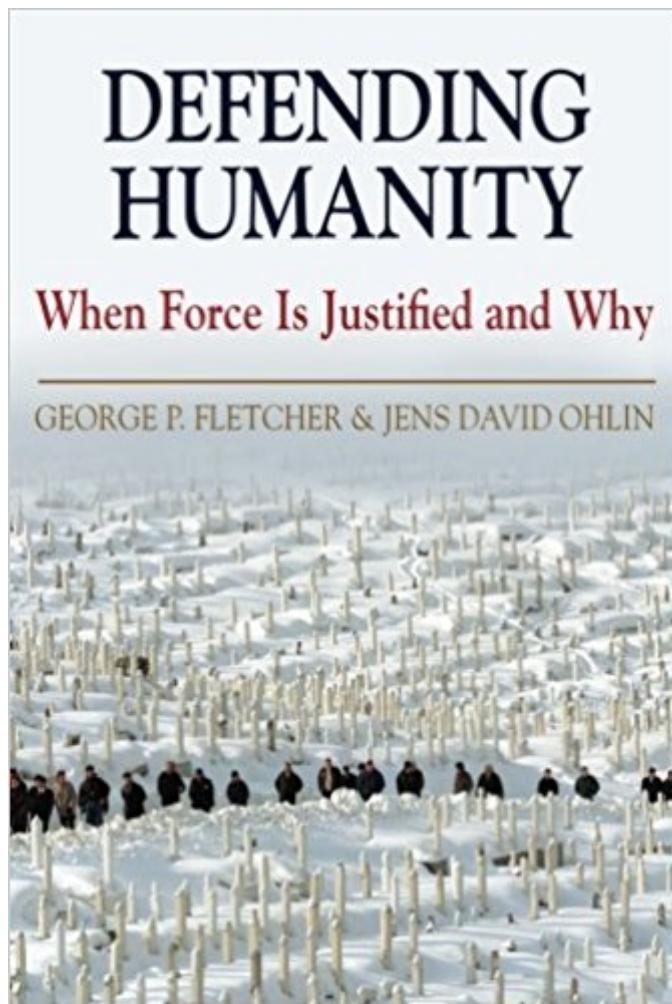


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Defending Humanity: When Force Is Justified And Why



Synopsis

In *Defending Humanity*, internationally acclaimed legal scholar George P. Fletcher and Jens David Ohlin, a leading expert on international criminal law, tackle one of the most important and controversial questions of our time: When is war justified? When a nation is attacked, few would deny that it has the right to respond with force. But what about preemptive and preventive wars, or crossing another state's border to stop genocide? Was Israel justified in initiating the Six Day War, and was NATO's intervention in Kosovo legal? What about the U.S. invasion of Iraq? In their provocative book, Fletcher and Ohlin offer a groundbreaking theory on the legality of war with clear guidelines for evaluating these interventions. The authors argue that much of the confusion on the subject stems from a persistent misunderstanding of the United Nations Charter. The Charter appears to be very clear on the use of military force: it is only allowed when authorized by the Security Council or in self-defense. Unfortunately, this has led to the problem of justifying force when the Security Council refuses to act or when self-defense is thought not to apply--and to the difficult dilemma of declaring such interventions illegal or ignoring the UN Charter altogether. Fletcher and Ohlin suggest that the answer lies in going back to the domestic criminal law concepts upon which the UN Charter was originally based, in particular, the concept of "legitimate defense," which encompasses not only self-defense but defense of others. Lost in the English-language version of the Charter but a vital part of the French and other non-English versions, the concept of legitimate defense will enable political leaders, courts, and scholars to see the solid basis under international law for states to intervene with force--not just to protect themselves against an imminent attack but also to defend other national groups.

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Customer Reviews

"Defending Humanity may be viewed as a protracted and fascinating effort to show that certain intuitive conclusions regarding the use of international force are justified and reinforced by international law...Fletcher and Ohlin serve up much thoughtful discussion and a number of fascinating historical opinions and observations...Upon completing the book, I felt a bond of kinship with the authors and an appreciation for their willingness to undertake such a worthy exploration."--International Journal of World Peace" With its elegant distinctions and provocative theories, Defending Humanity offers a much needed rethinking of the disparate justifications for war. But at least as importantly, it is methodologically diverse, presenting a rich tapestry of comparative, criminal, and international law. A must read."--Kim Ferzan, Professor of Law and Co-Director, Institute for Law and Philosophy, Rutgers University, School of Law, Camden"The publication of this book is an exciting event for those who care about the legal regulation of war. Ranging over diverse legal and philosophical traditions, the authors analyze and evaluate theories of self-defense in criminal law in order to develop a plausible account of legitimate defense. They then extend this account to enhance our understanding of self-defense in the international law of war. Defending Humanity is philosophically informed, erudite yet accessible, and lively and pugnacious without being polemical. I read it with continuous pleasure."--Jeff McMahan, author of *The Ethics of Killing: Problems at the Margins of Life*"Provocative and innovative.... George Fletcher and Jens Ohlin's book, Defending Humanity, presents a remarkable tour through the theoretical, historical, and cultural justifications for the use of force by one country against another.... Defending Humanity is an excellent book, and its probing analysis should help sharpen readers' own views."--Harold J. Krent, Dean and Professor of Law, Chicago-Kent College of Law."The two Columbia professors provide a carefully thought out set of guidelines on what counts as 'defense,' when humanitarian interventions are legitimate, why preemptive and preventive wars are almost always impossible,...and much more. Carefully reasoned from the standpoint of those who still rely on violence to achieve national ends, this book should become a classic for the foreign policy 'realists.'"--Tikkun"A stimulating and provocative book, deserving a wide readership and a central place in debates about the role of military force in international affairs...an excellent, thought-provoking, and, not least, timely book. Its main line of argument concerning the defensive use of military force draws on notions of self-defense found in several traditions of domestic law, and does so in original and insightful ways. The result is a much more fine-grained notion of

self-defense in international law than what figures in most current debates."--Ethics & International Affairs" Fletcher and Ohlin present us with a valuable and significant contribution to theories and arguments about the use of force in international law. They formulate a coherent set of principles by which the legitimacy of defensive actions can be tested which bridge the divide between philosophy and legal theory."--Charlotte Peevers, PhD Candidate, London School of Economics

George P. Fletcher, Professor of Law at Columbia University, is one of the preeminent scholars of criminal law in the English language. His *Rethinking Criminal Law* (OUP 2000) and *The Grammar of Criminal Law* (OUP 2007) are regarded as the leading works in the theory of criminal law and comparative criminal law. Jens David Ohlin is Assistant Professor of Law at Cornell University. He is an expert in international criminal law and has published articles on subjects ranging from genocide, war crimes, conspiracy, international law and human rights.

This is a fantastic book that speaks to people in all legal cultures. The method is a combination of international law and domestic theories of self defense. This strike me as a totally novel and worthwhile approach. I translated this book into spanish (Defendiendo a la Humanidad) and was a terrific experience.

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