



**University of Edinburgh  
School of Social & Political Science  
Politics and International Relations  
2018 – 2019**

**War and Justice  
PLIT10021  
Semester 1, Year 3**

**Key Information**

<b>Course Organiser</b>	Dr Kieran Oberman Email: <a href="mailto:kieran.oberman@ed.ac.uk">kieran.oberman@ed.ac.uk</a> Room 4.23 Chrystal MacMillan Building, 15A George Square Guidance & Feedback Hours: Tuesdays 3pm-5pm
<b>Lecture Location</b>	Semester 1 Tuesdays 11.10 – 12.00 Lecture Theatre 2, Appleton Tower
<b>Course Tutors</b>	Gisli Volger Email: <a href="mailto:gisli.vogler@ed.ac.uk">gisli.vogler@ed.ac.uk</a>  Benedikt Buechel Email: <a href="mailto:benedikt.buechel@ed.ac.uk">benedikt.buechel@ed.ac.uk</a>
<b>Course Secretary</b>	Euan Morse Email: <a href="mailto:emorse@ed.ac.uk">emorse@ed.ac.uk</a> Undergraduate Teaching Office
<b>Assessment Deadlines</b>	Essay 1: 12 noon October 22 2018 Essay 2: 12 noon November 29 2018

**Aims and Objectives**

Under what conditions, if any, is a country morally entitled to go to war? Is humanitarian intervention permissible and if so, when? Once a country is engaged in a war, what rules is it constrained? Could it ever be permissible to kill civilians? Would killing civilians amount to terrorism? Is terrorism always wrong? Finally, once the war is over, how should the parties behave towards each other? We must reflect upon these questions as citizens of countries engaged in wars and as witnesses of wars waged by other countries. This course will enable students to examine them from the standpoint of moral and political philosophy.

This course aims to:

- introduce students to key ethical debates in international politics;
- Provide a working knowledge of theoretical approaches to the study of war.

## Contents

Key Information.....	1
Aims and Objectives .....	1
Learning Outcomes.....	3
Teaching Methods.....	3
Assessment.....	4
Essay.....	5
Communications and Feedback .....	5
Readings and Resource List .....	6
Core Texts in Just War Theory .....	6
Journals and Blog.....	6
Podcasts.....	6
Lecture Summary .....	7
Course Lectures and Readings .....	8
Appendix 1 – General Information.....	19
Students with Disabilities .....	19
Learning Resources for Undergraduates .....	19
Discussing Sensitive Topics .....	19
External Examiner.....	20
Appendix 2 - Course Work Submission and Penalties.....	21
Penalties that can be applied to your work and how to avoid them.....	21
ELMA: Submission and Return of Coursework.....	21
Extensions: New policy-applicable for years 1 -4 .....	22
Exam Feedback and Viewing Exam Scripts:.....	22
Plagiarism Guidance for Students: Avoiding Plagiarism.....	22
Data Protection Guidance for Students .....	23

## **Learning Outcomes**

On completion of the course, students will be able to:

1. Read and analyse major texts and articles in just war theory.
2. Use analytical tools and concepts which are crucial both to evaluating the ethics of war and to moral and political philosophy more generally.
3. Draw on evidence and examples in support of philosophical claims.

## **Teaching Methods**

The course involves a one hour lecture a week for the whole class, together with small group support teaching in separate one-hour sessions. In the main session, most weeks will involve a mixture of a lecture and discussion. Students can sign up for small group support teaching via Learn.

The 'small group' support teaching will normally be concerned with one or more readings that illustrate, underpin or extend issues raised in the main sessions. *Students should note that participation in the small group support teaching sessions is compulsory and attendance will be recorded.*

In preparation for each tutorial, you will be expected to do the required reading and to complete a list of definitions on a set of given philosophical concepts in the ethics of war. Further, you should prepare provisional answers to questions that relate to the core readings for the tutorial, but these need not be uploaded on LEARN. A short worksheet containing both the concepts to be defined as well as a few questions will be posted on LEARN a week in advance. You should upload your definitions one day before the tutorial at the latest. You will not receive a mark or feedback for each individual response, but these responses will feed into the final tutorial participation mark awarded. The rationale behind this is: to make class discussion more focused, to help students formulate their own opinions, to give more opportunities to practice writing skills, and to provide a basis for awarding a grade for tutorial participation at the end of the course.

## Assessment

Students will be assessed by:

Assessment	Word count limit <b>Do not exceed the word limit or penalties will be applied</b>	Weighting	Submission date	Return of feedback
Tutorial participation	NA	10%		End of semester
Essay	2,000 words max (excluding bibliography)*	45%	22/10/2018 (all coursework is due at 12 noon on the date of submission)	5/11/2018
Essay	2,000 words max (excluding bibliography)*	45%	29/11/2018 (all coursework is due at 12 noon on the date of submission)	20/12/2018

**Note:** All coursework is submitted electronically through ELMA. Please read the School Policies and Coursework Submission Procedures which you will find [here](#).

## Essay

You must choose questions from the list provided below. The assessed essay should be typed, in a decent size font (minimum 11pt), and with decent spacing (at least 1.5.) You should include a properly referenced list of works cited at the end. The word limit for both essays is 2,000 words. Essays over this length will be penalised.

