Kyle Klemme: I’ll start off with a more open-ended question. I know a lot of your scholarship centers around war, just war theory, and human rights and displacement. I’m wondering: could you tell us about your research interests and how you were brought down the different paths of war and philosophy?

Jovana Davidovic: Yes, interestingly enough—I know this is a common path for philosophy majors—but I was a biology major. I was pre-med, and my second major was philosophy: it was just something I really enjoyed, but it wasn’t something I was intending to make into a career. My parents were doctors, so I sort of imagined myself as a doctor one day. But sometime after my undergraduate studies—around the time that I was applying to medical schools—the war happened. I’m originally from ex-Yugoslavia, so we had ten years of war. I realized that I was really keen to answer those types of questions. Questions about the justice of war, humanitarian military intervention, displacement, all of those things that were affecting me in many ways as well.

After that I got a Master’s in a sort-of made-up major called Liberal Studies. It allowed me to combine Political Science, Anthropology, Peace Studies, and Philosophy. The thesis was about the right intentions of humanitarian military interventions. And so the idea was that it combined both social sciences and philosophy and humanities and tried to answer what I was interested in as a person.

Following that, I stuck with those topics, getting a Ph.D. at the University of Minnesota. I continued to have the same interests. After that, I moved on to the Center for Applied Philosophy and Public Ethics in Australia, in Canberra. I was living in Sydney but the Australia National University is in Canberra, and I did my postdoc there. I ended up working at the University of Iowa where I’ve now been for the last 10 years. I also have a secondary, complimentary appointment in the law school in the Center for Human Rights.

I’m also currently at the United States Naval Academy in Annapolis, Maryland working with military personnel, military leadership, and weapons manufacturers on the ethics of AI. The last three or four years, I got significantly more interested—I
think for obvious reasons—in AI ethics. I think within 10 years time, almost every single weapons system will be somehow mediated by or augmented by algorithms. At this point, I feel like if you’re interested in anything, you have to do the AI of that thing. But most certainly, if you’re interested in military ethics. Thinking about how automated decision systems contribute to military decision-making is key.

So, that’s my “where I started, where I ended up.” I did actually work as a biologist for a year in between that whole story. And that was fun—it was good to try something else.

**KK:** That sounds like a fantastic path. And clearly many of the dilemmas of war came from lived experience. If I might ask, what would you say has changed the most about war in recent years? How do you see it evolving? And where is the field right now, as far as ethical and philosophical views of AI and its future?

**JD:** That’s a tough question. We used to have this thought that there were several state actors, or maybe non-state actors, who represented large units of people. And then, over the last 20 years or so, that’s shifted. There’s been a lot of what we call “short of war” engagements—engagements that don’t arise to the level of war but seem like they should be analyzed in the same way, sometimes because we are using our military forces. Two or three days ago our special ops went into Syria—I’m sure you saw this all over the news—and attempted to capture an ISIS leader and Al-Qaeda leader, and it ended up not so well. The point is that these sorts of things aren’t wars, and yet it seems like we can make sense of them in a similar way.

Over the last 20 years there has been a shift in reality, both political reality and in just war theory—and I’ll say a little bit about that—and in law towards an individualistic model. We use models of self-defense to figure out what the right thing to do in war is. So, unsurprisingly, following this change from traditional warfare to individual, smaller conflict, just war theory did the same. I’m not sure what philosophers you study—do you major in philosophy?

**KK:** I actually study history and international affairs, but philosophy is a major interest of mine.

**JD:** So, have you ever heard of Jeff McMahan?

**KK:** When we started down this path of war and violence for our journal this year, I did come across an article by Jeff McMahan. I also saw him referenced in a couple of your pieces.

**JD:** Yes, so Jeff McMahan was the father of this new traditional state-actor versus state actor model. He started thinking of war in more individualistic terms. What can we do in war, what can they do, are they justified in fighting an unjust war, those sorts of things. The same thing has happened in international law. There’s been a shift from international humanitarian law to international human rights law. And by that, I simply mean that international human rights law is law that governs human rights in peacedom. International humanitarian law is law that governs human rights in
wartime. International human rights law is much more individualistic. What do you and I have rights to as individuals? Whereas international humanitarian law is more group-based: what did groups do to other groups? International human rights law has infiltrated humanitarian law interpretation. Individualistic war theory has become more prominent, and similarly, wars have become more difficult to define with regard to their beginnings and ends, who the participants are, and so on. So, if you had asked me three to five years ago, I would’ve said that all spheres—from politics to law to just war theory—are moving in this individualization of war direction. But it seems like, if you look at our national defense and security strategies, we are definitely starting to acknowledge that we are no longer in the “Global War on Terror” era. The wars about insurgenecies and conflicts between small, non-state actors are now less interesting, and we’re shifting, of course, to China and Russia. The great powers.

So, I don’t know where we’re going. It seems to me that the military is starting to think more about Russia, China, and the U.S. as great powers and how they’re going to interact. I didn’t answer your question, but that’s the state of just war theory right now: it’s back to traditional models of country versus country, and what can a country do to another country and when, and when does war end?

