

# Can Reductive Individualists Allow Defense Against Political Aggression?

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## INTRODUCTION

Collectivist accounts of the ethics of war have traditionally dominated just war theory (Kutz 2005; Walzer 1977; Zohar 1993). These state-based accounts have also heavily influenced the parts of international law pertaining to armed conflict. But over the past ten years, reductive individualism has emerged as powerful rival to this dominant account of the ethics of war. Reductivists believe that the morality of war is reducible to the morality of ordinary life. War is not a special moral sphere with its own special moral rules. Reductivists typically reject a collectivist approach to the morality of war in favor of an individualist view, according to which individuals (rather than states) are the proper focus of moral guidance and evaluation. This view holds that the rules governing killing in war are simply the rules governing killing between individuals, most obviously the rules of self-defense and other-defense (Fabre 2009; Frowe *in press*; McMahan 2009; Tadros *forthcoming*).

This chapter<sup>1</sup> defends reductive individualism against the claim that it is unable to sanction wars of national defense that seek to protect non-vital interests. These non-vital interests include political goods such as the defense of sovereignty—that is, of political and territorial integrity.

The most detailed articulation of this claim comes from David Rodin (Rodin 2014). Rodin's argument has two main components, which I shall label the Conditional Force Argument and the Proliferation Problem. The Conditional Force Argument holds that, by the reductivist's own lights, wars

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that seek to defend only political goods are necessarily disproportionate and therefore always unjust. The Proliferation Problem holds that there is no morally significant difference between states and some other collectives. Some non-state entities can embody whatever values we think warrant lethal defense of the state (Rodin uses the example of the Cadbury chocolate company, whose employees formed a distinctive community that was destroyed when Cadbury was the subject of a hostile takeover by Kraft in 2010). So, even if we can show that it is proportionate for states to wage defensive wars against threats to non-vital interests, we lack grounds for restricting this permission to states, which seems like a worrying result.

Rodin concludes that we should grant defensive rights to neither states nor other collectives, and his conclusion thus results in a form of limited pacifism. Unless a state is faced with genocidal aggression, Rodin thinks it impermissible to resist for the state to forcefully resist invasion. (It's worth noting, then, that Rodin is not conceiving of his argument as an *objection* to reductive individualism. On the contrary: he thinks it's true that states lack a right to defend non-vital interests. I argue here that it's not true, and that reductivists aren't committed to this claim.)

In section 1, I outline the Conditional Force Argument in more detail. This argument is underpinned by a particular account of our moral responsibility for what I call "mediated harms." In section 2, I argue that this particular account of mediated harms is mistaken. Part of the problem with this account is its reliance on a distinction between lesser interests and vital interests. I argue in section 3 that this distinction also renders Rodin's account of the difference between political aggression and genocidal aggression incoherent. In section 4, I defend a different account of our moral responsibility for mediated harms. In section 5, I argue that the defense of aggregated lesser interests can warrant endangering vital interests. In section 6, I consider the Proliferation Problem, and argue that states (unlike Cadbury) protect our right to form communities. It's the right, and not communities, that matter for permissible defense.

## 1. THE CONDITIONAL FORCE ARGUMENT

Imagine that a state wants to expand its territory by annexing land belonging to another state. The aggressor state will use force only if the members of the victim state resist the annexing. This kind of aggression—which will become violent only if it is resisted—is what is sometimes called in the literature a *bloodless invasion* or, as I will call it, *conditional force*. Most accounts of *jus ad bellum* hold that this kind of annexing of land constitutes a just cause for defensive war on the part of the victim state. One plausible explanation

of why war would be a proportionate response to this sort of aggression is that the goods directly threatened by the invasion—those of political and territorial control—warrant protection by lethal force.

Because sovereignty is usually conceived of as a collective good, it might look like this is the source of the difficulty for a reductive individualist. But this would be too quick. The reductive individualist can plausibly argue that sovereignty has merely instrumental value that comes from its ability to enable states to facilitate and protect things that are of value to the state's individual members. This seems to me to be roughly the right explanation of why sovereignty matters, and it explains this without positing the existence of some irreducibly collective good. This account of sovereignty also supports the view that states enjoy only conditional sovereignty—they have rights against interference insofar as they protect and meet the rights of their individual citizens, but not independently of protecting those individuals' rights. This also seems to me correct.

But proponents of the Conditional Force Argument point out that the mere fact that we can show that sovereignty is valuable at an individual level does not show that it is permissible to defend this good by means of war, where this involves intentionally lethally harming combatants and foreseeably lethally harming non-combatants. Lethal harms can be permissible only if they are proportionate to the good being defended. But by rejecting the collective value of sovereignty and reducing its value to its importance to individuals, the reductivist account lacks an explanation of why it is proportionate to wage war to defend this individual good (Lazar 2014; Rodin 2014).

For example, Rodin argues that when it comes to individual self-defense, lethal force is a proportionate response only to threats to a person's *vital interests* (Rodin 2014: 81). An individual may kill to defend herself against very serious harms such as death, torture, slavery, and rape. But she may not kill to defend her *lesser interests*, which for Rodin includes property and other resources, and political rights like the right to vote. She may not, for example, kill a person who deliberately prevents her from voting on the day of an election, perhaps by damaging her only means of transport to the polling station. Even though this person violates her right to vote and to political representation, these rights are lesser interests, insufficiently important to warrant lethal defense. Just as importantly, she may not endanger bystanders' lives in order to defend her political rights.

