Wars destroy lives and environments. In the eight years following the Iraq invasion in 2003, half a million deaths were either directly or indirectly caused by the war (Hagopian et al. 2013). Direct casualties from the Second World War numbered over 60 million, about 3 percent of the world’s population. War’s environmental costs are less commonly researched, but are obviously also extraordinary (Austin and Bruch 2000). Armed forces use fuels in Olympian quantities: in the years from 2000–2013, the US Department of Defense accounted for around 80% of US federal government energy usage, between 0.75 and 1 quadrillion BTUs per year—a little less than all the energy use that year in Denmark and Bulgaria, a little more than Slovakia and Serbia (Energy Information Administration 2015a,b). They also directly and indirectly destroy habitats and natural resources—consider, for example, the Gulf war oil spill (El-Baz and Makharita 1994). For both our planet and its inhabitants, wars are truly among the very worst things we can do.

War can be necessary and proportionate only if it serves an end worth all this death and destruction. Hence the importance of having a just cause. And hence too the widespread belief that just causes are few and far between. Indeed, traditional just war theory recognizes only two kinds of justification for war: national defence (of one’s own state or of an ally) and humanitarian intervention. What’s more, humanitarian intervention is permissible only to avert the very gravest of tragedies—‘crimes that shock the moral conscience of mankind’ (Walzer 2006: 107).

Walzer argued that states’ claims to sovereignty and territorial integrity are grounded in the human rights of their citizens, in three ways. First, states ensure individual security. Rights to life and liberty have value “only if they also have dimension” (Walzer 2006: 58), which they derive from states’ borders—“within that world, men and women… are safe from attack; once the lines are crossed, safety is gone” (Walzer 2006: 57). Second, states protect a common life, made by their citizens over centuries of interaction. If the common life of a political community is valued by its citizens, then it is worth fighting for. Third, they have also formed a political association, an organic social contract, whereby individuals have, over time and in informal ways, conceded aspects of their liberty to the community, to secure greater freedom for all.

These arguments for national defence are double-edged. They helped explain why wars of national defence are permissible, but also make justifying humanitarian intervention harder. One can in principle successfully conclude a war in defence of oneself or one’s allies without any lasting damage to the political sovereignty or territorial integrity of any of the contending parties. In Walzer’s view, humanitarian interventions, in which one typically defends people against their own state, necessarily undermine political sovereignty and territorial integrity. So they must meet a higher burden of justification.
Walzer’s traditionalist stances on national defence and humanitarian intervention met heavy criticism. Early sceptics (Doppelt 1978; Beitz 1980; Luban 1980a) challenged Walzer’s appeal to the value of collective freedom, noting that in diverse political communities freedom for the majority can mean oppression for the minority (see also Caney 2006). In modern states, can we even speak of a single common life? Even if we can, do wars really threaten it, besides in extreme cases? And even if our common life and culture were threatened, would their defence really justify killing innocent people?

**Just Peace**

The goods and bads relevant to *ad bellum* proportionality and necessity extend far beyond the armistice. This is obvious, but has recently received much-needed emphasis, both among philosophers and in the broader public debate sparked by the conflicts in Iraq and Afghanistan (Bass 2004; Coady 2008; May 2012). Achieving your just cause is not enough. The aftermath of the war must also be sufficiently tolerable if the war is to be proportionate, all things considered. It is an open question how far into the future we have to look to assess the morally relevant consequences of conflict.

**Legitimate Authority**

Historically, just war theory has been dominated by statists. Most branches of the tradition have had some version of a “legitimate”, “proper” or “right” authority constraint, construed as a necessary condition for a war to be *ad bellum* just. In practice, this means that sovereigns and states have rights that non-state actors lack. International law gives only states rights of national defence and bestows “combatant rights” primarily on the soldiers of states. Although Walzer said little about legitimate authority, his arguments all assume that states have a special moral standing that non-state actors lack.

The traditionalist, then, says it matters that the body fighting the war have the appropriate authority to do so. Some think that authority is grounded in the overall legitimacy of the state. Others think that overall legitimacy is irrelevant—what matters is whether the body fighting the war is authorized to do so by the polity that it represents (Lazar forthcoming-b). Either way, states are much more likely to satisfy the legitimate authority condition than non-state actors.

