**Making Peace with the Devil:**

**The Problem of Ending Just Wars**

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# Introduction

In this paper, we draw attention to an unintended but severe side effect of just war theory: The application of a just war framework to war encourages a vilification of the enemy and a firm belief in the righteousness of one’s own cause. As a result, it becomes difficult to justify making peace without achieving total victory. Ending a just war requires one virtually to make peace with the devil. Just war theory, therefore, can serve as an accidental catalyst for the continuation of wars. Given the professed aim of just war theory to limit violence in a morally desirable way, this shows that there is a deep tension within the framework.

Our claims are illustrated by a study of how Chinese intellectuals rethought the desirability of peace settlements in a civil war between warlords in their own country, once they started intellectually participating in European- and American-inspired just war discourse on a large scale following the First World War. If previously, they demanded that the warlord wars needed to end as soon as possible, after the just war turn, the famous intellectual Gao Yihan reframed the war as a battle of good versus evil, and suddenly argued that it could only end with a victory of the righteous. The European and American conceptualisation of warfare, as is well established (Neff 2005: 4), changed at the time of the First World War, from one that accepted war as ‘a mere continuation of politics/policy by other means’ (‘eine blo⌠se Fortsetzung der Politik mit anderen Mitteln’) (von Clausewitz 1883: 16), to one that at least theoretically and ideologically distinguished just from unjust wars, accepted the just wars as morally permissible and rejected the unjust ones. The Chinese intellectuals followed suit by re-interpreting conflicts in their own country.

Our inspiration from discourse analysis of Chinese intellectuals’ take on just war theory in the late 1910s has the triple advantage of being historically located at the era of the just war turn, of being sufficiently removed from present-day political controversies so that it can be analysed without prejudice, and of taking fresh insights from observations of a context that is not normally considered in contemporary debates among philosophers working on just war theory. The warlord wars, moreover, fought for particularistic interests rather than matters of justice. This case thus allows us to illustrate the unintended side-effect of just war theory extending wars in isolation. This effect might be lost in the more standard cases discussed by philosophers of war (such as the Second World War), where arguably the requirements of justice require continuing to fight for a comprehensive victory (Walzer 1977: 113).

Historically speaking, the goal of the just war turn after the First World War was to limit violence by regulating future wars. In practice, of course, this was unsuccessful for a range or reasons. It is also worth noting that some historians of war proceed from the assumption that, in spite of the just war rhetoric, wars remained ‘politics by other means’.[[1]](#endnote-1) However, our concern here does not primarily concern observable behaviour in and related to war, but rather with the structure of just war theory itself. The problems of just war frameworks are thus shown to go well beyond misapplications in practice, and in fact also involve a tension at the theoretical level. If just war theory is a framework that is meant to guide action (as many of its proponents hold), the fact that putting it into practice has failed to limit wars would count against the theory itself.

We begin, in the following section, by introducing some key features of just war theory, and outlining one key test that a practically-orientated theory must meet: the avoidance of self-defeat. We move on, in the following two sections, to consider how the adoption of just war theory in China in the 1910s led to a change in attitudes regarding the conduct of ending wars. Far from being accidental, we argue in the final section that this shift may track more fundamental changes in identity that are brought about as a result of adopting just war theory. Crucially, we suggest, this effect leads just war theory to be self-defeating, in the sense that those who follow it will be less able to achieve the values that are at the heart of just war theory. We conclude by considering the implications of this for the just war theory as a philosophical theory.

# The Aspirations of Just War Theory

## Just War Theory and the End of Wars

Just war theory seeks to limit political violence in a morally attractive manner while maintaining the possibility of justified wars. Unlike pacifism, which places a complete moral prohibition on armed conflict, just war theorists hold that wars can sometimes be morally permissible (and perhaps sometimes even morally required). Nonetheless, the characteristic feature on just war theory is its placing various moral constraints on the occasions on which international actors can engage in wars (referred to as the principles of *jus ad bellum*) and how belligerents must conduct themselves within wars (principles of *jus in bello*).

Of course, the exact principles that have been put forward in both categories has evolved over the long tradition of just war theory. Take the *jus ad bellum* principle of just cause – which places limits on the sort of reasons that actors can legitimately initiate a war – as an example. Some earlier philosophers in the tradition, such as Augustine and to an extent Thomas Aquinas, thought that punishment of wrong-doers could be one such just cause (Walzer 1977: 62; Reichberg 2017: 142-172). James Turner Johnson identifies a ‘presumption against war’ emerging from the 19th century onwards, with additional movements in this direction after the First World War and during the nuclear age (Johnson, 1996, 30-32). Following developments in international law around this time, responding to international aggression became the archetypal just cause in just war theory (Walzer 1977: 51-53), although questions remained about whether and when humanitarian interventions to protect vulnerable populations are also permissible (Luban 1980; Walzer 1977: 101-108 ). An alternative perspective is offered by 20th-century Marxists, who envisage revolution and national liberation as just (Mao 1966). Despite more or less expansive accounts of just war, what ties just war thinkers together is the conviction that the resort to war should be limited to certain cases.

