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## The age of lawfare / by Dale Stephens

Document type:	Article
Title:	The age of lawfare
Host item entries:	Israel yearbook on human rights,
Author zone:	by Dale Stephens
Language(s):	eng
Abstract:	<p>The term lawfare has no real fixed definition, but has come to be generally understood as the "use or misuse of law as a substitute for traditional military means to achieve military objectives". It has been examined in the context of domestic US legal practices, in transnational legal incidents and, of course, within the realm of public international law, particularly in the context of the Law of armed conflict (LOAC). All accounts do share a conception that recognizes that lawfare is concerned with the instrumentalization or politicization of the law to achieve a tactical, operational or strategic effect. The reactions against lawfare evidence a particular interpretive attitude to LOAC, specifically one based squarely within a positivist orientation. Positivism remains the dominant interpretive idiom of LOAC, but it contains a number of vulnerabilities in its theoretical structure. It is a goal of this article to identify such vulnerabilities and to propose remedies that might be used to prompt a more self-aware counter-lawfare response within positivism's interpretive enterprise.</p>
Keyword in French:	DOCTRINE JURIDIQUE INTERPRETATION DU DROIT DIH JURISTE FORCES ARMEES OBJECTIF STRATEGIE MILITAIRE
Keyword in English:	LEGAL WRITING INTERPRETATION OF THE LAW IHL (INTERNATIONAL HUMANITARIAN LAW) JURIST ARMED FORCES OBJECTIVE MILITARY STRATEGY
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Go to:	Israel yearbook on human rights / publ. under the auspices of the Faculty of Law, Tel Aviv University Israel yearbook on human rights [Vol. 41, 2011] / publ. under the auspices of the Faculty of Law, Tel Aviv University