If this is true for individuals, Rodin says, reductivists must grant that it applies at the national level. Rodin identifies two forms of aggression corresponding to threats to lesser interests and vital interests. Political aggression is aggression that directly threatens only lesser interests (with a conditional threat to vital interests if the victim state does not capitulate).

So, the annexing of land described above counts as an act of political aggression on this account.

Genocidal aggression is aggression that directly threatens vital interests—that involves killing and otherwise harming the vital interests of members of the victim state even if they do not resist. Such harming could be the end of the aggression—it could, for example, be a war aimed at ethnic cleansing. Or, it might be a means employed to some other end, such as access to resources, but where no opportunity is offered for the victim state to capitulate. Rodin's account somewhat stretches our ordinary usage of the term "genocidal" to include, for example, widespread raping, maiming, enslavement, long-term displacement, and rending people stateless, but this extension needn't trouble us here.

Rodin argues that political aggression and genocidal aggression "have a fundamentally different moral structure. Resistance to political aggression will typically produce greater loss to vital interests among individuals within the defended group, compared with engaging in no defence at all" (Rodin 2014: 87). Given this, resistance to political aggression is usually "straightforwardly self-defeating and hence morally irrational" (Rodin 2014: 82). In addition, since resistance involves risking the lives of other people for the lesser interests of political goods, resistance is morally impermissible. If no member of the polity may kill or endanger lives to defend her individual political rights, then the polity as a whole may not kill or endanger lives to defend those rights. Thus, it is only genocidal aggression that may be permissibly resisted, since here one endangers vital interests in order to protect vital interests.

According to Rodin, the only way to explain why something like sovereignty warrants lethal protection is to attribute some kind of inherent value to the state or political community (Rodin 2014: 69). This move is not open to the reductive individualist, given her rejection of the idea that there are collective values that are irreducible to their value for individuals. So, it looks like the reductivist is committed to saying that sovereignty may not be defended by means of war after all. War always involves inflicting lethal harms and will therefore always be disproportionate when it is aimed at the defense of the lesser interests of individual citizens.

## 2. MEDIATED HARMS

A natural response to the Conditional Force Argument is to point out that members of a state faced with merely political aggression need not make immediate recourse to all-out war. Surely, we might say, only full-scale military resistance is disproportionate—non-violent resistance is not dispropor-

tionate. And should such resistance be met violently—well, then the vital interests of the citizens are directly threatened, and forceful resistance will be a proportionate defense of those vital interests.

But Rodin argues that this reply fails because any calculation about the proportionality of this non-violent resistance must take into account the harms that the victim state foresees will be inflicted by the aggressor in response (Rodin 2014: 82). Call these harms “mediated harms.” If the victim state predicts that its initial defense will cause the aggressor to escalate the situation, that initial defense can be disproportionate. We can see this by thinking about cases like *Pinch*:

*Pinch*: Bully wants to pinch Victim’s arm, which will hurt. Victim knows that if (and only if) he tries to prevent this, Bully will become so enraged that he will kill five people.

It seems plain (to both me and Rodin, at least) that Victim may not try to prevent Bully’s pinching his arm.<sup>2</sup> Rodin grants that since Bully (and not Victim) will inflict these mediated harms, they don’t weigh as heavily in the proportionality calculation as harms that Victim will inflict himself. But the fact that the harms will arise through someone else’s intervening agency doesn’t make them irrelevant to what Victim ought to do. While mediated harms are “discounted”—they don’t count as much for proportionality as harm that one directly inflicts oneself—they are not discounted to zero. They still matter for determining what one is permitted to do.

If this account of our responsibility for mediated harms is correct, the reductivist must hold that the same reasoning applies at the level of war. When the members of a state face a threat, they cannot judge whether war or even non-violent resistance would be a proportionate response to that threat unless they factor in how the aggressor will likely react. If they predict that the aggressor state will react by waging a war that endangers the lives of many people, they must take those foreseen harms into account.

Of course, the harms that the aggressor state will inflict are discounted in the victim state’s proportionality calculation. But, Rodin argues, when it comes to war, this discount is effectively canceled out because of the duty of care that the members of the victim state owe their fellow citizens, which he illustrates with the following case:

<sup>2</sup> We might object that to prohibit Victim’s defending himself is to incentivize wrongdoing. There are two reasons why I don’t think this shows us that Victim may defend himself in *Pinch*. The first is simply that having any kind of proportionality constraint makes it possible for a person to threaten you under circumstances in which it is impermissible for you to respond. Second, there’s no reason why Victim can’t factor predicted long-term mediated harms into his proportionality calculation. If, in the long run, it seems likely that acquiescing to a particular threat will incentivize wrongdoing that causes more mediated harm overall than resisting the threat, it could be proportionate for Victim to resist.

