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Ethics of War and the Just War Tradition

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Wars raise some of the hardest questions in ethics. When is it right to fight? How must soldiers behave once the fighting starts? This lesson explains the just war tradition, with the exact tests and rules.

At a glance

Four key facts on this topic

01 **Two parts**Going to war. Conduct in war.

02 **Six tests**Before a war starts.

03 **Article 51**Self-defence after an armed attack.

04 **141 to 5**UN General Assembly, 2 March 2022.

The tests and the rules

1 Two questions of war

1.1 What are the two questions?

Just war thinking asks two separate questions. The first is about going to war. The Latin name is **jus ad bellum**. The second is about how the war is fought. The Latin name is **jus in bello**.

In our own plain summary, jus ad bellum asks if it is right to go to war. Jus in bello asks if the fighting is done rightly.



Original diagram. Principles as listed in the Stanford Encyclopedia of Philosophy.

Original diagram: six tests before war, three rules during it.

1.2 Why keep them apart?

A good cause does not make every act in the war right, and a bad cause does not make every soldier a wrongdoer. The Stanford Encyclopedia says all combatants are morally permitted to target one another, whatever they are fighting for. Civilians may not be targeted.

So the cause of the war and the conduct of soldiers are judged on their own.

1.3 How would it work?

Here is our own example. A state is attacked and fights back. Its cause is just. Then its army shoots civilians. The cause is still just. The conduct is wrong, and it breaks the rules of jus in bello.

1.4 What is the usual mistake?

Students swap the two terms. Remember this: **ad bellum** is about going to war. **In bello** is about conduct in war.

> **Quick check 1.** True or false: Jus in bello decides whether a state may start a war. *(True or False?)* See answer ↓

Sources: plato.stanford.edu

2 Six tests before war

2.1 What are the six tests?

Jus ad bellum typically has six principles. The table gives each one in plain words, close to the Stanford Encyclopedia's own lines.

Six tests for going to war

Test	What it asks
Just cause	Is the war an attempt to avert the right kind of injury?
Legitimate authority	Is it fought by an entity with the authority to fight such wars?
Right intention	Does that entity aim at the just cause, not use it as an excuse for a wrongful end?
Reasonable prospects of success	Is the war likely enough to achieve its aims?
Proportionality	Do the morally weighted goods outweigh the morally weighted bads?
Last resort	Is there no other, less harmful way to reach the just cause?

Lines are paraphrased from the Stanford Encyclopedia of Philosophy entry on war.

2.2 How do you use them?

The six work as a checklist. In our own reading, a war that fails even one test is open to challenge.

2.3 What is the usual mistake?

Each test must be met, because a strong feeling is not a test. The test names the **right kind of injury**. Others mix up just cause and right intention. A state can have a just cause and still use it as an excuse for a wrongful end.

> 10. **Think it through:** A state invades a neighbour and says it is fixing an injustice. Its real aim is to take land. Which test fails?
>
> See answer ↓

> **Quick check 2.** True or false: A state meets the right intention test even if it uses a just cause as an excuse for a wrongful end. *(True or False?)* See answer ↓

3 Rules inside war

3.1 What are the three rules?

- **Discrimination:** fighters must tell military targets from civilians. They may intentionally attack only military objectives.
- **Proportionality:** foreseen but unintended harms must be proportionate to the military advantage achieved.
- **Necessity:** the least harmful means feasible must be used.



The Third of May 1808 by Francisco Goya, 1814. Public domain. Credit: Wikimedia Commons.

3.2 What is double effect?

The doctrine of double effect says it is sometimes permissible to cause a harm as an unintended and merely foreseen side effect. The agent may not positively will the bad effect. The agent may permit it.

3.3 How does it work for bombers?

The Stanford Encyclopedia gives two bombers. The terror bomber aims at civilian deaths to weaken the enemy's resolve. Those deaths are intended. The tactical bomber aims at military targets. Civilian deaths are foreseen but not intended.

Even if both cause the same number of deaths, terror bombing is impermissible. Tactical bombing is permissible.

3.4 What is the usual mistake?

Students think double effect excuses any civilian death. It does not. The harm must be unintended and merely foreseen. Jus in bello also demands that it stay proportionate.

