



Redistributive wars

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Abstract

Can the global poor wage a just redistributive war against the global rich? The moral norms governing the use of force are usually considered to be very strict. Nonetheless, some philosophers have recently argued that violating duties of global justice *can* be a just cause for war. This paper discusses redistributive wars. It shows that the strength of these arguments is contingent on the underlying account of global distributive justice. The paper focuses on the “doing harm argument,” under the assumption that the alternative “allowing harm argument” is a more difficult route to justify redistributive wars. After highlighting several preliminary problems, the paper breaks down and assesses in depth the “doing harm argument”: the empirical premise, the rights violation that constitutes the wrong, liability and degrees of responsibility, and the conditions for justified self-defense. By drawing on principles reflected in criminal law, this paper argues that a general “doing harm argument” for redistributive wars is unconvincing, while a reinterpretation of that argument could theoretically give rise to a just cause for war.

Keywords Just war theory · Self-defense · Global distributive justice · *Jus ad bellum* · Liability · Legal theory

1 Introduction

Can the global poor wage a just redistributive war against the global rich?¹ The moral norms governing the use of force are usually – and for good reasons – considered to be very strict. Just war theory is an influential field dealing with the rights and wrongs of war(fare). Under the so-called “legalist paradigm,” exemplified by Michael

¹ Also called subsistence wars, resource wars, economic wars, or climate wars.

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Walzer's (2000) *Just and Unjust Wars*, the just causes for war are very restrictive (in line with international law).² Only in case of necessary and proportionate self-defense against aggression (or defense of others on their behalf) can the extreme instrument of war be justified. Nonetheless, some philosophers have recently tried to defend redistributive wars. According to Gerhard Øverland, Cécile Fabre, Kasper Lippert-Rasmussen and Gwilym David Blunt, violating duties of global justice *can* be a just cause for war (Luban, 1980; Øverland, 2011; Fabre, 2012; Lippert-Rasmussen, 2013, 2017; Barry & Øverland, 2016). They defend the controversial claim that, under certain circumstances and as an *ultimum remedium*, the global poor can be justified in waging a redistributive war against the global rich.³

This paper discusses redistributive wars and aims to determine whether redistribution (more precisely: the violation of duties of global justice) can be a just cause for war. I will focus in this paper on the “doing harm argument for redistributive wars,” under the assumption that the alternative, “allowing harm argument for redistributive wars,” is a more difficult route to justify redistributive wars. In the following section, I will briefly locate the idea of redistributive wars in the broader historical just war tradition. The arguments for redistributive wars are analyzed in the third section, which will show that the strength of these arguments is contingent on the underlying account of global distributive justice that is endorsed. The fourth section highlights various problems relating to the relevance of the discussion and the nature of just war theory. These problems do not amount to conclusive objections, but they do indicate that a level of caution is well-advised concerning the debate on redistributive wars. The fifth section breaks down the “doing harm argument.” I assess various components in more depth: the empirical premise (5.1), the rights violation that constitutes the wrong (5.2), liability and degrees of responsibility (5.3), and the conditions for justified self-defense (5.4). My approach is to draw on principles reflected in criminal law (Fletcher, 1998: 4–5). These principles, so I assume, reflect widely shared moral intuitions regarding the self-defense justification, and can therefore bring light to the question of whether defense against violated global justice duties can be a just cause for war.⁴ This assessment shows that a general “doing harm argument” for redistributive wars is unconvincing, while a more limited reinterpretation of that argument could give rise to a just cause for war.

2 Just Cause for War

By briefly placing the idea of redistributive wars in a broader context, I aim to show in this section that this seemingly new idea ties into both the historical tradition and the more recent development of stretching just war theory. Regarding the question of *jus ad bellum* (under what circumstances can war be justified?), just war theory

² See Section 4.

³ As is to be expected, this claim is criticized from different angles, e.g. Pogge (2013); Räikkä (2014); Statman (2014); Tadros (2014).

⁴ Moreover, many of the arguments for redistributive wars are based on a reductivist account of just war theory, meaning that these authors reduce the morality of war to “ordinary” (peacetime) morality, which is reflected in criminal law. See further e.g. Lazar (2018) and Peperkamp (2022).

requires that there is a just cause; a right intention; that war is declared by a legitimate authority; that the war is proportional; is a last resort; and has a reasonable hope of success.⁵ The just cause condition is central to the moral analysis of war; it triggers the question as to whether the use of force can be justified. Which wrong(s) can justify, in principle, the use of force? The historical just war tradition was rather permissive: a just cause was broadly conceived as a “wrong received.” Thomas Aquinas, for example, stated that when a population is harmed, and an enemy is at fault for that, it has committed a wrong and deserves to be attacked (Aquinas, 1485: 501–502). Moreover, following the examples of predecessors such as Victoria, Suárez, or Molina, it is well-known that Hugo Grotius distinguished various just causes for war: defense of oneself or property, recovery of wrongfully taken property, the exaction of outstanding debt, and punishment of wrongdoing (Grotius, 1625).⁶ After the two World Wars, however, international law took a more restrictive view. In an attempt to limit the occurrence of war, the just cause was limited to defense against military aggression. Walzer provided the philosophical interpretation of that view. “War is hell”; therefore, it is presumptively wrong to start it (Walzer, 2000: 22). Much of contemporary just war theory is “aggression-centred”: just wars are those in response to aggression; they are self- or other defense against an unjust armed attack or in response to crimes of mass atrocity (humanitarian intervention) (Valentini, 2016: 145). Walzer puts the moral norms governing individual self-defense center-stage with his legalist paradigm and the underlying domestic analogy. Contemporary just war theorists, although they are critical of Walzer in many ways, generally follow him in this respect. Whether analogous or deductive reasoning is adopted, individual self-defense informs the rules of war.⁷

This restrictive aggression-centered view has been prevalent for a long time, but that is not to say that it was never challenged. With a reference to the common good of mankind, Elisabeth Anscombe, for instance, noted already in 1961: “The present-day conception of ‘aggression’ (...) is a bad one. Why must it be wrong to strike the first blow in a struggle? The only question is, who is in the right if anyone is.” Violence might be justified, she argues, to defend against severe wrongdoing, such as the slave trade (Anscombe, 1961: 43–62). Additionally, arguments have been made for a more permissive interpretation of the situations that justify a humanitarian intervention, and for anticipatory self-defense in response to a more or less imminent threat of armed attack. There is thus a growing tendency of making just war theory more permissive again. In such attempts, some theorists explicitly rely on the historical tradition. Jeff McMahan in his attempt to stretch the aggression-centered view refers to Aquinas, stating that “he was close to the truth.” According to McMahan, a just cause is not restricted to military aggression: “There is just cause for war when one group of people – often a state, but possibly a nation

⁵ Each of these criteria is debated in terms of validity and scope. In this paper I will focus on the just cause for war, but the other criteria of *ius ad bellum* are important and will be referred to in passing, without going into details.

⁶ See further e.g. Reichberg et al. (2006).

