Reviews

Morality and War: Can War Be Just in the Twenty-First Century?, David Fisher (New York: Oxford University Press, 2011), 320 pp., $45 cloth.

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Morality and War is a timely addition to contemporary just war literature. While advocating the use of just war principles to evaluate modern armed conflict, Fisher takes the innovative step of introducing virtue theory into these debates. Largely neglected by just war theorists, virtue theory has, for example, invigorated bioethics by providing an antidote to the rigidity of principled moral thinking while also offering a useful and versatile educational tool. Fisher uses it to do both as he combines virtue ethics with consequentialism into what he terms "virtuous consequentialism."

Fisher argues that virtuous consequentialism deepens our appreciation of just war theory by providing a rich ethical framework to understand and apply *jus ad bellum* and *jus in bello*; to ground the principles of just cause, right intention, and noncombatant immunity; and to evaluate preemptive war and humanitarian intervention in such places as Iraq and the former Yugoslavia. It also offers a solid educational blueprint for teachers as they build curricula to instruct military personnel. Used properly, virtuous consequentialism nurtures an exemplary moral character anchored in justice, practical wisdom, courage, and self-control. Education in the virtues supplements a curriculum based solely on the legal obligations of international humanitarian law, and includes instruction in just war theory and practical wisdom with particular attention to historical and contemporary exemplars. Thus, his book speaks to two audiences: the professional philosopher or political scientist engrossed by the intricacies of just war theory and the student learning the basics of military ethics and the moral behavior necessary for a modern war fighter.

Developing his argument in the first part of the book, Fisher uses virtue theory to direct our attention to an actor's intent. The virtuous person, he writes, "is someone whose character inclines her toward right conduct and who chooses what is the right thing to do in the particular circumstances through the judicious exercise of practical wisdom" (p. 116). Virtue theory is important because it places greater emphasis on moral deliberation over mere attention to legal obligation. Cultivated through training and example, practical wisdom forces people to carefully consider the information at their disposal, the

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relevant just war principles they might apply, and the consequences of their action—all the while aiming for more good than harm.

Fisher's theory of virtuous consequentialism is strongest when it is used to assess practices of war. Entering the torture debate, for example, Fisher asks whether "we wish to belong to a society that selects, employs, pays, and trains people to torture, despite the corrupting effect this has on both its practitioners and its victims" (p. 189). If the answer is no, as Fisher suggests, then torture is rarely excusable, and only when many innocent lives are at stake. This is not a new argument, but by placing it in the context of virtuous consequentialism, Fisher enriches the debate by emphasizing the corrupting effect of torture on our moral character. As such, he hopes that soldiers educated in virtuous consequentialism will condemn torture, pay special heed to the principle of noncombatant immunity, and make every effort to allay the suffering that accompanies modern warfare, yet still wage war effectively. Fisher presents a strong case for developing a program of military ethics education grounded in virtuous consequentialism and just war theory.

Although virtuous consequentialism is an important educational tool, Fisher uses it less successfully when evaluating the moral activity of soldiers and states. While virtue theory places considerable emphasis on an actor's state of mind, it remains extremely difficult to measure the intentions of an actor, thereby leaving observers to assess consequences only. Theoretically, Fisher is correct: giving sole attention to consequences leaves us with an inadequate understanding of moral behavior. In practice, however, attempts to gauge the intentional dimension of behavior are not always successful.

In chapter 6, for example, Fisher describes several people who offer to give up their seats to a woman "laden with packages and a crying child" (p.111). One person feels concern for the woman; another does his duty; and a third fears criticism. While utilitarians may have difficulty distinguishing among these cases, virtuous consequentialism is clear: only the person acting from concern is truly virtuous and an exemplar for moral education. But Fisher loses these distinctions on the battlefield. Commenting on the soldiers who went over the top of the trenches and to near certain death at Neuve Chapelle in 1915, Fisher writes that they "displayed extreme virtue." But clearly there were different motivations at work: some acted from concern for others, some from fear of punishment, and some from duty. For virtue theory, only those acting from concern for others are worthy of the highest form of moral approbation. However, it is not clear how one makes this assessment in practice.

Evaluating the intentions and behavior of state actors is even more difficult. Considering noncombatant immunity in Gaza and Kosovo, Fisher concludes that Israel breached the principle of noncombatant immunity in Gaza, while NATO did not in Kosovo (pp. 102–107). To evaluate intent, Fisher highlights Richard Goldstone's conclusion that Israeli forces "failed to take all feasible precautions . . . to minimize incidental loss of civilian life" (p. 103). NATO, on the other hand, "made every effort to minimize civilian casualties" (p. 107). It is difficult, however, to understand how Fisher reaches this conclusion. If Goldstone's assessment is indicative of Israeli intent, how then can Fisher ignore the same Human Rights Watch report he cites for his Kosovo data (p. 106)? In language similar to Goldstone's, Human Rights Watch voices grave concern about the excessive civilian casualties NATO caused by dropping cluster bombs near populated areas and attacking targets of questionable military legitimacy.

Morality and War also tackles questions about noncombatant immunity. Rather than frame noncombatant immunity in terms of the duty to avoid excessive or disproportionate harm, Fisher opts for the goal of minimizing civilian casualties. These criteria are distinct because minimal harm may remain disproportionate. Given the oft-noted difficulties of defining proportionality, however, minimal casualties may offer an easier criterion to discern, and therefore a better principle to adopt in practice. However, the principle is more complex than Fisher suggests. In the simplest of cases—choosing between two actions that each offer similar military advantages and incur similar military costs—one must choose the action that minimizes civilian harm. But things are rarely this simple. The truly difficult question is how to minimize civilian casualties when it significantly endangers one's soldiers. Which would virtuous consequentialism recommend: a drone attack killing militants and civilians or a ground attack killing the same number of militants, fewer civilians, but any number of compatriot soldiers?

Morality and War raises challenging and thought-provoking questions. To help resolve them, virtuous consequentialism offers practitioners and theorists an important analytical and educational tool. By training soldiers in the virtues and instructing them in the principles of just war theory, Fisher aims to educate warriors who successfully confront the challenges of modern war and do their best to mitigate its horrors.

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Terror, Religion, and Liberal Thought, Richard B. Miller (New York: Columbia University Press, 2010), 240 pp., $24.50 cloth.

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Addressing a set of normative questions surrounding the 9/11 terrorist attacks, Richard B. Miller takes as his starting point the claim that "9/11 raises moral questions about human rights, respect for persons, and the limits of toleration with vivid clarity . . . [and] puts in stark relief questions about the moral challenges of coexistence in an increasingly pluralistic public culture, questions concerning religious authorizations of violence, human rights, and the basis and limits of tolerating the intolerant" (pp. 2–3). Further, he tells us that "at stake are two related concerns: