

## **The Ethics of War. Part I: Historical Trends\***

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**Abstract:** This article surveys the major historical developments in Western philosophical reflection on war. Section 2 outlines early development in Greek and Roman thought, up to and including Augustine. Section 3 details the systematization of Just War theory in Aquinas and his successors, especially Vitoria, Suárez, and Grotius. Section 4 examines the emergence of Perpetual Peace Theory after Hobbes, focusing in particular on Rousseau and Kant. Finally, section 5 outlines the central points of contention following the reemergence of Just War theory in the 1970s.<sup>1</sup>

### **1 Introduction**

War has been a constant in philosophical speculation from the Pre-Socratics to the present day. From Heraclitus onwards, many a philosopher has felt compelled to reflect on the origin, practice and consequences of war. It was not however until the medieval period that the problem of war

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\* This article draws on the authors' previously published work, especially *The Ethics of War: Classic and Contemporary Readings* (Reichberg, Syse, and Begby 2006). This volume reproduces, with editors' commentary, the most seminal texts by ancient, medieval (some translated into English for the first time), and modern thinkers on just war and related approaches to the ethics of war. Where relevant, textual citations in this article are drawn from the selections reproduced in this volume.

<sup>1</sup> In providing a sketch of historical developments within the ethics of war, this article is principally focused on the Just War approach, with some consideration being given to two leading alternatives, namely realism and perpetual peace. Another prominent alternative exists – pacifism – but concerning this tradition we have had to limit ourselves to only passing mention. A sampling of texts from this tradition may be found in Reichberg, Syse, and Begby 2006; see for instance the chapters on the Early Church Fathers (6), Erasmus of Rotterdam (21) The Radical Reformation (26), and Bertrand Russell (49). For more elaborate treatment, see Cortright 2008.

(within and between nations) became the express theme of systematic inquiry. Prior to that time, and apart from some rare exceptions (Thucydides being the most notable), war typically played a supporting role vis-à-vis other more prominent issues. This is not to say that the Greek, Roman and early Christian treatments of war were superficial or lacking in analytic detail. On the contrary, the ancients raised penetrating questions about war that would be taken up time and again in the centuries ahead.

In the earliest period of Western philosophy, it was not uncommon for war to be considered a primordial reality, such that peace could be defined negatively as the absence of war.<sup>2</sup> In this vein, several ancient writings testify to what one might term an “agonistic conception of life” as for example in Plato’s *Laws*, where the character Clinias boldly states that “the peace of which most men talk... is no more than a name; in real fact, the normal attitude of a city to all other cities is one of undeclared warfare.”<sup>3</sup> Like the oscillation of day and night, or the change of seasons, endemic warfare was thought to have a vital role to play in the maintenance of cosmic and human order. Thus Heraclitus (6<sup>th</sup> century B.C.) wrote that “all things happen by strife and necessity.”<sup>4</sup>

While the agonistic conception would be revived two millennia later, most famously by Hobbes, Plato gave voice to the opposing pacific orientation when, in a famous passage of the *Gorgias*, he has Socrates assert that “wise men... say that the heavens and the earth, gods and men, are bound together by fellowship and friendship, and order and temperance and justice, and for this reason they call the sum of things the ‘ordered’ universe, my friend, not the world of

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<sup>2</sup> See the pseudo-Platonic *Definitiones* 413a6, cited by Ostwald 1996: 103n7.

<sup>3</sup> *Laws*, I, 626a; translation in Plato 1963: 1227.

<sup>4</sup> Cited in Kirk et al. 1983: 193.

disorder or riot.”<sup>5</sup> It was this pacific orientation that would give rise, already in Plato and Aristotle, but more explicitly in Cicero and the later Christian authors, to the idea that now goes under the heading of “Just War.”<sup>6</sup> If peace is normatively the primordial reality, war can never be taken for granted as a necessary feature of inter-human relations. Resort to war will always require justification. Such justification, if it is to have teeth, will necessarily exclude some reasons for war, and some forms of warfare will be prohibited. The first line of inquiry was developed into (what is now termed) *jus ad bellum* or justice in the inception of (resort to) war, while the second, *jus in bello*, is concerned with the conduct of warfare, at once the inner attitude of warriors and their outward actions.

