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Office hours: Tue, 2:30-4:00 and by appointment.

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PHI 446

Law, Morality, and War

What wars, if any, may be fought? What means, if any, may be used? This course will explore our attitudes towards war. Today there is a moral and legal consensus that wars may be fought for defensive ends, but there is little agreement about other ends, such as preemption or prevention. Soldiers are widely thought to be legitimate targets of military action, but many casualties of war are now non-combatants. What constraints do this impose on parties to a conflict? A good deal of attention will be paid to the influential just war tradition.

In addition to a serious interest in the subject matter, students will need a background in moral theory. Those who have not taken a course in moral philosophy would do well to study an elementary text such as *Elements of Moral Theory* by James Rachels.

The course will be demanding, and students unable or unwilling to do the work should consider taking another class. The readings will be substantial, and they will not always be covered or explained in lecture. Class attendance is required, and some participation in discussions is expected. In addition to attending classes and completing the readings on schedule, students will be expected to take a mid-term test and a final exam and to write a term essay. The format of the test and exam will be take-home, short essay questions. The term paper is expected to be 2,000 to 4,000 words long, and topics will be distributed; students may select their own topics with *written* permission of the instructor. Late work will be accepted but penalized.

The test will count toward 20% of the final grade, the essay and the exam each for 40%. Class contributions and effort, as well as short exercises, may also count. A failing grade on the final exam means failure for the course. It should be noted that A's are not awarded routinely, but only for excellent work. Students experiencing any difficulties or problems with the course during the term should contact the instructor immediately.

Texts:

Larry May, Eric Rovie, and Steve Viner, eds., *The Morality of War Classical and Contemporary Readings* (Upper Saddle River, NJ: Pearson Prentice-Hall, 2006).

Michael Walzer, *Just and Unjust Wars*, 3rd ed. (New York: Basic Books, 2000 [1977]).

Tentative Schedule of Topics and Readings

The topics and readings listed below are tentative and may be changed. Unless otherwise noted, the readings are to be found in *The Morality of War* (May, et al., eds.). Readings marked by an asterisk* will be put on electronic reserve or otherwise made available.

Dates	Topics	Assignments
Wed 30 Sep	<i>Introduction</i>	
Wed 6 Sep	<i>Classical discussions: the just war tradition</i>	Augustine (15-21); Averroes (21-6); Aquinas (26-33), Vitoria (38-49); Suarez (58-65); Grotius (66-79)
Mon 11 Sep	<i>“Realism”</i>	Hobbes (80-88); Clausewitz (115-22)
Wed 13 Sep	<i>“Realism”</i>	Walzer, <i>Just and Unjust Wars</i> , chs. 1-3
Mon 18 Sep	<i>Pacifism</i>	Andrew Filia, “Pacifism”, <i>Stanford Encyclopedia of Philosophy</i> , http://plato.stanford.edu/entries/pacifism
Wed 20 Sep	<i>Self-defense</i>	Walzer, <i>Just and Unjust Wars</i> , ch. 4; Rodin, “War and Self-Defense” (261-71); Luban, “Just War and Human Rights” (272-80)
Mon 25 Sep	<i>Preemption</i>	Walzer, <i>Just and Unjust Wars</i> , ch. 5
Wed 27 Sep	<i>Prevention</i>	*Luban, “Preventive War”, <i>Philosophy & Public Affairs</i> 32, 3, 2004
Mon 2 Oct	<i>Intervention</i>	Walzer, <i>Just and Unjust Wars</i> , ch. 6
Wed 4 Oct	<i>Intervention</i>	Luban (344-8); Teson (348-60); Wilkins (361-69)
Mon 9 Oct	<i>Status of non-combatants</i>	Walzer, <i>Just and Unjust Wars</i> , chs. 8-9 mid-term test due
Wed 11 Oct	<i>Status of non-combatants</i>	Anscombe (203-12); Mavrodes (212-22); Nagel (222-34)
Mon 16 Oct	<i>Doctrine of Double Effect</i>	Boyle (164- 73); Quinn (174-6)
Wed 18 Oct	<i>Sieges and blockades</i>	Walzer, <i>Just and Unjust Wars</i> , ch. 10
Mon 23 Oct	<i>Guerilla warfare</i>	Walzer, <i>Just and Unjust Wars</i> , chs. 11, 13

Wed 25 Oct	<i>Terrorism</i>	Walzer, <i>Just and Unjust Wars</i> , ch. 12; Walzer (296-305)
Mon 30 Oct	<i>Terrorism</i>	Fullinwider (305-15); Valls (316-27)
Wed 1 Nov	<i>Terrorism</i>	Held, "Terrorism and War", <i>Journal of Ethics</i> 8 (2004), http://ic.ucsc.edu/~rlipsch/160C/Held.pdf#search=%22virginia%20held%2C%20terrorism%22
Mon 6 Nov	<i>Bombing cities</i>	Walzer, <i>Just and Unjust Wars</i> , ch. 16; *Walzer, "Emergency Ethics"
Wed 8 Nov	<i>Bombing cities</i>	*Truman, speech
Mon 13 Nov	<i>Nuclear weapons</i>	Walzer, <i>Just and Unjust Wars</i> , ch. 17
Wed 15 Nov	<i>Torture</i>	*Langbein, "The Legal History of Torture"; *Posner, "Torture, Terrorism, and Interrogation"; *Krauthammer, "The Truth about Torture"; *Sullivan, "The Abolition of Torture"
Mon 20 Nov	<i>Torture</i>	Luban, "Torture American Style", <i>Washington Post</i> (27 November 2005), http://www.washingtonpost.com/wp-dyn/content/article/2005/11/25/AR2005112501552.html ; *Luban, "Liberalism, Torture, and the Ticking Bomb", <i>Harper's</i> (March 2006)
Wed 22 Nov	????	
Mon 27 Nov	<i>Responsibility</i>	Walzer, <i>Just and Unjust Wars</i> , chs. 18-9
Wed 29 Nov	<i>Responsibility</i>	Hare (424-30); May (430-9) essay due
Mon 4 Dec	<i>Peace</i>	Kant (110-15)
Wed 6 Dec	<i>Peace</i>	*League of Nations, Charter; *UN, Charter
Mon 11 Dec	<i>Concluding thoughts</i>	