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CHAPTER 9

ALL THINGS CONSIDERED

We may find in History, almost in every Page, the dismal Calamities of War, whole Cities destroyed, or their Walls thrown down to the Ground, Lands ravaged, and every Thing set on fire.

Hugo Grotius, *The Rights of War and Peace* ([1625] 2005: 1303–4)

Truly, our military actions can be highly destructive. To establish prospectively that a proposed military action would be just, we have the burden of proving, by clear and convincing evidence, that all of the core just war principles would be satisfied.

In the first part of this chapter, our shared responsibility for global human security is elucidated. For the sake of concreteness, a contemporary case is detailed: the case of Sudan versus South Sudan. In the second and third parts, the question of how the core just war principles are applied conjointly to particular cases is investigated. In applying them conjointly, two questions need to be distinguished. Would a proposed military action be just? Among alternative proposed military actions, each of which would be just, which one would be best? The former question is considered in the second part and the latter in the third part. Real-world moral judgements regarding particular cases can be complicated and controversial, when all things are considered.¹

I. OUR SHARED RESPONSIBILITY

According to the High-level Panel Report, the subtitle of which includes the phrase ‘our shared responsibility’, ‘the front-line actors in dealing with all the threats we face, new and old, continue to be individual sovereign States’ (HLPR 2004: 1). How should the responsibility for preventing grave violations of basic human rights be shared among sovereign states? For a state-centric approach, this question is crucial.

For a cosmopolitan approach, a different question is also crucial. How should the responsibility for preventing grave violations of basic human

rights be shared among all human beings everywhere in the world? As global citizens, how do we share responsibility for global human security?

Both questions are answerable in terms of the egalitarian principle of global distributive justice. Paradigmatically, the military actions performed by (groups of) human beings as agents have as targets other (groups of) human beings. In the preceding chapter, a question is raised about human beings as targets – namely, how should the grievous harms and vital benefits of a planned course of military actions be apportioned among the people affected? To answer this question, a fairness standard is formulated by specifying the principle of distributive justice. In the first part of this chapter, a comparable question is raised about human beings as agents – roughly, how should the burdens and benefits of a planned course of military actions be apportioned among the people responsible?

Because the use of armed force must be a last resort, a related fairness question is raised about human beings as agents – roughly, how should the burdens and benefits of attempting reasonable nonmilitary measures be apportioned among the people responsible?

A. MUTUAL DEFENCE TREATIES

The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all . . .

North Atlantic Treaty (NATO 1949: Article 5)

As secretary general of the North Atlantic Treaty Organization, I travel often to Washington. Every time I do, I hear voices expressing concern about burden-sharing in the trans-Atlantic alliance. Their message is clear: the Europeans do too little.

Anders Fogh Rasmussen, 'Taking stock of the Atlantic Alliance'
(2012)

First, let me address the question of shared responsibility among sovereign states. As Article 51 of the UN Charter acknowledges, there is a distinction between 'individual' self-defence and 'collective' self-defence. In Chapter 5 ('Just Cause'), I examine a traditional type of just cause: self-defence by an individual sovereign state against aggression. In this section, a distinguishable type of just cause is considered: collective self-defence by several sovereign states against aggression.

As the North Atlantic Treaty exemplifies, the purpose of collective self-defence is often formalised by a mutual defence treaty. Each state party to a mutual defence treaty agrees to defend each of the other states parties to the treaty against aggression. The word 'other' is significant. Conceptually,

the idea of individual self-defence against aggression is different than the idea of 'other defence against aggression' (Orend 2006: 32). Why should a just war theory accept 'other defence' against aggression as a just cause? It might be answered that, because states parties to a mutual defence treaty have committed themselves to other defence, they are duty-bound to honour this commitment, but this answer is inadequate. Given that there is such a treaty-based duty of other defence, it does not follow (conceptually or logically) that there is a moral obligation of other defence. Why should a just war theory morally permit treaty commitments to other defence?

My cosmopolitan approach to just war theory is a sort of human security approach, because it prioritises the defence of individual human beings. In accordance with coherentism, it is presupposed that a cosmopolitan just war theory can be elucidated by means of a theory of human rights. Paradigmatically, for example, when a state party to a mutual defence treaty is invaded by an aggressor, basic human rights are gravely violated. In general, acts of defence against aggression are emergent from, or supervenient on, acts of preventing grave violations of basic human rights. According to the counterharm principle, it is morally obligatory to attempt, as much as possible, to stop other persons from gravely violating basic human rights. Therefore, it is morally obligatory for each state party to a mutual defence treaty to attempt, as much as possible, to defend each of the other states parties against such aggression.

To generalise, it is morally obligatory for any sovereign state to attempt, as much as possible, to defend any other sovereign state against uses of armed force that would gravely violate basic human rights. The UN Charter is a mutual defence treaty among 193 sovereign states, as the following passage from the Preamble attests: 'to unite our strength to maintain international peace and security'. How should the responsibility for defence against aggression be shared among UN Member States? As the quotation by NATO Secretary-General Rasmussen evidences, burden-sharing among states parties to a mutual defence treaty can be quite contentious.

To generalise further, it is morally obligatory for any sovereign state to attempt, as much as possible, to defend individual human beings in, or citizens of, any other sovereign state against uses of armed force that would gravely violate their basic human rights. Arguably, the UN Charter is also a human security treaty, as the following passage from the Preamble may be read as implying: 'to reaffirm faith in fundamental human rights'. How should the responsibility for armed humanitarian intervention be shared among UN Member States?

Relatedly, there is the question of how the burdens of UN peacekeeping missions and other reasonable nonmilitary measures should be shared.

Briefly, my answer to these questions about our shared responsibility is as

follows. In accordance with the egalitarian principle of just distribution, the burdens and benefits must be shared as widely and equally as possible. In subsequent sections, this answer is illustrated.

B. THE CASE OF SUDAN VERSUS SOUTH SUDAN

The Security Council [on 2 May 2012] . . .

Determining that the prevailing situation along the border between Sudan and South Sudan constitutes a serious threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* that Sudan and South Sudan shall take the following actions . . .

(i) Immediately cease all hostilities, including aerial bombardments . . .

(ii) Unconditionally withdraw all of their armed forces to their side of the border . . .

2. *Decides* that Sudan and South Sudan shall unconditionally resume negotiations, under the auspices of the AUHIP [the African Union High-level Implementation Panel] . . .

