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Item Type	Article
Authors	Matsumoto, Masakazu
Publisher	Núcleo de Estudos e Pesquisa do Protestantismo da Escola Superior de Teologia
Rights	Creative Commons Copyright (CC 2.5)
Download date	2026-11-19 23:11:24
Link to Item	http://hdl.handle.net/20.500.12424/234867

The American just war theory in the 21st century: continuity or renewal?

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Introduction

The September 11 terrorist attacks and the subsequent War on Terror stimulated a revival of just war theory in the United States so far in this century.[1] The argument that the War on Terror is one of the paradigmatic cases of just war has received wide support from conservatives, the liberal left, and Christian theologians alike. In fact, in February 2002, more than sixty American intellectuals signed a document entitled "What we're fighting for: a letter from America," which decisively backed the War on Terror. As Jean Bethke Elshtain, one of the authors of this document, puts it, "the events of September 11 inspired Americans, from President Bush to the average man and woman on the street, to speak of justice […] When citizens evoke justice, they tap into the complex Western tradition called 'just war'."[2]

Despite the general sentiment expressed in this 2002 document, however, evaluations of the American war against Iraq in 2003 are split into two irreconcilable camps among just war theorists. Michael Walzer, well-known just war theorist and another contributor to "What we're fighting for," is basically critical of the Iraq war, saying that the threat of the Hussein regime did not justify a defensive war by the United States or any other country. Jean Bethke Elshtain, conversely, argues that it is the obligation of the United States to defend universal values like freedom and democracy everywhere, and draws on just war tradition to support the Iraq war. How can such opposite standpoints be found in the same idea of "just war"? This question is more complicated than it seems at first glance, since, as co-signers to "What we're fighting for," both Walzer and Elshtain were once united in supporting the Afghan war in 2001.

This article aims to answer this question by distinguishing two strands or traditions of just war theory. In fact, the doctrine of just war, which can be traced back 1,600 years ago to the era of St. Augustine, is the gathering of particular ideas that are joined together in their family resemblance yet are still different in fundamental ways. The difference between the *modern* just war theory and the *premodern* one is particularly substantial

[1] An earlier version of this article was presented at the 10th Annual International Conference on Politics & International Affairs, Athens Institute for Education and Research (Metropolitan Hotel of Athens, Greece, 18 June, 2012). I appreciate helpful comments of Ghazi Falah, Shak Hanish, and Chris Mahony, and I also want to thank Renita Cole, not only for improving my English but also for valuable comments and suggestions.

[2] ELSHTAIN, Jean Bethke. *Just War against Terror*: The Burden of American Power in a Violent World. New York: Basic Books, 2004a. p. 50.

and significant. Historically, the doctrine of just war was born far earlier than the emergence of the modern sovereign state system, and has not always been suitable for the system in some crucial respects. In my analysis, Michael Walzer belongs to the modern just war tradition which can be dated from Hugo Grotius of the 17th century, while Jean Bethke Elshtain belongs to the premodern one of St. Augustine.

Several articles have already been written about the revival of just war theory in the U.S. foreign policy and intellectual discourses. However, there has been little systematic attempt to explain how such different traditions can coexist within the same system of thought. The novelty of this article is to provide an analytical framework for understanding the differences within just war theory with particular attention to its historical development and changes. Just war theory is not uniform. This fact of pluralism should be made clearer, all the more because the just war perspective has now captured more and more attention across the political spectrum.

This article proceeds as follows: it first introduces Walzer and Elshtain, and briefly explains the background of the study. Secondly, it defines and contrasts the modern and premodern just war traditions with a brief, historical overview. Thirdly, it develops the modern and premodern distinction further by presenting a detailed analysis of their conflicting judgments of the Iraq war. Finally, this article discusses which tradition has become more popular in the recent American just war discourses.

Background

The United States and its allies launched the war against Iraq in March 2003. Unlike the Afghan war, which received worldwide support, the Iraq war was fought despite much skepticism regarding its legitimacy. The first justification for this military action was the suspicion that Iraq was developing and possessing weapons of mass destruction (WMD). Iraq had not fully been cooperating with the United Nation's inspection regime. This refusal to cooperate violated the Security Council's prescriptions and posed a grave threat to the security of the United States and other countries. But even if Iraq had actually possessed WMD, Iraq would not have been likely to use them against the United States by themselves. The real concern of the Bush administration was the possibility that Iraq might have transferred WMD to anti-U.S. terrorist organizations like Al Queda; thus, the United States resorted to a preemptive strike so as to prevent this possibility.

Just war theorists in the United States have made differing judgments about this war. In this section, I present the viewpoints of Walzer and Elshtain, and set the record straight concerning the background of this study.

The just war response 1: Walzer

Michael Walzer, one of the key figures in contemporary just war theory, has repeatedly argued against the Iraq war, though he supported the Afghan war. "America's war is unjust. Though disarming Iraq is a legitimate goal, […] it is a goal that we could almost certainly have achieved with measures short of full-scale war."[3] According to Walzer, the Iraqi problem could have - and therefore should have - been resolved without recourse to war. The alternatives could have been to extend the no-fly zones to include the whole country, to impose stricter economic sanctions, and to expand the U.N. monitoring system.[4] Instead, Walzer believes, the United States treated the Iraqi problem in an improper time, in an improper manner.

This claim is drawn from his conviction that in principle "Nothing but aggression can justify war".[5] The Hussein regime did not commit any direct attack on the United States or its forces at that time or any time in the past. The regime was brutal indeed, but this was first and foremost the matter of its domestic affairs and did not have to do with the legitimacy of international warfare. "It is a feature of just war theory in its classic formulations that aggression is regarded as the criminal policy of a government, not as the policy of a criminal government."[6] In essence, the Iraqi case did not meet this standard nor was it included in Walzer's "classical formulations" of just war.

As a matter of fact, it was revealed after the war that Iraq had not developed and did not possess WMD, nor did it have any cooperative relationship with Al Qaeda. The primary ground of the war - that Iraq was a threat to the security of the United States and the world - had now collapsed. Nevertheless, other just war theorists, like Jean Bethke Elshtain, continue to justify the Iraq war on another ground; that is, the humanitarian ground to liberate the Iraqi people.

The just war response 2: Elshtain

In contrast to Walzer's response, Elshtain "took up the Iraq War and decided that, on balance, just war criteria were met."[7] From this view, the Hussein regime had terrorized religious minorities and forced their people to live under oppression - acts that were sufficient enough to justify the Iraq war as a war of liberation. As a direct result of the Iraq war, the dictator is gone and the Iraqi people are liberated. To put it differently, Elshtain considered the Iraq war as just on the ground of the criminality of the regime in itself.

Unlike Walzer, Elshtain's "just war criteria" does not depend on the crime of aggression. Rather, she appeals to a conceptually distinct case of just war as ending brutality.

