

Annotated Bibliography of Warfare “Beyond Clausewitz”

Introduction

This bibliography aims to provide the most complete account of the philosophy of contemporary warfare available anywhere. It deals with what are termed *descriptive* and *normative* understandings of war. *Descriptive* accounts attempt to capture and describe the most salient and essential features of warfare as it is experienced by its participants (and victims). *Normative* accounts, by contrast, attempt to provide theories about when, if ever, the kind of activities in those descriptive accounts are justified (permissible, excusable, or unavoidable). Normative accounts of warfare also attempt to develop theoretical frameworks within which appropriate and inappropriate means and methods of conducting war can be distinguished. Such justificatory accounts of war and its conduct may be purely political in nature (political “realism”), but are more often framed as moral and ethical arguments about the permissibility of resorting to armed force to resolve conflict, while describing the sorts of methods and tactics which may be permitted when doing so (“just war” theories). This bibliography also includes recent developments that challenge conventional theories concerning justified war and its proper conduct in the light of new military technologies for waging war, as well as the increased resort to terrorism and forms of “asymmetric” warfare by individuals and organizations not officially representative of existing nation-states.

Works on War and its Justification

War – conventionally understood as the opposite of peace, tranquility, security and stability – represents a form of conflict among nations and peoples in which armed force, or the threat of armed force, is employed by a nation’s political leaders and elites in order to further their nation’s (and perhaps also their allies’) political or economic interests. War, in particular, is thought to represent a form of political conflict between adversaries in which less violent and dramatic modes of conflict resolution – such as diplomacy, negotiation, economic sanctions, and political compromise – have proven ineffective or futile. The final resort to armed force is intended to compel the recalcitrant adversary to comply with the militarily victorious nation’s will or ambitions (Orend 2005, 2009). The 19th-century Prussian military strategist, Karl von Clausewitz (Clausewitz 1832: Book I: ch 1-2), provided the classic summative assessment of war as precisely such a “continuation of State policy by other means.” The goal of armed conflict in pursuit of a nation’s political objectives is, he argued, to defeat the enemy’s armies, occupy his cities, and break his will to fight or resist.

Such general descriptive accounts of warfare as a political phenomenon focus primarily (though not exclusively) upon a public, state-centric conception of armed conflict, also known as “conventional” warfare. Raising, training, and equipping armies and navies and using these for political purposes in the manner described above by Clausewitz is an enormous undertaking, feasible only for politically powerful and economically well-resourced States. Likewise, states have long been thought to be the only legitimate agents of such power and authority.

It has only been since the 17th century, however, that this conventional public account of warfare has been understood as the sole legitimate description of this activity, as distinguished from various forms of what were once termed “private war.” The latter encompassed other categories

of armed conflict between rival principalities, political factions within states, large criminal or even corporate or religious factions, or among ethnic or tribal groups within regions or territories lacking a strong central government. This broader distinction between public and private war was first codified by the Italian jurist, Alberico Gentili (1589), as destructive wars of all of these different kinds raged throughout Europe, ostensibly fueled by religious sectarian concerns for Reformation and Counter-reformation. Gentili's distinction was incorporated within Hugo Grotius's subsequent and highly-influential classic, *De iure belli ac pacis* (1625), from whence it was increasingly recognized in international law. Following the termination of religious sectarian wars with the Treaty of Westphalia (1648), public war between sovereign states was recognized as the sole legitimate form of international conflict. This gradual evolution in statecraft and international relations represents an important underlying principle of order that the social theorist, Max Weber, would centuries later term "the State's monopoly on the use of force," in essence consigning all other forms of "private" war among other, non-state entities to the status of criminal activity. Recent innovations in the manner of waging war, however, threaten to unravel this political and legal consensus and re-open the question of the legitimacy of non-state-sponsored warfare.

Carl von Clausewitz, whose work is devoted entirely to conventional public war, is widely credited with having been Western Europe's leading theorist on the fundamental tenants of pursuing interstate conflict by means of military force. Clausewitz's own treatment of the strategy of conventional warfare is frequently characterized as a "Newtonian" conception, steeped in the metaphors of classical mechanics: the political interests of well-defined nation-states collide like billiard balls, and the competing "forces" of rival state armies are exerted like opposing vectors upon some political "center of gravity" in order to force political affairs into some final desired configuration.

In this conventional descriptive understanding, conflict itself arises almost inevitably, due to the multiplicity and the frequent incompatibility of more or less reasonable state interests (e.g., in acquiring or defending their territory or natural resources, providing for their own individual safety and security, or expanding profitable trade relations with other states). Moreover, while an individual nation-state's policies, predicated on the pursuit of these interests, may represent a perfectly rational or logical course of action for *that particular nation* (or coalition of allies), the multiplicity of such interests virtually guarantees incessant conflict between rival sets of interests and their competing policy objectives. Hence an occasional resort to armed force in order to resolve at least some of these conflicts is all but inevitable, as the pursuit of ostensibly rational goals on the part of individual collective entities results in a condition of perpetual destructive rivalry, conflict, and misery for all.

This political or "realist" conception of warfare as stemming inevitably from the perpetual rivalry among competing state interests metaphorically infuses the thought of Thomas Hobbes (1651), and is rendered explicit simply by substituting the condition of individual states in place of the condition of biological individuals subsisting in what Hobbes first termed a "State of Nature." The implication of this conception was more clearly and fully articulated in essays on war and international relations by the Swiss political philosopher, Jean Jacques Rousseau (1755a,

b; circa 1756), from whence it was largely presupposed as incontrovertible fact by Clausewitz. In the contemporary era, this view of “international anarchy” (also known as “*descriptive realism*”) has been championed by political scientists like Kenneth Waltz (1954) and Hans Morgenthau (1973).

Buckley, John and Kassimeris, George, eds. (2010). *Ashgate Research Companion to Modern Warfare*. London: Ashgate.

Internationally renowned scholars and policymakers reflect on aspects of the origins, conceptual framework, and current practices in modern conventional warfare.

Clausewitz, Karl von. *On War* (1830). Edited/translated by Michael Howard and Peter Paret. Princeton: Princeton University Press, 1976.

Widely respected as the most thorough and systematic treatment of the origins and proper waging of conventional war ever written. The author’s analysis is deeply indebted to Newtonian mechanics, describing war in terms of opposing vector forces operating on a political or geographical center of gravity, seeking to move people and events into the final configurations desired by the military victors.

_____. *Fundamental Principles of War* (1812). Trans. Hans W. Gatzke (Washington DC: Military Services Publishing Co., 1942): <http://www.clausewitz.com/readings/Principles/>.

Sometimes mistakenly treated as a preliminary outline for Clausewitz’s mature work (above), this summary is a lesson outline for Clausewitz’s pupil, the Prussian crown prince, Friedrich Wilhelm, written just prior to the tutor’s departure from Berlin to join the Russian Army in its fight against Napoleon. Contains useful reflections on military strategy and tactics as practiced during the Napoleonic Wars, and the campaigns of Frederick the Great.

Gallie, W. B. (1978). *Philosophers of Peace and War*. Cambridge: Cambridge University Press.

Discusses theories regarding the origins of, and possible solutions or alternatives to, war in the thought of prominent 19th-century theorists, such as Immanuel Kant, Karl von Clausewitz, Karl Marx, Friedrich Engels, and Leo Tolstoy.

Gray, J. Glenn (1959). *The Warriors: Reflections on Men in Battle*. New York: Harper & Row.

A path-breaking treatment of the psychological appeal of war, and the traumatic and transformative impact of the experience of war on those involved directly in combat.

Gentili, Alberico. *De juri belli, libre tres* 1(589). Trans. T. E. Holland. Oxford: The Clarendon Press, 1877. <https://archive.org/details/dejurebellilibri00gent>.

Pioneering analysis by one of the founding figures of international law, introducing categories and distinctions of conflict that established many of the fundamental principles of warfare and the law of armed conflict as understood today.

Grotius, Hugo [Hugueianus de Groot]. *De iure belli ac pacis libri tres*. Paris: Buon (1625). Reprinted and translated as *The Rights of War and Peace*, Books I-III, edited and with an introduction by Richard Tuck. Indianapolis: Liberty Fund, 2005.

Incorporating (often without explicit acknowledgement) the earlier pivotal work of Francisco de Vitoria (see section 6 below) and Alberto Gentili in particular, this compendium is considered the *locus classicus* for modern thinking about war and international relations in the nation-state (Westphalian) era, ushering in the modern conception of international law. Sets forth several conditions for justification of use of force, including, but going beyond those found in earlier discussions in medieval philosophy. Goes to great lengths, in addition, to outline laws pertaining to conduct of hostilities, including differentiating between combatants and classes of non-combatants who should properly be immune from attack; mandating proper treatment of prisoners of war; and, for the first time, attempting clearly to proscribe the use of weapons (even against otherwise-legitimate targets) whose destructive powers are wholly indiscriminate, or can be shown to cause superfluous injury or unnecessary suffering. The latter conceptions have come to form the cornerstone of modern international law of armed conflict.

Hanson, Victor Davis (2001). *Carnage and Culture: Landmark Battles in the Rise of Western Power*. New York: Doubleday.

Respected classicist and military historian describes key military conflicts from Salamis to Vietnam, arguing that the rise to dominance of European militaries has as much to do with their common grounding in the shared values of Western culture (democracy, capitalism, individualism, and political freedom) than with accidents of environment or geography.

Hobbes, Thomas (1651). *The Leviathan*. E. Curley (ed.), *Leviathan, with selected variants from the Latin edition of 1668*, Indianapolis: Hackett, 1994.
<http://oregonstate.edu/instruct/phl302/texts/hobbes/leviathan-contents.html>.

Written as a modern rejoinder and alternative to Plato's *Republic*, Hobbes argues that it is not the pursuit of heroic ideals, but of the amoral desires and interests of individuals and states that drives perpetual conflict among and between them. The sole antidote for the misery inflicted through this perpetual conflict is for all individuals to willingly cede a degree of their personal freedom in exchange for the security obtained through a concentration of power in the authority of a single ruler, to which all would be subject by common consent.

Hude, Henri (2010). *Democritie Durable*. Paris: Editions Monceau.

Provocative, revisionist study by one of France's most respected contemporary political theorists. Argues that, from the wars of Reformation and counter-reformation through WW II, European strife was largely a continuous, ongoing, and unresolved civil war among rival families and ethnic factions, far more than conventionally portrayed, over religion or between sovereign and distinct nation-states. Only the complete destruction of the *ancien regime* and the foundations of pluralistic, democratic rule in these regions following WW II established the required foundation for a durable peace.

Kagan, Donald (1995). *On the Origins of War*. New York, Anchor Books.

An exhaustive historical account of the origins and causes of conflict from the Peloponnesian War to the Cuban missile crisis by a venerable classicist and respected American intellectual.

Keegan, John (1993). *A History of Warfare*. New York: Alfred A. Knopf.

An authoritative survey of wars and methods of warfare, from the Neolithic era to the Battle of Waterloo, by a world-renowned military historian.

Locke, John (1690). *Two Treatises of Government and a Letter concerning Toleration*. New Haven, CT: Yale University Press, 2003.

Classic treatment of the tacit "social contract" between citizens and government, according to which authority to govern resides wholly in the "consent of the governed," rather than from any kind of historical, traditional, or supernatural arrangements. Government itself exists to protect the basic rights of citizens to security, liberty, and private property. Failure to uphold this mandate constitutes license to amend or replace the governing authorities. War is justified whenever its aim is to protect or further these basic rights of citizens against enemies, both foreign and domestic.

Machiavelli, Niccolò (1521). *The Art of War [Dell'arte della Guerra]*. Florence. Trans. Ellis Farnsworth. Boston, MA: Da Capo Press, 2001.

The only one of his literary works formally published during his lifetime, this dialogue offers advice that military leaders, like political statesmen, need to remain flexible and adapt their mores and principles to the changing contexts of battle. War itself is an instrument of state when diplomacy fails, and ought to be waged by ordinary citizens armed and trained to protect the State, rather than by hired mercenaries (as was often the custom at the time).

Marx, Karl (1844). *Economic & Philosophic Manuscripts of 1844*. Trans. Martin Milligan. Mineola, NY: Dover Books (2007).

_____ (1845). *The German Ideology* (w/F. Engels). Moscow: The Marx-Engels Institute (1939).

_____ (1848). *The Communist Manifesto* (w/F. Engels). New Haven, CT: Yale University Press, 2012.

In these famous works, Marx portrays most previous historical incidents of warfare as arising from the morally unjustified competition among property owners and owners of “capital” (i.e., the financial and institutional resources requisite to social life and economic productivity). The resort to armed conflict itself is intended solely to further the private economic interests of such individuals and political elites, without regard to the harm done to the wider populations affected. War itself is thus a feature of the morally-flawed and unjust nature of the underlying economic and political system within which we find ourselves. Justified war, by contrast, would occur only between those disadvantaged under these political and economic institutional arrangements, and those who upheld them, regardless of state boundaries or national loyalties.

May, Larry (2008). *War: Essays in Political Philosophy*. Cambridge: Cambridge University Press.

Essays on war as a political phenomenon and examining the varieties of actual and proposed legal and moral constraints through which it might be governed.

Neff, Stephen C. (2005). *War and the Law of Nations: A General History*. Cambridge: Cambridge University Press.

A thorough account of the conceptual interplay between the phenomenon of war as a political fact of international relations, and the emergence of international law as an attempt to restrain the violence and destruction of war.

Morgenthau, Hans (1973). *Politics Among Nations*. New York: Knopf, 5th ed.

A modern classic in political theory, setting forth the tenants of descriptive realism in international relations, but also arguing for a normative version of the doctrine, according to which states are utterly unlike individual persons, and hence their behavior and interactions are not properly subject to ethical analysis or moral evaluation.

Orend, Brian (2005). "War", *The Stanford Encyclopedia of Philosophy*. Edward N. Zalta, ed. <http://plato.stanford.edu/archives/fall2008/entries/war/>.

_____ (2009) *On War: A Dialogue*. Lanham, MD: Rowman & Littlefield.

Lively, thoughtful, and unpretentious treatments of the nature, origin, and causes of war, together with an account of the rise of philosophical and moral reflection on how to restrain it.

Parker, Geoffrey, ed. (2005). *The Cambridge History of Warfare*. Cambridge: Cambridge University Press.

Contributing authors examine battles, strategy, tactics, and military technologies from Marathon to the First Gulf War, tracing the rise to military dominance of Western culture over two millennia.

Rousseau, Jean-Jacques (1755a). *The Origins of Inequality Among Men. 'The Discourses' and Other Early Political Writings*, trans. Victor Gourevitch. Cambridge: Cambridge University Press, 1997.

Rousseau, Jean-Jacques (1755b). *The Political Economy. 'The Discourses' and Other Early Political Writings*, trans. Victor Gourevitch. Cambridge: Cambridge University Press, 1997.

Rousseau, Jean-Jacques (c.1756). “A Lasting Peace through the Federation of Europe,” and “The State of War”. *The Political writings of Jean-Jacques Rousseau*, edited from the original MCS and authentic editions with introduction and notes by C.E.Vaughan. Oxford: Blackwell, 1962.

Rousseau’s highly original reflections are scattered unsystematically throughout his wider writings on political philosophy, of which these represent some of the most important selections. In essence, and despite individuals’ desires for peace and an end to conflict, wars perpetually occur largely because there is no supervening secular authority beyond the sovereignty of nation-states capable of otherwise-resolving the inevitable competition between them.

Sun Tzu (1963). *The Art of War*. Trans. Samuel B. Griffith. Oxford: Oxford University Press.

Arguably the most influential and widely-studied of the “Seven Military Classics” of ancient China, attributed by tradition to a military general and Confucian sage (Sun Wu; ca. 512 B.C.E.), although many scholars challenge this view. Underlying thesis is that war itself is to be avoided if possible, or else fought expeditiously in the shortest time and with the least use of force possible. Effective military strategy involves applying these principles to the unanticipated and ever-changing nature of conflict.

Waltz, Kenneth N. (1954). *Man, the State, and War: a Theoretical Analysis*. New York: Columbia University Press.

An analysis of rival causal explanations of the origin of conventional war and armed conflict, based variously upon psychological properties of human social behavior, flaws in state organization and structure, and the background conditions of international relations. Suggests that the condition of anarchy that exists between sovereign states in the absence of any larger effective form of international governance is the root cause of armed conflict.

Journals on the Politics of War and Justice in War

Numerous journals and periodicals in many languages are devoted to the discussion and analysis of war and its conduct. Few of these (and none worthy of consideration) genuinely seek to celebrate, advocate, or glorify war (likely on account of its decidedly unappealing violence and

destructiveness). But a great many journals devoted to war and international relations do treat war as a politically inevitable, and occasionally necessary instrument of state foreign policy.

Others mirror the official stance of the United Nations and its current member states, according to whose founding Charter (1945) war is “outlawed,” in that it is legally prohibited for individual signatory states ever again to resort to war simply as a matter of otherwise-routine conduct of their foreign policies. Instead war (“armed conflict”) must always be reserved as the measure of last resort, employed only in response to armed aggression and violation of their sovereignty and territorial integrity by other states. Otherwise, armed conflict may only be authorized by the U.N. Security Council in response to a political crisis that requires collaborative military action by its members for the sake of their collective security.

Many journals engage in discussion or exchange of rival views concerning whether, when, and how wars should be fought in light of these contemporary perspectives and restraints, or in examining political or technological developments that threaten to cause war, or dramatically alter the manner in which it is fought. Not a few journals advocate against relying upon armed conflict in any manner to resolve interstate conflict, or explore viable alternatives to the use of force for resolving political disputes. Overall, the number of journals and periodicals devoted to such explorations is vast, and only a few representative titles can be cited here.

Armed Forces and Society (<http://afs.sagepub.com/>).

Published quarterly by Sage Publications, and sponsored by the Inter-University Seminar on Armed Forces and Society (<http://www.iusafs.org/about/AboutUs.asp>), headquartered at Loyola University-Chicago. The journal publishes peer-reviewed scholarly research articles, international in scope, concerning military institutions and organization, civil-military relations, arms control and peacemaking, and conflict management. The orientation is primarily toward the social sciences, but includes contributions from a number of other disciplinary perspectives as well.

