

Between Moral Absolutism and Strategic Necessity: A Critical Analysis of Thomas Nagel's "War and Massacre"

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Abstract

This paper offers a critical analysis of Thomas Nagel's seminal essay "War and Massacre", situating its moral arguments within the contemporary dynamics of asymmetrical warfare involving the United States and conflict zones in the Middle East, specifically Iran and Israel. Nagel's influential distinction between absolutist constraints against intentional harm to non-combatants and the utilitarian pressures of military necessity provides a powerful lens for evaluating modern warfare. However, the evolving nature of conflict marked by drone warfare, non-state actors, counterterrorism operations, and blurred civilian-combatant boundaries raises pressing questions about the continued adequacy of Nagel's arguments. The paper argues that while Nagel's moral absolutism retains normative force, it becomes increasingly strained under conditions where intentionality is diffused and responsibility is institutionally mediated. By examining U.S. military engagements in the ongoing conflicts between Iran and Israel, the paper demonstrates how the principle of double effect is both invoked and undermined in practice. It further argues that contemporary warfare necessitates a revised ethical paradigm that integrates Nagel's deontological insights with a more context-sensitive account of collective agency, technological mediation, and global political asymmetries. Ultimately, this study advances a hybrid ethical model that preserves the moral seriousness of civilian immunity while critically interrogating the justificatory narratives employed by state actors. In doing so, it contributes to ongoing debates in just war theory, political philosophy, and applied ethics, offering a philosophically rigorous yet practically attuned arguments for assessing modern conflict. This study employs the method of critical analysis and argumentation.

Keywords: war, massacre, moral absolutism, consequentialism, context-sensitive absolutism.

1. Introduction

Few essays in contemporary moral philosophy have exercised as enduring an influence on just war theory as Thomas Nagel's "War and Massacre." In that work, Nagel articulates a powerful defence of moral absolutism, arguing that certain forms of harm, most notably the intentional killing of non-combatants are categorically impermissible, regardless of the

consequences.¹ His position stands in stark contrast to utilitarian approaches that justify such actions under conditions of military necessity.

Nagel's arguments rests on a fundamental distinction between doing and allowing, as well as between intended and merely foreseen harm. This distinction underpins the doctrine of double effect, according to which harm to non-combatants may be permissible if it is not intended as a means or an end but occurs as a foreseeable side-effect of legitimate military action. Through this lens, Nagel attempts to preserve the moral integrity of warfare by insisting on absolute constraints that cannot be overridden by appeals to utility.

However, the nature of warfare has undergone profound transformation since Nagel's original formulation. The rise of asymmetrical conflict, characterized by non-state actors, insurgency tactics, drone warfare, and blurred distinctions between civilian and combatant, has rendered traditional categories increasingly unstable. Contemporary conflicts involving the United States and the Middle East, particularly in relation to Iran and Israel exemplify these challenges. Military operations are now conducted through technologically mediated systems that diffuse agency, obscure intentionality, and complicate moral accountability.

This paper argues that while Nagel's moral absolutism retains significant normative force, it becomes increasingly strained under conditions where intentionality is fragmented and responsibility is institutionally distributed. The principle of double effect, central to Nagel's arguments, is both invoked and undermined in modern warfare, often functioning as a justificatory tool rather than a genuine moral constraint. The paper argues that Nagel's absolutist argument remains indispensable for preserving the moral seriousness of civilian immunity, but it requires critical reconstruction in light of contemporary forms of warfare characterized by technological mediation, collective agency, and strategic asymmetry.

To defend this thesis, the paper proceeds in three stages. First, it reconstructs Nagel's moral argument, emphasizing his account of absolutist constraints and the doctrine of double effect. Second, it examines the transformation of warfare in the context of U.S. engagements in the Middle East, highlighting the erosion of traditional moral distinctions. Third, it develops a hybrid ethical model that integrates Nagel's deontological insights with a context-sensitive understanding of modern conflict.

2. Thomas Nagel's moral absolutism

Nagel's argument in "War and Massacre" is grounded in a broader philosophical commitment to the inviolability of persons. He rejects the utilitarian view that moral permissibility is determined solely by the maximization of aggregate good, arguing instead that certain actions are prohibited because they violate the moral status of individuals as ends in themselves.²

A central pillar of Nagel's argument is the distinction between doing harm and allowing harm. According to Nagel, actively causing harm particularly intentional harm is morally worse than merely allowing harm to occur. This distinction reflects a deeper commitment to the idea that individuals bear special responsibility for the consequences of their actions.

