

Law and Ethics in War and Warfare

Philosophy 298

Professor Mark R Reiff

(mreiff57@gmail.com)

University of California, Davis

Spring 2016

Syllabus

Course Description

Armed conflict is always judged twice: first in reference to the reasons the parties have for fighting; second with reference to the means they adopt. The first sort of judgment goes to whether a party's decision to engage in armed conflict is legally permissible, morally justified, and strategically sound. The second goes to whether the particular means and methods of armed conflict that party has employed are legally and morally permissible and strategically effective. We will be looking at both aspects of armed conflict in this course, as well as how the issues of legality, morality, and strategy are intertwined. Roughly the first third of the course will be devoted to questions of the use of force, paying particular attention to the role of the United Nations Security Council in authorizing the use of force, the evolving concepts of self-defense, preemptive war, and preventive war, and the ethics and legality of humanitarian intervention. We will also consider whether preventing the acquisition of weapons of mass destruction provides a new, separate and independent justification for the use of force, or whether this is simply an element of the calculation that is to be made in evaluating the use of force in self-defense. The remainder of the course will be devoted to questions regarding the conduct of hostilities, including target selection, weapons, tactics, the treatment of detainees, and finally, belligerent occupation and the ethics and strategy of counterinsurgency. In the course of this discussion, we shall pay special attention to questions regarding the morality of both terrorism and torture.

The principal reading for the course will be drawn from the texts set forth below. There will be a number of lectures on each topic specified, and the reading required for each particular group of lectures is specified under the individual topic headings. I recommend that you do as much of the reading as possible for each group of lectures **before** those lectures occur. Much of the reading is available online, and where it is not, I will do my best to help you locate it.

Teaching and Learning Methods:

The course will consist of 30 pre-recorded lectures and 10 weekly discussion sessions, day and time to be arranged. Students are expected to read widely.

Assessment:

Assessment will be based on a 15-20 page paper on a topic to be agreed, due at the end of the exam period.

For advice on writing your essay, please see the video of my 2010 lecture on writing academic essays and papers, available at:

<https://vimeo.com/126752965>

I will also provide "Ten Mistakes To Avoid in Your Course Work" to assist you in preparing your paper, and we will of course discuss the paper and your approach as the term progresses.

Reading:

The required reading will consist of articles available through one of the library's online databases, all of which are accessible from the library home page, plus selected chapters of books and various government documents, which in most cases are available in internet or in the University or Law Library, plus large selections of the following:

- Michael Walzer, *Just and Unjust Wars*, (Basic Books, 5th ed. 2015)
- Christine Gray, *International Law and the Use of Force* (Oxford University Press, 3d ed. 2008)
- A.P.V. Rogers, *Law on the Battlefield* (University of Manchester Press, 3d ed. 2012)
- Roberts and Guelph, *Documents and the Laws of War* (Oxford University Press, 3rd ed. 2000)

All of these books are available in paperback and are relatively reasonably priced. Since substantial reference to these works will be required, I recommend that you purchase copies of at least the first three of them. Much of the material in Roberts and Guelph is available online, but it is more convenient having it all together in one place, so you might consider buying that book too if you can afford it.

For those of you who would like to do further reading on the law relating to questions regarding the use of force by states, I recommend:

- Marc Weller, *Iraq and the Use of Force in International Law* (Oxford University Press, 2010) (a good discussion of many of the legal issues arising out of the Iraq War; includes a good historical background)
- Thomas Franck, *Recourse to Force* (Cambridge University Press, 2002) (available online as an E-book through the JRUL catalogue)
- Frederick Tesón, *Humanitarian Intervention* (2d ed. 1997)
- Oscar Schachter, *International Law in Theory and Practice* (1991) (good but now well out of date)
- Anthony Clark Arend and Robert J. Beck, *International Law and the Use of Force* (1993) (a well-organized introduction, although also out-of-date)
- S.A. Andropov, *Self-Defense Against the Use of Force in International Law* (1996) (same)
- Ian Brownlie, *International Law and the Use of Force by States* (1963) (a classic text, although now well out of date—contains a comprehensive discussion of the development of the law on the use of force by states through the post-WWII period)

For those of you who would like to do further reading on the law relating to questions regarding the conduct of hostilities, I recommend:

- L.C. Green, *The Contemporary Law of Armed Conflict* (University of Manchester Press, 3d ed. 2008)
- Yoram Dinstein, *The Conduct of Hostilities under the Law of International Armed Conflict* (Cambridge University Press, 2004)
- UK Ministry of Defence, *The Manual of the Law of Armed Conflict* (Oxford University Press, 2005)
- Office of General Counsel, US Department of Defense, *Department of Defense Law of War Manual* (June 2015) (<http://www.defense.gov/Portals/1/Documents/pubs/Law-of-War-Manual-June-2015.pdf>) (very comprehensive)
- Geoffrey Best, *War and Law Since 1945* (1994) (contains extensive historical background material)
- Dieter Fleck (ed.), *The Handbook of Humanitarian Law in Armed Conflicts* (2d ed. 2008)
- US War Department, *The 1863 Laws of War* (Stackpole Books, 2005) (contains the famous Lieber Code, on which the current rules regarding the conduct of hostilities are largely based)
- Peter Rowe (ed.), *The Gulf War 1990-1991* (the essays by Greenwood, Hampson and Roberts are especially good)
- William Boothby, *The Law of Targeting* (Oxford, 2012)
- Nils Melzer, *Targeted Killing in International Law* (Oxford 2009) (a good discussion of this particular issue) (on targeted killing in particular, see also Mark Mazzetti, et al. "SEAL Team 6: A Secret History of Quiet Killings and Blurred Lines," *The New York Times* (June 6, 2015))

For those of you who would like to do further reading on the moral, strategic, and historical issues involved, I recommend:

Contemporary Texts:

- Dean Chatterjee (ed.), *The Ethics of Preventive War*, (Cambridge 2013)
- Grégoire Chamayou, *A Theory of the Drone* (2015)
- C. A. J. Coady, *Morality and Political Violence* (Cambridge 2008)
- Antulio J. Echevarria II, *Clausewitz & Contemporary War* (Oxford 2007)
- Cécile Fabre, *Cosmopolitan War* (Oxford 2012)
- Claire Finkelstein, Jens David Ohlin, and Andrew Altman (eds.), *Target Killings: Law and Morality in an Asymmetrical World* (Oxford 2012)
- John Finnis, Joseph M. Boyle, Jr., and Germain Grisez, *Nuclear Deterrence, Morality and Realism* (Oxford 1987)
- George P. Fletcher, *Romantics at War: Glory and Guilt in the Age of Terrorism* (Princeton, 2002)
- Diego Gambetta (ed.), *Making Sense of Suicide Missions*, (Oxford 2005)
- Karen Greenberg (ed.), *The Torture Debate in America*, (Cambridge University Press, 2006)
- Karen Greenberg and Joshua Dratel (eds.), *The Torture Papers: The Road to Abu Ghraib* (Cambridge University Press, 2005)

