



Shooting to Kill: The Ethics of Police and Military Use of Lethal Force

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Introduction

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Abstract and Keywords

THE WARS IN recent decades in Afghanistan, Iraq, and Syria against the forces of Saddam Hussein, the Taliban, al-Qaeda, and, most recently, ISIS (Islamic State of Iraq and Syria); the humanitarian armed interventions in Bosnia, Rwanda, East Timor, and elsewhere; the targeted killings of terrorists by Israeli and US security forces; the use of unmanned aerial vehicles (UAVs, or drones) by the United States to conduct lethal strikes in the tribal areas of Pakistan, Yemen, and elsewhere; the fatal shooting of an innocent Brazilian, Jean Charles de Menezes, by British police in London in 2005; the recent shooting by a police officer of Michael Brown in Ferguson, Missouri, in 2014, and the ensuing riots; the shooting in the back of an unarmed black man, Walter Scott, by a police officer in North Charleston, South Carolina, in 2015; and the shooting by police snipers of various crazed gunmen in the United States, Australia, and elsewhere in recent years—these events have all contributed to the creation of renewed interest in the ethics of police and military use of lethal force, and in the moral justification or justifications for the use of lethal force. The development of drone technology, in particular, has raised important issues of moral responsibility for such use. For example, there is now the possibility to deploy “human-out-of-the-loop” weapons, notably drones, that—once programmed and activated by their human operators—can track, target, and deliver lethal force without further human intervention....

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Rwanda, East Timor, and elsewhere; the targeted killings of terrorists by Israeli and US security forces; the use of unmanned aerial vehicles (UAVs, or drones) by the United States to conduct lethal strikes in the tribal areas of Pakistan, Yemen, and elsewhere; the fatal shooting of an innocent Brazilian, Jean Charles de Menezes, by British police in London in 2005; the recent shooting by a police officer of Michael Brown in Ferguson, Missouri, in 2014, and the ensuing riots; the shooting in the back of an unarmed black man, Walter Scott, by a police officer in North Charleston, South Carolina, in 2015; and the shooting by police snipers of various crazed gunmen in the United States, Australia, and elsewhere in recent years—these events have all contributed to the creation of renewed interest in the ethics of police and military use of lethal force, and in the moral justification or justifications for the use of lethal force. The development of drone technology, in particular, has raised important issues of moral responsibility for such use. For example, there is now the possibility to deploy “human-out-of-the-loop” weapons, notably drones, that—once programmed and activated by their human operators—can track, target, and deliver lethal force without further human intervention.¹

There have, of course, been many philosophical works concerned with the moral justification of killing in personal self-defense or in war; and there has also been some, albeit limited, discussion in the philosophical (p.2) literature of the justification for police use of lethal force. More recently, there have been discussions of specific uses of lethal force, such as lethal strikes by drones. In this work I seek to unearth and analyze the underlying moral justifications and moral responsibilities in play in the somewhat diverse uses of lethal force mentioned above. In doing so, I compare and contrast the use of lethal force by ordinary citizens, police officers, and military personnel. On the one hand, police and military use of lethal force is morally justified in part by recourse to fundamental human moral rights and obligations, especially the right to personal self-defense and the moral obligation one has to defend the lives of innocent others under imminent threat—if one can do so without risking one’s own life. On the other hand, arguably, the moral justification for police and military use of lethal force is to some extent role-specific. Both police officers and military combatants evidently have a moral duty to put themselves in harm’s way to protect others and, at least in the case of military combatants, put their own lives at high risk. Moreover, the moral justifications for police and military use of lethal force appear to be, in part, institutionally based. Thus police, under some circumstances, have an institutionally based moral duty to use lethal force to uphold the law, and military combatants have an institutionally based moral duty to use lethal force to win (just) wars. Moreover, in recent times there has been a blurring of the police and military roles. In particular, there has been a militarization of some police services, as was the case in Ferguson, Missouri, and the utilization of police in war zones, such as the peacekeeping operations in East Timor.