### Essay Questions:

1. Is the study of history a useful starting point for today's ethical reflection on war?
2. Is pacifism morally defensible?
3. Is it permissible to wage a war of self-defence against merely "political aggression"?
4. Do people become legitimate targets in war by being morally responsible for an unjust threat?
5. What, if anything, makes terrorism *ethically* distinctive from conventional war?
6. Under what circumstances is foreign intervention permissible?
7. Do feminist reformulations of Just War Theory provide a superior basis upon which to make judgements about war?
8. How should blame be distributed once a conflict has ended?
9. Must there be a compromise between truth and justice in post-conflict societies?

## Assessment Criteria

The following are the criteria through which the essay will be marked. However, it is important to note that the overall mark is a result of a holistic assessment of the assignment in its entirety.

1. Does the essay address the question set, and with sufficient focus?
2. Does the essay show a grasp of the relevant concepts and knowledge?
3. Does the essay demonstrate a logical and effective pattern of argument?
4. Does the essay, if appropriate, support arguments with relevant, accurate and effective forms of evidence?
5. Does the essay demonstrate reflexivity and critical thinking in relation to arguments and evidence?
6. Is the essay adequately presented in terms of: correct referencing and quoting; spelling, grammar and style?

Please refer to the assessment and submission procedure information on our webpages which you will find in [appendix 2](#)

## This is an ethics class!

This class addresses ethical questions relating to war. Ideas and literature you have encountered in law and international relations will be relevant, but you will not succeed in this course if you attempt to rely on them alone. You must engage with the relevant ethical literature and debates.

## Attendance

Attendance and participation in the lectures and discussion are essential for developing an understanding of the topics.

## Communications and Feedback

You are strongly encouraged to use email for routine communication with lecturers. We shall also use email to communicate with you, e.g., to assign readings for the second hour of each class. All students are provided with email addresses on the university

system, if you are not sure of your address, which is based on your matric number, check your EUCLID database entry using the Student Portal.

This is the **ONLY** email address we shall use to communicate with you. Please note that we will **NOT** use 'private' email addresses such as gmail or hotmail; it is therefore essential that you check your university email regularly, preferably each day.

## Readings and Resource List

To make things easier for students, we have set up an electronic resource list for this course containing all the required and further readings. You can access the resource list through Learn. All students should read the required readings for every lecture. We have also listed further readings containing texts we think are helpful and important, but these lists are not exhaustive (far from it). Please find additional materials by chasing up citations and searching Philpapers and Google Scholar (see below).

### Core Texts in Just War Theory

- Michael Walzer, *Just and Unjust Wars*, (New York: Basic Books, 2006, 4<sup>th</sup> edition) [This book is essential for the course and it is strongly suggested you buy it.]
- Helen Frowe, *The Ethics of War and Peace: An Introduction* (London: Routledge, 2011). [An excellent introduction].
- Jeff McMahan, *Killing in War*, (Oxford: Oxford University Press, 2009). [A modern classic].

### Journals and Blog

Students are expected to be familiar with the electronic journals available through the library catalogue. Relevant journals include *Ethics and International Affairs*, *Political Theory*, *Ethics*, *Journal of Applied Philosophy*, *Journal of Political Philosophy* and *Philosophy and Public Affairs*

There is also a good Blog on Just War Theory that students might find helpful: <http://stockholmcentre.org/category/ethical-war-blog/>

### Podcasts

This course has something unusual: an accompanying podcast! In each episode, Kieran and Mathias have a brief conversation about the topic covered in the upcoming class. Please listen to each episode in advance of the relevant class.

There are two other helpful podcasts. Hi-Phi Nation, an excellent philosophy podcast, did two podcasts on just war theory, with extensive interviews with soldier-philosophers. We judged these episodes to be so compelling and helpful that we have set them as required listening for Week 6. In addition, the podcast Philosophy Bites has several episodes on war: <http://philosophybites.com/war/>

### Useful Websites

The following search engines should help you find additional relevant material:

Google Scholar, <https://scholar.google.com>

Phil Papers, <https://philpapers.org/>

For an excellent survey article see <https://plato.stanford.edu/entries/war/>

Other articles in the Stanford Encyclopedia of Philosophy might also prove useful <https://plato.stanford.edu/>

## Lecture Summary

There are three lecturers on the course: Mathias Thaler, Kieran Oberman and Claire Ducanson.

Week	Date	Topic	Examples	Lecturer
1	18 Sept	Introduction	Ticking Bomb Scenario	MT & KO
2	25 Sept	A Short History of Just War Theory	The Valladolid Controversy	MT
3	2 Oct	Pacifism	Gandhi	MT
4	9 Oct	Jus ad Bellum I: National Self-Defence	Ukraine	KO
5	16 Oct	Jus ad Bellum II: Humanitarian Intervention	Ivory Coast	KO
6	23 Oct	Jus in Bello I: Non-Combatant Immunity	Nazi Voters, Child Soldiers	KO
7	30 Oct	Jus in Bello II: Terrorism	USS Cole, Dresden, Trang Bang	KO
8	6 Nov	A Feminist Approach to Just War Theory	The Wars in Iraq	CD
9	13 Nov	Jus post Bellum I: Retributive Justice	Nuremberg, Eichmann	MT
10	20 Nov	Jus post Bellum II: Restorative Justice	South African TRC	MT
11	27 Nov	Discussing Current Research	Killing and Rescuing and the Uses (and Abuses) of Thought Experiments	KO/MT

## Course Lectures and Readings

### Week 1

#### Introduction to the Course (MT & KO)

This session will introduce students to the main themes of the course. We will also cover formal aspects regarding successful course completion and substantive introductory ideas that will run through the semester.

