

Kristina V. Dorville
PUBP 710
Bioterrorism
December 5, 2003

Chemical Weapons and Just War Theory *Are New Threats Bound By Old Rules?*

Introduction

War has been the dominant guiding tool in conflict resolution between nations. The ability and desire to wage war have also been some of the reoccurring concerns of civilized society. Within the long held conceptions of war, moral standards have been present. Even “early records of collective fighting indicate that some moral considerations were used by warriors.”¹ It has become clear especially in the last year that war and the moral questions it raise continue to have a firm and enduring grasp in and over conflict situations. It is safe then to assume that “as long as there are sovereign nations possessing great power, war [will be] inevitable.”² Due to its longstanding place in history and its projected place in both the current and future conflict situations, it is important to look at the implications and rules that comprise the idea and act of war because “for as long as men and women have talked about war, they have talked about it in terms of right and wrong.”³ The problem of a just or right war versus an unjust or wrong war is a moral aspect of democracy that, especially at this time, should be addressed with urgency.

¹ Alex Moseley, “Just War Theory,” *The Internet Encyclopedia of Philosophy*, <<http://www.utm.edu/research/iep/j/justwar.htm>>

² Albert Einstein, *War Quotes Online*, <<http://www.geocities.com/TimesSquare/Labyrinth/5080/warquote.htm>>

³ Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, (New York: Basic Books, Inc.) 1977, p. 3.

The ideas of what are the right and wrong ways in which to fight a war have given way to a tendency to limit the extent of war as well as the methods in which the actual warfare may be carried out.⁴ The limits applied to warfare, including what determines the correct criteria that allow the initial waging of war, referred to as *jus ad bellum* to what rules or standards must be applied within the actual fight, referred to as *jus in bello*, have evolved out of an accumulation of both religious and scholarly moral standards. The 'rules of war' and the difficulties concerning what is right and wrong in war have been under great scrutiny in the moral, political, religious, and secular arenas as of late due in part to the current conflict situation between the United States and Iraq. In particular the secular work of Michael Walzer, *Just and Unjust Wars* has been a fundamental cornerstone in the determination of what constitutes the rights and wrongs of waging war. Walzer's *Just War Theory* has been generally acknowledged as the determinate as to whether a war is justified or not and should be revisited at the onset of any international conflict.

Just War Theory's credibility in judgment of conflict in an international setting is grounded in that "the Charter of the Nuremberg Tribunal accepted the precept of *Just War Theory* as universally binding and Article 51 of the Charter of the United Nations embodies the *Just War Theory's* justification of the right to use military force for self-defense."⁵ *Just War Theory* recognizes that war is inevitable and offers a "justified,

⁴ James Turner Johnson, "Just War Tradition and Low-Intensity Conflict," *Legal and Moral Constraints on Low-Intensity Conflict*, (Alberto R. Coll, et al. eds., 1995.) p. 147, 148.

⁵ Paul Parker, "Just War Theory: A Brief Introduction," <www.elmhurst.edu/library/displays/ResourcesonIraq.html>

restrained, and guided”⁶ way in which to wage a war in an effort to minimize the total destruction and devastation.

Just War Theory’s authority in international warfare and its hope to reduce and limit war’s overall destruction makes it applicable to both historical and present situations where there was a use of force by the United States. In terms of the analysis of the paper; a past and future war time situation will be discussed parallel to the basic principles of Just War Theory to determine whether the action taken was or will be considered justified to a critical international community. The historical, hindsight perspective that Just War Theory offers can be used to assess the using of chemical weapons in warfare, specifically within the rules for jus in bello. The threat of their use has grown in the past year due in part to the fact that “chemical weapons will increasingly be used in wars as a less costly alternative to nuclear attacks” further stresses the necessity for the determination of their justifiable or unjustifiable use and place in conflict situations is a necessity.⁷

Just War Theory

Background

Just War Theory has its original roots in religious thought. The two main theologians that helped initiate the theory were St. Augustine of Hippo (430 B.C.) whose emphasis was on “the importance of right intention and right authority in going to war”⁸ and St. Thomas Aquinas (1225-1274) whose emphasis was “that a justified war

⁶ Parker, “Just War Theory: A Brief Introduction.”

