SOME CLAUSEWITZIAN ANSWERS FOR THE JUST WAR THEORY

By

Dorota Sokolovska

Submitted to

Central European University

Department of Political Science

In partial fulfilment of the requirements for the

degree of Master of Arts in Political Science

Supervisor: Professor Andres Moles

Vienna, Austria

(2024)

Declaration of Authorship

I, the undersigned, Dorota Sokolovska, candidate for the MA degree in Political Science, declare herewith that the present thesis is exclusively my own work, based on my research and only such external information as properly credited in notes and bibliography. I declare that no unidentified and illegitimate use was made of the work of others, and no part of the thesis infringes on any person's or institution's copyright. I also declare that no part of the thesis has been submitted in this form to any other institution of higher education for an academic degree.

Vienna, 6 June 2024

Abstract

Recognising the destructive impact of war on the totality of human experience, political theory has conventionally approached the question of its normativity through the long-standing tradition of just war thinking. Contemporary just war theory is an expanding and theoretically rich field, yet it faces diverse criticisms regarding its being too distant from the actual military practice. This work directly addresses this problem by the Clausewitzian perspective of war into the framework of just war theory in a twofold manner – first, by deriving methodological implications for thinking about war; and second, by providing fresh arguments supporting the traditionalist stance vis-à-vis revisionist.

The work defends the following thesis: by plugging the Clausewitzian perspective of war into the just war theory, its methodological approaches as well as substantial debates can be productively redeveloped. Clausewitz's trinitarian model of war is employed to derive a comprehensive methodology of just war thinking, while his discussion of defensive war being *ipso facto* both proportionate and necessary is explored to contribute to contemporary just war debates. Despite considerable differences – namely, operating with the frameworks of instrumental rationality and normativity – Clausewitzian theory of war and modern just war theory can be seen as sharing the common goal of limiting some wars while allowing others.

Acknowledgements

"But in the last resort, every shadow is also the child of light,

and only those who have known the light and the dark,

have seen war and peace, rise and fall, have truly lived their lives."

– Stefan Zweig, *The World of Yesterday*

Extending my deepest gratitude to all the teachers and friends – at the Faculty and elsewhere – made along the academic way: thank you for all that has been said and for all that was left unspoken.

Table of Contents

Introduction 1

Chapter 1: Clausewitz and the Just War Theory 9

1.1. Three Alternatives: Pacifism, Realism, and Just War Theory 9

1.2. Rationality as Morality. Clausewitz vis-à-vis Just War Theory 11

Chapter 2: How to think about war? Methodology of Just War Thinking 14

2.1. Methodological Divergencies in Just War Theory: The Case of Combatant Equality. 14

2.2. "Wondrous Trinity". Clausewitzian Methodology of War 19

2.3. Between the Two Poles: Clausewitzian Methodology as a 'Third Way' 21

Chapter 3: Just War Theory and National Defence 26

3.1. Just War Theory: Qualifying National Defence as a Just Cause 26

3.2. Clausewitz on National Defence 29

3.3. Proportionality and Necessity in Clausewitzian Framework 31

3.4. Against "Bloodless Invasion Objection": Clausewitzian Refutation of Revisionist Critique 33

Conclusions 37

References 39

Introduction

The phenomenon of war has accompanied human history for centuries, leading some to call it "the engine of history" (Nester, 2010). One may disagree with the claim of its historical purposefulness, but it is hardly imaginable that wars would disappear altogether. Hence, there is a long-lived aspiration to limit wars, both in terms of their quantity and the destruction they bring about. Seeing the abundance of *unjust* wars, both in history and today, what stands still is the need for a normative theory of war that would guide us in answering questions of how, when, and what kinds of war can be fought *justly*.

Political theory has conventionally approached the question of the moral permissibility of war through the just war theory tradition, whose texts range from classical ones like Hugo Grotius' *On the Law of War and Peace* (2012 [1625]) to present-day contributions, such as oft-cited *Just and Unjust Wars* by Michael Walzer (2006 [1977]). In its contemporary form, the primary goal of the just war theory is to propose a normative theory of war that would define the conditions needed to render the war 'just' or 'unjust'. Essentially, it seeks to justify some wars and limit others (Ramsey, 1961), searching for a middle way between those who deny that morality applies to war – often deemed "realists" – and those who claim that moral war is impossible by definition – usually called "pacifists" (Lazar, 2017a). Just war theory is, therefore, generally neither too moralist nor too nihilist, preserving the careful balance between recognising the moral status of persons and the conditional permissibility of killing.

Structurally, contemporary just war theory is organised around three main strands corresponding to the temporal logic of war: 1) *jus ad bellum* (justice before war), specifying conditions needed for a justified launch of the war; 2) *jus in bello* (justice during war), describing permissibility of particular acts during the war; and 3) *jus post bellum* (justice after

war), articulating an account of permissible actions after the end of the war[1] (Frowe & Lang, 2014). Hence, each of the three strands is essentially a set of normative principles, either sufficient or necessary, to deem a war permissible. To qualify for the *jus ad bellum*, the following conditions must be satisfied: 1) just cause, 2) legitimate authority, 3) right intention, 4) reasonable prospects of success, 5) proportionality, and 6) last resort. The list for jus in bellum is shorter, consisting of 1) discrimination, 2) proportionality, and 3) necessity (Lazar, 2020). In short, *jus ad bellum* describes the justifiability of war as a whole, whereas *jus in bello* delineates which acts during the war are permissible.

Despite its noble ambitions, contemporary just war theory is met with various criticisms. Critics of just war theory from outside the tradition either claim that the theory has become too procedural and far away from reality (Dunford & Neu, 2019), rendering the whole project a void enterprise of the "armchair intellectuals" (Blattberg, 2019), or that it has made a wrong philosophical turn, basing itself on Hegelian state-centric rather than Kantian humanistic assumptions (Williams, 2012). These critiques may be valid – contemporary analytical just war theory is indeed a complex, often self-enclosed debate – but what is of more importance here is sobering voices coming within the field itself. For example, Lazar (2017b), himself a just war theorist, remarks that in some instances, just war theory tends to eliminate essential although – more often than not – "messy reality of war" (p. 40) from its picture, therefore presenting a distorting view of what a war *really* is.

Moreover, proponents of the theory commonly agree that the contemporary just war theory is hardly a unified tradition. Most of the debates within contemporary just war theory are centred primarily, although not exclusively, around two main positions: traditionalist and

[1] Some scholars argue that the third pillar of *jus post bellum* remains relatively underdeveloped in the contemporary just war theory, and therefore will not be tackled separately in this work (Williams & Caldwell, 2006)

revisionist[2]. As their very names suggest, the traditionalist position is an 'original' one, with revisionist being a reaction to it. Pattison (2018) vividly illustrates how heated the debate – at times resembling a verbal quarrel – can sometimes become:

> On the one hand, the revisionists see the traditionalists as philosophically weak, failing to ensure coherence between their claims about the ethics of war and plausible views about individual self-defence. On the other hand, the traditionalists [...] see revisionists as only tackling abstract philosophical puzzles that have little, if any, real-world applicability for the foreseeable future. (p. 243)

Pattison himself doubts whether the divide between the traditionalist and revisionist views is real, pointing out a range of aspects on which they pragmatically agree rather than conceptually disagree. Yet this debate seems to be as lively as ever, with the defences of the traditionalist view (Brown, 2017; Meisels, 2018) being put against their revisionist counterparts (Strawser, 2013; Lazar, 2017b). These debates are further made deeper by methodological divergences. For instance, collectivists-exceptionalists and individualists-reductivists differ fundamentally in their approach to the nature of war – whether it is inherently a collective or individual phenomenon, and whether the rules of 'conventional' morality apply to it at all (Lazar, 2017b). Likewise, these two camps differ in the types of cases they choose to illustrate their arguments: while the former prefers to provide empirically informed or historical examples (Walzer, 2006), the latter often relies on hypothetical, artificial cases (McMahan, 1994; Rodin, 2004).

In light of all these criticisms and disagreements, it is nevertheless fair to notice that the contemporary tradition of just war thinking has experienced – and is still experiencing[3] – a

[2] Although the most noticeable, traditionalist vs. revisionist debate is not only one happening within just war theory. Analogously, one can distinguish between the institutionalist vs. interactionalist, collectivist vs. individualist, and reductionist-exceptionalist approaches. See Lazar (2020).