Case study: Ticking bomb scenario

#### Required reading:

- Seth Lazar, "War", The Stanford Encyclopaedia of Philosophy (2017). <https://plato.stanford.edu/archives/spr2017/entries/war/>
- Neta C. Crawford, "Just War Theory and the U.S. Counterterror War," *Perspectives on Politics* 1, no. 1 (2003): 5–25.
- David Luban, "Liberalism, Torture, and the Ticking Bomb," *Virginia Law Review* 91, no. 6 (2005): 1425–61.

#### Further reading:

- Vittorio Bufacchi and Jean Maria Arrigo, "Torture, Terrorism and the State: A Refutation of the Ticking-Bomb Argument," *Journal of Applied Philosophy* 23, no. 3 (2006): 355–73.
- Nicholas Rengger, "The Judgment of War: On the Idea of Legitimate Force in World Politics," *Review of International Studies* 31, no. (2005): 143–61.
- Henry Shue, "Torture in Dreamland: Disposing of the Ticking Bomb," *Case Western Reserve Journal of International Law* 37, no. 2/3 (2006): 231–39.

## Week 2

### A Short History of Just War Theory (MT)

In this session, we will rehearse the history of Just War theory, from the Middle Ages to the 21<sup>st</sup> Century. We shall look into the changes Just War theory went through during the early modern period, and then assess the implications of these changes for the current debate.

#### Required reading:

- Brunstetter, Daniel R., and Dana Zartner. "Just War against Barbarians: Revisiting the Valladolid Debates between Sepúlveda and Las Casas." *Political Studies* 59, no. 3 (2011): 733–52.
- Cian O'Driscoll, "Divisions within the Ranks? The Just War Tradition and the Use and Abuse of History," *Ethics & International Affairs* 27, no. 1 (2013): 47–65.
- Michael Walzer, "The Triumph of Just War Theory (and the Dangers of Success)," *Social Research* 69, no. 4 (2002): 925–44.

#### Further reading:

- Tal Dingott Alkopher, "Injury in Just War Theory: From the Traditional to the Feminist Perception." *Cooperation and Conflict* 49, no. 2 (June 1, 2014): 260–75.
- Jean Bethke Elshtain, "The Just War Tradition and Natural Law," *Fordham International Law Journal* 28 (2005): 742–55.
- James Turner Johnson, "The Just War Idea: The State of the Question," *Social Philosophy and Policy* 23, no. 1 (2006): 167–95.
- Helen M. Kinsella, "Discourses of Difference: Civilians, Combatants, and Compliance with the Laws of War." *Review of International Studies* 31 (2005): 163–85.
- Helen M. Kinsella, "Gendering Grotius: Sex and Sex Difference in the Laws of War." *Political Theory* 34, no. 2 (2006): 161–91.
- Nicholas Rengger, "On the Just War Tradition in the Twenty-First Century," *International Affairs* 78, no. 2 (2002): 353–63.
- Frederick H. Russell, *The Just War in the Middle Ages* (Cambridge/New York: Cambridge University Press, 1975).
- Richard Sorabji, "Just War from Ancient Origins to the Conquistadors Debate and Its Modern Relevance," in *The Ethics of War: Shared Problems in Different Traditions*, ed. Richard Sorabji and David Rodin (Aldershot/Burlington: Ashgate, 2006), 13–29.

### **Week 3**

#### **Pacifism (MT)**

Is pacifism a tenable position? If not, why not? How can pacifists conclude that non-violent resistance is preferable to war and organised, collective violence? In this session, we will critically discuss the claims made by thinker and practitioners who propose that non-violence presents a viable option to resolve conflicts.

#### **Required reading:**

- Jan Narveson, "Pacifism: A Philosophical Analysis," *Ethics* 75, no. 4 (1965): 259–71.
- Karuna Mantena, "Another Realism: The Politics of Gandhian Nonviolence," *American Political Science Review* 106, no. 2 (2012): 455–70.
- Dustin Ells Howes, "The Failure of Pacifism and the Success of Nonviolence," *Perspectives on Politics* 11, no. 2 (2013): 427–446.

#### **Further reading:**

- Andrew Fiala, "Pacifism," ed. Edward N. Zalta, *The Stanford Encyclopedia of Philosophy* (2014) <http://plato.stanford.edu/archives/win2014/entries/pacifism/>
- A. J. Coates, *The Ethics of War* (Manchester University Press, 1997): ch. 3.
- C. K. Ihara, "In Defense of a Version of Pacifism" *Ethics*, Vol. 88, No. 4. (1978): 369-374.
- Judith Jarvis Thomson, "Self-Defense," *Philosophy and Public Affairs* 20, no. 4 (1991): 283–310.
- Cheyney C. Ryan, "Self-Defense, Pacifism, and the Possibility of Killing," *Ethics* 93, no. 3 (1983): 508–524.
- Michael Neu, "The Tragedy of Justified War," *International Relations* 27, no. 4 (2013): 461–480.
- James P. Sterba, "Reconciling Pacifists and Just War Theorists," *Social Theory and Practice* 18, no. 1 (1992): 21–38.

