

II

STUDIES AND ARTICLES

STUDIJE I ČLANCI

To cite text:

Sørensen, Asger. 2024. "Ukraine, Ideology, and Arms: Coming to Terms with Just War Theory." *Philosophy and Society* 35 (3): 669–690.

Asger Sørensen

UKRAINE, IDEOLOGY, AND ARMS: COMING TO TERMS WITH JUST WAR THEORY

ABSTRACT

The Russian invasion of Ukraine has challenged the ideals of peace that I and many other left-wing critical intellectuals hold dear. By the end of the 18th century, Immanuel Kant argued that the realist law of peoples and the idea of just war should be superseded by the idea of perpetual peace, and, fortunately, the principled opposition to war was institutionalized in the United Nations in the 20th century. However, when the aggressor has already taken possession of huge swathes of territory, calls for peace may be suspected of ideological bias. The right to defend yourself is almost universally recognized, but a military counter-offensive to reconquer lost territory is not merely defense but itself aggression, and thus an act of war. Many of us, however, want to support such efforts in Ukraine, and what is worrying is that this places us on a slippery slope, reopening the possibility of justifying war. As I will argue, this is nevertheless the path we must take, thus accepting the possible justification of war and the possible justification of specific activities and armaments but not others. We should take more seriously the justice of war, with all the specific normative challenges that this implies.

KEYWORDS

just war theory, jus ad bellum, jus in bello, Toward Perpetual Peace, ideology, armament, proportionality.

Introduction

The Russian invasion of Ukraine on February 24, 2022 changed the world, at least as seen from Europe. As concerned citizens and intellectuals, and as left-wing critical theorists, we have to consider how to respond to this disturbing situation. In a recent discussion initiated by articles by two critical Russian scholars, Artemy Magun and Greg Yudin, the focus was primarily on the roots of the conflict, particularly the role that capitalism and authoritarianism played in the process that led to Russia's attacks on Ukraine during the last decade (see Magun 2022a, Yudin 2022a, Azmanova 2022, Magun 2022b, and Yudin 2022b). I learned a lot from this discussion and Magun and Yudin's work. However, even though, also in my view, it is crucial that Critical Theory discusses

the material details of capitalism (see e.g., Sørensen 2024, 2019), ideology and its critique is an issue of equal importance (see, e.g., Sørensen 2022a, 2015b).

Hence, rather than engaging directly in the discussion as it developed, my reflection begins precisely where Yudin ends his reply to those commenting on his initial article. As he says: “Under current circumstances, the pressure to stop the war has a decent chance of stripping Ukraine of the means to resist aggression. What the calls for peace are yet to demonstrate is how they are going to stop Vladimir Putin” (Yudin 2022b).

Yudin’s statement raises urgent normative issues regarding the commitment to peace. In the following reflection, I outline the six steps that have led me to a worrying conclusion, namely that in his 1795 project *Toward Perpetual Peace*, Kant was wrong to ridicule the just war theorists Grotius, Pufendorf and Vattel as merely “sorry comforters,” (Kant 2011: 26 [AA VIII: 355]) and thus wrong to refuse to discuss the details of possible justifications related to war. Somehow, the famous ideal of reason that I also hold so dear, simply stating that “There shall be no war,” (Kant 1945:185 ([AA VI: 354]) may have gotten out of hand for Kant and overshadowed the obvious need to discuss with his honorable predecessors the specificities and nuances regarding the justification of war and peace. Hence, as I argue here, a responsible project for perpetual peace has to include both the ideal project to end all wars and the right to wage war under certain circumstances. In addition, it must also consider principles to guide the practical project of remedying, restricting and regulating the violence committed during armed conflicts.

As I will hesitantly contend, the classical discussions in just war theory of *jus ad bellum* and *jus in bello* must therefore be taken seriously in political philosophy. This is the lesson that the war in Ukraine has taught me. While I accept it, it makes me very sad and, like Cian O’Driscoll, I feel the need to emphasize that just war “is never a victory, nor a solution, it is always a defeat, always a disaster, always a tragedy; and just war thinking is about coming to terms with this.” (O’Driscoll 2019: 182) For this reason, I cannot but respect the sorrow expressed by Neville Chamberlain when he addressed the British Parliament to recommend declaring war on Nazi Germany on September 3, 1939: “Everything that I have worked for, everything that I have hoped for, everything that I have believed in during my public life has crashed into ruins.” (Chamberlain quoted in: Sontag 1972: 381) Even though I am deeply concerned at the ideological discourse about increasing armament that has gained a foothold among politicians in the Western world, I nevertheless endorse the idea that wars may be just.

In the first step, I deconstruct the call for immediate peace in Ukraine as ideological in the current situation (i.e. as of spring 2024) (1.). This leads me to the second step, where I emphasize the importance of taking ideology and its critique seriously (2.). The third step acknowledges that reliable empirical knowledge cannot be made available for judging the war, and we must therefore recur to principles, and that these principles must be idealist rather than realist (3.). Having accepted the right to defense, in the fourth step I discuss

the question of the armament needed for such defense, arguing that we need an affirmative vocabulary of arms, even though we must also criticize the current ideological escalation of the arms race (4.). In the fifth step, I argue that the right to defense is not enough; we need to acknowledge that offensive war can be justified under certain conditions, and we must therefore discuss *jus ad bellum* (5.). Having accepted the possibility of waging just war, in the sixth step I briefly consider the principles for conducting just war, i.e. *jus in bello* (6.), arguing in conclusion that as critical theorists and philosophers, we should engage more with efforts to detail the specificities and nuances of these awful questions, thus distinguishing acceptable uses of violence from atrocities, rather than leaving such discussions to the unfortunate practitioners of war.

1. Deconstructing the Ideological Implications of a Call for Peace

Let me first once again pay Kant his dues; too many philosophers, in my opinion, have been willing to make too many allowances to the political realism of war-making. As the 19th century Argentine lawyer Juan Bautista Alberdi reminded us from his exile in France, war is a crime, plain and simple. War means burning down houses and killing indiscriminately to take people's land, pillaging their possessions and raping women along the way—actions which, as Alberdi emphasizes, are universally condemned as crimes. Moreover, Alberdi argues, the alleged right to war in the original law of peoples dating from antiquity only made war legitimate by considering other people as inhuman barbarians (see Alberdi 2007: 41 [§ I.I]). Hence, what is called the law of peoples confuses crime with justice and has only been made possible by prostituting human reason (see Alberdi 2007: 50-51 [§ I.V]).

For similar reasons, I have for years defended the merit and realism of Kant's peace project, striving to place this ideal concept of reason higher on the philosophical agenda. Raised while the Vietnam War was in the news every day and being young in the 1970s and 1980s Europe with its Cold War peace movements, I have all my life been deeply troubled by war. As a human being, I cannot help but be affected by the realities of corporal and spiritual suffering, by imaginaries of flesh being torn asunder, blood pumping from wounds, and limbs being lost in screams of pain; of homes being bombed into ruins and people being forced to flee on foot, cast into unforeseeable weather conditions. For this reason, peace must be the project that we pursue, and this is also why the Charter of the United Nations is one of the world's most important documents, stating in chapter 1 the UN's aim of securing peace, friendliness, and cooperation between nations.

However, at the present stage of the war in Ukraine, more than two years after the invasion, I share Yudin's fear that, functionally, the call for armistice and immediate peace will weaken Ukraine's prospects of recapturing the territories that Russia currently occupies. The call for peace thus functions as an ideological pressure that mainly benefits the side of the conflict that has already gained from it. Hence, I will hesitantly argue for the possible justification of

war, reflecting on how we as critical theorists should take a normative stance in relation to this disturbing perspective.

