II. Morality of War: The Case of Vietnam, The; The War in Vietnam: A Discussion

Mulford Q. Sibley

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It is important to see how a localized conflict implicates the international community as a whole and reflects a failure of their collective responsibilities.

These considerations bear on a moral evaluation of the Vietnam conflict. Certain participants are obviously identifiable, but it would be erroneous to pass an ethical judgment solely on their conduct. From the conclusion of the war with the French to the present there has been a failure of all the nations of the world to meet their responsibilities in Southeast Asia. A central truth which has emerged from intervention by the United States is the folly of any attempt by a single state, no matter how powerful, to solve problems which are international in their most profound dimensions. Hence ethics, too, must adopt a world perspective.

CORNELIUS F. MURPHY, JR.

II. THE MORALITY OF WAR: THE CASE OF VIETNAM

There has been considerable recent discussion of the morality of war in general. Unfortunately, however, moral issues have not been central in the widespread debate about the war in Vietnam.

One can plausibly and forcefully argue that war itself is intrinsically evil and utterly forbidden. This so-called pacifist view would not necessarily repudiate all use of physical force but only that organized use of force, with its accompanying complex of habits, which we have customarily called "war." From this perspective, moral judgment on the Vietnamese war is relatively simple: all war is forbidden; the conflict in Vietnam is a war; therefore the Vietnamese war is forbidden.

While the present writer would personally subscribe to the pacifist position, it is still the outlook of only a tiny minority. Most men today and for many hundreds of years have in principle subscribed to some kind of "just war" theory. Whatever its specifics, such a view holds that, while the burden of proof must always be upon those who would resort to war, there are, nevertheless, circumstances under which war can be "just" or "moral." In its classical expression, this position has roots in antiquity but was developed and rounded out in the writings of such men as St. Augustine, St. Thomas Aquinas, Hugo Grotius, and Francisco Suarez. Modern students of the doctrine like Joseph C. McKenna have sought to redefine and defend it. From the viewpoint of the "just war" theory, the morality or justice of the Vietnamese war can be determined only by


applying the abstract standards for a just war to the peculiar context and details of the Vietnamese conflict itself.

In what follows, we seek to make this application, using as the criteria E. I. Watkin’s convenient summary of standards for a just war:

1. the cause must be just;
2. the war must be made by a lawful authority — that is, by the legitimate government of a sovereign state;
3. the intention of the government which declares war must be just;
4. the war must be the only means of attaining justice;
5. right means only may be employed in the conduct of the war, and immoral means render the war unjustifiable;
6. there must be a reasonable hope of victory; and
7. the good to be probably attained by victory must outweigh probable evil effects of the war.3

According to the developed just-war tradition, all seven of these conditions must be met before we can justify a war.

We shall argue that by these criteria the war in Vietnam is clearly immoral and that the citizen is under no obligation whatsoever to support it. Indeed, he has a moral duty to oppose it by every ethically legitimate means which gives promise of being fruitful.

While this discussion will examine the morality of the war primarily in terms of the American government’s statements and actions, we shall also maintain that the war as waged by the National Liberation Front and the Hanoi government is likewise immoral.

1. The Cause Must Be Just. — The history of mankind is filled with just wars, if we judge only by this criterion; for in the statement of avowed aims, most nations state objectives which have a ring of plausibility about them. And most ruling classes which go to war undoubtedly believe what they say. When Timur the Mongol, whose armies were responsible for killing millions of people, stated that he was really a man of peace who went to war solely for a just cause, we need not doubt his sincerity. “I am not a man of blood,” he maintained, “and God is my witness that in all my wars I have never been the aggressor, and that my enemies have always been the authors of their own calamity.”4

So, too, the American case for military intervention in Vietnam appeals to ideals which we can approve, even though we may be highly doubtful about the alleged factual context for the statement of those ideals. President Johnson summarized American purposes very early after the beginning of massive military escalation in Vietnam: 1) We must fight, he said, so that “every country can shape its own destiny”; 2) aggression from the North must be checked; 3) “The rulers in Hanoi are urged on by Peking. . . . The contest in Vietnam is part of a wider pattern of aggressive purposes”; 4) the United States has made promises


which it must keep; and 5) "we are also there to strengthen world order," which involves waging war to make the country's promises credible to others.\(^5\)

While we need not doubt that American statesmen believe that these are the objectives of the war, the facts of the situation and the overall political context would seem to suggest strongly that the stated purposes have little connection with empirical reality. Let us comment on each point:

1) The government of South Vietnam has been largely the creature of Washington since its beginning in 1954. In fact, without American financial and military support, the Saigon government could not have survived.\(^6\) Local government councils were abolished under Diem, the puppet of the United States, and since Diem's assassination such elections as have been held have excluded "neutralist" and "communist" candidacies. Elections have not been "free."\(^7\) Under these circumstances, the critic may well be pardoned if he doubts that the United States is fighting so that every country can "shape its own destiny."

2) Almost all modern nations allege "aggression" as a pretext for war. But has "aggression" occurred in Vietnam? The answer must be No. Legally, Vietnam is a single nation (if we accept the Geneva agreements of 1954), so that any factional struggles within it constitute civil conflict. The only foreign nations which have troops in Vietnam are the Americans and their allies.\(^8\) To say that China is an aggressor in Vietnam is to stretch an already abused term beyond all recognition.

