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The Defensive Nature of Just War. A Kantian Inspiration

Abstract: The article aims to show that Kant's theory invites us to a certain degree of pacifism. Kantian thought inspires us to accept the principle that warfare can only be considered permissible if it is defensive war in the strict sense of the word (which does not include pre-emptive war). I argue that there is no right to war except the right to armed defence against an actual war of aggression. In other words, the traditional notion of "just war" (*bellum iustum*) must be clearly restricted to that of *defensive war* in the strictest sense. For this purpose, the article goes beyond the limited sphere of Kantian interpretive efforts and presents arguments concerning our present, i.e. the 21st century.

Keywords: Aggression, Defensive War, Immanuel Kant, Just War, Pacifism

Introduction

In what follows, we will not look at Kant's work primarily as an object of interpretation, but rather as a source of inspiration.¹ My aim is to show that Kant's theory invites us to a certain degree of pacifism. Indeed, Kantian thought inspires us to accept the principle that warfare can only be considered permissible if it is defensive war in the strict sense of the word (which does not include pre-emptive war).

Although our questions go beyond mere interpretive issues, it is of course necessary to be faithful to Kant's texts and to base ourselves sufficiently on the results of Kantian studies. In the first part of the present article, we will therefore recall what Immanuel Kant says about war. We

¹ We thus take a similar position to that expressed by H. Williams in the "Conclusion" of his book on Kant's view of just war theory: "I did not wish to suggest that I have discovered the 'true Kant' or the 'authentic Kant', but rather I believe I have outlined the most cogent account of war that can be drawn from Kant's philosophy." Williams, H., 2012. *Kant and the End of War – A Critique of Just War Theory*. New York: Palgrave Macmillan, p. 168.

will do this in order to subsequently, in the second part, base our orientation in current international issues on Kantian theoretical principles.

1. Immanuel the Pacifist

As far as Kant's theory is concerned, the question of whether war is permissible is divided into two distinct areas. The first is the "state of nature" at the level of states (countries), an anarchic, lawless situation at the field of international relations. The second is a "pacific federation" of states. Unlike the "state of nature", this "free federalism" entails the existence of "international right".² The "pacific federation" or "state of nations" is a "lasting and continually expanding federation that prevents war". Once the federation is extended to all nations of the world, it will become a "world republic" that will guarantee perpetual world peace.³

There is no doubt that within the second of the two areas no war attack is permitted. The international law associated with such a state of humanity contains no right to war, for it is by its nature a law of peace.⁴ I will try to show that even under the "state of nature", according to Kant, war attacks are (morally) forbidden to states. All the more so (*a fortiori*) it is therefore forbidden to the participants in a "peaceful federation".

But let us first consider the question whether, according to Kant, there really is no "right (to wage) war" within the "state of nature". What does his treatise *Toward Perpetual Peace* have to say about this? Federalism seems to involve only the international law of peace, whereas the state of nature has no real international law, and thus no "right to war". Kant explicitly denies the existence of a "right to war", *jus ad bellum*. "One cannot conceive of international right as a right to war", he says.⁵ To declare a particular war "just" would presuppose a competent "judicial decision", which, however, does not exist. Therefore, "neither of the two parties" is entitled to declare the other side "an unjust enemy".⁶

To do so would not even make sense. A "just enemy", Kant explains,

² Kant, I., 2006. *Toward Perpetual Peace: A Philosophical Sketch* [8:356]. In: Kant, I. *Toward Perpetual Peace and Other Writings on Politics, Peace, and History*, ed. Pauline Kleingeld, transl. David L. Colclasure. New Haven and London: Yale University Press, p. 80.

³ Kant, I., 2006. *Toward Perpetual Peace* [8:357], *ibid.*, p. 81.

⁴ "While Grotius [...] recognised a right to war [...], Kant established a radically new international law. International law of peace takes the place of international law of war." Höffe, O., 2024. *Völkerbund oder Weltrepublik?* In: Höffe, O., ed. *Immanuel Kant: Zum ewigen Frieden*. Berlin, Boston: Walter de Gruyter, p. 81.

⁵ Kant, I., 2006. *Toward Perpetual Peace* [8:356], *ibid.*, p. 81.

⁶ *Ibid.* [8:346], pp. 70 – 71.