⁷ There is an extensive debate on the differences and appropriateness of these two methodologies. Often this distinction is called exceptionalism or reductivism. See further e.g. Lazar (2018).

or other organized collective – is morally responsible for an action that threatens to wrong or has already wronged other people in certain ways.” (McMahan, 2005: 7–9) A sufficiently grave wrong constitutes a just cause for war against the one who bears responsibility. But if the relevant wrong is not limited to military aggression, how do we determine where to draw the line? McMahan suggests that we rely on our intuitions concerning the wrongs that we believe justify killing and maiming in an attempt to prevent or rectify them (McMahan, 2005: 11–12).⁸ The question, then, is *how* we appeal to those intuitions.⁹

This brief contextualization makes it clear that the attention to redistributive wars does not come out of nothing; nor does it seem to be such a far stretch when the historical tradition is considered. Moreover, it fits into a recent tendency to lower the threshold for war by expanding the relevant wrongs beyond actual interstate military aggression as such. The following section analyzes the debate on redistributive wars. This analysis will show the clear link between the fields of just war theory and global distributive justice: arguments are based on certain types of violated duties of global justice. To wit, the claim is not that redistribution *as such* is a just cause for war; rather, the imminent or ongoing *violation* of said duties gives rise to a just cause for wars aimed at preventing or stopping these violations, and thus to redistributive wars. These arguments are subsequently supported by examples in an attempt to bring to the surface the intuitions to which McMahan refers. In analyzing these arguments below, I will focus on the duties of global justice foregrounded by the various arguments.

3 Redistributive Wars¹⁰

While the debate on redistributive wars is fairly recent, David Luban already briefly raised the idea of an “economic war” decades ago. In his article *Just War and Human Rights*, Luban criticizes Walzer’s just war theory and article 51 of the *Charter of the United Nations* (1945) – both strongly focusing on self-defense against military aggression. The just cause for war must be determined, according to Luban, by basic human rights: “everyone’s minimum reasonable demands upon the rest of humanity.”¹¹ Those entail not only security rights but also subsistence rights: rights to food, clothing, shelter, and clean air. “Such rights are worth fighting for.” (Luban, 1980: 175) That account means that war is just if it is “(i) a war in defence of socially basic human rights (subject to proportionality), or (ii) a war of self-defence against an unjust war.” (Luban, 1980: 175) Not any type of redistributive war is justified,

⁸ A just cause can be “any type of wrong that would reduce a person to utter destitution.”

⁹ I will come back to this issue in Section 4, where I will discuss the risks of a certain way of generating those intuitions.

¹⁰ This Section Builds on Earlier work: Peperkamp and Tinnevelt (2021); Peperkamp (2022).

¹¹ Luban here refers to Henry Shue’s notion of subsistence rights (1996, 2008, 2010, 2013). Shue, interestingly, is a strong critic of McMahan’s revisionist position.

however. There is a threshold: it must be a fight for survival and not a fight against impoverishment (Luban, 1980: 177–178).¹²

Based on this definition, B would be justified in waging a war against A to procure food in the following example: “A and B are neighbouring countries of approximately the same military capability, separated by a mountain range. A is bordered by the ocean and receives plentiful rainfall; however, the mountains prevent rain clouds from crossing over to B, which is consequently semi-arid. One year the lack of rain causes a famine in B which threatens millions of lives. A, on the other hand, has a large food surplus; but for a variety of cultural, historical, and economic reasons it makes none of this food available to B.” (Luban, 1980: 177) Given that A does not have shortages itself (i.e. they can help without jeopardizing the basic rights of their citizens), there is a moral obligation to give food to B. By not doing so, they allow severe harm (i.e. starvation) to happen in neighboring B, which gives B a just cause for war.

In recent years, Luban’s idea has been taken up, and the case for redistributive wars seems to have been strengthened by the now intense global justice debate. Since the argument is based on a link between just war theory and global distributive justice – violated duties of global justice as opposed to redistribution in itself constitutes the just cause for war – the strength of the argument hangs on the type and associated stringency of these duties. This, however, raises several questions. If, as Luban puts it, a war in “defence of socially basic human rights” can be just, then *what* are those rights and *how* can they be violated? Again, redistribution as such is not a just cause for war, nor poverty as such. Only if the poverty is due to a rights violation (and thus, correspondingly, to a duty violation) could a just cause for war arise. But that a rights violation has occurred cannot simply be assumed; it has to be demonstrated (I will assess this in Section 5).

Luban merely focuses on assistance-based duties to help the global poor: A is capable of transferring resources to B but does not provide such assistance.¹³ This omission leads to liability to defensive force. Let us call that the “allowing harm argument for redistributive wars.” Contemporary authors also look at different forms of contribution-based duties. The global rich are considered to be responsible for deprivation not (only) because they violate the positive (assistance-based) duty to help the global poor, thereby allowing harm to befall them, but because they violate

¹² Luban’s reference to survival here can be linked to the idea of a right of necessity. Well-known authors in the long tradition of philosophical reflection on the right of necessity are Cicero, Thomas Hobbes, Grotius, Samuel von Pufendorf, John Locke, Immanuel Kant and more recently Joel Feinberg. For a very sophisticated account, see Mancilla (2016a, b). Mancilla defends the permissibility of transgressions of the law in situations of necessity, under certain circumstances. She does not, however, but for one short paragraph, go into the issue of the use of violence. Nonetheless, it seems compatible with this tradition of thought to argue for a force implication. If someone needs your surplus food to survive, then he/she could take it away from you. If you stop him/her, you would be committing a rights-violation. In response, someone could in principle use force so to stop you from holding on to it and obtain the food. Arguing along these lines, a violation of the right of necessity can trigger justified self-defence by the person claiming necessity in self-preservation. This is not a line of argument that I will pursue in this paper. Cf. Fabre, 2012: 103–105.

¹³ See notably Singer (1972).

the negative duty not to *actively* harm them. *That* is why they are liable to defensive force. Let us call this the “doing harm argument for redistributive wars.” The two types of duties weigh differently.¹⁴ All else being equal, contribution-based duties are in most situations considered to be more stringent and demanding than assistance-based duties, and a violation of such duties – i.e. doing harm – is morally worse than a violation of assistance-based duties.¹⁵ Consequently, it is assumed that enforcement of contribution-based duties allows the imposition of higher costs.¹⁶ In this way, it appears as if the defense of redistributive wars is most promising if based on the “doing harm argument.” An obvious further distinction is in place here, which will prove important later on: harm can be done either directly, or indirectly by *contributing* to harm.