You see this in things like Boris Johnson’s and Biden’s talks about Russia right now. They have huge debates: is an invasion imminent, is it not imminent? Should we use the word “imminent,” should we not use the word “imminent”? It’s been, in the last week or so, in the news quite a bit.

**KK:** Definitely. I’ve been keeping track of that as well, and given our current geopolitical situation, it makes sense that people are turning back to what was once old and is now again new. I have another question about something you mentioned in your 2016 piece about the changing character of war. You talked a lot about reductionist theories and their critics, who claim that reductionism can’t account for the national right to self-defense. And I think you made a point which I found really interesting, and maybe you could elaborate on it. It was the distinction between legal and moral justifications. Building on this, what do you think about the national right to self-defense—in both moral and legal terms? And how might that distinction surface in contemporary times?

**JD:** That’s a really tough one. I certainly have personal views that are not as robust as current international law in terms of sovereignty and the right to national self-defense. I think there is a robust right to national self-defense, but I think it’s fully instrumental. That’s just my view. My view is that the state has no inherent value in itself; it’s there to protect the lives of its citizens, and it might even be there to protect something that’s bigger than just you and me—you know, our “common life,” to use Voltarian terms. I do buy that—that there are values that can arise out of our individual existences, and that the rules that we agree on and that govern us are worthy of protecting, not just our individual lives. But, I think that the right to national self-defense in current international law is more robust than it needs to be. That’s my moral point of view. So, it’s a claim about the laws, but it’s a moral claim about the
laws. Simply put, I think that—morally speaking—we have good rights-based reasons to change the laws.

Legally speaking, the international legal system is so heavily predicated on the national right to self-defense, and the state as the primary protector of human rights, that I think it would be extremely difficult to create space for something significantly different. Maybe something weaker, but not significantly different. Thomas Pogge at one point argued in a completely different context—not in a war context, but in a poverty context—that we should have these sorts of vertical authorities. So, certain decisions are made locally, others are made nationally, and others are made internationally. He would have shifted much of the power now laying at the national level. That’s where I would like to see us go. I’m not sure how we could.

**KK:** If I’m not mistaken here, you’re seeing the state as a means to an end, the end being the protection of human rights? That makes sense. I do a lot of history, so going back to the 17th century—and particularly back to the creation of the nation state in 1648—the idea was to prevent more destruction and loss of human life coming out of the most devastating conflict of the time. And it seems that it’s possible that our laws have lost sight of that. My other question would be... I wanted to consider the idea of the bloodless invasion critique, and how that ties in with your views on the role of the state when defense or lethal force is justified. Maybe you could explain that critique a bit more along with how—in your mind—it fails to stack up.

**JD:** So, there’s a sense in which it fails to stack up. There are versions of it that I am sympathetic to. But simply put, there has been a debate between people like Walzer on one hand, Jeff McMahan on the other hand, and Larry May on the third hand about what type of a violation is required to justify war. Walzer, for example, says something like: well, it’s sufficient that you violate my sovereignty. Interestingly enough, this is exactly what Zelensky, the president of Ukraine, said not a week ago to our president. When President Biden said something like, “oh, well, how we respond to Russia with respect to Ukraine will probably depend on whether it’s a small incursion or not.” To which President Zelensky said, “whoa, there’s no such thing as a small incursion.” Michael Walzer has that view: simply put, any amount of incursion is significant enough to justify war. After all, what it means to have integrity is to be whole, and so puncturing the balloon a little bit is to puncture it completely. To simplify, I’m using a metaphor.

But people like McMahan and Larry May disagree. They think that it can’t just be the right sort of a thing—mainly that, to violate sovereignty, one also has to harm things that matter, namely human lives. That’s where the bloodless invasion comes in. They both think—McMahan and May—that you need to have the right sort of violation. You need to have violations of human rights in the form of threatening human lives, and it needs to be on a grand scale. It has to be the right type and the right magnitude, not just a violation of sovereignty.

That’s where this whole talk about “bloodless invasion” becomes incredibly
important. The question is whether or not—in cases when one’s rights are being violated, but human rights are not being violated—war is justified. In other words, we’re violated just in terms of sovereignty, which is a tool for the protection of my human rights: the ability to vote, to come up with my own rules, to protect the rest of my own rights. The question is whether war would be justified in this case. That’s a little bit more about the background of the bloodless invasion.

**KK:** That makes sense, I see the schism there. Today, Zelensky would say that any infringement is a transgression against that overarching principle or idea of sovereignty, along with political self-determination.

**JD:** And there are other folks like Seth Lazar, for example, who think that this situation could be sufficient for war. I am not persuaded that’s the case.

**KK:** Right, some people need a little bit more to justify war. This might be a similar question, or perhaps a shift, but I was wondering: it seems that some of the reductionist accounts tie the “within war” questions of who can protect themselves or use lethal force to the overarching justness of one’s cause. That led me to think: in a traditional war, what if someone was drafted against their will, into an overarching cause that was not good? Would this person be permitted to use force?

