

"Bargaining about War in the Shadow of International Law"

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The recent aggression against Ukraine invites us to consider the tools that international law offers to prevent wars or to hasten their termination. While the traditional debate focuses on the usefulness of the prohibition on the threat or the use of force or the failure of collective security by the UN Security Council, we show in this post that the effort to prevent war through law is much wider and deeper. As Clausewitz and Schelling noted, war is a bargaining process. We explore the reasons for such failure, suggesting that the turn to violence could reflect indivisible goals, asymmetric information, commitment problems, externalities on third parties, or agency costs. We show that international law indirectly seeks to address these bargaining failures through several doctrines and explore the potential and the limits of the law for reducing the appeal of war still further.