Tyranny's Useful Idiot

The Narrative of International Law as an Obstacle to "Just Wars" Against Dictators

Christopher Janz

27.03.2026 doi: 10.59704/1b88300eedc6161b

In the aftermath of the US-Israeli attack on Iran on 28 February 2026, in which Iran's supreme leader Ali Khamenei was killed and which marked the beginning of an open war between the three countries, a debate concerning the legality of these attacks arose. Despite US and Israeli attempts to portray the attack as the continuation of an ongoing conflict, an act of self-defence against an "imminent threat", the threat of its nuclear weapons and/or missile programmes as well as a humanitarian effort, most international lawyers condemned the attack as "manifestly illegal". In particular, it was criticised that no imminent threat was proven.

In response to this critique, politicians and pundits argued that the illegality of the attack "must be weighed against the principle of reality", "given the murderous nature of the Iranian regime". These responses echo a popular narrative within public discourse, which characterises international law as tyranny's useful idiot. While this (flawed) narrative could be perceived as a call to alter international law, in reality, it serves as a justification to abandon the law as a practice to legitimise political actions. As this would diminish the law's ability to enable accountability and provide a valuable counterbalance in political decision-making processes, it is necessary to resist this narrative.

A narrative of formalistic legalism versus a "just war"

The narrative of international law as tyranny's useful idiot usually claims that international law serves as a shield for dictators, despots, and terrorists to hide behind while simultaneously tying the hands of democracies in their "righteous cause" of fighting the "global rogues".

Accordingly, this narrative's underlying, substantive claim is that international law's doctrines concerning the use of force are too rigid and do not appropriately reflect the necessity to use military power in cases of non-imminent yet existential security threats or for humanitarian purposes. Hence, it casts current international law not as an instrument of progress, but rather as an obstacle to it.

At the heart of this narrative is the assertion of a dilemma between the legal but unacceptable and the illegal but necessary. In the case of Iran, this narrative suggests that it was no longer politically acceptable to watch Iran kill dissidents and/or pursue its nuclear programme. It was time to act, *i.e.* to intervene militarily.

Exemplary of this narrative in action are the remarks by the US Representative to the United Nations, Mike Waltz, at the Security Council's Meeting on 28 February 2026. He countered the accusation of the attack's illegality by pointing towards the Iranians taking the streets to celebrate their tyrant's death. In a similar, albeit less humanitarian, vein, the German Chancellor Friedrich Merz stated that, despite the legal concerns, sometimes it is more important to act before it's too late.

Thus, this narrative follows the cadences of a "just war" argument that legitimises the use of military force as a moral necessity and normalises the use of military violence as a political tool.

False dichotomies and constructed urgency

It is easy to understand this narrative's appeal. In a complex conflict with a long history, it offers a simple and emotionally investing good versus evil framework that provides a reassuring moral orientation.

Its rhetorical power rests on four elements: First, it casts a binary friend-foe dichotomy to establish the unambiguous moral orientation. Second, it is grounded in a short-term consequentialism by pointing towards the most immediate benefits of the attack (the killing of Khamenei). Third, it suggests that there was only one viable policy option left, thereby creating the dilemma. Fourth, it invokes a feeling of political necessity or urgency, *i.e.* that it was finally time to act.

Each of these elements exhibits serious flaws.

The friend-foe dichotomy ignores everything that does not fall into these clear categories and diminishes their relevance as a subject of political consideration (in this case, the Iranian people). The short-term consequentialism neglects non-direct consequences, like the suffering of the civilian population, the global economic impact, as well as the uncertainties surrounding the outcome of the war. Moreover, the feeling that there is only one possible policy option left and the accompanying sense of political urgency are constructed retrospectively. Before the attack took place, the situation did not appear to necessitate an attack on Iran at that exact time. Nevertheless, by simply establishing facts on the ground, the attack subconsciously shifts the perception of the *status quo ante* and diminishes the perceived justification of all other *ex-ante* available policy options, thereby instilling a sense of urgency: "Finally someone has done something against these terrorists!"

The narrative as a call to change international law

It is evident that this narrative is particularly harmful to international law. As law's power to influence politics is dependent on its connections to ideals of justice and the promise for a more just world, its role in politics is greatly diminished if the direct results of its application appear egregiously unjust. After all, why should adherence to international law be demanded, why should its breach be denounced, if its violation led to a politically desirable outcome, the death of "one of the most evil people in history" and the (potential) fall of a "murderous terrorist regime"?

Accordingly, one could interpret the narrative as a genuine critique of the (postulated) apologetic stance of international law towards dictatorships and thus as a call to develop the content of international law to align more closely with considerations of practical justice.

Proponents of this approach could argue for a more extensive interpretation of the inherent right to self-defence according to Article 51 UN-Charter or a potential "right to self-preservation" allowing for preventive measures concerning a developing nuclear threat (see on this issue generally here).

Such arguments are not totally unreasonable. These arguments represent a recalibration of the substantive tensions between the existing principles of sovereignty, self-defence, and human rights, which is "bread-and-butter" work for international lawyers. After all, "[i]nternational law is an argumentative practice" and, due to its structural indeterminacy, substantively open-ended.

However, the open-endedness of international law and its argumentative nature do not render every argument equally persuasive and thereby every act permissible upon the presentation of a plausible legal justification. International legal doctrines exist and are reproduced by the practice of nations, the case law of international courts, and the arguments of international lawyers. These form "structural biases" in the legal discourse, which increase the threshold of persuasiveness for arguments opposing the respective position.

