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SPECIFICITY AND FEATURES OF THE CONCEPT OF JUST WAR IN EARLY MODERN PHILOSOPHY

Formulation of the problem. In the context of contemporary global conflicts, the resurgence of imperial ambitions, and the increasing toll on civilian populations, the issue of just war has once again gained critical importance. The historical evolution of the concept of "just war" reveals its profound transformation during the Early Modern period, when medieval Christian doctrines – formulated by Augustine and Thomas Aquinas – underwent philosophical and political revision. During the eras of the Reformation, Absolutism, the Enlightenment, and the emergence of modern statehood, new criteria of war legitimacy emerged, grounded more in the rational norms of international law, natural law, and the idea of sovereignty. The Early Modern period marks the time when war increasingly came to be seen as an instrument of politics, thereby requiring both moral and legal justification – highlighting the necessity of a systematic investigation into the transformation of this concept.

Moreover, it was during this era that the foundations of contemporary international humanitarian law were laid. From Hugo Grotius to Immanuel Kant and Benjamin Constant, philosophers and jurists sought to draw a clear distinction between aggressive and defensive warfare, between state interest and moral law. This not only redefined the parameters for evaluating military action but also contributed to the development of diplomacy, the idea of "perpetual peace," and the principles of collective security. In this context, the study of the Early Modern understanding of just war provides deeper insight into the historical origins of today's ethical and legal approaches to warfare and enables critical reflection on the moral boundaries of the use of force in modern international conflicts.

Methodology. The study employs an interdisciplinary approach that integrates historical-philosophical, comparative-analytical, and hermeneutic methods. The historical-philosophical analysis traces the evolution of the concept of just war from the medieval tradition to Early Modern philosophy, with particular emphasis on key figures such as Grotius, Hobbes, Locke, and Kant. The comparative analysis allows for the identification of differences between theocentric and secularized perspectives on

the legitimacy of armed conflict, while hermeneutics serves to interpret normative texts (philosophical treatises, legal documents, and international declarations) within their historical and cultural contexts. The methodological framework is also grounded in principles of critical analysis of political, legal, and ethical categories, enabling the reconstruction of the conceptual logic behind changes in the interpretation of war from the standpoints of morality, sovereignty, and international law.

Research Objective. The aim of the study is to analyze the evolution of the concept of just war in the philosophical and legal discourse of the Early Modern period in order to identify the specific ideological and historical factors that have shaped contemporary understandings of the moral legitimacy of war.

Research Tasks

1. to trace the transformation of the traditional Christian doctrine of just war under the influence of Early Modern philosophy, particularly in the works of Grotius, Hobbes, Locke, Kant, and others;

2. to identify the key political, legal, religious, and ethical factors that contributed to the redefinition of just war criteria in the Early Modern period and their subsequent influence on the development of international law.

Presenting main material.

The Transformation of the Traditional Christian Doctrine of Just War under the Influence of Early Modern Philosophy

First and foremost, it should be noted that the concept of just war has deep roots in the Christian philosophical and theological tradition. In the Middle Ages, its classical formulation was primarily developed by Saint Augustine, who in *De Civitate Dei* (The City of God) first justified the admissibility of war under certain conditions – as an exceptional means of defending the good, restoring justice, and punishing evil. These ideas were later systematized by Thomas Aquinas, who outlined three main criteria for a just war: legitimate authority, just cause, and right intention. This framework dominated Christian Europe until the dawn of the Early Modern period, when profound shifts in worldview significantly altered the very logic of understanding war, its moral boundaries, and legal justifications.

One of the first thinkers of the Early Modern period to initiate a rethinking of the concept of just war was Hugo Grotius (1583–1645), a Dutch jurist, philosopher, and diplomat. It is worth emphasizing that scholarly debates continue to this day regarding the significance and specificity of Grotius's interpretation of just war in its historical development. As Hedley Bull observes, "If not the most original treatise written on the law of nations up to that time, [De Jure Belli ac Pacis] was certainly the most systematic" [1, p. 74]. Carl Schmitt, on the other hand, contends that "Grotius had a strong, general pathos for justice, but no juridical or scientific awareness of the problem" [7, p. 135].

