

St. Augustine’s advice given to Roman general Boniface in *On the Presence of God: Letter 187* (dated AD 418) captures his perspective on such matters: “If peace is such a delightful dimension of man’s temporal happiness, how much sweeter is the divine peace that belongs to the eternal happiness of angels. And so, let it be because of the necessity rather than your own desire that you kill the enemy fighting against you.”³² Augustine posits that a just army fights similarly to a loving father who must discipline his son for wrongdoing. The father only disciplines his son to the point that is absolutely necessary, and there is no ill-will or bitterness between the father and son. After the incident, the father and son return to their harmonious relationship founded on a just peace. Using this analogy, Augustine tells General Boniface, “Even in the act of waging war be careful to maintain a peaceful disposition so that by defeating your foes you can bring them the benefits of peace.”³³

Fast forward thirteen hundred years, and we encounter Immanuel Kant’s perspective regarding right intention. It is hard not to believe that St. Augustine influenced Kant’s work regarding war. Kant discusses a state’s rights before, during, and after war. In particular, he articulates that states need to restrict the destructiveness of war. “No nation at

war with another shall permit such acts of war as shall make mutual trust impossible during some future time of peace.”³⁴ This is similar to Augustine’s father/son analogy. Additionally, Kant suggests that states must refrain from the use of force, and that force should only be used as a means “in accordance with the principles of external freedom, that is to say, it permits the use of force only to maintain and preserve what belongs to one [state rather than another].”³⁵ That is, justified force is sometimes necessary because it is used to defend and protect the inherent rights of a state and its people. This use of justified force in no way, then, allows for the degradation or the continuation of harm to the people of the other state once that war is over. Rather, civil freedom should remain and is a necessary component of a just and lasting peace. “It can be said that the establishment of a universal and enduring peace is not just a part, but rather constitutes the whole, of the ultimate purpose of justice and law.”³⁶ Kant further illustrates that not only formulating but actually implementing a universally just and enduring peace is integral to harmonious living among states and people. “Only in this way is it possible to approach continually closer to the highest political good—perpetual peace.”³⁷

As many would agree, there is a Kantian influence in John Rawls’s work, and I would suggest that there is also an Augustinian influence as well. In *The Law of Peoples*, Rawls discusses and elucidates familiar and traditional principles of justice among free and democratic peoples, which include honoring human rights, observing certain restrictions in war, and assisting other people living under unfavorable conditions.³⁸ Here, I have only briefly laid out Rawls’s concept which I will further elaborate on in due course. But for now, with this in mind, I set out to discuss the overarching principle of right intention which—I believe—has been greatly influenced by St. Augustine, Immanuel Kant, and John Rawls.

This chapter aims to accomplish the following: (1) to establish that a state with right intention fights only when it is necessary to vindicate a just cause in a manner likely to yield a just and lasting peace; (2) to show that public acts are evidence of right intention; (3) to specify that a state with right intention establishes conditions for a just and lasting peace by respecting human rights, taking due care to insulate civilians from the harms of war, allowing for political self-determination, and educating its own military and political culture; and (4) to demonstrate that there is no way to assess whether a state fights with right intention without looking at the totality of its conduct.³⁹

GENERAL CONDUCT REQUIRED FOR A JUST AND LASTING PEACE

In addition to having a just cause and limiting its fighting to the vindication of that just cause, a state must fight with right intention, and this means that it must, generally speaking, fight only as necessary and with constraint and with an eye toward peace. A belligerent must think about a wide range of longer-term impacts of the conflict undertaken, because any acts that “unnecessarily increase the destruction and bitterness of war endanger the prospects for true peace.”⁴⁰ The main point, as John Rawls notes, is that since “[t]he way a war is fought and the deeds done in ending it live on in the historical memory of societies,”⁴¹ overly aggressive and indiscriminate attacks will undermine peace and future relations with the state one is currently at war with. States must not fight in a way likely to poison future relations, but rather their actions must be aimed at peace. Future justice requires peace and trust and a shared commitment to the priority of certain norms and human rights.

