

ISP-342

Just Wars and Justice Among Nations

Spring 2003

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Class: Tuesday & Thursday, 8.40-10 a.m, Land Auditorium

Office Hours: TBA

Course Description: This class deals with moral issues that arise in the international arena. We will begin with a discussion of traditional just war theory, using Michael Walzer's classic *Just and Unjust Wars* as a guide (which is a book rich both in philosophical ideas and in case studies). For instance, what does it mean to have a "just cause" for war? What moral constraints apply to the conduct of war? We will explore how just war theory bears on terrorism and apply the concepts to the war in Afghanistan and to the Gulf War. We will next discuss humanitarian intervention and explore how theoretical insights apply to Rwanda and Yugoslavia. Should the US intervene on humanitarian grounds? Should the United Nations? Next we will discuss the subject of violence and its role in wars of liberation, using in particular excerpts from Frantz Fanon's *Wretched of the Earth* and the movie "The Battle of Algiers." (Fanon is arguably the most important theorist of the African struggle for independence.) After spring break, we will discuss justifications of the nation state and particular issues that such justifications must address: the presence of international criminal courts prosecuting war criminals; secession; refugees and immigration. Finally, we will explore whether there are duties of redistribution among states, which is a topic of increasing relevance in an age of globalization. Most of the readings will be philosophical, but the concern of the class is to explore value questions that arise in international relations about policy issues that are discussed in the media and in other classes at the Kennedy School on a daily basis. So special emphasis will be put on the connection to practice. Note that this is not a class in international law, but rather one that can be used to assess international law as we have it today from a moral point of view. The class will be taught as a mixture of lectures and discussions – depending on the assignments for the day, there will be more of the one or the other. While at this stage no special session on Iraq is scheduled, the conflict between the US and Iraq will obviously be in the background of this class.

Prerequisites:

None, though undergraduate courses in moral and political philosophy, history, or international relations and prior exposure to any of the Kennedy School's ethics classes will be very useful. A fair number of the readings are drawn from philosophical research journals, and a willingness to engage with such contemporary philosophical literature is essential for this class.

Course Requirements:

Class Participation You are expected to come to each session prepared to discuss the day's assignment questions, readings and cases, and to make thoughtful contributions to the learning of your classmates. Class participation will count for 20% of your course grade.

Oral Presentation: For each class, a maximum of two students should prepare 5-minute presentations summarizing one article or chapter assigned for the day and raising some questions for discussion. Each student is required to do one such presentation. The presentation counts for 10% of your grade. Students with the appropriate background or interests are also encouraged to make suggestions for longer (10-15 min) presentations on additional policy applications of the material discussed in this class. Such an additional presentation would be especially welcome during the section on Rwanda, Bosnia and Kosovo, Afghanistan, and the Gulf War, and *it would substitute for one of the three written assignments.*

Short Written Assignments: For each class meeting, a written exercise will be posted on the course web-page. You are required to satisfactorily complete **three** such assignments. They should not exceed 750 words. These assignments count for 40% of your course grade. You may choose which topics to write about subject to the following distribution requirements. You will be assigned to an assignment group: X, Y, or Z. Your assignments must be completed on or before the due dates for your group:

| | X | Y | Z |
|---------------|----------|----------|----------|
| 1. Assignment | Feb 20 | Feb 25 | Feb 27 |
| 2. Assignment | March 11 | March 13 | March 18 |
| 3. Assignment | April 11 | April 18 | April 25 |

Late assignments will not be accepted.

Long Written Assignment: Students with the required background and appropriate interests may write one 20-page paper substituting for both the short papers and the take-home exam. Permission of instructor is required for this option!!

Final Take-home Examination: The final exercise, which counts for 30% of your course grade, will consist of essay questions that are to be answered in no more than 2,000

words in total. Examinations will be available on May 3, 2003, and are due in Mathias Risse's office on May 22. Examinations may be returned by mail or courier, but emailed or faxed submissions are not acceptable. Late examinations will not be accepted.

Grading:

The KSG Academic Council has issued recommendations on grading policy, which include the following curve: A (10-15%), A- (20-25%), B+ (30-40%), B (20-25%), B- (5-10%).

