

The Permissibility of Aiding and Abetting Unjust Wars

Saba Bazargan

Department of Philosophy
UC San Diego

Abstract

Common sense suggests that if a war is unjust, then there is a strong moral reason not to contribute to it. I argue that this presumption is sometimes mistaken. Not only is it sometimes permissible to contribute to unjust wars, it is sometimes permissible to contribute to a war even if the particular aim the individual is promoting is unjust. Contributing to an unjust aim in an unjust war can be morally permissible even if the individual is not coerced or threatened into contributing, and even if the individual is fully aware of all the relevant moral and non-moral facts. It can be permissible to contribute to an unjust war because, in general, whether it is permissible to perform an act often depends on the alternatives available to the actor. The relevant alternatives available to a government waging a war differ systematically from the relevant alternatives available to individuals in a position to contribute to the war. Hence the conditions determining whether it is permissible for a government to wage a war often differ from the conditions determining whether it is permissible for others to promote that war. This difference is manifest most often in wars with both just and unjust aims. Most wars we regard as just are likely to fit this category.

1

As citizens, we are often in a position to contribute politically to a war fought by our government. More often we are compelled to contribute financially. Some of us are in a position to promote a war more directly, by enlisting for military service. It is no surprise, then, that we are often concerned about the moral permissibility of contributing to wars fought by our government. It is tempting to assume that if a war is unjust, it is morally impermissible to promote that war. But I will argue that the impermissibility of promoting or participating in a war or a particular aim of a war cannot be inferred from the fact that the war or the aim is unjust. Jeff McMahan avoids claiming the contrary in his work "Killing in War", by defining unjust combatants as those who fight in a war that lacks a just cause, rather than those who fight in an unjust war. Since his claims regarding the impermissibility of participating in a war are limited to unjust combatants, his claims have no particular implications for the permissibility of the pursuit of unjust aims in an unjust war with at least one just aim. That is, McMahan's view fails to address a specific and important kind of war: one with a just aim but is unjust because it includes unjust aims that are instrumentally unnecessary for the achievement of the just aim. Such wars are probably more common than those in which a state pursues only just aims. It would not be surprising if virtually all wars that we regard as just include at least some unnecessary and unjust aims. This is, clearly, a significant area of application to which McMahan's arguments fail to apply. As a result, the complete moral picture of the permissibility of promoting unjust wars is likely to be more complicated than McMahan's arguments suggest.

My argument, put briefly, is as follows. The relevant alternatives available to a government waging a war differ systematically from the relevant alternatives available to civilians, combatants, and other governments, etc., who might contribute to the war. Whether it is permissible to perform an act often depends on the alternatives available to the actor. Hence the conditions determining whether it is permissible for a government to wage a war often differ from the conditions determining whether it is permissible for other actors to promote that war. This difference in conditions is often present in unjust wars that have both just and unjust aims. As a result, it is sometimes permissible for individuals to promote such wars.

It is, of course, an idealization to claim that governments adopt a particular set of aims for a war. There are varying degrees of commitment towards the pursuit of particular aims, and leaders are often capricious in their commitments. Moreover, the aims adopted might be indeterminate or ill-defined. The aims of a war are usually the result of collective decision-making; this can introduce indeterminacy with respect to the war's aims, depending on the extent of the disagreement among the decision-makers and the decision-making procedure that the collective uses. Sometimes the aims are intentionally left vague in order to reach consensus among members of a gridlocked government, or to facilitate post-bellum claims of success; sometimes they are unintentionally vague simply as a result of unreflective leadership. I believe the arguments I will provide can be amended to fit these scenarios. But for the sake of simplicity, the hypothetical wars that I will discuss will have clear and stable ultimate aims.