- Stephen Grey, *Ghost Plane: The True Story of the CIA Torture Program* (St Martin's Press, 2006) (an up-to-date account by a respected British journalist of what we know about the CIA's extraordinary rendition program)
- David Galula, *Counterinsurgency Warfare: Theory and Practice* (1964, new ed. 2006)
- Sohail H. Hashmi and Steven P. Lee (eds.), *Ethics and Weapons of Mass destruction*, ed. (Cambridge University Press, 2004)
- Victoria Held, *How Terrorism is Wrong: Morality and Political Violence* (Oxford, 2008)
- Seymour Hersh, *Chain of Command: The Road from 9/11 to Abu Ghraib* (2004) (an account by one of America's most accomplished investigative reporters)
- Robert L. Holmes, *On War and Morality* (Princeton University Press, 1989) (see especially the chapter on just war theory)
- J.L. Holzgrefe and Robert O. Keohane (ed.), *Humanitarian Intervention: Ethical, Legal and Political Dilemmas*, (2003) (especially the essays by Holzgrefe and Franck)
- Michael Howard, *Clausewitz: A Very Short Introduction* (Oxford 1983, 2002)
- James Turner Johnson, *Morality and Contemporary Warfare* (Yale University Press, 1999)
- Journal of National Security Law & Policy*, volume 1 issue 2 (2005) is dedicated to a discussion of torture, and has a number of very good articles
- F M Kamm, *Ethics for Enemies: Terror, Torture, & War* (Oxford, 2011)
- Fred Kaplan, *The Insurgents* (2013) (a discussion of how US counter-insurgency strategy evolved in Iraq)
- Gregory Kavka, *Moral Paradoxes of Nuclear Deterrence* (Cambridge: Cambridge University Press, 1987)
- Larry May (ed.), *War: Essays in Political Philosophy* (CUP 2008)
- Larry May, *Aggression and Crimes Against Peace* (CUP 2008) (has interesting chapters on Just Cause and on Humanitarian Intervention)
- Larry May, *War Crimes and Just War* (CUP 2007)
- Jeff McMahan, *Killing in War* (Oxford, 2009)
- Stephen Nathanson, *Terrorism and the Ethics of War* (Cambridge 2010)
- Richard Norman, *Ethics, Killing, and War* (Cambridge 1995)
- Robert Pape, *Bombing to Win: Air Power and Coercion in War* (Cornell University Press, 1996)
- Robert Pape, *Dying to Win: The Strategic Logic of Suicide Terrorism* (Random House, 2005)
- Thomas E. Ricks, *Fiasco: The American Military Adventure in Iraq* (2006) (an award winning account of the War in Iraq through 2006, nominated for the Pulitzer Prize)
- David Rodin, *War and Self Defense* (Oxford 2002)
- David Rodin and Henry Shue (eds.), *Just and Unjust Warriors: The Moral and Legal Status of Soldiers* (Oxford 2008)
- Charlie Savage, *Power Wars: Inside Obama's Post-9/11 Presidency* (2015)
- Jeremy Scahill, *Blackwater: The Rise of the World's Most Powerful Mercenary Army* (Avalon, 2007) (a disturbing account of the role of private military contractors in Iraq)

- Jeremy Scahill, *Dirty Wars: The World is a Battlefield* (2013) (an eye-opening account of US targeted assassinations and other special operations all over the world)
- Elaine Scarry, *Rule of Law, Misrule of Men* (MIT Press 2010) (a scathing account of the Bush's administration's war on terror)
- Carl Schmitt, *Writings on War* (Polity Press, 2011) (a reprint of essays by the preeminent Nazi legal theorist)
- Neil Sheehan, *A Bright Shining Lie: John Paul Vann and America in Vietnam* (1989) (a compelling analysis of the Vietnam War)
- Henry Shue and David Rodin (eds.), *Preemption: Military Action and Moral Justification*, (Oxford 2009)
- P.W. Singer, *Corporate Warriors: The Rise of the Privatized Military* (Cornell: Cornell University Press, updated ed. 2008)
- P.W. Singer, *Wired for War: The Robotic Revolution and Conflict in the 21st Century* (2009)
- Richard Sorabji and David Rodin (eds.), *The Ethics of War: Shared Problems in Different Traditions* (Ashgate, 2006)
- Uwe Steinhoff, *On the Ethics of War and Terrorism* (Oxford, 2007)
- Jacobo Timmerman, *Prisoner Without a Name, Cell Without a Number* (1981)
- Mao Tse-tung, *On Guerrilla Warfare* (1937)
- Nick Turse, *Kill Anything That Moves: The Real American War in Vietnam* (2013) (a shocking account of war crimes large and small committed by US forces in Vietnam, many never before publically revealed)
- Michael Walzer, *Arguing About War* (New Haven: Yale University Press, 2004)
- Nichols J. Wheeler, *Saving Strangers: Humanitarian Intervention in International Society* (2000) (contains extensive case studies of past instances of what could be considered humanitarian interventions)
- Helen Thorpe, *Soldier Girls* (2014) (explores the experiences of three women who signed up for the Indiana National Guard and ended up serving in Iraq and Afghanistan) (see <http://www.nytimes.com/2014/08/12/books/soldier-girls-by-helen-thorpe-explores-3-experiences.html?emc=eta1&r=0>)
- Kim Barker, *The Taliban Shuffle* (2011) (the experiences of a female war correspondent in Pakistan and Afghanistan) (see <http://www.nytimes.com/2011/03/15/books/the-taliban-shuffle-by-kim-barker-review.html?pagewanted=all&r=0>)
- Juan Cole, *The New Arabs* (2014) (a book about the various recent Arab uprisings, by one of the most astute observers in the field) (see <http://www.nytimes.com/2014/08/24/books/review/the-new-arabs-by-juan-cole.html?emc=eta1&r=0>)

Classic Texts:

- Cicero, *On Duties* (Cambridge University Press, 1991), esp. Book I. ch. X-XIV
- Seneca, "On Mercy," in *Seneca: Moral and Political Essays* (Cambridge University Press, 1995)
- Tertullian, "The Soldier's Chaplet" (c. 210), esp. chap 11-12, in *Disciplinary, Moral, and Ascetic Works* (1959)
- Augustine, *The City of God*, Book I, chap. 22, and Book XIX, chap. 1-28 (any edition)
- Thomas Aquinas, *Summa Theologica*, question XL, art. 1-3; question LXIV, art 3, 6, and 7; and question LXIX, art. 4 (any edition)
- Francisco Vitoria, "On the Law of War," in *Political Writings*, ed. Anthony Pagden and Jeremy Lawrance (Cambridge University Press, 1991), pp. 293-327
- Alberico Gentili, *De Iure Belli Libri Tres* (Oceana Publications, 1964 facsimile edition of the translation of the edition of 1612)
- Francisco Suarez, *De Triplici Virtute Theologica: Charitate* (c. 1610), Disputation XII: "On War"
- Hugo Grotius, *The Rights of War and Peace* (1625), ed. Richard Tuck (Liberty Fund, 2005)
- Thomas Hobbes, *Leviathan* (1651), ed. Richard Tuck (Cambridge University Press, rev. student ed. 1996) (a classic work of political philosophy)
- Samuel Pufendorf, *The Law of Nature and Nations: or, A General System of the Most Important Principles of Morality, Jurisprudence, and Politics* (5th ed. 1749) (consisting of eight books, all available as an E-book through the library catalogue)
- Emer de Vattel, *The Law of Nations, or, Principles of the Law of Nature, Applied to the Conduct and Affairs of Nations and Sovereigns* (1797 London ed.) (available as an E-book through the library catalogue)
- Immanuel Kant, "Toward Perpetual Peace" (1795) in Immanuel Kant, *Practical Philosophy*, ed. Mary Gregor (Cambridge University Press, 1996), pp. 311-351
- Carl Von Clausewitz, *On War*, ed. and trans. Michael Howard and Peter Paret (Princeton: Princeton University Press, 1976) (a classic work on military strategy)
- Sun Tzu, *The Art of War* (another classic text on military strategy)
- Niccolò Machiavelli, *The Prince* (1532), ed. Quentin Skinner and Russell Price (Cambridge University Press, 1988) (the classic realist tract)
- Niccolò Machiavelli, *The Art of War* (1521), ed. Christopher Lynch (University of Chicago Press, 2005) (Machiavelli on tactics)
- Richard Tuck, *The Rights of War and Peace: Political Thought and International Order from Grotius to Kant* (Oxford University Press, 1999) (a good contemporary analysis of many of the classical works on war)

Please note that the contemporary literature in this area is enormous, and the above is only a sampling of the material available. With regard to classic texts, I have cited specific editions when possible, but any edition will do. Many of the classical and some of the contemporary readings can be found in Larry May, Eric Rove, and Steve Viner (eds.), *The Morality of War: Classical and Contemporary Readings* (Pearson, 2006).