A state abides by right intention by vindicating its rights that have been wrongly infringed upon, which means requiring “that it behave in a certain way, specifically, that it do no more in the war than what would be consistent with that goal.”⁴² Moreover, Steven Lee remarks, “The state’s actions should not go beyond those necessary to achieve that intention.”⁴³ This perspective is also echoed in the U.S. Catholic Bishops’ letter: *The Harvest of Justice Is Sown in Peace*. “Even in the midst of conflict, the aim of political and military leaders must be peace with justice, so that acts of vengeance and indiscriminate violence, whether by individuals, military units or governments, are forbidden.”⁴⁴

Although violent acts are pursued, each state should attempt to maintain a peaceful disposition that will facilitate a continuation of negotiations between the engaged states. Fighting must be conducted in a way that allows for a conclusion other than unconditional surrender. Acts of war that continue beyond what is necessary, or continue even though the rights that were originally violated have been vindicated, violate right intention.

Unconditional surrender by the Nazi regime was a necessary and morally justified undertaking. In addition to blatant acts of military aggression, the Nazi regime propagated the persecution of non-Aryans and not only was responsible for the widespread murder of members of certain groups within its own borders (including physically and mentally

disabled persons, homosexuals, Jews, and Catholic clerics) but also instituted a systematic genocide campaign that killed millions of Jews and Slavs from all European countries. Some historians see Germany's aims as global, ultimately. However, others believe that Germany never intended to take over the world. Its actual goals were to conquer Europe, North Africa, and western Russia. For example, Germany's objectives in the East were "first, the destruction of the Russian armies in western Russia; and then an advance into Russia deep enough to secure Germany against the risk of air attack from the east, carried as far as a line from Archangel to the Volga."⁴⁵

It is hard to imagine in retrospect that Germany had any desire to push the bounds of its empire farther east than the Volga River or that it would have attempted a cross-Atlantic invasion of the United States. Although its aims might have been more limited than was accepted at the time, Nazi Germany's sovereignty was not acknowledged during the war by the Allies as legitimate for the purposes of negotiation. This was a consequence both of its proven and repeated acts of aggression toward other sovereign states and its extreme brutality toward civilians and prisoners of war (particularly on the Eastern front). The Allies regarded unconditional surrender as the only acceptable option for concluding the war, because the National Socialist Party's ideology could not be rehabilitated; to attempt any lesser resolution would have been futile. The German state would, in a sense, have to be captured and its political and social institutions completely reconstructed. Unconditional surrender is a punitive policy whereby the moral right to political self-determination is denied. Nazi Germany was a case where the denial of political self-determination was morally justified.

However, Imperial Japan was a different matter. It can be argued that forcing unconditional surrender on Japan was neither necessary nor morally justified. Japan's aggression had been based on imperial aims of territorial and resource expansion, rather than genocide and domination. By late 1945, Japan's navy and air force had been decimated. The Japanese army had been beaten back to its mainland. Japan's aspirations of expanding its empire had been crushed. According to some historical interpretations, there was potential for negotiations to be carried out and for Japan to surrender with some dignity, instead of the United States coercing it into unconditional surrender by not only firebombing Tokyo but then striking Hiroshima and Nagasaki with atomic munitions. Although all three cities had military targets located in them, the blast

radii of the atomic explosions were so widespread and the devastation wrought by the firebombing so overwhelmingly extensive that to consider those bombings as either necessary or proportionate would be farcical. There is, though, some evidence to suggest that, without the examples of destruction provided by the American bombing raids on Japanese cities, Emperor Hirohito might have been prevented from negotiating with the Allies for a conditional surrender, and that if he had attempted to do, it might have inspired a military coup, with even more catastrophic results for the Japanese people, for example, the Japanese military might have forced civilians and soldiers to continue to fight even after the death and destruction that unfolded at Nagasaki and Hiroshima. Although this could have been the case, it does not change the fact that the United States decided to continue the fight in order to press for unconditional surrender, even though Japan was clearly beaten and the United States' threatened or violated rights had been secured, the Americans decided to continue the fight in order to press for unconditional surrender. This seems unjust. "People have a right not to be forced to continue fighting beyond the point when the war might be justly concluded."⁴⁶ To press the war further until there is unconditional surrender violates right intention, and also kills many more people (both civilians and soldiers) than is in fact truly necessary.

Any excessive and wanton violence increases the harshness of war, and has the real potential to not only encourage further violent acts but also significantly degrade any communication between belligerents. Restraint in combat does not require that the state have in mind the specific intention of securing a just and lasting peace, but it does govern how a state fights.

PUBLIC ACTS

"It is not clear what it means for a state to have an intention, since it has no mind, and the mind is normally thought to be where intentions reside."⁴⁷ However, we do know—to some degree—the intention of the state through observing the state's actions. "An act, a deed, is essentially what the person who chooses to do it intends it to be. Intention looks always to the point, the end, rather than to means precisely as such."⁴⁸ But, "any complex activity," explains John Finnis, "is a nested order of ends which are also means to further ends, so though intention is

of ends, it is also of all the actions which are means.”⁴⁹ Overall, then, regarding war, we presume that “the just cause is the reason for action and the benefit it promises is what one intends.”⁵⁰

Underlying motives and mental states can be hard or even impossible to discern, but actions can be observed and through the observation of this communal, public act is how intention is determined.⁵¹ This is one way in which we can understand a state’s intention, that is, conceived of in terms of its actions, which are the best (maybe even the only) evidence of right intention by states. We look to those public acts because we are keen to determine whether a state has right intention, and right intention is what matters.

The way a belligerent fights has special importance because “their actions and proclamations, when feasible, foreshadow during a war both the kind of peace they aim for and the kind of relation they seek.”⁵² Having right intention, a nation shows a commitment to a just international society of states oriented around ideals of human rights and peaceful, respectful international relations, etc.

SPECIFIC CONDUCT REQUIRED FOR A JUST AND LASTING PEACE

A state that espouses justice will respect human rights, leave its enemy in a position to secure human rights, exercise due care to further insulate civilians from war, fight only until the rights that were violated have been restored, allow for political self-determination, tolerate regimes that honor basic human rights, and educate its own public political culture.

Thus, a state going to war with just cause and right intention must conduct itself in a way that manifests its aim to secure a just and lasting peace in all of these regards. In doing so, a state meets the particular substantive account of what qualifies as setting conditions for a lasting peace with justice.

Human Rights

In order to be a member in good standing in the international community, a state must provide a political environment that fulfills human rights obligations. “Political entities are legitimate only if they achieve a reasonable approximation of minimal standards of justice, again understood

as the protection of basic human rights.”⁵³ Not only do states have to protect the human rights of their own citizens but they must also respect the human rights of persons in other states as well.

The relevant definition of human rights is Rawlsian. Basic human rights are those rights that are owed to all people and are the minimum reasonable demands upon all people to respect and satisfy. They are universal in scope but are not prepolitical. Human rights are a practical political creation based on common ground and shared principles and provide a practical function within contemporary international relations. Rawls mentions that all groups of people would adopt as a first principle that “all persons have equal basic rights and liberties,” and “proceeding this way would straightaway ground human rights in a political (moral) conception of liberal cosmopolitan justice.”⁵⁴ That is, we recognize that people have certain rights and that the instantiation of human rights is really derivative of the political process. Within the international context or as a matter of international public reason, human rights need not be bound up with any particular conception of the person or any comprehensive doctrine. They can be, and on Rawls’s view are, affirmed simply as conditions, affirmed by liberal democracies and other reasonably well-ordered polities, that any nation must fulfill inside its borders and respect beyond its borders in order to enjoy a right to nonintervention. The Rawlsian idea of human rights tries to avoid giving human rights any particular “grounds” beyond their key role in a reasonable Law of Peoples or in reasonable principles of international relations. Instead, they are constituted as a fundamental basis of foreign policy.

If a state has the responsibility to protect the human rights of its own citizens and to respect the human rights of persons in other states in order to be considered legitimate, then these responsibilities do not change or diminish just because states are involved in war. States must continue their commitment to basic human rights as best as possible even during war.

Although a just state’s immediate objective is to defend itself against unjust aggression, “The aim of a just war by a just, liberal democracy is a just and lasting peace among peoples, and especially with the people’s present enemy.”⁵⁵ A just and lasting peace is one within which all states are in full compliance with basic human rights. In order to achieve a just and lasting peace, states must take some special responsibility for ensuring that the human rights of the civilian population of their enemy are secured (during and) after the war. A state going to war with just

cause should conduct itself in a way that manifests its aim to respect the human rights of its enemy's civilian population (and soldiers).

States and their armies need to set/establish certain conditions in order to actually meet or attempt to meet this long-run aim, because as, Larry May indicates, “[i]f the object of war is a just and lasting peace, then all of Just War considerations should be aimed at this goal.”⁵⁶ The goal is not any old peace (achieved by power, impotence, *modus vivendi*, or *status quo ante bellum*) but peace with justice, and it is the realization of that state of affairs that constitutes the right intention for how belligerents should interact during and after war.

