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Just War Theory: A Shift in Perspective

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Abstract

War is an extreme human activity—not only because of the horror of war, but because of the severe emotional, physical, psychological, and moral strain it has on its combatants. Understanding war from the combatant's point of view is hard enough without personally experiencing war. Without the direct experience of combat, an epistemic gap lies between one who knows what it is like and those lucky enough not to experience it. Consequently, the theoretical propositions of just and unjust conduct in war become difficult to support. I argue that just war theory and its tenets such as *jus in bello*, or just conduct in war, needs a thorough examination of combat experiences to define the principle with the reality of war in mind. For example, as a precept of moral responsibility in war, *jus in bello* is an abstract principle which can be supported by concrete historical examples if and only if the epistemic gap between the experience of combat and abstraction is bridged by a consideration of the reality of war.

Keywords

just war theory, *jus in bello*, combatant, war is hell

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Just War Theory: A Shift in Perspective

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Abstract: War is an extreme human activity—not only because of the horror of war, but because of the severe emotional, physical, psychological, and moral strain it has on its combatants. Understanding war from the combatant’s point of view is hard enough without personally experiencing war. Without the direct experience of combat, an epistemic gap lies between one who knows what it is like and those lucky enough not to experience it. Consequently, the theoretical propositions of just and unjust conduct in war become difficult to support. I argue that just war theory and its tenets such as *jus in bello*, or just conduct in war, needs a thorough examination of combat experiences to define the principle with the reality of war in mind. For example, as a precept of moral responsibility in war, *jus in bello* is an abstract principle which can be supported by concrete historical examples if and only if the epistemic gap between the experience of combat and abstraction is bridged by a consideration of the reality of war.

Research Keywords: just war theory, *jus in bello*, combatant, war is hell

The tradition of just war theory is typically acknowledged and practiced by the military, state, and international organizations across the world like the United Nations. Just war theory attempts to draw distinct principles that govern three different aspects of war: the justice of war (*jus ad bellum*: i.e. going to war in defense or for humanitarian intervention), just conduct during war (*jus in bello*: i.e. the prohibitions of indiscriminate killing of non-combatants.), and justice after war (*jus post bellum*: i.e. the conduct of occupational forces). Fundamentally, these serve as guiding principles intended to limit the suffering caused by war.

Despite the intended usefulness of contemporary just war theory, it ignores the subjective experience of combat. While a combatant knows what war is like and how it feels to experience

it, I question whether the theorist who has no combat experience can have the same understanding of combat, let alone theorize about it. The difference between knowing what war is like and knowing about war creates a divide of knowledge and experience between the combatant and the theorist. I argue, then, that the subjective experience of war must be juxtaposed with theory. To demonstrate my argument, I will focus on combat narratives of veterans who served in the Pacific theater during World War II because the fight for the Pacific involved battles of attrition, despite that WWII is often considered to be a contemporary example of a just war (Orend 31).

In the Pacific, the means of combat deployed by Japanese and Allies were brutish and unforgiving as they frequently killed prisoners of war, civilians, and medical personnel, or, in other words, non-combatants. I will offer three epistemological perspectives on these means of combat, focusing on the impact of war on combatants. The three perspectives will explain an analysis behind the multi-faceted phrase *war is hell*, which functions as an encapsulating term for the nature and experience of war and will show how the epistemological gap appears in just war theory's interpretation of this phrase. I base my reading of just war theory on theorist Michael Walzer's *Just and Unjust Wars* and theorist Brian Orend's *The Morality of War*. I also consult two memoirs written by marines who fought in the Pacific during World War II: *With the Old Breed* by Eugene B. Sledge and *Helmet for My Pillow* by Robert Leckie. I will then demonstrate how these first-hand perspectives of combatants can be used to further develop principles in just war theory, or in particular *jus in bello* propositions like proportionality by offering a platform for the future study of combat behavior.