Nevertheless, Grotius's seminal work *De Jure Belli ac Pacis* (1625) marked a significant turning point in the development of international law and simultaneously constituted an attempt to secularize the concept of just war. Unlike the scholastic authors before him, Grotius did not confine himself to Christian theology; instead, he appealed to natural law – a universal moral order that exists independently of religious belief. He recognized war as justifiable not only in cases of self-defense but also for the protection of honor, property rights, and the enforcement of treaties. In this context, Grotius was the first to propose a unified legal framework distinguishing between *jus ad bellum* (the right to go to war) and *jus in bello* (the right conduct within war), a conceptual division that would later form the basis of the Geneva Conventions.

The distinctive feature of Grotius's approach lies in his placement of the state – rather than the Church – at the center of decisions regarding the permissibility of war. This marked the beginning of a broader rationalization of the just war concept and its gradual displacement from the religious domain. However, Grotius did not discard the moral dimension of war entirely; in his view, war remained not only a matter of legal adjudication but also an ethically relevant issue [4, p. 55].

Thus, Grotius integrated objective legal criteria with moral reasoning within his system, reflecting the spirit of the Early Modern period, which emphasized the consolidation of sovereignty and interstate order.

By contrast, the philosophy of Thomas Hobbes (1588–1679) presents an even more radical interpretation of the nature of war and justice. In his principal work, *Leviathan* (1651), Hobbes articulates the concept of the state of nature as a "war of all against all," which arises from the absence of centralized authority. According to Hobbes, war is not a moral or legal phenomenon, but rather a natural consequence of human nature – marked by the desire for power, greed, weakness, and a lack of trust in others. As he famously wrote, human beings are driven to conflict by "competition, diffidence, and glory" [2, p. 109].

Only through the establishment of a social contract and the absolute authority of the sovereign can peace be secured. Within this framework, justice is not inherent to the state of war; it exists only where law prevails. In this way, Hobbes fundamentally challenges the notion of "just" war, reducing the legitimacy of violence to a matter of power and control.

Yet embedded in Hobbes's pragmatic approach is a significant element of Early Modern transformation: the question of just war shifts from the domain of theology and morality to that of political philosophy, where the principal criterion becomes the preservation of order and stability. Whereas in the medieval tradition war was primarily justified on ethical grounds – as a response to evil or injustice – Hobbes views war as a consequence of moral void, a condition that can only be rectified by the imposition of rigid legal order.

John Locke (1632–1704), a representative of the liberal tradition, continued the rethinking of war in the spirit of natural law, but offered a more optimistic perspective. In his *Two Treatises of Government*, he defended the people's right to armed resistance against tyranny as a form of "just war" in response to abuses of power. As one scholar aptly observes: "The implausibility of just this distinction of epistemic capacities between God and man certainly makes Locke's approach to just and unjust wars unviable in the present day. But his doctrine is interesting because there is a sense in which he was at the middle point between the Bible and the present day. He was no longer able to stress that God judges in the strong sense of determining events not just in heaven but on earth, and so he felt the need to effect a transfer to human judgment: his fidelity to the biblical tradition of trust in God survives only in the rare situation when humanity absolutely fails to resolve differences. Appeals to heaven are only for fearful moments when there are no other choices, and the state is supposed to help avoid only the most irresolvable impasses" [3, p. 300].

Accordingly, in Locke's theory, the concept of just war includes the element of rebellion – something previously regarded as sinful within Christian discourse. This represented a major shift: war was now conceived not only as an interstate affair but also as a domestic political act aimed at restoring justice. Locke emphasized that individuals possess inalienable rights to liberty and property; therefore, any infringement upon these rights legitimizes resistance, including armed resistance.