Under the combined influence of Cicero and especially St. Augustine, Just War became the dominant approach to the ethics of war in the Christian Middle Ages. But already then, alternatives arose. Of particular significance, in light of later developments, was the innovative approach which Dante had advanced in his philosophical treatise *Monarchia* (On Monarchy). Identifying war as the greatest obstacle to human happiness, the poet-philosopher proposed a novel political arrangement whereby recourse to war could be eliminated as a method for adjudicating disputes between princes.

After flowering in the thought of Hugo Grotius, early modernity saw the demise of Just War theory as other developments, especially the newly emergent international law, came to occupy a central place in normative reflection on war.<sup>7</sup> But Dante’s search for a solution to the problem of war was taken up anew by Hobbes, who applied this form of reasoning specifically to the problem of intra-state or civil war. Rousseau, in turn, brought Hobbes’ contractualist

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<sup>5</sup> 507e–508a11; Plato 1963: 290.

<sup>6</sup> See Neff 2005.

<sup>7</sup> See Neff 2005.

principles to bear on the problem of inter-state conflict, a problematic that was more famously developed by Kant, under the heading of “Perpetual Peace.” In our own day, after a long period of dormancy, the Just War approach has again been on the ascendancy. Prompted by heated discussions in the United States on the morality of the Vietnam War, and largely under the impetus of Michael Walzer’s *Just and Unjust Wars*, a considerable body of philosophical literature has emerged with respect both to *jus ad bellum* and *jus in bello*. Moreover, the development of legal institutions and attendant practice in the post-World War II period, from the United Nations Charter (1945) to the humanitarian interventions of the 1990s, can be viewed as a retrieval of the classical Just War idea.<sup>8</sup>

## 2 Normative Inquiry on War in Greek and Roman antiquity

The assertion that the Western Just War tradition as we know it starts with St. Augustine and Christianity is hardly true. In Greek and Roman antiquity several influential thinkers raised penetrating questions about the normative dimensions of waging war, even if not in a systematic fashion.

While the medieval developments in Just War theory were often formulated in reaction to pacifism (the view, articulated by early Church authors such as Tertullian, according to which the renunciation of armed force was deemed to be the only morally viable option for Christians<sup>9</sup>), in the ancient world, by contrast, it was realism (as it would later be called) that provided the foil for the emerging doctrine of Just War. Heraclitus gave voice to this realism when he famously

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<sup>8</sup> Neff accordingly speaks of a “neo-just-war order” (Neff 2005: 316-334).

<sup>9</sup> Pacifism was later adopted by the Manicheans and other dualist sects; it was under this form that it was often encountered and criticized by medieval theologians such as Aquinas (see Reichberg 2010).

wrote that “War is the father of all, king of all.”<sup>10</sup> War, according to this view, is not only a primordial reality in the lives of human being; it is the decisive force in separating the noble from the base, the strong from the weak. Indeed, the history of antiquity is littered with decisive battles and wars, from those between the Greeks and the Persians, via the Peloponnesian Civil War, to the exploits of the Roman emperors, and it is a fair assumption that judgments of worthiness and success were colored by the outcomes of – and performance in – such battles.

Before the advent of Christianity, four thinkers in particular were critical of this realist view of war and its nobility: Socrates (c. 470-399 BC), Plato (427-347 BC), and Aristotle (384-322 BC) in 5<sup>th</sup> and 4<sup>th</sup> century Athens, and later Cicero (106-43 BC) in 1<sup>st</sup> century Rome. They advanced ideals of political harmony and justice which did not preclude active participation in and indeed strenuous preparation for war, but which held forth higher ideals for political life than the fighting of war *per se*. They took care to subordinate military virtue to civic virtue, often – implicitly or explicitly – by reference to the Greek city-state of Sparta, whose militaristic philosophy and highly disciplined (and, indeed, Spartan) way of life was often seen as antithetical to the way of true philosophy. While these thinkers were all (to some extent) critics of Sparta, it should be noted that they were also critical in various ways of Athenian democracy. Also, aspects of Spartan military education certainly found its way into one of the period’s most famous treatises on politics: Plato’s *Laws*, a work that simultaneously starts with a pointed criticism of the prevalent view that good laws exist for the sake of war rather than peace.