*House*: A villain invades and occupies your home without justification. He lives in your house and eats your food, forcing you and your family do all the work. He makes it clear that he will not use force unless you resist. There is no end in sight. You could tackle the invader, but if you do so, it is likely that one of your children would be killed, either as a side effect of the struggle, or as a punishment for your resistance. (Rodin 2014: 84–5)

Rodin argues that most people would think it impermissible to tackle the villain, because “the value of a child’s life – especially since this is *your* child and you owe a profound duty of care to him” outweighs the good of evicting the occupier (Rodin 2014: 85). He thinks that a similar duty obtains when members of a state are considering going to war. The people whom they will be endangering through their resistance are “people who are bound to [them] by relationships of loyalty, community and kinship.” They “may be our comrades in arms, our family members, our neighbours” (Rodin 2014: 83). So, any discount that arises from the fact that it is the aggressor state that will be endangering these people is undone by the fact that the members of the victim state owe a duty of care to the people who are endangered.

The members of the victim state must, therefore, proceed as if they themselves are harming their co-citizens as a side effect of their self-defense. Most people think that one may not, for example, kill a bystander as a side effect of defending oneself against a broken leg. Similarly, Rodin argues that one may not endanger one’s fellow citizens’ vital interests for the sake of defending something of lesser interest, which for Rodin includes land, resources, and political independence. Exposing people to such harms is disproportionate compared to the goods threatened by purely political aggression. Reductivism is, therefore, unable to allow that resistance against political aggression can be just.

### 3. MEDIATED HARMS AND VITAL INTERESTS

While Rodin’s account of mediated harms seems to get the right result in *Pinch*, it’s less plausible in other cases. Take *Rape*:

*Rape*: Angry Rapist tries to rape Alice. If (and only if) Alice fends him off, he will be so angry that he will go and rape two other women. If (and only if) Alice kills Angry Rapist, Angry Rapist’s friend will go and rape two other women.

It seems to me very plausible to think that Alice may defend herself against Angry Rapist even if she foresees that her defense will trigger the rape of two other people. And, yet, the harm she predicts will arise from her defense is twice that which will befall Alice herself. Even if we discount the foreseen

harm by fifty percent, in virtue of the fact that it is mediated harm, Alice would still be triggering the equivalent of one rape as a side effect of defending herself against rape.

Rodin's view entails that Alice must proceed as if she would be inflicting the discounted harm herself—as if she would be inflicting the rape upon the other woman as a side effect of her defense. But most accounts of permissible defense do not allow someone to inflict as a side effect a harm that is equal to the harm she is seeking to avoid. For example, I may not divert a runaway trolley from where it will kill me down a sidetrack to where it will kill some other innocent person. Rather, I would be permitted to divert the trolley only if the person on the sidetrack would suffer a significantly lesser harm than the harm facing me. If this is right, even if we discount the mediated harm by fifty percent, Rodin's account still prohibits Alice's defending herself in *Rape*.

This seems like the wrong result to me. Rodin might reply that mediated harms can be more heavily discounted than I have suggested here. As I will argue in section 4, I think they *are* much more heavily discounted. But this isn't going to help Rodin's account, because in his view however much we discount the mediated harms, the duty of care that we owe to our co-citizens cancels out this discount. This means that Alice may not fend off Angry Rapist when doing so will cause him to rape or seriously assault just *one* other woman if that the other woman is a co-citizen.

Of course, *Rape* illustrates the defense of a vital interest—the right not to be raped. We might think that we should therefore treat *Rape* differently to *Pinch*, which involves the defense of a lesser interest—the right not to be pinched. We might say that while mediated harms can make defense of lesser interests disproportionate, they can't make the defense of vital interests disproportionate. We may always defend our vital interests even if we foresee mediated harms to other innocent people's vital interests.

But this response is pretty ad hoc: it's not clear why our account of responsibility for mediated harms should be sensitive to this distinction between lesser and vital interests. As Rodin says, “[d]efensive action is impermissible when it foreseeably produces harmful effects that are disproportionate to the good one is seeking to achieve” (Rodin 2014: 77). This claim cannot plausibly be restricted to the defense of lesser interests—it's simply true of defensive action in general, which includes the defense of vital interests. If mediated harms count among our harmful effects—as Rodin and I think they do—they must be able to make defensive action disproportionate even when one is defending vital interests.

Moreover, it's not clear that this response is even open to a proponent of the Conditional Force Argument. Given, for example, Rodin's claim that “[t]he morality of resisting the direct threat component of a conditional

attack cannot be determined independently of the conditional threat,” we cannot simply stipulate in advance that vital interests always or even usually warrant defense by lethal force, irrespective of the consequences (Rodin 2014: 82). Whether or not they do so will depend on what the aggressor has threatened to do if the vital interest is defended: the central claim of the Conditional Force Argument is that the proportionality of defense is partially dependent upon the predicted mediated harms.

#### 4. GENOCIDAL AGGRESSION

This line of argument also reveals two difficulties with the distinction between political aggression and genocidal aggression that corresponds to the distinction between threats to lesser interests and threats to vital interests. The first concerns Rodin’s claim that his account allows that “coordinated, forceful defence against genocidal aggression can be morally justified in reductivist terms” (Rodin 2014: 83). We’ve just seen how Rodin’s account makes it impermissible for Alice to defend her vital interests if, in doing so, she will expose others to similar harms. As we saw, it could be the case that, even discounted, the mediated harms are similar in weight to the harms facing Alice, and thus she would not be permitted to defend herself while foreseeing those harms to others.

