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When is a cause just?

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Abstract. The September 11 terrorist strikes prompted renewed interest in a debate about just cause that has been increasingly open since the demise of the Cold War and the shift to a more multilateral and interventionist world order. This article contributes to that debate by looking first into the just war tradition to argue for a conceptual revision that equates just cause with *jus ad bellum* (just recourse to war). It then seeks to specify the component parts of just cause understood in this way, holding that demonstrable injustice should take the place formerly occupied by just cause in just war theory. Towards the end it uses three real-world cases to develop a mechanism for validating just cause claims. The argument is that a cause is just only when its proponents can convince an international forum of intractable injustice, responsible intervention, and an appropriate balance of contingent factors. The article closes by considering how the current war on terrorism might be assessed in such a forum.

The September 11 terrorist strikes on New York City and Washington DC focused much of the world's attention on just cause. In the fragments of evidence left for investigators to find and government agencies to report, the suicide hijackers who flew jets into the World Trade Center and Pentagon defiantly proclaimed their cause to be just. In the ensuing propaganda war, self-appointed enemies of the United States affirm the justice not only of those co-ordinated missions, but also of their extension to a global campaign of anti-US violence. From the other side of the current conflict, in rallying speeches made to win hearts and minds in the fight with international terrorism, leaders of the US and linked states declare that in taking to battle they too are motivated by pressing demands of justice. In this first war of the twenty-first century, as in so many of its predecessors in earlier ages, both sides cannot be right. How, then, are we to adjudicate competing claims, not only now but whenever principles of justice are invoked to explain and sanction belligerence? When is a cause just?

It happens that this question has been increasingly open since the fall of the Berlin Wall and the effective ending of the Cold War little more than a decade ago. For most of the twentieth century down to about 1989, the central organising principle of international politics was state sovereignty, on which both the 1920 League of Nations Covenant and 1945 United Nations Charter placed a high

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premium.[1] Sovereignty was of course never absolute, as the many violations made by the US and the Soviet Union during the Cold War itself made clear. However, as most of those violations took place within tacitly agreed spheres of influence, the principle was able to retain a certain plausibility. Krasner may hold that sovereignty has always been 'organized hypocrisy', but for much of the twentieth century the hypocrisy was at least well organised.[2] One consequence was that a question about just cause tended to be given a restrictive answer. With non-intervention established as a key working assumption of international politics, self-defence was widely held to be the best reason for going to war.

Since the late 1980s, challenges to state sovereignty evident in shifts to a more multilateral and interventionist global environment have altered the context in which the ethics and politics of international relations are debated.[3] As humanitarian concerns increasingly infect the normative underpinnings of international society, and 'saving strangers' becomes one of its acknowledged commitments, so the long-standing tension between sovereignty and human rights is being recast.[4] Among many debates prompted by change of this kind is a review of just war theory.[5] Equally, in the real world of international politics appeals to justice are often visible. In the closing years of the Cold War a hostile US action in Panama in December 1989 was codenamed Operation Just Cause.[6] More recently, for a few days after the September 11 strikes the US Defense Department took Operation Infinite Justice as the working codename for the mission that subsequently became Operation Enduring Freedom. In practical politics as much as in academic treatises, issues of justice lie at the heart of the new interventionism in international relations.[7]

In focusing on how we should understand just cause in the post-Cold War world, this article begins by surveying its place in the wider just war tradition. It then

[1] Article X of the League of Nations Covenant states that 'The Members of the League undertake to respect and preserve, as against external aggression, the territorial integrity and existing political independence of all Members of the League'. Article 2 of the UN Charter states that 'The Organization is based on the principle of the sovereign equality of all its Members'. The Charter does have balancing Chapter VII provisions, to which Article 2 refers, allowing the Security Council to act 'to maintain or restore international peace and security'. In practice these provisions have often proved hard to enact. Leland M. Goodrich, Edvard Hambro and Anne Patricia Simons, *Charter of the United Nations: Commentary and Documents*, 3rd edn. (New York: Columbia University Press, 1969), pp. 656–76.

[2] Stephen D. Krasner, *Sovereignty: Organized Hypocrisy* (Princeton, NJ: Princeton University Press, 1999).

[3] Thomas G. Weiss, David P. Forsythe and Roger A. Coate, *The United Nations and Changing World Politics*, 3rd edn. (Boulder, CO: Westview Press, 2001). Stanley Hoffmann, *The Ethics and Politics of Humanitarian Intervention*, with contributions by Robert C. Johansen, James P. Sterba and Raimo Väyrynen (Notre Dame, IN: University of Notre Dame Press, 1996). Oliver Ramsbotham and Tom Woodhouse, *Humanitarian Intervention in Contemporary Conflict: A Reconceptualization* (Cambridge: Polity, 1996).

[4] Nicholas J. Wheeler, *Saving Strangers: Humanitarian Intervention in International Society* (Oxford: Oxford University Press, 2000); Martha Finnemore, 'Constructing Norms of Humanitarian Intervention', in Peter J. Katzenstein (ed.), *The Culture of National Security: Norms and Identity in World Politics* (New York: Columbia University Press, 1996), pp. 153–85. Hedley Bull, *The Anarchical Society: A Study of Order in World Politics* (London: Macmillan, 1977).

[5] Robert L. Phillips and Duane L. Cady, *Humanitarian Intervention: Just War vs. Pacifism* (Lanham, MD: Rowman and Littlefield, 1996).

[6] Georges A. Fauriol, 'The Shadow of Latin American Affairs', *Foreign Affairs,* 69:1 (January/February 1990), pp. 116–34 at 128–30.

[7] Michael J. Glennon, 'The New Interventionism: The Search for a Just International Law', *Foreign Affairs,* 78:3 (May/June 1999), pp. 2–7.

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engages in some conceptual revision, and analyses resultant issues of structure and substance. Next it examines three just cause claimants drawn from the real world of international politics, using them to develop a mechanism whereby claims can be validated. The argument is that a cause is just only when its proponents are able to convince an international forum of intractable injustice, responsible intervention, and an appropriate balance of contingent factors. At the end, the article returns to the current war on terrorism to consider how it might be assessed in this forum.[8]

Just cause and the just war tradition

Just cause has long been central to just war debate. In the work of Augustine, Aquinas, Vitoria, Suarez, Grotius and any number of contemporary thinkers, it plays a key role. In popular discussion of military intervention, planned or actual, the justice of the cause is always and everywhere a critical concern. However, the concept itself, the just cause on which so much analysis hangs, has never been easy to pin down. 'The traditional phrase "just cause" is a vague one', writes Norman, 'and as it stands it might appear to give no guidance at all'.[9] 'For many critics,' notes Coates, '… "just cause" [is] the essential weak link in just war theory'.[10] The problem these and other commentators identify is that all too often the justice of a given cause turns out to be stated in either very general or highly subjective terms. As is only to be expected, belligerents make self-serving appeals to just cause. More worryingly, just war theorists frequently seem unable to provide a clear account.