“would be one that I would be doing wrong by resisting; but then he would also not be my enemy.”⁷ So, if we identify someone as our “enemy”, then labelling him as “unjust” provides no further serious information. Everyone is, of course, prepared to declare his enemy unjust, but that does not constitute any meaningful justification for anything.⁸ If (in the international “state of nature”) “each state is judge in its own case”,⁹ then such judgments are of little validity.

Kantian “practical reason” as a source of morality excludes the right to war. In the “Conclusion” of Kant’s “The Doctrine of Right” (the first part of his *Metaphysics of Morals*) we read that “morally practical reason pronounces in us its irresistible veto: There is to be no war”.¹⁰ When Kant considers the just war theory as represented by “Hugo Grotius, Pufendorf, Vattel”, he rejects any “justification” (*Rechtfertigung*) for an offensive war.¹¹

But now let us take good note of Kant’s (just mentioned) term “offensive war” or “war attack” (*Kriegsangriff*), which should be a guideline for us. Kant’s moderate pacifism says that no political entity has the right to wage a *war of attack*. It certainly does not mean that offensive actions are forbidden in a defensive war, but it does mean that war efforts are morally permissible only in a defensive war.

This reading of Kant is in line with the opinion of competent Kant interpreters. For example, Otfried Höffe notes that Kant “categorically denies any power – whether small or large – the right to wage war, with the exception of defence (*die Verteidigung ausgenommen*)”.¹² Thomas Mertens takes a similar view: “For Kant, self-defence is the only legitimate ground for using force against another state.” Kant’s “rejection of the just war tradition”, with the sole exception of defensive war, also applies “in

⁷ Kant, I., 1991. *The Metaphysics of Morals* [350, § 60], transl. Mary Gregor. Cambridge, New York, Melbourne: Cambridge University Press, p. 156.

⁸ “[I]n the international state of nature [...] states indeed define their ‘rights’ solely on the basis of their own interpretations and estimations. [...] Inevitably, then, every state is able to claim that the resort to war is justified. It is ‘easy’ for a state to ‘pay homage’ to the concept of ‘right’. By declaring its cause ‘justified’, it simultaneously makes the claim that its opponent is an unjust enemy. Affirming the opposite, namely fighting against a just enemy, would be a contradiction”. Mertens, T., 2012. Kant and the Just War Tradition. In: Justenhoven, H. J. – Barberini, W. A. Jr, eds. *From Just War to Modern Peace Ethics*. Berlin: de Gruyter, pp. 244 – 245.

⁹ Kant, I., 1991. *The Metaphysics of Morals* [349, § 60], *ibid.*, p. 155.

¹⁰ *Ibid.* [354, Conclusion], p. 160.

¹¹ Kant, I., 2006. Toward Perpetual Peace [8:355], *ibid.*, p. 79; Kant, I., 1992. Zum ewigen Frieden – Ein philosophischer Entwurf [355, B 33]. In: *Über den Gemeinspruch: Das mag in der Theorie richtig sein, taugt aber nicht für die Praxis; Zum ewigen Frieden*. Hamburg: Felix Meiner Verlag, p. 66.

¹² Höffe, O., 2024. Völkerbund oder Weltrepublik?, *ibid.*, p. 87.

the absence of a federation of states". The claim that "the only justification for war is self-defence" is thus quite general.¹³

Scholars advocating a different interpretation caution against too much focus on the text of *Toward Perpetual Peace*.¹⁴ And it is true that the passages on just war from *The Metaphysics of Morals* seem to contrast strikingly with the intellectual climate of *Toward Perpetual Peace*: "In the state of nature, the right to make war (i.e., to enter into hostilities) is the permitted means by which one state prosecutes its rights against another state, namely by its own *force*, when it believes it has been wronged by the other state [...]"¹⁵

However, when we read Kant's formulations apparently conforming to the standard theories of the time, we should be alert and not draw hasty conclusions on this basis. When Kant speaks of the right to wage war in his *Metaphysics of Morals*, he may be accurately describing the common conception of international relations rather than proposing a normative ideal. In this sense it does not seem necessary to contrast the text with the views expressed in *Toward Perpetual Peace*. The "principle of charitable interpretation", which requires us not to attribute contradictions to an author unless necessary, can strengthen our motivation to favour the conciliatory viewpoint.