Films:

There are many films that explore and/or illustrate one or more of the issues and/or conflicts that we will examine in this course. Films that are specifically required or especially helpful will be mentioned under the topic heading. But for your convenience, I have also listed some of them here:

Waltz with Bashir, dir. Ari Folman (2009) (Israel in Lebanon, the 1982 Sabra and Shatila massacre)
Taxi to the Dark Side, dir. Alex Gibney (2008) (torture, Afghanistan))
Standard Operating Procedure, dir. Errol Morris (2008) (torture, Abu Ghraib)
No End in Sight, dir. Charles Ferguson (2007) (the aftermath in Iraq)
Why We Fight, dir. Eugene Jarecki (2006) (Iraq)
Fog of War, dir. Errol Morris (2004) (Vietnam)
The Power of Nightmares, dir. Adam Curtis (2003) (terrorism, the Soviets in Afghanistan, the rise of Islamic Fundamentalism and American Neo-conservatism)
Burn!, dir. Gillo Pontecorvo (1969) (revolution; colonialism) (Marlon Brando stars)
Dr Strangelove, or How I Learned to Stop Worrying and Love the Bomb, dir. Stanley Kubrick (1964) (nuclear weapons, strategic reasoning)
Fail Safe, dir. Sidney Lumet (1964) (nuclear weapons, strategic reasoning)
Hurt Locker, dir. Kathryn Bigelow (2008) (Iraq, weapons and targets) (won numerous Oscars in 2010, including Best Picture and Best Director)

* * *

Fiction and Poetry:

For a list and description of some of better fiction to come out of the most recent wars, see Michiko Kakutani, "Human Costs of the Forever Wars, Enough to Fill a Bookshelf," *The New York Times* (December 25, 2014) (<http://www.nytimes.com/2014/12/26/books/human-costs-of-the-forever-wars-enough-to-fill-a-bookshelf.html?emc=eta1>)

Novels that are particularly interesting for their take on the strategic issues involved include:

William J. Lederer and Eugene Burdick, *The Ugly American* (1958)
 Eugene Burdick and Harvey Wheeler, *Fail Safe* (1962)
 Ronan Bennett, *The Catastrophist* (2001) (about the revolution in the Belgian Congo)

Selected Poetry:

Brian Turner, *Here, Bullet* (Farmington; Maine: Alice James Books, 2005)
 (see http://www.alicejamesbooks.org/pages/book_page.php?bookID=43)

Wilfred Owen, *Dulce Et Decorum Est*

Bent double, like old beggars under sacks,
Knock-kneed, coughing like hags, we cursed through sludge,
Till on the haunting flares we turned our backs
And towards our distant rest began to trudge.
Men marched asleep. Many had lost their boots
But limped on, blood-shod. All went lame; all blind;
Drunk with fatigue; deaf even to the hoots
Of disappointed shells that dropped behind.

GAS! Gas! Quick, boys!-- An ecstasy of fumbling,
Fitting the clumsy helmets just in time;
But someone still was yelling out and stumbling
And floundering like a man in fire or lime.--
Dim, through the misty panes and thick green light
As under a green sea, I saw him drowning.

In all my dreams, before my helpless sight,
He plunges at me, guttering, choking, drowning.

If in some smothering dreams you too could pace
Behind the wagon that we flung him in,
And watch the white eyes writhing in his face,
His hanging face, like a devil's sick of sin;
If you could hear, at every jolt, the blood
Come gargling from the froth-corrupted lungs,
Obscene as cancer, bitter as the cud
Of vile, incurable sores on innocent tongues,--
My friend, you would not tell with such high zest
To children ardent for some desperate glory,
The old Lie: Dulce et decorum est
Pro patria mori.

Note: Wilfred Owen is generally recognized as one of the finest English poets of the First World War. This poem was written 8 October 1917 to March 1918

* * *

Rudyard Kipling (1865-1936), excerpt from *The Young British Soldier*.

When you're wounded and left on Afghanistan's plains,
And the women come out to cut up what remains,
Jest roll to your rifle and blow out your brains
An' go to your Gawd like a soldier.

Note: The British invaded Afghanistan in the late 1830s, but were never accepted by the local population and were eventually forced out in 1842. Of the 4,500 troops and 12,000 civilians to retreat from Kabul on 6 January 1842, only one person survived. See "The English in Afghanistan," *The North American Review* 55:116 (July 1842): 45-72 (available at http://history1800s.about.com/gi/o.htm?zi=1/XJ&zTi=1&sdn=history1800s&cdn=education&tm=448&gps=217_33_1530_937&f=00&su=p284.13.342.ip_&tt=2&bt=1&bt_s=1&zu=http%3A//cdl.library.cornell.edu/cgi-bin/moa/moa-cgi%3Fnotisid%3DABQ7578-0055-4)

* * *

Randall Jarrell, *The Death of the Ball Turret Gunner*

Note: Randall Jarrell (1914-1965) was an American critic and poet known for his war poetry. This poem was written in 1945, and refers to the Sperry ball turret fitted to the bottom of the American B-17 "Flying Fortress" and B-24 "Liberator" bomber. (see <https://www.poets.org/poetsorg/poem/death-ball-turret-gunner>)

* * *

Lecture Topics and Reading List:

The following is a list of topics we will cover, together with citations to the reading for each topic. All of the reading listed is essential unless I have noted that it is merely recommended following the specific entry. **The recommended reading is just that—recommended.** You do not have to do any of it, but you may find it helpful to do at least some of it for each topic. Required reading is starred. Readings in academic journals can usually be found in the library's electronic journal collection. In other cases, I have posted electronic copies of the assigned reading on the course website or included the website address where the particular piece can be found immediately following its citation. If you have difficulty finding anything that is not available electronically, please let me know and I will try to help you find it.

Topics

1. Introduction; Just War Theory and Methods of Moral Reasoning

- *Michael Walzer, *Just and Unjust Wars*, chapters 2 and 3, pp. 21-47, and the Afterword on Non-violence and the Theory of War, pp. 329-335
- Philip Pettit, "Consequentialism," in *A Companion to Ethics*, ed. Peter Singer (Blackwell, 1991), pp. 230-240 (recommended)
- Nancy (Ann) Davis, "Contemporary Deontology," in *A Companion to Ethics*, ed. Peter Singer (Blackwell, 1991), pp. 205-218 (recommended)
- Greg Pence, "Virtue Theory," in *A Companion to Ethics*, ed. Peter Singer (Blackwell, 1991), pp. 249-258 (recommended)

Nigel Simmonds, *Central Issues in Jurisprudence* (3d ed. 2008), pp. 17-46 (contains a slightly longer but excellent discussion of utilitarianism) (recommended) (note: the page numbers are from the second edition, and may have changed)

2. The Use of Force: The Prohibition of the Use of Force; the UN and the Use of Force; Express and Implied Authorization

*Christine Gray, *International Law and the Use of Force*, chap. 1, 7, and 8, pp. 1-29, 254-272, and 327-369

L. C. Green, *The Contemporary Law of Armed Conflict*, pp. 1-25 (recommended)

Oscar Schachter, "The Prohibition of Force," in Oscar Schachter, *International Law in Theory and Practice*, chap. 7, pp. 106-134 (recommended)

Thomas Franck, *Recourse to Force*, chap. 1 and 2, pp. 1-44 (recommended)

*The UN Charter, Articles 1, 2, 23-25, 27, 39-42, 48-49, and 51

3. The Use of Force: Self-Defense, Anticipatory Self-Defense, Pre-emptive War, and Preventive War

*Michael Walzer, *Just and Unjust Wars*, chapters 4 and 5, pp. 51-86, and the Preface to the Fourth Edition, pp. ix-xviii

David Luban, "Preventive War," *Philosophy and Public Affairs* 32 (2004): 207-248 (recommended)

*Jeff McMahan, "Preventive War and the Killing of the Innocent," in *The Ethics of War*, ed. Richard Sorabji and David Rodin (2006), pp. 169-190

*Christine Gray, *International Law and the Use of Force*, chap. 4-6, pp. 114-253

Thomas Franck, *Recourse to Force*, chap. 3, 4, and 7, pp. 45-75 and 97-108 (recommended)

Oscar Schachter, "The Use of Force in Self-Defense," in Oscar Schachter, *International Law in Theory and Practice*, chap. 8, pp. 135-183 (recommended)

Christopher Greenwood, "International Law and the Pre-emptive Use of Force: Afghanistan, Al-Qaida, and Iraq," *San Diego International Law Journal* 4 (2003): 7-37 (recommended)

**Case Concerning Military and Paramilitary Activities in and against Nicaragua*, 1986 ICJ Reports 14, paras. 75-122, 172-211, 226-253

**Nuclear Weapons Advisory Opinion*, 1996 ICJ Reports 226, paras. 41, 43

**Iranian Oil Platforms* 2003 ICJ Reports, paras. 43, 49, 74, and 77

**Bosnian Genocide Case (Bosnia and Herzegovina v Serbia and Montenegro)* 2007 ICJ Reports, paras. 377-415 (see also the Dissenting Opinion of Judge Al-Khasawneh at paras. 36-39)

*The Friendly Relations Declaration (1970)

*Resolution on the Definition of Aggression (1974)

National Security Strategy of the United States (September 2002) (available at <http://www.whitehouse.gov/nsc/nss.pdf>) (recommended)

Preemption: Military Action and Moral Justification, ed. Henry Shue and David Rodin (OUP 2009) (recommended)
The Ethics of Preventive War, ed. Dean Chatterjee (CUP 2013) (recommended)