Ethics and International Affairs (<http://www.eiajournal.org/>)

Founded in 1987, this quarterly journal is published by the Carnegie Council on Ethics and International Affairs in New York. As its title suggests, the journal is committed to discussing the normative (moral and legal) dimensions of international relations and foreign affairs. Its editorial board consists of a virtual “who’s who” of renowned international scholars and academic leaders committed to better understanding the role of ethics in foreign policy, and its contributors hail from nations and institutions throughout the world.

Foreign Affairs (<http://www.foreignaffairs.com/>).

Published by the U.S. Council on Foreign Relations since 1922 (<http://www.cfr.org/>), this journal is widely regarded as the premier forum for discussing issues of international political significance, and its contributors perennially include internationally-renowned scholars and public political figures. It issues six print editions per year on a bi-monthly basis, and extensive digital media on its website. Despite the

journal's claim to sponsor a wide range of conflicting opinions, it, and the non-profit think tank that supports it, are the principal advocates both of *political realism* (international relations is only about power, and law and morality play no meaningful role in its proper exercise), and of a concomitant view that advocates American *hegemony* as an antidote for conflict and strife.

Foreign Policy. (<http://fpgroup.foreignpolicy.com/>)

Now owned and published in six print editions annually by the Carnegie Endowment for Peace, FP was begun in 1970 as a spinoff from the Washington Post publishing group, under the leadership of famed Harvard professor Samuel Huntington and his close friend, Warren Demian Manshel. It aimed explicitly to counter the ideological and philosophical leadings of *Foreign Affairs*, particularly regarding American hegemony and what its founders characterized as “realist groupthink,” but otherwise mirror that rival journal's commitment to publishing a wide diversity of conflicting opinions on issues of war, peace, conflict, and international relations.

Harvard National Security Journal (<http://harvardnsj.org/>).

Founded in 2010 by the Harvard National Security and Law association, this online journal publishes a wide range of scholarly articles on issues of security, war, and conflict studies, including emerging dilemmas in domestic and international law, technology, and national security (such as cyber warfare).

Journal of National Security Law and Policy (<http://jnslp.com/>)

Devoted to discussion of cyber security, torture, secrecy and the laws of war, this journal describes itself as “the world's only peer-reviewed journal devoted to law and national security.” It treats domestic (U.S.) and international law, and their bearing on international security policies pursued by the U.S., its allies, and adversaries.

Journal of Military Ethics

(<http://www.tandfonline.com/toc/smil20/current#.VKnB0SvIhPE>).

Begun in 2001 under the joint sponsorship of the Norwegian Defense Academy and the Peace Research Institute-Oslo (PRIO), this journal has grown to become the leading forum in the world for discussion of current issues in military ethics. It is published quarterly by Routledge Publishers (Taylor & Francis publishing group), and draws on authors and disciplines, as well as military practitioners, from around the world. The largest proportion of its authors come from uniformed military personnel and the academics who support them or study them, affiliated with various regional chapters of the International Society for Military Ethics (ISME) in North America, Latin America, Africa, Europe, and the Pacific Rim.

Military Review (<http://usacac.army.mil/CAC2/MilitaryReview/index.asp#home>).

Begun in 1922, this journal is sponsored by the U.S. Army's Combined Arms Center at Ft. Leavenworth, Kansas. The journal publishes both research and opinion essays by academics, policy leaders, and military and defense industry leaders devoted to exploration of current developments in land warfare. Despite its U.S. military

sponsorship, the magazine is published in French, Arabic, Spanish and Brazilian editions, as well as in English, and includes authors and perspectives from throughout the world.

Small Wars Journal (<http://smallwarsjournal.com/>).

Published by veterans of combat in “small” (irregular, non-conventional, or asymmetric) wars, principally from the U.S. Marine Corps, the journal is founded on the conviction that such wars have become an enduring feature of modern politics, and are thus not any longer ancillary to the understanding and practice of conventional conflict and armed combat. Its primary mission is to promote discussion and exchange among both practitioners and policy makers in order to advance knowledge and capabilities which will, in turn, “advance the practice and effectiveness of those forces prosecuting Small Wars in the interest of self-determination, freedom, and prosperity for the population in the area of operations.”

Stanford Review of Law and Policy (<https://journals.law.stanford.edu/stanford-law-policy-review>).

Founded in 1987 and published biannually, this law journal is described as one of the most prominent policy journals in the U.S. for discussion of issues of domestic and international law that impact local, state, federal, and U.S. foreign policy. Its contributors include not only leading scholars and academics, but also for high-profile policymakers from the U.S. and abroad.

United Nations Disarmament Forum (<http://www.unidir.org/publications/disarmament-forum>).

Issued quarterly in English and French by the United Nations Institute for Disarmament Research in Geneva. The leading journal internationally in this field, it reports on weapons development, threats of conflict, and efforts to provide legal oversight for research, sale, and use of weapons systems.

United Nations Journal of Human Security (<http://unocha.org/humansecurity/resources/publications-and-products/human-security-newsletter>).

Published by the Human Security Unit of the UN Office for the Coordination of Humanitarian Affairs, this publication provides a forum for discussion of human security and related topics at the United Nations, and aims to promote partnerships to advance human security amongst civil society, the UN and the wider international community.

United Nations Journals of Peace-keeping, Disarmament, and Human Rights (<http://www.unric.org/en/united-nations-newsletters-journals-bulletins/25988-newsletters-journals-bulletins-peacekeeping-missions>).

Regional journals report on activities and progress in regions of conflict and ongoing or threatening humanitarian crises, such as Darfur, Golan, Cyprus, and other areas in which U.N. Peacekeeping forces are currently deployed.

Normative Realism: War as an Essential Instrument of State

The enormous variety of divergent views from many individuals and cultures throughout history on the legitimacy and efficacy of using, or threatening to use, armed force as a tool for conflict resolution in international relations may be usefully grouped under three broad categories: (normative) realism, pacifism, and “just war” theories. In this section, we treat the first of these conceptions, which is diametrically opposed to the second. Theories of justified war and its proper conduct will be taken up subsequently.

In contrast political realism’s description of the causes and functions of warfare in statecraft, *normative realism* is the rather different view that entering into such conflict *requires no justification whatsoever*, apart from the advantages or collective interests of those who pursue it. It is as much a right of States to resort to war in pursuit of their national interests, as it is for them to pass domestic legislation and employ armaments to enforce these policies within their internal boundaries. These “reasons of State” may prove alternatively benevolent or malevolent, but, in the writings of Niccolò Machiavelli (who apparently coined this term of art), there is nothing above or beyond them from which they may be judged, other than the efficacy by which the State itself is governed, and the stability it achieves through a judicious use of military force alongside diplomacy. In his best-known work, *The Prince*, for example, Machiavelli argues that “a prince should have no other object, no any other thought, nor take anything as his art but that of war and its orders and discipline; for that is the only art which is of concern to one who commands” (Machiavelli, 1985: 14).

Conflict between adversaries and their competing interests constitute an inevitable fact of inter-state relations, and resort to force to resolve such competition is simply one of a range of options open to states and leaders to impose their will on their adversaries. One of the most famous and influential statements of this view is found in the work of the ancient Greek historian, Thucydides, in which he portrays a dialogue between Athenian ambassadors and political leaders of the neutral city of Melos during the Peloponnesian War. When, during the sixteenth year of that war, the Melian leaders seek to maintain their status of neutrality between Athens and its Spartan-led adversaries, and appeal to principles of justice and fairness in their defense, the Athenian ambassadors ridicule such notions, replying instead that “justice, as the world goes, is only in question between equals in power, while the strong do what they can and the weak suffer what they must” (Thucydides, ca. 431 BCE).

The numerous accounts of descriptive realism regarding war, cited in Section 2 above, also frequently lapse into *normative* accounts, not so much recommending in favor of war as offering critical assessments of any attempts to limit its occurrence or constrain its conduct. Such “mixed” descriptive-normative accounts are *amoralistic*, consistent with the views of realists generally, who (like Clausewitz) regard any discussion of law or ethics as inappropriate when applied to the topic of war and its conduct. In addition to the entries already listed in section 2 above, accounts of realism that are *intentionally and explicitly normative* include the following:

Augustine of Hippo (c. 410 C.E). *The City of God against the Pagans*. Translation by R. W. Dyson. New York: Cambridge University Press, 1998.

Included at various points within this magisterial treatment of ideal (“divine”) political principles and those practiced of necessity within the decidedly secular, and less-than-ideal “city of Man,” Augustine outlines and defends a view, subsequently known as “Christian realism,” that taking up the sword in defense of the secular State and its citizens against the threat of bodily harm from adversaries is sometimes “the lesser evil,” when compared to every other available alternative. Following Cicero and his own teacher, St. Ambrose, Augustine offers three essential criteria or guidelines for wrestling with this decision: a *justified cause* consisting of moral, rather than purely political or expedient reasons for resorting to armed conflict (Ambrose); a *public declaration* by the appropriate authorities that this resort to force constitutes an unavoidable final or last resort after all less grave options have been tried and failed (Cicero), and a third criteria of his own, known as “*right intention*,” a demand that war always be waged with the goal of restoring peace. This adumbration by Augustine of “sound reasons” beyond political expediency for waging war inaugurates what comes to be known as the “just war” tradition in the West (see section 6 below).

Macchiavelli, Niccolò (1513). *The Prince*. Trans. Harvey C. Mansfield Jr. Chicago: University of Chicago Press, 1985.

A classic and highly influential examination of political philosophy that is unrelentingly realistic (sometimes to the point of cynicism), and never romantic or idealized, according to which (as humorous commentators remark): “the ends justify the meanness.” The hallmark of the prudent exercise of power, leading to stability, security, and triumph over adversaries entails a special kind of (amoral) “virtue” on the part of the sovereign, who must be willing to alternate prudence and clever resourcefulness with the ruthless exercise of power, when “reasons of State” require this.

Thucydides (ca. 431 B.C.E.) *The Peloponnesian Wars* . Trans. Martin Hammond. Oxford: Oxford University Press, 2009.
<https://www.mtholyoke.edu/acad/intrel/melian.htm>.

In contrast to heroic and mythological accounts of Homer and the Greek tragedians, and in contrast to the literary and anthropological approach of Herodotus, Thucydides purports to offer a purely factual, descriptive, year-by-year chronological account of the decades-long war that transformed the polity of ancient Greece. Often linked with the amoral realist political philosophy of Machiavelli and Hobbes (the latter of whom first translated this classic into English), the work instead intends simply to offer as neutral and theory-free account of the events of the war as is possible for an Athenian partisan and general who fought in these wars with marginal success. The

interpretive focus is principally upon ascertaining the true human motives for strategic decisions and their consequences, and thus contains numerous implicit and explicit moral judgments of character and outcome by the author, ranging from the pitiless description of scenes involving Athenians meting out violent and brutal policy (and eventually receiving from adversaries in return much as they themselves have dispensed), to the remarkable assessment of the death of Nicias at the hands of the Corinthians at Syracuse (which Thucydides condemns as tragic and wholly undeserved). It is the tendency of modern-day political theorists since Hobbes with excerpting the “Melian dialogue” out of its literary context (in which it more closely resembles an important portrayal of *hybris* in a Greek tragedy) that has contributed to the outsized influence of this classical work as a treatise on normative realism.

Pacifism: the Categorical Opposition to War on Moral Grounds

In contrast to both descriptive and normative realism, the otherwise many and varied types of pacifism collectively constitute a diametrically opposing normative view, in which no set of political interests nor desire for property, trade privileges, or other economic advantages, *ever* justifies the threat of force or the deliberate taking of human life in their pursuit. Likewise, in contrast to the sometimes-confused mix of descriptive and normative accounts of realism, pacifism is an avowedly normative stance: that is, without regard for the specific circumstances and historical vagaries that occupy realism, pacifists unreservedly maintain that warfare, whether conventional or otherwise, can never be justified.

Pacifist views opposing war and violence often are (but need not necessarily be) derived from broader moral and metaphysical doctrines integral to a religious faith perspective. Religious commitments to non-violence are themselves many and varied, ranging from the doctrine of *ahimsa* (non-injury) in Buddhism and Hinduism, to *agape* (unconditional love and forgiveness) in Christianity, for example. In modern times, one of the most influential manifestations of the former doctrine is to be found in *satyagraha*, the principle of non-violent resistance to armed force advocated and practiced by the great Hindu political leader, Mahatma Ghandi, and emulated during the struggle for civil rights in America by a Christian minister, the Reverend Martin Luther King, Jr. The noted Swiss physician and Christian theologian, Albert Schweitzer, cited both *ahimsa* and *agape* as the underlying conceptual foundations of his own doctrine of nonviolence and “reverence for life” (a concept that also strongly influenced the nonviolent resistance of Rev. King).

Realism and pacifism represent opposing viewpoints on war, in particular, that are mutually exclusive and wholly incompatible, since each holds the other fundamentally mistaken regarding crucial points of fact. Normative realism seems to hold that war requires no broader justification (beyond “reasons of State”), while pacifism holds that no justification of any sort (especially including reasons of State) is sufficient to render war itself morally permissible or excusable.

Bainton, Roland H. (1960) *Christian Attitudes Toward War and Peace*. Nashville, TN: Abingdon Press.

Landmark study, by a leading historian of religion at Yale University, setting forth three contrasting, faith-based attitudes to war: pacifism, “holy war” (Crusades), and the tradition of justified war.

Dombrowski, Daniel (1991). *Christian Pacifism*. Philadelphia: Temple University Press.

A thoughtful, philosophical analysis of the strengths and weaknesses of pacifism as a religious and moral stance.

Fiala, Andrew (2008). *The Just War Myth: The Moral Illusions of War*, Lanham, MD: Rowman and Littlefield.

A philosophical analysis and critique of just war thinking, encompassing both philosophical and religious assessments of the inconsistencies of this doctrine. Argues instead for pacifism as a consistent moral stance.

_____ (2010). “Pacifism.” *Stanford Encyclopedia of Philosophy*. Fall 2010 Edition. Edward N. Zalta (ed.): <http://plato.stanford.edu/entries/pacifism/>.

An authoritative examination and analysis of the origins and types of pacifism and its relationship to particular religious faiths. Includes an exhaustive bibliography and discussion of philosophical or “secular” pacifism, divorced from religious commitments.

Hauerwas, Stanley (1984). *Should War Be Eliminated? Philosophical and Theological Investigations*. Milwaukee, WI: Marquette University Press.

_____ (1988). *Against the Nations: War and Survival in a Liberal Society*. New York: HarperCollins.

_____ (2011). *War and the American Difference: Theological Reflections on Violence and National Identity*. Grand Rapids, MI: Baker Publishing Group.

A prolific writer, Protestant Christian theologian and ethicist, Stanley Hauerwas, is one of the most forceful and uncompromising defenders of Christian pacifism over the past half-century. These works oscillate between a defense of the coherence of the religion’s core teaching regarding forgiveness and non-violence, and a political critique of American foreign policy and the all-too-frequent resort to war in particular.

Holmes, Robert (1989). *On War and Morality*. Princeton, NJ: Princeton University Press.

A passionate and vehement critique of realism and just war theory by a committed pacifist.

Kraft, Kenneth, ed.(1992). *Inner Peace, World Peace: Essays on Buddhism and Nonviolence*. Albany, NY: State University of New York Press.

Contributors offer a variety of personal and political interpretations of core Buddhist teachings on pacifism and non-violence.

Perry, David L. (2003). "Ethics and War in Comparative Religious Perspective." Tacoma, WS: Trinity Lutheran Church (25 March 2003): <http://home.earthlink.net/~davidlperry/relwar.htm>.

A thorough and very useful summary and assessment on the core teachings regarding pacifism and non-violence in the world's major religious faiths.

Prabhu, Joseph (2005). "Trajectories of Hindu Ethics." *The Blackwell Companion to Religious Ethics*. Ed. William Schweiker. London: Blackwell Publishers: 355-367.

Prabhu, a renowned authority on Hindu ethics and the thought of Gandhi, includes discussion of the latter's doctrine of *satyagraha*, correcting the misperception that the doctrine entailed only passive resistance to violence. In particular, Gandhi was willing to employ military force to repel the invasion of Kashmir by the Pakistani Army following the partition of 1948.

Russell, Bertrand (1915). "The Ethics of War", *International Journal of Ethics* 25 (2): 127-142.

_____ (1943). "The Future of Pacifism." *The American Scholar* 13: 7-13.

Perhaps the most influential and widely-read pacifist and conscientious objector in the 20th century defends pacifism as a principled moral view, stemming entirely from philosophical, rather than any theological considerations (toward which Russell was likewise strongly opposed).

Stassen, Glenn (1992). *Just Peacemaking: Transforming Initiatives of Justice and Peace*. Philadelphia, PA: Westminster/John Knox Press.

A pointed challenge to the just war tradition by a conservative Southern Baptist theologian (and son of the late governor of Minnesota, Harold Stassen). Rather than defending and excusing the resort to war and armed conflict, the author argues that Christians should be committed instead to a more aggressive and politically-involved form of "just peace-making" that would obviate the need for recourse to war.

Will, James E. (1989). *A Christology of Peace*. Philadelphia, PA: Westminster/John Knox Press.

Demonstrates how peace with justice is evident in the life, message, death, and resurrection of Jesus of Nazareth.

_____ (2014). *A Contemporary Theology for Ecumenical Peace*. London: Palgrave Macmillan.

From "Father Abraham," to President Abraham Lincoln and beyond, the author, a prominent Protestant theologian, eloquently traces a profoundly moving and inspirational

theological motif that he finds common to all three of the Abrahamic religious traditions. In this compassionate vision, *God's Love for the World* provides the spiritual energy for establishing *Justice*, while inviting all of Creation to participate relationally, with God and with one another, in a continuous historical act of co-creation, whose end will finally be realized through establishing that "*Just Peace on Earth*" which most fully embodies the structure of God's Love for the World, offering guidance to peace-makers in fulfilling their mission of faith and love through establishing peace with justice.

Yoder, John Howard (1972). *The Politics of Jesus*. Grand Rapids, MI: Wm. B. Eerdmans Publishing (Revised Edition 1994).

Along with Hauerwas, Stassen and Will, J. H. Yoder is recognized as a leading voice worldwide for pacifism as an authentic expression of Christian devotion to love and forgiveness. This early work examines the Gospel of Luke, demonstrating that Christians are committed to a specific sort of pacifism, in which political efficacy is modeled on the secular impact of the crucifixion of Jesus. It is not withdrawal from politics, but political engagement in this mindset that will bring about true "peace on earth."