3) While there can be no doubt of Chinese technical and economic assistance to North Vietnam and the National Liberation Front, even this came relatively late and only after the United States had begun to escalate its own military efforts. The age-long tensions between China and Vietnam, moreover, are well known to all scholars of Southeast Asian affairs. To suggest that Hanoi

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\(^6\) Jean Lacouture, Vietnam: Between Two Truces 25 (1966), estimates that at the time of the formation of the National Liberation Front, the United States was covering 70% of the budgetary deficit of the South Vietnamese government and also "all its military and police expenses." Since that time, dependence of the South Vietnamese authorities on the United States has certainly not decreased. Some estimate that if the United States were to withdraw its military and financial support, the Saigon regime would collapse within two weeks.

\(^7\) Dr. David Wurfel, a political scientist and chairman of the Committee on Asian Studies of the Department of Political Science, University of Missouri, says, after observing the Sept. 7, 1967, elections on the spot: "1. The exclusion of the candidacies of General Duong van Minh and Dr. Au Truong Thanh denied the people of South Vietnam true freedom of choice and was achieved largely by illegal means. . . . 2. The relative freedom of the campaign was badly marred by the closing of three newspapers and the continuation of censorship. . . . 3. Fraud on election day was extensive, perhaps producing 300-500,000 votes and inflating the total number of voters by the same number. . . . 4. Rigging of the senate race was . . . blatant. . . . This election ends the great hope maintained since 1963 that free elections could be held. . . ." Dr. David Wurfel Reports on Vietnam: Preliminary Reports of Vietnam Election Observer for Methodist Peace Division, SANE, Friends Committee on National Legislation, and Unitarian Universalist Association, 21 Sept. 1967 (mimeographed).

\(^8\) Quincy Wright, the well-known authority on international law, agrees that "aggression" in the usual sense was not involved in Vietnam. See his statement in Worldview, Feb., 1965.
and the National Liberation Front are simply puppets of China is without foundation.

4) The astonishing fact is that the United States has made no "promises" to wage a war, although Presidents have promised economic assistance under certain circumstances. The SEATO treaty does not constitute a promise to intervene in civil wars. Moreover, what is the status of a "promise" made to a government which has in effect been an annex of the United States government itself? Promises were never made to the Vietnamese people, for who represents them?

5) No one, of course, would quarrel about the abstract goal of "world order." But who is responsible for "world order"? In the modern world, it is the United Nations, which was not consulted before the American military effort was escalated. To say, moreover, that without an American war effort, others would cease to believe in American promises strains our credulity—particularly in view of the fact that most world opinion is against American military involvement.

We must conclude, then, that the factual basis for many of the proclaimed objectives is either absent entirely or is highly doubtful. Thus, if aggression has in fact been committed, it may be held to be a legitimate cause for war. But aggression in the usual sense has not occurred. And so with the other objectives. The act of war is so grave a choice that the burden of proof must always be on those who claim just cause; and the proponents of war have not submitted this proof.

What, then, shall we say of the causes of the National Liberation Front and the Hanoi government?

On December 20, 1960, the National Liberation Front issued its program and it has been reiterated since then. In brief summary, the ten points are 1) overthrow of the "colonial regime of the American imperialists"; 2) institution of a "liberal" and "democratic" regime; 3) improvement of the living conditions of the people; 4) fundamental agrarian reform; 5) development of a national and democratic culture and education; 6) creation of a "national army" and abolition of all foreign military bases; 7) equality between the various minorities and the two sexes; 8) a foreign policy of peace and neutrality, including rejection of all military blocs; 9) peaceful reunification of the country; and 10) struggle against "aggressive war" and for "peace, democracy and social progress."10

North Vietnamese war aims were stated in a policy declaration of Premier Pham Van Dong: 1) recognition of the basic national rights of the Vietnamese people—peace, independence, sovereignty, unity and territorial integrity, the United States withdrawing all troops and military bases; 2) pending peaceful reunification, military provisions of the Geneva agreements of 1954 must be strictly respected, the two zones refraining from joining any military alliance with other countries; 3) people of South Vietnam must settle their own affairs

9And it requires consultation among the partners, which was absent.
in accordance with the program of the NLF, without foreign interference; and
4) peaceful reunification is to be arranged by the Vietnamese people themselves,
in the absence of foreign intervention.\textsuperscript{11}

Now if one examines these declarations closely, there is very little, in words,
with which an exponent of natural law conceptions of justice could quarrel.
The peasantry, notoriously, have been exploited, and since the middle of the
nineteenth century various foreign powers have dominated Vietnamese
affairs.\textsuperscript{12} In considerable measure, both the NLF and the Hanoi statements are nationalist
in tone — and understandably so. American intervention is, moreover, a species
of imperialism, however one defines that frequently vague expression. The NLF
and North Vietnamese cause would, then, appear to be just; and certainly it
is responding much more to the actual factual situation than does the American
statement of objectives.

