

# Rethinking Preemption and Prevention: War, Imminence, and Certainty

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*This paper answers the following two questions: (1) What differentiates preemptive wars from preventive wars? (2) Can prevention ever be a just cause for war? With respect to the first question, it contends that the certainty of unjustified rights violations, as opposed to their temporal imminence, differentiates preemptive wars from preventive wars. To show this, it utilizes two hypothetical cases, which illustrate the certainty-based distinction. It also suggests that Derek Parfit's "bias towards the near" can explain the literature's focus on temporal imminence, as opposed to the certainty of unjustified rights violations. With respect to the second question, it argues that preventive justifications for armed conflicts, understood in terms of the certainty of unjustified rights violations, do not justify armed conflicts.*

## Introduction

Following the terrorist attacks of September 11<sup>th</sup>, 2001, President George W. Bush clarified America's position on preemptive warfare. In a speech at the United States Military Academy, Bush stated that American security forces needed "to be ready for preemptive action when necessary to defend our liberty and to defend our lives."<sup>2</sup> In 2003, a policy of preemptive warfare was then utilized to justify the American invasion of Iraq. Commentators objected that the policy of preemptive warfare in the Iraq War bled into a policy of preventive warfare – starkly opposed to preemption.<sup>3</sup>

As Jeff McMahan has noted, it "is highly contentious whether the prevention of future aggression can be a just cause for war."<sup>4</sup> Questions pertaining to preemptive warfare and preventive warfare abound, including: What differentiates preemption from prevention? Can prevention ever be a just cause for war? This paper attempts to answer both these questions.

The first section provides some clarifications and discusses the study methodology. The second section reviews the distinction between preemption and prevention as it is currently understood. It turns on the temporal imminence of an unjustified rights violation. The third section provides two hypothetical cases in which the current distinction fails. It is unable to account for cases in which certainty and temporal distance come apart. To account for these cases, the study advances a new distinction between preemption and prevention. It turns on

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<sup>2</sup> George W. Bush, "President Bush Delivers Graduation Speech at West Point," June 1, 2002, <https://georgewbush-whitehouse.archives.gov/news/releases/2002/06/print/20020601-3.html>.

<sup>3</sup> See David Luban, "Preventive War", *Philosophy and Public Affairs* 32, no. 3 (2004): 207–48.

<sup>4</sup> Jeff McMahan, "Just Cause for War", *Ethics and International Affairs* 19, no. 3 (2005): 14.

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the certainty of unjustified rights violations. Although determining the certainty of temporally distant affairs may be difficult to achieve in practice—requiring epistemic access to the future and perhaps commitments to determinism—the certainty of unjustified rights violations helps to account for our intuitions.

The fourth section attempts to explain why preemption literature has mistakenly focused on imminence. It examines Derek Parfit's bias towards the near and explains the relationship between certainty and temporal imminence. The fifth section argues that preventive justifications for warfare do not adequately justify armed conflicts. This is because there exist no certain threats or unjustified rights violations that could justify the use of force. The sixth section closes the paper by noting lingering questions that pertain to the examination of preemption and prevention, as other factors and interpretations might be important to operationalizing these concepts. As such, this paper is meant to be a starting point in rethinking preemption and prevention rather than the final say on such a matter.

By presenting these arguments, the paper seeks to clarify when conflicts are morally justified—or at least morally permissible, with some defeasible reasons counting in their favor. Such clarifications are needed for at least three reasons. Security threats are ubiquitous in the contemporary environment. Modern-day cases of cyberwarfare and drone warfare, along with the conflict between Russia and Ukraine and tensions between China and Taiwan, highlight the prevalence of international conflict. Understanding when morality sanctions the use of force can help address practical questions regarding military action.

Understanding when a justified conflict can be waged—when “killing and maiming” is justified—is important to ensuring a stable peace.<sup>5</sup> International action that appears morally unjustified may undermine any achieved security goals. They will appear illegitimate, grounding future threats in the global domain. Ensuring that international action is morally justified supports the permanence of security goals. There are thus prudential reasons to focus on the ethics of warfare.