Years ago, applying a similar perspective but reaching almost the opposite conclusion, I criticized the ideological arguments for just war in John Rawls' *The Law of Peoples*, arguing that promoting the idea of just war increases the likelihood of wars (see Sørensen 2015c). Without the present burdens of experience and in the spirit of Critical Theory, I also criticized ethical cosmopolitanism as a liberal ideology that legitimizes global capitalist exploitation, arguing in continuation that Kant's *Toward Perpetual Peace* is the only respectable political project to pursue, combining the republican state of law with the law of peoples and the law of the world citizen (see Sørensen 2016; see also Sørensen 2017). I therefore, finally, had serious reservations regarding Jürgen Habermas' and in particular Michael Walzer's arguments for justifying war (see Sørensen 2015a).

Returning to these questions today, however, I must make a concession. As I see it now, in contrast to Kant, I have probably never thought of war simply as war. With an upbringing as described above in post-WWII Western Europe, unconsciously my paradigm case for war has probably always been just war, initially believing it was just to fight the Nazis, and then being revolted by all the subsequent unjust violations of territorial and political integrity by the USA and the USSR during the Cold War.

As Lars Erslev Andersen has argued, the 20th century witnessed the fall of the European territorial order. After WWI, US president Woodrow Wilson called for the world to be made "safe for democracy," (Wilson in: Andersen 2010: 21) and that gave rise to an American world order based on humanism, human rights, and democracy. Just as with the medieval Christian order, both this liberal order and the order of working-class international socialism could justify warlike efforts disregarding territorial references. Both the two Cold War superpowers thus rejected the pre-WWI European order of respecting territorial integrity, and the 20th century's main ideas of just war were therefore freed from references to territory (see Andersen, 2010: 23). It is these ideal ideas of just war that balance territorial sovereignty in the UN Charter and that I have probably unconsciously presupposed.

As I see it now, the war in Ukraine may have made me conscious of some of these unconscious presuppositions about war that have influenced my earlier work and, consequently, I have allowed myself to reconsider my thoughts about just war. As I see it now, the problem is not the idea of just war in itself, but the particular versions of this idea that have dominated since the early 20th century, assigning legitimacy to armed interventions on an unprecedented scale.

Admittedly, I have been far too slow to take seriously Russia's aggression towards Ukraine. Moreover, I must also admit that it has taken me too long to realize some of the conceptual implications, and I have no excuse. I first presented my critique of Habermas and Walzer at a seminar on "International Relations and Human Rights" at the European Humanities University in Vilnius with good colleagues from Lithuania, Belarus, Ukraine, and Russia—a seminar

that took place precisely during those days in March 2014 when Crimea was occupied by the infamous little green men (see, e.g., Sazonov, Saumets, and Mölder 2016).

Finally, however, I am now ready to consider the issue that has lain before me for so long, and as in every aspect of life, one benefits from people who have developed specialized knowledge concerning the relevant issues. Consulting contemporary textbooks, it is obvious that, as a general principle, defending a territory from military aggression is almost universally recognized as constituting a legitimate reason for taking up arms in a conflict. Interestingly, however, the technical term used for legitimate armed response is “self-defense,” (see, e.g., Reichberg, Begby, and Syse, 2006: 723 and Brooks 2008: 738) i.e. not merely ‘defense;’ in fact, ‘defense’ is often not even an entry in the indexes of these textbooks (see, e.g., Reichberg et al. 2006: 701 and Brooks, 2008: 730). Hence, straightforward legitimacy is reserved for the simplest, almost intuitively not only evident but self-evident case of self-defense, whereas solidaric support for the defense of someone else somewhere else remains problematic.

Today, I thus find it necessary to emphasize the following: No matter how much we strive for peace and justice, no matter how disturbing the corporal and mental suffering may be, no matter which ideals of freedom and equality we hail, people have a basic right to defend not only themselves, but also their families, their surroundings, and their belongings. The right to self-defense is almost universally recognized as an axiomatic point of departure in discussions of just war, but as I see it today, it is not enough. The right to self-defense is so narrowly specified that it becomes almost tautological and thereby empty of real meaning—I mean, who would deny anybody the right to self-defense when attacked? Even Alberdi recognized this (see Alberdi 2007: 48 [§ I.IV]).

Hence, what I want in this case is to support the self-defense of someone else, i.e. to defend another person or people. As is the case with self-defense, the possible legitimacy of defending others through armed intervention is also recognized by the UN Charter, namely in chapter 7. The implication of this was demonstrated when the UN sanctioned the employment of arms to force Iraq out of Kuwait (see, e.g., Ninan 1997: 3011). However, as much as I think that this was the correct decision, this realization is also very painful, placing me on the slippery slope leading to the acceptance of the possibility of war being justified. Hence, as has been stated very precisely, discussing the justness of war only makes sense if we place ourselves between the absolute pacifism of, say, Bertrand Russel and the realist *Realpolitik* of Hobbes or Machiavelli (see Reichberg et al. 2006: x). Discussing just war thus implies accepting war as a reality – as sad, but inevitable.

2. The Importance of Ideology, Critique and Justification

In the case of Ukraine, at the time of writing, following two years of war, their armed forces were initially able to successfully defend the country against the military invasion, to force back invaders on some fronts, and to ward off

terrorist attacks on its critical civilian infrastructure (heat and electricity). Still, Russia is in possession of around 20 % of Ukraine, but with the decisions in the West to supply Ukraine with some of the world's most advanced weapon systems, Ukraine can now carry out offensives to reconquer this occupied land.

So far, Ukraine has not been very successful with their offensives, but assuming the prospects of possible success, calls for immediate peace can still be criticized as ideological in the most classical sense. These calls thus present themselves as universal ideas for the benefit of humanity, as we know them from Kant, ideally beneficial to both sides of a conflict, but in reality clearly biased, primarily benefitting one side, namely the aggressor that has already taken advantage of the other side's weaknesses at an earlier stage. As Yudin called attention to, if claimed right now, calls for immediate peace in Ukraine would clearly benefit Russia as the invader, whereas Ukraine's prospects of recapturing its land would be severely weakened.

What is at stake here is the material importance of ideology and ideas. As we have been reminded over the last decade by riots in the US, when there is no justice, there will be no peace. Internationally, the United Nations general secretary, António Guterres, has also emphasized that peace should always be "a just peace in line with the UN Charter and international law" (Guterres 2023). In this perspective, the idea of just war may thus be considered a compromise between peace and justice.

Of course, economic, social, and political realities have a structural and causal impact on the instigation of social and political unrest, and such realities were the focus of the aforementioned discussion in *Emancipations*, exploring the role of Russian capitalism and authoritarianism in relation to the invasion of Ukraine. However, as was also acknowledged, the final decision to launch a war is made by individual human beings, in this case Putin and his consorts. Accordingly, the discussion among Magun, Yudin, and their commentators also considered to what extent Putin's actions represent a more or less rational attempt by an agent in charge of a global superpower to increase (national and personal) power and wealth; i.e., whether or not it was rational for Russia to invade Ukraine when calculating the possible gains and losses, costs and benefits.

