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INTRODUCTION TO THE SYMPOSIUM ON FABRE'S
COSMOPOLITAN WAR

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Nations or countries may go to war, but it is individual persons who do the fighting, the killing, and the dying. It is also individual persons who are right-holders and duty-bearers – who can be the victims or perpetrators of injustice. Individuals may belong to countries, nations, or other social groups, but these groups do not have any non-derivative significance with regard to justice. In her sophisticated and highly original book, *Cosmopolitan War*, Cécile Fabre defends this cosmopolitan perspective, and she argues that it yields a host of surprising and important conclusions about just conduct in war and the just causes for war.¹

I am delighted to introduce this symposium on Fabre's book, which is comprised of insightful and innovative papers by David Rodin, Anna Stilz, Daniel Statman, and Victor Tadros, along with an extensive reply by Fabre. In what follows I offer: (i) a brief account of Fabre's conception of cosmopolitan war; (ii) an explanation of how the different contributors engage with Fabre's project, and (iii) a few comments on further issues raised in the book.

I. FABRE'S ACCOUNT

Fabre's general approach is characterized by four main assumptions. First, individuals are the fundamental units of moral analysis in a theory of justice. Second, each person matters and matters equally regardless of their nationality or citizenship (p. 2). Political communities and other groups have no non-derivative claims of their own. Third, Fabre adopts an approach to the ethics of war that is sometimes referred to as *reductive individualism*. On this view, the

¹ All page references are to this book unless otherwise stated.

moral principles that govern killing and harming in war should be continuous with the moral principles that govern individual killing and harming in non-wartime conditions. There are no special and *sui generis* principles for the ethics of war. Instead, we should understand the ethics of war by reflecting on the ethics of individual cases outside of war. If, for example, it is unjust for a wrongful attacker to kill a third party in self-defense when that third party comes to the aid of the attacker's innocent victim in a normal domestic context, then this should also be true in war. Fourth, Fabre endorses, a *sufficientist* view of the content of justice. On this account, 'a world in which individuals lack, yet could enjoy, equal opportunities for a minimally decent life through no fault of their own is an unjust world' (p. 19). Individuals thus have stringent rights to be provided with the capabilities they need to give them the opportunity to lead a minimally decent life. These capabilities will include (though are not limited to): bodily integrity, basic health, emotional and intellectual flourishing, and control over some level of material resources and the political environment (p. 19). Egalitarians and others will complain that merely ensuring individuals have 'enough' does not suffice to eliminate injustice, but by assuming a fairly minimal conception of cosmopolitan justice, Fabre's account has the advantage of being inclusive: most current conceptions of distributive justice will agree that individuals are at least entitled to the conditions needed to have a minimally decent life.

With these assumptions, among others, in place, Fabre proceeds to argue for a series of fascinating and revisionary claims both about the ethics of going to war (*jus ad bellum*) and the principles that should govern conduct once wars have begun (*jus in bello*). The book is organized around the analysis of different types of war: wars of collective self-defense; subsistence wars; civil wars; humanitarian wars; commodified wars; and asymmetrical wars. Rather than offer a comprehensive summary of all the book's arguments and conclusions, I will briefly highlight a few of its important claims.

First, along with other proponents of reductive individualism, most notably Jeff McMahan, Fabre rejects the so-called moral equality of combatants (pp. 71–81). In standard accounts of just war, once the fighting has begun, combatants have the same set of rights and duties regardless of whether they fight for the country with the

just or unjust cause. For example, regardless of whether one fights for the Allies or the Nazis, provided one observes the standard rules governing combat (e.g., discrimination in conducting attacks and humane treatment of prisoners of war) then one does nothing wrong in fighting and killing enemy combatants. On this view, our judgments about whether a war is just have no bearing on our judgments regarding whether individual combatants act justly during war. Fabre rejects the moral equality of combatants as inconsistent with our ordinary beliefs about the morality of killing and harming outside of war.

