The Ethics of Warfare Part 2: How do you define a combatant?

In our first article in this mini-series on **the ethics of warfare**, Heather Widdows outlined the principles of Just War theory as an analytical tool in trying to come to a view on whether a particular conflict is, or was, ethical. The question still applies over actually going to war (ius ad Bellum) or the conduct during the conflict itself (ius in bello). Heather concluded by pointing out that the character of war is changing quickly and this article examines some of the challenges that face ethicists and international lawyers.

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The first challenge is in trying to define who is - and who is not - a combatant. While it can be argued that armed insurgency is not new, warfare since the Second World War has increasingly been of this type. War is no longer declared and not all allies accept that a state of warfare exists, such was the case in the so-called 'War on Terror'. In an insurgency, the 'bad guys' may well be the next ruling party. In most conflicts, they are almost invariably indistinguishable from their civilian counterparts and the fighting is done within the community rather than on traditional battlefields.

Such factors produce ethical dilemmas that are not easily answered by deontological or utilitarian vocabularies. Furthermore, these difficulties are compounded by the reality that the combatant/non combatant issue is blurred on the 'good guys' side as well with contractors being used increasingly in theatre. This is especially the case now that civilian [intelligence] agencies have encroached on areas that previously had been the sole preserve of military forces with targeted killings, reconnaissance and so forth.

A further challenge is the increasingly remote nature of warfare. This instantly conjures ideas of 'drone warfare', but that is too simplistic. Again, seeking to distance oneself from an opponent is not new - especially in air warfare. One American academic has gone as far as to suggest that David slew Goliath with a primitive aerospace projectile! From Tennyson's *Locksley Hall* in 1835 with its haunting prophecy of future air warfare:

> *the heavens fill with shouting, and there rain'd a ghastly dew*
> *From the nations' airy navies grappling in the central blue*

The public imagination has been caught by these perceptions. Again the reality is that artillery can do as much as damage; and sieges and blockades can kill as many people as so-called strategic air warfare.

Does this matter? Or is it just a question of inter-service politics and media hype? Or is it merely that air power has a much greater CNN factor than guns? These are fairly basic questions and the real issues are more complex. There is a vague notion (or strong depending on one's viewpoint) that there is something underhand, and counter to the chivalrous ideas from which ius in bello arose, about warfare conducted from one continent against folk no longer able to see the enemies' eyes. Assurances that rules of engagement are as strict as in any combat are met with scepticism. The most worrying point is that worrying about these issues move the debate away from the real questions as to whether the conflict is ethical.

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