

**ADVANCE INFORMATION ON MIDTERM EXAM  
WINTER, 2008**

**PHILOSOPHY 162**

The midterm exam will take place in our regular classroom (148 Sequoyah Hall) from 11:00 to 11:50 am Wednesday, February 6. No use of books or notes will be permitted at any time during this exam. We'll supply paper, on which you will write your exams. The exam will cover all course materials—required readings, lectures, and handouts—up to and including the material for Monday, February 4. (Note: No exam questions will ask you to recall material from merely recommended readings.)

Part 1 will consist of essay questions drawn from the list below. On the actual exam 3 of these questions will be posed, and you will be asked to write on one of them. Time allowed: thirty minutes. This portion of the exam counts for 60 per cent of your exam grade.

Part 2 will consist of short-answer questions testing your comprehension of course readings and handouts. These questions will be drawn from the list below. On the actual exam, five questions will be posed, and you will be asked to answer three of them. This portion of the exam counts for 40 per cent of your exam grade.

On the exam, your answers will be assessed according to the cogency of the arguments you make, the quality of understanding of course materials that you display, and the clarity of your prose.

**Part 1. Essay questions.**

1. In *Just and Unjust Wars* Michael Walzer affirms a position that specifies under what conditions engaging in war is morally acceptable. This doctrine purports to distinguish what qualifies as a just cause for war from other putative justifications. According to Walzer, a just war is one of the following: a war against aggression or anticipated aggression, a counterintervention in a civil war struggle, support of a secession struggle, or a humanitarian intervention. Elucidate Walzer's position on *jus ad bellum*, state his rationale for it, and defend or attack it.
2. In *Just and Unjust Wars* Walzer advances a doctrine of just warfare (*jus in bello*) that specifies the moral constraints a combatant in war must obey, if she is to qualify as fighting justly (in ways that are morally permissible). Summarize the core elements in Walzer's position on *jus in bello* and defend or attack that position.
3. In "The Ethics of Killing in War" Jeff McMahan considers three claims: "(1) that the principles of *jus in bello* are independent of those of *jus ad bellum*, (2) that unjust combatants can abide by the principles of *jus in bello* and do not act wrongly unless they fail to do so, and (3) that combatants are permissible targets of attack while noncombatants are not." Summarize his responses to these three claims and his arguments supporting these responses, and attack or defend his position.
4. Let's stipulate that *terrorism* is to be understood as acts of war or other violence that involve intending to attack noncombatants or captured combatants with a view to arousing widespread fear among a group of people to advance one's political aims. Must terrorism so understood always be morally wrong or might it sometimes be morally permissible or even mandatory? Whatever your answer, your discussion should include a statement of the reasoned grounds for the position you take. Compare and assess the positions of course authors including M. Walzer, E. Anscombe, and R. Brandt as they would bear on this issue.

**Part 2. Short-answer questions.**

1. In chapters 14-16 of *Just and Unjust Wars* Michael Walzer affirms a doctrine he calls “supreme emergency” and rejects a doctrine he calls “the sliding scale.” The doctrines concern the question, how to interpret the moral right of noncombatant immunity (along with the rights and duties of combatants) in just warfare doctrine. State carefully the doctrine he accepts and the doctrine he rejects.

2. In developing his position on just warfare (*jus in bello*), M. Walzer accepts the Doctrine of Double Effect but holds that it requires revision. State the Doctrine of Double Effect and the revision of it that Walzer proposes.

3. In chapter 11 (“Guerrilla War”) of *Just and Unjust Wars*, Walzer applies his account of just warfare to the problem of guerrilla warfare. According to Walzer, what aspect of the phenomenon of guerrilla warfare is especially puzzling for his account? Responding to that puzzle, Walzer indicates how in his view the moral constraints of just warfare apply to the problem of how to conduct counter-guerrilla or counter-insurgency warfare. In that light he then assesses the conduct of counter-guerrilla warfare by the U.S. military forces during the Vietnam War. State briefly his view of (a) how one conducts counter-guerrilla warfare in morally permissible ways and (b) how given (a) one should assess the conduct of U.S. forces in Vietnam.

4. In his essay “War and Massacre” Thomas Nagel tentatively defends a doctrine he calls “absolutism”—that there are certain types of action that one morally ought never to do whatever the consequences. According to Nagel, what types of action are (plausibly regarded as) absolutely forbidden and on what grounds?

5. In her essay “Self-Defense” Judith Thomson advances a view as to the conditions that must hold for it to be true that you are morally permitted to kill another person in order to save yourself from death or grievous injury. State the view that she advances on this issue.

6. In “The War on Terrorism and the End of Human Rights” David Luban asserts that the policies pursued by the U.S. Government in recent years under the rubric of the “War on Terrorism” embody a hybrid war-law model, to which he objects. Describe the main features of the hybrid model as Luban characterizes it and state his main objection to pursuing policies that fit the hybrid model so characterized.