In Kant's case, this harmonization may not be certain, but neither does it commit violence to his texts. In fact, Kant, in his *Metaphysics of Morals*, is able to reflect on the justifications for war, but also to question them afterwards. He says, for example, that there are "no limits to the rights of a state against an unjust enemy", only to subsequently (at the end of the same paragraph) call into question the meaningfulness of the concept of the "unjust enemy".¹⁶

Therefore, we can adopt the interpretative strategy outlined by Howard Williams, who advises "to subordinate the judgements on war in the *Metaphysics of Morals* (which seem to indicate a modified acceptance of just war doctrine) to those of *Perpetual Peace* which indicate no such

¹³ Mertens, T., 2012. Kant and the Just War Tradition, *ibid.*, pp. 240 – 241.

¹⁴ "Kant has a just war theory. In fact, an argument will be made that the weight of the textual evidence points clearly in favour of a pro-just war reading of Kant, and that any view to the contrary can only be sustained by a partial and selective reading of the relevant texts. The common tendency to read only *Perpetual Peace* [...] is, in particular, a prime source of this confusion". Orend, B., 2000. *War and International Justice: A Kantian Perspective*. Waterloo: Wilfrid Laurier University Press, p. 43.

¹⁵ Kant, I., 1991. *The Metaphysics of Morals* [346, § 56], *ibid.*, p. 152.

¹⁶ *Ibid.* [349–350, § 60], pp. 155 – 156.

reconciliation”.¹⁷ The notion of “prevention” (or *ius praeventionis*), used by Kant in the *Metaphysics of Morals*,¹⁸ should also be viewed from this perspective. As Williams notes, the idolum of “pre-emptive” (anticipatory) war here, like other versions of “just war”, is more of a “caricature showing what the position was under the law of nations in Kant’s day (and to a large extent even now)”.¹⁹

The reference to our present time in the parenthesis of the last quotation will now serve us a stimulus for further, more up-to-date reflections (without abandoning the Kantian perspective we have achieved). We shall attempt to further justify and clarify the belief held by Kant that the only permissible war effort is defensive war.

2. Defence and what it is not

I will argue for the thesis that that there is no right to war except the right to armed defence against an actual war of aggression. In other words, the traditional notion of “just war” (*bellum iustum*) must be clearly restricted to that of *defensive war* in the strictest sense. In the rest of the present study, I will go beyond the limited sphere of Kantian interpretive efforts and present arguments concerning our present, i.e. the 21st century.

Traditional just war doctrines allowed for two other reasons for war besides defence: *rectification* and *punishment*. It seems that, in addition to defensive, corrective and punitive warfare, pre-emptive warfare is nowadays regarded as permissible military action. I think that even before any deeper discussion of the different (named) types of war we are able to suspect that the permissibility of war must be narrowed to defence. For *only defensive war* includes in its justification also a sufficient limitation of military activities. It is easier to objectively assess what is useful in order to defeat an ongoing aggression than to objectively determine whether and to what extent a particular state entity should be punished, rectified, or preventively intervened against.

Let us begin with the concept of punitive war, which is explicitly a target of Kant’s scepticism. The punisher, according to Kant, assumes that he is in some sense “superior” to the punished, which is an unjustified attitude.²⁰ Punishment, unlike defence, is directed *at the agent himself* (rather

¹⁷ Williams, H., 2012. *Kant and the End of War*, *ibid.*, p. 168.

¹⁸ Kant, I., 1991. *The Metaphysics of Morals* [346, § 56], *ibid.*, pp. 152 – 153.

¹⁹ Williams, H., 2012. *Kant and the End of War*, *ibid.*, p. 51.

²⁰ Kant, I., 2006. *Toward Perpetual Peace* [8:347], *ibid.*, p. 71. In *The Metaphysics of Morals*, Kant explains: “For punishment occurs only in the relation of a superior (*imperatoris*) to those

than *at his action*) and presupposes the agent's guilt. But who decides the degree and nature of guilt and the measure of its punishability when, as Kant points out, there is "no court of justice" in the international or interstate sphere?²¹

Contemporary war attacks—think of Iraq 2003, Libya 2011 or Ukraine today—escape this criticism because they are justified as *corrective* or *preventive* rather than *punitive*. However, western military action against Iraq and Libya was certainly not defensive in the true sense of the word because neither Iraq nor Libya attacked the Western countries. Of course, the current Russian war (in Ukraine) is not defensive either. The attack on Iraq was "justified" as *pre-emptive*, in view of Iraq's imaginary nuclear armament. The attacks against the regimes in Libya and Ukraine were "justified" by the need to *rectify* the situation in those countries (in the case of the Russian war, its "justification" also includes the idea of *prevention* against NATO's advance).