The assumption that individuals have rights against unjustified harm is fairly uncontroversial in moral theory. Yet, warfare inflicts such harms on various populations on a massive scale. Combatants bear physical and psychological harms. Civilians bear harms associated with food scarcity and the risks associated with military targeting. Because there are *prima facie* considerations that count against such harms, it is important to understand when they can be inflicted. Warfare poses large problems to those who care about morality. It sanctions wide-ranging harms. Identifying when these harms are justified is crucial to acting morally and ensuring that others are not morally wronged.

### **Clarifications and Method**

Three important clarifications frame this paper, along with a note about its methodology.

This paper speaks of unjustified rights violations, which are a moral wrong because one's rights are violated without an adequate justification or excuse. If John shoots a random

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<sup>5</sup> For the point on “killing and maiming,” see McMahan, “Just Cause for War,” 11. The idea that all just wars aim at peace is seen in the writings of Augustine and Thomas Aquinas. See Augustine, *Augustine: The City of God against the Pagans*, ed. R. W. Dyson (Cambridge, UK: Cambridge University Press, 1998), book 19; Thomas Aquinas, *Summa Theologica* (Notre Dame, IN: Christian Classic, 1981), IIa-IIae, Q40.

individual, Jessica, without an adequate justification or excuse, it is reasonable to say that John has morally wronged Jessica. This is because he has unjustifiably violated her right against harm.

A justified rights violation is not a moral wrong. This is because one's rights are violated in the presence of an adequate justification or excuse. Consider the following case. James robs a bank and attempts to flee the crime scene. Alice, attempting to stop James, shoots him in the leg, immobilizing him. In this case, it is reasonable to say that Alice did not morally wrong James, even though his right against harm was violated. This is because Alice had the justification of stopping James, the robber.<sup>6</sup>

The study will often refer to threats and unjustified rights violations. For the purposes of this paper, it uses these terms interchangeably. But it must be acknowledged that these two might come apart in interesting and important ways.<sup>7</sup>

This paper utilizes cases from domestic, interpersonal morality to clarify our intuitions about the morality of warfare. This is consistent with contemporary work on the ethics of warfare, which is oftentimes reductive individualist. Reductive individualists maintain that the ethics of international relations is reducible to interpersonal morality, and interpersonal morality is about the rights and duties of individuals.<sup>8</sup> Prominent reductive individualists include Jeff McMahan, Helen Frowe, and Cécile Fabre.<sup>9</sup>

Some philosophers, like Michael Walzer, object to this reductive individualist comparison.<sup>10</sup> They argue that warfare differs from interpersonal morality in important ways. For instance, in interpersonal morality, there is an overarching authority such as a state. Alternatives to violence also exist. This study stresses that comparison between interpersonal morality and warfare can clarify and strengthen understanding of the relevant concepts.<sup>11</sup> What is more, attempts to differentiate the ethics of warfare from interpersonal morality face various difficulties. Among these, they struggle to account for the feature that makes the two disanalogous.<sup>12</sup> Therefore, there are positive and negative reasons to favor reductive individualism.

Finally, a note about methodology. Like many in the ethics of warfare, this paper employs

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<sup>6</sup> It is a further question as to whether James actually retained his right against harm, which was then outweighed by other considerations, or if his actions caused his right to be waived. In either interpretation, there exists a distinction between justified and unjustified rights violations.

<sup>7</sup> See Adam Hosein, "Are Justified Aggressors a Threat to the Rights Theory of Self-Defense?", in *How We Fight: Ethics in War*, ed. Helen Frowe and Gerald Lang (Oxford, UK: Oxford University Press, 2014), 87–103.

<sup>8</sup> Helen Frowe, *The Ethics of War and Peace: An Introduction*, 2nd ed. (New York, NY: Routledge, 2016), 263.

<sup>9</sup> For examples, see Jeff McMahan, *Killing in War* (Oxford, UK: Clarendon Press, 2009); Helen Frowe, *Defensive Killing* (Oxford, UK: Oxford University Press, 2014); Cécile Fabre, *Cosmopolitan War* (Oxford, UK: Oxford University Press, 2012).

