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No. 9/2008

THE JUST WAR DOCTRINE

LA DOCTRINE DE LA GUERRE JUSTE

Bibliographies thématiques
No. 9/2008

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PART I : BOOKS

PREMIERE PARTIE : LIVRES*

2008

341.3 /00165

The Legitimate Use of Military Force : The Just War Tradition and the Customary Law of Armed Conflict - Aldershot, UK : Ashgate.

vi, 300 p.; 24 cm.

(Justice, International Law and Global Security)

ISBN: 9780754649809

Subject(s):

1. JUST WAR DOCTRINE
2. USE OF FORCE (INTERNATIONAL LAW)

Added entry(s):

1. Hensel, Howard M., ed.

Notes:

Includes index.

'This volume explores the philosophic and societal foundations of the just war tradition, relates the principles of jus ad bellum to contemporary issues confronting the global community and explores the relationship between the principles of jus in bello and the various principles embodied in the customary law of armed conflict.'

ID number: 80021773

Year: 2008

Type: M

341.3 /00172

Why Not Preempt ? : Security, Law, Norms and Anticipatory Military Activities - Aldershot, UK : Ashgate.

viii, 258 p.; 24 cm.

(Justice, International Law and Global Security)

ISBN: 9780754670575

Author(s):

1. Bzostek, Rachel

Subject(s):

1. PREEMPTIVE ATTACK (MILITARY SCIENCE)
2. JUST WAR DOCTRINE

Notes:

Bibliography: p. 233-250. Includes index.

'Anticipatory military activities, which include both preemptive and preventive military actions, are at the center of American strategic doctrine. At the same time, states rarely use these activities. The author puts forward an integrated analysis to help understand why states have or have not undertaken such activities in the past. By exploring what kinds of strategic or structural elements compel states or leaders to take anticipatory military action, as well as how these concepts are viewed in both international law and the just war tradition, this book uses case studies to explore those elements that have played an influential role in the decision-making process.'

ID number: 80021943

Year: 2008

Type: M

* This list contains material received as of December 8th, 2008 – Cette liste est arrêtée au 8 décembre 2008.

341.3 /00169

First Strike : Preemptive Warfare in Modern History - Abingdon, UK :

Routledge.

viii, 261 p.; 23 cm.

ISBN: 9780415958455

Author(s):

1. Flynn, Matthew J.

Subject(s):

1. PREEMPTIVE ATTACK (MILITARY SCIENCE)
2. JUST WAR DOCTRINE

Notes:

Bibliography: p. 243-253. Includes index.

'Preemptive warfare is the practice of attempting to avoid an enemy's seemingly imminent attack by taking military action against them first. It is undertaken in self-defense.

Preemptive war is often confused with preventive war, which is an attack launched to defeat a potential opponent and is an act of aggression. Preemptive war is thought to be justified and honorable, while preventive war violates international law. In reality, the distinction between the two is often blurred and highly contested. The author examines here case studies of preemptive war throughout history, from Napoleonic France to the American Civil War, and from Hitler's Germany to the recent US invasion of Iraq. He takes an analytical look at the international uses of this military and political tactic throughout the last two hundred years of western history, to show how George W. Bush's recent use of this dubiously 'honorable' way of making war is really just the latest in a long line of previously failed attempts.'

ID number: 80021946

Year: 2008

Type: M

2007

341.3 /00164

The Price of Peace : Just War in the Twenty-First Century - Cambridge, UK

: Cambridge University Press.

xvii, 340 p.; 23 cm.

ISBN: 9780521677851

Subject(s):

1. JUST WAR DOCTRINE
2. WAR--MORAL AND ETHICAL ASPECTS

Added entry(s):

1. Reed, Charles, ed.
2. Ryall, David, ed.

Notes:

Bibliography: p. 313-322. Includes index.

'Lively political and public debates on war and morality have been a feature of the post-Cold War world. This book argues that a re-examination of the just war tradition is therefore required. The authors suggest that, despite fluctuations and transformations in international politics, the just war tradition continues to be relevant. However, they argue that it needs to be reworked to respond to the new challenges to international security represented by the end of the Cold War and the impact of terrorism. With an interdisciplinary and transatlantic approach, this volume provides a dialogue between theological, political, military and public actors. By articulating what a reconstituted just war tradition might mean in practice, it also aims to assist policy-makers and citizens in dealing with the ethical dilemmas of war.'

ID number: 80021750

Year: 2007

Type: M

2006

341.3 /00147

Just Wars : From Cicero to Iraq - Cambridge, UK : Polity.

xi, 280 p. : ill. ; 24 cm.

ISBN: 0745632823

Author(s):

1. Bellamy, Alex J.

Subject(s):

1. JUST WAR DOCTRINE

Notes:

Bibliography: p. 232-261. Includes index.

'In what circumstances is it legitimate to use force ? How should force be used ? These are two of the most crucial questions confronting world politics today. The Just War tradition provides a set of criteria which political leaders and soldiers use to defend and rationalize war. This book explores the evolution of thinking about just wars and examines its role in shaping contemporary judgements about the use of force, from grand strategic issues of whether states have a right to preemptive self-defence, to the minutiae of targeting. The author maps the evolution of the Just War tradition, demonstrating how it arose from a myriad of sub-traditions, including scholasticism, the holy war tradition, chivalry, natural law, positive law, Erasmus and Kant's reformism, and realism from Machiavelli to Morgenthau. He then applies this tradition to a range of contemporary normative dilemmas related to terrorism, preemption, aerial bombardment and humanitarian intervention.'

ID number: 80020945

Year: 2006

Type: M

341.3 /00154

The Morality of War - Peterborough, ONT : Broadview Press.

x, 289 p. ; 23 cm.

ISBN: 1551117274

Author(s):

1. Orend, Brian, 1971-

Subject(s):

1. JUST WAR DOCTRINE
2. WAR--MORAL AND ETHICAL ASPECTS
3. WAR (INTERNATIONAL LAW)

Notes:

Bibliography: p. 269-274. Includes index.

'This book is a compendium of every important issue in just war theory. It moves far beyond the review of the standard just war categories to deal comprehensively with the new challenges of the conflict with terrorism. It thoughtfully reviews every major military conflict of the past few decades, mining them for implications of the evolving tradition of just war thinking. It concludes with a critical engagement with the major alternatives to just war thinking : pacifism and 'realism'.'