And you’re more than welcome to respond to that, but I also have a follow-up question. As I think about it more, it seems that these dilemmas—particularly within the last 20 years—are a little less pertinent, as many conflicts have not been state-on-state or conscripted soldiers against conscripted soldiers. They’ve been small groups or non-state actors. So my question is: do we assume more freedom of association in these groups as opposed to a standing army, and does that therefore make these groups more responsible for the relative justness or unjustness of their cause?

**JD:** Yes, I think it does. It’s funny that you mentioned this—I was mostly here for research, but I have had the opportunity to teach an elective for what they call Firsties here, which is the first class officers—the first years here at the Naval Academy who are going to be commissioned officers by the end of this year. We were just talking about this, whether or not we think that people—when they are in the standing military, voluntarily here by consent with a contract and free education—can go on to fight a country that might have drafted or conscripted soldiers. Whether or not that matters was one thing we discussed.

The other thing that they brought up themselves, which I think is relevant, is also: how does all that compare in cases where our “enemies” didn’t have an opportunity to actually get a proper education? Maybe the people on the opposing side weren’t conscripted. Maybe they sort-of volunteered. But that was after 20 years of brainwashing, or something like that. To what extent are they morally responsible?

Of course, whether or not their moral responsibility matters greatly depends on whether you’re a traditionalist or a reductivist. If you’re a reductivist, it matters. Why? Because if this person is not morally responsible for the unjustness of their war, and
the unjustness of their threats to me, then they’re not a legitimate target for me, they’re not liable to be killed by me. Assuming that I’m on the just side.

If I’m a traditional scholar, this doesn’t matter. They’re fighting, I’m fighting, and they’re posing a threat to me, I’m posing a threat to them. There are all sorts of explanations of why that makes us moral equals. But if you are a McMahanian, if you’re an individualist, a reductivist—and I am—then it does matter to what extent you are morally responsible for being there in the first place.

I think that, in cases where you’re conscripted, you still are not entitled. I feel very different about your rights to fight against me, the combatant, versus your right to impose harm on me and my bystanders, the civilians. It’s one thing to justify why I would be justified. Let’s say I was drafted, or let’s say I was in North Korea and they had a metaphoric gun to my head. And you might say, well, this person is less morally responsible, they had no other option. They had a literal—and not just metaphorical—gun to their head. But commonly, we don’t think that if you have a gun to your head you’re justified in, let’s say, killing 100 kids. If I put a gun to your head right now and say, go kill 100 kids, that would suck, but you would not be morally justified. You would be morally responsible, because you have the option to do nothing and die. Which is horrible, but, you know.

And so, I do think that, if—for those people who are drafted—the alternative is bad, then it is possible for them to justify killing other combatants, because those other combatants are in a similar situation. But it’s very hard for them, if they’re on the wrong side, to justify killing civilians.

The other thing that I think is morally relevant is whether or not the people are in democracies. So far, we’ve focused on countries where people are still drafted, forced, and/or brainwashed into participating. Terrorist groups are the same story. On the other end of the spectrum, it matters greatly what your options for exit are.

In some countries, once you join, your options for exit are nearly null. We have some options in the U.S. for exit: if you’re a commissioned officer here, and you come to believe that the war you are fighting is not morally permissible, you have all sorts of exit ramps. I mean, you’re going to be bullied—it’s not easy—but you have exit ramps. You’re not going to be killed, you’re not going to be put in prison. If you go AWOL you will, but if you follow the chain of command and you ask for a different non-lethal assignment or you want to leave the military, you can. You might owe money if you went to the Naval Academy for free, but you can break your contract in various ways.

Some countries like Australia go even further. Australia has what’s called a selective conscientious objection, which we don’t have. We have conscientious objections for the draft. Australia has selected conscientious objections, where you can object to a particular war. And it’s a much easier off-ramp. When you fight for such countries, like Australia, where you have an easy off-ramp, then I think your moral responsibility for fighting in an unjust war is much greater than in the United States—where it is still great, because you have easy off-ramps. But here, it’s still far
greater than in Russia or North Korea. Simply put, your moral responsibility is much
greater in cases where you can easily abstain—or somewhat easily abstain—and it
becomes obvious that the war you’re fighting is unjust and you’re killing civilians.

It cannot be proportionate if you don’t have a good way to achieve proportionality.
You ask yourself, is it proportionate to risk the lives of two civilians? You might not
kill them, but there is a risk of killing them. Well, it can only be proportionate if
there’s some good you’re achieving on the other end. Right? And it better be a big
good—if there’s no good, if there’s no just cause, then you could never justifiably kill
civilians if you don’t have something to outweigh it.

**KK:** That makes a lot of sense. *Degree of compulsion can matter here, specifically
with whether it’s Australia or Russia. Abstaining in Russia would be a lot more difficult
and involve far more danger to oneself as compared to what you would do in Australia.
But you still made the point that proportionality is a big issue, too. Because even if
something is sensible in an individual, self-interested sense—you know, the example of
someone holding a gun to your head and you have to kill 100 children—does not make
it acceptable. Despite the strong degree of compulsion, this would be outweighed by
the fact that what you are being asked to do is just not proportional.