Security Council Resolution 2046 (2012 [emphasis in original])

From the temporal standpoint of 2 May 2012, let us consider the case of Sudan versus South Sudan (briefly, ‘the South Sudan case’). (This case should not be confused with the Darfur case discussed in preceding chapters.) My purpose here is to make illustrative comments. Because the South Sudan case is so complex, I am not able to apply just war principles conclusively.²

Looking backwards, some key dates are as follows. On 14 July 2011, South Sudan became the 193rd Member State of the United Nations. On 9 July 2011, South Sudan, formerly part of Sudan, became an independent sovereign state. On 8 July 2011, Security Council Resolution 1996 (2011) authorised a new UN peacekeeping mission in South Sudan (UNMISS). During January 2011, the people of South Sudan voted for independence from Sudan. On 9 January 2005, a terrible civil war between South Sudan and (North) Sudan was formally ended by the Comprehensive Peace Agreement (CPA), which provided for an independence referendum and a UN peacekeeping mission in South Sudan (UNMISS). From 1983 to 2005, South Sudan and (North) Sudan were locked in (a second) civil war, during which more than two million civilians died. (Earlier, there was a first civil war.)

Usually, the ethics of armed humanitarian intervention in internal conflicts is sharply distinguished from the ethics of military intervention in interstate wars. Intriguingly, the South Sudan case blurs this distinction. Originally a case of internal conflict, the South Sudan case has evolved into a case

of interstate conflict. From the temporal standpoint of (say) the year 2002, should the Security Council authorise armed humanitarian intervention in the civil war between (North) Sudan and South Sudan, ‘one of the deadliest conflicts since World War II’ (ICG 2002: i)? From the temporal standpoint of 2 May 2012, should the Security Council authorise military intervention to counter the threat of interstate war between Sudan and South Sudan? A human security approach to the ethics of armed conflict should regard these two questions as closely similar. For the just goals of both sorts of armed interventions should be preventing sufficiently grave violations of basic human rights.

The South Sudan case illustrates the question of how responsibility for alternative nonmilitary measures should be shared among UN Member States. Disputably, sovereign states closer to, or more impacted by, a security threat have greater responsibility. Fittingly, Resolution 2046 (2012) mandates that negotiations shall resume under the auspices of a regional organisation – the African Union (AU). Similarly, the negotiations that resulted in the CPA were held under the auspices of the Intergovernmental Authority on Development (IGAD), a regional organisation of nearby African states – namely, Djibouti, Eritrea, Ethiopia, Kenya, Uganda and also Sudan itself. Other supporters of the process of negotiating and implementing the CPA include the AU, the UN, the EU, the Arab League, Britain, Egypt, Italy, the Netherlands, Norway and (importantly) the United States.

Resolution 2046 (2012) condemns ‘the repeated incidents of cross-border violence between Sudan and South Sudan’. Nonetheless, it fails to authorise the use of armed force, or the threat to use armed force, to prevent future incidents of such violence. The earlier Resolution 1996 (2011) provides the UN peacekeeping mission in South Sudan (UNMISS) with a Chapter VII mandate, but only for human protection purposes within South Sudan. Truly, the clause ‘Acting under Chapter VII’ in Resolution 2046 (2012) is misleading.

C. ARMED INTERVENTION, ARMED PEACEKEEPING AND GLOBAL GOVERNANCE

Following bombardments [by Sudan] in Unity State [in South Sudan], some South Sudanese authorities and communities criticized UNMISS for not responding adequately to protect civilians. Significant outreach was required to explain that the UNMISS protection mandate exists within South Sudan and does not include protection of territory or borders, nor protection against aerial bombardment.

Ban Ki-moon, *Report of the Secretary-General on South Sudan*,
26 June 2012 (Ban 2012: 18)

From the temporal standpoint of 26 June 2012, should the Security Council authorise the use of armed force to protect South Sudan from aerial bombardment by Sudan? Should the use of armed force for protection of territory or borders be authorised? For instance, should the establishment of a no-fly zone or precision airstrikes be authorised? This case illustrates the question of how UN Member States should share responsibility for targeted military operations. Sufficiently limited uses of armed force to protect borders are a sort of policing, so this case also illustrates the question of how responsibility should be shared for overlap military actions.

The process of applying just war principles to particular cases is a temporal process. Broadly, there are temporal phases of prelude, resort, conduct, halting and aftermath, but such phases might intertwine. The day of 26 June 2012 is a day in both an aftermath phase and a prelude phase. What sort of military operation might the Security Council authorise, both to keep the peace of the CPA and counter the threat of interstate war?

In addition to the threat of interstate war, there is the threat of internal conflict, both in Sudan and South Sudan. Resolution 2046 (2012) expresses 'deep concern' about 'continued fighting in the states of Southern Kordofan and Blue Nile, in Sudan'. Thus this case illustrates the question of how UN Member States should share responsibility for armed humanitarian interventions.

In South Sudan, there is the threat of inter-communal violence (Hsiao et al. 2012), but there are also threats of violence by militia groups and the Lord's Resistance Army (LRA). Accordingly, Resolution 1996 (2011) includes among the tasks that UNMISS is authorised to perform, by 'all necessary means', the following: 'protecting civilians under imminent threat of physical violence'. Hence the case illustrates the question of how UN Member States should share responsibility for armed UN peacekeeping missions.

D. HUMAN SECURITY AND GLOBAL CITIZENSHIP

In this section, I address the question of how responsibility for human security should be shared among all human beings everywhere in the world. As global citizens, how should we share responsibility for preventing grave violations of basic human rights?

In the Libya case, when massacre threatened, Obama declared: 'It was not in our national interest to let that happen' (2011b). In the South Sudan case, even if it is not in the (perceived) US national interest to protect civilians, surely it is in the global interest.

As of 31 May 2012, military personnel from fifty-three states were serving in UNMISS, but none from the United States. As Secretary-General Ban reported: 'the continued absence of military helicopters [for UNMISS] is of great concern' (2012: 11). Arguably, in light of the huge US military budget

and the vast US arsenal (and despite the ‘great recession’), US taxpayers should share financial responsibility for the contribution of several military helicopters. To generalise, the UN peacekeeping budget – recently, ‘about \$8 billion a year’ (Goldstein 2011: 309) – should be substantially increased, and the consequent economic burden should be shared fairly by human beings everywhere.