Where one can raise questions is in the definition of terms. What does one
mean by “democratic” and how would the “Vietnamese people themselves”
act to unify the nation? If we use the experience of North Vietnam as a basis,
it may be doubted whether “democratic” implies absence of autocracy; for surely
the North Vietnamese regime has many autocratic tendencies. Despite their
appeal for freedom, moreover, one must certainly question whether the declara-
tions, read in the light of the forces behind them, actually mean freedom of
expression for everyone. The “Vietnamese people themselves” must probably
be translated “the most highly organized” segment of the people, namely an
alliance between the NLF and the Hanoi government.

The conclusion must be, probably, that NLF-Hanoi warfare is being waged
for a relatively just cause but within a context which makes many of the words
mean something quite different from what ordinary language would connote.

We may sum up the issue of just cause in brief terms:
1. Given the context and factual basis of the American cause, the war is
   unjust.
2. Within the context and factual basis of the NLF-Hanoi cause, the war
   would seem to have considerable justification, even though cloudy terminology
   and demagogic appeals are undoubtedly present.

2. \textit{The War Must Be Made By a Lawful Authority, Legitimate Government.}
   — This condition for the justice of a war is indeed a conundrum. Just what is
   a legitimate government? St. Augustine wrestled with the problem, it will be
   remembered, finding it difficult at times to distinguish between the rulers of an
   alleged civil polity and the governors of a robber band. The issue remains today.
   But sometimes legitimacy is identified with recognition by other allegedly legiti-
   mate governments. It is also associated with a certain degree of consent— or
   habitual obedience — on the part of those governed. By these standards, the
   United States gives the appearance of being legitimate, as does the Hanoi regime.
   The case of South Vietnam is perhaps more doubtful on the score of consent,

\textsuperscript{11} The entire declaration is reprinted in the \textit{New York Times}, April 14, 1965, p. 13.
\textsuperscript{12} For a recent rather detailed political history, see \textit{Joseph Buttinger, Vietnam: A
while the National Liberation Front ranks high in this respect. But the National Liberation Front is not recognized by the international community as a legitimate government.

When one turns to the question of whether the supposedly legitimate American government is acting in accordance with the law, one must have grave doubts. Lawful authority must be defined in terms of the constitutional rules according to which the governor should act. Now the Constitution of the United States provides that war shall be declared by Congress and not by the President. In drawing up this provision, the Founding Fathers were trying to guard against the practice, represented by Great Britain, of allowing the executive to carry a nation into armed conflict. In the Constitution, they carefully provided that, while the President could repel invasion without asking for a declaration of war, other acts of war required a declaration by Congress.

There has never been a declaration of war by Congress in the Vietnamese conflict, and the report of the Senate Committee on Foreign Relations (1967) rightly suggests that presidential waging of war under these circumstances is an act of "usurpation." Surely acts which represent usurpation can hardly be called those of a lawful authority, but instead are analogous to "private" or unofficial acts. And a private command to wage war is, according to the "just war" doctrine, an act of injustice. To be sure, it is said that Congress authorized the President to act through the passage of the 1964 Gulf of Tonkin Resolution. But the framers of that resolution, according to Senator Fulbright, never had in mind that it would be used to justify a land war. Although the 1967 report of the Senate Committee on Foreign Relations admits that the resolution was vague, still its very vagueness made it incumbent on those who began to wage the war to seek specific authorization. This they never did. The Senate Committee argues persuasively that if the war powers of Congress are to mean anything, they must be exercised through resolutions and declarations which are


Claims to unlimited executive authority over the use of armed force are made on grounds of both legitimacy and necessity. The committee finds both sets of contentions unsound.

The argument for legitimacy is based on a misreading of both the Constitution and the experience of American history. A careful study of the Constitution and of the intent of the framers as set forth in the extensive documentation which they bequeathed to us leaves not the slightest doubt that, except for repelling sudden attacks on the United States, the founders of our country intended decisions to initiate either general or limited hostilities against foreign countries to be made by the Congress, not by the executive.

Only in the present century have Presidents used the armed forces of the United States against foreign governments entirely on their own authority, and only since 1950 have Presidents regarded themselves as having authority to commit the armed forces to full-scale and sustained warfare.

The committee goes on to say that this shift from the intentions of the founders and from early practice "is so great as to transfer authority from one branch of the Government to the other." This negates "the intent of the Constitution" and threatens "democracy and constitutional Government."
specific in nature and not so general as to be virtually meaningless. If it be argued that Congress provided money which the President has used for the war, the answer is that appropriations powers and the war powers are clearly separated in the Constitution and that one cannot, under the guise of appropriations, issue declarations of war.

In sum, while the "government" of the United States is "legitimate" by the standard of diplomatic recognition and a kind of general consent on the part of the people, the President of that government illegally exercised the war power in Vietnam. Hence he was not really acting as a public official but rather as a private authority who happened to be fortunate enough to obtain money for private purposes from Congress. If respect for the fundamental principles of constitutional law be a criterion of "morality," then the Vietnamese war cannot be sustained.

This cloudy title to "lawful authority" is made even more cloudy when we recall, as a noted writer on international law points out, that at a very minimum, American actions in Vietnam have violated Article 37 of the UN Charter, which prescribes procedures that constituent governments must fulfill before they can take military action. The United States did not, for example, raise the question of alleged "aggression" before the Security Council, yet it was both legally and morally obliged to do so. We must, therefore, consider the President's actions as unlawful from the viewpoint of American constitutional law and also illegal from the standpoint of the UN Charter.

