**RESPONSE (in bold) TO 'Displacement as Significant Collateral Harm in War' - Reviews**

**Reviewer A- responses are in bold**

The author makes a cogent case for the inclusion of collateral displacement in just war theory with implications for *jus in bello* proportionality and necessity calculi.

Though the author’s arguments and conclusions are plausible, I have two concerns about this paper.

First, I am not quite sure how this paper makes **a significant contribution to just war theory or the ethics of migration literature**. Though I agree that displacement is neglected in the just war literature, it’s not clear to me what implications this has for just war *theory* (as opposed to adding a significant harm that needs to be taken into account). Much of this comes down to the reasons for the neglect of displacement.

The author suggests that the neglect is due to the belief that displacement is not significant enough or perhaps that it is hard to predict (10-11). Anyone who thinks displacement is not a significant harm is simply uniformed – something that the author vividly illustrates. Similarly, as the author shows, the fact that it is difficult to precisely predict a harm does not entail that it shouldn’t be taken into account as accurately as possible.

The problem for the purposes of the paper in just war theory is that it’s not clear what the argument would be *not* to include displacement. This is the second concern I have for the paper: it is not clear who the author’s interlocutors are. I would like the author to cite and discuss in detail people who argue that collateral displacement is not/should not be considered a significant harm. S/he mentions this is a common view among military practitioners (19). Do they have arguments for this view? I suspect that arguments for not including displacement are not principled, but rather practical if not cynical – taking displacement seriously would impose serious restrictions on military action, so it is intentionally ignored. If this is correct, it is a problem, but it does not appear to be a problem for just war theory.

**Regarding this first worry from the reviewer: I have made a number of changes trying to primarily change the paper in such a way so as to make clearer what I am and what I am not doing. So first, I combed back through the paper and I didn’t see any language that suggested that the theory of just war ought to change. I.e. I am not sure which aspect of the paper made the reviewer criticize me for failing to show implications for just war theory itself? I wasn’t trying to change the just war theory- but instead apply it in a better and more consistent way. What I am arguing is a) just war theory largely ignores collateral displacement, b) just war theory both has the tools to and has to/ought to (given the way proportionality is assessed) consider collateral displacement, c) just war theory has meaningful things to say about our moral responsibilities regarding displaced persons (which no scholar has acknowledged yet). The way we apply just war theory is significantly altered if we embrace collateral displacement as relevant. What just war theory tells us we are morally responsible for IS significantly altered. Whether or not this is a problem for just war theory or not depends on a scholar, I certainly think it is a plus for the theory (of course I can imagine someone saying that this means just war theory expects too much form us and thus is a reason to reject the just war theory- but I don’t discuss this in my paper). I have tried to capture all of this in a new paragraph on pages 30-31, in the *final remarks section* (so the entire first paragraph of that section is new). I have also tried to capture the significance of my work in just war theory by (per editor’s instruction) moving the language from footnote 8 into the text: i.e. by extending and elaborating on the section that discussed to what extent scholars of just war theory have NOT addressed this issue, even though they – if I am right, could and should have done that given their other commitments). This is on page 7 in the first paragraph (although the footnotes extend past p. 7).**

**In addition, I have also tried to address the claim that the paper contributes little or nothing to ethics of migration literature. Primarily I think it contributes by suggesting the focus ought to be on remedial duties which are more stringent than the positive duties which are more commonly invoked as central to the ethics of migration debates. I have added a section/paragraph starting on page 6 that starts with word “Third,…” that is meant to address the worries re: significance of my argument for ethics of migration (as well as to some extent this reviewer’s next comment).**

A couple of other comments: one dimension that the author might consider is the extent to which the moral badness of displacement is due to the fact that the international refugee system is not equipped to address war-based displacement. One potential objection I see to taking into account of displacement in just war theory would be to suggest that many of its harms are a result of broken international system that fails to resettle more than a small percentage of refugees, actively prevents people from claiming asylum, and allocates insufficient resources to the UNHCR. Narrow definitions of “refugees” that exclude many people displaced by war on the grounds that they do not constitute a persecuted group are also a problem. The objection would thus be: displacement isn’t an issue that should be resolved within just war theory, but rather by non-military actors that are the source of its harm.

**Regarding this second worry, I think the section on page 6 that starts with “third..” (mentioned above) should to some extent capture more clearly and earlier in the paper what I am trying to do. My argument is that given just war theory we have reasons to think we have remedial duties towards those we displace. There is an entire discussion (in this paper) of the idea that this matters because and when we are the *near-proximate* cause of such displacement. The argument shows that we have stringent remedial duty to provide for those refugees that we displace in the first instance. After a significant number of days/ and various intervening agencies the harms that befall refugees in virtue of the fact that they are refugees are no longer solely attributable to us, and then we also might have reasons to help or remedy but why and how is a whole different paper (not what I am doing here).**

**Now it might be that the reviewer has something else in mind here. It might be that the reviewer thinks that if we can establish a duty to have a robust international regime for refugees then we wouldn’t have a duty to remedy since the refugees wouldn’t be dying as a result of displacement. This argument parallels the following claim: if we had a cure for cancer then we ought not worry about creating carcinogens and polluting streams with carcinogens, so really the main issues is that we have a duty to create a cure for cancer rather than a duty to not pollute and to remedy harms that are caused by our polluting. That seems to me to be wrong. Displacement (in war) in our world today causes significant harms (thus the studies I cited) and it makes sense to discuss what our duties are with respect to that and why. I have argued our duties are stringent and remedial and arise out of just war theory considerations. We might ALSO have other positive duties to support a more robust international regime for refugees- my paper is not about that. When we are responsible for harms we are responsible for remedies. We might also have completely different reasons to support other mechanisms to alleviate displacement harms more generally and if and when we do that, that might affect our duties to refugees in war.**

Finally, the paper that would be stronger if it included a case study (or perhaps more than one). It would be useful to see in detail how the inclusion of displacement would have affected the justice of some recent conflicts.

**I have both a number of case studies that illustrate how displacement kills people (pp. 12-16) and an example/albeit not a case study of how displacement would affect proportionality (pp.23-24).**

**Reviewer B**

You should certainly accept this superb paper.  It is clearly written, well argued, immensely informed, and makes an important contribution to both the ethics of war and the ethics of migration literatures.

It can be published essentially as is; my only suggestion is that the author reconsider the contention on page 26 that "it doesn't follow from my argument that when making a choice between lethal harm resulting from displacement and lethal harm resulting from kinetic actions that we out to, for example, kill more to displace less."  I am not sure why this does not follow, and arguments the author provides do nothing to change that.  In particular, why would making such a choice "push one over the foreseeable/intended hard line"?  Why cannot foreseen lethal harms from kinetic actions be compared to foreseen harms from displacement and intended lethal harms be compared strictly to intended displacement?

**Agreed, I changed that section in two ways- one I elaborated 9actually substantively changed the claim that this would push us over the foreseeable/intended line and instead argued in line with Michael Walzer that we have not only a duty not to target civilians , but also a duty to intend the minimize unintended but foreseeable consequences – Doctrine of Double Intent as he calls it, which is in his mind meant to accompany the doctrine of double effect). I have also provided a quick additional argument in favor of my claim, suggesting that one of the harms is remediable and the other one is not, giving us reason to impose the remediable harm when all else is equal- this is now page 28.**

Also, on line five of page 26, the author writes "the difficulties, while different in kind, are not different in degree."  I think Author meant to say "the difficulties, while different in degree, are not different in kind."

**I am actually not sure what I meant there, and neither saying what I said originally nor what the reviewer suggested actually made sense so I just erased that entire sentence.**