For reasons already touched on, this problem was less acute for most of the twentieth century than for perhaps any comparable period in human history. As the Westphalian settlement gained ground, so a rough understanding of just cause as defensive action taken by a sovereign state came to dominate the theory and practice of international relations. 'There is a single and only just cause for commencing a war,' wrote Vitoria in 1539, 'namely, a wrong received'.[11] When later writers picked up this contention, they increasingly fed a state sovereignty element into it. In approvingly citing Vitoria's claim, Walzer, for example, sets it in a Westphalian 'world of states' context.[12]

[8] Among many relevant issues not addressed here, one that should be mentioned is moral obligation. Once just cause is established, is it incumbent upon any person(s) to do something about it? Particularly in the Christian tradition, the tendency is to argue that an obligation of this kind can exist. Johnson, for instance, states that 'Christian ethical reasoning in the just-war tradition defines an obligation to intervene, by military force when necessary, to provide relief in cases of urgent humanitarian need'. While he also acknowledges balancing obligations, the notion of a moral imperative stands. Against this, many would argue that 'leaping from the permissible to the imperative', as Webster puts it in a critique of Johnson, is itself impermissible. James Turner Johnson, 'Humanitarian Intervention, Christian Ethical Reasoning, and the Just-War Idea', in Luis E. Lugo (ed.), *Sovereignty at the Crossroads? Morality and International Politics in the Post-Cold War Era* (Lanham, MD: Rowman and Littlefield, 1996), pp. 127–43 at 142; Alexander Webster, 'Crusading for Humanity? A Response to James Turner Johnson', in Lugo, *Sovereignty at the Crossroads?*, pp. 145–51 at 148.

[9] Richard Norman, *Ethics, Killing and War* (Cambridge: Cambridge University Press, 1995), p. 119.

[10] A. J. Coates, *The Ethics of War* (Manchester: Manchester University Press, 1997), p. 147.

[11] Cited in Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, 2nd edn. (New York: Basic Books, 1992), p. 62.

[12] Ibid.

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The problem with this understanding is that it has never really worked, and has tended to become increasingly rough over the years. In 1996, the *Encyclopedia of War and Ethics* had this to say on the matter: 'Self-defense is the obvious rationale for going to war. But the principle of just cause has been extended to cover defense of another state against aggression, intervention to protect potential victims of massacre, assisting secessionists, and even preemptive strikes against potential aggressors'.[13] Each extension has a reactive dimension usually held to provide a link back to self-defence. However, this is merely to obscure the issue. Moreover, even a less than clear conceptual understanding does not enable us to capture instances of intervention, such as a series of humanitarian actions in the post-Cold War years, that seem at the very least to merit consideration for just cause. Although UN-led missions in Bosnia 1992, Somalia 1992 and Rwanda 1994, for instance, cannot be placed under the rubric of self-defence, each looks as if it might have been a just cause.

We therefore need to engage in a conceptual rethink. In doing so, our first task is to be clear about the place and function of just cause in the wider just war tradition. In the course of more than two millennia just war debate has been taken in all sorts of directions, many of which must have been lost to history long ago. As a clear tradition of thinking began to emerge, however, several points became fixed. One structural feature was a division of just war conditions into two sets giving *jus ad bellum* (just recourse or resort to war) and *jus in bello* (just conduct or prosecution of war). A linked structural aspect was identification of just cause as part of the *ad bellum* set. Lists of just war conditions similar to the standard package given in Table 1 can be found in work undertaken by Catholic and Anglican theologians, and by a host of secular thinkers. Some variations are of course visible, but they are rarely significant. A third fixed element was substantive: a rough understanding of just cause as self-defence. Just war theorists dispute many things, but on these three points they have long been largely in agreement.[14]

Two aspects are relevant to a rethink of just cause. One is that the structural tendency in just war literature to identify just cause as one of a series of *ad bellum* conditions appears to conflict with common usage. It is of course difficult to say precisely how any complex concept is used in everyday conversation. However, when

Table 1. *The standard package of just war conditions.*

Jus ad bellum	*Jus in bello*
Just cause	Non-combatant immunity
Right intention	Proportionality (means)
Legitimate authority	
Formal declaration of war	
Reasonable hope of success	
Last resort	
Proportionality (ends)	

[13] Duane L. Cady, 'Just War', in Donald A. Wells (ed.), *An Encyclopedia of War and Ethics* (Westport, CT: Greenwood Press, 1996), pp. 255–9 at 256–7.
[14] Norman, *Ethics, Killing and War*, pp. 117–20.

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we assert that a cause for which war is waged is just, we usually mean not only that some appalling wrong is justifiably being righted, but also that it is being righted in the only possible way, by the correct authorities, with minimal suffering, and so on. That is, we tend to think the conditions customarily placed alongside just cause in a standard *ad bellum* list are actually component parts of it. A belligerent that engaged in war against evil without exhausting the available options could not be said to have just cause. Another belligerent would not have just cause if it did not meet the legitimate authority condition. Similarly, there is no just cause in taking excessive measures even to right an acknowledged wrong. The justice of a given cause is, then, compromised and even undermined if conditions such as right intention, legitimate authority and so on are not met. In short, a just cause judgment can only be made at the end of this particular line, not at the beginning. The second aspect, noted above, is that just cause as self-defence does not work today, and probably never has.

Reconceptualising just cause

A first step in dealing with these twin problems is to engage in a small amount of conceptual reorganisation. If what we ordinarily think of as just cause is that which meets the full set of *ad bellum* conditions, then we should equate the two concepts. Just cause is *jus ad bellum*. But this minor revision has major implications, for it means we need something to fill the space formerly occupied by just cause in the list of *ad bellum* conditions. Self-defence, or a wrong received, is the obvious candidate, and would have many supporters. But the point already made is that self-defence is both too elastic and too arbitrary in the limitations it imposes on debate. To determine what might be used instead we need to focus on the work this condition is expected to do in just war theory.

