
Law And Morality At War Oxford Legal Philosophy

To Do, To Die, To Reason Why

The Morality of the Laws of War

Obeying Orders

Tomorrow, When The War Began

The Ethics of War and the Force of Law

Law and morality in Israel's war with the PLO

Killing in War

Law, Ethics, and Morality in War During the Battle of Algiers - War College Series

War and Morality

Law, Morality, and War in the Contemporary World

Philosophy and International Law

Morality and War

Law, Ethics, and Morality in War During the Battle of Algiers

On War and Morality

The Morality of Defensive War

Law, Morality, and War in the Contemporary World
Just and Unjust Warriors
War By Agreement
Conflicts of Law and Morality
Law and Morality at War
Kant and the Law of War
Targeted Killings
The Oxford Handbook of Ethics of War
Military Necessity
Arms and Judgment
To Do, to Die, to Reason Why
Law and Morality at War
The Morality and Law of War
The Morality of War - Second Edition
Rules for Wrongdoers
The Morality of Private War
Arms And Judgment
Law and Morality at War
The Ethics of War
Law and Morality in Israel's War with the PLO

On Just Cause in Law and the Morality of War
Law, Ethics, and Morality in War During the Battle of Algiers
On War
The Morality of War
Drawing Morals

*Law And Morality At
War Oxford Legal
Philosophy*

*Downloaded from
content.consello.com by
guest*

VIRGINIA NATHALIA

To Do, To Die, To Reason Why

HarperCollins

A soldier obeys illegal orders, thinking them lawful. When should we excuse his misconduct as based in reasonable error? How can courts convincingly convict the soldier's superior officer when, after Nuremberg, criminal orders are expressed through winks and nods, hints and insinuations? Can our notions

of the soldier's "due obedience," designed for the Roman legionnaire, be brought into closer harmony with current understandings of military conflict in the contemporary world? Mark J. Osiel answers these questions in light of new learning about atrocity and combat cohesion, as well as changes in warfare and the nature of military conflict. Sources of atrocity are far more varied than current law assumes, and such variations display consistent patterns. The law now generally requires that soldiers resolve all doubts about the

legality of a superior's order in favor of obedience. It excuses compliance with an illegal order unless the illegality - as with flagrant atrocities - would be immediately obvious to anyone. But these criteria are often in conflict and at odds with the law's underlying principles and policies. Combat and peace operations now depend more on tactical imagination, self-discipline, and loyalty to immediate comrades than on immediate, unreflective adherence to the letter of superiors' orders, backed by threat of formal punishment. The objective of military law is to encourage deliberative judgment. This can be done, Osiel suggests, in ways that enhance the accountability of our military forces, in both peace operations and more traditional conflicts, while maintaining

their effectiveness. Osiel seeks to "civilianize" military law while building on soldiers' own internal ideals of professional virtuousness. He returns to the ancient ideal of martial honor, reinterpreting it in light of new conditions, arguing that it should be implemented through realistic training in which legal counsel plays an enlarged role rather than by threat of legal prosecution.

The Morality of the Laws of War

Oxford University Press

To Do, To Die, To Reason Why offers a new account of the ethics of war and the legal regulation of war. It is especially concerned with the conduct of individuals, including whether they are required to follow orders to go to war, what moral constraints there are on

killing in war, what makes people liable to be killed in war, and the extent to which the laws of war ought to reflect the morality of war. Victor Tadros defends a largely anti-authority view about the morality of war, and notable moral constraints on killing in war, such as the Doctrine of Doing and Allowing and a version of the Doctrine of Double Effect. However, he argues that a much wider range of people are liable to be harmed or killed in war than is normally thought to be the case, on grounds of both causal involvement and fairness. And it argues that the laws of war should converge much more closely with the morality of war than is currently the case.

Obeying Orders OUP Oxford

Recent years have seen a resurgence of

interest, among both philosophers, legal scholars, and military experts, on the ethics of war. Due in part due to post 9/11 events, this resurgence is also due to a growing theoretical sophistication among scholars in this area. Recently there has been very influential work published on the justification of killing in self-defense and war, and the topic of the ethics of war is now more important than ever as a discrete field. The 28 commissioned chapters in this Handbook will present a comprehensive overview of the field as well as make significant and novel contributions, and collectively they will set the terms of the debate for the next decade. Lazar and Frowe will invite the leading scholars in the field to write on topics that are new to them, making the volume a compilation of

fresh ideas rather than a rehash of earlier work. The volume will be divided into five sections: Method, History, Resort, Conduct, and Aftermath. The contributors will be a mix of junior and senior figures, and will include well known scholars like Michael Walzer, Jeff McMahan, and David Rodin.

