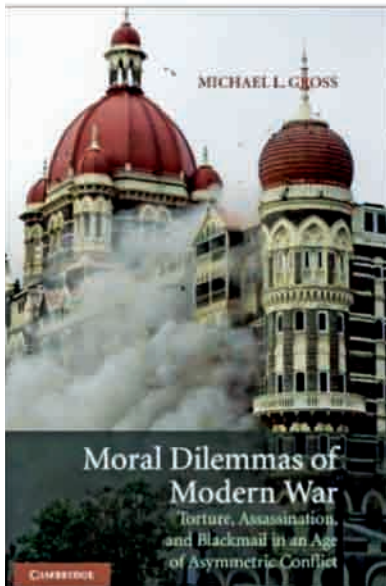


## Book Review



**Michael L. Gross, *Moral Dilemmas of Modern War: Torture, Assassination, and Blackmail in an Age of Asymmetric Conflict*, New York, Cambridge University Press, 2010, 321 pages.**

by **Wang Jia Xing**

It has been seventy years since the Second World War, yet according to Michael L. Gross, the United States (US) and some of its allies continue to “blatantly employ unlawful means of warfare.”<sup>1</sup> Torture, assassination, blackmail and hostage-taking have been constantly carried out in asymmetric warfare. Forces smaller in numbers and less well-equipped with weapons and funds are unable to respond in kind and often have to resort to such actions to gain a foothold in combat by obtaining information and instigating fear and panic. Whether prompted by necessity or the urge for vendetta, these actions carry with them a certain breach of morality that is prohibited by the protocols of the Geneva Convention, which advocates certain forms of humanitarianism in times of conflict. In modern warfare, where insurgency, terrorism, rogue nations and guerrilla warfare mean that the line between soldiers, armed combatants and

non-combatants is becoming ever so fine, Gross brings us through a concise summary of the various points of views to re-evaluate “the principle of noncombatant immunity, adjust the standards of proportionality and redefine the limits of unnecessary suffering and superfluous injury.”<sup>2</sup>

Gross’s aim to dissect war as “a trying and paradoxical business” revolves around the reconciliation of “the right to wage war ... and the duty to protect combatants from unnecessary injury and non-combatants from direct harm.”<sup>3</sup> This is further exacerbated by the “lack of uniforms” on modern battlefields which essentially requires accurate determination of motives and actions before the method of disabling the combatant can be decided on.<sup>4</sup> Direct or indirect participation, which differs from full-fledged combatant status, requires a different form of retaliation according to humanitarian law. Both the law of armed conflict

and international humanitarian law apply to civilian combatants, thus they cannot claim complete immunity but neither should they be accountable to the same level as combatants. Gross believes that in asymmetric warfare, both sides “reinstate the vulnerability of a wide range of citizens who take part in fighting,” while making sure this does not include citizens who are non-combatants.<sup>5</sup> In conclusion, while participants of wars must try their best to conform to the changing criteria of proportionality, they must also realise that many more civilians “suffer unnecessary and gratuitous harm that stems from unfeasible military operations, operational errors, and misguided attempts to demoralise.”<sup>6</sup>

Another issue Gross discusses in this book is the moral aversion of harming people in certain ways that entails unnecessary, excessive or prolonged pain. Regardless of intent, there is a point where we decide that any action is “no way to treat a dog, much less a human being.”<sup>7</sup> There is a significant difference in killing with a straight-edged bayonet as compared to one with a serrated edge, or with bacteria *vis-à-vis* bullets. Insofar as disabling the enemy is concerned, amidst the horrors of the war, a soldier made blind or deformed by chemical warfare or a soldier with a gaping wound in his chest has suffered an inhuman

wound. As such, weapons such as “explosion and hollow-point bullets, explosives containing clear glass or other undetectable fragments (which surgeons cannot easily see when treating a wound), poison weapons, asphyxiating gas, serrated bayonets, barbed lances and blinding lasers” are banned weapons today.<sup>8</sup> While Gross believes that we should look beyond the suffering caused by such actions to the damage that is required to disable a combatant, he believes that some measures must be undertaken to prevent suffering from being overly vicious and incurable. Hence through mutual self-interest, soldiers on the battlefield should no longer undergo dishonorable treatment or abuse, as using weapons without a recognised and proved treatment denies soldiers a fair fight by undermining morale and preventing soldiers from returning to the battlefield.