4. The Use of Force: Humanitarian Intervention and Forced Democratization

- *Michael Walzer, *Just and Unjust Wars*, chapter 6, pp. 86-108
- J. S. Mill, "A Few Words on Non-Intervention" (1859) (available online at <http://international-political-theory.net/texts/Mill-Non-Intervention.pdf>) (recommended)
- *Michael Walzer, "Preface to the Third Edition," *Just and Unjust Wars* (3d ed. 2000), pp. xi-xvi
- *Michael Walzer, "The Moral Standing of States," *Philosophy and Public Affairs* 9 (1980): 209-229
- Michael Walzer, "The Politics of Rescue," *Social Research* 62 (1995): 53-66 (recommended)
- Michael Walzer, "The Argument about Humanitarian Intervention," *Dissent* 49:1 (2002): 29-37 (available at <http://www.dissentmagazine.org>)(recommended)
- J. L. Holzgrefe, "The Humanitarian Intervention Debate" in *Humanitarian Intervention: Ethical, Legal and Political Dilemmas*, ed. J.L. Holzgrefe and Robert O. Keohane (CUP 2003), pp. 15-52 (recommended)
- Larry May, "Humanitarian Intervention," in Larry May, *Aggression and Crimes against Peace* (2008), pp. 273-296 (recommended)
- Gilbert Burnham, Riyadh Lafta, Shannon Doocy, Les Robert, "Mortality after the 2003 Invasion of Iraq: A Cross-Sectional Cluster Sample Survey," *The Lancet* (published online 11 October 2006) (recommended)
- This American Life: What's in a Number?* (broadcast 4 November 2006, available at www.thisamericanlife.org)(recommended)
- Hamit Dardagan, John Sloboda, and Josh Dougherty, "Reality Checks: Some Responses to the Latest Lancet Estimates," a press release from Iraq Body Count (10 October 2006) (available at <http://www.iraqbodycount.net/press/pr14.php>) (recommended)
- Nichols J. Wheeler, *Saving Strangers: Humanitarian Intervention in International Society* (2000), chap. 7-8 (case studies of Rwanda and Kosovo) (recommended)
- Roundtable: Libya, Responsibility to Protect, and Humanitarian Intervention, *Ethics and International Affairs* 25:3 (2011) (the entire issue of this journal is devoted to articles about the intervention in Libya) (highly recommended)
- *Christine Grey, *International Law and the Use of Force*, chap. 2, pp. 30-66
- *Thomas Franck, *Recourse to Force*, chap. 9 and 10, pp. 135-191
- Dino Kritsiotis, "Reappraising Policy Objections to Humanitarian Intervention," *Michigan Journal of International Law* 19 (1998): 1005-1050 (recommended)
- Note, "Unilateral Humanitarian Intervention: Legalizing the Use of Force to Prevent Human Rights Atrocities," *Fordham Journal of International Law* 16 (1992-1993): 120-157 (recommended)

**Nicaragua*, 1986 ICJ 14, para. 254-268

5. Targets: Combatants and Non-Combatants; Military Objectives; Dual-Use Facilities; Cultural Objects; Doctrine of Double Effect

*Michael Walzer, *Just and Unjust Wars*, chapters 8-9, pp. 127-159

*L. C. Green, *The Contemporary Law of Armed Conflict*, chap. 1-2, pp. 21-65, and chap. 21, pp. 387-398

*A. P. V. Rogers, *Law on the Battlefield*, chap. 1-6, pp. 1-160

*Avishai Margalit and Michael Walzer, "Israel: Civilians and Combatants," *The New York Review of Books* (May 14, 2009) (available at <http://www.nybooks.com/articles/archives/2009/may/14/israel-civilians-combatants/?page=1>)

*Françoise Hampson, "Means and Methods of Warfare in the Conflict in the Gulf," in *The Gulf War 1990-91*, ed. Peter Rowe (Routledge, 1993), pp. 89-100

*Henry Shue, "Bombing to Rescue? NATO's 1999 Bombing of Serbia," in *Ethics and Foreign Intervention*, ed. Deen K. Chatterjee and Don E. Scheid, chap. 6, pp. 97-117

Robert K. Fullinwider, "War and Innocence," *Philosophy and Public Affairs* 5 (1975): 90-97 (a discussion of the moral basis for the principle of distinction) (recommended)

Lawrence A. Alexander, "Self-Defense and the Killing of Noncombatants: A Reply to Fullinwider," *Philosophy and Public Affairs* 5 (1976): 408-415 (recommended)

Moshe Halbertal, "The Goldstone Illusion," *The New Republic* (6 November 2009) (a good discussion of the alleged Israeli violations of targeting restrictions in connections with the most recent Gaza war) (available online at <http://www.tnr.com>) (recommended)

Jeff McMahan, "The Ethics of Killing in War," *Ethics* 114 (2004): 693-733 (recommended)

Jeff McMahan, *Killing in War* (OUP 2009) (recommended) (for a series of articles discussing and criticizing McMahan, see "Symposium on Jeff McMahan's *Killing in War*," *Ethics* 122:1 (October 2011), pp. 1-230 (also recommended)

David Rodin and Henry Shue (ed.), *Just and Unjust Warriors: The Moral and Legal Status of Soldiers*, (OUP 2008) (recommended)

Lionel McPherson, "Innocence and Responsibility in War," *Canadian Journal of Philosophy* 34 (2004): 485-506 (recommended)

Larry May, "Collective Responsibility, Honor, and the Rules of War," *Journal of Social Philosophy* 36 (2005): 289-304 (recommended)

Igor Primoratz (ed.), *Civilian Immunity in War* (OUP 2007), pp. 21-157 (recommended)

C. A. J. Coady, *Morality and Political Violence* (CUP 2008), ch. 6, 7. and 9 (recommended)

Nicholas Wheeler, "Dying for 'Enduring Freedom': Accepting Responsibility for Civilian Casualties in the War Against Terrorism," *International Relations* 16 (2002): 205-225 (recommended)

- F. M. Kamm, "Failures of Just War Theory: Terror, Harm, and Justice," *Ethics* 114 (2004): 650-692 (an extended discussion of the doctrine of double effect) (recommended)
- The Bureau of Investigative Journalism, *Drone Wars* (<https://www.thebureauinvestigates.com/category/projects/drones/>) (collects data on drone attacks)
- Judith Thomson, "Self-Defense and Rights," in Judith Thomson, *Rights, Restitution, and Risk* (Harvard University Press, 1986), pp. 33-48 (recommended)
- Philippa Foot, "The Problem of Abortion and the Doctrine of Double Effect," *Virtues and Vices* (Oxford University Press, 2002), pp. 19-32 (available online as an E-book through the JRUL catalogue) (recommended)
- Nicholas Schmidle, "Getting Bin Laden," *The New Yorker* (August 8, 2011) (a step-by-step account of the raid on Bin Laden's compound in Pakistan)(recommended)

6. Means and Methods: Weapons and Tactics

- *A. P. V. Rogers, *Law on the Battlefield*, chap. 7, 161-188
- *L. C. Green, *The Contemporary Law of Armed Conflict*, chap. 7, pp. 122-161
- *Françoise Hampson, "Means and Methods of Warfare in the Conflict in the Gulf," in *The Gulf War 1990-91*, pp. 100-110
- Antonio Cassese, "Means of Warfare: The Traditional and the New Law," in *The New Humanitarian Law of Armed Conflict*, ed. Antonio Cassese (1979), pp. 161-198 (recommended)
- Stefan Oeter, "Methods and Means of Combat," in Fleck, *The Handbook of International Humanitarian Law* (2d ed. 2008), ch. 4, pp. 119-160, 175-235 (recommended)
- Yoram Dinstein, "Prohibited Weapons," in Yoram Dinstein, *The Conduct of Hostilities under the Law of International Armed Conflict* (Cambridge, 2004), chap 3, pp. 55-81 (recommended)
- R. B. Brandt, "Utilitarianism and the Rules of War," *Philosophy and Public Affairs* 1 (1972): 145-165 (recommended)
- Thomas Nagel, "War and Massacre," *Philosophy and Public Affairs* 1 (1972): 123-144, esp. pp. 138-144 (recommended)
- *Jane Mayer, "The Predator War: What are the risks of the C.I.A.'s covert drone program?" *The New Yorker* (October 26, 2009) (available at: http://www.newyorker.com/reporting/2009/10/26/091026fa_fact_mayer) (you can hear an interview with Mayer about this piece on the 20 October 2009 edition of Fresh Air at <http://www.npr.org/templates/rundowns/rundown.php?prgId=13&prgDate=10-21-2009>)
- P.W. Singer, *Wired for War: The Robotic Revolution and Conflict in the 21st Century* (2009) (recommended) (you can hear Singer discuss his book on the 22 January 2009 edition of Fresh Air at <http://www.npr.org/templates/story/story.php?storyId=99663723>)

