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UDK: 172.15:355.011
Saopštenje na naučnom skupu

CAN PATRIOTISM JUSTIFY KILLING IN DEFENSE OF ONE'S COUNTRY?[1]

Abstract: *Cosmopolitan liberals would be ready to fight – and to kill and be killed – for the sake of restoring international justice or for the abolition of profoundly unjust political institutions. Patriots are ready to do the same for their own country. Sometimes the cosmopolitan liberals and patriots would fight on the same side and sometimes on the opposite sides of the conflict. Thus the former would join the latter in the defense of Serbia against Austria-Hungary (in 1914) but would oppose the white Southerner patriots in the American Civil War (in 1861). In this paper I argue that fighting and killing for one's country is, in both of those cases, different from the defense of one's own life and the lives of those who cannot defend themselves. Killing for one's country is killing in order to fulfill a particular political preference. The same is the case with fighting for the abolition of a profoundly unjust political institution. It is not amoral or immoral to refuse to kill for any one of these two political preferences because there is no reason to believe that either political preference trumps our moral constraints against killing.*

Keywords*: patriotism, defense, killing, humanism, cosmpolitanism, moral justification.*

The question I would like to explore in this paper is:

• Does patriotism offer distinctive moral reasons for killing people in pursuit of patriotic goals?

'Distinctive moral reasons' are here the moral reasons specific to patriotism as an attitude or worldview which are distinct from other types of attitude or worldview. Patriotism, as I understand it, favours one country and its inhabitants over all other countries. This is a consequence of the nature of love: love is, by definition, directed to one item or items which favoured over all other items or objects. If patriotism is a love for one's country, then it presupposes

[1] This paper, under the title 'Killing for one's country', was presented at the workshop on patriotism held at the Centre for Public Philosophy and Applied Ethics of the University of Melbourne in August 2006.

favouring that country over all others. Favouring one's country is a notoriously – and perhaps intentionally – vague notion. But for the purposes of this paper, we shall assume that if I favour my country over others in a patriotic manner, I am ready to fight and kill others for the sake of my country and not other countries or other causes. I shall discuss below a variety of interpretations of the phrases 'for the sake of my country' or 'for one's own country'. A patriotic attitude or worldview implies that this readiness to fight and kill is morally praiseworthy and, indeed, the moral duty of a patriot. Patriotism may even be defined in terms of such duties: for a person to be a patriot, it is necessary that she or he is ready to fight – and thus to die and to kill – for the sake of one's own country. This prima facie duty is not necessarily related to any other just cause; for a patriot, fighting for one's own country is, at least prima facie, a just cause.

In contrast to patriotism, cosmopolitan liberalism (sometimes based on Kantian universalism) offers no moral reasons for fighting for one's own country as opposed to any other country. A cosmopolitan liberal is ready to fight – as a last resort – in the defense of a just cause. A just cause is, among other things, a defense of a just state from unprovoked and unwarranted attack. A cosmopolitan liberal would be ready to fight – as a last resort – in the defense of any just country from such an attack that needs his or her services for this purpose. The qualifications regarding the last resort and the need for the services of cosmopolitan liberals suggest for a cosmopolitan liberal there is no *prima facie* duty of fighting for any country. For a person to be a cosmopolitan liberal, it is not necessary that he or she be ready to fight in the defense of any country.

Clearly a patriot and a cosmopolitan liberal may find themselves fighting together against the same enemy. But according to the above account, the reasons justifying their fight should be different – a patriot would be fighting for her or his country and a cosmopolitan liberal to defend that just country from an unprovoked and unwarranted attack. In this paper I shall attempt to find out how the patriot's reasons differ from those of a cosmopolitan liberal and whether either of these reasons provide a moral justification for killing.

'Fighting for one's own country'

'Fighting' here obviously means voluntarily participating in a violent conflict as an armed combatant. Participation in such a conflict presupposes readiness to be killed and to kill others. Voluntary participation does not, however, imply a belief that killing and being killed provide the best way of resolving the political differences or differences in the political demands leading to conflict nor does it imply the belief that one's country's cause is right. Voluntary participation only implies that the combatant was not forced or was not intimidated by the use of coercion (for example, imprisonment) to participate and that the primary motivation for participation was not social pressure such as the fear of social exclusion or ostracism of the non-participants.

But 'for one's own country' is, in contrast, very vague because, historically, it has come to include a variety of different causes. The phrase has come to include:

1. Fighting against the forces of another state or states which are crossing the border of the territory of the state of which one is a citizen.