_____ (2009). *Christian Attitudes to War, Peace, and Revolution*. Grand Rapids, MI: Brazos Press.

In this somewhat more academic treatment, Yoder examines and critiques various contrasting attitudes toward just war and pacifism within the framework of Christianity.

The Justification of War (*jus ad bellum*)

One may accept (with the Athenians) a *descriptive realist* account that war is often (if not always or inevitably) "how the world goes," while (with the Melians) lamenting that same fact from a moral perspective, and arguing *normatively* that one ought to resist this tendency, and to do one's utmost to avoid engaging in war, on account of the undeserved suffering and destruction it causes.

One need not, however, necessarily embrace any of the various forms of *pacifism* in order to achieve this result, inasmuch as Hobbes and Sun Tzu (neither of whom presumably were pacifists) also seem either to lament the ubiquity of war (Hobbes) or seek to recommend forbearance as a proper attitude toward armed conflict (Sun Tzu). One of the most eloquent arguments against a thoughtless or too-easy resort to war is found in Thucydides' account of the Spartan king, Archidamus, himself a veteran and seasoned warrior, who (on the eve of the onset of the Peloponnesian War) nonetheless decries war's destruction and imprudence, and fears bequeathing its evils to the next generation, despite representing a culture allegedly famous for its martial virtues and exploits. Indeed, one finds other accounts in Thucydides that seem to favor the restraint of violence as the hallmark of prudent public policy (e.g., the debate in Book III between Cleon and Diodotus concerning the fate of the rebellious Mytilenians).

Between the two extremes of realism and pacifism, that is to say, lies a set of positions or theoretical accounts (known collectively as the *just war tradition*) that collectively hold war to be a regrettable, but sometimes unavoidable feature of political life. The decision to wage war (usually designated in the idiomatic medieval Latin legal terminology employed by Hugo Grotius, as *jus ad bellum*), may on limited occasions be justified when judged against alternatives that would be even more devastating (state collapse, followed by genocide, wholesale extermination, or *en masse* enslavement, for example). The limitations upon a too-easy justification of warfare consist of a mix of prudential political and morally principled provisions or criteria that, among other considerations, constrain the resort to force only as a last resort, and only in pursuit of a legally or morally justified purpose (a “just cause”).

The just war tradition has the advantage of taking account of the serious moral and political concerns raised in both realism and pacifism, in a manner that neither of those views can reciprocate. With respect to the former: prudence, expediency, and reasons of state can sometimes (but not always) count as justifications for war, but only when these conform, in turn, to the broader requirements of morality and law. Pacifism, for its part, can be portrayed as a very stringent application of the criteria for justification, arguing as a matter of fact that no actual conflicts to date have ever fully satisfied the necessary justificatory conditions. That stringent view of just war doctrine as resulting practically or operationally in pacifism held increasing plausibility in the face of means or methods of warfare, such as strategic nuclear war, that self-evidently appeared incapable of compliance with many, if not all of the justificatory constraints (sometimes designated as the special case of *nuclear pacifism*).

a. *Textbooks and Introductory Surveys*

Christopher, Paul (1994). *The Ethics of War and Peace*. Upper Saddle River, NJ: Prentice-Hall. 2nd Edition, 1999.

Succinctly written introductory outline of just war doctrine by former West Point scholar and teacher, including standard overviews of justification of force (*jus ad bellum*) and the proper conduct of combatants in war (*jus in bello*).

Coady, C.A.J. (2008). *Morality and Political Violence*. Cambridge: Cambridge University Press.

A venerable and internationally respected just war theorist attempts to apply the central tenants of this tradition carefully and critically to problems of violence in the contemporary world, including conventional wars, terrorism, rebellions and insurgencies.

Coates, A.J. (1997). *The Ethics of War*. Manchester: Manchester University Press.

With attention to conflicts from the crusades to the present day, the author explores the ramifications of the classical just war tradition for recent conflicts ranging from IRA violence in northern Ireland to the Falklands War and the first Gulf war in Kuwait.

Coleman, Stephen (2012). *Military Ethics*. Oxford: Oxford University Press.

Easily the single best, most thorough and systematic introductory treatment of the topic of war and ethics currently available in print. The pedagogical methodology is “problem-based” learning, in which engagement in specific topics and issues is elicited through initial case studies, with subsequent dialectic between theory and case-centered practice. The focus is both historical and international in scope, featuring cases from armies and navies around the globe.

Fotion, Nicholas (2007). *War and Ethics: A New Just War Theory*. New York: Continuum.

A respected and veteran teacher of just war doctrine attempts to demonstrate its continued relevance to terrorism, humanitarian intervention, non-state actors and the rise of irregular war, as well as to traditional conflict among and between states.

Hartle, Anthony E. (2004). *Moral Issues in Military Decision-making*. Second edition. Lawrence, KS: University of Kansas Press.

Alongside General Mal Wakin (see below), Col. Hartle, longtime ethics chair and instructor at the U.S. Military Academy (West Point) is regarded as a co-founder of the study of ethics at U.S. military institutions. This is a thoughtful, systematic approach by the author to the role of war in international relations, especially for purposes of both national defense, and the defense of basic human rights. A practitioner as well as a teacher, Col. Hartle first proposes that military ethics is a species of professional ethics, placing particular role responsibilities and constraints on acceptable behavior pertaining to those chosen to wield deadly force in defense of country.

Lackey, Douglas P. (1989). *The Ethics of War and Peace*. Upper Saddle River, NJ: Prentice-Hall.

Competent, conventional introductory survey of the topic that is widely used and cited.

Lucas, George R. Jr. and Rubel, W. R. (2004). *Ethics and the Military Profession: the Moral Foundations of Leadership*. New York: Pearson. 5th Edition, 2014.

This introductory work covers basic ethical principles and theories, with special emphasis on war and professional military ethics. First published during the onset of the wars in Iraq and Afghanistan, however, and widely used in the U.S. and other nations, it is now somewhat dated and superseded in quality by other treatments (e.g., Coleman, above). Includes many useful selections of primary texts and documents.

Nardin, Terry, ed. (1996). *The Ethics of War and Peace: Religious and Secular Perspectives*. Princeton University Press.

Excellent collection of diverse essays from a variety of political, moral, and theological perspectives, compiled and edited by a leading scholar and teacher in political theory. Includes selections on Judaism and Islam, and on feminist just war theory.

Orend, Brian (2006). *The Morality of War*. Peterborough, Ontario: Broadview Press. Revised and expanded 2nd Edition, 2013.

An extremely thorough and eminently readable introductory survey of approaches to evaluating and regulating armed conflict. Discusses and criticizes alternatives of pacifism and realism, leading to a principal focus upon just war doctrine as a mitigating and realistic stance. Discusses the origins and current status of the international law of armed conflict, as well as moral and philosophical thinking about the moral justification of war, and of just conduct in war. Includes discussion of the author's own pioneering approach to *jus post bellum* (see section 9 below).

Reichberg, Gregory S., Syse, Henrik L. and Begby, Endry, eds. (2003). *The Ethics of War: Classical and Contemporary Readings*. Oxford: Blackwell.

This is the premier collection of original source materials on the historical development of the just war tradition currently available, including numerous works of historical significance that were heretofore largely unavailable in translation. Editors' notes and commentaries provide clear and accurate explanation of context and significance of each selection.

Wakin, Malham (1986). *War, Morality, and the Military Profession*. Second edition. Westbury, CT: Westview Press.

Classic textbook for military service academies, compiled by the U.S. Air Force general and philosopher whom most regard as the founder of ethics study at federally-supported military academies in the U.S. and abroad.

Wasserstrom, Richard A., ed. (1970). *War and Morality*. Belmont, CA: Wadsworth.

A brief but significant collection of philosophical essays on aspects of declaring and conducting war, compiled as a college classroom "reader" during the Cold War and Vietnam era. Important essays by leading intellectual figures of the period (like Thomas Nagel and Elizabeth Anscombe) inadvertently show how philosophers at the time were more issue-driven than systematic, and did not sharply distinguish between the problems of international relations (*jus ad bellum*) and the obligations of just conduct in the waging of war (*jus in bello*). This would be the last significant contribution by mainstream philosophers to the discussion of declaring and waging war prior to the onset of the "war on terror" early in the next millennium.

b. *General and Historical Accounts of Just War Doctrine*

[In this category also belong many works cited elsewhere in this bibliography, including those by Hugo Grotius, Augustine, and Gentili, cited in Section 2 above.]

Elshtain, Jean. Bethke (1991). *Just War Theory*. New York: New York University Press.

In the aftermath of the first Gulf War in Kuwait, an eminent scholar of the Christian just war tradition sets forth the foundations and basic principles of just war reasoning in clear and comprehensive fashion.

Johnson, James Turner (1975). *Ideology, Reason and the Limitation of War: Religious and Secular Concepts*. Princeton, NJ: Princeton University Press.

_____ (1981). *Just War Tradition and the Restraint of War*. Princeton, N.J.: Princeton University Press.

_____ (1999). *Morality and Contemporary Warfare*. New Haven, CT: Yale University Press.

Johnson is the preeminent historian of the just war tradition in the world at present, whose writings encompass both traditional Western origins of the tradition in copious and accurate detail, and more recently turn to non-western influences and contributions to just war discourse, particularly in Islam. His earliest work reflects on the importance of the Dominican scholar, Francisco di Vitoria, decades before the “re-discovery” of Vitoria’s significant contributions to international law by a current generation of scholars. His historical studies persistently emphasize the continuing relevance of the tradition to changes in the nature of warfare and conflict, and champion the notion that the tradition overall emphasizes the importance of justice and the preservation of basic rights, rather than merely the restoration of peace at any price.

Lucas, George R. Jr. (1987). "Moral Order and the Constraints of Agency: Toward a New Metaphysics of Morals," *New Essays in Metaphysics*, ed. Robert C. Neville. Albany, NY: State University of New York Press: 117-139.

_____ (1988). “Agency After Virtue,” *International Philosophical Quarterly* 28 (3): 293-311.

Grounded principally in John Rawls’ “Dewey Lectures” of 1980 on “moral constructivism” (to which they were a response) these essays offer accounts of the nature and origins of moral principles as “boundary conditions” on the exercise of human agency, and of virtues as “emergent norms” of shared practice. Both virtues (as “best practices”) and principles (defining limits of acceptable practice) represent constraints on practice that render the pursuit of those widely-shared social practices themselves possible. Using examples of war and armed conflict, these essays also attempt to show how, on occasion, such widely-acknowledged principles may be set aside in situations of extreme exigency, as defined by criteria that generically resemble the specifics of just war doctrine.

Orend, Brian (2000). *Michael Walzer on War and Justice*. Cardiff, Wales/U.K.: University of Wales Press.

An appreciative but critical assessment by a brilliant young scholar of the preeminent just war theorist's contributions to the understanding of war in international relations, and to the central role of moral considerations in carrying out armed conflict. Author emphasizes Walzer's comparative neglect of the aftermath of war, and develops and strengthens his arguments concerning the procedures, and moral significance of *jus post bellum*.

Syse, Henrik and Reichberg, Gregory, eds. (2007). *Ethics, Nationalism, and Just War: Medieval and Contemporary Perspectives*. Washington DC: Catholic University of America Press.

In contrast to their volume on the ethics of war (section 6.a above), the focus in this collection of source materialism is the rise of nationalist sentiments during the Protestant Reformation, and the political impact of these sentiments on just war doctrine (as wars of religion and nationalism proliferated).

The Charter of the United Nations and Statutes of the International Court of Justice (1945): <https://treaties.un.org/doc/publication/ctc/uncharter.pdf> .

Contains key provisions of treaty agreements dating from 1945 that ban the resort to force or the threat of force, or to the use of armed conflict as a tactic in inter-state relations. Article 51, however, clarifies that nothing in these provisions shall obviate each member state's right to sovereignty and territorial integrity, including the right to defend itself from aggression through resort to force, if necessary. Chapter VII outlines provisions that otherwise constrain each state's use of armed force to actions authorized and approved by the U.N. Security Council in the interests of collective security.

Vitoria, Francisco di (1539). "*Di Indis et Di Juri Belli*." In: *Vitoria: Political Writings*, eds. Anthony Padgen & Jeremy Lawrance. Cambridge: Cambridge University Press, 1991.

In the midst of a copious writings on numerous subjects, these translations contain the author's two famous *relectiones* of 1539, summarizing the semester's study of St. Thomas Aquinas at the University of Salamanca, and employing his writings on just war to challenge the morality of the Spanish Conquest. The first objects specifically to military campaigns against indigenous peoples justified by religious orientation alone, and, by way of contrast, sets forth principles of just cause for war by which, alone, military interventions can be justified. The second continues the author's examination of the texts of Thomas Aquinas by elaborating, for the first time, the notion of *ius gentium*, or "the customs and habits of civilized peoples everywhere," which constrain the declaration of war, and establish conditions for justified conduct and use of force during war. Presents for the first time a notion of "publicity" that enlists the good-faith efforts of philosophers, theologians, and statesmen to advise the sovereign on the justice of causes

for war, while setting forth limitations on collateral damage done to “innocents” caught in the midst of conflict.

Walzer, Michael (1997). *Just and Unjust Wars*. New York: Basic Books. Fourth Edition, 2006.

Easily the most influential, enduring and widely read study of war and morality in the 20th century. Stimulated by the author’s own perplexity regarding how it is possible to approve of some wars (such as World War II, or the 1967 “six-day” war between Israel and its Middle East neighbors) as morally justified, while believing others (like the American intervention in Vietnam in the 1960s) to have been morally wrong. An exhaustive and elegantly-written study, from the perspective of secular political philosophy, of ethics and international law pertaining to the declaration and conduct of war, with numerous historical case studies. Includes critical appraisal of realism, and some attention to the alternative of pacifism.

Wells, Donald A., ed. (1996). *Encyclopedia of War and Ethics*. Westport, CT: Greenwood.

Extensive, summative collection of essays, written before and during the Cold War and Vietnam War by an earlier generation of leading scholars on ethics and war, primarily drawn from the fields of political science and Roman Catholic moral theology. Includes comparative religious (Christian) and secular perspectives, interspersed with numerous case studies illustrating the moral dilemmas that arise in both the declaration and conduct of warfare.

The Moral Justification of War in non-Western Traditions

The just war tradition is often (though quite mistakenly) thought to be entirely a Western European, Christian cultural artifact of limited applicability in the wider political arena. This relegation of just war discourse to the status of a cultural relic of limited jurisdiction is partially the result of the extensive contributions to this mode of thought made by writers and political philosophers who lived in the West, or who could be identified as “Christian.” Varieties of a similar kind of justificatory discourse, however, can be found to occur in some form in virtually all cultures and systems of religious or moral beliefs. Robust, but less systematic and well-formulated views of justification for the use of force can, for example, be found in Islam, in Hinduism, and in the work of both Taoist and Confucian scholars in eastern Asia down through the centuries.

Indeed, from the standpoint of formal philosophical ethics (as opposed to “applied” philosophy and ethics), the discourse of “just war” merely constitutes one species of a larger genus of philosophical arguments concerning when, if ever, it might be permissible to set aside, or to grant individual exceptions to widely believed and generally followed normative principles or constraints on acceptable human behavior. Normative principles or constraints answering to this description are, on the one hand, found to be virtually universal (albeit conceptually vague and

imprecise) by virtue of their functioning, in a transcendental sense, to make human agency and human social life themselves possible (Lucas 1987, 1988; Rawls 1999; Habermas 1992, 2004). Such regulatory principles include: truth-telling, trust, and prohibitions against perverse fraud and deception; order, loyalty, obedience to authority, and the rule of law; prohibitions on killing or the taking of life in the absence of legitimate authority and grave justification; and of course, in that vein, the deliberate waging of war (even within cultures like Sparta, in which the martial arts and military preparedness are otherwise valued highly).

Owing to their fundamental importance as regulative ideals of human agency, such principles are never lightly to be cast aside. Hence, whenever one proposes to undertake actions that deliberately disregard the jurisdiction and normative authority of these broad and general principles or constraints upon agency (apart from willful and criminal disregard), such actions always require some kind of public justification. The agent or agents engaged, for example, in lying, deception, civil disobedience, “whistle-blowing,” killing (that is not to otherwise classified as murder or manslaughter) – let alone in advocating or undertaking warfare for purposes of conflict resolution – are in all such instances required to offer justificatory reasons for why such actions ought, in exceptional circumstances, to be permitted as an intentional suspension of the normal regulatory authority of the underlying normative principles (once again, assuming that the agent or agents are not deliberately and intentionally engaged in anti-social wrong-doing for its own sake, or for personal gain).

Acceptable justifications for suspension of, or exceptions to fundamental normative principles and constraints on agency in any culture require at least a compelling, overriding reason for the exception (a “just cause”), as well as a good faith effort to have attempted everything short of this dire suspension of, or exception to the relevant regulative principle without satisfactory result (hence, violating the principle in question must always be a “last resort”). Other obvious, if subsidiary justifications include a set of what are termed “proportionality criteria,” including that the specific exempting situation and its expected results be at least as important, if not more so, to the society affected than would be normal compliance with the regulatory principles to be violated, and that the granting of this exemption under extenuating circumstances might reasonably be thought to address and resolve the presumed crisis in a satisfactory fashion (“probability of success”), without doing irreparable damage, in the process, to the continuing authority of the normative principles (and their enforcing institutional arrangements) themselves. Throughout, it must be demonstrable evident that the agent or agents are acting in good faith, and in behalf of defensible goals and objectives (“right intention”), and that they individually or collectively possess the requisite authority to decide and act (“legitimate authority”).

Just war discourse, and its historically-compiled list of necessary (and collectively sufficient) conditions for resorting to war, *constitute an important instance of this more general reasoning* regarding the justification of moral exceptions. Importantly, such reasoning would be expected to be found in various forms in any culture or civilization, addressing a variety of problematic, universally experienced moral conundrums including (but not limited to) war. Conversely, given its importance, impact, and universality, one would expect (if the foregoing account is accurate) to find examples of reasoning about the declaring and waging of war in any culture or

civilization, and not merely in Christian and/or Western European cultures (although waging war itself constitutes an especially grave and fundamental moral dilemma within any cultural tradition, like Christianity or Buddhism, that is doctrinally committed to pacifism).