⁷ Achcar, Gilbert, *Le spectre du "bioterrorisme,"* Le Monde Diplomatique, Vol. 45, July 1998, p.18-19.

⁸ Parker, “Just War Theory: A Brief Introduction.”

must possess lawful authority, justified cause, and the right intention.”⁹ It was these two infamous theologians that also helped pave the way for the future of Just War Theory as it is today. It is “the Christian conception of Just War Theory that forms the core of secular theory and as such has had a tremendous influence on the secular conception of the just war.”¹⁰ Even with this strong religious influence, Just War Theory is still an accumulation of both religious and secular moral standards that have been complied by scholarly theorists. James Tuner Johnson states that, “Just War is a historical tradition formed by experience and reflection, including much that is neither specifically theological, nor philosophical. It has [also] been strongly influenced by international law, the traditions of chivalry, and soldierly practices derived from the experience of many battles.”¹¹ Michael Walzer has proven to be one of the well known secular theorists of Just War Theory in modern times and for the purposes of this analysis it is his Just War Theory that will be used as the referencing standard.

Walzer’s Just War

The basic purpose that Just War Theory hopes to perpetuate is that it “offers a series of principles that aim to retain a plausible moral framework for war,”¹² which in turn allow war to have a justifiable meaning beyond victory and power. Before we delve into the specific spheres of Walzer’s theory, it is important to define what is meant by the term ‘just war.’ For Walzer, a just war is “one that it is morally urgent to win [where] critical values are at stake: political independence, communal liberty, human

⁹ Parker, “Just War Theory: A Brief Introduction.”

¹⁰ Judith Gail Gardam, “Proportionality and Force in International Law,” *American Journal of International Law*, 391, 395, 1993.

¹¹ Johnson, “Just War Tradition and Low-Intensity Conflict.” p. 148.

¹² Moseley, “Just War Theory.”

life...[thus] wars to defend these values are justified.”¹³ Within Walzer’s definition of just war, there are three main categories or phases of war that contain specific criteria which, when applied together, comprise the ‘rules’ of just warfare as a whole. The three categories are

“jus ad bellum, which concerns the justice of conduct of resorting to war in the first place, jus in bello, which concerns the justice of conduct within war once it has begun, [and] jus post bellum, which concerns the justice of peace agreements and the termination phase of war.”¹⁴

These three categories of war are completely autonomous of one another. Due to their autonomy, it is possible then to be just in resorting to war, however unjust in the tactics used while fighting the war or vice versa. Their independence stems from the very different conclusions that their meanings ask a conscience to draw. For example, “jus ad bellum requires us to make judgments about aggression and self-defense; jus in bello about the observance or violation of the customary...rules of engagement.”¹⁵ The morally diverse conclusions drawn about jus ad bellum and jus in bello allow for their direct separation within the sphere of war, let alone this analysis. Yet, however separate these two spheres may be, in terms of the justness of a total war, they are still connected in that “justified ends may only be pursued through justified means.”¹⁶

In regard to determining whether the past attacks in Kosovo and the future Iraqi conflict were or will be justifiable actions by the United States, only jus ad bellum and

¹³ Walzer, “Just and Unjust Wars,” p. 110.

¹⁴ Brian Orend, *Michael Walzer on War and Justice*, (Montreal: McGill University Press,) 2000, p. 4.

¹⁵ Walzer, “Just and Unjust Wars,” p. 21.

