**JUST WAR**

Just War theorists combine both a moral abhorrence towards war with a readiness to accept that war may sometimes be necessary. The criteria of the just war tradition act as an aid to determining whether resorting to arms is morally permissible. Just War theories are attempts "to distinguish between justifiable and unjustifiable uses of organized armed forces"; they attempt "to conceive of how the use of arms might be restrained, made more humane, and ultimately directed towards the aim of establishing lasting peace and justice.

**Four strict conditions for "legitimate defense by military force":**

* the damage inflicted by the aggressor on the nation or community of nations must be lasting, grave, and certain;
* all other means of putting an end to it must have been shown to be impractical or ineffective;
* there must be serious prospects of success;
* the use of arms must not produce evils and disorders graver than the evil to be eliminated. The power as well as the precision of modern means of destruction weighs very heavily in evaluating this condition.

The Just War tradition addresses the morality of the use of force in two parts: when it is right to resort to armed force (the concern of [***jus ad bellum***](http://en.wikipedia.org/wiki/Jus_ad_bellum) and what is acceptable in using such force (the concern of ***jus in bello*** In more recent years, a third category jus pos bellum — has been added, which governs the justice of war termination and peace agreements, as well as the prosecution of war criminals.

Anarcho-capitalist scholar [**Murray Rothbard**](http://en.wikipedia.org/wiki/Murray_Rothbard) stated, "a just war exists when a people tries to ward off the threat of coercive domination by another people, or to overthrow an already-existing domination. A war is unjust, on the other hand, when a people try to impose domination on another people, or try to retain an already existing coercive rule over them.

**Criteria of Just War theory**

Just War Theory has two sets of criteria, the first establishing *jus ad bellum* (the right to go to war), and the second establishing *jus in bello* (right conduct within war).

***Jus ad bellum***

Just cause

The reason for going to war needs to be just and cannot therefore be solely for recapturing things taken or punishing people who have done wrong; innocent life must be in imminent danger and intervention must be to protect life. A contemporary view of just cause was expressed in 1993 when the US Catholic Conference said: *"Force may be used only to correct a grave, public evil, i.e., aggression or massive violation of the basic human rights of whole populations."*

Comparative justice

While there may be rights and wrongs on all sides of a conflict, to overcome the presumption against the use of force, the injustice suffered by one party must significantly outweigh that suffered by the other.

Competent authority

Only duly constituted public [authorities](http://en.wikipedia.org/wiki/Authorities) may wage war. "A just war must be initiated by a political authority within a political system that allows distinctions of justice. Dictatorships (e.g. Hitler's Regime) or deceptive military actions (e.g. the 1968 US bombing of Cambodia) are typically considered as violations of this criterion. The importance of this condition is key. Plainly, we cannot have a genuine process of judging a just war within a system that represses the process of genuine justice. A just war must be initiated by a political authority within a political system that allows distinctions of justice".

Right intention

Force may be used only in a truly just cause and solely for that purpose—correcting a suffered wrong is considered a right intention, while material gain or maintaining economies is not.

Probability of success

Arms may not be used in a futile cause or in a case where disproportionate measures are required to achieve success;

Last resort

Force may be used only after all peaceful and viable alternatives have been seriously tried and exhausted or are clearly not practical. It may be clear that the other side is using negotiations as a delaying tactic and will not make meaningful concessions.

Proportionality

The anticipated benefits of waging a war must be proportionate to its expected evils or harms. This principle is also known as the principle of macro-proportionality, so as to distinguish it from the *jus in bello* principle of proportionality.

In modern terms, just war is waged in terms of self-defense, or in defense of another (with sufficient evidence).

***Jus in bello***

Once war has begun, just war theory (*Jus in bello*) also directs how [combatants](http://en.wikipedia.org/wiki/Combatant) are to act or should act:

[Distinction](http://en.wikipedia.org/wiki/Distinction_(law))

Just war conduct should be governed by the principle of distinction. The acts of war should be directed towards enemy combatants, and not towards [non-combatants](http://en.wikipedia.org/wiki/Non-combatant) caught in circumstances they did not create. The prohibited acts include bombing civilian residential areas that include no military targets and committing acts of terrorism or reprisal against civilians. Moreover, combatants are not permitted to target with violence enemy combatants who have surrendered or who have been captured or who are injured and not presenting an immediate lethal threat.

[Proportionality](http://en.wikipedia.org/wiki/Proportionality_(law)#International_law)

Just war conduct should be governed by the principle of proportionality. An attack cannot be launched on a military objective in the knowledge that the incidental civilian injuries would be clearly excessive in relation to the anticipated military advantage (principle of proportionality).

[Military necessity](http://en.wikipedia.org/wiki/Military_necessity)

Just war conduct should be governed by the principle of minimum force. An attack or action must be intended to help in the military defeat of the enemy, it must be an attack on a military objective, and the harm caused to civilians or civilian property must be proportional and not excessive in relation to the concrete and direct military advantage anticipated. This principle is meant to limit excessive and unnecessary death and destruction.

Fair treatment of [prisoners of war](http://en.wikipedia.org/wiki/Prisoners_of_war)

Enemy soldiers who surrendered or who are captured no longer pose a threat. It is therefore wrong to torture them or otherwise mistreat them.

