

Chapter 11. Collectivism and Individualism in the Ethics of War

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Abstract: This chapter explores the ongoing debate in the ethics of war between the traditional collectivist accounts of war, and revisionist reductive individualist accounts. I begin by reflecting on the ethics of war as a domain of applied philosophy. I then outline the origins of the Western just war tradition, and set out the central tenets of the collectivist view: that war is an irreducibly collective enterprise that must be morally judged on its own terms. I then explain how this traditional view has been challenged by reductive individualism, and consider the prospects of reductive individualism as an alternative theory of the just war.

Keywords: War; Collectivism; Reductive Individualism; Michael Walzer; Jeff McMahan; Moral Equality of Combatants; Principle of Non-Combatant Immunity; Just Cause; Legitimate Authority; Proportionality

The Ethics of War as Applied Philosophy

Applied philosophy involves taking our philosophical accounts of some topic – such as mathematics, harming, or political authority – and working out the implications of those accounts for a specific practice, such as a scientific project, the medical separation of Siamese twins, or reforming a country’s electoral system. The aim is that the critical, reflective nature of philosophy will enable us to better understand and evaluate those practices. We might call this approach *theory-down*, or top down, applied philosophy, where we start with our theoretical models and see what they can tell us about ‘real life’ (cf. Chapter 2 The Methodology of Applied Philosophy).

But the relationship works both ways: by considering our practices, we can illuminate, criticize or perhaps even falsify our existing philosophical theories. This kind of practice-up, or bottom up, approach takes our actual way of doing things as a starting point, and considers how philosophy might take this into account. Much of philosophy

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thus involves trying to reconcile our theoretical understanding of an idea with actual human practices, institutions and intuitions.

The ethics of war is one area in which the contrast between theory-down and practice-up approaches of applied philosophy is made particularly manifest. Some writers argue that the study of the ethics of war must begin with how soldiers experience war, and reflect their experiences as warriors (Walzer 1974; Ryan 2008). Others argue that, at least, the ethics of war must be sensitive to the epistemic conditions in which soldiers find themselves (Shue 2010). But some writers resist this priority of practices, arguing that, in general, our moral evaluations of how war is fought should be revised in light of our theories (McMahan 2009).

Myriad philosophical topics have implications for the ethics of war. Indeed, it's hard to think of any other context in which so many aspects of moral, political and legal philosophy might be brought to bear. War is the most extreme manifestation of many matters of fundamental moral concern: it involves intentionally and incidentally killing, maiming and destroying on a grand scale. These harms are usually inflicted in the service of some political goal by people following the orders of their government and acting on behalf of a larger citizenry, which raises the fundamental issue of political philosophy: the source and extent of political authority. And, whilst the harms of war are ostensibly governed by international law, the very notion of international law is theoretically contested. Philosophers working on the ethics of war thus draw on deep debates in many areas of philosophy to illuminate moral aspects of war.

I begin this chapter by outlining the collectivist approach to the ethics of war that has dominated the field for much of its history. I then introduce the recent challenger to this position – a view that I will call *reductive individualism*. I consider the prospects of reductive individualism as an alternative account of the ethics of war that focuses on the rights and duties of individuals, not states. I explore the implications of this revisionist view for central topics in the ethics of war, including the moral status of combatants, the Principle of Non-Combatant Immunity, just causes for war and the role of legitimate authority in war.

The Origins of the Just War Tradition

Historically, the ethics of war has been dominated by the work of Catholic theologians such as Augustine and Aquinas. These mediaeval scholars were primarily concerned with reconciling Christianity, which generally prohibits killing, with the belief that war is sometimes permissible. Augustine identifies two exceptions to prohibition on killing: killing that is ordered by a legitimate (i.e. divinely appointed) ruler, and killing directly ordered by God (as in Biblical story of Abraham and Isaac) (Augustine, 400AD, 22.73 - 74). When combatants kill on the orders of a Christian monarch, they are effectively carrying out God's will, and thus their actions are not sinful. Given this, we can see that the notion of legitimate authority is central to the early accounts of just war. Only divinely appointed rulers may fight without wrongdoing. Thus, non-state groups cannot fight just wars. Indeed, on some accounts, such groups cannot fight *wars* at all, since whether or not a use of force counts as a war depends on whether it is enacted by a state.