**JD:** Absolutely. I sort of buried that, but that’s absolutely the key point. The key
point is that compulsion matters for moral responsibility and therefore whether you
are a legitimate target. But ultimately, you cannot justify killing civilians. So the
number one thing that matters is your interest. That’s the only way you can possibly
justify endangering the lives of civilians. If you’re doing something like stopping
genocide, then you could potentially, if there’s no other way to achieve the aim, risk
the lives of some small number of civilians, if you have good reasons for believing
that action will save 150 to 200,000 lives down the road.

**KK:** Absolutely. This is slightly on a different note but I think it’s related. *It
might have been discussed in more detail within a different piece of yours, but I was
curious: today, conflicts that are being fought are similar to wars in many ways, but
we don’t quite know the beginning or the end. I think you say that mixed intentions are
usually the case—but how can we distinguish what has eminence in a certain country’s
agenda? Isn’t there the possibility of democratic nations, or nations accountable to
their people, presenting certain conflicts in one light, even while the everyday citizens
don’t know the minutiae of what’s actually going on or driving the war? How do we
parse through that, and how would that affect your liability to harm or to commit
harm?

**JD:** I think the beginning of the question is a little bit different, which was about
the beginnings and ends of wars. To answer that, I want to say that this question
is incredibly difficult and incredibly important. It’s not just important to armchair
philosophers. We’re interested because we want to know when are we using this
ethical framework to analyze it and when we’re using this one, right? We have our
special ethical framework for war.
But it’s also incredibly important for obvious legal reasons. When do we apply international humanitarian law versus international human rights law? Those folks sitting in Guantanamo for years—there’s about three of them out of the remaining 40 or so—have entire cases that hinge on the question: when did the War on Terror start? Because they left Al-Qaeda before September 11, and we’re debating whether or not we can hold them accountable. It’s incredibly important what counts as the beginning of a war, even in those really practical cases.

That aside, you were asking something a little bit different about mixed intentions. The number one reason I think that national intentions matter—and a lot of people don’t think intentions matter—is because they translate into invalid intentions. So, why you decide to go to war translates into how you act in war. More simply, if you’re after oil and you have to make a choice between saving a village or oil, you’re going to save oil. So I think intentions matter.

First of all, I think you can absolutely have mixed intentions. Motivations and intentions are different things, but we all have mixed intentions. Not all the time, but in many actions we do, even as individuals, we will have more than one aim we’re trying to achieve. So, unsurprisingly, that’s the case with countries as well, and I think that’s okay. The question is which intention is your primary one: which one drives your strategic operational decisions? Those, of course, drive your tactical decisions and specific strategies in war.

Those are sometimes a little bit easier to specify, simply because the troops you decide to send—the kind of troops you decide to send, the kinds of machinery you decide to send, how you send them, and where you place them—are operational decisions that better serve the strategy, which better serves what your stated goal is. So it’s harder to hide intentions, which is why very often we see countries say they’re going to help democracy, but ultimately make choices that have to do with protecting oil or something like that.

The short answer is, it is possible to see, in the actions, military decisions, strategies, and operational decisions the military makes. The thing that I think complicates this further, though, is that the aims of war change. Circumstances on the ground change. Look at the Second Iraq War, right? We were there to stop weapons of mass destruction, but then the Sunnis and the Shiites got into a fight, and we were there to stop that. And then we got rid of Saddam, then we were trying to change the regime, and then we were trying to just keep peace. Philosophers shouldn’t have opinions about this, because others might have secret knowledge that I don’t! But my personal opinion is that we went into war legitimately in the first Iraq War, and in the second Iraq War, it’s not terribly controversial to say that we probably did not. I don’t think we thought there were weapons of mass destruction there, I really don’t. I think maybe there were a few people who did. But ultimately the higher-ups knew better.

But then once we caused all the havoc there, it legitimately was upon us. We were the ones there, we were the ones with tools, and we were the ones responsible for the
chaos that ensued. So, shockingly, we created a really bad set of circumstances that actually justified a continued military presence, which was ultimately unsuccessful, in my opinion. Both Iraq and Afghanistan were unsuccessful in the end, when everything was said and done, with respect to some of the primary aims. What I’m trying to say is that, very often, intentions change. And it’s not because they’re illegitimately changing, but because circumstances on the ground change, like in the Iraq War, and this further complicates the issue.

KK: I’m trying to formulate my thoughts here because there’s so many different routes to go with this. I clearly get that intentions matter, they clearly affect or percolatedown to every level of the operation itself, and how the war is actually waged. And the way that the war is conducted may also be reflective of what’s truly going on. You know, watching actual feet, rather than just listening to the lips, as they say. In the case of Iraq, I think you’re right. I don’t think it’s terribly controversial anymore to say that Iraq was a mistake. And I’m pretty young, so I obviously wasn’t . . .

JD: I know! When I tell my students here, was it in your lifetime? And then I remember, no it’s not their lifetime, the Iraq War.