If so, it must also be true—if we are reductivists—that states may not defend their vital interests when doing so exposes others to similar harms (as defensive war inevitably does) even once we apply the discount. For example, a state with a small population facing a genocidal threat may foresee that resisting will result in a war that will cause lethal and other very serious harms to a large number of people: perhaps more people than whose lives are threatened by the genocide. If resistance risks the vital interests of twice as many people as are threatened by the genocide, even discounting these mediated harms by fifty percent will not make resistance permissible, just as it was not permissible for Alice to resist if she foresees that the equivalent of one other rape will be inflicted on another innocent person. In other words, Rodin’s account of mediated harms will sometimes prohibit resisting even genocidal aggression.

The second problem is that there will be cases in which Rodin’s account simply fails to classify an act of aggression as either political or genocidal, and thereby fails to tell us whether such aggression may be resisted. Consider *Threat*:

*Threat.* An aggressive state is demanding the execution of all 1000 members of a small ethnic minority group living in the victim state. If the victim state does not kill these citizens or permit a delegation from the aggressor state to do so, the

aggressor will invade. During the invasion, 100 members of the minority group will be killed, along with 1100 defending combatants and innocent non-combatants in the victim state.

So, a total of 1200 innocent citizens will suffer lethal harm if the victim state decides not to capitulate to the aggressor's demands to execute the 1000. Must the victim state capitulate?

What Rodin is going to say about *Threat* will depend on how he is identifying the relevant group, harms to which we must factor into our proportionality calculation. His definitions of political aggression and genocidal aggression are tied to thoughts about the harms that will befall the group being defended—he speaks of “*those very people whom the defensive action is intended to defend*” and “the defended group” (Rodin 2014: 87). The question, then, is whether these references to people and groups are meant to pick out all members of the victim state that is being conditionally threatened, or just the sub-group that is being directly threatened (in this case the members of the ethnic minority).

If the “group being defended” is meant to be synonymous with “all members of the victim state,” that will give us the result that the aggression in *Threat* is political aggression by Rodin's lights. Fewer vital interests will be harmed overall within this group if the victim state capitulates and executes the members of the ethnic minority. Resistance against this aggression will thus be impermissible. This result seems to me wrong in both its denial that the threat is genocidal, and in its seeming pronouncement that the victim state ought to execute the members of the ethnic minority group rather than defend them.

So, I should think that Rodin will want to go the other way, and argue that references to “the group being defended” are not meant to be synonymous with “all members of the victim state,” but can rather refer to a sub-group within that state, such as the ethnic minority group I have described. He tells us that an aggression is political, and should not be resisted, if resisting it causes *more* harm to the vital interests of “*those very people whom the defensive action is intended to defend*.” Since in my example, resisting will be *less* harmful to the vital interests of the minority group whom the action is intended to defend, Rodin can count the threat as a genocidal aggression.

But this result isn't just semantic in his view—it's normative. It tells us that the invasion may be resisted, because it's genocidal. And that seems right. But this is a case in which more harm will befall the vital interests of innocent people *overall* if the invasion is resisted, which was meant to be the definition of political aggression and part of the explanation of why resisting political aggression is wrong: resisting in such circumstances is, according to Rodin, morally irrational. So we have two problems. One is that this

case seems to defy categorization on Rodin's account. This problem comes from his reliance on lesser and vital interests to classify forms of aggression, and I return to it below. The second problem is that it looks like the only way that Rodin can explain why it's permissible to resist the aggression in *Threat* is if he ignores the harms that will befall people within the victim state who are not members of the minority group. But then we need an argument for why the interests of those people don't matter for the purposes of judging whether the resistance is permissible.<sup>3</sup> I'm not sure what that argument would look like. They are all co-citizens, so any discount attached to the mediated harms will be canceled out by the alleged duty of care. The government must proceed as if they are themselves inflicting these additional deaths, which looks like disproportionate, and therefore impermissible, defense.

I think that the correct answer in *Threat* is that if the threat is genocidal, and that it may be resisted even if the minority group's defenders foresee that their resistance will cause the aggressor to wage a war that costs more lives, just as Alice may resist in *Rape* even if Angry Rapist (or his friend) will then rape other people. So, the reductivist needs an account of our responsibility for mediated harms that explains this permissibility.

## 5. MEDIATED HARMS AND RESCUE CASES

I think that our judgments about how much harm Victim ought to bear to rescue people from harm can usefully inform our judgments about how much cost Victim must bear in a mediated harm case rather than endanger some other innocent person.

The connection between the two sorts of case might be explained by Victor Tadros's suggestion that both the restrictions on harming people as a means for the greater good and the restrictions on requiring people to bear costs to rescue other people "have as their source our status as ends. Because we are not available as tools for the sake of each other, we cannot be harmed as a means to a greater good and duty does not require us to act for the greater good" (Tadros 2011: 250). If Alice were not permitted to defend herself against Angry Rapist, we would effectively be requiring Alice to treat herself as a means, permitting Angry Rapist to harm her for the sake of others. We can sometimes be so required, but there are limits to how much cost we can be required to bear to such ends, just as (and for the same reason as) there are limits on the costs we must bear to rescue others.

<sup>3</sup> Even if we accept Rodin's duty of care argument, which could explain why we need not care too much about harms to non-combatants in the aggressor state, this will not explain why the vital interests of other co-citizens can be ignored in our calculations about whether resistance is proportionate.