<sup>10</sup> Michael Walzer, "Response to McMahan's Paper," *Philosophia* 34, no. 1 (2006): 43–45.

<sup>11</sup> For more on the potential disanalogy between warfare and interpersonal morality, see Seth Lazar, "Method in the Morality of War", in *The Oxford Handbook of Ethics and War*, ed. Seth Lazar and Helen Frowe (Oxford, UK: Oxford University Press, 2015). I would like to thank Jeremy Waldron for specifically mentioning the point about authority. In international relations, the United Nations is one such potential authority. Yet, it lacks the coercive power of a state.

<sup>12</sup> Frowe, *The Ethics of War and Peace*, 126; Jonathan Parry, "Legitimate Authority and the Ethics of War: A Map of the Terrain", *Ethics and International Affairs* 31, no. 2 (2017): 176–77.

Rawlsian reflective equilibrium.<sup>13</sup> The goal of this method is to reach equilibrium between individual cases and broad moral principles. To begin, this method draws upon pre-theoretic intuitions about examples—for instance, whether a given act is justified in a given scenario. Intuitions are generalized and used to establish moral principles. Principles are tested against further intuitions and revised to capture as many intuitions as possible. If a principle fails to account for intuitions, the principle is revised, rejected, or the given intuition is revised. Reflective equilibrium thus aims to establish moral principles that account for our individual intuitions.

This paper draws such intuitions from hypothetical cases. The use of hypothetical cases keeps in line with much of the reductive-individualist ethics of warfare. However, one might object to the use of hypotheticals. Instead, one might favor using real-world cases. Indeed, some in the ethics of warfare do use real-world cases.<sup>14</sup> Using these real-world cases runs the risk of relying on further facts about the world. They may be unable to isolate the relevant feature pertinent to a given moral principle. Historical details may obscure the moral principle at play. Therefore, this paper uses hypothetical cases, which help us isolate our intuitions apart from any confounding variables. As Helen Frowe writes, the main purpose for using hypotheticals is their “ability to clarify our ideas and our thinking...enabl[ing] us to identify general principles that can be obscured.”<sup>15</sup>

### **The Current Literature and Its Focus on Imminence**

Before advancing a new distinction between preemption and prevention, it is necessary to understand how these terms are currently used in the literature. In the just war literature, authors who differ on a variety of substantive points, such as Walzer and McMahan, differentiate preemption and prevention similarly. They center the imminence of an unjustified threat or rights violation. Generally, preemptive reasons for the use of force refer to reasons that count in favor of the use of force because an unjustified threat or rights violation is “imminent but not actual.”<sup>16</sup> Contrarily, preventive justifications for war “address a threat of unjust attack that is neither in progress nor imminent, but temporally more remote.”<sup>17</sup>

#### **Traditional Preemptive War**

Historically, the Arab-Israeli Six Day War is often cited as an example of a preemptive war. Yet, to illustrate the notion of a preemptive war more clearly, consider the following hypothetical.<sup>18</sup> Following years of tension, State A knows that State B will attack it in a week’s

<sup>13</sup> John Rawls, *A Theory of Justice: Revised Edition* (Cambridge, MA: Belknap Press, 1999), 18–19, 42–45.

<sup>14</sup> Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (New York, NY: Basic Books, 2006).

<sup>15</sup> Frowe, *Defensive Killing*, 5.

<sup>16</sup> Walzer, *Just and Unjust Wars*, 74.

<sup>17</sup> McMahan, “Just Cause for War”, 14.