3. The Intention of the Government Must be Just.—Intention appears to some degree to be akin to motive. Not only must the avowed cause be just but that which moves a government to pursue the cause must also be morally acceptable. Thus, aggression must not be opposed with the primary intention, for example, of keeping in power a ruling clique which might be deposed if aggression were to succeed.

Now intention in this sense of the term is notoriously hard to ascertain, just as it is extremely difficult to discover whether the defendant in a murder trial killed another man with malice aforethought. One can get at the intent, if at all, not merely by reading words but by seeing those words in the context of a complex of actions. One may then infer a certain intent, which may or may not agree with professed intent.

The difficulty may be illustrated in the case of the war in Vietnam by recalling the many statements expressing an intent on the part of Americans to

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Larson's contention that American action violated Article 37 of the UN charter is supported by Quincy Wright, another eminent authority. In fact, Wright goes even further: "... The United States should not have intervened with armed force or otherwise unless there were very strong reasons for doing so. The only such reasons recognized by the UN Charter are (1) authorization by the United Nations, or (2) collective self-defense, if an outside state is supporting one side in the civil strife by armed force. ... In neither Viet-Nam nor Santo Domingo has the United States been authorized to intervene by the United Nations." Worldview, Feb., 1965, reprinted in Marcus G. Raskin and Bernard B. Fall, The Viet-Nam Reader 7-12 (1965).
withdraw militarily just as soon as aggression is checked or the Vietnamese people have begun to govern themselves.\textsuperscript{15} Taken at face value, these statements seem to have the quality of justice. On the other hand, it may be argued that this is an avowed intent only. The enormously expensive installations at Cam Ranh Bay, for example, seem to betoken an intent to remain in Vietnam over a very long period of time, as do the actions of the United States in Thailand. All things considered, it would seem that the intent of the United States, morally speaking, is a very cloudy one at best. It is at least reasonably probable that this country intends to remain in Southeast Asia over a considerable number of years and to dominate nearby nations. After all, American troops have been in Europe for more than twenty years and in Korea for almost as long. If the United States does intend to occupy Vietnam for a generation or more, then the intent is unjust, for it implies a species of imperialism under the guise of protection against tyranny and aggression. The support by the United States of the present Thailand regime, not one of the least tyrannical in the world, would seem to help support the contention of those who say that the primary intent of the President is to establish permanent footholds for the enhancement of American power. Something like what Senator Fulbright has called the "arrogance of power" is surely involved. In a day when dark peoples are revolting against white imperialism of all kinds, such an intent, at a minimum, violates the moral consciousness of most of mankind; and a decent respect for the opinions of mankind would seem to require that the moralist give full recognition both to the insufferability of apparent American intentions and to the widespread hostile reaction to those intentions.

As for the intentions of Hanoi and the NLF, one may have to differentiate between the two. It is possible that the intent of the former is to dominate all of Vietnam without giving the inhabitants much of a free choice. In so doing, Hanoi's intent could conceivably clash with that of the NLF, which may be a spokesman for South Vietnamese sentiment, as over against the views of the northerners (and clashes between North and South are by no means new in Vietnamese history). If the real intentions of Hanoi and NLF are primarily along these lines, one can surely condemn them, particularly in the light of Hanoi's not too nice respect for human life as it consolidated its power in the North. One may defend the intent of the NLF, in part, as not too nicely identified as one of encouraging South Vietnamese morale and acting as a spokesman for legitimate claims to autonomy. If there is indeed a tension between the intentions of the North and the NLF, it is not possible wholly to condemn or support either.

4. War Must Be the Only Possible Means of Securing Justice. — Is war the

\textsuperscript{15} Thus in the White Paper of Feb., 1965 (State Department Publication 7839), the government said: "The United States seeks no territory, no military bases, no favored position. . . . If peace can be restored in South Viet-Nam, the United States will be ready at once to reduce its military involvement." And several statements of the President since then have reiterated Secretary McNamara's promise of March 26, 1964 (Address to National Security Industrial Association, Washington, D.C.): "When the day comes that we can safely withdraw, we expect to leave an independent and stable South Viet-Nam. . . ." 50 DEPARTMENT OF STATE BULLETIN 570 (1964).
only possible means of securing justice? Much depends, of course, on what one means by justice in the context of Vietnamese events. Here we shall use the term to embrace such goals as a reasonable national autonomy, basic economic reform, rule by law, and an elimination of the last vestiges of imperialist control.

In terms of these ends, the war, on the part of all combatants, must be seen as utter disaster. National autonomy is likely to be seriously compromised whoever “wins” the war. Already it is notorious that Vietnam has become the playing field for international power politics, the victims being the Vietnamese themselves. National aspirations become increasingly incidental, as the southern power structure is linked more and more to the United States and the northern to the Soviet Union and China. A reasonable national autonomy can only suffer under these conditions; and the longer the war continues, the greater is this a probability.

Basic economic reform, including transformation of land tenure, while much talked of, is likely to be casualty of the war. Although some important changes in the direction of justice took place in North Vietnam after the expulsion of the French, in South Vietnam there has been only tinkering on the part of the oligarchy supported by the United States. And the longer the war continues, the greater the destruction; the only justice conceivable would be a sharing of poverty. The utter devastation of war — and particularly of this war — makes a mockery of fundamental economic reform. We know, of course, on the basis of much experience, that war itself tends to enrich a few and to make the poverty of the many even greater. This war is not likely to be an exception but on the contrary will probably be close to an ideal-typical conflict.