As a matter of historical fact, one does indeed find analogous reasoning, not just about war, but about lying (or deceptive practice), killing (e.g., in self-defense), as well as concerning civil disobedience, disloyalty, and rejection of authority in virtually every cultural tradition or historical epoch, alongside the discovery of similar lines of justificatory argument adduced for the necessity of each (e.g., justified cause, right intention, last resort, and proportionality criteria of various types). Likewise, one finds within these otherwise-variant traditions extensive, and highly analogous reasoning about war itself, including when to declare war, and how properly to wage it. As the noted political philosopher, Michael Walzer, eloquently summarized the matter (*Just and Unjust Wars*, 1977/2006): “For as long as men and women have talked about war, they have talked about it in terms of right and wrong....Reiterated over time,” he observes, “[these] arguments and judgments shape what I want to call *the moral reality of war* – that is, all those experiences of which moral language is descriptive or within which it is necessarily employed.”

French, Shannon E. (2003). *The Code of the Warrior*. Lanham, MD: Rowman and Littlefield. Revised and expanded **2nd Edition** (Rowman & Littlefield, 2017)

Ground-breaking comparative study of warrior codes in various centuries and cultures emphasizing the perspectives of each on the just declaration and conduct of war, including principles of just cause, proportionality of ends and military means, non-combatant immunity and the treatment of enemy prisoners. Revised edition includes extensive coverage of Islamic warrior codes, and expanded treatments and updates of earlier topics from the first edition.

Habermas, Jürgen (1992). *Faktizität und Geltung. Beiträge zur Diskurstheorie des Rechtes und des demokratischen Rechtsstaats*. Trans William Rehg. Cambridge, MA: MIT Press, 1996.

_____ (2004). *Der gespaltene Westen*. Trans. C. P. Cronin. Cambridge: Polity Press, 2006.

Among the enormous body of influential work on a neo-Kantian conception of “discourse ethics” by this internationally-renowned philosopher, these works outline most closely his contributions to the discussion of law and morality in a practical, political context, as pertains both to the discovery, understanding, and justification of widely-held norms and principles, and the procedure by which, on occasion, one may argue in favor of setting such principles aside in extreme circumstances. Discusses war and just war theory specifically in the aftermath of Kosovo in the latter work.

Hensel, Howard. M. (2010). *The Prism of Just War: Asian and Western Perspectives on the Legitimate Use of Military Force*. London: Ashgate Press.

A range of scholarship dealing with the discussion of war as an instrument of state policy, and of its proper limitation and conduct, from a variety of non-Western (as well as traditional western) perspectives.

Johnson, James Turner and Kelsay, John (1991). *Just War and Jihad: Historical and Theoretical Perspectives on War and Peace in Western and Islamic Traditions*. New York: Greenwood Press.

Two of the world's most respected historians of religious ethics convene a distinguished group of contributors to examine both Christian and Islamic literature across centuries regarding the necessary conditions for declaring and fighting war justly. Not limited to philosophical or theological theory alone, but also addressed to the influence of these traditions on the formation and conduct of current public policy in the Middle East.

Kelsay, John (2009). *Arguing the Just War in Islam*. Cambridge, MA: Harvard University Press.

One of the world's premier scholars of Islamic texts and traditions examines the core writings of the major sects of Islam, in order to examine the teachings on war and its proper conduct according to each. Widely considered the most complete, balanced, and thoughtful assessment of the Islamic tradition of justified war and its conduct, this study challenges the prevailing view that the complex doctrine of jihad necessarily entails, let alone justifies, an unlimited resort to unrestrained violence directed against non-believers.

Morkevicius, Valerie (2010). "Hindu Perspectives on War," *The Prism of Just War*, ed. Howard M. Hensel. London: Ashgate Press: 169-191.

A concise and articulate presentation of the central tenants of Hinduism pertaining to the declaration and conduct of war. Although the traditions are not systematic, and require some organization and interpretation, the author demonstrates that the major concerns for justice, reason, proportionality, and last resort are among the considerations demanded for declaring war, while there are numerous specific provisions for limiting its violence, especially by exempting categories of non-combatants from deliberate attack.

Rawls, John (1999). *The Law of Peoples*. Cambridge, MA: Harvard University Press.

A synthesis of this world-famous political philosopher's perspectives (first enunciated during the 1990s) on cosmopolitanism and institutions of justice in international relations. Extends the neo-Kantian notion of an "original position" to what individuals, as citizens of a variety of tolerable and minimally-just cultures and polities, might conceive and impose upon themselves and one another as constraints or principles governing acceptable behavior in the international arena. Includes discussion of just war principles as examples of the kinds of rules such peoples would adopt to constrain the use of force only to the most exigent and requisite circumstances involving the defense of rights and protection of the fundamental institutions of justice, only after lesser attempts at conflict resolution have failed.

Reichberg, Greg and Syse, Henrik, eds. (2014). *Religion, War and Ethics: A Sourcebook of Textual Traditions*. Cambridge: Cambridge University Press.

Just as the editors' earlier anthologies provided exhaustive and representative collections of source materials for understanding the Western and medieval Christian origins of just war theory, so this sourcebook offers an exhaustive and meticulously arranged compendium of *non-western* sources of just war reasoning. Contributing essays by many of the world's leading scholars of these traditions, in addition, offer insight into the universality of this genre of moral argument and its vitality and originality in several different cultural and religious traditions, thus refuting the erroneous notion of its exclusive origins in the Christian west.

Robinson, Paul, ed. (2003). *Just War in Comparative Perspective*. London: Ashgate Press.

Contributed essays offer comparative perspectives on war and its proper conduct drawn from Christianity, Islam, Judaism, Buddhism, Hinduism, and Sikhism, and also including contributions from scholars presenting a variety of cultural contexts as well, including Russia, China, South Asia, and Sub-Saharan Africa. Includes significant historical case studies of wars ranging from the Byzantine empire to the first Gulf War of 1991.

Roy, Kaushik (2012). *Hinduism and the Ethics of Warfare in South Asia: from Antiquity to the Present*. Cambridge: Cambridge University Press.

Sweeping and erudite study of Hindu perspectives on the declaration and waging of war from early antiquity to the post-colonial period, demonstrating a robust and comprehensive (if formally unsystematic) treatment of the major concerns of just war doctrine regarding just cause, last resort, economy of force, and protection of non-combatants.

Sorabji, Richard and Rodin, David, eds. (2006). *The Ethics of War: Shared Problems in Different Traditions*. London: Ashgate Press.

Essays treat historical and contemporary problems of war and justice from a variety of different cultural perspectives, including Islam, Hinduism, and Judaism as well as western Christianity.

Yomamoto, Tsunetomo (2002). *Bushido: The Way of the Samuri*. Trans. Minoru Tanaka. Garden City Park, NY: Square One Publishers.

Compilation, during the eighteenth century, of the principles of the Samuri, codifying the traditions and practices of Japanese warriors over the preceding centuries regarding training, obedience, dedication, and the rules of combat, including when and whom to attack.

Justifiable Conduct of Warfare (*jus in bello*)

Conventional warfare, resulting in widespread destruction and devastation of property and the death or injury of hundreds of thousands of human beings, both combatants and non-combatants, may hardly seem fertile territory for talking about justice, morality or the authority of law. Indeed, war, in either its conventional or irregular manifestations, seems to represent a dramatic breakdown of the normal rule of law, together with the abandonment (at least temporarily) of moral judgment and restraint.

Clausewitz himself (see above) seemed to caution against allowing moral scruples to play a role in the conduct of war. Ethics, and especially “benevolence born of philanthropy” he writes,

“...is an error which must be extirpated; for in such dangerous things as War, the errors which proceed from a spirit of benevolence are the worst. As the use of physical power to the utmost extent by no means excludes the co-operation of the intelligence, it follows that he who uses force unsparingly, without reference to the bloodshed involved, must obtain a superiority if his adversary uses less vigour in its application” (Book I, Ch. 1).

Nonetheless, a concern for right conduct during war pervades the literature on warfare and the profession of arms, and, though largely scattered and unsystematic in comparison to *jus ad bellum*, is still by far the oldest and most widespread of the forms of just war discourse in historical perspective. Socrates, in Plato’s *Republic*, protests against the morally shabby and unjustified conduct of combatants routinely directed against ordinary citizens and their property during the Peloponnesian war (Book V, 469c). The Jesuit scholar, Francisco Suarez, writing on the justification of war, nonetheless seemed to imply that “right intention” (the third of St. Augustine’s and St. Thomas’s list of basic conditions on the justification of warfare) required that just wars be fought by just means, holding combatants responsible for their conduct toward one another and toward non-combatants. Hence, where “right intention” would normally have been listed as the third of St. Thomas’s criteria for specifying when it would not be “sinful” to wage war, Suarez, in his commentary on this passage, substituted the phrase “just means of waging war.”

Scarcely three decades following the posthumous publication of *vom Krieg*, Franz Lieber, a German-born American legal scholar (and former soldier in the Prussian Army) was asked by President Abraham Lincoln to draft a series of regulations and guidelines for troops in the Union Army during the U.S. Civil War. The result, “General Orders #100” (known traditionally as the “Lieber Code”) enshrined a great many principles of professional decorum and constraint regarding the use of force: e.g., proportionality (or, the economy of force), non-combatant immunity (discrimination, or “distinction”), and proper treatment of prisoners, as well as wounded, injured, or surrendering troops rendered *hors de combat*.

Interestingly, the result was so admired as a code of professional military ethics that the American document was subsequently adopted as doctrine by Clausewitz’s own military force, the Prussian Army, from whence it spread to the military services of other European militaries and policy-making communities. Key elements of the Lieber Code then served as the foundation

for the first Geneva Conventions of the late 19th century, prescribing limits or constraints on the appropriate conduct of armed hostilities (Reichberg, 2003). The specific provisions of present-day international humanitarian law (or, the “Law of Armed Conflict”), aimed at constraining violence, reducing unnecessary suffering, and protecting the most vulnerable victims of war, stem directly from these longstanding philosophical and ethical reflections on proper professional probity and the avoidance of malfeasance by combatants in their conduct of mutual hostilities.

Traditionally, as enshrined in current international law, as well as in the highly influential “legalist paradigm” of Michael Walzer, these two dimensions of just war doctrine (*ad bellum* versus *in bello*) are believed to be distinct, and (primarily for legal reasons, designed to protect individual combatants from future reprisals or harsh retribution following war’s end) are not to be combined or conflated. Nevertheless, both historically and conceptually, the two branches of just war discourse are *not* distinct from one another, never have been, and cannot be so rigorously divided from a conceptual standpoint. Put plainly, it is impossible for an otherwise-just war to be fought unjustly, and still remain a justifiable war. This is especially true with the advent of irregular warfare, in which the moral justification for war is inextricably linked with its ongoing conduct. In the age of the “strategic Corporal” (as U.S. Marine Commandant, Gen. Charles Krulak, famously remarked), a just war’s just cause can be easily undermined by mistakes of judgment or criminal misconduct on the part of combatants deployed in its behalf.

Axinn, Sidney (1989). *A Moral Military*. Philadelphia, PA.: Temple University Press.

Addressed specifically to members of the military, the author explains provisions Hague and Geneva Conventions regarding restrictions on the use of military force, including issues such as “immoral orders” and military obedience, torture, treatment of prisoners of war, use of nuclear weapons, espionage, and covert operations.

Challans, Timothy L. (2007). *Awakening Warrior: Revolution in the Ethics of Warfare*. Albany NY: SUNY Press.

Fascinating philosophical meditation by an experienced combatant, former member of the U.S. Army’s 10th Mountain Division, and later instructor in philosophy at the U.S. Military Academy (West Point). Sharply critical of the rampant anti-intellectualism among the officer corps, while reflecting on the origins and character of authentically autonomous moral conduct within military organizations on the part of individuals who are otherwise taught to be unreflectively obedient to orders in a hierarchical organization. The neo-Kantian and Habermasian interpretations of autonomy derive from the author’s earlier doctoral dissertation at Johns Hopkins University, under the direction of the renowned moral philosopher, Jerome B. Schneewind.

Cook, Martin L. (2004). *The Moral Warrior*. Albany, NY: State University of New York Press.

A collection of previously published, peer-reviewed essays by one of the world's leading authorities on ethics and the military profession, which collectively argues the case for the importance of moral discernment, autonomy and judgment on the part of military personnel, and distinguished this kind of reflective engagement and leadership from more customary foci within the military services themselves on individual integrity, character development, or the connection of ethics with religious belief. Few if any civilian scholars, moreover, possess the extraordinary knowledge, empathy, and keen insight into the beliefs, behavior, and institutional orientation of military personnel that this author exhibits.

_____ (2014).. *Issues in Military Ethics: to Support and Defend the Constitution*. Albany, NY: State University of New York Press.

This collection of more recently-published essays has a more specific, U.S.-centered focus, interpreting aspects of the U.S. Constitution that bear on military services, professionalism, the role of religion in civic and military life, and the role of senior military officers in proffering expert advice on military matters to their civilian chain of command.

The Geneva Conventions of 1949 and their Additional Protocols (<http://www.icrc.org/eng/war-and-law/treaties-customary-law/geneva-conventions/>).

These subsume earlier Geneva conventions and accords, and present the most up to date summary of the principles of international humanitarian law, affording basic rights and protections for the most vulnerable victims of war: unarmed civilian non-combatants, prisoners of war, refugees, and those medical and support personnel whose primary function is the care of these victims.

The Hague Conventions of 1899 and 1907 (<http://www.icrc.org/ihl.nsf/INTRO/195>).

Somewhat in contrast with the preceding conventions, these earlier agreements focused on the means and methods of warfare, and the conduct of combatants, and so form the basis of what is often termed the “law of armed conflict,” although scholars and international lawyers at present do not make sharp distinctions between the two bodies of international legislation. The Hague conventions include prohibitions against weapons and tactics that are deemed “means of warfare that are *male in se*,” such as hollow, exploding bullets, poison gas, rape, and other weapons and tactics that promote superfluous injury or cause unnecessary suffering. They formulate principles of military necessity, proportionality, and command responsibility, according to which commanding officers are held accountable for the behavior of subordinates, and all combatants are required to engage only in hostile activities deemed necessary to the achievement of some legitimate military objective (whence attacking civilian personnel and their objects or possessions, or killing in vengeance or for retribution, are thereby outlawed). The principle of proportionality in combat constitutes a further tactical restraint on combat operations, in which the destruction and loss of life wrought are required to bear some reasonable “proportionate” relationship to the military objective achieved.

Ignatieff, Michael (1998). *The Warrior's Honor: Ethnic War and the Modern Conscience*. New York: Henry Holt & Co..

Leading Canadian journalist and moral philosopher assesses the impact of wars of ethnic cleansing on the traditional notion of *jus in bello* and law of armed conflict, both for those engaged in such hostilities, and those called up to intervene to halt the bloodshed.

Johnson, James Turner (1984). *Can Modern War Be Just?* New Haven, CT: Yale University Press.

Published in response to the first Conference of U.S. Catholic Bishops' report on war, peace, and justice (*The Challenge of Peace*, 1983). Author rejects their assertion that wars fought with nuclear weapons are inherently and inevitably unjust. More attention to the development of conventional forces would reduce reliance on strategic nuclear weapons, while tactical nuclear weapons (such as nuclear-armed cruise missiles) are discriminate and proportional, designed specifically to target an adversaries military forces, rather than its civilian population.

Johnson, James Turner, and Patterson, Eric, eds. (2015). *Ashgate Research Companion to Military Ethics*. London: Ashgate Press, 2015.

An extensive collection of contributions from internationally-respected authorities in fields of *jus in bello* and international law to some of the most intractable scholarly debates and current moral dilemmas within the classical and Walzerian just war frameworks.

Kaplan, Robert. *Warrior Politics: Why Leadership Demands a Pagan Ethos* (2002). New York: Random House.

Despite its provocative title, this thoughtful and articulate collection of essays by a leading military correspondent draws on traditional Western philosophical sources (including Machiavelli, Hobbes, and Kant), as well as (non-Christian) religious insights in discussing the contemporary moral challenges facing military personnel fighting in irregular or unconventional wars.

Lucas, George R. Jr., ed. (2015) *The Routledge Handbook on Military Ethics*. Oxford: Routledge Press. Foreword by General Martin E. Dempsey, Chairman, U.S. Joint Chiefs of Staff.

Military practitioners, scholars, and senior policy officials from around the world reflect on aspects of military professional ethics and the restraints commonly imposed on their conduct, both on and off the battlefield, as a result of their membership in a shared community of practice. Includes comparative perspectives on military ethics from China and Japan to the U.S. and its traditional NATO and SEATO allies.

_____ and Rubel, W.R., eds. (2011) *Case Studies in Military Ethics*. Fourth Edition. New York: Pearson Education.

Compendium of historical case studies by military and civilian authors, drawn from military practice, intended to show the moral challenges faced when attempting to

understand and comply with *jus in bello* concepts and the international law of armed conflict.

McCausland, Jeffrey D. (2008). *Developing Strategic Leaders for the 21st Century*. Carlisle, PA: Strategic Studies Institute.

Former U.S. Army veteran of the first Gulf War and Dean of the U.S. Army War College (Carlisle, PA) reflects on the recent wars in Afghanistan and Iraq in formulating principles for the military profession to develop strategic thinking, leadership and ethics in the force.

Perry, David L. (2009). *Partly Cloudy: Ethics in War, Espionage, Covert Action and Interrogation*. Lanham MD: Scarecrow Press.

The title of this probing and fascinating collection of essays reflects the inherent moral vagueness and ambiguity inherent in conflict support activities, such as espionage, intelligence-gathering, and the interrogation of enemy suspects, which have assumed an outsized importance in the “war on terror.”

Vattel, Emer de (1758). *The Law of Nations, or the Principles of Natural Law, Applied to the Conduct and to the Affairs of Nations and of Sovereigns*. Trans Charles G. Fenwick. “Classics of International Law.” Washington, DC: Carnegie Institution, 1916, vols. I & II.

Vattel vies with Grotius, Gentili, and Vitoria for historical recognition as the “father” of modern international law. These seminal reflections treat issues in both *jus ad bellum* (such as the justification of “preventive” warfare), and more especially in *jus in bello*, where they have played a pivotal role in shaping the conceptual foundations for contemporary law of armed conflict pertaining to proportionality, military necessity, and non-combatant immunity.