¹⁶ Orend, “Michael Walzer on War and Justice,” p. 110.

jus in bello, will be used for the analysis primarily because the “dualism of [the two] is at the heart of all that is most problematic in the moral reality of war.”¹⁷ Again, the choice of jus ad bellum and jus in bello is “by no means [to suggest that they are] mutually exclusive, but [rather] they offer a set of moral guidelines for waging war that are neither unrestricted nor too restrictive.”¹⁸

Jus Ad Bellum

The first category Walzer examines relates to the “justice resorting to war,”¹⁹ or rather the justifiable right a nation has to wage war against another nation from the onset. For Walzer, the first place to look when analyzing the initial waging of war is to the political leaders of the countries involved. He believes that “[state leaders] inaugurate wars [by] setting their armed forces into motion, [so] they are to be held accountable to jus ad bellum principles.”²⁰ Walzer and Brian Orend, among others, have argued and articulated six major jus ad bellum principles that comprise the standards or rules political leaders who initiate war are to follow. Walzer has termed these principles as “the ‘war convention,’ [which he defines as a] ‘set of articulated norms, customs, professional codes, legal precepts, religious and philosophical principles, and reciprocal arrangements that shape our judgment’ of ethics of war and peace.”²¹

The war convention, then, provides the fundamental and traditionally held rules that are to guide all political leaders in their decision to wage war against another

¹⁷ Walzer, “Just and Unjust Wars,” p. 21.

¹⁸ Moseley, “Just War Theory.”

¹⁹ Orend, “Michael Walzer on War and Justice,” p. 86.

²⁰ Orend, “Michael Walzer on War and Justice,” p. 86.

nation. In other words, “for the resort to war to be justified, a state must fulfill each and every one of the following six requirements:”²²

- Just Cause
- Right Intention
- Proper Authority and Public Declaration
- Last Resort
- Probability of Success
- (Macro) Proportionality

The following explanation of Walzer’s war convention is brief and limited in relation to his in depth discussion in his book. However, for the purpose of this analysis only a brief, colloquial description of each principle is necessary to understand how Just War Theory will be applied to specific uses of force.

The first principle discussed is Just Cause and it is “arguably the most important condition of jus ad bellum.”²³ The Just Cause principle houses the fundamental basis of a just war, which realizes that though war should not be readily sought, it is sometimes a necessity and thus allows that “a state may launch a war only for the right reason.”²⁴ The right reasons include, most typically, “self-defense from external attacks, protection of the innocents, and punishment for wrongdoing.”²⁵ Fundamentally and even more simply put Walzer believes that “the only just cause for resorting to war...is in response to aggression.”²⁶ It should be noted that Walzer has added three revisions to this

²¹ Orend, “Michael Walzer on War and Justice,” p. 86.

²² Orend, “Michael Walzer on War and Justice,” p. 87.

²³ Moseley, “Just War Theory.”

²⁴ Orend, “Michael Walzer on War and Justice,” p. 87.

²⁵ Orend, “Michael Walzer on War and Justice,” p. 87.

²⁶ Orend, “Michael Walzer on War and Justice,” p. 93.

principle since the publication of his initial work, due in part to the changing nature of warfare. His three additions are: one, under certain conditions, an “anticipatory attack” can be justified; two, “counter-intervention...often in a civil war context” can be justified; and three, “humanitarian intervention...designed to rescue citizens of a state from ‘acts that shock the moral conscience of mankind.’”²⁷ The three recent additions will lend themselves greatly to the past and future case studies of specific uses of force.

The second aspect of the war convention is Right Intention. In order that a state has the right intention, it “must fight the war only for the sake of the just cause”²⁸ and for no other underlying selfish gain. The grounds on which the war is being waged must also meet high moral standards and be seen as ethically sound at its core.

The third principle is Proper Authority and Public Declaration. This principle was not specified in Walzer’s work, but found applicable to his theory by Orend. This principle relates back to political leaders who Walzer looks to initially as the main source of war. A nation, as a whole, “may go to war only if the decision has been made by the appropriate authorities, according to the appropriate process, and made [then] made public...to its own citizens and enemy state.”²⁹ In essence and at least for the United States, the head of state must give his consent to wage war, gain support from Congress and the public, as well as inform his enemy of his nations’ intentions to declare war almost as a preparation for war’s atrocities.

