Can war be justified? Is there such a thing as morally proper conduct in war?

There is very little in the realm of morality that nearly everyone agrees on. Surprising divergences — as moral relativists delight in pointing out — occur among the moral beliefs in different societies. And there are, of course, fundamental moral disagreements within individual societies as well. Within the United States people hold radically opposing views on abortion, sexual relations, the fair distribution of wealth and many other such issues. The disagreements extend from the particular to the general, for in most areas of morality there are no commonly recognized principles to which people can appeal in trying to resolve their disputes. But there is at least one contentious moral issue for which there is a widely accepted moral theory, one that has been embraced for many centuries by both religious and secular thinkers, not just in the United States, but in many societies. The issue is war and the theory is just war theory.

“Just war theory” refers both to a tradition of thought and to a doctrine that has emerged from that tradition. There is no one canonical statement of the doctrine but there is a core set of principles that appears, with minor variations, in countless books and articles that discuss the ethics of war in general or the morality of certain wars in particular. In recent decades, the most influential defense of the philosophical assumptions of the traditional theory has been Michael Walzer’s classic book, “Just and Unjust Wars,” which also presents his understanding of the theory’s implications for a range of issues, such as preemptive war, humanitarian intervention, terrorism, and nuclear deterrence.

The traditional just war theory, allied as it has been with the international law of armed conflict, has sustained a remarkable consensus for at least several centuries. But that consensus — for reasons I will describe shortly — has finally begun to erode. In the following two-part post, I will briefly summarize the evolution of the traditional just war theory, then make a case for why that theory can no longer stand.

**The Evolution of the Theory**

The origin of just war theory is usually traced to the writings of Augustine, though many of the theory’s elements became well established only much later, during its “classical” period between the early 16th and mid-17th centuries. The principles of just war theory were then understood to be part of a unified set of objective moral principles governing all areas of life. Like the principles concerned with truth-telling, commerce, sexual relations, and so on, just war principles were to be used in guiding and judging the acts of individuals. Later, however, as individuals became more firmly sorted into sovereign states and the regulation of warfare through treaties between states became increasingly effective, the theory began to conceive of war as an activity of states, in which individual soldiers were merely the instruments through which states acted.

Beginning in earnest in the 17th century and continuing through the 20th, the theory of the just war evolved in conjunction with international law. While the theory initially guided the development of the law, by the 19th century and especially over the course of the 20th, the law had acquired such great practical importance that the most significant developments in normative thought about war were pioneered by legal theorists, with just war theorists trailing humbly along behind.

During the aftermath of World War II, a consensus began to emerge that a set of just war principles, which coincided closely with the law as codified in the United Nations Charter and the Geneva Conventions, provided the correct account of the morality of war.

Both just war theory and the law distinguished between the justification for the resort to war (jus ad bellum) and justified conduct in war (jus in bello). In most presentations of the theory of the just war
there are six principles of *jus ad bellum*, each with its own label: just cause, legitimate authority, right intention, necessity or last resort, proportionality and reasonable hope of success. *Jus in bello* comprises three principles: discrimination, necessity or minimal force, and, again, proportionality. These principles articulate in a compressed form an understanding of the morality of war that is, in its fundamental structure, much the same as it was 300 years ago. Mainly as a result of its evolution in tandem with a body of law that has states rather than individual persons as its subjects, the theory in its present form is quite different from the classical theory from which it is descended. To distinguish it from its classical predecessor, some just war theorists refer to it as the *traditional* theory of the just war, though for brevity I will generally refer to it simply as “the Theory.”

**The Theory’s Importance**

The Theory is routinely invoked in public debates about particular wars and military policies. When both the Episcopal Church and the United States Catholic Bishops released documents in the early 1980s on the morality of nuclear deterrence, they judged the practice by reference to just war principles, which the Catholic Bishops expounded and analyzed in detail. Several years later the United Methodist Bishops published a book in which they stated that “while the Roman Catholic and Episcopal documents finally appeal to just-war arguments to support nuclear deterrence, we are persuaded that the logic of this tradition ultimately discredits nuclear deterrence as a morally tenable position,” and went on to criticize deterrence by appeal to roughly the same principles to which the Catholics and Episcopalians had appealed.

Some military professionals also take the Theory quite seriously. It is taught in the United States’ principal military academies, often by officers who themselves publish scholarly work that seeks to elucidate or apply it. (Occasionally some element of the Theory is cynically deployed, as when General Colin Powell remarked that he was pleased that the American invasion of Panama was named “Operation Just Cause,” because “even our severest critics would have to utter ‘Just Cause’ while denouncing us.”)

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Even political leaders sometimes appeal to the Theory for guidance or justification. Ten days before the United States invaded Iraq in 2003, Jimmy Carter argued in The New York Times that an invasion would be wrong because it would violate the just war requirements of last resort, discrimination, proportionality and legitimate authority — though he regrettably managed to misinterpret all four. When Barack Obama delivered his Nobel Peace Prize acceptance speech, he too made reference to the concept of a just war, citing the Theory’s principles of last resort, proportionality, and discrimination. More recently, one of Obama’s aides sought to explain the president’s close involvement in acts of targeted killing by suggesting that his study of the writings on just war by Augustine and Aquinas had convinced him that he had to take personal responsibility for these acts.

**The Traditional Theory Under Attack**

As I mentioned, the consensus on the Theory has recently begun to break down. The cracks first became visible when a few philosophers challenged some of the assumptions of Walzer’s “Just and Unjust Wars” shortly after its publication in 1977. But over the last 15 years the cracks have widened into gaping crevices. There are two reasons for this. One is the changing character of war. Most recent wars have not been of the sort to which the Theory most readily applies — namely, wars between regular armies deployed by states. Many have instead been between the regular army of a state and “rogue” forces not under the control of any state. This description fits the major segments of the United States’ wars in Vietnam, Afghanistan, and Iraq, as well as the recent smaller-scale civil conflicts in Libya and Syria. And there is also, of course, the continuing conflict between states and decentralized terrorist organizations such as Al Qaeda. . These types of conflict, especially those with terrorists, are resistant to moral evaluation within the state-centric framework of the
The second reason for the decline in allegiance to the Theory is largely independent of changes in the practice of war. It does, however, derive from the fact that the wars in Vietnam, the Persian Gulf, Yugoslavia, and the Middle East provoked a resurgence of work in just war theory by philosophers trained in the analytic tradition. When these philosophers consulted the traditional theory to evaluate these wars, they discovered problems that had somehow eluded earlier thinkers. They have subsequently sought to develop a more plausible theory of the just war. As it turns out, this “revisionist” account, though not as yet fully worked out, is in certain respects a reversion to the classical theory that was superseded by the traditional theory several centuries ago. It returns, for example, to the idea that it is individual persons, not states, who kill and are killed in war, and that they, rather than their state, bear primary responsibility for their participation and action in war.

The revisionist approach has gained considerable support among contemporary just war theorists, but news of this shift has scarcely reached beyond the small community of academic philosophers and scholars who work on these issues. As a proponent of the revisionist approach, I believe it is important for those outside academia to be aware of the challenges to the set of beliefs that has dominated moral thought about war for many centuries and that still frames public discourse about the morality of war.

Revisionist just war theory is a school of thought, not a body of doctrine. There are many disagreements among revisionists, but they have the benefit of a long tradition of thought about the morality of war on which to build as well as a more recent tradition of rigorous, meticulous analytical thinking about moral issues that has, among other things, given them a richer range of distinctions and other analytical tools than their predecessors had access to. The result of their efforts promises to be an understanding of the just war that is not only quite different from the traditional Theory but substantially more plausible.