The call for limits is also apparent in just war theorists’ accounts of *jus in bello*. As Johnson sums up Aquinas’ account: ‘The use of force must be discriminate (it must distinguish the guilty from the innocent), and it must be proportional (it must distinguish necessary force from gratuitous force)’ (Johnson 1996: 28). The former requirement – proportionality – has been the subject of contemporary debate. While some accounts tie innocence (and therefore immunity from attack) to non-participation in relevant activities that are connected to the war (which primarily, but perhaps not exclusively, involve fighting as a soldier (Coady 2008: 109-116; Walzer 1977: 144-147), other scholars argue that one’s moral liability to being killed in war depends on one’s responsibility for unjust threats. *Jus ad bellum* and *jus in bello* considerations are inherently linked, according to the second group; they hold that soldiers who fight a just war are morally immune from attack (McMahan 2009: 175-182). Of course, it will often be difficult to determine whether one’s cause is just. This is why the medieval thinkers Grotius and Vitoria called for restraint in the conduct of war, and used this as the justification of *jus in bello* rules (Johnson 1996: 30).

In more recent years, philosophers in the just war tradition have turned their attention to the question of when wars should be ended. In addition to theories of *jus ad bellum* and *jus in bello*, then, it is thought that a full account of the ethics of war must also include a theory of *jus ex bello* – a set of moral principles covering the termination of warfare (Moellendorf 2008; Rodin 2008). While this question was somewhat neglected in the historical just war tradition, the accounts put forward in recent literature may nonetheless be viewed as being continuous with the overall framework. In other words, these philosophers have taken the underlying justifications of standard just war principles, and derived from them additional principles to guide the ending of wars. What conclusions have they come to?

At first sight, it might look as if just war theorists should welcome the ending of wars as soon as possible. They sometimes speak about the ‘aim’, ‘end’, or ‘object’ of war as peace (Augustine, 1959: 678; Coates, 1997: 291; Suarez, 1944: 839; Walzer, 1977: 121-122). But, since just war theorists seek to limit – and not (as pacifists would) to eliminate – war, appearances can be deceptive. In fact, just war theorists tend to have a richer idea of peace in mind than the mere cessation of hostilities (Peperkamp 2020; Walzer, 1977: 121). They claim that war should bring about a ‘positive’ peace, as Johan Galtung (1969: 183) calls it – whereby an absence of violence is combined with a state of affairs that meets fundamental principles of justice. Both Augustine and Aquinas, for instance, view the ideal ending ‘as *tranquillitas ordinis*, the tranquility of a just political order’ (Johnson, 2005).[[2]](#endnote-2) Such a view has translated into practice, as countries justify wars as a peaceful endeavour (Forster 2020: 257-264; Forster and Taylor 2022: 93-103).

This commitment to justice, as well as peace, is seen in some contemporary just war theorists’ accounts of what moral principles govern the end of war. Although these thinkers tend to argue, other things equal, that wars should be ended as soon as possible, this is tempered by considerations of justice. Darrel Moellendorf (2015: 669-671), for instance, while arguing for a principle of ‘all due haste’ to guide the bringing of wars to a close, also proposes supplementing this with principles of ‘moral cost minimization’ and ‘injustice mitigation’. Such qualifications are natural extensions of the just war outlook, which views the ideal outcome of war to involve more than a mere cessation of hostilities. ‘A just war is one that it is morally urgent to win,’ says the just war theorist Michael Walzer (1977: 110), and not merely to end.

## Institutionalizing Just War Theory

Any ethical theory that seeks to guide the behaviour of real actors – as at least some versions of just war theory do – must be sensitive to the effects of institutionalizing that theory. That is, the (sometimes unintended) results of giving the principles of such a theory the status of laws or social norms, as well as creating the more formal institutions who have the power to apply and enforce the principles, will count for or against the validity of that theory (Buchanan, 2018: 7-8). We maintain that one key test that any practically-orientated theory must pass is to avoid self-defeat.

What do we mean by ‘self-defeat’? Derek Parfit provides one conceptualization: a theory, T, is self-defeating ‘when it is true that, if someone tries to achieve his T‐given aims, these aims will be, on the whole, worse achieved’ (Parfit 1984: 5). A normative theory that tells people to advance their own self-interest, for example, would be self-defeating if, by consciously trying to advance their self-interest, they ended up worse off than if they had done something else.

If we are to consider whether just war theory is self-defeating, then, we need to identify the aims that it gives to actors. As we saw above, the main idea that separates just war theories like pacifism is its commitment to *limiting* wars. The central idea is that there are just and unjust wars, and only the former should be pursued.

On the basis of these considerations, we might thus think of the aim of just war theory in the following (unavoidably vague) manner:

Fight only just wars.

However, this looks like a merely a conditional aim: it says that, if one is going to fight wars, one should only fight just wars. If we wanted to formulate the aim of just war theory as an unconditional aim, then, we might rephrase this as:

Do not fight unjust wars.

Where unjust wars, for instance, would fail the requirements of *jus ad bellum* or *jus in bello*. If it turns out that those who adopt just war theory would routinely violate these requirements, for example, it is likely that just war theory would be self-defeating.