7. Means and Methods: Supreme Emergency and Dirty Hands

- *Michael Walzer, *Just and Unjust Wars*, chapter 16, pp. 251-268
- *Michael Walzer, "Political Action: The Problem of Dirty Hands," *Philosophy and Public Affairs* 2 (1973): 160-180

8. Means and Methods: Terrorism

- *Michael Walzer, *Just and Unjust Wars*, chapter 12, pp. 197-206
- *Michael Walzer, *Arguing About War* (New Haven: Yale University Press, 2004) pp. 51-66 and 130-142
- *Mark R Reiff, "Terrorism, Retribution, and Collective Responsibility," *Social Theory and Practice* 34 (2008): 209-242
- C. A. J. Coady, "Terrorism, Morality, and Supreme Emergency," *Ethics* 114 (2004): 772-789 (recommended)
- C. A. J. Coady, "Terrorism and Innocence," *The Journal of Ethics* 8 (2002): 37-58 (recommended)
- C. A. J. Coady, *Morality and Political Violence* (CUP 2008), ch. 8 (recommended)
- Jon Elster, "Motivations and Beliefs in Suicide Missions," in *Making Sense of Suicide Missions*, ed. Diego Gambetta (Oxford: Oxford University Press, 2005), pp. 233-258 (recommended)
- David Rodin, "The Ethics of Asymmetric War," in *The Ethics of War*, pp.153-168 (recommended)
- John Kelsey, "Arguments Concerning Resistance in Contemporary Islam," in *The Ethics of War*, pp. 61-91 (recommended)
- Frits Kalshoven, "Belligerent Reprisals Revisited," *Netherlands Yearbook of International Law* 21 (1990): 43-80 (recommended)
- Virginia Held, *How Terrorism is Wrong* (Oxford, 2008) (recommended)

9. Means and Methods: Weapons of Mass Destruction

- *Daniel Ellsberg, "The Theory and Practice of Blackmail" (available online at <http://www.rand.org/pubs/papers/P3883/>)
- *Gregory Kavka, *Moral Paradoxes of Nuclear Deterrence* (Cambridge: Cambridge University Press, 1987), pp. 15-99
- *Henry Shue, "Liberalism: The Impossibility of Justifying Weapons of Mass Destruction," in *Ethics and Weapons of Mass Destruction*, ed. Sohail H. Hashmi and Steven P. Lee (Cambridge University Press, 2004), pp. 139-162
- *Martin Cook, "Christian Apocalypticism and Weapons of Mass Destruction," in *Ethics and Weapons of Mass Destruction*, ed. Sohail H. Hashmi and Steven P. Lee (Cambridge University Press, 2004), pp. 200-210
- *Sohail H. Hashmi, "Islamic Ethics and Weapons of Mass Destruction," in *Ethics and Weapons of Mass Destruction*, ed. Sohail H. Hashmi and Steven P. Lee (Cambridge University Press, 2004), pp. 321-352
- National Intelligence Estimate, *Iran: Nuclear Intentions and Capabilities*, November 2007 (the latest consensus estimate by the US intelligence community of Iran's nuclear ambitions and capabilities) (available at

http://graphics8.nytimes.com/packages/pdf/international/20071203_rel_ease.pdf) (recommended)

Stefan Oeter, "Methods and Means of Combat," in Fleck, *The Handbook of International Humanitarian Law* (2d ed. 2008), ch. 4, pp. 160-175 (recommended)

Elaine Scarry, "Extreme Injury," *Boston Review* (September/October 2011) (at http://www.bostonreview.net/BR36.5/elaine_scarry_nuclear_weapons.php) (recommended)

Dr Strangelove, or How I Learned to Stop Worrying and Love the Bomb, dir. Stanley Kubrick (1964) (recommended)

Fail Safe, dir. Sidney Lumet (1964) (recommended)

10. Treatment of Detainees: Prisoners of War and Enemy Combatants

**Hamdan v Rumsfeld*, 126 S. Ct. 2749 (2006)

*L. C. Green, *The Contemporary Law of Armed Conflict*, chap. 10, pp. 224-241

This American Life: Habeas Schmabeas (broadcast 28 April 2007, available at www.thisamericanlife.org) (recommended)

The Road to Guantanamo (<https://www.youtube.com/watch?v=SXCth19kwRw>) (recommended)

11. Treatment of Detainees: Torture and Extraordinary Rendition

*Henry Shue, "Torture," *Philosophy and Public Affairs* 7 (1978): 124-143

*Sanford Levinson, "The Debate on Torture: War Against Virtual States" *Dissent* 50:3 (2003): 79-90 (available online at <http://www.dissentmagazine.org>)

*Bybee-Gonzales August 1, 2002 Memo Re: Standards of Conduct for Interrogation, aka the "Torture Memo," in *The Torture Debate*, ed. Karen Greenberg (Cambridge: Cambridge University Press), pp. 317-360 (electronic version available online at <http://catalogue.library.manchester.ac.uk/items/2557650?query=torture+debate+in+america&resultsUri=items%3Fquery%3Dtorture%2Bdebate%2Bin%2Bamerica>)

*Levin-Comey December 30, 2004 Memo Re: Legal Standards Applicable Under 18 U.S.C. Sec. 2340-2340A, in *The Torture Debate*, pp. 361-376

Senate Armed Services Committee Inquiry into the Treatment of Detainees in U.S. Custody (executive summary) (released 11 December 2008) (see <http://nsarchive.gwu.edu/torturingdemocracy/documents/20081211.pdf>) (required) (for the full report, see http://www.armed-services.senate.gov/imo/media/doc/Detainee-Report-Final_April-22-2009.pdf) (dated 28 November 2008, released 21 April 2009) (recommended)

Senate Select Committee on Intelligence, "Committee Study of the Central Intelligence Agency's Detention and Interrogation Program (the 530-page declassified executive summary of the still classified full 6,300-page Senate "Torture Report")

(<http://www.nytimes.com/interactive/2014/12/09/world/cia-torture-report-document.html>)

- Memoranda dated August 1, 2002 by Jay Bybee, Office of Legal Counsel, and May 10, 2005, May 10, 2005, and May 30, 2005 by Steven Bradbury, Office of Legal Counsel, re the interrogation of high value Al Qaeda detainees, available online at http://www.aclu.org/safefree/general/olc_memos.html (released 16 April 2009) (recommended) (discusses use of specific interrogation techniques)
- David Sussman, "What's Wrong with Torture," *Philosophy and Public Affairs* 33 (2005): 1-33 (recommended)
- David Luban, "Liberalism, Torture, and the Ticking Bomb," 91 *Virginia Law Review* 1425 (2005), reprinted in *The Torture Debate*, pp. 35-83 (recommended)
- April 4, 2003 Working Group Report on Detainee Interrogations in the Global War on Terror, in *The Torture Papers: The Road to Abu Ghraib*, ed. Karen Greenberg and Joshua Dratel (Cambridge: Cambridge University Press, 2005), pp. 286-359, esp. 344-359 (discussing specific interrogation techniques) (recommended)
- Jane Mayer, "Outsourcing Torture: The Secret History of America's 'Extraordinary Rendition' Program," *The New Yorker* (14 February 2005) (recommended) (for her updated book-length version of the same topic, see Jane Mayer, *The Dark Side: The Inside Story on How the War on Terror Turned Into a War on American Ideals* (2008))
- Fresh Air*, interview with Scott Shane, broadcast 6 June 2007 (discussing the December 2006 Intelligence Science Board report on US interrogation techniques, which finds them outmoded, amateurish, and unreliable) (at <http://www.npr.org/templates/calendar/index.php?prgId=13> or, for the full text of the report and many references to articles and studies on torture and interrogation techniques, go to <http://www.fas.org/irp/dni/educing.pdf>) (recommended)
- *Katherine Eban, "Rorschach and Awe," *Vanity Fair* (17 July 2007) (available at <http://www.vanityfair.com/politics/features/2007/07/torture200707>) (a discussion of how US coercive interrogation techniques were "reverse engineered" by two CIA psychologists with no background in interrogation and how little evidence there is to suggest that these techniques are effective)
- David H. Hoffmam, et al., Report to the Special Committee of the Board of Directors of American Psychological Association, Independent Review Relating to the APA Ethics Guidelines, National Security Interrogations, and Torture (July 2, 2015) (<https://assets.documentcloud.org/documents/2160985/report.pdf>) (a report by a former federal prosecutor finding that top members of the American Psychological Association colluded with officials at the Pentagon and the CIA to keep the group's ethics policies in line with tactics that interrogators working for the agency and the military were employing) (see also James Risen, "3 Leave Jobs Over Psychologists' Involvement in Terrorism Interrogations," *The New York Times* (July 14, 2015) and "Psychologists Shielded U.S. Torture Program, Report Finds," *The New York Times* (July 10, 2015))