An overview of the philosophy of war in antiquity cannot, however, pass by the historian Thucydides (c. 460-395 BC). Often portrayed as an early exponent of political realism or *Realpolitik*, his groundbreaking *History of the Peloponnesian War* includes a vivid portrayal of

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<sup>10</sup> Cited in Kirk et al. 1983: 193.

the meeting between the inhabitants of the neutral island of Melos and diplomats from Athens (often referred to as the Melian Dialogue).<sup>11</sup> This stands as the archetypal meeting between ethical ideals and *Realpolitik*. The Melians call on the Athenians to respect the neutrality of the island and to avoid the human toll of a bloody invasion; the Athenians acknowledge the normative validity of the Melian claims, but remind them that Athens is by far the stronger party, and that the Athenians will do as they please whatever the Melians say. If the Melians do not surrender willingly, they must suffer the consequences: that is the way of the world. It is not a question of right or wrong; it is a question of power.

In Plato and Aristotle, partly in response to Athenian losses in the Peloponnesian War, the question of war is frequently linked to ethical considerations. Some points are most especially to be observed: the question of when to wage war and how to do so is explicitly portrayed as a question about justice (Plato, *Alcibiades I*).<sup>12</sup> And courage as a virtue is linked not only to warfighting, but to broader human concerns: courage must never be understood and fostered independently of other virtues such as moderation and prudence.<sup>13</sup> In these writings a view emerges that military prowess is not to be sought for its own sake, but for the sake of harmonious life in the city. Drawing inspiration not only from Platonic thought but also from Stoic natural-law ideas, Cicero developed a similar view, not least in *On Duties*: war should only be undertaken with the aim of achieving peace; it should be a last resort and must be preceded by a formal declaration; prisoners of war must be treated fairly.<sup>14</sup> There is, then, an arc of thought

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<sup>11</sup> Reprinted in Reichberg, Syse, and Begby 2006: 12-17.

<sup>12</sup> Of disputed authenticity, but generally considered a crucial introduction to Platonic thought throughout antiquity. See Syse 2006 for a discussion of the relationship between Thucydides' and Plato's treatment of the ethics of war, with the famous general Alcibiades as a focal point.

<sup>13</sup> Cf. Plato's *Laches*, *Republic*, and *Laws*; Aristotle's *Nicomachean Ethics* and *Politics*. For relevant passages, see Reichberg, Syse, and Begby 2006: chs. 2 and 3. See also Syse 2010 for a discussion of the ethics of war in Plato's most famous political dialogue, *The Republic*.

<sup>14</sup> See Reichberg, Syse, and Begby 2006: ch. 5.

extending from Plato's Socratic dialogues through the treatises of Cicero, formed around the idea that war is not, morally speaking, "a world apart": it does not allow for any and all acts, and must be guided by prudence, justice, and moderation, even if it requires harsh training and discipline.

The transition to Christianity is often seen as a dramatic shift from an ancient world-view where military exploits were seen as the utmost sign of honor and prowess to a world-view which is in essence pacifist and anti-political. Yet the attitudes found in the influential thinkers mentioned above, as well as the fact that Christianity in its roots was arguably *not* strictly pacifist (in this connection appeal was made to New Testament passages such as Matthew 22:21, and Romans 13:4), implies that the change brought about by the rise of Christians to power in the Roman Empire in the 4<sup>th</sup> century, while certainly dramatic, may still have been one of degrees as far as the philosophy of war is concerned.<sup>15</sup>

In passages from St. Ambrose (c. 339-397) and more explicitly in St. Augustine (354-430) we find the first Christian formulations of the idea of Just War: one that is fought with proper authority, a just cause, and an upright intention.<sup>16</sup> In both thinkers, we find a deep-seated worry about the danger that participation in war poses to the development of true Christian virtue: the use of violence, even when justified as a defense of the innocent, can easily lead to lust for power and delight in brutality. Therefore, warfare must always serve the aim of peace and must be avoided whenever possible. Augustine's statements justifying warfare for the defense of the faith – what would later be termed religious or holy war (as displayed for instance in the crusades) – have been fiercely debated. While he clearly saw war as primarily a political

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<sup>15</sup> For a comprehensive overview of these sources, see Swift 1983 and Johnson 1987: ch. 1.

