Just War and Ethical Prevention  
Affirmative Case by “Coach Vance” Trefethen

  
*"Just War" is all that matters, and all defensive war involves preemption of further harm.*

Here are a few tips when running this case:

1. Win the resolutional analysis. Limiting the scope of the resolution is key to defining what the AFF must prove to win.
2. Win the ethical analysis. Since some preemptive wars do not violate Just War theory, and war always involves prevention of future harm, there are multiple ways it can be justified. If you lose one, win on the other one.

Just War and Ethical Prevention

In a utopian world, war would never happen. But in this fallen world we live in, wars are inevitable. As with all actions, we must evaluate the decision to go to war based on moral values, and when we do, we must affirm that*: Preemptive warfare is morally justified.*

# Definition:

Britannica defines “Preemptive force” as a QUOTE “military doctrine whereby a state claims the right to launch an offensive on a potential enemy before that enemy has had the chance to carry out an attack.”[[1]](#footnote-1) END QUOTE.

# Value: Ethical behavior

The value, or weighing mechanism, in today’s round, is ethical behavior, or simply, doing the right things for the right reasons and upholding commonly recognized standards of conduct. I will ask you to evaluate this round based on the criterion of whether preemptive warfare can be conducted ethically. If it can be, in at least some cases, then the resolution must be affirmed. If it can never be conducted ethically, then the resolution should be denied.

This is the only weighing mechanism that works for this resolution. All other modes of analysis ask us to predict the future or guess about hypothetical outcomes. No one can know with certainty in advance whether more lives will be saved if a preemptive war is engaged than if it isn’t, and no one can know what the outcome would have been, after the war is over, if we hadn’t engaged in it. Thus all measurements of lives or outcomes are impossible to rely on.

# Resolutional Analysis: Some, not all

The resolution does not require proving that “all” preemptive wars are justified. If I can show that even just some of them are, then the resolution will be proven true and an Affirmative ballot is justified.

Now let’s look at two Contentions showing how pre-emptive war can be justified.

# Contention 1: Just War Doctrine

Jeff McMahan, professor of philosophy at Rutgers University, explained in 2012 why we should use this as our standard of ethical behavior:

 ”The disagreements extend from the particular to the general, for in most areas of morality there are no commonly recognized principles to which people can appeal in trying to resolve their disputes. But there is at least one contentious moral issue for which there is a widely accepted moral theory, one that has been embraced for many centuries by both religious and secular thinkers, not just in the United States, but in many societies. The issue is war and the theory is just war theory. “Just war theory” refers both to a tradition of thought and to a doctrine that has emerged from that tradition.”[[2]](#footnote-2)

Thomas Aquinas summarized the ethics of just warfare in the 13th century when he said:

“In order for a war to be just, three things are necessary. First, the authority of the sovereign. Secondly, a just cause. Thirdly, a rightful intention.”[[3]](#footnote-3)

Later scholars added other criteria: “Last Resort,” “Reasonable Chance of Success” “Avoid Civilian Casualties,” and “Proportional Response.”

But none of these criteria rules out a pre-emptive war. A good example was France and Britain declaring war on Germany in 1939. Neither France nor Britain had been attacked by Germany. But the Allies had perceived the threat and had tried every other option of negotiations. It was the last resort. Their cause and intentions were just, since they were opposing the evil and aggressive behavior of Hitler’s regime. Once Germany invaded Poland, the French and British declarations of war were preemptive from their point of view, since they were not under attack, but completely justified by Just War doctrine.

Dr. Thomas M. Nichols at the US Naval War College in 2003 summed up and advocated my Contention when he wrote QUOTE[[4]](#footnote-4):

"Indeed, it is surprising to find that so much less has been said about basic principles of just war—that is, a just cause, a right intention, proportionality, and so on—than about the largely legal questions of preemption and prevention. But concepts like preemption and prevention are really about the timing and method of war; they say nothing about the moral content of the conflict itself, and in the end an emphasis on them obscures the fundamental question of justice. Put another way, if a particular military action, including launching war, is just and proper, then the means and scheduling are subject, like anything else, to scrutiny under the guidance of the principles of just war. "

END QUOTE. In short, Just War is what matters for moral evaluation, not the timing. The widest recognized ethical standard of conflict justifies accepting this resolution. But we can extend it further in…

# Contention 2: Self-Defense is Preemptive

The other ethical behavior justification is the right of self-defense. It shouldn’t need much argumentation to justify the ethical right of individuals and nations to use force to defend themselves from attack.