The other major source of just war scholarship is international law, with figures such as Hugo Grotius, Emer de Vattel and Samuel Pufendorf. Over time, these works have evolved into a secular doctrine that understands war as a relationship between political entities - usually states (Walzer 1974, p. 34). I will call this doctrine *the collectivist view*. Proponents of this view no longer claim that state rulers are divinely appointed in order to explain why war can be just. But they do argue that war is an essentially collective, political enterprise that is not susceptible to evaluation by the moral rules that govern the behavior of individuals.

This state-based account of war is reflected in much of international law, and is what most people have in mind when they talk about 'just war theory'. It distinguishes between various 'stages' of war: *jus ad bellum* (justice prior to war), *jus in bello* (justice during war) and *jus post bellum* (justice after war).

Jus ad bellum is made up of seven conditions:

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- Legitimate authority: The decision to go to war must be taken by an appropriate representative of a political organization (a head of state, or some governing body such as Congress or Parliament)
- Just cause: The state considering war must have suffered the appropriate sort of wrong, i.e. a (threatened) breach of sovereignty
- Proportionality: War must be a proportionate response to the severity of the (threatened) breach of sovereignty
- Last resort: War should be employed only if it is the least harmful means of securing the just cause. If alternatives, such as diplomacy or sanctions might work, they should be tried before resorting to war.
- Reasonable prospect of success: War must have a reasonable chance of achieving the just cause (although it's of course controversial what counts as a reasonable chance).
- Right intention: War should be fought for the reasons that in fact justify the war, and not for some ulterior motive.
- Public declaration: War, and the intention to wage war, should be publicly declared. This alters the relationship between the states under international law, such that actions between them are now covered by the laws of war, and offers the target state an opportunity to back down and to protect its civilian population by evacuating cities and so on.

Each of these conditions must be satisfied if war is to be *ad bellum* just.

Jus in bello governs the way in which war is fought, constraining the harms that combatants may inflict. It consists of three central principles:

- Discrimination: Combatants must distinguish between military persons and objects, and civilian persons and objects (this is sometimes called the Principle of Non-Combatant Immunity). Only military persons and objects may be targeted. Any harm to civilians must be merely foreseen, not intended.

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- Proportionality: Any harm inflicted must be proportionate to the military advantage secured.
- Necessity: any harm inflicted must be necessary for achieving the military advantage sought.

The Collectivist View

The most comprehensive modern articulation of the collectivist view is Michael Walzer's *Just and Unjust Wars*. Although Walzer grounds the ethics of killing in war in individual rights, he draws a sharp distinction between conflicts that occur between states and conflicts that occur between individuals. Walzer argues that whilst the rights of states derive from the rights of their citizens, the goods that states may permissibly defend in war are irreducibly collective goods. By defending their sovereignty – that is, their political and territorial integrity – states protect their citizens' "common life". The common life is more than each individual's mere existence: it is the distinctive *way* of living that citizens develop under the protection of their state.

Walzer grants that comparisons can be made between international aggression and wrongdoing between individuals – his well-known 'domestic analogy' holds that we recognize aggression "as the international equivalent of armed robbery or murder" (Walzer 1974, 58). But he denies that warfare itself can be properly understood by thinking about relationships between individuals. For Walzer, combatants are simply the "human instruments" of political leaders (Walzer 1974, 34), and their moral status as fighters is inextricably linked to the fact that they are following the orders of their government and acting behalf of a political group. Noam Zohar similarly argues that "[w]ar is perceived and described properly only when we see it as being waged between nations rather than simply between two hosts of individual soldiers" (Zohar 2004, 739). When it comes to the fighting of war (as opposed to its declaration), Walzer argues that there is no 'domestic equivalent' to which war can usefully be compared. Rather, war is

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sui generis: it is a distinctive moral sphere in which at least some of our usual moral rules do not apply (cf. Chapter 29 Social Ontology and War).