Now let us interpret the debate on redistributive wars with this framework in mind. Various contemporary theorists defend the claim that the global poor, insofar as they are treated unjustly, can be justified in waging war against the global rich. The failure to comply with global justice duties, in other words, makes them liable to defensive force. That a person is *liable* to defensive force *x* means that inflicting this defensive force on the person *would not violate or infringe the person’s rights*. Fabre is well known for her defense of redistributive wars. According to her, such wars can be a response to a violation of the duty of assistance and a violation of the “duty not to subject distant strangers to severe deprivation.” (Fabre, 2012: 110) The first argument is similar to Luban’s argument. However, Fabre complements the “allowing harm argument” with the “doing harm argument.”¹⁷ She adopts a broadly Poggean account of how policies and decisions of the rich constitute wrongdoings imposed on the global poor, and she refers to e.g. protectionist measures, patenting restrictions, insistence on debt repayments, and support of dictators (Fabre, 2012: 102). The global rich actively cause deprivation and thereby violate the negative duty not to subject people to severe deprivation. This can take the form of wrongdoings committed against collectives or individuals: (1) they consist of wrongs committed against collective rights of territorial integrity and political sovereignty to the extent that severe poverty is a national security threat; and (2) they consist of wrongs committed against individual subsistence rights to the extent that people are not able to lead a minimally decent life (Fabre, 2012: 105–110).¹⁸ Since this concerns the *impact* of the violation of the right, i.e. the harm that is done, the global poor can be permitted to use force in self-defense given that there is a clear causal relation between starvation and the violation of the negative duty not to harm (Fabre, 2012: 108). Intentions, for Fabre, are irrelevant in triggering self-defense.

¹⁴ Some authors have argued that there is a category in between. See Øverland (2011) and also Barry and Øverland (2016).

¹⁵ The validity of this assumption is controversial. See further e.g. the Stanford Encyclopaedia entry on “Doing vs. Allowing Harm”: <https://plato.stanford.edu/entries/doing-allowing/>.

¹⁶ E.g. Øverland (2011).

¹⁷ Both Fabre and Øverland hold that although the stringency of assistance-based duties and contribution-based duties differ, this is a matter of gradation. It does not mean for Fabre that the difference between doing and allowing holds given certain numbers, and it does not mean for Øverland (2011: 31) that not both are enforceable. Both can be demanding.

¹⁸ And see Fabre’s response (2014) to Anna Stilz and the revised threshold of a “flourishing life.”

While responsibility and intentions are irrelevant to Fabre’s argument, they are relevant to others. If one follows Pogge’s characterization of global poverty as the harm that the rich inflict, which makes them guilty of the largest crime against humanity ever committed, (Pogge, 2005: 33) it is perhaps even harder to see why the poor would not be justified in using force in self-defense (although this will be addressed in Section 5). That is exactly the kind of argument that Blunt (2019) develops in his recent book *Global Poverty, Injustice and Resistance*. Global poverty is comparable to a crime against humanity: it is caused by the policies of the international system, in a widespread and systemic way, affecting many people. The harm done is similar to forms of slavery and apartheid. What is relevant for Blunt is that the agents who cause poverty are to blame. While they do not aim to kill people, the result is both foreseeable and avoidable. Therefore, these agents can be said to be responsible for the degree of recklessness or culpable negligence. “The official who initiates an economic policy that will foreseeably and avoidably result in the decimation of a village through famine is as culpable as the military officer who ethnically cleanses a village populated by a local minority.” (Blunt, 2019: 164) The “crime of poverty” triggers the right to resistance and permits (under certain conditions) self-defensive force (Blunt, 2019: 77–100). “The systemic violations of human rights associated with global poverty are sufficient to meet a generalized conception of aggression. They might not be the product of direct and malevolent intent, but they are intentional insofar as they are foreseeable and avoidable.” (Blunt, 2019: 180) Redistributive wars, according to Blunt, can meet the conditions of just war theory (Blunt, 2019: 157).

Øverland and Lippert-Rasmussen defend a similar claim, but explicitly state that their argument is conditional; they discuss the permissibility “in principle” of a redistributive war against the rich. The use of force can be justified under the condition that there are, indeed, contribution-based duties of the kind described by Pogge. Øverland states: “If a contribution to global poverty generates stringent duties to address it, then this contribution implies permission on the part of the victims to defend themselves with force, or for third parties to use force on their behalf.” (Øverland, 2011: 279–280; Barry & Øverland, 2016: 173) That is because, according to Lippert-Rasmussen, if one accepts Pogge’s analysis, “our relation to poor countries is morally equivalent to one in which we each year killed 18 million of them by military means.” (Lippert-Rasmussen, 2013: 68; Lippert-Rasmussen, 2017: 448)¹⁹ Because of this conditional equivalence, the poor could start just redistributive wars against us insofar as we do not take steps to eliminate global poverty (Lippert-Rasmussen, 2013: 65–84; Lippert-Rasmussen, 2017: 446–469).²⁰ “None of the conditions in traditional just war theory explains why it would not be permissible for poor countries to engage in a redistributive war against us to undo the unjust and lethal global structure that, according to Pogge, we impose on them.” (Lippert-Rasmussen, 2013: 83)

¹⁹ “This article defends the claim that, *ceteris paribus*, killing through military means and killing through an unjust international regime are morally equivalent.”

²⁰ See for an earlier version of this argument Steinhoff (2012). Pogge’s main claim is that “the citizens and governments of the affluent societies, in collusion with the ruling elites of many poor countries, are harming the global poor by imposing an unjust institutional order upon them.” (Pogge, 2005: 29, 33) See also Pogge (2002, 2010).

Whether or not the focus lies on *assistance-based* or *contribution-based duties*, it is clear that violations of such duties do not qualify as forms of either external or internal *military* aggression or an armed attack. In this way, it constitutes a significant extension of the aggression-centered interpretation of just war theory. The theorists here discussed adopt, either explicitly or implicitly, a “generalized account of aggression” — one which extends the wrong beyond an armed attack or the use of weapons (Blunt, 2019: 80).²¹ According to Lippert-Rasmussen, e.g., it does not matter whether the causes of death are machetes or malnutrition. The difference between military and non-military aggression is not morally significant enough to show that defense against the first but not the second is justified (Lippert-Rasmussen, 2013: 68, 75). Fabre and Blunt point to the fact that modern forms of warfare, such as cyberattacks, already stretch the concept of military aggression. The assumption is that the aggression-centered view is overly narrow and should be expanded (Fabre, 2012; Blunt, 2019: 161; Lippert-Rasmussen, 2013: 75). This revised just war theory paves the way for widening the range of wrongs that can be seen as a just cause for war. Non-compliance concerning duties of global justice can justify taking up arms.

4 Relevance and Action-Guidance

Redistributive wars merit attention, and I will assess if the aggression-centered view of just war theory can be stretched (specifically, whether the “doing harm argument” is convincing). But before doing that, two considerations have to be addressed: (1) the relevance of the discussion and methodology, and (2) on a more general level, the gap between the in-principle claims and the character of just war theory. Neither of these meta-level issues is presented as constituting conclusive objections to the “doing harm argument,” but they reflect some of the critiques raised, and it is important to suggest caution before turning to the substantive components of the argument.

A first point to consider is the relevance, or rather irrelevance, of the discussion. A common response to the topic is something like this: “Redistributive wars? As if the global poor, penniless and deprived, are going to fight a war for subsistence against us.” The critique behind such reactions is understandable: it seems to be a fantasy scenario that philosophers find interesting, but that is not relevant to the real world. Why should we take that seriously? Indeed, a war waged by the “global poor” against the “global rich” is very hard to imagine. The discussion of redistributive wars feels, at times, like an exercise in abstract philosophizing. That has various distinct reasons: the use of hypothetical test cases; the lack of focus on the entire body of *jus ad bellum*; and the defense of conditional and in-principle claims.

