

War & National Partiality

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Dissertation Summary

Many people believe that nations are morally permitted, and perhaps even morally required, to give at least some preference to the lives of their own civilians and combatants in war. Most philosophers writing on the ethics of war, however, either claim or assume that this common judgment is wrong. According to the predominant view, national partiality alters neither the moral constraints on just entry to war (*jus ad bellum*) nor just conduct within war (*jus in bello*).

My dissertation challenges the philosophical consensus by defending an account of national partiality and its application in war. On my view, nations are morally permitted to give some preference to their co-nationals, but this must be balanced against the very weighty obligations we have to outsiders. My account therefore stops well short of endorsing the extreme view according to which nations can confer near lexical priority on their own.

The first part of my project defends an account of national partiality. I show that all forms of partiality share a basic justification: partiality is justified when one values a relationship non-instrumentally, and when one is responsible for creating or sustaining a certain type of vulnerability in another. National partiality, however, has certain unique features that most paradigmatic forms of partiality do not. Most notably, national partiality is *scope-restricted*: its application is restricted to a certain domain of human interaction—i.e., the political life of the nation and its members. Recognizing this feature helps dissolve a persistent objection, raised by Cecile Fabre and David Lefkowitz, which claims that war does not permit national partiality because we cannot plausibly extend our intuitions about interpersonal partiality to the case of co-national partiality. Indeed, we should expect certain of these cases to be inapplicable to national partiality because the scope of the co-national relationship is much narrower than that of, e.g., the parent-child relationship. And yet, when a case arises within that scope, national partiality can indeed be applicable. As a political conflict between collectives, war generally falls within the scope of the co-national relationship.

I then argue that national partiality not only boosts our duties of beneficence, but can also override our duties of non-maleficence in some cases. This is central to the application of national partiality in war, since war involves not only duties of beneficence, like rescuing and offering protection, but also duties of non-maleficence, like duties not to harm or kill. I argue that the extra weight afforded by partiality is a multiplier function that corresponds to the particular type of duty to which it is applied. This conclusion parts from one commonly held view, defended by David Miller and others, according to which national partiality cannot help to override certain duties of non-maleficence to outsiders.

In the second part of the dissertation, I show how the standard conditions for just war ought to be revised to accommodate national partiality. The primary foci of this revision are the *ad bellum* proportionality condition and the *in bello* principle of distinction. The former holds that a war's prospective harms must not be out of proportion to the relevant goods it is expected to achieve. I show that, contrary to the standard assumption, nations are sometimes permitted to give greater weight to certain of the harms and goods that will befall and accrue to their own. As a result, certain wars that would be judged disproportionate on an impartialist model in fact satisfy the proportionality condition.

Finally, the *in bello* principle of distinction says that killing civilians is worse than killing combatants. But how are we to weigh the lives of our combatants, to whom we owe special duties of partiality, against civilians on the other side, to whom we have special duties of protection? I show that, when all else is equal, national partiality to our combatants trumps our obligations to the other side's civilians. However, in war, all else is rarely equal. Thus, the full answer to this question depends on several morally relevant factors—namely, the risks soldiers accept, the types of harm in question, and strategic considerations.