[3] Some scholars notice that in its most up-to-date version, beyond two conventional, traditionalist and revisionist strands, just war theory contains an emerging third one, coming from a Catholic theological tradition. For reference, see Kellenberg (2018).

revival. Politically, the surge in publications within and on the just war theory in the 20th century was primarily due to the development of nuclear weapons and American engagement in the Vietnam War; philosophically, it came about due to a re-examination of Walzer's traditionalist views. Just war theory is still – as it was, perhaps, in Grotius' days – the main point of reference when considering the morality of war. Therefore, acknowledging its immense intellectual importance and considerable potential to not only resolve ethical questions but also form our actual moral intuitions about war, this thesis will contribute to the just war tradition by taking a somewhat outsider's view. Instead of engaging in the debates happening within the field on their own terms, i.e. challenging just war arguments with their equivalent just war arguments, this work will address the **problem** of making the normative theory of war not only theoretically impeccable but also realistically tenable by looking beyond it. Specifically, it will introduce the Clausewitzian perspective of war into the just war discussions in a twofold manner – first, by deriving methodological implications for thinking about war; and second, by providing fresh arguments supporting traditionalist stance *vis-à-vis* revisionists.

The choice of Clausewitz for this purpose is not accidental. In his *On War* (2007 [1832])[4] – a text canonical for military thought and international relations, yet relatively ignored by the contemporary analytical just war theory[5] – he develops a theory of war which is abstract *and* rooted in empirical reality at the same time. His contemporary experience of the

[4] While many indexed editions of *On War* exist, with perhaps the most notable being the one by Michael Howard and Peter Paret (Clausewitz, 2008[1989]), this thesis draws primarily on the abridged version edited by Beatrice Heuser (Clausewitz, 2007). As Coker (2017) explained, this version omits parts of largely technical Books 3-4 and focuses on theoretically more rich Books 1, 2, 7, and 8. For the discussion of problematic differences in English translations of Clausewitz, see Strachan & Herberg-Rothe (2007).

[5] Just war theorists refer to Clausewitz in their works occasionally. For example, when speaking about escalation in war, Walzer quotes On War to show that neither side in fully responsible for igniting the violence, since "each of the adversaries forces the hand of the other" (Walzer, 2007, p. 23). Similarly, Rodin refers to Clausewitz in order to stress the potential of wars to "increase in ferocity as each side seeks to bring to bear a decisive exertion of violence in order to 'throw' their opponent" (Rodin, 2003, p. 139). While they do not portray Clausewitz as an unconditional proponent of violence, these interpretations seem to leave out other two Clausewitzian tendencies in war which limit the role of brute force: namely, its political instrumentality and collision with actual possibilities.

Napoleonian Wars in general and their paradigmatic battles – Battle of Jena, Moscow, and Waterloo – in particular became a cornerstone of his theory, with which he aims to capture the contradictory and highly complex nature of war (Herbert-Rothe, 2007). To a large extent, *On War* is a theoretical synthesis of real military experiences, in which the author has himself partaken. While contemporary just war theory is occasionally criticised for being detached from on-the-ground reality, Clausewitzian theory of war arrives directly from military practice: coupling it with the just war theory is, therefore, an effort to bring 'reality back in' the tradition.

Such attempts are not new; several scholars share this goal within and beyond the just war debate. In doing so, they often propose to articulate a third-way theory of non-ideal theory of morality of war, constituting an alternative both to rarely-attainable revisionist "deep morality" and traditionalist defence of the laws of war (Lazar, 2012; Buchanan, 2015; Pattison, 2018) and focus on creating a "pragmatic normative framework", rather than moralising about the conduct of the war (Dill & Shue, 2012)[6]. This thesis shares such intentions, acknowledging the need for a more plausible normative theory of war while differing from the aforementioned strand of literature by proposing to go outside the tradition. Both Clausewitz and just war theorists think about *war*: its morality may not be the primary trouble for the former, but it is evident that the subject matter is the same for both. To bridge them together seems, on the one hand, quite self-evident and, on the other, extremely challenging, given how much their styles of writing and reasoning differ. These concerns will be addressed in Chapter 1, providing further justification for pairing the just war theory with the Clausewitzian theory of war.

Despite these challenges or, rather, aiming to overcome them, this work will address its main **research question**: given the strong criticisms addressed to the contemporary just war

[6] Unsatisfied with both traditionalist and revisionist alternative, some scholars argue for the emergence of the critical just war theory, mainly based on the feminist contributions to the field. See Sjoberg (2006), Hošman (2019).

theory from within and outside the field, how can the Clausewitzian theory of war be useful for re-examining just war thinking? To answer it, the work will develop and eventually defend the following **thesis**: by plugging the Clausewitzian perspective of war into the framework of thinking about just war, the following subfields of the just war theory can be productively redeveloped:

- *Methodological approaches*. Clausewitz's trinitarian model of war, by conceptualising antitheses present within war (escalation vs. limitation, war as existential battle vs. instrumental endeavour, attack vs. defence, primacy of force vs. politics), adequately expresses the nature of war as a dynamic, multidimensional phenomenon. This dynamic methodology of war can become a basis for a productive reinterpretation of the existing methodological divide within the just war theory (collectivism-exceptionalism vs. individualism-reductivism), becoming a methodological middle ground between two alternatives.
- *National defence as a just cause for a war*. Reacting to deep disagreements between the traditionalist and revisionist just war theorists on whether national defence can be considered an absolute just cause for war, a Clausewitzian perspective on this question can be developed and used to support the traditionalist stance. This shall be done by showing that, in his framework, national defence wars *ipso facto* satisfy the necessity and proportionality requirements, making them just.

Correspondingly, the main **aim** of the thesis is to provide a re-examination of the contemporary just war theory based on the introduction of the underlying insights about the nature of war and its relation to morality from the Clausewitzian theory of war. To achieve this aim, two main **objectives** are identified:

1. Investigate the central debates and theoretical divides in the contemporary just war theory, explicitly focusing on the critical assessment of the methodological divides (collectivism-exceptionalism vs. individualism-reductivism), largely corresponding to two main positions within the tradition (traditionalism vs. revisionism);
2. Demonstrate the capacity of Clausewitzian theory of war to inform the just war theory by showing that 1) the trinitarian model of war contains an alternative and more plausible methodology of war; 2) in Clausewitzian framework, defensive war satisfies the just cause condition *ad bellum*, supporting the traditionalist against the revisionist stance;

The thesis adopts the following logical structure of pairing just war theory with Clausewitzian theory of war. When discussing the methodological divergencies within just war theory, Clausewitz's trinitarian model of war as well as his account of how to theorize about war will be employed to derive Clausewitzian methodology of war which will be shown to bridge traditionalist and revisionist methodological approaches, therefore constituting a 'third way' that escapes the shortcomings of its predecessors. Analogously, when addressing whether the national defence can be considered a just cause for waging war, Clausewitz's conceptualisation of defensive war as a 'true' type will become a basis for defending the traditionalist account within just war theory. In both these endeavours, Clausewitz's theory of war will serve as a 'useful outsider', whose conceptualisation and approach to war can productively inform the debates in contemporary just war tradition.

The work is organised in three chapters. Following the Introduction, Chapter 1 provides further justification for pairing just war theory with Clausewitz's *On War*, mainly building on recent interpretations of his *magnum opus* as a philosophical, and not strictly military, work. Chapter 2 overviews methodological divergencies within just war theory and deduces

Clausewitzian methodology of war from his trinitarian model of war, or so-called "Wondrous Trinity", eventually showing it to be neither collectivist-exceptionalist nor individualist-reductivist but proposing a weighted alternative. Chapter 3 turns to the discussion of *jus ad bellum* principles, principally focusing on discussions around national defence as a justified cause for war: there, Clausewitz's conceptualisation of defensive war as the most 'true' form of war is used to support traditionalist view against its revisionist counterpart. Finally, the Conclusions part provides a summary of the argument, outlining its possible implications for the future contemporary just theory.

Chapter 1: Clausewitz and the Just War Theory

Upon first impression, it may appear counterintuitive to pair Clausewitz with a vast body of contemporary just war literature. What kind of fruitful discussion could be at all possible between such distantly located strands of thought as that of the 'militaristic' mindset of Clausewitz and normative considerations of just war theorists? So far, there seems to exist only one known instance in the literature that attempts to bridge the intellectual gap between these two poles by proposing a model in which the Clausewitzian trinitarian model of war accommodates the main concerns of the just war tradition (Mattox, 2018). This thesis aims to step further and show that not only Clausewitz's conceptualisation of war but also his conclusions about how wars should be fought are compatible and informative for the debates happening within the just war theory. The following chapter will address this question directly by showing how recent interpretations of Clausewitz provide a basis for integrating his theory into the just war thinking.

1.1. Three Alternatives: Pacifism, Realism, and Just War Theory

At the outset, it is important to emphasise that the question about the place of morality in war is not confined to either the historical or contemporary version of just war theory. Two more main perspectives on this issue are frequently mentioned in the scholarly literature. One is pacifism, with its absolute negation of any possible morality of war, stating that war, by definition, goes entirely against all the moral norms, making it impossible and, thus, irrelevant to try to draw any ethical rules that would guide its conduct. The second one is realism, which strictly separates the phenomenon of war and morality and claims that the latter has nothing to do with the former (Orend, 2013). Thus, regarding the relationship between war and morality, one may position oneself either as a pacifist, realist, or a 'centrist' proponent of a just war.