This work offers a distinctive teleological, institutionally based perspective on the morally justifiable use of lethal force by police and the military. This teleological account is not to be understood as a species of consequentialism, whether in its direct act-based or indirect rule-based form.² Consequentialism, as I understand it, determines the rightness or wrongness of actions on the basis of the *actual consequences* of those actions, irrespective of whether these consequences were intended or otherwise aimed at.³ My teleological account has it that the rightness or wrongness of actions, specifically the lethal actions of police officers and soldiers, derives in large part from the outcomes *aimed at* by **(p.3)** these role occupants. Moreover, my account contrasts with individualist reductionists—so-called revisionists (e.g. Cecile Fabre, Helen Frowe, and Jeff McMahan⁴)—on the one hand, and nonreductionist collectivists (e.g. Christopher Kutz and Michael Walzer⁵), on the other. It analyzes the different salient moral justifications for police and military use of lethal force, and compares both of these with the standard moral justifications for the use of lethal force by noninstitutional actors (e.g., in personal self-defense). However, as already mentioned, in doing so, it compares and contrasts these institutional and noninstitutional uses with a view to identifying the underlying moral considerations.

In addition to providing analyses of the main moral justifications for the use of lethal force by the police and the military, the work analyzes the moral responsibility for the use of lethal force by these institutional actors. Here there is a need to distinguish between individual and collective moral responsibility (e.g., the use of lethal force by members of an armed collective, the collective responsibility to engage in humanitarian armed intervention), and also between direct and indirect moral responsibility (e.g., the delivery of lethal force by autonomous drones).

The contents of the chapters are as follows. Chapter 1 maps the conceptual terrain in the state of nature (so to speak) in respect of the morally justified or morally excusable use of lethal force, and thereby paves the way for the more detailed discussions of particular institutional and noninstitutional cases of the use of lethal force. Institutional cases are ones in which the lethal force in question is deployed by institutional actors in their capacity as institutional actors; noninstitutional cases are ones in which lethal force is used by ordinary human beings in their noninstitutional, *natural* capacities. The paradigmatic cases of institutional actors who deploy lethal force are police officers and military combatants, and it is these actors that receive detailed treatment in Chapters 3-10.

The paradigm cases of noninstitutional use of lethal force are ones in which one person, B, mounts a morally unjustified lethal attack against **(p.4)** another person, A, and A responds by killing B in self-defense, or person B attacks A and a third person, C, responds by killing B in defense of A. These are essentially

cases in which A's negative rights and, in particular, A's right not to be killed are being violated or, at least, are about to be violated. However, other cases involve killing in defense of so-called positive rights.⁶ Moreover, acts of lethal attack, defense, and enforcement are sometimes individual actions and sometimes joint ones; the joint actions in question being ones involving agents acting together to achieve the common end of killing, successfully defending, and/or enforcing, respectively. It is this notion of joint action⁷ that I use in the construction of organizational action. Roughly speaking, organizational action comprises multilayered structures of joint action.⁸ Specifically, I employ the notion of joint lethal action to provide an understanding of the lethal actions of institutional actors. In doing so I am, in effect, importing relatively recent theoretical findings from the subdiscipline of social ontology into discussions of the ethics of police and military use of lethal force. However, I am doing so from a distinctive standpoint; namely, one in which although certain basic features of morality are institutionally prior, institutions nevertheless generate additional moral rights and duties. The institutionally based moral rights and duties, for example, of police officers and military combatants, are derived *in part* from basic natural rights and obligations, such as the right to self-defense and the obligation to defend the lives of others. However, they also derive in part from the collective goods realized by the social institutions in question.

On the standard view of morally permissible killing in self defense—whether by ordinary citizens, police, or military personnel—killing in order to defend one's own life is morally justified on the grounds that each of us has a right to life. Moreover, self-defense (in its various permutations) is evidently one of the fundamental moral justifications in play **(p.5)** in police and military use of military force, as well as in personal self-defense. Hence there is a need to provide an acceptable moral analysis of it. I say this notwithstanding my view that personal self-defense and the related justification of (noninstitutionally based) other-person defense are not the only moral justifications for police and military use of lethal force.