## Week 4

### Just ad Bellum I: National Self-Defence (KO)

Traditionally, national self-defence has been thought as the primary example of a just cause for war. When one state is attacked, it has a right to fight back. This is the position assumed by traditional just war theory and by international law. Recently, however, that position has been questioned. Why think that a state has a right to fight back if those attacking it are only presenting a conditional threat? Would it not be better to surrender and thereby avoid unnecessary deaths? But could traditional just war theory and international law really be wrong on such a core assumption?

#### Required reading:

- David Rodin, "The Myth of National Self-Defence," in eds. Cecile Fabre and Seth Lazar, *The Morality of Defensive War* (Oxford: Oxford University Press, 2014): 64-84.
- Helen Frowe, "Can Reductive Individualists Allow Defence Against Political Aggression?," in *Oxford Studies in Political Philosophy: Volume 1*, eds. P. V. David Sobel and W. Steven (Oxford: Oxford University Press, 2015): 173-193.

#### Further reading:

- Jacob Blair, "Tensions in a Certain Conception of Just War as Law Enforcement," *Res Publica* 14 (2008): 303-311.
- Helen Frowe, *The Ethics of War and Peace* (Abingdon: Routledge, 2011), ch. 2.
- Thomas Hurka, "Proportionality and the Morality of War," *Philosophy and Public Affairs* 33 (2005): 34-66, see pp51-57.
- Gerhard Øverland, "Conditional Threats," *Journal of Moral Philosophy* 7 (2010): 334-345.
- Jeff McMahan, "War as Self-Defense," *Ethics & International Affairs* 18 (2004): 75-80. [Also see other articles in same symposium and Rodin's response.]
- David Rodin, *War and Self-Defense* (Oxford: Oxford University Press, 2002), chs. 6-8.
- Uwe Steinhoff, "Rodin on Self-Defense and the "Myth" of National Self-Defense: A Refutation," *Philosophia* 41 (2013): 1017-1036.
- Anna Stilz, "Territorial Rights and National Defence," in Cécile Fabre and Seth Lazar, ed. *The Morality of Defensive War* (Oxford: Oxford University Press, 2014): 203-228. [Also see articles by Fabre, Kutz, McMahan and Moore in same volume].
- Victor Tadros, "Punitive War," in Helen Frowe and Gerald Lang, ed. *How We Fight: Ethics in War* (Oxford: Oxford University Press, 2014).
- Michael Walzer, *Just and Unjust Wars*, ch 4.

## Week 5

### Jus ad Bellum II: Humanitarian intervention (KO)

On what grounds, if any, is a state entitled to wage a war of intervention against another state? One view is that intervention can only be justified on humanitarian grounds in cases of genocide or equivalent crimes. Is that view overly restrictive? What role should the concept of 'national self-determination' play in these debates? Indeed, what does 'national self-determination' even mean?

#### Required reading:

- David Luban, "Just War and Human Rights," *Philosophy and Public Affairs* 9 (2007): 160-181.
- Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (New York: Basic Books, 2006), ch. 6.

#### Further reading:

##### The Luban/Walzer debate:

- Michael Walzer, "The Moral Standing of States: A Response to Four Critics," *Philosophy and Public Affairs* 9 (1980): 209-229. [Walzer's response to Luban].
- David Luban, "The Romance of the Nation-State," *Philosophy & Public Affairs* 9 (1980): 392-397 [Luban's responds to Walzer's response].

##### Other further reading:

- Charles R. Beitz, "Nonintervention and Communal Integrity," *Philosophy & Public Affairs* 9 (1980): 385-391.
- Simon Caney, *Justice Beyond Borders: A Global Political Theory* (Oxford: Oxford University Press, 2005), ch. 7.
- Helen Frowe, "Judging Armed Humanitarian Intervention", in *The Ethics of Armed Humanitarian Intervention*, D. E. Scheid, ed (Cambridge: Cambridge University Press).
- Fernando R Tesón, "The Liberal Case for Humanitarian Intervention," in JL Holzgrefe and Robert O Keohane, ed. *Humanitarian Intervention: Ethical, Legal and Political Dilemmas* (Cambridge: Cambridge University Press, 2003): 93-129.
- Jennifer M. Welsh, "Taking Consequences Seriously: Objections to Humanitarian Intervention," in *Humanitarian Intervention and International Relations*, ed Jennifer M. Welsh: Oxford University Press, 2003): 52-72.

## Week 6

### Jus in Bello I: Combatant Equality and Non-Combatant Immunity (KO)

In international law and traditional just war theory, a sharp distinction is made between combatants and non-combatants. What, if anything, justifies this distinction? Is it really the case that all combatants, including just combatants, are liable to harm? Is it really the case that all non-combatants, including those responsible for unjust wars, are non-liable? What do you make of the claim that what is important is not whether or not someone is a combatant, but whether she is responsible for posing an unjust threat?

