

*Index*

- 94-target list 164
- Abkhazia 275
- acculturation 35, 205, 302
- action guidance 53, 55, 196,  
203, 204, 207, 215, 217,  
301, 306
- American Convention on Human  
Rights 273
- air exclusion zone 154
- air tasking order 151
- anarchy  
implications of 6, 292  
in IR scholarship 20
- armed conflict 112  
definition of 4  
forcible alternatives to 307
- asymmetry 237
- attrition 175, 185, 235, 258  
changing role of 179, 223  
definition of 167  
in Operation Desert Storm (ODS) 170  
in Operation Iraqi Freedom (OIF) 177  
in Operation Linebacker I ( OLB I) 167  
in Operation Linebacker II  
( OLB II) 168  
in Operation Rolling Thunder  
(ORT) 166  
role in US military strategy 125
- Biddle, Steven 229
- Blum, Gabriella 289
- Bothe, Michael 271
- Brunnée, Jutta 37, 38, 58, 59, 62
- Bush, George H. W. 231
- Carr, Edward H. 22
- casualty aversion 234, 300
- casualty counts 251–5, 308
- causation  
in IR scholarship 242  
in IR theory 195
- centre of gravity 170, 179
- Chayes, Abram 35, 54
- Chayes, Antonia Handler 35, 54
- China 154, 228, 232
- Clodfelter, Mark 165, 254
- close air support (CAS) 176
- coercion 191
- combatant 116, 259–63,  
288–90
- combined air operations centre 151,  
160, 205
- compliance  
definition of 12  
difference of effectiveness 10–12, 41  
institutionalisation in US military  
practices 146–52  
sense of legal obligation in US military  
practices 162  
theories of 22–7, 35–6, 54
- Conetta, Carl 176
- constitution  
and causation 239–42  
and variation 243–6
- constructivism  
norms and interests in 23, 27, 47  
rationality in 24
- D’Amato, Anthony 136
- Democratic Republic of Vietnam 98,  
154, 158, 163, 165, 167,  
173, 179, 183, 184,  
190, 221
- Deptula, David A. 150, 160
- Dinstein, Yoram 75, 83, 123
- direct participation in hostilities 80,  
288, 297

- discrimination 75–6
  - and distinction 75
  - and proportionality 75
- distinction 70–1, 86, 197, 256
  - action guidance of 196–9
  - and consequences 86, 97
  - consequential indeterminacy of 86, 111
  - in the First Additional Protocol (API) 70–1
  - historical development of 115–16
  - and the impact of promulgation 118–20
  - justiciability of 88, 212–15
  - and necessity 78, 79, 109
  - in the negotiation records 100–1
  - among objects 116, 118, 293–7
  - among persons 80, 116, 249–52, 259–63, 275–7, 288–90, 293–7
  - semantic indeterminacy of 89–91, 92–5, 103, 111
- drones 309
- dual-use objects 257
  - changing role of 180
- Dunlap, Charles 131, 215
- effects-based operations (EBOs) 125–8, 160, 224, 226, 267, 308
- Eritrea–Ethiopia Claims Commission 214
- European Convention on Human Rights 274
- European Court of Human Rights 273
- Fact Finding Commission 146
- Fearon, James 24
- fidelity 37, 38, 39, 60, 62
- Finnemore, Martha 40, 161, 162, 234
- First Additional Protocol (API) ix, xiv, xviii, 5, 6, 69, 70, 72, 77, 78, 82, 83, 87, 89, 92, 95, 96, 97, 105, 106, 107, 108, 112, 113, 114, 117, 118, 120, 121, 122, 124, 125, 126, 127, 129, 131, 133, 134, 135, 138, 140, 141, 143, 144, 153, 157, 160, 161, 193, 199, 213, 214, 219, 245, 265, 274, 275, 305, 306, 347, 350
- Fischer-Lescano, Andreas 271
- food supplying industry 90
- Franck, Thomas 36
- Fuller, Lon 37
- Geneva Conventions 5, 69, 116, 134, 160, 273
- Georgia 275
- Glosson, Buster 150
- Goodman, Ryan 35
- Gulf War Air Power Survey 171
- Habermas, Jürgen 197
- Hague Conventions 68, 77, 114, 115, 134
- Hague Rules of Aerial Warfare 115
- Hersh, Seymour 1
- Horner, Charles 160, 170
- humanitarianism 76, 83, 250
- Human Rights Watch 177, 252, 255
- Hussein, Saddam 6, 173, 175, 176, 179, 259
- imperative of force protection 234
- indeterminacy
  - advantages of 117, 302–7
  - and the behavioural relevance of international law 57, 58
  - consequential 95, 96
  - dialectic of 307
  - and the effectiveness of international law 96
  - limits to 217–19
  - and the normative success of international law 57
  - purposive 95, 96
  - semantic 95, 96
  - structural versus contingent 56–7
- interactional international law 37
  - and criteria of legality 37, 39–40, 58
  - and international customary law 61
- interdiction 168, 192
  - changing role of 179
  - definition of 166
  - and the goal of attrition 167
- interests
  - definition of 45
  - as immediate imperatives 48, 154, 196
- International Committee of the Red Cross (ICRC) 83, 101, 104, 135, 137, 288
- International Court of Justice (ICJ) 137, 273
- International Criminal Court 146
- international criminal law (ICL) 134, 146, 160, 234