In Chapter 2 the concern is principally with the natural right to self-defense. I argue against prevailing influential theories of the right to self-defense, including those of J. J. Thomson⁹ and Philip Montague.¹⁰ Moreover, I elaborate my own novel account, the fault-based internalist suspendable rights-based theory (FIST).¹¹ On this account, you have a right not to be killed by me, and I have a concomitant obligation not to kill you. However, you suspend your own right not to be killed by me if you come to have all the following properties:

1. You are a deadly threat to me.
2. You intend to kill me and are responsible for having this intention to kill me.

3. You do not have a strong and decisive moral justification for killing me, and you do not reasonably believe that you have a strong and decisive moral justification for killing me.

Note that FIST posits that a culpable attacker suspends his right not to be killed by a defender even in cases in which it is not necessary for the defender to kill the attacker to save his own life. Moreover, each person, X, has a set of suspendable rights not to be killed relativized to every other person; FIST is a partialist account. Thus X has a right not to be killed by Y, and a right not to be killed by Z, and so on. X also has a set of suspendable obligations not to kill: X has an obligation not to kill Y, and an obligation not to kill Z, and so on. Here my right not to be killed generates an obligation on your part not to kill me.

However, if X's right not to be killed by Y is suspended by virtue of X attacking Y, it does not follow that X's **(p.6)** right not to be killed by Z has been suspended, although this right of X's might be overridden, allowing Z to justifiably kill X.

In respect of a moral right or duty to kill in defense of others, we need to distinguish between ordinary human beings per se and persons with institutional roles that are defined in part in terms of such rights and duties to kill in defense of others—specifically, the roles of police officer and military combatant.

Arguably, in the contemporary context of nation-states, the needs of members of a given community for protection from internal (e.g., criminal organizations) and external (e.g., foreign powers) threats to life and limb can only adequately be met by the organized membership of specialist occupational groups within that community, specifically police organizations and military forces, respectively. Accordingly, the collective responsibility of members of a community to provide mutual protection is relativized to that community; it is *partialist* and, therefore, does not necessarily extend to the members of other communities.¹² Moreover, such collective responsibilities are often most effectively discharged by establishing police and military institutions comprising institutional role occupants with *special* rights and duties.

In Chapter 3 I undertake a normative comparative institutional analysis of police officers and regular soldiers in the context of the contemporary liberal democratic nation-state, as a precursor to the detailed discussion in later chapters of police and military use of lethal force.¹³ As mentioned above, the normative analysis of institutions is in large part to be understood in teleological terms. Such institutional analysis has, for the most part, been eschewed by philosophers in favor of analyses based on the assumption that the moral justifications for the use of lethal force must ultimately consist either of personal self-defense or of (noninstitutional) other-person defense. An important exception to this is the justification for waging war in terms of defense of the nation-state. David Rodin, for example, has argued against understanding this justification in terms of saving individual human lives.¹⁴

Differentiating police officers from soldiers might seem straightforward enough. The role of the police officer is to maintain order and **(p.7)** enforce the domestic criminal law of the land—paradigmatically by arresting offenders, but on occasion, and only if necessary, by using lethal force. By contrast, the role of the soldier (or sailor or airman), whether a member of a standing professional army, a member of a voluntary citizen-militia, or a conscripted citizen, is to defend the state (or like political entity) against armed aggression by other states (or like political entities)—paradigmatically by the use of lethal force. Evidently, in recent times there has been a blurring of the distinction between police officers and regular soldiers. Arguably, this is in part due to the rise of international terrorism (e.g., al-Qaeda, ISIS), and, as a consequence, the need for closer cooperation between domestic police agencies and military organizations in counterterrorist operations.¹⁵ At any rate, whatever the precise nature, extent, and causes of the blurring of the distinction, I seek (in Chapter 3), first, to clarify these related occupational roles and, second, to unearth the implications in general terms for the morally permissible use of lethal force by the police, on the one hand, versus by the military, on the other.