Before proceeding, it is important to distinguish two ways in which it might be permissible to promote an unjust war. It might be permissible to do so either for reasons having to do with the aims of the war or for personal or private reasons unconnected with the aims of the war. Suppose that by enlisting in the military, a particular civilian will advance her career, make her parents proud, fund her college education, etc. Or more dramatically, suppose that enlisting will save her life, by making her inaccessible to mafia members intent on murdering her. Even if these facts provide a decisive moral reason to participate in an unjust war, they do not provide the sorts of reasons that I will address. Instead, I will argue that moral and non-moral facts about an unjust war itself – as well as facts regarding an individual's ability to affect that war – can provide sufficient moral reasons to promote that war.

2

Consider the following three cases.

- i. A civilian is contributing to a war by political or economic means, or by enlisting for military service. However, she knows that this war is unjust.

- ii. A combatant is fighting in a war waged by her government. She has come to believe, correctly, that this war is unjust. She is in a position to voluntarily cease fighting.
- iii. A government of one country is assisting in a war waged by the government of another country. The former recognizes that the latter is waging an unjust war.

In each case, there is a principal wrongdoer: the government violating *jus ad bellum*. And in each case there is an accessory aiding or abetting the principal wrongdoer: a civilian, a combatant, and a government, respectively. I will focus on the permissibility of aiding and abetting the principal wrongdoers in each of these three cases. This is best done through an example.

Suppose a government, as a result of civil unrest, embarks on a campaign of atrocities against its own population in order to deter further resistance. The government has its soldiers commit unspeakable acts against the civilian population indiscriminately. Call this country 'atrocious'. The government of a bordering country is considering military intervention in order to stop the massacres for humanitarian reasons. Call this country 'intervene'.

The government of intervene is considering launching a ground assault to neutralize the military units carrying out the massacres, most of which consist of the government's private guard. Suppose the government of intervene is aware that this would effectively eliminate the means by which the country's despots maintain their control, allowing the people of atrocious, if they wish, to overthrow the government and replace it with a provisional one of their own choosing. The people of atrocious would welcome intervene's assistance in stopping the massacres and the government of intervene is aware of this. It is also aware that stopping the massacres will satisfy the constraints of necessity and proportionality (both narrow and wide).

However, intervene is considering another aim, in addition to stopping the massacres. atrocious contains a strip of unpopulated land that runs along its border with intervene. This borderland is strategically ideal for intervene as a buffer between the two countries; it also has valuable deposits of oil and natural gas. Because of this, the government of intervene is considering annexing this borderland, in addition to neutralizing the massacring military

units. However, if the government of intervene pursues both aims, it will seize the borderland first and only then stop the massacres.

Suppose that annexing the borderland will not physically harm any civilians. Pursuing both aims – stopping the massacre and annexing the borderland – would be better, both for the civilians of atrocity and for the people of intervene, than pursuing neither aim would be. Suppose further that the government of intervene is aware that the people (though, of course, not the government) of atrocity would rather bear the violation of their rightful sovereignty over the borderland than continue to be subjected to massacres by their government. This is not to say that the people of atrocity do not mind the annexation. It can be predicted that once the provisional government is in place, the people of atrocity will, via this government, protest the annexation. However, they will have neither the military, political, nor economic resources to reclaim the borderland.

The *ultimate* aims of a war are those that explain the resort to war. These aims are the motivating reasons for the government's resort to war. The ultimate aim of annexing the borderland is intrinsically unjust. intervene has no right to the territory. Acquiring it is not the sort of aim that can permissibly be pursued through military force, regardless of how few casualties are incurred. And the government of intervene is, by hypothesis, in a position to adopt the aim of stopping the massacres *without* annexing the borderland. So annexing the borderland is not, for the government, subsidiary to the just aim of stopping the massacres, where a *subsidiary* aim is an aim the achievement of which is intended to cause or constitute, either wholly or in part, the achievement of particular ultimate aims.

But suppose that because the government of intervene does not benefit by pursuing only the aim of stopping the massacres, it would rather do nothing, thereby allowing the massacres to occur, than go to war without pursuing the annexation. Is this a reason to believe that a war with the aims of both stopping the massacres and annexing the borderland is permissible?

