

CHAPTER 5

DEFENDING THE LIVES OF OTHERS: A DUTY TO FORCEFULLY INTERVENE?

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ABSTRACT

Responsibility to Protect (R2P) doctrine assumes that there exists an underlying humanitarian duty to forcefully intervene in situations where innocent human lives are threatened with unjust violence. But what is the philosophical basis for the humanitarian moral obligation that underpins the R2P doctrine? I demonstrate that a third party should use forceful intervention (which might include lethal force) to protect an innocent human life in cases where the intervener has a duty to rescue the potential victim's life and the use of force is morally permissible. Then I argue that a potential intervener is permitted to kill the attacker when he has an impartial reason for doing so: the attacker is unjustly threatening an innocent person's life. Impartial justification is important in such cases, I argue, because it affirms the equality of all humans: that one human is not worth intrinsically more than another.

Keywords: Self-defence; defence of others; Responsibility to Protect; duty to rescue; intervention

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INTRODUCTION

The last two decades have witnessed the emergence of a norm that supports military intervention to protect people whose lives are unjustly threatened: the purported ‘Responsibility to Protect’ (R2P) doctrine. The R2P literature is concerned with the obligation of states to protect the lives of vulnerable people, including people outside a state’s own jurisdiction (Bellamy, 2014; Chesterman, 2011; Dobos, 2011; Doyle, 2011; Finnemore, 1996; Kuperman, 2013; Pattison, 2010; Weiss, 2012; Wheeler, 2000). In other words, it promotes the idea that one state (or a coalition of states) should, in some cases, militarily intervene in the domestic affairs of other states to rescue groups of people whose lives are unjustly threatened. In the introduction to a special edition of *Ethics and International Affairs* devoted to R2P, Michael Ignatieff (2021) suggested that the world has changed since the International Commission on Intervention and State Sovereignty published the report that came to be known as *The Responsibility to Protect* in 2001. He argues that it is no longer the right time to push for the adoption of R2P norms because ‘the whole project belongs to a vanished era’ of American ascendancy (Ignatieff, 2021, p. 178). At the same time, however, he reiterated his belief in the ultimate value of the R2P doctrine.

Good ideas do not always die just because the times in which they were first articulated turn out to be too barren for them to sprout. They remain on the ground, seeds awaiting a time to germinate. (Ignatieff, 2021, p. 179)

In the spirit of creating one of these seeds to germinate, here I consider what we can learn about the R2P at the level of individuals. In other words, what is the philosophical basis for the humanitarian moral obligation that underpins the R2P doctrine? Mark Bevir and Ian Hall (2020) make the case for examining such underlying philosophical positions. They suggest that clear philosophy enhances the sharpness and clarity of individual research (Bevir & Hall, 2020, p. 123). In our case, there is a small but significant discussion within the philosophical literature in relation to defence of others that might be considered when thinking about R2P. Cecile Fabre (2007), in particular, makes a convincing argument defending a humanitarian duty of forceful intervention – what she describes as mandatory rescue killings. She argues that the duty to provide assistance includes a duty to help others ward off attackers, by exercising lethal force if necessary (Fabre, 2007, p. 364). Fabre points out that the question of ‘whether or not individuals are under a duty to kill in defence of another is of enormous moral, political and legal importance’. The implication being, she believes, that powerful states are therefore under a moral obligation to wage a war of intervention in defence of a genocidal tyrant’s victims (Fabre, 2007, p. 363).

In this chapter, I similarly defend an argument for a humanitarian duty to forcefully intervene in cases where an innocent human life is threatened with unjust violence. I argue that a third party should use forceful intervention (which might include lethal force) to protect an innocent human life in cases where the intervener has a duty to rescue the potential victim’s life and the use of force is morally permissible. To say that the use of force is morally permissible means that

a potential victim has a right to be protected from an unjust threat. Ultimately, we should intervene when we are capable of doing so, it is necessary to prevent the wrongful death of an innocent human, and it is not unreasonably risky or costly.

But then in the second section, I argue, contra Fabre, that morally justified forceful intervention should primarily be based on impartial reasons. Fabre argues that individuals are entitled to confer greater weight to their own interests, and this is the basis for their right to defend themselves against a culpable attacker. She then suggests that a potential victim has the power to confer this permission to kill the attacker on a potential rescuer (Fabre, 2009, p. 163). In contrast, I argue that a potential intervener is permitted to kill the attacker because he has an impartial reason for doing so: the attacker is unjustly threatening an innocent person's life. All other things being equal, a third party must satisfy the same impartial moral requirements that hold for self-defence. Impartial justification is important in such cases, I argue, because it affirms the equality of all humans: that one human is not worth intrinsically more than another.