Revisionists push back: relying on reductivist premises, they argue that killing in war is justified by the protection of individual rights, and our licence to defend our rights need not be mediated through state institutions. Either we should disregard the legitimate authority condition or we should see it as something that non-state actors can, in fact, fulfill (Fabre 2008; Finlay 2010; Schwenkenbecher 2013).

Overall, state legitimacy definitely seems relevant for some questions in war (Estlund 2007; Renzo 2013). But authorization is more fundamental. Ideally, the body fighting the war should be authorized to do so by the institutions of a constitutional democracy. Looser forms of
authorization are clearly possible; even a state that is not overall legitimate might nonetheless be authorized by its polity to fight wars of national defence.

Authorization of this kind matters to *jus ad bellum* in two ways. First, fighting a war without authorization constitutes an additional wrong, which has to be weighed against the goods that fighting will bring about, and must pass the proportionality and necessity tests. When a government involves its polity in a war, it uses the resources of the community at large, as well as its name, and exposes it to both moral and prudential risks (Lazar forthcoming-b). Doing this unauthorized is obviously deeply morally problematic. Any form of undemocratic decision-making by governments is objectionable; taking decisions of this magnitude without the population’s granting you the right to do so is especially wrong.

Second, authorization can allow the government to act on positive reasons for fighting that would otherwise be unavailable. Consider the claim that wars of national defence are in part justified by the political interests of the citizens of the defending state—interests, for example, in democratic participation or in collective self-determination. A government may defend these aggregated political interests only if it is authorized to do so. Otherwise fighting would contravene the very interests in self-determination that it is supposed to protect. But if it is authorized, then that additional set of reasons supports fighting.

As a result, democratic states enjoy somewhat more expansive war rights than non-democratic states and non-state movements. The latter two groups cannot often claim the same degree of authorization as democratic states. Although this might not vindicate the current bias in international law towards states, it does suggest that it corresponds to something more than the naked self-interest of the framers of international law—which were, of course, states. This obviously has significant implications for civil wars (see Parry 2016).

**Last Resort (Necessity)**

Are pre-emptive wars, fought in anticipation of an imminent enemy attack, permissible? What of preventive wars, in which the assault occurs prior to the enemy having any realistic plan of attack (see, in general, Shue and Rodin 2007)? Neoconservatives have recently argued, superficially plausibly, that the criterion of last resort can be satisfied long before the enemy finally launches an attack (see President 2002). The right answer here is boringly familiar. In principle, of course this is possible. But, in practice, we almost always overestimate the likelihood of success from military means and overlook the unintended consequences of our actions. International law must therefore retain its restrictions, to deter the kind of overzealous implementation of the last-resort principle that we saw in the 2003 invasion of Iraq (Buchanan and Keohane 2004; Luban 2004).

Another frequently discussed question: what does the “last” in last resort really mean? The idea is simple, and is identical to *in bello* necessity. Going to war must be compared with the alternative available strategies for dealing with the enemy (which also includes the various ways
in which we could submit). Going to war is literally a last resort when no other available means has any prospect of averting the threat. But our circumstances are not often this straitened. Other options always have some chance of success. So if you have a diplomatic alternative to war, which is less harmful than going to war, and is at least as likely to avert the threat, then going to war is not a last resort. If the diplomatic alternative is less harmful, as well as less likely to avert the threat, then the question is whether the reduction in expected harm is great enough for us to be required to accept the reduction in likelihood of averting the threat. If not, then war is your last resort.\footnote{13}

**Jus in Bello**

**Walzer and his Critics**

The traditionalist *jus in bello*, as reflected in international law, holds that conduct in war must satisfy three principles:

1. **Discrimination**: Targeting noncombatants is impermissible.\footnote{14}

2. **Proportionality**: Collaterally harming noncombatants (that is, harming them foreseeably, but unintendedly) is permissible only if the harms are proportionate to the goals the attack is intended to achieve.\footnote{15}

3. **Necessity**: Collaterally harming noncombatants is permissible only if, in the pursuit of one’s military objectives, the least harmful means feasible are chosen.\footnote{16}