Jus Ante and Post Bellum

Jus post bellum is a relatively new term of art, referring to the responsibility of states and their opposing combatants to *end wars well*: that is, to seek to establish a lasting and just peace in the aftermath of armed conflict, and especially to refrain from actions or omissions that will make future conflict more likely.

The term, coined by Canadian philosopher and international relations scholar, Brian Orend, is relatively new, but the underlying concept has older and venerable origins (as Orend notes) in the reflections on the peculiar and acute moral problems of war by the German Enlightenment philosopher, Immanuel Kant. In several of Kant’s political essays, and most especially in his relatively late work written as a rejoinder to Rousseau’s of the same title, *Zum Ewigen Frieden* (“Toward Perpetual Peace,” 1795), Kant proposes to limit or end war in part by imposing

conditions upon adversaries to refrain from punitive and excessively burdensome conditions as terms for surrender. Orend and other contemporary advocates of *jus post bellum* amplify Kant's conception by outlining responsibilities for "nation-building" in the aftermath of war, to include repair of damaged infrastructure, re-establishing essential institutions of civil society requisite to a well-ordered society living under the rule of law (such as police, courts, schools and reliable financial institutions), and fostering political relationships that will contribute toward peaceful political relationships among former enemies and adversaries. The U.S.-sponsored "Marshall Plan" in Europe following World War II is held to be an exemplar of this doctrine, while the earlier "Treaty of Versailles" (1918) marking the end of World War I, in contrast, is held up as the sort of punitive policy that invariably led to yet another war.

Jus ante bellum, a kind of logical corollary, is a term first coined to contemporary use by American philosopher, Roger Wertheimer, to describe the kind of requisite investment in, and commitment to the institutional infrastructure, as well as to the education and training of military forces, required of nations in order to prepare their respective military forces to discharge their duties of *jus in bello* and *jus post bellum* faithfully. Simply put, it is absurd to require the kind of complex and morally sophisticated behaviors on the part of rank and file combatants and adversaries that international law and treaties now impose, without having first developed the corresponding capacities, both within military organizations and among their personnel, to recognize, understand, shoulder those responsibilities willingly and effectively. Just as soldiers are expected to train to fight effectively, they must also be educated to fight and to behave properly toward vanquished adversaries and civilian non-combatants. Interestingly, as with the more specific and traditional responsibilities of *jus in bello*, commitment to this training and education on the part of minimally-just and rights-respecting nations is further evidence of what Augustine first required as the "right intentions" for resorting to war.

The term is sometimes erroneously applied as a label or descriptor for what pacifist author Glenn Stassen termed just peace-making (see section 5 above). In this very different sense, the responsibility would be to avoid war altogether from the outset through aggressive effective pre-emptive conflict resolution. That is not a new idea, however, but continues a vigorous and longstanding discussion within pacifist circles about alternatives to armed conflict as a mode of conflict resolution, while *jus ante bellum* properly refers instead the persistent likelihood of warfare, and the need to require and prepare military personnel to prosecute it morally and lawfully.

a. *jus post bellum*

Allman, M. & Winright, T. (2010). *After the Smoke Clears: The Just War Tradition & Post War Justice*, Maryknoll, New York: Orbis Books.

From the perspective of Christian-based just war theology, the authors offer criticisms and alternatives to the concept and provisions of *jus post bellum* first outlined by Orend. They take issue in particular with Orend's tight connection between *ad bellum*, *in bello*, and *post bellum*, arguing that even in the case of an initial mistake or

injustice in going to war, well-intentioned adversaries may (and are obligated to try to) salvage some good from the ashes of the conflict through care in imposing peace conditions, avoiding overly punitive war crimes trials, and seeking reconciliation among victors and victims during necessary post-war physical and institutional reconstruction.

Coady, C.A.J. (2011). "The Jus Post Bellum." *New Wars and New Soldiers: Military Ethics in the Contemporary World*. Ed. Jessica Wolfendale and Paolo Tripodi. London, Ashgate Press.

An internationally-respected Christian just war theorist belatedly joins the discussion and offers his own thoughtful proposals on how to rebuild societies and establish peace in the aftermath of armed conflict, including how and when to propose war reparations or conduct war crimes trials in the interests of justice rather than vengeance, as well as responsibilities of the community of nations to contribute to the restoration of civil infrastructure and working essential institutions of civil society in war-ravaged nations. The author takes sharp issue with Brian Orend's characterization of the Marshall Plan in post WW II Europe as exemplary post bellum policy, given that it was predicated upon a demand for "unconditional surrender" by Germany and the Axis powers, and also that subsequent economic analysis raises questions about whether post-war Europe prospered eventually because, or in spite of, the provisions of the Marshall plan.

Kant, Immanuel (1795). *Toward Perpetual Peace and other Essays*. Trans. Ted Humphrey. Indianapolis: Hackett Publishing.

While frequently treated as a "stand-alone" late, "unsystematic" essay, this important work in fact continues a wide-ranging debate begun in Europe by a leading diplomat engaged in negotiating the Treaties of Utrecht (which ended the military conflicts over "Spanish Succession" among rival European powers in 1713). A bequest in the will of this diplomat, the Abbe St.-Pierre, subsequently enabled Rousseau to devote considerable time to the Abbe's "Project for Perpetual Peace in Europe" while living in exile in Geneva in the 1750s, resulting in two essays, the first of which offered a critique of the Abbe's original project, and the second of which contained Rousseau's highly-influential reflections on "international anarchy" and the resulting "State of War." Kant, who professed himself deeply influenced by Rousseau, then developed his own proposals as a response to Rousseau's critique of this ongoing project, likewise using the Abbe's original title, in 1795. Kant first proposed preliminary measures for bringing an end to perpetual conflict, such as abolishing standing armies, eschewing excessive defense spending, and refraining from measures during and after wars (such as atrocities, or burdensome peace treaty conditions) that might make a subsequent peace difficult to sustain. These form the basis for what Brian Orend terms "*jus post bellum*." The subsequent, definitive articles then suggested a framework for domestic and international governance based upon "cosmopolitanism" and representative government, including the proposal for a "League of Nations" that would henceforth adjudicate international

conflicts and put an end to what Rousseau had described as a perpetual state of “international anarchy.”

Mason, T. David, and Meernik, James, eds. (2006). *Conflict Prevention and Peacebuilding in Post-War Societies: Sustaining the Peace*. London: Routledge.

Provides a very important, alternative perspective on jus post bellum in terms of concrete military operations and practical public security policy. Examines not only what must be done to re-build war torn societies, but what it will require, what it will cost, and how effectively proposed measures actually work in practice to bring about stability and authentic postwar reconstruction.

Orend, Brian (2000). *War and International Justice: A Kantian Perspective*. Waterloo, Ontario: Wilfred Laurier University Press.

Written initially as a doctoral dissertation under the supervision of well-known Kantian philosopher, Thomas Pogge at Columbia University, this book presents a systematic account of Orend’s initial and surprising interpretation of Kant as, after all, contributing to just war theory in spite of his explicit denunciation its principal proponents (such as Hugo Grotius) as having offered “little more than comfort to war-mongers.” Orend traces, notwithstanding, the constructive and substantive proposals found in many of Kant’s historical and political essays, and most especially in Kant’s “Perpetual Peace” essay of 1795, for establishing preliminary social and political conditions in the aftermath of war that would inhibit the onset of future wars. Orend then develops his own detailed proposals for re-building what he terms a “minimally just state” with suitable institutions for justice, security, economic well-being and the rule of law in the aftermath of war, citing the Marshall Plan in post WW II Europe as exemplary of the kind of policies and measures required.

_____ (2000). "Jus Post Bellum." *Journal of Social Philosophy* 31 (1).

An initial and extremely useful summary report of the author’s central conclusions, reached in the preceding work.

Patterson, Eric (2012). *Ending Wars Well*. New Haven, CT: Yale University Press.

Beginning with his essay on this topic in Brough, *et al.* (section 10, below), Patterson has emerged as one of the chief contributors to our present understanding of this relatively new concept the obligation of war’s victors to post-war reconstruction and national reconciliation. In this book, the author offers careful and detailed evaluations of the views of other leading scholars, including Michael Walzer, Jean Bethke Elshtain, James Turner Johnson, and Brian Orend on issues such as establishing an enduring order, employing political forms of justice, and cultivating collective forms of reconciliation. Patterson then synthesizes his critical appropriation of these contributions into a systematic approach to real-world conflict scenarios, ranging from the US Civil War to contemporary, seemingly intractable conflicts underway in Afghanistan, the Middle East, and the Congo.

_____, ed. (2013). *Ethics Beyond War's End*. Washington, DC: Georgetown University Press.

Here the editor, himself a well-recognized authority on this topic, assembles a virtual “who’s who” of eminent just war theorists, including Walzer, Elshtain and Orend, to debate and discuss aspects of disagreement and uncertainty regarding the proper understanding of how to establish an enduring and stable peace in the aftermath of war.

Stahn, Carsten, Jennifer S. Easterday, and Jens Iverson, eds. (2014). *Jus Post Bellum: Mapping the Normative Foundations*. Oxford: Oxford University Press.

The contributors to this very useful, detailed and important volume carry the discussion of jus post bellum from its origins in international relations theory and moral philosophy, to the context of international law, wherein (we might observe) the devil lies in the requisite legal details. A distinguished international team of legal scholars proceeds to offer critiques and constructive proposals for further developing the different legal meanings and components of the concept of jus post bellum, including its implications in contemporary political practice.

b. *jus ante bellum*

Haines, Steven (2010). “*Jus Ante Bellum: Myth or Reality.*”
http://www.nyutikvah.org/events/docs/papers/Haines_Jus_Ante_Bellum.pdf

A very puzzling, and inadvertently revealing (and instructive) account of the insularity of disciplines and scholars regarding the topics of this bibliography more generally. The author/speaker, a prominent international lawyer and legal scholar, first pronounces himself ignorant of the concept on which he is charged to speak, then expresses utter contempt of what he takes it to mean, and dubious of its prospects as a viable legal concept, all the while revealing a woeful and culpably incompetent ignorance of most of the topics and literature documented in this bibliography. Unfortunately, such attitudes are not limited to this one academic scholar, which is why his example is so instructive, and one cannot but help wonder why the author would have accepted an invitation from a leading university to speak on a topic about which he (correctly) pronounced himself wholly unacquainted and unprepared.

O'Connell, Mary Beth, 2011. “*Jus Ante Bellum: Faith Based Diplomacy and Catholic Traditions on War and Peace,*” *Journal for Peace & Justice Studies* 21 (1).

An excellent example, by a very accomplished and gifted international lawyer and scholar, of the alternative (and, I argue, erroneous) conception of “just peace-making” as an alternative method of conflict resolution. In O’Connell’s usage in this article, *jus ante bellum* would merely represent a new term for a very old and venerable discussion by pacifists of alternatives to war, whereas I argue that the term must be reserved instead for its original usage by Wertheimer as a newly-dawning recognition among national militaries that they must prepare their troops to fight not only effectively and efficiently, but honorably and professionally as well.

Paul Robinson, Nigel de Lee, and Don Carrick, eds. (2008). *Ethics Education in the Military*. London: Ashgate.

An extremely interesting and useful description of what different nations and their military institutions are, as a matter of concrete fact, doing to prepare military personnel to assume their international responsibilities under the law of armed conflict. Includes many criticisms of current deficiencies and ineffective or counterproductive practices, as well as revealing the variant cultural and political understandings of military ethics, just war doctrine, and international law.

van der Linden, Harry (2010). "Just Military Preparedness." *International Journal of Applied Philosophy* : http://works.bepress.com/harry_vanderlinden/43/.

In contrast to O'Connell, above, this essay represents the recognition, by a strong philosophical opponent of war, of its near ubiquity and inevitability, arguing as a consequence that those morally opposed to war should do all within their power to ensure that, if war (or will) must nevertheless be waged, they must do all within their ability to alert public officials and military personnel of the capacities that need to be inculcated and afforded to combatants in order to discharge their duties to use force only within the limits of law and morality.

Wertheimer, Roger (2010). *Empowering our Military Conscience: Transforming Just War Theory and Military Moral Education*. London: Ashgate.

Here an eminent philosopher serves both as author, and as editor of a collection of essays, including two path-breaking essays of his own, which are more generally given over to "revisionist" just war thinking (see section 10 below). While Michael Walzer, Thomas O. Scanlon, and other contributors re-examine fundamental concepts like intentionality and the doctrine of double effect, for example, the Wertheimer himself outlines in detail his own conception (as a "revisionist" perspective on just war theory generally) of the new category of *jus ante bellum*, or what van der Linden (above) calls "just military preparedness." By whatever name it is given, the basic idea according to Wertheimer is that it makes no sense to require soldiers to fight justly in just wars, let alone to resist and oppose their being made to fight in unjust wars, unless they themselves are intellectually and psychologically prepared to meet these very difficult standards, and also granted the kind of autonomy and professional discretion required to make the requisite judgments involved. This requires a thoroughgoing reform of military education and training and their underlying philosophies on one hand, and a thorough re-conception of the traditional bureaucratic features of modern hierarchical military organizations to make room for professional advice and dissent.

Revisionist Just War Theory

The label "revisionist" in this instance refers both to efforts to re-interpret or challenge the meaning and coherence of traditional "just war" concepts (such as "proportionality," legitimate

authority, or the doctrine of the “moral equality of soldiers”), as well as to broader efforts to challenge some dominant conception of just-war theory in its entirety (such as the “War Convention” outlined in Michael Walzer’s *Just and Unjust Wars*, from which these more specific doctrines were derived). Some prominent revisionists, such as philosophers David Rodin and Jeff McMahan, are not entirely happy with this designation, despite their own considerable contributions to reforming and improving present-day understanding of just-war theory.

Initially many revisionists, seeking to challenge features of Walzer’s “legalist paradigm” and “the moral equality of soldiers,” seemed unaware that his own work was itself intended as a substantial, paradigm-dependent revision of “classical” or traditional just-war theory (of the sort frequently carried out by political historians and contemporary Roman Catholic scholars). Classical JWT is devoid of most of the explicit provisions that occupy revisionists (such as the moral equality of soldiers), does not support the rigid separation and distinction of *jus ad bellum* from *jus in bello* (see section 8 above), and is not uniquely wedded to any specific political paradigm (such as the primacy of the nation-state). Walzer’s work was in fact an attempt to re-conceive just war reasoning in the light of the subsequent evolution of international, state-centric law and international relations.

Classical just war scholars, wedded in their turn to the familiar list of necessary conditions for the moral justification of war originating with Augustine and Aquinas (and representing centuries of subsequent debate), were perhaps overly respectful of what they deemed “the authority of Tradition.” Walzer’s own “revisionism” intentionally ignored and by-passed their tendency toward an uncritical rehearsal of this historically-generated list of categories of moral justification, and as well as the straightforward application of those categories to present-day conflict. His work intended to replace that customary categorical methodology with a more explicitly philosophical procedure for moral reasoning about war, grounded in historical, case-based casuistry, and set within the contemporary context of international law and customary state practice. And though Walzer did not fault them for this, earlier practitioners of the conventional or customary methodology of just-war reasoning had also failed to recognize the wider pre-Christian and non-Western origins of some of the longstanding philosophical debates from which their list of necessary and sufficient conditions of justification had originated. Finally, most of these scholars proved to be ignorant as well of ancient “pagan” practices, which had in fact contributed to the formation of many of their most cherished just-war categories (such as “last resort” and “public declaration”).

In sum, just war theory, even after Walzer, proved to be a massive conceptual and historical muddle, conjoined with habitual, uncritical and unreflective historical (rather than philosophical) methodology. All of these historical errors and oversights were and remain much in need of examination, and their attendant customary methodological practices remain much in need of revision. Properly understood, the term “revisionist” should probably be extended, therefore, to anyone who either: (1) refuses to take earlier formulations of the just-war tradition as authoritative at face value; or (2) seeks to dramatically revise some of its most fundamental concepts (e.g., just cause, proportionality, or the *jus in bello* principles of “double effect” and the

“moral equality of combatants”); or (3) who otherwise seeks to challenge, amend or update the just war tradition itself as a whole, in order to address urgent contemporary dilemmas (such as the decline of conventional warfare, emerging military technologies, or the rise of irregular or unconventional war, as discussed in section 11, below). Thus, whether they approve of the designation or not, the majority of scholars and practitioners engaged in the current, vibrant, and healthy examination and reformulation of customary moral and legal reasoning about the justification of war are, *de facto*, “revisionists.”

Brough, Michael, Lango, John W., and van der Linden, Harry, eds. (2007). *Rethinking the Just War Tradition*. Albany, NY: State University of New York Press.

A remarkably original and thoughtful collection of essays by a team of scholars who were participants in a lengthy seminar devoted to re-thinking and revising just war reasoning, supported by the U.S. National Endowment for the Humanities in 2004. Individual contributions systematically re-examine and reformulate key elements of both Walzer’s “war convention” and earlier classical JWT in the light of the rise of irregular warfare, counterinsurgency, and recurring humanitarian crises nearly a decade before the concept of just-war “revisionism” itself had been recognized or acknowledged.

Johnson, James Turner (2014). *Sovereignty*. Washington, DC: Georgetown University Press.

Sovereignty and “legitimate authority” are among the most vexed and poorly understood concepts within the just war tradition at present, partly on account of the plethora of non-state actors declaring and engaging in war, as well as in the rise of vigilantism by afflicted nations in response, in defiance of provisions of the U.N. Charter prohibiting such acts. Based upon his extensive historical research, the author offers some constructive suggestions for making sense in the present of what sorts of individuals and institutions are morally authorized to declare and wage war at present, some of these harking back to an earlier era of international relations of “conditional” or shared sovereignty, in which a variety of institutions and organizations vied with national political leaders for control of war and international affairs.

Caney, Simon (2005). *Justice Beyond Borders: A Global Political Theory*. Oxford: Oxford University Press.

War and its justification can be refracted through the cosmopolitan lens of individual human rights and their protection, through which conventional security policies and practices, in turn, become grounded in something much more morally significant than solely the interests and political prerogatives of states.

Fabre, Cecile (2012). *Cosmopolitan War*. Oxford: Oxford University Press.

As opposed to state-centered just war theory on one hand, and cosmopolitan theories of individual rights that ignore the problem of war, this accomplished and

articulate author proposes instead to evaluate just and unjust wars through the prism of basic and universally-acknowledge individual human rights. Armed with this concept, she likewise proposes to address the sorts of conflicts that human rights scholars tend overlook, addressing, from the standpoint of a cosmopolitan defense of such rights, the ethical justification (or lack thereof) of different kinds of war: wars of national defense, wars over scarce resources, civil wars, humanitarian intervention, wars involving private military forces, and asymmetrical wars.