One of the most important implications of this view is a moral separation between *jus ad bellum* and *jus in bello*. The so-called Independence Thesis holds that even a war that is *ad bellum* unjust can be justly fought – that is, satisfy the *in bello* criteria. Walzer argues that declaring war, and assessing the *ad bellum* status of a war, is the business of political (and perhaps military) leaders. Ordinary combatants have no control over the wars that their leaders decide to fight. Whether they end up on a just or unjust side of a war is, from their perspective, a matter of luck. Given this, it would be unfair to condemn combatants on the unjust side of the war (henceforth, unjust combatants) from the outset, making it impossible for them to fight well. Rather, we should hold that provided combatants obey the rules of *jus in bello*, they do no wrong in fighting. This does not mean, however, that combatants may not be killed. On the contrary: Walzer argues that a combatant lacks a right against being intentionally harmed by enemy soldiers, since “he has allowed himself to be made into a dangerous man” (Walzer, 1974, 145). Combatants pose threats, and are therefore legitimate targets.

The Independence Thesis gives rise to a second claim: the Moral Equality Thesis. This thesis holds that, provided they follow the rules of *jus in bello*, unjust combatants are the moral equals of those on the just side (just combatants). Walzer argues that combatants in general are morally blameless for posing threats, and they do not wrong enemy combatants if they kill them. He defends this view by arguing that combatants’ reasons for fighting can be understood on one of two models: the gladiatorial model and the boxing match model.

According to the gladiatorial model of combat, combatants are forced to fight by their states and will be harshly punished if they refuse. Since all will suffer if they refuse to fight, they are permitted to fight and kill each other. Whilst this model might have been a plausible description of armed forces at some points in history, it does not seem apt for many modern armies, which are often volunteer standing armies. A better analogy for most modern armed forces is probably the boxing match model, which holds that, in

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virtue of consenting to fight, combatants lack rights not to be killed by the other side. According to this model, combatants waive their usual right not to be harmed when they join their state's armed forces, but nonetheless retain a right to defend themselves against those who pose threats to them (just as in a boxing match). Thus, in war, unjust combatants may kill just combatants without wronging them.

The Individualist View

Over the last twenty years, a revisionist school of the just war tradition known as *reductive individualism* has substantially challenged the dominant collectivist view. This revisionist perspective is reductivist because it holds that the moral rules of war are the same as – or reducible to – the moral rules of ordinary life (cf. Chapter 29 Social Ontology and War). It is individualist because it holds that individuals, rather than collectives such as states, are the appropriate targets of moral prescription and evaluation. According to the reductive individualist, there is nothing morally special about war, and the fact that a person fights on behalf of a political collective does not give her special permissions to do harm that are more extensive than those that are enjoyed by individuals who do not act on behalf of a collective.

Jeff McMahan is the most influential and prolific defender of the reductive individualist view. McMahan's work has undermined both the Independence Thesis and the Moral Equality Thesis (McMahan 2009). McMahan draws attention to the peculiarity of thinking that those who are fighting for a just cause – which means, effectively, that they are fighting in legitimate self or other-defense – are the moral equals of those who are unjustly attacking them.

Imagine that Alex breaks into Barbara's home and tries to kill her. Assume that Barbara is an innocent person who has a right not to be killed, and Alex has no justification for killing her. Killing Barbara will violate her right. Now imagine that Barbara tries to defend herself against Alex. We would not think that, by posing a defensive threat to Alex, Barbara becomes Alex's moral equal. She and Alex are not on a moral par, with equal permissions to try to kill each other. Rather, Alex has forfeited

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his right not to be harmed by Barbara in virtue of being morally responsible for unjustly threatening her. Since Alex lacks a right not to be killed, Barbara will not violate any of Alex's rights if she kills him.

McMahan summarises this by claiming that Alex, unlike Barbara, is *morally liable to defensive harm*. This means that Alex is not wronged by being harmed by Barbara (provided that she harms him only to the extent that doing so is necessary for averting the threat he poses). There is thus a clear moral asymmetry between these mutually-threatening people.

McMahan argues that the same is true when unjust combatants threaten just combatants in war. The unjust combatants are liable to defensive harm because they are morally responsible for posing unjust threats, whereas the just combatants do nothing to render any of their usual rights forfeit. Thus, the Moral Equality Thesis looks false. If we are to defend it, we must show that things are different for combatants than for ordinary people in ordinary life. But McMahan is not persuaded by the claim that acting on behalf of a collective can make a moral difference to one's actions. After all, collectivists do not argue that any group will do: a group of Boy Scouts cannot take it upon themselves to start killing members of the Girl Guides and then invoke their membership of a collective as a justification for their actions. Rather, the collectivist view is meant to apply only to appropriate *political* collectives, such as states, or perhaps groups that are aiming to become states (as we might see in a civil war or coup). Christopher Kutz claims that "[w]hen individuals' wills are linked together in politics, this affects the normative valence of what they do individually as part of that politics" (Kutz 2005, 157).