But what many overlook is that actions taken in self-defense, even after a first attack has occurred, are still pre-emptive. Professor Allan Buchanan explains in 2007 when he says QUOTE:

On the face of it, the idea that preventive war can be justifiable, at least when it is waged in self-defense seems, quite commonsensical. As Jeff McMahan has pointed out, there is a straightforward sense in which all self-defensive action is preventive. When you strike a person who is currently attacking you, your aim, so far as you are acting in self-defense, is to avert any *further* harm the attacker may do you; it is too late to defend yourself against the harm he has already caused. There seems to be no obvious bar to using force to defend oneself against an unjust harm that will occur further in the future rather than the harm that one expects in the next few seconds when an attack is already underway.[[5]](#footnote-5)

END QUOTE. Note carefully how the wording of the resolution supports this right of self defense through pre-emption. The resolution only asks us to affirm pre-emptive warfare, and does not require us to defend “starting” a pre-emptive war. Now, I have done that already under Contention 1, but here in Contention 2, we can justify the resolution even if we didn’t start the war.

“Warfare” continues long after the war has started. Pre-emptive warfare occurs every time a belligerent takes a hostile action against the enemy, in the hopes that the action will degrade the enemy’s ability to cause harm.

As long as the actor is either the victim of aggression here in Contention 2 or started the war acceptably under Just War doctrine (as in our Contention 1), his actions against the enemy are pre-emptive and ethically justified, provided they do not engage in actions that violate the laws of war like targeting civilians or torturing prisoners.

With both of these scenarios ethically justified, the value is upheld and the resolution is affirmed. Thank you.

Opposing This Case

Since this case craftily provides two independent justifications for the resolution, either of which could stand alone and win an AFF ballot, I suggest you must defeat both of them if you hope to win.

The first can be countered by researching alternative interpretations of Just War doctrine. It should not be hard to find countering scholars who argue that Just War doctrine forbids starting preemptive war. At the very least, a preemptive war probably violates the "Last Resort" tenet, since a war that hasn't started yet has not reached the "last resort" for solving the issues. You don't know if the last resort was used until the first shot is fired. If you're the one firing the first shot, then you're the one who didn't give any more efforts to avoid going to the last resort.

The second, that all defensive wars, even after they start, are preemptive, can be refuted logically by more carefully defining "preemptive" the way the resolution intended. Once you've been attacked, you're not preempting anything, most likely you are retaliating or just trying to survive.

1. Encyclopedia Britannica “Preemptive Force” <https://www.britannica.com/topic/preemptive-force> [↑](#footnote-ref-1)
2. Prof. Jeff McMahan 2012 (prof. of philosophy, Rutgers Univ.) 11 Nov 2012 NEW YORK TIMES “Rethinking the ‘Just War,’ Part 1” <https://opinionator.blogs.nytimes.com/2012/11/11/rethinking-the-just-war-part-1/> [↑](#footnote-ref-2)
3. <http://www.azquotes.com/quotes/topics/just-war.html?p=2> [↑](#footnote-ref-3)
4. Thomas M. Nichols 2003 (PhD; professor of national security affairs at the United States Naval War College ) Just War, Not Prevention *Ethics and International Affairs*, Volume 17, No. 1 (Spring 2003) https://www.carnegiecouncil.org/publications/journal/17\_1/roundtable/867 [↑](#footnote-ref-4)
5. Prof. Allan Buchanan (law professor, Duke Univ) 2007 “Justifying Preventive War” <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=4&cad=rja&uact=8&ved=0ahUKEwjbk-Gc8dzXAhXiRt8KHUUJCgAQFghCMAM&url=https%3A%2F%2Fwww.law.upenn.edu%2Flive%2Ffiles%2F1307-buchanana-justifying-preventive-war&usg=AOvVaw21pEUZXLBvox1G8tA3PIqG> [↑](#footnote-ref-5)