A new stage in the development of the just war tradition is associated with the philosophy of Immanuel Kant (1724–1804). In his essay *Perpetual Peace* (1795), Kant not only criticizes the very idea of war as a tool of politics but also regards it as a moral evil that must be overcome through the gradual establishment of republican constitutional order and an

international federation of states. Kant formulates the foundations of cosmopolitan law, which excludes aggressive wars and equates justice with adherence to the moral law. In this context, he effectively rejects the traditional doctrine of just war, instead proposing the ideal of nonviolent conflict resolution and the creation of international institutions capable of securing peace.

Kant's theory differs from the traditional just war framework in that:

1. it avoids consequentialist appeals to proportionality and the probability of success;
2. it transcends the standard criteria of the *jus ad bellum* and *jus in bello* traditions by offering, in addition, an ambitious and forward-looking vision of *jus post bellum*.

Consequently, Kant's just war theory is both morally and politically coherent, grounded in a normative framework that seeks to replace the logic of war with the ethics of peace [5, p. 350].

At the same time, Kant maintains a distinction between aggressive and defensive wars. He acknowledges that in the case of threats to a state's freedom and autonomy, the state has the right to self-defense. However, this is not considered fully morally justified; rather, it is a necessary evil, permissible only in the absence of an ideal legal order. In this way, Kant continues the rationalization of the concept of just war while assigning it a clearly normative and ethical orientation, consistent with Enlightenment ideals of moral autonomy and the gradual progress of humanity.

Overall, the Early Modern period witnessed a radical transformation in the understanding of just war – from theocentric, religious-ethical foundations to secular, legal, and political justifications. This transformation can be characterized by several key features:

- the shift in the locus of war legitimacy from the Church to the state;
- the emergence of natural law as a universal criterion of justice;
- the rationalization and universalization of norms of warfare through legal terminology;
- the expansion of the concept of just war to include internal political contexts (the right to resist);
- the critique of the very possibility of just war in favor of the higher ideal of peace.

Thus, the Early Modern period not only revised the conceptual framework for interpreting war but also laid the theoretical foundations for modern international law, humanitarian institutions, and the moral criteria governing the use of force. Analyzing the transformation of the just war concept during this period offers deeper insights into the historical logic of the ethical reflection on war and

reveals the fundamental challenges facing the contemporary global community amid modern armed conflicts.

Key Factors Influencing the Transformation of Just War Criteria in the Early Modern Era

The Early Modern era was marked not only by a philosophical transformation of the concept of just war but also by significant changes in the broader cultural, political, and religious climate, which prompted a rethinking of the very foundations for legitimizing armed conflict. The medieval ideal of universalism, rooted in the sacred unity of Christendom, gave way to a new model of political reality: a system of sovereign nation-states, each claiming a monopoly on the use of force within its borders and the right to defend its interests externally. This shift became possible due to several key factors – religious fragmentation, the secularization of politics, the development of legal theories of natural law, and the rationalization of moral discourse.

First, the Reformation and the religious wars of the 16th and 17th centuries had a decisive impact on changing conceptions of war and justice. Following the division of Western Christianity into Catholic and Protestant camps, there was no longer a single moral authority capable of objectively determining what constituted a just war. As a result, the criteria of justice became increasingly subjective: each party to a conflict considered its actions morally justified based on its own religious or political legitimacy. The Thirty Years' War (1618–1648) exemplifies this development, as both sides claimed moral righteousness while engaging in widespread destruction – prompting philosophers and political leaders to seek new approaches to conflict resolution. The Peace of Westphalia (1648), which concluded the war, established the principle of state sovereignty, affirming each state's right to wage war without appeal to a higher moral or religious authority. This marked the beginning of the secularization of international relations.

