Techniques for Regulating Military Force

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The Oxford Handbook of Comparative Foreign Relations Law
Edited by Curtis A. Bradley

Abstract and Keywords

This chapter draws on the five chapters that follow—each of which describes the war powers in a single country—to identify and analyze some of the techniques for regulating this area of foreign affairs and then to reflect on the value of comparative research on it. Three basic techniques are: (1) to establish substantive standards on when the government may or may not use force, (2) to divide among different branches of government the authority to deploy the country’s armed forces, and (3) to subject such decisions to oversight or review. There is considerable variation, both across countries and over time within particular countries, in how and with what effect each technique is used. Given that variation, comparative war powers research might be of limited relevance to national officials who make use of force decisions or to analysts who seek to explain them. Rather, the principal benefit of such research might be to bring into stark relief each country’s own national ethos—to shed light on how it defines itself and conceives of its relationship with the rest of the world.

Keywords: United States, United Kingdom, Germany, Japan, France, use of force, war powers, comparative analysis, ethical legal reasoning

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