- International Criminal Tribunal for the Former Yugoslavia (ICTY) 134, 209–12
- international customary law  
 crystallisation of 116, 117  
 elements of 136–8  
 emergence of 135  
   progressive approach 133  
   sliding scale 136  
   traditional approach 133  
 progressive development of 116  
 promulgation of 116–20, 153  
 and specifically affected states 139  
 status as international law 62, 139–41, 299
- international humanitarian law (IHL)  
 balancing in 73–4, 82, 96, 250, 299  
 behavioural relevance of 12, 196–215, 301  
 compliance with 301  
 consequential indeterminacy of 215–19  
 contextual interpretation of 105–11, 118  
 development of 4, 68–70  
 effectiveness of 301  
 goals of 72, 76, 82, 106, 109, 255–6  
 historical interpretation of 96–105  
 humanisation of 272–5  
 independence of 106, 108  
 intellectual effect of 196–208, 240  
 limits to indeterminacy 111  
 normative success of 13–14, 301  
   lesser evil justification 284–8  
   standards of 249–56  
 purposive indeterminacy of 196–208, 215–19  
 purposive interpretation of 82–4, 95–6  
 role in US air warfare 6, 13, 300  
 semantic indeterminacy of 196–208  
 suggestions for change 288–90, 293–8  
 symmetry of 106, 108  
 textual interpretation of 84–96
- international human rights law (IHL) 134  
 role in armed conflict 272–5
- international public opinion 14, 290
- interpretation  
 contextual 105  
 historical 96  
 purposive 82  
 textual 82
- international law  
 action guidance of 53–6  
 behavioural relevance of 10, 12, 41, 45, 53, 243–6  
 causal dependence of 20, 22–8, 40, 44, 62  
 compliance with 32, 59, 62, 301  
 constitutionalisation of 268–71, 307, 310  
 in constructivist scholarship 21  
 difference of municipal law 32, 52  
 discourse of 35  
 distinctiveness of 31, 60–1  
 distinctiveness of effects 40–3  
 distinctiveness of form 32–4, 39  
 distinctiveness of mode of operation 34–40  
 effectiveness of 8–9, 12  
 epistemic dependence of 28–31, 44, 56  
 humanisation of 268–71  
 individualisation of 268–71  
 intellectual effect of 45, 51, 59  
 justiciability of 53–6  
 in liberal institutionalist scholarship 21  
 meaning of 10, 28–30, 56, 58  
 motivational effect of 45, 52, 55, 59  
 normative success of 11, 12, 41, 59, 118  
 ontological dependence of 31, 41–2, 44, 53  
 in realist scholarship 20  
 separateness of 44, 53, 62  
 theorisation of 12, 41, 50–1, 53, 54–6, 58–60, 63, 145, 239–42, 250, 299
- Israel 112, 129
- Jinks, Derek 35
- Johnson, Lyndon B. 147, 154, 155, 165
- Joint Chiefs of Staff 147, 148, 164
- Judge Advocate General (JAG) 146, 148, 149, 151, 159, 160, 215
- jus cogens* 153, 270
- justiciability 53
- just-war theory  
 conventional 260  
 revisionist 93, 276

