

The Lost Art of Declaring War

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Lost Art Of Declaring War

Brien Hallett



Lost Art Of Declaring War:

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Declaring War Brien Hallett, 2012-08-13 Offers an historical legal constitutional moral and philosophical analysis of the declarations of 1812 1898 and the War Powers Resolution of 1973

Declaring War in Early Modern Europe F. Baumgartner, 2011-05-09 A noteworthy development in recent history has been the disappearance of formal declarations of war Using primary sources this book examines the history of declaring war in the early modern era up to the writing of the US Constitution to identify the influence of early modern history on the framing of the Constitution

Nurturing the Imperial Presidency Brien Hallett, 2020-09-25 Wishing to be helpful Nurturing the Imperial Presidency by Brien Hallett illuminates the 5 000 year old invariant practice of executive war making Why has the nation s war leader always decided and declared war Substituting a speech act approach for the traditional separation of powers approach Hallett argues that he who controls the drafting of the declaration of war also controls the decision to go to war However recent legislation calling for legislated approvals or authorization to use force before the executive can go to war in no way hinder the executive s ancient prerogative power to decide and declare war Innovative ways to deny the executive its ability to decide and declare war are proposed in this book

The Case for Combat Edward J. Lordan, 2010-09-16 This book provides a historical analysis of presidential rhetoric

regarding war and examines the similarities differences effectiveness and ethics of the persuasive strategies used by the White House through the history of the nation In the United States the decision to use military force typically is made by the president even though it is actually Congress that has the authority to commit the nation to war It is also the president s job to inform the American people when that decision has been made and to attempt to convince the citizens to support their government in the decision to go to war The book traces the development of the rhetoric used by presidents to convince Americans to go to war from the earliest days of the nation to the latest conflicts in Afghanistan and Iraq After an overview of the governmental issues related to committing to combat the author evaluates presidential speeches over the course of ten American conflicts to determine how effective and ethical presidents have been in communicating with various publics Taking neither a pro nor antiwar stance this text focuses entirely on the period leading up to the announcement of a formal conflict

The Law of U.S. Foreign Relations Sean D. Murphy, Edward T. Swaine, 2023 The Law of U S Foreign Relations is a comprehensive and incisive discussion of the rules that govern the conduct of U S relations with foreign countries and international organizations and the rules governing how international law applies within the U S legal system Among other topics this volume examines the constitutional and historical foundations of congressional executive and judicial authority in foreign affairs This includes the constitutional tensions prevalent in legislative efforts to control executive diplomacy as well as the ebb and flow of judicial engagement in transnational disputes with the judiciary often serving as umpire but at times invoking doctrines of abstention The process of U S adherence to treaties and other international agreements is closely scrutinized as the authors examine how such law as well as customary international law and the law making acts of international organizations can become a source of U S law Individual chapters focus on the special challenges posed by the exercise of war powers by the federal government including during recent incidents of international armed conflict the complex role of the several states in foreign affairs and the imperative to protect individual rights in the transnational sphere Among the contemporary issues discussed are the immunity of foreign heads of State treatment of detainees at Guant namo movement of the U S Embassy in Israel to Jerusalem state level foreign compacts to address climate change bans affecting refugees and asylum seekers and recent interpretations of key statutes such as the Alien Tort Statute the Torture Victim Protection Act and the Foreign Sovereign Immunities Act

Encyclopedia of Violence, Peace, and Conflict , 2008-09-05 The 2nd edition of Encyclopedia of Violence Peace and Conflict provides timely and useful information about antagonism and reconciliation in all contexts of public and personal life Building on the highly regarded 1st edition 1999 and publishing at a time of seemingly inexorably increasing conflict and violent behaviour the world over the Encyclopedia is an essential reference for students and scholars working in the field of peace and conflict resolution studies and for those seeking to explore alternatives to violence and share visions and strategies for social justice and social change Covering topics as diverse as Arms Control Peace Movements Child Abuse Folklore Terrorism and Political Assassinations the Encyclopedia

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Orchestrating the Instruments of Power D. Robert Worley, 2015-07-15 National security a topic routinely discussed behind closed doors by Washington's political scientists and policy makers is believed to be an insider's game All too often this highly specialized knowledge is assumed to place issues beyond the grasp and interest of the American public Author D Robert Worley disagrees The U S national security system designed after World War II and institutionalized through a decades long power conflict with the Soviet Union is inadequate for the needs of the twenty first century and while a general consensus has emerged that the system must be transformed a clear and direct route for a new national security strategy proves elusive Furnishing the tools to assist in future national security reforms Orchestrating the Instruments of Power articulates and synthesizes the concepts of America's economic political and military instruments of power