Following this lead, within the horizon of a relevant rational agent, the discussion extended beyond the material matters of political economy, introducing culture, ideology, and philosophical ideas as explanatory factors. My argument will go even further in emphasizing the importance of ideas, ideology, and justifications, both factually as part of the current scenario and normatively for us as critical intellectuals. As we all know, both before the invasion and after, Russia has officially offered ample justification for its actions. Hence, as an almost classical example of *jus ad bellum*, i.e. of justifying an armed intervention, Putin and others have repeatedly made two arguments that together are supposed to suffice in making the case for a just war.

Firstly, within a narrative of the great and spiritually pure Russia, it was claimed that Ukraine was never really a nation as such, but only an unfortunate

20th century invention by Lenin that therefore cannot claim the right to continued independence from Russia (see e.g., Putin 2021; see also Tolz 2002). Secondly, it was argued that the government in Kyiv that came to power through a 2014 coup reflected “neo-Nazism [...] elevated to the rank of national policy” (Putin 2022). Taken together, these two arguments were supposed to lead to the conclusion that Russia therefore had the duty to intervene and liberate the Russian people of Ukraine, just like the USSR fought Nazi Germany during the great patriotic war. For these reasons, Russia did not consider it right to declare war (which would imply an admission of Ukraine’s sovereignty), but simply launched a “special military operation.”

Like most people in the West, I consider these Russian narratives fictitious and ideological, and the Ukrainians clearly have a different narrative of their history (see, e.g., Plochy 2015). As also recognized by critical Russian intellectuals, the modern Ukrainian identity and the longing for national independence from the Russian Empire was already widespread in 19th century Ukrainian literature (See e.g., Zygat 2023; see also Kazankov 2024). Nevertheless, the Russian stories are still believed in various circles, not least since it seems that right-wing nationalists, who have defended Ukraine so strongly, frequently use Nazi symbols (see, e.g., Gibbons-Neff 2023). Together, these issues serve to remind us of the importance of ideology in attempts to justify war.

3. Dealing with Factual Uncertainty: Resorting to Simple Principles

It is also important to note that before the war, very few critical intellectuals supported the current regime in Kyiv, believing, based on various data and surveys, that the Ukrainian authorities were both corrupt and authoritarian by Western standards (see e.g., Wikipedia, 2023). Now, however, we find ourselves enthusiastically defending Ukraine and its people’s right to independence and, while some may cautiously distinguish between the principle of popular sovereignty and actual national and territorial sovereignty (see, e.g., Strecker in: Azmanova 2022, and Yudin 2022b), in reality many of us find ourselves arguing for the defense of territorial integrity—not as an abstract principle, but of an actual country whose current regime fails to meet our usual standards of political integrity and democratic legitimacy.

In contrast to the defense of Kuwait, we have no UN endorsement to lean on, and the weight of the argument for supporting Ukraine is most likely borne by the intuition that it is still a relatively “decent” regime – i.e. one that does not fall too far short of our usual standards. This is the kind of reasoning that Rawls would suggest (see, e.g., Rawls 1999: 62-67), and that I criticized in my earlier work for legitimizing war (see Sørensen 2015c: 25-26). Today, however, my point is that most of us do not really know the facts of the situation. Still, we support Ukraine with little hesitation – at least, I do – well aware of the non-ideality of Ukraine and that the first casualty of war is truth. As academics, we prefer to present objective arguments based on solid empirical

facts, but in cases such as these, we have to accept that doing so is ultimately impossible, yet we still have to make up our minds.

Unable to ascertain the facts about the situation in Russia and Ukraine, from very early on, I therefore suspended detailed empirical judgment and returned to the simplest normative criteria – namely that, as a widely accepted normative principle supported by both Kant and the UN, no state shall interfere with military force in the internal affairs of another state, and for most people, this was obviously the case here. Like Kant (see Kant 2011: 13 [AA VIII, 34]7), I believe that this simple principle of territorial integrity is crucial for securing peace, which is also recognized in the UN Charter where it is a constitutive element of article 2.

Meanwhile, such a simple principled stance regarding Russia's invasion of Ukraine has been challenged by left-wing 'whataboutism,' referring to the lack of critique of US-led military interference in other countries over the years. This form of whataboutism remains powerful in certain contexts, not least in Latin American countries, which have suffered from US imperialism since the presentation of the Monroe Doctrine in 1823, which declared the American hemisphere off-limits to European powers, warning Russia, Spain, and Great Britain in particular to stay out of the US sphere of influence (see, e.g., Perkins 1972). As Noam Chomsky has reminded us, the US imperialism implied by this declaration has been especially hard on Central America (see, e.g., Chomsky 1985, 1988). However, many proponents of whataboutism may be said to resolve the issue of perceived double standards by levelling the double standard down to no standard at all (don't do anything in any situation), whereas the goal should rather be to strive for a single standard (do what is right in every situation).

Hence, the legitimate argument that all cases should be considered equally may also lead to agreement that proximity to what is perceived as an aggressive local superpower constitutes a legitimate concern. As stressed by Kant, a crucial preliminary step for the peace project is to reduce threats by avoiding professional standing armies (see Kant 2011: 13 [AA VIII, 34]5). Countries in Latin America thus face the armed forces of the USA just as we in Europe face those of Russia, and the behavior of these heavily armed neighboring superpowers causes concern that must be addressed somehow, even if the perceived aggression cannot be established as an undisputed fact.

In addition, some left-wing intellectuals have conceded the legitimacy of the kind of *Realpolitik* that recognizes the need for superpowers like Russia to retain a protective belt, or a sphere of influence, beyond their borders for security reasons, thus recognizing the logic of the Monroe Doctrine. Unfortunately, these discussions have been fueled by prominent intellectuals such as Chomsky, for which he has rightly been criticized by Ukrainian scholars (see Kukharskyy, Fedyk, Gorodnichenko, and Sologoub 2022).

The problem with recognizing superpowers' needs for such protective belts is that it does not acknowledge the interests of the nations and people in those adjacent territories thought to be included in the belt. In fact,

being confronted with explicit expressions of such imperial needs from Russia throughout 2021 (see, e.g., Lavrov 2022), and witnessing shortly thereafter the invasion of Ukraine, neighboring Finland and Sweden decided to give up their long-established neutrality and seek refuge in NATO (see, e.g., Jakobsen 2024: 2), which presents itself as an alliance for the defense of sovereign nations, in the North Atlantic Treaty recognized as the “parties.” Hence, because we cannot establish with certainty the truth of any real and legitimate needs for such security belts and spheres, I see no other way than to return to the well-established principle of the territorial sovereignty of nations, rendered legitimate by their international recognition.

The only factual truths that we can hope to agree on in conflicts of this kind are the existence of internationally recognized borders and whether or not they have been crossed by an invader. In this case, Russia invaded neighboring Ukraine, which they themselves recognized as an independent state in 1991. If one instead considers the situation in Israel, one may emphasize that in 1947-48, when an offensive by Zionist militia forced Palestinians to flee into neighboring countries (see, e.g., Pappé 2006), the Zionists also invaded territory defined by internationally recognized borders, namely the borders inside Palestine decided by the UN on November 29, 1947, which divided the land into a Jewish state and an Arab state (see, e.g., Wikipedia 2024a). Originally, the UN thus envisaged a two-state solution, and the very state of Israel may therefore be said to be built on occupied territories.

Having thus established a factual agreement regarding the transgression of recognized borders, we may then hope to add a normative agreement, namely that, as Kant and the UN would also concur, it is simply wrong to interfere militarily in the affairs of other countries within their recognized borders. In my earlier writings on these issues mentioned above, I have thus followed an interpretation of Kant that emphasizes the prohibition against crossing borders with armies as a constitutive preliminary step in his project for perpetual peace.

