

NEW DIRECTIONS IN JUST-WAR THEORY

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This monograph provides an overview and analysis of recent developments in military ethics that conceptualize just wars as a form of global law enforcement in defense of socially basic human rights and, in different ways, deny the sovereignty of independent states. Having first considered the arguments in favor of humanitarian intervention and for principles of jus post bellum (justice after war) that insist upon the rehabilitation of aggressive regimes, the analysis then focuses on a new revisionist approach to just-war theory, which it shows to be an extension of the other arguments. According to this approach, the traditional bipartite structure of just-war theory, which divides questions of military ethics into the justice of resort to war (jus ad bellum) and justified combat during war (jus in bello), must be abandoned. On this argument, the division wrongly absolves ordinary combatants of responsibility for judging the justice of their side's cause, as jus ad bellum is normally thought of as the responsibility only of civilian leaders. This increases the ease with which states may fight unjust wars and allows warriors prosecuting unjust wars to get away with murder. In the new view, soldiers become liable to attack in war only if they do something to forfeit their moral immunity to harm. This makes warriors prosecuting a just cause illegitimate military targets and emphasizes the gravity of taking a human life, no matter what the circumstances. As the discussion shows, this is an important challenge to both the theory and practice of contemporary warfare. It suggests the need both to strengthen international institutions, so as to provide for neutral judgments of the justice of resort to war, and to ensure that Armed Forces increase their focus upon jus

ad bellum and the justice of particular causes within military ethics education. However, this monograph also queries the moral foundations of the new revisionism, and holds that we should reconceive just-war theory as a collective enterprise that is continuous with democratic theory, which suggests that expecting each combatant to make an individual decision about a war's justice may be in tension with civilian control over the Armed Forces.

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