²⁷ Orend, “Michael Walzer on War and Justice,” p. 105-106.

²⁸ Orend, “Michael Walzer on War and Justice,” p. 87.

²⁹ Orend, “Michael Walzer on War and Justice,” p. 87.

The fourth aspect of the war convention is Last Resort. Before the concept of a war is brought forth, a state must have determined that every other possible option of diplomacy for a peace reconciliation of the conflict has been examined and exhausted.³⁰ Basically, the last resort principle means just what it presumably implies, “there are no other options but war.”³¹

The fifth principle is Probability of Success. A state cannot look to wage war if there is no clear evidence that suggests it has the potential to be the successful victor in the conflict. The main “aim...is to block mass violence which is going to be futile.”³² Walzer has this fifth clause primarily because he does not want a war that cannot be won waged leaving countless soldiers and civilians alike to die a useless, unnecessary death.

The sixth and final principle of Walzer’s war convention is Proportionality. This criterion tends to be one of the most controversial in modern times. Under the rule of Proportionality, before conducting a war, a “state must weigh the universal goods expected to result from it...against the universal evils expected to result.”³³ Rather, a state must assess whether the countless casualties that result from war are proportional to and/or worth the eventual benefits that will arise after the war’s end. If it is perceived that the proportions are equal then the state may continue engaging in war.

³⁰ Orend, *“Michael Walzer on War and Justice,”* p. 87.

³¹ Parker, *“Just War Theory: A Brief Introduction.”*

³² Orend, *“Michael Walzer on War and Justice,”* p. 87.

³³ Orend, *“Michael Walzer on War and Justice,”* p. 87.

The war convention principles, as mentioned, comprise the traditional rules governing a states' ability to resort to war against another state. If these six primary qualifications are fulfilled, resorting to war can move into its next phase, *jus in bello*.

Jus In Bello

The second category that Walzer examines relates to the justifiable "rules of conduct...during the course of fighting a war"³⁴ or rather the ethical rules of engagement that the actual armed forces on the ground must follow in and when carrying out their orders for war. Unlike *jus ad bellum* where Walzer looks to the heads of state for responsibility in waging a just war, *jus in bello* looks to the actual soldiers for accountability in the fighting of a just war. Walzer firmly believes that it is imperative that "we still hold soldiers to certain standards"³⁵ in an effort to attain *jus in bello*. Within *jus in bello* there are three standards to which soldiers or "anyone involved in formulating and executing military strategy during wartime"³⁶ are to be held. By subscribing to the war convention, depicted earlier, states attempting to justify their war activities must also then subscribe to the three moral standards, which are:

- Discrimination
- (Micro) Proportionality
- No Means Mala in Se

³⁴ Orend, "Michael Walzer on War and Justice," p. 5.

³⁵ Walzer, "Just and Unjust Wars," p.35.

³⁶ Orend, "Michael Walzer on War and Justice," p. 111.

These three standards are to be enforced at all times throughout the actual fighting of war. Fundamentally, “our judgments about right conduct apply across the board during wartime”³⁷ and are not to be held to simply one side or the other.

The first standard discussed is Discrimination. For Walzer, “the requirement of discrimination is [by far] the most important *jus in bello* rule.”³⁸ In particular this standard has to do with the discrimination of people in war and is generally a customary practice by regular, uniformed armed forces waging a calculated war. The principle holds that “armies are to distinguish or discriminate between military and civilian targets and aim their lethal force only at legitimate military...targets...[which] in wartime is anyone or anything engaged in harming.”³⁹ Basically, soldiers are not to deliberately attack civilians or noncombatants while engaged in war.

The second guideline Walzer presents is (micro) Proportionality. This rule is similar to both the (macro) Proportionality and Probability of Success standards of *jus ad bellum*, which have been defined in the previous section. As in the latter of the two similar standards, Walzer has deliberately included this rule as a way “to prohibit excessive harm and...wanton violence.”⁴⁰ A simple, yet poignant example that Walzer might concur with would be a man using a machine gun to kill another man whose only weapon was a rustic slingshot. Though this may seem to be an extreme and

³⁷ Orend, “Michael Walzer on War and Justice,” p. 111.

