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2 McMahan, Jeff

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6 Jeff McMahan's political philosophy is primarily
7 developed within the context of just war theory. Over the
8 past 20 years, McMahan has challenged many of the
9 assumptions of orthodox just war theory, most notably
10 the claim that even an unjust war can be justly fought.
11 Underpinning his account of the ethics of war is a wider
12 conception of global justice that makes claims about
13 human rights, the nature of states, international law, and
14 our obligations to people in other countries. McMahan
15 defends an individualist perspective of collective action
16 that leads him to draw novel, and often controversial,
17 conclusions about what justice requires.

18 Individualism and War

19 Those who defend a *collectivist* view of war argue that war
20 is to be understood as a relationship not between persons,
21 but between political collectives (usually states). We must
22 thus treat the actions of combatants as undertaken on
23 behalf of this collective, which means that we cannot
24 judge their actions by the standards we apply to
25 individuals. Collectivists tend to think that political
26 groups have special rights that allow them to engage in
27 what would be impermissible violence if it were carried
28 out by individuals or nonpolitical groups. Collectivism
29 has been the historically dominant view among just war
30 theorists, who have generally approached war as an
31 exception to the moral prohibitions that govern ordinary
32 life.

33 Individualists, in contrast, argue that the moral rules
34 governing the behavior of states in war are the same moral
35 rules that govern interactions between individuals in
36 ordinary life. McMahan defends an individualist account
37 of the ethics of war that draws on his account of
38 self-defense to develop a radical account of just war.
39 McMahan denies that killings carried out by political

groups acquire a privileged moral status simply *because* 40
they are perpetrated by those groups (or rather, by indi- 41
viduals acting on behalf of those groups). What may be 42
done in the name of a group is nothing more or less than 43
may be done by the individuals who compose that group. 44
So, in order to establish what a nation may do to defend 45
itself during war, we must establish what it is permissible 46
for individuals to do in self-defense. 47

McMahan understands permissible defense as 48
a question of *justice*. A theory of self-defense should tell 49
us who ought to bear harm, given that someone has to 50
bear it. To this end, McMahan develops an account of 51
moral liability to defensive harm. A person is liable to the 52
infliction of harm if she would not be wronged by that 53
harm, and could not justifiably complain about its inflic- 54
tion. A person becomes so liable if harming her will avert 55
a proportionate unjust threat for which she is morally 56
responsible. So, a culpable murderous attacker is liable to 57
lethal defensive harm if this is the only way to avert the 58
unjust threat that he poses to his victim. Because 59
the attacker is so liable, McMahan's view holds that he 60
may not defend himself against the defensive harm. 61
McMahan's account thus defends a strong asymmetry 62
between those who are morally responsible for unjust 63
threats, and those who are morally responsible for just 64
threats. A person who acts in justified self-defense does not 65
threaten unjustly, and is not herself a legitimate target of 66
defensive force. The attacker's moral responsibility for the 67
fact that his victim can avoid a lethal harm only by lethally 68
harming him means that, as a matter of distributive 69
justice, he ought to suffer the harm rather than his victim. 70

71 The Moral Equality of Combatants

It is this asymmetry of McMahan's account of self-defense 72
that generates the most important claim of his account of 73
killing in war. Orthodox just war theory holds that there is 74
a strong independence between the *ad bellum* justice of 75
a war (whether the war has a just cause), and the *in bello* 76
justice of a war (whether combatants fight in accordance 77
with the rules of war). The rationale behind this putative 78
independence is that it would be unfair to morally con- 79
demn combatants on the basis of their leaders' wrongful 80
decision to wage an unjust war. Combatants are not 81

82 responsible for the justness of wars they are ordered to
83 fight, but only for the manner in which they conduct
84 themselves on the battlefield. Because of this alleged
85 unfairness, most just war theorists have defended the
86 *principle of the moral equality of combatants*. Endorsed by
87 international law, this principle holds that combatants do
88 no wrong in fighting wars even if they fight on the unjust
89 side. Combatants on the unjust side of a war (unjust
90 combatants) are thus said to be the moral and legal equals
91 of those on the just side (just combatants).

92 But as McMahan points out, an unjust war is simply
93 an unjust attack on a grand scale. And thinking about
94 individual defense shows that those who perpetrate unjust
95 attacks are not the moral equals of those who justly defend
96 themselves against such attacks. In McMahan's terminol-
97 ogy, unjust combatants render themselves liable to be
98 killed, such that killing them will no longer wrong them
99 as it usually would. Just combatants, in contrast, remain
100 morally innocent as long as they adhere to the *in bello*
101 rules. They therefore retain their usual rights against
102 attack. Killing them *does* wrong them. Thus, the doctrine
103 of the moral equality of combatants is false.