Consider the following scene on Main Street in your town. Thug wrongfully attacks Victim with lethal force. Rescuer sees the situation unfold, and uses proportionate and necessary force to stop Thug. Under these conditions Thug cannot permissibly use defensive force against Rescuer – Thug forfeits his rights by virtue of his wrongful attack on Victim, whereas Rescuer acts justly and so does not forfeit any of her rights. Put another way, Thug is liable to attack by Rescuer, but Rescuer is not liable to counter-attack by Thug. The same should hold true in war. Following McMahan and others, Fabre insists that whether a combatant is permitted to attack and kill enemy combatants largely depends on whether that combatant has a just cause (like Rescuer) or an unjust cause (like Thug). The upshot is a radically revisionary view of war, one where those combatants who fight on the just side are morally permitted to use proportionate and necessary force to achieve their just cause, but typically all the fighting and killing that is done by combatants on the unjust side is morally impermissible.² On Fabre's view, you can permissibly take up arms in defense of your political collective only when your collective has justice on its side.³ Fighting on behalf of a political collective does not, *pace* orthodox just war theory, mean one is exempt from the normal rules of morality that govern the permissible use of violence.

² I say 'typically' because things can clearly become more complicated – combatants who fight with a just cause can act unjustly in individual instances (e.g., disproportionate, indiscriminate, or unnecessary force), and this means that combatants on the unjust side may, in isolated instances, be acting permissibly in repelling particular unjust attacks.

³ More controversially, Fabre also suggests that combatants who fight on the unjust side will sometimes be under a *duty to attack their fellow unjust combatants* when this is both a necessary and proportionate way to stop an unjust attack (p. 79).

Second, Fabre denies that combatants may assign greater weight to the lives of their fellow citizens by appeal to patriotic partiality when calculating the proportionality of using defensive force, including calculations regarding the collateral damage caused by any use of defensive force (pp. 85–88). Each person's life matters equally regardless of nationality or citizenship, and so what matters when making judgments about proportionality is each person's degree of liability to attack, not his or her passport. Just as it would be wrong to detonate a bomb killing a large number of bystanders to save yourself from harm, on Fabre's view it would be impermissible to engage in a war of collective self-defense to save a small number of your own citizens if this would foreseeably result in the deaths of many thousands of non-lie noncombatants from the aggressor nation. This does not mean wars of collective self-defense are never permissible when they will foreseeably harm foreign nationals who are not liable to harm, but only that the justification for imposing this harm must proceed by appeal to the same principles that we use to justify harming bystanders in cases of individual self-defense: the harm must be proportionate, necessary, fairly distributed where possible, and so on.

In Chapter 3 Fabre makes what some see as the most provocative and controversial claim in the book. She argues that severe deprivation can be a just cause for going to war, and thus there can be circumstances where the global poor have a right to wage war against the global affluent. The basic argument is relatively straightforward. Each person has a right, where feasible, to the conditions needed to ensure she has the opportunity to lead a minimally decent life. This right correlates with negative and positive duties that hold regardless of national boundaries. We each have *negative* duties not to harm or interfere with others when doing so will cause severe deprivation (provided observing this duty does not threaten severe deprivation for the alleged duty-bearer) and also *positive* duties to provide others with the assistance they need to avoid severe deprivation (again, subject to the proviso that doing so does not threaten severe deprivation for the duty-bearer). These rights and duties are stringent because the interests they protect are fundamental. If the global affluent violate these duties, they make themselves liable to whatever force is both proportionate and

necessary to secure the subsistence rights of the severely deprived. Fabre's conclusion is that the lethal force of warfare can sometimes be both proportionate and necessary as a response to the rights violations the global affluent perpetrate against the global poor.

This conclusion is startling, and for some, profoundly counter-intuitive. The success of the argument obviously depends on the resolution of a number of further questions, including: to what extent the distinction between doing and allowing harm, and the related distinction between positive and negative rights, have moral significance; how considerations of proportionality are determined; when the global affluent can be held responsible for violating duties to the global poor; and whether such subsistence wars can ever be both proportionate and necessary.