3 WALZER, Michael. *Arguing about War*. New Haven: Yale University Press, 2004. p. 160.
4 WALZER, 2004, ch. 11.
5 WALZER, Michael. *Just and Unjust Wars*: A Moral Argument with Historical Illustrations. 4th. ed. New York: Basic Books, 2006. p. 62.
6 WALZER, 2006, p. x.
7 ELSHTAIN, 2004a, p. 183.

The Iraq war is a kind of humanitarian intervention seen within this point of view. According to Elshtain, the existence of aggression is certainly important, but not the sole determinant of just war. "Those who argue that no legitimate *casus belli* existed either because we had not been attacked directly or because there was no evidence of the threat of WMD are […] ignoring the centuries-old rationale in the just war tradition concerning using force to protect the innocent."[8] Clearly, Walzer and Elshtain use different measures here to determine the right and wrong of the war.

Why do Walzer and Elshtain use different measures? The answer is suggested in a response that the latter addressed to the former:

> I dissent somewhat from Walzer's insistence that, in the classical formulations of just war, aggression is regarded as "the criminal policy of a government, not as the policy of a criminal government." […] In the earliest formulations of the just war tradition - I think here of St. Augustine - preventing certain harm to the innocent, even though they may not be *your* innocent, might be an occasion for the justifiable use of force.[9]

Elshtain makes an important point here: not only are there several just war traditions, but she and Walzer belong to different ones, and these may lead to different conclusions in particular cases. It is not just a matter of inconsistency or miscomprehension on either side. The crux of the matter lies in the fact that multiple discourses are lumped together under the same heading of "just war theory" rather than being distinguished.

Preceding studies

The disagreement between Walzer and Elshtain has deeper roots than at first appearance. In "the classical formulations of just war" to which the former belongs, the war against *the criminal policy of a government* (i.e. aggression, or CPG hereafter) is the paradigmatic case of just war, within which the Iraq war does not fit and thus is considered illegitimate. In "the earliest formulations" to which the latter belongs, the war against *the policy of a criminal government* (i.e. harming the innocent, or PCG hereafter) is the paradigmatic case of just war, within which the Iraq war does fit and thus is considered legitimate. It does seem strange that such different, and sometimes competing, claims are found in the same theory system. Putting aside the reality of the war, we need to explicate the true meanings of these "classical" and "earliest" modes of just war theory to grasp the difference between the two.

Regrettably, there has been little systematic attempt to investigate this question concerning the diversity of the contemporary American just war theory. A problem with

8 ELSHTAIN, 2004a, p. 188.

9 ELSHTAIN, Jean Bethke. Terrorism, Regime Change, and Just War: Reflections on Michael Walzer. *Journal of Military Ethics*, v. 6, n. 2, p. 131-137, 2007. p. 136-137.

the preceding studies is their failure to acknowledge the diversity to begin with. Crawford, Hayden and Snauwaert, for instance, are based on the assumption that the paradigmatic case of just war is the war against CPG and ask if the Iraq war falls within the paradigm.[10] This way of questioning, however, would not be able to treat the Elshtainian just war theory properly. On the contrary, Weigel is basically on the same side of Elshtain and revises the paradigmatic case of just war from the PCG point of view,[11] which would sharply conflict with the Walzerian just war understanding.

A second shortcoming of the preceding studies is that even when they recognize differing views, the differences were not fully articulated. For instance, Flint and Falah point out that the rhetoric of defending human rights has become the main factor of just war thinking in the United States along with the geopolitical assumption of territorial sovereignty.[12] Miller classifies the useful distinction between the "invasion model" and the "rescue model" as the justifying causes of the Iraq war.[13] The framework of these studies coincides with the disagreement between Walzer and Elshtain stated above, but neither study makes clear why such diversity comes about within a single theory system. Lee correctly points out that their dissent has its historical roots in their different just war traditions and thus is closest to the subject of this article.[14] However, Lee has not addressed the systematic analysis of the traditions themselves.

In short, the flaw of the preceding studies is that they fail to explain, or even recognize, the diversity found within the contemporary American just war theory. As a result, they tend simply to assert one version and to ignore another, or to make use of them arbitrarily according to their political precommitment. However, neither Walzer nor Elshtain adapts a particular tradition to justify their opinion regarding particular wars. *Both* traditions are equally authentic. To understand the reason why such diversity exists, we need to return briefly to the historical background of how just war theory has developed and changed.

Comparing modern and premodern just war traditions

[10] CRAWFORD, Neta C. Just War Theory and the U.S. Counterterror War. *Perspectives on Politics*, v. 1, n. 1, p. 5-25, 2003; HAYDEN, Patrick. The War on Terror and the Just Use of Military Force. In: LANSFORD, Tom; WATSON, Robert P.; COVARRUBIAS, Jack (Eds.). *America's War on Terror*. 2nd. ed. Farnham: Ashgate, 2009. p. 49-71; SNAUWAERT, Dale T. The Bush Doctorine and Just War Theory. *Online Journal of Peace and Conflict Resolution*, v. 6, n. 1, p. 121-135, 2004.

[11] WEIGEL, George. The Just War Tradition and the World after September 11. *Journal of Catholic Thought and Culture*, v. 5, n. 3, p. 13-44, 2002.

[12] FLINT, Colin; FALAH, Ghazi-Walid. How the United States Justified its War on Terrorism: Prime Morality and the Construction of a "Just War". *Third World Quarterly*, v. 25, n. 8, p. 1379-1399, 2004.

[13] MILLER, Richard B. Justifications of the Iraq War Examined. *Ethics and International Affairs*, v. 22, n. 1, p. 43-67, 2008.

[14] LEE, Peter. *Blair's Just War: Iraq and the Illusion of Morality*. Basingstoke: Palgrave Macmillan, 2012. ch. 3.

Up to this point, the discussion has shown that the competing judgments of Walzer and Elshtain over the Iraq war are rooted in the "classical" and "earliest" formulations of just war respectively. Now, where is the splitting point of the two? One clue is to compare Augustine with those after him. Just war theory, with a long history that can be traced back to the ancient Roman Empire, has witnessed some crucial changes in the process of development. An especially important change is the theoretical transformation that correlates with the emergence of the modern sovereign state system in the 17th century. This section will provide a closer look at this momentous time.

'The Grotian moment'

It was 17th century lawyer Hugo Grotius (b. 1583-1645), who played a historically influential role in the modern reformation of just war theory. He formulated his theory in the age of religious wars, and his seminal work *The Rights of War and Peace* (1625) was written exactly to overcome this miserable circumstance. At that time, the authority of Christianity had declined, while absolutist monarchies had usurped this place of power. In light of this complex international reality, Grotius's purpose was to find a new basis of international order other than religion.

