

# The Ethics of Self-Defense and War

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## *Topic Description*

The purpose of this course is to investigate whether and if so under what conditions killing in self- and other-defense is justified, in private contexts and in the context of international armed conflicts. We will begin by exploring the relevance of causation, agency, moral responsibility, moral status, and culpability for the permissible resort to defensive violence in private/personal contexts. In doing so we will also consider the various grounds for a resort to violent defense, including lesser-evil-based justifications, agent-relative justifications, and liability-based justifications. This will occupy us for the first four weeks of class.

We will then apply these findings to the context of international armed conflict, in the second part of the course. In doing so we will spend week five focusing especially on the recent revisionary/reductive turn in the ethics of war according to which what we can and cannot permissibly do in resorting to and waging war is continuous with the ethics of personal violence. This view upends several venerable bulwarks in the just war tradition, including (most notably) the moral equality of combatants.

In weeks six through nine we will investigate pushback from anti-revisionists. This category includes those who argue a) in favor of a convention-based approach to making sense of the ethics of war, b) that revisionism fails to ground our long-standing commitments to national defense against purely political aggression, and c) that revisionism fails to ground our long-standing commitments to non-combatant immunity.

In the last week of the course, we will focus on the constraint of necessity (according to which waging a war must be least harmful means available of achieving its aims) and the constraint of proportionality (according to which the harms that a war inflicts cannot be outsized related to the goods it achieves).

## *Grading and the Structure of the Class*

The grading for this course will be based in part on a single term paper which will be due during finals week. At some point, we will meet with each of you individually to discuss the progress of your paper. In addition, each student will be required to present a detailed synopsis and commentary of either one or two assigned readings (excepting those covered in the first week) over the course of the quarter. The synopsis should cover the entirety of the reading, though your commentary can be on the reading as a whole or just on a particular part of it. You should expect your presentation to last about 45 minutes. It will be followed by class discussion.

## *Schedule of Readings* (starred readings are recommended)

### **I. The Ethics of Individual Self-Defense**

#### *Week 1*

- Thomson: "Self-Defense" 1991
- Otsuka: "Killing the Innocent in Self-Defense" 1994
- McMahan: "Moral Liability to Defensive Killing" 2005
- \*Quong: "Proportionality, Liability, & Defensive Harm" 2015

#### *Week 2*

- McMahan: 'Killing in War' [§4.1, 4.2, 4.5] 2009
- Bazargan: "Killing Minimally Responsible Threats" 2013
- \*Ferzan: "Justifying Self-Defense" 2005
- Ferzan: "Culpable Aggression: The Basis for Moral Liability to Defensive Killing" 2011

#### *Week 3*

- Quong: "Liability to Defensive Killing" 2012
- Frowe: 'Defensive Killing' [ch. 1-3] 2016

#### *Week 4*

- \*Statman: "On the Success Condition for Legitimate Self-Defense" 2008
- Frowe: 'Defensive Killing' [ch. 4] 2016

### **II. Just War Revisionism/Reductionism**

#### *Week 5*

- \*McMahan: "The Morality of War and the Law of War" 2008
- McMahan: 'Killing in War' §1, 3, & 5 2009
- \*Fabre: 'Cosmopolitan War' [ch. 2] 2012
- \*Fabre: "Cosmopolitanism and Wars of Self-Defence" 2014

### **II. Anti-Reductionist Response**

#### *Week 6*

- Rodin: "The Myth of National Defence" 2014
- Lazar: "National Defence, Self-Defence, and the Problem of Political Aggression" 2014
- McMahan: "What Rights may be Defended by Means of War?" 2014

#### *Week 7*

- \*Zohar: "Collective War and Individualist Ethics" 1993
- \*Kutz: "The Difference Uniforms Make" 2005
- \*Lazar: "The Responsibility Dilemma for Killing in War - A Review Essay" 2010
- \*Benbaji: "Distributive Justice, Human Rights, and Territorial Integrity" 2014
- \*Uniacke: "Self-Defense, Just War, and a Reasonable Prospect of Success" 2014
- \*Kamm: "Failures of Just War Theory"
- Frowe: 'Defensive Killing' [ch. 5] 2016

### **III. Conventionalist Response**

#### *Week 8*

- Benbaji: "A Defense of the Traditional War Convention" 2008
- Shue: "Do We Need a Morality of War?" 2008
- \*Benbaji: "The Moral Power of Soldiers to Undertake the Duty of Obedience" 2011
- \*Dill & Shue: "Limiting the Killing in War" 2012
- \*Statman: "Fabre's Crusade for Justice: Why We Should Not Join" 2014
- Waldron: "Deep Morality and the Laws of War" 2016

### **IV. Non-Combatant Immunity**

#### *Week 9*

- \*Parry: "Liability, Community, and Just Conduct in War" 2015
- Lazar: 'Sparing Civilians' [selections] 2016
- Frowe: 'Defensive Killing' [ch. 6-8] 2016
- \*Hurka: "Liability and Just Cause" (part II)

### **V. Just Cause, Proportionality, Necessity, & Liability in War**

#### *Week 10*

- \*Hurka: "Proportionality and the Morality of War" 2005
- McMahan: "Just Cause for War"
- Hurka: "Liability and Just Cause" (part I)
- \*Lazar: "Necessity and Self-Defense in War"