As mentioned above, a number of just war theorists in recent years have argued that rules of *jus ex bello* are other important limits that must be upheld in order to ensure the overall justice of a war. An otherwise just war might become unjust if it is continued for too long, for example if it is pursued after the just cause for war has been obtained in order to acquire economic resources. Some just war theorists may also argue that, if the just cause for war has not yet been achieved, but the overall harms of the war to that point have ceased to be outweighed by the moral value of achieving the just cause, the war in question should be terminated. This latter commitment assumes a ‘quota view’ of the *jus ad bellum* principle of proportionality, according to which judgements of whether continuing to fight can meet the principle will involve weighing the benefits against both future and the past costs incurred. This view is defended by Darrel Moellendorf (2015: 661-668). This contrasts with a ‘prospective view’, according to which only the future harms should be take into account (Fabre 2015: 635-637; McMahan 2015; Rodin 2015: 678-683). Even on the prospective view, however, continuing a just war may be disproportionate even if doing so is likely to be successful in its aims.

For a number of different reasons, then, just war theorists hold that a war that began as just may become unjust if it continues beyond a certain point. This suggests another way in which just war theory might be self-defeating: if adopting just war theory involves a gaining a commitment to continue fighting wars long after they became unjust, the theory would be self-defeating. And, we will argue, there is good reason to think that this has been the case in the past.

# Before Just War Theory

While just war theory has a long pedigree as a philosophical tradition, a revived interest in it emerged when many aspects were put into practice in framing international norms and laws in the early twentieth century (especially in the aftermath of the First World War). In particular, various principles of *jus ad bellum* were adopted by the international community and this placed constraints on international actors (various principles of *jus in bello* in fact gained this status earlier in the nineteenth century). To consider the effects of adopting just war theory, then, we will consider a conflict that took place during this ‘just war turn’, namely: the warlord wars in China during the early twentieth century.

In the late 1910s, China was a republic, whose politics was manipulated by military governors – unfavourably called the ‘warlords’. These warlords formed constantly changing alliances and fought civil wars among themselves to further their own interests in the 1910s and 1920s (Sheridan, 1983: 284–303). Conceptualisations of these wars changed frequently. For the sake of precision, we zoom in on intellectuals’ comments on the warlord wars of the 1910s.

Before the just war turn, i.e. before the end of the First World War, China’s intellectuals argued that the wars needed to stop, without it being important that one side or the other should emerge victorious. For instance, when looking at the warlord wars, an intellectual writing for one of China’s most influential intellectual journals, *New Youth* [新青年], lamented that the ‘internal chaos’ [內亂] embarrassed China before its international allies. According to the journal, the United States Minister to China once said to the Chinese government that he ‘deeply hoped that China’s internal chaos would soon be solved and peace [be restored], and that [China] would quickly establish a powerful government, so as to safeguard [China’s] international status, etc.’ [深望中國內亂早日救平。速組織強有力之政府。以保全國際地位云云。] (‘督軍稱兵與復辟’ 1917: 2). One of China’s biggest newspapers, the *Shanghai News* [申報], agreed with this negative judgment of the warlord wars, when it wrote in 1917: ‘Although [it is the case that] war, while not auspicious, is sometimes not avoidable. Only with civil war, even if it is unavoidable, it is suitable to be able to end it. I really wish those who are in charge were careful in this respect’ [雖然戰雖不祥有時亦非得已特國內之戰即不得巳亦以能消弭為宜耳我甚願當事者愼之也] (‘宣戰’ 1917).

When discussing the warlord wars, the intellectuals initially did not deploy anything like a just war framework, but simply considered them problematic on all sides and driven by the warlords’ political interests. They deeply despised the warlords and said so with much frequency (傅斯年 1979 175; 宣戰案與政潮 1917: 1–7; Grieder 1970: 174.). In 1917, for example, *New Youth* wrote:

‘In recent months, political upheaval has been surging. All matters, big and small, have been closely connected to the military governors [i.e. the warlords]. To sum up recent matters and record them, [we could say that] while [the upheaval] has been caused by the politicians, those who have been harmed are the people. Those who cheat them and stubbornly take the initiative, are the military governors.’

近數月來，政潮澎湃。事無鉅細。無不與督軍息息相關。綜近事紀之。其發縱為政客。其被害為人民。其扛木梢，硬出頭者。則督軍也。(督軍稱兵與復辟 1917: 1)

Consequently, the intellectuals did not buy any of the moralizing vocabulary, with which the warlords attempted to justify their wars ( 謝本書 1995: 116). *New Youth* commented on this sort of rhetoric with the following words:

‘The flags of their [the warlords’] slogans have repeatedly changed. Originally, it was [about] the War Council. [Then] it changed for the first time and became [about] foreign policy questions. [Then] it changed again and became [about] the question of the constitution. [Then] it changed for the third time and became [about] the question of the cabinet. [Then] it changed for the fourth time and became [about] the question of the president. [Then] it changed for the fifth time and became [about] the question of restoring the monarchy. In [a bit] more than a month, it changed as often as six times.’