A state should fight in a way that not only respects human rights but also leaves its enemy in a position to secure human rights. A decimated, war-torn state will not have the ability to reasonably safeguard its population from standard threats to basic human rights. Lack of potable water, food, sewage removal, shelter, physical protection, and medical attention are standard threats to basic human rights that leave civilians vulnerable to significant harm and even death as well as at the mercy of others. Although civilians are not intentionally targeted, they inevitably suffer consequences just as serious as if they were. It is reasonable to believe that even the legitimate destruction of military targets (necessary and proportionate to the military advantage to be gained) can still gravely affect civilians. Even more so, the destruction of dual purpose facilities (those that have both a military and civilian purpose, such as bridges, electrical grids, rail and road networks, etc.) leaves the civilian populace exposed to residual harm and standard threats. The harm that this situation presents to civilians should require a commitment from a state to repair its enemy's dual use facilities (those dual use facilities that contribute to securing basic human rights) in order to protect those civilians.

Lack of potable water, food, shelter, medical treatment, sewage and trash removal, and physical security is detrimental to any authentic process of developing a just and lasting peace. The basic human rights of the people of a war-torn state need to be met before any realistic attempt at reconciliation and transitional justice is implemented. Doing so will also assuage hostility of the enemy's civilian populace toward its own government and possibly the occupation force.

A state that fights with right intention would commit *ex ante* to *ex post* obligations such as ensuring that the duration of the war does not extend longer than is actually necessary (fight only to the point where actually its own government's and people's rights have been secured),

not demanding the unconditional surrender of their enemy when not warranted, repairing destroyed dual use facilities that are essential for securing core human rights, and treating and safeguarding noncombatants in a way that insulates them from the effects of war as best as possible during and after the cessation of hostilities. In addition to observing the principle of noncombatant immunity because it is right, Rawls states, it should also be followed “to teach enemy soldiers and civilians the content of those rights by the example set in the treatment they receive; in this way the meaning and significance of human rights are best brought home to them”⁵⁷

Some might say that all of this follows simply from the idea that a state should fight only to vindicate its just cause. However, it does not. My claim is that fighting with right intention requires more than fighting only to vindicate one’s just cause. Of course, abiding by the principles of discrimination, proportionality, and necessity fit within the context of fighting only to vindicate one’s just cause. However, fighting for the sake of peace with justice requires more than just fighting solely to vindicate one’s just cause. Fighting with right intention requires positive efforts such as exercising due care to provide greater protection for civilians than proportionality calculations require. Fighting for the sake of peace with justice also requires a state to repair the enemy’s infrastructure, which is essential to securing core human rights of the enemy’s civilian populace. Furthermore, having right intention allows for self-determination (instead of believing that a coercive regime change can be justified within the bounds of vindicating a state’s just cause). And lastly, that the state educate its own military and political culture about fundamental just war principles is a necessary requirement of right intention. Fulfilling these obligations entails an easier transition toward reconciliation and facilitates the development of a more harmonious relationship between states.⁵⁸

Due Care

Right intention not only requires fidelity to the war convention but a positive commitment to insulating civilians from the harms of war, and this will require that a state go out its way to avoid civilian casualties even if this means that its own soldiers face additional risks.

Going out of its way means that a state exercises due care. Michael Walzer describes due care as “a positive commitment to save civilian

lives.”⁵⁹ Due care is “not merely to apply the proportionality rule and kill no more civilians than is militarily necessary,”⁶⁰ but a positive effort to reduce further harm even if the dangers imposed are proportionate to the military advantage expected to be gained. “Whenever there is likely to be a second effect [e.g., foreseen but unintended civilian deaths caused by a legitimate and proportionate military attack], a second intention is morally required.”⁶¹ The second intention is implemented in order to reduce harm to noncombatants (even if the target attacked is considered necessary and proportionate and the tactical bomber pilot can be considered a justified threat to the civilians who are at or in close proximity to the military target).

Just because noncombatant’s rights are straightforwardly overridden by countervailing considerations does not suggest that belligerents cannot implement a second intention (due care) of reducing even “acceptable” collateral damage. Reducing harm to civilians will inevitably place soldiers at greater risk while they conduct military operations. Although there is a limit to the additional risks we can ask soldiers to undergo in order to further protect civilians, there are clearly some risks that might be acceptable. “The degree of risk that is permissible is going to vary with the nature of the target, the urgency of the moment, the available technology, and so on.”⁶² I am not discounting the rights of soldiers. There are inherent risks associated with the role of a soldier. I am merely suggesting that when soldiers can reasonably accept more risk in order to protect or even immunize civilians from the harms of war, they should do so. I am not suggesting that soldiers have to accept a level of risk that has the potential to undermine the success of their mission or their lives. In the following paragraph, I provide some examples in order to further develop this concept.

