Helen Frowe


In *Defensive Killing*, Helen Frowe develops a theory of permissible defensive killing. She convincingly argues for many original claims, of particular note is her case for a new account of an individual’s liability to defensive harm which she terms “proportionate means externalism” (p. 90). Her discussion of the ethics of war constitutes an insightful engagement with questions surrounding the permissibility of contributing to armed conflict. Here Frowe makes her most radical claim: most non-combatant civilians on the unjust side of a war are liable to lethal harm.

Rather than discussing the book’s many strengths, I focus on two criticisms. The first concerns Frowe’s attempt to resolve problems emerging from cases of unnecessary force. The second from her claims about non-combatants’ liability to harm.

Frowe considers the following case:

*Lucky Escape*:

Murderer is shooting at Victim to try to kill him because he dislikes Victim. He chases Victim to the edge of a cliff. Victim has both a gun and a parachute. He can save his own life by either (a) jumping to safety or (b) shooting and killing murderer (p. 88).

Frowe holds that permissible defensive harm must be necessary, and a harm is only necessary if it is the least harmful means of averting a threat. It is unnecessary for Victim to shoot Murderer in *Lucky Escape*, as Victim could jump to safety, eliminating harm but still averting the threat. Hence Frowe claims that it is impermissible for Victim to shoot Murderer.

However problems arise if Victim shoots Murderer. Usually individuals are permitted to use lethal force to defend against impermissible lethal threats. This appears to imply that if Victim tries to shoot Murderer, then Murderer is permitted to take lethal counter-defensive measures. This seems highly implausible.

Frowe’s solution invokes an honour-based justification for defensive harm, claiming that when a culpable agent threatens harm, there is a primary threat of harm and a supervening threat to honour. When unjustifiably harmed we are treated as lacking moral status and this threatens to violate our honour; Frowe claims that acts of resistance are required to prevent violations of honour.
Frowe argues that the threat to Victim’s honour which supervenes on Murderer’s primary threat permits defensive harm. The severity of the harm it is permissible to inflict to avert a threat to Victim’s honour depends on the severity of the primary threat and Murderer’s intentions. Frowe argues that Victim’s killing Murderer is unnecessary to avert the lethal threat, making it impermissible for Victim to engage in lethal defensive harming, but that some proportion of the harm inflicted by Victim is necessary to avert the threat to her honour. The severity of harm permissible to inflict in counter-defence is determined by the unnecessary harm that Victim will inflict. Frowe claims that once the harm necessary to defend Victim’s honour is deducted from the threat of lethal harm that Victim poses to Murderer, the unnecessary harm that Victim threatens Murderer with is equivalent to a less than lethal harm. The unnecessary defensive harm Victim threatens is insufficient to justify Murderer engaging in lethal counter-defence.

However, Frowe claims that threats to honour do not justify harming an assailant after the primary threat has actualised. She claims that as threats to honour supervene on primary threats, once a primary threat disappears, the threat to honour also disappears. Supervenience undermines Frowe’s solution to *Lucky Escape*. As retreating would avert the primary threat, retreating must also avert the threat to honour, without harming Murderer. Therefore neither harming to avert the primary threat nor the threat to honour is necessary. If this is true, then Frowe’s solution fails. Victim still poses an entirely unnecessary lethal threat to Murderer, implying that lethal counter-defence is permissible.

Even bracketing this objection, Frowe’s solution is incomplete. Even if the unnecessary harm Victim poses is equivalent to a less than lethal threat, it may be permissible to defend against this threat with lethal force. Frowe claims that anything beyond “moderate harms” such as broken bones are unnecessary for defence of honour, but the harm of death minus a broken bone seems to still permit lethal defensive force (p. 113). Furthermore, although killing Murderer would not wrong him, by intending to unnecessarily kill Murderer, Victim fails to respect Murderer’s moral status. This poses a threat to Murderer’s honour and increases the amount of defensive harm permissible to inflict on Victim.

My second criticism concerns Frowe’s claim that almost all non-combatants on the unjust side of a war are liable to lethal defensive harm, making it permissible to kill them, if necessary, to avert the threat they pose. One is liable through being morally responsible for an unjust threat, for example by intentionally not taking reasonable opportunity to avoid posing the unjust threat. According to Frowe, one can pose an unjust threat merely by being part of the