³⁸ Orend, “Michael Walzer on War and Justice,” p111.

³⁹ Orend, “Michael Walzer on War and Justice,” p111-112.

⁴⁰ Orend, “Michael Walzer on War and Justice,” p122.

unusual example it is still pertinent in explaining proportionality in the micro sense of jus in bello. Despite the fact that the man was indeed a legitimate target due to the fact that he was 'engaged in harming,' the killing would be "too easy"⁴¹ and too severe making it disproportional in terms of fighting a just war. Furthermore, nuclear weapons and chemical weapons fall into this category as well due to the lasting destruction and severity that these tactics impose once the war has ended. This aspect will be discussed in detail later in this analysis.

The third and final guideline is No Means Mala in Se. This rule is "the most general" and states that armed forces cannot use certain means of fighting, including weapons that have the potential to "shock the moral conscience of mankind."⁴² The suggestion behind this rule is that "some weapons and means of war are forbidden" for more than just their annihilation power and the way in which they destruct, "more importantly [it's] because they themselves are intrinsically awful."⁴³ The usual tactics put in this category are rape and genocide typically because they violate all commonly held beliefs about human rights. Nuclear weaponry, chemical weapons, and flamethrowers could also then be placed in this category too.

It is important to note that at any time during war there will be an expected amount of inadvertent collateral damage. Walzer would defend this possibility by stating that

⁴¹ Orend, "Michael Walzer on War and Justice," p122.

⁴² Walzer, "Just and Unjust Wars," p.107.

⁴³ Orend, "Michael Walzer on War and Justice," p124.

“when armies fight in strict adherence to jus in bello- taking aim only at legitimate targets, using only proportionate force, not employing intrinsically heinous means – they cannot meaningfully be said to intend the deaths of civilians killed collaterally.”⁴⁴

Thus, because of the initial morally just intentions and the ability to follow the accepted and just rules of warfare, the collateral damage inflicted cannot be considered unjust. Overall, the categories of Walzer’s Just War Theory provide the adequate tools necessary in providing validation for military action and in determining whether it is just in the international arena of warfare.

Chemical Weapons and Jus In Bello

The principles of jus in bello lend themselves greatly to the analysis of chemical weapons use in warfare; All three principles apply directly. First, as previously discussed, the principle of discrimination refers to the targeting of legitimate targets only. Noncombatants are not to be direct targets or attack and civilians should be kept out of harms way whenever possible. Primarily because chemical weapons effects cannot be controlled and because they are incapable of discriminating between civilian and soldier as well as also due to the large-scale effects that chemical weapons can have on a population, civilians or noncombatant both have the high potential to be adversely effected by the chemical agents. Thus, the use of chemical weapons violates the principle of discrimination.

⁴⁴ Orend, “Michael Walzer on War and Justice,” p119.

As mentioned proportionality refers to the harm that will be caused by the means used in fighting as well as the appropriate use of force. Specifically, the harm done to human in war must be less than the harm that would be done without war, a concept found in the Geneva Convention as well. No means mala in se refers the improper use of extreme tactics that have the potential to degrade and stun the community. The intended use of chemical weapons that leave the air, water, and soil contaminated and have the potential to cause serious adverse health effects means, unequivocally, that the concept of “proportionality” is willfully ignored. It is also largely unknown as to the severity of chemical effects on future generations, as in if any health problems might be genetically passed on to unborn children. The scope for overall destruction is vast and all encompassing; the infection of the food chain through soil contamination could lead to infection and further bacterial and viral mutations as well. Consequently, the lasting and lingering effects that chemical weapons have on the population as a whole, even inadvertently, have shown their incompatibility with the Just War Theory’s principles of proportionality and no means mala in se.