Rule by law and war simply do not go hand in hand. If it be contended that law is disregarded in war but that war contributes to postwar rule by law, the critic will demand proof. Here again the experience of history is against the contention, and the Vietnamese conflict appears to be an excellent case study. While we do not know much about the NLF, it is probable that the arbitrary element in its actions is not a small one; and on the side of the South Vietnamese government, there is little ground for belief that the war can possibly contribute to the rule of law rather than to the governance of ambitious generals and wealth-seeking politicians.

As for elimination of imperialist controls, the war is likely to enhance them. As devastation escalates, dependence on outside help will increase; and with that assistance, under contemporary conditions, will come various forms of control. Whether this control is Soviet, American, or Chinese makes little difference; for from the viewpoint of the anti-imperialist, all represent elements foreign to Vietnamese culture. Hence war will enhance injustice, not justice.

There is, therefore, little point in answering the question as to whether war is the only possible means of securing justice. The burden of proof must always be on those who advocate war. Assuming for the moment that there are indeed wars which can help secure justice, we should point out that other methods in the search for justice have not really been tried in Vietnam. Thus, international

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16 See, e.g., THICH NHAT HANH, VIETNAM: LOTUS IN A SEA OF FIRE 70-71 (paperback ed., 1967).
remedies have not been pursued in all their potentialities. Nor has the practice of principled, organized nonviolent resistance — so effective in many other parts of the world — been given more than sporadic attention. In the end, the Vietnamese people cannot be “emancipated” by foreign powers but only by their own planned nonviolent resistance to both domestic tyranny and foreign intervention (whether by the United States, China, or the Soviet Union).

5. Right Means Only May Be Employed in the Conduct of the War. Immoral Means Render the War Unjustifiable. — Even if the war were just on all other scores, it would fail dismally to meet this requirement. Traditionally, this standard has involved a central emphasis on waging war by methods which distinguish between combatants and noncombatants, which utilize weapons proportionate to the ends sought, and which respect to the utmost degree the ordinary civil order of the inhabitants.

Has the war in fact been conducted by such methods? The answer must be an emphatic “no.” While the Americans and the South Vietnamese government appear to have been the greatest offenders — in part, because of their superiority in bombing power and their general technological supremacy — the NLF and North Vietnamese have not been guiltless. The so-called Vietcong — the military arm of the National Liberation Front — have killed thousands of village headmen and have not hesitated to use terroristic means in general. From the viewpoint of “right means,” the Vietcong have frequently been unjust.

But for sheer destruction of life, food, and countryside, Vietcong activities have been mild by comparison with those of the Americans and their allies. Although statistics in matters of this kind are notoriously difficult to obtain, it seems probable that three civilians have been killed or wounded for every uniformed or armed soldier. Three seems to be a conservative figure although some would put the number even higher. Official estimates of civilians killed are almost certainly far too low, many of those listed as “military kills” undoubtedly being civilians.

It may be contended, of course, that Americans and South Vietnamese do not deliberately intend to kill civilians, so that the moral onus is thereby decreased. The just-war theory makes a distinction between “accidental” killing of civilians and “intentional” slaughter. However, due to the complex nature of the Vietnamese war, civilians are inevitably killed. Bombers seek to destroy Vietcong in South Vietnam and attack villages in which the Vietcong are allegedly hiding, in the process slaughtering many women and children. To be sure, warnings are supposed to be issued; but frequently they are not or they are misunderstood.

See MULFORD Q. SIBLEY, THE QUIET BATTLE (1963), pts. II and III, for examples of nonviolent resistance in many contexts. While some of the Buddhists have occasionally turned in desperation to nonviolent resistance in Vietnam, there has been no systematic sustained effort informed by a philosophy of nonviolence.

Government hospital statistics projected a civilian death and wounded toll in 1967 of at least 100,000. Of these, 24,000 were said to have been killed. New York Times, Dec. 12, 1967, p. 11. But Senator Edward M. Kennedy estimated 1967 civilian casualties at upwards of 150,000. Ibid., Dec. 14, 1967, p. 55. It is entirely possible — indeed, probable — that both estimates are far too low, in light of what experienced war correspondents report.
Bombings in the North, while theoretically confined to military objectives (as were the initial bombings in World War II) inevitably cease to be pinpoint—hospitals are struck, civilian homes are hit, and industry having only an indirect connection with the war is destroyed. Like all recent wars, the Vietnamese conflict has illustrated the fact that in modern times it is virtually impossible to avoid the enormous and indiscriminate slaughter of civilians. Let us grant that the intent of the war makers is not to destroy noncombatants. Nevertheless, in opting for the war they are choosing, by virtue of the total context, to destroy persons not bearing arms.

And what are we to say of the use of "antipersonnel" bombs — collections of hundreds of small bombs which are released from airplanes and which do little damage to buildings and supplies but enormous and indiscriminate damage to human beings? That Americans are using these "fragmentation" bombs has been admitted on at least one occasion by a military spokesman. Can their employment possibly be reconciled with just-war theories about methods?