ID number: 80021433

Year: 2006

Type: M

341.3 /00145

Just and Unjust Wars : A Moral Argument with Historical Illustrations -
New York : Basic Books.
xxviii, 361 p.; 21 cm.
ISBN: 0465037070

Author(s):

1. Walzer, Michael

Subject(s):

1. JUST WAR DOCTRINE
2. WAR--MORAL AND ETHICAL ASPECTS

Notes:

Includes index.

'This classic work of political ethics radically reconfigured the way that we think about war. From the Athenian attack of Melos to the My Lai massacre, from the wars in the Balkans through the first war in Iraq, the author examines the moral issues surrounding military theory, war crimes, and the spoils of war. He studies a variety of conflicts over the course of history, as well as the testimony of those who have been most directly involved - participants, decision makers, and victims. In his new introduction, he specifically addresses the moral issues surrounding the war in and occupation of Iraq.'

ID number: 80020914

Edition: 4th ed.

Year: 2006

Type: M

2005

341.3 /00151

Justifying the Use of Force : Ethical Considerations on Military Violence and Humanitarian Intervention - Geneva : Graduate Institute of International Studies.

111 p.; 23 cm.

(PSIS Special Study ; 6)

ISBN: 2828800601

Subject(s):

1. USE OF FORCE (INTERNATIONAL LAW)--MORAL AND ETHICAL ASPECTS
2. JUST WAR DOCTRINE
3. HUMANITARIAN INTERVENTION

Added entry(s):

1. Jutersonke, Oliver, ed.
2. Schaber, Peter, ed.
3. Graduate Institute of International Studies (CH)

Notes:

Bibliography: p. 109-110.

'This study contains two lectures on the topic of military violence and the ethics of international relations. Accompanied by an explanatory essay, the lectures are a timely reminder of the importance of addressing the issue of the use of force in the context of humanitarian interventions from an ethical perspective.'

ID number: 80021283

Year: 2005

Type: M

355 /00477

The New Western Way of War : Risk-Transfer War and Its Crisis in Iraq -
Cambridge, UK : Polity.

vii, 183 p.; 23 cm.

ISBN: 0745634109

Author(s):

1. Shaw, Martin

Subject(s):

1. WAR
2. WAR--MORAL AND ETHICAL ASPECTS
3. JUST WAR DOCTRINE
4. WAR CASUALTIES
5. CASUALTY AVERSION (MILITARY SCIENCE)

Notes:

Bibliography: p. 168-174. Includes index.

'The author, a leading expert on the sociology of war, argues that the new Western way of war is in crisis. He charts the development of a new warfare, after Vietnam, through the Falklands, the Gulf, Kosovo and Afghanistan, and argues that, in the Iraq (mis)adventure (of which he provides a detailed analysis) and the War on Terror, the USA has consistently flouted the key rules that enabled Western states to fight these earlier wars successfully. The results are not only political failure and a disaster in Iraq, but also a loss of credibility for the very idea of Western warfare. For the author, the new way of war focuses on containing risks to the lives of Western soldiers in order to minimize political and electoral risk to governments. Risk is transferred to innocent civilians, whose killing is explained away as 'accidental'. Yet the idea of managing risk is fundamentally at odds with the brutal and unpredictable nature of war. Ultimately, attempts to manage, govern and rule over the risks of war produce greater risks for those in power. This book is a moral and political statement as well as a major contribution to sociology and international relations.'

ID number: 80020672

Year: 2005

Type: M

2004

341.3 /00126

Just or Unjust War ? : International Law and Unilateral Use of Armed
Force by States at the Turn of the 20th Century - Aldershot, UK :
Ashgate.

xiv, 267 p. ; 24 cm.

ISBN: 0754623750

Author(s):

1. Karoubi, Mohammad Taghi

Subject(s):

1. JUST WAR DOCTRINE
2. USE OF FORCE (INTERNATIONAL LAW)

Notes:

Bibliography: p. 246-261. Includes index.

'This study examines the traditional theory of just war in the light of modern principles of international law relating to the prohibition on the use of force repeatedly stressed by UNGA (United Nations General Assembly) resolutions and accepted by the ICJ (International Court of Justice). The author expresses doubts as to whether actions by some permanent members of the Security Council starting from September 1996 until April 2003, in the Balkans and the Persian Gulf, are legitimate under the just war theory, or any other rules of international law, and analyses in detail the claims made by the allied powers to justify their actions. The book also examines the significance of the transformation in the limitation and prohibition of the use of force in the contemporary legal system, by studying the

origin of those tenets and their reflection in both the national laws of individual states and the international laws of armed conflict.'

ID number: 80019635

Year: 2004

Type: M

341.3 /00146

Arguing about War - New Haven, CT : Yale University Press.

xv, 208 p.; 22 cm.

ISBN: 0300103654

Author(s):

1. Walzer, Michael

Subject(s):

1. JUST WAR DOCTRINE

2. WAR--MORAL AND ETHICAL ASPECTS

Notes:

Includes index.

'This volume brings together the author's most provocative arguments about contemporary military conflicts and ethical issues they raise. The essays in the book are divided into three sections. The first deals with issues such as nuclear deterrence, humanitarian intervention, and terrorism. The second consists of Walzer's responses to particular wars, including the first Gulf War and the wars in Kosovo, Afghanistan, and Iraq. In the third Walzer imagines a future in which war might play a less significant part in our lives.'

ID number: 80020927

Year: 2004

Type: M

341.3 /00127

War, Morality, and Autonomy : An Investigation in Just War Theory - Aldershot, UK : Ashgate.

165 p.; 24 cm.

ISBN: 0754638669

Author(s):

1. Zupan, Daniel S.

Subject(s):

1. JUST WAR DOCTRINE

2. WAR--MORAL AND ETHICAL ASPECTS

3. COMBATANTS AND NON-COMBATANTS--INTERNATIONAL LAW

Notes:

Bibliography: p. 159-160. Includes index.