To be sufficiently effective, individual human beings should share responsibility for human security by acting collectively in groups. Again, the South Sudan case is illustrative. From the temporal standpoint of the year 2005, George W. Bush’s ‘crowning achievement’ as US President, Nicholas Kristof affirmed, ‘was ending one war in Sudan, between north and south’ (Kristof 2005). The Sudan policy of the Bush administration was strongly influenced by evangelical Christian groups, but also by some African-American, Jewish and humanitarian groups (Huliaras 2006). Later, in the Obama administration’s 2010 *National Security Strategy* – under the heading ‘Peacekeeping and armed conflict’ – the South Sudan case was featured (NSS 2010: 48). Acting collectively in groups – for instance, United to End Genocide (see <http://endgenocide.org>) – individual human beings might significantly influence future South Sudan policy.

In viewing just war theory through the lens of moral philosophy, I am stressing moral ideals. Sovereign states are often motivated by their (perceived) national interests, but they ought to be motivated primarily by (universal) global interests. Analogously, such groups of individual human beings are often motivated by divisive special interests, but they ought to be motivated primarily by universalist (cosmopolitan) ideals. Ideally, we human beings, acting collectively as global citizens, should attempt, as much as possible, to prevent grave violations of basic human rights worldwide.

Finally, let me mention an especially controversial question. For the sake of human security, should a cosmopolitan just war theory morally permit global citizens to act collectively in ‘armed groups’? For example, imagine that South Sudan forms a ‘foreign legion’. May individual human beings, acting as global citizens, volunteer for it? (In the Spanish Civil War, there were International Brigades – for instance, the Abraham Lincoln Brigade.) The relevant concept of ‘armed group’ is somewhat indeterminate. Should that concept be understood as including groups of insurgents? Should it be understood as including ‘private military companies’ (PMCs)? In addition to for-profit PMCs, can there be non-profit PMCs? For example, imagine that Human Rights Watch has a ‘military wing’. May individual human beings, acting as global citizens, join it and collectively intervene in South Sudan? Evidently, there can be principled moral disagreement about how such questions should be answered.

II. MORAL JUDGEMENTS ABOUT PARTICULAR CASES

As the South Sudan case indicates, real-world moral judgements about particular cases of armed conflict can be complicated and controversial, all things considered. In this part and the next part, I investigate the question of how the core just war principles are applicable to particular cases conjointly. When we apply them conjointly, we need to distinguish two questions. Would a proposed military action be just? Among alternative proposed military actions, each of which would be just, which one would be best? The former question is considered in this part and the latter in the next part. Discussions in these two parts draw upon relevant discussions in earlier chapters – most importantly, Part IV (‘Moral Deliberation’) of Chapter 3 (‘Moral Theory’). Consequently, my answer to the question of how the core just war principles are applicable conjointly to particular cases can be relatively concise.

A. ARMED CONFLICT AND MORAL CONFLICT

In armed conflict, there is moral conflict. According to the just cause principle, the just goal for a planned course of military actions is preventing sufficiently grave violations of basic human rights. And according to the counterharm principle, it is morally obligatory to attempt, as much as possible, to achieve that just goal. Let me term such a moral obligation a ‘just-goal obligation’.

Paradigmatically, when we plan a course of military actions, we plan to gravely violate basic human rights. However, according to the nonharm principle, it is morally obligatory not to gravely violate basic human rights. Let me term such a moral obligation a ‘grievous-harm prohibition’.

Therefore, in particular cases of armed conflict, we can be ensnared in moral dilemmas. We cannot satisfy the counterharm principle without violating the nonharm principle. We cannot fulfil a just-goal obligation without failing to fulfil a grievous-harm prohibition.

Specifically, when our proposed military action would gravely violate basic human rights of noncombatants, we are ensnared in a moral dilemma. Moreover, even if our proposed military action is so narrowly targeted that only basic human rights of enemy combatants would be gravely violated, we are still ensnared in a moral dilemma.

Such moral dilemmas have the following logical form. It is morally obligatory to do *A*, and it is morally obligatory not to do *B*, but *A* cannot be done without doing *B*. The term ‘dilemma’ is appropriate, because both of these moral obligations cannot be fulfilled simultaneously. More exactly, both cannot be simultaneously fulfilled, under the ‘dilemmatic circumstance’ that *A* cannot be done without doing *B*. If we fulfil the moral obligation to do *A*, we fail to fulfil the moral obligation not to do *B*, for we cannot do *A*

without doing *B*; or if we fulfil the moral obligation not to do *B*, we fail to fulfil the moral obligation to do *A*, for we cannot refrain from doing *B* without refraining from doing *A*.

Truly, a moral dilemma is an ensnarement. Either we do *A* or we do not do *A*. If we do not do *A*, we violate our moral obligation to do *A*. Alternatively, if we do *A* – thereby doing *B* – we violate our moral obligation not to do *B*. There is no third alternative. We are ensnared in the moral dilemma.

In his landmark article ‘War and massacre’, Thomas Nagel conceptualised moral dilemmas of warfare as moral conflicts ‘between [deontological] absolutism and utilitarianism’ (1979: 56). By contrast, I am conceptualising moral dilemmas of armed conflict as moral conflicts between deontological moral requirements – for example, moral conflict between a just-goal obligation and a grievous-harm prohibition. Whereas utilitarianism’s greatest happiness principle mandates beneficial consequences, the deontological beneficence principle mandates beneficent actions. Instead of the idea of clashes between harmful actions and beneficial consequences, I am utilising the idea of clashes between harmful actions and beneficent actions. Indeed, there can be principled moral disagreement among moral theorists about the nature of moral dilemmas.

B. FULFILLING JUST-GOAL OBLIGATIONS AND OVERRIDING GRIEVOUS-HARM PROHIBITIONS

The counterharm and nonharm principles are *prima facie* (non-absolute) moral requirements. Specifically, a just-goal obligation and a grievous-harm prohibition are *prima facie* moral requirements. In particular cases of armed conflict, we can be ensnared in moral dilemmas, the logical form of which is as follows. Because we cannot do *A* without doing *B*, we cannot fulfil both the just-goal obligation to do *A* and the grievous-harm prohibition of the doing of *B*. Let me term such a moral dilemma a ‘just-war dilemma’. To resolve the just-war dilemma and fulfil the just-goal obligation, may the grievous-harm prohibition be overridden?

Usually, according to the casuistic thesis, real-world moral judgements about armed conflict should be made on a case-by-case basis. In deliberating morally about a particular case, just-goal obligations have to be specified sufficiently. For instance, as the South Sudan case illustrates, the question of who specifically shares responsibility for fulfilling the obligation has to be answered. Correlatively, in deliberating morally about a particular case, grievous-harm prohibitions have to be specified sufficiently.

