



INDIAN INSTITUTE OF TECHNOLOGY GUWAHATI
SHORT ABSTRACT OF THESIS

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Thesis Title :

JUST-WAR THEORY: ETHICAL DELIBERATION ON WAR

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SHORT ABSTRACT

Just-war theory is a set of rules that aims at just practices in war. The theory represents a belief in justice at the commencement, during, and after war by overcoming presumed general antagonism between law and arms. The chiefs concerned of the theory are regarding lives- combatants and non-combatants alike and with right resort to force.

Tracing the development of JW concept across different cultures unveil familiarity of JW rules in some form. Despite long history of JW tradition, statistics and outcome of twentieth century world wars have shown that civilian lives and property are prime targets of war. Due to the victimization of civilians in any form of conflict, the overall aim of the thesis is to search out any discrepancies in JW rules and practices in a war. These discrepancies are discussed in each of the thesis chapters. By incorporating these issues and the relevant discussions of the discrepancies found in *jus ad bellum*, *jus in bello*, and *jus post bellum* conditions of JW, the thesis aims to raise the level of humanitarian concern and the need for just resort of military force. A fresh look on these issues is pertinent in the declining morality of warfare.

The thesis presents a novel approach to war and JW in particular. First, it treats JW as a larger tradition than it usually treated, by incorporating the tradition into International Law. In doing so the thesis aim is to overcome presumed antagonism between law and arms. Second, based on chronological argument the thesis resolves problem of schematic organization that

have existed in JW literature. Third, the thesis recapitulates the ethical framework of JW in the concept of justice and thereby clarifies the popular misconception that have misconstrued injustice as virtue and justice as vice. Since declining morality of modern warfare coupled with Utilitarian ideology have estranged “Justice” from the deliberation of war, the thesis chapter undertook conceptual analysis of justice. Conceptual analysis revealed multifaceted nature of justice and its interplay in social interaction and in the context of JW in particular. Justice as fairness in its existential, metaphysical and political imports convey the idea of truth, harmony, equality and proportionality. Since the nature of Justice has exhibited an amalgamation of varied ethical, moral, religious, social and political virtues to that extend this study also claimed Justice as a virtue. It further advanced three-fold arguments to reprove Utilitarianism of its claim as a viable theory of justice. Fourth, it also acknowledged widespread moral compromises in the ethical deliberation of war. The thesis discussed these moral compromises inherent in traditional JWT, as well in contemporary JW, and in International Law in the discrepancies of justice in the initiation, during and after war. Fifth, the thesis has worked out a principle that applies uniquely to each of the conditions separately and to the aim of JW in general. This principle claims that JW conditions though distinct on its own are not disjointed but are interrelated and interdependent for the realization of JW aim. The claim is affirmed in *jus post bellum* condition of JW where the successes of JW deemed a general correlation between the three conditions of JW. Since all the three conditions of JW are necessary therefore, the study asserts that *jus ad bellum*, *jus in bello*, and *jus post bellum* conditions of JW must for that reason synergistically work together for the achievement of JW aim. An important highlight of the chapter is claim that human nature is intricately linked to the causes of war.