In discussing this topic, philosophers often use simplified fictional examples to support their argument. That methodology moves us far away from the world as it is. Lippert-Rasmussen, e.g., bases his argument on various simplifying and counterfactual assumptions (Lippert-Rasmussen, 2013: 67, 81). Pogge, in his critique of Lippert-Rasmussen, cynically notes: “so we are entering here the philosopher’s

²¹ See also Lippert-Rasmussen (2013); Fabre (2012); and implicitly Luban (1980).

playground of far-fetched hypotheticals.” (Pogge, 2013) He doubts whether it makes sense to discuss the issue of redistributive wars in the (very real) context of the unjust distribution of resources through the use of examples that are far removed from that reality. The discussion answers the question as to whether, in certain situations that are unimaginable in the real world, redistributive wars between the global rich and the global poor can be justified. But for those interested in the actual question as to whether violated global justice duties can justify war, it paints a somewhat misguided picture; such a war would hardly ever be justified *without* such simplifying and counterfactual assumptions. The use of this type of hypothetical example misrepresents, in a way, the nature and complexity of poverty.²²

Moreover, while discussing the question of whether violated global justice duties can be a just cause for war is important, the just cause is only one of the conditions of *jus ad bellum*, as noted in the second section. There is a discussion on the exact type and scope of these conditions, and some doubt that all of them need to be met before a war can be justified. Nonetheless, according to the standard interpretations of just war theory, waging war is only *overall* justified when there is a just cause; the war is waged by a legitimate authority; with the right intention; is proportional; has a reasonable chance of success; and is an *ultimum remedium*. Obvious as this might be, it is good to realize that arguing for a “new” just cause for war is one thing, arguing that a redistributive war can be overall justified is quite another. It is very unlikely, if not impossible, that the other criteria would be fulfilled without again assuming counterfactual circumstances (even after reinterpreting or jettisoning certain criteria). Fabre briefly acknowledges that in her conclusion: some might oppose her defense of redistributive wars because “those wars are so seldom just, that the issue is not worth addressing.” (Fabre, 2012: 128) It seems severely unlikely that a subsistence war will e.g. have a reasonable chance of achieving the goal of compliance with global justice duties and thus create a fairer distribution of resources among the world population.²³

The defense of redistributive wars, therefore, depends to a large extent on hypothetical test cases and counterfactual circumstances. Adding to this critique – that the discussion is merely a philosophical exercise without implications for the real world – is the advancement of in-principle and conditional claims. In theory, such wars can be justified, *if* circumstances exist in a world quite unlike ours, *if* the other *jus ad bellum* criteria were to be met, and *if* Pogge’s theory is correct, and so on.²⁴ Daniel Statman criticizes Fabre on such grounds, and suggests that the “in principle approach” is misleading: “The problem with the in-principle rhetoric is that by privileging one necessary condition for the truth of some conclusion, a false impression is created, the impression that the conclusion is a ‘respectable one’, so to say,

²² Which is acknowledged by Blunt in the conclusion to his chapter on redistributive war (Blunt, 2019: 180).

²³ Perhaps superfluous but good to note in this context is that, obviously, if the goal is to advance the position of the global poor, one would be better off considering other strategies than hypothetical wars of the global poor against the global rich. It is hard to see how redistributive wars can be successful in remedying the problem and secure a fairer distribution of resources (to use the just war criterion that such wars have a reasonable chance of success).

²⁴ See also Raikka (2014).

hence that we should consider it seriously in our practical deliberation about what to do in circumstances C [...]. But often the conditions that must be satisfied for the conclusion to hold are very far from being so, hence the above impression is not only misleading but potentially dangerous.” (Statman, 2014: 351) His fear (shared by Pogge) is that arguing that redistribution in case of violated global justice duties is a just cause for war *in principle*, while it will never *actually* be justified in reality, undermines international stability and can lead to a proliferation of wars.²⁵

Other theorists explicitly defend a conditional claim: Øverland and Lippert-Rasmussen argue that redistributive wars can be justified based on Pogge’s theory. But neither of them subscribes to Pogge’s views. The upshot of this is that the defense of redistributive wars is often based on conditions and circumstances that do not hold in the real world as we know it. The critique of irrelevance is quite understandable. Of course, that does not prove the argument wrong. It merely means that the substantive question is not answered: Can the global poor wage a just redistributive war against the global rich? And aside from this problematic use of rhetoric, there might be a deeper related problem: Relying on a certain kind of intuitions and singling out certain variables does not necessarily lead to plausible conclusions regarding *actual* justifications of force.²⁶

These considerations tie into the second issue that I would like to address in this section. The above discussion leads to a more general reflection on the character of just war theory. On my view, just war theory is first and foremost an applied theory in which abstract (sometimes called “first order”) moral principles are translated to the concrete domain of war. In that translation, pragmatic concerns and feasibility constraints are integrated into the theory. Concessions are made to what is practically possible and can realistically be achieved in times of war. The purpose of just war theory is to provide actionable guidance in an attempt to limit the horrors that are inherent to it.²⁷ To that extent, the criteria of just war theory need to be sufficiently concrete, applicable to the messy and complex reality of war, and capable of mitigating the evil of war. The theory applies to the flawed non-ideal world that we live in here and now, and it therefore needs to reflect a balance between ideal principles of perfect justice and prudential considerations.²⁸ In the context of just war theory, justice does not concern the realization of perfect or ideal justice; it is a rectification concept applicable to problems that arise in our flawed world (Evans, 2014: 31).²⁹

Acceptance of this purpose and character of just war theory necessarily leads to reluctance to discuss what seem to be purely theoretical just causes for war. The

²⁵ For this line of critique, see Pogge (2013); Benbaji (2014) and also Blunt (2019: 165).

²⁶ E.g. because certain features or a particular context are simply always relevant in the reality of war. See further in general on the discussion of the use of hypothetical examples in political philosophy e.g. Dennett (2013); Elster (2011); List and Valentini (2016); Brownlee and Stemplovská (2017).

²⁷ E.g. Coates (2016); Lee (2012); Walzer (2000); Peperkamp (2020, 2019).

²⁸ Cf. G.A. Cohen’s distinction between fundamental principles and rules of regulation. The latter are aimed at achieving a certain effect, and take into account empirical assumptions and various fundamental principles.