2. Fighting against the forces of an insurrectionary or secessionist movement within that state.

3. Fighting as part of a resistance movement against the occupying forces of another state or against the internal occupying forces armed and supported by an outside state.

4. Fighting, as part of occupying forces in an overseas colony, against the anti-colonial resistance forces or against the forces of another state invading that colony.

5. Fighting as part of an invading force which aims to gain control over the territory of a state in order to remove from it the occupying forces of another state.

6. Fighting as part of an invading force allegedly aiming to prevent the state (which is being invaded) from attacking other states, including one's own state.[2]

[2] There is perhaps the seventh category of fighting as a part of an invading force aiming to remove the oppressive or unjust regime in the state which is being invaded. It is not clear whether in such a case one is fighting for one's country or for the ideals of liberal (or other kinds) of justice. That is, it is unclear whether one is acting for cosmopolitan or patriotic reasons (or for both).

In this paper I examine only the cases of the first two types – fighting against the forces of another state crossing the border of my country and against the forces of a movement which aims to secede a part of the state and to create another state. In both types of case, a fighting patriot appears to be defending her or his country from the forces which want to take away the whole or part of his country from him and his fellow patriots. If successful, these armed forces he or she is fighting will impose a government composed of people whom our patriot does not consider to be patriots – who do not love the country, at least not in the way he or she loves it. In such a case, the country is no longer his or hers because it is ruled by non-patriots imposed by foreign forces. In most cases, violent secessionist movements are supported by outside states; in such a case, an outside state appears to be taking a part of the beloved country from its patriots. Even in those cases of secession when the outside states are minimally involved, secessionists are, for a patriot, anti-patriots or traitors to his or her country.

As it has been frequently pointed out both by philosophers and non-philosophers, a patriotic view such as the one above is often contested by people who consider themselves patriots too. A patriot can welcome an armed invasion of his country by another state for at least two reasons: first, the foreign forces may remove an oppressive and, therefore, non-patriotic regime and allow true patriots to come to rule; second, the foreign forces may help the (secessionist) patriots to reclaim, from its present alien government, the territory for its local population and enable them to establish a state of their own. In a case of the second kind, the present central government, ruling over the country (which is not an independent state) which those patriots love, is for them an alien and oppressive and not a patriotic government.

One needs to note that this is a contest of political and not of anthropological or moral views. There are two distinct political issues at stake: whether the regime is oppressive and whom, if anyone, does the regime oppress. For a cosmopolitan liberal these issues would be crucial in deciding whether she or he should fight for the regime in question. A cosmopolitan liberal would refuse to fight for

an oppressive regime or would fight for it only if its enemy, threatening to overthrow it, is even more oppressive.

But as Nathamson[3] has emphasized, a liberal patriot can also refuse to fight for an oppressive regime in his country. For a liberal patriot, the slogan 'My country right or wrong' simply does not hold. For a liberal patriot, the country for which he or she is ready to fight, is a liberal and just country and therefore, he or she is ready to fight against anyone who has, by force, imposed an illiberal or oppressive regime in his country. In doing so, he or she is fighting for his or her country too.

Of course, not all patriots are liberal patriots, nor are all liberals cosmopolitan liberals. Many non-liberal patriots would fight for their country although their country is not liberal and has, by liberal standards, an oppressive regime. But if one is a patriot, one does not have to start as a non-liberal patriot and then chooses to become a liberal one. Liberalism need not be an addition to patriotism; it can be (and is) an integral part of a patriotic conception of one's own country.

Let us now consider a case in which cosmopolitan liberals and patriots (both liberal and non-liberal) would fight together against a common enemy.

Fighting and killing together: patriots and cosmopolitans

Take thecase of a relatively non-oppressive liberal state exposed to a military invasion by a comparably non-oppressive liberal state. This, I would say, was the situation in August 1914: Austria-Hungary, a parliamentary monarchy under an Austrian Habsburg dynasty, attacked another, much smaller parliamentary monarchy, Serbia. The ostensible reason for the attack was the refusal of Serbia to allow Austro-Hungarian police officials to 'carry out judicial inquiries' that is, search for the instigators of the assassination of the heir to the Austrian Imperial throne, Franz Ferdinand. Unknown to the Serbian civilian government at the time, one of those was the chief of Serbian military intelligence whom the Serbian civilian authorities were not likely to arrest and bring to trial.

[3] In his *Patriotism, morality and peace*, Lanham, USA,1993.

