

George Mason University
Department of Philosophy
PHIL 694-002

Just War Theory: The Ethics of War
Fall 2017

Instructor: Jesse Kirkpatrick

Email: jkirkpat@gmu.edu

Course Day and Time: Wednesdays, 4:30-7:10 p.m.

Room Location: Innovation Hall 336

Office: Robinson B, Room 442D

Office Hours: Wednesday, 2:30-4:15 p.m., and by appointment

Course Description

Can we be war just? If so, when and under what conditions can a war be fought ethically? Is killing in war different from killing in peacetime? If so, why? What kind of normative constraints are there on conduct during war? How are wars ended justly? Questions like these underscore the puzzles and difficulties that surround thinking about war and political violence. This course examines the morality of war. The course can be divided roughly into three parts: the history of the just war tradition, contemporary just war theory, and contemporary ethical issues in war and conflict. We will begin by surveying some contending ethical views towards war and political violence, paying particular attention to militarism, pacifism, and prescriptive realism. We then turn to the focus of the course: the just war tradition. We will explicate the dominant theoretical approaches towards ethics and war within the just war tradition, and then examine the implications these approaches have on the use of military force. Throughout the course we will use historical case studies and contemporary conflicts as the bases for our analysis. The course concludes with a focus on such selected topics as torture, moral injury, terrorism, and technology and warfare.

Course Goals and Objectives

The course has four primary objectives. First, the course will introduce students to the historical background of the contemporary just war tradition. Second, it will familiarize students with the contemporary orthodox scholarship in the just war tradition and critiques of orthodox just war theory. Third, it will introduce students to ethical analyses of selected topics related to war and conflict. Fourth, it will offer students the opportunity to develop a research project of professional quality.

Required Texts and Readings

All texts have been ordered and should be available through the University Book Store. Other assigned and recommended readings are available on Blackboard. Please note that we will determine, as a class, the selected topic for the final weeks of the course. These readings will be available on Blackboard upon determination of the topic. Occasionally we will also read articles and excerpts from the popular press (e.g., The New York Times, Slate, Wired).

Required Texts

- Walzer, Michael. *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, (Basic Books, 2015) 5th Ed.
- McMahan, Jeff. *Killing in War*, (Oxford University Press, 2011).

Recommended

-Frowe, Helen. *The Ethics of War and Peace*, (Routledge, 2015).

Course Assignments and Grading

- 1) Discussion Facilitation: 20 points
- 2) Long Abstract: 15 points
- 3) Long Abstract Revision: 25 points
- 4) Final Paper/Presentation: 30 points
- 5) Participation: 10 points

1) *Discussion Facilitation*

Each student must select a week for which they will provide a discussion facilitation guide. The guide will address *each* reading assigned for the given week. The guide must include: (1) a description of the central theses of each reading; (2) an overview of the key argument(s) made to support the respective theses; (3) a description of the authors' conclusion(s); (4) your critical analyses of the readings and the possible weaknesses in the arguments; and (5) questions for the class to facilitate discussion. You should be able to fulfill these criteria for *each* reading in one typed page, 12-point font (e.g., five assigned readings equals five pages). The guide must be emailed to the whole class NLT 11:59 p.m. the Tuesday before seminar. Students are expected to print out and bring to class their own copies of the discussion guide. The guides are not a replacement for reading. They will serve as the point of departure for our seminar discussions. I will provide the guide for Week 6.

2) *Long-Abstract*

Each student must develop a long-abstract (~1000 words), which will build from the student's discussion facilitation guide. The abstract will outline and develop an argument to be made in the final paper. The long-abstract must be submitted NLT 14 days after submission of your discussion facilitation guide. I will provide detailed feedback on each long abstract.

3) *Revised Long-Abstract Presentation*

Based on the detailed feedback, students will be expected to revise their abstract for a brief class presentation (~1500 words). In the final two weeks of the course, students will workshop these revised abstracts in brief presentations.

4) *Final paper*

A final paper (no more than 4,000 words, excluding references) is due 2 weeks after completion of the course. The final paper should build from the revised long abstract and incorporate the ongoing feedback you receive from student colleagues and the instructor.

5) *Participation*

You must participate.

Other Course Policies

Absences

Students are permitted one unexcused absence.

Academic Integrity

All students are expected to be familiar with and abide by Mason's honor code.

Disability Services

If you are a student with a disability and you need academic accommodations, please see me and contact Disability Services at 703.993.2474 or ods.gmu.edu. All academic accommodations must be arranged through that office.