This position aligns with broader deontological traditions, particularly those influenced by Immanuel Kant, who argues that individuals must never be treated merely as means to an end. This claim also aligns with John Rawls' argument that all human beings possess a

¹ Thomas Nagel. "War and Massacre". In Lawrence A. Alexander, *International Ethics: A "Philosophy and Public Affairs" Reader*. Princeton: Princeton University Press.1985. 59-60

² Ibid., 59-61

natural right that is founded on justice and which must not be subjected to any social calculus or bargain.³ However, Nagel extends this insight by applying it specifically to the context of warfare.

3. Intention and the doctrine of double effect

The distinction between intended and foreseen consequences plays a crucial role in Nagel's account. The doctrine of double effect (DDE) allows for the permissibility of actions that have harmful side effects, provided that:

1. The harmful effect is not intended
2. The action itself is morally permissible
3. The good effect is not achieved through the bad effect
4. There is a proportionately serious reason for permitting the harm.⁴

According to Nagel, the DDE provides a way to reconcile the realities of warfare with moral constraints. For example, bombing a military target that foreseeably results in civilian casualties may be permissible if the civilians are not targeted intentionally. However, this argument appears to be morally implausible because the unintentional killing of non-combatants cannot be merely justified by the purported inadvertence of the combatant.

Nagel insists that certain actions such as the deliberate killing of non-combatants are absolutely prohibited, regardless of the consequences.⁵ This position stands in direct opposition to utilitarian reasoning, which would permit such actions if they maximize overall good. This absolutism reflects a commitment to what Nagel later describes as the "agent-relative" nature of moral reasons. Individuals are bound by constraints that arise from their own agency, rather than from impersonal calculations.

While Nagel's arguments are compelling, it has been subject to significant criticism. Critics such as Michael Walzer argue that real-world conflicts often involve "supreme emergencies", where violating moral constraints may be necessary to prevent catastrophic harm.⁶ In such cases, absolutism appears overly rigid. Also, philosophers like Judith Jarvis Thomson challenge the coherence of the intention/foresight distinction, arguing that it can be manipulated to justify morally questionable actions.⁷ If foreseeable harm is virtually certain, can it truly be said to be unintended?

In addition, utilitarian thinkers such as Peter Singer argue that moral decisions should ultimately be guided by outcomes rather than rigid constraints.⁸ From this perspective, Nagel's absolutism risks producing morally worse outcomes by prohibiting actions that could save lives.

³ Rawls, John. "A theory of justice." In *Applied ethics*, pp. 21-29. Routledge, 2017.

⁴ Thomas Nagel. "War and Massacre". In Lawrence A. Alexander, *International Ethics: A "Philosophy and Public Affairs" Reader*. Princeton: Princeton University Press. 1985. 58-59

⁵ Thomas Nagel. "War and Massacre". In Lawrence A. Alexander, *International Ethics: A "Philosophy and Public Affairs" Reader*. Princeton: Princeton University Press. 1985. 65

⁶ Walzer, Michael. "Just and Unjust Wars Basic Books." *New York*. 1977. 251-255

⁷ Thomson, Judith Jarvis. "The trolley problem." *Yale LJ* 94 (1984): 1395-1397

⁸ Singer, Peter. *Practical ethics* (3rd ed.). Cambridge University Press. 2011. 12-14

4. The transformation of warfare: Asymmetry and technological mediation

The contemporary landscape of warfare presents challenges that were not fully anticipated in Nagel's arguments. Modern conflicts often involve non-state actors who operate outside conventional military structures. Groups engaged in conflicts in the Middle East frequently embed themselves within civilian populations, blurring the distinction between combatant and non-combatant. This raises a critical question: Can Nagel's absolutist prohibition against targeting civilians be maintained when the very category of "civilian" becomes unstable?

Also, the use of drone technology by the United States introduces a new dimension to moral responsibility. Decisions are made remotely, often based on probabilistic intelligence, and executed through automated systems. Scholars such as Grégoire Chamayou argue that drone warfare creates a form of "asymmetrical vulnerability", where one side exercises lethal force without reciprocal risk.⁹

This technological mediation complicates Nagel's emphasis on intention. When actions are carried out through complex systems involving multiple agents, can intentionality be clearly attributed? Modern warfare is conducted by institutions rather than individuals, raising questions about collective responsibility. As Larry May notes, the diffusion of responsibility within military hierarchies makes it difficult to assign moral accountability.¹⁰

This challenges Nagel's agent-centered framework, which assumes a relatively clear connection between action and intention.