Chapter 4 takes up the relatively neglected topic of civil wars. In this chapter Fabre rejects one of the requirements of orthodox just war theory, namely, that just wars must be waged by a legitimate authority. Here is one way of making the point. Suppose the government of country A begins attacking and killing the citizens of country B in large numbers, and the only way to protect the citizens of country B from further rights violations is for the government of country B to wage a proportionate war against country A. Everyone, bar pacifists, will agree that the war country B launches to protect its citizens is just. But now suppose that the government of country A is not attacking the citizens of country B, but is instead attacking its own citizens in the same way, and further suppose that those citizens are able to organize a militia that will have the same probability of successfully preventing further rights violations as country B in the original variant of the example. It cannot be acceptable to grant the citizens of country B an effective right to defend themselves but deny this same right to the citizens of country A merely because one group has a government that can defend them whereas the other has a militia that can defend them. One should have the same right to defend oneself against one's own government as against foreign powers, yet if legitimate authority is a requirement for just war, then the citizens of country A cannot justly wage war against their own government. The conclusion – hard to resist – is that we should reject the legitimate authority requirement.

Fabre makes another revisionary claim in the book's final chapter on asymmetrical warfare. She argues that the use of human shields is, under certain circumstances, morally permissible. The objection to using human shields has seemed, to many, obvious and decisive. Innocent bystanders are not morally required to risk their lives for the sake of others, and so to use a person in a way that forces him to risk his life in this way would be to objectionably use that person as a mere means to one's own ends (p. 259). Fabre argues, however, that this objection to the use of human shields is too quick since it fails to take account of duties arising from the principle of fairness. She argues that there can be conditions in which noncombatants ought to contribute to the war effort in order to avoid free-riding on the sacrifices of combatants, and these contributions can plausibly take the form of serving as human shields, at least where being a shield is likely to serve as a deterrent to enemy fire (pp. 260–263). Non-combatants may also be liable to be used as shields when they bear some contributory responsibility for the wrongdoings that have given one side a just cause for war (p. 265). Of course this does not mean that most existing uses of human shields in wars with which we are familiar are permissible, but Fabre is keen here, and throughout the book, to emphasize the importance of distinguishing between methods of conduct in war that are permissible in principle and methods that turn out to be permissible in practice given current conditions.

The preceding paragraphs offer only a small glimpse of what is contained in Fabre's book. It is full of complex arguments in support of further claims about, among others things: humanitarian intervention; the use of mercenaries in war; the ways in which one can render oneself liable to defensive attack; agent-relative prerogatives to harm and kill in self-defense; and deception as a military tactic. And the contributions to this symposium demonstrate just how much excellent and important material in the book there is to discuss.

II. SYMPOSIUM CONTRIBUTIONS

In his article, David Rodin offers an original conception of the grounds of individual moral rights and the conditions under which

they can be forfeited, and he argues this conception compares favorably with Fabre's own account.

Fabre defends an interest-based conception of rights. According to Fabre, 'to say someone has a right is to say that an interest of hers is important enough to impose on third parties duties not to interfere with her pursuit of that or some related interest, as well as duties to promote that interest' (p. 23).

Rodin offers a very different picture of moral rights. On his account, at least a large and important class of moral rights is best explained by appeal to relations of reciprocity between moral agents. Rights against being killed by others, for example, are explained by Rodin as follows: 'I have the right that you not kill me *because* and *to the extent* that I comply with your right that I not kill you. Similarly, you have the right that I not kill you *because* and *to the extent* that you comply with my right that you not kill me' (Rodin 2014: 287). Reciprocity thus provides both the justificatory ground of the right, and also provides an account of the conditions of its forfeiture. Rodin argues that his conception of rights possesses at least two distinct advantages over Fabre's interest-based account.

First, he argues that the reciprocity view offers a more plausible explanation of the conditions under which rights are forfeited. Most philosophers agree that, at least under most normal conditions, if A threatens to wrongfully violate B's right against harm, A forfeits some of her rights against having defensive harm imposed: she renders herself liable to defensive harm. The reciprocity theory can easily explain this result. Because A is no longer complying with her duty not to harm B, she loses her corresponding right that B refrain from harming her. But the interest theory seemingly struggles to explain this result since we can plausibly assume that even though A is wrongfully threatening to harm B, A's interest in not suffering harm herself is in no way diminished.