'Just War Theory is the governing moral doctrine for all the major democratic militaries. This book is a close study of a critical component of Just War Theory, the moral status of noncombatants. In this post-September 11, 2001 time of cascading unconventional or 'dirty' wars, issues of treatment of noncombatants have resonance across national lines. One of the top security issues is whether democracies and other states pursue their national security interests within the limits of Just War reasoning or break out of these limits in prosecuting war and security measures against terrorist organizations. The author examines the flaws that this complex body of moral reasoning often exhibits, arguing that many of the shortcomings of the theory can be resolved using Kantian methodology and the theory of autonomy.'

ID number: 80019636

Year: 2004

Type: M

2003

355.4 /01383

Just War in Comparative Perspective - Aldershot, UK : Ashgate.

ix, 233 p.; 23 cm.

ISBN: 0754635872

Subject(s):

1. JUST WAR DOCTRINE

Added entry(s):

1. Robinson, Paul, ed.

Notes:

Includes index.

'This book analyses how different nations, religions, and cultures justify the waging of war, and what limits they place on its use. The study includes the major world religions such as Christianity, Judaism and Islam and specific countries and regions including Russia, China and Africa. The case studies shed new light on the causes and justifications of current conflicts, providing a valuable source for those wishing to understand how different people around the world view the issue of war. The book crosses disciplinary boundaries and thus will be welcomed by scholars of international relations, philosophy, religion and history.'

ID number: 80018870

Year: 2003

Type: M

341.2 /00296

Would an Invasion of Iraq Be a 'Just War' ? - Washington : US Institute of Peace.

16 p.; 30 cm.

(Special Report)

Subject(s):

1. IRAQ--FOREIGN RELATIONS--USA
2. USA--FOREIGN RELATIONS--IRAQ
3. JUST WAR DOCTRINE
4. IRAQ WAR, 2003-

Added entry(s):

1. US Institute of Peace

Notes:

'To contribute to the public discussion of whether the United States and its allies should invade Iraq, the US Institute of Peace organized a symposium on December 17, 2002 to address the question 'Would and invasion of Iraq be a 'Just War' ?

ID number: 80018457

Year: 2003

Type: M

341.3 /00121

Le retour des guerres preventives : le droit international menace - Bruxelles : Labor.

95 p.; 22 cm.

(Quartier Libre ; 66)

ISBN: 2804018180

Author(s):

1. Corten, Olivier

Subject(s):

1. JUST WAR DOCTRINE
2. SELF-DEFENSE (INTERNATIONAL LAW)
3. PREEMPTIVE ATTACK (MILITARY SCIENCE)
4. HUMANITARIAN INTERVENTION

Notes:

'Ce texte n'est pas destine aux specialistes du droit international, mais concerne plus largement toute personne qui

s'interroge sur la legitimité de ces nouvelles guerres, dont on nous annonce qu'elles se repeteront dans un avenir proche. En revenant sur certaines interpretations erronees ou tendancieuses des regles juridiques qui ont caracterise des precedents comme ceux du Kosovo, de l'Afghanistan ou de l'Iraq, l'auteur espere simplement convaincre le lecteur que, au-dela des passions guerrieres qui empechent souvent le debat de se derouler sereinement, la raison impose d'envisager avec la plus extreme mefiance ce qui nous est presente comme une nouvelle doctrine de la 'guerre juste'.'

ID number: 80019257

Year: 2003

Type: M

341.3 /00142

The Just War : An American Reflection on the Morality of War in Our Time
- Chicago : Ivan R. Dee.

xv, 217 p.; 22 cm.

ISBN: 1566635349

Author(s):

1. Temes, Peter S.

Subject(s):

1. JUST WAR DOCTRINE

2. WAR--MORAL AND ETHICAL ASPECTS

Notes:

Includes index.

'War is always wrong but sometimes necessary. With this principle at its center, this book offers a critical history of Just War thinking, beginning with ancient epics and extending through American responses to the terrorist attacks of September 11 and the war against Iraq. More than a challenging new appraisal of the history of Just War, the book proposes a radically new vision of Just War thinking, one that respects the received tradition but takes account of the moral experience of today's world.'

ID number: 80020833

Year: 2003

Type: M

2002

341.2 /00294

Just War or Just Peace ? : Humanitarian Intervention and International Law - Oxford, UK : Oxford University Press.

xxviii, 295 p.; 24 cm.

ISBN: 019925799X

Author(s):

1. Chesterman, Simon

Subject(s):

1. INTERVENTION (INTERNATIONAL LAW)

2. HUMANITARIAN INTERVENTION

3. JUST WAR DOCTRINE

4. USE OF FORCE (INTERNATIONAL LAW)

Notes:

Bibliography: p. 260-282. Includes index.

'This book critically examines the right of humanitarian intervention, asserted most spectacularly by NATO during its 1999 air strikes over Kosovo. The United Nations Charter prohibits the unilateral use of force, but there have long been arguments that such a right might exist as an exception to this rule. In addition, the increased role of the UN Security Council through the 1990s transformed the way in which the international community views humanitarian crises. Through an analysis of these questions, the book puts NATO's action in Kosovo in its proper legal and historical perspective.'

ID number: 80018295

Edition: New ed.
Year: 2002
Type: M

341.3 /00115

War and Self-Defense - Oxford, UK : Oxford University Press.

xvi, 213 p. : ill. ; 23 cm.

ISBN: 0199257744

Author(s):

1. Rodin, David

Subject(s):

1. SELF-DEFENSE (INTERNATIONAL LAW)

2. WAR (INTERNATIONAL LAW)

3. JUST WAR DOCTRINE

Notes:

Bibliography: p. 200-207. Includes index.

'When is it right to go to war? The most persuasive answer to this question has always been 'in self-defense'. In a penetrating new analysis, bringing together moral philosophy, political science, and law, the author argues that this answer is not all it seems. The simple analogy between self-defense and national-defense - between the individual and the state - needs to be fundamentally rethought. This book proposes a comprehensive new view of the right of self-defense which resolves many of the perplexing questions that have dogged both jurists and moral philosophers. By applying this theory to international relations, the author produces a far-reaching critique of the canonical Just War Theory. Wars of national-defense cannot be justified reductively as 'collective self-defense'. Nor can they be explained in terms of a state-held right analogous to the right of personal self-defense. A line of argument that has dominated moral and legal thinking about war for over 1,500 years is shown to be bankrupt. This conclusion points the way to what must surely be one of the most significant challenges of the twenty-first century : the development of a new framework for the regulation of international violence, one which appropriately balances the rights and obligations of states, communities, and individuals.'