Compare *River* with *Bomb*:

*River*: Five people are drowning on a life-raft in dangerous waters. Runner can pull the life-raft to shore, but will suffer the loss of his leg in doing so.

*Bomb*: Attacker attacks Victim. If (and only if) Victim fends Attacker off, Attacker will detonate a bomb that will kill five people. If Victim doesn't fend Attacker off, Attacker will cut off his leg.

Let's stipulate that for any cost lower than the loss of his leg, Runner would be required to rescue the five on the life-raft. Since, in *River*, he can rescue them only at the cost of his leg, he isn't required to rescue them.

I also think that Victim is not required to suffer the loss of his leg in *Bomb*, even though I think that we are typically more responsible for mediated harms than for harms we fail to prevent. This is because the kinds of mediated harm case we're discussing—defense cases—involve a further cost to Victim that isn't usually present in a rescue case. In *River*, even if Runner bears the cost of the loss of his leg, it doesn't look as if his rights have been violated. Either saving the five is supererogatory, in which case Runner has chosen to sacrifice his leg, or it's obligatory. It's hard to see how in this case doing what's obligatory could also constitute a rights-violation. In *Bomb*, in contrast, Victim must suffer not only the loss of his leg if he refrains from defense, but also a serious rights-violation at the hands of Attacker. This additional cost—the fact that losing his leg will violate his rights—could counteract his greater responsibility for the harms in *Bomb* compared with Runner's responsibility for the harms in *River*. The upshot would be that, in defense cases, Victim is required to bear roughly the same amount of cost to prevent mediated harms to others as he would be to rescue others from harm.

This will set the threshold for proportionate defense much lower than the fifty percent I hypothesized earlier. Mediated harms will be heavily discounted compared with harms that we directly inflict as a side effect of defense. Imagine a villain ties me to some trolley tracks and sets a trolley towards me. I may not divert the trolley from where it will cut off my leg to where it will kill you. But I may divert the trolley to prevent it from cutting off my leg even if I foresee that the villain will then lethally push you off a cliff by way of venting his frustration at my escape.

## 6. A DUTY OF CARE?

This result is more permissive than Rodin's view. Rodin denies that there is this sort of ratio between foreseen mediated harms and the defended good, holding simply that whenever resistance will harm a greater number of vital

interests among members of the victim state, the aggression is political and the state must capitulate. This is because of his view that the discounting of harms caused by an aggressor state in war is neutralized by the duties of care that one owes to one's co-citizens. One must proceed as if one were directly inflicting the harms upon those co-citizens.

Let's assume for a moment that Rodin is correct that there is a duty of care that requires us to treat our co-citizens with special care. If there is such a duty, it will apply to all co-citizens. This means that one will have a duty of care not only to those whom one foresees will be harmed by the wrongdoing of others, but also to those whom one can protect by resisting an invasion. So, we will need to think about how this duty plays out in a case like *Threat*, where one must choose between failing to protect a smaller number of citizens from harm and causing mediated harms to a larger number of citizens.

Rodin argues that one may not intentionally kill an innocent person to save the life of another person to whom one owes a duty of care. I may not throw someone else's child in front of a trolley to save my own child's life. But the harms to the larger number of citizens in *Threat*—and more generally in defensive war—are not intentional, but merely foreseen mediated harms. We might think that this makes them easier to justify. However, Rodin's *House* case that I described in section 1 is meant to illustrate that even when one merely foresees a mediated harm to another person's a vital interest, one cannot bring that harm about when one owes a duty of care to the person who will be harmed.

But this case seems to me unpersuasive, not least because it should count as a case of genocidal aggression on Rodin's account, and he claims that genocidal aggression may be resisted. Rodin lists enslavement among the infringements of liberty sufficiently serious to count as genocide. One would also think that indefinite imprisonment counts as a sufficiently serious infringement. To preserve the analogy between *House* and war, it must be the case that in addition to being made to "do all the work," you and your family cannot leave the house (and even if you can, Rodin counts indefinite displacement from one's home as a genocidal threat when it happens at the national level) (Rodin 2014: 79; Rodin 2014: 75).

Given this, *House* is a case in which more people will suffer setbacks to their vital interests if the occupation is not resisted. Even if it is certain that one child will die in the resistance, not resisting entails that the whole family will be indefinitely imprisoned and enslaved. It is, by Rodin's own lights, a case of genocidal aggression.

So, may you resist? If Rodin's claims about genocidal aggression are true, then he must change his mind and say that you may—given the greater setback to vital interests overall, this is not a case in which it would be morally irrational or impermissible to resist. More harm to vital interests befalls the

very group of people being defended if the occupation is not resisted, and all members of the family are owed a duty of care.

If Rodin sticks to his guns and says that you may not resist, this implies a ranking of interests even within the category of vital interests, according to which it is always impermissible to expose someone to the top-ranked harm—death—even if a greater number of other vital interests (the rights not to be enslaved or imprisoned) are thereby harmed. But as I pointed out above, a central premise of the Conditional Force Argument is that one cannot stipulate the proportionality (and impermissibility) of resisting a direct threat without taking into account the foreseen harms. So, he cannot stipulate that death always outranks harm to other vital interests, such that it is always disproportionate to foreseeably bring about someone's death while defending against a threat to less serious (but still vital) interests. Such a stipulation would anyway be implausible. Foreseeably causing one person's death as a mediated harm does not seem disproportionate to freeing a larger number of people from indefinite imprisonment and servitude.