At the same time, this implies that society “does not regard war as a good (only, at times, as the lesser evil); nor does it glamorize or glorify ‘warriors’ (as some today increasingly seem inclined to do); rather, it acknowledges that in the everyday world we all inhabit, there will be circumstances in which force is used, and perhaps even circumstances in which it ought to be used. But most importantly, it affirms that under no conditions does this absolve us from the demands of reflection and choice – demands we must all understand as essential companions to our freedoms” [6, p. 362–363].

Secondly, with the development of natural law, the very approach to the question of just war underwent a transformation. Whereas divine will had previously been regarded as the moral source of justice,

reason now emerged as the universal foundation of social norms. Thinkers such as Hugo Grotius, Samuel Pufendorf, Christian Thomasius, and later Emer de Vattel and others laid the groundwork for the normative regulation of interstate relations based on the principles of natural law. They formulated the concept of a lawful war (*bellum iustum*) within the framework of positive law – as a war that meets certain generally accepted criteria: the presence of a legitimate legal basis, proportionality of action, and adherence to rules of combat conduct.

In this context, the development of legal science also played a crucial role. It introduced a clear distinction between two dimensions of war regulation – *jus ad bellum* (the right to go to war) and *jus in bello* (the law governing conduct in war). The former concerns the conditions under which a state may lawfully initiate war, while the latter pertains to the ethical and legal standards for the conduct of hostilities. This distinction served, on the one hand, to prevent the conflation of just war with victorious war, and on the other, to introduce ethical constraints even in cases of legally sanctioned war – thus laying the foundation for modern humanitarian law.

As has been aptly observed, “The doctrine of just war exists to encourage nations to justify the unjust wars they wage, in ways that fundamentally contradict the moral convictions taught by the very religions that formulated the doctrine. The just war theory is, rather, a psychological framework; therefore, we must strive to resolve conflicts without glorifying war and violence, since the reasons for waging war are primarily ideological, leading just war to suffer from numerous flaws – such as the erosion of normal social norms and morality, and the facilitation of wartime atrocities” [8, p. 14–15].

Thirdly, with the secularization of political thought during the era of Absolutism, the link between the moral legitimacy of war and divine authority significantly weakened. Monarchic power increasingly came to be seen as autonomous from the Church. This shift is clearly reflected in the theories of state sovereignty advanced by thinkers such as Jean Bodin, Thomas Hobbes, and others, wherein the right to wage war belongs exclusively to the state as the expression of the general will or the guarantor of order. Accordingly, the criterion of justice was no longer moral truth *per se* but functional necessity – war was just insofar as it ensured stability, security, and the restoration of order.

However, this position eventually provoked ethical criticism, particularly from Enlightenment thinkers. Immanuel Kant, Benjamin Constant, and Jean-Jacques Rousseau, each in their own way, sought to introduce a moral dimension into international law. For Kant, the notion of just war was a

purely hypothetical category that could not be justified within the bounds of moral law. He insisted that only a republican form of government could restrain the tendency toward aggression, as citizens would be less inclined to initiate war lightly if they were the ones voting for it. This ethical principle underlies Kant’s conception of *perpetual peace*, which effectively denies the permissibility of any war, except defensive war – and even then only as a temporary measure.

By the eighteenth century, the idea of establishing permanent international institutions for conflict resolution began to emerge. Although a full-fledged system of international law would only be realized in the twentieth century, following the First and Second World Wars, its foundations were laid in the Early Modern period. From the Peace of Westphalia to the initial ideas of the League of Nations, the institutionalization of inter-state relations owes much to the political thought and practices of this era.

A particularly important role in this process was played by the emergence of diplomatic codes and conventions. For instance, the Hague Conventions at the end of the nineteenth century – though chronologically later – continued the legal tradition first established by Grotius and his intellectual heirs. These conventions codified key principles governing the conduct of war, prohibiting the mistreatment of civilians and guaranteeing the protection of prisoners of war. These norms were the result of two centuries of philosophical, religious, and legal evolution in the understanding of just war.