It is hard to see how this could be so, given that the aim of annexing territory is not subsidiary to stopping the massacres. The government of intervene is, by hypothesis, free to pursue the aim of stopping the massacres without annexing the borderland. Pursuing a set of aims that includes annexing the borderland is unjust partly *because* doing so involves freely

rejecting an alternative set of aims that does not include annexing the borderland. A persistent disregard for reasons not to perform a certain act typically does not diminish the reasons not to perform that act. So even if the government of intervene will stop the massacres only if it also annexes the borderland, pursuing both aims is unjust. This is so despite the fact that pursuing both aims makes things better overall than they would be if the government of intervene chose to pursue none of the aims.

A war that make things better overall relative to the absence of that war, yet is nonetheless unjust, can be called 'narrowly unjust'. Unjust wars that do *not* make things better overall relative to the absence of that war, I will call 'broadly unjust'. These classifications help reveal the moral heterogeneity of the possible aims of unjust wars.

It might be argued that a war is just if and only if going to war has better consequences than not going to war. On this view, a war resulting in an improvement over what would have been the case without that war is just. But this view is implausible. If a war is just if and only if it has better consequences than not going to war, then it is morally permissible for a government to 'tack on' gratuitously harmful, self-serving aims when waging otherwise just wars, up to the point at which an additional aim would take the war past the threshold of disproportionality. On this view, if a country is the victim of unjust aggression, the government of that country can permissibly pursue aims that, for example, ignore duties of care, as long as pursuing this aim in combination with pursuing the aim of self-defense has better consequences than not going to war at all. Or if the government of a country (such as intervene) is waging a war with a humanitarian aim, the government can permissibly pursue aims wronging the people requiring assistance, as long as these wrongs are, for its victims, a small price to pay in comparison to losing assistance from the intervening power. But this is not just.

Of course, if achieving the aim of stopping the massacres is costly then intervene might be entitled to compensation. For intervene to be entitled to the borderland, the people of atrocity would have to agree to give it up to intervene as compensation for military assistance. Yet it is unrealistic to presume that the victims of an oppressive regime would have the political voice necessary to explicitly contract with a foreign power. As a result,

perhaps it is permissible for intervene to act according to a *hypothetical* contract; its terms are determined partly by what the people of atrocity *would* agree to, or what it would be rational or reasonable for them to agree to, if they were to explicitly enter into such a contract. I will assume that the people of atrocity would indeed consent to sacrificing the borderland as a price for intervention. This does not mean, however, that intervene is entitled to the borderland. Individuals often agree to contracts under duress or in conditions of extremity. Seeking agreement to a contract under such circumstances can be extortionate, if the price of the service offered is either excessive in relation to the cost of providing it or in relation to the value of the service itself – though this does not imply that any non-extortionate demand is morally permissible. The same might be said of hypothetical contracts in which the hypothetical agreement is made under conditions of duress. We can assume both that the people of atrocity are under duress, and that the value of the borderland is significantly higher than what it costs for intervene to stop the massacres; that is, intervene takes *more* than what is necessary to compensate for the costs of the war, and thereby profits from it. So, even though the people of atrocity would prefer that the government of intervene pursue both the just and unjust aims rather than pursue neither, and even though they would contract accordingly, it does not necessarily follow that the intervene is guilty of no wrong for taking the borderland.

In this section I have distinguished broadly unjust wars from narrowly unjust wars, and presented an example of the latter. In the next section, I use this example to show that it is often permissible for combatants to participate in, and for civilians to contribute to narrowly unjust wars.

3

According to contemporary, orthodox Just War theory, the moral permissibility of participating in a war does not depend on whether that war is just. This view, which has come to be known as ‘the Independence Thesis’, has recently been contested by Jeff McMahan, among others.¹ But instead of

1. See McMahan, “The Ethics of Killing in War,” *Ethics* 114 (2004): 693-733, and “On the Moral Equality of Combatants,” *Journal of Political Philosophy* 14 (2007): 377-93. See also Rodin, D.

arguing for or against this view, I will argue that *even if* the Independence Thesis is false, it is still often permissible to fight not only in narrowly unjust wars, but also for the unjust aims of such wars. I will also argue that it is often permissible for civilians to promote narrowly unjust wars as well.

