



## Shooting to Kill: The Ethics of Police and Military Use of Lethal Force

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## Conclusion

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### Abstract and Keywords

IN THIS WORK I have analyzed the underlying moral justifications and moral responsibilities in play in the use of lethal force by ordinary citizens, police officers, and military personnel. In doing so, I have relied on my normative teleological account of social institutions. On the one hand, police and military use of lethal force is morally justified in part by recourse to fundamental natural moral rights and obligations, especially the right to personal self-defense and the moral obligation to defend the lives of innocent others under imminent threat, if one can do so without risking one's own life. On the other hand, the moral justification for police and military use of lethal force is to some extent role-specific. Both police officers and military combatants evidently have an institutionally based moral duty to put themselves in harm's way to protect others. However, police, under some circumstances, evidently have an institutionally based moral duty to use lethal force to uphold the law, and military combatants evidently have an institutionally based moral duty to use lethal force to win wars....

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Two fundamental notions upon which this work relies are joint action and the natural right to self-defense. I provide my individualist collective end theory of joint actions and use it to construct the notion of multilayered structures of joint action to understand organizational action. I develop a novel theory of justifiable killing in self-defense; namely, the fault-based internalist suspendable-rights theory (FIST). FIST is a fault- and rights-based account with two distinctive features. First, it is a partialist account: the rights not to be killed are such that when one member of the set of rights is suspended, the other rights (and concomitant obligations) remain in force. Thus, if A's right not to be killed by B is suspended, then B no longer has an obligation not to kill A. However, A still has a **(p.285)** right not to be killed by C, and thus C's obligation not to kill A remains in force. This condition is restrictive in that it has the effect of curtailing the putative right of third parties to kill in defense of the lives of others. Second, according to FIST, a culpable attacker suspends his right not to be killed by a defender even in cases in which it is not necessary for the defender to kill the attacker to save his own life. This condition is permissive in that it has the effect of strengthening the right to self-defense.

Social institutions, such as police and military organizations, presuppose natural rights and obligations but are established to realize collective goods, such as the protection of aggregate natural rights, such as the right to life. In this process, institutional roles are created and defined in terms of institutional rights and duties that are also moral rights and duties. Moreover, the latter do not entirely mirror prior natural rights and duties. Hence there is a divergence between the moral justification for the use of lethal force by ordinary citizens, police officers, and military combatants. Thus, unlike ordinary citizens, police officers are justified in using lethal force to uphold the law. On the other hand, military combatants, but not police officers or ordinary citizens, are morally justified in ambushing and killing an enemy. So although the institutional roles of police officers and regular soldiers are similar in some respects, they are also importantly different. In general terms, military forces, unlike police forces, do not have as a defining moral purpose to enforce the law, but they do have as a defining purpose to win wars. Accordingly, soldiers use lethal force with far less moral constraints than do police officers. Moreover, unlike police officers, soldiers waive their natural discretionary right to use lethal force, and do so in favor of their superiors. That said, the advent of international terrorism has blurred the distinction between the police and military roles. The practice of

targeted killing is a case in point. I have argued that targeted killing may be permissible in disorderly states, given that the law enforcement model is unable to be applied and the lives of innocent civilians are not put at serious risk.

A central moral notion deployed throughout the work is that of collective moral responsibility. I have proffered a novel individualist relational account of this notion and deployed it in respect of the members of an army fighting a war, use of lethal force by police against suicide bombers, humanitarian armed intervention, and autonomous weapons. This notion of collective moral responsibility presupposes my individualist theory of joint action and comports with my theory of organizational action as multilayered structures of joint action. Accordingly, I have reframed **(p.286)** the Moral Equality of Combatants debate between so-called traditionalists, such as Walzer, and so-called revisionists, such as McMahan, in terms of the collective, or joint, moral responsibility of actors engaged in multilayered structures of joint action. This provides, I suggest, a more nuanced and realistic model of individual moral responsibility in large-scale collective enterprises, such as armies fighting (just or unjust) wars. In such contexts, decision making is necessarily joint, and is therefore required to be binding on all, or most, if it is to be effective. Accordingly, there is a presumption in favor of an individual who disagrees with such joint decisions to nevertheless go along with them. That said, each individual organizational actor is morally responsible for his or her own actions, yet each also has a share, jointly with the others, of the moral responsibility for the larger organizational goals (collective ends, in my parlance). Importantly, this conception of moral responsibility enables, indeed requires, me to ascribe moral responsibility only to human beings, whether acting individually or jointly. Accordingly, I eschew the ascription of moral responsibility to collective entities per se, such as police institutions, armies, terrorist organizations, governments, or nation-states, or for that matter to computers and other machines; moral responsibility for the use of lethal force rests squarely with human beings.

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