1. Just War Theory and The Epistemological Gap

With the Old Breed is Sledge's personal account of the frontline experience of war. It is corroborated and supported by historical references and his personal notes. Sledge writes that "the war was a nether world of horror...[we] existed in an environment totally incomprehensible to men behind the lines – service troops and civilians" (121). Sledge's words strike at the heart of an epistemological problem, namely that there is a difference between "knowing what war is like" and knowing what it might be like. In other words, there is a difference between knowing war from the first-hand perspective and knowing about war from a theoretical perspective. What lies in between is the epistemological gap between the combat veteran and the theorist. This epistemic difference requires theorists to devise propositions in abstract terms, overlooking the moral harm and burden of war carried by combatants. As I will argue, knowing the limits and effects that combat conditions have on the psyche is crucial in understanding the limits of just war principles. To demonstrate this, I will illustrate an epistemic difference between theory and experience, by analyzing the phrase *war is hell* through first-hand, third-hand, and abstract understandings of the phrase.

1.1 War is Hell, from Without Direct Experience

It is easy to say that *war is hell*. However, let me clarify this phrase's meaning by trying to imaginatively place ourselves in the extreme conditions described in *Helmet for My Pillow* and *With the Old Breed* so that we can 'observe' these events unfold and try to understand the combatant's experience.

The morning of September 15, 1944, marks the beginning of the battle of Peleliu. Consider for a moment "what it must be like" for Leckie and Sledge to storm the beaches of an island five miles long by two miles wide. As they are waiting in their landing crafts, incoming shells blanket the island with a wall of smoke and fire. According to Leckie: "The little atoll . . . was obscured beneath a pall of smoke. It was a cloud made pinkish by the light of the flames. . ." (278). As the landing boats pitch and yaw with the deafening artillery shells from allied ships overhead the boats near the violent eruptions of the Japanese defenses. Sledge states: "Suddenly a large shell exploded with a terrific concussion, and a huge geyser rose up just to our right front. It barely missed us" (57). The pre-invasion artillery barrage on the coral island failed to destroy the hidden bunkers. We will have to stretch the limits of our imagination to understand the horror as they hit the beach.

As they reach the shore, there is constant machine gun and artillery fire. Sledge is forced to jump out the side of the craft into the violence of combat. According to Sledge: "The world was a nightmare of flashes, violent explosions, and snapping bullets. Most of what I saw blurred. My mind was benumbed by the shock of it" (59). Like Sledge, Leckie is confronted by the same ferocity:

Behind me a shell landed, blowing a man clear out of his high-laced jungle boots . . . a marine came dashing over a sand dune in front of me, his face contorted with fear, one hand clutching the other, on which the tip of his index finger had been shot away – the stump spouting carmine like a roman candle. (283)

Leckie and Sledge along with the 1st Marine Division begin to fight the enemy. However, what follows are the intense experiences of war. It is as Sledge describes:

A wild desperate feeling of anger, frustration, and pity griped me. It was an emotion that always would torture my mind when I saw men trapped and was unable to do anything but watch as they were hit ... I had tasted the bitterest essence of war, the sight of helpless comrades being slaughtered, and it filled me with disgust. (60)

The fight that Leckie and Sledge find themselves in is a constant fight for survival. What Leckie and Sledge describe is the sphere of combat or the experiences contained on the battlefield. Left and right, their fellow comrades in arms are decimated by the Japanese small arms and artillery all the while enduring a desperate situation exacerbated by violence.

The descriptions of Sledge and Leckie's experience of combat paint a grim picture of what it is truly like to live through the hell of war. When we place ourselves as third-person observers of their experience, the phrase *war is hell* sums up war's unimaginable terrors. However, from this third-hand position, I cannot recreate how it must feel to witness the horrors of war, let alone show us how Leckie and Sledge experience their own mortality. Thus, from the third-person perspective, the phrase encapsulates the experience of war that is difficult to fully grasp without direct experience.

1.2 War is Hell, from Within Direct Experience

The third-person perspective allows us to understand *war as hell* because "hell" acts as a referent to what war must be like. However, within the direct experience of war, *war as hell* takes on a different meaning. I will demonstrate how Leckie's first-hand experience of combat contrasts with the third-person meaning of the phrase.