Tomorrow, When The War Began

Westview Press

Most of us take it for granted that wars in defence of one's political community are the quintessential just wars. Indeed, while in recent years philosophers have subjected all of our other assumptions about just war theory to radical revision, this principle has emerged largely unscathed. But what underpins the morality of defensive war? In this book, leading moral and political philosophers

both show the profoundly challenging nature of that question, and advance novel answers to it. The first part exposes the deep tension between the individualist foundations of much contemporary philosophy and plausible conclusions about the morality of defensive war. The second part offers an individualist attempt to resolve that tension, while the third seeks to justify defensive war by appeal to more collectivist values.

The Ethics of War and the Force of Law

Lynne Rienner Pub

Jeff McMahan urges us to reject the view, dominant throughout history, that mere participation in an unjust war is not wrong. He argues powerfully that combatants who fight for an unjust cause are acting wrongly and are

themselves morally responsible for their actions. We must rethink our attitudes to the moral role of the individual in war.

Law and morality in Israel's war with the PLO War College Series

The threat to the survival of humankind posed by nuclear weapons has been a frightening and essential focus of public debate for the last four decades and must continue to be so if we are to avoid destroying ourselves and the natural world around us. One unfortunate result of preoccupation with the nuclear threat, however, has been a new kind of "respectability" accorded to conventional war. In this radical and cogent argument for pacifism, Robert Holmes asserts that all war--not just nuclear war--has become morally impermissible in the modern world. Addressing a wide

audience of informed and concerned readers, he raises dramatic questions about the concepts of "political realism" and nuclear deterrence, makes a number of persuasive suggestions for nonviolent alternatives to war, and presents a rich panorama of thinking about war from St. Augustine to Reinhold Niebuhr and Herman Kahn. Holmes's positions are compellingly presented and will provoke discussion both among convinced pacifists and among those whom he calls "militarists." "Militarists," we realize after reading this book, include the majority of us who live a friendly and peaceful personal life while supporting a system which, if Holmes is correct, guarantees war and risks eventual human extinction. Originally published in 1989. The Princeton Legacy

Library uses the latest print-on-demand technology to again make available previously out-of-print books from the distinguished backlist of Princeton University Press. These editions preserve the original texts of these important books while presenting them in durable paperback and hardcover editions. The goal of the Princeton Legacy Library is to vastly increase access to the rich scholarly heritage found in the thousands of books published by Princeton University Press since its founding in 1905.

Killing in War OUP Oxford

The *Morality of the Laws of War* examines the modern landscape of the ethics of war. Rudolph assesses the conflicting theories on the legality of just and unjust combatants. While doing this,

she proposes an alternative morality of war proceeding from the inescapable fact that regulating war is always a significant moral compromise.

Law, Ethics, and Morality in War During the Battle of Algiers - War College Series
Cambridge University Press

This volume contains selected essays in moral and political philosophy by Thomas Hurka. The essays address a wide variety of topics, from the well-rounded life and the value of playing games to proportionality in war and the ethics of nationalism. They also share a common aim: to illuminate the surprising richness and subtlety of our everyday moral thought by revealing its underlying structure, which they often do by representing that structure on graphs. More specifically, the essays all

give what the first in the volume calls "structural" as against "foundational" analyses of moral views. Eschewing the grander ambition of grounding our ideas about, say, virtue or desert in claims that use different concepts and concern some other, allegedly more fundamental topic, they examine these ideas in their own right and with close attention to their details. As well as illuminating their individual topics, the essays illustrate the insights this structural method can yield.

War and Morality Oxford University Press

Powerful emotion and pursuit of self-interest have many times led people to break the law with the belief that they are doing so with sound moral reasons. This study, a comprehensive

philosophical and legal analysis of the gray area in which the foundations of law and morality clash, views these oblique circumstances from two perspectives: that of the person who faces a possible conflict between the claims of morality and law and must choose whether or not to obey the penal code; and that of the people who make and uphold laws and must decide whether to treat someone with a moral claim to disobey differently from ordinary lawbreakers. In examining the extent of the obligations owed by citizens to their government, Greenawalt concentrates on the possible existence of a single source of obligation that reaches all citizens and all laws. He also discusses techniques of amelioration of punishment for conscientious

lawbreakers, asking how far legal systems should go to accommodate individuals who break the law for reason of conscience. Drawing from numerous examples of conflicts between law and morality, Greeawalt illustrates in detail the positions and predicaments of potential lawbreakers and lawmakers alike.