One might restate the whole matter in this way: In choosing to make ice, one is inevitably opting for cold water. To say that one wishes to make ice out of water which remains warm is to choose the impossible. So, too, in modern war — and particularly in the Vietnamese war — he who piously announces that, of course, he does not intend to kill women and children is not facing up to the realities of the situation: if he wishes to carry on the war at all, he is willing the slaughter of babies, women, and older men, as well as of those who bear arms.

On-the-spot reports seem to confirm all these observations. Martha Gellhorn, a veteran war correspondent (see her October 1965 Manchester Guardian articles, for example), would agree with them, as would Neil Sheehan, who was a reporter in Vietnam from 1962 to 1966. Says Sheehan:

An indication of what civilian casualties may be . . . is given by the fact that American and other foreign medical teams working in three-quarters of the country’s 43 provinces treat 2,000 civilian war-wounded each month. If one accepts the normal military ratio of one dead for two wounded, the monthly figure is 1,000 civilian dead.

The number of wounded handled by the medical teams, I believe from my own observation, is merely a fraction of the total.

Sheehan goes on to observe that while civilians are being killed and wounded by both sides in large numbers, “my own investigations have indicated that the ma-

19 In an AP dispatch of April 10, 1967, Steve Stibbens reports that a “U.S. military spokesman... confirmed a report from... six American Quakers who delivered medical supplies to North Vietnam that U.S. planes are dropping antipersonnel fragmentation bombs on North Vietnam.” The Quakers said, too, that “There is a great deal of evidence that regardless of the stated U.S. policy of bombing military targets only, civilian targets — hospitals, schools and homes — are being destroyed.” Men, women, and children were being killed by bombs “specially designed for that purpose.” St. Paul Dispatch, Apr. 19, 1967, p. 20.

20 Howard Zinn rightly comments that “In Vietnam, ... the bombing and shelling of civilians constitutes the war.” Vietnam: The Logic of Withdrawal 61 (1967).

A majority of civilian casualties result from American and South Vietnamese airstrikes and artillery and naval gunfire.” And he cites one fishing village in Quangngai province in which at least 180 persons — and possibly 600 — had been killed in the preceding two months by bombing and by destroyers of the Seventh Fleet. The hamlets which composed the village (formerly a community of 15,000 souls) had become simply “rubble.”

Those who argue that a just-war theory will sanction the methods of the Vietnamese war must ignore reports — and this is only a random selection — like the following:

“I got me a VC, man. I got at least two of them bastards.” The exultant cry followed a 10-second burst of automatic-weapons fire yesterday, and the dull crump of a grenade exploding underground. The Marines ordered a Vietnamese corporal to go down into the grenade-blasted hole to pull out their victims. The victims were three children between 11 and 14 — two boys and a girl. Their bodies were riddled with bullets . . . “Oh, my God,” a young Marine exclaimed. “They're all kids.”

The napalm was expected to force the people — fearing the heat and the burning — out into the open. Then the second plane was to move in with heavy fragmentation bombs to hit whatever — or whomever — had rushed out into the open . . . . We came down very low, flying very fast, and I could see some of the villagers trying to head away from the burning shore in their sampans. The village was burning fiercely . . . . There were probably between 1000 and 1500 people living in the fishing village we attacked. It is difficult to estimate how many were killed. It is equally difficult to judge if there actually were any Viet Cong in the village, and if so, if any were killed.

By the time the Super Sabres made their last pass, sixteen Truong Thanh residents, including six children, were dead and 124 lay wounded . . . . Asked if it were true that under present United States military ground rules in Vietnam, incidents such as occurred in Truong Thanh were apt to happen again, the U.S. provincial adviser replied: “Honestly, there is that probability.”

Dear Mom and Dad: Today we went on a mission and I'm not very proud of myself, my friends or my country. We burned every hut in sight! It was a small rural network of villages and the people were incredibly poor. My unit burned and plundered their meager possessions. Let me try to explain the situation to you.

The huts here are thatched palm leaves. Each one has a dried mud bunker inside. These bunkers are to protect the families. Kind of like air raid shelters.

My unit commanders, however, chose to think that these bunkers are offensive. So every hut we find that has a bunker, we are ordered to burn to the ground!

When the 10 helicopters landed this morning, in the midst of the huts, and six men jumped out of each “chopper,” we were firing the moment we hit the ground. We fired into all the huts we could. Then we got “on the line” and swept the area.

22 UPI dispatch from Chan Son, August 3, 1965.
23 Bernard Fall, in RAMPARTS, December, 1965.
24 NEWSWEEK, August 22, 1966, p. 64.
It is then that we burn these huts and take all men old enough to carry a weapon and the "choppers" come and get them (they take them to a collection point a few miles away for interrogation). The families don't understand this. The Viet Cong fill their minds with tales saying the GIs kill all their men.

So, everyone is crying, begging and praying that we don't separate them and take their husbands and fathers, sons and grandfathers. The women wail and moan.

Then they watch in terror as we burn their homes, personal possessions and food. Yes, we burn all rice and shoot all livestock.

Some of the guys are so careless! Today a buddy of mine called "La Dai" ("Come here") into a hut and an old man came out of the bomb shelter. My buddy told the old man to get away from the hut and since we have to move quickly on a sweep, just threw a hand grenade into the shelter.

