OUTLINE OF LECTURE 11: JUST WAR AND INTERNATIONAL LAW

1. The Melian Dialogue (416 B.C.)
   - force: the ultima ratio?
   - right exists only between equals?
   - “can” vs. “should”
   - universal moral values

2. Jus ad bellum
   a) just cause
      - economic causes (Marxism)?
      - communist cause (Leninism)?
      - religious causes (Christianity, Islam)?
      - self-defense (U.N. Charter, Article 51)
   b) right intention
   c) declared publicly by legitimate authority
   d) reasonable chance of success
   e) war is last resort (U.N. Article 33)

3. Jus in bello
   a) discrimination
      - who is a civilian?
      - is killing civilians never justifiable?
   b) proportionality (asymmetric casualty rates?)
   c) humane treatment of combatants and non-combatants
      - prisoners of war (Hague/Geneva Conventions)
      - laws of war (Red Cross/Crescent, impersonation, hostages)
      - law of neutrality (white flag)
      - atrocities, genocide (war crimes)
      - inhumane weapons (chemical/biological)

4. Enforcement of international law
   a) repeated interaction (self-enforcement under anarchy)
   b) avoid setting precedent (diplomatic immunity)
   c) costly reprisals (chemical weapons in WW2)
   d) reputation (U.S. vs. Iraq in 1990 and 2003)