7. In answer to the question which of the possible rules of war are morally justifiable, Richard Brandt pursues what he calls a “contractual utilitarian” approach. Elucidate (characterize) this contractual utilitarian approach and indicate why, as developed by Brandt, it would or would not generate rules of war that would condemn Allied terror-bombing of German cities in World War II.

8. Consider John Brown’s raids in Kansas in 1851 and against the Harper’s Ferry Armory in Virginia in 1859 as described by Robert Fullinwider in “Terrorism, War, and Innocence.” Fullinwider discusses the problem of Private Judgment with a view to determining whether and when terrorism might be morally acceptable. Would the position Fullinwider arrives at in this essay imply condemnation or endorsement of Brown’s raids? Or neither? On what grounds?

9. Consider the position that the morally justifiable rules of war (as conceived by R. Brandt in his essay “Utilitarianism and the Rules of War”) would include a blanket condemnation of the torture of captured soldiers or of civilians during the course of a war in order to extract militarily useful information from them. Does Brandt’s rule-utilitarian approach allow that such an absolute, exceptionless rule might be justifiable or not? Why or why not?

10. In chapter 2 (“The Crime of War”), in *Just and Unjust Wars*, M. Walzer asserts that not all large-scale military combat involves “the crime of war,” the feature that makes war morally wrong on one or both sides. Summarizing this idea later in the book, he observes that “when soldiers fight freely. . .their war is not a crime.” Explain how Walzer draws the line between fighting freely

and unfreely, and give examples of types of conflicts that involve only fighting freely and so are not criminal according to Walzer.

11. In "Preventive War," David Luban states a standard for justified preventive war that he holds would be ratified by a rule-consequentialist approach to the morality of war. What exactly is the justified preventive war standard he proposes?

12. In "Proportionality in the Morality of War" T. Hurka considers the issue, which of the goods and evils that would result from a nation's engaging in war should count and to what degree in determining whether such engagement would satisfy the proportionality requirement for just cause. What conclusions does he reach?

13. In "War and Murder" G. E. Anscombe suggests that many mistakes in people's views about the morality of war and warfare result from "double think about double effect." According to her essay, to what errors in the morality of war and warfare is one likely to succumb if one fails to think straight about double effect?

14. Assume that France and Germany are at war, and that Germany has an all-things-considered just cause for engaging in this war (the German resort to war satisfies the *jus ad bellum* requirements rightly conceived). On the other side, France's war effort against Germany counts as morally wrongful aggression. Does just war theory as Walzer presents it allow other nations to remain neutral in this conflict between the warring nation with right on its side and the warring nation that is acting as a wrongful aggressor? Why or why not? Suppose that if Switzerland stays neutral, does not join the war on either Germany's or France's side but instead maintains normal trade relations with both countries, this will be greatly to the military advantage of France and will work to the military disadvantage of Germany. According to Walzer, is Switzerland have a moral right to remain neutral in these circumstances? Why or why not? (Walzer's discussion of this issue occurs in chapter 15 of *Just and Unjust Wars*.)

15. "Any rule of war, whether it be the rule against aiming fire at noncombatants or a rule against using poison gas, is only morally binding on one side in a war on the condition that the opposing side is complying with it. One side is at most morally obligated to cooperate with the enemy in war by obeying given rules of war if and only if the enemy cooperates in the same way (and to extend good faith by cooperating initially until the enemy ceases to cooperate)." Does Walzer agree or disagree with the quoted position? State Walzer's views on the issue addressed by the quoted position. The relevant views of Walzer may be found in chapter 13 of *Just and Unjust Wars*.

16. Suppose that you and your military comrades are entirely nonculpable aggressors. You have joined a war effort that is actually an unjust aggression, but your political leaders described this war effort as a just response to the enemy's aggression, and you had no means of discovering the truth and good and sufficient reason to believe your leaders. Fighting on these terms for an unjust cause, are you a permissible target of attack (a) according to the account presented by Jeff McMahan in "The Ethics of Killing" and (b) according to the account presented by E. Anscombe in "War and Murder"? In each case, (a) and (b), explain how the author's account implies the judgment you attribute to it.

17. In "Just Warfare and Noncombatant Immunity" R. Arneson affirms a norm he calls "fault forfeits first." State the norm and explain its bearing on the question, how to draw the line between permissible and impermissible targets of violence in warfare.

18. In her essay "Self-Defense" Judith Thomson criticizes the "Doctrine of Double Effect." State her main criticism or criticisms of this doctrine.

19. In chapter 1 of *Just and Unjust Wars* Walzer considers and rejects a position he calls "realism." What is realism as Walzer conceives it and what are his grounds for rejecting it?

20. In his essay "Proportionality in the Morality of War" Thomas Hurka considers this argument: It would not be morally permissible to kill someone to prevent him from unjustly depriving you of your political rights, preventing you from voting in democratic elections, for example. In the same way, it would not be morally permissible for a nation to engage in war to prevent another nation from unjustly depriving the first of merely political rights including the right of political sovereignty." State his full response to this argument.