Carl von Clausewitz is hardly a paradigmatic exemplar of any of these three stances. It is of little need to extensively show that Clausewitz is not a pacifist: his military education and loyal service in the Prussian army alone proves that he was a lifelong devotee to all things military, with his heart and mind dedicated to how to fight the wars *best*. Showing that Clausewitz is not a 'perfect' realist is nowhere near as easy. Being popularly seen as a proponent of a militarist, *Realpolitik*-based worldview in which there is no place for any moral considerations, he is regularly labelled a prophet of "mass and mutual massacre", building upon his conventional image of a blood-thirsty warmonger (Hart, 1934, p. 120). Some of his harshest critics, including military theorists Sir Basil Liddell Hart and John Keegan, claim that it is Clausewitz who is primarily to blame for the success of the idea of 'absolute war', more modernly called a war of extermination, in the 20th century Europe and particularly in the minds of Nazi German generals (Herberg-Rothe, 2007). If one is to gain some impression of Clausewitz from a vast bulk of literature on him and his theory of war, it will most likely be a picture of a war dog, albeit lettered.

Thankfully, recent works of scholarship have challenged this hawkish view of Clausewitz and attempted to reinterpret his thought in broader philosophical, rather than narrowly militaristic, terms. Recent interpretations of Clausewitz coming from the field of military theory also emphasise the role of morality or "mores" in his framework of thought (Mattox, 2017; Nielsen, 2002). Likewise, when putting Clausewitzian ideas in the context of 21st-century global politics, Coker (2017) insists that he produced his *magnum opus* precisely to explain why limits to military action *ought* to be put. This 'ought' is not entirely normative – ultimately, *On War* is not a work in ethics – but it hints at a conclusion similar to the one provided by the just war theory: namely, that war is an imperfect political instrument, bringing about harmful effects, including ethical ones, and therefore must be fought in a limited, justified manner (Coker, 2017). In Coker's reading, these limits on military action appear to be not so

much prudential as principled: every military decision must correspond to its political dimension, which, in its turn, shall be at least somewhat justified.

Here, the agreement between Clausewitz and the just war theory is quite apparent, since they both recognize war as an extremely destructive endeavour, which must be limited – namely, it should be used as the last resort *only*. Importantly, just war theorists go beyond this conclusion: wars shall be limited not only in terms of *ad bellum* but also *in bello*, in the very manner of how they are fought so that the damage is minimised. In Clausewitz, one can hardly find an extensive justification for justice during the war – on this, *On War* and the just war theory significantly diverge.

1.2. Rationality as Morality. Clausewitz vis-à-vis *Just War Theory*

Among the scholarly attempts to re-read Clausewitz in a new, nuanced light, Raymond Aron's *Philosopher of War* (2022 [1983]) is undoubtedly the most revolutionary and original one. For him, Clausewitz's oft-cited maxim of war being a "continuation of politics by other means" (Clausewitz, 2007, p. 28) does not presuppose that power or violence exhausts all the political goals a country may have – quite the opposite, international politics may, and shall, go beyond the phenomenon of war (Aron, 1983). Just as Clausewitz questions the enduring nature of war, akin to theologians questioning God's existence, Aron goes as far as to label him a "theologian of war" (Aron, 1983, p. ix) – this naming alone evidently suggests how strikingly novel Aron's reading of Clausewitz is. The philosophical root of *On War* is its aspiration to provide a full and proper theory of war, to capture its originality, and to acknowledge its dynamicity while simultaneously grasping its permanent features.

Importantly, Aron insists that Clausewitz thinks about war in the Weberian framework of *Zweckrationalitat*, or instrumental rationality, meaning that military actions are not a mere explosion of "senseless passion" but an instrumental means to a particular political end

(Clausewitz, 2007, p. 34; Cozette, 2004). Clausewitz's understanding of war as a means to a separate end rather than a goal or necessity in itself gives a firm ground to see in his theory of war arguments for limitation, and not the expansion, of wars – a goal he seems to share, surprisingly, with the mainstream of just war theorists. As stressed by Aron, Clausewitz holds rationality to be *the* morality in war: being dangerous and devastating, a war should and is best moderated through its rational conduct, that is – rational estimation of its ends and matching them with appropriate means. This notion of instrumental rationality of war already prohibits launching 'unnecessary' (if its goals can be achieved by other means, resorting to a military campaign would be mismatched – or, to use just war terminology, disproportionate) and futile (if it is known in advance that a war will not result in any significant difference, it is irrational to start it, since it has no reasonable prospects of success) wars. Here, it is readily apparent that Clausewitz and just war theorists not only arrive at analogous conclusions but also take strikingly similar routes to arrive at them: as examples of 'unnecessary' and futile wars show, Clausewitz's morality as rationality includes *ad bellum* requirements such as proportionality, last resorts, and reasonable prospects of success, therefore making the two approaches – the one of Clausewitz and the just war theory – much more in line than it may first seem.

On this account, Clausewitz hardly seems to be such a hard-core realist or militarist as he was previously portrayed. The importance of limitation in war, as well as its rational conduct being tightly knit with political aims, are just a few aspects of the complex structure of Clausewitzian theory of war that not only distinguish him from an 'orthodox' realism but also draw him much closer to just war thinking. Here, it is important to underline that Clausewitz's instrumental rationality, although commands to choose proportionate means to one's ends, does not elaborate on what the *just* ends are. *Pace* criticisms, this gap in Clausewitz's framework will be at length discussed in Chapter 3, showing that Clausewitzian theory of war can be informative for just war theory not only conceptually but also substantially. Despite operating

with substantially different frameworks, that of instrumental rationality and normativity, they may productively speak to each other.

Chapter 2: How to think about war? Methodology of Just War Thinking

Political scientists know too well how much research methodology can impact the data collected, the scope of inference, and the researcher's ability to draw defendable conclusions. To a limited extent, the same is true for (just war) theorists – the way one thinks about the phenomena may significantly shape premises, propositions and conclusions about it. The purpose of this chapter is to outline methodological approaches to thinking about war existing within contemporary just war theory, eventually showing how these different methodological stances may lead its proponents to formulate conflicting arguments. This will be demonstrated based on the example of disagreements around the justifiability of the combatant equality doctrine. The second part of the chapter will introduce the Clauswitzian perspective into this discussion by deriving methodological principles from his theory of war.

2.1. Methodological Divergencies in Just War Theory: The Case of Combatant Equality

To begin with, it is essential to remark that the 'grand' debate between traditionalists and revisionists is not strictly methodological. However, the substantive disagreements between them – for example, whether the national defence can be qualified as a just cause – are underpinned by different outlooks on what war and state are and by what analogies they should be understood. To provide answers to these questions, two broadest alternatives exist, which may be designated as collectivism-exceptionalism and individualism-reductivism[7].

It may be useful to illustrate these methodological divergencies by showing how differently traditionalism and revisionism play out in arguing in favour or against the doctrine

[7] Here, collectivism stands for methodological focus on the state as opposed to individuals, while exceptionalism stands for the conviction that the phenomenon of war is such a different type of human activity that it must be guided by different moral requirements. On the contrary, individualist methodology engages primarily with the analysis of interpersonal rather than interstate relations, in which the reductivist element 'reduces' the status of war from exceptional to one governed by the same moral rules as any other sphere.

of combatant equality. Falling under the *jus in bello* part of the matter, the doctrine of "moral equality of combatants" is central both for the international law governing the conduct of war[8] and for the traditionalist just war theory, which takes this doctrine to be its primary assumption (Walzer, 2007). Stated, it contends that any combatant who adheres to the three fundamental principles of *jus in bellum*, enshrined in the Geneva Conventions – namely, discrimination, proportionality, and necessity – is considered a just combatant, independently of what the aim of their fighting is. Therefore, combatants on both sides of the armed conflict enjoy identical rights and immunities and have identical liabilities.

The traditionalist view on this question is largely collective: it does not discriminate between the groups of combatants, even less between the particular individuals engaged in military activities, because it holds soldiers to be state agents. Combatants are defined by their role and relation to the collective – not only an army but also the state – rather by their individuality. Philosophically, Walzer defends this doctrine in the following way: since every individual has fundamental rights to life and liberty forbidding others from causing them harm, when engaging in war – which, by nature, necessarily involves doing these harms to others – a combatant must have "through some act of his own […] surrendered or lost his rights" (Walzer, 2007, p. 135). Other traditionalists distance themselves from individual-level considerations even further and instead argue that since war is a relation between states, soldiers acquire a moral obligation to fight and obey orders merely from the collectivity of war: "[I]f war is sometimes a just response to the facts, […] then a nation that judges that those facts obtain can morally obligate its soldiers to fight even if this judgment is a mistake" (Estlund, 2007).

[8] The right of "combatants... to participate directly in hostilities" is expressly stated in Article 43 of the first Additional Protocol to the Geneva Conventions. These principles are applied "without any adverse distinction based on the nature or origin of the armed conflict or on the causes espoused by or attributed to the Parties to the conflict," as the Preamble makes clear. See Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention) (1949).