5. The principle of double effect in contemporary warfare

The doctrine of double effect (DDE), as articulated by Thomas Nagel, occupies a central role in attempts to reconcile moral absolutism with the realities of warfare. However, its application in contemporary contexts reveals deep conceptual and practical tensions. Nagel maintains that the permissibility of an action depends on whether harm to non-combatants is intended or merely foreseen.¹¹ This distinction is meant to preserve the moral prohibition against targeting civilians while allowing for unavoidable collateral damage.

Yet in modern warfare, this distinction becomes increasingly difficult to sustain. In asymmetrical conflicts, particularly those involving U.S. military operations in the Middle East, harm to civilians is often statistically predictable, even if not explicitly intended. Drone strikes, for example, rely on intelligence assessments that incorporate probabilistic models of target identification.

As Judith Jarvis Thomson argues, when harm is foreseen with near certainty, the distinction between intention and foresight becomes morally unstable.¹² If civilian casualties are an expected outcome of a strike, can they meaningfully be described as unintended? Similarly, Thomas M. Scanlon suggests that moral permissibility cannot depend solely on internal states such as intention but must also consider the justifiability of actions to those affected.¹³ From this perspective, the DDE may fail to capture the moral reality of contemporary warfare, where victims experience harm irrespective of the agent's intentions.

⁹ Chamayou, Grégoire. *A Theory of the Drone*. New Press, The, 2015. 23-25

¹⁰ May, Larry. *War crimes and just war*. Cambridge University Press, 2007. 45-47

¹¹ Thomas Nagel. "War and Massacre". In Lawrence A. Alexander, *International Ethics: A "Philosophy and Public Affairs" Reader*. Princeton: Princeton University Press. 1985. 63-64

¹² Thomson, Judith Jarvis. "The trolley problem." *Yale LJ* 94 (1984): 1395-1397

¹³ Scanlon, Thomas M. *What we owe to each other*. Belknap Press, 2000. 153-155

Another challenge arises from the institutional structure of modern warfare. Decisions to deploy force are typically made through complex chains of command involving multiple actors, political leaders, military strategists, intelligence analysts, and drone operators. As Larry May argues, this diffusion of agency complicates the attribution of moral responsibility.¹⁴ In such contexts, intention is not localized in a single agent but distributed across an institutional framework.

This raises a critical question: Can the doctrine of double effect, which presupposes a unified agent with clear intentions, adequately account for actions carried out by collective entities? The increasing reliance on drone warfare introduces a further complication: moral distance. Operators engage targets remotely, often thousands of miles away, mediated by screens and algorithms. This asymmetry undermines traditional notions of combat and raises questions about the legitimacy of targeting practices. From a Nagelian perspective, the problem is not merely strategic but moral: the absence of reciprocal risk may erode the constraints that ordinarily govern the use of force.

6. Case analysis: United States of America engagements in the Middle East

To assess the adequacy of Nagel's framework, it is necessary to examine its application in concrete contexts. This section focuses on U.S. military engagements in the Middle East, particularly in relation to Iran and Israel. The U.S. has increasingly relied on targeted killings as a central component of its counterterrorism strategy. These operations are often justified on the grounds that they minimize overall harm by eliminating high-value targets.

However, such justifications frequently invoke the doctrine of double effect. Civilian casualties are described as unintended side effects, even when they are foreseeable. Although, it can be argued that the moral legitimacy of such actions depends not only on intention but also on the effort to minimize harm. Yet, in many cases, the threshold for acceptable collateral damage remains opaque. This raises a critical tension within Nagel's framework: The DDE permits actions with unintended harm. But contemporary practices often stretch this permission to its limits.

7. The combatant (civilian) and non-combatant distinction

Nagel defends the traditional moral distinction between combatants and non-combatants. Combatants are legitimate targets because they pose a threat and have assumed a role within a system of violence. On the other hand, non-combatants enjoy immunity. However, it is the case that this immunity does not depend on their innocence in a moral sense. This is because civilians may support unjust wars politically or economically, but they do not thereby forfeit their right not to be intentionally killed.

According to Nagel, war is governed by two moral principles, namely: *jus ad bellum* (justice in going to war) and *jus in bello* (justice in the conduct of war).¹⁵ Nagel's distinction is plausible because as he separates the justice of the cause of war from the justice of the conduct, he prevents the common rationalization that "because we are right, anything we do is justified." Nevertheless, contemporary warfare blurs the distinction between combatants and non-combatants. This is based on the fact that combatants can hide among civilians. For instance,

¹⁴ May, Larry. *War crimes and just war*. Cambridge University Press, 2007. 45-47.

¹⁵ Thomas Nagel. "War and Massacre". In Lawrence A. Alexander, *International Ethics: A "Philosophy and Public Affairs" Reader*. Princeton: Princeton University Press. 1985.