- Kahl, Colin 253  
 Kalshoven, Frits 124  
 Kennedy, David 6, 154  
 Keohane, Robert O. 25  
 Koskenniemi, Martti 29, 31, 42, 45, 46,  
 47, 51, 57, 58, 94, 105  
 Kratochwil, Friedrich 36, 244
- legalisation 33  
 legitimacy  
 and morality 14  
 perception of 8, 13, 268–72, 297  
*lex specialis* 273  
 liability  
 conditions of 276  
 and the individuation of harm 280–2  
 liberal institutionalism  
 materialism in 24, 26  
 norms and interests in 24, 47  
 logic of efficiency 12, 193  
 distribution of harm 257–9, 263–5  
 and force protection 235–6  
 and international customary law  
 139–41  
 and international humanitarian law  
 121–8  
 and the prohibition on the use of force  
 264, 265–6  
 and the protection of individual rights  
 267–8  
 radical versus moderate 257–8  
 and US military strategy 124–7  
 logic of liability 14  
 and asymmetry 278–80  
 impracticability of 278–84  
 and the prohibition on the use of force  
 278–80  
 and the protection of individual rights  
 275–7  
 logic of sufficiency 12, 108–11, 193, 214  
 command of containment 108, 119,  
 125, 132, 193, 291  
 command of sequencing 108, 109,  
 119, 125, 132, 193  
 distribution of harm 257–9, 263–5  
 efficiency defiance of 126–7  
 and international customary law  
 119–20, 139–41  
 and international humanitarian law  
 108, 110, 118
- practicability 290–3  
 and the prohibition on the use of force  
 265–6, 291  
 and the protection of individual rights  
 267–8  
 and US military strategy 126–7
- McMahan, Jeff 276, 279, 280,  
 281, 292  
 McNamara, Robert S. 147, 156,  
 158  
 media installations 91, 109  
 Meron, Theodor 134, 234  
 message targeting 131, 174, 191  
 changing role of 181  
 military objective 71, 88, 102  
 Bien Hoa Bridge 221  
 bridges 165  
 communication lines 173  
 definition of 118, 198  
 degree of nexus 89–90, 103,  
 107, 118  
 energy supply 90, 164  
 Hiriggo power station 214  
 interdiction targets 166  
 leadership targets 174  
 lines of communication 164  
 military advantage  
 degree of nexus 89, 97, 103, 107,  
 118, 292  
 point of reference 92–5, 97, 104,  
 107, 119  
 military compounds 164  
 military transport 165  
 political infrastructure 93  
 power plants 164  
 military strategy 242  
 military technology  
 command control and  
 communication (C3) 221  
 intelligence surveillance and  
 reconnaissance (ISR) 221  
 precision guided munitions 221  
 My Lai massacre 148, 156
- Nagel, Thomas 285  
 Nardin, Terry 285  
 necessity 77–81  
 incarnations of 79  
 indeterminacy of 80