其號召之旗幟。屢次變換。最初由軍事會議。一變而為外交問題。再變而為憲法問題。三變而為內閣問題。四變而為總統問題。五變而為復辟問題。月餘之內。變更至六次之多。(‘督軍稱兵與復辟’ 1997: 1)

This list of ‘slogans’ referred to a range of warlord squabbles of the 1910s, and it would go beyond the scope of this paper and the patience of the reader to explain them all. But we will comment on the slogan ‘protecting the constitution’, since this will be important later. This referred to a war between warlord factions in North and South China. It emerged in 1917, when the politician Sun Yat-sen left Beijing over a dispute with the current premier and warlord Duan Qirui over the question if China should enter the First World War (Duan was in favour, Sun against it) (Bergère 1998: 270.). Sun Yat-sen went to South China, allied himself to local warlords and founded a government (謝本書 1995: 115). Since simultaneously Duan Qirui was seeking to make changes to the constitution (蘭池 2017: 171), Sun Yat-sen claimed his actions were motivated by the wish to ‘protect the constitution’ (謝本書 1995: 115). ‘Protecting the constitution’ now became popular propaganda for the local Southern Chinese warlords, to whom Sun Yat-sen had allied himself. They now used the slogan for wars, which they fought against their rival warlords (謝本書 1995: 116). China’s intellectuals, as shown above, clearly did not buy into this.

What underpinned these judgements? As a ramification of imperialism, these intellectuals, who often held Humanities PhDs from Western universities, participated in European- and American-inspired theories and philosophies regarding many aspects of life, Communism being the most famous. Less well-known is that they also negotiated normative theories of warfare from Europe and the US. Consequently, the paradigm of war and peace that these Chinese intellectuals operated in was shared by their European counterparts at the time (Forster 2023: 451-453). It has sometimes been associated with its most famous proponent, the Prussian military theorist Carl von Clausewitz, and his book *On War* (*Vom Kriege*) (1883). It will thus be useful to set out some of the central claims of this framework.

A few caveats are required when discussing Clausewitz’s text *On War*. Since its posthumous publication in the 1830s, it has been interpreted in many diverse ways, and some of its applications have been held responsible for some of the worst crimes in the 20th century. In the words of Clausewitz scholar Hew Strachan: ‘[I]nterpretations of Clausewitz have differed generationally, nationally, and politically. He has appealed simultaneously, and not always for opposing reasons, to Karl Marx, Adolf Hitler, and Western liberals’ (Strachan 2007: 37). The reason for this is partially because *On War* is around 600 pages long and different audiences have focused on different parts (Strachan 2007: 30-35). This is also the case because the text is what Christopher Bassford (2007: 75) with much kindness characterises as ‘dialectical’. That is, the text is sometimes contradictory, which is in part caused by the fact that Clausewitz died before he could complete it. There are therefore several things that are *not* the goal of this paper: We do not want to engage in a comprehensive textual analysis of Clausewitz’s *On War*, but instead discuss one interpretation of it, which was also the one reflected in the Chinese intellectuals’ take on the pre-World War One paradigm.

One element of the Clausewitzian conceptualization of war, found as well in the way China’s intellectuals talked about their warlords, was the idea that there were no just or unjust wars. This can be described as a certain sort of realism, which in this context refers to an opposition to the pursuit of moral goals in international politics (Miller 2016: 219-220). It is summed up by Clausewitz’s famous view of war as a mere continuation of politics (von Clausewitz 1883: 16). If understood in normative (as opposed to descriptive) terms, this means that war should be considered an inevitable part of the competition between nations, that it is value neutral, and that it is a legitimate means to pursue political interests.[[3]](#endnote-3) This of course puts the threshold for starting a war very low (Neff 2005: 197-198). War is seen as a tool of political actors.

But as Chinese intellectuals’ comments on their warlord wars show, there is another implication when it comes to ending wars: under this paradigm, the end of war may be required as quickly as possible, irrespective of who wins. (‘Only with civil war, even if it is unavoidable, it is suitable to be able to end it’ (‘宣戰’ 1917).) Why is this? What is absent, at least conceptually, from the identification of war with policy is the belief in the moral righteousness of one’s own cause – remember the warlords’ moralizing that China’s intellectuals rejected wholesale. (‘The flags of their [the warlords’] slogans have repeatedly changed’ [‘督軍稱兵與復辟’ ], 1997: 1). Strachan writes about the pre-World War One world that ideology played a minor role and was merely ‘an agent for national mobilization’ (Strachan 2007: 43.). Stephen C. Neff (2005: 200) describes how wars of the era were discussed with ‘utmost sobriety and dispassion’. The views of Clausewitz himself on this topic appear to be more complex: while emotionality is seen as having some place in war, it was to be balanced out by, if not made subordinate to, the political goal (von Clausewitz 1883: 2-3; 73). Clausewitz described war as a ‘wondrous trinity’ [‘wunderliche Dreifaltigkeit’], which consisted of ‘the hatred and the enmity’ [‘dem Ha⌠s und der Feindschaft’], ‘of the play of probabilities and coincidence’ [‘aus dem Spiel der Wahrscheinlichkeiten und des Zufalls’] ‘and of the subordinate nature of a political tool’ [‘und aus der untergeordneten Natur eines politischen Werkzeugs’] (von Clausewitz 1883: 18).