<sup>18</sup> It, along with other examples to come, assumes that states have a right to territorial and political sovereignty. That states have a right to territorial and political sovereignty is a controversial claim in revisionist just war theory. Walzer argues that states do have this right in his *Just and Unjust Wars*. Prominent dissidents include Seth Lazar and David Rodin: see David Rodin, *War and Self-Defense* (Oxford, UK: Oxford University Press, 2002), 48; Seth Lazar, “National Defence, Self-Defence, and the Problem of Political Aggression”, in *The Morality of Defensive War*, ed. Cécile Fabre and Seth Lazar (Oxford, UK: Oxford University Press, 2014). However, because the intuition that states have a right to territorial and political sovereignty is a weighty one, it is assumed *in arguendo*.

time. State B has made final preparations, about which State A has learned. State A can stop the invasion by attacking first. Doing so, State A rightly believes, will secure crucial tactical advantages that will shape the war's outcome.<sup>19</sup>

In traditional preemptive war, it appears that State A is going to suffer an unjustified rights violation at the hands of State B. The threat of an unjustified rights violation seems imminent, given that State B has made final preparations for this invasion.

Is State A therefore justified in attacking State B first? Generally, in the just war literature, the answer is affirmative. The threatened party can preemptively resort to the use of force against a threatener because the threatened have a right to protect themselves against unjustified harm.<sup>20</sup> Because of this right, the threatened party need not wait until their rights have been violated to use force against imminent threats. Because a threatener poses an unjustified threat, the threatener can permissibly be harmed.<sup>21</sup> From this, the just war literature concludes that State A can launch a morally permissible, preemptive attack on State B.

This view of preemption—which focuses on “imminent but not actual” threats or unjustified rights violations—has intuitive appeal in a variety of domestic cases.<sup>22</sup> If a knife-wielding attacker threatens an innocent individual, the latter can permissibly use force to stop the attack, even if they have not been stabbed. It is usually held that the knife-wielding attacker's threat, if it is imminent, justifies the use of force before the direct attack occurs.

### **Traditional Preventive War**

In contrast to the preemptive justification for use of force, there are preventive justifications for armed conflict. Oftentimes, the United States' 2003 invasion of Iraq is considered a preventive war. To more clearly elucidate this concept, take the following example. Tensions exist between State A and State B. State A believes that if State B gains military supremacy, it will invade State A. State B has taken several steps to pursue military advancement and gain military supremacy over State A in several decades. Would State A be justified in attacking State B now to prevent the latter from gaining military supremacy in several decades?

According to the just war literature, State A would not be justified in invading State B. This is because there was no imminent unjustified threat or rights violation. State B has not utilized any military force to advance its ends. Instead of aiming at State B's imminent military capacities, State A uses force to reduce State B's future military capabilities. This is how preventive wars function. They use force against temporally distant, unjustified threats or rights violations. These threats have not violated any rights at a given time, but they threaten to violate rights at a future time.

### **A New Distinction? A Turn to Certainty**

The just war literature distinguishes between preemptive justifications for war and preventive

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<sup>19</sup> For an empirical account of the so-called “first-strike advantage,” see Steven Beard and Joshua A. Strayhorn, “When Will States Strike First? Battlefield Advantages and Rationalist War,” *International Studies Quarterly* 62, no. 1 (2018): 42–53.

<sup>20</sup> Rodin, *War and Self-Defense*, 88.

<sup>21</sup> In real-world cases, the history of rights violations seems to affect intuitions about preemption and prevention. This paper acknowledges this concern and proceeds at a level of idealization that abstracts away from the history of such rights violations.

<sup>22</sup> Walzer, *Just and Unjust Wars*, 74.

justifications for war according to imminence. On this view, preemption seeks to arrest threats or unjustified rights violations that are imminent. Prevention aims at stopping unjustified rights violations that are “temporally more remote.”<sup>23</sup> However, the distinction between preemption and prevention hinges on the certainty (or lack thereof) of unjustified rights violations. It does not turn on imminence. Below are two hypothetical examples to illustrate how certainty underlies the difference between preemption and prevention. These hypothetical examples help to “identify the general principles that can be obscured” by real-world cases.<sup>24</sup>