I have claimed that whether a set of aims (and thus a war) is just depends on what alternatives are available to the government. In the example I have presented, the government of intervene has the option of waging a war with only just aims. But unlike a government, individual civilians and combatants typically do not have the power to choose what aims a war will have. Because an agent can be morally required to do only what that agent is capable of doing, a typical individual cannot be morally required to singlehandedly change the aims of an unjust war fought by her government. But a typical individual does have the power to exert a marginal influence on the aims of a war fought by her government. As a result, there are obligations, permissions, and restrictions that apply to marginally *promoting* some aims over others. Suppose that an individual can promote one or both of the following aims:

- a) annex the borderland
- b) stop the massacres

where (a) and (b) constitute a narrowly unjust war, and (b) without (a) constitutes a just war. If intervene is pursuing both (a) and (b), then combatants, by participating in the war, might promote one or both aims, though they are usually not in a position to choose which. It is possible, though typically quite difficult, for a combatant to promote none of the aims by ceasing to participate in the war altogether. Civilians can also marginally promote (a), (b), or neither by voting for the appropriate politicians, joining or working for the appropriate organizations (such as protest groups or military recruitment centers), donating financially to the appropriate campaigns, writing editorials advocating the relevant position on the war, enlisting for or resisting military service, etc. Unlike combatants, civilians

and H. Shue, eds *Just and Unjust Warriors: The Moral and Legal Status of Soldiers* (Oxford University Press, 2008).

typically have more leeway when it comes to deciding which aims to promote; and unlike combatants, a civilian is typically free not only to refrain from promoting any of the aims, but also to promote not-(a) or not-(b). But the contributions made by a civilian are typically less significant than those made by a combatant.

Which aims can a combatant or a civilian permissibly promote? Consider a combatant participating in the pursuit of the just aim (b) of a narrowly unjust war. It is hard to see how the fact that the war as a whole is unjust makes it impermissible to participate in the pursuit of a just aim. The fact that the war is unjust is compatible with the claim that killing the combatants who are participating in the massacres satisfies the constraints of proportionality and necessity. (At this point, I am assuming that the combatant contributes solely to the achievement of the just aim in the unjust war). Orthodox Just War theory, as well as McMahan's revisionary theory, by classifying wars as either 'just' or 'unjust', obscures the moral heterogeneity of the aims of unjust wars. As McMahan acknowledges, labelling a war as unjust can misleadingly suggest that it is impermissible to participate in the pursuit of *any* of the aims of the war.

It is likewise permissible for a civilian to promote the just aim in an unjust war. Suppose a plebiscite is held, in which the electorate of intervene is asked to choose between non-intervention, and waging the narrowly unjust war against atrocity. In this case, promoting the just aim comes at the cost of promoting the unjust aim. Does this provide a decisive reason for the civilian to vote in favor of pursuing neither aim? Assuming that the civilian is restricted to choosing between these two options, it is morally permissible for her to vote in favor of the narrowly unjust war. That is, the civilian, in this case, is permitted to promote the narrowly unjust war over non-intervention, since promoting a just war is not an option. Even though the *aim* of annexing the borderland is not, for the government, subsidiary to the aim of stopping the massacres, *promoting* the annexation of the borderland is – for the civilian – required in order to promote an end to the massacres. The just and unjust aims are, for the civilian, packaged together.

These claims do not entail the view that when our choices are limited to promoting either of two unjust wars, one of which is worse than the other, it is permissible to choose the lesser evil. Rather, I am claiming that when our

choices are limited to promoting a narrowly unjust war over no war at all, it is permissible to choose the former, partly because a narrowly unjust war is better, impartially considered, than no war at all (unlike the lesser evil of two broadly unjust wars). Still, it might be asked: why suppose that what is better overall trumps the injustice involved in intervene's annexation of the borderland?