A HUMANITARIAN DUTY TO FORCEFULLY INTERVENE

Intrinsically Valuable Lives

I start with the presumption that human lives are morally valuable and this makes them worth defending. Or, to put it another way, the life of a human being is something that is *intrinsically valuable*. According to Ronald Dworkin (1993, p. 71), something is intrinsically valuable if 'its value is independent of what people happen to enjoy or want or need or what is good for them'. In contrast, he suggests, something is instrumentally valuable if its value depends on its usefulness in getting something else they want. If we hold the view that human life is intrinsically valuable, then it is a very morally weighty consideration in our decision-making. In other words, it doesn't become less valuable under certain circumstances. John Locke (1988 [1689], pp. 278–279), for instance, suggests that the protection of innocent human lives should be made a priority in situations of mortal danger, 'For by the Fundamental Law of Nature, Man being to be preserved, as much as possible, when all cannot be preserv'd, the safety of the Innocent is to be preferred'. Some might dispute the presumption that human life has intrinsic value, however. What property of a human life, after all, gives it intrinsic value when compared to other forms of life?¹ I rely on the accounts of rights theorists such as James Griffin (2008, pp. 33–37) who suggests that a human being is intrinsically valuable because personhood is valuable; what he describes as a 'substantive' account of personhood.² The key point of a substantive account of personhood, such as Griffin's, is that human life is qualitatively 'different from the life of other animals'.³ Human life is valuable because it is 'human' life.

We human beings have a conception of ourselves and of our past and future. We reflect and assess. We form pictures of what a good life would be And we try to realize these pictures. This is what we mean by a distinctly human existence. (Griffin, 2008, p. 33)

Griffin (2008) says that we ‘value our status as human beings especially highly’ and that human rights should be seen as ‘protections of our human standing or ... our personhood’ (p. 33). To say that a human has intrinsic value then is to make it a primary moral end. That is, it is the main goal of protection rather than the means to secure other rights.

Having stipulated that the intrinsic value of human lives is our starting assumption, I now suggest that this translates into a general humanitarian duty to rescue human lives in danger. That is, we all have an obligation to intervene and rescue a human whose life is in danger. Imagine a situation where a child is swimming at the beach, and he has been struck by an unusually big wave so that he is now panicking and struggling to stay afloat. You happen to be taking a stroll along the shallows when you notice the stricken child, and you quickly recognise you are the only person who can get to him in time before the next wave strikes. Without your immediate help, he will almost certainly drown. Since you are an experienced beachgoer and good swimmer, the risk to you is insignificant. But your brand new iPhone is in your pocket and it will be wrecked if you dive into the waves to save the child. We should agree that in such a situation we all have a duty to rescue the child when the risk and cost to us is so comparably insignificant. Peter Singer (1972, pp. 231–232) describes this humanitarian ‘duty to rescue’ in the following way:

If it is in our power to prevent something bad from happening, without thereby sacrificing anything morally significant, we ought, morally, to do it. An application of this principle would be as follows: if I am walking past a shallow pond and see a child drowning in it, I ought to wade in and pull the child out. This will mean getting my clothes muddy, but this is insignificant, while the death of the child would presumably be a very bad thing.

Both these hypothetical cases highlight a number of considerations in relation to a humanitarian duty to rescue. First, in a case where a human’s life is threatened, but can be preserved by the intervention of another person, then choosing to rescue a life is clearly a morally good choice. Protecting the life of a child who is about to drown is a better outcome than letting him die, all other things being equal. Additionally, a capable person should intervene if the child is dependent on the capable person to save his life. We might imagine that we are the only person on the scene who can save the child. As Scott James (2007, p. 238) points out, we should rescue a human who is uniquely dependent on us to intervene; that is, an individual who relies on you and only you for help. If we are the only person who is in a position to save the child, then we have a moral responsibility to intervene because the child is depending upon us alone for his life. Nobody else can save the child.

But what if the potential intervener cannot swim? He might be putting his own life in serious jeopardy by attempting to save the child. If the potential intervener was likely to die or be seriously injured, then the attempt to rescue the child would be a supererogatory act (and/or possibly foolish). This does not then mean that the potential intervener’s duty to rescue has disappeared, however. The intervener should still seek other means to rescue the child, such as calling for help or throwing the child a rope. A capable person should personally intervene to rescue the child’s life if it is not significantly costly or risky to him. After all, it would be

a callous person who would allow a child to drown because he did not want to wreck his iPhone. In short, a capable person is morally obliged to rescue an innocent person's life if it is not unreasonably costly or risky to the rescuer. This is especially the case if we are the only person who is in a position to intervene and rescue the innocent person.