This way, if soldiers are seen as mere agents of states which decided to wage war, they are not personally responsible for adhering to *ad bellum* principles; what is normatively required from them is 'only' fighting according to *jus in bello*. To quote Walzer, "[w]e draw a line between the war itself, for which soldiers are not responsible, and the conduct of war, for which they are responsible" (Walzer, 2006, p. 38). Here, it is sufficiently evident how prioritising the state over the individual – methodological collectivism – leads to the philosophical justification of combatant equality.

Revisionists fundamentally object to Walzer's defence of combatant equality doctrine in a variety of ways. Some revisionists make evident the incompatibility of combatant equality with the requirement of proportionality (McMahan, 1994; Rodin, 2002), while others unveil its conflict with the clause of discrimination (McMahan, 1994; Fabre, 2012; Frowe, 2014). All these critiques indicate how strikingly different the revisionist methodology is from its traditionalist counterpart. Principally, revisionists adhere to individualist-reductivist methodology, according to which moral standards in war do not apply so much to the collectives as to individuals, whose actions should be normatively evaluated on an individual basis. This is exactly where the prominent McMahan's critique of combatant equality comes from (McMahan, 2009). Putting his argument in a nutshell, a combatant lacking a just cause for war cannot fight justly by definition because, in the absence of a just cause, their targets are not liable to be harmed. In other words, 'simply' posing even a lethal threat cannot take away one's rights if one has a justified reason to fight. On the flip side, if liability is shown to depend on individual contribution to a wrongful act, if a combatant fights for a just cause, they cannot be held liable altogether (McMahan, 2009). Hence, it is adherence to *ad bellum*, and not mere conduct of *in bello* rules, that lets McMahan construct a distinction between just and unjust combatants and, at the same time, object to the 'orthodox' doctrine of combatant equality. Essentially, this boils down to the abandonment of the theoretical independence between the

jus ad bellum and *jus in bello*[9]: in McMahan's view, *jus in bello* rules are dependable on *jus ad bellum*, because a just combatant is said to retain its moral status only upon a condition that his fighting is in a just cause.

McMahan's critique of Walzer's collectivist and mostly statist view of combatant equality doctrine neatly illustrates that revisionists put individuals, and not states, at the heart of their analysis. Revisionists, notably, are relatively open about their methodological preferences: for example, Frowe and Lang (2014) promptly define methodological individualism, for which "the rules that apply to war have to be grounded or justified […] in principles that have a primary application to individuals in everyday life" (p. xv). This declaration unveils two matters of interest here: first, it acknowledges an intrinsically individualistic character of revisionists' morality, and second, it clearly states that for revisionists, the fundamental principles of morality in times of war and in times of peace is the same. Everyday morality, thus, is no different from the morality in war, and what applies in civil life must apply to the circumstances of war as well – it is not exceptional in any way.

If wars are governed by the laws of morality no different from those during peacetime, and if their primary subject is individual persons, then, indeed, one would have to agree with Rodin and McMahan saying that a just war is nothing more than an aggregate of justified individual acts (Rodin, 2002; McMahan, 2004). This conclusion is unacceptable for traditionalists, most of whom hold an opinion that war is not only a collective but also an *exceptional* state of affairs and, therefore, killing in war is different from killing under other circumstances. It does not mean that wartime morality is *sui generis*; instead, traditionalists draw attention to specific features of war, such as its scale, legal and political character,

[9] Legally, the independence of jus in bello from jus ad bellum results in the existence of two separate bodies of international law, namely, the law of war and international humanitarian law (Bouvier, 2006). For McMahan, distinguishing between two sets of rules may be preferable from a legal point of view, but morally and philosophically, it has no firm grounding (2006).

inevitable uncertainty, and others, which make it plausible to claim that morality during the conflict is different from the one during peace (Lazar, 2020).

A reductivist understanding of morality can be challenged not only based on war's exceptionality but also by showing that their assumption of moral integrity does not hold if approached from the perspective of conventional morality. Given that wartime morality indeed corresponds to its peacetime equivalent, combatants killing their targets for a just cause are not held liable – and so must not be those who murder a criminal outside the war, provided they are guided by a just intention. One may quote Waldron (2010) to notice that "[t]here is no general moral permission to kill those who are guilty of injustice" (p. 109-110); therefore, revisionists must go the extra mile to specify the principles for individual self-defence, and plausibly show that the same principles would hold to war.

The disagreements about the justifiability of combatant equality show the extent to which the traditionalist vs. revisionist debate depends on divergent methodological assumptions. Having briefly overviewed these debates, it appears to be largely true that traditionalism is based on collectivist-exceptionalist methodology, while revisionism maintains an individualist-reductivist approach to war, despite salient exceptions[10]. For traditionalists, war is a normatively exceptional state of interstate relations, whereas revisionists approach war through a prism of interpersonal relationships, which shall be guided by morality as if in peace. To step beyond this divide, it is intriguing to ask in which of these two baskets, if any, the Clausewitzian methodology of war would fall? The next section will address this question by exploring the methodological implications of Clausewitz's trinitarian model of war and seeing

[10] Typically, the proponents of the traditionalist view hold an exceptionalist and collectivist understanding of war, as opposed to the reductivist and individualist. However, it does not mean that all traditionalists are necessary exceptionalists or, vice versa, that all revisionists are necessary reductionists. For quite puzzling examples of non-reductivist revisionist arguments, see Emerton and Handfield (2009); Lazar (2015); Haque (2017); and for non-reductivist revisionist positions, see Ryan (2018).

whether they correspond to either the collectivist-exceptionalist or individualist-reductivist alternative.

2.2. "Wondrous Trinity". Clausewitzian Methodology of War

Before deriving the methodology of war from the theory of war Clausewitz develops in *On War*, one shall address much confusion around the many definitions he provides for his main subject of interest. On the first view, it may appear that in almost every part of the book, there is a new and different definition of war: here, war is said to be "merely a continuation of policy by other means" (Clausewitz, 2007, p. 28), while elsewhere, it is defined as "nothing but a duel on a large scale" (p. 13). To an extent, these inconsistencies may be due to the unfinished nature of the piece; yet, Book 1 was edited and revised by Clausewitz, so that it contains a condensed yet truthful version of his theory of war. There, at the very end of Chapter 1, he notes: "At any rate, the preliminary concept of war which we have formulated [in Chapter 1] casts a first ray of light on the basis structure of the theory, and enables us to make an initial differentiation and identification of its major components" (p. 31).

The concept of war he has in mind in the aforementioned passage is the "wondrous Trinity", often tilted to be the 'real' intellectual legacy of Clausewitz (Aron, 1983). The Trinity maintains that, in war, three tendencies of equal weight are in play: first, "primordial, violence, hatred, and enmity"; second, "play of chance and probability"; and third, "element of subordination, as an instrument of policy" (Clausewitz, 2007, p. 30). These elements are both equal and independent: there is no hierarchy between them, meaning that neither force nor chance nor political aim is dominant. All three elements are integral to war, and, in its theoretical form, war always exemplifies all of them. One may think about the "wondrous Trinity" by analogy to the Christian Trinity so that violence can be seen as a "generating", interplay of chance and probability as a "sustaining", and subordination to a policy as a "guiding" principle (Herberg-Rothe, 2007, p. 98-99).

Clausewitz's emphasis on the complex and changing character of war, exhibited in the Trinity specifically and discussed in Book 1 more generally, provides a basis to hold that Clausewitzian methodology of war is primarily dynamic, incorporating different and often conflicting elements. The nature of war is fluid, and so can be its conduct: the three tendencies in the Trinity, as three equally strong magnets, shape the conduct of the war so that, at one point, military necessities arising from the inevitable friction between the planned and the actual can mute down political considerations, whereas, at another, politics or 'policy' are more definitive of the form of war than the actual interaction between the two militaries.

Differently from succinct one-line definitions like "continuation of policy by other means", the conceptualisation of war contained in the Trinity is more ambiguous and paradoxical. It is not remotely clear when exactly and to what extent each of the three tendencies comes into play, whether and when, if so, they cancel each other out, and whether it is even possible to find a balance between them. On top of this conceptual ambivalence, some deeper objections may arise regarding the substantive inconsistencies within the Trinity – for instance, how this trinitarian model could harmonise an evident and deep antithesis between war as a manifestation of force and "primordial violence" (first tendency) and war as a limited, calculated manoeuvre on the battleground (second tendency)? If these inconsistencies remain unaddressed, still less unresolved, the Clausewitzian Trinity can hardly become a basis for a convincing methodology of war.