Hence, even though, in continuation of Kant’s peace project, I have criticized the ideology of just war and thus any claims of a sufficient *jus ad bellum*, I have also recognized that should one nevertheless become the object of an attack, one has the right to defend oneself. As mentioned, this is uncontroversial when applied to individual persons. The problems only start when I now want to extend this right to defend oneself using violent means to collective entities, including families as well as political or cultural entities—and especially when I also argue that it is right for collective entities like a state to actively support another state’s rights in this regard.

As mentioned, we cannot know precisely what led to the present war. What we can know is that following the invasion, destruction and suffering have almost entirely taken place inside Ukraine. In addition, as I see it, no plausible case can be made that Ukraine has previously committed wrongs sufficient to justify Russia’s invasion and the continued atrocities. For me, that is enough to define Ukraine’s war efforts as defensive and thus legitimate, which is why I believe that Ukraine should be supported in their war against Russia.

4. Dealing with Principles: Considering Defense and Peacetime Armament

But where does that leave Kant's peace project – the principled project that I have defended so consistently for years? A Kantian could oppose detailing the idea of just war on two grounds, claiming it to be either too optimistic to think that war can be effectively regulated or too pessimistic that war must be accepted as part of the human predicament (see Reichberg et al., 2006: xi.), thus employing either realist or idealist reasoning against establishing institutionalized regulatory bodies that detail what constitutes just war. I have mainly been a proponent of the idealist argument. As I now see things, however, both arguments fail. Wars are part of human reality and will continue to be so for the foreseeable future and, even though we must continue to strive to ultimately eradicate war, we will fail in our responsibility to the people currently living on this planet if we do not take seriously the issues regarding justice and ethics that wars raise.

As mentioned, the right to defense is almost universally recognized. However, simply referring to the unconditional right to defend oneself against an aggressor is not sufficient to protect the project of perpetual peace, since almost all wars can be presented and justified in such terms. When invading Poland, Hitler presented the German army's actions as defending the Germans in Danzig, just as they had defended the Germans of Sudetenland the year before. In the present case, Russia has for years claimed to be defending an oppressed Russian minority in Ukraine, in particular in the Donbas region, and this claim was in fact part of the justification that Putin offered on the day of the invasion (see, e.g., Wikipedia 2024b). Hence, as noted by Alberdi, when it comes to war, everybody thinks of themselves as defenders rather than aggressors (see Alberdi 2007: 70 (§ II.XV)); therefore, simply making defense a criterion does not solve the quandary of justness without additional specification or qualification.

What is worse, and a cause for concern: Given that I believe that people living within internationally recognized borders should have the right to struggle in peace with their own political problems without the fear—or the hope—that a foreign power will decide it has a right to intervene militarily, and given my strongly felt opposition to war as such, and even to the idea of a power balance sustained through military threat (mutual deterrence), what about arms?

How can I support the principled right to defend oneself or others, for instance in the case of an invasion, without supporting the prior production and acquisition of arms? Defense against armed aggression is difficult without weapons. Hence, should we support the acquisition and production of arms in what we consider peacetime? Or, more precisely, during this “peacetime,” what level of armament, conflict, and mutual deterrence is acceptable? And what kind of potentially lethal armament can be classified as non-aggressive or non-offensive?

Arms are real, and if only one part of a conflict is armed, then the outcome is almost guaranteed. Interestingly, however, for much of the 20th century, such

concerns did not constitute definitive political grounds for armament, regardless of the country's size. It is well known that, prior to WWII, i.e. even after the experience of WWI, the USA did not spend much on its armed forces and was therefore poorly prepared for WWII (see, e.g., Berky and Shenton 1972: 1274). Now, that could seem reasonable for the USA, which at that point was already a powerful and self-assured nation, but it was also thought reasonable for a small nation like Denmark.

At that time, Denmark's population of less than four million people had democratically elected a coalition government of social democrats and social liberals for whom political realism included principled pacifism (see, e.g., Shishkina 2006), resulting in a very low level of armament. When Nazi Germany announced its invasion on April 9, 1940, Denmark therefore surrendered after only a few hours, sparing the country from the suffering of war, but also handing to the aggressor an economy complete with agriculture and industry, work and leisure, that served the occupiers well in the following years. Was that the right thing to do? Should Denmark have defended itself, thus weakening Nazi Germany to the benefit of the allied efforts to counter Nazism, while knowing and accepting that doing so would cause suffering among its own civilian population? That is not an easy question for a responsible, democratically elected government.

The Ukrainian government chose to defend the country despite being in what was almost universally considered a hopeless situation in terms of armament and despite being offered safe exile (see, e.g., Braithwaite 2022). I must admit that I was deeply moved when witnessing what appeared to be the Ukrainian people's staunch willingness to make sacrifices for their country. Believing, as mentioned, that many things in Ukraine were far from ideal before the invasion, I assumed that Ukrainians must be motivated by the belief that life in Ukraine nevertheless is, or could be, far better than life in Putin's Russia. Hence, I consider Ukrainians' initial willingness to defend themselves with Molotov cocktails—i.e., despite having very few arms—a sign of their intimate knowledge about the current realities of life in Russia. Many have families across the border (see, e.g., Mohieldin 2022), and until a few decades ago, Russian was also an official language in Ukraine. This being the case, I also find it likely that many Ukrainians are indeed fighting for the ideals that many of us hold dear—for social democracy, including various liberal freedoms and the rule of law. That is why the war can be considered just.

However, one can better fight and defend oneself with arms, which leads us back to the delicate question of peacetime armament. Generally, legitimate armament appears to pose a severe challenge for contemporary normative discourse regarding international relations. Once again, this might be illustrated by the indexes of textbooks. In one such book, the keywords related to arms all seem to indicate that we were best off without arms. Entries thus include “disarmament,” “armistice,” “arms race,” “arms control” etc. (see Reichberg et al. 2006: 695–696) Also included is the term “armed peace,” but that simply redirects readers to “balance-of-power politics,” which in turn refers to critical

discussions of pre-Kantian just war theory that do not confer much legitimacy to contemporary advocacy of peacetime armament.

The lesson from Ukraine, however, is that even when arguing for a principled peace project, we have to consider what level of armament, and what kind of armament, is consistent with such a project. Arms will continue to be necessary for the foreseeable future, I would claim, and we must therefore find an affirmative vocabulary for discussing them, pursuing an appropriate level and kind of armament. However, as Gerhard Schweppenhäuser has also emphasized (see Schweppenhäuser 2022 and Schweppenhäuser 2023: 30–32), discussions in the Western world, including discussions on the left-wing, currently show an alarming tendency to support the allocation of ever-more resources to the armed forces. The challenge is thus twofold: both developing an affirmative vocabulary for discussing arms and resisting the ideology supporting an indiscriminate continued arms race. In other words, we need arms, but not too many, not too powerful, and not too offensive.

5. From Defense to Reconquest: It is War, and May Even be Called Just War

At the current stage of the conflict, however, the question is no longer whether one should surrender or engage in armed defense, nor what level of peacetime armament is appropriate. There is a war going on. Through armed intervention, Russia has captured significant Ukrainian territories without being able to gain control of the entire country, and, at the time of writing, the war is ongoing inside Ukraine with no end in sight. This situation raises questions, both normative and strategic, with which we must grapple – as individuals, in relation to our ideals, and as governments, in relation to realist foreign policy.