My approach here is a novel one, relying on my philosophical theory of social institutions developed elsewhere: a normative teleological account.¹⁶ Suffice it to say here that I frame the problems in question in normative and institutional terms. That is, I take it that differentiating between police officers and regular soldiers is, or ought to be, principally a matter of demarcating their respective institutional roles. This in turn requires a specification of the nature and function of the institutions of which these roles are, or ought to be, constitutive elements. Such specification is, I suggest, essentially a normative undertaking, as opposed to, for example, an exercise in purely descriptive organizational sociology. That said, it is a normative exercise that needs to be anchored in appropriate institutional description. Accordingly, my approach is at odds with some individualist reductivist conceptions, such as so-called revisionist accounts put forward by theorists such as McMahan, Fabre, and Frowe,¹⁷ **(p.8)** but nevertheless also inconsistent with nonreductionist collectivist views of theorists such as Walzer and Kutz.¹⁸

Chapter 4 comprises a moral analysis of the use of lethal force by police officers.¹⁹ With the establishment of police services in modern societies, the responsibility for defending oneself, and especially for protecting others, has to a large extent devolved to the police. Crudely, the idea is that if someone's life is threatened, whether my own or someone else's, the first step should be to call the police. However, this in no way means that the rights of ordinary citizens to self-defense and to defend the lives of others have been alienated. In Chapter 4 I argue that the standard view (presented by John Kleinig²⁰ and Jeffrey Reiman,²¹ for example) of the moral justification for police use of lethal force being entirely dependent either on personal self-defense or (noninstitutionally based) defense

of the lives of others is not adequate, and instead put forward a different account based in part on the specific institutional role of police officers.

The use of lethal force by police in many counterterrorism operations does not raise moral problems that are essentially different from those that arise in combating other kinds of violent crime. Nevertheless, there do seem to be some important differences when it comes to the use of lethal force against suicide bombers, in particular. In Chapter 5 I focus on some of the moral problems arising from the use of lethal force against suspected suicide bombers operating in well-ordered, liberal democratic states.²² I do so because these operations seem to require a less restrictive use of lethal force on the part of police than do police responses to other related murderous criminal actions, such as, for example, a lone gunman **(p.9)** shooting dead numerous passers-by who is himself eventually shot dead by a police sniper. One concern in this chapter is to circumscribe the police role in a manner that enables the traditional distinction between police use of lethal force and the military use of lethal force to be maintained, notwithstanding the pressure upon the distinction arising from suicide bombers operating in civilian settings.

A second concern is that of collective moral responsibility for the use of lethal force, given that police officers who shoot suspected suicide bombers dead rely on other police officers for intelligence about the identity of these suspects, rather than relying merely on what is happening before their own eyes. If a police firearms officer shoots dead a suspected suicide bomber on the basis of intelligence provided by other police officers, and the suspect turns out not to be a suicide bomber, then who, if anyone, is to be held morally responsible? Is it only the firearms officer who fired the fatal rounds? Is it not only the firearms officer, but also the members of the surveillance team who provided the incorrect intelligence with respect to the identity of the suspect? Or is it simply an unfortunate outcome for which no one is morally responsible? My discussion at this point relies on a distinctive relational individualist analysis of collective moral responsibility, developed in detail elsewhere.²³

Chapter 6 is concerned with the ethics of the use of lethal force by military combatants (much discussed within the framework of just war theory). Military combatants principally use lethal force in the context of ongoing armed conflicts between the armed forces of political entities such as, but not restricted to, nation-states.²⁴ Such armed conflicts between armed forces include wars between nation-states and wars involving nonstate actors. The latter include civil wars, wars of liberation, and nonconventional wars between state actors and terrorist groups. Given the organizational, indeed institutional, character of military combat, the use of lethal force by military combatants is, I suggest, importantly different from that of the essentially noninstitutional use of lethal

force by **(p.10)** individuals in self-defense or in defense of the lives of others (discussed in Chapter 2).