Henschke, Adam, Evans, Nicholas, and Allhoff, Fritz., eds. (2013). *Routledge Handbook of Ethics and War: Just War Theory in the 21st Century*. Oxford: Routledge.

A useful and varied collection of prominent contributors to revisionist JWT, led by Jeff McMahan.

Hurka, Thomas (2005). "Proportionality in the Morality of War." *Philosophy & Public Affairs* 33 (1): 34-66.

A number of truly significant insights about the criterion of proportionality in JWT are buried in this rambling, disjointed, poorly organized and badly edited essay. Traditionally proportionality is thought to be at the head of a second tier of three or four consequentialist criteria of justification following the three original, principled criteria of "just cause," "legitimate authority," and "right intention." But Hurka argues that proportionality, even if understood wholly as a comparative assessment of alternative outcomes, encompasses all the morally salient features of justification for both the decision to go to war, and the manner in which war should be properly fought. Just cause, for example, involves a weighing of significance of reasons for war against the prevailing presumption against it: only if the proportionality calculus favors war, is the cause deemed just. *Jus in bello* concepts like non-combatant immunity and military necessity also involve a comparison of the estimated outcomes of alternative policies that establish the importance and prudence of the principles invoked (in a kind of "rule-utilitarian" fashion).

Jeff McMahan (2009). *Killing in War*. New York: Oxford University Press.

This work, and David Rodin's earlier "War and Self-Defense," are the two most prominent and highly regarded contributions to the revision of just war theory to date. In this work, McMahan continues his earlier examinations of the morality of killing generally, and the relative ease with which the taking of life seems to be justified or accepted in society at large. Attitudes toward killing in war constitute the most egregious examples of such acceptance, which McMahan in this work specifically proposes to challenge. He distinguishes sharply between the claims of morality and the existing constraints of international law, arguing that the latter in fact grants a far wider latitude toward killing in war than moral considerations can justify. The principle example is the legal status granted adversarial combatants (as described in Michael Walzer's "war convention," for example) in which combatants themselves are formally excused from liability for killing in their nation's behalf, regardless of the morality or legality of that

nation's engaging in armed conflict. But combatants fighting in behalf of an unjust cause, McMahan argues in opposition, are "unjustified" combatants, and the killing they may thus engage in cannot be morally justified, even if the law grants them dispensation and protection from liability for it. This is largely because the combatants fighting on the side with a just cause have done nothing to make themselves liable to attack (e.g., they do nothing wrong in defending themselves and their nation from armed aggression). Whence killing them is morally wrong, even if legally permitted under *jus in bello*. This is a direct challenge and refutation of the doctrine of "moral equality of combatants" (see section 8 above). McMahan also develops Hurka's suggestions regarding the role of proportionality, arguing that the formal, narrow conception must be supplemented by "wide" proportionality criterion that take account of the foregoing considerations regarding moral versus legal liability. There can be no "proportionate" killing, for example, of combatants fighting for a just cause, inasmuch as their deaths are not subject to comparative assessment, but each is instead morally unjustified in principle. Likewise, there can be no "proportionality" attached to assessments of the "military necessity" of operations undertaken by the side fighting for an unjust cause, inasmuch as such "collateral damage" is only permissible to inflict inadvertently and "proportionately" when fighting to achieve an otherwise-justifiable (as well as militarily necessary) objective carried out in pursuit of a just cause.

McMahan, Jeff (2013). "Can Soldiers be Expected to Know Whether their War is Just?" *Routledge Handbook of Ethics and War*. Eds. Fritz Allhoff, Nick Evans, and Adam Henschke. Oxford: Routledge: 13-22.

Discusses the presumed epistemic objections to making soldiers individually responsible for knowledge of the justice or injustice of their nation's war policies. Soldiers are no less capable or responsible for making moral judgments than are other moral agents, and frequently do possess (and have shown themselves capable of possessing) sufficient knowledge and awareness to doubt, if not fully object, to the reasons for which they are being asked to fight.

McMahan, Jeff (2008). "What Makes an Act of War Disproportionate?" Annual Stutt Lecture in Ethics, U.S. Naval Academy:

http://www.usna.edu/Ethics/_files/documents/McMahan.pdf.

In this lecture and subsequent essay, the author first presented a précis of his then-forthcoming book on killing in war, focusing in this instance on the problem of making accurate and thorough calculations of proportionality. The traditional criteria (both *ad bellum* and *in bello* proportionality), he argues, are too narrow and restrictive, requiring only that the damage due to war overall be proportionately less than the moral significance of the cause for which it fought (*ad bellum*), or that the tactical significance of a military objective outweigh the prospects for accidental and unintended injury or loss of life on the part of non-combatants (*in bello*). In contrast, McMahan argues that a wider view of proportionality takes into account whether the cause for war is morally justified, and if not, makes even the deaths of justified adversary combatants themselves

disproportionate (as well as any civilians harmed). All such loss of life must be accounted as disproportionate if inflicted in behalf of an unjust cause.

Rodin, David (2002). *War and Self-Defense*. Oxford: Oxford University Press.

Argues against the prevailing view in international law and international relations that armed conflict for the purpose of national self-defense always constitutes a just cause for war without exception. Rodin first notes that this view rests on a weak analogy with an individual moral agent's presumed right of self-defense from aggression or attack. Seldom, he observes, does this automatically or without exception entitle the victim of aggression to use deadly force, or to take the life of an adversary without incurring liability. Such judgments, legally and morally, are strongly contingent upon circumstances, including the nature and degree of the threat of harm, and never constitute an unrestricted license to kill. Hence to core right to resort to force for purposes of individual self-defense on which the analogy rests is itself quite limited. In addition, the analogy is quite weak: individuals may be in jeopardy of losing their lives, or suffering serious injury, while nations collectively do not usually face such prospects, even when confronted by a determined adversary. Instead, what is more often at stake is collective self-determination, their preferred form of political organization, and way of life. While important, it is far from clear that such considerations constitute a blanket justification for resort to the kind of deadly force and widespread destruction that war invariably inflicts on its victims, and certainly no such blanket justification can be derived from the tenuous analogy with the case of individual self-defense.

Rodin, David and Shue, Henry (2008). *Just and Unjust Warriors: The Moral and Legal Status of Soldiers*. Oxford: Oxford University Press.

Contributors examine in greater detail, and from a variety of perspectives, the arguments that Rodin and McMahan have set forth regarding just causes for war, and the implications of fighting for causes that cannot meet the resulting standards of justification.

Strawser, Bradley J. (2013): "Revisionist Just War Theory and the Real World." *Routledge Handbook of Ethics and War*. Eds. Fritz Allhoff, Nick Evans, and Adam Henschke. Oxford: Routledge: 76-90.

A brilliant and accomplished young just war "revisionist" asks a probing question regarding his and his colleagues' efforts: *what difference would it make if our various reformulations were correct?* How feasible are the alternatives from the standpoint of policy, and how would these revisions, even if acknowledged and accepted, work to make an impact on the shaping of foreign policy and the conduct of warfare within the context of international relations?

Walzer, Michael (2004). *Arguing about War*. New Haven: Yale University Press.

A collection of the eminent author's recent essays on this topic that show how his views have evolved since the initial publication of *Just and Unjust Wars* in 1977. The

latter work has been re-issued in subsequent editions with new introductions, but never fully revised. These essays, by contrast, reveal Walzer's perspectives on preventive war, new thoughts about insurgency and terrorism, and more highly developed and nuanced views of humanitarian interventions than were portrayed in his classic work.

Walzer, Michael (2010). "The Triumph of Just War Theory, and America's Intervention in Iraq." *Empowering our Military Conscience: Transforming Just War Theory and Military Moral Education*. Ed. Roger Wertheimer. London: Ashgate Press.

Based upon a lecture given jointly at the U.S Naval Academy and Georgetown University on the eve of the second Gulf War, Walzer expresses continued misgivings about approving or legalizing preventive wars, preferring to treat these as exceptional cases in which the burden of proof would remain legally and morally with the instigator, and be evaluated on the basis of evidence after the fact, much as is done with individual cases of self-defense in courts of law. Expresses concern that the entire enterprise of just war reasoning may have been coopted by its own success in having attracted the keen interest of military and policy leaders, who now see themselves as compelled to invoke its considerations in defense of their political decisions and policies.

Wertheimer, Roger (2007). "Reconnoitering Combatant Moral Equality." *Journal of Military Ethics* 6 (1): 60-74.

Author's response to a symposium with Jeff McMahan and U.S. Army colonel Dan Zupan on the moral equality of combatants, held at the 2006 annual meeting of the International Society for Military Ethics (ISME). Wertheimer agrees with McMahan that the doctrine does not confer rights to kill on unjust combatants, but disagrees that international law in fact does so either. Combatant moral equality, he argues, holds significance only for the issue of conscientious objection, and, in contrast to both McMahan and Walzer, not for our war conventions or just war theory. Walzer is criticized for over-emphasizing collective responses to war conduct and slighting the, extra-political beliefs and responses of individual moral agents.

The Changing Nature of War: Terrorism, Counterinsurgency, and Asymmetric Warfare

Beginning with the dramatic increase in humanitarian crises and military interventions at the end of the last century, the state-centric, Westphalian-Clausewitzian conception of conventional public warfare presented earlier in Section 2 has now begun to erode under the pressure of widespread international conflicts that cannot easily be encompassed within it. Neither does it any longer suffice to simply dismiss such conflicts (as might have been done in earlier decades) as merely constituting illegal or criminal uses of force. Guerrilla war, insurgencies and revolutions, military actions undertaken by non-state groups representing peoples or nations lacking an identifiable state, or seeking through force to organize or re-constitute one, as well as new forms of seemingly-perpetual low-intensity conflict like cyber war, all represent forms of widespread conflict which is sometimes undertaken for what might seem to be politically

justifiable purposes (as opposed to criminal activity motivated solely for individual reasons of power, influence, or financial gain). These more prevalent forms of armed conflict are often categorized as “irregular” or unconventional warfare, and have all but replaced and obviated the role of conventional war in the present era. In addition to insurgencies, terrorism, and recurring humanitarian crises, the advent of cyber weapons and conflict and the increased reliance on exotic military technologies like autonomous robotics are often characterized by proponents and critics alike as threatening to transform both the nature and future of warfare, and the traditional constraints heretofore imposed on the behavior of combatants.

Elshtain, Jean Bethke (2003). *Just War against Terror: The Burden of American Power in a Violent World*. New York: Basic Books.

Argues that the infliction of “violence without limits” by terrorists and non-state actors both justifies a use of force in response, and calls for caution and restraint in conforming to acceptable canons of *jus in bello*.

Gross, Michael (2010). *The Moral Dilemmas of Modern War*. New York: Cambridge University Press.

Known primarily for his earlier, path-breaking work on military medical ethics, this political philosopher has now become one of the most important voices describing and interpreting the new moral challenges that irregular warfare presents more widely. This volume contains chapters dealing with moral justification of targeted killings, interrogation, kidnapping and blackmail as tools of insurgency and counter-insurgency in asymmetric conflicts.

Gross, Michael (2015). *The Ethics of Insurgency*. Cambridge: Cambridge University Press.

This important new book is the first to deal in depth and at length with the just war considerations that should properly bear on the initiation and conduct of insurgencies. Insurgencies in general are not treated kindly within the confines of traditional just war theory, apart from an approving nod toward discriminate *jus in bello* practices in Michael Walzer’s work of nearly forty years ago. The author thoughtfully suggests that some, if not all, political aspirations of insurgents may constitute a just cause for resort to violence, and then proceeds to argue that constraints on conduct of justified insurgencies might differ in degree from traditional constraints under international law and conventional JWT, owing to the urgency of the cause or the degree of military asymmetry against which insurgents must contend. This entails that some, normally prohibited practices (such as voluntary use of noncombatants as human shields) might be sanctioned in an otherwise-justified insurgent cause.

Gross, Michael L. and Carrick, Don, eds. (2013). *Military Medical Ethics for the 21st Century*. London: Ashgate.

Military personnel engaged in providing medical and health care in zones of conflict often face horrific circumstances, not just from the nature of the injuries treated, but from the moral conflicts that arise in administering (or being prevented from administering) such treatment. These essays discuss problems such as the treatment of wounded non-combatants, and of enemy combatants who may actively seek to harm or kill the medical personnel while receiving care. The nature of the demands of complete impartiality in administering care to wounded fellow soldiers and enemy combatants (a stringent demand occurring in no other dimension of medical care) are also considered.

Ignatieff, Michael (2000). *Virtual War: Kosovo and Beyond*. New York: Henry Holt.

Path-breaking analysis by distinguished Canadian author and journalist of the rise of a new kind of warfare in the new millennium, characterized by “smart bombs and cell phones,” as well as high-altitude bombing and “riskless” warfare that holds potential to rain down indiscriminate destruction without accountability.

Ignatieff, Michael (2004). *The Lesser Evil: Political Ethics in an Age of Terror*. London: Penguin.

Author’s Gifford Lectures at Edinburgh University in 2003 trace the modern history of terrorism and counter-terrorism, from the nihilists of Czarist Russia and the militias of Weimar Germany to the IRA and the unprecedented menace of Al Qaeda, with its suicidal agents bent on mass destruction. Demonstrates how the most potent response to terror has been the decisive, direct, but restrained use of military force. Public scrutiny, political ethics, and most importantly, transparency and adversarial review help establish and enforce restraint on the use of military force by democratic societies, “giving them the moral strength to endure when vengeance and hatred have exhausted their power.”

Lucas, G. R. (2011). “New Rules for New Wars: International Law and Just War Doctrine for Irregular Warfare,” *Case-Western Review of International Law* 43 (3): 677-705.

Reformulates fundamental underlying principles of ethics and international law to govern increasingly stringent requirements during counter-terrorism, humanitarian interventions, and counterinsurgency conflict.

_____ (2010). “Postmodern War.” *Journal of Military Ethics* 9 (4): 289-298.

Reflections on the advent of the first Gulf War by Umberto Eco form the basis for this commentary on the impact of new and exotic military technologies on the nature and conduct of war in a post-conventional, post-Clausewitzian era.

McCausland, Jeffrey D. (2015). "The Revolt of the Generals," *Routledge Handbook of Military Ethics* George Lucas, ed. (Oxford: Routledge, 2015): ch. 21.

The author, a Ph.D., retired Colonel, U.S Army and Dean, U.S. Army War College, offers insights into what proved to be a massive upheaval in the institutional structure of the U.S. armed forces over the conduct of war in Iraq. The controversy goes

to the heart of what it means to tell truth to power, and to provide accurate professional military advice regarding the feasibility of engaging in irregular warfare, nation-building, and “regime change,” no matter what the personal cost.

MacIntyre, Alasdair (2015). “The Crisis in Military Ethics,” *Routledge Handbook of Military Ethics*. George Lucas, ed. Oxford: Routledge: Ch. 1.

One of the world’s most eminent moral philosophers offers a keen analysis of the impact of the changing nature of warfare itself on the concept of military and professional ethics. As with his earlier and extensive examinations of the impact of changing contexts of practice on the historically-generated norms and virtues defining “best” practice, MacIntyre worries that the radically altered context of irregular warfare renders all but obsolete the norms and military virtues of an earlier era of conventional war. In offering prognostications on how “courage” and “political prudence” are now to be exercised in this radically altered context, the author expresses skepticism over whether radical, fundamentalist Islamic insurgency can be effectively countered by any forces other than those of concerned, faithful Muslims themselves, whose interests and welfare are most severely jeopardized by these insurgencies.

Don M. Snider, ed. (2005). *The Future of the Army Profession*, 2nd Edition. New York: McGraw-Hill.

Snider pioneered the recent surge of reflection and introspection among military services about the nature and demands of “professionalism” when applied to military personnel, organizations, and their conduct. In this volume, numerous senior experienced practitioners and respected military scholars reflect on issues that promise to transform the profession of arms in the present century.

Don M. Snider and Suzanne Nielsen, eds. (2009). *American Civil-Military Relations: The Soldier and the State in the New Era*, (Baltimore, MD: Johns Hopkins University Press, 2009).

This collection likewise convenes eminent scholars, practitioners, and policy-makers to discuss the specific issue of civil-military relations, in an effort to re-think and update the famous reflections of Samuel Huntington on this issue in the middle of the previous century.

Jessica Wolfendale and Paolo Tripodi, eds. (2012). *New Wars and New Soldiers: Military Ethics in the Contemporary World*. London: Ashgate.

Proceedings of an international conference at Melbourne University in 2008, sponsored by the Center for Applied Philosophy and Professional Ethics (CAPEE). Contributors examine a variety of issues, ranging from torture, interrogation, and the commission of war crimes to the impact of new technologies to enable targeted killings, and the use of academic social scientists as military cultural advisors during counterinsurgency.

Don Carrick, James Connelly and Paul Robinson, eds. (2009). *Ethics Education for Irregular Warfare*. London: Ashgate.

As with an earlier work in this series, the MEEN group (“military ethics education network”) convenes educators and practitioners throughout Europe, America, and Asia to discuss the impact of irregular warfare and its special requirements on the professional military education of future combatants, focusing especially on preparation in ethics and leadership for counterinsurgency and “small wars.”

van der Linden, Harry (2009). “Questioning the Resort to U.S. Hegemonic Military Force.” *The Moral Dimensions of Assymmetrical Warfare: Counter-terrorism, Western Values, Military Ethics*. Eds. Ted van Baarda and Desirée Verweij. Leiden and Boston: Brill Academic Publishers/Martinus Nijhoff: 31-46.

Prominent anti-war philosopher criticizes the doctrine championed by the U.S. Council on Foreign Relations, that American military power and political hegemony are the only method of keeping the forces of chaos, anarchy, and political and religious extremism and fundamentalism in check.

a. Private Military and Security Contracting

One extremely important new dimension of the changing context of warfare is the dramatic increase in reliance on private military and security contractors. State-sponsored militaries, strapped for resources, have found it most efficient to outsource most of the logistical and support activities associated with the conduct of war to private firms, who now manage ship port facilities, providing dining and lodging for troops, operate supply convoys, and supply security to established bases and posts or to civilian personnel. The most controversial practices have involved the use of armed security contractors alongside combat troops, performing military operations in zones of conflict. Impoverished countries who have been denied U.N.-sponsored aid have sometimes resorted to hiring security contractors to provide military-style security, in possible violation of the 1989 International Convention against “Recruitment, Use, Financing, and Training of Mercenaries” (<http://www.un.org/documents/ga/res/44/a44r034.htm>).