- Taxi to the Dark Side* (2008), dir. Alex Gibney (recommended)
- Fresh Air*, interview with FBI interrogator Ali Soufan, broadcast 13 September 2011 (available at <http://www.npr.org/2011/09/13/140401483/an-interrogator-writes-the-inside-story-of-9-11>) (discussing the interrogation of Al Qaeda No. 3 Abu Zubaydah, who gave critical information in response to traditional interrogation techniques, but clammed up after CIA-hired private contractors began to waterboard him) (recommended)
- Jacobo Timmerman, *Prisoner Without a Name, Cell Without a Number* (1981) (a first-hand account by the editor and publisher of the newspaper *La Opinión* of his arrest and torture at the hands of the military government in Argentina) (recommended)
- Lakhadar Boumediene, "My Guantanamo Nightmare," *The New York Times* (January 7, 2012) (recommended)
- F. M. Kamm, *Ethics for Enemies: Torture, Terror, War* (Oxford 2011), pp. 3-72 (recommended)

12. Belligerent Occupation and the Ethics and Strategy of Counterinsurgency

- *L. C. Green, "The Rights and Duties of the Occupying Power," in Green, *Contemporary Law of Armed Conflict*, chap. 15, pp. 284-296
 - **The Manual of the Law of Armed Conflict*, UK Ministry of Defence, chapter 11, pp. 273-305
 - *Hans-Peter Grasser, "Belligerent Occupation," in Dieter Fleck, *The Handbook of International Humanitarian Law* (2d ed. 2008), pp. 270-311
- No End in Sight*, dir. Charles Ferguson (2007), an award-winning documentary about what went wrong in the occupation of Iraq (recommended)
- James T. Quinlivan, "Force Requirements in Stability Operations," *Parameters*, Winter 1995, pp. 59-69 (recommended)
- Conrad C. Crane and W. Andrew Terrill, *Reconstructing Iraq: Insights, Challenges, and Missions for Military Forces in a Post-Conflict Scenario* (Institute of Strategic Studies, February, 2003) (available at <http://www.strategicstudiesinstitute.army.mil/pdffiles/PUB182.pdf>) (a report prepared for the Pentagon that accurately predicts all the problems that actually arose in the occupation of Iraq and offers various suggestions for dealing with these problems but was, unfortunately, ignored at the time)(recommended)(also contains an historical overview of previous American occupations)(you can hear Conrad Crane discuss the report on *This American Life: The Center for Army Lessons Learned*, broadcast 26 May 2007, available at www.thisamericanlife.org)
- US Army Counterinsurgency Manual, December 2006, chap. 1 and 5-7 (available at <http://www.fas.org/irp/doddir/army/fm3-24.pdf>) (recommended) (note: the introduction by Sarah Sewall in the University of Chicago Press edition of the Manual is also good) (recommended)

- David Galula, *Counterinsurgency Warfare: Theory and Practice* (1964, new ed. 2006) (a classic text used in West Point for many years but then neglected, now republished in light of the insurgency in Iraq) (recommended)
- John Arquilla and David Ronfeldt, *The Advent of Netwar* (Rand Publishing, 1996) (an analysis of the new form of contemporary insurgency) (available online at http://www.rand.org/pubs/monograph_reports/MR789/) (recommended)
- Mao Tse-tung, *On Guerrilla Warfare* (1937) (recommended)

13. The Question of Responsibility

- *Michael Walzer, *Just and Unjust Wars*, chapter 18-19, pp. 287-327
- *A. P. V. Rogers, *Law on the Battlefield*, chap. 8, pp. 189-214
- *L. C. Green, *The Contemporary Law of Armed Conflict*, chap. 18, pp. 315-370
- *Seymour Hersh, "The Grey Zone: How a Secret Pentagon Program came to Abu Ghraib," *The New Yorker* (24 May 2004)
- Larry May, *War Crimes and Just War* (CUP 2007) (recommended)
- *Seymour Hersh, "Torture at Abu Ghraib," *The New Yorker* (10 May 2005)
- **Fresh Air*, interview with Philip Zimbardo, broadcast 1 May 2007 (available at <http://www.npr.org/templates/calendar/index.php?prgId=13>)
- Elaine Scarry, *Rule of Law, Misrule of Men* (MIT Press, 2010) (an excoriating argument for prosecution of senior Bush Administration officials for War Crimes) (recommended)
- David Luban, "Has Obama Upheld the Law?" *The New York Review of Books* (April 21, 2016) (review of Charlie Savage, *Power Wars: Inside Obama's Post-9/11 Presidency*) (recommended)

14. Ethics and Politics in Military Procurement

- Why We Fight*, directed by Eugene Jarecki
- Fresh Air*, interview with Dana Priest, broadcast 6 September 2011 (available at <http://www.npr.org/2011/09/06/140056904/the-top-secret-america-created-after-9-11>) (discussing the vast portion of the US government budget that is now spent on anti-terrorism activities with little or no outside oversight or even knowledge)

* * *

Soundtrack:

Gimme Shelter, *The Rolling Stones*
 Volunteers, *Jefferson Airplane*
 Wooden Ships, *Jefferson Airplane*
 I-Feel-Like-I'm-Fixin'-to-Die Rag, *Country Joe and the Fish*
 Life During Wartime, *Talking Heads*

Fortunate Son, *Creedence Clearwater Revival*
 Who'll Stop the Rain, *Creedence Clearwater Revival*
 The End, *The Doors* (because of its use as the background music for the opening scene of the film *Apocalypse Now*, in which a tree line in Vietnam is napalmed and bursts into flame)
 Ohio, *Crosby, Stills, Nash & Young* (about Kent State, where 4 students were killed by the Ohio National Guard when they fired on students protesting the Vietnam War)
 Masters of War, *Bob Dylan* (check out the more contemporary live version by Eddie Vedder and *Pearl Jam*)
 Star-Spangled Banner, *Jimi Hendrix* (hard to believe, but this searing rendition of the Star-Spangled Banner by Hendrix at Woodstock was a shocking act of cultural appropriation—it signaled that the anti-war movement was not anti-American, just anti-war)
 Alice's Restaurant, *Arlo Guthrie* (Arlo's father was Woody Guthrie, author of *This Land is Your Land* and countless other social protest songs of the 30s and 40s—Arlo's song is on the list because of what's buried beneath that mound of garbage that Arlo is singing about)
 War, *The Temptations*
 John Prine, *Sam Stone*
 John Prine, *Your Flag Decal Won't Get You Into Heaven Anymore*
 For What It's Worth, *Buffalo Springfield* (written by Stephen Stills, and sampled by *Public Enemy* in *He Got Game*)
 Find the Cost of Freedom, *Crosby, Stills, Nash & Young*
 Unjust Evil and Futile War, *Martin Luther King Jr.*
 The Freshmen, *The Verve Pipe* (I won't be held responsible)
 Peace Beneath the City, *Iron and Wine*
 16 Military Wives, *The Decemberists*
 Conquistador, *Procal Harem*
 The Band Played Waltzing Matilda, *The Pogues*
 Sunday Bloody Sunday, *U2*
 Orange Crush, *REM*
 Profit in Peace, *Ocean Colour Scene*
 Shark Fin Blues, *The Drones*
 I'm Shipping up to Boston, *Dropkick Murphys*
 Caskets Full, *The Flatliners*
 Wynford Bridge, *The Flatliners*
 Count Your Bruises, *The Flatliners*
 Runnin' Through the Fire, *John Cafferty and the Beaver Brown Band*
 Regret, *Everything*

Online Resources:

Links to UN and ICJ documents:

[UN Charter](#)

[Statute of the International Court of Justice](#)

[Friendly Relations Declaration](#)

[Declaration on the Definition of Aggression](#)

[Security Council Resolution 678 \(1990\)](#)

[Security Council Resolution 687 \(1991\)](#)

[Security Council Resolution 1441 \(2002\)](#)