The key issue discussed by Gross pertains to the dilemmas of assassination and torture, which are controversial and widely considered immoral and taboo. Assassination can be seen as extrajudicial killing or as subtle and accurate elimination of grave, military targets. History can attest to the fact that it is a pragmatic “smart” weapon but for “some reasons that are difficult to articulate, assassination ... seems to violate a deep-seated

and inviolable norm.”<sup>9</sup> Torture, by definition, speaks for itself, but may prove the lesser evil in the “face of murderous terrorism.”<sup>10</sup> As aforementioned, the main purpose of torture is information gathering for the purpose of sabotage, as a countermeasure or to prevent deaths. These include information regarding battle plans, key military installations that are off-the-grid or locations where terrorist organizations may hold civilian hostages. As the title suggests, assassination and torture seem to go hand in hand, with both actions giving a decisive advantage to the party that carries them out successfully. However upon closer examination, Gross points out that assassination is more justifiable than torture as it is the best way for the “stronger” side in asymmetric warfare to restore “a certain level of equilibrium.” Being unable to establish affiliation based on lists of names and the lack of insignia or uniform, assassination provides a way to disable enemy operatives or leaders with minimum collateral damage. Torture, as observed by Daniel Statman, confers doubtful moral benefits while posing great moral danger. While torture suspects may “provide information about ticking bombs or hostile acts that saves many innocent lives ... the information they provide is often incomplete and obtainable by less-controversial means of questioning.”<sup>11</sup> Only by abandoning torture can democracies of the

world truly condemn terrorism and repressive regimes, extend protection to non-combatants during wartimes and intervene on behalf of those suffering torture or genocide under despotic leaders.

In conclusion, asymmetric warfare is an arena where two sides, with a significant disparity in technology levels and manpower, fight while undermining many of the conventions of war that the international community has cultivated assiduously. The myriad of changes in asymmetric warfare, in its tactics and weaponry, do not offer either side overwhelmingly brutal methods to crush its adversary; instead, “targeted killing, nonlethal warfare, strikes on associated targets, and humanitarian intervention labor under evolving restrictions that continue to safeguard noncombatant immunity, contain disproportionate harm, and limit unnecessary suffering.”<sup>12</sup> Even terrorism must confront the concepts of military necessity and humanitarianism resulting in a certain level of parity between the weaker and stronger sides. As such, while their weapons differ, the two sides in an asymmetric conflict have similar targets and may strike at associated targets and “modify the principle of proportionality to meet field conditions.”<sup>13</sup> Deciding whether certain actions should be morally acceptable, navigating the straits between military necessity and humanitarian imperatives

while avoiding the pitfall of the slippery slope is the work of applied ethics during war.

This book is well-written with most of its examples based on wars involving the US. Many of the moral issues discussed date back to the Second World War, thus requiring some historical knowledge on the part of the reader. Most of the issues discussed remain relevant and readers will find the debate informative, enriching and fulfilling. 🌐

## ENDNOTES

1. Michael L. Gross, *Moral Dilemmas of Modern War: Torture, Assassination, and Blackmail in an Age of Asymmetric Conflict* (New York: Cambridge University Press, 2010), 2.
2. Ibid., synopsis.
3. Ibid., 24, 239.
4. Ibid., 50.
5. Ibid., 176.
6. Ibid., 177.
7. Ibid., 56.
8. Ibid., 62.
9. Ibid., 101.
10. Ibid., 122.
11. Ibid., 146.
12. Ibid., 250.
13. Ibid.