Law, Morality, and War in the Contemporary World Routledge

What does it mean to say that international humanitarian law (IHL) strikes a realistic and meaningful balance between military necessity and humanity, and that the law therefore 'accounts for' military necessity? To what consequences does the law 'accounting for' military necessity give rise? Through real-life examples and careful analysis,

this book challenges received wisdom on the subject by devising a new theory that not only reaffirms Krieger's fallacy but also explains why IHL has no reason to restrict or prohibit militarily unnecessary conduct on that ground alone. Additionally, the theory hypothesises greater normative significance for humanitarian and chivalrous imperatives when they conflict with IHL rules. By combining international law, jurisprudence, military history, strategic studies, and moral philosophy, this book reveals how rational fighting relates to ethical fighting, how IHL incorporates contrasting values that shape its rules, and how law and theory adapt themselves to war's evolutions.

Philosophy and International Law

Routledge

Offers an accessible discussion of conceptual and moral questions on international law and advances the debate on many of these topics.

Morality and War Oxford University Press

Arthur Ripstein's lectures focus on the two bodies of rules governing war: the *jus ad bellum*, which regulates resort to armed force, and the *jus in bello*, which sets forth rules governing the conduct of armed force and applies equally to all parties. Ripstein argues that recognizing both sets of rules as distinctive prohibitions, rather than as permissions, can reconcile the supposed tension between them. He contends that the law and morality of war are in fact aligned, because the central wrong of war is that

war is the condition which force decides. In his first lecture, "Rules for Wrongdoers," he explains how moral principles governing an activity apply even to those who are not permitted to engage in them. In his second lecture, "Combatants and Civilians," he develops a parallel account of the distinction between combatants and civilians. The volume includes an introduction by editor Saira Mohamed and subsequent essays by commentators Oona A. Hathaway, Christopher Kutz, and Jeff McMahan. *Rules for Wrongdoers* represents a major statement on the ethics of war by one of the most distinguished thinkers in the field. *Law, Ethics, and Morality in War During the Battle of Algiers* Broadview Press
This is a curated and comprehensive

collection of the most important works covering matters related to national security, diplomacy, defense, war, strategy, and tactics. The collection spans centuries of thought and experience, and includes the latest analysis of international threats, both conventional and asymmetric. It also includes riveting first person accounts of historic battles and wars. Some of the books in this Series are reproductions of historical works preserved by some of the leading libraries in the world. As with any reproduction of a historical artifact, some of these books contain missing or blurred pages, poor pictures, errant marks, etc. We believe these books are essential to this collection and the study of war, and have therefore brought them back into print, despite these

imperfections. We hope you enjoy the unmatched breadth and depth of this collection, from the historical to the just-published works.

On War and Morality McFarland

The private military industry has been growing rapidly since the end of the Cold War. This work uses normative political theory to assess the leading moral arguments for and against the use of private military and security companies.

The Morality of Defensive War

Oxford University Press

Essay from the year 2009 in the subject Politics - Political Theory and the History of Ideas Journal, grade: 1,3, University of Birmingham (Department of Political Science and International Studies), course: The Theory and Ethics of Terrorism and Political Violence,

language: English, abstract: As the Spaniard Francisco de Vitoria noticed, war can only be justified as response to previous wrongs. The issue here is the extent and manner of inflicted harm justifying the use of violence on behalf of third parties – the legal and moral preconditions for interventions. National defence should remain the central basis for just cause in the law and morality of war, however, in the area of tension between national self-determination and the most fundamental human rights, the prevalent principle of non-intervention reaches its limits and allows for humanitarian interventions as response to acts that shock the moral conscience of mankind. In order to avoid instrumentalization or misemployment of these instruments and guarantee

protection of peoples from human rights abuses, an institutionalization is absolutely essential; hence, proper international authority has to be established and has to conduct these interventions on multilateral grounds with care for the cultural circumstances – for the solution of societal problems and of nation-building cannot simply be imposed on nations from outside.

Law, Morality, and War in the Contemporary World CreateSpace

This book provides a thorough critical overview of the current debate on the ethics of war, as well as a modern just war theory that can give practical action-guidance by recognizing and explaining the moral force of widely accepted law. Traditionalist, Walzerian, and "revisionist" approaches have dominated

contemporary debates about the classical jus ad bellum and jus in bello requirements in just war theory. In this book, Uwe Steinhoff corrects widely spread misinterpretations of these competing views and spells out the implications for the ethics of war. His approach is unique in that it complements the usual analysis in terms of self-defense with an emphasis on the importance of other justifications that are often lumped together under the heading of "lesser evil." It also draws on criminal law and legal scholarship, which has been largely ignored by just war theorists. Ultimately, Steinhoff rejects arguments in favor of "moral fundamentalism"—the view that the laws and customs of war must simply follow an immutable morality. In

contrast, he argues that widely accepted laws and conventions of war are partly constitutive of the moral rules that apply in a conflict. The *Ethics of War and the Force of Law* will be of interest to scholars and advanced students working in just war theory, applied ethics, political philosophy, political theory, philosophy of law, and criminal and military law.

