

Joachim Dolezik

# Narratives on Just War in International Law



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# Internationales Recht der Gegenwart

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*Meinem Onkel  
Dr. Helmut Hess*



## Abstract\*

When it comes to the question of the legal significance of the so called *bellum iustum* doctrine, i.e. the idea of a just war, international lawyers start to feel uneasy. A large part of contemporary legal scholarship maintains the opinion that this doctrine was never part of international law. However, the subject remains controversial. The work in hand casts a new light on the longstanding *bellum iustum* – *bellum legale* controversy while taking into account the more recent narrative turn in international law with particular consideration of its implications on international legal theory. It is shown that any categorical denial of the just war doctrine in international law is flawed from the outset, since law is value-related. The central overarching thesis tying the various parts is twofold: First, that the just war structure of the *ius ad bellum* never completely disappeared after 1600. It co-existed with *bellum legale* through the 19th century and co-exists until today. Second, that contemporary narratives of what just war means in international law and whether it is to be found in the Charter or contemporary international law (such as the *ius contra bellum*) rests not only on diverse and contradictory value propositions such as the primacy of peace versus the priority of defending other key principles, but on argumentative strategies to support or to contest a legal assertion brought forward in a particular context.

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\* The hypotheses presented in this book are based on my dissertation *Narrative zum Gerechten Krieg im Völkerrecht*, Duncker & Humblot, Schriften zum Völkerrecht (SVR), Band 255, 318 p., Berlin 2022.



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