Killing civilians is worse than killing soldiers. This is the central thesis that Seth Lazar defends in his book *Sparing Civilians*. Civilian immunity has been one of the most fundamental principles of just war theory. But recent works by Jeff McMahan, Cecile Fabre, and Helen Frowe radically question the perceived truism that civilians qua civilians should be afforded special protection in war. The principle of civilian immunity is inconsistent with the now dominant responsibility-based approach to the ethics of war, according to which moral responsibility for an unjustified threat determines one's liability to be killed. On this view, the principle of civilian immunity as upheld in traditional just war theory and international law no longer seems sustainable because it is based on group membership and not on individual responsibility. Lazar objects to this implication of responsibility-based accounts and instead defends what he calls the *Moral Distinction* thesis: “In war, with rare exceptions, killing non-combatants is worse than killing combatants” (p. 2). This holds even when both non-combatant and combatant are not liable to be killed.

With rich illustrations of historical and contemporary examples, reminiscent of Michael Walzer’s classic *Just and Unjust Wars*, Lazar guides the reader through five arguments in support of *Moral Distinction*: (i) Killing civilians is objectionable because it is unnecessary. (ii) Killing civilians is objectionably opportunistic. (iii) Killing civilians is objectionably risky. (iv) Killing civilians is worse than killing soldiers because they are defenceless and more vulnerable. (v) Combatants do not enjoy immunity. Each of the arguments seeks to show that there is a morally relevant property that is contingent on civilian status. After defending the moral relevance of the property, Lazar devotes the second part of each chapter to showing that these properties do indeed vary with a person’s civilian status. In his arguments he tries to stay clear of controversial assumptions or technical philosophical discussions. This makes the book accessible even to those who are yet unfamiliar with the ethics of war literature.

In his third chapter, Lazar turns to the central and most carefully developed argument of the book: the claim that “[k]illing civilians is objectively worse than killing soldiers, because it involves taking a greater risk of killing an innocent person” (p. 75). Lazar offers three arguments in support of this view. First, the higher the likelihood of a person’s being innocent, the more disrespectful of her moral standing it would be to target her. Second, given a choice, one should target the person who is more likely to be responsible for posing
a threat in order to decrease the likelihood of wrongful harm. Third, we each have a right not to be endangered.

Worryingly, his risk argument falls back into the original problem which responsibility-based approaches to liability sought to avoid. Lazar’s argument suggests that the wrongfulness of harm is determined not merely by the victim’s own moral responsibility but also depends on factors beyond the victim’s direct control – namely the victim’s group membership and the typical behaviour of members of this group. Soldiers in general are more likely to pose an unjust threat. Therefore, killing a soldier involves a lesser risk of killing an innocent person. It follows for Lazar that killing any particular soldier is less wrongful than killing an innocent civilian. It would be especially objectionable to make the permissibility of killing dependent on a person’s group membership if such membership was a matter of luck. Admittedly, membership in an army is not beyond the soldier’s control. Still, selection criteria such as age and sex are just two examples of how luck determines who will face the decision of becoming a combatant. It is plausible to think that many people who are lucky not to have been called upon to fight would have done so had they been asked. Lazar acknowledges the importance of luck later on and writes that “many just combatants who pose justified threats do so out of sheer luck” (p. 124), since they would have fought even in an unjust war. Thus, for Lazar luck is a reason to ignore the distinction between just and unjust combatants when it comes to immunity. However, luck is not a reason for him to revoke the moral significance of the distinction between combatants and civilians.

Furthermore, the argument of risk works to the advantage of civilians who are morally responsible for an unjust threat, for example workers of an arms factory or others whose vital contribution to the war effort makes them liable to be killed. Even though Lazar restricts the application of his argument to cases of non-liable victims, its underlying rationale – the wrong of endangering – also affects liable civilians. They are protected by the fact that civilians usually do not pose unjust threats. They are the lucky ones. For Lazar it is wrong to endanger civilians and it is wrong to kill innocent civilians (p. 79). He does not acknowledge that these two wrongs can come apart. Faced with a civilian, a combatant has to ask how likely it is that this particular individual is responsible for an unjust threat. The combatant should find the risk of killing a non-liable person too high. It would therefore be wrong to endanger that civilian. It would not, according to Lazar, be wrong to kill a civilian if she were liable. Thus, Lazar’s argument implies that a liable civilian could permissibly be killed while endangering her would remain impermissible. This is because the wrongfulness of risk – contrary to the wrongfulness of killing – is not solely