In this book, eleven leading theorists debate the normative challenges of preventive war through the lens of important public and political issues of war and peace in the twenty-first century. Their discussion covers complex and topical subjects including terrorism, the “Bush doctrine” and the invasion of Iraq, Iran’s nuclear capabilities, superpower unilateralism, and international war tribunals. They examine the moral conundrum of preventive intervention, and emphasize the need for a stronger and more effective international legal and political order and a corresponding re-evaluation of the normative status of international law. Together their essays form a challenging and timely volume that will be of interest to scholars in ethics and political philosophy, political theory, international relations, international law, and peace studies, and to general readers interested in the broader issues of peace and justice in the new world order.

To my beloved sister Archana,
for her love, wisdom, and unfailing support
Contents

Notes on contributors ix

1 Introduction 1
   Deen K. Chatterjee

PART I: CONCEPTUAL, NORMATIVE, AND METHODOLOGICAL TERRAINS 15

2 Prevention, preemption, and other conundrums 15
   Jean Bethke Elshtain

3 After ‘Caroline’: NSS 2002, practical judgment, and the politics and ethics of preemption 27
   Chris Brown

4 The case for preventive war 46
   George R. Lucas, Jr.

PART II: INTERNATIONAL LAW 65

5 Does international law make a moral difference? The case of preventive war 65
   Michael Blake

6 Threat diplomacy in world politics: legal, moral, political, and civilizational challenges 87
   Richard Falk

7 Preventive war and trials of aggression 101
   Larry May

vii
PART III: CRITIQUES OF PREVENTIVE WAR

8 The conditions of liability to preventive attack 121
    Jeff McMahan

9 Are preventive wars always wrong? 145
    Stephen Nathanson

10 Ethics and legality: US prevention in Iran 166
    Alex Newton

PART IV: BEYOND PREVENTIVE WAR: EXPLORING OTHER OPTIONS

11 Preventive violence: war, terrorism, and humanitarian intervention 189
    C. A. J. Coady

12 Enough about just war, what about just peace? The doctrine of preventive non-intervention 214
    Deen K. Chatterjee

Bibliography 240
Index 251
Contributors

Michael Blake is Professor of Philosophy and Public Affairs at the University of Washington, and Director of the Program on Values in Society. Previously he taught at the Kennedy School of Government and in the philosophy department at Harvard University, and was a Laurance S. Rockefeller Fellow at the Center for Human Values at Princeton University. He received his bachelor degree in Philosophy and Economics from the University of Toronto, legal training at Yale Law School, and his doctorate in Philosophy from Stanford University. He specializes in Social and Political Philosophy, Philosophy of Law, and International Ethics. He has previously published articles in Philosophy and Public Affairs, Journal of International Affairs, Public Affairs Quarterly, Canadian Journal of Philosophy, and Philosophical Topics.

Chris Brown is Professor of International Relations at the London School of Economics and Political Science. He is the author of numerous articles in international political theory and of Practical Judgement in International Political Theory: Selected Essays (2010); Sovereignty, Rights and Justice (2002); International Relations Theory: New Normative Approaches (1992); editor of Political Restructuring in Europe: Ethical Perspectives (1994); and co-editor (with Terry Nardin and N. J. Rengger) of International Relations in Political Thought: Texts from the Greeks to the First World War (2002). His textbook Understanding International Relations (2009) is now in its fourth edition and has been translated into Arabic, Turkish, and Chinese.