A second major advantage of the reciprocity theory, according to Rodin, is that it coheres with the widespread assumption that individuals' negative rights not to be harmed are much more stringent than their positive rights to be provided with aid, which implies that it can be permissible to use much greater force to defend one's negative rights than to enforce one's positive rights. The reciprocity account succeeds in explaining this phenomenon for the contingent

reason that the reciprocal relationship involved in observing a duty not to harm is *actual* – when A is under a duty not to harm B it is because B is currently not harming A – whereas the reciprocal relationship arising out of a duty of assistance is typically *counterfactual* – A is under a duty to aid B now only to the extent that it is true of B now that he would have aided A were their positions to be reversed. Actual compliance generates more stringent reciprocal duties than merely counterfactual compliance, hence the typical asymmetry between positive and negative rights.⁴ Rodin argues that the interest theory struggles to explain the asymmetry between positive and negative rights. Moreover, he argues that if, as we should, we take this asymmetry seriously, we ought to resist Fabre's more controversial conclusions regarding the right to wage subsistence wars, since the rights violations that allegedly provide the just cause for such wars are often mere failures to fulfill duties of aid, rather than violations of negative duties not to harm.

In her contribution, Anna Stilz makes three main critical claims regarding Fabre's cosmopolitan approach to the ethics of war. First, she sounds a skeptical note about Fabre's sufficientist view of the content of justice. Stilz worries that this view cannot explain some widely shared views about domestic justice, most obviously, the judgment that our own societies may be unjust when they fail to provide roughly equal opportunities to all, even if they do provide everyone with the resources needed to live a minimally decent life. Of course, Fabre could respond by adopting a dualistic view of justice: global sufficientarianism combined with domestic egalitarianism or prioritarianism. But this would then put pressure on Fabre's cosmopolitan claim that nationality or citizenship has no non-derivative significance for claims of justice.

Stilz's second charge concerns the role of political communities within Fabre's theory. For Fabre, the rights of political communities must be entirely reducible to the rights of individuals – they have no non-derivative rights of their own. Stilz expresses two related complaints about this picture. First, she doubts that the rights of political communities are in fact reducible to the rights of individuals in this way. Second, she argues that *if* the rights of political communities

⁴ Rodin is clear that this asymmetry breaks down under conditions where our aid to one another is no longer counterfactual but ongoing and thus more like the actual compliance of duties not to harm.

were entirely reducible to the rights of individuals in the way Fabre alleges, this would yield counterintuitive results regarding the right of national self-determination. It is typically only permissible for individuals to use lethal force in defense of a very narrow range of rights: the rights not to be killed or seriously harmed. It's not permissible to use lethal force in defense of less stringent rights, such as rights over one's private property or the right of association. But then how can a 'cosmopolitan explain why citizens might be justified in defending their political community even when their rights to a minimally decent life are not at stake?' (Stilz 2014: 317). Stilz presents the U.S. annexation of Hawaii in 1893 as a possible example where a political community's right to self-determination was unjustly threatened, but individuals' rights to a minimally decent life were (for the most part) not.

Stilz's third critique focuses on Fabre's claim that 'the rights of state officials are reducible to rights held by individuals, either *qua* individuals or *qua* group members. Accordingly, state officials' right to defend the rights of fellow citizens cannot be justified other than by justifying citizens' very same right' (p. 55). She takes Fabre to mean that if a state official has a particular right, this must be because individual citizens have the very same right. But this seems hard to believe. State officials have various rights – for example, the right to impose and collect taxes, and the right to reach judicial decisions – that ordinary citizens do not have.

More generally, Stilz contrasts three different ways of understanding the relationship between rights and institutions. On the first model, institutions are mere instruments for coordinating our natural or pre-institutional duties of justice. On the second model, authoritative institutions play a role in determining who is charged with particular duties of justice, though the fundamental rights of individuals remain pre-institutionally given. Stilz, however, favors a third model where authoritative institutions are partly *constitutive* of what justice requires. The basic idea – familiar from Kant – is that moral rights are indeterminate in the absence of authoritative institutions to give them precise content and specification, and moreover, individuals lack the standing to coerce others in the name of their private judgments regarding what is right. Only certain kinds of public institutions can properly set the terms of justice; as Stilz explains, on this view

‘justice is a *necessarily* institutional value: our natural duty of justice tells us, not to attempt to enforce justice ourselves, but to collectively establish and support just institutions’ (Stilz 2014: 332). But if this third view is roughly correct then, contra Fabre, states do not derive their right to wage war from the private right to use defensive force held by individuals, because there is no individual right to wage private war.