KK: What I do know from what I’ve read and heard is that the evidence is quite dubious. Would that be the case I was thinking of, where intentions are skewed in the public eye, while the actual trajectory of the war on the ground starts to reflect the real driving factor?

JD: Yeah, I think Iraq was a really interesting case. 90% of the time what happens when somebody pledges why they’re going to war, they fudge it. The way they fudge it, like Russia is about to do, is by using a circumstance on the ground. There is a cause—it’s not a serious issue, maybe it’s, I don’t know . . . I’m not sure if it rises to the level of just cause per our earlier discussion about McMahan and puncturing the balloon.

Most of the time the way people fudge going to war for bad reasons, is basically that there are circumstances on the ground that could justify war. They say, “we want to remedy those circumstances,” whether it’s a violation of national territorial integrity, or if it’s something like ethnic cleansing, or a severe human rights violation. But I think Iraq was an interesting case because it turned out there were no weapons of mass destruction, so we actually fabricated the cause. Had there been the intentions, that would have been great—because what makes an intention a good one is that it matches up with your just cause. Assuming there is a just cause, it matches up.

That’s the common problem. The common problem is there’s genocide on the ground, and a country goes in, but they’re not really going to stop the genocide. They’re going for national security reasons, because it’s good for them to control the region, or they want to install their own president. And in the process, maybe they stopped genocide, but definitely not as well as they could have if that was their primary intention. Iraq was interesting because, had there actually been weapons of mass destruction, but we went in to get rid of Saddam, that would have been more of
the traditional way things work. But it seems like we had legitimately fabricated our cause, because there was uranium yellowcake evidence that was—to anybody who knew anything about that at the time—obviously flawed. People who knew seem to think the evidence that we did have was completely not indicative of weapons of mass destruction.

**KK:** Had it lined up, it might have been an exemplary case. You know, had there really been weapons of mass destruction and our intent was to get rid of them. Had there been a compatibility between our intent and the reality of the circumstances, then it might have been a typical case. I can definitely see that.

Another question I have: you did mention that some people don’t think intentions matter, which is something I’ve come across frequently. There’s a lot of diverse thought on the subject, especially on a college campus, but I’ve come across a couple students and professors—whether it’s in Political Science or International Affairs—who say that American intervention makes things worse. Like 9.99999 times out of 10 is what they say. Regardless of intentions, we make things worse. A professor gave me the example of Syria back in the early 2010s. I guess the argument from there is that, if a country like America or another big powerhouse nation were to intervene, it would exacerbate the loss of human life. And sometimes that’s the claim. Is that always the case?

Also, is there a difference here? I think sometimes what changes in an intervention is who is harmed or dying. Obviously, none of that is ever good in any case. But if an intervention were to shift the harm onto more exclusively military forces as opposed to civilians or innocents with no place in the conflict, would that be a successful intervention? Even if it meant a cost to other human lives, but ones we see as more appropriate in the situation?

**JD:** Yeah, I don’t know. That’s one of the most difficult questions. Philosophers love to talk about just cause, right intention, and proportionality. One of the most interesting and difficult questions that affect the day-to-day decisions of military personnel is how to balance the risk of life to their soldiers versus the risk of life to civilians. That’s every decision. Even the decision of how high to fly my plane: the higher I fly it, the safer I am from ground defense, the lower it is, the less safe I am, but my weapons are more precise.

That’s one of the key questions that is going to drive AI decisions: how many times can we pull the combatants out and replace them with an algorithmic decision-maker or object recognition? If I have a soldier’s eyes on a target, and he says, “that is Joe Schmoe and he’s our target,” that’s one thing. If I have an object recognition algorithm or facial recognition algorithm that is less effective for people of color—which is pretty much always the case—and it says, “I’m 98% confident that is our correct target,” that has minimized the harm to my soldier. It’s still a high certainty, but the risk has been increased to just one type of people: people of color.

So, those sorts of questions about how to balance considerations of harm to our
troops versus harm to civilians are incredibly difficult. I’ll tell you that I don’t have the answer to this. When I teach here, there’s a conversation between Michael Walzer and Thomas Hurka, where they give you three strategies. I’m going to draw it here: I always do the same strategy.

So here’s three strategies. This is civilians, this is soldiers. This is a map. You have three ways to achieve a certain desired thing: to try to cross the bridge to get to an ammunition factory. And you have to ask yourself, which one of these strategies is the best? The first one risks the lives of ten civilians and zero soldiers. The second one is three civilians, three soldiers. And the third one is zero civilians, six soldiers—all the risk of harm is taken up by soldiers.

Nobody supports the first one, simply because ten is more than six. So that’s easy. Some subset of people think three and three is the right way to go—Thomas Hurka is one of them. His main reason is the fact that, on one hand, the soldiers consented, so they agreed to the risk of harm. But on the other hand, those combatants have a right to prefer themselves: you have a right to agent-relative preference, so they can prefer themselves. And yet, they have the obligations of combatants, so that evens out to three-three. People like Walzer and others think that combatants should take all the harm on themselves.