ID number: 80018868

Year: 2002

Type: M

2000

355.4 /01277

Peacekeeping and the Just War Tradition - Carlisle Barracks, PA : US Army War College.

v, 33 p. : ill. ; 23 cm.

ISBN: 1584870346

Author(s):

1. Pfaff, Tony

Subject(s):

1. JUST WAR DOCTRINE

2. PEACEKEEPING FORCES

Added entry(s):

1. US Army War College. Strategic Studies Institute (US)

Notes:

'The author addresses an important source of much of the confusion that currently surrounds many of the Operations Other Than War (OOTW) that the military finds itself participating in with increasing frequency. He points out that, though the source of this confusion is primarily ethical, it has important operational implications as well. In the Just War Tradition, as well as the Law of War, there has always been a tension between winning and fighting well, and the peacekeeping environment

does not change this. Commonly, the resolution of this tension is expressed in the maxim : always use the least amount of force necessary to achieve the military objective. This maxim applies, regardless of the environment one is in. The author's contention is, however, that the understanding of necessary is radically different in the peacekeeping environment than what it is in more conventional operations.'

ID number: 80016861

Year: 2000

Type: M

PART II : JOURNAL ARTICLES

DEUXIEME PARTIE : ARTICLES DE REVUES**

2008

The Clausewitzian Trinity in the Information Age : A Just War Approach.
(JOURNAL OF MILITARY ETHICS, vol. 7, no. 3, 2008, p. 202-214.)

Author(s):

1. Mattox, John Mark

Subject(s):

1. MILITARY ART AND SCIENCE
2. JUST WAR DOCTRINE

Notes:

Clausewitz's 'remarkable trinity' has long been a touchstone for discourse on the military strategic position relative to other essential elements of Western society. Similarly, the just war tradition has long been a touchstone for moral discourse on war. Although these touchstones represent two intellectual traditions which may appear to have little or nothing in common, the 21st-century strategist or policymaker must take into account the imperatives of both traditions. This is so because, in the Information Age, public reactions to perceived moral shortcomings associated with the decision to go to war, or with perceived moral lapses on the battlefield, can significantly disrupt the balance which the 'remarkable trinity' requires. Accordingly, this study takes as its task to propose a model which accommodates the concerns of both traditions. It first examines both formulations of Clausewitz's 'remarkable trinity' and then proposes a revised model of the 'remarkable trinity' which accommodates just war concerns. It concludes with some reflections on contemporary applications of the model, especially as it relates to the instruments of national power.

ID Number: JA025171

Year: 2008

Language: English

Type: ART

The Influence of Just War Perspectives : Implications for U.S. Central Command.

(JOINT FORCE QUARTERLY, no. 50, Summer 2008, p. 73-78.)

Author(s):

1. Rauert, Tyler

Subject(s):

1. JUST WAR DOCTRINE
2. TERRORISM PREVENTION--USA

Notes:

Is terrorism a legitimate method of warfare ? Can deliberate attacks on civilians intended to further a just cause ever be justifiable ? Can they be morally permissible ? Morally required ? How else can the weak possibly defeat the strong ? These are vital questions to U.S. Central Command (USCENTCOM) - not because of the way the combattant might answer them but because of the reply they often receive within the USCENTCOM area of responsibility. This work examines the importance of consensus-building to international cooperation. It then draws out how divergent perspectives on shared principles may inhibit international efforts to confront violent nonstate actors, including the struggle to combat terrorism. Finally, it suggests methods for USCENTCOM to bridge this gap and increase

** This list contains material received as of December 8th, 2008 – Cette liste est arrêtée au 8 décembre 2008.

the effectiveness of counterterrorism cooperation between America and the nations of the region.

ID Number: JA024948
Year: 2008
Language: English
Type: ART

Just Wars of the Future ? Applying Just War Theory to Twenty-First Century Rogue Regimes.

(RUSI JOURNAL, vol. 153, no. 4, August 2008, p. 18-27.)

Author(s):

1. Schulte, Paul

Subject(s):

1. JUST WAR DOCTRINE

Notes:

This article examines how far the Just War tradition offers a framework of moral political analysis to assist governments in determining when it is right to use force against 'rogue regimes' that sponsor terrorism, seek weapons of mass destruction, or oppress their people. It also offers a definition of such regimes and considers the complexities of anticipatory self-defence and preventive action against them. Lastly, it proposes a checklist of moral points when the legitimacy of intervention is contested.

ID Number: JA025109
Year: 2008
Language: English
Type: ART

2007

The Moral Equality of Combatants.

(PARAMETERS, vol. 37, no. 4, Winter 2007 - 2008, p. 99-109.)

Author(s):

1. Ceulemans, Carl

Subject(s):

1. WAR--MORAL AND ETHICAL ASPECTS
2. JUST WAR DOCTRINE

Notes:

This article examines the question currently being voiced by various philosophers and legal experts : 'Can combatants ever be blamed for unjust wars, and if so, under what circumstances ?' The author reviews a series of hypothetical scenarios to conclude that the moral equality of combatants is never an absolute. Blaming soldiers who fight in an unjust war initiated by a legitimate government does, however, raise a number of challenging ethical and moral issues. The author concludes that those who sit in judgment will find it difficult to question the moral equality of the soldier on the ground, but much easier to recognize the possible complicity of senior military leaders.

ID Number: JA024503
Year: 2007
Language: English
Type: ART

Just and Unjust Wars : Thirty Years On.

(JOURNAL OF MILITARY ETHICS, vol. 6, no. 2, 2007, Special Issue.)

Subject(s):

1. JUST WAR DOCTRINE

ID Number: JA023917
Year: 2007
Language: English
Type: ART

Last Resort and Preemption : Using Armed Force as a Moral and Penultimate Choice.

(PARAMETERS, vol. 37, no. 2, Summer 2007, p. 59-70.)