While this view of war as ideally divorced from emotion must of course feel cynical to those who suffer political violence, it does thus have the advantage that, on one reading, war must also end when the political goal is achieved. This restrictive element may be thought of as somewhat balancing out what many view as Clausewitz’s overly permissive account of when wars may be initiated. In the words of Clausewitz scholar Raymond Aron: ‘It remains, at the starting point, that in reducing the act of violence, war, to a political tool, Clausewitz gives it as its end not victory but the return to peace’ [‘Il reste, au point de depart, qu’en réduisant l’acte de violence, la guerre, à un moyen de la politique, Clausewitz lui done pour fin non la victoire mais le retour à la paix’] (Aron 1976: 171; cf. Strachan 2000: 343). In Clausewitz’s words: ‘As soon as the effort is so big that it is no longer balanced out by the value of the political goal, it must be abandoned and the peace must be its result’ [‘Sobald also der Kraftaufwand so gro⌠s wird, da⌠s der Werth des politischen Zwecks ihm nicht mehr das Gleichgewicht halten kann, so mu⌠s dieser aufgegeben werden, und der Friede die Folge davon sein‘] (von Clausewitz 1883: 22). So while the the Clausewitzian framework may provide limited tools for criticising the decision to go to war, this is paired with stringent limits on continuing wars.

# The Just War Turn

A few years later, Chinese intellectuals’ conceptualization of their warlord wars had suddenly changed and peace now seemed desirable only on the condition that one particular side had won. This happened in two steps. In the first step, the belligerents in the warlord wars were divided into a just and an unjust side. If, in 1917, the journal *New Youth* had brushed the warlords’ justifications such as ‘protecting the constitution’ aside as ‘slogans’ that ‘have repeatedly changed’ (‘督軍稱兵與復辟’ 1997: 1), the famous intellectual and Beijing University professor Gao Yihan wrote in *New Youth* in 1919:

‘China’s current wrangle between the South and North exactly has political reform as its motivation. These [past] few wars were all wars between the politics of the common people and the politics of the bureaucrats; wars between thinking [in favour of] rule by law and thinking [in favour of] rule by men; wars between justice and humanism [on the one hand] and power and military might [on the other hand].’

中國現在南北紛爭，正是政治改革的動機。幾次戰爭，皆是平民政治與官僚政治戰爭，法治思想與人治思想戰爭，正義人道與強權武力戰爭。(高一涵 1919: 7)

What had happened? How had a clash of sides representing ‘repeatedly changing’ ‘flags of their slogans’ become a battle of good versus evil, which should only end with the victory of the good guys? The answer is the just war turn.

Shocked by the slaughter that was the First World War, parts of the international community based in Europe and America held among other factors the Clausewitzian paradigm responsible for the disaster. Later, the historian John Keegan called Clausewitz ‘the ideological father of the First World War’ (Keegan, 1993: 22). As a result, the ethics of war were rethought towards and after the end of the First World War (Sellars 2013: 8–9.). This resulted in what Neff calls ‘a reversion to the medieval just war outlook’ (Neff 2005: 4), of course with some modifications. The idea of war as ‘a continuation of politics’ was abandoned. Instead, the idea was introduced that there were just wars and unjust wars, and that the unjust wars were illegitimate and to be avoided, even when they were advantageous to those waging them (Sellers 2013: 15).

This was the theory, but the practice looked different. Among historians examining the practice of war, for example, the school that proceeds from the assumption that warring parties constitute ‘rational actor[s]’ (Goemans 2012: 19) who cautiously weigh their options to find the best position for themselves seem to presuppose that ‘war as a continuation of politics’ never ended.[[4]](#endnote-4) Other war duration scholars examine less rational factors, such as the role of hurt ‘honour’ (Lanoszka & Hunzeker 2015: 662), regime types and leaders’ personality traits (Goemans 2012: 4; Croco 2015, 5), or religion (Nilsson 2018: 96.). However, this paper is concerned with just war theory itself, not with the practice of war.

At the level of theory, one major innovation of this new, post-World War One framework was the placing of limits on the occasions on which states could legitimately go to war. This is what the principles of *jus ad bellum* like just cause do. The idea is that, rather than particularistic policy goals favoured by the Clausewitzian outlook, one’s resort to war can only be permissible if one is in the right, and is fighting for certain sorts of (morally valuable) reasons. As we saw earlier, what was considered to be a just cause has changed throughout history. But the version of just war theory that ended up impacting on the development of international norms in the early twentieth century and especially up until the end of the Cold War was ‘aggression-centred’ (Valentini, 2009: 145). On this view, wars that constitute acts of aggression against sovereign states are deemed unjust, and defence against such aggression is taken to be the archetype of a just war.

With just war theory providing the guiding principles, wars stopped being seen as morally neutral. Instead, they started being viewed as fights between good and evil (e.g., in Gao Yihan’s phrasing, ‘wars between justice and humanism [on the one hand] and power and military might [on the other hand]’ [高一涵 1919: 7.)) That is, they were viewed in moralized terms, and acting within this framework presupposed a firm belief in the justice of one’s own cause. What we have observed in Gao Yihan holds true for just war theory in the philosophical literature too, and notions of aggression appealed to in this tradition are a case in point. Aggression is not understood as a morally neutral term which could in principle be justified if it was conducted in service of some legitimate goal. Rather, aggression is understood in a way that makes it wrong by definition. As Walzer writes, ‘[e]very violation of the territorial integrity or political sovereignty of an independent state is called aggression’ (Walzer 1977: 52). Although the concept of aggression received no authoritative definition by the international community until 2010 (Kestenbaum 2016: 61), it was thought that aggression in some sense violated the political independence of sovereign states, which was in turn understood as a serious injustice. ‘Aggression is a singular and undifferentiated crime’ says Walzer in defending the aggression-centred approach, ‘because, in all its forms, it challenges rights that are worth dying for’ (Walzer 1977: 53). Just war theory, in other words, introduces a moral element into the assessment of wars’ beginnings. And what this means is that, if someone is to act while holding true to this framework, they must believe that they possess a morally superior reason for fighting than their opponents.