**Table 1: Hypothetical Examples of Differing Certainty**

| Unlikely but Near Threat   | Likely but Distant Threat  |
|--|--|
| Echoa and Echor are both states. Echoa has intelligence that there is a five percent chance that Echor will launch a military attack in three days. The leaders of Echoa know that if they are to repel Echor’s attack they must launch a strike immediately and gain the advantage. | Echoa and Echor are both states. Echoa has intelligence that there is a 95 percent chance that Echor will launch a military attack in ten years. The leaders of Echoa know that if they are to repel Echor’s future attack they must launch a strike immediately (that is, ten years in advance) and gain the advantage. |

In **Unlikely but Near Threat**, the threat to Echoa is unlikely, yet temporally proximate. In **Likely but Distant Threat**, the threat to Echoa is likely, yet temporally distant. According to existing just war arguments, violence would be allowed in the first example but not in the second. This is because the violence is “imminent” in the former. Yet, in the latter, violence is “neither in progress nor imminent, but temporally more remote.”<sup>25</sup>

The problem is that it seems wrong to hold that violence in the case of **Unlikely but Near Threat** is justified. Even though the threat is temporally proximate, the chance of the unjustified rights violation is relatively unlikely. This uncertainty casts doubt on whether violence should be sanctioned in this scenario. There remains a 95 percent chance that the threat will not actualize, even though the threat is temporally near. The use of force against the imminent threat seems impermissible. Such an intuition, though, runs *contra* the imminence-focused view.

Moreover, it seems questionable that violence in the case of **Likely but Distant Threat** is unjustified. After all, despite the temporal distance of the threat, the threat is nearly certain. Given that the threat is nearly certain, it seems that violence could reasonably be used despite its temporal distance from the present. The use of force seems justified. Yet, if one focuses on imminence, it would be unjustified. Force would be impermissible on the imminence-focused view because the threat is not imminent. Clearly, the current literature focused on the imminence of threats cannot capture our intuitions about **Unlikely but Near Threat** and **Likely but Distant Threat**.

<sup>23</sup> McMahan, “Just Cause for War”, 14.

<sup>24</sup> Frowe, *Defensive Killing*, 5.

<sup>25</sup> Walzer, *Just and Unjust Wars*, 74; McMahan, “Just Cause for War”, 14.

The difference between preemption and prevention therefore hinges on the certainty of unjustified rights violations. Preemption refers to the use of force against an unjustified threat or rights violation that is highly certain. Contrarily, prevention refers to the use of force against an unjustified threat or rights violation that is uncertain. In cases of preemption, the threat or unjustified rights violation is more certain; in cases of prevention, the threat or unjustified rights violation is less certain.

If one focuses on the certainty of unjustified rights violations, then one can better explain the difference between **Unlikely but Near Threat** and **Likely but Distant Threat**. In **Unlikely but Near Threat**, violence would be unjustified because the unjustified rights violation in question is highly unlikely. In **Likely but Distant Threat**, the violence would be justified because the unjustified rights violation in question is nearly certain. This new distinction better accommodates intuitions about these cases than accounts in contemporary literature.

Unlike definitions offered by Walzer and McMahan, this distinction does not make recourse to temporal distance. It only focuses on the certainty of unjustified rights violation. It leaves open what level of certainty differentiates preemption from prevention. One might view this ambiguity as a downside of this approach. However, imminence theorists leave open the same question. For certainty, it is a question of what counts as “certain”; for imminence, it is a question of what counts as “imminent.” Therefore, the lack of a clear cutoff should not count against the certainty-based view.

One might object that this focus on certainty, in examples like **Likely but Distant Threat**, is impractical. It requires impossible epistemic certainty and perhaps a commitment to determinism. Things could take place during the relevant span of temporal distance that might hinder a state’s future attack, including economic, natural, or political crises. This practical concern does not represent a failure of the model. It may be difficult, if not impossible, to determine the certainty of a threat in some cases. This does not change whether the distinction between preemption and prevention is correct. Focusing on certainty best captures human intuitions.