As can be seen, our present time confronts us with the question of whether the just cause for war can lie in *prevention* against anticipated adversary intentions or in *rectification* of a current situation. My objection is similar to that in the case of *punishment*. Prevention and rectification also differ significantly from defence. In the case of defence against a concrete ongoing attack, military experts are able to consider what steps will be useful to foil the invasion. But who decides, and based on what criteria, when warfare *prevention* or *rectification* is appropriate and what scope it should have? Wouldn't there be an opening for political arbitrariness?

Military experts are able to anticipate an adversary's military activities if the war is already underway, but not the adversary's intent to break the peace and start a war. This is a political question, not a purely military one. A pre-emptive attack is therefore a political choice, and, as Kant would say, being a judge in one's own cause is not a safe path to justice.

Can it be argued that pre-emptive armed action sometimes constitutes a form of defence? Political thinker Roger Scruton, an expert on Kant, confirms (despite his pro-war views) that Kant would not consider prevention a form of defence: "pre-emptive attack is not defence".²² Thomist moral philosopher Joseph Boyle argues that "the preventive actions are not narrowly defensive; the aggressive action is anticipated, not actual. It

subject to him (*subditum*), and states do not stand in that relation to each other". Kant, I., 1991. *The Metaphysics of Morals* [347, § 57], *ibid.*, p. 153.

²¹ Kant, I., 2006. *Toward Perpetual Peace* [8:346], *ibid.*, pp. 70 – 71.

²² Scruton, R., 2004. *Immanuel Kant and the Iraq war* [Accessed: 2024-10-10]. Available at: opendemocracy.net/en/article_1749jsp/

is not there yet to be resisted”. And Boyle continues by arguing that the military *prevention* is much more akin to a *war of conquest*:

While [the destruction of assets in preventive war] is not exactly seeking the subjugation of another nation [...], it is more like that than like defense in the strict sense; for it reduces the assets of a polity, and that seems to involve the failure to respect the territorial integrity and sovereignty of that polity. [...] Defensive warfare cannot begin until aggressive hostilities are under way.²³

Roger Scruton has argued, however, that if Kant were assessing the Iraqi situation in the early 21st century, he would have approved of pre-emptive military intervention:

Kant indeed believed that war can be legitimately embarked on only as a defensive measure, and that pre-emptive attack is not defence. However, circumstances have changed, and I can see good Kantian reasons for the view that the civilised world, faced with the dangers that now confront it, should take pre-emptive measures when dealing with rogue states like Saddam's Iraq. [...] Such states are intrinsically illegitimate, which means that their disappearance is good in itself, and the aim and desire of all rational beings.²⁴

Scruton further argues that such a “rogue state” is not a republic in Kant's sense and does not belong in a peaceful union of states. Therefore, it is permissible to take pre-emptive action against it:

[T]he recourse to international law [...] presupposes that members of the League of Nations are republics. If they are not republics, but regard themselves as in a state of nature vis-à-vis other states, then it may be necessary to confront them with violence, in order to prevent them from imposing their will.²⁵

Such an argumentation is also conceivable for Susan Shell, whose article was written at the time of continued US military action in Iraq:

Kant's thinking on international right opens up a space, on which recent US administrations have seized, allowing for a (new) distinction between states that do and those that do not count as full-fledged members of the commu-

²³ Boyle, J., 2011. Waging defensive war: The idea and its normative importance. *Journal of Military Ethics* 10(3), p. 157.

²⁴ Scruton, R., 2004. Immanuel Kant and the Iraq war, *ibid*.

²⁵ *Ibid*.

nity of nations. The latter ('failed' and 'rogue') states do not deserve and need not receive the normal prerogatives of sovereignty to which members 'in good standing' of the community of nations (as we are accustomed to saying) are generally entitled.²⁶

Personally, I find this type of reasoning unfortunate. Recall that even states which are in a mutual "state of nature" are, according to Kant's ethics, forbidden to attack each other. If we also take into account Kant's emphasis on non-interference, we can subscribe to the answer given to Shell by Georg Cavallar: "No doubt Saddam is a mass murderer. However, Kant is the wrong author if we want to justify 'Operation Iraqi Freedom' (the Gulf war of 2003). He defends the principle of non-intervention [...]"²⁷ Kant's idea of non-interference forms the context of his moderate pacifism. Kant believes that a forcible "intervention of external powers" is not allowed, because it would "render the autonomy of all states insecure".²⁸

3. Reasoning from experience and from authority

The idea of non-interference can also be supported by empirical reasoning. I think it is worth asking what recent history, specifically the acts of war waged by Russia, the United States and NATO, can tell us, especially if we take into account their real results. Although the reasoning from empirics cannot be "mathematically" conclusive, it nevertheless carries some weight and cogency.