Against these objections, it is possible to argue that the conceptual flexibility of the Clausewitzian Trinity is not a bug but a feature of his theory. First of all, it is fair to state that it was intentional on Clausewitz's part to make the contradictory nature of war a point of departure in his theory of war, rather than an external limitation (Herbert-Rothe, 2007). His remark on the Trinity casting only "a first ray of light" on the general theoretical body also

indicates that the Trinity should be understood only as a first, even if crucial, step towards the general understanding of war. According to him, integrating the paradoxical nature of war into the theory is of chief importance because ignoring it would make our "theory of war […] conflict with reality to such an extent that for this reason alone it would be totally useless" (Clausewitz, 2007, p. 31). This way, the antitheses within the trinitarian model of war are made explicit and are all mentioned by Clausewitz in Book 1. These include escalation vs. limitation, war as existential battle vs. instrumental endeavour, attack vs. defence, and the primacy of force vs. politics (Clausewitz, 2007, 13-29; Herbert-Rothe, 2007, p. 91-92). Such antitheses or, as Clausewitz calls them, "polarities", are essential components of his methodological approach to war.

2.3. Between the Two Poles: Clausewitzian Methodology as a 'Third Way'

Besides the Trinity, one may discover plenty of methodological implications in Clausewitz's discussion about the requirements for the "proper", as he calls it, theory of war. In the "Method and Routine" chapter of Book II, he describes the main challenge for all those who approach the question of war intending to write a theory of it – namely, that, in war, an observer shall change his perspective so that it resembles neither the strictly scientific laws nor the purely artistic view, "since no prescriptive formulation universal enough to deserve the name of law can be applied to the constant change and diversity of the phenomena of war" (Clausewitz, 2007, p. 102). Clausewitz denies the possibility of creating a doctrine-like theory of war precisely because he approaches its phenomenon as changing and 'torn' between its inherent polarities and underlying tendencies laid out in his Trinity. Perhaps the following paragraph is the most illustrative of the Clausewitzian methodological approach to his main research object:

> War, in its highest forms, is not an infinite mass of minor events, analogous despite their diversities, which can be controlled with greater or lesser effectiveness depending on the methods applied.

> War consists rather of single, great decisive actions, each of which needs to be handled individually. (p. 104)

Behind its metaphorical character lies a sound refusal to approach war directly in a way revisionists do: namely, as an "infinite mass of minor events". This is not to denounce *in bello* rules, which operate mainly on the meso- and micro-levels of military conduct; rather, it is to encourage seeing the whole picture, not only individuals fighting within it. According to his Trinity, war involves not only armies and governments but also the peoples of the fighting countries: a war in his time, as it is in ours, is not confined to standing armies but spillover to the whole population. It may come as little surprise that Clausewitz is sceptical of methodological individualism preferred by revisionism because of his focus on a war as a whole – eventually, the aim of *On War* is to provide a theory of war as a "total phenomenon", a not only an analysis or prescriptions for its military conduct.

At the same time, it would not be entirely correct to state that Clausewitzian methodology is entirely in line with a collectivist-exceptionalist alternative either. At the very beginning of Book I, he provides us with a short but methodologically consequential definition of war as "nothing but a duel on a large scale" (p. 13). Thinking of war as a duel writ large implies that, although its scope and size may be significant, in essence, war follows the logic of individual-level combat. It seems to directly refute exceptionalism, characteristic of many traditionalists like Walzer, who contends that fighting a „war is not like hitting somebody" (Walzer, 2006, p. 52). Even so, Clausewitz's conception of war as a duel on a large scale seats uneasily with his own framework of thought, less so with the whole body of traditionalism – how could one reconcile this definition with his proposition that the nature of war is "changing and complex" (Clausewitz, 2007, p. 31)? The rules of the duel, by its definition, are explicit and unambiguous; where, then, would be the place for "the play of chance and probability"?

To address this apparent inconsistency of Clausewitz's theory, it is useful to follow Herberg-Rothe's interpretation of what may be hidden behind this paradox. First, he lists the major conceptual differences between the individual duel and duel on a large scale which, presumably, are only implicit for Clausewitz. These include, among others, purpose (hostile intention in individual, and hostile feelings in large-scale duel), temporality and scope (while duels are single events involving two people, wars involve masses of people and never consist of only one armed clash), predictability (individual duels can be called unexpectedly, whereas, in wars, it is more likely that the hostile actions of the enemy will be known in advance due to intelligence information and else) and eventual result (in a duel, one of the involved party's physical injury and/or death is the final objective; war's outcome is never absolute: the relations between two parties will continue under policy chosen) (Herberg-Rothe, 2007, p. 56). Accounting for these differences, one shall come to an eventual conclusion that when defining war as a duel on a large scale, Clausewitz does not mean to *reduce* it to individual combat; rather, he sees it as an "extended duel", in which "extension means something more than just the adding together of individual duels" (p. 56). In this extension, war acquires new qualitative features, which make it distinct from a duel. It becomes far less foreseeable, not because of a lack of rules, but because of the scale and the sheer fact that you cannot predict your adversary's actions with absolute certainty.

Clausewitz's proposition to look at the large-scale war through the lenses of individual combat, as a "duel writ large", may seem evocative of the individualist-reductivist approach within just war theory and especially of its descriptive individualist strand, which postulates that any collective act can be broken down into individual components (Lazar, 2017b). Despite this apparent similarity, in the general framework of Clausewitzian thought, adherence to methodological individualism would make little sense: differently from individual-level combats on which revisionists often base their arguments, for Clausewitz, war necessarily

involves friction, "the only concept" that can help "distinguish real war from war on paper" (Clausewitz, 2007, p. 66). In real war, what is planned can never be actualised in its whole, because the difference between what is foreseen and what factually happens is always present and always considerable. This concept of friction is indeed crucial for Clausewitz's theory of war (Lebow, 2003; Coker, 2017), and, on par with his trinitarian model of war, exemplifies the core of his methodological approach. Acknowledging friction in matters of war reaffirms his aspiration to develop a dynamic and flexible methodology of war, which is not confined to a collectivist or individualist alternative. War is a "duel writ large", but its extension has a qualitative difference; therefore, it is not a 'mere' individual duel, as individualism-reductivism would suggest. Meanwhile, the third tendency of war – namely, its instrumentality and subordination to policy – would make it impossible to render a war an entirely exceptional domain of human activity: if war is a continuation of policy by other means, it shall correspond to equivalent normative principles; hence, Clausewitzian methodology cannot be put under the collectivist-exceptionalist label either.

If a conclusion that Clausewitz's methodological principles cannot be meaningfully attributed to either collectivism-exceptionalism or individualism-reductivism is true, this need not mean that the Clausewitzian methodology is irrelevant to the just war theory altogether. On the contrary, it can be informative for the methodological debates within the tradition in multiple ways. Firstly, the second tendency of the trinitarian model of war conceptualises a significant aspect of the nature of war that enjoys less attention in the just war theory discussions[11]: namely, its unforeseeable, changing character. Understanding war as a "play of

[11] It is especially revisionists who are often criticised for approaching the ethics of war from a "deep morality" perspective, which ignores the unforeseeable character of war. Pattison (2018) argues that revisionists retain a largely idealist outlook on morality, which does not account for, more often than not, extremely unfavourable conditions of military conflicts, leading them to speak of "deep morality" rather than laws of war (p. 255). On the "deep morality" account, combatant discrimination in bello ceases to be an absolute and irrefutable requirement since, as McMahan argues, there can exist instances in which noncombatants are liable to be killed, whereas combatants are not (McMahan, 2009, p. 203-235). Morally speaking, those who contribute to wrongful acts – be

chance and probability" that inevitably meets friction does not equal saying that war is so dynamic that it makes little sense to try to limit it by deriving normative standards; rather, this recognition could help to prepare the ground for the emergence of nonideal account of ethics in war that would accommodate normative requirements with what is feasible in battleground practice (Pattison, 2018). Secondly, Clausewitz's definition of war as an extended duel paves the way for the resolution of methodological divergences between traditionalists and revisionists since it acknowledges war's resemblance to an individual-level duel, important for revisionists, yet at the same time observes its distinct qualitative character, favoured by traditionalists. To an extent, Clausewitz's "extended duel" is a conceptual bridge that links the revisionist demand for individualism with the traditionalist requirement of collectivity.

it by paying taxes or supporting the warmongering government in the case of civilians or by directly participating in military actions in the case of militants – can be held liable regardless of their status.

Chapter 3: Just War Theory and National Defence

To continue investigating key questions within contemporary just war theory and providing Clausewitzian answers to them, the goal of this chapter is to move from the methodological to the substantial side of the just war theory. Specifically, it will overview the problem of national defence being a justified reason for waging war. First, Section 1 will lay out recent arguments made by just war theorists on this question, followed by Section 2 with a detailed analysis of the implications Carl von Clausewitz's conceptualisation of defensive war has on this matter. There, Clausewitzian conclusions on national defence will be used to refute the revisionist critique of the traditionalist account of national defence as a just cause.