Here my notion of organizational action as multilayered structures of joint action and my notion of collective moral responsibility as joint moral responsibility are again salient. These notions allow me to reframe the “moral equality of combatants” debate between so-called traditionalists, such as Walzer, and so-called revisionists, such as McMahan, in terms of the collective, or joint, moral responsibility of actors engaged in multilayered structures of joint action. While not discounting the moral difference between combatants fighting a just war and those fighting an unjust one, this provides, I suggest, a more nuanced and realistic model of moral responsibility in large-scale collective enterprises, such as armies fighting (just or unjust) wars. In such contexts, decision making is necessarily joint and, therefore, required to be binding on all or most if it is to be effective. For example, no single Australian citizen, whether that person be the prime minister, the chief of the armed force, or merely a low-ranking regular soldier or civilian, can unilaterally decide whether Australia will wage war or refrain from doing so. Likewise, disengaging from a war that is underway requires a joint decision. Accordingly, there is a presumption in favor of an individual who disagrees with such joint decisions to go along with them, her disagreement notwithstanding. Moreover, individual nonparticipation in a collective enterprise such as war may be extremely costly for the individual concerned, and this will be an important moral consideration in their decision making.

Further, the institutional purposes served by military personnel and the nature of military combat are importantly different from the purposes and activities of police. Accordingly, the institutionally based use of lethal force by the military is different from that of the police (discussed in Chapter 4). Importantly, once actually engaged in war military combatants have evidently waived their right to decide whether or not to use lethal force against enemy combatants, and have done so in favor of their superiors (assuming their superiors issue lawful orders). By contrast, police officers do not waive their corresponding right. In general terms, the moral principles governing military use of lethal force are a good deal more permissive than those governing the use of lethal force by police officers.²⁵ More specifically, there are important differences in the application by military personnel—as opposed to ordinary citizens, on the one **(p.11)** hand, and police officers, on the other—of the moral principles that govern the use of lethal force, notably the principles of imminence, necessity, proportionality, and discrimination. Moreover, these differences are not simply ones explicable in terms of the larger numbers of defenders and attackers typically involved in military conflict, or so I argue.

In Chapter 7 I explore the principle of discrimination and the closely related notion of civilian immunity in war.²⁶ I do so in the context of (a) the rights-based just war theoretical account of the moral justification for waging war elaborated in Chapter 6, and (b) the contrasting moral duties that police officers contemplating the use of lethal force have to innocent bystanders. As argued in earlier chapters, a police officer's use of lethal force ought not to put the lives of innocent third parties at risk. This requirement derives in part from the primary institutional role of police officers to protect citizens from serious harm—and this typically trumps their other primary role of arresting offenders. By contrast, military combatants can put the lives of innocent citizens at considerable risk on grounds of military necessity. So the principle of discrimination in play is far more permissive.

In relation to civilian immunity, I first address the issue of moral differences between combatants and civilians. In particular, I engage with the argument that, contrary to the standard view, the lives of one's own combatants ought to be given priority over the lives of noncombatants of the enemy state or other collective political entity. I argue in favor of the standard view. Second, I argue that there are two neglected categories of civilians that ought not to enjoy civilian immunity in war.²⁷ The first category consists of the members of civilian groups who have a share in the collective moral responsibility for the violation of non-life-threatening rights violations, yet are not morally responsible for the *enforcement* of these rights violations. Such persons are neither combatants nor their leaders; nor do they necessarily assist combatants qua combatants, as do (say) munitions workers. The second category consists of the members of civilian groups who are collectively morally responsible for culpably refraining from assisting those who have a moral right to assistance from **(p.12)** them. Once again, such persons are neither combatants nor their leaders; nor do they necessarily assist combatants qua combatants.

