

Spring 2009

David R. Mapel

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Political Science 4024 Senior Seminar Justice and War

Prof. Mapel

Contact Information: 492-6662 or
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Office hours: T TR 12:30 - 2:00; otherwise by
appointment

Course Description

Topics include the justification of defensive, pre-emptive and preventive wars; humanitarian intervention; the combatant/noncombatant distinction; the distinction between direct and "collateral" harm to civilians; sieges, blockades and economic sanctions; guerilla warfar; terrorism and reprisals; supreme emergency and torture. There are two main texts for the seminar. The first is Michael Walzer's *Just and Unjust Wars*, which develops a contemporary version of just war theory by working through a wide range of historical cases. The second is David Rodin's *War and Self-Defense*, which attacks the analogy between individual and collective self-defense and argues that the only just wars are those in defense of aa just international legal system (which Rodin thinks we lack). Readings will include critical essays on various topics by a number of other philosophers and political theorists. Readings are listed below and will be available on-line and/or on reserve.

Course Requirements

Reading summaries: 10% of final grade; 1 - 2 pages, typed, double-spaced, due at the beginning of each class. No late summaries accepted. Failure to submit 50% of the summaries results in failure of the course.

Class participation: 10%. Class participation includes attendance, careful reading, taking an active part in class, and **leading** class discussions on assigned days. Failure to attend more than 50% of class results in failure of the course.

Take-home essay exam: 20%. Essay question provided two days in advance. Exams will not be accepted unless typed, double-spaced, standard format. Exams are due at the beginning of class; no late exams accepted.

Paper: 40%. Fifteen-twenty pages, typed, double-spaced, standard format. Students can choose between one of several topics suggested throughout the semester or write on a topic oagreed upon with the instructor. Paper topics must be agreed upon and discussed at least once with instructor prior to March 13th.

Final essay exam : 20%.

All assignments except must be completed on time to pass the course unless the student has a documented excuse.

Dates for all assignments given in reading schedule below and subject to change by instructor (as is everything in this syllabus).

Make up assignments will be permitted only if a student can provide documentation for an excused absence (e.g. doctor's letter or documentation for other kinds of absences allowed under University policy).

Disabilities

If you have a specific physical, psychiatric or learning disability that needs to be accommodated, please let me know by the second week of the semester so that your needs may be appropriately met. You will need to provide documentation of your disability to the Disability Services Office, Willard 322 (303-492-8671), so that such accommodation may be arranged.

Office Hours

Tuesday and Thursday 12:30 - 2:00; otherwise, by appointment

Required Readings

All books have been ordered at the University Books Store in the UMC and at the book store on the Hill.

Articles in the reading schedule below are almost all available on line. Go to the university library homepage. Click on the E-Journal finder link on the left of the page. Type in the name of the journal in the search box and voila! The different online databases with that journal will pop up. Just click on whichever one makes you feel comfortable and search internally from there. You can use different methods, from author name, volume/issue, etc. In many cases your best bet is to try "JStor" . There are several additional articles by Walzer that are not in *Just and Unjust Wars*, so don't get confused. The few articles that cannot be found online, e.g., chapters from a book or essays from an especially obscure journal, can be accessed by a link I will put on line or you can get some of these articles by going to my protected page of readings: go to <http://sobek.colorado.edu/~mapel/PROTECTED> Then look for articles in the folder "Just War". Prompt is "mapelclass" and password is "lucifer"; additional instructions furnished in class.

You are required to bring hard copies of all articles to class. Students without these articles forfeit noncombatant immunity.

A few valuable websites:

International Political Theory Beacon: <http://www.international-political-theory.net/>

<http://www.justwartheory.com/>

Carnegie Council on Ethics and International Affairs: <http://www.CarnegieCouncil.org>

Carr Center for Human Rights: <http://www.ksg.harvard.edu/cchrp/index.shtml>

Dates and readings are provisional and may be changed. It is each student's responsibility to check the website regularly for such changes.

In many cases your best bet is to try "JStor" .

Reading Schedule

NB: All assignments, exam dates and other information contained in the reading schedule is provisional and subject to change by the instructor. Books and selections may be added or deleted. Students are responsible for knowing about announced changes in the required readings and schedule.