Author(s):

1. Wester, Eric

Subject(s):

1. PEACEKEEPING FORCES
2. JUST WAR DOCTRINE
3. USE OF FORCE (INTERNATIONAL LAW)
4. PREEMPTIVE ATTACK (MILITARY SCIENCE)

Notes:

This article argues that using armed force in peace enforcement operations needs to be reserved for a 'last resort', in an attempt to preserve the integrity of just war theory. The author espouses the view that the ethical framework associated with just war theory provides the appropriate criteria for moral deliberation in the use of military force. The dilemma arises when the doctrine of preemption is introduced to the equation. The author's thesis turns on the difficult question faced by national leaders; 'Do we get in or not ?' And its equally difficult corollary decision, 'Is it right to go in or not ?' The author concludes that there is a logical conflict between using armed force as a last resort in concert with just war theory and the current national security doctrine of preemption.

ID Number: JA023771

Year: 2007

Language: English

Type: ART

2006

Humanitarian Intervention after Iraq : Just War and International Law Perspectives.

(JOURNAL OF MILITARY ETHICS, vol. 5, no. 2, 2006, p. 114-127.)

Author(s):

1. Johnson, James Turner

Subject(s):

1. HUMANITARIAN INTERVENTION
2. JUST WAR DOCTRINE
3. INTERNATIONAL LAW

Notes:

During the 1990s, particularly with reference to the context of the conflicts in Somalia, former Yugoslavia, and Rwanda, considerable sentiment favoring humanitarian intervention grew both in just war argument and in discussion of international law. This paper examines the arguments put forward in these two frames and their implications for international behaviour and law. But in 2002-2003, when US President Bush identified the egregious abuses of human rights perpetrated by Saddam Hussein and his regime over a long history as one of the reasons for using military force to oust that regime, this humanitarian intervention argument fell flat. Does this put in question the future of the idea of humanitarian intervention after the Iraq war of 2003 ? This paper argues that the experience of humanitarian intervention (or non-intervention) and its results during the 1990s must be taken together with the case of Iraq in thinking about the future of humanitarian intervention, and that this future may best be imagined not in terms of new developments in international law and international order, but as a continuation of past practice.

ID Number: JA022588

Year: 2006

Language: English

Type: ART

Making Moral Targeting Decisions in War : The Importance of
Principal-Agent Motivation Alignment and Constraining Doctrine.
(JOURNAL OF MILITARY ETHICS, vol. 5, no. 1, 2006, p. 12-31.)

Author(s):

1. Ruby, Tomislav Z.

Subject(s):

1. WAR--MORAL AND ETHICAL ASPECTS
2. JUST WAR DOCTRINE
3. COMBATANTS AND NONCOMBATANTS (INTERNATIONAL LAW)
4. WAR VICTIMS

Notes:

To ensure moral targeting decisions, national political leaders must accept the costs of monitoring in terms of time and money, and provide detailed direction, as well as oversight to ensure objectives are clear and subordinates carry out directions. Military officers must ensure that their motivations align with those of their principals, and they must ensure that constraining doctrine for planning and executing operations is followed. The process of aligning motivations with respect to desired outcomes, and the process of planning strategies according to doctrine together lead to moral targeting decisions. By following the processes of getting war plans approved according to published US doctrine, a deliberate dialogue is followed with direction and feedback through several steps of planning and approval that result in multiple people working on a product that results in a sort of corporate 'buy-in'. Through case studies of Desert Storm (the first Gulf War), Operation Allied Force (NATO's war against Serbia), and the US War on Terror (Afghanistan and Iraq campaigns), the author finds that only in the War on Terror were moral targeting decisions made. Furthermore, they were the only case studies wherein both constraining doctrine was present and principal-agent motivations were aligned with respect to objectives.

ID Number: JA022340

Year: 2006

Language: English

Type: ART

2005

'Jus in bello'.

(JOURNAL OF MILITARY ETHICS, vol. 4, no. 2, 2005, Special Issue.)

Subject(s):

1. WAR--MORAL AND ETHICAL ASPECTS
2. JUST WAR DOCTRINE

Notes:

This special issue discusses what actions are permissible in war and the assignment of responsibility for them.

ID Number: JA021749

Year: 2005

Language: English

Type: ART

Military Ethics of Fighting Terror : An Israeli Perspective.

(JOURNAL OF MILITARY ETHICS, vol. 4, no. 1, 2005, p. 3-32.)

Author(s):

1. Kasher, Asa
2. Yadlin, Amos

Subject(s):

1. TERRORISM--GOVERNMENT POLICY
2. JUST WAR DOCTRINE
3. MILITARY ETHICS

Notes:

This paper is devoted to a detailed presentation of a new Military Ethics doctrine of fighting terror. It is proposed as an

extension of the classical Just War Theory, which has been meant to apply to ordinary international conflicts. Since the conditions of a fight against terror are essentially different from the conditions that are assumed to hold in the classical war (military) paradigm or in the law enforcement (police) paradigm, a third model is needed. The paper proposes such a model in the form of principles that should govern the activity of a democratic state when faced with terror. Eleven principles are proposed. Two are on the level of the state, including the Principle of Self-Defense Duty. Six are related to military preventive acts against activities of terror, including new formulations of a Principle of Military Necessity, a Principle of Distinction, and a Principle of Military Proportionality. Principles of Low Probabilities, Time Span Considerations and Professional Understanding are also included. Finally, three principles that are related to consciousness-directed activities against terror are added : a Principle of Permanent Notice, a Principle of Compensation, and a Principle of Operational Deterrence. The exposition of the principles is accompanied by arguments about their moral justification. The doctrine has been developed on the background of the IDF fight against acts and activities of terror performed by Palestinian individuals and organizations.

ID Number: JA021468

Year: 2005

Language: English

Type: ART

2004

Ethics and Intervention : The 'Humanitarian Exception' and the Problem of Abuse in the Case of Iraq.

(JOURNAL OF PEACE RESEARCH, vol. 41, no. 2, March 2004, p. 131-147.)