#### Required reading:

- Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (New York: Basic Books, 2006), ch. 3.
- Jeff McMahan, "The Ethics of Killing in War," *Ethics*, 114 (2004).
- Osama Bin Laden, "Letter to America," available at <http://www.theguardian.com/world/2002/nov/24/theobserver>

#### Required listening:

- Hi-Phi Nation (podcast), Series 1, Episodes 2: "Moral Exploitation", available on itunes (among other podcast apps) and online: <https://hiphination.org/episodes/episode-two-moral-exploitation-jan-31-2017/>
- Hi-Phi Nation (podcast), Series 1, Episodes 3 : "The Morality of War", available on itunes (among other podcast apps) and online: <https://hiphination.org/episodes/episode-3-the-morality-of-war-feb-7th-2017/>

#### Further reading:

##### The McMahan/Lazar debate:

- Seth Lazar, "The Responsibility Dilemma for Killing in War: A Review Essay," *Philosophy & Public Affairs* 38 (2010): 180-213. [Lazar's first response to McMahan].
- Jeff McMahan, "Who is Morally Liable to be Killed in War," *Analysis* 71, no. 3 (2011): 544-559. [McMahan's response to Lazar]
- Seth Lazar, "Liability and the Ethics of War: A Response to Strawser and McMahan," in *The Ethics of Self-Defense* (New York: Oxford University Press, 2016): 293-304. [Lazar's response to McMahan's response].

##### Other further reading:

- David Estlund, 2007, "On Following Orders in an Unjust War," *Journal of Political Philosophy* 15: 213–34.
- Christian Barry, and Lars Christie, "The Moral Equality of Combatants," eds. Seth Lazar and Helen Frowe (Oxford: Oxford University Press, 2017):
- Cécile Fabre, "Guns, Food, and Liability to Attack in War," *Ethics* 120 (2009): 36-63.
- Helen Frowe, *The Ethics of War and Peace* (Abingdon: Routledge, 2011), chs. 6 and 7.
- Jeff McMahan, *Killing in War*, (Oxford: Clarendon Press, 2009).
- Adil Ahmad Haque, *Law and Morality at War*, (Oxford: Oxford University Press, 2017), ch. 3.
- Seth Lazar, "Risky Killing and the Ethics of War," *Ethics* 126 (2015): 91-117.
- Avishai Margalit and Michael Walzer, "Israel: Civilians & Combatants," *New York Review of Books* 56 (2009): 21-22.

## Week 7

### Jus in Bello II: Terrorism (KO)

What is terrorism? Can it ever be justified? Suppose that resorting to terrorism, in breach of the principle of non-combatant immunity, is the only way to further a just cause. Is that a permissible course of action? Is there something morally distinctive about terrorism?

#### Required reading:

- David Rodin, "Terrorism without Intention," *Ethics* 114 (2004): 752-771.

#### Further Reading:

##### On Terrorism:

- Robert E. Goodin, *What's Wrong with Terrorism?* (Cambridge: Polity, 2006).
- Claudia Card, "Recognizing Terrorism," *The Journal of Ethics* 11, no. 1 (2007): 1-29.
- Virginia Held, "Terrorism and War," *The Journal of Ethics* 8, no. 1 (2004): 59-75.
- Ted Honderich, *After the Terror* (Edinburgh: Edinburgh University Press, 2002).
- Alison M. Jaggar, "What Is Terrorism, Why Is It Wrong, and Could It Ever Be Morally Permissible?" *Journal of Social Philosophy* 36, no. 2 (2005): 202-217.
- F. M. Kamm, "Terrorism and Intending Evil," *Philosophy & Public Affairs* 36 (2008): 157-186.
- Jeff McMahan, "Intention, Permissibility, Terrorism, and War," *Philosophical Perspectives* 23, no. 1 (2009): 345-372.
- Suzanne Uniacke, "Opportunistic Terrorism," *Journal of Moral Philosophy* 11, no. 4 (2014): 395-410. [Response to Kamm].
- Samuel Scheffler, "Is Terrorism Morally Distinctive?" *Journal of Political Philosophy* 14 (2006): 1-17.
- Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (New York: Basic Books, 2006), ch.16.

##### On the Doctrine of Double Effect:

- William J. FitzPatrick, "The Doctrine of Double Effect: Intention and Permissibility," *Philosophy Compass* 7, no. 3 (2012): 183-196.
- Warren S. Quinn, "Actions, Intentions, and Consequences: The Doctrine of Double Effect," *Philosophy & Public Affairs* 18 (1989): 334-351.
- Judith Jarvis Thomson, "Self-Defense," *Philosophy & Public Affairs* 20, no. 4 (1991): 283-310, pp292-298.

## **Week 8**

### **A Feminist Approach to Just War Theory (CD)**

Is Just War Theory based on a gender bias? This final session assesses the feminist critique of the whole Just War tradition and serves as an opportunity to critically reflect on the course as a whole.

#### **Required reading**

- Laura Sjoberg, "Gendered Realities of the Immunity Principle: Why Gender Analysis Needs Feminism." *International Studies Quarterly* 50, no. 4 (2006): 889–910.
- Laura Sjoberg and Jessica Peet, "A(nother) Dark Side of the Protection Racket." *International Feminist Journal of Politics* 13, no. 2 (2011): 163–82.