Leckie's description of combat situates the hell of war somewhere beyond the scope of our first meaning of the phrase – recall the third-person perspective. During the Battle of the Tenaru River on Guadalcanal, Leckie reflects:

A man says of the eruption of battle: '*All hell broke loose.*' The first time he says it, it is true – wonderfully descriptive. The millionth time it is said, it has been worn into meaninglessness: it has gone the way of all good phrasing, it has become cliché. (*emphasis added*, 78)

Let us examine the phrase *all hell broke loose*. Although there is a slight difference between the phrase *war is hell* and *all hell broke loose*, these phrases perform the same conceptual work. On the one hand, *all hell broke loose* refers to the onset of combat and its duration. On the other hand, when one says that *war is hell* it means that war is to be endured. Both phrases interchangeably refer to the essential nature of war – combat. I think Leckie understands that such a phrase misses the mark. As soon as the phrase is overused, the phrase becomes worthless and has no descriptive authority. Thus, Leckie places hell somewhere beyond the domain of suffering.

Now that I have described how both phrases refer to combat, let us examine where hell resides for Leckie. Leckie acknowledges that the phrase itself is an accurate depiction of battle, at first. However, Leckie suggests a different description of hell in war. Leckie states:

Everyone was firing, every weapon was sounding voice; but this was no orchestration, no terribly beautiful symphony of death, as decadent rear-echelon observers write. Here was cacophony; here was dissonance; here was wildness; here was the absence of rhythm, the loss of limit . . . here was booming, sounding, shrieking, wailing, hissing, crashing, shaking, gibbering noise. Here was hell. (79)

From Leckie's account, combat is pure chaos. Leckie's description of hell is everything but an order of sound and rhythm of an orchestrated symphony. Hell is where confusion, discord, and irregularity reside. Hell is the world of pandemonium and it exists in the chaotic environment of combat. For those without the experience of combat, hell is a descriptive term of the horrors as opposed to the chaos of war.

I have demonstrated that the meaning in both the term hell and the phrase *war is hell* has a particular connotation only known by combat veterans. In contrast, the meaning behind the phrase *war is hell* from the first and third-person point of view demonstrates an epistemological gap. For the combat veteran, the meaning of the phrase encapsulates the chaotic nature of combat whereas the third-person perspective of the phrase condenses what war must be like.

1.3 War is Hell, From the Abstract

The previous sections clarified two different perspectives on *war as hell*: first, the phrase captures the imagination of inexperienced civilians and theorists; second, the phrase has a particular meaning to combat veterans, e.g. the chaos of combat. The meaning of the phrase from an abstract point of view takes on a different significance. I wish to further examine the meaning behind *war is hell* from a theoretical perspective.

When Walzer in *Just and Unjust Wars* mentions *war is hell*, it is in terms of asking "why is it wrong to begin war?" In other words, what makes war criminal. Walzer's use of the phrase becomes clear when he answers, in part, this particular question:

We know the answer all too well. People get killed, and often in large numbers. *War is hell*. But it is necessary to say more than that, for our ideas about war in general and about the conduct of soldiers depend very much on how people get killed and on who those people are. (22)

The context in which this phrase is used partially answers the question of what makes war a crime. From Walzer's perspective, *war is hell* refers to the large numbers of people who are killed in war. Indeed, he suggests that it is necessary to say more than just "people get killed." People are killed, but it is a question of how they are killed. Walzer is talking about *jus in bello*, or just conduct in war. Thus, Walzer is drawing a connection between the conduct of combatants and the criminality of war and *war as hell*.

At this point, Walzer uses this phrase in a conversation on the criminality of war and the conduct of combatants as the cause, in some sense, to the hellish conditions of war. However, the phrase begins to take on a few other meanings. Consider Walzer's further explanation of the phrase. From the abstract point of view, the phrase, or the term "hell," has two additional meanings. Walzer states: "Hell is the right name for the risks they [combatants and civilians] never chose and the agony and death they endure...War is hell whenever men are forced to fight" (additions made, 27, 28). War is "hell" for combatants and civilians that are forced to suffer

and endure war. The way in which the phrase is used above is an extension of the criminality of war, since the distinction of “the forcing others to endure hell,” is what Walzer and other theorists like Carl von Clausewitz refer to as the tyranny of war. The tyranny of war refers to the indiscriminate nature of war; that is, even though you may not have an interest in war, it might find its way into your life, much like when a peaceful town with no affiliation with either side of a conflict is interrupted by war. However, Walzer’s particular meaning of hell adds another distinction. Walzer states: “When we say, war is hell, it is the *victims* of the fighting that we have in mind” (*emphasis added*, 30). The victims of combat are typically civilians and soldiers alike; unfortunately, it seems that civilians are victims more often.