The Law of the Executive Branch Dr. Louis Fisher, 2014-01-03 The scope of presidential authority has been a constant focus of constitutional dispute since the Framing The bases for presidential appointment and removal the responsibility of the Executive to choose between the will of Congress and the President the extent of unitary powers over the military even the ability of the President to keep secret the identity of those consulted in policy making decisions have all been the subject of intense controversy The scope of that power and the manner of its exercise affect not only the actions of the President and the White House staff but also all staff employed by the executive agencies There is a clear need to examine the law of the entire executive branch The Law of the Executive Branch Presidential Power places the law of the executive branch firmly in the context of constitutional language framers intent and more than two centuries of practice In this book Louis Fisher strives to separate legitimate from illegitimate sources of power through analysis that is informed by litigation as well as shaped by presidential initiatives statutory policy judicial interpretations and public and international pressures Each provision of the US Constitution is analyzed to reveal its contemporary meaning in concert with the application of presidential power Controversial issues covered in the book include unilateral presidential wars the state

secrets privilege extraordinary rendition claims of inherent presidential powers that may not be checked by other branches and executive privilege

Wars of Law Tanisha M. Fazal, 2018-05-15 This book assesses the unintended consequences of the proliferation of the laws of war for both interstate and civil wars over the past two centuries

Writing and Reading War Brad E. Kelle, Frank Ritchel Ames, 2008 The meaning of war definitions for the study of war in ancient Israelite literature

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Christopher *Trust in Early Modern International Political Thought, 1598-1713*

Peter Schröder, 2017-03-06 This book examines how trust relates to the main political concepts sovereignty reason of state and natural law of seventeenth century discourse

Understanding International Law Conway W. Henderson, 2009-11-25 Understanding International Law presents a comprehensive accessible introduction to the various aspects of international law while addressing its interrelationship with world politics

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Marque and Reprisal Kenneth B. Moss, 2019-04-22 Letters of marque might suggest privateers of the Elizabethan era or the American Revolution

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wonders if international law will be up to the challenges of private military actors in the digital realm Is international law in fact equipped to meet the challenges increasingly presented in our day by such extramilitary activity A government makes no more serious decision than whether to resort to military force and war and when doing so Moss suggests it should ensure that such actions are accountable not on the sly and not decided in the marketplace Marque and Reprisal should inform future deliberations and decisions on that count Military Ethics Igor Primoratz,2017-05-15 Recent developments such as the new wars or the growing privatisation of warfare and the ever more sophisticated military technology present the military with difficult ethical challenges This book offers a selection of the best scholarly articles on military ethics published in recent decades It gives a hearing to all the main ethical approaches to war just war theory consequentialism and pacifism Part I includes essays on justice of war jus ad bellum focussing on defence against aggression and humanitarian armed intervention but also addressing topics such as conscientious objection and the relation of patriotism to war Articles in Part II deal with the central problems of justice in war jus in bello civilian immunity and collateral damage to civilian life and property Essays in Part III look into the moral issues facing the military as a profession such as the civil military relations the responsibilities of officers to their soldiers and to their military superiors and the status and responsibilities of prisoners of war **Virtual War** Michael Ignatieff,2001-06-02 Virtual War describes the latest phase in modern combat war fought by remote control Kosovo was such a virtual war a war in which US and NATO forces did the fighting but only Kosovars and Serbs did the dying Ignatieff raises the troubling possibility that virtual wars so much easier to fight could become the way superpowers impose their will in the century ahead *Military Review* ,2000 Conspiring with the Enemy Yvonne Chiu,2019-10-08 Despite the strong influence of just war theory in military law and practice warfare is commonly considered devoid of morality Yet even in the most horrific of human activities there is frequent communication and cooperation between enemies One remarkable example is the Christmas truce unofficial ceasefires between German and English trenches in December 1914 in which soldiers even mingled in No Man s Land In Conspiring with the Enemy Yvonne Chiu offers a new understanding of why and how enemies work together to constrain violence in warfare Chiu argues that what she calls an ethic of cooperation is found in modern warfare to such an extent that it is often taken for granted The importance of cooperation becomes especially clear when wartime ethics reach a gray area To whom should the laws of war apply Who qualifies as a combatant Should guerrillas or terrorists receive protections Fundamentally Chiu shows the norms of war rely on consensus on the existence and content of the laws of war In a wide ranging consideration of pivotal instances of cooperation Chiu examines weapons bans treatment of prisoners of war and the Geneva Conventions as well as the tensions between the ethic of cooperation and the pillars of just war theory An original exploration of a crucial but overlooked phenomenon Conspiring with the Enemy is a significant contribution to military ethics and political philosophy **The Powers of the U.S. Congress** Brien Hallett,2016-10-03 Offering a unique resource for students scholars and citizens this

work fully explains all of the 21 enumerated powers of the U S Congress from the power of the purse to the power to declare war This work presents a comprehensive overview of the 21 congressional powers enumerated in the Constitution of the United States through essays that focus on each power These informative essays introduce and explain each power individually address its evolution from 1789 to the modern day and into the foreseeable future and provide real world examples of how each power has been applied through U S history The comprehensive content enables an understanding of the mutually supporting interplay of all of the legislative powers in our government s system of checks and balances and it allows readers to better appreciate how radical and daring the framers were at the Philadelphia convention in 1787 Readers will learn about Congressional powers that greatly impact modern citizens many of which are frequently mentioned in news media due to policy struggles over budget immigration and national security debates regarding the ideal size and role of government and many others The contributors also address questions regarding the responsibilities of the Congress the ways in which Congress has met or failed to meet these responsibilities over the past two centuries and what changes to congressional power may come in the future

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