Annexing the borderland is a rights-violation; but sometimes it is permissible to violate rights if doing so is necessary to avert significantly worse consequences, such as a massacre, which is also a far more egregious *type* of rights-violation than the violation of territorial sovereignty. There are two ways in which this is so. First, theft is generally not as wrongful or harmful as murder. Second, though violating territorial integrity wrongs everyone in atrocity, this wrong is not in of itself seriously harmful to any particular individual, unlike the wrong of injuring or murdering someone. The annexation is, instead, a widely dispersed, comparatively minor harm that a great many people will suffer. The right protected by stopping the massacres is the individual right not to be murdered, while the right violated by the annexation is a collective right to territorial integrity. Nonetheless, the annexation is still a serious rights violation; it is impermissible for the government of intervene to annex the borderland because doing so is *not* necessary to avert the massacres. But for civilians choosing between the narrowly unjust war and no war at all, those rights violations *are* necessary to stop the massacres. Hence it is permissible to promote the narrowly unjust war when the only other option is to allow the massacres to occur.

A combatant contributing solely to the just aim is in a similar situation. By contributing to the just aim, he is participating in a narrowly unjust war – but this is permissible since the option of pursuing the just aim without participating in a narrowly unjust war is not available to him. But unlike the civilian voter, this combatant is *not* promoting the unjust aim of the narrowly unjust war. So, interestingly, the act of contributing to the just aim of a narrowly unjust war is morally better than the act of voting in favour of that war. (Of course, contributions to the just aim might contribute to the unjust aim as well – for example, by fighting in the capital to stop the massacre, a soldier from intervene might be drawing atrocity's soldiers away from the borderland, making it easier for intervene to capture it. I will discuss such possibilities shortly).

It can also be permissible for combatants to participate solely in the *unjust* aim of the narrowly unjust war against atrocity. Recall that *intervene* will not pursue the just aim of stopping the massacres until it achieves the unjust aim of annexing the borderland. Because of this, combatants fighting for *intervene* can permissibly participate in missions promoting the unjust aim of annexing the borderland – even though this is the aim in virtue of which the war is unjust. Put generally, this is because whether a particular act is necessary for the achievement of a desired end may depend on whether we adopt a first-person or third-person perspective with respect to that act. For the government of *intervene*, annexing the borderland is not subsidiary to the aim of stopping the massacres. Rather, the government has chosen to pursue the latter only if it pursues the former. But things are different for those individuals, such as combatants, uninvolved in the government's choice of aims. The aims of the war are a matter of choice for the government but are unalterable facts about the world from the point of view of any single combatant. Of course, the combatants, as a collective, could refuse to pursue the annexation. But for any single combatant, if the other combatants will not participate in a mutiny, then the aims of the war are, for that combatant, unalterable. So even though the aim of annexing the borderland is not subsidiary to the aim of stopping the massacres, the annexation of the borderland is – for the combatant – required in order to stop the massacres. The combatant can permissibly promote the achievement of the unjust aim for the same reason that the civilian can vote in favor of the narrowly unjust war: the alternative allows serious rights violations to occur, which are of a type far more egregious than the kind involved in the pursuit and achievement of the unjust aim in the narrowly unjust war. It might seem that, on this view, whenever a government wishes to pursue some immoral military aim, it can morally compel its citizens to assist by also pursuing a good aim the achievement of which is, by the government's choice, conditional upon the achievement of the bad aim. But this is not so; in order for promoting the bad aim to be permissible, it is likely that the good aim must involve preventing a catastrophe – one which the intervening government did not cause. As a result, a good aim of the sort that justifies the pursuit of a bad aim is hardly one that governments are in a position to tack on at whim.