The general issue discussed in Chapter 8 is the ethics of armed humanitarian intervention.²⁸ In recent times there have been a number of armed humanitarian interventions by nation-states in conflicts taking place within the borders of other nation states. Here one thinks of Bosnia, Kosovo, Somalia, Rwanda, East Timor and, very recently, Iraq (in the context of the rise of ISIS) and Syria (in the context of both the Assad regime and ISIS). In some instances, such as the genocide in Rwanda, armed intervention is or was morally required, but the armed forces deployed were inadequate and/or arrived too late.²⁹ In other instances, such as Kosovo, armed intervention might have been justified and timely, but arguably the force deployed was excessive, or at least of the wrong form. In still other cases, such as Iraq in the context of ISIS and Syria in the context of the Assad regime and ISIS, armed intervention is morally justified but there are dilemmas concerning not only the precise form it should take, but also who should be the ones to undertake the intervention. At any rate, in this chapter my more specific concern is to explore the notion of collective moral

responsibility as it pertains to nation-states contemplating humanitarian armed intervention in a variety of settings involving states or groups perpetrating human rights violations. I do so on the assumption that such interventions are the collective moral responsibility of the community of nation states. Accordingly, there is a distinction to be made between the institutionally prior, patriotic, and essentially partialist collective responsibility of members of a given military force in respect of the protection of the rights of *their own citizens* and this cosmopolitan and impartial collective responsibility in respect of the protection of the rights of the citizens of other nation-states.

Chapter 9 concerns the ethics of targeted killing³⁰. Assassination of one's political enemies in the context of a well-ordered, liberal democratic **(p.13)** state is murder and, given the potentially destabilizing effects, a very serious political crime. Accordingly, it ought not to be tolerated; it is both unlawful and morally unjustifiable. What, then, of targeted killing? Here there is a need to get clear on the specific contexts in which targeted killing might take place, such as targeted killing by a military combatant of an enemy combatant in a theater of war versus by a police officer of a suspected terrorist in a civilian setting. Arguably, the former is morally permissible but the latter is not. This raises (again) questions of the institutional role of police versus military, and of war versus civilian settings.

I provide a definition of targeted killing (which serves to differentiate it from assassination, on the one hand, and the use of drone strikes in civilian areas, on the other), and argue that in theaters of war it is, in principle, morally permissible.³¹ However, there are a range of hard cases, such as the killing of Osama bin Laden, which may or may not be morally permissible depending on various factors. I discuss some of these, notably the killing of bin Laden.

Another kind of hard case is the use of drone strikes in counterterrorist operations such as those conducted by the US in the FATA (Federally Administered Tribal Areas) of Pakistan and in Yemen. Insofar as these drone strikes have been genuine cases of targeted killing in a theatre of war and have not violated the principles of *jus in bello*, then, other things being equal, they are morally permissible.

In Chapter 10 I discuss the morality of autonomous weapons.³² The advent of autonomous weapons has raised the issue of the moral responsibility for killing in war in a particularly acute form. Indeed, some theorists³³ have argued, in effect, that autonomous weapons "outsource" human responsibility for killing to machines. Are human beings morally responsible for killings "done" by autonomous weapons? If so, is this responsibility indirect? What are the implications for the use of autonomous weapons? Should they be banned, for instance?

Autonomous weapons are weapons system that, once programmed and activated by a human operator, can—and, if used, do in fact—identify, **(p.14)** track, and deliver lethal force without further intervention by a human operator. By “programmed” I mean, at least, that the individual target or type of target has been selected and programmed into the weapons system. By “activated” I mean, at least, that the process culminating in the already programmed weapon delivering lethal force has been initiated. This weaponry includes weapons used in nontargeted killing, such as autonomous antiaircraft weapons systems used against multiple attacking aircraft or, more futuristically, against swarm technology (e.g., multiple lethal miniature attack drones operating as a swarm so as to inhibit effective defensive measures); and ones used, or at least capable of being used, in targeted killing (e.g., a predator drone with face-recognition technology and no human operator to confirm a match).