3.1. Just War Theory: Qualifying National Defence as a Just Cause

Traditionalist just war theory has grown mainly around Walzer's authoritative *Just and Unjust Wars* (Walzer, 2006), which advances the central traditionalist argument of national defence being the sole justified reason for waging war, apart from the humanitarian intervention which may be justified only in exceptional cases. In other words, for traditionalists agreeing with Walzer, the only two justified forms of *jus ad bellum* are engaging in a defensive war against an aggressor who has used direct force or poses an "imminent threat" (p. 62) and intervening in another state with a humanitarian cause of averting grave violence "that shock the moral conscience of mankind" (p. 107), for which, for example, massacre and enslavement would qualify. On the flip side, a threat to national sovereignty warrants resorting to defensive war, making national defence both a necessary and sufficient condition for a just war. Conceptually, Walzer perceives national defence using an analogy with individual self-defence, of which he is explicit: he designates this juxtaposition "domestic analogy" and places it in the centre of his theory (2006, p. 58).

Walzer argues for the normative right of states to defend themselves based on a triple argument: first, states defend the fundamental human rights of their people; secondly, states preserve a form of a shared cultural life that has been developed throughout time and is valuable; thirdly, states equal a sort of social contract in which individuals have renounced their natural rights to achieve an outcome better for all. Importantly, it is the state – and not the non-state actors of any kind – that is endowed with a right to defend itself. This reservation stems directly from Walzer's occupied view of international order as "an international society of independent states" that "has a law that establishes the rights of its members" (p. 61): since the rights are established between states, only states are entitled to enjoy them, however imperfect they or the international society may be. Therefore, every state, regardless of its political structure, be it democratic or not, is provided with a legitimate status in the international arena. Such a legalistic or contractual perception of interstate relations correctly indicates how close the traditionalist view is to international law. Following Lazar (2017b), one may conclude that the key task of the traditionalist camp within just war theory is to provide moral foundations for the already-existing international law.

The visibly statist character of traditionalists' reliance on the state and its right to defend itself has become one of the main targets of the revisionist critique. Early revisionists like Luban (1980) question Walzer's preoccupation with the state's centrality in global politics, pointing out that states can not only guard but also oppress their citizens – hence, granting equal moral status to all states regardless of their political structure or respect for human rights is unjustified, to say the least. In Luban's words, the traditionalist theory of *jus ad bellum* is "anti-cosmopolitan" and based on a "myth" of the social contract, be it between people and their government or between states internationally (p. 394). According to such critiques, the traditionalist account omits the reality of state-people relations, which makes it ignorant of possible injustices inherent in the state structure. On a broader note, Nagel (2012) contends that

wars should be understood as a relation between individual persons more than between collective and abstract states – and the conditions for *jus ad bellum*, therefore, must be refurbished to match individual-level categories accordingly. Summarising arguments such as Luban's and Nagel's, Rodin (2002) compiles by far the most philosophically sound attack on traditionalist "domestic analogy" by deconstructing his analogue-based argument and showing that analytically, the transition from individual self-defence to collective national defence is more troublesome than Walzer imagines, if not impossible altogether. Instead, he argues in favour of a different justification for military action against the aggressor, namely, the enforcement of law (p. 163).

What, then, is the revisionist position on the question of national defence? In brief, the mere concern for national defence appears for them to be neither necessary nor sufficient to engage in war. In order to qualify for the national defence clause, a state shall not only experience a direct military attack or find itself under a severe threat but also ensure that responding to aggression will result in more fulfilment of individual human rights than otherwise (Caney, 2005). As becomes apparent, revisionists ground national defence not in international law, as does Walzer, but in the notion of individual rights. The protection of individual rights, and not of something close to an "organic social contract" (Lazar, 2017b, p. 41), assumingly resulting in some common good, is what is at stake in the war. However, raising the moral bar for national defence may also result in a counter-productive opposite: as Kutz (2014) observes, revisionist accounts often require having a nearly-perfect democracy to fulfil its *jus ad bellum* conditions.

For the revisionists, therefore, favouring the state above the individual is a moral lapse of which traditionalists are guilty. However, while they reject the idea of national defence being a sufficient condition for engaging in a defensive war, they are much more favourable to

humanitarian intervention as a justified reason to do so. As Lazar (2017b) rightly notices, by "undermining states' rights to national defense, revisionists [...] made humanitarian intervention easier to justify" (p. 42). Effectively, this means that by striving to limit the moral weight of states in determining the conditions for a justified war, revisionist critique of the traditionalist view opens up the possibility for a more 'just' state to militarily intervene in its less 'just' neighbour if this action will bring about, for example, some improvement in the net satisfaction of human rights (Caney, 2005). Walzer himself has addressed various revisionist critiques (1995; 1997a; 1997b; 2006), particularly reacting to the objection to the statist character of his thinking in the piece *The Moral Standing of States* (1980). There, he explains that there exist two kinds of legitimacy, where "singular" is neatly tied with democratic standards, and "pluralist" respects cultural and political diversity found around the globe (p. 215-216). The traditionalist argument of states being legally legitimate regardless of their political structure falls under the latter category. Walzer's conception of legitimacy stands for legitimacy "as if" with which representatives of states operate when dealing with each other. His claim is, thus, "that foreign officials must act as if they [states illegitimate on democratic terms] were legitimate, that is, must not make war against them" (p. 216). If to follow a revisionist line of the argument, one would indeed have to agree that if the state is not inherently, or "singularly", legitimate, its more democratic peers would have to interfere in its affairs in one or another way, eventually increasing the number of wars worldwide – the very thing Walzer aims to halt with his principle of non-intervention (2007, p. 61).

3.2. Clausewitz on National Defence

Previously, Chapter 2 introduced the "wondrous Trinity" – the cornerstone of Clausewitz's *On War* – into the broader picture of methodological divergencies within the just war theory. Here, it is essential to explicitly state that the trinitarian model of war Clausewitz develops in Book 1 is more of an ideal type of war rather than an instrumental framework

which can be effortlessly applied to every empirical instance of war. For Clausewitz, the purely logical concept of war, as discussed above, is based on a couple of inherent polarities which, when put into action, lead to a spiral of unstoppable violence – when one extreme follows another, one side will aim to match the level of violence that another puts into the fight and, theoretically, there exists no externally imposed limitation on this reciprocal process. By including "primordial violence" in his definition of war, Clausewitz notably differs from the conventional just war theory, which distances itself from discussing whether an inclination to violence marks human nature as such. Instead, just war theorists proceed with discussing normative requirements as if all parties involved in a war are led by normativity *only*. One may argue that by including this aspect into his framework, Clausewitzian theory of war rests on more plausible, reality-informed assumptions than its just war alternative[12].

Thankfully, the factual realisation of such a theoretical, violence-driven form of war is hardly possible – and surely not desirable – in large part due to the differing nature of defensive and offensive wars. Clausewitz devotes quite a significant part of Book I of *On War* precisely to discussing what makes a defensive war fundamentally different from an offensive one. From the substance of this distinction, which "dominates the whole of war" (p. 36), it is possible to stipulate how Clausewitzian theory of war plays out in the context of the traditionalist vs. revisionist debate about national defence.

When discussing the purposes of war, Clausewitz distinguishes between two opposite ones: the positive being the "destruction of enemy forces" and the negative being equal to "resistance", which is aimed at "destroying enough of the enemy's power to force him to

[12] Some just war theorists, notably Kaplan (2013), discuss the normativity of punitive wars, which include excessively violent means, such as "belligerent reprisals, targeted killings, punitive interventions, and full-scale punitive war" (p. 236). To defend the suggested argument, it would be inevitable to show that in all wars, some sort of violence inherent in human nature (individual or collective) is necessarily unleashed; yet this is not the aim this work shares.

renounce his intentions" (p. 36)[13]. Practically, this means that if a country is acting in self-defence, its goal is not to destroy the forces of its aggressor completely but to cause as little harm as needed to make him change his will. Minimising the harm that it is done for the enemy or, in other words, "fighting without a positive purpose" constitutes the core of the "pure" form of "self-defence"; moreover, following such policy is said to provide the greatest prospects for an eventual victory. Defence is "more likely to succeed and so to give you more security" (p. 36). This, for Clausewitz, makes the defence the strongest form of war, as opposed to the offensive.

3.3. Proportionality and Necessity in Clausewitzian Framework

One may argue that, from quite an extensive list of *jus ad bellum* requirements, it is effectively needed to fulfil only necessity and proportionality criteria to justify a war, since even if war fails other ad bellum conditions, given that it is a necessary and proportionate measure, it can still qualify as the least wrong option from a range (Lazar, 2020). There, it is useful to specify what exactly these conditions denote and how they relate to each other. Necessity criterium evaluates the whole range of one's options to avert or mitigate a given threat – in other words, it assesses actual alternatives which side A possesses in responding to a threat posed by B. Although closely related, proportionality compares an actual scenario with its counterfactual – for example, responding to a threat now vs. ignoring it, i.e. not acting at all – to determine whether the goods achieved surpass the harms inflicted. Combined, an act *in bello* is proportionate if it brings about more goods than causes harm and is necessary given that no other less harmful option exists. In this framework, if State B has infringed on State A's

[13] As Herberg-Rothe (2007) argues, defence for Clausewitz is not merely "passive endurance", but right the opposite: defence consists of conducting an attack destructive enough so that the enemy changes their will. Hence, the concept of national defence already allows for limited – necessary and proportionate – military actions against the aggressor.

right by attacking it and posing a deadly threat, State A acquires a justified yet not unlimited right to respond lethally – its response should still be proportionate and necessary.