> **Quick check 3.** True or false: A bomber who aims to kill civilians to break enemy resolve meets the double effect test. *(True or False?)*
>
> See answer ↓

Sources: plato.stanford.edu

Roots, camps and the Charter

4 Roots of the tradition

4.1 Who built the tradition?

The Internet Encyclopedia of Philosophy says Thomas Aquinas gave the most systematic exposition in the Western tradition. He did so in the 13th century.



Original timeline of five markers.

4.2 What did Aquinas require?

In the *Summa Theologiae*, he says three things are necessary for a just war.

- The authority of the sovereign, by whose command the war is waged.
- A just cause. Those attacked deserve it on account of some fault.
- A rightful intention. The aim is to advance good or avoid evil.

4.3 What came later?

Hugo Grotius's *De iure belli ac pacis* was published by a Paris press in 1625. Michael Walzer's *Just and Unjust Wars* was first published in 1977.

The Stanford Encyclopedia calls Walzer's book extraordinarily influential. Readers include philosophers, political scientists, international lawyers and military practitioners.

4.4 What is the usual mistake?

Students date the whole tradition to Walzer. The book is from 1977. Aquinas wrote six centuries earlier.

Quick check 4. True or false: Aquinas listed the authority of the sovereign as the first need for a just war. *(True or False?)* See answer ↓

Sources: iep.utm.edu; newadvent.org; plato.stanford.edu

5 Two modern camps

5.1 Who are the two camps?

Contemporary just war theory is dominated by two camps. They are the **traditionalists** and the **revisionists**.

Traditionalists and revisionists

View	Main idea
Traditionalist	States may go to war only for national defence, defence of other states, or to avert crimes that shock the moral conscience of mankind.
Revisionist	Questions the moral standing of states and the permissibility of national defence.

Both rows are close to the Stanford Encyclopedia's wording.

5.2 What do traditionalists say about soldiers?

Civilians may not be targeted. All combatants, whatever they fight for, are morally permitted to target one another. That is true even when doing so foreseeably harms some civilians.

5.3 What is the usual mistake?

Students say a soldier on the unjust side commits a crime by fighting. On the traditionalist view, they do not. Revisionists challenge this view.

> **Quick check 5.** True or false: On the traditionalist view, only soldiers of the just side may target enemy soldiers. *(True or False?)* See answer ↓

6 UN Charter and force

6.1 What does Article 2(4) say?

Members shall refrain from the threat or use of force against the territorial integrity or political independence of any state. The ban also covers any other manner inconsistent with the Purposes of the United Nations.

6.2 What does Article 51 add?

Nothing in the Charter impairs the **inherent right of individual or collective self-defence** if an armed attack occurs against a Member. The right lasts until the Security Council has taken the measures needed to keep peace.

Measures taken in self-defence must be reported immediately to the Security Council.

6.3 What can the Council do?

Under Article 42, the Security Council may take action by air, sea or land forces. It may do so to maintain or restore international peace and security.

6.4 How does this link to just war ideas?

This is our own reading. Article 51 matches the just cause of defence. The Council's role matches the test of legitimate authority.

6.5 What is the usual mistake?

Students mix up Article 2(4) and Article 51. Article 2(4) bars force. Article 51 protects self-defence after an armed attack.

> **Quick check 6.** True or false: Article 51 protects the right of self-defence if an armed attack occurs against a Member. *(True or False?)* See answer ↓

Sources: un.org

Hard cases and new duties

7 Supreme emergency

7.1 What is a supreme emergency?

It is a rare case where the usual rules give way. Walzer's idea covers rare circumstances. In them, intentionally killing noncombatants is necessary to avert an unconscionable threat. The Stanford Encyclopedia gives one example: an imminent catastrophe on the order of Nazi victory in Europe.

7.2 How often does it apply?

Very rarely, because the threat must be unconscionable. Outside such cases, noncombatants may be killed only unintendedly. Even then the harm must be necessary and proportionate.

7.3 What about new weapons?

Recent work looks at drones. It also looks at the possible development of autonomous weapons systems.

7.4 What is the usual mistake?

Students think a supreme emergency allows any harm to civilians when a state is losing. It covers only rare cases that avert an unconscionable threat.

Quick check 7. True or false: A state may intentionally kill noncombatants whenever it is losing a battle. *(True or False?)*

See answer ↓

8 Responsibility to protect

8.1 What did leaders accept in 2005?

The 2005 World Summit Outcome Document carries the Responsibility to Protect, or R2P. Paragraph 138 says each State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity.

