

BOOK SYMPOSIUM

Killing in War

By JEFF McMAHAN

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Summary

JEFF McMAHAN

10 According to the traditional account of the just war, the principal just cause
for war is national self-defence against wrongful aggression. The morality of
self-defence in relations between states is thought to be the same as the mor-
ality of self-defence in relations between individual persons, in that it is
asymmetrical between the wrongful aggressor and the innocent victim. But
15 the traditional theory applies this understanding *only* to the action of states in
the resort to war. In the conduct of war by individual combatants, the mor-
ality of self-defence is claimed to be *symmetrical* between those who fight for
a just cause ('just combatants') and those who fight without a just cause
(‘unjust combatants’). Whether it is permissible to kill enemy combatants is
20 thus independent of the *reasons* for killing them – that is, of the goals of the
war. This understanding of the morality of violent conflict has no other
application, except in activities such as boxing in which all those who fight
freely consent to be attacked by their opponents. The traditional theory thus
implies that a different set of moral principles comes into effect in conditions
of war. The moral rights that people hold against one another in peacetime
25 may simply disappear in war.

Killing in War attempts to demonstrate that this traditional understanding
of the just war is mistaken. I argue that war is morally continuous with other,
lesser forms of conflict and that the moral principles that govern the conduct
of war are the same as those that govern the morality of individual
30 self-defence and third party defence of others. I argue that just combatants
do not forfeit their right not to be attacked unless they fight by impermissible
means, so that acts of war by unjust combatants inevitably violate the pro-
hibition of the intentional killing of people who are not liable to be killed.
Unjust combatants can also seldom avoid violating requirements of propor-
35 tionality and necessity. In general, acts of war that do not support the

achievement of a just cause are morally impermissible and it is wrong to fight in a war that lacks a just cause.

There are nevertheless many mitigating conditions that apply to the conduct of unjust combatants so that it is often inappropriate to blame them merely for participating in an unjust war. I also argue that there are various reasons why it would be wrong to hold them legally liable to punishment except for specific offenses identified as war crimes. I argue, in other words, that while the morality of war is asymmetrical between just and unjust combatants, the law of *jus in bello* should remain, at least for the present, neutral between them. But in general unjust combatants are not exempt from moral responsibility for their participation in an unjust war and are thus, unlike just combatants, morally liable to intentional attack.

If the view for which I argue in the book were to become widely accepted, that could have a good effect of considerable practical significance. If people were to believe that it is seriously morally wrong to fight in an unjust war, many soldiers would become more reluctant to fight in wars they had good reason to believe were unjust. They would be more likely to refuse, on conscientious grounds, to fight in such wars, and this could make it more difficult for the rulers of states to initiate unjust wars.

The fifth of the book's five chapters discusses the issue of civilian liability. The account of the morality of war that I defend implies that certain civilians can in principle be liable to attack. But I devote that last chapter to explaining why it very rarely licenses deliberate attacks on civilians. I will elaborate on those arguments in my responses to the following commentaries.

*Department of Philosophy
Rutgers University
New Brunswick, NJ 08901, USA
McMahan@Philosophy.Rutgers.edu*