A Duty to Forcefully Intervene

One might agree that we all have an obligation to rescue another human when faced with a situation meeting the conditions required for an act of rescue listed above, but then object if it requires him to deliberately harm another human, particularly when the act of rescue is likely to be lethal. Is there still a duty to rescue (in order to protect a human life) when it is necessary to forcefully intervene? I argue that the humanitarian duty to rescue humans from being killed can include the use of forceful intervention. Let us imagine a situation similar to the one described above, where a child is close to drowning, and you are the only person who can intervene to save the child's life. But in this particular case, the source of the threat to the child's life is an adult who is deliberately holding the child under the water. You yell at the murderous adult to stop but he ignores you. The only way to rescue the innocent child is to use physical force to stop the actions of the murderous adult. If the level of force necessary to save the child is minimal, such as physically restraining the adult or pushing him over, then I suspect those of us who agreed to the principle of a duty to rescue (as outlined above) would have no problem agreeing to its application here. It is difficult to see how it would not apply since any harm to the adult is likely to be incidental and very minor in comparison to the child's death. Furthermore, we should also agree to more serious uses of forceful intervention that are non-lethal. If we agree that minimal harm to the murderous adult is justifiable when it is necessary to save the child's life, then we should agree to more serious harms – such as breaking the adult's arm or giving him concussion – if this saves the child's life. After all, the harm we are doing to the adult by using forceful intervention is well short of the harm the adult is inflicting upon the child. If this is correct, then this means that we have a duty to use some degree of forceful intervention if it is necessary to save the child's life.

But should the duty to rescue still apply in cases where it is necessary to use lethal force to save the child's life or where there is a significant risk that our intervention will kill the murderous adult? In other words, do we have a duty to kill the murderous adult if that is the only reasonable way to save the child's life? I argue that we do. We know that unjust killing is a serious moral wrong and killing a human is to destroy something that is of great moral value. The lives of both the murderous adult and the child are morally valuable and should be preserved, if at all possible. But in this case, the adult is unjustly threatening the child's life. As we'll see in the section below, this means that the murderous adult does not have the same protection as the innocent child. If we agree that we have a duty to rescue the child, then it seems plausible to suggest that, in combination with the permissibility of killing the adult, we are duty-bound to forcefully intervene by killing the adult, if that is the level of force necessary to save the child.

There is a particular purpose in emphasising a humanitarian duty to forcefully intervene to rescue innocent humans from being killed. George Fletcher (1990, p. 175) suggests that there is little need to constrain our natural impulses with an imperative to save ourselves. As Locke (1988 [1689], p. 206) argues in reference to self-preservation:

The first and strongest desire God Planted in Men, and wrought into the very Principles of their Nature being that of Self-preservation, that is the Foundation of a right to the Creatures, for the particular support and use of each individual Person himself.

But, we do, sometimes, need to be reminded of our obligation to rescue others. In cases where there is little cost or risk for us, it might be clear that we should intervene to save the life of an innocent human. But this becomes less clear when the intervention is costly or risky. Think again of the original case of the child who is drowning and needs us to rescue him. We should rescue someone who is dependent upon our intervention. But what if there is a shark in the water or a storm has whipped up the surf so that the waves are extremely hazardous? Are we obliged to accept high levels of cost and risk to ourselves in order to save others? And if so, where do we draw the line on the amount of sacrifice we are obliged to make for the lives of others? According to Fletcher (1990, p. 176), thinking about defensive intervention as a duty-based act of rescue seems to threaten the universality of the right to defend others. After all, he asks, is one under a duty to rescue everyone?

Any situation requiring forceful intervention is likely to be risky, particularly when lethal force is necessary.⁴ The most obvious source of danger to us in forcefully intervening is from the attacker (whom we are using force against), if he chooses to fight back. In addition, a forceful intervener has two other sources of risk and cost to consider. There could be other interveners who might choose, for whatever reason, to side with the attacker. The intervener might end up having to deal with a number of attackers. Furthermore, a forceful intervener is likely to face serious consequences for killing or injuring the attacker. If the intervener makes a mistake, and wrongfully kills an innocent human, then he is likely to face criminal charges. If eventually acquitted, the experience of being taken to court to face a serious criminal charge (especially unlawful killing or murder) is still likely to be harrowing, and it might drag on for years. And even if the intervener proves to be justified in his actions, he still must live with the psychological and emotional burden of killing another human being. He might also be the subject of retaliation if the family or friends of the attacker seek revenge.