<sup>16</sup> While not stated as systematically as Canon Law and St. Thomas Aquinas would later do, these criteria can be gleaned from, *inter alia*, Augustine's passages on war in *Against Faustus the Manichean*, bk. XXII, and *Questions on the Heptateuch*, bk. VI; cited in Reichberg, Syse, and Begby 2006: 81-83.

matter, he also advocated the use of armed force to quell violent factions within the Church, and thus to maintain the unity of the faith.<sup>17</sup>

### 3 Just War, from Aquinas to Grotius

The principal root of the Just War idea may be found in St. Augustine's famous assertion that "it is the iniquity on the part of the adversary that forces a just war upon the wise man."<sup>18</sup> Later systematized by Thomas Aquinas under the heading of "just cause," this account considers war as allowable, at a minimum, when it is undertaken as the response to a violated right. Thus, at the very outset of his treatment in *Summa theologiae* II-II, q. 40, a. 1 (c. 1270), after noting (with an implicit reference to what has since become known as "last resort" or "necessity") that a private individual may not resort to war because "he can claim his right before the judgment of his superior,"<sup>19</sup> Aquinas makes clear by implication that where no such judgment is available, as in the relationship of one independent polity to another, redress for injury may be achieved only by the extra-judicial process of war. Yet since this resort is indeed predicated on a prior wrong ("those who are attacked should be attacked because they deserve it on account of some fault"<sup>20</sup>), which, in principle at least, is objectively determinable, war assumes the status of a sanction by which the injured party presses its claim by dint of force.

Aquinas's systematization of the Just War idea according to three conditions or requirements (legitimate authority, just cause, and right intention) would receive ample treatment

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<sup>17</sup> See *On True Religion*. bk. XVI, ch. 31; *Letter 93, to Vincentius*; *Letter 133, to Marcellinus*; and *Letter 185, to Boniface* for famous Augustinian statements on force and religion; cited in Reichberg, Syse, and Begby 2006: 85-90. Augustine's views on this issue were formed by several political events at the time, most markedly by the violent and often brutal methods of an opposition group within the Church known as the Donatists.

<sup>18</sup> *The City of God*, book 19, 7; in Augustine 1994: 149.

<sup>19</sup> Cited in Reichberg, Syse and Begby 2006: 179.

<sup>20</sup> *Ibid.*

by his successors. The first two conditions, in particular, were articulated in close symbiosis with each other. In this respect, a rather sharp distinction was made between the different causes (“grounds”) of a just war. A war that was waged to repel an (unjustified) armed attack would be classed under the category of “defense.” Engagement in this sort of war did not require the permission of the highest authority in the realm (a prince or king), as anyone, a duke, a magistrate, or even a private individual could resort to defensive force under circumstances of necessity. Fairly strict limitations were placed, however, on what might be done in the name of defense, especially when carried out at the initiative of a lower official or private individual. Such action could be resorted to only in the absence of other viable options, most especially, if time constraints precluded contact with one’s superior or he was unable to respond quickly to the threat. It had to be exercised “in the heat of the moment” (*in continenti*), i.e., contemporaneously with the attack or just before it (if by manifest signs the attack was deemed to be imminent), and in strict observance of proportionality.<sup>21</sup>

Most importantly, a person or group acting in self-defense was not allowed to seek redress for past wrongs or to punish offenders. To pursue these aims by war was exclusively the prerogative of the prince, the supreme authority in the land. The distinction between these two sorts of war, defensive and offensive, would serve as a key organizing principle in the Just War literature, from the 13<sup>th</sup> to the 17<sup>th</sup> centuries, with most authors concentrating their attention on *bellum offensivum* (which was considered the paradigm case of a just war).<sup>22</sup> The authors most

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<sup>21</sup> In the 12<sup>th</sup>–13<sup>th</sup> centuries, fairly detailed accounts of self-defense, articulated in terms of the criteria now known as “necessity,” “imminence,” and “proportionality,” were elaborated by authors such as Johannes Teutonicus, Raymond of Peñafort, and William of Rennes. See Reichberg, Syse, and Begby 2006: chs. 10 and 12, as well as Reichberg 2005, for an overview.

