

**War Defined**

# The History of War

---

- Can be traced back to 10,000 years ago - cavemen times
- Warfare for political purposes at least 5,000 years ago - inflicting one's political superiority over another group of people.
- Ottobein:

Scholars who study war are at war with each other. One faction, which I have called hawks, believes that warfare arose millions of years ago and has characterized humankind in all places ever since; the other faction, which I have called doves, believes that warfare arose only about five thousand years ago, when the first states developed, and then spread to peaceful hunter-gatherers and agriculturalists.... [some] see war as early and intense, while the [others] see war as late and becoming intense only after 3000 BCE.

- The word 'war'
  - 'Bellum' → 'gewin' → 'werran' → 'warre' in English, 'guerre' in French.

# The History of War

---

Lawrence Freedman describes the emotional disparity of war;

“War therefore has a long association with confusion and discord, but also with honour and the defence of all that is most valued. This duality of war means that it is driven forward because something that really matters is at stake, yet shaped by means that are inherently destructive, unruly, hard to control and contain. This is why war invokes such contrary emotions. On the one hand it describes the grim consequences of conflict. War can tear the heart out of communities. On the other it can be a source of extraordinary solidarity. It tends to be filled with desperate moments of tragedy and sorrow, of cruelty and waste, but also of inspiring moments of heroism.

The gadgetry of war fascinates just as much as its effects appal. States continue to prepare for war while professing to wish to legislate it out of existence. If they must fight, they insist, they will do so only for the most righteous of reasons, as a last resort, and in the most civilized manner. Western culture, not at all uniquely, is infused with a keen sense of this duality, of war as a terrible thing to happen but on occasion a noble and necessary thing to do. We define war through this duality, acknowledging its inescapable violence but requiring that at least this be organised and purposive.”

# Justification of War

---

## Moral justification of war

- Justness of the conditions or reasons that lead to war - *jus ad bellum*
  - Aggression, self-defence - “the war is just/unjust”
- Justness of the conduct of the parties engaged in an armed conflict - *jus in bello*
  - Rules of engagement - “the war is being fought justly/unjustly”

# Justification of War

---

- Concept of 'just war'
  - Date back to the Roman Empire
  - First restraint to regulate brute force in warfare - sanctuary of the Greek temples.
  - Cicero (106 - 43 BC) - "no war is just unless it is waged after a formal demand for restoration, or unless it has been formally announced and declared beforehand."
  - St. Augustine and St. Thomas Aquinas - wars justified to oppose evil.
- Requires a moral presumption against the use of force.
  - Use of force should be as restricted as possible.
  - War as a means to 'right a prior wrong', not for religious differences, imperialism, personal glory or convenience - Vitoria
  - 'Punitive wars' no longer justifiable.

# Justification of War

---

- Hugo Grotius - war as self-defense or defense of the rights of others. Based on natural law.

“In the first principles of nature there is nothing which is opposed to war; rather, all points are in its favor. The end and aim of war being the preservation of life and limb, and the keeping or acquiring of things useful to life, war is in perfect accord with those first principles of nature. If in order to achieve these ends it is necessary to use force, no inconsistency with the first principles of nature is involved, since nature has given to each animal strength sufficient for self-defense and self-assistance.”

“It is not, then, contrary to the nature of society to look out for oneself and advance one’s own interests, provided the rights of others are not infringed; and consequently the use of force which does not violate the rights of others is not unjust.”

# Justification of War

---

- State-centric approach towards waging wars. Influenced Vattel.
- Golden rule of sovereigns
- General principle of non-intervention - securing justice in the world at large.
  
- Wars as either defensive or offensive
  - Defensive - to repel the attack of an enemy
  - Offensive - either to enforce the prosecution of some rights, or safety.
  
- Vattel's three just causes:
  1. To recover what belongs or is due to us.
  2. To provide for our future safety by punishing the aggressor or offender.
  3. To defend ourselves, or protect ourselves from injury by repelling unjust violence.

# Limitations in War

---

- Sun Tzu - The Art of War  
Generally in war the best policy is to take a state intact; to ruin it is inferior to this. Do not put a premium on killing. To capture the enemy's army is better than to destroy it; to take intact a battalion, a company or a five-man squad is better than to destroy them. For to win one hundred victories in one hundred battles is not the acme of skill. To subdue the enemy without fighting is the acme of skill.
- Limitations in war seen in Ancient Rome, Ancient Egypt, Ancient Hindu societies, Islamic Arabia.
- Notions of chivalry, humane treatment, not targeting non-combatants and prohibition of unnecessary suffering.
- First war crimes trial - trial of Peter von Hagenbach in Austria, 1974.

# Limitations in War

---

- Vitoria

Since all the effects of war are cruel and horrible – slaughter, fire, devastation – it is not lawful to persecute those responsible for trivial offenses by waging war upon them. The wicked man shall be beaten according to his fault, by a certain number. In other words, war was only justified if the injury it sought to redress was greater than the probable evil it would unleash.

- Grotius

There are certain duties to be observed even towards those that have wronged us, for there is a moderation required in revenge and punishment.