In short, the obligation to forcefully intervene is weakened for the average person, when the intervention is risky and/or costly. The riskier and costlier the intervention, the weaker the obligation to rescue. Although the humanitarian duty to forcefully intervene continues to exist, we should expect that most situations requiring the use of deadly force will be risky and/or costly. This helps explain why some people might believe that intervention using lethal force is not an obligation. If the only way I could save the innocent child from being drowned was to risk my own life by attacking the murderous adult, then I suspect many people

would consider it a supererogatory act rather than something one is duty-bound to do. In contrast, it is more difficult to object to rescuing a life that requires little or no sacrifice on our part.

IMPARTIAL MORAL JUSTIFICATION

Fabre's Partiality Account

Up to this point, my argument largely coheres with Fabre's account for defence of others. We both agree that there can be a duty to kill an unjust attacker in cases where it is necessary to rescue an innocent human life, and that the risk and/or cost to the potential intervener plays a key role in the applicability of this obligation (Fabre, 2007, p. 366). But here is where our accounts come apart. Unlike Fabre, I argue that a third-party intervener is morally *permitted* to use lethal force against an unjust threat with reasons that satisfy the same *impartial* moral requirements that hold for killing in self-defence. Consider the following hypothetical case. Meg tries to shoot Sam in order to kill him and take his wallet. But Dean is standing nearby and he can see that Meg is about to shoot Sam. Dean is quicker on the draw than Meg and intervenes by shooting her first and thus saves Sam's life. In this case, the intervener (Dean) acts on behalf of the victim (Sam) to prevent him from being killed by the attacker (Meg). All other things being equal, Dean is morally justified in killing Meg in order to rescue Sam.

When a third-party intervenes (Dean) to defend the victim of a deadly attack (Sam), the intervener's action is morally justified by the victim's possession of the right not to be killed. In other words, Sam's right not to be killed exists independently of personal preferences or interests. The use of third-party lethal force must be morally justified from this impartial standpoint, which holds for *any* reasonable observer. Such impartiality demands a disinterested approach to the facts of any situation. In contrast, Fabre's (2009) partialist approach to permissible rescue killings says that Sam has a vested interest in killing Meg, which others lack (p. 154). And that Sam's interest in surviving Meg's attack can be transferred as a right to Dean (Fabre, 2009, p. 158). Thomas Nagel (1991, p. 4) describes the distinction between impartialism and partialism in the following way:

The impersonal standpoint in each of us produces ... a powerful demand for universal impartiality and equality, while the personal standpoint gives rise to individualistic motives and requirements which present obstacles to the pursuit and realisation of such ideals.

An impartial justification for the use of lethal force is important because it establishes the equality of all humans: that one human is *not* worth intrinsically more than another human. A third party should not base the use of lethal force on a personal preference for one person over against another because one human life is not intrinsically morally worthwhile than another. Hence, we should consider only impartial moral reasons as valid when an intervener is deciding whether to give preference to the life of a victim over an attacker.

Many moral justifications for killing in defence of others rely on impartiality to permit the intervener to choose the life of the victim over the life of the threat.

Judith Jarvis Thomson's account, for example, is impartial because she argues it is the fact that an unjust threat will otherwise kill a victim that justifies both killing in self-defence and killing in defence of others. According to Thomson (1991), the permissibility of a defender killing an unjust threat in self-defence goes hand-in-hand with the permissibility of an intervener killing an unjust threat to save the life of a victim (p. 306). Her account of morally justified killing in self-defence shares a common moral ground with her account of killing in defence of others. Moreover, because they derive moral justification from the same source, it is true to say that it is morally impermissible for an unjust threat to fight back in both situations (Thomson, 1991, p. 306). What this means, according to Thomson, is that it is not because of the personal interest in preserving his own life that a defender is justified in killing an unjust threat in self-defence. Rather, it is because of the disinterested fact that an unjust threat will otherwise violate a defender's right not to be killed that a defender may proceed in killing an unjust threat. And this impartial moral ground is the basis for forceful intervention by a third party (Thomson, 1991, p. 308).