For a cosmopolitan liberal this would not be a sufficiently good reason to use the last resort – armed invasion – to bring the culprits of this murder to justice, in particular since armed invasion was not likely to bring these particular culprits to justice. Serbia was, therefore, exposed to an unwarranted and unjust attack. This international injustice would justify a cosmopolitan liberal joining the fight on Serbia's behalf. In contrast, liberal and non-liberal Serbian patriots would be (and were) fighting for their country against a foreign enemy who was intent on imposing a foreign government on their country.

Perhaps one should also mention that the Habsburg patriots of various nationalities, while also fighting for their country (and its emperor and king), were fighting for a different cause: they were fighting to punish a state, Serbia, which attacked their state and its officials by terrorist means and was, in this and other ways, endeavouring to detach a part of its territory (the recently annexed former Ottoman territory of Bosnia and Herzegovina). By punishing – and occupying – Serbia they were aiming to prevent its further forays into their country's territory. Their cause apparently belongs to the sixth category of 'fighting for one's country' above.

Patriotism and self-defense

To return to those ready to fight and kill for Serbia. In fighting for Serbia and against Austro-Hungarian invasion, cosmopolitan liberals were fighting to restore and strengthen justice in international relations. Serbian patriots were fighting to retain the control of their country from a violent foreign enemy. Are these morally valid reasons for killing people, in this case persons of various nationalities (including Serb) wearing Austro-Hungarian uniforms?

There is little doubt then the Serbian or Entente soldiers killing soldiers in Austro-Hungarian uniforms who were attacking Serbian territory in 1914 were doing so in self-defense and in the defense of the lives of the defenseless. But killing in self-defense or defense of the defenseless is significantly different from killing for any of the above reasons. First, the sole aim of killing in such situations is to stop or prevent killing or the loss of lives, in this case the life of the person who is defending himself or herself or of those

whom he/she is defending. Second, killing in such defense situations does not presuppose or imply that human lives (of anyone) are ranked on a scale including political or other goals. In a defense situation, one is taking a human life not in order to further some other goal but to save another human life or lives. In such situations, human lives are not regarded as instruments towards any other goal but that of saving human lives.

But if this justifies killing in the above situation, it justifies it regardless of any additional motivation – patriotic or cosmopolitan – that the killers might have had in joining in the fighting against Austria-Hungary. The self-defense justification does not make any additional motivation a moral justification for killing.

At this point one may want to distinguish patriotic from cosmopolitan motivation for fighting and killing in the following way. Fighting for one's country – at least in a situation such as the one above – is, one would argue, indistinguishable from self-defense and defense of the defenseless while fighting for international justice is not. When one is fighting against the attackers of one's country, one is fighting for one's country by defending oneself and those who cannot defend themselves, but when one is fighting to restore international justice one is not, *eo ipso,* fighting in self-defense or defense of defenseless. Yet as long as one is a soldier under attack or about to be attacked[4], she or he – at least on the above view of self-defense – is justified in killing the attackers, regardless of his or her motivation for donning this uniform and joining the fighting. In this kind of situation cosmopolitan liberals are justified as much as patriots are in killing their attackers.

Losing one's life and losing one's country: patriotic altruism

And yet a patriot has, personally, much more to lose from defeat and occupation of his or her country than a cosmopolitan liberal: if the enemy takes over his or her country, a patriot is forced to endure the foreign or non-patriotic rule and its arbitrariness (at least in his or her eyes) and to be exposed to daily humiliations and punishments for his patriotic stance and resistance. A forced exile from his

[4] Or is a person defending those who cannot defend themselves.

home, family and social group may be equally or even more painful. A cosmopolitan liberal, while suffering from the injustice caused by the defeat, can move to another liberal country to fight another day, without feeling the pain of separation or humiliation. The cosmopolitan's suffering and loss appears less painful and burdensome than that of the patriot.

But does an attempt to prevent that loss of one's country and the associated humiliation provide an additional justification for killing those who are intent on causing the loss, a justification which is different from that of self-defense? Of course, many patriots believe that their attempt to prevent the loss of their country by killing its attackers is, by itself, self-defense: in staving off the loss, they believe they are defending themselves and their compatriots.

Losing one's life is obviously different from losing one's country to foreign rule. And, in spite of fervent patriotic equalization of the two, one could claim that a human life is of a different moral worth than freedom from foreign domination. In fact, against the patriotic equalization of the two, one could argue that a loss of one's country, however painful, is not a harm on the same level or kind or of that magnitude as the loss of one's life. If so, a patriot appears to be ready to inflict a greater harm on someone else (by killing him or her) in order to prevent a lesser harm (the loss of one's country) to himself or herself.

