Einladung zum Institutskolloquium

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**Mutually Unjust War**

**Abstract**

According to contemporary just war theory waging a just war is a difficult matter -it requires that a belligerent fulfill a number of stringent conditions such as just cause, proportionality, necessity, reasonable prospect of success, among others. Failing to fulfill any of them would render a war *un*just. It is therefore surprising that contemporary just war theorists always assume a picture in which one belligerent fights a just war, while the other fights an unjust war. This asymmetry is of the utmost importance for the so-called revisionist position in just war theory. There has been, by contrast, no philosophical work on wars that are unjust from *both* sides. The fact that mutually unjust wars exist seems fairly obvious as a matter of fact. However, we argue that there is a deep conceptual puzzle at the core of this type of situation that has remained entirely unnoticed in the relevant literature. This paper sorts out this puzzle and advances the view that there are at least three types of mutually unjust wars. It also argues that wars can be mutually unjust to different degrees, and that, under certain strict circumstances, they can even be mutually just. Accordingly, we offer a picture which is much more complex and nuanced than the standard case of just/unjust belligerents adopted by most revisionists. These findings indicate an important gap in the literature, one that suggests that we need to re-assess the way in which ad bellum considerations impact on in bello rules. Taking this agenda seriously can provide for a richer, subtler framework to assess morally permissible behavior in war and bring contemporary just war theory in a more fruitful dialogue with current debates on war in political science, international relations and international law.

(Der Vortrag basiert auf einem Aufsatz, der zusammen mit Alejandro Chehtman verfasst wurde.)

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