Abstract

This paper aims to provide a critical evaluation of the existing just war theories and its alternative direction to analyze the sharpest war in international relations from an ethical perspective. The theory of just war can be said to be an intermediate theory between realism and ideal pacifism.

This paper tries to research the Eastern and Western theories about the just war theories, and show the future developments of just war theory. The existing theory of just war has been largely divided into Jus ad Bello (the justice of the war itself) and Jus in Bello (the justice of combat action). In recent years, Jus post- Bellum (the post-war justice) has also been discussed.

This paper raises the limitation that the existing East-West just war theories, in particular, the western just war theories have been based on the Time-Sequenced Approach focused on the sequence of the war itself. This paper points out that each principle should not be considered differently over time. Still the procedure for moral judgment is similar, so it should be possible to analyze according to the same principle.

Although the intensity and scope of war are very extraordinary, it should be understood in the range of the cultural act of human beings. This paper tries to suggest to look at war centering on human beings, the subject of moral judgment. War never flows in one direction apart from humans. It is initiated and performed by a series of moral judgments of people. This is the reason that war could be understood morally. Then we can wait that just war theory should follow, not the sequence of the war but the general ethics approaches.

[Keywords] Just War Theory, Realism, Ideal Pacifism, Jus Ad Bello, Jus In Bello, Jus Post Bellum, Time-Sequenced Approach

1. Introduction

The Just War Theory is an essential theory for an ethical understanding of the war in international relations. This theory argues that war can be justified if a reasonable basis is provided for war between countries and that the overall justification of war is secured when the process of war is justified. For this reason, the theory of just war can be said to be an intermediate theory between realism and ideal pacifism.

This paper reports a brief overview of the Eastern and Western theories about the just war theories, and then clean up the features of the existing just war theories to discuss future developments of the definition of new forms of just war theories. The current theories of just war have been largely divided into Jus ad Bello (the justice of the war itself) and Jus in Bello (the justice of combat action). In recent years, Jus post Bellum (the post-war justice) has also been discussed.
The various discussions of ethics have been largely divided into descriptive ethics, normative ethics, and meta-ethics[1]. In these ethics, just war theory corresponds to normative ethics, more specifically, the applied normative ethics, can be called practical ethics. This applied normative ethics presupposes the case where pure normative ethics such as teleological theory, obligation theory, and virtue are discussed more practically in consideration of specific circumstances. Therefore, the just war theory can be said to be applied to normative ethics, assuming a very specific situation called war.

The existing eastern and western just war theories have shown the characteristics of the Time-Sequenced Approach, which focuses on the importance of the time of war. This paper points out that each principle should not be considered differently over time, but the procedure for moral judgment is similar. So it should be possible to analyze according to the same principle.

Discussions get much further, conventional just war theories could be understood as a not time-sequenced approach to the war but human being. Then the war will be able to be interdependent with a human being and provide an alternative for those problems that arise morally.

2. The Concept and Definition of Just War Theory

The theory of just war is a controversy over which war is right or not. The basic idea of it lies in defending the justice of war and restoring peace[2]. Here the peace is a kind of ideal state, the war is a last resort to realize the peace. So paradoxically, the purpose of the war is to achieve a better state of peace[3].

In the Greek era, Plato had considered the legitimate war, or the self-defense war, for granted, and claimed the need for self-defense armament[4]. The United Nations Charter also recognizes a war as such self-defense for authorizing the use of force by the UN Security Council. Also, due to the self-defense war, it has also been recognized as legitimate under international law of war as follows:

Charter of the United Nations, CHAPTER W, ACTION WITH RESPECT TO THREATS TO THE PEACE, BREACHES OF THE PEACE, AND ACTS OF AGGRESSION, Article 39, The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security. Article 41, The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic elations. Article 42 Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations. Article 51, Nothing in the present Charter shall impair the inherent right of individual or collective self defense if an armed attack occurs against a Mem-10 her of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security[5].
In the west, historical considerations of the just war theory are traced back to Plato in ancient Greece. Plato tried to focus on the restoration of peace, Aristotle also made importance that the war is a means to preserve peace[6][7][8].

Traditionally, there have been two discussions in the just war. One is an explanation for “justification of reason of war”, and the other is an explanation for “justification of means of war”[9]. Justification is generally a justification for the war itself. To do this, there must be a substantial attack between the parties to the conflict engagement, and the situation in which the non-combative corrective measures of the parties are likely to be inadequate or too expensive. In addition, there must be at least two requirements regarding the righteous means for the war of justice: protection of innocent citizens and prohibition of mobilization of excessive means of war[10].

3. The Theoretical Background of Just War Theory

3.1. Oriental cases

Chinese older Confucianists(儒家) developed the right cause in the war. They thought if the war could be right in defending the attack from other countries or rebellion riot. One of the thinkers of the justice war, Mencius(孟子, BC. 372-289) said that “the invasive monarch who deprive their people of their farming season and plow their fields and feed their parents, their parents will freeze and starve, and the brothers and sisters broken apart”(彼奪其民以時使不得耕耨養其父母父母凍餓兄弟妻子離散) should be shut down[11].

Mozi(墨子) did not share the war could be right. His main idea came from non-attack(非攻), which contains mutual love(兼愛)[12][13].