8.2 What about other countries?

Paragraph 139 gives the international community a part. Through the United Nations, it has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means to help protect populations.

8.3 When may action follow?

Leaders declared they were prepared to take timely and decisive action. It must be in accordance with the UN Charter. This applies when national authorities manifestly fail to protect their populations.

8.4 What is the usual mistake?

Students call R2P a licence to invade. The text puts peaceful means first. Action must follow the Charter.

Quick check 8. True or false: The 2005 R2P text says each State must protect its own population from genocide and war crimes. *(True or False?)* See answer ↓

Sources: un.org

Current Affairs

9 Ukraine and the UN

9.1 What did the Security Council do?

On 25 February 2022, Russia vetoed a Security Council draft resolution. The draft would have condemned the Russian Federation's aggression against Ukraine. It was the third emergency meeting on Ukraine that week.

9.2 What did the General Assembly do?

On 2 March 2022 the General Assembly passed a resolution on Ukraine. **141** Member States voted yes and **5** voted no. Ninety-six countries co-sponsored it.

The resolution needed two-thirds of the yes and no votes. The five against were Russia, Belarus, North Korea, Eritrea and Syria. It demanded that Russia immediately withdraw its forces and abide by international law.

9.3 What did the ICC do?

The International Criminal Court opened its investigation in Ukraine on 2 March 2022. Ukraine was not a State Party at first. It twice accepted the Court's jurisdiction by declaration. It ratified the Rome Statute on 25 October 2024. That took effect on 1 January 2025.

On 17 March 2023, Pre-Trial Chamber II issued warrants for Vladimir Putin and Maria Lvova-Belova. The warrants are for the war crime of unlawful deportation of children.

9.4 What does this show?

In our own reading, the veto shows how the Council can be blocked. The Assembly vote shows a wide majority. The ICC warrants show the law of conduct being applied to named people.

> **Quick check 9.** True or false: The Security Council passed a draft resolution condemning Russia on 25 February 2022. *(True or False?)* See answer ↓

Sources: media.un.org; un.org; eeas.europa.eu; icc-cpi.int

Previous Year Questions

10 Exam traps

10.1 What did UPSC ask in 2022?

Here is our own plan for the answer. Split it into two parts. First, test the launch of the war against the six jus ad bellum tests. Second, test the fighting against the three jus in bello rules.

10.2 Which numbers should you keep?

- **2:** jus ad bellum and jus in bello.
- **6 tests** before war and **3 rules** in war.
- **1625** Grotius, **1977** Walzer, **2005** R2P.
- **Article 51** self-defence. **Article 2(4)** bars force.
- **141 to 5** on 2 March 2022.

Sources: mcqquestion.com

Remember this

- **Two questions:** jus ad bellum is going to war. Jus in bello is conduct in war.
- **Six tests:** just cause, legitimate authority, right intention, reasonable prospects, proportionality, last resort.
- **Three rules:** discrimination, proportionality, necessity.
- **Double effect:** unintended, merely foreseen harm can be allowed. Intended harm cannot.
- **Roots:** Aquinas in the 13th century, Grotius in 1625, Walzer in 1977.
- **Charter:** Article 2(4) bars force. Article 51 protects self-defence.
- **R2P:** accepted in 2005. Peaceful means first.

Explain it back: A war can start for a just cause and still be fought unjustly. How do the two sets of rules show this?

Practice MCQs

1. Which Latin phrase denotes the ethical rules for deciding whether to go to war?

A. Jus ad bellum

B. Jus cogens

C. Jus gentium

D. Jus in bello

See answer ↓

2. Which of the following is a principle of jus in bello?

A. Last resort

B. Just cause

C. Right authority

D. Discrimination between combatants and civilians

See answer ↓

3. Which article of the UN Charter recognises the inherent right of self-defence?

A. Article 51

B. Article 2(4)

C. Article 39

D. Article 42

See answer ↓

4. Who wrote Just and Unjust Wars (1977), the book that revived the just war tradition?

A. Hedley Bull

B. John Rawls

C. Kenneth Waltz

D. Michael Walzer

See answer ↓

5. Which principle, accepted at the 2005 World Summit, makes each State responsible for protecting its populations from genocide and war crimes?