The officers that I teach here, every last one of them, always say the zero-six: they always think that they should take all the risk of harm on themselves. But I actually find that to be a very difficult question because I’m teaching officers: I’m not teaching enlisted. So they’re actually risking the harm of their soldiers. I mean, they will often go with them. But these people are younger, who haven’t fought yet, who are not yet commissioned. And so, the short answer is I tend to side with them. I tend to think that, if you have a way to achieve a desired aim that minimizes the risk of harm to civilians, then you should do that, even if it risks harm to you. And you’ll be hard pressed to find somebody in the military who will disagree with that.

I should point out that a part of that is the way they’re brought up, as officers and enlisted. The Presidential Policy Guideline—the so-called PPG—goes above and beyond what the Geneva Conventions require. The Geneva Conventions require that, when you make a decision that risks the lives of civilians, it better be proportionate. And it defines proportionality as “excess harm.” So, you shouldn’t cause excess harm to civilians. There was, under then-President Obama, a Presidential Policy Guideline—I can’t remember the title of it, but it actually says that you need to have near certainty of no civilian harm. That’s just what they’re taught. They are the commanders and the operators, and the targeting officers are required to not just minimize casualties but bring them down to zero.
But then you have things like what happened yesterday, right? In fact, what you just asked is a beautiful example. Our special ops went into Syria, and they actually significantly increased the risk of harm to themselves by flying helicopters above and saying, “we’re coming, leave if you’re a civilian.” So, you can imagine if you give an hour advance notice, saying “by the way we’re going to be here in an hour,” that you’re increasing the risk of harm to combatants, and they did. They absolutely did. That’s a beautiful example. If, every time, you warned the civilians and asked them to leave an area because you’re going to be doing military operations, you’re basically giving the enemy a head start. And in this case, the man committed suicide and killed his wives and children and thirteen civilians who were part of his family.

That’s a roundabout way of saying that I, and the United States military, on average, side with the absolute minimization of civilian deaths. But, as you and I both know, it doesn’t always work out that way. I’m rambling on because I don’t want to be a military apologist. I’m not a military apologist! Because I’m very much aware that we have killed numerous civilians just in the last few months, in Afghanistan and Syria and so on. But that’s what we shouldn’t be doing.

**KK:** Absolutely not. I think what you said is totally on track, at least from where I sit. Sometimes, even if you’re intervening, it’s about weighing the different roles of combatants and non-combatants/civilians. And the different moral gravity of taking a human life that was peripheral to any sort of tactical goal, as opposed to taking a human life that is directly engaged in whatever conflict it is.

**JD:** I just wanted to add one thing: I don’t have a formed opinion on this, but there is a lot of super interesting literature about it. So, no matter what you think is the correct amount of balance between risk to enemy civilians and our troops, how is that affected when the enemy and their civilians—these civilians of another country—are the same ones you’re trying to help? It’s different if Americans are fighting Russia and America is trying to figure out if they can achieve some military aim, say, destroy a Russian munitions factory, and how many Russian civilians—whom this Russian military is protecting—can they kill. Versus, if America is in Rwanda—I wish they had been twenty or thirty years ago—trying to help Rwandans, and we sent out troops we didn’t have to. And now we have several strategies to achieve some aim, one of which increases the risk to our troops, but the other one increases the risk to the civilians we are trying to help. In other words, if they’re the folks who we’re trying to help, whether it is okay that they incur some part of that cost. I’m not sure what I think about it. It’s a very difficult question, but I just think it’s an interesting one. And it’s very lively in literature right now.

**KK:** I have no doubt. I haven’t really gotten into the weeds on that question yet either, but it does seem to get back to these common debates that I hear sometimes. Again, I didn’t live through the formative years of the wars in the Middle East, but I remember people asking, “how does our responsibility for stabilizing the government or building peace in Nation X compare to the responsibility of Nation X’s citizens to do this themselves?” I imagine that’s a pretty contentious issue that will continue to
be a hot topic for a good deal of time.

I also read a different article of yours about humanitarian intervention. It had to do with the attachment between permissibility and obligation for an intervention. I was curious about your criteria. I think the big ones you listed were chances of success and danger to oneself. I was curious how—and perhaps I overlooked this—danger to oneself would be measured? Would it just be measured in absolutes, referring to casualities, or by some other metric? For example, say a well-to-do country could intervene in a conflict with a good chance of success, but at significant domestic, economic, or livelihood costs to its own citizens. Do those kinds of things come into play as far as danger for oneself, or are you specifically referring to potential harm to combatants?

JD: I wrote that paper when I was younger—about your age—and I actually stand by most of it. It ended up being one of my more prominent papers, and I got a lot of feedback on it. One of the key points that I got was about exactly that question you’re asking. To put it simply, I don’t think I am right. What I tried to do in the paper was an individualist analysis, before I even knew what individualist analysis was. But the idea was to suggest that the same circumstances where I have to help you if you’re dying are the same sort of circumstances where I would have to help another country if they were suffering genocide.