As he pulled the pin the old man got excited and started jabbering and running toward my buddy and the hut. A GI, not understanding, stopped the old man with a football tackle just as my buddy threw the grenade into the shelter. (There is a four-second delay on a hand grenade.)

After he threw it, and was running for cover (during this four-second delay), we all heard a baby crying from inside the shelter!

There was nothing we could do. . . .

After the explosion we found the mother, two children (ages about 6 and 12, boy and girl) and an almost newborn baby. That is what the old man was trying to tell us!

The shelter was small and narrow. They were all huddled together. The three of us dragged out the bodies onto the floor of the hut. . . .

The children's fragile bodies were torn apart, literally mutilated. We looked at each other and burned the hut. 25

In addition to the unnumbered thousands of civilians killed and wounded, it is estimated that as a result of Vietcong attacks, American bombing, and "pacification" efforts, there are some 2,000,000 or more refugees. Most of these, observers seem to agree, are the result of American and South Vietnamese actions, not of Vietcong destruction. Two million homeless out of a population of roughly 16,000,000 souls would be the equivalent of 25,000,000 American homeless in a population of 200,000,000. Some estimates place the number of Vietnamese refugees even higher — at 3,000,000 or 4,000,000.

But we are not so much concerned with exact statistics as we are with the moral implications of a war that is conducted by means which inevitably throw millions of women and children into ramshackle and disease-ridden refugee camps; which burn their villages in order to "protect" them; which destroy their crops; which kill their precious water buffaloes (so indispensable for a livelihood); and which produce a sense of utter hopelessness.

It may be said truly that the war is being conducted by methods which have the effect of literally devastating the countryside and killing or wounding hundreds of thousands of civilians. That all this takes place in the name of protection against aggression and establishing the conditions for self-determination makes one wonder whether Orwell's 1984 is not being enacted in 1967. Such

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25 This letter was originally printed in the Akron, Ohio, Beacon Journal, March 27, 1967. Its authenticity is vouched for by the Beacon Journal. See also anonymous letters cited by Senator Fulbright in the Congressional Record, June 16, 1967, pp. S 8350-52.
an impression is reinforced when one hears defenders of the war say that opposition to the conflict postpones the coming of peace!

The moralist may well ask himself whether such methods can be distinguished from those avowedly war measures utilized by Adolf Hitler — killing of the mentally deranged and the destruction of millions of human beings in death camps. How one can justify the methods used in Vietnam while condemning those employed by Hitler is beyond this writer’s comprehension.

6. There Must Be a Reasonable Hope of Victory. — Comment on this criterion must turn in part on what we mean by the vexing term “victory.” It may imply military triumph over the so-called enemy, so that he submits to terms imposed by the conqueror. It may mean, alternatively, success in the long run for the political objectives of the parties involved. While the two meanings may be related, this is not necessarily so: an immediate military triumph may be purchased at the cost of long-run political success.

In most wars, the hope for immediate military victory is high; but in all too many wars, the expectation is not fulfilled. Notoriously, the role of unintended consequences is even greater in war than in the civil affairs of life. The great god Fortune is first cousin to Mars. In the Vietnamese war, military victory can probably be attained by the United States, but only at an enormous cost. Some have suggested — quite plausibly — that ten years of continuous destruction might be involved, so that in the end the victor will dictate terms in a largely depopulated nation whose people he had come to “protect.” Such a victory would be one only in name.

As for military victory for Hanoi and the National Liberation Front, it would seem to be equally remote. The technical capacity of the opposing side — barring massive intervention of the Soviet Union or other industrialized nations — is too great to be overcome. While one can admire the sheer courage of the many Davids fighting Goliath, one can hardly hold out hope of triumph. There is no reasonable hope of military victory.

What, then, of victory in the second sense — long-run political success somehow advanced through war? Here the prospect would appear to be even more dim. It is sometimes said that victory for the United States would consist in bringing the opposing side to the conference table. But even supposing that air strikes will produce this result, how can “negotiation” under these circumstances help resolve the political questions involved? If the United States continues to occupy the country militarily, the peace at best can be only one of impasse; for the occupying army would no doubt be regarded as the enemy of every Vietnamese, North or South — an enemy to be harassed by all possible means. Only through withdrawal of all American forces could conditions for long-run political settlement be promoted, given prevalent attitudes in Vietnam. But withdrawal could take place without further prolongation of the war, given a better insight into the political realities. A continuation of the war is not necessary to make withdrawal possible; a basic change of attitude is sufficient.

As for the possibility of political success through war on the part of Hanoi and the NLF, it is difficult to see how a ten-year struggle without hope of mili-
tary victory can help. Only corpses would be "liberated" by the war of liberation. No more than in the case of the United States can there be a "reasonable hope of victory" in the political sense. It is as illusory to expect fundamental social change through war as it is to hope for "revolution" through violence. Wars of liberation do not liberate—instead, they produce new hierarchies of power and new forms of slavery, besides mountains of corpses. The only hope for victory is by abandoning war: radical change must begin with the means, for the means cannot sharply contradict the end sought. The means of imperialism and exploitation are war and violence; if would-be "liberators" employ "imperialist" means they will emerge with new guises of "imperialist" ends.