The urgency of the situation at hand (e.g., bombing a bridge before the enemy can cross it) might impinge on a belligerent’s ability to take due care. However, taking due care can be applied in other situations, such as bombing a munitions factory. In such a scenario, due care is exercised when soldiers take positive action in order to reduce the harm to noncombatants by plausibly accepting more risks. For example, a bomber pilot flying at a lower altitude than usual or in daylight may expose himself to more risk, but this could very well be reasonable to accept, especially if the enemy’s anti-aircraft defense systems (weapons designed to destroy incoming aircraft) have been previously neutralized. Flying in daylight at a lower altitude would improve accuracy of the bombing

strike, because the pilot would not only be able to visually observe the target but the lower altitude mitigates the effect on munitions of wind, drift, and barometric pressure.

Using only the amount of force necessary (economy of force) and low-yielding collateral damage munitions are other viable options. The plan for bombing a specific facility should determine the required amount of ordinance that is necessary to make the target inoperable. In addition, certain targets, especially those in center city locations, should be targeted with appropriately sized munitions that are sufficient to do the job but are not liable to cause overkill—more collateral damage than necessary.

In addition, intelligence and target acquisition officers need the proper training in order to be able to analyze the significance and contribution of particular dual use facilities to the civilian population by incorporating residual (second and third order) effects into the proportionality calculation. For example, French, Italian, and British target acquisition officers that determined and planned the target array during the 2011 NATO air campaign against Libya lacked essential training. NATO's after action report concluded that "allies struggled to share crucial target information, lacked specialized planners and analysts, and overly relied on the United States for reconnaissance and refueling aircraft."⁶³ But also those officers need to be held accountable for their decisions. This will, hopefully, further facilitate thorough target planning instead of permitting the urgency of the situation to dictate the decisions.

Implementing control measures that notify civilians of an impending attack (e.g., leaflets or radio broadcasts that announce when a facility such as a munitions factory is going to be bombed, so that civilians can evacuate the area or not show up for work at the factory) is another way that exercising due care can save innocent people from unnecessarily being killed. Of course, this can only be reasonably implemented when doing so does not adversely affect the likelihood of the bombing mission's being successful from a military standpoint.

Implementing these measures (in most cases) will not place unreasonable risks on soldiers while it exposes civilians to fewer risks. Trying to implement measures that further immunize and protect civilians from the harms of war is acting in a way that serves the cause of a just and lasting peace, where such a peace is one which human rights are secured and respected.

Saint Thomas Aquinas's work regarding murder is applicable for this discussion. Aquinas states:

Nevertheless it happens that what is not actually and directly voluntary and intended, is voluntary and intended accidentally, according as that which removes an obstacle is called an accidental cause. Wherefore, he who does not remove something whence homicide results whereas he ought to remove it, is in a sense guilty of voluntary homicide. [This happens], when he does not take sufficient care. Hence, according to jurists, if a man pursue a lawful occupation and take due care, the result being that a person loses his life, he is not guilty of that person's death: whereas if he be occupied with something unlawful, or even with something lawful, but without due care, he does not escape being guilty of murder, if his action results in someone's death.⁶⁴

Aquinas's point regarding killing someone as a result of negligence also pertains to bombing in war. If soldiers pursuing their lawful occupation take due care, having made a positive effort (a second intention) to reduce the unintended but foreseeable harms they might impose, then those soldiers should not be held guilty of those civilians' deaths. Exercising due care when possible (as in the case of a munitions factory) is necessary. When belligerents have a duty to implement reasonable due care but fail to do so, those belligerents are guilty of negligent homicide or harm, because, as Rawls states, "Strategies and tactics that lead to avoidable casualties are inconsistent with the underlying intention of the just-war tradition of limiting the destructiveness of armed conflict."⁶⁵ States manifest right intention by securing human rights and exercising due care, as evidenced through public acts.

Self-determination

Pursuing a just cause with right intention means vindicating it in a way that brings about a lasting peace with justice, and the only way to set a lasting peace with justice is to allow for a significant degree of political self-determination for peaceful peoples that respect human rights. There are two sets of considerations in favor of prohibiting liberalization or democratization as intended aims of war: (1) those that derive from the requirement that states aim at peace by not fighting longer than necessary; and (2) those that derive from the requirement that states aim at justice by allowing for self-determination.