

Law And Morality At War Oxford Legal Philosophy

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Jus Cogens Episode 7 — Law and Morality at War with Adil Haque *law and morality The Hart-Fuller Debates on Morality and Law Natural Law Theory: Crash Course Philosophy #14 The Law and Morality of War* 'Right \u0026 Wrong' - A Clue to the Meaning of the Universe by C.S. Lewis Doodle (BBC Talk 1/Chapter 1) *Justice: What's The Right Thing To Do? Episode 01 "THE MORAL SIDE OF MURDER"* *Ethics, Morality and the Law* Michael Walzer on Just War Theory | Big Think Walter E. Williams on the Decline of Morality in Society The Reality of the Moral Law by C.S. Lewis Doodle (BBC Talk 2 / Mere Christianity Chapter 3) John Fabian Witt on \u201cSherman at Atlanta: The Moral Structure of the Laws of War\u201d Is There an Objective Moral Law? ~~with~~ **C.S. Lewis Original Recording Debats: Is War Ever Justified?** | **Learn Liberty** Why I Am Not a Pacifist by C.S. Lewis Doodle (BBC Talk 3, Chapter 4) Holberg Prize Symposium 2007: Law and Political Morality The Reader (5/10) Movie CLIP - Morality and Law (2008) HD #1658 *When Law and Morality Collide: Understanding the Present Day Christian Dilemma in America* What is the morality of war? | Philip Collins, New Strachan, Lindsey German, Sean Curran The Three Parts of Morality by C.S. Lewis Doodle (BBC Talk 11, Mere Christianity, Bk 3, Chapter 1) *2 Is Legal The Same As Moral And Just? | What Good Law Should Look Like?* *"The Ethics of War in the 21st Century: Law, Policy, and Practice"* **Law And Morality At War** Adil Ahmad Haque's Law and Morality at War is a significant moment in the contemporary debate on just-war theory on the morality of law. It offers an elegant 'third way' between the traditional account of IHL as reflective of morality and the revisionist account of IHL as directly contradicting fundamental moral concepts - a system that is only defensible, at best, as a pragmatic concession.

Law and Morality at War (Oxford Legal Philosophy): Amazon ...

This book integrates legal analysis and moral philosophy. It seeks to defend, interpret, implement, and reform the law of armed conflict. It argues that the law of armed conflict should provide combatants with moral guidance, helping them to conform to their moral obligations as closely as possible. It presents the law of armed conflict as prohibitive rather than permissive, conferring limited immunities rather than broad privileges, and applying alongside human rights law as well as ...

Law and Morality at War - Oxford Scholarship

Adil Ahmad Haque's book Law and morality at war avoids both common pitfalls and showcases interdisciplinary scholarship at its best. Starting out with a remarkably concise explanation of key legal and philosophical terms, the author's philosophical arguments push the boundaries of an active debate on the moral permissibility of killing in war.

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My own view (Haque 2011b) is that the morality of war and the laws of war converge on two grounds of liability: individuals forfeit their moral and legal right not to be killed in war when they either directly participate in hostilities or assume a continuous combat function in an armed force or armed group, at least on behalf of an unjust cause. The main gap between law and morality is that mere membership in a state armed force, even one fighting for an unjust cause, makes one legally ...

Law and Morality at War | SpringerLink

I propose an instrumentalist account of the laws of war, according to which the laws of war should help soldiers conform to the morality of war. The instrumentalist account supports Waldron's conclusion that the laws of war justifiably prohibit attacks on civilians even if it turns out that some civilians lack a moral right not to be killed.

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It argues that these moral norms are best understood and defended using the distinctions drawn in criminal law theory between wrongdoing, justifiability, and justification. The remainder of the chapter examines the moral and legal norms governing the killing of civilians directly participating in hostilities as well as of members of armed forces and organized armed groups.

Criminal Law and Morality at War - Oxford Scholarship

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.

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Law and Morality at War develops a normative framework within which the law of armed conflict should be evaluated, interpreted, and reformed. The book defends existing protections for civilians, proposes new protections for combatants, and interprets vague and ambiguous rules - including discrimination, precautions, and proportionality - in their morally best light.

Law and Morality at War (Oxford Legal Philosophy): Haque ...

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Law and Morality at War develops a normative framework within which the law of armed conflict should be evaluated, interpreted, and reformed. The book defends existing protections for civilians, proposes new protections for combatants, and interprets vague and ambiguous rules - including discrimination, precautions, and proportionality - in their morally best light.

Law and Morality at War - Hardcover - Adil Ahmad Haque ...

What are the moral and legal issues of contemporary warfare? Drawing on cutting-edge debates in moral philosophy, this book proposes how the laws of war can be evaluated, criticized, and reformed, making a valuable and timely contribution to a pressing international debate.

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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.

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Revisionists argue that combatants are not morally permitted to fight for an unjust cause and conclude that the law of war sharply diverges from the deep morality of war. Many revisionists conclude that the law of war should simply aim to reduce suffering in war to the greatest extent practically possible. This chapter argues that the law of war does not permit or authorize combatants to fight for an unjust cause. The law of war is prohibitive, not permissive.

Law and Morality - Oxford Scholarship

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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. Finally, it explores when, if ever, the emotional pressures under which soldiers act should partially or wholly excuse their wrongful actions --Flap of book cover.

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"Ripstein's lectures, which constitute the central texts of this book, 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. The lectures argue that both sets of rules constitute prohibitions rather than permissions, and that recognizing them as distinctive prohibitions can reconcile the seeming tension between them. By understanding that the central wrong of war is that war is the condition which force decides, Ripstein contends that the law and morality of war are in fact aligned; the rules governing the conduct of hostilities must apply equally to parties in the right and parties in the wrong in an armed conflict, because the prohibitions outlined in the rules governing war are prohibitions that restrain war. Ripstein's method of analysis and the substantive argument he puts forward offer an opportunity for rigorous critical engagement in subsequent essays by commentators Hathaway, Kutz, and McMahan, followed by a response from Ripstein"--

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'sön'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.

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 decided 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.

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.

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.

This second edition of Moral Constraints on War offers a principle-by-principle presentation of the trans-cultural roots of the ethics of war in an age defined by the increasingly international nature of military intervention. Parts one and two trace the evolution of Just War Theory, analyzing the principles of jus ad bellum and jus in bello; the principles that determine under what conditions a war may be started and then conducted. Each chapter provides a historical background of the principle under discussion, an explanation of the principle, and numerous historical examples of its application. In Part three, case studies apply the theories discussed to NATO's humanitarian mission in Kosovo, terrorism and the Iraq War. Bringing together an international coterie of philosophers and political scientists, this accessible and practical guide offers students of military ethics and international relations rich, up-to-the-minute insight into the pluralistic character of Just War Theory.

The controversy surrounding targeted killings represents a crisis of conscience for policymakers, lawyers, philosophers and leading military experts grappling with the moral and legal limits of the war on terror. The book examines the legal and philosophical issues raised by government efforts to target suspected terrorists without giving them the safeguards of a fair trial.