The standard contention is that its function is similar to that performed by all other just war conditions: elimination of undeserving claimants for the award. The usual justification is, as the US Catholic Conference phrased it in 1992, 'the presumption against war which stands at the beginning of just war teaching'.[15] To put it another way, there is a clear prudential bias in the tradition, and therefore strong support for conditions that do as much work as possible in ruling out candidates for just war status. That this is currently the case is not in doubt. Whether it should be the case is, however, debatable. Should a presumption against war stand at the beginning of just war teaching? It is easy to see the attraction of a positive answer. As Walzer writes of war, 'People get killed, and often in large numbers. *War is hell*'.[16] But hell takes many other earthly forms, and the whole point of the just war tradition, in contrast to its pacifist counterpart, is to isolate those social conditions so intolerable that even the hell of war can be given moral

[15] United States Catholic Conference, 'The Challenge of Peace: God's Promise and Our Response (The Pastoral Letter on War and Peace)', in Jean Bethke Elshtain (ed.), *Just War Theory* (Oxford: Blackwell, 1992), pp. 77–168 at 99.

[16] Walzer, *Just and Unjust Wars*, p. 22. Italic in the original.

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support as a means of rectifying them. Bosnia and Somalia 1992 and Rwanda 1994, already cited for a slightly different reason, are merely three of the more notorious recent cases.[17]

Two conclusions can be drawn from this. One is that the presumption against war often held to stand at the start of just war debate should be replaced by a presumption in favour of justice. Mill made this point, though it is often discounted or ignored by contemporary theorists who see him as representative of a Western tradition promoting intervention to spread the benefits of civilisation, whether Christian (Vitoria and many Spanish Jesuits), liberal (Mill and many English utilitarians) or something else. However, this is what he wrote in opposing possible British support for the Confederacy in the American Civil War: 'War is an ugly thing, but not the ugliest of things: the decayed and degraded state of moral and patriotic feeling which thinks nothing *worth* a war is worse. As long as justice and injustice have not terminated their ever renewing fight for ascendancy in the affairs of mankind, human beings must be willing, when need is, to do battle for the one against the other.'[18] Mill must surely be right to insist that just war theorists take a commitment to justice at least as seriously as an abhorrence of war. Yet in the Cold War era the Protestant theologian Ramsey was virtually alone in making this point, and even he was careful to balance the claims of justice against those of order, the common good and prevailing legal norms.[19] Moreover, although in the past decade Ramsey's ideas have been picked up by others, notably Johnson, no full analysis has yet been undertaken.[20] The second conclusion is that a presumption in favour of justice can only be given formal expression by the condition formerly known as just cause. Right intention, legitimate authority, formal declaration of war, reasonable hope of success, last resort and proportionality are not in the business of espousing a commitment to justice. Only the condition that takes the place of just cause can do this.

What, then, is that condition to be? The proposition this article seeks to defend is that it be demonstrable injustice. In the very early stages of just war debate, when nothing remotely resembling an established tradition existed, Augustine insisted that justice, not peace, is the highest value.[21] In his work, the aim of a just war is to secure a better, that is more just, peace. By making demonstrable injustice the start point in just war theorising, by insisting, with Ramsey, that 'justice is the regulative ideal of politics', we can return debate to its Augustinian foundation and inspiration.[22]

[17] Theo Farrell, 'Humanitarian Intervention and Peace Operations', in John Baylis, Elliot Cohen, Colin Gray and James Wirtz (eds.), *Strategic Studies in the Contemporary Era* (Oxford: Oxford University Press, forthcoming).

[18] Cited in James Turner Johnson, 'Threats, Values, and Defense: Does the Defense of Values by Force Remain a Moral Possibility?', in Elshtain, *Just War Theory*, pp. 55–76 at 74, n.19.

[19] Paul Ramsey, *The Just War: Force and Political Responsibility* (New York: Scribner, 1968), pp. 28–30.

[20] Johnson, 'Humanitarian Intervention'.

[21] Saint Augustine, *The City of God Against the Pagans*, ed. and trans. R. W. Dyson (Cambridge: Cambridge University Press, 1998).

[22] Ramsey, *Just War*, p. 28. It is worth noting here that in an analysis of reasons why wars get started Welch focuses on 'the justice motive'. However, his definition of this motive as 'the drive to correct a perceived discrepancy between entitlements and benefits' is more narrowly distributive than the justice in which this article is interested. David A. Welch, *Justice and the Genesis of War* (Cambridge: Cambridge University Press, 1993), p. 19.

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To this point, then, we have a reconceptualisation of just cause that equates it with *jus ad bellum* and makes demonstrable injustice, right intention, legitimate authority, formal declaration of war, reasonable hope of success, last resort and proportionality its constituent parts. We have also given the new condition of demonstrable injustice a different job from that undertaken by all the other constituent elements of just cause. Whereas they are involved in weeding out undeserving just cause claimants, demonstrable injustice has the job of identifying the population of potential claimants. In standard just war theory, this function is given little or no systematic attention. In effect, theorists are usually content to wait for others to raise a case for consideration before they set to work. But this makes just war theory radically incomplete, in that it has no mechanism internal to itself for identifying the population in which it is interested. If our concern is purely historical, this may not matter. Presumably we simply take all actual wars known to human history and weigh the evidence. However, if our interest focuses not only on the past, but also on the present and future, we need a proper mechanism. The current practice is both *ad hoc* and prone to overlook important claims that happen not to be backed by powerful voices. The new condition of demonstrable injustice can perform the critical task of identifying the population of potential claimants.

The structure of just cause

Discussion of the role the new condition of demonstrable injustice plays in just war theory opens up the possibility that all just war conditions have a precise function and, by extension, an allotted place in debate. On the whole, this is a possibility just war theorists have not explored. It is true that most analyses are structured in some way, if only by the order in which distinct conditions are presented for examination. But only rarely is the structure of just war theory held to be significant. Rather, theorists are generally content to work with the standard package of just war conditions, and to hold that the two main sets are jointly necessary and sufficient for *jus ad bellum* and *in bello*. Taking only the unwieldy set of *ad bellum* conditions, for this article just cause, we can be more ambitious.

Thinking through the functions those conditions are required to perform, two, it has been argued here, are critical. One is to identify the relevant population of candidate just wars. The other is to separate the deserving from the undeserving. The argument already made is that just cause understood as self-defence does a very poor job of performing the first of these functions, and that no other just war condition can do the job for it. Against the 'wrong received' school of just war theorists, this article holds that essentially arbitrary restriction of the population of just war candidates to victims of aggression is too limiting. We can and should fight the good fight for more reasons than this. At the same time we can seek to extend just war debate beyond the 'restoration of the *status quo ante*' that Walzer identifies as its main concern.[23] Just war can and sometimes should be a creative enterprise

[23] He goes on to say that a different judgment might be reached if 'the costs [of nonintervention] are unbearable'. Walzer, *Just and Unjust Wars*, pp. xvii–xviii.