Dean-Peter Baker (2011). *Just Warriors, Inc.: The Ethics of Privatized Force*. London: Continuum.

Australian philosopher argues for the occasion merits of a judicious use of private security contractors in settings in which national militaries are unwilling or unable to deploy.

Steve Fainaru (2008). *Big Boy Rules: America’s Mercenaries Fighting in Iraq*. Philadelphia, PA: DeCapo Press.

Pulitzer Prize-winning journalist for the Washington Post tracks the private security service of four former enlisted Army personnel, leading to their eventual

kidnapping and killing at the hands of enemy insurgents in Iraq. Argues that most such individuals work for sub-par, unprofessional organizations, and are suffering psychological trauma from their prior military service that renders them vulnerable to continuing to work in combat conditions even after having been discharged.

James Pattison (2014). *The Morality of Private War: The Challenge of Private Military and Security Companies*. Oxford: Oxford University Press.

Thoughtful and thorough survey of private military contracting by U.K. philosopher, generally dubious of the practice, but (like Baker above) finding occasional situations in which the use of private security contractors could be morally justified, and not legally impermissible.

Sarah Percy (2007). *Mercenaries: The History of a Norm in International Relations*. Oxford: Oxford University Press.

Fascinating and highly informative background historical study of the practice of serving as a “soldier for hire.” Documents famous incidents of controversy, such as Machiavelli’s diatribe against the fidelity and efficacy of mercenary forces serving under the Borgias.

Jeremy Scahill (2007). *Blackwater: the Rise of the World’s Most Powerful Mercenary Army*. New York: Nation Books.

Detailed documentary study, deemed the best available (but written before the “Nisoor Square” incident of September, 2007) concerning the origins and rise to prominence of what was arguably (prior to its disbanding after 2007) the most professional, well-equipped, highly-trained and effective private security force in the world.

Peter Warren Singer (2003). *Corporate Warriors: The Rise of the Privatized Military Industry*. Ithaca, NY: Cornell University Press. Rev. edition 2008.

This book, the first major work by the eminent Brookings Institution senior fellow, Peter W. Singer, “blew the whistle” on the private contracting industry, which, prior to this publication, had functioned largely out of the public eye. Discusses the growth and proliferation of private contracting firms, the varieties of functions they perform, and expresses grave concern about the inappropriateness of using private companies to perform “inherently government” functions, particularly military operations. This work earned its author the permanent enmity of powerful enemies and leaders in the PMC industry.

Tagarev, Todor, ed. (2010) *Building Integrity and Reducing Corruption in Defence: A Compendium of Best Practices*. Geneva: NATO/Geneva Center for the Democratic Control of Armed Forces.

Compiled by its distinguished Bulgarian exile diplomat in Geneva on the occasion of the 60th Anniversary of NATO, this collection of studies discusses

corruption in private military and defense contracting, and suggests methods for reducing or eliminating it in the midst of the performance of otherwise-vital functions in support of NATO member-countries' military operations.

b. *Humanitarian Military Intervention and the "Responsibility to Protect"*

As mentioned above, the increased frequency of coalition military interventions for the purpose of halting or preventing a genocide or humanitarian crisis – or to protect vulnerable victims of threatened violence from fellow citizens, their own government, or insurgent forces – has become one of the central functions of national military forces. The U.N.-sanctioned "Responsibility to Protect" movement emerged in the aftermath of the failure of one such U.N.-sponsored intervention, which unsuccessfully tried to prevent a massive genocide in Rwanda in 1993. "R2P," as it has been dubbed, attempts with debatable success to bring some order and coherence to national and international policies on responding to these tragic events within the bounds of existing international law, treaty, and foundations of the sovereign-state system on which these are predicated.

Bellamy, Alex (2009). *The Responsibility to Protect*. Cambridge: Polity Press.

A useful discussion of the origins and elements of the R2P movement.

Dallaire, Lt. General Romeo (2003). *Shake Hands with the Devil: the Failure of Humanity in Rwanda*. New York: Carroll & Graf Publishers.

Canadian Defense Force general who led the unsuccessful UNAMIR mission in Rwanda describes his own nightmare of attempting unsuccessfully to lead a pitifully small and poorly trained and equipped U.N. force in attempting to avoid the threatened genocide. Offers useful suggestions from a military operational perspective on how such missions might be organized and conducted more effectively in the future.

Hoffman, Stanley (1996). *The Ethics and Politics of Humanitarian Intervention*. Notre Dame, IN: Notre Dame University Press.

Emerging from a symposium on HI held at Notre Dame University the preceding year, this volume contains essays by the distinguished Harvard political scholar acknowledging and advocating humanitarian intervention as a responsibility of the community of nations, and pillorying his "realist" colleagues in political science and international relations from refusing to acknowledge the problem.

Lucas, G. R. (2001). *Perspectives on Humanitarian Intervention*. Response by General Anthony C. Zinni, U.S. Marine Corps. "The Fleet Admiral Chester W. Nimitz Memorial Lecture Series on National Security Affairs – University of California at Berkeley." Berkeley, CA: University of California Institute of Governmental Studies/Public Policy Press.

An early discussion of HI as an “imperfect duty” of benevolence, attempting to frame a satisfactory operational method of discerning and assigning the responsibility to intervene within the U.N. community of member states. Includes dialogue with the retiring Commander of the U.S. Central Command, who was involved in leadership of the initial humanitarian military intervention in Ethiopia in 1992.

Pattison, James (2010). *Humanitarian Intervention and the Responsibility to Protect*. Oxford: Oxford University Press.

A comprehensive treatment of the history of HI in the aftermath of the R2P movement, with special attention to the difficulties inherent in the newly-formulated international policy recommendations.

Scheid, Don, ed. (2014). *The Ethics of Armed Humanitarian Military Intervention*. Cambridge: Cambridge University Press.

The editor brings together some of the world’s leading scholars and policy makers to evaluate and discuss essential elements in the history and future of HI as an important dimension of international military service, prefaced with the editor’s own brilliant and succinct account of the legal underpinnings and conundrums associated with such use of military force.

Scheid, Don and Chatterjee, Deen K., eds. (2003). *Ethics and Foreign Intervention*. New York: Cambridge University Press.

Completed in the immediate aftermath of “9/11” and following a decade of decidedly-mixed experiences with HI in the international community during the 1990s, this collection captures the best collective thinking at the time on the difficulties humanitarian crises propose for well-meaning nations and their militaries eager to provide protection to the victims of such crises within the limits of international law and domestic foreign policy.

Teson, Fernando (1997). *Humanitarian Intervention: An Inquiry into Law and Morality*. New York: Transnational Publishers.

A passionate and articulate defense of the need of by-stander nations to “step up to the plate” and accept some measure of concern and responsibility to halt humanitarian tragedies, written in the very midst of the onset of some of the worst of these in Rwanda and Bosnia during the 1990s.

c. Emerging Military Technologies

Yet another feature contributing to the radical asymmetry of irregular, hybrid, or “postmodern” warfare is the possession and use of exotic new military technologies: robotics and unmanned, semi-autonomous weapons systems (such as “drones” and “UAVs”), nonlethal weapons, nanotechnology, and the biological and pharmaceutical enhancement of the combat capacities of

human warriors. Of these various technologies, the most dramatic advances at present have come in the field of robotics, prompting questions about the justice and fairness of their use, by only one side in a conflict, of systems that reduce the risk of harm to that side's human combatants, while inflicting violence, raining down terror, and carrying the conflict ever more deeply and effectively into hostile and otherwise inaccessible enemy territories, against adversaries devoid of such technological prospects.

Arkin, Ronald C. (2009). *Governing Lethal Behavior in Autonomous Robots*. Boca Raton, FL: Chapman & Hall/Taylor & Francis Group.

One of the world's most eminent and accomplished roboticists argues in favor of the continuing development of ever-more-autonomous, lethally armed weapons systems. His advocacy reflects a belief that these are (or will soon be) more safe and reliable in combat than human beings in similar circumstances, inasmuch as robotic weapons systems harbor no emotions or intentions, do not experience fear or stress in combat (that makes humans liable to error and the inflicting of unintended "collateral damage" on non-combatants), nor emotions like hate and the desire for vengeance, that frequently motivate their human counterparts to commit war crimes.

Arkin, Ronald C. (2010). "The Case for Ethical Autonomy in Unmanned Systems," *Journal of Military Ethics* 9, no. 4 (December): 347-356.

A succinct and eminently readable précis of the thrust of the evidence and arguments presented in the preceding book.

Arkin, R., Ulam, P., and Wagner, A. (2012). "Moral Decision Making in Autonomous Systems: Enforcement, Moral Emotions, Dignity, Trust, and Deception." *Proceedings of the IEEE* 100 (3): 571-589.

Technical article for a scientific audience, discussing aspects of computer programming and developments in artificial intelligence that might permit the calculative modeling of moral reasoning and decision-making. The collaborators discuss psychological research into the role of emotions such as "guilt" in competent human moral decision-making, and outline proposals for how to model these emotive functions in machine behavior in order to obtain similar results.

Human Rights Watch (2012). "Losing Humanity: the Case Against Killer Robots": http://www.hrw.org/sites/default/files/reports/arms1112ForUpload_0.pdf.

An interesting study in political partisanship, in which proponents of a controversial position refuse to accept victory. In July 2012, in response to intense lobbying by this organization and others (see below), the U.S. Department of Defense issued "Directive 3000.9," effectively placing a moratorium on further research and development of lethal autonomous systems for a period of five years. Rather than celebrating their success, the authors of this paper denounced the document (mistakenly)

as advocating and continuing the development of so-called “killer robots,” often confusing remotely piloted aerial systems with “drones” (which have no pilots at all), and with autonomous systems (that would be self-piloted and self-targeting). Research and development in the latter area has been effectively halted, in the recognition that an absence of “meaningful human control” might render such systems vulnerable to cyber hijacking, malfunctioning, or result in unpredictable “emergent behaviors” with dire consequences. Accordingly, this document without doubt represents one of the most incompetent, moralistic blunders in the entire debate about unmanned, lethally-armed systems, casting doubt and disgrace on its otherwise-venerable sponsoring organization.

ICRAC (2010). “Berlin Statement” of the International Committee for Robot Arms Control. <http://icrac.net/statements>; ICRAC mission statement: <http://icrac.net/who/>

Provocative summary of the case against further development of autonomous capacities in unmanned weapons systems (which are currently remotely-controlled in various fashions by human operators). Specifically seeks a ban under international law of any such system that is both fully autonomous and lethally-armed, and permitted to make targeting and “kill” decisions without human oversight.

Krishnan, Arman (2009). *Killer Robots: Legality and Ethicality of Autonomous Weapons*. London: Ashgate Press.

A good and useful summary and synthesis of the “killer robots” debate, and of the various questions raised in the development and increasing use of increasingly-autonomous, lethally armed military systems.

Lin, Patrick; Bekey, George; Abney, Keith (2008). *Autonomous Military Robotics: Risk, Ethics, and Design*. U.S. Department of the Navy, Office of Naval Research (20 December 2008): 112 pp. http://ethics.calpoly.edu/ONR_report.pdf.

Report on the ethical dimensions of military robotics, sponsored by the U.S. Office of Naval Research. The first detailed assessment of the ethical dimensions of research and use in this field. Bekey is considered the “father” of modern robotics, while Abney, and even more especially, Patrick Lin, are prominent voices in the discussion of the ethics of unmanned systems.

Lin, Patrick; Abney, Keith; Bekey, George, eds. (2011). *Robot Ethics: the Ethical and Social Implications of Robotics*. Cambridge, MA: MIT Press.

The same distinguished team of one eminent scientist and two accomplished moral philosophers now convenes a group of other very prominent scientists and philosophers to examine further dimensions of the “killer robots” debate.

Lucas, Jr, George R. (2014). “Automated Warfare.” *Stanford Law and Policy Review* 25 (2): 317-339.

Summary and analysis of progress to date in the debate over the legality and morality of unmanned systems, concluding with a set of voluntary soft-law “Precepts” to guide and govern future research and use of such systems, in lieu of formal legislation.

Marchant, Gary E., *et al.* (2011). “International Governance of Autonomous Military Robots,” *Columbia Science and Technology Law Review* 12: <http://www.stlr.org/cite.cgi?volume=12&article=7>.

Multiple authors from a number of disciplines engaged in the “Consortium for Emerging Technologies, Military Operations, and National Security” engage in an exhaustive and detailed review of the current legal status of unmanned systems within domestic and international jurisdictions. Black-letter legal governance is scattered and disparate, and provides little in the way of useful guidance for future use and development. With respect to what the authors term “Canons of Good Governance” generally, they recommend against attempts at formal legislation, and advocate a “soft-law” approach, predicated upon the self-governing codes of ethics and professional best practices in other communities of research and practice.

Riza, M. Shane (2013). *Killing without Heart*. Potomac, MD: Potomac Books.

Retired U.S. Army officer and international relations expert laments the rise and increasing use of unmanned systems in combat as eroding the military profession’s own code of ethics and professional conduct, and contributing to the dehumanizing ubiquity of war.

Roff, Heather M. (2013). Killing in War: Responsibility, Liability and Lethal Autonomous Robots,” in the *Routledge Handbook of Ethics and War: Just War Theory in the 20th Century*, eds. Fritz Allhoff, Nicholas G. Evans, Adam Henschke. Oxford: Routledge Press: 348-364.

Measured, thoughtful, philosophically nuanced opposition to any further development or use of “weaponized” robots, together with doubts about the morality and political efficacy of the U.S. policy of “targeted killings” using “drones.”

Sharkey, Noel (2010). “Saying ‘No!’ to Lethal Autonomous Targeting,” *Journal of Military Ethics* 9 (4): 299-313.

Eminent, Irish-born computer scientist at the University of Sheffield (U.K.) is the most eloquent and vociferous opponent of America’s program of targeted killing of insurgents, and co-founder of ICRAC (see above), the organization that seeks to impose a legal ban on the future use and development of autonomous lethal systems.

Singer, Peter Warren (2009). *Wired for War*. New York: Penguin Press.

As with his earlier clarion-call warnings concerning military contracting and the tragedy of “child soldiers,” this thoughtful, clever, sometimes humorous and occasionally frightening recent work by Brookings senior fellow Peter Singer had the effect of focusing widespread public attention forcefully and clearly on the moral and political

dilemmas posed by the increasing use of military robots. Concludes by chiding engineers for their “ethical autism,” and urging all responsible stakeholders, by analogy to the conduct of early genetic researchers in the 1980s, to consider adopting a “precautionary principle” with respect to future research and development, in an effort to avoid an unintended catastrophe of unimaginable proportions, should the worse-case fears regarding “emergent behaviors” in artificially intelligent systems prove valid.

Singer, Peter W. (2010). “The Ethics of Killer Apps: Why is it so Hard to talk about Morality when it comes to New Military Technology?” *Journal of Military Ethics* 9 (4): 314-327.

Partly a summary of his views and conclusion from the book cited above, but also includes the author’s reflections on the financial incentives and hidden power structures within the defense industry establishment that covertly function to stifle dissent and free expression on topics of immense public concern.

Sparrow, Robert (2007). “Killer Robots,” *Journal of Applied Philosophy*, 24 (1): 62-77.

This article in a premier philosophy journal, along with the ONR report by Patrick Lin, et al. cited above, effectively inaugurated the ethics debate concerning unmanned systems. Using an interpretation of the so-called “Marten’s Clause” in international law of armed conflict, the author opines that the very development of autonomous, lethally armed unmanned systems would itself constitute a war crime, inasmuch as weapons systems that are inherently indiscriminate or for which strict accountability for harm due to error or misuse cannot be assigned, must be preemptively banned under existing law. Robots are presently unreliable, inherently unpredictable, prone to error, and cannot be held accountable for their “mistakes.”

Sparrow, Robert (2009). “Building a Better Warbot: Ethical Issues in the Design of Unmanned Systems for Military Applications,” *Journal of Science and Engineering Ethics* 15: 169–187.

The author exhibits substantial development of his earlier concerns and, while still opposed in principle to such research, wonders what engineering questions would have to be posed as design objectives in order to guarantee the resulting systems were safe and reliable to use. If such parameters could be designated and incorporated into the systems design, and if the results proved empirically satisfactory, there are at least some robotic systems for military use that might prove morally and legally beyond reproach.

Sparrow, Robert and Lucas, George (2016). “When Robots Rule the Waves.” *The Naval War College Review* 69, no. 4 (Autumn 2016): 49-78.

Detailed inventory and examination of a variety of frequently-overlooked maritime and undersea military technologies, the uses to which they are currently being put (largely out of the public eye), and the prospects of benefit and harm they present.

Strawser, Bradley J. (2010): "Moral Predators." *Journal of Military Ethics* 9 (4): 342-368.

Provocative and brilliant contribution by a philosopher and former U.S. Air Force officer, outlining what he terms significantly, "the Principle of Unnecessary Risk." The development and responsible use of Predators and "uninhabited" aerial vehicles is a prime example of this principle, which defines a duty on the part of any society to provide its security personnel with any reasonably available means to reduce the risk of harm to them when carrying out their lawfully-assigned and morally permissible duties to provide security to their fellow citizens.

_____, ed (2013). *Killing by Remote Control*. New York: Oxford University Press.

Accomplished young author and philosopher convenes some of the world's leading experts in robotics and autonomous systems to evaluate the risks, challenges, and moral benefits of unmanned systems. As with the author's own path-breaking work above, most contributors discuss systems that purport to exhibit "meaningful human control," and so lie outside the purview of the proposed ICRA ban on lethal autonomous systems.

Wallach, Wendell (2013). "Terminating the Terminator: What to Do about Autonomous Weapons," *Science Progress* (29 January): <http://scienceprogress.org/2013/01/terminating-the-terminator-what-to-do-about-autonomous-weapons/>.

Author proposes not simply a legal ban, but a formal designation of lethal autonomous systems as means of warfare that are "*mala in se*," in analogy with hollow bullets, poison gas, rape, and blinding lasers.