104 McMahan argues that the importance of not killing
105 innocent people means that combatants must refuse to
106 fight in unjust wars. Many people have therefore objected
107 to McMahan's account on the grounds that it would
108 produce widespread instability in military institutions,
109 which crucially depend upon on the obedience of their
110 troops. Once we start telling combatants to question the
111 justness of what their superiors are telling them to do, we
112 threaten to unravel the military's ability to fight wars at all.
113 But McMahan is skeptical that even an overall just military
114 institution – that is, one that usually fights just wars – can
115 demand the unfailing obedience of its troops in the
116 pursuit of unjust goals. Even if protecting just institutions
117 can generate some obligations, it cannot generate an
118 obligation (and hence a right) to kill innocent people.
119 The fact that things might be worse for *us* if our military
120 is weakened cannot justify fighting in an unjust war, since
121 this unfairly shifts the cost of our state's malfunction onto
122 other people. And thus, even those who are confident in
123 their military's overall justness cannot invoke this as a
124 justification for partaking in an unjust war.

125 Humanitarian Intervention

126 The central insight of McMahan's account of war is that it
127 matters a great deal whether or not one's war is just. The
128 paradigm just cause for war is self-defense; indeed, many
129 just war theorists think that this is the only just cause for
130 war. But McMahan argues that there can be others, such as
131 the need to prevent or halt humanitarian crises in other

countries. If a persecuted group is suffering rights viola- 132
tions sufficiently severe to justify its engaging in armed 133
resistance, third parties may be permitted to wage a war of 134
humanitarian intervention, provided that the persecuted 135
group would welcome such assistance (McMahan argues 136
that one reason against regarding the 2003 invasion of Iraq 137
as an act of intervention is that there was insufficient 138
evidence that ordinary Iraqis wanted American help). 139

140 Wars of intervention are controversial, not least
141 because they seem to conflict with the sovereign rights of
142 the state in which the abuses are being perpetrated. When
143 so much of international law is geared toward protecting
144 sovereignty, the onus is on those who favor intervention to
145 explain why we can ignore sovereignty in some circum-
146 stances. Critics of intervention allege that undermining
147 a state's sovereignty violates its right to self-determination.
148 Even when states undergo violent power struggles, it is
149 important that these struggles are settled internally, and
150 not by outsiders. McMahan agrees that this is sometimes
151 the case. But he also claims that the sorts of states in which
152 intervention is necessary are often those in which several
153 different ethnic or national groups live side-by-side, some-
154 times as a result of failed "nation-building" that artificially
155 grouped them together as a single state (he cites the former
156 Yugoslavia as an example). These kinds of multinational
157 states are often too fractured for us to make sense of the
158 citizens as a single collective with a single right of self-
159 determination. If so, the government cannot plausibly
160 claim a right of self-determination that gives it authority
161 over all the substate groups. Rather, the government
162 usually represents only one of a number of groups making
163 what are often mutually incompatible attempts at
164 self-determination. And when one group's attempt
165 involves genocide or other atrocities, it goes beyond what
166 can be permitted by a right of self-determination.
167 Intervening to prevent these atrocities, therefore, does
168 not violate anyone's right of self-determination, since the
169 perpetrators render themselves liable to intervention.
170 Moreover, the individualist perspective that McMahan
171 defends holds that states' rights to sovereignty are derived
172 from their citizens' individual rights to noninterference.
173 So, if the persecuted group waives its rights against
174 noninterference by consenting to intervention, and if
175 the persecuting group forfeits its rights against
176 noninterference by perpetrating abuses, the right to
177 sovereignty simply ceases to exist. Justified intervention
178 does not conflict with sovereignty, as the critics allege,
179 because when the intervention is justified, there *is* no
180 right of sovereignty.

181 Are wars of humanitarian intervention not only
182 permissible, but also obligatory? On McMahan's view,

183 this depends on the nature of the intervention. Some-
184 times, the costs of an intervention might be so high as to
185 render it an act of supererogation on the part of an
186 intervening nation. He thus denies that whenever a cause
187 is sufficiently important to warrant intervention, it follows
188 that states have a duty to intervene. But it is possible, on
189 McMahan's view, that the cause is *so* important that inter-
190 vention *is* required. Indeed, he thinks that interventions
191 are obligatory much more often than is generally assumed.
192 McMahan suggests that we arrive at a distorted view of our
193 obligations to prevent humanitarian abuses abroad
194 because we begin with a mistaken baseline, namely our
195 thoughts about what we are obliged to do to relieve pov-
196 erty resulting from "natural" causes in poor countries.
197 Most of us think (or act as if we think) that our duties to
198 provide such aid are fairly weak. And so, even if we think
199 that our duties to prevent humanitarian abuses are much
200 more stringent, we think that they must still be only mild
201 or moderate. McMahan argues that this view is mistaken
202 in several ways. It is false that our duties to prevent
203 "manmade" evils are much more stringent than our duties
204 to alleviate natural misfortunes – these duties are pretty
205 much on a par. But it is also false that we have only very
206 weak obligations to alleviate natural misfortunes. On the
207 contrary, we have very stringent duties to relieve suffering
208 in poor countries. Thus, we also have very stringent duties
209 of humanitarian intervention.