I think it is possible that familial ties and ties of friendship can sometimes make a difference to what we are allowed to do, although it's not clear to me that this is best explained as owing a duty of care to these people. But if I do owe a duty of care as generally as Rodin supposes—essentially, to all those people who participate in my state—it seems to me unlikely that I owe it to them *in virtue* of the fact that they participate in my state. Such a duty must rather be grounded in more general properties shared by all persons. That this is simply a general duty owed to all persons explains why, for example, I may not drive more recklessly in a popular tourist area, or in a foreign country, than I drive at home.<sup>4</sup> Such reckless endangerment could not be justified by appeal to the absence of a duty of care, or by the claim that any such duty is less stringent when it comes to foreign people. Nor are my duties to rescue less stringent when I'm abroad, where all the imperiled people are foreign. Nor does the fact that one of two drowning people happens to be British give me a reason to save her rather than the other person. If there is a duty of care that explains why I must care about all these harms, I should think that duty applies equally to foreigners and co-citizens. If I can divert a runaway trolley away from where it will harm five to either:

(a) where I foresee that it will harm Local Person, or (b) to where it will harm Foreign Person, I don't think a duty of care requires me to choose (b) and harm Foreign Person rather than Local Person.

<sup>4</sup> Rodin does say that the duty of care is less important when it comes to intentionally harming. But reckless endangerment is not intentionally harming, and the tort law duty of care is generally thought to cover just such endangerment.

But once this alleged duty is so widespread, covering persons in general, it doesn't make much sense to describe it as an extra aspect of morality that must be factored in to our deliberations, changing what morality would ordinarily permit, prohibit, or require. Invoking such a general requirement to treat all people in a certain way is simply to recognize the requirements of morality, not to discover an additional constraint on top of what morality usually requires. If the demands that such a duty makes generalize across all people, there is nothing in particular that the duty picks out: it does not single out some people for special treatment. The best that Rodin can do, absent the duty of care, is simply stipulate that morality doesn't allow us to expose *anyone* to mediated harms (to their vital interests at least). But that is not much of an argument, and is anyway in ~~direct~~ tension with his own claims about discounting—if it is never permissible to foreseeably bring about such harms, what would be the point of saying that such harms are discounted in our proportionality calculations?

Once we reject the duty of care argument, there will be nothing to cancel out the discounting of mediated harms in a case like *Threat*. If so, it could be permissible to protect the smaller number of vital interests by defending the minority group in such a case, despite foreseeing mediated harms to the vital interests of a greater number of people. The state could be required to capitulate when the number of foreseen harms is *very much* greater than the number of interests being protected. But that strikes me as a quite plausible, rather than worrying, result for the reductivist.

If foreseen, but mediated, harms are heavily discounted in a defender's proportionality calculation and this discount is not canceled out, we have made significant progress in explaining why it can be permissible for a victim state to defend itself against both genocidal aggression in cases like *Threat*, and political aggression that is only conditionally violent. Even if members of the victim state foresee that their resistance will cause the aggressor state to wage a war that endangers the lives of their co-citizens and of innocent non-combatants in the aggressor state, the members of the victim state need not proceed as if they are themselves inflicting these harms. Moreover, since those co-citizens' political interests are also endangered by the aggression, the members of the victim state are acting not only in self-defense, but also in other-defense, which has a bearing on the amount of foreseen harm it is proportionate to bring about.

On this account of mediated harms, it would be permissible for the members of the victim state to defend themselves against invasion unless they predicted that doing so would result in sufficiently graver harm to a sufficient number of innocent people. The harms are sufficiently graver if the people in the victim state would be required to save the sufferers from those harms even at the cost of harms to themselves equal to an invasion.

## 7. LESSER INTERESTS AND AGGREGATION

This brings us to the crux of defense against political aggression: the jeopardizing of some people's vital interests to defend others against threats to their lesser interests. In making his binary division between vital and lesser interests, Rodin assumes that no number of threats to lesser interests could outweigh the harming of a vital interest. I think we should reject the division between lesser and vital interests. There are some interests that will never warrant lethal defense—there is probably no number of scratched fingers that could make it permissible for me to avert those scratches by endangering an innocent person's life. But, as I will argue, some of the things that Rodin counts as lesser interests are going to warrant lethal defense when they are aggregated across a sufficient number of people, and also warrant triggering mediated harms to the vital interests of innocent people. In other words, their defense will justify both intentional lethal harms to combatants and foreseen but unintended lethal harms to non-combatants.

Here's an example of how so-called lesser interests can aggregate to make lethal force proportionate. Imagine that you are going to break my arm. I don't think that I may kill you to stop you from breaking my arm. But if you're going to break lots of people's arms, it seems to me that there will come a point at which these harms can aggregate to make it proportionate to kill you to prevent them (of course, other conditions such as necessity would also need to be satisfied for killing you to be overall permissible). This aggregation can be both interpersonal and intrapersonal. If every time my arm heals, you break it again, I think lethal force could become proportionate to stop you from continuing to break my arm. I think this is also true when it comes to my political rights. As Rodin says, I may not kill you to stop you from preventing me from voting. But if you're going to stop every member of my ethnic group from voting in an election where our important political interests are at stake, it might well be proportionate for us to kill you so that we can vote. And if killing you is necessary to avert this wrongdoing, it might well be all-things-considered permissible to kill you.