Despite being conventionally separated within the theory, proportionality and necessity requirements to a large extent are two sides of the same coin: one can hardly imagine a disproportionate force that would be deemed necessary and, *vice versa*, an unnecessary force that would qualify as proportionate. This is especially evident in Clausewitz's discussion of the war with a negative aim, in which the conditions of proportionality and necessity are included: "If a negative aim […] gives an advantage in war, the advantage need only be enough to *balance* any superiority the opponent may possess" (p. 36). Here, to *balance* means rather to *counterbalance* the advantage which an enemy has when attacking – or, simpler, to avert the enemy's threat with just enough forces needed to do so. This way, "fighting without a positive purpose" or, synonymously, a war waged in national defence *ipso facto* fulfils the necessity condition: if the factual national defence is true to its theoretical form and does not aim at a positive purpose, it is necessary; if the opposite happens and the war originally waged for the cause of national defence starts to aim beyond that, it ceases to be a defensive war whatsoever.

The Clausewitzian conceptualisation of defensive war as satisfying proportionality and necessity conditions is substantially consonant with Walzer's conclusion on what qualifies national defence as a just cause of war. Recalling Walzer, what makes the defensive war justified is that it is provoked by an unlawful and never-just aggression – it is a necessary response because the attack in the first place has challenged the state's sovereignty and undermined the security of the people living in it. Since states are obliged to defend the fundamental individual rights of their residents and preserve their shared form of life, aggressive acts against them "justify forceful resistance" – literally, a war to defend oneself – as long as the means employed for this end are proportionate (Walzer, 2006, p. 52). For

Clausewitz, defensive war is both necessary *and* proportionate: its "negative aim" guarantees proportionality, so that only as many resources as needed are spent to stop the enemy, whereas the absence of a "positive aim" attests to this war's necessity, since it aims at no more than to avert the threat.

3.4. Against "Bloodless Invasion Objection": Clausewitzian Refutation of Revisionist Critique

As shown above, revisionists have repeatedly questioned traditionalist arguments on the justification of national defense. Specifically, one hypothetical question is often posed: but what if the aggression is bloodless, and one can escape sacrificing the lives and well-being of citizens by 'simply' surrendering to the will of the aggressor? This is the "bloodless invasion objection" that Rodin (2002) puts against Walzer's argument: in a situation where the unjust army of State B could accomplish its goals without claiming any lives, provided that State A surrenders, the latter could not claim its right to national defence because the lives of their citizens would not be in danger. The primary objective of such purely political war, as formulated by the revisionists, is not the destruction of State A's military forces but the control of its political institutions – therefore, if the invading forces are met with no resistance, neither soldiers nor civilians will be targeted. Among others, this view is based on the premise that political interests do not fall under the vital interests of individuals, such as interest in life or bodily security (Lazar, 2014) – a view contrastingly different from the statist position of Walzer. People may be interested in preserving their way of life, but, in a revisionist view, political institutions sustaining this very life are considered to be lacking substantive normative content. Simply stated, killing others in order to preserve one's political way of life and avert the attack on its sovereignty is not always justified on a revisionist account, and it surely is not in Rodin's view.

Quite interestingly, a theoretical revisionist example of purely political, bloodless invasion reminds one of Clausewitz's claim that "[a] conqueror is always a lover of peace […]; he would like to make his entry into our state unopposed". Yet for Clausewitz, "in order to prevent this", it is vital to "choose war" as a response (Howard, 1968). Contrary to appearances, this firm conviction in the necessity of resorting to a defensive war if faced with aggression comes not from considerations of 'fame and honour' but rather from the fundamental role Clausewitz attaches to politics in war. As evident from his Trinity, war is not only an act of force and play of chance but equally well an instrument of policy; specifically, he warns against "regarding war as a pure act of force and of destruction [...] Instead we must recognize that war is a political act that is not wholly autonomous" (Herberg-Rothe, 2007, p. 74). Translating into Clausewitzian framework the revisionist model of "purely political" and therefore bloodless war would mean that this exact type of war, if realised in practice, would fully mute two first tendencies in war – violence and unpredictability – by absolutising the third, political one. It would indeed appear as "only a branch of political activity; that is in no sense autonomous" (Clausewitz, 2007, p. 252). Why, then, politically, should one still decide to respond to a peaceful invasion militarily?

The answer lies in that, for Clausewitz, interests which are defended in war are not limited to those designated as vital by the revisionists. Political existence or, one may say, political sovereignty is what can be and indeed often is at stake in wars. Wars are, to quote, "always a collision of living forces", meaning not mere aggregates of individual interests but something much closer to Walzer's "organic social contract". Clausewitz does not elaborate on reasons why he thinks this is so; his *On War* is, in the end, a work on war and not political theory, but few of his interpreters have suggested that this idea of state 'personified' comes from Clausewitz's education in idealistic German philosophy, particularly Hegel and his concept of state as the "consciousness of freedom" (Herberg-Rothe, 2007, p. 150). Despite this,

he provides a clear answer to why the war in national defence should be started, even if the threat is purely political and completely "bloodless".

The fear of one's death is what is at play once the threat is addressed. It is true both for the individual (in the case of personal self-defence) and for the collective levels (in the case of a defensive war). When faced with a threat, the enemy's actions are seen as a threat to one's own collective identity in the form of community, which "seems to be a comprehensive symbolic *Self*, a symbolic ego, which has formed itself […] for the purpose of self-preservation" (Herberg-Rothe, 2007, p. 49). In Book VIII, Clausewitz attempts to historically overview how the character of European wars has changed depending on differing internal structures of states – whether those are empires, republics, or absolute monarchies – as well as changing international order. Yet in all its iterations, the substance of the state remains unchanged – it is something more than a collection of the interests of all its residents; it has value on its own.

Hence, for Clausewitz, as for Walzer, states cannot be reduced to vanguards of individual rights. A political threat to invade, even if not backed by military force immediately, is a grave threat to one's existence – even if no residents are killed, political institutions will be inevitably overtaken and changed so that they would no longer support the "living force" which, at that point, would be already dead. Even if the "bloodless invasion objection" indeed points out the difficulty of deriving the right of national defence in individual rights to security, it does not show that national defence cannot be grounded in the right to preserve one's social habitat – "organic social contract" – that would include a broader variety of individual rights. Besides the individual rights to life and bodily security, there exists a right of sovereignty and self-determination, on which Walzer relies explicitly when discussing the problem of

legitimacy and which Clausewitz holds implicitly in his discussion of the necessity, and thus justifiability, of national defence.

Conclusions

Despite apparent temporal, philosophical, and disciplinary differences, the main tenets on which Clausewitzian theory of war rests were shown to be relevant and informative for the contemporary just war theory.

Methodologically, the trinitarian model of war, accommodating its inherent "polarities" (violence, unpredictability, political instrumentality), was shown to be advantageous compared to two broad alternatives existing within the just war theory: collectivism-exceptionalism and individualism-reductivism. Clausewitzian methodology escapes the position of moral exceptionalism adopted by most traditionalists, recognizing war's integrity with peacetime norms; at the same time, it avoids the pitfalls of methodological individualism preferred by revisionists and preserves the balance between the collective and individual nature of war. Bridging the two, Clausewitzian methodology shall be of interest to contemporary just war theorists, specifically when addressing methodological challenges of thinking about war.

Substantially, *On War* encompasses a theoretically original argument in support of defensive war satisfying the *ad bellum* condition of just cause. Clausewitz's conceptualisation of national defence as a war with a "negative cause" fulfils both necessity and proportionality requirements, since the very notion of a "negative cause" commands to use only as much military force as needed to overturn the aggressor, prohibiting disproportionate and unnecessary use of violence. Moreover, it stands up to the revisionist "bloodless invasion objection" by proposing that in war, not only individual rights (lives) but the collective being (survival) is at stake and therefore must be defended. Hence, Clausewitz is drawn closer to the traditionalist camp within the just war theory than its representatives would themselves expect.

This way, the work has defended the thesis claiming that the Clausewitzian theory of war can be informative for the contemporary just war theory in a twofold manner. Clausewitz

and contemporary just war theorists share the same subject of interest, and despite considerably differing approaches – that of instrumental rationality and normativity – the former shall be of academic interest for the latter. *On War* can productively assist in amending conventional arguments and supplying the field of just war theory with new ones, escaping quite common criticisms of it being too far from reality.

References

Aron, Raymond. 2022. *Clausewitz: Philosopher of war*. Routledge.

Blattberg, Charles. 2019. Taking war seriously. *Philosophy*, 94(1), 139-160.