But, as McMahan argues, the mere fact that a group has a political agenda doesn't tell us anything about the moral permissibility of pursuing that agenda (McMahan 2007, 53). Many political goals are morally abhorrent. It is only *just* goals that may be permissibly pursued. And since the justness of a goal does not depend on whether it is pursued by an individual or a collective, the fact that a person acts on behalf of a collective does not in itself affect the permissibility of her actions.

What of the gladiatorial and boxing match models of combat? McMahan is similarly skeptical of these arguments for the Moral Equality Thesis. Cases fitting the gladiatorial model would today be so rare that it could not possibly support Walzer's claim that *all* combatants are morally equal provided they follow the *in bello* rules. It would at best provide a handful of combatants with a permission to fight.

The boxing match model also fails, in McMahan's view, because he thinks it is simply false that just combatants fighting in self-defense consent to be killed (McMahan, 2009, 53). Nobody believes that when Barbara defends herself against Alex in the example I gave above, she is consenting to be killed by Alex, or even consenting to the risk of being killed by him. Barbara is merely acting in self-defense after Alex has forced upon her a choice between killing him or being killed herself. Similarly, the fact that just combatants act to defend themselves and their fellow citizens against unjust aggression does not mean that they have waived their rights not to be harmed.

If we accept McMahan's argument against the Moral Equality thesis, the Independence Thesis also looks false. It now seems to matter whether a combatant's war is *ad bellum* just or unjust, since those whose war is unjust violate the rights of those whom they kill. McMahan argues that, understood as a moral doctrine, the requirement of discrimination is not a requirement to distinguish between combatants and non-combatants, but a requirement to distinguish between legitimate and illegitimate targets. And, according to reductive individualism, unjust combatants do not have any legitimate targets. Even when they attack only combatants, they are violating rights.

This is one way in which the reductive individualist view rejects the role of collectives in the ethics of war: they deny that a combatant is a legitimate target simply in virtue of belonging to the armed forces, and that a non-combatant is an illegitimate target simply in virtue of being a member of the civilian population. Rather, whether a person is a legitimate target of force - whether she is liable to harm - depends on what she herself has done. The precise conditions for liability are contested - McMahan argues that a person is liable to defensive harm only if she is morally responsible for an unjust threat, and harming her is necessary for averting that threat - but they invariably claim to track

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the rights and duties of individuals, not their membership of certain groups (McMahan 2009; Ferzan 2012; Frowe 2014).

Reductive individualism also challenges the idea that unjust combatants might fight in accordance with proportionality and necessity. If the proportionality requirement is supposed to be a moral constraint, it must require that the moral value of a military objective outweigh the moral disvalue of the harms inflicted. But if one is fighting an unjust war, there is typically no *moral* value in achieving one's military goals. On the contrary, it's morally *bad* if unjust combatants achieve military advantages, since these contribute to securing the success of an unjust campaign. This means that there is nothing of moral value that can balance against the harm that unjust combatants inflict. Thus, any harm they inflict is disproportionate (Hurka 2004; McMahan 2009). We can run a similar argument about necessity. After all, the mere fact that harming someone is necessary for achieving a goal cannot justify inflicting that harm unless the goal is morally valuable. The fact that killing you is necessary if I am to steal your wallet doesn't in any way undermine the wrongness of killing you, because stealing your wallet is not a morally valuable end. Since unjust combatants' goals are not morally valuable, the fact that inflicting harm is necessary for achieving those goals does nothing to make inflicting the harms less wrong.

Reductive Individualism: Implications and objections

Non-combatants and the Responsibility Dilemma

Seth Lazar argues that, given their reliance on individual responsibility and liability, reductive individualists face what he calls the Responsibility Dilemma (Lazar 2010). If we want to show that all combatants are legitimate targets, we will have to endorse fairly weak conditions for liability to defensive harm. After all, combatants often act under some duress, or conditions of limited ignorance, or on the (reasonably) mistaken belief that their war is just, all of which would seem to mitigate moral responsibility. Moreover, some combatants make only small causal contributions to their country's war effort: they might be posted somewhere that turns out to be strategically unimportant, or part of a wholly unsuccessful mission, or never even fire their weapons. Many combatants operate only

behind the front lines, making only indirect contributions to the war. If these combatants are nonetheless liable to be killed, the conditions for liability must be quite weak.