What experience do we have with current preventive or corrective military actions carried out by the Western powers and Russia? Iraq war waged between 2003 and 2011 is an example of pre-emptive and corrective war. About half a year before the war, the White House issued a document speaking of a "war against global terrorism" and warning "regimes that harbor, support, and use terrorism".²⁹ These threats were directed at Iraq, which was also suspected of developing weapons of mass destruction. Addressing the Iraqi people as part of his 2003 State of the Union speech, George W. Bush declared: "I have a message for the brave and

²⁶ Shell, S. M., 2005. Kant on Just War and 'Unjust Enemies' – Reflections on a 'Pleonasm'. *Kantian Review* 10(1), p. 103.

²⁷ Cavallar, G., 2006. Commentary on Susan Meld Shell's 'Kant on Just War and Unjust Enemies' – Reflections on a Pleonasm. *Kantian Review* 11(1), p. 121.

²⁸ Kant, I., 2006. Toward Perpetual Peace [8:346], *ibid.*, p. 70.

²⁹ *The National Security Strategy of the United States*, part III, 2002. George W. Bush's Administration [Accessed: 2024-10-10]. Available at: georgewbush-whitehouse.archives.gov/nsc/nss/2002/

oppressed people of Iraq: Your enemy is not surrounding your country—your enemy is ruling your country. And the day he and his regime are removed from power will be the day of your liberation”.³⁰

The US and its allies insisted on the demand of justice to wage war, as Cian O’Driscoll notes in his book:

[W]hen Bush and Blair sought to justify the invasion of Iraq in March 2003 [...] they variously sought to justify the war as a means of promoting a more just world order and exporting democracy and human rights to Iraq and the Middle East while still relating their case to the language of the just war tradition.³¹

Another example of a corrective war can be seen in Libya in 2011. Although the North Atlantic Treaty Organization considers itself a defence alliance, it intervened against the Libyan regime, which did not attack any NATO member. NATO forces carried out a bombing campaign in Libya in support of rebels against the Gaddafi government. The aim was to remedy the situation in Libya.

In 2012, US intelligence began arming and training rebels against the regime of Syrian President Bashar al-Assad. It was the Operation Timbre Sycamore, subsidized by more than a billion dollars. Federico Manfredi Firmian evaluates it as follows:

Timbre Sycamore [...] caused untold misery to the Syrian people. A three-year study funded by the European Union and the German government later established that efforts by the United States and its allies to arm Syrian rebels ‘significantly augmented the quantity and quality of weapons’ of the Islamic State.³²

The so-called Islamic State, one of the worst evils of our era, has subsequently made territorial gains in Syria, Iraq and Libya, countries where local dictatorships have been destroyed or weakened by Western military interventions, whether direct or (as in the case of Syria) indirect. In fact, dictatorial regimes in Muslim countries have been a force that regards Islamist terrorists (who are non-state actors) as its enemies. Such regimes

³⁰ I quote from: O’Driscoll, C., 2008. *The Renegotiation of the Just War Tradition and the Right to War in the Twenty-First Century*. New York: Palgrave Macmillan, p. 70.

³¹ Ibid., p. 67.

³² Firmian, F. M., 2022. After a Decade of Incoherent Strategy in Syria, a Way Forward. *The Modern War Institute at West Point* [Accessed: 2024-10-10]. Available at: mwi.westpoint.edu/after-a-decade-of-incoherent-strategy-in-syria-a-way-forward/.

formed a functional barrier against non-state Islamist organisations in the Muslim world. The destruction or weakening of these regimes was followed by general disruption and an immense suffering. Millions of people have lost their homes and livelihoods. Is it really a sign of wisdom on the part of the West, especially the US, to trust again and again that military intervention will lead to some greater good?