The fundamental question is: How can one best support the wronged party, i.e. Ukraine? Moreover, can such support legitimately include assisting Ukraine to recapture its territories, some of which it has not controlled for more than a decade? To be even more specific, is it justifiable to provide support that includes arming a nation to enable offensive war efforts that it could not have undertaken without such support, and if so, what form should this support take, and how can it be done without escalating the war and provoking a nuclear response from Russia? This last question appears to have awakened Habermas's pragmatic and realist tendencies, leading him to call for ceasefire and negotiations (see Habermas 2022). Even though I share his fears, and even though Putin regularly reminds us of Russia's capacity for nuclear warfare, I have nevertheless allowed myself to ignore these threats. As I argued above, I still consider the call for armistice potentially ideological, thus benefitting the invaders and occupiers more than those to whom the land rightly belongs, and I count on the Putin regime being unwilling to take actions constituting an existential threat to humanity.

Acknowledging the relevance of both deontological and consequentialist reasoning, we move from one part of the traditional theory of just war, *jus ad bellum*, to another, namely *jus in bello*—that is, what constitutes proper conduct during war. Once war has broken out, if we disregard its possible justification, and who is to blame for breaking the peace, how can we justify some actions and not others when resorting to force, violence, and weapons?

With regard to Ukraine, the initial approach in the West was to send helmets and bulletproof vests to protect against Russian invaders; later, guns and ammunition were sent for defense, for instance in the form of anti-tank weapons. Firearms were then sent to neutralize missile and drone attacks, followed by long-range cannons to attack the logistics behind enemy lines. With some hesitation, the sending of tanks was approved, and next in line are fighter planes.

The general question has remained the same: What kinds of armament are aggressive or offensive, and what kinds are defensive? More specifically with regard to the current situation, one might ask as a matter of principle: Recognizing that war is a crime, as initially argued by Alberdi, what kind of weapons can be justifiably used when an invader has already conquered and secured huge swathes of territory that is recognized internationally as belonging to another party? And when the legitimate reconquest proves to be much more difficult than hoped for and initial support insufficient, how much can the lethal capacity of the weaponry provided by other countries justly be reinforced? To be specific, is it for example justified to use cluster bombs against the Russian invaders, as the US and Ukraine have agreed? Cluster bombs are non-precision weapons intended to indiscriminately wound or kill people over a vast area, with more than 100 countries having signed a convention banning them (but not the USA, Ukraine, or Russia).

I believe that Ukraine is justified in launching a military offensive to attempt to recapture the lands that have been recognized internationally as theirs. And as much as I hesitate to say it, I also believe it is desirable that they do so. The only question concerns the grounds for this justification. Meanwhile, this question reveals another and more general question, namely: If military aggression is inherently wrong, can we operate with a concept of a non-aggressive military offensive, provided it is a countermeasure seeking to correct previous wrongdoing? I do not believe so – it would almost be a contradiction in terms – which is why I hesitantly have come to accept the possibility of justifying war.

Francisco de Vitoria reached this same conclusion in 16th century Spain: The use of military force is justified for self-defense, to protect innocent people from harm, to regain stolen property, and to punish evildoers (see Reichberg et al. 2006: 290). If we thus think of Ukraine as legitimately trying to regain stolen territories, then we have accepted the possibility of *jus ad bellum*, of justifying waging a war. Confronted with Russia's ideological justification for the invasion and occupation, we can thus posit an alternative justification for counterattack and possible reconquest; that is, a military offensive that goes beyond mere self-defense can be justified with reference to regaining stolen territory. It is such specific arguments that the Kantian peace project

discourages, and we must therefore look elsewhere for a conceptual framework that supports this approach. It is the process of developing such a framework that I embark on here.

6. Jus in Bello: Proportionality and Discrimination

As I have argued, having accepted the possibility of *jus ad bellum*, questions concerning *jus in bello* inevitably become pertinent. Thus far, discussion of justification in relation to war has mainly focused on the uncomfortable questions regarding the right to wage war. Now, however, far more serious consideration must be given to the possible justifications for specific ways of conducting war. However, with serious consideration now given to the possible justifications for specific ways of conducting war, relatively less weight is given to the principled contrast between war and peace that was the main point of discussion from Kant over Alberdi to the establishment of the UN Charter, and that I also adhered to until recently.

The core idea of *jus in bello* is that some ways of conducting war are better, or at least more acceptable – or maybe just less brutal, inhuman, and unacceptable – than others. As such, if need be, there can be legitimate – or at least not entirely illegitimate – ways of killing and maiming people considered enemy combatants. And it is within this framework that we can argue that the USA's decision to provide Ukraine with cluster bombs was wrong.

Interestingly, this line of thought has not been high on the agenda among contemporary intellectuals and philosophers. Hence, Jeff McMahan argues clearly for the right of oppressed people living in occupied territories to rebel, taking as an example the Palestinians living on land occupied by Israel, but recommends peaceful means; the situation where one part of a country is trying to reconquer another part lost initially to an invading army via military means is not something he considers (see McMahan 2005: 12–13; also in Brooks, 2008). Moreover, in a radical interpretation of Kantian pacifism, McMahan has argued forcefully against just war theory, stating that killing is wrong no matter the circumstances, thus refusing to recognize war as an exceptional situation (see McMahan, 2011: i, vii), and suggesting that even self-defense may not justify taking a life (see McMahan, 2011: 155).

On the other side of the table, when arguing for the legitimacy of just war, Rawls had only minor reservations about justifying the killing of non-belligerents in situations of supreme emergency (see Rawls 1999: 98–100; see also Sørensen 2015c: 28–29). Meanwhile, Walzer, despite thinking it relevant to consider who can be a legitimate target of lethal force, saw the conventions about what means may be employed in war to be, as Brian Orend puts it, “beside the point” (Orend 2010: 283).

Hence, among the few prominent philosophers who have participated in discussions of the notion of just war, most have focused primarily on *jus ad bellum*, shying away from the even more uncomfortable questions related to *jus in bello*. One exception is the young Thomas Nagel, who in 1972 argued

in favor of respecting some form of ethical absolutism in support of the conventions prohibiting war atrocities, thus potentially distinguishing between justified acts of war and war crimes. He was brought to this point by the US engagement in the Vietnam War and especially the My Lai massacre, napalm bombing, and the bombing of civilian villages to kill guerillas assumed to be hiding there (see Nagel 1972: 127–128; also in Brooks 2008). Nagel specifies that his argument aims to limit both legitimate targets of hostility and the character of the hostility practiced (see Nagel 1972: 138).

Nagel's claim is that some kind of measures and means should be considered wrong, no matter how just the war itself may be (see Nagel 1972: 123). The basic contention is to trust our absolutist intuition to resist "the abyss of utilitarian apologetics of large-scale murder" (Nagel 1972: 126). With the absolutist intuition and the classical idea of the double effect (see Nagel 1972: 130–131), he argues for clearly distinguishing between direct hostility toward someone, which may be justified, and accepting collateral damage, which may also be justified, but only under very specific and limited conditions. Knowingly killing or inflicting pain on innocent civilians as a means of eradicating possible enemy combatants, as when applying torture and in the aforementioned massacres, cannot be justified (see Nagel 1972: 139–140).

Fortunately, many executive practitioners of war and peace (i.e. governments, officials, diplomats, generals, and soldiers) have recognized that such issues are crucial in the real world as we currently understand it, that they will in all likelihood continue to be so for the foreseeable future, and that the regulation of war is therefore desirable for all parties. Part of the reason for this remarkable asymmetry between philosophers and practitioners may be the dual roots of the classical idea of just war, from Thomas Aquinas until Grotius, namely Roman and Christian thought.