²⁹ Walzer famously states that in the exceptional domain of war, “justice is always under a cloud.” (Walzer, 2004: x)

defense of redistributive wars fits more broadly into a tendency within just war theory (related to the general school of revisionism) of focusing more on these abstract principles and of perceiving justice as a pristine concept.³⁰ Such more aspirational approaches make fewer concessions to feasibility constraints. The argumentation is detached from the reality of war, based on hypothetical examples as opposed to historical cases,³¹ and the criteria that are proposed are called “first best principles for war” or the “deep morality of war,” to be separated from “second-best principles for war,” pragmatic legal rules, or conventions of war (Fabre, 2012: 12).³²

Against this background, it is easy to recognize the strategy underlying the defense of redistributive wars. The focus is on abstract moral norms, initially without thereby translating these norms to the specific context to which it applies. Nonetheless, although these theorists are more aspirational than realistic, they are so in theory and not (necessarily) in practice. Feasibility constraints slip in through the backdoor as a corrective strategy, either as part of the moral framework through corrective just war criteria or externally by presenting the argument as conditional upon certain empirical or theoretical assumptions that are subsequently proved wrong. The result are controversial claims, that are in the end downplayed and not as strong as they appear. For example, Fabre defends a permissive and controversial just war theory, but an all-things-considered judgement might not permit more wars than the established self- or other-defensive wars and humanitarian interventions. Lippert-Rasmussen conditions his defense of redistributive wars on a theoretical assumption that he, in the end, does not accept himself. And Blunt argues that redistribute wars can meet the conditions of *ius ad bellum*, but admits that the scenario of a war between the global poor and the global rich appears “fantastical” and “at best, a just war in theory.” (Blunt, 2019: 180–181).

One can disagree on the appropriate level of idealization in just war theory and the proper balance between feasibility and desirability. Nevertheless, Joseph Carens’ comments in this respect might be helpful, when he states that “the assumptions (a realistic or idealistic approach) we adopt should depend in part on the purposes of our inquiry.” (Carens, 1996: 169) Nonetheless, not everyone might share this view of the character and purpose of just war theory (Peperkamp, 2019, 2020). Moreover, there is certainly a place for both aspirational and realistic approaches. Therefore, I will now move on to the substance of the argument.

5 Contributing to Harm, Rights Violations, and Liability to Defensive Force

In this section, I will focus on what appears to be the strongest argument for redistributive wars, the “doing harm argument.” Let me restate and break it down here.

³⁰ These remarks are part of a very interesting exploration of the meaning of justice in just war theory. See further: Evans, 2014: 28–32. Cf. Pogge’s distinction between a transcendent account and a realistic account of just war theory.

³¹ E.g. Rodin (2002); Frowe (2016). Fabre is the notable exception here.

³² On the relationship between the law and morality of war, see further e.g.: McMahan (2008); Shue (2010); Haque (2017); Lazar (2018); Waldron (2018); Steinhoff (2021).

- A. There are negative duties not to harm innocent others in certain ways.³³
- B. (Suppose that) the global rich actively contribute to causing global poverty.
- C. In doing so, the global rich violate negative duties and that constitutes a rights violation.³⁴
- D. Such a rights violation makes the violator liable.³⁵
- E. Based on the nature of the harm – poverty, deprivation, and starvation – it is morally equivalent to military aggression.
- F. It is justified, under certain conditions, to use lethal force in defense against military aggression (violation of security rights).
- G. It is similarly justified, under certain conditions, to use lethal force in defense against economic aggression (violation of subsistence rights).
- H. The global poor are justified, under certain conditions, in waging a redistributive war against the global rich, who are liable to such force and therefore would not be wronged by it.

Whether or not this argument holds depends on an empirical assessment of the causes of poverty (B), the existence of a rights violation (C), how the rich become liable to defensive force and whether that requires culpability³⁶ or moral responsibility³⁷ for the plight of the poor (D), the equivalence claim (E), and the justification for the use of force in self-defense (F and G). I will assess those components of the argument in this section.

5.1 Causes of Global Poverty

The premise that the rich actively contribute to global poverty rests on certain empirical assumptions: a global institutional order is imposed upon the global poor, and this order (further) impoverishes them (Pogge, 2002, 2010). By policies and decisions such as protectionist measures, patenting restrictions, privatization, and insistence on debt repayment, the rich contribute to causing poverty and thereby harm the poor. Participating in the global order in these ways has a detrimental

³³ I use this formulation because not all harm that sets back significant interests is wrong or rights-violating.

³⁴ In this paper, I use the term “duty” to refer to directed duties correlating with claim-rights, and to be distinguished from “obligations” understood as free-floating duties. I use the term “rights-violation” to refer to both justified and unjustified transgressions of rights. Some use the term “rights-infringement” for justified rights violations, which are justified by a lesser evil justification (as in e.g. the trolley example of killing someone to save ten others). Harm inflicted on the basis of such a justification overrides the right of the victim not to be harmed (i.e. wrongs him/her), since the victim is not liable to such harm. So, the following – quite standard – definition is adopted: all rights-violations (harm) are unjust, and can be unjustified or justified (rights infringement).

³⁵ Subsection 5.3 makes clear that, depending on theory, liability follows from the rights-violation already as such (Thompson, 1991; Uniacke, 1994; Draper, 2015; Rodin, 2002) or when additional conditions are fulfilled. Some theories claim that the rights-violation must also be unjustified (McMahan, 2004, 2009; Fabre, 2012), and still others claim that the violator must also be morally responsible for the violation (also McMahan but not Fabre) or culpable (Sangero, 2006; Ferzan, 2005).

³⁶ Either by having malicious intent or foresight, or being reckless or negligent.

³⁷ In the way McMahan understands it: someone is morally responsible for a threat of unjust harm if he/she is of sound mind and could foresee that there was a non-negligible risk of the harm occurring.

effect on others (Fabre, 2012: 102). According to this account, poverty is not merely an unfortunate situation due to natural events. It is caused by human hands: human policies and man-made institutions result in starvation and death.

While I cannot here provide a full overview of the critique that has been raised concerning these empirical assumptions, a few nuances should be noted.³⁸ When the rich contribute to causing poverty, this generally happens through a large-scale process consisting of a myriad of individual and collective interactions and networks of multiple causal sequences (Meckled-Garcia, 2013: 111). This is a way of contributing to harm, but it is distinctly different from a situation in which e.g. A holds B captive and starves him/her to death by withholding food. While the process in its entirety can be seen as something that causes poverty, it is quite difficult to determine the exact way and extent to which that happens. Who exactly is causing which part of the harm to whom? States, corporations, NGOs, and individuals all cooperate and participate in the global order; it is hard to distinguish among the “global rich” who exactly contributes to global poverty and to distinguish more specific acts that cause harm. In other words, granting that the rich contribute to causing harm to the poor, the causal processes in which that occurs are very indirect.³⁹ The causal relation between starvation and the policies of the global rich that Fabre focuses on is not so straightforward. It might be impossible to determine how the particular contribution of an individual or a state affects another individual or state at what time. There is a large spatial and temporal gap between the action and the harm.

Furthermore, it seems safe to assume that policies and global institutions are but one of the empirical causes of global poverty. Theorists have pointed out other relevant factors such as geography, climate change, availability of resources, and political culture. This relates to the argument made in the previous paragraph: locating the primary cause of global poverty in the actions of the rich fails to do justice to the empirical complexity of global poverty. Given this complexity, the standard *sine qua non* test for causality in criminal law (Fletcher, 2000: 589) seems impossible to answer: To what extent would there be poverty, deprivation, and starvation if the global order would not have been imposed upon the global poor? When considering the first two steps of the “doing harm argument,” A is uncontroversial, and while B is sometimes challenged, we can assume that the rich contribute to causing poverty in some way. Nonetheless, this premise must be nuanced in consideration of how poverty is caused and the large gap between the actions and the impact.