The basis Grotius found instead of religion was a worldly natural law. He reformulated just war theory that had been developed in the interpretation of *theological* doctrines since Augustine, into a *legal* doctrine. The first principle of the natural law from Cicero's time is self-preservation. Grotius explains the justice of war by referring to this first principle. "Among the first Impressions of Nature there is nothing repugnant to War; nay, all Things rather favour it: […] since Nature has given to every Animal Strength to defend and help itself."[15] Therefore, so the explanation goes, just like an individual is permitted to commit violence for self-defense by the natural law, so is a country permitted to appeal to war for self-defense by the same natural law.

Grotius's legalistic assumption was fitting with the international reality of his days. The Treaty of Westphalia in 1648 that ended the Thirty Years' War included a new international norm today known as the sovereign state system. Grotius tried to legitimize this coming reality in terms of just war by questioning why and to what extent a state had the right to engage in war. His answer was that the relation between states was governed by nearly the same rule as that between individuals. Each state was counted as a judicial personality, and was called sovereign because of this formal independence. The view that each sovereign state constituted some kind of social relationship, or a so-called "society of

[15] GROTIUS, Hugo. *The Rights of War and Peace*. Indianapolis: Liberty Fund, 2005. p. 182-183 [bk. 1 ch. 2 sec. 1].

states,"[16] on an international scale was fundamentally different from the one governed by the premodern Christian supranationalism. I call this change in the perception of international relations "the Grotian moment" to invoke the term of Richard Falk.[17]

Falk attributes to the Grotian moment the perception that "states, and only states, assert sovereignty claims in relation to authority over bounded territorial units in a manner that is formally recognized within contemporary annals of diplomacy."[18] This may be charged with anachronism, and the charge is true, since Grotius himself did not limit the main actors in international relations to states, nor defend their sovereign equality.[19] It was not until Emerich de Vattel a century later that the sovereign state system with the principle of nonintervention was defended in just war writings. Nevertheless, since the focus of this article is not on what Grotius said then but rather on what he left today, I accept this anachronism. Indeed, Grotius has surely been one of the main sources for later sovereignists.[20]

To those familiar with the framework of the Westphalian system, the story so far may sound quite reasonable. However, it should be pointed out that, at least in terms of the history of just war theory, Grotius's assumption was utterly alien to premodern thinkers.

Augustine and the tranquility of order

Premodern just war theory before the time of Grotius was developed by Christian theologians such as Thomas Aquinas, Vitoria, and Suárez. For these Christians, their main theological source was St. Augustine (b. 354-430), a father of the ancient Roman Empire. Augustine, faced with territorial incursions by German pagans, worried about the future of his Empire and formulated the conditions for Christian Roman citizens to be rightly engaged in war in his various books, including *City of God*. Christianity, a pacifist religion, had already been Rome's established religion since 380. To solve the conflict between their pacifist ideal and the realistic need for military service, theologians arrived at what we now call just war theory. Since then, it has been developed as a theological doctrine.

The first obligation for Christians is a search for peace. The role of just war theologians is thus to argue that wars do not always contradict with this obligation.[21] A war's

[16] See BULL, Hedley. *The Anarchical Society*: A Study of Order in World Politics. 2nd. ed. Hampshire: Macmillan Press, 1995. p. 26-31; WIGHT, Martin. *International Theory*: The Three Tradition. Leicester: Leicester University Press, 1991. p. 37-40.

[17] FALK, Richard. The Grotian Moment: Unfulfilled Promise, Harmless Phantasy, Missed Opportunity? In: *Law in an Emerging Global Village*: A Post-Westphalian Perspective. New York: Transnational Publishers, 1998.

[18] FALK, 1998, p. 5.

[19] GROTIUS, 2005, bk. 1 ch. 1 sec. 2.

[20] OPPENHEIM, Lassa. *International Law*: A Treatise. v. 1: Peace. New York: Longmans, 1905. sec. 54.

[21] To be more precise, Augustine distinguishes an eternal peace accomplished in the City of God and a temporal peace accomplished in Earthly City. The peace related to the question of war is the latter.

foremost purpose is to establish peace; a war that does not meet this purpose can never be justified. "Indeed, even when men choose war, […] their desire in fighting is for peace with glory. […] Hence it is an established fact that peace is the desired end of war."[22] The peace Augustine has in mind here is not necessarily achieved by stopping fighting - if so, the war should not have been started in the first place. He defines the substance of peace as "the desired end of war" as follows: "the peace of the whole universe is the tranquility of order."[23] Peace, for Augustine, is accompanied with justice and order, and carries normative implications in itself.

This shows a sharp contrast with Grotius's definition of peace. Grotius defines peace as a dual concept, rather than the purpose, of war. Namely, he thinks of war as "not the Act of Hostility, but the State and Situation of the contending Parties,"[24] and defines peace simply as the absence of war.[25] Indeed, in spite of his book's title *The Rights of War and Peace*, Grotius devotes most of the pages to explore the rights of *war*, and argues about the rights of *peace* itself only in one chapter.[26] Grotius's definition is crystal-clear in that there is no peace with war and no war with peace. This is consistent with the idea of sovereignty in assuming that breaking borders amounts to breaking peace, and, thus, is prohibited.

In contrast, Augustine requires those who launch a war to establish "the tranquility of order," which may well go beyond maintaining existing borders. If something awful (e.g. harming innocent people) occurs within or without our own territory, just peace on earth cannot be maintained except by purposely stopping that atrocity. A just peace can be broken even in the absence of war. In this case, just war theory recommends rectifying an unjust peace by forceful means. "Be a peacemaker, therefore, even in war, so that by conquering them you bring the benefit of peace even to those you defeat."[27] This claim is plainly inconsistent with the modern international principles of sovereignty and nonintervention.

The origin of the defensive/aggressive dichotomy

The Augustinian concept of just war carries an implication completely alien to the modern way of thinking; that is, an offensive war undertaken without a preceding exter-

22 AUGUSTINE. *City of God*. London: Penguin Books, 2003. p. 866 [bk. 19 ch. 12].
23 AUGUSTINE, 2003, p. 870 [bk. 19 ch. 13].
24 GROTIUS, 2005, p. 134 [bk. 1 ch. 1 sec. 2].
25 As to Grotius and the negative definition of peace, see DOWER, Nigel. *The Ethics of War and Peace*. Cambridge: Polity Press, 2009. p. 137-138.
26 GROTIUS, 2005, bk. 3 ch. 25.
27 ATKINS, E. M.; DODARO, R. J. (Eds.). *Augustine*: Political Writings. Cambridge: Cambridge University Press, 2004. p. 217.