#### **Further reading**

- Marian Eide, "'The Stigma of Nation': Feminist Just War, Privilege, and Responsibility," *Hypatia* 23, no. 2 (2008): 48–60.
- Jean Bethke Elshtain, "Reflections on War and Political Discourse: Realism, Just War, and Feminism in a Nuclear Age," *Political Theory* 13, no. 1 (1985): 39–57.
- Jean Bethke Elshtain, "On Beautiful Souls, Just Warriors and Feminist Consciousness," *Women's Studies International Forum* 5, no. 3–4(1982): 341–48
- Kimberly Hutchings, "Feminist Ethics and Political Violence," *International Politics* 44, no. 1 (January 1, 2007): 90–106.
- Helen M. Kinsella, "Gendering Grotius: Sex and Sex Difference in the Laws of War," *Political Theory* 34, no. 2 (2006): 161–91.
- Sjoberg, Laura, *Gender, Justice and the Wars in Iraq: A Feminist Reformulation of Just War Theory*, (Lexington Books: Lanham, 2006).
- Iris Marion Young, "Feminist Reactions to the Contemporary Security Regime," *Hypatia* 18, no. 1 (2003): 223–31.
- Maja Zehfuss, "Targeting: Precision and the Production of Ethics," *European Journal of International Relations* 17, no. 3 (2011): 543–66.

## Week 9

### Jus post Bellum I: Retributive Justice (MT)

How can justice best be achieved after the fighting has stopped? Can/should soldiers be held morally responsible for crimes committed during war? Or is it more appropriate to hold their leaders to account? Do justifications for a 'just' war extend to the aftermath of such a war? Should the pursuit of justice be emphasised over achieving peace? This session will explore these questions in the context of international and domestic trials for war crimes, crimes against humanity and genocide

#### Required reading:

- Gary J. Bass, "Jus Post Bellum," *Philosophy and Public Affairs* 32, no. 4 (2004): 384–412.
- Minow, Martha, *Breaking the Cycles of Hatred: Memory, Law, and Repair*. (Princeton: Princeton University Press, 2002). [Chapter 1: Memory and Hate: Are There Lessons from Around the World?]
- Mark Osiel, "Introduction & Chapter 1: The Challenge of Prosecuting Mass Atrocity," in *Making Sense of Mass Atrocity* (New York: Cambridge University Press, 2009), 1–30.

#### Further reading:

- Lawrence Douglas, *The Memory of Judgment: Making Law and History in the Trials of the Holocaust* (New Haven: Yale University Press, 2001).
- Martti Koskeniemi, "Between Impunity and Show Trials," *Max Planck Yearbook of United Nations Law* 6 (2002): 1–35.
- Larry May, "Chapter 15: Defending International Criminal Trials for Aggression," in *Aggression and Crimes Against Peace*, Philosophical and Legal Aspects of War and Conflict Series (New York: Cambridge University Press, 2008), 319–41.
- Mihai, Mihaela. "Socializing Negative Emotions: Transitional Criminal Trials in the Service of Democracy." *Oxford Journal of Legal Studies* 31, no. 1 (2011): 111–31.
- Mark Osiel, *Making Sense of Mass Atrocity* (New York: Cambridge University Press, 2009).
- Michael Walzer, "Chapter 19: War Crimes: Soldiers and Their Officers," in *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, 4th ed. (New York: Basic Books, 2006), 304–27.

## Week 10

### Jus post Bellum II: Restorative Justice (MT)

This session will highlight a different approach to justice in the aftermath of mass atrocities: truth and reconciliation commissions. The focus will be on new forms of restorative justice, their potential to heal the wounds after conflict, and their inherent problems.

#### Required reading:

- Mahmood Mamdani. 2002. "Amnesty or Impunity? A Preliminary Critique of the Report of the Truth and Reconciliation Commission of South Africa (TRC)." *Diacritics* 32(3/4): 33–59
- Bronwyn Anne Leebaw, "The Irreconcilable Goals of Transitional Justice," *Human Rights Quarterly* 30, no. 1 (2008): 95–118.
- Ruti Teitel, "Transitional Justice Genealogy," *Harvard Human Rights Journal* 16 (2003): 69–94.

#### Further reading:

- Christine Bell, "Transitional Justice, Interdisciplinarity and the State of the 'Field' or 'Non-Field'," *International Journal of Transitional Justice* 3, no. 1 (2009): 5–27.
- David Dyzenhaus, "Survey Article: Justifying the Truth and Reconciliation Commission," *Journal of Political Philosophy* 8, no. 4 (2000): 470–496.
- Robert I. Rotberg and Dennis F. Thompson, eds., *Truth V. Justice: The Morality of Truth Commissions* (Princeton: Princeton University Press, 2000). (chapters II, III, XII)
- Ruti Teitel, *Transitional Justice* (Oxford: Oxford University Press, 2000).

## **Week 11**

### **Discussing Current Research (MT & KO)**

We will use the last week to discuss the instructors' work. This will give the students to engage directly with new research.