Another aspect of the Just War Theory convention is that of the doctrine of double effect, which states in its most basic sense that if a legitimate military target is hit and in the process civilians were collaterally killed, the attack was still just. The justness is found in that the intention behind the attack was legitimate and the civilian deaths were unintentional, despite the fact that their deaths could have been anticipated.⁴⁵ Some supporters of the use of chemical warfare have looked to this as the loop whole in the theory that allows the use of chemical agents. However, because the effects of

chemical weapons are truly indiscriminate and long-lasting, the civilian casualties that would result from their use cannot be counted as a secondary, anticipated action.

The use of chemical weapons in warfare has become a more poignant issue in the past year than ever before. Even more so due to the fact that chemical weapons are cheap and easy to produce versus the high cost of producing nuclear or atomic weaponry. Further, it has been made clear in the international arena that “several aggressive states have shown interest in developing chemical and biological weapons [because they are] easier to deliver.”⁴⁶ The main types of chemical weapons that military forces would use in a conflict would be VX, which is a nerve gas causing paralysis, loss of muscle control and death; Sarin, which was used in the terrorist attack by the Japanese sect Aum Shinrikyo in the Tokyo underground killing twelve and injuring five thousand; and Mustard Gas, which causes burns on the skin followed by a swelling of tissues and inhalation of the gas leads to pulmonary edema, flooding the lungs leading to suffocation.⁴⁷

The latter of these chemicals has been colloquially coined as the original chemical weapon, as it was used in World War I by the Allied troops. Mustard gas, when released into the air, can be carried long distances by the wind. People can be exposed through skin contact, eye contact, or by simply breathing contaminated air. Even worse, mustard gases “break down slowly in the body, so repeated exposure may have a

⁴⁵ Orend, pg. 118.

⁴⁶ Murray, Williamson A, “The Age of Mechanised Warfare,” pg. 339, published within Geoffrey Parker, (Ed.) “Cambridge History of Warfare,” Published Cambridge University Press, 1995.

⁴⁷ A Look at Military Forces in the Persian Gulf and How Other Countries View the Use of Force” 1998 Accessed: November 28, 2003 at http://www.eaglestock.com/news/iraq_crisis_fr.html.

cumulative effect.”⁴⁸ Luckily enough, mustard gas is not always deadly. For example, when “sulfur mustard was used during World War I, it killed fewer than 5% of the people who were exposed and got medical care.”⁴⁹ Despite this, the use of chemical weapons in warfare has not typically been viewed as just and thus does not fit the Just War Theory conventions.

Iraq in Brief

The conflict in Iraq highlights the inefficiency of any kind of rules governing the use of chemical weapons, despite their positive intent. The United Nations inspectors spent weeks attempting to examine and quantify Iraq’s weaponry. It is estimated that the inspectors were unable to locate a great deal of the fluids, and a lot of it was “unaccounted” for.⁵⁰ The findings become more alarming when one considers that it takes less than two gallons of Ricin to infect a city and a food chain mildly, and Iraq has been quoted as having roughly 581 gallons as stated by the U.N. inspectors. The Reuters document detailing the chemicals also notes that Iraq has “2,245 gallons of anthrax” which they report as being “enough to kill billions” and also “5,145 gallons of botulinum toxin” which is apparently “enough to wipe out Earth’s population several times.”⁵¹ It is true then that health policies regarding the ownership and research on these types of chemicals truly do influence the foreign policy arena as well.

⁴⁸ Center for Disease Control Website (CDC), “Facts About Sulfur Mustard,” <http://www.bt.cdc.gov/agent/sulfurmustard/basics/facts.asp>.

⁴⁹ CDC Website.

⁵⁰ TIME Magazine, March 16 1998 Vol 151 No.10, Accessed November 20, 2003, http://pathfinder.com/time/magazine/1998/dom/980316/notebook.the_scoop.unite28.html.

⁵¹ “A Look at Military Forces in the Persian Gulf and How Other Countries View the Use of Force.”