<sup>22</sup> Regarding the *jus ad bellum*, the overall trend in modern legal and moral thought has been to disallow rationales for war other than *defense* of the state. In this respect, the classical just war doctrine as developed by Vitoria, Suarez and Grotius was considerably more permissive than is the contemporary received wisdom. This contrast (for more details see Reichberg and Syse 2002) is somewhat attenuated by the fact that the classical theorists typically construed legitimate defense more narrowly than may be found in the moral and legal accounts prevalent today.

associated with this development are Francisco de Vitoria (c. 1492–1546), Francisco Suarez (1548–1617), and Hugo Grotius (1583–1645).<sup>23</sup> The last-named provided by far the most detailed and systematic account, exploring, within the framework of natural law and the law of peoples (*jus gentium*), how different sorts of agents might be empowered to wage war in response to the violation of their rights.

We have now briefly discussed the first two of Aquinas’s three criteria of a just war. In contrast to ‘just cause,’ which has a juridical connotation, ‘right intention’ looks rather to the inner moral quality of an agent’s action. “It is necessary,” Aquinas wrote, “that the intention of those waging war should be well-directed (*recta*), so that either the advancement of good is intended, or evil is avoided.”<sup>24</sup> It is striking how little is said about this third criterion in the writings of Aquinas’ most prominent successors within the Just War framework. The expression *intentio recta* is hardly invoked by Vitoria or Suárez. Yet these two authors, after keeping to the standard rubric of the first two criteria, substitute for the third a new consideration which Suarez termed *debitus modus*: the right manner of waging war, the limit not to be exceeded. It is here that we see first appearing, in a systematic way, the rudiments of what would later be termed *jus in bello*.<sup>25</sup>

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Thus modes of military action that the classical authors would have placed within the category of offensive force are today re-described under the enlarged heading of “defense” (on the “expansion of self-defense,” see Neff 2005: 326–334).

<sup>23</sup> For a summary on the contribution of these three authors to the ethics of war, see the editors’ commentary (in the chapters devoted to each of these authors) in Reichberg, Syse and Begby: 2006: 288–332, 339–370, 385–437.

<sup>24</sup> *Summa theologiae* II–II, q. 40, a. 1, reprinted in Reichberg, Syse, and Begby 2006: 177.

<sup>25</sup> Although we should remember that the idea of rules of war had been elaborated earlier, playing an important role not least in several medieval knightly orders. The contribution of the knightly orders and the code of chivalry, and their influence on the just war tradition and *ius in bello*, is emphasized in Johnson 1975. The French author Christine de Pizan (c. 1364–c. 1431) summarizes well the most prevalent ideas of the chivalric code of ethics; see Pizan 1999, excerpted in Reichberg, Syse, and Begby 2006: ch. 19.

A glance at Francisco de Vitoria's seminal treatise, *De iure belli*<sup>26</sup>, reveals this new development in Just War theory. The work is divided as follows.<sup>27</sup> After an introductory section on "whether it is lawful for Christians to wage war at all," Vitoria discusses, in the first part, "on whose authority a war may be declared or waged," and then, in the second, "what may and ought to be the causes of a just war." The third part, however, moves away from the standard *ad bellum* concerns of the first two, and launches into a detailed treatment of "how much is permitted in a just war." As is suggested by its heading, this part is concerned first and foremost with detailing what sort of actions fall within the discretion of the just belligerent. Although certain restrictions are introduced (e.g., the innocent may not be intentionally killed, enemy prisoners whose guilt has not been demonstrated should not be executed), on the whole, as construed by Vitoria, the just belligerent's liberty of action is quite broad. This theme is discussed in relation to (1) the bodily harm that may be done to enemy (i) civilians and (ii) combatants, both while the war is underway and once hostilities have ceased; (2) the property that may be seized from (i) the guilty prince and (ii) his subjects, and (3) the legitimacy of forcible regime change ("deposition of enemy princes"). This set of belligerent liberties Vitoria termed 'rights of war' (*jura belli*) and from the outset it is made clear that, with very few exceptions, these rights apply to the just belligerent *only*. In other words, these are described as *unilateral* rights of war.

During the Middle Ages, the dominant conception of war was the one that we have just presented, in which armed force was viewed as a unilateral instrument for enforcing a rightful claim. But in this period, a rival conception presented war as a contest between equal belligerents who were both entitled to wage war, owing to their sovereign status, regardless of the cause that

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<sup>26</sup> Vitoria 1991: 293–327. Relevant sections are reprinted in Reichberg, Syse, and Begby 2006: 308-332.