But herein lies the tension involved in adopting just war theory: it can suddenly make peace less desirable, or at least only desirable under certain circumstances, namely the victory of the just side (however identified). This is the second of the aforementioned two steps. Having divided the warlord squabble into a just and an unjust side, Gao Yihan wrote about the peace conference that was simultaneously going on between the two sides:

‘If we advocate mediation in this [situation], should China conduct politics that are half [run by] bureaucrats and half by the people? Should thinking exist that is half [in favour of rule by] law and half [in favour of rule by] men? Should it be a country that is half [guided by] humanism and justice and half by power and [military] might? Will one side want to protect the law and one side stubbornly destroy the law? Could the question of the law really be half promoted and half compromised on? If you are not even allowed to protect the law, is there still room for mediation? That they still stubbornly want to mediate, while there is no room for mediation, this is the first fundamental mistake of the peace conference.’

於此乃昌調和，難道中國應行半官半民的政治，應存半法半人的思想，應作半道義半權力的國家嗎？一方要護法，一方偏要毀法，難道法律問題，也可半推半就的嗎？連法也不許你護，尚有調和的餘地嗎？本無調和的餘地，而偏要調和，這是和平會議的根本錯誤一。 (高一涵 1919: 7)

In one way, of course, it is not surprising that adopting a just war framework made someone like Gao more reluctant to advocate the end of a war. We saw earlier that, for just war theorists, the imperative to end a war must be tempered by considerations of justice: wars can be ended too quicky, according to this view. But we want to draw attention to another factor that appears to be operating here. Gao’s call for continued fighting is based, not so much on any principle directly contained in (or derivable from) just war theory, but rather on considerations of how one should act if one knew one’s cause was morally superior. He argued that ‘since one clearly knows that which one initiates, which one advocates is the political truth, one should bravely advance, and gain victory over the people who obstruct and hinder [one]’ [既明明知道我所發起的所倡導的是政治真理，就應該勇往直前，去戰勝阻攔障礙的人。] (高一涵 1919: 6–7). This sort of more absolutist view may go beyond the principles of just war theory in leading its adherents to call for the continuation of wars. When it is present, it may lead them to disregard some of the more restrictive aspects of just war theory, especially the aspects of *jus ex bello* which call for a speedy resolution to armed conflict. If we wish to ensure the values that just war theory stands for, then, we need to investigate where these sorts of attitudes might come from, and how we might minimize their occurrence. Unfortunately, we think, the source of the problems may be internal to just war theory itself.

# Is Just War Theory Self-Defeating?

We maintain that the shift in attitudes exemplified by Gao Yihan may not be random, but rather the result of the successful adoption and internalization of just war norms. We will claim that an agent adopting just war theory leads to a change in their identity that creates barriers to making peace. And, since these barriers may leave actors less able to follow just war theory, that theory may fail the key test we introduced earlier: the avoidance of self-defeat.

What sorts of changes in identity might take place? Moving from the Clauswitzian paradigm to just war theory necessitates viewing oneself as being in the right if one is to act. Only if a just cause is possessed is any bellicose action possible in the latter framework. It thus encourages agents to present themselves (or those that that argue in favour of) as morally superior. And this, in turn, affects what agents can do with respect to ending wars. Those who hold the moral high ground are not the sorts of agents who can simply end wars when it is in their narrow self-interest, or perhaps even when the moral costs of war are mounting up. This is not the kind of thing that those who fight for justice do. Rather, their interests become identified with some universal cause, and achieving their goals now requires fighting until total victory is obtained.[[5]](#endnote-5) Nothing less will allow them to remain true to their newly acquired identities.

The Idea that actors’ fundamental motives are affected by norms is not, of course, a novel claim. Social constructivists have long argued that the identities and interests of agents – be they states or individuals – are at least partly influenced by the social structures in which those agents operate (Berger & Luckmann, 1966; Wendt, 1992.). This might be, for example, because they come to internalize the prevailing norms in their environment (Finnemore & Sikkink 1998). However, constructivists have tended to think that the relationship between norms and identities will for the most part be harmonious: the identities that emerge will largely be compatible with acting within the bounds provided by the normative environment. Certain sorts of behaviour will tend to be a ‘self-fulfilling prophecy’, in the sense that it will generate norms consistent with that behaviour and, in turn, actors who internalize those norms (Wendt, 1995: 77). While some constructivists have allowed for the possibility of social revolutions which upset both identities and structures, these tend to be assumed to come from exogenous factors. Such factors might include the work of ‘norm entrepreneurs’ who successfully persuade a critical mass of actors within the system about the desirability of new norms, for example (Finnemore & Sikkink, 1998: 895; Sunstein, 1996: 929-930).

