

# Contents

<b>Abbreviations and Acronyms</b>	10
<b>I Introduction</b>	11
The Collapse of the International Legal Regime Prohibiting the Use of Force in International Relations	16
<i>Objective</i>	22
<i>Methodology</i>	22
<b>II The Meaning of a Legitimate War</b>	29
Classical Antiquity	32
<i>Thucydides</i>	33
<i>Aristotle</i>	34
<i>Cicero</i>	35
Late Antiquity	36
<i>Augustine</i>	36
Christendom from the High Middle Ages to the Early Modern Era	38
<i>Luther</i>	39
<i>Aquinas</i>	39
<i>Erasmus</i>	44
<i>Vitoria</i>	45
The Renaissance and the European System of States	46
<i>Machiavelli</i>	47
<i>Bodin</i>	48
<i>Fénelon</i>	49
<i>Burke</i>	50
<i>Gentz</i>	51
International Law in the Modern Era	52
<i>Grotius</i>	53

<i>Hobbes</i>	56
<i>Pufendorf</i>	57
<i>Rachel</i>	59
<i>Wolff</i>	60
<i>Vattel</i>	62
The Enlightenment	66
<i>Abbé de Saint-Pierre</i>	67
<i>Montesquieu</i>	67
<i>Rousseau</i>	69
<i>Kant</i>	73
State and Nation in the pre-War Period	79
<i>Hegel</i>	80
<i>Mill</i>	82
<i>Treitschke</i>	85
<i>Bosanquet</i>	88
The Era of Industrial Society	91
<i>Cobden</i>	92
<i>List</i>	94
<i>Hilferding</i>	95
<i>Schumpeter</i>	97
<b>III The Meaning of a Legal War</b>	99
The Sources of International Law	102
The Legalist Paradigm	105
<i>The Prohibition on the Use of Force</i>	108
<i>Article 2(4) of the UN Charter</i>	110
<i>Collective Measures</i>	114
<i>Article 39 of the UN Charter</i>	116
<i>Articles 41 and 42 of the UN Charter</i>	119
<i>The Right of Self-Defense</i>	123
<i>Article 51 of the UN Charter</i>	123
<i>The Revision of the Legalist Paradigm</i>	127
<b>IV The Meaning of a Just War</b>	135
The Structure of the Just War Tradition	137
<i>Just Cause</i>	138
<i>Legitimate Authority</i>	144
<i>Rightful Intention</i>	148
<i>Last Resort</i>	151
<i>Reasonable Prospect of Success</i>	153

<i>Discrimination</i>	154
<i>Proportionality</i>	158
<i>Ius post Bellum</i>	160
<b>V Conclusion</b>	165
The Roots of the Problem	166
<i>The Role of the United Nations</i>	168
Towards a New Paradigm of the Lawful and Justified Use of Force in International Relations	170
<i>Authority</i>	172
<i>Ends</i>	173
<i>Means</i>	175
<i>Consequences</i>	178
<i>Concluding Thoughts</i>	180
<b>Bibliography</b>	182
Documents	182
Books	185
Articles	195
Links	197