In a similar vein, Jeff McMahan argues for an approach to morally justified killing in self-defence that is based on the impartial principle of moral liability. According to McMahan (2005), a person who acts with justification to threaten another with harm, to which the other is morally liable, does not threaten to wrong that other person (p. 400). He suggests that 'it is not implausible to suppose that third parties must not intervene' in cases during war where neither innocent civilians nor the just combatants who threaten them are all equally non-liable to be killed. This is because, according to McMahan (2009), there must be an impartial reason to justify the intentional killing of non-liable persons for a third party to intervene on one side or the other (p. 49). Michael Gorr (1990) also puts forward an argument for an impartial principle that determines when it is morally permissible to inflict lethal harm on another human in order to protect oneself or some innocent third party. He refers to this moral principle as 'private defense'. Gorr's intent was to specify the necessary and sufficient conditions for the justifiable infliction of serious harm upon another human that can be applied equally well in either cases of self-defence or defence of others. He argues that,

proportional defensive measures are warranted against any person who lacks justification for causing an otherwise unavoidable threat to the interests of another, regardless of whether or not that person is in any obvious sense an 'aggressor' and even whether or not she is culpable in bringing about such a situation. (Gorr, 1990, p. 241)

In short, the moral permissibility of killing in self-defence and killing in defence of others both have a common moral source. This is the impartial fact that the unjust threat will kill (or seriously injure) the victim/defender unless lethal force is used against the unjust threat.

Mere Self-preservationism?

My concern with Fabre's partiality account is that it does not satisfactorily maintain a clear distinction between permissible killing in self-defence and mere self-preservationism. According to Fabre (2009), one is permitted intentionally to kill

in self-defence (on grounds of partiality) *if and only if* the following two conditions are met: (a) one's survival is at stake (*the necessity condition*); and (b) one is directly threatened by the target of one's self-defensive actions (*the egoist condition*) (p. 153). This is too similar to a self-preservationist (or Hobbesian) view that says that a person is *always* justified in using lethal force if it is necessary to preserve her life. Sharing common ground with the political realist, self-preservationism is a belief based in the notion that survival is the only human interest that matters. Hobbes (1996 [1651], p. 91) states that:

The Right of Nature ... is the Liberty each man hath, to use his own power, as he will himself, for the preservation of his own Nature; that is to say, of his own Life; and consequently, of doing any thing, which in his own Judgement, and Reason, he shall conceive to be the aptest means thereunto

According to Bernard Gert (1967), this view – the rational avoidance of death – plays a central role in Hobbes's political theory. Hobbes held that self-defence is an inalienable right, which is grounded in one's rational concern with his own self-preservation (Gert, 1967, p. 518).

As an action, self-preservation is not necessarily a bad thing. Jenny Teichman (1986, p. 84) describes self-preservation as an act (or set of actions) intended to prevent or reduce harm to a person from a deadly threat. Acts of self-defence, she suggests, are an important subset of self-preservation in the sense they are 'those acts of self-preservation which presuppose an immediate threat from an agent who intends ... to kill or seriously injure you, and which themselves consist of immediate counter-attacks directed at that agent and at no-one else' (Teichman, 1986, p. 84). For example, in another hypothetical case, Meg attempts to kill Sam because she wants to take his money. So Meg points a gun she is carrying at Sam and pulls the trigger with the intention that shooting Sam will kill him. If Sam shoots Meg first in order to defend himself, then he is justified in acting in self-defence. But if Sam was to grab hold of an innocent bystander – Bobby – and use him as a human shield to protect himself from Meg's attack, then this would be an act of self-preservation but *not* justified self-defence. Sam unjustly sacrifices Bobby's life as a means to save himself. The upshot here is that self-preservation is not sufficient by itself to be considered morally justified self-defence.

There are a number of reasons why we should be careful to reject the view that one's life being at stake is sufficient justification for killing. First, in situations where lives are at stake, there should be limits on the actions one can take to preserve lives. Thomson (2008, p. 373) asks us to consider a case she calls 'Transplant' where a medical doctor has the opportunity to save the lives of five sick patients by killing and removing the organs of one healthy man. The preservation of the five lives in this case does not justify killing the healthy man. A second problem with the self-preservationist view is its failure to prohibit harm to innocent bystanders in situations of mortal danger. As described above, we might imagine a situation where Meg is shooting at Sam and the only way Sam can save his own life is by pushing Bobby, an innocent bystander who happens to be within reach, into the line of fire. This act of self-preservation is morally impermissible because it uses an innocent human life as a mere means to an end (Rachels, 1986, p. 128). A third problem with a self-preservationist account of

killing in self-defence is the concern that it reduces morality in conflict to brute force. If we accept this approach to killing in self-defence, then moral justification becomes simply a matter of who is the strongest in the moment to survive. But not just anything goes in self-defence. As Thomson (1991, p. 305) points out, we cannot simply say that ‘all bets are off’ when you will otherwise die’. She argues that the premise ‘A will otherwise die’ is not sufficient for the conclusion that A may kill B. One’s life being threatened is a necessary but not solely sufficient condition to justify killing in self-defence: there needs to be something more to make an act of self-preservation count as morally justified killing in self-defence. That is, there must be a moral difference (i.e. moral asymmetry) between the two parties that counts (Ford, 2022).