I was trying to look through all the conditions and then compare them to an individualist case. And basically, the reasonable chance of success doesn’t work that well. Why? Well, look at this example: let’s say you know a man is assaulting a woman. Even if she has no chance of success in defending herself—we are talking about self defense, so stopping him—she still gets to punch him. Nobody’s going to protest that. If we know he has a gun, then you punch him or stab his eyes. And because it’s not going to stop the assault, you don’t have a right to harm him? Nobody says that. For all sorts of reasons. Either because they think it’s justified because it’s punishment—not because it’s self-defense, because if it’s not self defense it’s not going to succeed. It could be justified as punitive harm, like you’re punishing them rightfully. Or it’s justified as symbolic self-defense—self-defense of things other than physical wellbeing: your dignity, your integrity, your self-esteem. That doesn’t translate as well. So that was one point of, well, just non-analogy. The other point of non-analogy is that the danger to self played a very prominent role in individual cases, but not as relevant a role in traditional just war theory. What I attempted to do was squish the danger to self and reasonable chance of success and basically say something like: look, if the danger to self is too high, you don’t have a reasonable chance of success because I’m going to just define success—I, the scholar—as you both stop genocide and you both don’t lose too many people. And that’s basically just cheating.

So, the short answer is that I’m not sure how to fix that problem, but the relationship between danger to self and reasonable chance of success is pretty tenuous. I’m glad you picked up on it! It’s one of those places where I basically defined success as, “we
have reason to think that we’re going to stop genocide, and we do it at a cost that’s reasonable to us.” The big point in that paper is simply that: if you’re going to violate our sovereignty, which is one of the key tools for my protection of human rights, then you better do it only when you have to. Simply put, if you’re going to do something against one’s consent, it better be only because you have to. There should never be a humanitarian intervention that we could, but maybe don’t do.

The other thing that paper is really weak on is, how do we decide who intervenes? The rules that I laid out there apply to 60 countries who are equally capable. France and America, and Germany and the UK, all have the tools and meet all the other conditions for participation. How do we justly distribute the responsibility between them? We certainly shouldn’t say all 60 of you should now go in. There has to be some justified way to distribute burdens of intervention among all actors to whom there is an obligation to act.

**KK:** That was all great—and I didn’t mean to call too far back with that paper. I mean, it was a great paper.

**JD:** Oh, I know! I mean, I love that paper. But it was something I wrote when I started my Master’s—it just got published a little bit later as a part of my dissertation.

**KK:** Well, it’s very impressive for so early on. The other thing I was curious about—and it also ties into that article—is humanitarian intervention. At what point can we say that something is a humanitarian crisis, and also what potential criteria are there for that? In that specific piece, you mentioned that violations of life and liberty are big ones.

**JD:** I’ve actually thought a lot about this, because it matters, right? Because the UN decides when they’re going to give you support, and I think we want somebody like the UN to at least legitimize things. When countries say, oh we’re going to intervene—with the United States in the olden days being one of the first ones to do that—it’s nice to know that there’s somebody, somewhere, who’s responsible for legitimizing that. Whether it be the UN, some group of countries, whatever.

So the question is, when is a country justified in intervening? I think that the speed of harm is the most important one. Simply because humanitarian military interventions, as a form of war, have to be last resorts, like any war. And so, the question is how fast is it happening. I think, in the paper, I have an example in Kosovo, which is my neck of the woods. The war had been going on for a while, but the year that the intervention happened, 1999, and in the previous years, the average rate of loss was about 2000, of which more than 50% were police officers, paramilitary troops, and those who were potentially combatants. In Rwanda, five years prior to that, the loss was 841,000 people in a span of three months. Nearly a million people at a rate of 12,000 a day.

So I think the speed of loss and the number of human lives is all that matters. And by number of human lives, though, I don’t mean literally kinetic harm—like there’s a
It does include destruction of hospitals. And it does include displacement. Because both of those things translate into lethal harm. If you displace people with no place to go and dirty water, they’re going to die within a few weeks, and you can measure that. And so, all of those things I think really, really matter.

I’ve thought about it a lot. One of the things I hate is that as philosophers we love giving out principles. But, the question here is how we operationalize them. And I think the best way, personally, is to literally have a database of precedents. So, here’s all the interventions we’ve ever considered—not all the ones we’ve done—and after it’s all said and done, why were we right or why were we wrong? Some of the cases are going to be obvious. Rwanda is going to be obvious: when you see a million people dying, you should probably go. Other cases are going to be more difficult: we’re going to debate. Well, yes, Kosovo was only 2000, but it was preceded by the Bosnian genocide, and it was preceded by the Croatian genocide. Maybe the context of the speed of loss of life matters.

My point is, by having a precedent base and then considering why we shouldn’t have gone post hoc retroactively—and you as a historian might appreciate this—you could actually tease out what’s salient, what matters, what type of facts about the conflict should be relevant to that decision. And then you can look at this new case and try to see what’s closest on your list. So that’s how I would at least operationalize this idea of speed of loss of life, and how you translate hospital destruction and displacement into loss of life.