Author(s):

1. Bellamy, Alex J.

Subject(s):

1. USE OF FORCE (INTERNATIONAL LAW)
2. HUMANITARIAN INTERVENTION
3. JUST WAR DOCTRINE
4. IRAQ WAR, 2003-

Notes:

This article investigates the ethics of intervention and explores the decision to invade Iraq. It begins by arguing that while positive international law provides an important framework for understanding and debating the legitimacy of war, it does not cover the full spectrum of moral reasoning on issues of war and peace. To that end, after briefly discussing the two primary legal justifications for war (implied UN authorization and pre-emptive self-defence), and finding them wanting, it asks whether there is a moral 'humanitarian exception' to this rule grounded in the 'just war' tradition. The article argues that two aspects of the broad tradition could be used to make a humanitarian case for war : the 'holy war' tradition and classical just war thinking based on natural law. The former it finds problematic, while the latter it argues provides a moral space to justify the use of force to halt gross breaches of natural law. Although such an approach may provide a moral justification for war, it also opens the door to abuse. It was this very problem that legal positivism from Vattel onwards was designed to address. As a result, the article argues that natural law and legal positivist arguments should be understood as complementary sets of ideas whose sometimes competing claims must be balanced in relation to particular cases. Therefore, although natural law may open a space for justifying the invasion of Iraq on humanitarian terms, legal positivism strictly limits that right. Ignoring this latter fact, as happened in the Iraq case, opens the door to abuse.

ID Number: JA020373
Year: 2004
Language: English
Type: ART

Just War or Ethical Peace ? Moral Discourses of Strategic Violence After 9/11.

(INTERNATIONAL AFFAIRS, vol. 80, no. 2, March 2004, p. 329-353.)

Author(s):

1. Burke, Anthony

Subject(s):

1. JUST WAR DOCTRINE
2. WAR--MORAL AND ETHICAL ASPECTS

Notes:

Against the commonly held view that morality implies a critique or restraint of strategic violence, this article analyses a range of moral discourses that have been deployed to support the war on terror, including its extension to Iraq. It analyses the ambiguity between legal and extra-legal responses in Bush administration rhetoric and policy, and critically surveys the humanitarian costs - in civilian life, instability and suffering - sustained during the military operations in Afghanistan and Iraq. This article places just war theory, in particular, under extended critical scrutiny, and finds its formalized system of moral rules and concepts - particularly civilian immunity and proportionality - deeply flawed in the light of actual US war-fighting strategies. By insisting on the acceptability of unintentional killing (as opposed to an alternative concept such as avoidable harm) just war theory may actually expose civilians to mortal danger and liberate war rather than morally restrain it. In the light of the flaws of current moral discourses on strategy, the article concludes by developing 'ethical peace' as an alternative conceptual framework that seeks to create a genuinely universal moral community in which it is never, in principle, legitimate to secure one group of citizens by placing others in moral danger.

ID Number: JA020357
Year: 2004
Language: English
Type: ART

Just Post Bellum : The Moral Responsibilities of Victors in War.

(NAVAL WAR COLLEGE REVIEW, vol. 67, no. 3 - 4, Summer - Autumn 2004, p. 33-52.)

Author(s):

1. Iasiello, Louis V.

Subject(s):

1. JUST WAR DOCTRINE
2. WAR--TERMINATION
3. POSTWAR RECONSTRUCTION

Notes:

Traditionally, the categories of jus ad bellum (a just decision to wage war) and jus in bello (just behavior in war) have defined 'just war'. This theory has been continually adapted and revised to reflect ever-changing geopolitical realities, and events in Afghanistan and Iraq suggest it is time for a fundamental expansion of scope. Has the time come to embrace a third category - just post bellum, justice in the postconflict stage of war ?

ID Number: JA021099
Year: 2004
Language: English
Type: ART

Double Effect, Double Intention, and Asymmetric Warfare.

(JOURNAL OF MILITARY ETHICS, vol. 3, no. 3, 2004, p. 233-251.)

Author(s):

1. Lee, Steven

Subject(s):

1. COMBATANTS AND NONCOMBATANTS (INTERNATIONAL LAW)
2. WAR VICTIMS--LEGAL STATUS, LAWS, ETC.
3. JUST WAR DOCTRINE

Notes:

Modern warfare cannot be conducted without civilians being killed. In order to reconcile this fact with the principle of discrimination in just war theory, the principle is applied through the doctrine of double effect. But this doctrine is morally inadequate because it is too permissive regarding the risk to civilians. For this reason, Michael Walzer has suggested that the doctrine be supplemented with what he calls the idea of double intention : combatants are not only to refrain from intending to harm civilians; they are also to take precautions to reduce risk to civilians, even at the expense of increasing risk to themselves. The article develops the idea of double intention by addressing two questions : what does it mean to intend to reduce civilian risk, and how much should civilian risk be reduced ? The results of this discussion are then used to consider a moral issue that arises in technologically asymmetric warfare, namely, the extent to which the use of precision-guided munitions, which allow more accurate targeting, can by itself bear the moral burden imposed by the principle of discrimination.

ID Number: JA021126

Year: 2004

Language: English

Type: ART

Just War Criteria and the New Face of War : Human Shields, Manufactured Martyrs, and Little Boys with Stones.

(JOURNAL OF MILITARY ETHICS, vol. 3, no. 1, 2004, p. 27-39.)

Author(s):

1. Skerker, Michael

Subject(s):

1. JUST WAR DOCTRINE
2. WAR--MORAL AND ETHICAL ASPECTS
3. COMBATANTS AND NONCOMBATANTS (INTERNATIONAL LAW)

Notes:

This article applies jus in bello criteria to a relatively novel tactic in asymmetrical warfare : the attempt by a conventionally weaker force to shape the conditions of combat so that the (morally scrupulous) stronger force cannot advance without violating the rules of war. The weaker side accomplishes this by placing its own civilian population before the attacking force; by encouraging or forcing civilians to be human shields, by launching attacks from civilian areas, by provoking reprisal massacres, by creating humanitarian disasters, and by secreting military targets in civilian neighborhoods. This set of tactics is introduced with historical examples taken from recent conflicts in the Balkans and the Middle East. The paper argues that the doctrine of double effect is largely inapplicable to these tactics due to their publicity-seeking nature; that enemy war crimes do not reciprocally release the attacker from his moral obligations; and that responsibility for vulnerable civilians devolves to anyone with the power to offer them protection. Specific tactical recommendations are generated for situations where the deployment of this tactic can be anticipated, for situations where the attacker is and is not immediately imperiled by its use, and in situations where attempts at discrimination are futile.

ID Number: JA020500
Year: 2004
Language: English
Type: ART

Preemption and Just War : Considering the Case of Iraq.
(PARAMETERS, vol. 34, no. 4, Winter 2004 - 2005, p. 20-39.)