Overcoming these biases requires a sophisticated argumentative effort. In the case of the war in Iran, these arguments would have to answer the objections typically raised against humanitarian interventions and further eroding the criterion of "imminence" in the law of self-defence. For example, one needs to answer why the high threshold for justifying military violence should be lowered as it also serves to protect civilians from the inevitable horrors of war that occur even if an operation was genuinely well intended. Furthermore, beyond these legal arguments, one must present the factual evidence to substantiate the respective claims.

Nevertheless, Israel and the US did not adopt this approach. As stated by Dannenbaum/Hamilton,

"neither the United States nor Israel have articulated an alternative legal doctrine of self-preservation or a principled basis for legitimately violating the law". Instead, the justification provided by Israel and the US simply consisted mostly of hollow and unsubstantiated references to self-defence and the ongoing nature of the conflict, which can only be characterised as *pro forma* engagement.

The importance of legal justification: international law as a "gentle civilizer"

Hence, in political practice, this narrative is not used to develop international law substantively, but ultimately to abandon it. By overstressing the rigidity of international law and portraying its outcomes as fundamentally unjust, this narrative aims to relieve the US and Israel of the obligation to provide a legal justification in the first place.

It is evident that abandoning legal justification as a practice to (de-)legitimise political action seriously undermines international law. And while it appears evident that international law should not be abandoned, defending international law when its substantive consequences may appear hard to swallow raises a fundamental question: Why does it matter that actions are legitimised with reference to law rather than, for example, political or moral considerations?

The answer lies in (international) law's ability to shape the political decision-making process. It enables accountability, can give a platform for voices that would otherwise have been marginalised, can serve as a counterbalance to the rationalities of politics leading to more reasoned policy choices.

These arguments are based on the idea that the necessity to justify a decision (afterwards) influences the decision-making process itself. If one does not need to give any reason for a decision, it can be based solely on (impulsive) interests. However, if a decision requires justification, it becomes necessary to evaluate whether the desired choice can be sufficiently justified or whether a less preferred, yet more easily justifiable option should be chosen. Alternatively, the economic, legal, and political costs of providing an unconvincing argument need to be assessed. Accordingly, the normative framework in which we articulate our justification matters and can influence the decision-making process.

Against this background, law enables accountability in a manner other systems cannot due to the law's (perceived) "objectivity", *i.e.* the ideal that law provides determinate standards that are independent of subjective moral or political beliefs. This fundamental assumption about the law's nature grants it the ability to authoritatively resolve disputes about the (in-)admissibility of a certain conduct, thereby creating an "objective" frame of reference for accountability. In contrast, political standards are perceived as self-judging as they are based on subjective political beliefs. It is, of course, possible to critique these and reach political conclusions, such as a compromise, but it is not possible to resolve a conflict between political beliefs in the same "objective" way that law can provide.

Moreover, international law embodies an "emancipatory promise". It offers a platform to communities and interests that would otherwise often be marginalised in the calculus of strategic advantages and political benefits that dominate political consideration (even though the question of which communities and interests international law protects is itself a site of struggle). In the context of the law of armed conflict, the most prominent example for this is naturally international humanitarian law with its objective to limit civilian casualties. However, another example would be the recent push to highlight the environmental consequences of war.

Finally, the obligation to provide a legal justification can lead to more carefully considered policy decision. Often, the soundest legal arguments are products of careful deliberation and a balancing of the conflicting interests enshrined in the law. Thus, when law is taken seriously, it has the potential to provide a valuable counterbalance (or "*Reflexionsschleife*") to the rationalities of politics inherent in the decision-making process, by requiring reflection and the reconsideration of ill-conceived or careless policy choices. In other words, international law is the antidote to

Trump's "move fast and break things" approach to governing.

However, to appreciate these gentler qualities of law – its ability to enable accountability, its emancipatory promise, and its potential to provide a counterbalance in decision-making processes – it is necessary to remain critical and resist such grand narratives about the moral justness of war.

Concluding thoughts

How the international community should respond to dictators violently suppressing their own people remains an unresolved question. This is, however, not so much an issue of law versus politics, but first and foremost a political problem. Between the Scylla of imperialism disguised as humanitarianism and the Charybdis of apologetic apathy exist a wide range of policy options, in which a humanitarian military operation is not necessarily the best, let alone the only, course of action.

While it is evident that the Iranian people deserve freedom from their oppressive government, they also deserve to not be treated as a pawn in the geo-political game of US-Israeli security policy. Thus, the true useful idiots are those who mistakenly endow this war with a humanitarian purpose that never existed in the first place.

ABOUT THE AUTHOR

Christopher Janz

Christopher Janz, LL.M. (Cambridge), is a doctoral student at the University of Hamburg.Christopher Janz, LL.M. (Cambridge), is a doctoral student at the University of Hamburg.

SUGGESTED CITATION

Janz, Christopher: Tyranny's Useful Idiot: The Narrative of International Law as an Obstacle to "Just Wars" Against Dictators, Verfassungsblog, 27.03.2026, doi: 10.59704/1b88300eedc6161b.

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Langzeitarchiviert bei IntRechtDok unter: doi.org/10.17176/20260327-163449-0.