

To Do, To Die, To Reason Why: Individual Ethics in War, written by Victor Tadros

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Forthcoming in the *Journal of Moral Philosophy*.

Victor Tadros, *To Do, To Die, To Reason Why: Individual Ethics in War* (Oxford: Oxford University Press, 2020), 352 pages. ISBN: 9780198831549. Hardback: £55.00/\$70.00.

In Chapter 1 (p. 4) of this excellent book, Victor Tadros tells us that his ‘main aim’ is to ‘totalize the humanitarian impulse in the moral assessment of war.’ By this, he continues, he means that his aim is ‘to understand the morality of war by understanding the significance of each human life in war, and to regulate our actions in accordance with this significance (ibid.).’ This might initially strike some readers as a sentiment that would fail to distinguish Tadros’s agenda from that of any other author. But Tadros develops the thought that war must be fully humanised in a distinctive way, which crucially informs the book’s direction. He contends (pp. 5-6) that, to fully humanise war, we must take more seriously in particular the tragedy of war for a group whose interests he thinks are generally dismissed: namely combatants, whether on the just or unjust side of a conflict. This concern with humanising combatants leads Tadros to propose certain limits on what may be done to them even when culpable for wrongful threats. But arrestingly — and for some readers, no doubt, somewhat unsettlingly — humanisation, for Tadros, ends up justifying not only tightening the constraints protecting combatants but also loosening those shielding non-combatants. I return to his argument to the latter effect below.

In addition to humanising war, another of Tadros’s overarching aims is to redraw the battle lines in the just war literature to make room for theoretical options that might otherwise go unappreciated. The contemporary debate is commonly presented as centring on the differences between, on the one hand, ‘traditionalists’, who are also ‘collectivists’, and who think of war as subject to special moral rules, and, on the other hand, ‘revisionists’, who are also ‘individualists’, and who think of war as governed by the same moral rules that apply to harming and saving in general. In Chapter 2, Tadros objects to this prevailing narrative as unhelpfully polarising, and seeks to place himself outside it, by distinguishing a number of philosophical and methodological questions which the narrative conflates.

What is the alternative position that Tadros seeks to carve out? He dismisses traditionalism in a brief but devastating (and entertainingly caustic) early passage (p. 36). And he rejects, more generally, the view that war is an arena of special moral rules (pp. 12-25). Furthermore, Tadros rejects collectivism — at least if understood as either the view that individuals can incur liability to harm by being part of a group agent that acts wrongly (pp. 29-31), or the view that membership of or authorisation by a group can license individuals to do what would otherwise be unjust (ch.s 3-4). Yet despite all this, Tadros also distances himself from individualism, as usually understood. For he denies in particular that liability to harm arises only due to facts about individuals, and in particular their choices. Instead, drawing on his well-known insistence that liability ought not to be limited to or equated with forfeiture, he proposes (pp. 31-3) that liability can arise on relational grounds, independently of responsibility for or causal contribution to an unjust threat, and that considerations of fairness in particular have a part to play in the distribution of liability among co-citizens. That argument is prosecuted most fully in the book’s pivotal Chapter 11, to which, again, I return shortly.

This still only scratches the surface of this complex and wide-ranging book, over whose thirteen chapters Tadros engages with a range of key questions related to war and self-defence, and background issues in moral theory. Of particular note, in addition to the aforementioned Chapter 11, is, for instance, Chapter 8 — a core component of Tadros’s humanising agenda —

in which he argues that there is an important sense in which those who culpably threaten others are unlucky to do so, such that there are limits to the number of even highly culpable attackers who may be killed for the sake of an innocent victim. Also especially likely to drive debate is the final pair of chapters, in which Tadros pushes back — albeit cautiously — against the assumption that, if revisionism is true, the law of war must sharply diverge from morality, for fear of the destructive consequences of the incentives that would otherwise be generated. Every chapter, however, is rich, innovative, and clarifying. And the result is a book that is unmissable. If you had found yourself with doubts as to whether the explosion of activity in the ethics of war over recent years could be sustained, this book seems certain to dispel them.

To now briefly offer some queries and critical reflections, let me circle back, as promised, to Chapter 11, and its distinctive, fairness-based case for departing from non-combatant immunity.