The problem is that once we endorse such weak conditions, many non-combatants will also be deemed liable to defensive harm if their country's war is unjust. Non-combatants often contribute to their country's wars – they make weapons, military vehicles and uniforms, develop military technology such as surveillance and communications equipment, grow food for the troops and so on. But most people think it impermissible to target non-combatants. The dilemma, then, is whether to accept weak conditions for liability, undermining the Principle of Non-Combatant Immunity, or make them quite stringent, which is likely to exclude many combatants and effectively commit the individualist to pacifism. If most of the people whom one will kill are not liable to be killed, waging even a defensive war will be hard to reconcile with the individualist account.

Some reductive individualists have responded to Lazar's challenge by trying to identify salient differences between combatants and non-combatants that are compatible with a reductive individualist view, and that could explain a prohibition on targeting non-combatants. For example, David Rodin has argued that there is a "unity of intent" amongst members of the military that means that we can treat indirectly threatening combatants as liable without extending liability to non-combatants (Rodin 2008, 449). Combatants are part of a hierarchical organization that operates with a strict chain of command. Rodin argues that this indicates a level of shared intention to threaten that makes it plausible to view even indirectly threatening combatants as liable to harm.

This strikes me as a somewhat *ad hoc* solution to the dilemma that Lazar identifies. We don't usually think that indirectly threatening people can be liable to harm only if they have a level of shared intention akin to that found in military organizations. Imagine that you tell me that you want to poison your mother in order to receive your inheritance, but you've unfortunately run out of cyanide. I agree to give you some of my cyanide if you promise to wash my car for a month. In this case, I have no interest in whether you kill your mother – I don't intend that she be killed or even will that she be killed. Yet I nonetheless seem liable to defensive harm: if your mother needed to kill me

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to get at some antidote that would save her life, I don't think killing me would violate my rights. My knowledge of what you will do with the poison is enough to ground liability even in the absence of intention. Moreover, it seems false that non-combatants do not share the lethal intentions of their country's combatants. Many non-combatants enthusiastically support both their combatants and the wars they fight (Frowe 2014).

Cécile Fabre has argued that non-combatants, as individuals, typically don't contribute enough to a war to make killing any one of them a proportionate response to their contributions. Whilst the aggregate of non-combatant contributions is of course causally significant, she argues that reductive individualists must pay attention only to what each *individual* non-combatant does, not what non-combatants together do as a group. Making a few bullets or guns is not, she says, sufficient to make a non-combatant liable to be killed (Fabre 2009, although see Fabre 2012 for a retraction of this claim). But again, this will be true of some combatants, so it does not solve the dilemma.

Furthermore, it seems false that proportionality must be determined by what each individual contributes to an unjust lethal threat, rather than whether or not she contributes to an unjust lethal threat (Frowe 2014). Consider a variation of the cyanide example in which you need a lot of cyanide to kill your mother, and so go around collecting small amounts from several friends. Perhaps nine of us agree to give you some cyanide, which is enough for you to have a lethal dose, so that ten of us are together morally responsible for the threat to your mother's life. In this variation, we are not each liable to one tenth of lethal defensive harm. Those who are morally responsible for unjust lethal threats cannot evade liability to defensive harm simply by forming a sufficiently large group that nobody contributes very much to the lethal threat. Rather, each of us is liable to lethal defensive harm, since each of us responsibly contributes to a lethal unjust threat.

The difficulties with identifying some relevant distinction between combatants and non-combatants has led some reductivists to argue that we ought to accept the first horn of Lazar's dilemma. We should grant that the conditions for liability are fairly weak, thereby rejecting the idea that non-combatants enjoy a morally protected status compared to combatants (Frowe 2014). It can be morally permissible to attack non-combatants who

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contribute to an unjust war. However, it's compatible with this view that we still ought to legislate in a way that prohibits targeting non-combatants. Whereas combatants are usually easily identified by their uniforms and positions, it will often be impossible for just combatants to determine which particular non-combatants are responsible for contributing to the unjust war effort. The risk that they will mistakenly kill innocent people is thus very high. Given this, making it illegal to target non-combatants might be the best way to minimize unjust harm overall, even though it means that there will be some people whom it is illegal to attack who are nonetheless morally liable to defensive harm.