These principles divide the possible victims of war into two classes: combatants and noncombatants. They place no constraints on killing combatants.\footnote{17} But—outside of “supreme emergencies”, rare circumstances in which intentionally killing non-combatants is necessary to avert an unconscionable threat—noncombatants may be killed only unintendedly and, even then, only if the harm they suffer is necessary and proportionate to the intended goals of the attack.\footnote{18} Obviously, then, much hangs on what makes one a combatant. This entry adopts a conservative definition. Combatants are (most) members of the organized armed forces of a group that is at war, as well as others who directly participate in hostilities or have a continuous combat function (for discussion, see Haque forthcoming). Noncombatants are not combatants. There are, of course, many hard cases, especially in asymmetric wars, but they are not considered here. “Soldier” is used interchangeably with “combatant” and “civilian” interchangeably with “noncombatant”.

Both traditionalist just war theory and international law explicitly license fighting in accordance with these constraints, regardless of one’s objectives. In other words, they endorse:

**Combatant Equality**: Soldiers who satisfy Discrimination, Proportionality, and Necessity fight permissibly, regardless of what they are fighting for.
Sparing Civilians

The middle path in just war theory depends on showing that killing civilians is worse than killing soldiers. This section discusses arguments to explain why killing civilians is distinctly objectionable. We discuss the significance of intentional killing when considering proportionality, below.

These arguments are discussed at great length in Lazar (2015c), and are presented only briefly here. They rest on a key point: Moral Distinction says that killing civilians is worse than killing soldiers. It does not say that killing civilians is worse than killing soldiers, other things equal. Lazar holds that stronger principle but does not think that the intrinsic differences between killing civilians and killing soldiers—the properties that are necessarily instantiated in those two kinds of killings—are weighty enough to provide Moral Distinction with the kind of normative force needed to protect non-combatants in war. That protection depends on mobilising multiple foundations for Moral Distinction, which include many properties that are contingently but consistently instantiated in acts that kill civilians and kill soldiers, which make killing civilians worse. We cannot ground Moral Distinction in any one of these properties alone, since each is susceptible to counterexamples. But when they are all taken together, they justify a relatively sharp line between harming noncombatants and harming combatants. There are, of course, hard cases, but these must be decided by appealing to the salient underlying properties rather than to the mere fact of membership in one group or the other.

First, at least deliberately killing civilians in war usually fails even the most relaxed interpretation of the necessity constraint. This is not always true—killing is necessary if it is effective at achieving your objective, and no other effective options are available. Killing civilians sometimes meets this description. It is often effective: the blockade of Germany helped end the first world war, though it may have caused as many as half a million civilian deaths; Russian targeting of civilians in Chechnya reduced Russian combatant casualties (Lyall 2009); Taliban anti-civilian tactics have been effective in Afghanistan. And these attacks are often the last recourse of groups at war (Valentino 2004); when all other options have failed or become too costly, targeting civilians is relatively easy to do. Indeed, as recent terrorist attacks have shown (Mumbai and Paris, for example), fewer than ten motivated gunmen with basic weaponry can bring the world’s most vibrant cities screeching to a halt. So, killing civilians can satisfy the necessity constraint. Nonetheless, attacks on civilians are often wholly wanton, and there is a special contempt expressed in killing innocent people either wantonly or for its own sake. At least if you have some strategic goal in sight, you might believe that something is at stake that outweighs the innocent lives taken. Those who kill civilians pointlessly express their total disregard for their victims in doing so.

Second, even when killing civilians is effective, it is usually so opportunistically (Quinn 1989; Frowe 2008; Quong 2009; Tadros 2011). That is, the civilians’ suffering is used as a means to compel their compatriots and their leaders to end their war. Sieges and aerial bombardments of
civilian population centres seek to break the will of the population and of their government. Combatants, by contrast, are almost always killed *eliminatively*—their deaths are not used to derive a benefit that could not be had without using them in this way; instead they are killed to solve a problem that they themselves pose. This too seems relevant to the relative wrongfulness of these kinds of attacks. Of course, at the strategic level every death is intended as a message to the enemy leadership, that the costs of continuing to fight outweigh the benefits. But at the tactical level, where the actual killing takes place, soldiers typically kill soldiers eliminatively, while they kill civilians opportunistically. If this difference is morally important, as many think, and if acts that kill civilians are opportunistic much more often than are acts that kill soldiers, then acts that kill civilians are, in general, worse than acts that kill soldiers. This lends further support to Moral Distinction.

