

Against a Lockean Interpretation of the State Right of Self-Defense

**Abstract:** In this paper, I argue for the following conditional claim: if one accepts the Lockean argument for state rights of self-defense, then one cannot accept the received view of the state right of self-defense found in contemporary just war theory. What follows from the Lockean argument about what it is justifiable to do in the prosecution of a war contradicts, I contend, what contemporary just war theorists claim it is justifiable to do in the prosecution of a war. To argue for this conditional claim, I first present Locke's argument that all state rights are, as John Simmons puts it, "the redistributed natural rights of citizens."<sup>1</sup> Then, I argue that this reductive understanding of state rights entails certain conclusions about what sorts of wartime actions are justified. In particular, I argue that, according to the Lockean picture, only those combatants who are morally responsible for unjust attacks may be justifiably attacked. This conclusion, however, goes against contemporary just war theory, which maintains that moral responsibility for an unjust attack is not required for moral liability to attack; all that is required is that combatants be causally responsible for posing a threat. If combatants pose a threat, contemporary just war theorists maintain, then they may be justifiably attacked, regardless of whether they are morally responsible for posing that threat. Thus, I conclude, the Lockean understanding of what is justified in war, which flows from the Lockean justification for state rights of self-defense, is radically at odds with the received view in contemporary just war theory. I then argue that, given the truth of this conditional claim, contemporary just war theorists have reason to reject the Lockean argument for state rights of self-defense in favor of some other, more friendly, view.

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1 John Simmons, *The Lockean Theory of Rights*, 124.