Course Schedule and Readings

Week 1—August 30—Introduction to the Course

Contending Approaches to the Ethical Analysis of War

Week 2—September 6

Pacifism, Militarism, and The Just War Tradition

Pacifism

- Andrew Fiala. [Pacifism](#). *The Stanford Encyclopedia of Philosophy*. (Winter 2014 Edition)

Militarism

- Carl Von Clausewitz. *On War*. Book One, Chapter One ("What is War?"), Sections 1-9 and 21-24. <http://www.clausewitz.com/readings/OnWar1873/TOC.htm>

Prescriptive Realism

- Michael Walzer. *Just and Unjust Wars*. Chp. 1.

The Just War Tradition—A Historical Perspective

Week 3—September 13

Antiquity and Early Just War Tradition

- Paul Christopher. *The ethics of war and peace: An introduction to legal and moral issues*. 1999. Chps. 1-4.

The Secular Dimensions of the Just War Tradition

- Cecil Anthony John, Coady. *Morality and political violence*. Cambridge University Press, 2007. Chp. 3, pp. 58-67.

Recommended

- *Antiquity and Early Just War Tradition*. Cicero. *Augustine, Averroes, Aquinas*. Found in May, Larry, Eric Rovie, and Steve Viner (eds.). *The morality of war: classical and contemporary readings*. Prentice Hall, 2006.

- *The Secular Dimensions of the Just War Tradition: Vittoria; Suarez; Grotius; Pufendorf*. Found in May, Larry, Eric Rovie, and Steve Viner (eds.). *The morality of war: classical and contemporary readings*. Prentice Hall, 2006.

Jus ad Bellum: Just Cause for War

Week 4—September 20

National Defense

- United Nations Charter, Preamble, Chps. 1 and 4-7.
- Michael Walzer. *Just and Unjust Wars*. Chps. 2 and 4.

Recommended

- Jeff McMahan. War as Self-Defense. *Ethics & International Affairs*, 18/1 (2004), 75-80.
- Michael Walzer. The Moral Standing of States: A Response to Four Critics. *Philosophy and Public Affairs*, 9/3 (1980), 209-229.
- Henry Shue. War. in LaFollette, Hugh (ed.). *The Oxford Handbook of Practical Ethics* (Oxford; New York: Oxford University Press, 2003), 733-761.

Week 5—September 27

Humanitarian Intervention and Responsibility to Protect

- Michael Walzer. *Just and Unjust Wars*. Preface and Chp. 6, pps. 101-108.
- David Luban. Just War and Human Rights. *Philosophy and Public Affairs*, 9/2 (1980), 160-181.
- David Luban. The Romance of the Nation-State. *Philosophy and Public Affairs*, 9/4 (1980), 392-397.

Recommended

- Fernando Téson. The Liberal Case for Humanitarian Intervention. In Holzgrefe et al. (eds.). *Humanitarian Intervention: Ethical, Legal and Political Dilemmas* (Cambridge: Cambridge University Press, 2003), 93-129.
- The International Commission on Intervention and State Sovereignty, Responsibility to Protect—Executive Summary
- International Coalition for the Responsibility to Protect. An Introduction to the Responsibility to Protect. <http://www.responsibilitytoprotect.org/index.php/about-rtop/learn-about-rtop>
- Alex Bellamy. Responsibility to Protect The Responsibility to Protect —Five Years On. *Ethics & International Affairs*, 24, no. 2 (2010), pp. 143–169.

Week 6—October 4

The “Revisionist” Critique of National Defense

- Jeff McMahan. Just Cause for War. *Ethics & International Affairs*, 19/3 (2005), 1-21.

Jus in Bello: The Principle of Distinction

Week 7—October 11

Killing Combatants

- Michael Walzer. *Just and Unjust Wars*. Chp. 3.

- Jeff McMahan. *Killing in War*. Chp. 1.
- Jeff McMahan. The Ethics of Killing in War. *Philosophia* (2006) 34: 23–41.
- Michael Walzer. Response to McMahan’s Paper. *Philosophia*, 34/1 (2006), 43-45.
- Jeff McMahan. Killing in War: A Reply to Walzer. *Philosophia*, 34/1 (2006), 47-51.

Recommended

- Gerhard Overland. Killing Soldiers. *Ethics & International Affairs*, 20/4 (2006), 455-475.
- George I. Mavrodes. Conventions and the Morality of War. *Philosophy and Public Affairs*, 4/2 (1975), 117-131.
- Jeff McMahan. Innocence, Self-Defense and Killing in War. *Journal of Political Philosophy*, 2/3 (1994), 193-221.
- Jeff McMahan. On the Moral Equality of Combatants. *Journal of Political Philosophy*, 14/4 (2006), 377-393.
- Frowe, Helen. “Threats, bystanders and obstructors.” In *Proceedings of the Aristotelian Society*, vol. 108, no. 1, 365-372. Oxford, UK: Oxford University Press, 2008.