It might seem as if invoking aggregation is an illegitimate move for the reductive individualist to make, since it seems to go beyond what can be justified in terms of individual rights. But that would be to misunderstand the reductive individualist view. The reductivist part of the account requires us to understand the morality of war in terms of the morality of ordinary life. Aggregation is a familiar feature of ordinary life, and so to think it relevant to war is not inconsistent with reductivism. The individualist part of the account holds that individuals are the source of moral value and the proper focus of moral prescription and evaluation. But this too is compati-

ble with caring about the number of individuals who are threatened with a violation of their rights. All that matters for consistency with individualism is that, ultimately, it is the individuals themselves with whom we are concerned, and not with some irreducible relationship *between* those individuals. The claim that I am defending here is that a conditional invasion threatens important rights of individuals, not of collectives.

Numbers are significant when it comes to political rights not merely for straightforward aggregative reasons, but because the increasing numbers can produce a step-change in what threatens each individual.<sup>5</sup> If you damage my car and prevent me from voting, this won't really make any difference to the sort of country I live in. But imagine that measures are taken before a UK election to ensure that anyone living outside of London is unable to vote. This would do much more than frustrate each individual non-Londoner's right to vote—it would not be simply a case of iterating the same harm of vote prevention across many individuals. Rather, the increasing numbers would effect a change in the *sort* of harm being perpetrated against each of those individuals, because it would change the UK from a legitimate democratic state to an illegitimate dictatorship. States coercively impose legal frameworks upon their citizens. A government that is elected only by Londoners, but then attempts to rule over the whole of the UK, will be imposing this framework illegally, unjustly coercing individuals to adhere to it. This is a much more serious wronging of each individual citizen than the wrong of preventing any one individual from voting, and it is this sort of wronging that is threatened by a political invasion. An aggressor state that seeks, for example, to replace a democratically elected government, and threatens to meet resistance with violence, significantly worsens the conditions of the citizens' lives irrespective of what else the aggressor does.

## 8. THE PROLIFERATION PROBLEM

I've argued that Rodin is wrong about the impermissibility of resisting conditional threats. I've done this in a way that doesn't depend upon attributing irreducible moral value to the state. But reductivists also need to say something about the Proliferation Problem. The challenge is not exactly Rodin's suggestion that other non-state groups can manifest the inherent value found in the state. Rather, it's that if (as I believe) there's nothing uniquely and/or inherently valuable about states, we want to know whether other groups also have rights to employ lethal defense against the equivalent of "political" threats to their integrity. To use Rodin's example, we want to

<sup>5</sup> Thanks to Jimmy Lenman for helpful discussion of this point.

know whether Cadbury's employees had a right to forcibly prevent the Kraft takeover.

I think Rodin is probably right that there is no bright line between states and other groups when it comes to deciding which entities warrant forceful defense against political aggression. Secessionist movements and civil wars suggest that non-state groups are sometimes permitted to behave as states do, defending themselves not merely against threats to their members' lives, but against other types of threat to members of their group. For example, Allen Buchanan suggests that escaping the unjust redistribution of wealth can be a just cause for secession. If a government persistently exploits the members of some regional ethnic or national group by taxing them heavily and yet spending disproportionately low amounts in their area, Buchanan argues that the group can be justified in seceding from the parent state (Buchanan 1998). If conditions in the "parent" state are sufficiently unjust that succession is warranted, it seems plausible that the seceding group may use force if doing so is necessary. It thus seems plausible that it's not only states that are permitted to use lethal force in defense of non-vital interests—states are not unique in this respect.

But I also agree with Rodin that Cadbury's employees were not permitted to use force to prevent the Kraft takeover. This makes it sound as if we need some account of which sorts of groups are eligible for these defensive rights. But I don't think that's the right question. The right question is which sorts of ends justify the use of lethal force. And, as I've argued above, whether a given end justifies lethal defense is going to depend on the sort of individual rights that are at risk of being violated and the number of individuals whose rights are so imperiled.

I think there are two related points that the reductivist can make in reply to the Proliferation Problem. The first concerns the difference between interests and rights. The second concerns the distinctive role of the state (and some other groups) not in protecting or preserving particular communities, but in protecting their members' rights to try to form such communities.

## 9. INTERESTS AND RIGHTS

Thus far, we've been talking about threats to interests that are, uncontroversially, protected by rights. We have rights not to be killed, be raped, be imprisoned, be prevented from voting, have our arms broken, and so on. We've assumed throughout that the victims of threats to their interests are innocent people who have done nothing to forfeit their rights that protect those interests. Even if Rodin and I disagree about whether one may violently

defend one's right to vote, we presumably agree that one *has* such a right that is (ordinarily) violated if one is prevented from voting.

Are any rights violated by the Kraft takeover of Cadbury? I do not think that they are. Rodin describes Cadbury as being built along Quaker values of dignity and respect, with a focus on providing a holistic approach to employee welfare, including the provision of high-quality housing, subsidized recreational activities, and funding service to the community. We can see that the employees certainly had an *interest* in the continued provision of these goods and the continued existence of this community. But not all of our interests are protected by rights.