<sup>27</sup> This is the outline provided by Vitoria in the opening to the *De iure belli* (Vitoria 1991: 296, in Reichberg, Syse, and Begby 2006: 308-309).

had prompted the conflict. As in a duel, they were at liberty to exercise the same legal prerogatives against each other. In this manner war became a source of legal effects which would apply indifferently on both sides, especially with respect to territorial conquest, booty, and ransom.<sup>28</sup> Working from this idea that individual princes were entitled (in the absence of a commonly recognized judge) to use arms to settle their competing claims, Dante (*Monarchia*,<sup>29</sup> c. 1317) argued that resort to war would no longer be needful if the world's independent princes could be persuaded to place themselves under the authority of a single emperor, who would function as the supreme earthly judge. Possessed of full enforcement powers, the emperor's decisions would be imposed without further appeal, thereby preventing serious disputes from disrupting the peace.

Dante did not think it right that this universal monarchy should be *imposed* on the princes of the world. To the contrary, he held this was a matter for their free consent. They will be moved to relinquish the full measure of their sovereignty by the certitude that the universal monarch will *arbitrate* their conflicts with indefectible equity and fairness. This confidence in the monarch originates, not out of a perception of his upright character, but from an awareness of the special characteristics which attach to his *role*. Having no superior and possessing full plenitude of temporal power, the monarch will have nothing to covet, and no one to compete with; hence his judgments will manifest an unwavering rectitude.

Dante was among the first of Western thinkers to propose a structural solution to the age-old problem of war. Few after him would agree with the specifics of his political program. Nevertheless, his idea of achieving a perpetual peace through the establishment of a universal

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<sup>28</sup> See Haggemacher 1992; Reichberg, Syse, and Begby 2006: ch. 20 (on Raphaël Fulgosius).

<sup>29</sup> Dante 1998. For a selection of the relevant passages, see Reichberg, Syse, and Begby 2006: 199-202. For the place of Dante within the broader stream of thought about war, see Johnson 1987: especially 113-119.

order of government had a formative influence on later thinkers, the main lines of which are detailed below.<sup>30</sup>

#### **4 Solving the Problem of War: Hobbes, Rousseau, and Kant**

If Dante's proposal for supra-national governance lay fallow for several centuries, it was to make a strong comeback in the 17<sup>th</sup> century. Here the focus shifts from introducing moral constraints on war to developing an institutional framework in which war would be eradicated altogether. According to Perpetual Peace theory (as it is sometimes called), war is a structural problem arising from poor governance – or no governance at all – which thereby also requires a structural solution.

The work of Thomas Hobbes (1588-1679) is key to understanding these developments. This is ironic, since Hobbes himself evidently believed there could be no solution to the problem of war among nations, and focused instead on solving the problem of civil war. Moreover, Hobbes's specific recommendations to this end – that every individual must cede his rights to a sovereign who will henceforth rule with absolute power – was in many respects antithetical to the developments that were to follow. Nonetheless, Hobbes's many theoretical innovations and his acute diagnosis of the structural source of the problem of conflict, were to set the agenda for political philosophy until the present day.

Hobbes starts by painting an extraordinarily bleak picture of human existence in the state of nature (as subsequent thinkers would call it). With no shared authority to adjudicate disputes

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<sup>30</sup> See Johnson 1987: 113–119.

between persons, rights can only be vindicated by force. Yet no one person is strong enough to hold everyone else down. No battle is ever decisive, and even the victorious must live in “continuall feare, and danger of violent death.”<sup>31</sup> The state of nature, then, is a state of perennial “war of all against all,” and “the life of man is solitary, poore, nasty, brutish, and short.”<sup>32</sup>

The solution, Hobbes argues, is *the social contract*, a mutual agreement whereby individuals exit the state of nature and enter the social order by way of jointly transferring their rights to a sovereign who will henceforth rule with absolute power. It is, Hobbes contends, only the sovereign’s absolute power which ensures that he is capable of effectively adjudicating all disputes, thereby preventing the slide back into the state of nature. While this particular aspect of Hobbes’s thought found little favor among subsequent thinkers, another aspect would, namely Hobbes’s idea that the social contract need not appeal to independently justified moral principles, but simply to individuals’ self-interest, their rational recognition that war is incompatible with prosperity and well-being and that peace makes everyone better off.