Week 8—October 18

Killing Noncombatants: Contingent Pacifism and the Responsibility Dilemma

- Cheyney Ryan. Pacifism(s). *The Philosophical Forum*, vol. 46, no. 1, pp. 17-39. 2015.
- Seth Lazar. The responsibility dilemma for killing in war: a review essay. *Philosophy & Public Affairs* 38, no. 2 (2010): 180-213.
- Michael Walzer. *Just and Unjust Wars*. Chp. 9.
- Jeff McMahan. *Killing in War*. Chp. 2. pp. 38-60 (Sections 2.0—2.2.3).

Recommended

- G. E. M. Anscombe. Mr. Truman’s Degree. Found in *The Collected Philosophical Papers of G.E.M. Anscombe*. (Minneapolis: University of Minnesota Press, 1981).
- Alison McIntyre. Doing Away with Double Effect. *Ethics*, 111/2 (2001), 219-255.
- Warren S. Quinn. Actions, Intentions, and Consequences: The Doctrine of Double Effect. *Philosophy and Public Affairs*, 18/4 (1989), 334-351.
- Jeff McMahan. Liability and Collective Identity: A Response to Walzer. *Philosophia*, 34/1 (2006), 13-17.
- Larry May. Killing Naked Soldiers: Distinguishing between Combatants and Noncombatants. *Ethics & International Affairs*, 19/3 (2005), 39-53.
- Thomas Nagel. War and Massacre. *Philosophy and Public Affairs*, 1/2 (1972), 123-144.
- Geneva Protocol I Additional to the Geneva Conventions of 12 August 1949. (1977). <http://www.icrc.org/ihl.nsf/full/470?opendocument>
- Geneva Convention IV Relative to the Protection of Civilian Persons in Time of War. (1949). <http://www.icrc.org/ihl.nsf/full/380>

Torture

Week 9—October 25—NOTE: We will start class at ~5:00 p.m.

Torture, U.S. Policy, and The Ticking Bomb

- Uwe Steinhoff. Torture: The Case for Dirty Harry and against Alan Dershowitz. *Journal of Applied Philosophy*, 23/3 (2006), 337-353.

- David Luban. Liberalism, Torture, and the Ticking Bomb. *Virginia Law Review*, 91, 1425-1461.
- Ian Fishback. A Matter of Honor. Letter to Senator John McCain. September 16, 2005. Reprinted in *The Washington Post*, Wednesday, September 28, 2005. <http://www.washingtonpost.com/wp-dyn/content/article/2005/09/27/AR2005092701527.html>
- Mark Mazetti, 'Panel Faults C.I.A. Over Brutality and Deceit in Terrorism Interrogations,' *New York Times*. <http://www.nytimes.com/2014/12/10/world/senate-intelligence-committee-cia-torture-report.html>
- The Torture Memos, See NYT for a very brief overview: <http://www.nytimes.com/ref/international/24MEMO-GUIDE.html>

Recommended

- The Convention Against Torture. <http://www.hrweb.org/legal/cat.html>
- Vittorio Bufacchi and Jean Maria Arrigo. Torture, Terrorism and the State: A Refutation of the Ticking-Bomb Argument. *Journal of Applied Philosophy*, 23/3 (2006), 355-373.

Proportionality and Necessity

Week 10—November 1

- Michael Walzer. *Just and Unjust Wars*. Chp. 8.

Recommended

- Seth Lazar. "Necessity in Self-Defense and War." *Philosophy & Public Affairs*, 40, no. 1 (2012): 3-44.
- David Luban. Military necessity and the cultures of military law. *Leiden Journal of International Law*, 26(2), pp. 315-349.

Terrorism

Week 11—November 8

Is Terrorism Morally Distinctive?

- Igor Primoratz. What is Terrorism?. *Journal of Applied Philosophy*, 7/2, 129-138.
- Lionel McPherson. Is Terrorism Distinctively Wrong?. *Ethics* 117 (2007): 524-546.
- Samuel Scheffler. Is Terrorism Morally Distinctive?. *Journal of Political Philosophy*, 14/1 (2006), 1-17.

Week 12—November 15

Noncombatants and The Ethics of Fighting Terrorism

- Asa Kasher & Amos Yadlin. The Military Ethics of Fighting Terror: An Israeli Perspective. *Journal of Military Ethics* 4:1 (2005), 3-32.
- Avishai Margalit and Michael Walzer. Israel: Civilians & Combatants. *The New York Review of Books*, 5/14/2009.
- Asa Kasher and Major General Amos Yadlin. Israel & the Rules of War?: An Exchange. *The New York Review of Books*, 06/11/2009.

Recommended

- Gerhard Overland. Killing Civilians. *European Journal of Philosophy*, 13/3 (2005), 345-363.

Week 13—Thanksgiving: No Class

Selected Topics: TBD

Week 14—November 29 TBD

Week 15—December 6 TBD (Brief abstract presentations)

Week 16—December 13 TBD (Brief abstract presentations)