The leader of contemporary Russia also had corrective and pre-emptive reasons in mind when he decided to invade Ukraine. The Russian side tried to substantiate the absurd accusations of “Nazism” against the Ukrainian political leadership, for example, by Ukraine’s abolition of Russian-language schools (after 2017). Above all, however, Russia intended to prevent Ukraine from its planned accession to NATO (approved at the 2008 NATO Summit³³). At the turn of 2021 /2022, the Russian president repeatedly demanded “guarantees” that Ukraine would not be admitted to NATO. He undoubtedly knew that he would not get any, he was merely preparing the political ground for the aggression.

In any case, however, we observe that Russia’s aggression against Ukraine is bringing above all a terrifying destruction, an ocean of suffering, and a moral and political tragedy for Russia itself. All the moral credit Russia has enjoyed since the World War II has finally become obsolete. NATO is growing as a result of what is happening (Finland and Sweden are the newest members), and the anti-Russian sentiment in Ukraine is understandably increasing as well. Does a war attack seem like an intelligent strategy?

The reduction of just war to defensive war can be further supported by some arguments “from authority”. The 1945 *United Nations Charter* begins with these words:

We the peoples of the United Nations determined to save succeeding generations from the scourge of war [...], to maintain international peace and security, and to ensure [...] that armed force shall not be used, save in the common interest [...], have resolved to combine our efforts to accomplish these aims (Preamble). All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state [...] (Article 2).³⁴

³³ “NATO welcomes Ukraine’s and Georgia’s Euro-Atlantic aspirations for membership in NATO. We agreed today that these countries will become members of NATO”. *Bucharest Summit Declaration* (NATO), 23, 2008. Issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Bucharest. [Accessed: 2024-10-10]. Available at: nato.int/cps/en/natolive/official_texts_8443.htm

³⁴ Shapiro, I. – Lampert, J., eds., 2014. *Charter of the United Nations*. New Haven: Yale University Press, pp. 14 – 5.

The only exception to the obligation to refrain from armed violence is defence: “Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations [...]” (Article 51).³⁵

Similarly, in the Constitution of the Second Vatican Council *Gaudium et Spes* (1965), in the section “The Avoidance of War”, we are told of only one exception: “[G]overnments cannot be denied the right to legitimate defence once every means of peaceful settlement has been exhausted”. It is possible “to undertake military action for the sake of the just defence of the people [...]” (*Gaudium et Spes*, § 79).³⁶

Of course, neither the empirical argument nor the argument from authority is conclusive. Such considerations have at most only a motivational or heuristic function. It will, however, fulfil this role with profit if it encourages us to be more philosophically cautious about the notion of a just war. With reference to Kant, we can then think as follows: A “just” enemy would be one whom I would oppose unjustly, and thus should not be considered an enemy.³⁷ However, if the notion of a “just enemy” is a type of oxymoron, then declaring one’s enemy unjust is an uninformative statement. But if we cannot be judges in our own cause and declare our adversary unjust,³⁸ neither are we authorized to designate our attack against him as just. In other words, “just (offensive) war” is too arbitrary and abusable a concept to be used by attackers to legitimise their war effort.

Perhaps the only compelling factual motivation for justifying a corrective military attack is the urgent need for so-called “humanitarian intervention”. Examples include India’s decision (1971) to intervene on behalf of the Bengalis massacred in East Pakistan (later Bangladesh), or Vietnam’s removal of the horrific Khmer Rouge regime³⁹ in Cambodia (1979).⁴⁰ The question arises whether humanitarian intervention is not an example of a *non-defensive* yet *just* war action.

³⁵ Ibid., p. 28.

³⁶ *Gaudium et Spes*, 1965. Pastoral Constitution on the Church in the Modern World promulgated by his Holiness, pope Paul VI [Accessed: 2024-10-10]. Available at: www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vatii_const_19651207_gaudium-et-spes_en.html

³⁷ Kant, I., 1991. *The Metaphysics of Morals* [350, § 60], *ibid.*, p. 156.

³⁸ Kant, I., 2006. *Toward Perpetual Peace* [8:346], *ibid.*, pp. 70 – 71.

³⁹ An estimated two and a half million people, including Cambodian Vietnamese, fell victim to Pol Pot’s tyranny.

⁴⁰ These Asian events are given as examples of “humanitarian intervention” by Jim Whitman in Whitman, J., 1994. A cautionary note on humanitarian intervention. *GeoJournal* 34(2), p. 169.