Subsequent thinkers would rebuke Hobbes’s justification for absolute rule but nonetheless apply his guiding ideas in attempts to solve the problem of war between nations. For instance, John Locke (1632-1704) exploits to great effect, albeit without explicit reference, Hobbes’s social contract framework in his *Second Treatise of Government* (1689).<sup>33</sup> Yet his criticism is clear: the state of nature is not equivalent to a state of war, and human beings have rights which neither civil government nor war can set aside. This leads Locke to insist on the rights of civilians in war, even of those finding themselves on the unjust side.

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<sup>31</sup> Hobbes 1991: ch. 13, cited in Reichberg, Syse, Begby 2006: 446.

<sup>32</sup> Ibid.

<sup>33</sup> Relevant passages reprinted in Reichberg, Syse, and Begby 2006: 464-468.

Jean-Jacques Rousseau (1712-1778), in his early manuscript *The State of War*,<sup>34</sup> also takes issue with Hobbes's characterization of the state of nature as one of war of all against all. He argues that "natural man" is driven neither by greed nor envy, since his needs are "limited to physical necessity."<sup>35</sup> By contrast, war is indeed the natural condition among states, because a state is an "artificial body" which has "no fixed measure and is never sure of its proper size."<sup>36</sup> At the international level, then, a *state of war* persists indefinitely even in the absence of any *waging of war*.<sup>37</sup> The result of thus living with one foot in the social order and the other in the state of nature, is that "we are subjected to the evils of both without gaining the security of either."<sup>38</sup>

Rousseau's most significant contribution to Perpetual Peace theory was his *Summary* and *Critique* of the Abbe de Saint-Pierre's *Project for a Perpetual Peace in Europe*,<sup>39</sup> a proposal for a confederative peace alliance among the central powers of Europe, which "by uniting nations with ties similar to those which unite individuals, submits each of them equally to the authority of laws."<sup>40</sup> At its most cogent, Saint-Pierre's analysis details a (supposedly exhaustive) list of six "causes or pretexts" of war, showing how the confederation could be structured so as to prevent any of these contingencies from arising.<sup>41</sup>

While Rousseau recognized the potential value of the project, he entertained serious doubts about how the confederation was to be instituted and how it was to be maintained. Saint-

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<sup>34</sup> In Roosevelt 1990, selections reprinted in Reichberg, Syse, and, Begby 2006: 481-489. *The State of War* was drafted in the mid-1750s, but not published in Rousseau's lifetime.

<sup>35</sup> In Reichberg, Syse, and, Begby 2006: 483.

<sup>36</sup> *Ibid.*: 485.

<sup>37</sup> *Ibid.*: 488.

<sup>38</sup> *Ibid.*: 482.

<sup>39</sup> In Roosevelt 1990, selections reprinted in Reichberg, Syse, and Begby 2006: 489-503. The *Summary* was published in 1761, while the *Critique* was published posthumously in 1782. Saint-Pierre's work was published in several installments from 1712 to 1717.

<sup>40</sup> In Reichberg, Syse, and Begby 2006: 490.

<sup>41</sup> *Ibid.*: 495.

Pierre was none too clear on these crucial points, arguing on the one hand that the confederation would in no way infringe on state sovereignty (and would indeed strengthen princes' domestic standing), but insisting, on the other, that the confederation itself should be armed and authorized to act militarily against offending members.<sup>42</sup>

Rousseau's *Critique* expresses this ambivalence. Here he takes a dim view of the motivations of the princes of Europe and their ability to co-ordinate even on matters of demonstrable mutual self-interest. Such "convergence of wisdom" as would be required for the confederation to be instituted by consent can hardly be hoped for. The only viable option would be to institute it by force, but then, observes Rousseau, "what would be needed is not to write books but to levy troops."<sup>43</sup>

Perpetual Peace theory comes of age with Immanuel Kant's *Perpetual Peace: A Philosophical Sketch* (1795).<sup>44</sup> Here, Kant (1724-1804) introduces several new and important ideas, which take considerable steps toward addressing Rousseau's concerns and which also display a remarkable prescience which makes Kant's account the natural focal point for the contemporary revival of Perpetual Peace thinking.<sup>45</sup> Most obviously, Kant's cosmopolitan outlook leads him to propose a *global* pacific federation, not merely a strategic alignment of the central powers of Europe. Moreover, Kant insists that at no point must the federation strive to acquire separate power. Instead, it can grow organically to eventually encompass all the world's nations.<sup>46</sup>

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<sup>42</sup> Ibid.: 494.

