

## CICR

### The laws of war and the "lesser evil" / Gabriella Blum

Document type:	Article
Title:	The laws of war and the "lesser evil"
Author zone:	Gabriella Blum
Host item entries:	The Yale journal of international law,
Languages:	English
	Photocopies
Abstract:	One of the fundamental principles of international humanitarian law (IHL) is that it recognizes no lesser-evil justification for breaking its rules. Those violating the laws of war will thus be viewed as war criminals even when their conduct was intended to - and in fact did - prevent much greater harm. The Article develops a blueprint for the concept of a humanitarian necessity justification that would exculpate an actor who violated the laws of war in the name of a greater humanitarian good under certain conditions. A central component of the justification, which is required given the special nature of IHL, is a condition that the greater humanitarian good would benefit the enemy, rather than the actor's own people.
Authors:	Blum, Gabriella
Keyword in English:	IHL (INTERNATIONAL HUMANITARIAN LAW) MILITARY NECESSITY ARMED INTERVENTION WITH HUMANITARIAN AIMS DEVELOPMENT OF THE LAW INTERNATIONAL CRIMINAL LAW
Keyword in French:	DIH NECESSITE MILITAIRE INTERVENTION ARMEE A BUT HUMANITAIRE DEVELOPPEMENT DU DROIT DROIT INTERNATIONAL PENAL

Call number	Disposability / Due date
345.2/177 (Br.)	Available