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fought not simply to get the world back to where it once was, but actually to advance it to a more just state of affairs, to Augustine's better peace. This is the central reason for setting demonstrable injustice at the start of debate. But there are additional advantages. One is that a start point of demonstrable injustice raises the possibility of requiring theorists to be open about the understanding of justice on which they draw in presenting a just war case. In this way we can make explicit the often implicit links to wider theories of justice, liberal, communitarian or whatever, that pervade just war analysis. The other is that we have a genuinely inclusive criterion, and a very fine net through which no deserving candidate for just war status is likely to slip. The view taken here is, then, that any demonstrable injustice is sufficient to trigger just war thinking. It need hardly be said that in the current and all conceivable future states of the world, the list of candidates could easily be vast.

A clear distinction between demonstrable injustice and all other *ad bellum* conditions makes an important advance on the standard package, but it still leaves most conditions in an undifferentiated block. A further structural step can be taken by analysing the full set of tasks we want *ad bellum* conditions to perform, and then thinking of how to divide existing conditions between them. Looked at from this perspective, we can identify three main requirements for award of just cause. First, we need to be clear that there exists in the world a problem to which military intervention is the only realistic solution. That is, no one should raise the possibility of engaging in war to fight injustice if less terrible means can plausibly be identified. Secondly, we need to be satisfied that the actual solution, the military intervention that in fact takes place, is an appropriate response to the perceived problem. Here, no one should be allowed to engage in military action that uses just cause as a screen or cover for other, less worthy, objectives. Thirdly, we need to be assured that the inevitable risks inherent in undertaking military action have not only been comprehensively assessed, but have also generated a positive balance. The point of this is to disqualify interventions that would actually make things worse rather than better. At the end of this exercise we would argue that a candidate failing to meet any of these requirements did not have just cause.

Running through the conditions that make up the standard package, and substituting demonstrable injustice for just cause, we find that six of the seven can be readily assigned to one or other of these categories. Demonstrable injustice and last resort relate to the perceived problem, with demonstrable injustice identifying an intolerable situation and last resort revealing that it cannot be tackled by any means other than war. The perceived problem can be labelled intractable injustice. Legitimate authority and right intention relate to the proposed solution, with legitimate authority pointing to an agency that can appropriately go to war and right intention mandating that its war aims be just. The proposed solution can be termed responsible intervention. Reasonable hope of success and proportionality relate to contingent factors, for no war can be just that either does not have a decent chance of securing its aims or creates more human suffering than it eliminates. The risk assessment exercise can be called weighing contingent factors. The resultant structure of just cause is given in Table 2.

This is not the end of structural analysis, however, for one condition in the standard *ad bellum* package, formal declaration of war, has not been found a place. It is true that not all contemporary theorists list this as a condition of *jus ad bellum*,

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Table 2. *The structure of just cause.*

Perceived problem: intractable injustice
Demonstrable injustice
Last resort
Proposed solution: responsible intervention
Legitimate authority
Right intention
Risk assessment: weighing contingent factors
Reasonable hope of success
Proportionality (ends)

but many do.[24] While it is possible to see where the practice derives from, it is not possible to say why it has survived into the modern age. The derivation is Roman and medieval war-making convention. In Roman times ambassadors were dispatched to demand reparations from a hostile state, and 33 days were allowed to elapse before just cause was held to pertain.[25] Similarly, until the end of the seventeenth century formal declaration of war had three significant purposes. It was the end product of an elaborate political process by which a society decided to go to war. It was the key element in the principal diplomatic activity of government. It articulated the main aims for which war was to be fought.[26] In our own time only the third of these purposes survives, and is so marginal to contemporary practice that it can no longer be identified as significant. Indeed, formal declaration of war has fallen into almost complete disuse. 'Between 1700 and 1870 there were 107 undeclared wars and only ten declared ones. This ratio has remained. On June 5, 1967, Algeria, Iraq, Kuwait, Sudan, and Syria formally declared war against Israel, the first declared war since 1945.'[27] It is, then, no longer possible to insist that formal declaration of war be an *ad bellum* condition. We would not want to make a just war verdict hang on such a rare political practice.

Once just cause is equated with *jus ad bellum*, a necessary structure can be imposed on its constituent parts. In other accounts *ad bellum* conditions come up in all sorts of ways. The order presented here seems to be the most logical.

The substance of just cause

Matters of substance remain to be resolved. It has already been said that no canonical understanding of just cause can ever be elaborated, and that the pretence

[24] Norman, for example, does; Cady does not. Norman, *Ethics, Killing and War*, p. 118. Cady, 'Just War', p. 256.
[25] Paul Christopher, *The Ethics of War and Peace: An Introduction to Legal and Moral Issues*, 2nd edn. (Upper Saddle River, NJ: Prentice Hall, 1999), pp. 12–13.
[26] Brien Hallett, 'Declaration of War', in Wells, *Encyclopedia of War and Ethics*, pp. 124–5 at 124. Also see Brien Hallett, *The Lost Art of Declaring War* (Urbana, IL: University of Illinois Press, 1998).
[27] Hallett, 'Declaration of War', p. 125.

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it can does more harm than good. But the matter does not have to be left there. Parameters of debate can still be sketched as a means of clarifying key issues.