Consider, however, that although some of the sources cited above speak of “self-defensive” war, the key term in our discussion is simply “defensive war”. Humanitarian intervention, although not self-defence, can be seen as defence. Mona Fixdal and Dan Smith, in their reflections on humanitarian intervention, point out that defending an innocent victim may be a morally higher goal than mere self-defence.⁴¹ They advocate the “moral superiority of defense of another over self-defence”.⁴² To the measure that genocide is analogous to war,⁴³ it is therefore reasonable to consider extending the concept of “defensive war” to cases of urgent humanitarian intervention against ongoing aggression. (Such an intervention must, of course, be strictly subject to *ius in bello*.)

Conclusion

Although, from a purely interpretive point of view, it is not certain that Kant considered only defensive warfare to be morally permissible, strong arguments for this thesis can be drawn from his work. Immanuel Kant shows that the offensive intervention of one state in the territory of another substantially calls into question the autonomy of states as such.

Moreover, such a decision ventures into the realm of political arbitrariness. If a political entity authorizes itself to wage aggressive war (see Russia in 2022), it makes itself inappropriately “a judge in its own case”. The experience in Libya in 2011 (and subsequent developments) teach us that even invoking a UN Security Council resolution is no guarantee of a greater good (I am alluding to the Resolution No. 1973). Numerous bitter experiences teach us that neither prevention nor rectification must figure as a justification for war. The only permissible reason for armed struggle is to defend against an actual attack.

When it comes to defence in the face of current military aggression, the

⁴¹ Fixdal, M., Smith, D., 1998. Humanitarian Intervention and Just War. *Mershon International Studies Review* 42(2), p. 296.

⁴² Ibid., p. 306. The authors explain: “[O]ne important conclusion to be drawn from applying the Just War framework to the debate on humanitarian intervention is that it is unwarranted to view self-defence as the only possible just cause for the use of force. [...] Overvaluing justifications based on self-defence leads many authors into the trap of justifying intervention through intellectually questionable interpretations of events (e.g., as evident threats to regional security when they are only arguably so) and of the international system”. Ibid.

⁴³ Martin Shaw, in comparing genocide to war, notes that “the logic of destruction is the same: the dismantling, through violence and its threat, of what constitutes the power of the enemy, both in general and specifically that which sustain its capacity for resistance”. Shaw, M., 2007. The general hybridity of war and genocide. *Journal of Genocide Research* 9(3), p. 464.

question of what to do and how to do it is a matter of pragmatic military consideration. However, when it comes to mere prevention, it is a matter of anticipating the intentions and ambitions of the enemy political entity. Such reasoning is, of course, political and influenced by political motivations. This can hardly be considered the basis of war justice.

A legitimate defensive war can therefore only be launched when the adversary's intention to wage an attack is a matter of empirical fact (whether evidenced by observation or at least by an intelligence report of an explicit timed plan). After all, building a defensive position and waiting for an attack can be a good strategy (as the importance of the Battle of Kursk in 1943 shows, for example). On the contrary, pre-emptive war is not a just war and by its very nature calls into question all foundations of peace in the world. Our quest for lasting world peace must include the demand that in future neither preventive nor corrective wars should ever again be justified.

When Kant, as a philosopher, does everything in his power in favour of perpetual peace, he is clearly aware that he is pursuing [*einen*] *süßen Traum*, a “sweet dream”.⁴⁴ “Nonetheless,” he solemnly declares, “from the throne of the highest moral legislative authority, reason looks down on and condemns war as a means of pursuing one's rights, and makes peace an immediate duty.”⁴⁵ The assumption that universal and lasting peace is unlikely to be achieved does not relieve politicians of the moral obligation to make it their aim⁴⁶ and strive for it. Kant insists that “the perpetual peace [...] is not an empty idea, but rather a task which, carried out gradually, steadily moves toward its goal”.⁴⁷ Our guide should be the maxim that “the state of peace must be established”.⁴⁸ According to Immanuel Kant, this is what we should take to heart.

Bibliography

Boyle, J., 2011. Waging Defensive War: The Idea and its Normative Importance. *Journal of Military Ethics* 10(3), pp. 145 – 159.

⁴⁴ Kant, I., 1992. Zum ewigen Frieden [343], *ibid.*, p. 51.

⁴⁵ Kant, I., 2006. Toward Perpetual Peace [8:356], *ibid.*, p. 80.

