

Blockseminar zur Völkerrechtsgeschichte

The Lieber Code of 24 April 1863

(Instructions for the Government of Armies of the United States in the Field)

“The ‘Lieber Instructions’ represent the first attempt to codify the laws of war. They were prepared during the American Civil War by Francis Lieber, then a professor of Columbia College in New York, revised by a board of officers and promulgated by President Lincoln. Although they were binding only on the forces of the United States, they correspond to a great extent to the laws and customs of war existing at that time. The ‘Lieber Instructions’ strongly influenced the further codification of the laws of war and the adoption of similar regulations by other states. They formed the origin of the project of an international convention on the laws of war presented to the Brussels Conference in 1874 and stimulated the adoption of the Hague Conventions on land warfare of 1899 and 1907.” (<https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/INTRO/110?OpenDocument>)

Topics

1. The American Civil War (1861-1865)
2. Francis Lieber – a biographical sketch
3. Origins, object and purpose of the Lieber Code
4. Sub-topics on particular aspects of the Lieber Code:
 - 4.1 Detention
 - 4.2 Means and methods of warfare
 - 4.3 Combatants, civilians, partisans?
 - 4.4 Flags of truce and flags of protection
5. Considerations of humanity – the Lieber Code and the Martens Clause
6. The impact of the Lieber Code on the law applicable to non-international armed conflicts