In his contribution, Daniel Statman forcefully objects to Fabre’s reductive individualism. In particular, he argues that Fabre’s approach yields conclusions about the ethics of war that are too demanding in some respects, and too permissive in others. A view is demanding, according to Statman, when it requires significant sacrifices of personal interests, whereas a view is permissive when it allows a wider range of actions to count as permissible relative to the benchmark of standard accounts of just war.

Statman argues that Fabre’s cosmopolitanism is, on the one hand, too demanding because: in attaching no intrinsic significance to national borders, it precludes wars in defense of national sovereignty for its own sake; it mandates that we treat the lives of citizens in other countries as having exactly the same weight in our deliberations as our fellow citizens; and it denies the moral equality of combatants, and thus declares that almost all the fighting and killing done by combatants on the unjust side of a conflict is impermissible, even when in compliance with the standard principles of *jus in bello*. On the other hand, Fabre’s view is too permissive because: it countenances a wider range of just causes for war, for example, wars in defense of subsistence rights; and it allows, at least at the level of principle, that noncombatants might permissibly be targeted in war when they bear a suitable degree of contributory responsibility for posing unjust threats to others. Statman argues that both the overly permissive and overly demanding features of Fabre’s account have to do with her commitment to the notion that wars must be fought in the name of justice. Like other crusades, fighting wars in the name of justice encourages us to believe that too many things that we would otherwise recognize as wrong (e.g., targeting noncombatants) are somehow made right by the fact that our cause is not merely just, but is justice itself. But crusades also demand too much of individuals – asking us to sacrifice things (e.g., reasonable forms of national partiality) in the name of an abstract ideal.

Statman also interprets Fabre as being committed to *Purism*: 'each human being is under a (prima facie) duty to act in order to respect the rights of all other human beings, irrespective of the ethnic, national, religious, or other affiliation of the actor or of the right-bearer, and regardless of the actor's or the right bearer's role in society (qua soldier, mayor, judge, banker, etc.)' (Statman 2014: 346). As an alternative, Statman proposes *Moral Division*: 'the duty to respect the rights of all human beings is constrained by factors about the roles of the actor or the right bearer in society (qua soldier, mayor, judge, banker, etc.)' (Statman 2014: 353). He presents several reasons to prefer the latter principle to the former one, the most important of which, he argues, is that if we tried to conform to the former principle, this would lead to a moral disaster. Justice is something, on this view, that is best served indirectly, and not by launching individual crusades on its behalf without regard to the constraints of role morality.

Unlike Stilz and Statman, Tadros is broadly sympathetic to Fabre's reductive individualist approach to the ethics of war. His contribution instead focuses on Fabre's claims regarding subsistence wars. One of the claims Tadros makes is that, although it is wrong to fail to aid others when you can do so at reasonably low cost, this failure does not, on its own, make you liable to lethal defensive force if such force is needed to make you save the life of the person to whom you owed the original duty. He agrees that the fact you could easily have avoided liability by doing your original duty is relevant, but doubts it is sufficient to ground liability to lethal defensive force. Causal responsibility for the threat that another person faces is, he suggests, necessary to ground liability to lethal force. If the global rich are merely failing in their positive duties to aid the global poor, this alone does not license the use of lethal force to defend the subsistence rights of the global poor. Instead, Tadros suggests that the global rich can only be liable to lethal force if it is also true that the global rich are (or would be) under an enforceable duty to rescue the global poor at the cost of their lives.

Second, Tadros distinguishes different ways the global rich might be violating their duties to the global poor. The global rich might have taken property or resources belonging to the global poor – resources that the poor might need to survive. This, Tadros suggests,

can often be treated as a negative rights violation – as akin to threatening to wrongfully kill the poor – and thus the global rich can be liable to lethal force if necessary. But it is also possible that the global rich have not taken property or resources directly *from* the global poor. And this may make a difference to their liability to lethal force.