In fact, a similar problem faces imminence theorists. For them, it is a question of determining when an attack is imminent, as opposed to whether it is certain. But surely there are cases in which determining imminence is difficult or nearly impossible. In such cases, determining imminence may require more than our epistemic capacities can provide. If such cases exist, then surely the imminence-focused view is no better off than the certainty-based view. At worst, both theories are on a par. And given that the certainty-based view captures more of human intuitions, it ought to be favored.

### **Why Does the Literature Focus on Imminence? A Possible Explanation**

The competing theories of certainty and imminence can explain why the literature has erred in distinguishing preemption and prevention. The reliance on temporal imminence underlies a bias in the literature, which Derek Parfit refers to as the “bias towards the near.”<sup>26</sup> The bias towards the near refers to the attitude in which one “care[s] less about the further future.”<sup>27</sup> This tendency reveals itself in everyday examples, like the fact that “we often bring pleasures

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<sup>26</sup> Derek Parfit, *Reasons and Persons* (Oxford, UK: Oxford University Press, 1984), 159.

<sup>27</sup> Parfit, *Reasons and Persons*, 160.

into the nearer future and postpone pains.”<sup>28</sup> While Parfit applies the bias towards the near to individuals. It also seems applicable to group agents, like states. Parfit argues that when deciding, “we should discount for *uncertainty*, but not for mere [temporal] *remoteness*.”<sup>29</sup>

The bias towards the near hinges on the fact that the future is open and that the distant future is more uncertain. To put the point differently, “nearer pleasures are in general more certain.”<sup>30</sup> Because of this, nearer pleasures should be prioritized, and farther pains unprioritized. However, such an attitude is irrational, as “mere temporal position, or distance from the present, is not a reason for favoring one moment over another.”<sup>31</sup>

This helps to explain the literature’s focus on imminence: doing so discounts for temporal remoteness. Sometimes, this is rational. The certainty of a rights violation is oftentimes correlated with imminence. Because the farther future is more open and less clear than the nearer future, imminence often serves as a proxy for the certainty of right violations. However, imminence and certainty can come apart. This was seen through **Unlikely but Near Threat** and **Likely but Distant Threat**. As a result, it is irrational to discount for imminence. What is rational is to discount for certainty.

In the context of the ethics of warfare, the bias towards the near manifests itself in the literature’s distinction between preemption and prevention. Because certainty and imminence are often correlated, it is understandable that the literature has focused on imminence. However, this view is philosophically unsound, as certainty and imminence can come apart. What distinguishes preemption and prevention is the *certainty* of the unjustified rights violations in question.

### **Preemption, Prevention, and Justification**

This paper advances a new distinction between preemption and prevention, one which focuses on the certainty of unjustified rights violations. This revised distinction does not decide whether preemptive or preventive justifications count in favor of armed conflicts. Given that most philosophers believe that preemptive justifications count in favor of war action, this section focus on whether preventive justifications – those that reference uncertain, unjustified rights violations – count in favor of justifying armed conflict.

One can imagine a preventive war such as the following example, where  $t_1$  represents a distant timeframe and  $t_2$  presents a nearer timeframe. Tensions exist between State A and State B. State A thinks that there is a ten percent chance that State B will invade State A at  $t_1$ , violating State A’s territorial and political sovereignty. Fearing this, State A invades State B at  $t_2$ , so that State B has no opportunity to invade State A.

In preventive war, the unjustified threat to State A’s sovereignty is unlikely. Nevertheless, State A uses violence to prevent State B’s unlikely invasion. In this case, the preventive war would be unjustified – that is, the preventive justification for the war would not morally justify

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<sup>28</sup> Parfit, *Reasons and Persons*, 160.

<sup>29</sup> Parfit, *Reasons and Persons*, 162. Emphasis added by author.

<sup>30</sup> Quotation from Jeremy Bentham in Parfit, *Reasons and Persons*, 158.

<sup>31</sup> Quotation from John Rawls in Parfit, *Reasons and Persons*, 163.



the conflict. In this case, preventive reasons do not count in favor of war because no rights violations have occurred at  $t_2$ , so State B's right against unjustified harm imposes a duty on State A not to harm State B.