Therefore, in deliberating morally about a particular case, just-war dilemmas have to be specified sufficiently. Suppose that, under a particular dilemmatic circumstance, we cannot fulfil a specific just-goal obligation without failing to fulfil a specific grievous-harm prohibition. To resolve this

specific just-war dilemma and fulfil the specific just-goal obligation, may the specific grievous-harm prohibition be overridden?

This question of overriding is not merely a question of weighing. Of course, scales (or degrees) matter, but so do natures (or kinds). The question of whether the grievous-harm prohibition may be overridden is not merely a question of whether it is (quantitatively) 'outweighed' by the just-goal obligation.

Instead, the question of overriding is a question of whether the grievous-harm prohibition is 'outbalanced' by the just-goal obligation. For the nature of the just-goal obligation matters. Additionally, the nature of the grievous-harm prohibition matters. The question of overriding is primarily a question of 'qualitative', not 'quantitative', moral judgement, all things considered.

A grievous-harm prohibition is stringent. A main thesis is that the concept of 'stringency' admits of degrees. The concept of 'stringency' is a scalar concept. To say that one *prima facie* moral requirement 'overrides' (or 'outbalances') another *prima facie* moral requirement is to say that the former is 'more stringent' than the latter. The question of overriding is a question of 'comparative stringency' (Ross [1930] 2002: 41). To resolve a specific just-war dilemma, the following question has to be answered. Which *prima facie* moral requirement is more stringent by its very nature: the specific just-goal obligation or the specific grievous-harm prohibition? Another main thesis is that this question should be answered by means of the epistemic conceptions of moral presumption and burden of proof.

C. BURDEN OF PROOF

Military force when employed has only two immediate effects: it kills people and destroys things.

General Rupert Smith, *The Utility of Force* (2007: 8)

When we deliberate about whether to fulfil a *prima facie* moral obligation, we have to make the moral presumption that we must fulfil it. To override this moral presumption, we have the burden of proving that we need not fulfil it. Central to the meaning of the term 'prima facie' is the following conception. So long as this burden of proof has not been satisfied, what we morally presume to be our obligation actually is our obligation.

Accordingly, a *prima facie* just-goal obligation may be defended 'negatively' as follows. When we deliberate about whether to fulfil it, we have to make the moral presumption that we must fulfil it. To override this moral presumption, we have the burden of proving that we need not fulfil it. So long as this burden of proof has not been satisfied, what we morally presume to be our obligation actually is our obligation.

Because armed conflicts are so highly destructive – because people are killed and things are destroyed – the chief function of a just war theory should be to morally constrain uses of armed force. A main thesis is that a grievous-harm prohibition is, by its very nature, highly stringent. When we are ensnared in a just-war dilemma – and if we only defend the just-goal obligation negatively – the grievous-harm prohibition is, by its very nature, more stringent.

Therefore, for the sake of greater stringency, the just-goal obligation must be defended ‘affirmatively’. Let me sketch a domestic analogy. In US federal law, an insanity defence is an affirmative defence: ‘The defendant has the burden of proving the defense of insanity by clear and convincing evidence’ (18 USC §17).³ Metaphorically, war is collective insanity, and so this analogy seems fitting, rhetorically.

Presupposing an epistemic standard of clear and convincing evidence, the just cause principle mandates an ‘affirmative defence’ of a *prima facie* just-goal obligation. When we apply the just cause principle to a planned course of military actions, we have to morally presume that there is not a just cause, and we have the burden of proving (by clear and convincing evidence) that there is. There is a just cause when there is both a just goal and a justly correlative means. Accordingly, we have to morally presume that there is not a just goal, and we have the burden of proving that there is. The just goal is preventing sufficiently grave violations of basic human rights. Accordingly, we have to morally presume that there are not sufficiently grave violations of basic human rights, and we have the burden of proving that there are. The just cause principle mandates such an ‘affirmative defence’ of a *prima facie* moral obligation to attempt, as much as possible, to achieve a goal of preventing sufficiently grave violations of basic human rights.

D. APPLYING CORE JUST WAR PRINCIPLES CONJOINTLY

Non-maleficence is apprehended as a duty distinct from that of beneficence, and as a duty of a more stringent character.

W. D. Ross, *The Right and the Good* ([1930] 2002: 21)

In preceding chapters, the core just war principles are studied separately. They are coequal deontological principles. According to the coequality thesis, each of them must be satisfied, even when the others are not satisfied. Each of them is applicable disjunctly, even to military actions that would be unjust. By contrast, in the present chapter, my purpose is to study how they are applicable conjointly, in order to establish that military actions would be just.

Let us return to the question of overriding. To resolve a just-war dilemma and fulfil a just-goal obligation, may a grievous-harm prohibition be

overridden? More explicitly, the question is whether a *prima facie* moral obligation not to gravely violate basic human rights may be overridden.

A *prima facie* grievous-harm prohibition may be defended ‘negatively’ as follows. When we deliberate about whether to gravely violate basic human rights, we have to make the moral presumption that we must not. To override this moral presumption, we have the burden of proving that we may. So long as this burden of proof has not been satisfied, what we morally presume to be a prohibition actually is a prohibition.

A main thesis is that this negative defence is sufficient. A grievous-harm prohibition is, by its very nature, highly stringent. Even when it is only negatively defended, it is, by its very nature, sufficiently stringent. When we are ensnared in a just-war dilemma – and even if we have defended the just-goal obligation affirmatively – the negatively defended grievous-harm prohibition is still, by its very nature, more stringent. A proven just goal is not enough.

Therefore, an affirmative answer to the question of overriding has to be defended affirmatively. To resolve the just-war dilemma and fulfil the just-goal obligation, we have the burden of proving that the grievous-harm prohibition may be overridden. A main thesis is that the four core just war principles are moral criteria for determining whether we have satisfied this burden of proof.

Let me summarise this affirmative defence. To override the grievous-harm prohibition, we have to prove that the core just war principles are satisfied conjointly. Each of them is a conditional prohibition. To prove that they are satisfied conjointly, we have to prove that none of their conditions obtain. More explicitly, we have to prove that there is a just cause, that every reasonable nonmilitary measure has been attempted, that noncombatants would not be grievously harmed intentionally and that grievously harmful military actions would be outbalanced by vitally beneficent military actions. By proving that the core just war principles are satisfied conjointly, we prove that the just-goal obligation is more stringent than the grievous-harm prohibition.