Deen K. Chatterjee is Senior Advisor and Professorial Fellow in the S. J. Quinney College of Law at the University of Utah and the editor-in-chief of the two-volume Encyclopedia of Global Justice (2011) and the series editor of Studies in Global Justice. His areas of specialization are justice and global initiative, ethics of war and peace, and philosophy of religion and culture.
C. A. J. (Tony) Coady is an Australian philosopher with an outstanding international reputation for his writings on epistemology and on political violence and political ethics. His book *Testimony: A Philosophical Study* (1992) was widely praised as a ground-breaking work in epistemology, and his more recent books, *Morality and Political Violence* (2008) and *Messy Morality: The Challenge of Politics* (2008) have received enthusiastic reviews. The latter book embodies the Uehiro Lectures on Practical Ethics that he delivered at the University of Oxford in 2005. He was founding Director of the Centre for Philosophy and Public Issues at the University of Melbourne in 1990 and was later Deputy Director of its successor body, the Centre for Applied Philosophy and Public Ethics. His most recent appointments have been as a Vice Chancellor’s Fellow at the University of Melbourne from 2009 and as a Leverhulme Visiting Professor at the University of Oxford in 2012.

Jean Bethke Elshtain is the Laura Spelman Rockefeller Professor of Social and Political Ethics at the University of Chicago. She has also been a Visiting Professor at Harvard and Yale. Professor Elshtain holds nine honorary degrees and in 1996, she was elected a Fellow of the American Academy of Arts and Sciences. Her publications include *Public Man, Private Woman: Women in Social and Political Thought* (1981); *Women and War* (1987); *Democracy on Trial* (1993); *Jane Addams and the Dream of American Democracy* (2002); *Just War Against Terror: The Burden of American Power in a Violent World* (2003); *Sovereignty: God, State, and Self* (2008); and *The Gifford Lectures* (2005–06). Professor Elshtain is a contributing editor for *The New Republic*. She has been a Fellow at the Institute for Advanced Study, Princeton; a Scholar in Residence, Bellagio Conference and Study Center, Como Italy; a Guggenhein Fellow; a Fellow of the National Humanities Center; and in 2003–04, she held the Maguire Chair in Ethics at the Library of Congress. Professor Elshtain also serves on the Scholars Council, The Library of Congress; on the Board of Trustees of the James Madison Program in American Constitutional Ideals at Princeton University; the Board of Trustees of the National Humanities Center; and the Board of the National Endowment for Democracy. Professor Elshtain was a Phi Beta Kappa Scholar for 1997–98 and served as Vice President of the American Political Science Association for 1998–99. She was also appointed by President George W. Bush to the National Council for Humanities.
Richard Falk is Albert G. Milbank Professor Emeritus of International Law at Princeton University and since 2002 Research Professor in Global and International Studies at the University of California, Santa Barbara. He is Chair of the Board of the Nuclear Age Peace Foundation. His most recent books are Achieving Human Rights (2009); The Declining World Order (2004); and The Great Terror War (2003). The latter considers the American response to September 11, including its relationship to the patriotic duties of American citizens. Since 2008 he has been Special Rapporteur on Occupied Palestine for the UN Human Rights Council, and previously, served as a member of the Independent International Commission on Kosovo. He is the author or co-author of numerous books, including Religion and Humane Global Governance; Human Rights Horizons; On Humane Governance: Toward a New Global Politics; Explorations at the Edge of Time; Revolutionaries and Functionaries; The Promise of World Order; Indefensible Weapons; Human Rights and State Sovereignty; A Study of Future Worlds; This Endangered Planet; and co-editor of Crimes of War.