[Military and Paramilitary Activities in and against Nicaragua \(Nicaragua v. United States of America\)](#) Decision on the Merits (27 June 1986)

[Nuclear Weapons Advisory Opinion \(8 July 1996\)](#)

[Bosnian Genocide Case](#) Decision on the Merits (26 February 2007)

[Bosnian Genocide Case](#) Dissenting Opinion of Vice-President Al-Khasawneh

[Iranian Oil Platforms Case](#) Decision on the Merits (6 November 2003)

Film, Television, and Radio shows

The Power of Nightmares <https://archive.org/details/ThePowerOfNightmares-Episode1BabyItsColdOutside> Terrorism, the Soviets in Afghanistan, the rise of Islamic Fundamentalism and American Neo-conservatism; directed by Adam Curtis (2003)

[Frontline: Bush's War](#) PBS documentary on the Iraq War

[The Fog of War](#)

Robert McNamara and Vietnam; directed by Errol Morris (2004)

[No End in Sight](#)

The invasion of Iraq and its aftermath; directed by Charles Ferguson (2007)

[Standard Operating Procedure](#)

Torture, Abu Ghraib; directed by Errol Morris (2008) (this is a link to YouTube where the film is divided into twelve parts, so to see the whole thing you will have to click on each part separately)

[Taxi to the Dark Side](#)

Torture, Afghanistan; directed by Alex Gibney (2008)

[Why We Fight](#)

Iraq; directed by Eugene Jarecki (2006)

[Dr Strangelove](#)

Nuclear weapons, strategic reasoning, starring Peter Sellers; directed by Stanley Kubrick (1964)

[The Egyptian Revolution](#)

Journalist Charles Sennott talks about the revolution in Tahrir Square, the role of the Muslim Brotherhood, and the future of Egyptian politics (17 February 2011)

[BBC "Moral Maze" debate on the possibility of intervening in Libya \(9 March 2011\)](#)

[Fighting Gaddafi -- Panorama \(Part 1 or 2\)](#)

BBC program broadcast 21 March 2011 about the uprising in Libya

[Fighting Gaddafi - Panorama \(Part 2 of 2\)](#)

Part II of BBC program about the uprising in Libya

[Ralph Langner: Cracking Stuxnet, a 21st-century cyber weapon](#)

A description of the Stuxnet worm and some of its capabilities and ramifications (March 2011)

[Oxford Institute for Ethics, Law, and Armed Conflict](#)

The Oxford ELAC invites various speakers to present papers on issues related to ethics, law, and armed conflict, and produces audio podcasts of these events wherever possible. The website lists all the podcasts that are currently available by speaker and by title. Q&A sessions are not included in the recordings. I highly recommend the talks by Teson, Fabre, Shue, McMahan, Rodin, Hruka, and Pattison.

This American Life

[What's in a Number? \(3 November 2006\)](#)

Discussion of the study published in the British medical journal The Lancet regarding the number of Iraqis killed since the invasion of Iraq

[Habeas Schmabeas \(27 April 2007\)](#)

Award-winning examination of the US detention facility at Guantanamo Bay

[The Center for Army Lessons Learned \(25 May 2007\)](#)

A discussion of what we've learned about war and warfare from the invasion of Iraq

[Reality checks: some responses to the latest Lancet estimates \(10 October 2006\)](#)

A critique of the Lancet estimates by Iraq Body Count, an organization devoted to monitoring civilian deaths in Iraq

[Will They Know Me Back Home? \(11 March 2011\)](#)

Stories of people who've grown so accustomed to wartime that the lives they've left behind no longer make sense. Including a US battalion going home on leave after 15 months of deployment, and an Iraqi translator's story of life after the gig is up.

Fresh Air Interviews and Related Materials

[The Sticky Questions Surrounding Drones and Kill Lists](#)

Award-winning NY Times reporter Scott Shane talks about drone-related stories he has helped break (12 February 2013)

["Anything That Moves" Civilians and the Vietnam War](#)

Author Nick Turse discusses his new book, "Kill Anything That Moves: The Real American War in Vietnam," which describes the various records he found in an Army archive of some known and many not previously known incidents of torture, murder, and other war crimes committed by American soldiers and their commanders in Vietnam (28 January 2013)

['The Last Refuge': Yemen, Al-Qaida and the US](#)

Author Gregory Johnsen talks about his trips to Yemen and the counterproductive effect the use of Predator Drones is having there (26 November 2013)

['Wired for War' Explores Robots on the Battlefield](#)

Warfare expert P.W. Singer discusses the ethical dilemmas of replacing soldiers with machines (22 January 2009)

[Jane Mayer: The Risks Of A Remote-Controlled War](#)

Mayer examines the ethics and controversies surrounding the CIA's covert drone program, in which remotely controlled, unmanned planes target terror suspects in Pakistan and elsewhere (21 October 2009)

[Terror And The Unraveling Of America's Moral Fabric](#)

The New Yorker staff writer Jane Mayer discusses *The Dark Side*, her nonfiction account of the Bush administration's anti-terror policies. Mayer has been nominated for a 2008 National Book Award for the work (15 July 2008)

['Lucifer Effect' Asks Why Good People Go Bad](#)

Interview with Philip Zimbardo, best known for the landmark Stanford Prison Experiment — in which student volunteers in a mock prison transformed with startling speed into sadistic guards or emotionally broken prisoners (1 May 2007)

[Video of Lecture by P. W. Singer](#)

A video of a lecture given by P.W. Singer in February 2009 on Robots in War

[Journalist Scahill Charts the Rise of Blackwater USA](#)

Interview with Jeremy Scahill about his book on the private defense contractor Blackwater USA (27 March 2007)

[Blackwater: Private Army In The News Again](#)

Follow-up interview with Jeremy Scahill on Blackwater USA (16 December 2009)

[Scott Shane on U.S. Interrogation Techniques](#)

Journalist Scott Shane writes for The New York Times about terrorism and the CIA's interrogation techniques. He describes how the United States has adopted interrogation techniques that it decried when they were used by the Soviet Union (6 June 2007)

[Assessing the Human Cost of Air Strikes in Iraq](#)

Interview with Marc Garlasco, chief of high-value targeting for the Pentagon during the invasion of Iraq, and now a senior analyst with Human Rights Watch (8 April 2008)

[The Fiasco in Iraq](#)

Interview with award-winning journalist Thomas Ricks about what went wrong with the invasion and occupation of Iraq (July 25, 2006)

[Reporter Scott Shane On 'Torture Memo' News](#)

Scott Shane discusses the torture memos and how the Bush Administration's interrogation program evolved (29 April 2009)

[Thomas Ricks on Iraq and Afghanistan](#)

Journalist Thomas Ricks returns to Fresh Air to talk about the run-up to the March 7 national elections in Iraq and what he sees as the inevitable longevity of American involvement in the region (27 January 2010)

[Thomas Ricks on "the Surge" in Iraq](#)

Journalist Thomas Ricks discusses his new book, *The Gamble*, with Fresh Air Host Terry Gross (10 February 2009)

[Video of Public Lecture by Thomas Ricks](#)

This is a video of a public lecture on the War in Iraq given on 13 April 2009 by Thomas Ricks at Princeton University <http://lectures.princeton.edu/2008/tom-ricks/>

[The Story of "The Hardest Hit Unit in Iraq"](#)

Kelly Kennedy details the story of a US Army patrol who mutinied, refusing to fight because they had become so enraged by their losses in battle that they were afraid they could no longer control themselves and abide by the laws of war (4 March 2010)
(<http://www.npr.org/templates/story/story.php?storyId=124274882>)

[The Profits and Perils of Nuclear Proliferation](#)

The president and founder of the Institute for Science and International Security talks about the Israeli attack on an alleged Syrian nuclear facility and the proliferation of nuclear weapons in general (18 March 2010)

[One Man Says No to Harsh Interrogation Techniques](#)

An 18-year veteran military interrogator talks about interrogating suspects in Iraq, harsh interrogation techniques, and what works and what does not (14 February 2011)

[Why Libya Matters To The Middle East's Future](#)

George Washington University political scientist Marc Lynch explains how the future of Libya has become a key part in the rapidly changing transformation of the Arab world — and why the United States and its allies decided to intervene. Lynch also talks about Bahrain and the uprisings in other Middle Eastern nations. (22 March 2011)

[US Military searches for a device to stop IEDs](#)

Wired writer Noah Schactman details efforts to jam remote-controlled explosive devices before they strike

[An Interrogator Writes 'The Inside Story Of 9/11'](#)