Our claim is different from this, however. What we are suggesting is not simply that the adoption of a set of norms will lead to a change in identities through agents’ internalizing those norms. We are also suggesting that it might at least sometimes alter identities in a way that is unintended by the framers of the normative orders in question. Those who adopt just war norms may gain a disposition against ending wars which does not correspond to any principle of just war theory. That theory, as we have seen, places strict constrains on how long a war can go on for. Aside from a few exceptional cases (e.g. Walzer, 1977: 111-117) just war theorists now hold that an absolute victory or the destruction of an enemy cannot be considered permissible. Nonetheless, we are suggesting, those who adopt the principles that these theorists put forward may find it hard to follow them to the letter.

It is important to emphasise which feature of just war theory we are claiming can change identities of those who follow it: namely, the distinction between the just and the unjust side. There are, of course, other features that are found in some – but not all – versions of the theory that might have a similar effect. As we saw earlier, while punishment was once taken to be a just cause for war, this idea has fallen out of favour recently – perhaps due to the thought that it too will lead those who carry out the punishment to act excessively. Indeed, the neo-Augustinian theory of Jean Bethke Elshtain (2004) – which maintains a place for punishment in war – has been criticised because of its ignoring Augustine’s caution about the corrupting effects of the exercise of power through war (Rengger, 2004, 115; O’Driscoll, 2007: 488–489). But insofar as punishment is excluded from the list of just causes by other thinkers, the criticism does not tell against just war theory more generally.

However, the distinction between just and an unjust wars is a feature that is common to all versions of just war theory – indeed, it is a defining feature of that theory. And at least one side in a war is always taken to be unjust (McMahan, 2009: 143; Primoratz, 2002: 228). It is this feature which, we maintain, is the one that may create a pressure towards excess in the continuation of wars. This is not, to stress again, by design[[6]](#endnote-6) – as we have seen, contemporary just war thinkers put strict limits on how long a war can be pursued. It is rather an unintended side-effect that occurs when agents operate within the framework. One could almost say that there is a constant inherent tension in just war theory, between limiting violence and approving of it.

An exploration of the more practical implications of this hypothesised identity shift would be desirable in the future. On China, one could, for example, show how just war rhetoric as propaganda was mobilised during China’s Civil War (1945-1949) to argue that peace with the opposing side was unthinkable (Mao, 1948a; Mao, 1948b), or how it was used similarly during the Second World War in China (Mao 1940). Some war duration literature, moreover, suggests implications for actual behaviour in war. For example, Alex Weisiger, of the school that sees wars as a ‘commitment problem’ (i.e. the issue that you cannot trust your enemy) argues that wars are prolonged when the opposing side is seen as ‘by nature committed to aggression’ (Weisiger 2013: 12). Marco Nilsson (2018: 96) argues that certain ‘causal beliefs’ can prolong war, because they instil a side with faith in its own victory, even though it keeps losing on the actual battlefield. Such ‘causal beliefs’ could involve a ‘chosen religion, political party, or nation’ (Nilsson 2018: 96). Our concern in this paper is more theoretical: we want to establish that *if* just war theory is adopted successfully by international actors, there will be significant internal barriers to peace-making.

We are now, then, in a position to see why just war theory may be self-defeating. As we have argued, actors operating within a just war framework will have the sort of commitment to justice that characteristically involves a refusal to end wars before a comprehensive victory is obtained. But, as noted previously, just war theory simultaneously places significant constraints on continuing wars: wars must sometimes be ended before a complete capitulation of one’s enemy. There is thus a tension within just war theory: the sorts of agents that are brought into existence by the internalization of that theory may be incapable of following its principles, in particular the principles of *jus ex bello*. Adopting the theory, that is, may close off possibilities that mean that one only imperfectly achieves the goal that the theory gives agents, namely, not fighting unjust wars.

However, showing all this does not *necessarily* show that just war theory is self-defeating. To see this, recall that for a theory to be self-defeating in the sense we have in mind, it must be the case that, were we to try and achieve its aims, those aims would be *worse* achieved (Parfit 1984: 5). But if this is the case, there must be some baseline against which to measure this. There must, in other words, be at least one alternative framework that would score better by just war theory’s own lights. Is there such a framework? Pacifism, of course, would lead to a stricter prohibition on the use of force, and consequently those operating under pacifism may be more disposed to end wars (or not start them in the first place). But some may argue that pacifism comes with costs, most notably its prohibitions on starting wars even when an obvious just cause is in place (Coates 1997: 111).

Surprisingly, it is here that some of the ideas of the pre-just war era may have something to contribute to the conversation. As we saw above, this framework in the discussions of the Chinese intellectuals resulted in a significant imperative to end wars as soon as possible and, in one reading of Clausewitz, once the policy objectives of those wars are achieved. Although just war theorists will of course reject the idea that the justification of violence should be based on anything other than the justice of one’s cause, this aspect of the Clausewitzian framework may be attractive to those who are motivated by the underlying concerns that give rise to just war theory. Nonetheless, we obviously fall short of calling for a return to anything like the pre-World War One Clausewitzian paradigm, given its disastrous results in practice and its low normative threshold for starting wars. Whether we can maintain the restrictive aspects of this view without the permissive ones is questionable. It may not be possible to combine elements from just war theory and Clausewitzian realism in an overall regulatory framework, given the two theories may be supported by an incompatible set of underlying principles. An agent’s coherent identity, for example, may not allow for them to be motivated by concerns of justice when starting wars but more hard-nosed pragmatism when ending them.