**KK**: Yeah, I appreciate this. I definitely do think precedent is important, because I read a little bit about that era in the Balkans and Kosovo. And also Rwanda was happening in that time frame. I think, by the time it got to 1999, there was a lot of talk from around the world that the United States and others had sat back. This left a little bit of a sour taste in people’s mouths by the time we got to 1999.

**JD**: Yes, but centrally, this was all the same actor. This was Milosevic. It wasn’t just that we had not acted before—which I think is still important. But I actually think that if it hadn’t been Milosevic, and there was some conflict somewhere where there were 2000 people, and America felt like, “oh my goodness, we dropped the ball in Somalia, we dropped the ball in Rwanda, we dropped the ball in Bosnia,” and so on, I would not say that’s a good reason to go this time. But I think what’s relevant is that it was the same actor.

I’m Serbian by the way, just to put the cards on the table, so it’s my people—well, not my people, because my people didn’t do that—but I’m from the country that did that. But it was the same president of the same country, the Serbian president, that was orchestrating the Bosnian genocide, orchestrating the Croatian genocide, and was leading the forces into Kosovo. A lot of people back home in my country will say to this day—not my family—will say things like, “But look, only 2000 people died here. They bombed us, America bombed my mom’s hospital, my dad’s hospital, and children died... clearly, that was politically motivated!” but the context is important.
The same person who had contributed or orchestrated genocide and massacres like Srebrenica in Bosnia was now doing something very similar in Kosovo. And so, whether it was responsible to wait... Well, it wasn’t.

And that’s why I’m mentioning that as a good example of context. I’m giving that as a counterexample to the idea that it only matters how fast and how many people are dying. Context matters as well.

**KK:** I can definitely see that. And you obviously know far more about that issue than I do. I have one final question here—my last question is on a similar note, which is thinking about violations of liberty, or if a country is systematically denying groups rights, fair treatment, or equal access to different things. But maybe this isn’t a massacre, or displacement, just sort of this status quo of injustice. What would be your thoughts on this, as far as intervention? Would there need to be more loss of life before it reaches the military as an institution?

**JD:** I think it does. I don’t think it’s a popular opinion to say that, but I think it should rise to indications that the loss of liberty is aimed at further violations. And that’s often the case, so it’s often the case that the reason a country is putting this group of people in that region is because they’re about to engage in ethnic cleansing. It doesn’t have to involve killing—it can involve closing all their schools and letting them move, right?

But, the reason I think it should, is because, one, we have to exhaust last resort. And in those cases, by definition, if the loss of life is still not happening, we could still be trying other stuff. The other related reason we want war to be the last resort is that it’s so hard to foresee what’s going to happen. Iraq and Afghanistan being beautiful examples.

When I was young like you, I was a philosophy major at the University of Maine, and we were one of those small philosophy departments. I think there were 30 of us. One of my dearest—he wasn’t a close friend, so I don’t want to make it sound like he was a close friend—but one of my dearest colleagues, a philosophy major who was always competing with me for prizes every year, ended up going to Afghanistan after that. And he died as a linguist in Afghanistan. And for nothing, really. We didn’t really achieve anything.

And so what happens in wars like Afghanistan, what happens in wars like Iraq, is that we don’t have the ability to foresee where it’s going to go. That’s the reason. We didn’t fail because we didn’t have the resolve, or we didn’t have the funds. We had both. People often say the reason we failed in Afghanistan was because we didn’t understand the history, the geography, or the tribal nature of it—but we did. There’s a zillion books out there about that. It was simply because you cannot predict how war will progress. And so, I think that military action should always be the very last resort. For that reason—because once started, it’s very hard to contain.

And so you might think to yourself, let’s go in, we’ll spend six months, we’ll do A,
B, and C, and that will stop violations. And you end up in a war 20 years later. We lost, I think 8,000 troops. They lost thousands of civilians. Some say 120,000, some say 50,000, so somewhere in between there. And I’m not sure they’re better off: the Taliban is back in power. And that’s pretty sad, you know: 20 years we were there, we lost a lot of lives on both sides, and girls still can’t go to school, there’s no music, and we’re back to a pretty nightmarish Afghanistan existence.

Had we gone solely to liberate the people of Afghanistan—which is why we stayed there to fight Taliban rule—the situation might have been as you described it. Not necessarily murder or genocide, but that status quo of injustice. The loss of liberty and inability to go to school, vote, listen to music, have fun, or walk around without a man if you’re a woman and so on—those are quintessential examples of extreme violations of liberty. I mean, they’re more nefarious than I could have even imagined.

This is why I said it’s not a popular opinion, because personally I feel like that’s a good reason to go to war. Because, if I could contain war, then I could say to myself that the loss of 1,000 troops and 1,000 civilians is absolutely worth the lives and liberties of 5, 6, 7, 8, or 10 million plus people, because protecting the right to participate in society is actually a tool to protect other basic human rights, including the right to life. But the reality is that war always takes on a life of its own. So that’s why you always have to think to yourself whether it’s proportionate. Whether the thing that’s going to take a life of its own is proportionate to the aim you’re trying to achieve. And I think it is when it’s a question of genocide. Less so when it’s a question of other types of violations, like rights.

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