In the preceding section, I explain how the just cause principle mandates an affirmative defence of a just-goal obligation. However, there is a just cause when there is both a just goal and a justly correlative means. Accordingly, let me now explain how the just cause principle also mandates an affirmative defence of a justly correlative means. When we apply the principle to a planned course of military actions, we have to morally presume that there is not a justly correlative means, and we have the burden of proving that there is. That is, we have to prove (by clear and convincing evidence) that our means of achieving our just goal is a justly correlative planned course of military actions. If our means were not justly correlative, the grievous-harm prohibition would be more stringent than the just-goal obligation.

E. PROPORTIONALITY AND DEONTOLOGY

The question of overriding is a question of whether the grievous-harm prohibition is outbalanced by the just-goal obligation. The term ‘outbalanced’ also occurs in the proportionality principle. It is morally obligatory not to follow a planned course of military actions, if those that are grievously harmful are not outbalanced by those that are vitally beneficent.

The proportionality principle is a conditional prohibition. To prove that it is satisfied, we have to prove that its condition does not obtain. To prove that its condition does not obtain, we have to prove that vitally beneficent military actions outbalance grievously harmful military actions.

In light of the two occurrences of the term ‘outbalanced’, the following equivalency might be conjectured. The just-goal obligation outbalances the grievous-harm prohibition ‘if and only if’ vitally beneficent military actions outbalance grievously harmful military actions. Admittedly, different cosmopolitan just war theories might accept different core just war principles. Conceivably, there might be a cosmopolitan just war theory that endorses this conjecture and accepts only the proportionality principle. Accordingly, the proportionality principle would be both a necessary and a sufficient moral criterion for determining whether the just-goal obligation is more stringent than the grievous-harm prohibition. Nevertheless, such a truncated just war theory would still be a deontological theory, since the proportionality principle is a deontological principle.

By contrast, my view is that the proportionality principle is a necessary – but not a sufficient – moral criterion for determining whether the just-goal obligation is more stringent than the grievous-harm prohibition. The obligation outbalances the prohibition ‘only if’ – not ‘if and only if’ – vitally beneficent military actions outbalance grievously harmful military actions. To prove that the obligation is more stringent than the prohibition, it is necessary – but not sufficient – that we prove (by clear and convincing evidence) that vitally beneficent military actions outbalance grievously harmful military actions. Proportionality is not enough.

The proportionality principle is applicable primarily to military actions, but it is also applicable secondarily to their consequences. Good intrinsic results of vitally beneficent military actions must outbalance bad intrinsic results of grievously harmful military actions. Accordingly, the just-goal obligation outbalances the grievous-harm prohibition ‘only if’ – not ‘if and only if’ – such good intrinsic results outbalance such bad intrinsic results. Even though applicable thus to consequences, the proportionality principle is a deontological principle.

Different just war theories accept different just war principles. For instance, a consequentialist just war theory might accept only a consequentialist proportionality principle, according to which a military action is just

‘if and only if’ (expected) good consequences outweigh (expected) bad consequences.

Alternatively, in addition to an ‘absolutist’ just cause principle, a just war theory might accept a ‘utilitarian’ proportionality principle, according to which a military action is just ‘only if’ good consequences outweigh bad consequences. Alternatively, in addition to ‘absolutist’ just cause and noncombatant immunity principles, a just war theory might accept such a ‘utilitarian’ proportionality principle. Indeed, these two just war theories might conceptualise moral dilemmas of armed conflict as moral conflicts ‘between absolutism and utilitarianism’ (Nagel 1979: 56).

By contrast, the proportionality principle that I am proposing is a deontological principle. It is not merely a ‘prudential test’ (Johnson 1999: 34). It is not merely a precautionary principle that ‘urges a sober caution’ (Orend 2006: 241). Instead, it is crucial for answering the question of overriding – a question that is essentially deontological. To fulfil a deontological obligation, may a morally conflicting deontological prohibition be overridden?

I realise that, because my discussion of the subject of proportionality in the preceding chapter is so brief, my proportionality principle might not prove acceptable. Nevertheless, my view is that those who reject it could still find the other three core just war principles acceptable. Let me explain.

Although making moral judgements primarily about actions, the deontologist does not entirely disregard consequences. While accepting my just cause, last resort and noncombatant immunity principles, a different just war theory – one that is still deontological – could accept a different proportionality principle – one that is wholly about consequences. Even though wholly about consequences, such a proportionality principle would not be merely a prudential test. It would not be merely a precautionary principle. For it would be crucial for answering the stated question of overriding – a question that is essentially deontological. Such an answer is summarised (roughly) as follows. The just-goal obligation outbalances the grievous-harm prohibition only if good consequences outbalance bad consequences. To prove that the obligation is more stringent than the prohibition, it is necessary that we prove (by clear and convincing evidence) that good consequences outbalance bad consequences.

F. NONMILITARY MEASURES

Because military actions are so destructive, a grievous-harm prohibition is, by its very nature, highly stringent. To prove that a just-goal obligation is even more stringent, we also have to prove that the last resort principle is satisfied.

Let me sketch a schematic case. We are ensnared in a just-war dilemma; we have defended the just-goal obligation affirmatively; we have proven that

our means of achieving our proven just goal is a justly correlative planned course of military actions; and we have proven that vitally beneficent military actions outbalance grievously harmful military actions.

Nevertheless, because our planned course of military actions would be so destructive, we must attempt reasonable nonmilitary measures first. To answer the question of overriding affirmatively, we still have the burden of proving that our planned course of military actions is a last resort. According to the last resort principle, we are morally obligated not to attempt to achieve our proven just goal by means of our planned course of military actions, if it is reasonable to attempt to achieve it by means of a nonmilitary measure.

The last resort principle is a conditional prohibition. To prove that it is satisfied, we have to prove that its condition does not obtain. To prove that its condition does not obtain, we have to prove that it is not reasonable to attempt to achieve the proven just goal by means of a nonmilitary measure. More explicitly, we have the burden of proving (by clear and convincing evidence) that each sufficiently detailed planned course of nonmilitary actions either would not achieve the proven just goal or would be disproportionate or would be substantially more awful than our planned course of military actions.

The last resort principle is a deontological principle. It is not merely a 'prudential test' (Johnson 1999: 34). It is not merely a precautionary principle that exhorts agents 'not to be precipitate in their resort to force' (Orend 2000: 195).⁴ Instead, it is a necessary – but not a sufficient – moral criterion for determining whether our just-goal obligation is more stringent than the grievous-harm prohibition. To prove that this deontological obligation overrides this deontological prohibition, we have to prove that the last resort principle is satisfied.