Hence, as outlined by Andersen, the ideal and principled discussion about whether or not there can be legitimate grounds for waging war, i.e. *jus ad bellum*, has mainly been inspired by supra-human Christian theology and canon laws, whereas the more concrete and practical principles of *jus in bello* rather drew on Roman and common law, i.e. something much less ideal (see Andersen 2010: 48–49). The former thus appears to have more in common with philosophical idealism, whereas the latter may seem more appealing to people emerged in worldly practicalities.

Since the 19th century, it has thus mainly been thanks to the practitioners of war that we have developed international conventions that seek to civilize wars, starting with the Geneva Convention that protects innocent lives during war. Today, this has fortunately resulted in a number of internationally recognized conventions restricting warfare with regard to civilians, private property, wounded soldiers, and prisoners of war, as well as conventions prohibiting the use of known indiscriminate weapons such as landmines and cluster bombs, and weapons of mass destruction such as nuclear, biological, and chemical weapons.

Rather than philosophy, much of the literature on *jus in bello* can thus be classified as part of international law. However, since there is no universally

recognized legislative, executive, or judicial authority to enforce these issues, many discussions of the specifics of this branch of normative justification have seemingly been placed under the heading of ethics rather than politics or law, thus displacing the responsibility for decisions from the state to the conscience of every individual person.

One of the textbooks referred to above is thus called *The Ethics of War*, and other such textbooks also employ “ethics” as the key term (see, e.g., Lucas 2019), just as there is a *Journal of Military Ethics* that deals with these questions. This should all be sufficient to demonstrate to conscientious philosophers and critical theorists their possible relevance to this field, as I hope they will realize. I hope they will also choose to discuss war primarily in terms of justice rather than ethics, thus emphasizing that questions of just war primarily concern politics and law; that is a lesson from Kant that we should continue to accept. Ethics is always important, especially when discussing *jus in bello* but still, it should only be a secondary concern.

A cursory review of the literature in this field reveals that the two most basic principles of *jus in bello* are proportionality and discrimination. The principle of discrimination or distinction is quite simple: determining what is a legitimate military target and thus securing the immunity of civilians and the rights of prisoners of war. This is the principle behind the Geneva convention that was compromised by the war on terror in Afghanistan and Iraq, and by the imprisonment of so-called unlawful combatants in Guantanamo and Abu Ghraib (see, e.g., Kinsella 2005).

The principle of proportionality raises more questions. Regarding the justification of war, i.e. *jus ad bellum*, the right to self-defense is, as already mentioned, almost universally recognized. However, considering *jus in bello*, the way a war is conducted may render an otherwise justifiable armed response to unjust aggression illegitimate. According to the principle of proportionality, defense can itself become an aggression and thus wrong when it constitutes an unproportional response to the original aggression. This has been recognized by the International Court of Justice (ICJ), e.g. when the US attacked Nicaragua in the 1980s because Nicaragua had supported guerillas fighting in the US ally El Salvador (see Franck 2008: 720). It is also why Israel is currently criticized for wrongdoings in Gaza. Even though Hamas may be said to have started the conflict, Israel’s response is clearly disproportionate (see, e.g., AFP 2023). Moreover, the ICJ has found it plausible that Israel is at present committing genocide against the Palestinians and has therefore accepted to consider the case more closely (see, e.g., Holmes, 2024 and Borger 2024). Finally, this is also McMahan’s point: that killing in self-defense may be a disproportionate response to the original offense (see McMahan 2011: 156).

One rationale for the principle of proportionality is to prevent escalating mutual aggression, so that both parties can maintain the hope of reaching a resolution to the conflict through negotiation. It has been said that, ultimately, all wars have to end at the negotiation table, i.e. with some kind of negotiated agreement. The warring parties thus have to agree to stop the war, and that

requires an ability and a willingness to communicate with the adversary. Securing this possibility is in fact the only concession Kant makes to *jus in bello* (see Kant, 2011: 16-17 [AA VIII: 346-47]). My disagreement with Chomsky and Habermas therefore only concerns the timing of calls for ceasefire, negotiations, and peace.

However, whereas the *jus in bello* conventions of practitioners have been acknowledged for their highly detailed specifications (see, e.g., Orend 2010: 283), this second principle of proportionality can be criticized as overly general and vague (see, e.g., Franck 2008: 716–717). However, as Thomas Franck has argued, the generality and vagueness of the principle of proportionality may in fact be conducive to the peace process, opening up a space for discussion and interpretation that may stimulate peace talks and negotiation rather than strict deduction and argument (see Franck 2008: 717–718). As much as we would like to present objective arguments based on solid empirical facts, in this case it is not only impossible, it could also be counterproductive, if the goal is peace.

Meanwhile, a commitment to proportionality does not solve the problem entirely, neither for the warring parties nor for intellectual bystanders. Reaching the right conclusion about a proportional response – i.e. a response that ultimately can be recognized as proportional by both sides of the conflict – presupposes knowledge about the details of the situation that we are responding to, i.e., who has inflicted what damage on whom. As mentioned, however, such knowledge is not easily available, even with extensive and meticulous intelligence services. Thus, the problem of determining a proper and proportional response to aggression persists, since there remains a lot of room for judgment. Nonetheless, employing these two overall principles must be part of any attempt to determine the circumstances justifying some forms of warfare but not others.

Conclusion

Whether applying principles of discrimination and proportionality or identifying acts of aggression and defense, we are at the mercy of empirical facts that we cannot establish beyond reasonable doubt. Principles may help us reach a basic orientation, but the mélange of ideology, principles, and facts will continue to haunt any solution reached. For a long time, we have had the privilege of being able to follow Kant in his staunch optimism regarding the potential of a global public sphere to make peace a common project, where the violation of law in one place would be felt all over the world (see Kant 2011: 33 [AA VIII: 360]), but these are times where it is difficult to trust in the effectiveness of the public sphere.

Sad as it may be, it seems unlikely that we will escape war as a large-scale armed conflict in any foreseeable future. This raises normative questions that we must consider, regardless of whether we are citizens of somewhat democratic countries, members of governments, or left-wing intellectuals. Modern philosophers have by and large excused themselves and avoided addressing

the extremely difficult questions that are raised by *jus in bello*, e.g. the detailed discriminatory evaluation of weapons, war, and violence that would enable an affirmative discourse on arms. Of course, the answers are by no means easy, even when pairing, as I did until recently, a criticism of the ideology of just war in the work of Walzer and Rawls with an endorsement of Kant's project of perpetual peace; not even when accepting, as I do now, the uncomfortable move from uncompromising and principled criticism of *jus ad bellum* to affirmative consideration of *jus in bello*.

Ultimately, having established the possibility of just war, we must consider the possibility of a duty to wage a war and to do so in certain ways. This is an idea that I have criticized in strong terms in the work of Rawls (see Sørensen 2015c: 27–28), but as critical theorists and philosophers, I now believe that we have to confront these difficult questions in greater detail; not doing so would be to fail our obligations to society in general and to the brave practitioners of war.