Reading and Assignments:

Required readings: course packet, available through the course-materials office. Note that readings available on-line are marked as such in the syllabus. In addition, the following books are also required and available at the Coop:

Michael Walzer, *Just and Unjust Wars*

Stanley Hoffmann, *The Ethics and Politics of Humanitarian Intervention*

Frantz Fanon, *The Wretched of the Earth*

Note that many of the readings are merely recommended, but not required. In class we will not presupposes that these recommended texts have been read.

Class Schedule and Assignments

(1) Just War Theory

Jan 30: The Moral Reality of War

Required:

Michael Walzer, *Just and Unjust Wars*, Chs. 1-3

Recommended:

Jonathan Barnes, "The Just War", in Kretzman, Kenny, Pinborg, *The Cambridge History of Later Medieval Philosophy*"

Michael Howard, "*Temperamenta Belli: Can War be Controlled?*", in Howard ed.), *Restraints on War*, p 1-15

Feb. 4: The Theory of Aggression

Required:

Michael Walzer, *Just and Unjust Wars*, Chs. 4-7

Recommended:

Thomas Nagel, "War and Massacre"

Feb 6: The War Convention

Required:

Michael Walzer, *Just and Unjust Wars*, Chs. 8-11

Recommended:

Douglas Lackey, "A Modern Theory of Just War"

URL:

<http://links.jstor.org/sici?sici=0014-1704%28198204%2992%3A3%3C533%3AAMTOJW%3E2.0.CO%3B2-E>

Robert Holmes, "Can War be Morally Justified? The Just War Theory," from Holmes, *On War and Morality*, pp 146-82

Feb 11: Dilemmas of War

Required:

Michael Walzer, *Just and Unjust Wars*, Chs. 14-16

Recommended:

Michael Walzer, *Just and Unjust Wars*, chapter 17

Feb 13: The Question of Responsibility

Required:

Michael Walzer, *Just and Unjust Wars*, Chs. 18-19

Recommended:

Elizabeth Anscombe, “War and Murder”

Feb 18: Terrorism

Required:

Michael Walzer, *Just and Unjust Wars*, chapters 12-13

Jan Narveson, “Terrorism and Morality”

Recommended:

Ted Honderich, “Our Responsibility and What to Do”, in *After the Terror*

Jonathan Glover, “State Terrorism”

Feb 20: Afghanistan

Required:

Howard Zinn, “A Just Cause, Not a Just War”

URL:

<http://www.progressive.org/0901/zinn1101.html>

Richard Falk, “Defining a Just War”

URL:

<http://www.thenation.com/docprint.mhtml?i=20011029&s=falk>

Darrel Moellendorf, “Is the War in Afghanistan Just?”

URL:

<http://info.bris.ac.uk/~plcdib/imprints/moellendorf.html>

Christopher Bertram, “Afghanistan: A Just Intervention”

URL:

<http://info.bris.ac.uk/~plcdib/imprints/bertram.html>

Recommended:

Saladin Meckled-Garcia, “International Justice, Human Rights, and Security After 11th September”

URL:

<http://info.bris.ac.uk/~plcdib/imprints/meckled-garcia.html>

Group X: first paper due today

Feb 25: The Gulf War

Required:

R. W. Tucker and D. C. Hendrickson, *The Imperial Temptation: The New World Order and America's Purpose*, pp 21-69

L. Freedman and E. Karsh, *The Gulf Conflict 1990-1991*, pp 312-330

Michael Walzer, "Perplexed: Moral Ambiguities in the Gulf Crisis"

Stanley Hauerwas, "Whose Just War, Which Peace?"