A. Responsibility to Protect

B. Supreme emergency

C. Doctrine of double effect

D. Right intention

See answer ↓

6. On 2 March 2022 the UN General Assembly passed a resolution on Ukraine. How did the vote go?

A. 96 votes in favour and 41 against

B. 193 votes in favour and none against

C. 141 votes in favour and 5 against

D. 5 votes in favour and 141 against

See answer ↓

7. In the doctrine of double effect, which bomber's civilian deaths are permissible?

A. Any bomber, if the number of deaths is small

B. A bomber who aims at civilian deaths to weaken enemy resolve

C. A bomber who aims at military targets and merely foresees civilian deaths

D. No bomber, because war allows no civilian harm

See answer ↓

Answer Key

1. **A.** The answer is **Jus ad bellum**. It holds the tests for deciding whether to go to war. The Stanford Encyclopedia lists six: just cause, legitimate authority, right intention, reasonable prospects of success, proportionality and last resort. Why the others fail: jus in bello covers conduct once the fighting has begun. Jus gentium and jus cogens are not the war-decision rules in this tradition. Memory hook: ad bellum is about going to war. ↑ Q1
2. **D.** The answer is **Discrimination between combatants and civilians**. Jus in bello has three rules: discrimination, proportionality and necessity. Fighters must tell military objectives from civilians and intentionally attack only military objectives. Why the others fail: just cause, right authority and last resort are tests for going to war, not for conduct in it. Memory hook: discrimination means telling targets from civilians. ↑ Q2
3. **A.** The answer is **Article 51**. It says nothing in the Charter impairs the inherent right of individual or collective self-defence if an armed attack occurs against a Member. Measures taken must be reported immediately to the Security Council. Why the others fail: Article 2(4) bars the threat or use of force. Article 42 lets the Security Council act by air, sea or land forces. Article 39 is not the self-defence article. Memory hook: 51 is for self-defence. ↑ Q3
4. **D.** The answer is **Michael Walzer**. His *Just and Unjust Wars* was first published in 1977. The Stanford Encyclopedia calls it extraordinarily influential among philosophers, political scientists, international lawyers and military practitioners. Why the others fail: Hedley Bull, John Rawls and Kenneth Waltz are not the author of this book. Memory hook: Walzer wrote the 1977 book on just and unjust wars. ↑ Q4
5. **A.** The answer is **Responsibility to Protect**. Paragraph 138 of the 2005 text says each State has that responsibility. Paragraph 139 puts peaceful means first for the international community and allows timely, decisive action in line with the UN Charter. Why the others fail: right intention is a test for going to war. Double effect is about unintended harm. Supreme emergency is about rare threats. Memory hook: R2P was accepted in 2005. ↑ Q5

6. **C.** The answer is **141 votes in favour and 5 against**. The five against were Russia, Belarus, North Korea, Eritrea and Syria. The resolution demanded that Russia immediately withdraw its forces and abide by international law. Why the others fail: 96 is the number of co-sponsors, not the vote. The vote was not reversed. It was not unanimous. Memory hook: 141 yes, 5 no. ↑ Q6
7. **C.** The answer is **the bomber who aims at military targets and merely foresees civilian deaths**. The Stanford Encyclopedia calls this the tactical bomber. The civilian deaths it causes are foreseen but unintended. Why the others fail: the terror bomber intends the deaths, so terror bombing is impermissible. Small numbers do not change that. Double effect also does not ban all civilian harm. Memory hook: tactical bomber, unintended side effect. ↑ Q7

Quick-check answers

1. **False.** Jus ad bellum covers the decision to go to war. Jus in bello covers conduct once the fighting has begun. ↑ 1
2. **False.** Right intention means the entity aims at the just cause. It must not use the cause as an excuse for a wrongful end. ↑ 2
3. **False.** Those deaths would be intended. Double effect allows only harms that are unintended and merely foreseen. ↑ 3
4. **True.** The Summa lists three necessities. The first is the authority of the sovereign. ↑ 4
5. **False.** The Stanford Encyclopedia says all combatants are morally permitted to target one another, whatever they are fighting for. ↑ 5
6. **True.** Article 51 recognises the inherent right of individual or collective self-defence in that case. ↑ 6
7. **False.** The supreme emergency idea covers only rare circumstances. The threat must be unconscionable. ↑ 7
8. **True.** Paragraph 138 says each State has that responsibility. ↑ 8
9. **False.** Russia vetoed the draft, so it did not pass. ↑ 9
10. **Think it through.** Right intention. The state uses the cause as an excuse to reach a wrongful end. ↑ 10

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