Even limited, Buddhism mentioned just war. The so-called “protecting nation Buddhism”(護國佛敎論) showed the importance of the three treasures(三寶) which contain Buddhas(佛), Doctrine(法), Monk(僧). In the case of violating those three treasures, the war could be justified to break the non-killing doctrine(不殺生).

3.2. Western cases

The western cases of the theory of just have been supported by Christian theology and natural law from the Middle Ages to the Middle Ages. Augustine, a leading theologian in the Middle Ages of Christianity, argued that the just war is necessary to combat the evil. In his days, barbarians were enemies of the Roman Empire and, at the same time were heretics who persecuted Catholics[14].

Thomas Aquinas handled the issue of war at his written book Summa Theologiae[15]. Since war is usually the most serious threat and destruction of peace, all wars should be banned. But he mentioned an acceptable war. The condition of this war does not destroy peace, but rather contributes to peace. Thomas defined this war, just war(bellum iustum)[16].

Grotius was regarded as a figure who marked the transition from the natural legal traditions of the Middle Ages to modern natural thought. He said it is justified to punish those who violated natural law. Here, the natural law does not simply mean a moral law such as love or mercy but is a moral rule known to all rational beings, which means a measure of state practice or will[17]. The ultimate goal he pursued was to overcome the misery of religious wars and to regulate wars between nations according to reasonable rules. In this book, Grotius said that the whole Christian world seemed to have no restraint against the war that even barbarians were ashamed of[18].
Engaged with just war, Immanuel Kant showed the six preliminary provisions that hindered the practice of permanent peace. Firstly, the war of the future peace treaty can not be regarded as a peace treaty. Secondly, any independent state can not acquire any other country by being inherited, exchanging, purchasing, or donating. Thirdly, standing armies should be gradually abolished. Fourthly, any government bonds should not be issued in connection with the external national conflict. Fifthly, any country should not interfere with violence against the constitutional system and regime. Sixthly, no country is not allowed to hostile act to disable the mutual trust upon the future of peace in the war with other countries every[19].

Concerning the just war theory, especially during the period modern nations and its absolutism, the war is going to be understood as the sovereign right of the nation based on State Reason(Staatraison, Raison d'Etat). In other words, war is the final argument of the sovereign(ultima ratio regum) by an absolute monarch[20].

Just after World War 1, the just war theory is about to get attention as a theory to settle peace and international organizations. And World War 2 could give a lot of implications to enrich the academic environment. M. Walzer is a good person to remark on the trend[21]. He tried to emphasize the dialectical approach to pacifism and realism. From this perspective, he attempted a moral argument to the Vietnam war[22].

According to this just war theory, the war is sometimes indispensable for peace as well as morally justified. That doesn't mean that all the parties to the war are just[23]. The existing just war theories have been primarily addressed the justice of the war itself and the battle actions. Some scholars have recently claimed Jus post Bellum. This concept deals with the morality of the termination phase of war, including the responsibility to rebuild. The idea has some historical pedigree as a concept in just war theory[24]. In modern times, it has been developed by a number of just war theorists and international lawyers. The Canadian scholar Brian Orend is usually considered the initiator of the debate[24][25]. He argued that just war theory was incomplete in dealing only with the morality of using force(jus ad bellum) and the morality of conduct during the war(jus in bello). He cited Immanuel Kant as the first to consider a three-pronged approach to the morality of armed conflict[26] and concluded that a third branch of just war theory, the morality of the termination phase of war, had been overlooked[24].

The existing just war theory tends to analyze the ethical meaning of war based on domain and time. We are waiting to further deepen ethical research into the war.

4. Evaluation of the Existing Just War Theory and Its New Direction

It is true that the theory of justice war, which adopts an alternative path between the impulse of realism and the ideal vision of pacifism, which presupposes complete hostility, provides some logic to the countries facing war in the real world.

The study of just war theory was mainly confined to Jus ad Bellum. This tendency is stronger as we go up to ancient times. World War 1 gave us a momentum to show mass destruction. And World War 2 was much broadened and severe. After these two world wars, the concept of Jus in Bello has been highlighted.

The existing theory of just war has focused on securing the legitimacy of the war itself, regardless of the East or the West. Increasingly, over time, it has accepted the moral demand, not limiting human life. As such, the existing just war theories divided the step of the war, which means starting, executing, subsequent post-war, and based on these steps, presented a moral imperative. But there has been no discussion about how much weight should be given to each principle or element in evaluating the level of morality of war itself or war action or subsequent operations. It is difficult to avoid criticism that the existing theory of justice war is merely setting
the category of war morality and suggesting detailed principles for each category. In other words, this is a blueprint that does not work. Also, the existing theory of justice war does not discuss the correlation between Jus ad Bellum, Jus in Bello, and Jus post Bellum. In the case of soldiers who fought fairly well in an unjust war, their achievements would be forgotten. These issues should be considered carefully. At the same time, even if it was a just war, it could be deserved to be accused of unwarily waged war. Because the war should not be the winner's own ethics.

Therefore, future just war theory should be based on the existing traditional ethics, including deontology, teleology, and it should be noted that the question of whether to give a comprehensive judgment to the extent of the weight of the individual principles applicable to the specific evaluation component.

5. References

5.1. Journal articles


5.2. Books

[12] <墨子>
5.3. Additional references


6. Contribution

6.1. Authors contribution

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