



Just and Unjust Distributions in War: The Moral Equality of Combatants and the Normative Structure of War

Ewan E. MELLOR

Ph.D. thesis defence on 05 April 2017

Abstract

This develops a defence of the principle of the moral equality of combatants against recent revisionist critiques. It does this by developing an interpretive and hermeneutical approach to the study of war and the just war tradition. This approach allows the meanings of war and of actions within war to be explored and it is on the basis of this understanding of meaning that the moral equality of combatants is defended. It shows that these meanings and distinctions cannot be recognized by the revisionists and that this is a moral and interpretive loss. The thesis develops the argument of Michael Walzer's *Spheres of Justice* and applies it to war; it demonstrates that war has a distinct meaning and that the principles for distributing identities, rights, and responsibilities in war are relative to this meaning.

The thesis begins by exploring the history of the just war tradition and the evolution of the concept of combatancy and the distinction between combatants and non-combatants in order to demonstrate how the just war tradition constitutes war as an institution. It then explores the contemporary debate and argues that whilst the traditional defences of the principle of the moral equality of combatants have been found wanting, the conclusions of the revisionists need not be accepted. To demonstrate this, the following chapters study a number of examples that highlight important and meaningful contrasts associated with both the *jus in bello* and the *jus ad bellum*. The final chapter introduces the concept of the normative structure of war and argues that the right to participate and to kill in war depends upon a public relationship of duty between soldiers and the state. The reciprocal relationships of duty are the source of the moral equality of combatants.



Jury: Chris Reus-Smit, (formerly EUI/The University of Queensland (Supervisor), , James Pattison, The University of Manchester, Edward Mellor (Ph. D. candidate) Peter Sutch, Cardiff University Jennifer Welsh (EUI)

Bio

Ewan E. Mellor writes on just war theory from an interpretive and communitarian perspective. His thesis focusses on the contemporary debate about the principle of the moral equality of combatants and develops a novel argument drawing on hermeneutics in order to understand the moral reality of war and to provide a defence of this principle. Prior to coming to EUI Ewan completed his undergraduate degree at the University of Warwick where he first studied just war theory and wrote on the nature of guerrilla warfare. He then completed an MA (Hons) at the Peace Research Institute of Oslo and the Australian National University where he wrote a thesis on the role of private military contractors in contemporary warfare. He completed an MPhil at the University of Oxford, writing on the development of the British Army from the Crimean War to World War I.