Many patriots are, however, ready to lose their lives in order to prevent the loss of their country. This shows that they value their own country more than their own lives. Their readiness to lose their lives for the sake of their country indicates that they reject the above ranking according to which losing one's country ranked as a lesser harm than the loss of one's life and is viewed as a harm of different kind. Patriotism in such a case appears to be a radical form of political altruism: here a patriot values a particular political situation more than one's life. And as a form of altruism, radically altruistic patriotism also appears to be morally praiseworthy.

If morally praiseworthy, can altruism justify otherwise immoral or morally impermissible acts? Consider the following two questions: If I am ready to give all my belongings to the poor – and in fact do so – can my altruism justify my taking, by force or deception, other people's belongings and distributing those to the deserving

poor? If I am ready to die in the defense of international justice, can my altruism justify my killing of those who breach international justice? If we believe that patriotic altruism justifies killing for a patriotix cause, then, I think, we would need to admit that cosmopolitan altruism also justifies killing for cosmopolitan causes. If so, patriotism would not differ, as a putative moral justification for killing, from cosmopolitan liberalism.

Let us now consider another type of case in which patriots and cosmopolitan liberals part company and appear to be ready to fight and kill each other.

Fighting against one another: cosmopolitan liberals against patriots

Like the Serbian soldiers in World War I, the white soldiers of the Southern Confederacy in the American Civil War were fighting against armed forces intent on imposing a foreign government and foreign legal, political and social relations in their country. Among these patriots were some liberal patriots who believed that slavery is an unjust institution which needs to be abolished and wanted it abolished in the Southern states. Some of them believed that the use of foreign armed force to abolish illiberal political institutions is incompatible with the principles which allow the use of armed force only in self-defense and the defense of the defenseless. Others believed on the scale of unjust actions armed invasion of their country is significantly more unjust (in part, perhaps, because it causes the loss of life) than maintenance of the unjust institution of slavery (which, in principle, can be abolished without the loss of life). In short, armed resistance to the armed forces of the North invading the South was not incompatible with those liberal political principles which reject slavery as unjust.

And yet cosmopolitan liberals, if they sided with any one side in this conflict, would have sided with the North and against the South. The North was fighting for a just cause – the abolition of profoundly unjust institutions – and many cosmopolitan liberals believed (and still believe) that armed force should be used, as last resort, to remove such profoundly unjust institutions.

Does cosmopolitan liberalism morally trump patriotism, even liberal patriotism, in a case such as this? In other words:

• Is it morally justifiable to kill, in a war, someone who is resisting the removal of a profoundly unjust political institution?

By profoundly unjust I mean institutions which systematically treat human beings as unequal and thus restrict the liberties of the less equal and humiliate them as inferior beings. In the present context, 'profoundly unjust' does not include 'an institutional set-up which systematically kills innocent people'. The latter is, of course, profoundly unjust but is more than that. To remove an institutional set-up aiming at killing and killing innocents – such as those of Nazi Germany or Communist Cambodia – is to defend the lives of those who are not in position to defend themselves. In other words, removing such an institution is to act in the defense of lives of those who cannot defend themselves. The institution of slavery in the Southern States, however cruel and profoundly unjust, was not an institution set up systematically to kill innocent people.

The above question could be now compared to the one raised above:

• Is it morally justifiable for a native to kill, in a war, a foreigner who is attempting to remove native rulers and institutions and impose, by force, a set of foreign institutions and foreign-supported rulers?

In the first case, the killing is done in the defense of the victims of politically unjust institution and, in the second, in the defense of native victims of foreign institutions and rulers. In neither of the two situations is the killing performed in the defense of human *lives.*

As we have seen, many cosmopolitan liberals would answer positively to the first question. This shows that they rank the removal of profoundly unjust institutions higher than the lives of at least some people, possibly including their own. Likewise, patriots who would answer positively to the second question, rank the freedom from foreign rule higher than the lives of some people, often including themselves. In other words, if the freedom from foreign rule can be achieved only through the loss of their lives, they would prefer that option than the option of living under foreign rule.

Both cosmopolitan liberals and patriots believe that their ranking is that of moral value or worth. Their readiness to sacrifice their lives for the realization of their political preferences, as we have noted above, may be regarded as a morally praiseworthy although somewhat radical altruism. The moral praise bestowed on their altruism might have led them to believe that the ranking of their preferences which underlies their altruism is a ranking of the preference's moral worth.

