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Adil Ahmad Haque's Law and Morality at War is a significant moment in the contemporary debate on just-war theory on the morality of law. It offers an elegant 'third way' between the traditional account of IHL as reflective of morality and the revisionist account of IHL as directly contradicting fundamental moral concepts - a system that is only defensible, at best, as a pragmatic concession.

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Adil Ahmad Haque's book Law and morality at war avoids both common pitfalls and showcases interdisciplinary scholarship at its best. Starting out with a remarkably concise explanation of key legal and philosophical terms, the author's philosophical arguments push the boundaries of an active debate on the moral permissibility of killing in war.

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It seeks to defend, interpret, implement, and reform the law of armed conflict. It argues that the law of armed conflict should provide combatants with moral guidance, helping them to conform to their moral obligations as closely as possible. It presents the law of armed conflict as prohibitive rather than permissive, conferring limited immunities rather than broad privileges, and applying alongside human rights law as well as ordinary moral norms.

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My own view (Haque 2011b) is that the morality of war and the laws of war converge on two grounds of liability: individuals forfeit their moral and legal right not to be killed in war when they either directly participate in hostilities or assume a continuous combat function in an armed force or armed group, at least on behalf of an unjust cause. The main gap between law and morality is that mere membership in a state armed force, even one fighting for an unjust cause, makes one legally ...

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I propose an instrumentalist account of the laws of war, according to which the laws of war should help soldiers conform to the morality of war. The instrumentalist account supports Waldron’s conclusion that the laws of war justifiably prohibit attacks on civilians even if it turns out that some civilians lack a moral right not to be killed.

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It argues that these moral norms are best understood and defended using the distinctions drawn in criminal law theory between wrongdoing, justifiability, and justification. The remainder of the chapter examines the moral and legal norms governing the killing of civilians directly participating in hostilities as well as of members of armed forces and organized armed groups.

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Law and Morality at War develops a normative framework within which the law of armed conflict should be evaluated, interpreted, and reformed. The book defends existing protections for civilians, proposes new protections for combatants, and interprets vague and ambiguous rules - including discrimination, precautions, and proportionality - in their morally best light.

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Revisionists argue that combatants are not morally permitted to fight for an unjust cause and conclude that the law of war sharply diverges from the deep morality of war. Many revisionists conclude that the law of war should simply aim to reduce suffering in war to the greatest extent practically possible. This chapter argues that the law of war does not permit or authorize combatants to fight for an unjust cause. The law of war is prohibitive, not permissive.

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