Author(s):

1. Wester, Franklin Eric

Subject(s):

1. IRAQ WAR, 2003-
2. JUST WAR DOCTRINE
3. PREEMPTIVE ATTACK (MILITARY SCIENCE)
4. WAR--MORAL AND ETHICAL ASPECTS

Notes:

The author uses the tenets of the classical Just War theory to analyze the current Administration's redefinition of the criteria supporting preemptive and preventive war. The author concludes that even though current operations in Iraq are not in the classical Just War tradition they do signal a need to develop a new ethic for such conflicts.

ID Number: JA021079
Year: 2004
Language: English
Type: ART

2003

US Military Intervention in Crisis, 1945-1994 : An Empirical Inquiry of Just War Theory.

(JOURNAL OF CONFLICT RESOLUTION, vol. 47, no. 2, April 2003, p. 226-248.)

Author(s):

1. Butler, Michael J.

Subject(s):

1. INTERVENTION (INTERNATIONAL LAW)--USA
2. JUST WAR DOCTRINE

Notes:

One compelling aspect of US foreign policy during the cold war was the propensity of policy makers to seek harmony between the pursuit of security objectives and a stated American belief in enduring values of peace and justice. One need look no further than campaign monikers such as 'Operation Just Cause' and 'Operation Restore Hope' or declarations of the existence of an 'axis of evil' for more recent anecdotal evidence of the moral justifications for US military actions. The question of whether this 'rhetoric of justice', which has been pressed into service as a public rationale for US military intervention, might consist of more than mere rhetoric is addressed. The historically grounded, yet timely, theory of the 'just war' is applied to a set of US military intervention decisions to assess conditions in which considerations of justice may have driven US decisions to employ military force in international crisis.

ID Number: JA019139
Year: 2003
Language: English
Type: ART

Operatie Allied Force versus Operatie Enduring Freedom : een vergelijkende bellum justum-analyse.

(VREDE EN VEILIGHEID, jg. 31, nr. 1, 2002, p. 9-32.)

Author(s):

1. Ceulemans, Carl

Subject(s):

1. JUST WAR DOCTRINE
2. NATO--ARMED FORCES--KOSOVO (SERBIA)
3. AFGHAN WAR, 2001-

Notes:

Dit artikel beoogt het ethisch gehalte van operatie 'Allied Force' (Kosovo) en operatie 'Enduring Freedom' (Afghanistan) te vergelijken aan de hand van de 'rechtvaardige oorlog' - of 'bellum justum' - theorie. Deze laatste vormt een ethisch-normatieve traditie die stelt wanneer en op welke wijze militair geweld mag worden aangewend. De principes die aangeven wanneer geweld is toegestaan, vormen het zogenoemde 'jus ad bellum' (rechtvaardige zaak, juiste intenties, redelijke kans op succes, proportionaliteit, laatste redmiddel, en legitiem gezag). De criteria die bepalen op welke wijze dit dient te gebeuren, is het 'jus in bello' (discriminatie en proportionaliteit). Uit de vergelijkende analyse blijkt dat beide operaties zowel enkele overeenkomsten als verschilpunten vertonen. Zo ging het bij beide operaties in essentie om de bescherming van onschuldige burgers (rechtvaardige zaak). Ook hadden beide operaties te kampen met een duidelijk 'legitiem gezag'-probleem. Verschillen waren er bijvoorbeeld op het vlak van de redelijke kans op succes. Hoewel er bij beide operaties sprake was van een duidelijk militair overwicht, moesten de slaagkansen van 'Allied Force' iets lager worden ingeschat dan die van 'Enduring Freedom'. Vanuit het proportionaliteitsperspectief ('in bello') was er eveneens een licht voordeel voor 'Enduring Freedom'. Dit laatste had vooral te maken met het relatief groter aantal duale doelwitten waarop tijdens de NAVO-interventie werd gericht.

ID Number: JA017756

Year: 2002

Language: Dutch

Type: ART

The Fine Art of Friendship : Jus in Bello in Afghanistan.

(JOURNAL OF CONFLICT & SECURITY LAW, vol. 7, no. 1, April 2002, p. 37-83.)

Author(s):

1. Cryer, Robert

Subject(s):

1. AFGHAN WAR, 2001-
2. WAR (INTERNATIONAL LAW)
3. JUST WAR DOCTRINE

Notes:

The armed conflicts in Afghanistan have been surrounded by an almost unprecedented level of public debate relating to the law of armed conflict. This article seeks to provide an assessment of both the ground and air campaigns by the Coalition and their Afghan allies, primarily the Northern Alliance. Taking as its point of departure the idea that how someone (the Coalition) treats their friends (Afghan civilians) and how that person's friends (currently the Northern Alliance) treat others reflects back upon them, this article evaluates the Coalition and Northern Alliance campaigns in Afghanistan. The nature of the various conflicts is investigated, as is, for the air campaign, the targeting process and weapon choice of the Coalition. In relation to the ground war, the actions of the Northern

Alliance/United Front and the Coalition are subjected to scrutiny, in particular from the point of the rules relating to surrender and the treatment of detainees. The article identifies some areas of concern, although nothing attributable to the Coalition rising remotely close to the level of the shocking attacks on the United States on September 11.

ID Number: JA017998

Year: 2002

Language: English

Type: ART

Justice Beyond Question ? Military Responses to International Terrorism and Just War Theory.

(PERSPECTIVES, no. 18, Summer 2002, p. 21-39.)

Author(s):

1. Dolnik, Adam

Subject(s):

1. TERRORISM

2. USE OF FORCE (INTERNATIONAL LAW)

3. JUST WAR DOCTRINE

Notes:

Within the field of international relations, the right of states to protect their territory and the lives of their citizens against another state's aggression has become widely recognized. Strong consensus also exists in terms of the conditions under which the use of force is considered to be morally justifiable (Just War Doctrine). However, the issue of whether states are morally permitted to use force against non-state actors has not yet been as widely agreed upon. Still, in the past three decades pre-emptive and retaliatory air strikes against terrorist operatives have often been used. These operations have set an important precedent indicating that some countries have reached sufficient agreement regarding the moral feasibility of a military response. As is the case in inter-state warfare it makes intuitive sense that certain restrictions to the use of force should apply in the case of non-state actors as well. The normative issue of this paper deals with the circumstances under which states are morally justified to use force against non-state actors and the rules that they are obligated to follow in the process. The recent trends in international terrorism make this topic increasingly important.