We end, then, on a somewhat cautious note. Just war theory, like democracy, may be the worst possible system except for all the other conceivable ones. Its undoubted gains in reining in unjust violence are not to be underestimated. Nonetheless, we have shown that fully implementing a just war framework also involves significant moral costs which should not be easily disregarded. If we care about reducing the incidence of unjust wars, simply translating the fundamental principles of just war theory into laws and norms may not be the best option.

# Conclusion

We have argued that just war theory may self-defeating: those who try to follow its principles in good faith may be less able to achieve its aims as a result. Whether or not this translates into practice – that is, whether or not political actors do adopt just war theory and go through the changes in identity that we have suggested might go along with it – is another question. It is possible that these actors merely follow just war theory to keep up appearances without fully internalizing its norms.[[7]](#endnote-7) Such a finding would mean that we do not need to worry about the potential for just war thinking to extend warfare, since those operating in the international sphere would not really be engaged in just war thinking in the relevant sense. But it would also undermine much of the value of just war theorizing: if actors lack a genuine commitment to just war principles there is no guarantee that they will not disregard them when they can.[[8]](#endnote-8) Those who advocate just war principles are thus caught in a double bind: for these principles to have any meaningful traction, they must be internalized by actors, but the very act of internalization undermines some of the values that their theories are supposed to promote.

We will close considering the upshot of this for philosophers who are engaged in contemporary just war theory. Should the self-defeating nature of their proposals worry them? This will depend on how they conceive the status of the principles that they put forward, and there are different views on this (Lazar 2017). ‘Traditionalist’ just war theorists, as they are sometimes called, tend to think about their task as one of determining the best set of rules for governing warfare (Walzer 1977). Just war theorists of this sort should indeed be troubled if their theories turn out to be self-defeating. The fact that the principles they put forward cannot achieve their intended aims as well as some other theory might mean that they may need to consider alternative regulatory frameworks.

However, other just war theorists – who can be called ‘revisionists’ – have different ideas about their project. One prominent theorist of this sort describes his task as that of uncovering the ‘deep morality’ of warfare (McMahan 2004: 730; cf. Frowe 2011: 43-44.), by which he means the fundamental moral principles that determine the moral permissibility of acts of (and within) war. The self-defeating nature of just war theory need not trouble theorists of this type, because they can readily accept that the laws and norms surrounding warfare should depart significantly from its deep morality. This deep morality of warfare may well be a self-effacing theory, in the sense that it would be better by the theory’s own lights if people did not believe it or act on it (cf. Parfit 1984: 23-24). But this need not count against the truth of that theory. Nonetheless, the considerations that we have outlined in this paper may suggest that the ideal regulatory framework of warfare may depart further from its deep morality than revisionists have so far assumed.[[9]](#endnote-9)

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1. This seems to be the underlying assumption of Regan & Aydin (2006); Shirkey (2016); Cunningham (2014); Reiter (2009). [↑](#endnote-ref-1)
2. One exception to this trend is C.A.J. Coady, who argues for a “medium peace”, which involves ‘something in it that at least quiets the dispositions to violence, hostility, and aggression that are typical of war’ (Coady 2008: 269). Coady nonetheless still goes beyond a pure “negative” peace as the absence of violence. [↑](#endnote-ref-2)
3. For historical discussions of this aspect of the Clausewitzian paradigm, see Aron (1976, 21); Strachan and Herberg‐Rothe (2007: 2); Neff (2005: 197); Sellars (2013: 15). [↑](#endnote-ref-3)
4. Such literature argues that wars can be shortened under certain circumstances because of outside intervention (Regan & Aydin 2006), or that they can drag on longer because belligerents have new and conflicting behind-the-scenes expectations and knowledge (“private information”) (Shirkey 2016). They can be prolonged because multiple parties are involved all of which ‘think they have a good chance of winning or if conflict is profitable to one of them’ (Cunningham 2014, 11), or because of a mixture of information-related and commitment-related issues (Reiter 2009 4–5). [↑](#endnote-ref-4)
5. This may also explain why labelling one’s opponents as terrorists (and therefore beyond the moral pale) can create barriers to making peace with them. On this phenomenon, see Franks (2012). [↑](#endnote-ref-5)
6. Hence Coady is correct to say that a quicker end to World War Two may have been required by ‘an adequate understanding of the just war tradition’ (Coady 2007: 271). Our point is that understanding the tradition is unlikely to lead to a more faithful adherence to its principles. [↑](#endnote-ref-6)
7. Cecilia Albin (2001: 35) has argued that international norms of justice and fairness may only be followed because they allow international actors to solve coordination dilemmas. [↑](#endnote-ref-7)
8. Albin (2001: 38) notes that strategically-followed norms only appear to hold sway when parties are roughly equal in power. [↑](#endnote-ref-8)
9. We are very grateful to two anonymous reviewers for very helpful comments on a previous draft of this paper. [↑](#endnote-ref-9)