#### **Required reading:**

- Kieran Oberman, "Killing and Rescuing: The Case for Revising Necessity", (unpublished draft).
- Mathias Thaler, "Unhinged Frames: Assessing Thought Experiments in Normative Political Theory." *British Journal of Political Science*, 2016: 1–23.

#### **Further reading:**

- Kieran Oberman, "War and Poverty", *Philosophical Studies* (forthcoming).
- Mathias Thaler. "On Time in Just War Theory: From Chronos to Kairos." *Polity* 46, no. 4 (2014): 520–46.

## **Appendix 1 – General Information**

### **Students with Disabilities**

The School welcomes disabled students with disabilities (including those with specific learning difficulties such as dyslexia) and is working to make all its courses as accessible as possible. If you have a disability special needs which means that you may require adjustments to be made to ensure access to lectures, tutorials or exams, or any other aspect of your studies, you can discuss these with your Student Support Officer or Personal Tutor who will advise on the appropriate procedures.

You can also contact the Student Disability Service, based on the University of Edinburgh, Third Floor, Main Library, You can find their details as well as information on all of the support they can offer at: <http://www.ed.ac.uk/student-disability-service>

### **Learning Resources for Undergraduates**

The Study Development Team at the Institute for Academic Development (IAD) provides resources and workshops aimed at helping all students to enhance their learning skills and develop effective study techniques. Resources and workshops cover a range of topics, such as managing your own learning, reading, note-making, essay and report writing, exam preparation and exam techniques.

The study development resources are housed on 'LearnBetter' (undergraduate), part of Learn, the University's virtual learning environment. Follow the link from the IAD Study Development web page to enrol: [www.ed.ac.uk/iad/undergraduates](http://www.ed.ac.uk/iad/undergraduates)

Workshops are interactive: they will give you the chance to take part in activities, have discussions, exchange strategies, share ideas and ask questions. They are 90 minutes long and held on Wednesday afternoons at 1.30pm or 3.30pm. The schedule is available from the IAD Undergraduate web page (see above).

Workshops are open to all undergraduates but you need to book in advance, using the MyEd booking system. Each workshop opens for booking two weeks before the date of the workshop itself. If you book and then cannot attend, please cancel in advance through MyEd so that another student can have your place. (To be fair to all students, anyone who persistently books on workshops and fails to attend may be barred from signing up for future events).

Study Development Advisors are also available for an individual consultation if you have specific questions about your own approach to studying, working more effectively, strategies for improving your learning and your academic work. Please note, however, that Study Development Advisors are not subject specialists so they cannot comment on the content of your work. They also do not check or proof read students' work.

To make an appointment with a Study Development Advisor, email [iad.study@ed.ac.uk](mailto:iad.study@ed.ac.uk)

(For support with English Language, you should contact the English Language Teaching Centre).

### **Discussing Sensitive Topics**

The discipline of Politics and International Relations addresses a number of topics that some might find sensitive or, in some cases, distressing. You should read this Course

Guide carefully and if there are any topics that you may feel distressed by you should seek advice from the course convenor and/or your Personal Tutor.

For more general issues you may consider seeking the advice of the Student Counselling Service, <http://www.ed.ac.uk/schools-departments/student-counselling>

### **Honours Tutorial Allocation**

For this course you will have been automatically assigned to a tutorial group and this group will appear on your personalised timetable at the beginning of week 1. This allocation is done using Student Allocator software which randomly assigns you to a suitable tutorial group based on your lecture timetable. It is important you attend the group on your personalised timetable, attending a different group will mean that you will not appear on the register making your attendance difficult to track which could lead to further difficulties for you.

Guidance on how to view your personal timetable can be found at <https://www.ed.ac.uk/student-administration/timetabling/personalised-timetables>

### **Requesting a group change**

If you are unable to attend the tutorial group you have been assigned, you can request a change via the 'Group Change Request' form.

You can access the Group Change request form via the Timetabling webpages here <https://www.ed.ac.uk/student-administration/timetabling/personalised-timetables>

### **Attendance Monitoring**

In accordance with the University general degree regulations you are expected to attend all teaching and assessment events associated with all courses that you are enrolled on. The College of Arts, Humanities and Social Sciences undertakes routine monitoring of attendance at tutorials and seminars for all students enrolled on courses delivered by Schools within our College. We undertake monitoring of attendance and engagement to enable us to identify where individual students may be experiencing difficulties and to ensure that timely and appropriate intervention can be delivered to provide support and guidance. We also undertake monitoring for sponsored students specifically to meet our obligations to the UKVI. If you miss one or more of your tutorials and/or seminars you may be contacted by your local Student Support Team and be asked to provide an explanation for your absence.

All data is gathered and stored in line with the University policies and guidance on data handling and you can view the privacy statement at: <https://www.ed.ac.uk/student-systems/use-of-data/policies-and-regulations/privacy-statement>

### **External Examiner**

The External Examiner for the Politics and International Relations Honours programme is: TBC

### **Penalties that can be applied to your work and how to avoid them.**

There are three types of penalties that can be applied to your course work and these are listed below. Students **must** read the full description on each of these at: [http://www.sps.ed.ac.uk/undergrad/current\\_students/teaching\\_and\\_learning/assessment\\_and\\_regulations/coursework\\_penalties](http://www.sps.ed.ac.uk/undergrad/current_students/teaching_and_learning/assessment_and_regulations/coursework_penalties)

Make sure you are aware of each of these penalties and know how to avoid them. Students are responsible for taking the time to read guidance and for ensuring their coursework submissions comply with guidance.

