

privilege structure over agency will be challenged by Lake's contribution to the subject. Those who share Lake's theoretical commitments would be wise to read his book alongside more classical approaches to hierarchy that are attentive to the different forms of power that exist in world affairs.

Michael Barnett, *University of Minnesota*

*Killing in War*. By Jeff McMahan. (Oxford University Press, 2009.)

doi:10.1017/S0022381610000368

In *Killing in War*, Jeff McMahan makes a highly abstract and unorthodox philosophical case that conditions in war do not change the moral considerations or principles brought to bear regarding killing a person. He challenges common sense beliefs about the morality of killing—beliefs that have a very old pedigree in the traditional canons of just war theory—but beliefs that nonetheless he argues are “deeply mistaken.” According to McMahan, killing a person in war is no different and offers no separate set of justifications than killing in other circumstances. This argument pits McMahan squarely against the conventional claims made by just war theorists: (1) the distinction between the morality of resort to war, *jus ad bellum*, and the morality of warfare, *jus in bello*; and (2) the doctrine of the moral equality of combatants.

According to traditionalists, the justice or injustice of a war does not bear on the morality of how the war is fought. Yet, McMahan challenges the “received wisdom” of the traditionalists precisely on the grounds that there is no moral distinction between the justice of a war and what morality requires of the soldiers who fight in it. One radical consequence of this argument is that a soldier in an unjust war—with qualification in some exceptional circumstances—does not have a right to fight or kill a soldier fighting in a just cause.

McMahan makes his arguments with the meticulous logical care of analytical philosophy reminiscent of Derek Parfit's path-breaking work, *Reasons and Persons*. *Killing in War* is a provocative contribution to contemporary philosophy and military ethics. It contains analysis of the morality of participation in war, a restatement of arguments made for the moral equality of combatants, problems raised by excuses in fighting (duress, epistemic limitation, and diminished responsibility), liability in war, and civilian immunity. I will focus briefly on the first two topics.

McMahan addresses the morality of participation in an unjust war through arguments that challenge the traditional just war doctrine of the moral equality of combatants. The doctrine rests in part on the deeply ingrained cultural belief that “... no one does wrong or acts impermissibly, merely by fighting in a war that turns out to be unjust” (4). The moral equality of soldiers implies that combatants in war have an equal right to kill enemy combatants. According to this doctrine, for example, Allied forces storming the beaches at Normandy are morally justified to kill Nazi soldiers defending positions along the Atlantic Wall in occupied France. McMahan argues, “... against the view that unjust combatants act permissibly when they fight within the constraints of the traditional rules of *jus in bello* ... with a few exceptions, they cannot satisfy the constraints of *jus in bello*, even in principle, when those constraints are properly understood” (6). This point is precisely what he attempts to defeat by collapsing established distinctions. Since an unjust war lacks a “just cause”—an aim that may be permissibly pursued by means of war and those against whom war is fought are morally liable to attack—it is morally wrong to fight in an unjust war.

In order to show why *in bello* constraints are mistaken, McMahan rehearses criteria for liability to attack (for example, familiar distinctions between innocent and non-innocent in war). He concludes that it is what people do which makes them liable to attack in war, particularly, the forfeiture of “... the right not to be attacked *for certain reasons*, by certain persons, in certain situations” (10). According to just war theorists, “simply posing a threat” is the primary criterion of liability to attack in war. Thus, soldiers must discriminate between legitimate (i.e., those liable to military attack) and illegitimate targets. Given that McMahan views the morality of killing in war no different than in other circumstances, he objects to the acceptability of “posing a threat to others” as the criterion for liability to attack in war. He elaborates on his position with arguments that unjust combatants cannot satisfy the *jus in bello* requirement of discrimination. The criterion of liability to attack is “moral responsibility for an objectively unjustified threat of harm” (35).