Furthermore, because the rights violation is highly unlikely, using force seems risky. It is generally held that humans have a duty to avoid acting riskily when such acts would potentially harm others. Think, for instance, of the disapprobation to drunk driving. Even if no one is harmed, most people think that such acts are wrong because they are risky.<sup>32</sup> Violating this duty to not act riskily constitutes a second reason to think that preventive justifications do not count in favor of armed violence.

The notion that one should not use force against highly uncertain threats has intuitive appeal in domestic cases. Take the case of an individual who attempts to buy a knife. Some may fear that the individual who tries to buy a knife may become a knife-wielding attacker. They might thus advocate for using force or sanctions against this individual, perhaps in the form of preventing the person from making the purchase. But this individual will not necessarily become a knife-wielding attacker. It is not the case that one will become a knife-wielding attacker solely because one purchases a knife. Therefore, it seems erroneous to claim that preventive force can be exercised in this case, as no unjustified rights violations have occurred and because such right violations are highly uncertain (and underdetermined).

The example of the knife-purchasing individual brings out an additional feature of the certainty view: different actions carry with them differing certainties of a threat or an unjustified rights violation. In many non-ideal contexts, people use heuristics, proxies, and signals to discern the certainty of a threat or an unjustified rights violation.<sup>33</sup> The strongest, most useful signals are those that are associated with increased certainty due to psychological reinforcement mechanisms.<sup>34</sup>

Returning to the previous example, it may be noted that purchasing a knife is not a strong signal that one is a knife-wielding attacker. This signal is not associated with high certainty, as most individuals who purchase knives do not become knife-wielding attackers. But other signals—such as grabbing for a knife and yelling threats—may be a strong, near-certain signal that someone is an attacker, and thus that the use of force could be preemptively justified.

To apply these points to a general account, different signals or actions will carry with them differing levels of certainty, either of a threat or of an unjustified rights violation. Ultimately, differing signals and their certainty in differing contexts will be important to determining whether the use of force would be preemptive or preventive. Those signals, and their certainty, matter for the justification of the use of force in the respective situations.

Moreover, it seems that people and states have obligations to one another—notably, to pursue peace thoroughly in the absence of a likely threat or unjustified rights violation.<sup>35</sup> In preventive war, this obligation is acknowledged by pursuing peaceful means of change instead of resorting to violence in the face of uncertain rights violations. In doing so, these individuals

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<sup>32</sup> Rahul Kumar, "Who Can Be Wronged?", *Philosophy and Public Affairs* 31, no. 2 (2003): 103.

<sup>33</sup> Renée Jorgensen Bolinger, "The Moral Grounds of Reasonably Mistaken Self-Defense", *Philosophy and Phenomenological Research* 103, no. 1 (2021): 146–47.

<sup>34</sup> Bolinger, "The Moral Grounds of Reasonably Mistaken Self-Defense," 147–48.

<sup>35</sup> I am grateful to James B. Murphy for pressing me on this point.

and states fulfill their obligation to others. However, in cases where sufficient justifications maintain—where there is a just cause—warfare can be justified. In the absence of these justifications, though, peaceful means ought to be pursued, especially in the face of uncertainty.

### **Conclusion**

This paper argued that what differentiates preemption from prevention is not the imminence of an unjustified threat or rights violation. Instead, preemption and prevention differ according to the certainty of the threat or the unjustified rights violation in question. The literature's focus on imminence, however, is explainable by Parfit's bias towards the near and the relationship between certainty and imminence. Finally, the paper maintained that preventive justifications for armed conflict do not justify killing and maiming.

A closing note is important. This paper is meant to be a starting point in rethinking about preemption and prevention. Several questions remain. For example, what level of certainty differentiates preemption and prevention? What type of epistemic certainty is required? What signals matter for preemption and prevention? How should non-ideal agents approach uncertainty? How should this distinction affect our views about terrorism? How should preemption and prevention relate to peace? What, if anything, distinguishes preemption from anticipatory self-defense? While this paper leaves these questions unexamined, rethinking preemption and prevention serves as a starting point for these further analyses.



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