Perceived problem: intractable injustice

The start point is demonstrable injustice for the reason already given: it enables us to cast our net as widely as possible in the search for military interventions that could merit the award of just war status. Although there are sound prudential grounds for not doing this, they are overruled by the demands of justice itself, to which Mill pointed. The other advantage of starting here is that we can require individuals to state clearly the theory of justice on which they are basing their cases for just cause and just war. Given the enormous amount of Western debate prompted by Rawls's publication of *A Theory of Justice* in 1971, and the jihad versus McWorld ideological contests that have developed across the globe more recently, it is only to be expected that a wide range of perspectives will be confronted at this point.[28]

However, many candidates for just war status will immediately be written out of debate by last resort, the condition paired with demonstrable injustice. This is the intractable part of the perceived problem. Only those injustices that really are resistant to treatment by peaceful means will remain in the frame once this condition has been brought to bear on analysis. Like most other just war conditions, this one is by no means easy to interpret, for it is hard to say precisely when all the alternatives to war really have been scrutinised and found wanting.[29] To take only one recent example, in exploring options for dealing with the 1990 Iraqi invasion of Kuwait, President Bush (Senior) on 30 November 1990 expressed a desire to 'go the extra mile for peace'. However, the US never gave serious consideration to the most viable option of participating in a Middle East peace conference once an Iraqi withdrawal had taken place. When, in December 1990, the UN General Assembly voted on the issue, 144 votes were cast in favour and two against.[30] The two were the USA and Israel. Bush's position, write Tucker and Hendrickson, was 'No negotiations, no compromises, no attempts at face-saving, and no rewards for aggression'.[31] In these circumstances Operation Desert Storm, launched in January 1991, may not have met the last resort condition. By contrast, once we move beyond self-defence as a key component of just war thinking, it is possible that some aggressive actions can qualify for last resort. As Johnson notes, 'the weight of Western moral tradition on war does not rule out that in some cases first use of force may appropriately be a response of last resort'.[32] Dealing with ethnic cleansing in Yugoslavia and Rwanda in the 1990s can be cited here.

[28] John Rawls, *A Theory of Justice* (Cambridge, MA: Belnap, 1971). Benjamin R. Barber, *Jihad vs. McWorld* (New York: Ballantine, 1996).
[29] Coates, *Ethics of War*, ch.8 surveys many difficult cases.
[30] Eric Herring, *Danger and Opportunity: Explaining International Crisis Outcomes* (Manchester: Manchester University Press, 1995), pp. 215–16.
[31] Robert W. Tucker and David C. Hendrickson, *The Imperial Temptation: The New World Order and America's Purpose* (New York: Council on Foreign Relations Press, 1992), p. 91.
[32] James Turner Johnson, *Can Modern War Be Just?* (New Haven, CT: Yale University Press, 1984), p. 25.

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As is only to be expected, understandings of what counts as intractable injustice are essentially contested. By making demonstrable injustice our start point we can at least be explicit about the grounds of that contestation. Taken seriously, the last resort condition can also perform an important function.

Proposed solution: responsible intervention

Once a problem has been identified, the next task is to find a solution to it. The second main stage in analysing just cause focuses on the credentials and intentions of the agency entrusted with the task of correcting injustice. The first step is to require that legitimate authority be employed for the task. The second mandates that the intentions of the authorised agency be right. The overall aim is responsible intervention.

Legitimate authority is usually understood to mean that only states can justly go to war. Indeed, for the past three centuries and more this limitation has been central to just war debate, much of which has focused on ways of restricting and controlling armed conflict.[33] In 1992, not long after the close of the Cold War era, Elshtain maintained that the legitimate authority condition is correctly formulated as 'Open and legal declaration by properly constituted governments'.[34] Such a limitation cannot, however, be justified on anything other than prudential grounds, for it immediately denies just war status to any oppressed group that has recourse to armed struggle. To mention only a few contemporary instances, rebels in parts of Myanmar, Chechnya and China's Western provinces all furnish examples of groups making at least a decent case for a hearing. We therefore need something broader, just as we needed a more inclusive start point than the self-defence criterion often read into just cause. But that something broader must still be robust for, as has been said by others, whatever else it might be, just war must be war rather than some form of terrorism or banditry. Part of the correct reading would therefore seem to be an agency capable of operating in the disciplined and orderly manner implied by war-making. In agreeing that a state of war could exist within a single state, the 1974–77 Geneva Conference mandated that warring forces come 'under responsible command, exercise such control over part of its territory as to enable them to carry out sustained and concerted military operations and [to implement the laws of war]'.[35] But this gives only the competent authority that Lackey places in the just war tradition, which is insufficient.[36] Legitimacy needs to be added to it, and to do that we need to insist on a significant measure of popular support for a proposed war-making agency. It is worth noting that this aspect of the condition means that even some states cannot justly go to war. 'The state's *right* to war,' writes Coates,

[33] Michael Howard, '*Temperamenta Belli*: Can War Be Controlled?', in Elshtain, *Just War Theory*, pp. 23–35 at 33.
[34] Jean Bethke Elshtain, 'Epilogue: Continuing Implications of the Just War Tradition', in Elshtain, *Just War Theory*, pp. 323–33 at 324.
[35] Cited in Douglas P. Lackey, *The Ethics of War and Peace* (Englewood Cliffs, NJ: Prentice Hall, 1989), p. 30.
[36] Lackey, *Ethics of War and Peace*, pp. 29–31.

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'derives not from its *de facto* or "coercive" sovereignty … but from its membership of an international community to the common good of which the state is ordered and to the law of which it is subject.'[37] This formulation may be criticised for its strong link to positive international law, but in essence it is correct. A good deal of weeding out therefore takes place at this stage, for many revolutionary sects that hitherto remained in the game are incapable of surmounting the hurdle represented by legitimate authority. However, not all fall here.

Right intention is much more straightforward, mandating that agencies seeking a just war cover for their belligerence be motivated by just aims and no others. But this condition is not without effect. An agency that met all the other criteria but engaged in military activities as a means of, say, running an extortion racket could not be allowed just war status. Perhaps more pertinently, the government of a state that made war on a pretext, such as toppling another government it happened not to like, or boosting its own domestic political standing, could not be said to have just cause. This is not to argue, however, that war-makers' motives must be entirely unmixed. As Walzer wrote in discussing the 1991 Gulf War, 'even just wars have political as well as moral reasons—and will have, I expect, until the messianic age when justice will be done for its own sake. An absolutely singular motivation, a pure good will, is a political illusion'.[38] Nevertheless, only those agencies that take as their primary goal correction of the demonstrable injustice perceived by them to justify military intervention get past this point in the argument.

The proposed solution part of the theory enables many non-serious candidates for just war status to be written out of the story. In particular, the legitimate authority condition, even when not read in the state-centric manner characteristic of much just war thinking, ensures that only those agencies with a considerable amount of both internal organisation and external support remain in play.

Risk assessment: weighing contingent factors

Any attempt to 'solve' injustice is fraught with risk. Unjust economic, social and political orders invariably have powerful defenders. Even straightforward cases based unambiguously on self-defence are without fail set in a context of substantial uncertainty. Just war theory mandates that the balance of risk attached to any proposed military operation be assessed in advance of implementation. Unless the positives outweigh the negatives, there is no *jus ad bellum*. The two conditions brought into consideration at this point are reasonable hope of success and proportionality (with respect to ends).