<sup>43</sup> Ibid.: 502.

<sup>44</sup> In Kant 1991; selections reprinted in Reichberg, Syse, and Begby 2006: 519-538.

<sup>45</sup> Cf. Doyle 1983.

<sup>46</sup> The view that the pacific federation should hold no coercive power of its own was a relatively late development in Kant's political philosophy. For details, see Covell 1998: 211n35 and Fisch 2000: 143-145.

If this sounds naively utopian, Kant's most distinctive contribution comes in the form of outlining two mechanisms by which we may reasonably hope that a pacific federation will spread in this way. First, he draws the link between a state's external peacefulness and its internal constitution. Constitutional republics – representative democracies, as might say today – are intrinsically less prone to war than traditional principalities simply because those who would be charged with making the decision to wage war are also those who would suffer its consequences.<sup>47</sup> Thus we can reasonably hope that as democracy spreads, so will the pacific federation, in a mutually reinforcing manner. Second, Kant emphasizes that the federation will spread not just by familiar diplomatic avenues, but also and importantly via trade relations. In this way, a pacific federation need not pin its hopes on states' sensitivity to the abstract precepts of morality, but can instead benevolently exploit their pursuit of self-interest: "The *spirit of commerce* sooner or later takes hold of every people, and it cannot exist side by side with war. And of all the powers (or means) at the disposal of the power of the state, *financial power* can probably be relied on most. Thus states find themselves compelled to promote the noble cause of peace, though not exactly from motives of morality."<sup>48</sup>

In this sense, Kant was an early and eloquent spokesperson for the pacifying potential of democratic governance and global economic integration, ideas whose grip on policy at the highest level has arguably never been stronger than today.

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<sup>47</sup> In Reichberg, Syse, and Begby 2006: 524.

<sup>48</sup> Ibid.: 531.

## 5 The Revival of Just War Theory

During large parts of the 19<sup>th</sup> and 20<sup>th</sup> centuries, Just War theory would be displaced from the centre of normative reflection on international affairs, in part due to the emergence of modern international law. But in the last 30 years, it has reasserted its central position, prompted initially by heated discussions in the United States on the morality of the Vietnam War, not least among Church groups who would frequently refer to the idea of just war. The philosophical reappropriation of Just War theory is largely due to Michael Walzer's *Just and Unjust Wars*.<sup>49</sup> Central issues arising from the ensuing debates concern, on the side of *jus ad bellum*, the allowable scope of warfare for defensive purposes, including humanitarian interventions and preventive action against terrorism, and on the side on *jus in bello*, problems associated with proportionality, collateral damage, non-combatant immunity, weapons of mass destruction – most especially nuclear weapons – as well as the special duties incumbent upon military personnel engaged in peacekeeping missions.<sup>50</sup> Of particular theoretical interest is the critical reassessment of the supposedly categorical distinction between *jus in bello* and *jus ad bellum*, an assumption central to Wolff, Vattel, and Walzer.<sup>51</sup> Thus, for instance, Jeff McMahan (2004; 2009) has questioned the assumption that the conduct of military forces can be evaluated without reference to the justice of their cause: just belligerents, he argues, have moral privileges that their unjust counterparts do not. Finally, a further development is the emergence of a distinct discourse on *jus post bellum* (“justice after war”).<sup>52</sup> This development comes in response to the proliferation of civil wars during the 1990s and 2000s, and seeks to articulate the (sometimes)

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<sup>49</sup> Walzer 1977.

<sup>50</sup> These debates are surveyed in a companion piece, “The Ethics of War. Part II: Contemporary Authors and Issues.”

<sup>51</sup> Cf. Rodin and Shue 2008.

<sup>52</sup> Cf. Orend 2002.

competing exigencies of justice and peace in the transitional period that follows the termination of armed conflict.<sup>53</sup>

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