Third, as already noted above, the agent’s beliefs can affect the objective seriousness of her act of killing. Killing someone when you have solid grounds to think that doing so is objectively permissible wrongs that person less seriously than when your epistemic basis for harming them is weaker. More precisely, killing an innocent person is more seriously wrongful the more reason the killer had to believe that she was not liable to be killed (Lazar 2015a).

Last, in ordinary thinking about the morality of war, the two properties most commonly cited to explain the distinctive wrongfulness of harming civilians, after their innocence, are their vulnerability and their defencelessness. Lazar (2015c) suspects that the duties to protect the vulnerable and not to harm the defenceless are almost as basic as the duty not to harm the innocent. (Note that these duties apply only when their object is morally innocent.) Obviously, on any plausible analysis, civilians are more vulnerable and defenceless than soldiers, so if killing innocent people who are more vulnerable and defenceless is worse than killing those who are less so, then killing civilians is worse than killing soldiers.

Undoubtedly soldiers are also often vulnerable too—one thinks of the “Highway of Death”, in Iraq 1991, when American forces destroyed multiple armoured divisions of the Iraqi army, which were completely unprotected (many of the personnel in those divisions escaped into the desert). But this example just shows that killing soldiers, when they are vulnerable and defenceless, is harder to justify than when they are not. Provided the empirical claim that soldiers are less vulnerable and defenceless than civilians is true, this simply supports the case for Moral Distinction.

**Proportionality**

Holding the principle of Moral Distinction allows one to escape the realist and pacifist horns of the responsibility dilemma, while still giving responsibility its due. Even revisionists who deny moderate Combatant Equality could endorse Moral Distinction, and thereby retain the very plausible insight that it is worse to kill just noncombatants than to kill just combatants. And, if they are to account for most people’s considered judgements about war, even pacifists need some account of why killing civilians is worse than killing soldiers.
However, Moral Distinction is not Discrimination. It is a comparative claim, and it says nothing about intentions. Discrimination, by contrast, prohibits intentionally attacking noncombatants, except in supreme emergencies. It is the counterpart of Proportionality, which places a much weaker bar on unintentionally killing non-combatants. Only a terrible crisis could make it permissible to intentionally attack noncombatants. But the ordinary goods achieved in individual battles can justify unintentional killing. What justifies this radical distinction?

This is one of the oldest questions in normative ethics (though for the recent debate, see Quinn 1989; Rickless 1997; McIntyre 2001; Delaney 2006; Thomson 2008; Tadros 2015). On most accounts, those who intend harm to their victims show them a more objectionable kind of disrespect than those who unavoidably harm them as a side-effect. Perhaps the best case for the significance of intentions is, first, in a general argument that mental states are relevant to objective permissibility (Christopher 1998; see also Tadros 2011). And second, we need a rich and unified theoretical account of the specific mental states that matter in this way, into which intentions fit. It may be that the special prohibition of intentional attacks on civilians overstates the moral truth. Intentions do matter. Other things equal, intentional killings are worse than unintended killings (though some unintended killings that are wholly negligent or indifferent to the victim are nearly as bad as intentional killings). But the difference between them is not categorical. It cannot sustain the contrast between a near-absolute prohibition on one hand, and a sweeping permission on the other.

Of course, this is precisely the kind of nuance that would be disastrous if implemented in international law or if internalized as a norm by combatants. Weighing lives in war is informationally incredibly demanding. Soldiers need a principle they can apply. Discrimination is that principle. It is not merely a rule of thumb, since it entails something that is morally grounded—killing civilians is worse than killing soldiers. But it is also a rule of thumb, because it draws a starker contrast between intended and unintended killing than is intrinsically morally justified.

As already noted, proportionality and necessity contain within them almost every other question in the ethics of war; we now consider two further points.