Hamas militants used civilians in Palestine as shield and this has led to loss of many lives and properties of the Palestine civilians.¹⁶

The pertinent question is when combatants hide among civilians, does immunity still apply? According to Nagel, moral constraints remain binding, even when compliance increases risk to soldiers. A reply to Nagel is that the ongoing Hamas-Israel war which has led to 236,505 non-combatants casualties,¹⁷ Russia-Ukraine war that has led to the irreplaceable loss of the lives of 15,578 Ukrainian non-combatants¹⁸ and US-Iran conflict that has led to the death of more than 3,700 Iranian non-combatants,¹⁹ all due to wide-area explosive weapons such as missiles, loitering munitions, and drone strikes used by combatants shows that his argument that moral constraints remain binding on combatants in war not to kill civilians or non-combatants is this is practically impossible but powerfully hypothetical.

In conflicts involving non-state actors, the distinction between civilians and combatants becomes increasingly blurred. Militants may operate within civilian populations, use civilian infrastructure, and adopt irregular tactics. This ambiguity complicates the application of Nagel's absolutist prohibition against targeting civilians. If combatants are embedded within civilian populations, actions against them may inevitably harm non-combatants.

Jeff McMahan argues that traditional just war theory must be revised to account for these complexities, particularly with respect to the moral status of combatants.²⁰ Another significant issue concerns the rhetorical use of moral principles. Governments often frame military actions in terms of necessity, invoking the language of self-defence and proportionality. For instance, on 24th February, 2022, the President of Russia, Vladimir Putin ordered 200,000 soldiers to invade Ukraine so as to defend and maintain the sovereignty of Russia.²¹ According to David Luban this type of argument can function as justificatory frameworks that obscure underlying power dynamics.²² In this context, the doctrine of double effect risks becoming a moral veneer, used to legitimize actions that may, in practice, violate the spirit of Nagel's absolutism.

The foregoing analysis reveals several limitations in Nagel's approach. First, Nagel's reliance on intention as a moral criterion becomes problematic in contexts where: Outcomes are highly predictable, decisions are made collectively and actions are mediated by technology. In such cases, intention may no longer serve as a reliable basis for moral evaluation.

Nagel's framework assumes individual agency, yet modern warfare is conducted by institutions. This mismatch creates a gap between theory and practice. By focusing on abstract

¹⁶ *Guardian*. What is a human shield and how has Hamas been accused of using them? 2023. <https://www.theguardian.com/world/2023/oct/30/human-shield-israel-claim-hamas-command-centre-under-hospital-palestinian-civilian-gaza-city#:~:text=The%20IDF%20has%20released%20evidence%20that%20supports,the%20claims%20have%20no%20basis%20in%20truth%22>.

¹⁷ Neta Crawford. The human toll of the Gaza war: direct and indirect death from 7th October 2023 to 3 October 2025. <https://costsofwar.watson.brown.edu/paper/HumanTollGaza>.

¹⁸ Statista. Number of civilian casualties in Ukraine during Russia's invasion verified by OHCHR from February 24, 2022 to March 31, 2026. https://www.statista.com/statistics/1293492/ukraine-war-casualties/#google_vignette.

¹⁹ Rebecca, Schneid., Nandika, Chatterjee and Richard Hall. 503 women, 413 children, 91 health workers, 9 journalists: these are the civilians who have been killed in the Iran war. <https://time.com/article/2026/04/21/iran-war-civilians-killed/>.

²⁰ McMahan, Jeff. "Intention, permissibility, terrorism, and war." *Philosophical Perspectives* 23 (2009): 345-372.

²¹ Paul Kirby. Why did Russia invade Ukraine? <https://www.bbc.com/news/articles/cjoq964851po>.

²² Luban, David. *Legal ethics and human dignity*. Cambridge University Press, 2007. 45-47

distinctions, Nagel's theory risks becoming detached from empirical realities. As Bernard Williams warns, very sternly, moral philosophy must remain sensitive to the complexities of human life.²³ In light of these challenges, this paper proposes a hybrid ethical model that integrates Nagel's insights with a more context-sensitive approach. The core principles of the hybrid model are:

1. *Preservation of Civilian Immunity*: The absolute prohibition against intentional harm to non-combatants remains a foundational principle.
2. *Context-Sensitive Evaluation*: Moral judgments must account for the complexities of asymmetrical warfare.
3. *Collective Responsibility*: Ethical evaluation must extend beyond individual agents to institutions.
4. *Technological Accountability*: The role of technology in shaping moral agency must be critically examined.