George R. Lucas, Jr. holds the Distinguished Chair in Ethics in the Vice Admiral James B. Stockdale Center for Ethical Leadership at the United States Naval Academy (Annapolis), and is also Professor of Ethics and Public Policy (tenured) at the Graduate School of Public Policy at the Naval Postgraduate School (Monterey, CA). He has taught at Georgetown University; Emory University; Randolph-Macon College; the French Military Academy (Saint-Cyr); the Catholic University of Louvain, Belgium; and served as Philosophy Department Chairman at the University of Santa Clara in California. He has received research fellowships from the Fulbright Commission and the American Council of Learned Societies. Professor Lucas is the author of five books, more than forty journal articles, translations, and book reviews, and has also edited eight book-length collections of articles in philosophy and ethics. Among these titles are Anthropologists in Arms: The Ethics of Military Anthropology (2009), Perspectives on Humanitarian Military Intervention (2001), and a special issue of the Journal of Military Ethics, “New Warriors and New Weapons: Ethics and Emerging Military Technologies” (JME 9/4, December 2010). His most recent essays are “Permissible Preventive Cyber Warfare” (forthcoming) and “The Industrial Challenges of Military Robotics” (2011). He is also co-editor (with Capt. Rick Rubel, US navy, retired) of the textbook, Ethics and the Military Profession: The Moral Foundations of Leadership, and a
companion volume, *Case Studies in Military Ethics* (2004). These texts are used in core courses devoted to ethical leadership at the United States Naval Academy, the United States Air Force Academy, and at Naval ROTC units at over fifty-seven colleges and universities throughout the nation.

**Larry May** is a political philosopher who has written on conceptual issues in collective and shared responsibility, as well as normative issues in international criminal law. He has also written on professional ethics and on the just-war tradition. He is currently W. Alton Jones Professor of Philosophy and Professor of Law at Vanderbilt University. He is also a Professorial Fellow at the Centre for Applied Philosophy and Public Ethics, Charles Sturt University as well as Visiting Fellow at the Australian National University. He has previously taught at Washington University; Purdue University; University of Wisconsin; and University of Connecticut. He has a BS in international affairs from Georgetown University, and a Ph.D. in philosophy from the New School for Social Research, where he was Hannah Arendt’s last research assistant. He also has a JD in law from Washington University. Professor May has published twenty-five books, ten of which are single-authored monographs. The most recent books have won awards from the American Philosophical Association; the North American Society for Social Philosophy; the International Association of Penal Law; the American Society of International Law; and the American Library Association. His writings have been translated into French, German, Spanish, Italian, Polish, Serbian, Japanese, Chinese, and Korean. Professor May’s work on legal ethics and international law has led to invitations to advise such groups as: the Indiana State Senate, the US State Department, the CIA, as well as members of the Australian High Court. He also served on the board of directors of the American Philosophical Association and is past president of AMINTAPHIL, the American section of the International Society for Philosophy of Law.

**Jeff McMahan** is Professor of Philosophy at Rutgers University. He is the author of *The Ethics of Killing: Problems at the Margins of Life* (2002) and *Killing in War* (2009). He has three other books forthcoming: a collection of essays called *The Values of Lives*, a book on war called *The Right Way to Fight* that is intended for both academic and non-academic readers, and a sequel to his 2002 book called *The Ethics of Killing: Self-Defense, War, and Punishment.*
Notes on contributors

Stephen Nathanson is Professor of Philosophy at Northeastern University, Boston, Massachusetts. His most recent book is _Terrorism and the Ethics of War_ (2010). In addition, he is the author of _Patriotism, Morality and Peace_ (1993); _Economic Justice_ (1998); _An Eye for an Eye? The Immorality of Punishing by Death_ (2nd edn., 2001); _Should We Consent to be Governed?_ (2nd edn., 2001), and numerous articles on issues in ethics and political philosophy.

Alex Newton is a senior adviser in Australia’s Department of the Prime Minister and Cabinet. Her main areas of interest are human rights and business, social investment, and international relations policy. She holds a Master of Laws from Columbia University where she was a Harlan Fiske Stone Scholar and Bachelors of Arts and Laws degrees from Sydney University. Alex lectures in transnational business and human rights in the Australian National University’s graduate law program. She previously worked with the UN Secretary General’s Strategic Planning Unit, New York, as a consultant to UN-HABITAT and as a lawyer with the Australian Human Rights Commission. Her articles are published in a number of professional and other publications, including the _Law Society Journal of NSW_ and _Polemic_. In addition, Alex has produced stories on a range of issues in the legal and social justice fields as a freelance producer and reporter for the Australian Broadcasting Corporation, Australia’s national broadcaster.