Acknowledgements

First of all, I would like to thank the two anonymous reviewers of this journal for their very constructive critique, comments, and suggestions. Secondly, I am grateful for the questions and comments to my presentation of the article at the annual meeting of the Danish Philosophical Society in March 2024, and especially the comments of Lasse Nielsen and Morten Dige, as well as their subsequent written comments. The origins of this article were my comments in 2023 to a discussion on the war in Ukraine in the journal *Emancipations: A Journal of Critical Social Analysis* (Sørensen 2022b). I wish to express my gratitude to the editor, Albenaz Azmanova, for the initial invitation to comment on the discussion, and for her careful comments and suggestions in response to my initial draft. A presentation of the argument in Prague in May 2023 resulted in valuable comments from Brian Milstein, Keith Gerard Breen, and Peter Niesen, just as I benefitted from comments and questions from my students at a presentation in Copenhagen the following month. I have had the privilege of receiving some thoughtful and conscientious reflections from Gerhard Schweppenhäuser, first in his rejoinder to my first comment that he fortunately has made public (Schweppenhäuser 2022), and later in his extensive private comments regarding the penultimate version of the present article, explaining to me both the Biblical roots of Kant's denunciation of the just war theorists as merely "sorry comforters," namely the Book of Job (§ 16.3), and why Grotius could be targeted in this way. This explanation, and his argument for another interpretation of Kant's remark, is now also made accessible to the public (Schweppenhäuser 2023: 33–36). Finally, I would like to thank Javier Einar Maldonado for a long and detailed discussion in Buenos Aires on the Ukraine war in the autumn 2022.

References

- AFP. 2023. "Norway Says Israel Response to Hamas Attack Disproportionate." *Times of Israel*. URL: https://www.timesofisrael.com/liveblog_entry/norway-says-israel-response-to-hamas-attack-disproportionate/ (last accessed: April 10, 2024).
- Alberdi, Juan Bautista. 2007. *El Crimen De La Guerra ([1870] 1895)* (ed.: M. Costagliola). La Plata: Terramar Ediciones.
- Andersen, Lars Erslev. 2010. "Terrorism and the Return of Just War." In: G. Ardal, and J. Bock, eds. *Spheres of Exemption, Figures of Exclusion. Analyses of Power, Order, and Exclusion*. Malmö: NSU Press, pp.: 17–73.
- Azmanova, Albena. 2022. "Comments to Magun's and Yudin's Papers, by Paul Apostolidis, Albena Azmanova, Darin Barney, Gal Kirn, Enzo Rossi, Paul Passavant, David Strecker." *Emancipations: A Journal of Critical Social Analysis* 1 (4).
- Berky, Andrew S., and James P. Shenton, eds. 1972. *The Historians' History of the United States (1966)*, Vol. 2. New York, NY: Capricorn Books.
- Borger, Julian. 2024. "Israel's Campaign in Gaza 'Plausibly' Amounts to Genocide, US Court Finds." *The Guardian*. URL: <https://www.theguardian.com/world/2024/feb/01/genocide-gaza-israel-california-court#:~:text=4%20months%20old-,Israel's%20campaign%20in%20Gaza%20'plausibly'%20amounts,to%20genocide%2C%20US%20court%20finds&text=A%20federal%20court%20in%20California,being%20outside%20the%20court's%20jurisdiction> (last accessed : April 1, 2024).
- Braithwaite, Sharon. 2022. "Zelensky Refuses Us Offer to Evacuate, Saying 'I Need Ammunition, Not a Ride'" *CNN*. URL: <https://edition.cnn.com/2022/02/26/europe/ukraine-zelensky-evacuation-intl/index.html> (last accessed: February 26, 2024).
- Brooks, Thom, ed. 2008. *The Global Justice Reader*. Malden, MA: Blackwell.
- Chomsky, Noam. 1985. *Turning the Tide: Central America and the Struggle for Peace*. London: Pluto.
- _____. 1988. *The Culture of Terrorism*. London: Pluto.
- Franck, Thomas M. 2008. "On Proportionality of Countermeasures in International Law." *The American Journal of International Law* 102 (4): 715–767.
- Gibbons-Neff, Thomas. 2023. "Nazi Symbols on Ukraine's Front Lines Highlight Thorny Issues of History." *New York Times*. URL: <https://www.nytimes.com/2023/06/05/world/europe/nazi-symbols-ukraine.html> (last accessed: April 1, 2024).
- Guterres, António. 2023. "Secretary-General's Address to the General Assembly." *United Nations*. URL: <https://www.un.org/sg/en/content/sg/speeches/2023-09-19/secretary-generals-address-the-general-assembly> (last accessed: April 1, 2024).
- Habermas, Jürgen. 2022. "War and Indignation. The West's Red Line Dilemma." *Reset Dialogues*. URL: <https://www.resetdoc.org/story/jurgen-habermas-war-indignation-west-red-line-dilemma/> (last accessed: May 6, 2024).
- Holmes, Oliver. 2024. "World Court's Interim Ruling on Genocide in Gaza: Key Takeaways." *The Guardian*. URL: <https://www.theguardian.com/world/2024/jan/26/world-courts-interim-ruling-on-genocide-in-gaza-key-takeaways-icj-israel#:~:text=The%20world's%20court%20has%20ordered,humanitarian%20aid%20into%20the%20territory> (last accessed: April 1, 2024).

- Jakobsen, Joakim. 2024. "Østersøen er nu Nato-søen." *Weekendavisen*. URL: <https://www.weekendavisen.dk/2024-9/samfund/oestersoeen-er-nu-nato-soeen> (last accessed: April 1, 2024).
- Kant, Immanuel. 1945. *Metaphysik Der Sitten (1785)*. Leipzig: Felix Meiner.
- _____. 2011. *Zum Ewigen Frieden: Und Auszüge Aus Der Rechtslehre*. Berlin: Suhrkamp.
- Kazankov, Andrey. 2024. "Rusland er ikke dømt til autokrati." *Weekendavisen* (10): 8.
- Kinsella, Helen M. 2005. "Discourses of Difference: Civilians, Combatants, and Compliance with the Laws of War." *Review of International Studies* 31: 163–185.
- Kukharskyy, Bohdan, Anastassia Fedyk, Yuriy Gorodnichenko, and Ilona Sologoub. 2022. "Open Letter to Noam Chomsky (and Other Like-Minded Intellectuals) on the Russia-Ukraine War." *Berkeley Blog, Economics*. URL: <https://blogs.berkeley.edu> (last accessed: May 19, 2024)..
- Lavrov, Sergey. 2022. *On Indivisibility of Security. Written Message Addressed to the Heads of Foreign / External Affairs Ministers / Secretaries of the US, Canada and Several European Countries*.
- Lucas, George. 2019. *Ethics and Military Strategy in the 21st Century: Moving Beyond Clausewitz*. Milton: Routledge.
- Magun, Artemy. 2022a. "Capitalism and the Post-Socialist Road to Hell." *Emancipations: A Journal of Critical Social Analysis* 1 (4): article 2.
- _____. 2022b. "Reply to Comments." *Emancipations: A Journal of Critical Social Analysis* 1 (4): article 5.
- McMahan, Jeff. 2005. "Just Cause for War." *Ethics & International Affairs* 19 (3): 1–21.
- _____. 2011. *Killing in War*. Oxford: Oxford University Press.
- Mohieldin, Tahleel. 2022. "Russian Invasion of Ukraine Affecting Families across Borders." *Fox47*. URL: <https://fox47.com/news/local/russian-invasion-of-ukraine-affecting-families-across-borders> (last accessed: February 26, 2024).
- Nagel, Thomas. 1972. "War and Massacre." *Philosophy & Public Affairs* 1 (2): 123–144.
- Ninan, Koshy. 1997. "The United Nations and the Gulf Crisis." *Economic and Political Weekly* 32 (47): 3011–3020.
- O'Driscoll, Cian. 2019. "How I Learned to Start Worrying and Love the Just War Tradition." *Critical studies on security* 7 (3): 182–190.
- Orend, Brian. 2010. "Jus in Bello - Just Conduct in War." In: G. R. Lucas, and W. R. Rubel, eds. *Ethics and the Military Profession: The Moral Foundations of Leadership and Case Studies in Military Ethics*. Boston: Pearson, pp.: 273–285.
- Pappé, Ilan. 2006. *The Ethnic Cleansing of Palestine*. Oxford: Oneworld.
- Perkins, Dexter. 1972. "A History of the Monroe Doctrine." In: A. S. Berky, and J. P. Shenton, eds. *The Historians' History of the United States (1966)*, Vol. 1. New York: Capricorn Books, pp.: 505–518.
- Plokyh, Serhii. 2015. *The Gates of Europe: A History of Ukraine*. London: Allen Lane.
- Putin, Vladimir. 2021. "On the Historical Unity of Russians and Ukrainians." URL: <http://en.kremlin.ru/events/president/news/66181> (last accessed: February 21, 2024).
- _____. 2022. "Address by the President of the Russian Federation." URL: <http://en.kremlin.ru/events/president/news/67828> (last accessed: February 21, 2024).
- Rawls, John. 1999. *The Law of Peoples*. Cambridge, MA: Harvard University Press.
- Reichberg, Gregory M., Endre Begby, and Henrik Syse, eds. 2006. *The Ethics of War: Classic and Contemporary Readings*. Malden, MA: Blackwell.
- Sazonov, Vladimir, Andres Saumets, and Holger Mölder, eds. 2016. *The Crisis in Ukraine and Information Operations of the Russian Federation* (ed.: V. Sazonov and A. Saumets). Tartu, Estonia: Estonian National Defence College/Kaitseväge Ühendatud Õppeasutused.