nal invasion is not necessarily considered unjust for Augustine.[28] The defensiveness and offensiveness of war are only neutral analytical concepts that describe a war's function, and Augustine does not distinguish the two analytically in the first place.[29] The justice of war lies in any case in establishing "the tranquility of order." Indeed, the main focus of the medieval theological just war theorists since Augustine fixated on the question of whether an offensive, not defensive, war was ever justified in a concrete situation. Vitoria and Suárez, for instance, made clear that some offensive wars could be just, with reference to Augustine.[30] As Carl Schmitt puts it, "In the Middle Ages, just war could be a *just war of aggression*."[31]

Grotius rewrote these premodern just war ideas. Having an emerging new international order of the sovereign state system in sights, he rebuilt the paradigm of just war on the normative dichotomy of defensive/aggressive wars. On the surface, Grotius seems to follow the Augustinian formulation of just war without any rectification.[32] But at the same time, he interprets it in his own way and reformulates it as part of defending oneself "in a general sense':

> Saint *Austin*, when he said, that *Those Wars which are to revenge our Injuries, are generally termed Just:* He took the Word *Revenge* in a general Sense, which implies all Removal, Cessation, Abolition, and Reparation of Injuries […] The *first Cause* therefore of a *just* War, is an *Injury*, which tho' not done, yet *threatens* our *Persons* or our *Estates*.[33]

As a result, the medieval question of how an offensive war can be just ceases to be Grotius's immediate concern. In fact, he does not explicitly treat the justification of offensive wars in *The Rights of War and Peace* except in some minor cases.[34] This shift of focus from offensive to defensive wars is remarkable when compared with the late-medieval just war theorists, who sought the former's justifiability at considerably more length.

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28 Indeed, his famous definition of just war (see n.32 below) can be counted as a kind of offensive wars. TUCK, Richard. *The Rights of War and Peace*: Political Thought and the International Order from Grotius to Kant. Oxford: Oxford University Press, 1999. p. 55.

29 "Augustine's just war did not attempt to distinguish between offensive and defensive warfare." RUSSELL, Frederick H. *The Just War in the Middle Ages*. Cambridge: Cambridge University Press, 1975. p. 21.

30 VITORIA. Just War in the Age of Discovery. In: REICHBERG, Gregory M.; SYSE, Henrik; BEGBY, Endre (Eds.). *The Ethics of War*: Classic and Contemporary Readings. Malden: Blackwell Publishing, 2006. p. 310; SUÁREZ, Justice, Charity, and War. In: REICHBERG, Gregory M.; SYSE, Henrik; BEGBY, Endre (Eds.). *The Ethics of War*: Classic and Contemporary Readings. Malden: Blackwell Publishing, 2006. p. 341, 343.

31 SCHMITT, Carl. *The Nomos of the Earth in the International Law of the Jus Publicum Europaeum*. New York: Telos Press Publishing, 2003. p. 119. The reason may be that they understood the essential nature of war as an act of punishment. Indeed, for just war theorists including Grotius before the 20th century "outlawing war," it was taken for granted that punishment was even a main just cause for war. LUBAN, David. War as Punishment. *Philosophy and Public Affiairs*, v. 39, n. 4, p. 299-330, 2011.

32 Compare GROTIUS, 2005, p. 393 [bk. 2 ch. 1 sec. 1] with AUGUSTINE. Just War in the Service of Peace. In: REICHBERG, Gregory M.; SYSE, Henrik; BEGBY, Endre (Eds.). *The Ethics of War*: Classic and Contemporary Readings. Malden: Blackwell Publishing, 2006. p. 82.

33 GROTIUS, 2005, p. 396-7 [bk. 2 ch. 1 sec. 2].

34 GROTIUS, 2005, p. 866 [bk. 2 ch. 16 sec. 16].

"The Grotian moment" refers to the development of just war theory to foster this paradigm change. Grotius replaced the task of establishing just peace by war if necessary with the rule of not attacking until being attacked or threatened, which strengthened a new idea of modern state sovereignty. This Grotian idea came at last to enter the 20th century positive international law after many twists and turns. In 1924, the Protocol for the Pacific Settlement of International Disputes by the League of Nations explicitly prohibited the war of aggression for the first time, stating that "a war of aggression constitutes […] an international crime." The General Treaty for the Renunciation of War in 1928 prohibited the use of war as an instrument of national policy, while The U.N. Charter in 1945 prohibited the threat or use of force in general except for individual and collective self-defense under the Article 51. Indeed, the above-mentioned process of "outlawing war" was hailed as the rebirth of Grotianism in the 20th century by international lawyers and jurists such as Corjellis van Vollenhoeven, Quincy Wright, Hersch Lauterpacht, Robert Jackson, and Joseph B. Keenan.[35]

The ambivalence of Grotius on humanitarian intervention

The argument that the Grotian just war theory takes a new and modern look may be questioned because the Augustinian idea of just peace can also be found in Grotius's writings. For instance, in a chapter entitled "The causes of undertaking war for others" of *The Rights and Peace and War*, Grotius states that the inhumane treatment of parents, the homicide of foreigners and cannibalism taking place in a country provide grounds to intervene. Based on these statements, some interpret Grotius as encouraging the establishment of just peace even if this may override sovereignty. Lauterpacht, for one, evaluates Grotius's work as "the first authoritative statement of the principle of humanitarian intervention."[36]

However, it may be insufficient to judge Grotius as a humanitarianist based solely on a small part of his book.[37] First, Grotius admits the sovereign is the absolutist position to have citizens at his mercy as long as it is in line with the purpose of establishment, and even states that "the State has a Power to prohibit the unlimited Use of that Right [to secure themselves from Injuries by Resistance] towards every other Person, for maintaining

[35] See JEFFERY, Renée. Hersch Lauterpacht, the Realist Challenge and the "Grotian Tradition" in 20th-Century International Relations. *European Journal of International Relations*, v. 12, n. 2, p. 223-250, 2006; YAMAUCHI, Susumu. New Just War Theory of the 20th Century: The Rebirth of Grotius and the United States. *Hitotsubashi Journal of Law and Politics*, v. 36, p. 1-20, 2008.

[36] LAUTERPACHT, Hersch. The Grotian Tradition in International Law. *British Yearbook of International Law*, v. 23, n. 1, p. 1-53, 1946. p. 46.