Conclusions. This study has traced the profound and multidimensional transformation of the concept of just war during the Early Modern period, revealing fundamental shifts in the political-philosophical, ethical, and legal thought of the era. The analysis of the first research objective – the transformation of the traditional Christian doctrine of just war – demonstrated that the Early Modern age signaled a transition from a sacralized, theocentric vision to a secular, rationalized, and legal understanding of the legitimacy of armed conflict. Whereas in the medieval tradition war could be considered just only if it conformed to divine law and the moral authority of the Church, in the Early Modern period the principal criteria became natural law norms, state sovereignty, the right to self-defense, and rational ethics. Thinkers such as Grotius, Hobbes, Locke, and Kant were central figures in this transformation: they not only secularized the notion of just war but also introduced new dimensions – from the idea of interstate order to the ideal of moral autonomy and peace as a supreme value.

Grotius laid the foundations of international law by combining legal logic with ethical criteria and

was the first to clearly differentiate *jus ad bellum* and *jus in bello*, thereby enabling the regulation of both the justifications for war and the methods of conducting it. Hobbes, by contrast, depicted war as a natural condition to be overcome by the imposition of absolute authority, effectively stripping the just war tradition of its moral content. Locke reintroduced the element of justified resistance to tyranny, which would later serve as a key principle in legitimating civil conflict in modern history. Kant offered the most normatively consistent and ethically grounded model, according to which the justice of war is conceivable only as an exception, while lasting peace is attainable through the establishment of republican political systems and global legal institutions. These conceptual innovations charted a complex but coherent trajectory from dogmatic justification of war to its moral and political reconfiguration in terms of individual and state autonomy.

The Early Modern period was marked by deep epistemological shifts that radically altered approaches to the problem of war. Religious fragmentation, spurred by the Reformation, shattered the idea of a unified moral authority in assessing wars, giving rise to a pluralism of justifications and, as a consequence, a need for universal, non-confessional principles. This development laid the groundwork for the emergence of secular politics, wherein the question of war became a prerogative of the state rather than the Church. Simultaneously, the advancement of natural law theory provided a moral framework in which war was considered permissible only under strictly defined conditions: self-defense, protection of rights, and the maintenance of just order.

Ethical considerations – such as the Enlightenment ideals of moral progress, personal autonomy, and justice as a duty toward humanity – intensified the critique of war as a moral evil. Enlightenment philosophers such as Kant and Constant questioned the very legitimacy of war as a political tool, advocating instead for the establishment of a global legal order grounded in mutual recognition of sovereignty, human rights, and mechanisms for nonviolent conflict resolution.

From a legal standpoint, this period witnessed the gradual institutionalization of ideas concerning the rules of war: the emergence of the first international codes, treaties, and diplomatic conventions aimed at limiting wartime atrocities, protecting civilians, and regulating military conduct. These normative developments formed the bedrock of modern international humanitarian law, including the Hague and Geneva Conventions, and continue to shape contemporary standards for assessing the legitimacy of military action.

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Summary

Kovalskyi T. O. Specificity and features of the concept of just war in early modern philosophy. – Article.

The article is devoted to the analysis of the transformation of the concept of just war during the Early Modern period, which marked a shift from theocentric to secularized understandings of the moral legitimacy of armed conflict. The author focuses on the philosophical views of Hugo Grotius, Thomas Hobbes, John Locke, and Immanuel Kant as key figures who laid the foundations for the modern interpretation of war, law, and moral responsibility. The study demonstrates how the idea of justice gradually underwent rationalization, losing its theological basis and acquiring legal and political dimensions. Particular attention is given to the concepts of natural law, sovereignty, *jus ad bellum*, and *jus in bello*, which became the cornerstones of contemporary international humanitarian law.