Just Cause and Proportionality

David Rodin has argued that reductive individualists cannot sanction what look like paradigm just causes for war (Rodin 2014). The standardly accepted just cause for war is the defense of sovereignty – of a state's political and territorial integrity. But sovereignty looks like an essentially collective good, the right to which can only be possessed by states. How can the individualist view, which denies that states enjoy special permissions to do harm, explain the permissibility of waging war to defend sovereignty?

We might reply that a state's right to sovereignty is ultimately grounded in the political rights of its individual citizens. But Rodin argues that this seemingly straightforward answer will not do. He claims that individuals may use lethal defense only to protect their vital interests – to defend themselves against very serious harms such as death, rape, amputation or enslavement. They may not kill in defense of what he calls their 'lesser interests', amongst which he includes political rights. Even if we all agree that Amy's right to vote is very important, we are unlikely to think that she may kill Bill in order to get to the polling station on election day. This is true even if Bill is wrongly and culpably trying to prevent Amy from voting. It is disproportionate for an individual to kill to protect even important political interests such as her right to vote.

Rodin argues that if war is understood as the defense of individual political rights, it will be similarly disproportionate to wage war in defense of those rights. He concludes

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that we must either grant that the state has some irreducible value that makes its defense by lethal force proportionate (a claim that is clearly in tension with the reductivist project), or reject the idea that waging war to defend merely political rights is permissible (Rodin, 2014, 73). Rodin favors the latter option: states do not have irreducible value, and so waging war against purely political aggression is impermissible.

If it is sound, the implications of Rodin's argument are significant. Whilst some wars are fought with the primary intention of threatening vital interests - wars of genocide or enslavement, for example - many are fought primarily for the control of land or resources, or with the intention of replacing a state's existing political system. The violence of these wars is conditional: it is only if the invasions are resisted that vital interests are threatened (provided that the loss of the land or the change of regime would not itself endanger people's vital interests). Crudely put, if the members of the victim state simply acquiesced, allowing the replacement of their government, or the occupying of their land, nobody would get (seriously) hurt. If Rodin is right that defense of lesser interests can't warrant killing, and that political interests are lesser interests, it looks like many ostensibly just, defensive wars will turn out to be unjust, disproportionate wars.

One way to challenge Rodin's conclusion is to undermine the sharp distinction that he draws between vital interests and lesser interests (Frowe 2015). Rodin argues that only vital interests warrant killing. If war is just lots of individuals exercising their defensive rights, none of them can be permitted to kill if they are defending only lesser interests. But I think this second claim rests on a mistake about the reductive individualist's commitments, because it assumes that she cannot endorse the aggregation of individual interests, which is false. Reductivism holds that the moral rules of war are reducible to the rules of ordinary life. Aggregation is a familiar feature of morality in ordinary life, and so invoking aggregation is compatible with the reductivist view.

It might seem, though, that aggregation is in tension with individualism. But all that individualism claims is that individuals are the source of moral value. That's consistent with thinking that protecting ten individuals permits us to do more than protecting one individual. As long as we are not locating the value being defended in the

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fact that they are a group – in the relationship *between* the individuals – it's consistent with reductive individualism to think that numbers matter (although, see Lazar, 2015, for an alternative understanding of collective values).

Of course, Rodin might reply that it doesn't matter if we aggregate political interests, because even if there are lots of people's political interests at stake, killing for political rights is still disproportionate because one may kill only to protect vital interests. But I think we should reject Rodin's binary division between vital and lesser interests. A more plausible picture holds that there are some interests that one may kill for even if only one person's interest is at stake – we could call these vital interests, and include Rodin's suggestions of life, bodily integrity, sexual integrity and so on. But then there are two further sets of interests: those that can aggregate to make killing proportionate, and those that never warrant killing no matter how many people's interests are at stake. I don't think that my right not to have my arm broken is a vital interest. I may not kill you solely to prevent you from breaking my arm. But if you are going around breaking the arm of everyone you meet, and there is no way to prevent this except killing you, I think that at some point killing you will be proportionate. But this is not true if, for example, you are going around pinching everyone you meet. I doubt that any number of pinches could aggregate to make lethal force a proportionate means of defense.