[37] See FURUKAWA, Terumi. Punishment. In: ONUMA, Yasuaki (Ed.). *A Normative Approach to War*: Peace, War, and Justice in Hugo Grotius. Oxford: Clarendon Press, 1993. p. 232-6; VINCENT, R. J. Grotius, Human Rights, and Intervention. In: BULL, Hedley; KINGSBURY, Benedict; ROBERTS, Adam (Eds.). *Hugo Grotius and International Relations*. Oxford: Clarendon Press, 1990. p. 243-246.

publick Peace and good Order."[38] Secondly, for Grotius, humanitarian intervention is not a distinct category but a kind of punitive war, which means a military act by foreign countries on behalf of the superior when he does not fulfill his own obligation to stop the atrocity. Thirdly, Grotius emphatically warns not to open war too quickly even if it seems to meet the standard of just cause, since the possibility of *ignorantia invincibilis* [invincible ignorance] cannot be avoided. In particular, the right of punishment including intervention is more likely to be abused, and thus requires a higher standard than the case of ordinary defensive wars.[39]

Besides these considerations, there could be some tensions between parts of such a voluminous book that would allow different interpretations depending on the emphasis taken. Hedley Bull, for instance, calls Lauterpacht's humanitarian interpretation of Grotius "solidarism,"[40] and distinguishes it from his own "pluralistic" interpretation, which emphasizes the significance of international sovereignty.[41] I do not ask further which is more authentic, because the focus of this article is not on Grotius himself but on Grotianism found in the later development of just war theory. Thus, for the purpose of analyzing the multiplicity of the American just war theory in the following sections, I conclude that Grotius was a sovereignist who rehabilitated the premodern just war paradigm by applying the modern principle of sovereignty.

Why Walzer opposes the Iraq war

As discussed above, the traditions of just war theory are roughly divided into a modern view, rooted in Grotius, and a premodern one, originating from Augustine. While the Augustinian tradition sometimes permits us to fight an offensive war to build just peace, the Grotian tradition draws the justice of war from the authority of the secular natural law, which ultimately leads to condemning offensive wars as an international crime of aggression. With the historical background of the modern and premodern traditions in mind, the current American just war theory and its multiplicity can be analyzed and better understood. In the following two sections, I will examine the disagreement between Walzer and Elshtain over the Iraq war in more detail, and see how each is respectively influenced by these different traditional backgrounds.

38 GROTIUS, 2005, p. 338 [bk. 1 ch. 4 sec. 2].

39 GROTIUS, 2005, p. 1276-1277 [bk. 3 ch. 4 sec. 4].

40 BULL, Hedley. The Grotian Conception of International Society. In: BUTTERFIELD, Herbert; WIGHT, Martin (Eds.). *Diplomatic Investigations*: Essays on the Theory of International Politics. London: George Allen & Unwin, 1966.

41 BULL, 1995. Cutler names the solidaristic interpretation "Grotianism" and the pluralistic interpretation "new Grotianism." CUTLER, A. Claire. The "Grotian Tradition" in International Relations. *Review of International Studies*, v. 17, n. 1, p. 41-65, 1991.

Walzer as a Grotian

Walzer opposes the Iraq war because it does not meet the required condition that the country made a mistake of external aggression, or CPG (the criminal policy of a government), as defined earlier. Now, why does Walzer think that the war against CPG - and only it in principle - is the paradigmatic case of just war? Previous studies point out that Walzer is a "statist" who puts more emphasis on state sovereignty than individual wellbeing.[42] Though this evaluation is basically correct, the question still remains why Walzer does so. The simple answer is that Walzer's just war theory is heavily influenced by Grotius. Walzer begins with the statement that "There exists an international society of independent states" and "This international society has a law that establishes the rights […] of territorial integrity and political sovereignty,"[43] which he calls the "legalist paradigm." This legalist paradigm can be attributed to Grotius because such a statement has been developed by international jurists since Grotius's age and has been institutionalized in 20th century international law.

The legalist paradigm entails the logic of "domestic analogy."[44] The logic is, in a word, to compare the legal and moral standing of states in an international society with that of individuals in a domestic society. An individual has the inviolable rights to her life and liberty. Thus she is ready to exclude by violence if necessary those who threaten to violate these rights. In domestic criminal law, this is defined as righteous self-defense. The domestic analogy is the logic originally coined by Bull to apply the justification of this individual case to the sovereign states that constitute an international society. Walzer readily accepts this logic with his own positive interpretation.[45]

Interestingly, we can find the same analogy in Grotius's writings. He describes a state's sovereignty as something like human will, and its power as something like a human body. "Let us then see what this Sovereign Power may have for its Subject. The Subject then is either common or proper: As the Body is the common Subject of Sight, the Eye the proper; so the common Subject of Supreme Power is the State; which I have before called a perfect Society of Men."[46] As I mentioned before, this legalistic way of thought

42 DOPPELT, Gerald. Statism without Foundations. *Philosophy and Public Affairs*, v. 9, n. 4, p. 398-403, 1980; LUBAN, David. Just War and Human Rights. *Philosophy and Public Affairs*, v. 9, n. 2, p. 160-181, 1980.

43 WALZER, 2006, p. 61.

44 WALZER, 2006, p. 58-63.

45 WALZER, 2006, p. 339, n. 9. Note, however, that the terminology of Walzer is quite different from that of Bull. For Bull, on the one hand, domestic analogy is a matter of *order*, the consequence of which is to accept the Hobbesian state of nature or the Kantian universal state. For Walzer, on the other, domestic analogy is a matter of *rights* and *justice*, the consequence of which is to defend the Grotian view of international society. This leads further to the confusion that although their views of international relations are not so different, Walzer is positive toward domestic analogy while Bull is negative.

46 GROTIUS, 2005, p. 259 [bk. 1 ch. 3 sec. 7].

was matched with the international reality of the emerging sovereign state system after the Treaty of Westphalia.

Based on this analogy, just as an individual is allowed to defend oneself by violence, so is a country allowed to defend itself by war. Therefore, as confirmed in contemporary international rules,[47] when a country violates the territory and property of another, this is labeled as a criminal act of aggression and is rightly resisted by forceful means if necessary. "The domestic maxim is, punish crime to prevent violence; its international analogue is, punish aggression to prevent war."[48] Here Walzer recognizes international relations as possessing a social nature that resembles a domestic society, which in turn shows that his just war theory is built within the Grotian perception of international relations, thereby putting the idea of state sovereignty at its center.[49]

Defensive war, not humanitarian intervention

Of course, Walzer would not stick to state sovereignty at any cost. He admits the need for revising the "legalist paradigm" and for launching humanitarian intervention when the acts "that shock the moral conscience of mankind" occur and remain unstopped in a foreign country.[50] In fact, in the face of the transforming international situation of the 1990s, Walzer seems to loosen the condition for intervention.[51] Thus we can find in him the same ambivalence as in Grotius. Still, Walzer urges to be very cautious about universalizing and generalizing the case for intervention on this PCG (the policy of a criminal government) ground. "I don't mean to abandon the principle of nonintervention - only to honor its exceptions."[52]

In any case, the Iraq war could never have been categorized as humanitarian intervention even under Walzer's lax standard for intervention.[53] Iraq certainly did commit gross human right violations in the past, but, as the Human Rights Watch reports, there

[47] For instance, the U.N. General Assembly Resolution 3314 (XXIX) in 1974 gives the definition that "Aggression is the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State" and "The First use of armed force by a State […] shall constitute prima facie evidence of an act of aggression."