Whether it does make a difference, Tadros argues, depends on the answers to several further questions, one of which is whether the global rich have come to possess what are effectively stolen goods that belong to the global poor. This is the case that most closely resembles the world as we know it, and so we need to know whether those who possess stolen goods and do not return them to their rightful owners can ever be liable to lethal force. It matters, for Tadros, whether the rich are *causing* harm to the global poor by withholding the resources, or merely failing to provide positive assistance in ways that do not constitute causing harm. It also depends on the answers to further difficult questions, for example: when, if ever, merely handling stolen goods (even when one cannot directly benefit the rightful owner) is itself a rights violation; and when, if ever, it is permissible to initiate a sequence of events that one can foresee will lead another agent to perform an unjust act that would otherwise render her liable to lethal defensive force if there is a reasonable alternative available to initiating this chain of events. Tadros aims to show just how complex and difficult it is to establish the permissibility of wars in defense of subsistence rights. It's not simply a matter of establishing that the global poor have been unjustly deprived of the conditions needed to survive or lead a minimally decent life: it matters exactly how this circumstance has come about and the means by which it can be rectified.

The symposium concludes with an incisive and wide-ranging reply by Fabre addressing all the contributions.

III. CONCLUSION

In closing, let me briefly highlight two other issues that I hope will be the subject of further discussion in the literature.

Although she does not use the term, Fabre is a leading proponent of what I have called the *reductive individualist* approach to the ethics of war. Reductive individualists, recall, believe that the same moral

principles that govern individual conduct regarding harming and killing in non-wartime contexts govern our conduct during wartime as well: there are no special *sui generis* moral principles governing warfare. Although she does not use the label of reductive individualism, Fabre very clearly presents her theory as a *cosmopolitan* account of the ethics of war. Cosmopolitans believe that individuals are the fundamental units of moral analysis (at least for theorizing about justice), and also that each person matters and matters equally regardless of their nationality or citizenship. It is tempting to see a tight connection between Fabre's cosmopolitanism and her reductive individualism, indeed it might seem that there is an entailment: if one endorses cosmopolitanism, one must be a reductive individualist.⁵ But it's important to understand that one can be a cosmopolitan in Fabre's sense without being a reductive individualist.

For example, suppose one endorsed a view whereby the moral rights of individuals are determined, at least in part, by participation in shared social practices with publicly recognized and interpersonally justifiable rules governing conduct. On this view, there might be a great deal of indeterminacy regarding the content of the moral rules governing social practices: many different and incompatible sets of moral rules might meet the test of interpersonal justification depending on the order in which the rules are adopted.⁶ This account can remain cosmopolitan, while nevertheless allowing that the moral rules governing warfare might sharply differ from the moral rules governing individual harming and killing in non-wartime contexts because these contexts constitute different social practices with different sets of justifiable public rules. I'm not necessarily endorsing this account, only using it to illustrate there is no entailment from cosmopolitanism to reductive individualism.

The dispute between reductive individualists and their opponents is thus not reducible to a dispute between those who believe only individuals can be fundamental units of moral analysis and those who reject this idea. Instead, the dispute turns on more general debates about the grounds of moral rights and their place within broader normative theories, but this more general debate is one that

⁵ To be clear: Fabre never makes this claim.

⁶ The sort of view I have in mind is similar to the one advanced in Gerald Gaus's *The Order of Public Reason: Freedom and Morality in a Diverse and Bounded World* (Cambridge, MA: Cambridge University Press, 2011).

has not been the focus of much attention within the current literature on the ethics of war.

Finally, note one further feature of Fabre's account. She declares that her 'concern throughout is with the moral principles which should guide our resort to and conduct in war, and not with the laws of war as articulated in, for example, the Geneva Conventions'. She goes on to concede 'a full normative account of war should not merely delineate first-best principles for war, but also (morally directed) second-best principles which can be enshrined in the law' (p. 12). But Fabre insists that determining what the first-best principles are is important in its own right, and is needed to make progress in thinking about what the laws ought to be.