ID Number: JA018309

Year: 2002

Language: English

Type: ART

Humanitarian Intervention : A Case of Offensive Force ?.

(SECURITY DIALOGUE, vol. 33, no. 3, September 2002, p. 309-322.)

Author(s):

1. Reichberg, Gregory

2. Syse, Henrik

Subject(s):

1. HUMANITARIAN INTERVENTION

2. JUST WAR DOCTRINE

3. USE OF FORCE (INTERNATIONAL LAW)

Notes:

The distinction between offensive and defensive force is central to modern international law. As developed in the interwar years and later codified in the United Nations Charter, international law has strictly banned resort to offensive force, the only possible exception being operations mandated by the Security Council. In the just war tradition (JWT), by contrast, some kinds of offensive force are permitted, including humanitarian interventions. This article compares these two different ways

of understanding the distinction between offensive and defensive force. It suggests that there is a need to specify in which cases the offensive use of force may be legitimate for humanitarian purposes, and it does so by drawing in the just war idea of 'reaction against wrongdoing'. The concept of a reactive use of force, inspired by St. Augustine and the subsequent JWT, is thus central to the article's argument.

ID Number: JA018358

Year: 2002

Language: English

Type: ART

On the Just War Tradition in the Twenty-First Century.

(INTERNATIONAL AFFAIRS, vol. 78, no. 2, April 2002, p. 353-363.)

Author(s):

1. Rengger, Nicholas

Subject(s):

1. JUST WAR DOCTRINE

2. WAR--MORAL AND ETHICAL ASPECTS

Notes:

This article argues that the rebirth of interest in the just war tradition, both academically and practically, over the last few years rests on a shaky foundation. It suggests that the character of the just war as a tradition is ill suited to certain aspects of the contemporary intellectual and political world and that historical developments in the nineteenth and twentieth centuries have combined unhelpfully to narrow the tradition's concerns. It also suggests that, especially after 11 September, there is a growing temptation to resent the restraints that the tradition is held to impose on warmaking and thus to ignore or abandon the just war as a way of thinking about the relationship between war and politics. Nevertheless, the article argues, to abandon the just war tradition would still bring about more loss than gain and that as an aid to moral reflection and practice on the use of force, it is still a powerful tool and an invaluable aid.

ID Number: JA017751

Year: 2002

Language: English

Type: ART

2000

Protecting the Natural Environment in Wartime : Ethical Considerations from the Just War Tradition.

(JOURNAL OF PEACE RESEARCH, vol. 37, no. 4, July 2000, p. 449-468.)

Author(s):

1. Reichberg, Gregory

2. Syse, Henrik

Subject(s):

1. WAR--ENVIRONMENTAL ASPECTS

2. JUST WAR DOCTRINE

Notes:

Environmental destruction in war : does that fall under the purview of ethics ? Some claim that war itself is not a subject of ethics; others hold that ethics deals strictly with interhuman relationship, not with the relationship between human beings and nature. The authors argue that the just war (bellum justum) tradition of moral reflection points in another direction. It provides an ethical vocabulary for assessing the impact of war on our natural environment. After some introductory comments on the relationship between ethical inquiry and the international laws of armed conflict, this article considers the conceptions of war and of nature which underlie just war thinking, with special emphasis on St Thomas Aquina's formulation of this tradition. It specifically

addresses two well-known debates : the debate between pacifists and realists on the one hand, and the debate between anthropocentric and non-anthropocentric views on nature on the other. Then, through an exposition and application of the criteria of competent authority, just cause, right intention, discrimination, and proportionality, as well as the rule of double effect, the article shows how just war arguments can clarify contemporary moral thinking about environmental damage in war.

ID Number: JA015567

Year: 2000

Language: English

Type: ART

1999

Is One Person's Terrorist Another's Freedom Fighter ? : Western and Islamic Approaches to 'Just War' Compared.
(TERRORISM AND POLITICAL VIOLENCE, vol. 11, no. 1, Spring 1999, p. 1-21.)

Author(s):

1. Kennedy, Robert

Subject(s):

1. JUST WAR DOCTRINE

2. TERRORISM

Notes:

The fight against terrorism frequently is plagued by the old adage : one person's terrorist is simply another's freedom fighter. In view of ever present terrorist violence in the Middle East and in the wake of the thesis advanced by Samuel Huntington that 'the great divisions among humankind and the dominating source of conflict will be cultural' - a 'Clash of Civilizations' of differing norms and values, a major question arises. Are there shared norms that transcend religion, culture, even civilizations that can and should provide a guide for distinguishing between terrorism and other acts of war or conflict ? This article addresses one aspect of the overall question of shared norms. Its purpose is to examine the norms established in both western Christian and secular and Islamic 'just war' traditions and their modern derivatives in terms of their utility as a guide for differentiating between terrorism and what might otherwise simply be called irregular warfare. The article concludes that, despite the existence of 'fundamentalist' interpretations on all sides, generally shared norms indeed do exist among western Christian and secular and Islamic 'just war' traditions. The article, however, also concludes that a number of factors contribute to differences of perspective between and among Muslims and members of many western societies. Among these factors are (1) a revival of jus ad bellum thinking that operates to the detriment of jus in bello, (2) United Nations restrictions on the use of force are not universally accepted, and (3) the impact of national liberation movements and national liberation theology. Such factors have contributed to an absence of a clear consensus on the definition of terrorism, which has been complicated further by the tendency among many western nations to adopt definitions that are overly inclusive.

ID Number: JA014424

Year: 1999

Language: English

Type: ART

'Ready to Kill but not to Die' : NATO Strategy in Kosovo.
(INTERNATIONAL JOURNAL, vol. 54, no. 4, Autumn 1999, p. 671-682.)
Author(s):
1. Robinson, Paul
Subject(s):
1. NATO--ARMED FORCES--KOSOVO (SERBIA)
2. JUST WAR DOCTRINE
ID Number: JA014765
Year: 1999
Language: English
Type: ART

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