There are, however, some reasons to doubt that rankings of preferences of this kind are rankings of moral worth or value. First, if the outcome or result of a particular ranking is subject to moral praise, it does not follow that the ranking itself is a ranking of moral values or 'valuables'. In this case, what has been praised, morally, is the altruism of patriots, that is, their readiness to sacrifice their lives, and not their higher ranking of their preference to die for the freedom of their country than to endure foreign rule. Second, one can recognize the patriotic stance as altruistic but refuse morally to praise it. Not all altruistic attitudes are morally praiseworthy. For example, if one agrees to be killed or kills oneself so that one's organs could be given, as transplants, to those who need them, this may be considered an irrational and not morally praiseworthy act. Likewise, a pacifist or cosmopolitan liberal may refuse to bestow moral praise on patriotic altruism and argue that their altruism is of no moral value. Third, not all rankings of human lives, including one's own life, are ranking of moral worth or value. If one values one's own life higher than the lives of Africans or Asians, one's ranking, while having moral significance, is not a ranking of moral worth or value.

In seeking justification for killing, both patriots and cosmopolitan liberals compare political arrangements with human lives and rank these on a single scale. They clearly prefer or value certain political arrangements more than they do certain human lives. But, as I suggested above, there is no reason to believe that theirs is a ranking of moral values as opposed to political preferences.

Patriotism: political not moral

From this one can infer that the patriots' justification for killing for his or her country is based on their political preferences and

not on a moral code. Similarly, one can infer that the cosmopolitan liberals' justification for killing for the sake of removal of profound injustices is based on their political preferences which obviously differ from those of the patriots.

One can endorse both sets of preferences and follow one or the other set, depending on the circumstances. Thus one can kill for one's country, when one's country is in danger and also kill when international justice in some of its profound forms is in danger. Sometimes both are in danger at the same time and in the same place and then one's killing appears to be doubly justified. But one can also decline to kill for any one of two causes and yet admire altruism and self-sacrifice of patriots and cosmopolitan liberals who are ready die for their causes. And, of course, one can decline both to kill and to admire any dying (and killing) for these or any other political goals.

In this essay I attempted to argue that the last response to patriotism and to cosmopolitan liberalism is neither amoral nor immoral. This is so because there is no reason to believe that either patriotism or cosmopolitan liberalism can override the moral principle which regards human life paramount and which allows killing only in self-defense or the defense of the defenseless. One can argue, in different ways, that no political preference can override such a moral principle. One such argument would be perhaps this.Killing inflicts irreparable harm on others. No political or any other action can repair this kind of harm. The above moral principle constrains us from inflicting irreparable harm of this kind on others, in part because it is irreparable. If so, why should political preferences which justify and encourage our inflicting of such harm on others, override the above moral constraints? Why should the politics of patriots or cosmopolitan liberals trump morality? In order to attempt answer these questions one would no doubt need at least another paper.

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MOŽE LI PATRIOTIZAM DA OPRAVDA UBIJANJE U ODBRANI SVOJE ZEMLJE?

Sažetak

Kosmopolitski liberali bi bili spremni da se bore – kao i da ubijaju i budu ubijeni – zarad uspostavljanja međunarodne pravde ili za ukidanje duboko nepravednih političkih ustanova. Patrioti su spremni da učine isto za svoju zemlju. Ponekad se kosmopolitski liberali i patrioti bore na istoj strani, a ponekad na suprotnim stranama u sukobu. Tako bi se, na primer, liberali pridružili patriotima u odbrani Srbije od Austrougarske (1914. godine), ali bi se suprotstavili belim južnjačkim patriotima u Američkom građanskom ratu (1861). U ovom radu obrazlažem tezu da je borba i ubijanje za svoju zemlju u oba slučaja nešto različito od odbrane sopstvenog života i života onih koji ne mogu da se sami brane. Ubijanje za svoju zemlju jeste ubijanje kako bi se ostvarila određena politička preferencija. Isto važi za ratovanje zarad ukidanja duboko nepravedne političke ustanove. Nije amoralno ili imoralno odbiti da ubijamo zbog bilo koje od ovih političkih preferencija, zato što nema razloga da verujemo kako bilo koja od njih nadjačava moralne uzde koje nas sprečavaju da ubijamo.

Ključne reči: patriotizam, odbrana, ubijanje, humanizam, kosmpolitanizam, moralno opravdanje.