So how exactly does Fabre draw the distinction between first-best and second-best principles? She says the way she draws the distinction is broadly similar to G.A. Cohen's distinction as applied to distributive justice (p. 12). But Cohen in fact makes several different distinctions regarding distributive justice. One distinction he makes is between *fundamental principles* as opposed to *rules of regulation*. As Cohen puts it, a fundamental principle is not derived from any other normative principles or from any empirical assumptions, whereas rules of regulation are the rules we adopt 'in the light of what we expect the effect of adopting them to be'.⁷ Rules of regulation thus need to take into account various empirical assumptions and a plurality of fundamental principles.

Now consider some of the main claims that Fabre defends in the book: (i) defending collective self-determination can sometimes be a just cause for war, (ii) defending subsistence rights can sometimes be a just cause for war, (iii) mercenarism is sometimes morally permissible, and (iv) it is sometimes permissible to use human shields in warfare. I don't think any of these claims qualify either as fundamental principles or rules of regulation as Cohen defines those terms. These claims are not fundamental principles because what makes each of them true (assuming they are true) is a plurality of distinct moral considerations, and not one single and fact-insensitive moral principle. Fabre does not argue for any of the preceding claims by showing they can be derived from one single fundamental moral principle; rather, she argues for each claim by showing that a variety

⁷ G. A. Cohen, *Rescuing Justice and Equality* (Cambridge, MA: Harvard University Press, 2008), 276.

of different moral reasons, when weighed appropriately, yield the relevant conclusion. But these claims are also not rules of regulation, since Fabre does not present them as rules we ought to adopt in light of beliefs about what the consequences of adopting them will be; indeed, she is clear that it may be impermissible to act on these principles under certain empirical conditions.

So, if many of the central claims Fabre makes are not best captured by Cohen's distinction between fundamental principles as opposed to rules of regulation, how should we understand Fabre's distinction? I think she means to invoke Cohen's distinction between the *all things considered best principles* to live by on the one hand, as opposed to the best principles considered *from the point of view of justice alone*.⁸ On the one hand, there are the moral principles that should govern warfare if we assume there are wars that will be fought, but that the commanders and combatants who fight on the just side (or are acting justly in the moment) will comply perfectly with the requirements as laid down by the theory, and we bracket any anticipated complexities regarding how unjust combatants will respond. This is the first-best morality of war in the following sense: it identifies what justice ought (in some ideal sense) to permit individuals to do in defense of their own rights when threatened with rights violations. On the other hand, there are the rules we ought to recommend in light of realistic assumptions about the degrees of compliance and other behavior that can be expected amongst commanders and combatants fighting on all sides, taking everything we care about into account. These are the second-best laws of war. The rules are second best from the perspective of justice because they will include considerations that are not grounded in justice or individual rights. The account of cosmopolitan war she develops and defends in the book seems to me to be a first-best morality of war in the sense just identified.

There is a good deal of sharp disagreement in the existing literature regarding how best to draw the distinction between the morality of war and the laws or rules of war (even whether this distinction should be drawn at all), and not all the proposed

⁸ *Ibid.*, 275. For Cohen this distinction is almost indistinguishable from the previous one because he believes distributive justice is comprised of a single value – equality – whereas for Fabre the two distinctions come apart because, as I understand her view, justice in the domain of war is comprised of a plurality of distinct moral considerations.

distinctions seem helpful to me, but the distinction above, which I believe is the one Fabre adopts, is very useful. It tracks something that is deep and important: the difference between what individuals are owed as a matter of justice and what they may justly do in defense of their own rights, as opposed to the rules we ought to adopt in light of everything that matters and in light of all the best evidence about how individuals will behave. I hope that Fabre's book provokes further discussion of this distinction, in particular how we identify which considerations belong within the domain of justice, and how we decide when, if ever, justice must give way to competing considerations in designing rules of war.

This introduction has not done justice to the complexity and depth of Fabre's book. As those already familiar with it will know, it is one of the most important and impressive philosophical works on the ethics war published since Michael Walzer's classic *Just and Unjust Wars*. For those not already familiar with the book, I hope this symposium illustrates just how much there is to be gained from engaging with it.

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