There are in fact two prongs to the argument of this chapter. In the first, Tadros argues that it is no worse for the unjust to target just non-combatants than it is for them to target combatants, and indeed that it is often worse for them to do the latter, given that this is more likely to impede their enemy's just cause. This conclusion seemed to me wholly persuasive.

Rather more bracing, however, is the second part of Tadros's view, on which there are reasons of fairness for just combatants to depart from non-combatant immunity when considering who, on the unjust side, should be harmed (though not, he stresses, to depart from the prohibition on harmful use).

In support of his position, Tadros appeals to the thought that combatants put themselves at disproportionate risk to provide the good of collective security, including the risk that, due to the grave pressures to which they are repeatedly exposed, they will inevitably at times act wrongly, becoming liable to harm. He also appeals to the fact that combatants frequently take up their role against an unjust social backdrop of inadequate alternative life paths. Under those conditions, Tadros contends, concentrating liability upon combatants when their group goes to war unjustly is unfair.

Beyond that thumbnail sketch, however, I confess to being somewhat unsure what exactly the fairness-based justification for relaxing non-combatant immunity involves. There are arguably two distinguishable justifications in play, and some uncertainty over which is doing the heavy lifting. One argument is that non-combatants can be liable to harm in virtue of their free riding on the efforts of combatants to provide collective security. Another, however, is that relaxing non-combatant immunity is required simply to correct an objectionably unequal distribution of the risks and burdens attendant on protecting the group. Unless I am mistaken, Tadros appeals fairly interchangeably to these ideas. For instance, he writes:

Diverting costs to combatants ... increases the risk that they will be permissibly killed over the course of their lives when compared with non-combatants, and exacerbates an already unequal risk distribution. If non-combatants receive further protection, then, it seems that they free ride on the decisions of others to become combatants in an egregious way (p. 264).

I think, however, that being on the favourable end of an unequal or unfair risk distribution is not the same as being a free rider, and that it does not follow from the fact that an unequal distribution obtains that free riding occurs in the way this quotation seems to suggest. Free riding seems most naturally understood as responsibly omitting to contribute to the cost of a benefit which one receives. Thus construed, free riding requires certain forms of agency, capacity, and awareness of one's options. Children, the seriously cognitively disabled, the

comatose, and so on, can benefit from distributive unfairness, but I think we should generally be resistant to calling them free riders.

It seems to matter significantly whether the fairness argument for non-combatant liability is cashed out in terms of free riding or unequal risk distribution. One reason is that the objections do not seem equally grave. If Tadros's official argument is an appeal to unequal risk distribution, but our intuitive reactions are shaped by added antipathy to free riders, the case for non-combatant liability might seem more firmly established than it is.

Second, moreover, and relatedly, if I was right above about how free riding is best characterised, the arguments differ in scope. Some groups, due to incapacity, are not aptly accused of free riding despite benefiting from inequality. Fully evaluating Tadros's thesis thus seems to require distinguishing between the relevant groups, and gauging the intuitive acceptability of imposing costs upon them. It is true that, in a brief section (pp. 262-3), Tadros does explicitly discuss the extension of liability to the 'unskilled and unable', with a particular focus on children. He affirms (with certain qualifications) that, on his view, liability for the costs of war can indeed be imposed on children. But what he does, I think, is treat that conclusion as a bullet to be bitten, given the argument already in hand. My sense, however, is that if the thesis under consideration is that unequal risk distribution itself generates liability, it is the incapable rather than the unambiguous free riders of Tadros's central examples (like *Free Riding Defence*, on pp. 259-60) who are the paradigm test cases, on whom we should focus from the start.

Of course, if the intuitive cost of imposing liability on children and other incapable individuals is deemed too high, one option for Tadros might be to retrench, by restricting the fairness argument to cases of free riding proper. I lack space to consider whether further concerns would apply to his position thus qualified. But note that adopting it would come at some cost, at least, to his preferred framing of his overall position and methodology. For if it is free riding, rather than merely benefiting from an unequal distribution, that incurs liability, then liability remains, to that extent, a matter of what individuals choose rather than of their relations, and hence the fairness argument for non-combatant liability would not involve a departure from individualism in the way originally advertised (at pp. 31-3).

Whether Tadros's conclusions about non-combatant liability are ultimately the right response to the injunction to fully humanise war will no doubt be a matter of significant debate for a considerable time to come. The same goes for the rest of this fascinating book.

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