Since the subject of last resort is discussed at great length in preceding chapters, I am assuming that these brief comments here are adequate.

G. NONCOMBATANTS AND STRINGENCY

In a deontological moral theory, intention matters. The moral obligation not to grievously harm other persons intentionally is inherently more stringent than the moral obligation not to grievously harm them knowingly, recklessly or negligently. Specifically, the moral obligation not to grievously harm noncombatants intentionally is more stringent. The nature of a grievous-harm prohibition matters, and some grievous-harm prohibitions are, by their very natures, more stringent than others. Concurring broadly with traditional just war theory, a main thesis is that a moral prohibition of grievously harming noncombatants intentionally is, by its very nature, extraordinarily stringent.

Therefore, to answer the question of overriding affirmatively, there is also the burden of proving that the noncombatant immunity principle is satisfied. According to this principle, we are morally obligated not to follow our planned

course of military actions, if we would grievously harm noncombatants intentionally. It is a conditional prohibition. To prove that it is satisfied, we have to prove that its condition does not obtain. To prove that its condition does not obtain, we have to prove (by clear and convincing evidence) that we would not grievously harm noncombatants intentionally. If we were to grievously harm noncombatants intentionally, the grievous-harm prohibition would be more stringent than our just-goal obligation. The noncombatant immunity principle is a necessary – but not a sufficient – moral criterion for determining whether our just-goal obligation overrides the grievous-harm prohibition.

There is a difficulty. The nonharm principle is a *prima facie* moral requirement. Arguably, any moral requirement that follows by means of a subsumption argument from a *prima facie* moral requirement is itself a *prima facie* moral requirement. Therefore, because a moral prohibition of grievously harming noncombatants intentionally is derivable by means of a subsumption argument from the nonharm principle, it is itself a *prima facie* moral requirement. Even though it is extraordinarily stringent, it might still be outbalanced by an even more stringent just-goal obligation. Arguably, then, the noncombatant immunity principle is a *prima facie* moral principle. Accordingly, the difficulty is this. In making moral judgements about particular cases of armed conflict, may the noncombatant immunity principle ever be overridden? Obviously, there can be principled moral disagreement about how this question should be answered. Let me distinguish four answers.

First, there is an ‘absolutist’ answer – namely, that the noncombatant immunity principle is an absolute moral principle. The other three answers presuppose that it is a *prima facie* moral principle.

Second, there is a ‘quasi absolutist’ answer – namely, that the burden of proving that the noncombatant immunity principle may be overridden can never be satisfied, whatever the consequences, whatever the circumstances and whatever the good intentions. If this answer is accepted, the scale of comparative stringency should be understood as having (in effect) an upper bound. Even though the noncombatant immunity principle is a *prima facie* moral principle, it is tantamount to an absolute moral principle, in that it is so stringent that it can never be overridden.

Third, there is a ‘fantasy’ answer. Arguably, any moral requirement can be demolished by a fantastic counterexample. Disputably, for instance, the moral prohibition of torture can be demolished by a ‘ticking-bomb’ scenario (Lango 2010a). Let us imagine a fantastic counterexample to the noncombatant immunity principle: the entrance to a room containing a ticking nuclear bomb is blocked by a baby, and the bomb cannot be defused without killing the baby intentionally. As Walzer remarked: ‘philosophers delight in inventing such cases to test out our moral doctrines’ (1977: 262). Accordingly, the

fantasy answer is summarised as follows. Admittedly, in real-world cases, the stated burden of proof can never be satisfied; nevertheless, the noncombatant immunity principle may sometimes be overridden in fantastic cases.

Fourth, there is an 'emergency' answer. Notably, Walzer contended that the laws of war may be overridden in a 'supreme emergency' (1977: 251). He defined supreme emergencies by means of 'two criteria': their 'imminence' and their being dangers 'of an unusual and horrifying kind' (1977: 252–3). His choice of the term 'supreme emergency' stemmed from Winston Churchill's use of it at the outbreak of the Second World War to interpret a danger that appeared to be both imminent and unusual and horrifying – namely, the danger posed to Britain by Nazi Germany (1977: 245). Thus, a controversial issue is whether that danger morally legitimated the British decision to engage in the deliberate strategic bombardment of civilians living in German cities, terror bombing designed to undermine morale (1977: 253–63). Briefly, the emergency answer is that the stated burden of proof can be satisfied in a sufficiently extreme emergency.

Which answer is correct: the absolutist, quasi absolutist, fantasy or emergency? I have no space to try to settle principled moral disagreement concerning this question. However, I do need to reconsider the main thesis that, to resolve a just-war dilemma, the four core just war principles are moral criteria for determining whether the just-goal obligation overrides the grievous-harm prohibition. If the emergency answer is accepted, this main thesis holds, except for sufficiently extreme emergencies; nevertheless, when there is a sufficiently extreme emergency, the other three core just war principles are such moral criteria. If the fantasy answer is accepted, the main thesis holds for all real-world cases; nevertheless, for fantastic cases, the other three core just war principles (at least) are such moral criteria. If the quasi absolutist answer or the absolutist answer is accepted, the main thesis holds unqualifiedly.

H. COLLATERALLY DAMAGING NONCOMBATANTS

Intention matters, but so do other mental states. According to the nonharm principle, it is also morally obligatory not to actually grievously harm or seriously risk grievously harming noncombatants knowingly, recklessly or negligently. A related main thesis is that this moral prohibition is also, by its very nature, extraordinarily stringent.

Traditionally, the idea of noncombatant immunity has been linked with an idea of 'foresight'. As discussed in Chapter 4, 'Theory of Action', we 'foresee' not only when we act knowingly, but also when we act recklessly. For instance, when a drone pilot launches a missile recklessly – foreseeing that it is likely that noncombatants will die – he seriously risks killing them recklessly. Moreover, the concept of acting negligently is interrelated with

the idea of choosing not to foresee what a reasonable person would foresee. In this section, I focus on the mental state expressed by the word ‘knowingly’.

The traditional idea of noncombatant immunity has been supported by the doctrine of double-effect (DDE) (Walzer 1977: 152–3). For brevity, I utilise the compact formulation of the DDE by Cavanaugh (2006: 26):

1. the act in itself is good or indifferent;
2. the agent intends the good effect [of the act] and not the evil effect;
3. the good effect is not produced by the evil effect; and
4. there is a proportionately grave reason for causing the evil effect.

