Arming the Outlaws: On the Moral Limits of the Arms Trade

1. Oppressors: an oppressive regime (the Incumbent) is vulnerable to being overthrown by vicious insurgents or the invading army of a rival state (the Challenger) whose rule promises to be even more despotic than the status quo. If we withhold weapons from the Incumbent, we will undermine its ability to wage a just defensive war that would serve the security interests of its citizens. Those interests cannot be served (as effectively, or without imposing far greater costs on us, the intervener) by other means.

2. Two Claims

The Permission to Arm Claim (it is permissible to transfer arms to the Incumbent)

The Duty to Arm Claim (there is a duty to transfer arms to the Incumbent)

3. Two Types of Arms Transfer

Foreign Military Sales (sales made by a government)

Direct Commercial Sales (sales made by a private firm)

4. Two Versions of Each Claim

(i) The Permission to Arm claim: the state is permitted to engage in Foreign Military Sales (i.e. it is permitted to sell weapons to the Incumbent);

(ii) The Permission to Arm Claim: the state is permitted to sanction Direct Commercial Sales (i.e. it is permitted to grant an export license allowing private firms within its jurisdiction to sell weapons to the Incumbent);

(iii) The Duty to Arm Claim: the state has a duty to sell weapons to the Incumbent

(iv) The Duty to Arm Claim: the state has a duty to issue an export license (if one is sought).

5. Objection 1 (The Doing vs Allowing Objection)

If a state transfers weapons to the Incumbent, it does harm by contributing to the preservation of an oppressive status quo, whereas if a state withholds weapons, it merely allows harm to occur.

Reply 1:

By transferring weapons to the Incumbent, the exporter does not do harm: it does not make anyone worse-off.

But...
It should not be assumed that the set of individuals that would be oppressed by the Challenger and the set of individuals that are oppressed by the Incumbent are coterminous: there may be some people who are oppressed by the Incumbent who would not be oppressed by the Challenger, even though the Challenger would be more oppressive overall.

Reply 2:

Is it true that a state that withholds weapons merely allows harm?

Two Types of “Withholding”

A. Refraining from engaging in Foreign Military Sales
B. Declining to issue an export license to a private firm

6. Objection 2 (Illegitimacy)

Version 1: The No Claim Objection (targets (iv)) – oppressive states, by virtue of their illegitimacy, lack a claim-right to wage defensive wars.

A Reply:

The duty whose existence is posited by (iv) may be grounded in something other than the rights of the Incumbent (e.g. the rights of its subjects).

Version 2: The No Liberty Objection (targets (ii)) – oppressive states, by virtue of their illegitimacy, lack a liberty-right to wage defensive wars; that is, they have a duty not to wage defensive wars.

A reply:

Why would an oppressive state lack a liberty-right to defend itself against aggression that would produce injustice greater than that which characterizes the status quo?