In the new book *The Black Banners: The Inside Story of 9/11 and the War Against al-Qaeda*, former FBI agent and interrogator Ali Soufan says that the government missed key opportunities to prevent terrorism attacks and find Osama bin Laden sooner because of mismanaged interrogations and

dysfunctional relationships within the government's counterterrorism agencies. (13 September 2011)

[The 'Top Secret America' Created After Sept. 11](#)

Washington Post national security reporter Dana Priest, co-author of the book *Top Secret America: The Rise of the New American Security State*, discusses the rise of the "terrorism industrial complex" created in response to the Sept. 11. (6 September 2011)

[Evangelicals Engaged In Spiritual Warfare](#)

Investigative reporter Rachel Tabachnick is interviewed about her series of articles on "The Ideology and History of the New Apostolic Reformation" (24 August 2011)

[After Troops Leave, What Happens to Afghanistan?](#)

Dexter Filkins says objectives once deemed indispensable by the U.S. government have been abandoned (July 10, 2012)

[Exploring "What We Left Behind" in Iraq](#)

Acclaimed New Yorker reporter and author Dexter Filkins discusses Iraq's slide back into civil war now that America has left. (29 April 2014)

Philippe Sands on Torture

[Philippe Sands testifying before Congress \(1\)](#)

[Philippe Sands testifying before Congress \(2\)](#)

[Interview with Philippe Sands \(September 23, 2008\)](#)

Torture Documents

[Intelligence Science Board Report on Interrogation Techniques](#)

[Senate Armed Services Report on US interrogation techniques \(Executive Summary\)](#)

[Rorschach and Awe](#)

Katherine Eban's article from *Vanity Fair* discussing how US coercive interrogation techniques were "reverse engineered" by two CIA psychologists with no background in interrogation (17 July 2007)

Senate Armed Services Report on US interrogation techniques (Full Report) (November 20, 2008)

Torture memos

Links to US Legal Memoranda and other material regarding the use of torture

Memorandum of Decision Regarding the Objections to the Findings of US DOJ OPR Report

OPR concluded that former Office of Legal Counsel attorneys John Yoo and Jay Bybee engaged in professional misconduct by failing to provide "thorough, candid, and objective" analysis in memoranda regarding the interrogation of detained terrorist suspects. Consistent with OPR's usual procedures, OPR indicated its intent to refer its finding of misconduct to the state bar disciplinary authorities in the jurisdictions where Bybee and Yoo are members. This memorandum, based in part on responses by Yoo and Bybee, rejects the findings of the OPR report. (5 January 2010)

Report of the US Department of Justice Office of Professional Responsibility Investigation into the Office of Legal Counsel's Torture Memos

A discussion of whether the authors of the torture memos violated the applicable rules of professional conduct by using shoddy reasoning and/or failing to cite or discuss relevant precedents (29 July 2009)

Editorial, The New York Times, "The CIA Torture Cover-Up," March 11, 2014

Report on Treatment of Guantanamo Detainee

Very disturbing report on how one Guantanamo Detainee has been interrogated and treated. (2 February 2014)

Senate Armed Services Committee Inquiry into the Treatment of Detainees in U.S. Custody

Executive Summary (released 11 December 2008):

<http://nsarchive.gwu.edu/torturingdemocracy/documents/20081211.pdf>

Full Report (dated 28 November 2008, released 21 April 2009):

http://www.armed-services.senate.gov/imo/media/doc/Detainee-Report-Final_April-22-2009.pdf

Senate Select Committee on Intelligence, "Committee Study of the Central Intelligence Agency's Detention and Interrogation Program (the 530-page declassified executive summary of the still classified full 6,300-page Senate "Torture Report")

(<http://www.nytimes.com/interactive/2014/12/09/world/cia-torture-report-document.html>)

Report to the Special Committee of the Board of Directors of American Psychological Association, Independent Review Relating to the APA Ethics Guidelines, National Security Interrogations, and Torture (July 2, 2015) (<https://assets.documentcloud.org/documents/2160985/report.pdf>)

The Iraq War and Its Aftermath

Reconstructing Iraq

A report prepared for the Pentagon by the Strategic Studies Institute, US Army War College, that accurately predicts all the problems that actually arose in the occupation of Iraq and offers various suggestions for dealing with these problems but was, unfortunately, ignored at the time (the report also contains an historical overview of previous American occupations) (February 2003)

US Army Counterinsurgency Manual

Written by General David Petraeus (December 2006)

"I am sorry that it has come to this"

Daniel Somers was a veteran of Operation Iraqi Freedom. He was part of Task Force Lightning, an intelligence unit. In 2004-2005, he was mainly assigned to a Tactical Human-Intelligence Team (THT) in Baghdad, Iraq, where he ran more than 400 combat missions as a machine gunner in the turret of a Humvee, interviewed countless Iraqis ranging from concerned citizens to community leaders and government officials, and interrogated dozens of insurgents and terrorist suspects. In 2006-2007, Daniel worked with Joint Special Operations Command (JSOC) through his former unit in Mosul where he ran the Northern Iraq Intelligence Center. His official role was as a senior analyst for the Levant (Lebanon, Syria, Jordan, Israel, and part of Turkey). Daniel suffered greatly from PTSD and had been diagnosed with traumatic brain injury and several other war-related conditions. On June 10, 2013, Daniel wrote the following letter to his family before taking his life. Daniel was 30 years old. His wife and family have given permission to publish it.

Dexter Filkins, "Letter from Iraq: What We Left Behind," The New Yorker (April 28, 2014)

Afghanistan

Assessment Report of the Situation in Afghanistan, August 2009

Prepared by General Stanley McChrystal

After America: Will civil war hit Afghanistan when the U.S. leaves?

Dexter Filkins discusses the future of Afghanistan after American troops withdraw in the 9 July 2012 issue of *The New Yorker*.

Terrorism and Insurgency

[UN Report on Predator Drones and Targeted Killings \(28 May 2010\)](#)

[Robert F. Worth, Mark Mazzetti, and Scott Shane, "Drone Strikes' Dangers to Get Rare Moment in Public Eye," New York Times \(February 5, 2013\)](#)

[Army Irregular Warfare Fusion Center](#)

Libya

[A Libyan Fight for Democracy, or a Civil War?](#)

NY Times reporter David D Kirkpatrick gives us some background on the rebellion in Libya (22 March 2011)

Targeted Killing

[US Dept of Justice White Paper on Targeted Killing \(released 4 February 2013\)](#)

[NY Times Editorial on White Paper](#)

The NY Times expresses dismay at the reasoning in the Justice Department's White Paper in "To Kill an American" (published 5 February 2013).

Drones

[Pakastani government report on drone strikes](#)

Leaked secret Pakastani government report detailing drone strikes and their casualties

[Mark Bowden, "The Killing Machines," The Atlantic \(September 2013\)](#)

A meditation on drone warfare by Mark Bowden, the author of *Black Hawk Down*.

[Declan Walsh and Ihsanullah Tipu Mehsud, "Civilian Deaths in Drone Strikes Cited in Report," The New York Times \(October 21, 2013\)](#)

[Jon Boone, "US Drone Strikes Could Be Classed as War Crimes, Says Amnesty International," The Guardian \(October 21, 2013\)](#)

[Amnesty International Report on Drone Attacks in Pakistan \(October 2013\)](#)

[Human Rights Watch Report on Drone Attacks in Yemen \(October 2013\)](#)

[Greg Miller and Bob Woodward, "Secret Memos Reveal Explicit Nature of U.S., Pakistani Agreement on Drones," The Washington Post \(October 24, 2013\)](#)

[Heather Linebaugh, "I worked on the US drone program. The public should know what really goes on."](#)

The Guardian (December 29, 2013)

[Special UN Report on Drones \(2014\)](#)

[Drone Wars, The Bureau of Investigative Journalism](#)

collects data on drone attacks

[Drones in Yemen](#)

Vivian Salama, "Death from Above: How American Drone Strikes are Devastating Yemen," *Rolling Stone* (April 14, 2014).

Vietnam

[Pictures from the Vietnam War](#)

A new book has been released containing 250 mostly award-winning pictures from the Vietnam War. Read about them here.

Syria

[Ben Hubbard and Michael Gordon, "Key Syrian Rebel Groups Abandon Exile Leaders"](#)

New York Times (September 25, 2013)

[John Bew, "The Syrian Atrocities"](#)

New Statesman (August 30- September 5, 2013)

[John Bew, "Las Vegas Rules Don't Apply in Syria"](#)

New Statesman (July 5-11, 2013)