First, proportionality in international law is markedly different from the version of the principle that first-order moral theory supports. At law, an act of war is proportionate insofar as the harm to civilians is not excessive in relation to the concrete and direct military advantage realized thereby. As noted above, in first-order moral terms, this is unintelligible. But there might be a better institutional argument for this neutral conception of proportionality. Proportionality calculations involve many substantive value judgements—for example, about the significance of moral status, intentions, risk, vulnerability, defencelessness, and so on. These are all highly controversial topics. Reasonable disagreement abounds. Many liberals think that coercive laws should be justified in terms that others can reasonably accept, rather than depending on controversial elements of one’s overarching moral theory (Rawls 1996: 217). The law of armed
conflict is coercive; violation constitutes a war crime, for which one can be punished. Of course, a more complex law would not be justiciable, but we also have principled grounds for not basing international law on controversial contemporary disputes in just war theory. Perhaps the current standard can be endorsed from within a wider range of overarching moral theories than could anything closer to the truth.

Second, setting aside the law and focusing again on morality, many think that responsibility is crucial to thinking about proportionality, in the following way. Suppose the Free Syrian Army (FSA) launches an assault on Raqqa, stronghold of ISIL. They predict that they will cause a number of civilian casualties in their assault, but that this is only because ISIL has chosen to operate from within a civilian area, forcing people to be “involuntary human shields”. Some think that ISIL’s responsibility for putting those civilians at risk allows the FSA to give those civilians’ lives less weight in their deliberations than would be appropriate if ISIL had not used them as human shields (Walzer 2009; Keinon 2014).

But one could also consider the following: Even if ISIL is primarily at fault for using civilians as cover, why should this mean that those civilians enjoy weaker protections against being harmed? We typically think that one should only lose or forfeit one’s rights through one’s own actions. But on this argument, civilians enjoy weaker protections against being killed through no fault or choice of their own. Some might think that more permissive standards apply for involuntary human shields because of the additional value of deterring people from taking advantage of morality in this kind of way (Smilansky 2010; Keinon 2014). But that argument seems oddly circular: we punish people for taking advantage of our moral restraint by not showing moral restraint. What’s more, this changes the act from one that foreseeably kills civilians as an unavoidable side-effect of countering the military threat to one that kills those civilians as a means to deter future abuses. This instrumentalizes them in a way that makes harming them still harder to justify.

Necessity

The foregoing considerations are all also relevant to necessity. They allow us to weigh the harms at stake, so that we can determine whether the morally weighted harm inflicted can be reduced at a reasonable cost to the agents. The basic structure of necessity is the same in bello as it is ad bellum, though obviously the same differences in substance arise as for proportionality. Some reasons apply only to in bello necessity judgements, not to ad bellum ones, because they are conditional on the background assumption that the war as a whole will continue. This means that we cannot reach judgements of the necessity of the war as a whole by simply aggregating our judgements about the individual actions that together constitute the war.

For example, in bello one of the central questions when applying the necessity principle is: how much risk to our own troops are we required to bear in order to minimize harms to the innocent? Some option can be necessary simply in virtue of the fact that it saves some of our combatants’ lives. Ad bellum, evaluating the war as a whole, we must of course consider the risk to our own
combatants. But we do so in a different way—we ask whether the goods achieved by the war as a whole will justify putting our combatants at risk. We don’t then count among the goods achieved by the war the fact that multiple actions within the war will save the lives of individual combatants. We cannot count averting threats that will arise only if we decide to go to war among the goods that justify the decision to go to war.

This relates directly to the largely ignored requirement in international law that combatants must take all feasible precautions in the choice of means and methods of attack with a view to avoiding, and in any event to minimizing, incidental loss of civilian life, injury to civilians and damage to civilian objects. (Geneva Convention, Article 57, 2(a)(ii))

This has deep moral foundations: combatants in war are morally required to reduce the risk to innocents until doing so further would involve an unreasonably high cost to them, which they cannot be required to bear. Working out when that point is reached involves thinking through: soldiers’ role-obligations to assume risks; the difference between doing harm to civilians and allowing it to happen to oneself or one’s comrades-in-arms; the importance of associative duties to protect one’s comrades; and all the considerations already adduced in favour of Moral Distinction. This calculus is very hard to perform. My own view is that combatants ought to give significant priority to the lives of civilians (Walzer and Margalit 2009; McMahan 2010b). This is in stark contrast to existing practice (Luban 2014).