

Just War Theory: the 'short' handout

Just war theory deals with the justification of how and why wars are fought. The justification can be either **theoretical** or **historical**. The theoretical aspect is concerned with ethically justifying war and the forms that warfare may or may not take. The historical aspect, or the "just war tradition," deals with the historical body of rules or agreements that have applied in various wars across the ages.

The traditional aspect of warfare conduct has come under increasing pressure as the technological means of destruction have grown. Indeed, it would be reasonable to state that the idea of a tradition becomes obsolete under the shadow of the nuclear bomb (which introduced an unpredicted variable into what could be even imagined in warfare). The theoretical process, however, remains in place.

Just War Theory falls into two categories: **Jus ad Bellum** (justification in going to war) and **Jus in Bello** (the conduct of war itself). The criteria established in both categories have to be satisfied for engagement in warfare to be reasonable and justified.

Jus ad Bellum has six criteria:

1. **Having just cause.** The war **MUST** be engaged for a very good reason, and this reason must be important enough to require the use of potentially lethal force.
2. **Being a last resort.** All other means of dispute resolution **MUST** have been tried and failed before the party concerned resorts to warfare.
3. **Being declared by a proper authority.** War can **ONLY** be initiated by an authoritative (usually national) leadership, normally seen to be an elected government. Note that dictatorships, terrorist groups, and military junta are not normally thought of as 'proper' authority, though this is highly disputed.
4. **Possessing right intention.** A nation waging a just war should be doing so for the cause of justice and **NOT** for reasons of self-interest or aggrandizement. War cannot be considered to be just if reasons of national interest are paramount.
5. **Having a reasonable chance of success.** War cannot be fought for trivial reasons, or where the outcome is impossible. A controversial example might be eliminating

a terror group world-wide by use of warfare, where the likelihood of success is almost non-existent.

6. **The end being proportional to the means used.** Effectively, this means the activities used in the process of war **CANNOT** be greater than is required to achieve the war's aim. An example might be that one cannot use nuclear weapons in a limited territorial conflict (i.e. H-bomb cities in order to regain a small amount of land).

Jus in Bello has five criteria:

1. **Distinction.** The acts of war should be directed towards enemy combatants, and **NOT** towards non-combatants caught in circumstances they did not create.
2. **Proportionality.** Combatants must make sure that the harm caused to civilians or civilian property is **NOT** excessive in relation to the military advantage gained.
3. **Military necessity.** An attack or action must be intended to help in the defeat of the enemy; it must be an attack on a legitimate military objective, and **NOT** random attacks on civilians.
4. **Fair treatment of prisoners of war.** Enemy combatants who have surrendered or who are captured **MUST** be treated humanely. It is wrong to torture or mistreat them.
5. **No means that are 'malum in se' (morally evil).** Combatants may **NOT** use weapons or other methods of warfare that are considered evil, such as mass rape, forcing enemy combatants to fight against their own side, or using weapons of mass destruction.

Clearly, various aspects of these eleven criteria overlap one another, meaning that the moral aspects of both going to war and fighting a war are closely interlinked.

Additionally, it can be argued that the very idea of a Just War is paradoxical. From this standpoint, since wars involved the massive destruction of lives and property, the arguments for justifying this process are, to say the least, futile in principle.