

Abstract: The Nature and Limits of Liability to Defensive Harm
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What are the limits to the harm to which a person can be morally liable in defense of others? It is natural to think that the harm to which a person can be liable is limited by the harm that he would otherwise cause, together with the degree of his responsibility for that harm. It seems, for example, that a person cannot be liable to be killed if the harm he would otherwise cause would be comparatively slight and he would be only minimally culpable for causing that harm. But there are apparent counterexamples to this claim. There are some cases in which it is unavoidable that someone must suffer a great harm. Suppose this harm cannot be divided or shared: it must all go to one person. And suppose that there are many people on whom the harm might be inflicted, all of whom bear some small degree of responsibility for the fact that someone must suffer it. If liability is a matter of justice in the distribution of unavoidable harm and one of these people bears a greater degree of responsibility than any of the others, it seems he may be liable to suffer it, even if his causal contribution to the harm is small and he is only minimally culpable for that contribution. This and other examples are relevant to understanding whether there is a noncomparative limit to the harm to which a person can be liable or whether liability is essentially comparative, with no limit determined just by what a person does.