

The University of Hong Kong



Department of Politics and Public Administration

Presents

Self-Defense, Justifying Emergency, and War

The right to self-defense is a basic premise of social contract theory and plays an important role in the ethics of war. Knowing its exact contours is therefore important. I will show, first, that measures that a victim of an attack knows to be ineffective in stopping or mitigating the attack can still count as self-defense, and hence there is no "success-condition" (this solves the notorious problem of the "helpless rape victim"); second, that a literal interpretation of the necessity condition is morally unacceptable; and third, that there is an important distinction between necessity and proportionality in the context of liability and in the context of justification. I conclude that those who emphasize that (most) killing of combatants in war cannot be justified under an appeal to individual self-defense often greatly exaggerate the limits of justified self-defense. Nevertheless, it is also true that the opposing side often greatly exaggerates its scope: in the end, it is indeed true that even the killing of combatants on the unjustified side in a war cannot be justified under an appeal to self-defense alone. Rather, the self-defense justification has to be combined with what German law calls "justifying defensive emergency."

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He studied philosophy (major), psychology and political sciences (minors) at Johann-Wolfgang-Goethe-University in Frankfurt, Germany. After graduation he travelled for nine months in Central America. Back in Germany he continued studying philosophy in Berlin, where he also visited the Latin American Institute. He received his PhD in Würzburg. He was Wissenschaftlicher Mitarbeiter (scientific co-worker) at Humboldt-University Berlin in 2002-2003, and Research Associate in the Oxford Leverhulme Programme on the Changing Character of War at the Department of Politics and International Relations at Oxford University in 2004-2007. He has published several articles and three books.

Date: Nov. 6, 2012 (Tuesday)

Time: 4:30 pm

Venue: Rm 9.66, The Jockey Club Tower

(Tea & coffee will be served at 4:15 pm)

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