Conclusion

War is a difficult phenomenon of civilized society. Despite all the destruction and suffering that war has caused throughout history it is still viewed as a verified measure in dispute resolution. Though war is horrible in its every form, Walzer has attempted in his Just War Theory to limit its horribleness. He has argued, “war is still, somehow, a rule-governed activity, a world of permissions and prohibitions – a moral world, therefore in the midst of hell.”⁵² The overriding duty of the Just War Theory is to provide a moral guide to this typically immoral, hellish act. This is a necessary tool for every nation because “the truth is that one of the things most of us want, even in war, is to act or seem to act morally...we want that...because we know what morality means.”⁵³ It means that we did something good or for the good of mankind. The fundamental ruling regarding the use of chemical weapons in war is that it has been found to be unjust.

Walzer has attempted to give political leaders and soldiers alike the opportunity to ease their consciences before and during warfare due to the set of standards that he presents as the moralities of war. Just War Theory has given an indiscriminating, categorical analysis of wartime actions and has helped guide the use of force in the past and present situations with the hope that the world community as a whole will adhere to these high standards as well so as to preserve our health now and in the future.

⁵² Walzer, “*Just and Unjust Wars*,” pg. 36.

⁵³ Walzer, “*Just and Unjust Wars*,” pg. 20.

Works Cited

"A Look at Military Forces in the Persian Gulf and How Other Countries View the Use of Force." 1998. http://www.eaglestock.com/news/iraq_crisis_fr.html

Achcar, Gilbert. Le Spectre du "Bioterrorisme." *Le Monde Diplomatique*. Vol. 45, July 1998.

Center for Disease Control Website. "Facts About Sulfur Mustard."
<http://www.bt.cdc.gov/agent/sulfurmustard/basics/facts.asp>.

Einstein, Albert. War Quotes Online. Personal Web Page.
<<http://www.geocities.com/TimesSquare/Labyrinth/5080/warquote.htm>> Accessed: December 3, 2002.

Gardam, Judith Gail. "Proportionality and Force in International Law," *American Journal of International Law*, 391, 395. 1993.

Himes, Kenneth R. "The Case of Iraq and the Just War Tradition." The National Institute for the Renewal of the Priesthood. < <http://www.jknirp.com/himes2.htm> > Accessed: December 5, 2002.

Human Rights Watch Online. "New Figures On Civilian Deaths in Kosovo War." February 7, 2000.
<<http://www.hrw.org/press/2000/02/nato207.htm>> Accessed: December 7, 2002

Johnson, James Turner. "Just War Tradition and Low-Intensity Conflict." *Legal and Moral Constraints on Low-Intensity Conflict*. Alberto R. Coll, et al. eds., 1995.

Moseley, Alex. "Just War Theory." *The Internet Encyclopedia of Philosophy*.
<<http://www.utm.edu/research/iep/j/justwar.htm>> Accessed: December 6, 2002.

Murray, Williamson A. "The Age of Mechanised Warfare." pg. 339. Published within Geoffrey Parker, (Ed.) "Cambridge History of Warfare." Published Cambridge University Press. 1995.

North Atlantic Treaty Organization (NATO) Online. "Treaty of Washington." April 4, 1949. <<http://www.nato.int/docu/basicxt/treaty.htm>> Accessed: December 6, 2002.

Orend, Brian. *Michael Walzer on War and Justice*, Montreal: McGill-Queens University Press. 2000.

Parker, Paul. "Just War Theory: A Brief Introduction."
<www.elmhurst.edu/library/displays/ResourcesonIraq.html> Accessed: December 5, 2002.

Rourke, John T. ed. Taking Side: Clashing Views on Controversial Issues. Connecticut: McGraw-Hill/ Dushkin, 2002. pgs. 280-295.

TIME Magazine. March 16, 1998. Vol. 151, No.10.
http://pathfinder.com/time/magazine/1998/dom/980316/notebook.the_scoop.unite28.html.

Walzer, Michael. Just and Unjust Wars: A Moral Argument with Historical Illustrations. New York: Basic Books Inc. 1977.