It is permissible for combatants and civilians to promote the annexation when they do not have the option of promoting solely the just aim of

stopping the massacres, not merely because the annexation is, for the civilian and the combatant, a means to preventing the massacres. As I noted earlier, the people of atrocity would prefer that the government intervene wage the unjust war rather than wage no war at all. This does not make it permissible to wage the narrowly unjust war. But it does provide a pro tanto reason to promote that war when it is impossible to promote what the people of atrocity would freely consent to, viz., a just war with the sole aim of stopping the massacres.

It might be not only permissible for a civilian to vote in favor of the narrowly unjust war, but morally required as well. By hypothesis, the government intervenes *profits* from waging a war in which the borderland is annexed. As I have argued, this fact does not itself make it permissible for the government to wage such a war. But it might require a civilian to promote that war, if the civilian does not have the alternative of promoting a just war, as is the case in the plebiscite. In such a case, on what grounds could a civilian permissibly refrain from promoting the narrowly unjust war? After all, the war is an impartially better state of affairs than it is permissible to promote and is on balance profitable for the government to intervene. Without other reasons in favor of refraining from promoting the narrowly unjust war, promoting it may be not only permissible for a civilian whose only other option is to refrain from promoting any war, but also obligatory. But it is not necessarily obligatory. While it is true that the narrowly unjust war is a significantly better state of affairs overall than the status quo, and that the narrowly unjust war is profitable to the government to intervene, it might very well be a worse state of affairs for a civilian of the government who (or who has relatives who) might be drafted in military service if her government goes to war. Such a civilian might be permitted to refrain from promoting the narrowly unjust war for agent-relative reasons.

It may be, on the other hand, that a *combatant* is *not* morally required to fight in the narrowly unjust war against atrocity, since promoting a war by fighting in it involves significant personal risk. If there *is* an obligation for a combatant to fight against atrocity, it is likely that the obligation will arise from commitments the combatant has made qua combatant, rather than a duty to promote a narrowly unjust war at significant personal risk. But since (or so I have argued) it is at least permissible for a combatant fighting for the government to participate even in the unjust aims of the narrowly unjust war,

one might ask: can the defenders of the borderland permissibly fight back in self-defense? Suppose the defenders have not been and will not be assigned to the defense of those committing the massacres. Is it permissible for them to fight back against intervene's combatants? To determine this, it is necessary to address the issue of liability to defensive attack. According to a common understanding of what has been come to known as the Moral Equality of Combatants, those fighting on each side of a war are morally liable to attack by the other side. For the purposes of this paper, I am assuming that the Moral Equality of Combatants is false (as I believe it to be). I am also assuming the falsity of a claim undergirding the moral equality of combatants. According to this claim, an agent who poses a threat to others thereby loses a right not to be attacked in self-defense regardless of whether the threat is justified. But I will assume that justification precludes liability to attack. This is Jeff McMahan's view. He notes that "it is hard to see how one's moral immunity to being killed could be compromised merely by one's acting in a way that is morally justified".² So if a combatant is justified in participating in an unjust war, then that combatant is not liable to be attacked -- provided that she will not promote unjust aims in the future for which she might be liable to preventive attack, and that she has not promoted unjust aims in the past for which she might be liable to attack in reprisal.

Because intervene's combatants are not only permitted to attempt to annex the borderland but are positively justified in doing so, the defenders of the borderland are not permitted to fight back in self-defense. For the defenders of the borderland, just as for intervene's civilians and combatants, the loss of the borderland to intervene is subsidiary to the end of stopping the massacres. The defenders ought not to oppose what is necessary, as far as they are concerned, to stop the massacres. The annexation is not of course necessary for stopping the massacres where the government of intervene is concerned, but the options that the defenders have are different. So even though the defenders of the borderland have a just cause in defending the borderland, they are not justified in trying to achieve it. They are obliged to

2. See Jeff McMahan, "The Basis of Moral Liability to Defensive Killing," *Nous Supplement* 15 (2005): 386-405. at pp 288.

allow the wrong to be done, in order to prevent (or to not stop the prevention of) the occurrence of even greater wrongs done by others.