E. Kier and J. Mercer, "Setting Precedents in Anarchy: Military Intervention and Weapons of Mass Destruction"

URL:

<http://links.jstor.org/sici?sici=0162-2889%28199621%2920%3A4%3C77%3ASPIAMI%3E2.0.CO%3B2-V>

Recommended:

M. Weller, "The US, Iraq, and the Use of Force in a Unipolar World"

URL:

<http://80-www.survival.oupjournals.org.ezp2.harvard.edu/cgi/reprint/41/4/81.pdf>

Michael Walzer, "The Lone Ranger"

Group Y: first paper due today

(2) Humanitarian Intervention

Feb 27: Intervention – For and Against

Required:

James T. Johnson, *Morality and Contemporary Welfare*, pp 71-118

Bryan Hehir, "Intervention: From Theories to Cases"

Recommended:

Gerard Elfstrom, "Dilemmas of Intervention"

URL:

<http://links.jstor.org/sici?sici=0014-1704%28198307%2993%3A4%3C709%3AODOI%3E2.0.CO%3B2-4>

Marc Trachtenberg, "Intervention in Historical Perspective," in *Emerging Norms of Justified Intervention*, Laura W. Reed and Carl Kaysen (eds.)

Group Z: first paper due today

March 4: Intervention – For and Against, Continued

Required:

Stanley Hoffmann, "Sovereignty and the ethics of intervention" in Hoffmann, *The ethics and politics of humanitarian intervention*

M. J. Glennon, "The New Interventionalism"

Joseph Nye, "Redefining the National Interest"

Recommended:

Michael Walzer, "The Moral Standing of States"

URL:

<http://links.jstor.org/sici?sici=0048-3915%28198021%299%3A3%3C209%3ATMSOSA%3E2.0.CO%3B2-G>

John Dunn. "The dilemma of humanitarian intervention: the executive power of the Law of Nature, after God," in his *The history of political thought and other essays*

March 6: Bosnia and Kosovo

Required:

L. Freedman, "Why the West Failed"

Maynard Glitman, "U. S. Policy in Bosnia: A Failed Approach"

Catherine Guicherd, "International Law and the War in Kosovo"

URL:

<http://80-www.survival.oupjournals.org.ezp2.harvard.edu/cgi/reprint/41/2/19.pdf>

Leon Wieseltier, "Winning Ugly"

Bryan Hehir, "A War of Values and the Values of War"

URL:

<http://americamagazine.org/articles/Hehir.htm>

Recommended:

Stanley Hoffman, "Humanitarian Intervention in the former Yugoslavia," in Hoffman, *The Ethics and Politics of Humanitarian Intervention*

March 11: Rwanda

Required:

Walter Clarke and Jeffrey Herbst, "Somalia and the Future of Humanitarian Intervention"

Samantha Power, "Bystanders to Genocide"

URL:

<http://www.theatlantic.com/issues/2001/09/power.htm>

Romeo Dallaire, "The End of Innocence: Rwanda"

Alan Kuperman, "Rwanda in Retrospect"

Group X: second paper due today

(3) Violence and Non-Violence in Wars of Liberation

March 13: Violence in Wars of Liberation

Required:

Jean-Paul Sartre, Preface to Fanon, *The Wretched of the Earth*

Frantz Fanon, *Wretched of the Earth*, "Concerning Violence," 35-86

Recommended:

The remainder of the chapter “Concerning Violence”

Group Y: second paper due today

[movie “The Battle of Algiers,” to be scheduled either for the evening of March 16 or for the evening of March 17 – attendance mandatory!!]

March 18: Class: Violence and Psychological Disorder

Required:

Frantz Fanon, *Wretched of the Earth*, “War and Mental Disorders,” 249-270

Recommended:

The remainder of the chapter “War and Mental Disorders”

Group Z: second paper due today

March 20: Rejecting Violence

Required:

Mahatma Gandhi, “On Satyagraha”; “The Doctrine of the Sword”

Gail Presbey, “Fanon on the Role of Violence in Liberation”

Recommended:

Cheney Ryan, “Self-Defense, Pacifism, and the Possibility of Killing”,

URL:

<http://links.jstor.org/sici?sici=0014-1704%28198304%2993%3A3%3C508%3ASPATPO%3E2.0.CO%3B2-9>

(4) Problems about the Nation State

April 1: Justifying the Nation State

Required:

Brian Barry, “Statism and Nationalism: A Cosmopolitan Critique

David Luban, “The Romance of the Nation State”

URL:

<http://links.jstor.org/sici?sici=0048-3915%28198022%299%3A4%3C392%3ATROTN%3E2.0.CO%3B2-M>

David Miller, “The Nation State: A Modest Defense”

Recommended:

Avishai Margalit and Joseph Raz, “National Self-Determination”

URL:

<http://links.jstor.org/sici?sici=0022-362X%28199009%2987%3A9%3C439%3ANS%3E2.0.CO%3B2-U>

Michael Walzer, “The Moral Standing of States”

URL:

<http://links.jstor.org/sici?sici=0048-3915%28198021%299%3A3%3C209%3ATMSOSA%3E2.0.CO%3B2-G>

April 3: Secession

Required:

Murray Forsyth, “Federalism and Confederalism”

Alan Buchanan, “Secession: the Morality of Political Divorce”

Recommended:

Cass Sunstein, “Constitutionalism and Secession”

April 8: Human Rights in a Global Era

Required:

Hannah Arendt, ‘The decline of the nation-state and end of the rights of man’, in *The Origins of Totalitarianism*

Jack Donnelly, ‘The social construction of international human rights’, in *Human Rights and Global Politics*, ed. Tim Dunne and Nicholas J. Wheeler

Chris Brown, ‘Universal human rights: a critique’, in *Human Rights and Global Politics*

Recommended:

Martha Nussbaum, 'Capabilities and Human Rights', *Fordham Law Review* 66 (1997), 273-299

April 10: Legitimacy of International Courts

Required:

Gary Bass, *Stay the Hand of Vengeance: The Politics of War Crimes Tribunals*, pp. 3-36, 147-205,

Sarah B. Sewall and Carl Kaysen, *The United States and the International Criminal Court*, chapters 1-5, 7, 12-14

Recommended:

Richard Vernon, 'What is Crime Against Humanity?'

Group X: third paper due

April 15. Immigration and Refugees

Required:

Michael Dummett, "Grounds of Refusal", chapter 4 of his *On Immigration and Refugees*

Robert Goodin, "Free Movement: If People were Money", in Hugh LaFollette, *Ethics in Practice*

(5) Distributive Justice Among States

April 17 Cosmopolitanism and Sovereignty

Required:

Thomas Pogge, "Cosmopolitanism and Sovereignty"

URL:

<http://links.jstor.org/sici?sici=0014-1704%28199210%29103%3A1%3C48%3ACAS%3E2.0.CO%3B2-3>

Brian Barry, "Humanity and Justice in Global Perspective," in *Ethics, Economics, and the Law*, J. R. Pennock and J. W. Chapman (eds.)

Group Y: third paper due today

April 22: Duties to Distant Strangers

Required:

Peter Singer. "Famine, Affluence and Morality"

URL:

<http://www.petersingerlinks.com/famine.htm>

Onora O'Neill, 'Distant strangers', in *Bounds of Justice* (Cambridge UP, 2000)

Recommended:

Robert Goodin, "What is So Special about our Fellow Countrymen?", in *Ethics* 1988

URL:

<http://links.jstor.org/sici?sici=0014-1704%28198807%2998%3A4%3C663%3AWISSAO%3E2.0.CO%3B2-J>

April 24: Rawls' Law of Peoples

Required:

John Rawls, "The Law of peoples"

Recommended:

Charles Beitz, Rawls' Law of Peoples,

URL:

<http://links.jstor.org/sici?sici=0014-1704%28200007%29110%3A4%3C669%3ARLOP%3E2.0.CO%3B2-6>

April 29: Pogge's Proposal for a Global Resource Tax

Required:

Thomas Pogge, "Eradicating Systemic Poverty: Brief for a Global Resource Dividend," in Pogge, *World Poverty and Human Rights*

Roger Crisp and Dale Jamieson, "Egalitarianism and a Global Resource Tax: Pogge on Rawls," in Davison and Wolf, *The Idea of a Political Liberalism*

Recommended:

David Miller, "Justice and Global Inequality", in *Inequality, Globalization, and World Politics*, Andrew Hurrell and Ngaire Woods (eds.)

Group Z: third paper due today

May 1 Conclusion