⁴⁶ “Thus, the leaders of nations are called to work on a continual approximation to perpetual peace as a *terminus ad quem* and to take concrete steps in this direction.” Šajda, P., 2024. Working for Peace in Situations of Conflict: On Schmitt's Reception of Kant. *Studia Philosophica Kantiana* 13(1), p. 32.

⁴⁷ Kant, I., 2006. Toward Perpetual Peace [8:386], *ibid.*, p. 109.

⁴⁸ *Ibid.* [8:349], p. 73.

- Cavallar, G., 2006. Commentary on Susan Meld Shell's 'Kant on Just War and Unjust Enemies' – Reflections on a Pleonasm. *Kantian Review* 11(1), pp. 117 – 124.
- Firmian, F. M., 2022. After a Decade of Incoherent Strategy in Syria, a Way Forward. *The Modern War Institute at West Point* [Accessed: 2024-10-10]. Available at: mwi.westpoint.edu/after-a-decade-of-incoherent-strategy-in-syria-a-way-forward/.
- Fixdal, M., Smith, D., 1998 Humanitarian Intervention and Just War. *Mer-shon International Studies Review* 42(2), pp. 283 – 312.
- Höffe, O., 2024. Völkerbund oder Weltrepublik? In: Höffe, O., ed. *Immanuel Kant: Zum ewigen Frieden*. Boston: Walter de Gruyter, pp. 79 – 96.
- Kant, I., 1992. Zum ewigen Frieden – Ein philosophischer Entwurf. In: Kant, I. *Über den Gemeinspruch: Das mag in der Theorie richtig sein, taugt aber nicht für die Praxis; Zum ewigen Frieden*. Hamburg: Felix Meiner Verlag, pp. 49 – 104.
- Kant, I., 2006. Toward Perpetual Peace: A Philosophical Sketch, In: Kant, I., 2006. *Toward Perpetual Peace and Other Writings on Politics, Peace, and History*, transl. Colclasure, D. L. New Haven: Yale University Press, pp. 69 – 109.
- Kant, I., 1991. *The Metaphysics of Morals*, transl. Mary Gregor. Cambridge, New York, Melbourne: Cambridge University Press.
- Meld Shell, S., 2005. Kant on Just War and 'Unjust Enemies' – Reflections on a 'Pleonasm'. *Kantian Review* 10(1), pp. 82 – 111.
- Mertens, T., 2012. Kant and the Just War Tradition. In: Justenhoven, H. G. – Barberini, W. A. Jr., eds. *From Just War to Modern Peace Ethics*. Berlin: de Gruyter, pp. 231 – 248.
- O'Driscoll, C., 2008. *The Renegotiation of the Just War Tradition and the Right to War in the Twenty-First Century*. New York: Palgrave Macmillan.
- Orend, B., 2000. *War and International Justice: A Kantian Perspective*. Waterloo: Wilfrid Laurier University Press.
- Scruton, R., 2004. Immanuel Kant and the Iraq war [Accessed: 2024-10-10]. Available at: opendemocracy.net/en/article_1749jsp/
- Shaw, M., 2007. The General Hybridity of War and Genocide. *Journal of Genocide Research* 9(3), pp. 461 – 473.
- Šajda, P., 2024. Working for Peace in Situations of Conflict: On Schmitt's Reception of Kant, *Studia Philosophica Kantiana* 13(1), pp. 28 – 44.

- Whitman, J., 1994. A Cautionary Note on Humanitarian Intervention. *GeoJournal* 34(2), pp. 167 – 175.
- Williams, H., 2012. *Kant and the End of War – A Critique of Just War Theory*. New York: Palgrave Macmillan.

Documents

- Shapiro, I. – Lampert, J., eds., 2014. *Charter of the United Nations*. New Haven: Yale University Press.
- Gaudium et Spes*, 1965. Pastoral Constitution on the Church in the Modern World promulgated by his Holiness, pope Paul VI [Accessed: 2024-10-10]. Available at: www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vatii_const_19651207_gaudium-et-spes_en.html
- The National Security Strategy of the United States*, part III, 2002. George W. Bush's Administration [Accessed: 2024-10-10]. Available at: georgew-bush-whitehouse.archives.gov/nsc/nss/2002/
- Bucharest Summit Declaration* (NATO), 23, 2008. Issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Bucharest. [Accessed: 2024-10-10]. Available at: nato.int/cps/en/natolive/official_texts_8443.htm

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