It need hardly be said that it is impossible to develop an entirely reliable means of undertaking the risk assessment exercise required at this point. This does not mean we should not try. It does mean we will never come up with anything better than a very rough measure. Some markers can nevertheless be set down. One obvious one is that in seeking to judge actual cases of past military intervention we can only be

[37] Coates, *Ethics of War*, pp. 126–7.
[38] Walzer, *Just and Unjust Wars*, pp. xviii–xix.

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guided by the information available in advance of that intervention. An operation that appeared to have a good chance of success but in the event failed cannot be judged with hindsight. A second is that the success sought with reasonable hope must be linked strictly to correction of the intractable injustice identified at the start of proceedings. A revolutionary movement with a good chance of seizing power but little hope of correcting the injustices on which its entire platform is based would not pass the test. A third is that in assessing proportionality with regard to the ends of an interventionist power we have to consider as many factors as possible. A mere body count, while being a key part of any assessment, is insufficient. Indeed, according to many theories of justice it is immoral to proceed merely by counting lives lost and saved.

There is no fail-safe way of bringing the two elements of pre-intervention risk assessment to bear on debate. However, we are never totally in the dark, and many historic decisions appear to fail to meet the criteria listed here. A classic case is the US decision to drop atomic bombs on Hiroshima and Nagasaki on 6 and 9 August 1945. Although President Truman famously lost no sleep over these twin decisions estimated to have killed 135,000 people and injured 64,000, there is strong evidence that neither action met the proportionality condition. Instead, it seems to have been clear at the time that less terrible means could have been used to equal effect in the war against Japan. Indeed, this is the view expressed in print by the US Strategic Bombing Survey in 1946, Admiral William D Leahy, Truman's Chief of Staff, in 1950 and former President Eisenhower in 1963.[39]

Just cause claimants

The central line of argument developed here uses demonstrable injustice to open up the field of just war candidates, prevents legitimate authority from doing as much eliminating as is customary, and writes formal declaration of war out of debate altogether. This line only has value if it improves on the standard package of *jus ad bellum* conditions both positively and negatively. At the same time as it brings deserving cases within the frame of reference, it must not allow undeserving ones to enter too. In addition, there must be a basic fit between this understanding of just cause and other principles to which we are committed. Three just cause claimants can be analysed as a means of addressing these issues: the African National Congress, the Nazis, and proponents of a war on global poverty.

The ANC's struggle against apartheid can be taken as an instance of a deserving case often denied just cause, and is reasonably straightforward. According to many accounts the ANC cannot apply for just war status because it fails to meet the legitimate authority condition, as traditionally understood. That difficulty does not arise if the condition is reinterpreted as suggested here. The ANC was capable of engaging in disciplined military action and clearly had broad popular support. Once this reinterpretation takes place, the ANC is able to tell a very plausible just cause

[39] Gar Alperovitz, *The Decision to Use the Atomic Bomb: And the Architecture of an American Myth* (New York: Alfred A. Knopf, 1995), pp. 3–4.

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story, citing massive injustice, last resort, evident authority, right intention, and both a reasonable hope of success and proportionality with respect to ends.[40]

Secondly, Nazi expansionism is an exemplar of an undeserving case. Most accounts would rule the Nazis out of debate at the very start by asking how they can be said to have had just cause (understood as some, possibly extended, form of self-defence). This analysis does not find it so easy to exclude them. Running through the list of conditions presented as constitutive of just cause, demonstrable injustice was very much part of Hitler's claim. Indeed, a highly controversial theme of the revisionist history now being written is precisely the argument that the Nazis had at least some form of just cause. On the war in the East, for example, Hillgruber writes that 'both in the "elementary sense" of fighting for their own and the civilian population's survival in the face of a barbaric invasion, and in the politico-strategic sense of defending Europe from the domination of non-European powers, the troops of the *Ostheer* were, as Nazi propaganda had claimed all along, fighting for a just cause'.[41] The Nazis would also have had little trouble in demonstrating that war was a last resort in correcting the problem they believed themselves to face. Intractable injustice is, then, precisely how the Nazis would have characterised the situation they sought to address. In terms of their proposed solution, we could quibble about the legitimate authority condition, but it would require a sleight of hand to deny them just war status on this ground. The Nazis met the reading of legitimate authority given here. Right intention is also no barrier. That leaves the risk assessment exercise as the only means of withholding just cause. Here it can be argued that their analysis identified such a fundamental problem not only in German but also in West European and even global society that very nearly any cost could be borne to correct it. On this reading, then, the Nazis seem able to claim just cause.

Thirdly, many argue that global poverty, most manifest in the malnutrition and disease that overwhelm much of sub-Saharan Africa, is unjust.[42] Clearly classic readings of just cause as self-defence do not find a candidate just cause here. However, once the analytical start point becomes demonstrable injustice, there is a case from some ideological perspectives for saying that global poverty should certainly be considered. Moreover, it is possible to argue that since the demonstrable injustice shows no sign of being tackled by conventional means, there is last resort.

[40] Norman, *Ethics, Killing and War*, p.157; African National Congress, *Repression, Torture and Death: South Africa* (Budapest: Interpress, 1979); Nelson Mandela, *Long Walk to Freedom* (Boston: Little, Brown, 1994); Daryl Glaser, *Politics and Society in South Africa: A Critical Introduction* (London: Sage, 2001).

[41] Cited in Coates, *Ethics of War*, p. 164, n. 4. Less controversial, but also relevant to this discussion, is Liulevicius's analysis of the distinct 'front-experiences' of German soldiers in the Great War, which he sees as its 'hidden legacy'. On the Western Front between 1914 and 1918 all was 'quiet' in the sense that troops were subjected to 'a routine hell of mud, blood, and shell shock in the trenches'. On the Eastern Front, by contrast, soldiers went through a 'galvanizing, transformative front-experience' that formed a 'crucial cultural and psychological background and preexisting mentalité to be exploited and built upon by the Nazis'. In this way, the 'lands and peoples' (*Land und Leute*) of the East were twisted into the 'spaces and races' (*Raum und Volk*) of Nazi propaganda, and German expansionism acquired a just cause plausibility in the popular mind. Vejas Gabriel Liulevicius, *War Land on the Eastern Front: Culture, National Identity, and German Occupation in World War I* (Cambridge: Cambridge University Press, 2000), pp. 1–8.

[42] Médecins sans Frontières (ed.), *World in Crisis: The Politics of Survival at the End of the Twentieth Century* (London: Routledge, 1997).