In various writings about the controversial subject of noncombatant immunity, there is labyrinthine argumentation about the DDE, but I have space only for a few remarks. Clearly, the DDE morally prohibits grievously harming noncombatants intentionally. However, under some circumstances, the DDE morally permits causing foreseen but unintended grievous harm to noncombatants, but only if there is a ‘proportionately grave reason’. I find (something like) this notion of a ‘proportionately grave reason’ acceptable, when it is adapted suitably. Let me explain.

To begin with, it is instructive to consider just-war dilemmas of a specific kind. Frequently, when we plan a course of military actions, we plan to grievously harm noncombatants knowingly. Therefore, in particular cases of armed conflict, we can be ensnared in moral dilemmas of the following specific kind. We cannot fulfil a just-goal obligation without failing to fulfil a grievous-harm prohibition of grievously harming noncombatants knowingly. To resolve this dilemma and fulfil the obligation, may the prohibition be overridden? In the language of the DDE, this question of overriding can be amplified as follows. May the prohibition be overridden by a proportionately grave reason?

The word ‘proportionately’ is potentially misleading. This moral requirement of a proportionately grave reason should not be understood as the moral requirement that only the proportionality principle must be satisfied. To prove that the obligation overrides the prohibition, we have to prove that all of the core just war principles are satisfied.

Moreover, the word ‘grave’ should be understood in terms of the concept of stringency. Even though the moral prohibition of grievously harming noncombatants knowingly is, by its very nature, extraordinarily stringent, it might still be outbalanced by an even more stringent just-goal obligation. In brief, a proportionately grave reason is an overridingly stringent just-goal obligation.

In conclusion, the core just war principle of noncombatant immunity only morally constrains acts performed intentionally. My purpose in this section

is to elucidate how the just war theory that I am developing also morally constrains acts of gravely violating basic human rights of noncombatants knowingly. Even though the moral obligation not to grievously harm them intentionally is inherently more stringent than the moral obligation not to grievously harm them knowingly, the latter is still, by its very nature, extraordinarily stringent. (For brevity, I omit discussions of reckless and negligent acts of grievously harming noncombatants, but comparable conclusions hold of them.)

III. AMONG JUST ALTERNATIVES, WHICH IS BEST?

Would a proposed military action be just? In the preceding part, I explain how such questions should be answered, by means of the core just war principles. Among alternative proposed military actions, each of which would be just, which one would be best? In the present part, I explain how such questions should be answered, by means of the comprehensive moral principles of nonmaleficence, beneficence, justice and autonomy.

A. JUST ALTERNATIVES

Let me start with a domestic analogy. In ordinary life, when we plan to achieve a goal, we might envisage alternative means of achieving it. Analogously, in cases of armed conflict, when responsible agents plan to achieve a goal, they might envisage alternative courses of military actions as means of achieving it.

Returning to the South Sudan case, let me sketch an illustration. From the temporal standpoint of 26 June 2012, imagine that the Security Council authorises the use of armed force to protect South Sudan from aerial bombardment by Sudan. Reflecting the distinction between ‘frontline defence’ and ‘deep strikes’, two means of stopping such aerial bombardments may be distinguished – namely, destroying Sudanese military aircraft as they enter a no-fly zone (NFZ) imposed over South Sudan (the ‘NFZ plan’) or launching precision airstrikes (PAS) against military aircraft on Sudanese airfields (the ‘PAS plan’).

Conceivably, both the NFZ plan and the PAS plan would be just. Both might have the just goal of preventing sufficiently grave violations of basic human rights of people in South Sudan. Either might be a last resort, each might be proportionate and neither might grievously harm noncombatants intentionally. Which just alternative would be best?

B. JUST ARMED UN PEACEKEEPING VERSUS JUST ARMED US INTERVENTION

Let me furnish another illustration by imagining, in the case of Rwanda, what might have happened, but did not.

First, from the temporal standpoint of April 1994, when genocide begins in Rwanda, imagine (counterfactually) that UNAMIR is an armed peacekeeping mission. Imagine that, in Resolution 872 of 5 October 1993, the Security Council provided UNAMIR with a Chapter VII mandate authorising the use of armed force, if necessary. Imagine that UNAMIR has ‘four thousand effective troops’, enough to ‘stop the killing’ (Dallaire 2004: 289), and also sufficient armoured personnel carriers (APCs). Finally, imagine a planned course of military actions by UNAMIR – the goal of which is to stop the genocide. To decide that this armed UN peacekeeping mission is just, the Security Council has the burden of proving that it has a just cause, that it is a last resort, that it would be proportionate and that it would not grievously harm noncombatants intentionally. If it is just, it would still be just, even if the Security Council were not primarily responsible for security. Suppose that it would be just.

Second, from the temporal standpoint of April 1994, imagine (counterfactually) an alternative option – namely, prompt unilateral armed intervention, without Security Council authorisation, by the United States. Effective armed intervention requires a force of ‘5,000 well-trained and armed troops’ (Frye 2000: 28); 300 US Marines are stationed in a neighbouring country (Des Forges 1999: 606); and sufficient additional armed troops and APCs can be transported by large US cargo aircraft. Finally, imagine a planned course of military actions by the United States – the goal of which is to stop the genocide. To decide that this armed humanitarian intervention is just, the United States has the burden of proving that it has a just cause, that it is a last resort, that it would be proportionate and that it would not grievously harm noncombatants intentionally. That it should be legally authorised by the Security Council is not a necessary moral criterion for deciding whether it would be just. Suppose that it would be just.

From the temporal standpoint of April 1994, the future is open. The goal of stopping genocide might be achieved by a just armed UN peacekeeping mission, but it also might be achieved by a just armed US intervention. Which of these two just planned courses of military actions would be best?

C. THE BEST JUST MILITARY ACTION, ALL THINGS CONSIDERED

In accordance with coherentism, a main thesis is that such questions about which alternative just planned course of military actions would be best should be answered by applying the nonmaleficence, beneficence, justice and autonomy principles conjointly. From the temporal standpoint of April 1994, which would be less harmful, more beneficial, fairer (distributive justice) and more representative (autonomy): a just armed UN peacekeeping mission or a just armed US intervention?

Having determined that there are just alternatives, there is the burden of proving, by means of those comprehensive moral principles, that one of them is best. A related main thesis is that moral deliberation about the best just military action should also be governed by the epistemic standard of clear and convincing evidence.