2. The Gap between Perspectives

At this juncture, the abstract meaning of the phrase in question has three parts: 1) it refers to the criminality of war and the conduct of combatants, 2) it refers to those who are forced to fight/endure the hardships of war, regardless if they were drafted into such a position or if they willingly volunteered, and 3) the victims of the fighting – combatants and non-combatants alike.

What makes Walzer’s interpretation of the phrase problematic is when the epistemological gap appears in terms of the victims of war. Walzer clarifies a difference between agents and victims of war, although they can sometimes be the same person. For instance, Walzer suggests that combatants are not entirely forced to random acts of violence (40). Unless a combatant finds themselves in the most extreme circumstances, he is still responsible for his actions. From a conceptual perspective, Leckie and Sledge and others like them are agents of warfare. However, in doing so they also have become victims by Walzer’s standard since they are forced to endure the hardships inflicted on them by the Japanese aggressors. Thus, from the theoretical perspective, Leckie’s and Sledge’s agency enables them to make war hellish and experience it as so. However, for those who have chosen to serve, it is not hell that makes them victims but the feeling of expendability. This sentiment is a feeling known to combatants who have been disregarded by their commanders or fallen victim to the fog of war. The key difference is that the feeling of expendability and victimhood is only a possibility when one is in combat. I fear that the epistemological gap in just war theory runs the risk of extending this sentiment.

From Leckie’s point of view, to be seen as a victim of the war robs the soldier of a choice—self-sacrifice. Leckie’s realization that he and his comrades were, at times, expendable made the war worse. This sense of victimhood is missing from Walzer’s just war theory, but it is known to men like Leckie. For example, Leckie says: “Being expended robs you of the exultation, the self-abnegation, the absolute freedom of self-sacrifice. Being expended puts one in the role of *victim* rather than sacrificer, and there is always something begrudging in this” (*emphasis added*, 96). This feeling is so detrimental that, according to Leckie: “Hunger, the jungle, the Japanese, not one or all these could be quite as corrosive as the feeling of expendability. This was no feeling of dedication but absolutely involuntary” (96). In other words, Leckie believes that the feeling of expendability is forced when men are treated as mere tools of war.

Walzer and Leckie are making different points in terms of victimhood. Leckie's experience of victimhood is based in the feeling of expendability (Leckie, 96), e.g. when soldiers are treated as tools of war, whereas Walzer's distinction is based on the meaning behind the phrase *war is hell* (Walzer, 30), that is the condition of hell when one speaks of war. Nonetheless, the difference between victimhood in just war theory and victimhood in the experience of war is self-sacrifice. From the veteran's point of view, self-sacrifice is linked to the bonds forged in combat, which are typically known to veterans. For the theorist without experience of this bond, this relationship and the choice of self-sacrifice is another epistemological obstacle.

In Sledge's view, the war had few positive outcomes, one of them being the loyalty and trust the Marines gained for one another: "Combat leaves an indelible mark on those who are forced to endure it. The only redeeming factors were my comrades' incredible bravery and their devotion to each other" (315). There is truth to Sledge's words about the brotherhood among men in combat. These bonds were so powerful that men who had returned home, feeling unable to re-assimilate to civilian life, re-enlisted (Sledge 266). This illuminates the difference between combat experience and civilian life. Sledge reflects, "the folks back home didn't, and in retrospect couldn't have been expected to, understand what we had experienced, what in our minds seemed to set us apart forever from anyone who hadn't been in combat" (276). According to Sledge, combat changes a person so much so that a veteran is distinct from a civilian. What is important to take away here is that if combat veterans feel estranged from their civilian counterparts, they could feel just as alienated by theorists who have no combat experience. The epistemological difference and characteristics of the experience of war that cannot be fully appreciated—except, possibly, on a superficial level—by the theorist and civilian. However, it also seems troublesome to think that the feelings of expendability and the depreciation of the relationships formed in combat are compounded by just war theory when considering the moral status of combatants.