I argue that the use of autonomous drones is, in principle, morally impermissible. A key claim on which the argument in favor of autonomous weaponry is based is that moral principles, such as military necessity, proportionality, and discrimination, can be reduced to rules, and these rules can be programmed in to computers. However, the irreducibility of moral properties to physical properties³⁴ (i.e., properties detectable by the sensors of computerized robotic weaponry) presents a critical, if not insurmountable, problem at this point. Specifically, I provide what I refer to as the ramification argument: The combination of conceptual interdependence between the three *jus in bello* principles, the irreducibility of moral properties to physical ones, and their applicability at interconnected individual and collective levels gives rise to *moral ramification*; moral ramification, in turn, gives rise to the need for complex decision-making such that one cannot simply apply one of these principles (or some proxy principle) in a given conceptually discrete and self-contained context involving the use of lethal force without taking into account the other principles and other contexts at other levels. Accordingly, there is a need for context sensitive moral judgment of a kind not able to be rendered into an appropriate form for programming into computers.

Notes:

- (1.) Bradley Jay Strawser, ed., *Killing by Remote Control: The Ethics of an Unmanned Military* (Oxford: Oxford University Press, 2013).
- (2.) Seumas Miller, *Social Action: A Teleological Account* (New York: Cambridge University Press, 2001).
- (3.) For recent criticisms, see James Griffin, *What Can Philosophy Contribute to Ethics?* (Oxford: Oxford University Press, 2015).

(4.) Cecile Fabre, *Cosmopolitan War* (Oxford: Oxford University Press, 2012); Helen Frowe, *Defensive Killing* (Oxford: Oxford University Press, 2014); Jeff McMahan, *Killing in War* (Oxford: Clarendon, 2009).

(5.) Christopher Kutz, "The Difference Uniforms Make: Collective Violence in Criminal Law and War," *Philosophy and Public Affairs* 33, no. 2 (2005): 148–180; Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, 4th ed. (New York: Basic Books, 2006), 36: "the war itself isn't a relation between persons but between political entities and their human instruments."

(6.) On the distinction between positive and negative rights inter alia, see Leif Wenar, "Rights," in Edward N. Zalta, ed., *The Stanford Encyclopedia of Philosophy* (2015), <http://plato.stanford.edu/entries/rights/>. On the enforcement of positive rights, see Seumas Miller, *The Moral Foundations of Social Institutions: A Philosophical Study* (New York: Cambridge University Press, 2010), 202–209; and Seumas Miller, "Civilian Immunity, Forcing the Choice and Collective Responsibility," in Igor Primoratz, ed., *Civilian Immunity in War* (Oxford University Press, 2007), 113–135.

(7.) Seumas Miller, "Joint Action," *Philosophical Papers* 21, no. 3 (1992): 275–299; and Miller, *Social Action*, Chapter 2.

(8.) Miller, *Social Action*, Chapter 5; Miller, *Moral Foundations of Social Institutions*, 48–50.

(9.) Judith Jarvis Thomson, "Self-Defense," *Philosophy and Public Affairs* 20, no. 4 (1991): 283–310.

(10.) Philip Montague, "Self-Defense and Choosing between Lives," *Philosophical Studies* 40 (1981): 207–219.

(11.) Initially elaborated in Seumas Miller, "Killing in Self-Defence," *Public Affairs Quarterly* 7, no. 4 (1993): 325–340.

(12.) This is consistent with holding, as I do, that the members of one community may also have collective responsibilities with respect to the members of other communities, and that some of these are based on the positive right to assistance when one's natural right to life is threatened. See Chapter 8.

(13.) Seumas Miller, "Police, Citizen-Soldiers and Mercenaries: A Comparative Normative Institutional Analysis," *Journal of Military Ethics* 15 (2016).

(14.) David Rodin, *War and Self-Defense* (Oxford: Clarendon Press, 2002).

(15.) Seumas Miller, "On the Morality of Waging War against the State," *South African Journal of Philosophy* 10, no. 1 (1991): 20–27; Seumas Miller, *Terrorism and Counter-Terrorism: Ethics and Liberal Democracy* (Oxford: Blackwell, 2009); Stephen Nathanson *Terrorism and the Ethics of War* (New York: Cambridge University Press, 2010).

