

Law and Sentiment in International Politics

Drawing on recent research in moral psychology and neuroscience, *Law and Sentiment in International Politics* argues that universal moral beliefs and emotions shaped the evolution of the laws of war, and in particular laws that protect civilians. It shows that civilian protection norms are not just a figment of the modern West, but that these norms were embryonic in earlier societies and civilizations, including ancient China, early Islam, and medieval Europe. However, despite their ubiquity, civilian protection rules are inherently fragile, and their fragility lies not just in failures of compliance, but also in how moral emotions shaped the design of the law. The same beliefs and emotions that lead people to judge that it is wrong to intentionally target civilians can paradoxically constitute the basis for excusing states for incidental civilian casualties, or collateral damage. To make the laws of war work better for civilians, *Law and Sentiment in International Politics* concludes that we need to change how we think about the ethics of killing in war.

David Traven is an Assistant Professor of Political Science at California State University, Fullerton.

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Law and Sentiment in International Politics

*Ethics, Emotions, and the Evolution
of the Laws of War*

David Traven

California State University, Fullerton



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All errors and inconsistencies remain my own.

Even in open war, a just prince rightly takes possession of all that belongs to the public in the enemy country, but he respects the person and property of private individuals; he respects the rights upon which his own are founded. Since the purpose of war is the destruction of the enemy state, one has the right to kill its defenders as long as they bear arms, but as soon as they lay them down and surrender, ceasing to be enemies or instruments of the enemy, they become once again simply men, and no one has any further right over their lives. Sometimes it is possible to kill the state without killing a single one of its members, but war confers no right except that which is necessary to its purpose. These principles are not those of Grotius; they are not founded upon the authority of poets, but they are derived from the nature of things and are founded upon reason. —Jean-Jacques Rousseau, *On Social Contract* (1762)