5.2 Negative Duties and Rights Violations

Granting A and B, the question now arises whether the rich, by contributing in the way described here, violate negative duties. This is not an empirical question, but a philosophical one. Premise (C) presupposes an account of when contribution to the harm amounts to a rights violation. So the question is: Are negative duties violated and are there wrongs in the sense of a rights violation? Violating global justice

³⁸ But for a counterargument related to the relevant baseline for causality assessments see Risse (2005).

³⁹ E.g. Barry and Øverland (2016); and see also Risse (2005).

duties is, as we have seen above, generally not a case of directly causing harm. *Contributing* to harm implies, for starters, that the particular act is a partial explanation of the occurrence of the harm; it is one of the multiple causes. Moreover, looking at the global institutional system, and the contribution to the harm by the global rich, it seems difficult to identify certain more specific actors or concrete wrongs. Harming is a gradual concept. There is an important difference between directly causing harm and indirectly contributing to causing harm; one can contribute to harm in a causally direct way or in a very remote way. In the debate on subsistence wars, there is a lack of focus on the various ways in which someone can contribute to harm.⁴⁰ The examples used to generate intuitions are often more straightforward cases of harm, e.g.: “Suppose we – people living in rich countries – killed 18 million in India and Africa each year by sending them poisoned food.” (Lippert-Rasmussen, 2013: 66) However, the majority of the global rich contribute to causing poverty more remotely.⁴¹

It is unlikely that such a contribution to causing harm would constitute a wrong in the sense of a relevant rights violation. As the above discussion indicates, there is a large variation – in terms of moral badness – in how someone can contribute to harm. What is relevant for the existence of a wrong in the sense of a rights violation, and the moral badness of that wrong, is not only the proximity of the action to the harm (shooting someone is worse than selling the gun) but also the sort of wrongdoing (killing is worse than robbing), the harm done to the victim (death is worse than a beating), and the contribution to causing it (primary responsibility is worse than minor contributions).⁴² Seeing these gradations, it is clear that killing someone with a machete or bombing a harbor is not, in fact, morally on a par with indirectly contributing to causing malnutrition by being part of an international community that created and upholds an exploitative global institutional order. While the result, namely death, might be the same, how it comes about is very different.⁴³ The equivalence claim (E), therefore, seems difficult to maintain. In his discussion on global justice duties, Meckled-Garcia illustrates this by noting that “you do no wrong by selling kitchen knives, even if you know that a percentage of them each year will be used to harm others.” (Meckled-Garcia, 2013: 115) In the same vein, you commit no wrong by participating in traffic, even if you know that there are a significant number of traffic-related deaths per year. Examples such as these indicate that not all contributions to harm, not even to unjust, i.e. rights-violating harm, are *ipso facto* rights-violations themselves. In the context of global poverty, indirectly contributing to causing poverty does not, despite the severity of the harm done to the global poor, amount to a relevant wrong in the sense of a rights violation.⁴⁴ Such contributions

⁴⁰ But see Øverland (2011) and Barry and Øverland (2016) on enabling harm.

⁴¹ Cf Derek Parfit’s “Harmless Torturers” example (Parfit, 1984).

⁴² This is an extremely rough sketch that is only meant to give some indication of relevant distinctions. These distinctions not only come with a *ceteris paribus* clause, but the different factors can on occasion interact in such a way as to give rise to curious special cases. This need not concern us for present purposes.

⁴³ (E) is used by some but not all of those who defend redistributive wars. It is meant to convince those who adopt a restrictive, aggressive-centred view on just war theory, but is not needed if someone has a wider account of just cause.

⁴⁴ Øverland rightly notes that the various specific actors will contribute in different ways, and will therefore be liable to different amount of costs (Øverland, 2011: 288).

to harm therefore do not justify exceptional restrictions of what is normally allowed (the freedom to sell knives or participate in traffic), nor do they justify exceptional permissions to do something that is normally not allowed (killing people).

The “doing harm argument,” then, seems to fail in justifying redistributive wars on the grounds of an indirect contribution to harm in the Poggean way. There is a gap between premise B, namely that the global rich actively contribute to causing global poverty, and premise C, which should be derived from B, namely that in doing so, the global rich violate those negative duties. B does not entail C, for if the global rich contribute somehow to poverty or even to rights violations being committed by others, this does not yet establish that the contributions are themselves rights violations. To get to this conclusion, one would need a further premise, namely one endorsing a rather sweeping account of collective responsibility. While such accounts are indeed sometimes endorsed, their counter-intuitive implications make them unattractive, and they are not to be found in the law. However, *if* we supposed that even minor contributions to severe poverty amounted to rights violations, this would not yet by itself establish the liability of the contributors to defensive force or the justification of such force. Establishing this would require two further steps in the argument, to which we will turn now.

5.3 Liability, Moral Responsibility, and Culpability

In general, when a wrongdoer is liable, costs – punishment, compensation, or force – can be imposed on him/her. Liability to force does not necessarily mean that force is justified;⁴⁵ it means that someone would not be wronged by such force. Suppose that there *is* a rights violation. When does someone become liable?⁴⁶ Is the violation of the right as such enough to create liability, must the violation of the right be unjustified, and/or is moral responsibility or culpability necessary?⁴⁷ In the debate on subsistence wars, the global rich are often said to be “implicated” in the fate of the global poor. It appears, therefore, as if a certain degree of moral responsibility or culpability is important for establishing liability to lethal force. Let us first assess how the global rich might be blameworthy, and then determine whether that is, in fact, relevant for the “doing harm argument.”

Are the global rich merely causally responsible or can the violation of global justice duties be attributed as a blameworthy action? Determining blameworthiness or culpability requires an assessment of the mental state of the actor. A wrong can be done intentionally or negligently. There are varying degrees of culpability (i.e. levels of *mens rea*): malicious intent, foresight, recklessness, and negligence. When

⁴⁵ I.e. there needs to be a positive reason to use force: precisely to defend an attacked person from harm. The use of force must, therefore, be in response to an ongoing or imminent attack, and is subject to necessity and proportionality constraints. I will discuss the conditions for lethal self-defence in subsection 5.4.

⁴⁶ Øverland, e.g., argues that *if* there are stringent duties such as those defended by Pogge, the rich are liable to the use of defensive force (Øverland, 2011: 279). See also Steinhoff (2012).