[48] WALZER, 2006, p. 62-63.

[49] By the way, Walzer draws the normative source of sovereignty from the moral standing of *communities* rather than the legal standing of *states*, and understands the evil of aggression from the former's viewpoint. WALZER, 2006, ch. 4; *Thinking Politically*: Essays in Political Theory. New Haven: Yale University Press, 2007a, ch. 13; The Crime of Aggressive War. *Washington University Global Studies Law Review*, v. 6, n. 3, p. 635-643, 2007b. In this sense, his just war theory may have to be described not as "statist" but as "communitarian," just as he is often called so in the field of political philosophy.

[50] WALZER, 2006, p. 101-108.

[51] See MATSUMOTO, Masakazu. Governing Violence by War? Michael Walzer on Humanitarian Intervention. In: HAGIWARA, Yoshihisa (Ed.). *Democracy and Governance for Civil Society*. Tokyo: Fukosha, 2010.

[52] WALZER, 2004, p. 81.

[53] WALZER, 2006, p. xiii.

was no imminent dangerous situation in Iraq at the point of war.[54] Indeed, in Walzer's evaluation, the setting of the no-fly zone in northern Iraq had played the role of a kind of humanitarian intervention, and made further military campaign unnecessary.[55] From his point of view, the United States did not have a reason to go to war with Iraq.[56]

Why Elshtain supports the Iraq war

As the last section highlights, Walzer accepts the "classical" formulation of just war to stop CPG and questions the legitimacy of the Iraq war. Elshtain arrives at the opposite evaluation. She favours the Augustinian "earliest" formulation that takes PCG more seriously, and defends the Iraq war as a humanitarian intervention, if not a defensive war. A more important point is that the premodern just war tradition to which she belongs does not always respect the modern self-defense/aggression dichotomy. In this section, I take a closer look at Elshtain's understanding of Augustine and its influence on her view about the Iraq war.

Elshtain as an Augustinian

The relation of Elshtain to Augustine is more direct and easier to find than that of Walzer to Grotius. Elshtain is known as one of the authoritative scholars of Augustine by several of her works including *Augustine and the Limits of Politics*,[57] and she herself mentions that "Most recently, I find myself tagged an 'Augustinian political theorist'."[58] Indeed, her just war theory almost entirely owes itself to Augustine's writings, in striking contrast to Walzer, a contemporary of the same generation who rarely mentions even the name of Augustine in his work.

Before September 11 and the War on Terror, Elshtain had constructed her just war theory based on Augustine's definition of peace.[59] To reiterate, Augustine's definition is that "the peace of the whole universe is the tranquility of order." Peace in this sense means not a mere absence of war but the order achieved in accordance with justice. The crucial thing is to accomplish just peace, not unjust peace, either inside or outside of the country.

54 ROTH, Kenneth. Was the Iraq War a Humanitarian Intervention? *Journal of Military Ethics*, v. 5, n. 2, p. 84-92, 2006.

55 WALZER, 2007a, p. 298.

56 However, Walzer does not think that the war of Iraq to resist the United States was legitimate. WALZER, 2004, p. 160. In a word, the Iraq war was illegitimate for both sides.

57 ELSHTAIN, Jean Bethke. *Augustine and the Limits of Politics.* Notre Dame: University of Notre Dame Press, 1995a.

58 ELSHTAIN, Jean Bethke. The Just War Tradition and Natural Law. *Fordham International Law Journal*, v. 28, n. 3, p. 742-755, 2004b, p. 742.

59 ELSHTAIN, 1995a, p. 105-12; ELSHTAIN, Jean Bethke. *Women and War*: with a new epilogue. Chicago: University of Chicago Press, 1995b. p. 128-132.

It is a common mistake to think that peace is maintained only because CPG is successfully prohibited.

With this Augustine's definition of peace, even if Iraq had merely accepted the U.N. inspection in 2003 and abandoned WMD, it would not have resolved the heart of the matter leading to the Iraq war. The true issue to be resolved was that the Hussein regime continued to be oppressive toward the Iraqi people and internal minorities.[60] Thus Elshtain came to the conclusion that just peace would not have been achieved in Iraq if the Hussein regime remained intact. "Just war flows from *caritas* in the interest of a just *pax* or peace. Thus, one might say that there was no peace for the Iraqi people under the brutal regime of Saddam Hussein."[61] From this point of view, the Iraq war to overthrow the regime and to liberate the people was a war against PCG in search for just peace; namely, it was a just war.

Humanitarian intervention, not defensive war

Accepting the Augustinian definition of peace gives Elshtain's just war theory a flavor of the Middle Ages. The problem is to establish peace as "the tranquility of order" no matter where it is established. This does not fit with the modern recognition that the maintenance of existing borders be considered a peaceful state of affairs and the violation of them be considered an international crime. According to Elshtain, "The just war tradition […] predates the solidification of the nation-state system with the Treaty (or Peace) of Westphalia in 1648. In classic [i.e. the 'earliest' in my terminology] just war thinking, with its origins in Christian theology, jurisdictional boundaries were less defined and less important."[62] The idea that the sovereign be entitled to manage its own affairs without external interference has little if not nothing to do with her view.[63] Rather, her just war theory points in the same direction as the medieval theologians who asked mainly the right and wrong of offensive wars.

This prompts Elshtain to ask for a far more powerful action in search for just peace than allowed by today's international law. Though it ignores the modern just war recognition of the sovereign state system, the Augustine-influenced premodern just war idea to establish "the tranquility of order" is directly connected to the international situation of this century.[64] As a result, when compared with Walzer, Elshtain is more oriented toward the practice of humanitarian intervention.[65] While further proving the influence of Augus-

60 ELSHTAIN, 2004a, p. 189; 2007, p. 136.
61 ELSHTAIN, 2004b, p. 752.
62 ELSHTAIN, 2004a, p. 183.
63 As to her understanding that the sovereignty of god precedes that of states, see ELSHTAIN, Jean Bethke. *Sovereignty: God, State, and Self*. New York: Basic Books, 2008.
64 ELSHTAIN, 2007, p. 137.
65 ELSHTAIN, Jean Bethke. Just War and Humanitarian Intervention. *American University International Law Review*, v. 17, n. 1, 1-25, 2001.

tine on Elshtain, this also explains why she puts more emphasis on PCG when it comes to thinking about the justice of war.

Summary and implications

In sum, this article began with the question of why the same just war theorists have made completely different evaluations over the Iraq war. To address this query, this article went back to the genealogy of just war theory with some historical sketches, and clarified the splitting point between modern and premodern just war traditions at "the Grotian moment." To begin, the modern tradition represented by Grotius upholds the principle of sovereignty, regards the war against CPG as the paradigmatic case of just war, and is relatively negative toward humanitarian intervention. Conversely, the premodern tradition represented by Augustine commits to establishing just peace, regards the war against PCG as the paradigmatic case of just war, and is definitively positive toward humanitarian intervention.