- **Incorrect submission Penalty**

When a piece of coursework is submitted to our Electronic Submission System (ELMA) that does not comply with our [submission guidance](#) (wrong format, incorrect document, no cover sheet etc.) a penalty of **5 marks** will be applied to students work.

- **Lateness Penalty**

If you miss the submission deadline for any piece of assessed work **5 marks will be deducted for each calendar day that work is late, up to a maximum of seven calendar days (35 marks)**. Thereafter, a mark of zero will be recorded. There is no grace period for lateness and penalties begin to apply immediately following the deadline.

- **Word Count Penalty**

Your course handbook will specify the word length of your assessments. All coursework submitted by students must state the word count on the front page. All courses in the School have a standard penalty for going over the word length; if you are taking courses from other Schools, check with them what their penalties are. If you go over the word length, you will receive a 5 mark penalty. These 5 marks will be deducted, regardless of how much you have exceeded the word count (whether it is by 5 words or by 500!). In exceptional circumstances, a Course Organizer may decide that, instead of a 5 marks penalty, any text beyond the word limit will be excluded from the assignment and be marked only on the text up to the word limit.

In most cases, appendices and bibliography are not included in the word count whilst in-text references, tables, charts, graphs and footnotes are counted. Make sure you know what is and what is not included in the word count. Again, check the course handbook for this information and if you are unsure, contact the Course Organiser to check.

You will not be penalised for submitting work below the word limit. However, you should note that shorter essays are unlikely to achieve the required depth and that this will be reflected in your mark.

### **ELMA: Submission and Return of Coursework**

Coursework is submitted online using our electronic submission system, ELMA. You will not be required to submit a paper copy of your work.

Marked coursework, grades and feedback will be returned to you via ELMA. You will not receive a paper copy of your marked course work or feedback.

For details of how to submit your course work to ELMA, please see our webpages [here](#). Remember, there is a [5 mark incorrect submission penalty](#), so read the guidance carefully and follow it to avoid receiving this.

### **Extensions: New policy-applicable for years 1-4**

If you have good reason for not meeting a coursework deadline, you may request an extension. Before you request an extension, make sure you have read all the guidance on our [webpages](#) and take note of the key points below. You will also be able to access the online extension request form through our [webpages](#).

- Extensions are granted for 7 calendar days.
- Extension requests must be submitted no later than 24 hours before the coursework deadline.
- If you miss the deadline for requesting an extension for a valid reason, you should submit your coursework as soon as you are able, and apply for Special Circumstances to disregard penalties for late submission. You should also contact your Student Support Officer or Personal Tutor and make them aware of your situation.
- If you have a valid reason and require an extension of more than 7 calendar days, you should submit your coursework as soon as you are able, and apply for Special Circumstances to disregard penalties for late submission. You should also contact your Student Support Officer or Personal Tutor and make them aware of your situation.
- If you have a Learning Profile from the Disability Service allowing you potential for flexibility over deadlines, you must still make an extension request for this to be taken into account.

### **Exam Feedback and Viewing Exam Scripts:**

General exam feedback will be provided for all courses with an examination. General feedback will be uploaded to the relevant course learn page within 24 hours of the overall marks for the course being returned to Students.

Students who sit the exam will also receive individual feedback. The relevant Course Secretary will contact students to let them know when this is available and how to access it.

If students wish to view their scripts for any reason, they must contact the relevant Course Secretary via email to arrange this.

### **Plagiarism Guidance for Students: Avoiding Plagiarism**

Material you submit for assessment, such as your essays, must be your own work. You can, and should, draw upon published work, ideas from lectures and class discussions, and (if appropriate) even upon discussions with other students, but you must always make clear that you are doing so. **Passing off anyone else's work (including another student's work or material from the Web or a published author) as your own is plagiarism** and will be punished severely.

When you upload your work to ELMA you will be asked to check a box to confirm the work is your own. All submissions will be run through 'Turnitin', our plagiarism detection software. Turnitin compares every essay against a constantly-updated database, which highlights all plagiarised work. Assessed work that contains plagiarised material will be awarded a mark of zero, and serious cases of plagiarism will also be reported to the College Academic Misconduct officer. In either case, the actions taken will be noted permanently on the student's record. **For further details on plagiarism see the Academic Services' website:**

<http://www.ed.ac.uk/academic-services/students/conduct/academic-misconduct/what-is-academic-misconduct>

### **Data Protection Guidance for Students**

In most circumstances, students are responsible for ensuring that their work with information about living, identifiable individuals complies with the requirements of the Data Protection Act. The document, *Personal Data Processed by Students*, provides an explanation of why this is the case. It can be found, with advice on data protection compliance and ethical best practice in the handling of information about living, identifiable individuals, on the Records Management section of the University website at:

<http://www.ed.ac.uk/schools-departments/records-management-section/data-protection/guidance-policies/dpforstudents>