Reading Schedule

January

- 13 Introduction to course
- 15 **Against "Realism"**
 Thucydides--"The Melian Dialogue" (in translation by Paul Woodruff, *On Justice, Power and Human Nature: Selections from The History of the Peloponnesian War* (Hackett, 1993), 102-9. Available on PROTECTED Michael Walzer, Preface to original edition of *Just and Unjust Wars*; (hereafter "JUW"); JUW, 3-34 ("The Melian Dialogue", "General Sherman and the Burning of Atlanta")
- 20 **The War Convention and the Moral Equality of Soldiers**
 JUW, 34 - 47
 David R. Mapel, "Coerced Moral Agents? Individual Responsibility for Military Service" *The Journal of Political Philosophy*, Vol 6, no 2 (1998) pp. 171 - 89
- 22 **The Legalist Paradigm and the Crime of Aggression**
 JUW, 51 -86
National Security Strategy Statement of the United States 2002, excerpt on preventive wars.
- 27 **The Case for Preventive War**
 David Luban, "Preventive War," *Philosophy and Public Affairs* Vol. 32, no. 3 (Summer 2004), pp. 207 -248. To get this article cut and past the following url: <http://www3.interscience.wiley.com/cgi-bin/fulltext/118765239/PDFSTART>
- 29 **Military Intervention: Secession, Counter-Intervention and Humanitarian Rescue**
 Walzer, JUW, 86-109
 David Luban, "The Romance of the Nation-State", *Philosophy and Public Affairs* 9 no. 4 (Spring 1980), approx. 12 pages. In Protected under "LubanRomance.pdf"

February

- 3 **Military Intervention**
 Walzer, "The Moral Standing of States" *Philosophy and Public Affairs* 9, no. 3 (Summer 1980), approx. 21 pages
 Walzer, "The Politics of Rescue", *Dissent* (Winter 1995), 35-41. In Protected

"Walzer Rescue.PDF"

Essay exam assigned

5 **Iraq: A War of Self-Defense, Rescue, Law Enforcement or Empire?**

Walzer, Preface to 4th edition of JUW

Ferando Teson, "Ending Tyranny in Iraq"
 "Terry Nardin, "Humanitarian Imperialism"
 "Of Tyrants and Empires: Reply to Terry Nardin"

all in *Ethics and International Affairs*, Vol. 19, no. 2 (2005), 1 - 30. In
 Protected.

Suggested: Terry Nardin, Introduction to *Humanitarian Intervention*, Nomos
 XLVII, eds. Melissa Williams and Terry Nardin, (New York University Press,
 2006), 1 - 31. in Protected "NardinIntro.pdf"

fKok-Chor Tan, "The Duty to Protect" same volume, p. 84 -117 in Protected
 "Tan.pdf"

8 **Essay exam due electronically by Sunday noon**

10 **Jus Ex Bellum and Jus Post Bellum**

JUW, 109 -127.

Brian Orend, "Ending War," *Ethics and International Affairs* 16, no. 1 (2002),
 43 - 57 in Protected as "OrendJustice.PDF"

Darrell Mollendorf, "Jus Ex Bello," *The Journal of Political Philosophy*,
 Protected "JusexBello.pdf"

Suggested:

Joy Gordon, "Accountability and Global Governance: The Case of Iraq," *Ethics
 and International Affairs* 20, no. 1 (2006), 79 -98. in Protected,
 "JG.Governance.pdf"

12 **Justice in War: Military Necessity, Utility, Proportionality and Rights**

JUW, 127 150

Robert Holmes, "Military Necessity," from *On War and Morality*, 101 - 113. In
 Protected under "HolmesPDF"

17 **Proportionality**

Thomas Hurka, "Proportionality in the Morality of War," *Philosophy and Public Affairs*, Vol. 33, no. 1 (Winter 2005), pp. 34 - 66. Protected, "Hurka.pdf"

19 **Discrimination: Aiming At Soldiers, Away From Civilians**

JUW, 151-9

Robert Holmes, excerpt on the Doctrine of Double Effect," from *On War and Morality*, pp. 193 -205 In Protected (don't confuse with Holmes excerpt on military necessity). In Protected "HolmesDDE.PDF"

24 **Sieges, Blockades and Economic Sanctions**

Walzer, JUW, 160-75("War Against Civilians: Sieges and Blockades" and "Guerilla War")

Joy Gordon, "A Peaceful, Silent, Deadly Remedy", *Ethics and International Affairs*, Vol. 13 (1999), 123-43.

