

Introduction: Legitimate Authority, War, and the Ethics of Rebellion

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The three articles that make up this special section all investigate, from different perspectives, the idea that considerations of “legitimate authority”—as paradigmatically associated with the modern sovereign state—have a key role in constituting the modern idea of war and in determining the normative status of those who participate in it. While Jonathan Parry addresses the theme as an important matter in the moral analysis of wars of any kind, Christopher Finlay and Pål Wrangé focus on its salience in the context of wars between states and nonstate belligerents, such as national liberation movements or armed domestic rebellions. All three pieces were developed from papers presented as part of a panel at the annual meeting of the International Studies Association in Atlanta in March 2016.

In just war theory, legitimate authority (along with cognate terms such as “right authority” and “proper authority”) is traditionally identified as a principle of *jus ad bellum* and, thus, as a precondition of justifying the resort to war. The need for such a criterion, however, has been thrown into doubt recently, particularly in light of an increasingly influential approach to the ethics of war, as defended by Jeff McMahan, Cécile Fabre, Helen Frowe, and a number of other philosophers. The central tenet of this view is that the morality of war is wholly reducible to the moral principles that govern “ordinary” violence between private individuals. Proponents of this “reductivist” approach often take their view to have important revisionary implications for traditional norms of just war. In particular, many conclude that the authority requirement lacks moral foundations.

In his contribution, Jonathan Parry challenges both the traditional conception of the authority requirement and those reductivists who doubt the need for the criterion. Authority, he argues, is not only important in evaluating the claim to have a right to *initiate* war but also in that it has significant bearing on what is morally permissible *within* war. Significantly, Parry aims to illustrate how these conclusions can be defended by appeal to the *very same* basic principles that lead many reductivist just war theorists to reject the notion of authority in war.

Authority has particular importance, however, when we reflect on the ethics of force in wars involving nonstate parties. The armed overthrow of Qaddafi in Libya and the ongoing civil war in Syria, for instance, raise a variety of issues for just war theorists, whether they approach these cases from the perspective of moral and political philosophy or of law. Central to these is the question of how a criterion of legitimate authority (or some similar criterion) might be used to guide distinctions between legitimate and illegitimate rebellions, and between those individual rebels who can claim the rights of combatants and those who cannot. Proceeding from an analysis of the consequences of legal authority (or lack thereof) Pål Wrangé's contribution finds that legal authority is not always conditioned on legitimacy. In fact, in international law there appears to be no consistent, overarching conception of proper authority, and even less so of legitimacy.

In the final article, Christopher Finlay argues that rebellion constitutes a key problem in the wider international normative architecture. He distinguishes three pillars that offer some guidance on how to respond to legitimate rebels: the concept of terrorism and its definition in international law; the Law of War; and the Responsibility to Protect. While all three shed some light on the problem, Finlay argues that none is adapted well enough to the problems specific to wars involving nonstate forces as to be able to provide a reliable guide for third parties. Given these flaws, Finlay concludes that reform is needed across all three pillars.

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