The contemporary American just war theory is under the influence of both these traditions. Walzer and Elshtain belong to the former and latter respectively, and develop their own theories under the analytically different but equally authentic paradigms. Just war theory is a long-standing thought that constitutes more than 1,600 years of history and has gone through some dramatic changes in accordance with the transformation of international reality. A single authoritarian conception of just war does not exist; as such, we have to be all the more aware of its pluralism since just war thinking has recently captured an expanding range of people from right to left wings.

The case of Afghanistan as a mere coincidence

The argument presented so far faces a seemingly straightforward objection: if they are plural traditions of just war, how do we explain the fact that both Walzer and Elshtain supported the Afghan war? The two cosigned the document "What we're fighting for," and, with more than sixty other American intellectuals, became vocal supporters of the War on Terror. However, a brief examination will suffice to refute this objection, because the joint chorus of just war theory since September 11 turns out to have been a mere coincidence after all. The potential multiplicity within just war theory was not noticeable in opinions regarding the Afghan war, but was finally revealed in those of the Iraq war.

Most of the contents of "What we're fighting for" is Elshtainian rather than Walzerian in character. Though the official issuer is the Institute for American Values, the

key authors are said to be only seven, including Elshtain.[66] Since the document is published as an appendix of Elshtain's book,[67] it would be safe to assume that it has a close relationship to her position. The document contains a typically Augustinian statement that "The primary moral justification for war is to protect the innocent from certain harm,"[68] which suggests that Elshtain argued for the justification of the War on Terror on the PCG ground even at the time of Afghanistan.

In Walzer's case, the reason why he supported the Afghan war was not always matched with the "What we're fighting for" document although he did sign it. From the beginning, for him, the War on Terror was placed on the CPG ground, the principal purpose of which was no more and no less than the security of the United States. "I [Walzer] supported the war in Afghanistan because I believed that this was a defensive war (the paradigmatic case of just war)."[69] The War on Terror was and has always been required to defend fellow Americans, not to liberate foreign citizens, so the argument goes. The objection against the distinction between modern and premodern just war traditions based on the fact that Walzer and Elshtain cosigned the same document fails to grasp the reality of the problem.

What lies ahead?

So far this article has answered the question with which it began. It is not at all contradictory or incoherent that Walzer and Elshtain have come to completely different conclusions through the same path of just war theory. Their differing views derive from the fact that they belong to different traditions, and further suggest that their consensus at the time of the Afghan war was coincidental. An especially important point to note is that the premodern just war tradition still enjoys considerable influence among American intellectuals even in this century.

Now, as mentioned at the beginning of the article, there has been a sudden revival of just war discourses not only among political theorists and public intellectuals, but also policy makers and ordinary citizens in today's United States. I examined the document "What we're fighting for" as an example of this revival in the last section. In this section, I end with an assessment of whether the Walzerian just war version or the Elshtainian one has been gaining more popularity in the current climate of the United States.

66 The other authors are Enola Aird, David Blankenhorn, Francis Fukuyama, Robert P. George, Mary Glendon and James Q. Wilson. ETZIONI, Amitai; MARSH, Jason H. (Eds.). *Rights vs. Public Safety after 9/11: America in the Age of Terrorism*. Lanham: Rowman & Littlefield, 2003, p. 101.

67 ELSHTAIN, 2004a, pp. 193-218.

68 ELSHTAIN, 2004a, p. 200.

69 WALZER, 2007a, p. 299.

Example 1: the Bush administration

To determine which just war tradition has more support today, let us begin by analyzing the discourse within the U.S. government. Honest or not, the Bush administration categorized the American War on Terror as part of a just war. President Bush delivered a speech at a Joint Session of Congress twelve days after September 11, asserting that "Whether we bring our enemies to justice, or bring justice to our enemies, justice will be done."[70] The National Security Strategy in 2002, also known as the Bush Doctrine, contained the claim that "The reasons for our actions will be clear, the force measured, and the cause just."[71] Indeed, "Enduring Freedom," the U.S. military operation in Afghanistan, was originally named "Infinite Justice."

What kind of "justice" did the Bush administration hope to accomplish by the War on Terror? Seemingly, their logic was obscure and sometimes incoherent, being a mix of distinct ideas on sovereignty and just peace. However, the validity of attacking Iraq preemptively without being invaded and aiming at overthrowing the Hussein regime does not come out from the logic of sovereignty at all. Indeed, President Bush sent the following message to the Iraqi people in a speech just before launching the war, which shows that he relied on the idea of building just peace in their country:

> If we must begin a military campaign, it will be directed against the lawless men who rule your country and not against you. As our coalition takes away their power, we will deliver the food and medicine you need. […] In a free Iraq, there will be no more wars of aggression against your neighbors, no more poison factories, no more executions of dissidents, no more torture chambers and rape rooms. The tyrant will soon be gone. The day of your liberation is near.[72]

The Bush administration did not seem to pay appropriate attention to the principle of sovereignty. Specifically, they introduced a new national security strategy of preemptive strike instead of the past cold war strategy of deterrence. The administration argued that anti-U.S. terrorists would not be restrained by the threat of counterattack; in other words, waiting until a first strike would not be wise or necessary. In the same speech Bush declares, "We choose to meet that threat now, where it arises, before it can appear suddenly in our skies and cities."[73] This idea of so-called "preemptive/anticipatory self-defense" clearly departs from the conventional dichotomy of self-defense/aggression.[74]

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70 BUSH, George W. *We Will Prevail: President George W. Bush on War, Terrorism, and Freedom*. New York: Continuum, 2003, p. 12.

71 COLUMBUS, Frank. *The National Security Strategy of the United States of America*. New York: Novinka Books, 2003, p. 23.

72 BUSH, 2003, p. 233.

73 BUSH, 2003, p. 234.

74 See n.47 above.

This means that the Bush administration made an important revision to the modern idea that each sovereign state complies with the rule of not attacking unless being attacked or at least threatened.

To summarize, the just war discourse of the Bush administration is more akin to the Augustinian than the Grotian paradigm in that it sticks to establishing just peace while disregarding a foreign state's territorial sovereignty.[75] Since the two paradigms are quite different in terms of both their theoretical settings and the content of just war, we need to be cautious against the arbitrary misuse of them by the government officials. Being faithful to the latter, Augustinian paradigm would be far more influential than at first glance, since this might consequently lead to rethinking the modern sovereign state system itself.