In short, Fabre’s partiality account blurs the bright line requiring a defender to establish that there is a relevant moral asymmetry between himself and a deadly threat. The defender should not have permission to kill others to save his own life simply because it is his life at stake. After all, both parties are likely to value their own lives. For example, imagine a situation where Meg unjustly attacks Sam. She attempts to shoot him but misses. This gives Sam enough time to shoot back at Meg in self-defence. Unfortunately for Sam, he also misses, which gives Meg the opportunity to take a second shot. She hits Sam and kills him. Meg can now argue that she acted in self-defence because, according to the partiality approach, she has a right to prefer her own life over Sam’s. This is the case even though Meg was the one who unjustly attacked Sam in the first place. Fabre acknowledges that partiality might allow an attacker to claim that he is acting justifiably in such cases. Her solution is to add a proviso that the defender cannot have provoked the attack (Fabre, 2009, pp. 154–155). But this still doesn’t explain why the defender’s preference trumps other moral considerations. What makes self-preference the overwhelmingly decisive factor? What about other potentially morally worthy considerations, such as the utility of the lives at stake or the ages of the people involved?

More importantly, it’s not clear how a defender transfers the right to protect himself – on the basis of a special stake in his own life – to a third party. The egoist condition, as expressed by Fabre (2009), says that one must be directly threatened by the target of one’s self-defensive actions (p. 153). On the face of it, this rules out the partiality justification in defence of others. So, for example, a parent could kill an attacker in his own self-defence but not in defence of his child. A parent attempting to intervene using lethal force against an attacker to protect his child would then be morally liable to defensive force himself, which would be an absurd result. So a fundamental flaw in Fabre’s account is lack of clarity about the mechanism for transferring the moral permissibility to kill in self-defence from the potential victim of an unjust attack to someone capable of intervening.

CONCLUSION

A third party should use forceful intervention (including lethal force) to protect an innocent human life in cases where the use of force against an unjust threat is morally permissible and the intervener has a duty to rescue the victim’s life.

This humanitarian duty includes forcefully intervening when: (1) we are capable of intervening; (2) our intervention is necessary to prevent the wrongful death of an innocent human; and (3) intervention is *not* unreasonably risky or costly. Furthermore, the moral permissibility of forcefully intervening is built on a principle of impartialism. All other things being equal, a third party must satisfy the same impartial moral requirements that hold for self-defence. In the absence of an impartial moral justification, an intervener who uses lethal force is liable to defensive force himself. If this is correct, then it is *morally obligatory* for the intervener (Dean) to kill the attacker (Meg) in order to rescue the victim (Sam) when it is morally permissible to kill Meg and: (1) Dean is capable of intervening to rescue Sam's life; (2) Dean's intervention is necessary to prevent Sam's wrongful death; and (3) Dean's intervention is *not* unreasonably risky and/or costly to himself.

NOTES

1. Although I cannot address this debate here at any length, I will note that a view which holds that human life is no more valuable than other forms of life, strikes me as implausible if it puts a human life morally on par with that of bacteria.

2. A potential problem with basing the intrinsic value of human life on personhood, however, is that it might not include selves who lack a sufficient level of normative agency, such as infants and the severely mentally retarded. But when we talk about defending the lives of others, I am presuming that most people would include children as proper subjects of rescue. Infants have the capacity to become persons and, under normal conditions, will become persons (whereas bacteria and puppies do not have the underlying capacity and thus will not become persons). And severely mentally retarded people are human beings with damaged underlying capacity and, therefore, diminished properties of persons (as opposed to not having those properties at all).

3. This is not a comment on the intrinsic worth or otherwise of animals. Rather it is to suggest that animals require a distinct moral analysis. In other words, 'human rights' are the wrong category to imbue animals with intrinsic value.

4. There are also likely to be a raft of broader issues relating to the problem of 'vigilantism'. But I will not address those issues here.

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