I've argued that, at the level of the state, successful political aggression backed by conditional force effects a significant change in the sort of society that citizens live in. It worsens their lives by depriving them of important goods such as their freedom elect their government, to protest against unjust treatment and so on. These goods are things to which people have rights, and thus political aggression at the level of the state violates those rights.

But this doesn't seem true in the case of a takeover by Kraft. This is, in part, because I don't think the employees had rights to the continued provision of the goods provided by Cadbury. While we have a right to try to form communities, rooted in our broader and very important right of free association, we do not obviously have rights to the continued existence of our communities. If, for example, I start a War Ethics club, this might be an enterprise that is very valuable to me, that benefits me in various ways and so on. But if the other members of the War Ethics club foolishly decide that they have better things to do with their time, I have no moral power at all to try to coerce them into staying, even if their departure brings about the collapse of my valuable community. What I have is, as I said, a right to free association that includes a right to try to form communities and other relationships, but not a right to the continuation of any particular community or relationship.

## 10. RIGHTS AND COMMUNITIES

It's this right that is protected by the state, and that is not protected by a group such as Cadbury nor threatened by a group such as Kraft. Notice that it was perfectly possible for those ousted from Cadbury by Kraft to go and set up another community, run along Quaker lines, elsewhere. Kraft might be able to destroy the employees' existing community, but it has no power to prevent them from establishing other or replacement communities. Importantly, it's the state that provides the protected space in which those

employees can try to form a new association. I think this feature of a state helps explain why states (and other some other entities) can warrant lethal defense while an entity like Cadbury cannot. The state protects not our particular communities, but our right to form those communities.

We shouldn't confuse this with the claim that the state is valuable because it protects many communities, whereas a particular community like Cadbury does not. Rodin considers and rejects this explanation of why states warrant defense: "This proposal suffers from the problem [that if] the state possesses value because of the communities that exist within its territory, then we would expect that states with rich ecosystems of local communities would enjoy greater defensive rights than states with sparser communal activity. They do not" (Rodin 2014: 74). Rodin is addressing, here, the idea that the source defensive rights lies in the value of the communities that are protected (hence, his claim that more communities ought to equal greater defensive rights). But my claim is that the real value lies in the state's protecting its members rights to free association. Both the communities and the right are valuable, but it's the right that plays a role in establishing proportionate defense.

This way of understanding the claim answers Rodin's concern that states with less communal activity will end up with less stringent defensive rights. On this account, it's not the communities per se that are defended, but the right to form them. States that protect this right, along with its citizens' other important rights, are equally valuable in this respect, even if their members choose to exercise their associative rights to different degrees.

There's perhaps a simpler variant of Rodin's reply that might be leveled at my view—namely, that it implies that more populous states have more stringent rights of defense than less populous states. After all, if the numbers matter, then it seems that it will be proportionate for some states to do more than others in the face of aggression, since they have a greater number of members whose rights are threatened by aggression.

I think this is correct, but that this is not an objection to reductive individualism. Rather, this seems to me an appealing account of defensive rights. More populous states protect the interests of larger numbers of people, and it's therefore quite plausible to think that they may do more in defense of those people. When the good protected is "larger" in this sense, it's proportionate to do more to protect it. There could be reasons why international law ought not to dictate that some states may use only less harmful defense: such a law would invite conditional aggression of a particularly violent sort towards those states. But it may nonetheless be true as a matter of morality that a state with a small population may not do as much to defend its members' political rights as a more populous state. But this is compatible with thinking, as I have argued, that political aggression of the sort under discus-

sion here threatens serious rights, and that these rights are serious enough that it will be proportionate for most (and probably all) states to use military force to protect them.

## 11. CONCLUSION

The Conditional Force Argument raises an important challenge for the reductive individualist. While reductivists have done extensive work on various aspects of *jus in bello*, our accounts of *jus ad bellum* remain underdeveloped. In this chapter, I have argued that we can explain why it's proportionate to resist political aggression even foreseeing that this will cause an aggressor wage a war that will expose many people to the risk of serious harm. These mediated harms, while not irrelevant to defenders' proportionality calculations, are nonetheless heavily discounted in those calculations. Contra Rodin, this discount is not canceled out by a duty of care to one's fellow citizens. I have also suggested that our political rights are weightier than proponents of the Conditional Force Argument have allowed. Aggregated across a number of people, it can be proportionate to use force to defend these rights. Moreover, once a sufficient number of people's political rights are threatened, the nature of the threat can change significantly. We are no longer simply iterating the same harm across each member of a group of individuals, but effecting a significant change in the sort of society they live in.

However, if this kind of argument succeeds, it may still lead to the Proliferation Problem—that is, to the claim that various non-state groups are permitted to use force to defend their members against threats to the group's integrity. I argued that we can reply to this objection by noticing that merely having an interest in the continuation of a community such as Cadbury does not equate to a right to that community's continued existence. Members of states may act together to protect their right to form communities, but it's the protection of the right that is of central importance when it comes to determining the proportionality of defense, rather than the protection of the communities themselves. This answers the concern that states with healthier communal lives may enjoy greater defensive rights. But it will not provide us with a bright line between states and other entities when it comes to rights of defense. It's possible that other groups can act to defend not a particular community's integrity, but the right of its members to form communities. The members of such groups could, therefore, also have be permitted to use force to defend this right, even foreseeing that such force will be met with further, more serious unjust threats.

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