⁴⁷ McMahan and Fabre deny that a justified rights-violation (called infringement in their terminology) creates liability: “justification defeats liability.”

harm is done in the absence of culpable negligence, a wrongful act is an accident. Pogge refers to foresight/recklessness and negligence when he states that: “World poverty is actively perpetuated by our governments, and knowingly so. We citizens, too, have enough information to know what is going on, or at least to find out easily, if we care.” (Pogge, 2010)⁴⁸ The perception of the global rich as culpable actors in this way is reflected in the work of Blunt. He states that poverty-related deaths are “a foreseeable and avoidable outcome of the current international system.” While the deaths of the poor are indirect and unintended, they are the result of blameworthy behavior because the (small) risk that people will die as a result of collective economic activities is accepted, or because of a blameworthy lack of awareness of that risk (culpable negligence). And while Blunt draws from individual criminal responsibility, he concludes that it is the international system, composed of states and international organizations, that is to blame for either recklessly or negligently causing foreseeable harm that results in starvation.⁴⁹

This, however, is a strong extension of the way recklessness and negligence are usually interpreted in legal systems. The Model Penal Code, for example, determines that negligent behavior exists when someone “should be aware of a substantial and unjustifiable risk” of producing the relevant harm. Reckless behavior exists when someone consciously chose to impose such risk. When the risk of harm is less than substantial, the harm would be “accidental harm.” Additionally, choosing or not perceiving the risk must be a “gross deviation from the standard of care that a reasonable person would observe.” (Fletcher, 1998: 114)⁵⁰ In violating global justice duties, it is questionable whether the rich can indeed be considered blameworthy. While the risk of starvation connected to the policies of the global rich might be substantial, it seems difficult to maintain that the actions of the global rich make them culpably negligent: Consciously taking the risk or failing to perceive it does not deviate from the expected behavior of a reasonable person. Therefore, it does not seem to fall short of the global communities’ standard of reasonable behavior (Fletcher, 1998: 119). Moreover, although liability to being punished for complicity in a crime requires a level of *mens rea*, it is questionable whether that is required for liability to lethal force. Different theories have completely different takes on this issue. Many theories of the justifiability of defensive force deem the imminent or ongoing attack to be sufficient for liability. Others, in contrast, indeed think that a person is only liable if he/she does not only pose such a threat but also does so either culpably or at least with moral responsibility. Culpability and moral responsibility, in the sense intended here, are not the same.

According to the “culpability account,” the blameworthiness of the aggressor leads to rights forfeiture (Ferzan, 2005; Sangero, 2006). Because the aggressor is maliciously trying to kill someone or accepts it as a probable risk of his/her behavior,

⁴⁸ Pogge is here referring to foresight and negligence respectively.

⁴⁹ In effect, however, he makes a distinction between the international actors that are the perpetrators of the so-called “crime of poverty” and individual citizens of rich countries. In Chap. 7, where he discusses acts of terrorism as a means of resisting global injustice, he argues that rich individuals are causally and morally responsible, but denies that individual rich people are liable to force (Blunt, 2019: 200–202).

⁵⁰ See also Model Penal Code Par 2.02(2)d.

he/she forfeits the right to life (or not to be killed) and becomes liable to defensive force. According to the “responsibility account,” for which McMahan is well-known: “the criterion of liability to defensive killing is a moral responsibility, through action that lacks objective justification, for a threat of unjust harm to others, where a harm is unjust if it is one to which the victim is not liable and to which she has not consented.” (2005: 394) A minor degree of responsibility leads to liability to defensive lethal force. Other “rights-based accounts” focus on the physical element, i.e. the conduct (the “objective nature of the aggressor’s intrusion,” [Fletcher, 2000: 862]) and not on the mental element of culpability or moral responsibility (Thompson, 1991; Uniacke, 1994; Leverick, 2006; Steinhoff, 2020). Whether or not someone is to blame for the threat is irrelevant.⁵¹ The right to life is forfeited by posing an unjust threat or is conditional upon not posing such a threat.⁵² According to e.g. Fiona Leverick, a victim can be justified in killing the aggressor because the aggressor forfeits his/her right to life “by virtue of her conduct in becoming an unjust immediate threat to the life of the victim that cannot be avoided by any less harmful means.” (Leverick, 2006: 66)⁵³ This last account seems to reflect the law. The physical element and the mental element are together indeed the foundation of liability to punishment, but according to most Western jurisdictions no mental element is necessary for someone to be liable to defensive force.

In the context of redistributive wars, only those who endorse a “culpability account” will have difficulties in accepting liability, since the blameworthiness of the rich is questionable. For most theorists, however, either a very low degree of responsibility or a mere causal responsibility for a threat would be sufficient for the aggressor to be liable to defensive force. Hence, this component of the “doing harm argument” does not in itself pose serious difficulties. Consequently, when we assume that there *is* a rights violation, self-defense might be justified when this rights violation can be seen as aggression or an attack, and other conditions are fulfilled. I will discuss those positive reasons to use lethal force now.

5.4 Justifications for Lethal Self-Defense

The last part of the argument (F, G) entails the justification of lethal force in self-defense. While violence is normally morally wrong given the inherent rights violation it involves, the use of force in self-defense is a relatively uncontroversial justification. It is rarely questioned that someone who is unjustly attacked may save his/her life by killing the aggressor, if necessary. And it is indeed this relatively uncontroversial idea on which theorists of redistributive or subsistence wars, for all their differences in detail, base their view that the poor can be justified in waging a redistributive war. Therefore, let us assess more specifically what the conditions for self-defense are. Although the “doing harm argument,” when it is understood as an indirect contribution to harm, fails

⁵¹ See also Fletcher on defence as a vindication of autonomy (Fletcher, 2000: 860–864).

⁵² Which has led to the critique, in parallel to these elements for liability, that a right to life cannot be forfeited in the absence of some degree of responsibility. See e.g. Otsuka (1994).

⁵³ Fabre also adopts a right-based account of self-defensive force without thereby seeing culpability or moral responsibility as condition (Fabre, 2012: 61).

to demonstrate that there is a relevant rights violation, I will assume again that there is such a rights violation. By doing so, we can properly evaluate the argument for redistributive wars, and also establish more precisely when and in what concrete circumstances redistributive violence could be justified.

The precise contours of the self-defense justification are controversial. There is an extensive and sophisticated debate on the grounds and limits of self-defensive force. Although some justify self-defenses on consequentialist grounds, few people in the field subscribe to such views.⁵⁴ Most popular accounts today are rights-based approaches, in which the liability of the aggressor to defensive force is an important part of the justification. I have shown above that there is disagreement about the level of *mens rea* that is required for liability. Moreover, disagreement exists as to whether the additional conditions for the right to self-defense are internal to liability, or external conditions that must be fulfilled before self-defense can be justified. For this paper, it is not necessary to address the details of this debate. What is important here is to determine what an attack (as the triggering condition of self-defenses) consists of, and to assess the further conditions of self-defense.

What triggers self-defense is an ongoing or imminent attack.⁵⁵ Now, what exactly constitutes an attack, i.e. aggression provoking self-defense?⁵⁶ Fletcher considers that self-defense is about fending off possible violations of rights (Fletcher, 1998: 556). This is a very broad definition of what constitutes an attack. There is a discussion on whether there is a threshold: are all rights violations attacks? Many criminal law codes specify the situations in which *lethal* force in self-defense is justified. Robinson, for example, describes the majority view in American jurisdictions: “The use of deadly force in self-defense is justified if [the actor reasonably believes that] such force is necessary to protect himself or a third person against death, serious bodily injury, sexual intercourse compelled by force, or kidnapping.” This indicates that the rights violation must indeed be of a certain gravity, relating to (the threat of) physical harm and/or a violation of interests that are strongly tied to the person (Rickless, 2018).⁵⁷ Whether or not there is such a requirement seems not to be crucial for our discussion, since the harm done to the global poor is both severe (given the impact of the harm: poverty, deprivation, and starvation) and a violation of interests that are tied to the person. What is more important, since the harm is done without mechanical force or the use of weapons, is to assess *how* rights are violated and whether an attack necessarily involves the use of physical force. Looking at the law, it seems that such physical force is not required (Robinson, 1984; Steinhoff, 2020). For example, the New York penal code determines that conduct which would otherwise

⁵⁴ See e.g. Montague (1981), and the discussion in Leverick (2006) and Fletcher (2000: 857–860).