It seems to me that political interests probably fall into the middle category: I may not kill to protect just one person's political rights, but I may kill to protect a great many people's political rights. Aggressive wars typically threaten millions of people's political rights. Of course, it might well be that we cannot do as much to defend those rights as we could to ward off a threat of genocide or mass enslavement. But it seems plausible that some amount of lethal force is proportionate to protect political rights when they are threatened on a sufficiently large scale.

Legitimate Authority

Legitimate authority plays a central role in the early accounts of the collectivist view that I sketched in Section 2. Augustine argued that only those wars commanded by Christian

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monarchs could be just, since only killing undertaken in God's name could avoid violating the Christian prohibition on killing. The later, secularized version of the collectivist view places states, and their leaders, front and centre of just war theory, granting them the right to make war whilst denying that right to non-state actors.

Legitimate authority is usually discussed in the context of *jus ad bellum*, where it is taken to be either a necessary condition of a war's being just, or, more strongly, as a necessary condition of something's being a war at all. But it also has an important *in bello* role. As we saw earlier, the fact that a combatant fights on behalf of her state is thought to affect the moral status of the harms she inflicts. However, I'll restrict my discussion here to *jus ad bellum*.

We can see how firmly this view is held in some quarters by comparing the treatment of captured combatants who act on behalf of states with the treatment of combatants who are non-state actors. Even when a state's war is considered deeply unjust, its captured combatants enjoy many protections under international law as laid out in Article III of the Geneva Convention. In contrast, captured combatants who fight on behalf of non-state political collectives, such as Al Qaeda, are likely to find themselves enjoying a long stay in Guantanamo Bay being subjected to 'enhanced interrogation'. Whilst such detentions and treatment are doubtfully legal, these practices reflect how deeply ingrained the distinction between state and non-state actors is.

There are two related questions that arise in the context of *ad bellum* discussions of legitimate authority. The first is whether only states can be properly said to wage war. We might think that the capacity to wage war is, at the very least, enjoyed by a wider range of political collectives than just states. After all, civil wars usually take place between rival groups within a single state. Consider the ongoing conflict in Syria, which involves various non-state collectives such as the Free Syrian Army, the Islamic Front, and Islamic State in Iraq and the Levant (ISIL), as well as the Syrian government. This is certainly a genuine war, and thus it cannot be a precondition of waging war that one is already in control of a country.

Do individuals also have the capacity to wage war? I think we can indeed make sense of the notion of private wars, in which an individual hires a private army to fight for some cause. Importantly, we can describe such fighting as a war even if the individual is not trying to obtain control of the state for herself (in this respect, private wars seem distinct from civil wars, since groups engaged in civil wars are typically aiming to *become* states). We can imagine, for example, that a wealthy person might hire mercenaries to fight against a terrorist group in some foreign country without intending to subsequently set herself up as the new ruler of that country.

However, private wars are a perhaps a good reason to be cautious about how we answer our second question concerning whether only states can fight *just* wars. Even if we think that the wealthy individual is genuinely fighting a war, and even if we think defeating terrorism is a just cause, we might nonetheless want to resist the idea that the individual has a *right*, as opposed to a mere *capacity*, to wage war. We might think that private individuals just aren't the right sort of agents to be permitted to fly troops into other countries and start killing people, no matter how just the cause, or how likely she is to succeed. If so, we might want to restrict the right to wage war to either states, or to political groups that perhaps meet some descriptive qualifiers, such as being of a certain size.

Cecile Fabre argues that we should reject the condition of legitimate authority, since she believes that individuals have both the capacity and the right to wage wars (Fabre, 2008). Fabre endorses the cosmopolitan view that individuals are the ultimate source of moral value and that we each have fundamental rights to goods that are essential for a minimally decent life, and to defend our entitlements those goods (Fabre 2008, 964). A central tenet of cosmopolitanism is that, since our fundamental rights are grounded in our being human, we cannot afford people different rights or entitlements on the basis of irrelevant factors such as their gender, race, citizenship or location. Fabre argues that being a member of a group is just another irrelevant characteristic that cannot affect an individual's right to defend herself. Of course, an individual's war may turn out to be unjust on other grounds – as I suggested above, it would be disproportionate to kill

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to protect only one's own political rights. But, Fabre argues, an individual's war cannot be shown to be unjust simply in virtue of the fact that she is not a member of a group.