- Schweppenhäuser, Gerhard. 2022. "Readers' Comments: The End of Disarmament? Making Sense of the German Debates (Rejoinder to A. Sørensen)." *Emancipations: A Journal of Critical Social Analysis* 1 (4): article 8.
- _____. 2023. "Kant, Bloch Und Die Linke Wiederentdeckung Der Staatsraison." *Das Argument: Zeitschrift für Philosophie und Sozialwissenschaften* 65 (2 (Online-Supplement 342): 29–39.
- Shishkina, Olga. 2006. "Denmark between the Wars: The Reasons for Defenseless Neutrality." *The Interdisciplinary Journal of International Studies* 4: 17–28.
- Sontag, Raymond J. 1972. *A Broken World: 1919–1939* (ed.: W. L. Langer). New York, NY: Harper & Row.
- Sørensen, Asger. 2015a. "Cosmopolitan Democracy and the State. Reflections on the Need for Ideals and Imagination." *Journal of Constitutionalism & Human Rights* 3-4 (8): 8–19.
- _____. 2015b. "The *Law of Peoples* in the Age of *Empire*: The Post-Modern Resurgence of the Ideology of Just War." *Journal of the Philosophy of International Law* 6 (1): 19–37.
- _____. 2015c. "From Critique of Ideology to Politics: Habermas on *Bildung*." *Ethics and Education* 10 (2): 252–270.
- _____. 2016. "Cosmopolitanism - Not a 'Major Ideology', but Still an Ideology." *Philosophy & Social Criticism* 42 (2): 220–224.
- _____. 2017. "Introducing Theme and Articles." In: A. Sørensen, ed. *Kant and the Establishment of Peace, Danish Yearbook of Philosophy*. Leiden & Boston: Brill, pp.: 7–45.
- _____. 2019. *Capitalism, Alienation and Critique: Studies in Economy and Dialectics (Dialectics, Deontology and Democracy, Vol. I)*. Leiden & Boston: Brill.
- _____. 2022a. "Ohne Kapitalismuskritik Keine Sozialdemokratie. Über Kritische Theorie, Ideologiekritik Und Die Notwendigkeit Von Kritik." *Zeitschrift für kritische Theorie* 28 (54/55): 245–257.
- _____. 2022b. "Readers' Comments: Considering the War in Ukraine: Peace and Just War, Arms and Defense, Ideology and Ideology Critique. March 2023." *Emancipations: A Journal of Critical Social Analysis* 1 (4): article 7.
- _____. 2024. *Alienation: Recuperating the Classical Discussion of Marx et al.* Leiden & Boston: Brill.
- Tolz, Vera. 2002. "Rethinking Russian-Ukrainian Relations: A New Trend in Nation-Building in Post-Communist Russia?" *Nations and Nationalism* 8 (2): 235–253.
- Wikipedia. 2023. "Corruption in Ukraine." URL: https://en.wikipedia.org/wiki/Corruption_in_Ukraine (last accessed: April 1, 2024).
- Wikipedia. 2024a. "Nakba." URL: <https://en.wikipedia.org/wiki/Nakba> (last accessed: April 1, 2024).
- Wikipedia. 2024b. "On Conducting a Special Military Operation." URL: https://en.wikipedia.org/wiki/On_conducting_a_special_military_operation#:~:text=%22On%20conducting%20a%20special%20military,28%20minutes%20and%204%20seconds (last accessed: April 1, 2024).
- Yudin, Greg. 2022a. "Reply to Comments." *Emancipations: A Journal of Critical Social Analysis* 1 (4): article 4.
- _____. 2022b. "The Neoliberal Roots of Putin's War." *Emancipations: A Journal of Critical Social Analysis* 1 (4): article 1.
- Zygar, Mikhail. 2023. *War and Punishment: Putin, Zelensky, and the Path to Russia's Invasion of Ukraine*. New York, NY: Scribner.

Asger Sorensen

Ukrajina, ideologija i naoružanje: pomirenje sa teorijom pravednog rata

Apstrakt

Ruska invazija na Ukrajinu dovela je u pitanje ideale mira koji su veoma važni meni i mnogim drugim levičarskim kritički-orijentisanim intelektualcima. Krajem 18. veka, Imanuel Kant je tvrdio da realistički zakon naroda i ideja pravednog rata treba da budu zamenjeni idejom večnog mira; srećom, principijalno suprotstavljanje ratu je institucionalizovano u Ujedinjenim nacijama u 20. veku. Međutim, kada je agresor već zauzeo ogromne delove teritorije, pozivi na mir mogu se dovesti u pitanje kao ideološka pristrasnost. Pravo na odbranu je skoro univerzalno priznato, ali vojna kontraofanziva za ponovno osvajanje izgubljene teritorije nije samo odbrana, već i sama agresija, a time i čin rata. Mnogi od nas, međutim, žele da podrže ovaj napor u Ukrajini, a ono što je zabrinjavajuće je da nas to stavlja na klizav teren, ponovo otvarajući mogućnost opravdavanja rata. Međutim, kao što ću tvrditi, ovo je put kojim moramo ići, prihvatajući i moguće opravdanje rata i moguće opravdanje određenih aktivnosti i naoružanja, ali ne i drugih. Stoga, treba da ozbiljnije shvatimo pravednost rata sa svim specifičnim normativnim izazovima koje to podrazumeva.

Ključne reči: teorija pravednog rata, jus ad bellum, jus in bello, Ka večnom miru, ideologija, naoružanje, proporcionalnost.