Still, it might seem perverse to claim that the soldiers fighting for their country ought to allow a foreign invader to unjustly annex territory. Even if things go impartially best should the defenders surrender, they still have a pro tanto, agent-relative reason to defend the borderland. It is, after all, part of their country -- and they have a special interest in keeping *their own* country intact. It is this special relation -- that of citizenship or residence -- that grounds an agent-relative, pro tanto reason to defend the borderland, in addition to the pro tanto, agent-neutral reason to prevent wrongful annexations. As a result, it might be argued, the defenders have a pro tanto moral reason to do, in this case, other than what is impartially best. But it is doubtful that this agent-relative reason, in combination with the pro tanto, agent-neutral reason to defend the wrongful annexation of the borderland, is strong enough to outweigh or override the agent-neutral reason to allow the annexation. Perhaps, if the defenders happen to *live* on the borderland, *contra* what I assume, their agent-relative reason to defend their homes is strong enough to justify attacking the invaders. But as it stands, their agent-relative reason is not strong enough. And this is not to mention that, in addition, the defenders might also have an agent-relative reason not to impede efforts to stop the massacres precisely because the massacres are being committed by *their* government, for whose action they may bear some moral responsibility. This is further reason to think that the soldiers ought to accede to the wrongful demands of intervene. It is, of course, unlikely that soldiers would actually do this -- and perhaps their culpability for failing to surrender is significantly mitigated by the fact that they correctly see themselves as defending against unjust aggression. But this is not an issue I address here.

In arguing that it can be permissible for combatants to participate in the unjust aims in narrowly unjust wars, I have argued as if the pursuit of an aim in a war is causally isolated from the achievement of other aims in that war. But if the war-planners are strategically rational, then the war's ultimate aims -- both just and unjust -- will likely share subsidiary aims. As a result, promoting one aim is likely to promote another. Alternatively,

promoting one aim might inhibit the achievement of another aim, either unavoidably or as a result of strategic incompetence. In any case, the permissibility of participating in the achievement of particular aims of an unjust war is complicated by the fact that the aims of the war might be causally mixed.

For example, suppose that annexing the borderland or stopping the massacres requires defeating atrocity's army. For intervene to defeat this army, then, would promote both the just aim of stopping the massacres and the unjust aim of annexing the borderland. In such a case, if a combatant participates in combat operations against atrocity, she promotes both just and unjust aims. So the combatant can either promote both aims, or cease participating altogether. Like the civilian voter discussed earlier, the combatant in this case does not have the option of promoting solely the just aim. In these circumstances, it is permissible for the combatant to participate in the aim of defeating atrocity's private army, even though this aim is, for the combatant, subsidiary to both the just *and* the unjust aims of the war. It is permissible for the combatant to do so for the same reasons that it is permissible for a civilian to intervene to vote in favor of a narrowly unjust war against atrocity. Neither the civilian nor the combatant has choices that discriminate between promoting only the just aims of the war and promoting all the aims of the war.

So far I have argued that it is sometimes permissible for civilians to promote narrowly unjust wars, and that it is sometimes permissible for combatants to fight for the unjust aims of narrowly unjust wars. The same reasoning can be applied to governments that act as third-parties in a conflict.

Governments are often in a position to promote an unjust war fought by a foreign government. The most direct method of doing so is to join the war. Recall that a reason why intervene's war against atrocity is unjust is that the government of intervene is in a position to wage the war without the aim of annexing the borderland. To nonetheless wage the war with that aim is to wage an unjust war. Suppose, however, that intervene does not have the capability of destroying fortified military installations protecting the borderland. This prevents the government of intervene from annexing the borderland, but does not prevent it from stopping the massacres. But if it

cannot annex the borderland, the government of intervene will not pursue the aim of stopping the massacres.