A major concern in just war theory is the moral status of combatants as well as the human rights reserved for them like the right to fair and safe treatment as prisoners of war. When discussions about the rights and moral status of combatants take place, theorists run the risk of contributing to the feelings of expendability and further separating the opportunity to fully understand the relationships formed in combat. According to just war theorist Orend and author of *The Morality of War*, Walzer's just war theory presents an alarming suggestion that I would interpret as a form of conceptual expendability. Orend states:

One of the murkiest areas of Walzer's just war theory concerns the moral status of ordinary soldiers. His references to them exhibit, on the one hand, a humane sympathy for their "shared servitude" as "the pawns of war." On the other, his references occasionally displace something like a glib callousness, as when he concurs with Napoleon's (in)famous remark that "soldiers are made to be killed." (107)

To think that soldiers, in one sense or another, are expendable, or “made to be killed,” complicates the overall concern of just war theory itself. In all fairness, it seems likely that Walzer is referring to the tendency for aggressors to view soldiers as pawns of war. The unfortunate reality is that the criminality of war makes the innocent suffer, even those who are forced, or choose, to fight. Thus, Walzer argues: “Any rule that limits the intensity and duration of combat or the suffering of soldiers is to be welcomed, but none of these restraints seem crucial to the idea of war as a moral condition” (42). Yet, Walzer’s view is perplexing given the goal of just war theory. It may be that Walzer is correct that the limitations placed on waging war can change due to technological advances and social transformation (42), but it is antithetical to just war theory to assume that these limits are not critical to the moral conditions of war. As a matter of fact, Walzer’s perspective increases the possibility of extending the feeling of expendability and victimhood to combatants. This contributes to the epistemological gap between the abstract principles of just war theory and the reality of war.

The section above has clarified the different points of view regarding the phrase *war is hell*, victimhood, self-sacrifice, and the moral status and expendability of combatants. I have argued that there is a difference between how one experiences combat and our abstractions of what those experiences must be like. Consequently, these abstractions alter how we theorize about the justice of war.

3. The Future of Just War Theory: *Proportionality and Combat Behavior* In my final analysis of contemporary just war theory, I argue that the epistemic gap can be mitigated by consulting combat behavior. Consider the Japanese behavior towards allied troops during World War II which were brutal and extreme that allied troops distrusted wounded enemy soldiers, despite the fact that the wounded enemy soldiers reserved the right to be treated as non-combatants. For instance, after clearing a bunker, Sledge says, “while the rest of us looked over the fallen Japanese to be sure none was still alive; wounded Japanese invariably exploded grenades when approached, if possible, killing their enemies along with themselves” (118). It was a common practice for wounded Japanese soldiers to commit suicide with grenades while receiving aid from the Marines. With these possibilities always in play, one could only expect the feelings and attitudes of combatants changing to a degree that the enemy has forfeited any rights. In fact, Sledge notes these changes in feelings after witnessing something horrifying that his thoughts towards the Japanese altered:

The bodies were badly decomposed and nearly blackened by exposure... One man had been decapitated. His head lay on his chest; his hands had been severed from his wrists and also lay on his chest near his chin. In disbelief, I stared at the face as I realized that the Japanese had cut off the dead Marine’s penis and stuffed it into his mouth. The corpse next to him had been treated similarly. The third had been butchered, chopped up like a carcass torn by some predatory animal. My emotions solidified into rage and a hatred for the Japanese

beyond anything I ever had experienced. From that moment on I never felt the least pity or compassion for them no matter what the circumstances. (148)

Examples like the one above illustrate how combat behavior changes how combatants feel towards the enemy. It only seems natural to develop hatred for one's enemy. However, there is a drastic difference between understanding who the enemy is and truly hating him. The study of combat behavior will allow just war theorists to delineate where just war principles fail and succeed. For example, in normal warfare, the principles of *jus in bello* might suffice, but in total warfare, like Sledge's experiences in WWII, the *jus in bello* principles like proportionality are pushed against extreme limits.

Proportionality is a *jus in bello* concept that argues soldiers and nations should respond to force with equal measures; in other words, if a nation is attacked by standard weapons, they should not respond with nuclear arms. According to proportionality in the circumstance above, the wounded Japanese soldiers broke the *jus in bello* principle by committing suicide and in consequence maiming or killing Marines. Yet it is Sledge and his buddies who are subject to the moral burden of restraining themselves from operating with the same senseless violence. Keep in mind that similar but less extreme callous behavior has been reported towards the Japanese. Nevertheless, it is important to understand the dichotomy of restraint. This relationship offers a platform for expansion in just war theory.