Bouvier, Antoine. 2006. Assessing the Relationship between Jus in Bello and Jus ad Bellum: An "Orthodox" View. *Proceedings of the ASIL Annual Meeting*, Vol. 100, Cambridge University Press.

Brown, Chris. 2017. "Revisionist just war theory and the impossibility of a moral victory," in *Moral Victories: The Ethics of Winning Wars*, eds. Andrew R. Hom, Cian O'Driscoll, and Kurt Mills. Oxford University Press.

Buchanan, Allen. 2015. "A Richer Jus ad Bellum," in *The Oxford Handbook of Ethics of War*, eds. Seth Lazar, and Helen Frowe. Online edition, Oxford Academic, accessed 10 Apr. 2024.

Caney, Simon. 2005. *Justice Beyond Borders: A Global Political Theory*. Oxford, UK: Oxford University Press.

Clausewitz, Carl von. 2007. *On War*. An abridged version, eds. Beatrice Heuser, Oxford University Press.

Clausewitz, Carl von. 2008. *On War*. Translated by Peter Paret and Michael Howard, Princeton University Press.

Coker, Christopher. 2017. *Rebooting Clausewitz: 'On War' in the Twenty-first Century*. Oxford University Press.

Cozette, Murielle. 2004. Realistic Realism? American Political Realism, Clausewitz and Raymond Aron on the Problem of Means and Ends in International Politics. *Journal of Strategic Studies*, 27(3), 428-453.

Dill, Janina, and Henry Shue. 2012. Limiting the killing in war: military necessity and the St. Petersburg assumption. *Ethics & International Affairs*, 26(3), 311-333.

Dunford, Robin, and Michael Neu. 2019. *Just War and the Responsibility to Protect: A Critique*. Bloomsbury Publishing.

Emerton, Patrick and Toby Handfield. 2009. Order and Affray: Defensive Privileges in Warfare. *Philosophy & Public Affairs*, 37(4), 382–414.

Estlund, David. 2007. On following orders in an unjust war. *The Journal of Political Philosophy*, 15(2), 213–234.

Fabre, Cécile. 2012. *Cosmopolitan War*. Oxford: Oxford University Press.

Frowe, Helen, and Gerald Lang, eds. 2014. *How We Fight: Ethics in War*. Oxford University Press.

Frowe, Helen. 2014. *Defensive Killing*. Oxford: Oxford University Press.

Grotius, Hugo. 2012. *On the Law of War and Peace*. Cambridge University Press.

Haque, Adil Ahmad. 2017. *Law and Morality at War*. Oxford: Oxford University Press.

Hart, Liddell. 1934. *The Ghost of Napoleon*. Yale University Press.

Herberg-Rothe, Andreas. 2007. *Clausewitz's puzzle: the political theory of war*. Oxford University Press.

Hošman, Mirek Tobiáš. 2019. Just War Theory: Feminist Critique as a Practical Alternative to Revisionism. *Politologický časopis-Czech Journal of Political Science*, 26(3), 164-180.

Howard, Michael. 1968. "War as an Instrument of Policy," in *Diplomatic Investigations: Essays in the theory of international politics*, eds. Herbert Butterfield and Martin Wight. Harvard University Press.

ICRC. 1949. Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), 75 UNTS 287, URL = https://www.refworld.org/legal/agreements/icrc/1949/en/32227, accessed 24 Apr. 2024.

Kaplan, Shawn. 2013. "Punitive warfare, counterterrorism, and *Jus ad bellum*," in *Routledge Handbook of Ethics and War: Just War Theory in the 21st century*, eds. Fritz Allhoff, Nicholas G. Evans, and Adam Henschke. Routledge.

Kellenberger, James. 2018. *Religion, pacifism, and nonviolence*. Cham: Palgrave Macmillan.

Lazar, Seth, and Helen Frowe, eds. 2018. *The Oxford Handbook of Ethics of War*. Oxford University Press.

Lazar, Seth. 2012. "The Morality and Law of War," in *The Routledge Companion to Philosophy of Law*, eds. Andrei Marmor. London: Routledge.

Lazar, Seth. 2014. "National Defence, Self Defence, and the Problem of Political Aggression," in *The Morality of Defensive War*, eds. Cécile Fabre and Seth Lazar. Oxford, Great Britain: Oxford University Press.

Lazar, Seth. 2015. *Sparing Civilians*. Oxford: Oxford University Press.

Lazar, Seth. 2017a. Evaluating the Revisionist Critique of Just War Theory. *Daedalus*, 146 (1), 113-124.

Lazar, Seth. 2017b. Just war theory: Revisionists versus traditionalists. *Annual Review of Political Science*, 20, 37-54.

Lazar, Seth. 2020. "War," in *The Stanford Encyclopedia of Philosophy* (Spring 2020 Edition), URL = https://plato.stanford.edu/archives/spr2020/entries/war/, accessed 10 Apr. 2024.

Lebow, Richard Ned. 2003. *The tragic vision of politics: Ethics, interests and orders*. Cambridge University Press.

Luban, David. 1980. The Romance of the Nation-State. *Philosophy & Public Affairs*, 9(4), 392–397.

Mattox, John Mark. 2008. The Clausewitzian trinity in the information age: a just war approach. *Journal of Military Ethics*, 7(3), 202–214.

McMahan, Jeff. 1994. Innocence, Self-Defense and Killing in War. Journal of Political Philosophy, 2(3), 193–221.

McMahan, Jeff. 2004a. War as Self-Defense. *Ethics & International Affairs*, 18(1), 75–80.

McMahan, Jeff. 2006. Morality, Law, and the Relation between Jus ad Bellum and Jus in Bello. *Proceedings of the ASIL Annual Meeting*, Vol. 100, Cambridge University Press.

McMahan, Jeff. 2009. *Killing in War*. Oxford: Clarendon Press.

Meisels, Tamar. 2017. *Contemporary Just War: Theory and Practice*. Routledge.

Nagel, Thomas. 2012. *Mortal Questions*. Cambridge: Cambridge University Press.

Nester, William R. 2010. "Warfare in the Twenty-First Century," in *Globalization, War, and Peace in the Twenty-first Century*. New York: Palgrave Macmillan US, 2010.

Nielsen, Suzanne C. 2002. The Public Morality of Carl von Clausewitz. West Point, URL = http://carl.clausewitz.dk/images/pdf/The%20Public%20Morality%20of%20Clausewitz.pdf, accessed 10 Apr. 2024.

Orend, Brian. 2013. *The morality of war*. Broadview Press.

Pattison, James. 2018. The Case for the Nonideal Morality of War: Beyond Revisionism versus Traditionalism in Just War Theory. Political Theory, 46(2), 242-268.

Ramsey, Paul. 1961. *War and the Christian Conscience: How Shall Modern War Be Conducted Justly?*. Durham, N.C: Duke University Press.

Rodin, David. 2002. *War and Self-Defense*. Oxford, UK: Clarendon.

Rodin, David. 2004. War and self-defense. *Ethics & International Affairs*, 18(1), 63-68.

Ryan, Cheyney. 2018. "Pacifism", in *The Oxford Handbook of Ethics of War*, eds. Seth Lazar, and Helen Frowe. Online edition, Oxford Academic, accessed 10 Apr. 2024.

Sjoberg, Laura. 2006. *Gender, justice, and the wars in Iraq: a feminist reformulation of just war theory*. Lexington Books.

Strachan, Hew, and Andreas Herberg-Rothe, eds. 2007. *Clausewitz in the Twenty-first Century*. Oxford University Press.

Strawser, Bradley Jay. 2013. "Revisionist Just War Theory and The Real World. A cautiously optimistic proposal," in *Routledge Handbook of Ethics and War: Just War Theory in the 21st century*, eds. Fritz Allhoff, Nicholas G. Evans, and Adam Henschke. Routledge.

Waldron, Jeremy. 2010. *Torture, Terror and Tradeoffs—Philosophy for the White House*. Oxford: Oxford University Press.

Walzer, Michael. 1980. The Moral Standing of States: A Response to Four Critics. *Philosophy & Public Affairs*, 9(3), 209–229.

Walzer, Michael. 1995. Response to Veit Bader. Political Theory, 23(2), 247–249.

Walzer, Michael. 1997a. A Response. *Ethics & International Affairs*, 11, 99–104.

Walzer, Michael. 1997b. "Response to Kukathas," in *Ethnicity and Group Rights: Nomos XXXIX*, eds. Ian Shapiro and Will Kymlicka. New York, USA: New York University Press.

Walzer, Michael. 2006. *Just and Unjust Wars: A Moral Argument with Historical Illustrations*. Basic Books.

Walzer, Michael. 2006. Response to McMahan's Paper. *Philosophia*, 34(1), 43–45.

Williams, Howard. 2012. *Kant and the end of war: a critique of just war theory*. Basingstoke: Palgrave.

Williams, Robert E., and Dan Caldwell. 2006. Jus post bellum: Just war theory and the principles of just peace. *International studies perspectives*, 7(4), 309–320.