The article traces how the criteria for the admissibility of war evolved: from religious sanction to rational assessments of necessity, proportionality, and state legitimacy. The analysis also addresses the ethical challenges and Enlightenment critiques of war, particularly in the context of the idea of "perpetual peace." The emergence of notions such as popular sovereignty, the right to resist tyranny, and the distinction between defensive and aggressive war marked a fundamental renewal of the moral discourse surrounding warfare. The shift of decision-making authority from the Church to the state reflects profound changes in the worldview of the Early Modern era.

The study further explores the political and legal factors – such as the Reformation, the religious wars, and the Peace of Westphalia – as contextual foundations for rethinking the just war tradition. It is shown that this period laid the groundwork for modern diplomacy

and moral-legal norms, which would later evolve into international law. The secularization of politics and the development of rationalist conceptions of justice emerged as responses to the chaos, moral ambivalence, and violence characteristic of interconfessional conflicts.

Thus, the Early Modern era not only transformed approaches to the interpretation of war but also formed the theoretical foundation for contemporary humanitarian institutions and normative frameworks for warfare. Understanding this historical evolution is crucial not only for the history of philosophy but also for defining the moral boundaries of permissible force in contemporary international conflicts – posing a challenge for modern societies to develop ethically grounded security policies.

Key words: just war, Early Modern period, natural law, Hugo Grotius, Immanuel Kant, jus ad bellum, international law.

Анотація

Ковальський Т. О. Специфіка та особливості розуміння справедливої війни у філософії Нового часу. – Стаття.

Стаття присвячена аналізу трансформації концепції справедливої війни в добу Нового часу, коли відбувається перехід від теоцентричних до секуляризованих уявлень про моральну легітимність збройного конфлікту. Автор зосереджується на філософських поглядах Гуго Гроція, Томаса Гоббса, Джона Локка та Іммануїла Канта як ключових постатей, що заклали основи сучасного розуміння війни, права та моральної відповідальності. У дослідженні показано, як ідея справедливості поступово раціоналізується, втрачає релігійне підґрунтя та набуває юридичного й політичного наповнення. Особливу увагу приділено концепціям природного права, суверенітету, jus ad bellum та jus in bello, що стали фундаментом сучасного міжнародного гуманітарного права.

У статті простежується, як змінюються критерії допустимості війни: від релігійної санкції – до раціональної оцінки необхідності, пропорційності та легітимності дій держави. Аналіз також охоплює етичні виклики та критику війни в просвітницькому дискурсі, зокрема в контексті ідеї «вічного миру». Показано, що з появою концепції народного суверенітету, права на опір тиранії та розмежування оборонної й агресивної війни відбувається суттєве оновлення морального дискурсу довкола війни. Роль держави як основного суб'єкта прийняття рішень про війну витісняє вплив Церкви, що засвідчує глибокі зміни у світоглядній структурі Нового часу.

Дослідження висвітлює також політичні й правові чинники, зокрема Реформацію, релігійні війни та Вестфальський мир, як контекстуальні основи переосмислення справедливості війни. Показано, що саме в цей період закладаються засади модерної дипломатії, а також морально-правових норм, які в подальшому еволюціонують у міжнародне право. Секуляризація політики та розвиток раціоналістичних концепцій справедливості стали відповіддю на виклики хаосу, моральної амбівалентності та насильства, притаманних міжконфесійним конфліктам.

Таким чином, Новий час не лише оновлює підходи до осмислення війни, але й формує теоретичну основу для сучасних гуманітарних інститутів та нормативних підходів до воєнних дій. Осмислення цієї історичної еволюції є важливим не лише для історії філософії, а й для розуміння меж морально припустимого в умовах новітніх міжнародних конфліктів, що ставить перед сучасним суспільством виклик формування етично обґрунтованої безпекової політики.

Ключові слова: справедлива війна, Новий час, природне право, Гуго Гроцій, Іммануїл Кант, jus ad bellum, міжнародне право.

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