

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)