Wallach, Wendell (2015). *A Dangerous Master: How to Keep Technology from Slipping out of our Control*. New York: Basic Books.

A wide-ranging analysis, by one of the world's most eminent specialists in ethics and technology, of prospects and risks of several exotic new technologies, including a focus upon those from drones to cyber to artificial intelligence with profoundly disturbing military applications.

d. Cyber Conflict and the Advent of "Soft" War

"Soft" war is an emerging new term of art to describe forms of low-intensity conflict similar to war, but involving less kinetic force and overt violence and destruction. Of the many techniques available and used by insurgent forces (such as human shields, kidnapping and hostage-taking, enhanced interrogation, and nonlethal weapons) the use of cyber weapons and attacks ("hacktivism") have proven especially accessible and effective. These techniques of so-called "cyber warfare" were initially the province of criminals, vandals, or alienated vigilante groups

(such as “Anonymous”), but have been employed with increasing frequency and effectiveness as by established national militaries as well (state-sponsored “hacktivism”).

Arquilla, John and Ronfeldt, David (1993). “Cyberwar is Coming!” *Comparative Strategy* 12 (2): 141-165.

The term and concept, “cyber warfare” were originally coined in this article by two prominent RAND Corporation scholars, warning of the serious potential repercussions of this new form of conflict.

Arquilla, John (1999). “Ethics and Information Warfare.” *The Changing Role of Information in Warfare*, eds. Z. Khalilzad, J. White, and A. Marshall. Santa Monica, CA: RAND Corporation: 379-401.

Six years later, the novel concept of “cyber warfare” was beginning to be regarded with more seriousness in light of the astronomical growth in cyber crime and sophisticated espionage.

_____, (2012). “Cyber War is Already Upon Us,” *Foreign Policy*: (March-April): http://www.foreignpolicy.com/articles/2012/02/27/cyberwar_is_already_upon_us.

The author, by now the widely respected Chair of the Defense Analysis department at the U.S. Naval Postgraduate School, engages in a public debate with a noted skeptic (Thomas Rid, of Kings College/University of London) over whether there is even authentically such a thing as cyber “warfare,” and warns in greater detail of just how dangerous and destructive (as well as increasingly likely) such a conflict might prove to be.

Brenner, Joel (2011). *America the Vulnerable: Inside the New Threat Matrix of Digital Espionage, Crime, and Warfare*. New York: Penguin Press.

Noted cyber expert and former senior legal counsel for the National Security Agency describes in harrowing detail the new threats posed to the security and welfare of democratic nations by the onset of massive, state-sponsored cyber crime and espionage, of the sort that could easily transition into a new kind of destructive and terrifying warfare.

Carr, Jeffrey (2009). *Inside Cyber Warfare: Mapping the Cyber Underworld* (Sebastapol, CA: O’Reilly Media, Inc. 2nd Edition, 2011).

Cyber security expert and computer scientist, Jeff Carr, offers a knowledgeable and authoritative account of the cyber domain and its vulnerabilities, suggesting where and how the vulnerabilities might be systematically exploited, not just to commit acts of crime and espionage, but to literally bring a network-dependent nation to its knees with disastrous consequences, unless greater security measures are quickly adopted. Includes a brief discussion of how just war theory might inform conflict in this realm.

CCC (2001). "International Convention on Cybercrime." Council of Europe, "Convention on Cybercrime" (Budapest: November 23): <http://conventions.coe.int/Treaty/EN/Treaties/html/185.htm>.

A significant milestone in international governance of the cyber domain, inasmuch as, to date, most malevolent cyber activities have constituted either straightforward criminal acts, or else state-sponsored espionage against key industries and adversary governments (all of which acts constitute crimes in the domestic jurisdictions in which they occur). For the first time, signatory nations agree to cooperate aggressively with one another to inhibit the occurrence of such acts originating within their borders, to apprehend and prosecute the offenders, and to cooperate with other affected nations whose borders may prove haven to, or victims of, cyber malevolence. Not all nations (notably Russia, North Korea, and China, for example) are signatories to this convention, but all nations have tacitly assented to abide by its provisions at present. The far-reaching implications of this legislation have yet to be fully understood.

Clarke, Richard A. & Kanke, Robert K. (2010). *Cyber War: The Next Threat to National Security and what to do about it*. New York: HarperCollins, 2010.

Former U.S. National Security Adviser Richard Clarke and his co-author paint a detailed and fully comprehensible picture of cyber space, its vulnerabilities, and the conflicts that have taken place therein to date: Estonia (2007), Georgia and Syria (2008), and, at the time of their writing, Stuxnet in Iran (2010). They project in frightening (and possibly somewhat melodramatic fashion) what a large-scale cyber war might look like, should nations persist in their conflict of hostilities in cyber space.

Cook, James (2010). "'Cyberation' and Just War Doctrine: A Response to Randall Dipert." *Journal of Military Ethics* 9 (4): 411-423.

The title term is drawn by analogy from navigation and aviation, the latter of which was also originally an analogical term to describe multi-tiered operational logistics in the "new" realm of air transportation. Just as we quickly learned to accommodate a variety of diverse objects and actors in the air (as well as, increasingly, in space), so, too (the author contends), we will gradually learn to familiarize ourselves with the problem of "moving about" or operating in the cyber domain, and will be usefully guided by the context-free fundamental principles of conventional just war doctrine, once we learn how to interpret and apply these properly to conflict occurring in the cyber realm.

Denning, Dorothy E. (1998). *Information Warfare and Security*. New Jersey: Addison-Wesley.

The author, an internationally-renowned computer scientist and intelligence expert, offers a clear, textbook account of the then newly-defined concept of "information warfare," and how to provide security to internet and other vulnerable systems (cell phones, GPS networks) that may be vulnerable to disruption by enemy attack in the event of a new conflict.

Dipert, Randall R. (2010). "The Ethics of Cyber Warfare," *Journal of Military Ethics* 9 (4): 384-410.

Dipert, a noted philosopher of technology, is almost surely the leading ethicist working in this field, and this is his initial foray: the first article on ethics and cyber conflict written by a specialist in the field of moral philosophy. The significance of this is that prior authors, drawn from other fields, tended to take either international law or classical JWT at face value as authoritative sources of moral insight, and simply apply them to the problem. Dipert does not believe either normative framework will serve to address problems of cyber conflict, largely on account of the unusual ontology of objects and events that inhabit the domain and the absence of both national boundaries and readily discernable personal identities, both of which are normally required in order to apply conventional normative frameworks.

_____, (2013). "Other than Internet Warfare: Challenges for Ethics, Law and Policy." *Journal of Military Ethics* 12 (1): 34-53.

Expert reminds readers that the cyber domain is more than the internet alone, and offers several examples of non-internet phenomena that must be accounted for when assessing the prospects for conflict in cyberspace.

_____, (2013). "The Essential Features for an Ontology for Cyberwarfare." Panayotis A Yannakogeorgos and Adam B Lowther, eds. *Conflict and Cooperation in Cyberspace*. Boca Raton, FL: CRC Press/Taylor and Francis Publishers.

Attempts to show how to evaluate virtual phenomena composed largely of electrons and photons transversing a network of "pipes" (wires and cables) and switches, or electromagnetic pulses, when trying to determine causality and liability for activities in the cyber domain that might otherwise seem, by virtue of their effects in the real world, to serve as causes for war.

Graham, David E. (2010). "Cyber Threats and the Law of War," *Journal of National Security Law & Policy* 4 (1): 87-102.

Author argues that the precedent set by the U.N. in granting the U.S. and NATO countries the right to pursue and interdict "international criminal conspiracies" (e.g., Al-Qaeda) in a sovereign country (Afghanistan) that was unwilling or unable to punish or expel them itself, coupled with the legal provisions of the European Convention on Cyber Crime (see CCC above), created a new legal regime under which, for the first time in history, nations could be punished for permitting, or failing to halt malevolent cyber activities occurring within their borders, even if they denied responsibility for undertaking these malevolent activities.

Liang, Quao and Xiangsu, Wang (1999). *Unrestricted Warfare: Warfare without Boundaries* (超限战,). Eng. Trans. Los Angeles, CA: Pan American Publishing Co., 2002.

An important analytical policy manifesto by senior military scholars in the Peoples' Liberation Army, arguing that new alternative forms of warfare must be sought in lieu of conventional armed conflict, inasmuch as the U.S. could not be opposed or defeated in such conventional combat. Cyber warfare was a principal tool in the arsenal of proposed alternatives which, taken together, now appear to have ushered in the new age of "soft war" as an alternative to kinetic warfare.

Libicki, Martin C. (2007). *Conquest in Cyberspace: National Security and Information Warfare*. New York: Cambridge University Press.

A significant treatment by one of the world's premier security strategists at the RAND Corporation. Outlines the vulnerabilities, and the prospects for success in carrying out conflict increasingly confined to the cyber sphere.

_____, (2009). *Cyberdeterrence and Cyberwar*. Santa Monica, CA: Rand Corporation.

An updated revision of the author's earlier views, suggesting methods of deterring the worst excesses and vulnerabilities in the cyber realm, and aggressively retaliating to cyber attacks suffered that would inhibit any widening of a conflict.

Lin, Herbert L., et al. (2009). *Technology, Policy, Law, and Ethics Regarding U.S. Acquisition and Use of Cyberattack Capabilities*. Washington, DC: National Research Council/American Academy of Sciences.

Lin, an accomplished computer scientist and cyber expert working with the National Research Council, here convenes a broad panel of experts from a variety of scientific and policy perspectives to assess the threats and risks, and recommend sound and morally defensible policies of cyber security for the U.S.

Lucas, George R. Jr. (2013). "Can there Be an Ethical Cyberwar?" Panayotis A Yannakogeorgos and Adam B Lowther, eds. *Conflict and Cooperation in Cyberspace*. Boca Raton, FL: CRC Press/Taylor and Francis Publishers: 195-210.

In an environment of virtually unrestricted and unrelenting conflict without rules or laws, the prospect for establishing ethical guidelines for cyber warfare seems daunting. Nonetheless, prudence, practice, and past precedent offer some prospects for establish principles not unlike the conventional criteria of just war doctrine to govern such virtual conflicts in the future.

_____, (2014). "NSA Management Directive # 424: Secrecy and Privacy in the Aftermath of Snowden." *Journal of Ethics and International Affairs* 28 (1): 29-38.

This 2010 directive constituted the core of the otherwise massive details revealed by former NSA contractor, Edward Snowden, pertaining to a number of innovative programs of "big data" collection, storage, and mathematical analysis. Author argues that the various legal regimes governing the handling and retention of different "bins" or

types of data, coupled with the algorithms (such as “TreasureMap” and “X-keyscore”) used to evaluate the PRISM databases described in Snowden’s leaked documents, did not, upon careful review, amount to the massive threat to personal privacy and liberty that Snowden himself had alleged. Instead, they raised independent questions concerning the feasibility and efficaciousness of preemptive self-defense measures relying upon such massive data collection: did they work, and were they worth the price (including the negative public perception thereby created)?

_____, (2017). *Ethics and Cyber Warfare: the Quest for Responsible Security in the Age of Digital Warfare*. New York: Oxford University Press.

The first book-length study of the ethical issues surrounding the pursuit of defensive and offensive cyber conflict, including an analysis of which forms of these activities might legitimately be said to constitute the equivalent of war. Description from 2015 of the rise of a new form of cyber warfare, “state-sponsored hacktivism,” which threatens to supplant the role effects-based cyber weapons (like Stuxnet) as the dominant form of cyber conflict in the near future.

Rid, Thomas C. (2011). “Cyber War will Not Take Place,” *Journal of Strategic Studies*, 35:1 (October): 5-32.

Skeptical international relations scholar argues that, upon close examination, no alleged cyber conflict has risen anywhere close to the equivalent of a conventional “armed attack” or use of force as described in international law. At best, cyber conflict consists, and will always consist, of crime and espionage, even if carried out on an unprecedented scale.

_____, (2012). “Think Again: Cyberwar.” *Foreign Policy* (March-April): <http://www.foreignpolicy.com/articles/2012/02/27/cyberwar>.

Author reiterates the claims above in rejoinder to cyber warfare policy expert, John Arquilla (see above), to the effect that the threat of genuine cyber warfare, in contrast to crime and espionage, has been vastly overstated.

Rowe, Neil C. (2007). “War Crimes from Cyberweapons.” *Journal of Information Warfare*, 6 (3): 15-25.

Computer scientist and cyber conflict expert argues that the inherent design of most cyber weapons to date constitute explicit violations of international law of armed conflict, in that they are almost always intended to be used against civilian personnel and objects, rather than limited to purely military objectives.

_____, (2008). “Ethics of Cyber War Attacks”, in Lech J. Janczewski and Andrew M. Colarik, eds. *Cyber Warfare and Cyber Terrorism*. Hershey, PA: Information Science Reference: 105-111.

Discusses the nature and composition of cyber weapons, clarifying details not always apparent to non-experts: e.g., that such weapons consist entirely of software,

exploiting the design-culpable vulnerabilities contained in other, poorly-designed software. Moreover, such weapons can generally be used only once, in contrast to conventional weapons, since once detected, adversaries will quickly install security measures to prevent a subsequent attack.

_____, (2011). "Toward Reversible Cyber Attacks." *Leading Issues in Information Warfare and Security Research*, J. Ryan, Ed. Reading, U.K : Academic Publishing (2011): 145–158.

Author amends his earlier condemnation of prevailing cyber strategy and weapons design, proposing methods of cyber attack that would be easily reversible and less damaging than their conventional counterparts, but which would require certain formal treaty arrangements to enable the new strategy to be adopted.

Schmitt, Michael N. (1999). Computer Network Attack and the Use of Force in International Law: Thoughts on a Normative Framework. *Columbia Journal of Transnational Law* 37: 885-937.

Schmitt is widely acknowledged as the preeminent expert in cyber conflict and international law, in much the manner that Dipert (see above) is in ethics and moral philosophy as applied in this domain. In this early article, the author proposes elements of a governance framework for future cyber conflict and information warfare that is grounded in existing statutes and customs of international law of armed conflict.

_____, (2002). "Wired Warfare: Computer Network Attack and *Jus in Bello*." *International Review of the Red Cross* 84 (846): 365-399.

Raises concerns that cyber conflict often violates key provisions of existing law of armed conflict by inflicting (or threatening to inflict) indiscriminate and often disproportionate harm on civilian infrastructure in behalf of questionable military objectives.

_____, (2011). "Cyber Operations and the *Jus in Bello*: Key Issues," *U.S. Naval War College International Law Studies*, 87: 89-110.

Reiterates and updates the scope and scale of *jus in bello* concerns raised a decade earlier concerning the anti-personnel nature of cyber tactics aimed at civilian infrastructure. Rapid developments in technological capacities substantially increased the risk inherent in such measures.

_____, ed. (2012). *The Tallinn Manual on the International Law Applicable to Cyber Warfare*. Cambridge: Cambridge University Press.

Intended to serve as the *locus classicus* for future legal discussions of cyber conflict. The manual offers insight into key debates, decisions, interpretations (and dissent from these) among a number of the world's leading legal scholars, intended to extrapolate the provisions of existing international law to key aspects of conflict in the cyber domain.

_____, ed. (2017). *Tallinn 2.0 International Law Applicable to Cyber Operations*. Cambridge: Cambridge University Press.

Extends coverage from state-sponsored cyber operations to the wider range of smaller-scale civil and criminal operations that constitute the primary forms of cyber conflict at present, including “state-sponsored hacktivism.”

Singer, Peter Warren and Friedman, Allan (2014). *Cybersecurity and Cyber War: What Everyone Needs to Know*. New York: Oxford University Press.

One might be pardoned for exclaiming that “Singer has done it again!” He and his co-author have produced a provocative, lively, and eminently-readable account of the “threat matrix” in the cyber domain. Their book is intended to pose and answers straightforward questions that laymen might have about cyber conflict, cyber war, cyber weapons, and the threats these genuinely pose, in contrast to the exaggerations inherent in earlier assessments. Praises Stuxnet as perhaps “the world’s first ethical weapon,” inasmuch as it targeted a purely military facility, and destroyed military infrastructure effectively without any consequent loss of life or injury. On the other hand, defensive measures, including the “preventive self defense” embodied in NSA security measures against terrorism, do pose a serious threat to individual privacy and liberty in cyber space as well as in society more broadly.

_____ and Brooking, Emerson T. *LikeWar: the Weaponization of Social Media*. New York: Houghton Mifflin Harcourt.

Dramatic account of the exponential growth in the use of social media to spread disinformation and civil unrest in a manner intended by users to simulate the effects of war and kinetic conflict.

Yannakogeorgos, Panayotis A. and Lowther, Adam B., eds. (2013). *Conflict and Cooperation in Cyberspace*. Boca Raton, FL: CRC Press/Taylor and Francis Publishers.

Results of an important military summit on cyber security and conflict, held at the U.S. Air Force Research Institute in 2012. A number of prominent military and civilian authorities describe key elements of cyber security measures, as well as failures in commercial infrastructure that pose unnecessary and highly risky vulnerabilities to the unwary civilian population. Individual contributors express a commendable concern not to betray the liberties and rights of citizens whom they security measures are designed to protect. The lead editor’s piece offers a significant assessment of prospects for greater cooperation, in lieu of confrontation, by examining emerging norms of practice in the midst of adversarial conflict.

Author's biography

George Lucas is professor *emeritus* at the U.S. Naval Academy and Naval Postgraduate School. Since his retirement from the U.S. Department of Defense in 2014, he has served as the Vice Admiral James B. Stockdale Professor of Ethics at the U.S. Naval War College, and as a visiting distinguished research scholar and adjunct professor at Notre Dame University's Reilly Center for Science, Technology and Values, and at Case-Western Reserve University's Inamori Center for Ethics. During his civilian academic career, he taught as a tenured professor at Santa Clara University, Clemson University, and Randolph-Macon College, and as a visiting professor at Emory University, Georgetown University, and the Katholieke Universiteit-Leuven (Belgium). Among his most recent books are *Ethics and Cyber Warfare* (Oxford University Press, 2017), *Military Ethics: What Everyone Needs to Know* (Oxford, 2016), and *Anthropologists in Arms: the Ethics of Military Anthropology* (Alta Mira Press, 2009). He is editor and contributor to the *Routledge Handbook of Military Ethics* (2015), and currently the president of the International Society of Military Ethics (ISME) in North America.