Thus far, our comments on the possibility of victory have assumed no massive military intervention by either the Soviet Union or China. But such intervention is by no means unlikely, particularly if the Americans invade the North with ground troops. Once China and the Soviet Union intervene with troops, the probability of even military victory, let alone political triumph, becomes more dim; and the possibility of a world war in which all parties would in effect be defeated becomes greater. We cannot assume that the breach between China and the Soviet Union would not be repaired under such circumstances, so that the vast manpower of China and the enormous nuclear power of the Soviet Union would be united against the United States. Surely he would be a rash person who would assert that victory under such circumstances could be a reasonable hope.

In sum, the war cannot lead to victory, whether military or political, except at such cost and under such circumstances as to make the victory little short of disaster.

7. The Good To Be Attained by Victory Must Outweigh the Probable Evil Effects of the War. — In view of what has been said in the previous sections, this paper could hardly argue that the good to be attained by the Vietnamese war would outweigh its evil effects. Its evil is both immediate and remote.

In the immediate sense, the war involves in its train vast destruction of human life; wiping out of means of subsistence; dislocation of millions of people; gearing of economies for the ends of war, thus making more difficult a transformation into economies of peace; inflation, possibly of monumental proportions, which always bears with unusual ferocity on the poor; pyramiding of fortunes by war profiteers; a vast expansion of prostitution; and what can only be described as savagery at every level—killing prisoners, robbing the dead, and callousness to human suffering.

The remote evils set in motion by the war will be stimulation of hatred; social disorganization for many, many years (no matter who "wins"); the persistence of military tyranny (again, regardless of "winners"); the ubiquity of an

26 A lesson one would have thought we should have learned through the reading of John Dewey and works like Aldous Huxley's ENDS AND MEANS (1937).
27 Several television programs have portrayed American soldiers cutting off the ears of dead Vietcong—for "souvenir" purposes.
atmosphere of suspicion; still greater racism (white "imperialists" versus Asian "liberators"); thousands of orphans to be placed and cared for; the desperate need for enormous economic assistance just to reconstruct what has been destroyed; still greater undermining of republican and democratic values in the American empire—the presidency, for example, becoming, even more than today, a monarchical institution; enhanced "arrogance of power," if the United States is nominally victorious, and, if it is "defeated," a reactionary politics bent on revenge; and an obscuring of the good in the American reputation by the evil revealed in the war.

It is difficult to imagine a situation in which the good attained by military victory could possibly outweigh evils of these kinds. At best, the war might produce some sort of coalition government; but this would undoubtedly change within a few years into something which could hardly be anticipated. At worst, American or other foreign military power would dominate Vietnam for a long period. And the country in either case would lie ruined to an even greater extent than today.

Meanwhile, neither the short-run nor the long-run effects of the war would have contributed one iota to the solution of problems which will shape conflicts and challenge politics in the future—problems like hunger, poverty, disease, industrialization and its control, population expansion, and world order. On the whole, the war will have made more difficult any serious grappling with these issues, whoever is "victorious."

8. An Unjust War and Its Implications. — None of the seven criteria for a just war have been completely fulfilled by the war in Vietnam. Even if most of them were met, the wholesale violation of the fifth condition—that of means or methods—would condemn the conflict, as waged both by the United States and by Hanoi and the National Liberation Front.

Of all the American politicians who have criticized the war, only a handful have touched on the moral issues. One of them is Senator Eugene J. McCarthy. We might epitomize our conclusion by citing his evaluation, offered in the early part of 1967:

The resolution of the question of the justice or the injustice of a war depends upon three general considerations:

One, the substantial one of the purposes and the objectives;

Two, that of methods and of means used;

And three, that of proportion in which, accepting that the purpose is good and that the methods are acceptable, one must still raise the practical question of whether or not the evil and the destruction required to win the war are proportionate to the good which may be achieved.

Our involvement in Vietnam must be examined in the light of these three considerations . . . .

We are not sure as to just what we are seeking . . . .

We must question our methods as well . . . .

The final measurement . . . is that of proportion.

There are three points which must be raised:

One, assuming that we understand what we mean by victory, is there a possibility of victory?
Two, what would be the cost of that victory?

Three, what assurance do we have that a better world or a better society will emerge in Vietnam following that victory?

The answers should be positive on each of these three counts.

I do not believe that the answers are positive and since they are not, we must be prepared to pass a hard and harsh moral judgment on our actions in Vietnam.28

In view of this "harsh moral judgment," what is the obligation of the individual in relation to the war? At a minimum, it would seem, he ought to devote great energy to stopping the war. He must advocate immediate American withdrawal— for if the war is immoral, how can he countenance his country's engaging in unjust acts? If he is subject to the draft, he must either become a conscientious objector or, if denied the status of objector, refuse to join the army, even at the risk of prison. At times, he may conclude that the most prudent as well as moral conduct will entail forms of civil disobedience.

In passing "harsh moral judgment" on the Vietnamese war, an even broader question is implicitly raised: Is any modern war likely to satisfy the seven standards for a just war? Another way of putting the question is to ask to what extent probable future wars, from the viewpoint of morality, will resemble the Vietnamese conflict. Here the answer would seem to be relatively certain: under probable circumstances, all wars are likely to be similar to the Vietnamese war. What, then, should be the individual's attitude to these future conflicts? The answer, which by now should be obvious, will be revolutionary in its implications.

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