

Abstract: Proportionality in War: A Return to Traditional Jus in Bello Conditions?

The revisionist just war theory's movement away from the assertion that all combatants are liable to be killed in virtue of posing a threat to one another has given rise to a vast number of difficult questions, including questions regarding what counts as a proportionate action in war. The difficulty and sheer number of these questions has led many theorists and practitioners to suggest that combatants cannot be expected to engage in these difficult moral evaluations each time they are required to engage with the enemy. In this paper, I argue that the relationship between *jus in bello* proportionality and other *jus in bello* conditions can successfully capture the way lesser evil and liability justifications combine to provide all-things-considered judgments for actions in war. Showing that the relationship between liability justification and lesser evil justification for actions in war can be meaningfully and straightforwardly captured by the familiar *jus in bello* conditions is meant to show that revisionist theories of war can in fact give us *useful and practical* answers to difficult problems that arise in war. In other words, if we can show that *jus in bello* conditions do in many circumstances capture the all-things-considered judgment derived from careful examination of the way liability justification and lesser evil justification work in ordinary cases and cases of war, then we have a response to the common criticism that revisionist theories of war oversimplify complex situations and in that way fail to provide combatants with useful guidance.