**Ending a war: *Jus post bellum***

Just cause for termination

A state may terminate a war if there has been a reasonable vindication of the rights that were violated in the first place, and if the aggressor is willing to negotiate the terms of surrender. These terms of surrender include a formal apology, compensations, war crimes trials and perhaps rehabilitation. Alternatively, a state may end a war if it becomes clear that any just goals of the war cannot be reached at all or cannot be reached without using excessive force.

Right intention

A state must only terminate a war under the conditions agreed upon in the above criteria. Revenge is not permitted. The victor state must also be willing to apply the same level of objectivity and investigation into any war crimes its armed forces may have committed.

Public declaration and authority

The terms of peace must be made by a legitimate authority, and the terms must be accepted by a legitimate authority.

Discrimination

The victor state is to differentiate between political and military leaders, and combatants and civilians. Punitive measures are to be limited to those directly responsible for the conflict. [Truth and reconciliation](http://en.wikipedia.org/wiki/Truth_and_Reconciliation_Commission_(South_Africa)) may sometimes be more important than punishing war crimes.

Proportionality

Any terms of surrender must be proportional to the rights that were initially violated. Draconian measures, absolutionist crusades and any attempt at denying the surrendered country the right to participate in the world community are not permitted.

## Alternative theories

* [**Militarism**](http://en.wikipedia.org/wiki/Militarism) – Militarism is the belief that war is not inherently bad but can be a beneficial aspect of society.
* [**Realism**](http://en.wikipedia.org/wiki/Realism_in_international_relations) – The core proposition of realism is a skepticism as to whether moral concepts such as justice can be applied to the conduct of international affairs. Proponents of realism believe that moral concepts should never prescribe, nor circumscribe, a state's behaviour. Instead, a state should place an emphasis on state security and self-interest. One form of realism – descriptive realism – proposes that states cannot act morally, while another form – prescriptive realism – argues that the motivating factor for a state is self-interest. Just wars that violate Just Wars principles effectively constitute a branch of realism.
* [**Revolution**](http://en.wikipedia.org/wiki/Revolution) and [**Civil War**](http://en.wikipedia.org/wiki/Civil_war) – Just War Theory states that a just war must have just authority. To the extent that this is interpreted as a legitimate government, this leaves little room for revolutionary war or civil war, in which an illegitimate entity may declare war for reasons that fit the remaining criteria of Just War Theory. This is less of a problem if the "just authority" is widely interpreted as "the will of the people" or similar. Article 3 of the 1949 [Geneva Conventions](http://en.wikipedia.org/wiki/Geneva_Conventions) side-steps this issue by stating that if one of the parties to a civil war is a High Contracting Party (in practice, the state recognised by the international community,) both Parties to the conflict are bound "as a minimum, the following [humanitarian] provisions." Article 4 of the [Third Geneva Convention](http://en.wikipedia.org/wiki/Third_Geneva_Convention) also makes clear that the treatment of prisoners of war is binding on both parties even when captured soldiers have an "allegiance to a government or an authority not recognized by the Detaining Power."
* [**Nonviolent struggle**](http://en.wikipedia.org/wiki/Nonviolent_action) – The "just war" criterion of "last resort" requires believers to look for alternative means of conflict. The methods of nonviolent action permit the waging of political struggle without resort to violence. Historical evidence and political theory can be examined to determine whether nonviolent struggle can be expected to be effective in future conflicts. If nonviolent action is determined effective, then the requirements for "just war" are not met.[[23]](http://en.wikipedia.org/wiki/Just_war_theory#cite_note-23)
* [**Absolutism**](http://en.wikipedia.org/wiki/Moral_absolutism) – Absolutism holds that there are various ethical rules that are absolute. Breaking such moral rules is never legitimate and therefore is always unjustifiable.

A "just war" – if there could be such a thing – would not require conscription. Volunteers would be plentiful.

* [**Pacifism**](http://en.wikipedia.org/wiki/Pacifism) – Pacifism is the belief that war of any kind is morally unacceptable and/or pragmatically not worth the cost. Pacifists extend humanitarian concern not just to enemy civilians but also to combatants, especially conscripts.
* [Right of self-defence](http://en.wikipedia.org/wiki/Right_of_self-defence) – The theory of self-defence based on [rational self-interest](http://en.wikipedia.org/wiki/Rational_self-interest) maintains that the use of retaliatory force is justified against repressive nations that break the [zero aggression principle](http://en.wikipedia.org/wiki/Zero_aggression_principle). In addition, if a free country is itself subject to foreign aggression, it is morally imperative for that nation to defend itself and its citizens by whatever means necessary. Thus, any means to achieve a swift and complete victory over the enemy is imperative. This view is prominently held by [Objectivists](http://en.wikipedia.org/wiki/Objectivism_(Ayn_Rand)).[[25]](http://en.wikipedia.org/wiki/Just_war_theory#cite_note-25)
* [Consequentialism](http://en.wikipedia.org/wiki/Consequentialism) – The moral theory most frequently summarized in the words "the end justifies the means," which tends to support the just war theory (unless the just war causes less beneficial means to become necessary, which further requires worst actions for self-defense with bad consequences).