210 Wars of humanitarian intervention have also thrown
211 up new questions about the appropriate distribution of
212 risk between combatants and noncombatants. In the 1993
213 Kosovo intervention, NATO used a campaign of aerial
214 bombing that inflicted considerable damage on the
215 civilian population, but minimized the risks to NATO
216 forces. Such a distribution of risk flies the face of the
217 orthodox view that combatants ought to shoulder greater
218 risks in order to protect noncombatants from harm,
219 known as the doctrine of the *priority of noncombatants*.
220 But McMahan argues that we ought to distinguish
221 between noncombatants who are neutral in a conflict –
222 that is, those who are mere bystanders – and noncombat-
223 ants who are the beneficiaries of a conflict. NATO's tactics
224 may have inflicted losses upon Albanian Kosovars. But it is
225 the Albanian Kosovars (and not NATO troops) who stood
226 to benefit from success in Kosovo. It was therefore
227 permissible to make them bear at least some of the risks
228 involved in the intervention.

229 Again, McMahan argues that this view is supported by
230 our thoughts about obligations that arise in individual
231 defense. If rescuing you from mortal peril requires that
232 I either break your arm, or break my own arm, it is not
233 unjust that I break your arm. After all, *you* are the

beneficiary of my rescue attempt, and you will be better
234 off with a broken arm than if I do nothing. With respect to
235 humanitarian intervention, then, it seems permissible for
236 intervening forces – who do not themselves stand to
237 gain from the intervention – to impose costs upon the
238 beneficiary noncombatants rather than bear those costs
239 themselves. But McMahan does not argue that this means
240 that combatants may impose *all* the costs of war upon
241 noncombatants. The importance of their beneficiary
242 status is tempered by the professional obligations that
243 combatants incur in virtue of their office, and by the
244 morally significant distinction between killing and letting
245 die. That a combatant may fail to save a noncombatant
246 because to do so would risk his own life does not show that
247 he may kill noncombatants rather than risk being killed
248 himself. Thus, while the distribution of risk during wars of
249 intervention may be different from the distribution in
250 a war of defense, it is impermissible for combatants to
251 force even beneficiary noncombatants to bear all the costs
252 of their rescue. 253

The Ethics of Occupation 254

255 Some of the most difficult questions in the field of global
256 justice are those concerning what we ought to do in the
257 aftermath of an injustice for which we are (partly) respon-
258 sible. These questions arise in relation to our obligations
259 to countries where imperialism and unfair business prac-
260 tices have contributed to ongoing poverty, and in relation
261 to our obligations to those suffering the adverse effects of
262 climate change. They also arise in the context of the recent
263 war in Iraq. McMahan argues that the invasion of Iraq by
264 US forces in 2003 was unjust. But, he says, it does not
265 follow from this that, once they toppled Saddam Hussein's
266 Ba'ath regime, the USA should have immediately with-
267 drawn. McMahan argues that even when an initial
268 invasion is unjust, subsequent occupation can be morally
269 justified if it is the lesser of two evils. Having unjustly
270 removed the Iraqi government from power, the USA
271 owed it to the Iraqi people to establish some kind of
272 alternative government and thereby prevent a descent
273 into further chaos and bloodshed (although McMahan is
274 arguing here for a short, purposeful occupation, and not
275 the protracted counter-insurgency that followed the war).
276 But, while justified as a lesser evil, such an occupation is
277 still fundamentally unjust, because it imposes burdens
278 upon people who are not liable to bear such burdens.
279 Given this, the USA should shoulder all of the costs of
280 the occupation, making all possible sacrifices to try to
281 ensure a quality of life akin to that before the unjust
282 invasion. 282

283 **Related Topics**

- 284 ▶ Enemy Combatants
- 285 ▶ Global Justice
- 286 ▶ Global Distributive Justice
- 287 ▶ Humanitarian Military Intervention
- 288 ▶ International Justice
- 289 ▶ Iraq War, The
- 290 ▶ Just Peace
- 291 ▶ Self-Determination
- 292 ▶ Sovereignty
- 293 ▶ War, Just and Unjust

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