- neorealism 4  
 materialism in 23, 46  
 norms and interests in 23, 46  
 Nixon, Richard 156, 163, 167  
 norms  
 as abstract imperatives 48, 155, 196  
 changing ideas about the resort to force 236, 239  
 changing ideas about violence 233  
 definition of 21, 31, 45, 60–1  
 lifecycle of 161  
 North Atlantic Treaty Organization (NATO) 129, 237, 274
- obligation  
 definition of 36, 153  
 in interactional international law 38  
 and legalisation 33
- Operation Allied Force 131, 237
- Operation Cast Led 129
- Operation Desert Storm (ODS) 6, 131, 144  
 Amiriyah attack 252  
 dual-use objects 166  
 effects-based operations (EBOs) in 170  
 execution of air strikes in 151  
 highway of death 307  
 Instant Thunder target sets 169  
 Kuwait theatre of operations 171–2  
 political and military goals 185  
 role of interdiction in 171–2, 175  
 role of international humanitarian law in 158–60  
 targets of attack 169–75  
 target development in 149  
 target planning in 149
- Operation Iraqi Freedom (OIF) 6, 144  
 desired mean points of impact (DMPIs) 177  
 dual-use objects 179  
 effects-based operations (EBOs) in 179  
 execution of air strikes in 151  
 leadership targets 177  
 political and military goals 186–9  
 role of interdiction in 176  
 role of international humanitarian law in 160–1  
 target development in 150  
 target planning in 149  
 targeting for political effect in 178  
 targets of attack 176–81
- Operation Iraqi Freedom – By the Numbers 176
- Operation Just Cause 148
- Operation Linebacker I (OLB I) 6, 144, 167  
 destructiveness of 167  
 dual-use objects 167  
 execution of air strikes in 157  
 political and military goals 184  
 role of interdiction in 167  
 role of international humanitarian law (IHL) in 156–8  
 target development in 147–8  
 targets of attack 163–9
- Operation Linebacker II (OLB II) 6, 120, 144, 168  
 destructiveness of 168  
 dual-use objects 169  
 execution of air strikes in 157  
 political and military goals 184  
 role of interdiction in 168  
 role of international humanitarian law (IHL) in 156–8  
 target development in 147–8  
 targets of attack 163–9
- Operation Rolling Thunder (ORT) 6, 144, 163  
 destructiveness of 166  
 dual-use objects 166  
 political and military goals 183–4  
 role of international humanitarian law (IHL) in 154–6  
 role of interdiction in 166  
 Rolling Thunder 52 164, 165, 166, 169, 171  
 target development in 147–8  
 targets of attack 163–9
- Pakistan 308
- Pape, Robert 223
- Parks, Hays 157
- positivism 32, 34, 39, 145
- precautions in attack 73–4, 99, 101, 197, 201, 252
- Project on Defense Alternatives 255
- proportionality 71–3, 83, 199, 256  
 action guidance of 199–203  
 and consequences 86–8, 97

- proportionality (cont.)  
 consequential indeterminacy of 86–8, 100–1, 111  
 in the First Additional Protocol (API) 71–3  
 historical development of 113–15  
 and the impact of promulgation 116–18  
 justiciability of 88, 208–12  
 and necessity 73–4, 78, 79  
 in the negotiation records 97–101  
 purposive indeterminacy of 84–6, 97–100, 111  
 and reasonableness 87, 99  
 semantic indeterminacy of 91, 104, 111  
 psychological warfare 91, 126, 130, 297
- reasons for action 48, 50, 51, 60–1  
 Reus-Smit, Christian 24, 36, 38  
 Robertson, Horace B. 124  
 Rodin, David 285  
 rules of engagement 158, 160  
 Rumsfeld, Donald 179  
 Russia 154, 274
- St Petersburg Declaration 119  
 Sassòli, Marco 119, 130, 134  
 Schmitt, Michael N. 1  
 Schwarzkopf, Norman 149, 170, 175  
 Second World War 4, 21, 69, 116, 119, 131, 191, 192, 224, 227, 297  
 self-defence 293  
 Sharp, Ulysses Grant 166  
 shock and awe 130, 179, 226, 267  
 Sikkink, Kathryn 161, 162, 234  
 Snidal, Duncan 24  
 Somalia 308  
 South Ossetia 275  
 strategic attack 128  
 strategic bombing 131, 191
- targeted killings 309  
 Toope, Stephen 37, 38, 58, 59, 62  
 torture 136
- United Nations 149  
 unmanned aerial vehicles 309  
 unnecessary suffering 78, 80  
 US military doctrine and strategy 125–8  
 US military practices  
 change in logics 192–4  
 development of 6, 13  
 role of asymmetry in 228–30  
 role of international humanitarian law  
 Iraq 148–52  
 Vietnam 146–8  
 role of military doctrine in 224–8  
 role of public opinion in 233–9  
 role of technology in 221–4  
 role of the perceived urgency of war in 231–3  
 US operational law doctrine 121–5
- victory  
 generic military 106, 108, 111, 118, 193, 290  
 political versus military 93–4, 105, 106, 109, 120, 132, 182–3
- Waldron, Jeremy 305  
 Walzer, Michael 260  
 Warden, John A. 149, 159, 170, 179  
 warnings 74  
 Wendt, Alexander 24, 243  
 Wheeler, Earle 165
- Yemen 308