George A. Lopez, "More Ethical Than Not"

Gordon, "Reply to Lopez"

(All three articles are bundled together under "Gordon" in Protected)

26 **Guerilla War**

Walzer, JUW, 176-196

Dexter Fillkins, "Mogadishu," from *The Forever War*, pp. 186 - 9 in "Mogadishu.PDF" in Protected *to come*

March

3 **A Critique of Walzer on Noncombatant Immunity**

Ted Koontz, "Noncombatant Immunity in Walzer's *Just and Unjust Wars*", *Ethics and International Affairs*, Vol. 11 (1997), 55-83. Protected under "KoontzNonComb" (don't mistakenly read second Koontz essay under "Nonvio")

Walzer, excerpt from "A Response," 102 - 4. Protected. "WalzerResponse.pdf"

Suggested: Jeff McMahan, "Innocence, Self-Defense and Killing in War," in *Journal of Political Philosophy*, vol. 2, no. 3 1994 pp. 193 - 222 in Protected "McMahanInnoc.pdf"

5 **Terrorism and Reprisals**

Walzer, "Terrorism" and "Reprisals" JUW, 197-224

Walzer, "Terrorism: A Critique of Excuses" and "After 9/11" in Protected "WalzerTerrorism.pdf" and "After9/11.pdf"

Robert Fullinwider, "Understanding Terrorism", Protected "Fullinwider.pdf"

Walzer "Critique" and Fullinwider response can also be found in *Problems in International Justice*, ed. Luper-Foy (Westview 1988), 237-48; Walzer "Critique" and "9/11" also in Walzer, *Arguing About War* (Yale 2004)

10 **Dilemmas of War**

Walzer, JUW, 225-269 ("Winning and Fighting Well," "Agression and Neutrality," "Supreme Emergency")
Colin Dueck, "Alternatives to the Bomb" in Protected. "Dueck.pdf"

Suggested:

Nuclear Deterrence

Walzer, JUW, 269-287

Nardin, "Nuclear Deterrence and the Argument from Extremity" in *Nuclear Weapons and the Future of Humanity*, eds. Avner Cohen and Steven Lee (Rowman and Allanheld, 1986), 289 - 305 in Protected, "NardinNuclear.pdf"

12 **Torture**

Readings to come

13 **Last Day to agree with instructor on paper topic**

17 **Supreme Emergency**

Daniel Statman, "Supreme Emergencies Revisited," *Ethics*, Vol 117 (October 2006), 58 -79 also in Protected, "Statman.pdf"

19 **Catch-up Day; to come**

Spring Break

31 **The Responsibilities of Citizens**

JUW, 287-303

Cheney Ryan, "War and Personal Responsibility" in Protected under "RyanResponse.pdf" (don't mistakenly read "RyanSelf-Defense")

Suggested:

Stanley Hoffman and Michael Smith, "Individual Responsibility, War Crimes and Terrorism" in Protected "Hoffman.pdf"

James Child, "Political Responsibility and Noncombatant Liability", in *Political Realism and International Morality*, eds. Kenneth Kipnis and Diana T. Meyers

(Westview, 1987), 61-74.

Michael Green, "War, Innocence and Theories of Sovereignty", *Social Theory and Practice*, Vol. 18, No. 1 (Spring 1992), 39-62.

April

2

War Crimes: Soldiers and Their Office

Walzer, JUW, 304-27 ("In the Heat of Battle," "The My Lai Massacre," "The Case of General Yamashita")

Walzer, "Mercenary Impulse," *The New Republic*, March 12, 2008. Should be able to get it by simply typing in "Mercenary Impulse" on Google

7

Realism Revisited

Hendrickson, "In Defense of Realism: A Commentary on *Just and Unjust Wars*," *Ethics and International Affairs*, Vol. 11 (1997), 19-55.

8

Paper to be electronically submitted by noon

9

Just War Theory: Assessing *Just and Unjust Wars*

JUW, Preface to first edition

Joseph Boyle, "Casuistry and the Boundaries of the Moral World", 83-99. In Protected

Michael Smith, "Growing Up with Just and Unjust Wars" 3-19

Michael Walzer, "A Response" 99-104. In Protected "WalzerResponse.pdf"

Last three selections in *Ethics and International Affairs*, Vol. 11 (1997)

14

The Concept of Rights

David Rodin, *War and Self-Defense*, Preface, Introduction and Chapter 1: "Rights" pp. 1 -34

16

**A Model of Defensive Rights;
Consequences and Forced Choice**

David Rodin, *War and Self-Defense*, pp.

21

Grounding Self-Defense in Rights

David Rodin, *War and Self-Defense*, pp. 70 - 90

23 **International Law, War and the Defense of Persons**

Rodin, 103 - 140

28 **War and the Common Life; War, Responsibility and Law Enforcement**

Rodin, 163 -89

Essay exam assigned in class

30 **Morality and Realism**

Rodin, 189 -200

May

2 **Essay exams; to be submitted by 10 pm**