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Legitimate authority can be secured through an international agency like the UN.[43] Right intention is in many ways self-evident. That leaves the risk assessment exercise, which clearly has to take account of many failed humanitarian missions in the 1990s.[44] However, when millions die annually from hunger and preventable disease, it is hard to see that the balance of cost and benefit would come up anything other than positively. On this basis, then, an argument can be made for just cause in engaging in humanitarian intervention to tackle world poverty.

Our three just cause claimants present a mixed set of results. It is clearly good to be able to allow the ANC just cause. But the fact that the Nazis also seem to have a decent claim is unpalatable. Views on the notion that global poverty and disease can generate a just cause are likely to turn on ideological preference.

Validating just cause claims

One obvious way to get out of the fix in which this account seems to place us is to abandon it and revive a start point of something like self-defence, which has the effect of eliminating difficult candidates for just war status. But such a sudden and arbitrary reversal is hard to justify. Instead, we need to consider ways in which claims can be subjected to rigorous validation.

The problems we are seeking to address are essentially twofold. First, subjective assessments of just cause are and must be as plural as the theories of justice with which they are linked. Just as the Nazis were able to develop a theory of justice, perhaps best expressed in *Mein Kampf*, so too were they able to articulate an account of just cause.[45] We need to ensure that only generally acceptable claims are sustained. Secondly, the current division of the world into a system of states widely held to enjoy considerable autonomy is problematic. If the principle of state sovereignty is taken seriously, it massively diminishes the possibility of just intervention. We need some means of deciding when sovereignty should override the claims of justice, and alternatively when justice should prevail.

The necessary adjudication mechanism could take many forms. An expert panel, the UN Security Council, or even the UN meeting in full session are all options. But in the contemporary world, in which many voices seek to be heard, the best way forward would seem to be institution of a global public forum, possibly quasi-judicial, conceivably virtual, in which just cause claims can be debated. Twentieth-century experience is of course not encouraging in this regard. Indeed, critics of the various forms of world government still advanced today by, for instance, Falk make a powerful case.[46] As Zolo puts it, 'terms such as global civil society, universal

[43] John Harriss (ed.), *The Politics of Humanitarian Intervention* (London: Pinter, 1995).
[44] Max Boot, 'Paving the Road to Hell: The Failure of UN Peacekeeping', *Foreign Affairs* 79:2 (March/April 2000), pp. 143–8. John Hillen, 'Picking Up UN Peacekeeping's Pieces: Knowing When to Say When', *Foreign Affairs* 77:4 (July/August 1998), pp. 96–102.
[45] Adolf Hitler, *Mein Kampf*, with an introduction by D. Cameron Watt, trans. Ralph Manheim (London: Pimlico, 1992).
[46] For a recent instance of Falk's extensive 'world government' thinking, see Richard Falk and Andrew Strauss, 'Toward Global Parliament', *Foreign Affairs,* 80:1 (January/February 2001), pp. 212–20.

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citizenship, world constitutionalism and transnational democracy may be said to belong to a normative vocabulary which draws strongly on wishful thinking'.[47] A global rule of law probably is a pipe dream. But this does not mean there is no way forward. The absolutely key requirement is a set of shared understandings that can underpin military interventions undertaken in the name of just cause. In the contemporary context, it is to work out a set of basic principles that can move us away from a unipolar world in which the US acts as very nearly the only global policeman, to one in which some form of what Huntington calls 'community policing' becomes possible.[48]

The many distinct conceptions of justice that compete for attention in our world clearly make shared understanding difficult. But our task is not impossible. One way forward is the route taken by Rawls in *Political Liberalism*, responding to criticism of *A Theory of Justice*. There he develops the idea of an 'overlapping consensus of reasonable comprehensive doctrines'.[49] It is true that his argument relies on a notion of reasonable persons who 'see that the burdens of judgment set limits on what can be reasonably justified to others, and so … endorse some form of liberty of conscience and freedom of thought'.[50] It also 'supposes that a reasonable comprehensive doctrine does not reject the essentials of a democratic regime'.[51] In the contemporary world, we cannot count on Rawlsian reasonableness, and we cannot insist that democracy underpin an international consensus on justice and just cause claims. However, we do not need to follow Rawls this far as his aim, to secure stability within a domestic political order, is very different from ours. Instead, all we need to take is the notion of overlapping, and of course unforced, consensus. A more ambitious way forward is the 'dialogical imperative' in Linklater's 'triple transformation' of political community, which proposes a means of generating an 'inclusive inter-cultural dialogue' and building 'a new cosmopolitan community of humankind'. For Linklater, the key task of cosmopolitan citizenship is to guarantee that the legitimacy of all practices be decided in the same way, and that all get the chance to engage in dialogue. 'Promoting the Kantian vision of a universal kingdom of ends, and the parallel enterprise of realising the neo-Marxian ideal of overcoming asymmetries of power and wealth, form the essence of cosmopolitan citizenship.'[52]

Moving beyond procedural concerns, a substantive issue remains. What, exactly, is the overlapping or cosmopolitan consensus to be about? In a world of contested values, this question evidently does not have an easy answer. However, in debating human rights Taylor recently argued that even when 'deep underlying values' differ, as they clearly do, and when terminologies and so on also differ, as they undeniably do, we can still reach a global consensus on basic norms of conduct. He chooses to put this more negatively than positively: 'One can presumably find in all cultures condemnations of genocide, murder, torture, and slavery, as well as of, say, "dis-

[47] Danilo Zolo, *Cosmopolis: Prospects for World Government* (Cambridge: Polity, 1997), p. 153.
[48] Samuel P. Huntington, 'The Lonely Superpower', *Foreign Affairs* 78:2 (March/April 1999), pp. 35–49 at 49.
[49] John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), p. 134.
[50] Ibid., p. 61.
[51] Ibid., p. xvi.
[52] Andrew Linklater, *The Transformation of Political Community: Ethical Foundations of the Post-Westphalian Era* (Cambridge: Polity Press, 1998), p. 212.

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appearances" and the shooting of innocent demonstrators'.[53] Right here, then, we can build a global consensus, despite the existence of distinct philosophical justifications and diverse legal mechanisms. Taylor's further point is that a consensus of this kind, based on very different traditions and principles, could be rather fragile. But, as he argues, it may well stimulate a process of mutual learning that, over time, enables what Gadamer calls a 'fusion of horizons' to take place.[54] Indeed, a recent empirical study holds that since the Second World War precisely this sort of process has taken place across a strikingly diverse set of regions, countries, economies, societies, cultures and polities. The UN's Universal Declaration on Human Rights generated a global human rights regime that triggered the formation of advocacy coalitions and NGOs. In turn, this prompted the emergence of shared knowledge and collective understandings within a kind of world polity. 'International human rights, thus, have become constitutive elements of modern and "civilized" statehood'.[55] A global forum for assessing just cause claims is not entirely utopian.