8. Towards a context-sensitive absolutism (CSA)

As it is the case that abandoning the distinctions between combatant and non-combatants risks collapsing into a permissive consequentialism that erodes the moral core of civilian immunity, it will be more morally plausible, therefore, not to reject Nagel's absolutism, but to reconstruct it. In this light, this paper advances a model of Context-Sensitive Absolutism (CSA). CSA preserves Nagel's categorical prohibition against intentionally harming non-combatants while revising the conditions of application of that prohibition under contemporary constraints.

Certain harms especially the intentional targeting of non-combatants remain categorically impermissible; however, determining intention, responsibility, and permissibility must incorporate (i) technological mediation, (ii) collective agency, and (iii) asymmetrical vulnerability.

CSA therefore introduces a three-level structure which are adumbrated as follows:

1. *Normative Level* (Invariant Constraints)

Absolute prohibitions (e.g., intentional killing of non-combatants) remain binding.

2. *Attribution Level* (Reconstructed Intention & Responsibility) Intention is assessed functionally, not merely psychologically, across distributed agents and systems.

3. *Application Level* (Contextual Evaluation): At this level, permissibility is evaluated with explicit attention to predictability, proportionality, and feasible harm-minimization under asymmetry.

Nagel's account presupposes a psychological conception of intention what a single agent aims at. CSA replaces this with a functional conception, that is, an effect counts as intended if it is structurally built into the plan or method of action, even if not the agent's subjective aim. When civilian harm is reliably expected given targeting protocols, intelligence thresholds, or weapons profiles, such harm cannot be dismissed as merely foreseen.

This move addresses the critique by Thomson that the intention/foresight distinction is can be manipulated.²⁴ Also, CSA incorporates a collective-agency account of war. Decisions in drone warfare or counterterrorism are joint products of policy, intelligence, targeting doctrine,

²³ Williams, Bernard, and Jonathan Lear. *Ethics and the Limits of Philosophy*. Routledge, 2011.

²⁴ Thomson, Judith Jarvis. "The trolley problem." *Yale LJ* 94 (1984): 1395-1397.

and execution. Responsibility is therefore distributed but not diluted. Command responsibility attaches to policymakers who set targeting rules. Also, operational responsibility attaches to those who authorize strikes under known risk thresholds. Design responsibility attaches to institutions that deploy systems with predictable civilian-risk profiles.

This responds to the limitation in Nagel's agent-centered arguments by embedding intention in institutional practices. In addition, CSA recognizes that technology (e.g., drones, AI-assisted targeting) alters epistemic conditions (probabilistic identification; data uncertainty), moral distance (remote operation), risk distribution (near-zero risk to operators; concentrated risk on civilians). CSA therefore raises the bar for permissibility where asymmetry is greatest.

However, it may be argued that CSA Collapses into consequentialism by incorporating context and outcomes (predictability, proportionality). CSA effectively reintroduces consequentialist reasoning, thereby diluting absolutism. But, it is the case that CSA preserves categorical prohibitions at the normative level. Consequentialist considerations enter only at the application level to determine whether a given action violates those prohibitions under realistic conditions.

It may also be argued that functional intention is over-inclusive, treating foreseeable harms as functionally intended risks classifying too many actions as intentional violations, making war practically impossible in our contemporary world. A pertinent reply is that CSA does not equate foreseeability with intention, but, it identifies intention where harm is structurally embedded in methods or protocols used by combatants. Where harm is genuinely avoidable and actively minimized, actions can still pass DDE. Another argument is that collective responsibility dilutes individual accountability. If responsibility is distributed, no individual can be held accountable. However, it is the case that CSA differentiates levels of responsibility (policy, operational, design) and maintains traceability. This strengthens, rather than weakens, accountability by preventing "many hands" excuses.

9. Conclusion

This paper has argued that Thomas Nagel's moral absolutism in *War and Massacre* remains a cornerstone for evaluating the ethics of war, especially in preserving the inviolability of non-combatants. However, the transformation of warfare marked by asymmetry, technological mediation, and collective agency renders the classical application of Nagel's distinctions increasingly unstable.

By developing Context-Sensitive Absolutism (CSA), the paper offers a reconstruction that retains absolute prohibitions at the normative core. It also reinterprets intention and responsibility in institutional contexts and strengthens the doctrine of double effect (DDE) to resist abuse. In addition, it aligns ethical judgment with contemporary operational realities. The result is an argument that is both normatively rigorous and practically responsive, capable of guiding moral evaluation in the most challenging domains of modern conflict. In an era where strategic necessity often threatens to eclipse moral constraint, CSA reaffirms that the ethics of war must evolve without surrendering its most fundamental commitments which is human sanity and dignity.

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