

WAR AND LAW Law 621-02

I. Roots

1. **Cities and Their Soldiers**

Josiah Ober, "Classical Greek Times" in Howard, *Laws of War*
Michael Walzer, *Just and Unjust Wars*, Ch. 1-3

2. **Nobles and Chivalry**

Robert Stacey, "Age of Chivalry" in Howard, *Laws of War*
Shakespeare, "Henry V" (esply, I, i, ii; III, i-iii, vi; IV, i, iii, iv, vi-viii)
Suppl: Theodore Meron, *Henry's Wars, Shakespeare's Laws*

3. **The Enlightenment and the Profession of Arms**

Geoffrey Parker, "Early Modern Europe" in Howard, *Laws of War*
Gunther Rothenburg, "The Age of Napoleon" in Howard, *Laws of War*
J-J Rousseau, "On War" (excerpt)
Francisco Victoria, *De Indis*, II ("On the Law of War"), Secs. 32-52

II. Resort to War

4. **Lawful Grounds for War – Classical Views**

Walzer, *Just and Unjust Wars*, Ch. 4, 5, 7
Hugo Grotius, *The Law of War and Peace*, Bk II, Ch 1, 6, 15, 20, 22
Emerich de Vattel, *The Law of Nations*, Bk I, Ch. 5; Bk II, Ch. 11, 12;
Bk III, Ch. 1, 3, Bk IV Ch, 1, 2
Lasa Oppenheim, *International Law* (1905), Vol. II, Sec. 53-66

5. **Neutrality**

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"Hague XIII: Neutral Power in War on Land" in Adam Roberts, *Documents*
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6. **Status of War Under the UN Charter**

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ICJ Opinions: *Nicaragua v. U.S.*, *Nuclear Weapons*, *Wall in Palestine* (excerpts)

Yoram Dinstein, *War, Aggression and Self-Defense*

III. Conduct of War

7. **Naval War**

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John B. Hattendorf, "Maritime Conflict" in Howard, *Laws of War*

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1936 London Rules on Submarine Warfare" in Roberts, *Documents*

1994 San Remo Manual in Roberts, *Documents*

Oppenheim, *International Law*, Vol. II, Sec. 368-406

8. **Civilians in Land Warfare**

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T.D. Biddle, "Air Power" in Howard, *Laws of War*

David Rosenberg, "Nuclear War Planning" in Howard, *Laws of War*

Hague Rules of Aerial Warfare in Roberts, *Documents*

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Grotius, *The Law of War and Peace*, Bk III, Ch. 4, 5, 11, 12

Vattel, *The Law of Nations*, Bk III, Ch. 8, 9

9. **Prisoners of War**

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Geneva III (Prisoners of War) in Roberts, *Documents*

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10. Irregular combatants and irregular war

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G.J. Andreopoulos, "Age of National Liberation" in Howard, *Laws of War*

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Max Boot, *Savage Wars of Peace*, Ch. 5 ("Philippine War")

Vattel, *The Law of Nations*, Bk III, Ch. 10, 15

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IV. Enforcing the Rules

11. Nuremberg and Later Tribunals

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Adam Roberts, "From Hague to Nuremberg" in Howard, *Laws of War*

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Oppenheim, *International Law*, II, Sec. 251-57

Gary Bass, *Stay the Hand of Vengeance*, Ch. 5, 6

12. New Politics of Humanity

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David Rivkin, "ICRC," *National Interest* (2005)

Carolyn Moorfield, *Dunant's Dream*, Ch. 14, 21

Mark Osiel, *The End of Reciprocity*, Ch. 1 - 3

13. The Law of War in American Law

Ex Parte Quirn, *Johnson v. Eisentrager*, *Hamdan v. Rumsfeld*

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Genocide Conv. Implementation Act, Torture Convention Implementation Act

Torture Victim Protection Act

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