Suppose that there is another country, 'help', the government of which would like to intervene in atrocity to stop the massacres. Unlike the government of intervene, the government of help is willing unconditionally to pursue the aim of stopping the massacres. But doing so requires large numbers of troops, which help lacks. help does, however, have the technologically advanced munitions that intervene lacks that are required to destroy the fortified military installations guarding the borderland. Thus the government of help is capable of carrying out the aim of annexing the borderland, but not the aim of stopping the massacres. intervene, on the other hand, possesses the troops required to achieve the aim of stopping the massacres, but lacks the weaponry required to achieve the aim of annexing the borderland.

The government of intervene is willing to pursue the aim of stopping the massacres if help agrees to destroy the fortified military installations that protect the borderland first. After this is done, the government of intervene will send in troops to occupy the borderland and to neutralize the military units carrying out the massacres. The government of help can either promote the annexation of the borderland or choose not to go to war, thereby allowing the massacres to continue. The conspicuously absent choice is that of stopping the massacres without annexing the borderland. Like the civilians and combatants discussed earlier, the government of help is limited in its options, in that it can promote the just aim only by contributing to the unjust aim. Achieving the aim of annexing the borderland is, for the government of help, subsidiary to achieving the aim of stopping the massacres. The government of help is therefore permitted to pursue the aim of annexing the borderland for the same reason that intervene's combatants are permitted to participate in the pursuit of that aim.

Generalizing, I claim that countries can sometimes permissibly join a war, even if that war is overall unjust. Moreover, countries can sometimes permissibly pursue only the unjust aims of an unjust war.

4

I have argued that whether it is permissible to promote an unjust war sometimes depends on who is doing the promoting – the government, combatants, civilians, other governments, etc. It has been largely ignored that because these actors often have different options available to them, we cannot rely on the conditions under which the government can permissibly wage a war to determine the conditions under which others can permissibly promote that war. As a result, we need an independent theory of permissible promotion by third-parties – a theory that takes into consideration who is promoting the war, how it is being promoted, as well as what aims are being promoted. Put differently, we ought to pay greater attention to the morality of particular aims in a war, than to the moral status of the war *tout court*, when assessing the permissibility of promoting that war. I have argued for this, by demonstrating that the permissibility of promotion cannot be derived from the fact that a war is unjust, when the unjust war has both just and unjust aims. If we are interested in knowing whether promoting a war with both just and unjust aims is permissible – as we should be, considering that many wars are of this type – then developing an independent theory of the conditions of the permissible promotion of such wars is imperative.

2011

sbazargan@ucsd.edu

Works Cited

Brandt, R.B. “Utilitarianism and the Rules of War”. *Philosophy and Public Affairs* (1971/72), 145.

McMahan, J. “The Ethics of Killing in War,” *Ethics* 114 (2004): 693.

----- “The Basis of Moral Liability to Defensive Killing,” *Nous Supplement* 15 (2005): 386. at pp. 288.

----- “On the Moral Equality of Combatants,” *Journal of Political Philosophy* 14 (2007): 377.

----- "Précis: the Morality and Law of War," *Israel Law Review* 40 (2007): 310-323. at pp. 321.

Hurka, T. "Proportionality in the Morality of War," *Philosophy and Public Affairs* 33 (2002): 34. at pp. 42.

----- "Liability and Just War," *Ethics & International Affairs* 22 (2007) 199.

Rodin, D. *War & Self-Defense*, (Oxford University Press, 2005)

Rodin, D. and H. Shue, eds *Just and Unjust Warriors: The Moral and Legal Status of Soldiers* (Oxford University Press, 2008)

Shue, H. *The Oxford Handbook of Practical Ethics* ch. 28 (Hugh LaFollette ed., 2003), 731.

Walzer, M "Political Action: The Problem of Dirty Hands", *Philosophy and Public Affairs* (1972/73), 160.

----- *Just and Unjust Wars: A Moral Argument with Historical Illustrations*. (New York: Basic Books, 3rd ed., 2000)