In addition, McMahan reconstructs arguments made for the equal right to kill in war. He considers arguments based on consent (actual and hypothetical), epistemic claims, institutional sources of justification, the collectivist approach to the morality of war, transfer of responsibility, and symmetrical disobedience. On the justifications of consent,

McMahan argues, "... what makes *all* combatants legitimate targets for their military adversaries, independently of whether they have a just cause, is that in one way or another they consent to be targets in exchange for the privilege of making other combatants their own targets" (51). When a soldier chooses to wear a uniform, he has reasons for doing so and makes himself a legitimate target by identifying himself openly as a combatant. Yet, McMahan argues that consent to be killed is not sufficient to make killing permissible (56). Consent fails to justify equality of moral status between just and unjust. McMahan restates other claims to show their incapacity to justify the equal status of combatants.

So much of McMahan's general argument depends upon collapsing distinctions made in just war theory to show that the criterion for attack is "... moral responsibility for an objectively unjustified or wrongful threat" (38). This criterion is unconvincing for two reasons. First, it is not clear why the distinctions that McMahan draws throughout his book—and that just war theorists have debated for centuries—regarding the differences between killing in war and killing in other contexts are capable of supporting his shift from guilt to moral responsibility. While McMahan attacks the moral equality of combatants, he seems bent on arguing against killing generally and showing weak justifications for killing in war specifically. Second, to what extent is it prudent to depart from major distinctions between moral principles appropriate to the resort to war and how a war is conducted? Can the iron necessities of conducting war stand up against the conventional, legal, and moral standards of justice brought to bear in decisions to fight? They are distinctive because of the principled considerations appropriate to each context. On this point, the abstract distinctions of analytical philosophy are limited in the face of practical realities, decision-making processes, and cultural norms and contexts of late-modern warfare. He argues that moral reasons can be grounds for not fighting in an unjust war, but who decides whether a war is just or unjust? That said, McMahan offers very interesting challenges to the just war tradition, ideas worthy of close consideration.

*The views expressed herein are those of the author and do not reflect the position of the United States Military Academy, the Department of the Army, or the Department of Defense.*

Benjamin Mitchell, *United States Military Academy, West Point*

*The Forensics of Election Fraud: Russia and Ukraine.*  
By Mikhail Myagkov, Peter C. Ordeshook, and Dimitri Shakin. (Cambridge University Press, 2009.)

doi:10.1017/S002238161000037X

This book analyzes election fraud with help of "forensic indicators." The issue that the study tackles is important both from a political science perspective and is applicable to real-life politics. A significant number of elections in various countries are marred with charges of fraud. Recent examples include elections in Afghanistan, Iran, Georgia, Kyrgyzstan, Armenia, Mexico, Kenya, and Zimbabwe to name a few. Therefore, any new tools to identify the instances of an election fraud might be helpful not only for political scientists but also for those involved in elections. The authors acknowledge at the outset one of the key limitations of their approach, namely that their methods of fraud detection apply only to cases of a large-scale falsification of election results.

In chapter 1, the authors make the case for the use of the statistical measures of fraud, in particular, in reference to post-Soviet states of Russia and Ukraine. Chapter 2 presents indicators that are developed by the authors to detect fraud. The indicators rely on statistical methods that evaluate turnout, the share of eligible electorate of a particular candidate or a party, and the flow of votes for a candidate or party from one election to another. The authors do not treat quantitative methods that they employ as a substitution to traditional ways to detect electoral fraud, such as conclusions of electoral observers, the expertise of area scholars, or exit polls. On the contrary, they urge to use their indicators in conjunction with other methods of fraud detection and to employ experts in interpreting the indicators. But they themselves do not heed such advice in this study. For instance, the book's references section is only two and a half pages long; it becomes about one and a half pages long when references to earlier publications by its authors are excluded.

The remaining four chapters apply the methods suggested by the authors to elections in Russia, Ukraine, and the United States. Analysis of the parliamentary and presidential elections in Russia from 1995 until 2007 presents evidence of growing fraud, such as increasing numbers of districts with turnout above 90% and with a share of votes of similarly high magnitude going to Vladimir Putin, and abnormal patterns of the flow of votes from one election to another. These indicators point to significant regional differences. Since fraud is most widespread in certain regions, in particular, ethnic autonomous