⁵⁵ E.g. Thompson (1991); Steinhoff (2020).

⁵⁶ German legal commentaries consider that attacks are rights violations (or threats thereof) stemming from human action. See Steinhoff (2020: 33) and Robinson (1984). Cf. Fletcher: “The issue in this context is not culpability, but the significance of human action in treating another person as a wrongful intruder.” (Fletcher, 2000: 863)

⁵⁷ This might however conflate two separate issues: the attack and the counter-measures, i.e. (A) what is an attack? and (B) when is lethal force justified?

be an offence is not criminal when “such conduct is necessary as an emergency measure to avoid an imminent public or private injury which is about to occur.”⁵⁸ Such injury does not necessarily involve the use of force.

That does not mean that lethal force is always justified in response to rights violations. Aside from the triggering condition of the imminent or ongoing attack, there are two further important conditions for justified self-defense. A useful definition is provided by Fletcher: “There are two requirements for the exercise of necessary force: (1) that the means chosen to be the minimal force necessary under the circumstances; and (2) that the force not be unreasonable or disproportionate relative to the interest defended.” (Fletcher, 2000: 870) In the context of just war theory, the requirement that an attack is ongoing or imminent is reflected in the just cause, and the conditions of necessity and proportionality are reflected in *jus ad bellum* as well.

Drawing on legal theory in this way indicates that the wrong that makes up the attack is not limited to doing unjust harm in a “mechanical” way, by using physical force such as fists, machetes, or bombs. The concept of aggression in just war theory can similarly be generalized to incorporate severe rights violations that result from human action – violent or otherwise.⁵⁹ If causing poverty is seen as a form of aggression – an “attack” in the sense of a rights violation of the poor – it might not matter that this is not done by physical force or a weapon. Nonetheless, the problem noted earlier in this section immediately reasserts itself: to have a target for defensive force, one first needs to identify the actors and the attacks against which the defense is supposed to be directed, and thus, again, concrete rights violations. Abstract talk about “contribution to harm” or “structural injustice” is no sufficient basis for providing a self-defense justification. There need to be discernible actors committing discernible acts to defend against (Caney, 2015: 69). Yet no such clear identification is part of the “doing harm argument.” Instead, it accepts the violation of global justice duties based on a collective process involving many contributing actors. But while these cumulative effects might cause great harm, none of these actions alone creates that harm, and mere contribution to these harms do not itself amount to a rights violation triggering self-defense, let alone to a justification to use lethal force.

6 Conclusion

As has become clear, it is not redistribution or poverty *as such* that could be a just cause for war. The question is rather whether defense against the violation of duties of global justice could justify war. The justification of redistributive wars depends, in that way, on a certain account of global distributive justice.⁶⁰ Because the duty

⁵⁸ See: https://newyork.public.law/laws/n.y._penal_law_section_35.05.

⁵⁹ See also Anthony Coady’s (2007) observation that the concept of aggression is elastic and its edges fuzzy.

⁶⁰ On this link between just war theory and global distributive justice see: Peperkamp and Tinnevelt (2021).

not to harm is often considered to be more stringent than the duty not to allow harm, the “doing harm argument” that focuses on violated negative duties seems to be the most promising route to the justification of redistributive wars.⁶¹

So: Can the global poor wage a just redistributive war against the global rich? While I am sympathetic towards those who doubt the relevance of this question, this paper answers it by assessing the various components of the argument, and by drawing from principles reflected in criminal law. Legal theory, I assume, can teach valuable lessons regarding the justification of redistributive wars, since the justification of self-defense in war stems from the justification of individual defense – whether one endorses reductive or analogous reasoning. This paper shows that the “doing harm argument for redistributive wars,” when based on a Poggean contributory form of harm, is unconvincing, albeit not for the perhaps obvious reasons of lacking culpability or the absence of physical force or weapons. Rather, according to my assessment, the argument fails already halfway: the global rich do not commit a rights violation by indirectly contributing to poverty. Such contribution is not wrong in the sense of a rights violation, and cannot, therefore, constitute a just cause for war. Furthermore, given the way that the harm is done, it is not morally equivalent to military aggression — despite the gravity of that harm in terms of poverty, deprivation, and starvation. The assessment of the remaining steps in the argument subsequently shows that if there *would* be a rights violation, culpability or a lesser form of moral responsibility is not required, and the aggression-centered view of just war theory could likely be stretched to include defense against other severe rights violations.

Nonetheless, the problem of using force against an abstract “global rich” remains. In that way, there seems to be a disconnect between Pogge’s account of global distributive justice, which forms the basis of the argument, and just war theory. To use the just war apparatus in a discussion on what the “global poor” can do to defend themselves against the “global rich” makes little sense if the specific actors cannot be identified. Who is entitled to fight in the name of the “global poor”? And whom should they fight? While it might be possible to stretch just war theory, it is hard to get the argument off the ground when it is not clear who the aggressors and the victims are.⁶²

We could, of course, reconstruct the “doing harm argument” by assuming that harm is caused directly by an identifiable actor. Recalling Luban’s example, we could imagine that the famine in B is not caused by a lack of rainfall, but that instead, neighboring A diverts the river that runs through B by building a dam, directly causing a shortage of clean drinking water and failing of crops, leading to widespread deprivation and starvation in B. Whilst under generalized conditions (contributions to structural injustices) the argument seems to fail, it might be that under special, specific conditions redistributive wars could be justified. In situations such as the

⁶¹ To be clear: I make the claim that redistributive wars cannot be justified using the “doing harm argument” under generalized circumstances (i.e. structural injustice) and I leave open the possibility that redistributive wars can be justified using the “allowing harm argument.” Nonetheless, that not only seems to be a more difficult route, but what has been discussed about doing harm seems relevant for allowing harm as well. Most notably, it will matter *how* one allows harm to happen.

⁶² Thanks to Rainer Forst for pressing me on this point.

above, the absence of military, physical aggression does not alter the fact that a severe rights violation could be committed — one that can trigger self-defense. If so, it seems that, in principle, B could be justified in bombing the dam if this would be the only way to reverse the diversion of the river. Moreover, including the defense against such kinds of “attacks” among the just causes for war fits into the historical just war tradition, which accepted a broader range of wrongs that justify lethal force. However, my worry regarding the practical relevance of an argument such as that, specifically concerning the nature of just war theory and the role of feasibility constraints, applies here as well. Although such direct and rights-violating harm could perhaps constitute a just cause for war in theory, it remains to be seen how significant this would be in practice, let alone how it could prevent or end poverty.

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Declarations

Conflicts of Interest/Competing Interests None.

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