We next need to strike a balance between sovereignty and injustice. It has already been argued that an agreed case of demonstrable injustice may not be sufficient to trigger action because state sovereignty could have the last word. Indeed, this has effectively been the case ever since the UN Charter made the principle of non-intervention a universal legal norm for the first time in history.[56] But the substitution of demonstrable injustice for self-defence as the foundation of just cause requires this analysis to strike a different balance. Pointers can be found in recent debate of humanitarian intervention, where Parekh argues that 'although states are entitled to autonomy, it is conditional in nature and may be forfeited under certain circumstances'. His cosmopolitan approach holds the relevant circumstances to comprise 'suffering caused by such events as civil war, genocide and starvation'.[57] In rather more detail, he maintains that humanitarian intervention should be 'wholly or primarily guided by the sentiment of humanity, compassion or fellow-feeling, and in that sense disinterested', and 'intended to address what is regarded as a violation of the minimum that is due to human beings'.[58] This is precisely the kind of understanding we seek.

Just cause claimants may be presumed to have satisfied themselves that their accounts of intractable injustice, responsible intervention and the balance of contingent factors are plausible. However, this does not give them just cause. To get that they are required to demonstrate a basic fit with globally acknowledged humanitarian principles of justice. Over time, our global forum can be expected to

[53] Charles Taylor, 'Conditions of an Unforced Consensus on Human Rights', in Joanne R. Bauer and Daniel A. Bell (eds.), *The East Asian Challenge for Human Rights* (Cambridge: Cambridge University Press, 1999), pp. 124–44 at 125.

[54] Ibid., p. 136.

[55] Thomas Risse and Stephen C. Ropp, 'International Human Rights Norms and Domestic Change: Conclusions', in Thomas Risse, Stephen C. Ropp and Kathryn Sikkink (eds.), *The Power of Human Rights: International Norms and Domestic Change* (Cambridge: Cambridge University Press, 1999), p. 234.

[56] Bhikhu Parekh, 'Rethinking Humanitarian Intervention', *International Political Science Review,* 18 (1997), pp. 49–69 at 52.

[57] Bhikhu Parekh, 'The Dilemmas of Humanitarian Intervention: Introduction', *International Political Science Review*, 18 (1997), pp. 5–7 at 5. Also see the rest of this collection, edited by Parekh, and Johnson, 'Humanitarian Intervention'.

[58] Parekh, 'Rethinking Humanitarian Intervention', p. 54.

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develop a body of case law or, if it declines to adopt judicial procedures, a set of shared understandings to inform debate and decisions. What tends to count for us as demonstrable injustice? When can we say that the extra mile has been taken for peace? What popular or moral support is required to make authority legitimate? In the mix of intentions that must infect any decision to fight, which look right to us? When are the prospects for success reasonable? What costs are we prepared to view as acceptable in pursuing the benefits we seek? It seems likely that in this forum restrictive readings of just cause as defensive state action will rapidly become a thing of the past, and a fuller concept will re-emerge.

Just cause and the first war of the twenty-first century

Having started with the first war of the twenty-first century, it is appropriate to end by returning to it. Say a global forum informed by the matrix of principles set out here was instituted. Say too that the debates now taking place in the media, on the Internet and in everyday conversation were to find a focal point there. Say also that the forum became widely accepted as credible and authoritative. Indeed, say it actually became the place on which reasonable members of all cultures converged to express their views. What might be the verdict on the current war against terrorism?

The case advanced by proponents of a campaign of violence directed against the US and its allies is that US presence in Muslim societies, and US projection of global power and hegemony, are demonstrably unjust, chiefly because they conflict with established Islamic principles.[59] Such proponents also believe themselves to have no resort other than to war because no amount of dialogue will secure their aims. For them, injustice is genuinely intractable. They claim further that their intervention is responsible because it has divine inspiration and legitimacy, and is motivated solely by right intention. The risk assessment exercise also comes up positively, because these people see extreme action as the only hope of success, and believe almost any conceivable cost to be smaller than the benefit victory would bring.

On the side of the US and its allies, the demonstrable injustice is unprovoked attack and the imperative to engage in active self-defence. Furthermore, having issued a series of ultimatums for the principal sponsors of the September 11 terrorist attacks to hand themselves over or be handed over by others, and seen them ignored, they also claim last resort. Their intractable injustice is clear. The coalition claims its military intervention to be responsible because it has secured legitimacy through the relevant international structures, supported by active diplomacy in many parts of the world. It also intends to focus its war strictly on terrorism alone. It believes itself to have a reasonable hope of success, and seeks as far as possible to avoid civilian casualties and thereby meet the proportionality condition.

How would a cosmopolitan forum assess these competing claims? To begin with, it would surely seek to probe the evidence presented by the disputants. Did the

[59] Peter L. Bergen, *Holy War, Inc.: Inside the Secret World of Osama bin Laden* (New York: Free Press, 2001).

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enemies of the US really meet the last resort condition? Can they truly claim legitimate authority? Do their hoped-for benefits actually outweigh probable costs? Similarly, did the US and its allies actually explore all the available options before resorting to war? Is their hope of success reasonable? Can victory be secured at an acceptable price? It is worth stressing that in sponsoring the debates provoked by such questions, the forum would already perform a useful and possibly educative function that could lead to some, possibly small, 'fusion of horizons'. However, its main task would be to reach a verdict, ruling either in favour of one of the two sides to the conflict, or against them both. While the verdict would have to be decisive, it could also be conditional. A judgment one way or the other could certainly specify the precise circumstances in which just cause would pertain.

Conclusion

It could be that what we face is a clash of civilisations in which no compromise is possible, and no common ground can be found.[60] Maybe our perceptions of justice have no point of intersection whatsoever. However, if we are prepared to look to a rather less bleak future, we need to be clear about the nature of justice in international politics, and how it can be promoted and even secured. At the heart of much current debate stands a deeply contested concept. One small way forward is to clarify what we mean by just cause, and to say how we might adjudicate competing claims.

[60] Samuel P. Huntington, *The Clash of Civilizations and the Remaking of World Order* (New York: Simon and Schuster, 1996).

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