[Just and Unjust Warriors](#) OUP Oxford

The most notorious period of the French-Algerian War was the Battle of Algiers. The war was brought on by many developments beginning with the original French invasion in 1830 and subsequent annexation of Algeria as part of the French empire. Ultimately, the simplistic legal definition of who was French and enduring distinctions

between citizens and subjects were at the root of the war. Noteworthy international land warfare laws evolved during France's rule of Algeria. Notable acts of legislation compounded the discrimination between the French and the Algerians. These laws, many overwhelmingly supported in a nation founded upon the idea of equality, culminated with special powers extended to the military when the politicians and domestic law enforcement entities could no longer maintain the status quo discrimination. Algerians found themselves protected by neither domestic nor international laws. Notwithstanding the legality of French actions, moral and ethical contradictions with French concepts of the rights of man prevented military success from

eliminating dissent domestically as well as internationally. Legitimate war must therefore not only be legal but also moral and ethical or popular support may diminish, falter, or even disappear. There are distinctive parallels between the French-Algerian War and the Global War on Terror--The Long War beyond the origins of contemporary doctrine for counterinsurgency. The study of these historical lessons, provides examples of good and bad, right and wrong, insight for success and, just as important, foreshadowing of failed tactics and techniques to avoid.

War By Agreement Oxford University Press on Demand

With the ending of the strategic certainties of the Cold War, the need for moral clarity over when, where and how

to start, conduct and conclude war has never been greater. There has been a recent revival of interest in the just war tradition. But can a medieval theory help us answer twenty-first century security concerns? David Fisher explores how just war thinking can and should be developed to provide such guidance. His in-depth study examines philosophical challenges to just war thinking, including those posed by moral scepticism and relativism. It explores the nature and grounds of moral reasoning; the relation between public and private morality; and how just war teaching needs to be refashioned to provide practical guidance not just to politicians and generals but to ordinary service people. The complexity and difficulty of moral decision-making requires a new ethical

approach - here characterised as virtuous consequentialism - that recognises the importance of both the internal quality and external effects of agency; and of the moral principles and virtues needed to enact them. Having reinforced the key tenets of just war thinking, Fisher uses these to address contemporary security issues, including the changing nature of war, military pre-emption and torture, the morality of the Iraq war, and humanitarian intervention. He concludes that the just war tradition provides not only a robust but an indispensable guide to resolve the security challenges of the twenty-first century.

Conflicts of Law and Morality Oxford University Press

The laws are not silent in war, but what

should they say? What is the moral function of the law of armed conflict? Should the law protect civilians who do not fight but help those who do? Should the law protect soldiers who perform non-combat functions or who may be safely captured? How certain should a soldier be that an individual is a combatant rather than a civilian before using lethal force? What risks should soldiers take on themselves to avoid harming civilians? When do inaccurate weapons become unlawfully indiscriminate? When does 'collateral damage' to civilians become unlawfully disproportionate? Should civilians lose their legal rights by serving, voluntarily or involuntarily, as human shields? Finally, when should killing civilians constitute a war crime? These are the

questions that *Law and Morality at War* answers, contributing to a cutting-edge international debate. Drawing on the concepts and methods of contemporary moral and legal philosophy, the book develops a normative framework within which the laws of war and international criminal law can be evaluated, criticized, and reformed. While several philosophical works critically examine the moral status of civilians and combatants, this book fills a gap, offering both an account of the laws of war and war crimes, and proposing how the law could be improved from a moral point of view.

Law and Morality at War Oxford University Press

The past two decades have seen renewed scholarly and popular interest

in the law and morality of war. Positions that originated in the late Middle Ages through the seventeenth century have received more sophisticated philosophical elaboration. Although many contemporary writers appeal to ideas drawn from Kant's moral philosophy, his explicit discussions of war have not yet been brought into their proper place in these debates. Ripstein argues that a special morality governs war because of its distinctive immorality: the wrongfulness of entering or remaining in a condition in which force decides everything provides the standards for evaluating the grounds of initiating war, the ways in which wars

are fought, and the results of past wars. The book is a major intervention into just war theory from the most influential contemporary interpreter and exponent of Kant's political and legal theories. Beginning from the difference between governing human affairs through words and through force, Ripstein articulates a Kantian account of the state as a public legal order in which all uses of force are brought under law. Against this background, he provides innovative accounts of the right of national defence, the importance of conducting war in ways that preserve the possibility of a future peace, and the distinctive role of international institutions in bringing force under law.