(16.) Miller, *Moral Foundations of Social Institutions*.

(17.) McMahan, *Killing in War*, and "Collectivist Defenses of the Moral Equality of Combatants," *Journal of Military Ethics* 6, no. 1 (2007): 50–59; Fabre, *Cosmopolitan War*; Frowe, *Defensive Killing*.

(18.) Walzer, *Just and Unjust Wars*; Kutz, "The Difference Uniforms Make."

(19.) Seumas Miller, "Shootings by Police in Victoria: The Ethical Issues," in Tony Coady, Steve James, Seumas Miller, and Michael O'Keefe, eds., *Violence and Police Culture* (University of Melbourne Press, 2000), 205–219; Seumas Miller and John Blackler, *Ethical Issues in Policing* (Aldershot, U.K.: Ashgate, 2005), Chapter 3.

(20.) John Kleinig, *The Ethics of Policing* (New York: Cambridge University Press, 1996).

(21.) Jeffrey Reiman, "The Social Contract and the Police Use of Deadly Force," in Frederick Elliston and Michael Feldberg, eds., *Moral Issues in Police Work* (Totowa, N.J.: Rowman and Allanheld, 1985) 237–249.

(22.) Ian Gordon and Seumas Miller, "The Fatal Police Shooting of Jean Charles de Menezes: Is Anyone Responsible," in Simon Bronitt, Miriam Gani, and Saskia Hufnagel, eds., *Shooting to Kill: Socio-Legal Perspectives on the Use of Lethal Force* (Oxford: Hart, 2012), 215–239.

(23.) Seumas Miller, "Collective Moral Responsibility: An Individualist Account," in Peter A. French, ed., *Midwest Studies in Philosophy* 30 (2006):176–193.

(24.) Seumas Miller, "Just War Theory: The Case of South Africa," *Philosophical Papers* 19, no. 2 (1990): 143–161. For a well informed discussion of the morality of political violence across a broad range of issues see C. A. J. Coady *Morality and Political Violence* (New York: Cambridge University Press, 2008).

(25.) Miller, "Police, Citizen-Soldiers and Mercenaries."

(26.) Miller, "Civilian Immunity."

(27.) Miller, "On the Morality of Waging War against the State," 24–26, and "Civilian Immunity," 123–135.

(28.) See, for example, James Pattison, *Humanitarian Intervention and the Responsibility to Protect: Who Should Intervene?* (Oxford: Oxford University Press, 2010).

(29.) Seumas Miller, "Collective Responsibility, Armed Intervention and the Rwandan Genocide," *International Journal of Applied Philosophy* 12, no. 2 (1998): 223–239.

(30.) See, for example, Bradley Jay Strawser, "Moral Predators: The Duty to Employ Uninhabited Aerial Vehicles," *Journal of Military Ethics* 9, no. 4 (2010): 342–348. See also Michael L. Gross, *Moral Dilemmas of Modern War: Torture, Assassination and Blackmail in an Age of Asymmetric Conflict* (Cambridge: Cambridge University Press, 2010); Claire Oakes Finkelstein, Jens David Ohlin, and Andrew Altman, eds., *Targeted Killing: Law and Morality in an Asymmetrical World* (Oxford: Oxford University Press, 2012).

(31.) Seumas Miller, "The Ethics of Targeted Killing: Osama bin Laden, Drones and Counter-Terrorism," *Public Affairs Quarterly* 28, no. 3 (2014): 317–340.

(32.) Seumas Miller, "Collective Responsibility for the Robocalypse," in Jai Galliot and M. Lotze, eds., *Super Soldiers: The Ethical, Legal and Social Implications* (Aldershot, U.K.: Ashgate, 2015), 153–166.

(33.) Rob Sparrow, "Killer Robots," *Journal of Applied Philosophy* 24 (2007): 63–77.

(34.) Seumas Miller, "The Irreducibility of Moral Properties to Physical Properties," (unpublished).

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