Example 2: liberal hawks

Similar to the discourse of the Bush administration, neo-Augustinianism can also be found in the opposite liberal side as well. Since the end of the Cold War, there have been a growing number of liberals who remain reformist and idealist but at the same time revise their conventional foreign policy and expect the United States to have more active military participation in foreign affairs. These individuals are generally called "liberal hawks," and, along with neo-conservatives, made the decision to support the U.S. military missions in Afghanistan, Iraq and beyond.[76] The key figures include Paul Berman, Peter Beinart, Christopher Hitchens, David Rieff, and Michael Ignatieff, whom I will discuss below.

Before the War on Terror, Ignatieff had already been known as a positive interventionist based on such works as *Responsibility to Protect*, which he helped to prepare and was published in 2001. He later affirmed the Iraq war, saying that the war aiming at overthrowing the Hussein regime can be justified on the humanitarian ground.[77] He reasoned that the Hussein regime was aggressive externally, persecuted national and religious minorities, and had a history of using chemical weapons that would lead to the development of WMD. Thus "The disagreeable reality for those who believe in human rights is that

[75] As to the Augustinian and anti-Grotian character of the Bush Doctrine, see MANSFIELD, Stephen. *The Faith of George W. Bush*. New York: Jeremy Tarcher, 2003, pp. 143-6; MAY, Larry. *Aggression and Crimes against Peace*. Cambridge: Cambridge University Press, 2008, pp.75-8.

[76] See PARMAR, Inderjeet. Foreign Policy Fusion: Liberal Interventionists, Conservative Nationalists and Neoconservatives - the New Alliance Dominating the US Foreign Policy Establishment. *International Politics*, v. 46, n. 2-3, 177–209, 2009; RYAN, Maria. Bush's "Useful Idiots": 9/11, the Liberal Hawks and the Cooption of the "War on Terror." *Journal of American Studies*, v. 45, n. 4, 67-93, 2011.

[77] As to his post-Westphalian view of international relations, see IGNATIEFF, Michael. *Virtual War: Kosovo and beyond*. London: Chatto & Windus, 2000a, p. 82; *The Rights Revolution*. Toronto: House of Anansi Press, 2000b, p. 49.

there are some occasions - and Iraq may be one of them - when war is the only real remedy for regimes that live by terror."[78]

Now, the union of neo-conservatives and liberal hawks to support the Iraq war is characterized by the same nonmodern just war idea of establishing just peace. A further noteworthy point is that both neo-conservatives and liberal hawks are commonly appealing to the image of "empire" in the context of the War on Terror.[79] Ignatieff, for instance, ties the Iraqi problem with the American imperial project and insists that the United States bear the obligation to maintain order and justice on the worldwide scale.[80] Needless to say, such international obligation does not fit well with the modern sovereign state system and its principle of nonintervention.

From a historical point of view, we can find some intimate connections between just war theory and the empire. Augustine developed his theory in the era of the ancient Roman Empire. Vitoria and Suárez tackled the problem of the right or wrong of the Spanish Empire's conquest of South America and the subjugation of native people. Seen this way, it seems more than accidental that the new Augustinian tradition is gaining popularity in the post-Cold War America. The correlation between the revival of just war theory and the contemporary emergence of "empire" has been explored only fragmentally in the previous studies,[81] and seems to need a more detailed analysis on a comparative historical perspective.

Conclusion

The aim of this article has been to provide a comprehensive explanation for the competing evaluations over the Iraq war by introducing a historical and analytical distinction into the multiplicity found in the American just war theory of this century. The key findings of this article are as follows: first, the traditions of just war theory can be divided roughly into two categories before and after the emergence of the sovereign state system. One is the modern Grotian tradition that regards the war against CPG as the authentic case of just war under the principle of sovereignty, and the other the premodern Augustinian tradition that regards the war against PCG under the principle of just peace. A second noteworthy finding is that Walzer and Elshtain belong to modern and premodern just

78 IGNATIEFF, Michael. The American Empire: The Burden. *The New York Times Magazine*, January 5, 22-26, 2003. IGNATIEFF, Michael. Getting Iraq Wrong. *The New York Times Magazine*, August 5, 26-29, 2007, however, explicitly admits that his case for launching the Iraq war in 2003 was wrong.

79 BOOT, Max. *The Savage Wars of Peace: Small Wars and the Rise of American Power*. New York: Basic Books, 2003; IGNATIEFF, Michael. *Empire Lite: Nation-Building in Bosnia, Kosovo and Afghanistan*. London: Vintage, 2003; KAPLAN, Lawrence F.; KRISTOL, William. *The War over Iraq: Saddam's Tyranny and America's Mission*. San Fransisco: Encounter Books, 2003.

80 IGNATIEFF, 2003.

81 NEGRI, Antonio; HARDT, Michael. *Empire*. Cambridge, M.A.: Harvard University Press, 2000, pp. 12-3; *Multitude: War and Democracy in the Age of Empire*. New York: Penguin, 2004, pp. 15-6.

war traditions accordingly, which is reflected in their different evaluations over the Iraq war, and also suggests that their consensus over the Afghan war is a coincidental one. Lastly, the American just war discourses found among the Bush administration and liberal hawks share greater commonality with the premodern tradition than the modern one in that they put higher priority on just peace over sovereignty.

I want to finally point out suggestions and the task of further inquiries that arise from the conclusions of this article. First, when taking up just war theory in the field of international relations, we need to further take into account its internal varieties. A lot of the current research, especially in the international relations studies, tends almost exclusively to rely on Walzer as the bibliographical authority, and therefore simply to assume the paradigm of the modern just war tradition without question. But it is not always accurate to think of Walzer's work as exemplary. In the postwar United States, for instance, there is a continuous (partly theological) strand of neo-Augustinianism such as Reinhold Niebuhr, Paul Ramsey, James Turner Johnson, George Weigel, as well as Elshtain. Moreover, we would not be able to appropriately analyze the current discourses of the Bush administration and liberal hawks unless we take the diversity of just war theory itself into consideration.

Furthermore, the conclusions drawn in this article can be useful for analyzing U.S. diplomatic policy. U.S. diplomatic policy has traditionally been under the strong influence of realistic thinkers such as George Kennan, Henry Kissinger, and Zbigniew Brzeziński, but especially since the end of the Cold War, the just war way of thinking seems to have become more and more relevant. To take some examples from recent times, a neoconservative thinktank under the Bush administration was mostly based on realism but partially appealed to just war theory.[82] Elshtain also took part in real politics as a council member of an independent federal agency at the time of the Bush administration. Note, especially, that the rhetoric of just war is seen even in President Obama today. It is beyond the scope of this article to analyze how substantially just war theory shapes U.S. diplomatic policy; however, when addressing this issue, it might be important to keep the diversity of just war theory in mind.

[Recebido em: janeiro de 2013

Aceito em: abril de 2013]

[82] KAPLAN; KRISTOL, 2003, pp. 84-5.