It might be objected that a question of whether one just military action would be better than another should be answered solely in terms of their comparative harmfulness. However, a moral requirement of comparative harmfulness is not enough. As explained in the preceding chapter, the set of core just war principles should not contain a separate principle of minimum force. In addition to comparative harmfulness, there should be moral requirements of comparative beneficialness, comparative fairness and comparative responsibility.

For example, I am presupposing that, at present, the UN system is the best system of global governance and that the Security Council should have the primary responsibility for security. Accordingly, from the temporal standpoint of April 1994, a just armed UN peacekeeping mission might be more beneficial, if the authority of the Security Council would thereby be buttressed. Such a mission might be fairer, if troop casualties and economic costs would be more justly distributed worldwide. As illustrated by the South Sudan case, such a mission might be more representative. Nevertheless, if the Security Council were to fail to deal effectively with the genocide in Rwanda within a reasonable time period, a just armed US intervention might prove to be best, all things considered.

Usually, when we act beneficently, we want our act to be effective. Sometimes, to accord sufficiently with the beneficence principle, the best just military action might be the one that is most effective. Sometimes, in cases of genocide, a truly effective just armed humanitarian intervention without Security Council authorisation might be better than a comparatively ineffective but still just armed UN peacekeeping mission.⁵

Indeed, a quest for the best just military action should include a quest for the best responsible agents. Even though the set of core just war principles does not contain a legitimate authority principle, morally right authority still matters. However, a moral requirement of comparative responsibility is not enough. Sometimes, when the nonmaleficence, beneficence, justice and autonomy principles are applied conjointly, it might be determined that the best just military action is one that would have to be performed by responsible agents who are not themselves best.⁶

Relatedly, it would be best if the just goal of a just military action were the primary goal. Even though the set of core just war principles does not contain a right intention principle, it matters whether responsible agents have morally right intentions. Sometimes, however, when these comprehensive

moral principles are applied conjointly, it might be determined that the best just military action is one that would have to be performed by responsible agents with ulterior motives or disparate interests – for instance, to win re-election or secure access to oil. Representativeness matters, but so do fairness, beneficialness and harmfulness.

Let me respond to another objection – namely, that my cosmopolitan just war theory is overly permissive of armed humanitarian intervention. For the Outcome Document of the 2005 UN World Summit prohibited such intervention, unless (among other conditions) ‘national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity’ (GA Res 2005: 30). My view is that this extreme harmfulness condition is overly prohibitive. Instead, to balance state sovereignty and SC-authority correctly, the nonmaleficence, beneficence, justice and autonomy principles should be applied conjointly. In cases of sufficiently grave violations of basic human rights within a state, the following question should be answered. Which would be less harmful, more beneficial, fairer and more representative: a just use of armed force by the national authority or a just SC-authorised armed humanitarian intervention? Of course, this question is readily answered, if the national authority is incapable of using armed force justly. Sometimes, however, it might be determined that the best just military action would have to be performed by a quite imperfect national authority.

D. THE GOAL OF PEACE AND THE LADDER OF RESORTS

The set of core just war principles does not contain a separate principle that peace must be the ultimate goal. Nevertheless, the quality or nature of the peace that would be achieved still matters. In some cases of armed conflict, a just alternative employing minimum force would only achieve a minimal peace, whereas a different just alternative employing force more robustly would achieve a peace that is sufficiently ‘durable’ (Dower 2009: 7). Among just alternatives, which would be the most pacific, all things considered? In terms of the beneficence and distributive justice principles especially, my answer is, roughly, that the most pacific just alternative is the one that would most benefit people fairly.

Concordantly, let me sketch a resolution of the concurrence problem. While a military action is being performed, should nonmilitary measures also be attempted? Consider, for instance, the following question about a schematic case of armed conflict. Which of these two just alternatives would be best: fighting without negotiating or fighting while negotiating? Sometimes, when we apply the comprehensive moral principles conjointly, we might determine that the best just military action is one that would be performed concurrently with the attempting of a nonmilitary measure. Sometimes, when we negotiate

while justly fighting, our purpose should be to achieve a more durable peace.

How is moral deliberation about the best just military action governed by the ladder of military resorts? First, let me summarise how the policing resort principle is applicable. It is morally obligatory not to attempt to achieve a just goal by means of a just military action that is not also a police action, if it is reasonable to attempt to achieve that just goal by means of a just military action that is also a police action. Would the latter be less harmful, more beneficial, fairer and more representative than the former? If we fail to prove with clear and convincing evidence that this question should be answered negatively, the better just alternative is the military action that is also a police action.

Second, the noncombatant resort principle is comparably applicable. It is morally obligatory not to attempt to achieve a just goal by means of a just military action that would grievously harm noncombatants, if it is reasonable to attempt to achieve that just goal by means of a just military action that would not grievously harm noncombatants. Would the latter be less harmful, more beneficial, fairer and more representative than the former? If we fail to prove with clear and convincing evidence that this question should be answered negatively, the better just alternative is the military action that would not grievously harm noncombatants.

E. CONCLUDING SUMMARY

Our real-world moral judgements about particular cases of armed conflict can be complicated and controversial, when we consider all of the things that are morally relevant. Typically, various morally relevant details are entangled in historical cases, and a present or imminent case is history in the making or history about to be made. Usually, then, prospective moral judgements have to be made on a case-by-case basis.

To determine whether a proposed military action would be just, the core just war principles should be applied. And to determine whether a proposed military action that would be just is also the one that would be best, the comprehensive moral principles should be applied. There are no uncontroversial recipes for applying these principles.

The process of applying just war principles is a temporal process, and so is the process of revising them. From the particular temporal standpoint of the early years of the second decade of the twenty-first century, I am developing a particular cosmopolitan just war theory.

Many questions are raised, only some of which are investigated. Only an illustrative selection of particular cases and specific issues is considered. This book is not intended as a definitive treatise that settles all controversies. Much remains to be accomplished.

NOTES

1. Concerning the idea of 'all things considered' in moral theory, see Chang (2004).
2. An overview of the case is Hsiao (2012). The case is discussed from the earlier temporal standpoint of August 2010 in Lango and Patterson (2010).
3. See www.law.cornell.edu/uscode/text/18/17 (last accessed 22 July 2013).
4. See also Orend (2006: 58, 241).
5. For a defence of the importance of 'effectiveness' in armed humanitarian intervention, see Pattison (2010: 79–97).
6. For a book focused on the question of who should be the agents of armed humanitarian intervention, see Pattison (2010).

