

When military obedience and restrictions on war powers collide

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Résumé ou extrait : "This provocative book explores the precarious conflict between the legal restrictions on governments' power to take military action and the legal liability of soldiers to execute military orders. Adopting a multidisciplinary approach, this insightful book challenges the current distribution of trust between military decision-makers and agents, and how the law of military obedience effectively extends the powers of officials beyond the limits of international and constitutional law. In order to mitigate the potentially devastating consequences of the abuse of military authority, the book proposes an adjustment of the legal and social role of soldiers, enabling them to disobey transgressive orders. By placing soldiers at the centre of reform, it affirms the human dignity and moral agency of servicemembers, granting them the tools they need to protect themselves against the moral injuries they could potentially suffer as a result of obeying unlawful commands. Students and scholars of constitutional law, human rights, humanitarian law, military law and public international law will find this book to be an invaluable resource. It will also be beneficial for policymakers, think-tanks and other agents of change who are concerned about the abuse of military authority." (4e de couv.)

Sujet - Nom commun : Pouvoirs exceptionnels

Insubordination -- Droit

Soldats -- Statut juridique

Droit constitutionnel

Droit militaire

Droit -- Réforme