Fabre is surely correct that there are at least some rights that we may lethally defend *qua* individuals. And, while some other rights might be proportionally lethally defended only if we are acting to defend the rights of many individuals, it will be the number of individuals, and not the fact that they are a collective, that makes this defense proportionate.

While there are reasons why we might want to make private wars illegal, as a moral matter it seems that if a private war is the only way to prevent some serious and widespread injustice, waging such a war might be better than not preventing that injustice. Consider the Rwandan genocide of 1994, in which thousands of Tutsis were killed and maimed by Hutus in a period of intense ethnic cleansing. Once it became apparent that no state-backed armed force was going to intervene – despite the fact that, for example, the US had troops stationed in nearby Burundi – it is hard to believe that it would have been impermissible for a private individual to try to stop the massacres.

I suspect our reluctance to sanction private wars comes at least in part from concerns that they will fail, doing more damage than failing to intervene at all, or that those waging them are doing so for some ulterior motive. But these concerns hardly seem limited to private wars: they obtain equally with respect to wars waged by states. If state-backed intervention would nonetheless have been permissible in Rwanda, it seems to me that a privately-waged intervention would be similarly permissible. And of course, from a reductivist perspective, whether a use of force counts as a war is unimportant. Since there are no special rules for war, we don't need to know whether a use of force is a war in order to be in a position to morally evaluate that force.

However, things might nonetheless be more complicated than Fabre suggests once we move from self-defense to other-defense. Whilst I can decide for myself whether to use force on my own behalf (subject to certain constraints), it is less clear whether I may forcefully defend others who have not consented to be defended by me. Requiring consent from other prospective victims would not be to endorse the condition of

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legitimate authority in its familiar, head-of-state, guise. But it does endorse a kind of reductive individualist equivalent of legitimate authority, since it effectively requires authorization from other prospective victims for war to be just.

I do not think that a defender requires the consent of other victims in cases where it would be proportionate for her to defend herself even if those were absent. Even if the other victims do not want to be saved – perhaps they are pacifists who would rather die than have violence done in their name – I may act to defend myself even foreseeing that I will also save them. Their rights not to be made better off against their will are much less stringent than my right to defend myself against a serious rights violation.

But I might require consent in cases where my defense is proportionate only because I am defending a larger number of people. Jonathan Parry has suggested that consent can affect the balance of interests in our proportionality calculations. If you refuse to consent to being saved, I may not include the good of saving you in my proportionality calculation (Parry, forthcoming). Given, as I have argued, defense of political goods requires a significant number of people's rights to be at risk, it looks like at least some wars will require authorization from at least a substantial proportionate of those being defended. It need not be a majority: the greater stringency of my right to defense compared to my right not to be made better off against my will means that it could be permissible to use defense even if, for example, only a third of the threatened group consent. But consent is not irrelevant, and thus something like legitimate authority seems to remain in the reductive individualist account. An important part of developing the reductivist project will be an exploration of the implications of this requirement, not least with respect to wars of humanitarian intervention.

Conclusion

Much important work has been undertaken in the ethics of war over the last twenty years. Whilst many of the arguments of the reductive individualists have been influential amongst just war theorists, the reductivist view itself remains underdeveloped in certain respects. One area in which current scholarship is lacking concerns broad theoretical

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issues about the nature of war, and what it means to evaluate war from an individualist perspective (see Lazar, forthcoming; Frowe, forthcoming). The practicality of the reductivist view is challenged by its adherents' frequent insistence on a theory-down approach that perhaps pays inadequate attention to the epistemic positions of combatants. And, more work needs to be done to show what role (if any) the notion of authority plays in our moral evaluations of war. I am optimistic that these challenges can be met: the view is still in its comparative infancy, and it is unsurprising that there are significant gaps in the literature. But meeting them may also require some concessions on the part of the reductive individualist. What emerges will hopefully be an account of the ethics of war that makes moral sense, but is not alien from the perspective of military practitioners or ordinary citizens.

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Biographical Note

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