Walzer is skeptical of studying combat behavior. According to Walzer: "We cannot get at the substance of the [war] convention by studying combat behavior, any more than we can understand the norms of friendship by studying the ways friends actually treat one another" (44). To clarify, the "war convention," is a collection of various principles that influence our judgments about conduct during war. I would consider the possibility that most of these precepts alter the way in which one views the nature of combat which, consequently, broadens the epistemological gap in just war theory. Walzer is saying that we cannot analyze the spoken or unspoken agreements combatants have between one another. That is to say that we cannot closely analyze the developed conventions between combatants any more than one can study human relationships. Consider how Japanese soldiers often treated captured Marines. Walzer is correct that there is some unspoken agreement between combatants in this case. Yet these circumstances fail to account for why soldiers commit such levels of inhumanity. Just war theory is a framework based on the limitations and justifications about how combatants should treat each other and how they should treat non-combatants. If just war theory's framework does not explain, in part, why combatants treat one another in such inhumane ways, then how is just war theory's framework able to explain why it is wrong to meet such brutality without proportional response? The *jus in bello* precept of proportionality requires Sledge and his fellow combatants to restrain from the same acts of violence perpetrated by Japanese combatants. In fact, they are required to treat enemy prisoners humanely according to just war theory. Although men like Sledge and Leckie were very much aware of the mistreatment of their fellow captured Marines, how do we expect them to restrain themselves in conditions that seem so overwhelming that is likely to cause men to buckle under the weight of extreme combat fatigue? The future of just war

theory depends on the modification of its shortcomings to answer such questions. First-hand accounts can help theorists understand where reality and abstraction lie as well as how can reality inform abstraction. Therefore, the study of combat behavior is essential to the growth of just war theory and is necessary to narrow the epistemological gap.

Conclusion

To fully understand in detail what war is like is difficult. With that said, just war theorists must understand what war is like in order to move just war theory forward. For the men and women who serve in the armed forces and experience combat, war is a matter of life and death. Judgments made in war, either strategic or personal, have dire consequences. The rules and principles that just war theorists propose often translate into rules of engagement that affect combatants and civilians. Therefore, I argue that it is important to recognize that there is an epistemological gap between the theorist who has no war experience and the combat veteran.

In order to demonstrate that this epistemic gap exists, I have revealed the different senses of the phrase *war is hell*. From the third-person perspective, *war is hell* because it is the closest conceptual reference one has to the nature of war; thus, *hell* is the representative term that indicates the conditions in which combatants have to suffer. From the first-person account, war, in and of itself, is an inherently difficult feeling to describe to those who are not combat veterans. Leckie says that the phrase *all hell broke loose* has become a cliché and that hell resides in the chaos of combat. While Sledge claims that “the war was a netherworld of horror” in which civilians and rear echelon troops could not comprehend (121). Finally, war considered in the abstract further widens the epistemic gap because it runs the risk of extending certain forms of conceptual expendability. Thus, just war theorists must avoid propositions that view combatants as expendable assets or victims, especially to those who choose to serve in combat. Lastly and most importantly, the limits on war introduced by just war theory should depend on war as a moral condition. Otherwise, what is the point of just war theory?

The doctrine of just war theory is the foundation upon which one judges the conduct and reasons for going to war (Walzer 44). However, those who are tasked with waging war are the ones who bear the moral affliction of combat. Given that combatants know what war is like, it makes sense to heed their words in order to gain insight into the experience of war and to determine what makes war just. It will be possible to narrow the epistemic gap if one adheres to the veteran’s experience. The task of narrowing the divide should help in reconstructing the unrealistic limits on waging war that result in further suffering.

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Hermes Rocha is pursuing a Ph.D. in Philosophy at the University of California, Davis. His interests are political and social philosophy and just war theory. Hermes' current research explores a phenomenological analysis of first-hand accounts of combat and how these experiences affect just war theory's epistemological foundations. Hermes earned a B.A. in Honors Philosophy and Religious Studies at California State University, Northridge (CSUN). Prior to graduating, he was awarded the Sidney A. Luckenbach Memorial Award for Outstanding Academic Achievement. Hermes' research focuses on the development of Latin American philosophy and the influence of the political/cultural effects of *mestizaje* in this philosophy.