

Book Reviews/Comptes rendus

Cosmopolitan Peace

CÉCILE FABRE

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Cécil Fabre's latest book is a state of the art analysis of important and emerging issues in the discourse about just war. On Fabre's reading, cosmopolitanism demands that human beings wherever they reside have rights to whatever resources and freedoms are necessary to lead a flourishing life, and this implies "that they should be able to frame, revise, and pursue a conception of the good with which they identify" (3). It goes "hand in hand" with a certain attitude toward sovereign states and the legitimacy of national borders; "membership in this or that political community," she argues, "has limited ethical relevance. It ... does not generate obligations between fellow residents which outweigh obligations to distant strangers" (5). Sovereignty rights on this view are nothing other than "an instrumentally valuable way to discharge general, cosmopolitan obligations of justice."

Cosmopolitan Peace follows Fabre's much admired 2012 book *Cosmopolitan War* and it brings the cosmopolitan outlook to bear on "war endings and justice after war." She applies cosmopolitan justice to a range of normative issues that have not in the past been fully explored by just war theorists. An obvious virtue of the book is that it provides an ethical framework to underpin surrender pacts (Ch. 2), peacekeeping operations (Ch. 3), peace treaties (Ch. 4), restitution (Ch. 5), reparations (Ch. 6), punishment of war criminals (Ch. 7), and reconciliation programs (Ch. 9). Indeed, Fabre's innovative explorations of transitional foreign administrations (Ch. 8) and remembrance (Ch. 10) are virtually new inclusions to the just war discourse.

A foundation of this far-reaching theory of war endings and justice after war is the distinction Fabre attempts to draw between "justified peace" and "justified peace_{atc}."¹ While justified peace carries cosmopolitanism's full commitment to universal rights protection, the latter concept allows for a condition of peace "all things considered," by

¹ The subscript 'atc' (all things considered) stipulates that under a condition of justified peace_{atc} less than the full range of universal human rights are protected.

Dialogue (2017), Page 1 of 3.

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2 Dialogue

which Fabre means a “state of affairs in which individuals do not enjoy all of their non-basic rights” (20) because of scarce resources, uncertainty, or non-compliance by powerful agents (19, 313).

Another cornerstone of *Cosmopolitan Peace* is the “dependence of *ius in bello* upon *ius ad bellum*” (21). Soldiers fighting in an unjust war give up their traditional “war rights” including the right to kill enemy soldiers. To defend her position, she articulates a “causal contribution” argument, according to which choices of individuals, rather than citizenship and nationality, determine rights and responsibilities after (as during) war (6).

In many of these contexts, the claims and distinctions that emerge from cosmopolitan justice yield intuitive conclusions. Peace agreements are normally administered by the United Nations (UN) and a primary legal commitment of the UN is to universal human rights protection. Military occupation is typically a task undertaken by powerful countries inside weak or failed states; it is hard to envision a framework other than cosmopolitanism suitable to constrain military occupiers.

Fabre’s framework of cosmopolitan principles represents a categorically individualistic view of just war. It departs considerably from Michael Walzer’s theory in *Just and Unjust Wars* (which is unsurprising; Fabre’s contributions to just war literature frequently consolidate or expand views carved out or endorsed by Walzer’s cosmopolitan critics). So, even if *Cosmopolitan Peace* reflects the most progressive understanding of the just war tradition in recent memory, and one unambiguously committed to protection of basic human rights, just war theorists from any but the current generation would likely contest the architecture that makes Fabre’s framework function so well.

Its breadth of reach and unsurpassed clarity of argumentation nevertheless make this book a must read for contemporary theorists. Fabre’s analysis of two quite different issues—punishment and remembrance—demonstrates why. Punishment is deeply problematic not only within just war discourse but in geopolitical conflicts around the world, where whole societies can be subjected to uncritical punishment for the crimes of a few irresponsible leaders, or where amnesty for war criminals can become the easy path out of civil strife. Fabre argues compellingly that choices of individuals—certainly the choices of high officials, but sometimes also those of rank-and-file soldiers—justify criminal punishment; punitive action that imposes burdens on entire populations cannot be justified (179). And even when it is possible to bring war criminals in front of international tribunals, doing so is justified only if those measures produce a justified peace_{atc} (213).

Fabre’s pioneering chapter on remembrance argues from the same premises. Commemoration of past wars “is best justified by appeal to the moral imperative of bringing about universal peace” (303). Remembrance is justified when it “transcends national and political borders and yet is appropriately sensitive to the specific historical and personal importance which the remembered war has for those who commemorate it” (283).

Both are important developments in just war cosmopolitanism and Fabre’s reasoning fastens together these and every other philosophical position defended in the book. On the other hand, traditional just war theorists might order things differently. They might dispute the value of the “cosmopolitan archipelago” (198) that Fabre is moved to defend as a model of universal jurisdiction. Regarding remembrance, they might contend that common patterns of commemorating sacrifices by *our* soldiers to preserve *our* way of life should play a significant role in justifying war remembrance. They might

hold in short that political communities should retain a degree of primacy in certain judgements about war but they ought nevertheless to cultivate fellowship whenever possible among their people and the rest of humankind.

The precedence of new just war theory over old may be this book's greatest attribute, and Fabre builds a persuasive case that it is. A few will maintain against Fabre that just war doctrines contained much of value in phases that preceded radical individualism. On the other hand, few would disagree that *Cosmopolitan Peace* represents the most influential and the most meticulously argued normative account of war's aftermath produced to date.

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