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### 1. Introduction

Aristotle famously stated that “war must be for the sake of peace”.<sup>1</sup> This is inherent in human nature according to Augustine, as all people are instinctively focused on peace.<sup>2</sup> Peace is often considered one of the most important human values, as it is the precondition for general human well-being.<sup>3</sup> Erasmus beautifully lets the personified Peace argue: “Now, if I, whose name is Peace, am a personage glorified by the united praise of God and man, as the fountain, the parent, the nurse, the patroness, the guardian of every blessing which either heaven or earth can bestow; if without me nothing is flourishing, nothing safe, nothing pure or holy, nothing pleasant to mortals, or grateful to the Supreme Being.”<sup>4</sup>

The teleological character of war – based on the universal desire for peace – is reflected in just war theory: a ‘just and lasting peace’ is its overall normative goal. Just war theory is premised upon the idea that war, given the scale of overall destruction and death it causes, is a great evil. In an ideal world, there would never be war. However, just war theory is pre-eminently a non-ideal theory which recognizes that in the real world, war might sometimes be necessary and justified in exceptional circumstances. And although some essential moral principles are set aside in times of war, morality *does* apply. In this way, just war theory occupies the middle ground between political realism and moral idealism. It sets (adjusted) moral regulations for war, in order to limit its negative consequences as much as possible. More specifically, *jus ad bellum* restricts the number of wars; *jus in bello* restricts the sort and scale of the violence, and *jus post bellum* is a relatively new branch that regulates the transition from war back to peace.

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<sup>1</sup> Aristotle, *Politics*, H. Rackham (ed.), J. Henderson (transl), Cambridge: Harvard University Press 1944, p. 607.

<sup>2</sup> Augustine, *City of God*, in: St. Augustin’s: City of God and Christian Doctrine (A Select Library of the Nicene and Post-Nicene Fathers of the Christian Church volume 2) Edinburgh: T&T Clark 1887, p. 930.

<sup>3</sup> According to Nigel Dower: “an absence of overt conflict is a precondition for the pursuit of most human activities, or at least their more effective pursuit.” Nigel Dower, *The Ethics of War and Peace. Cosmopolitan and Other Perspectives*, Cambridge: Polity Press 2009, p. 143.

<sup>4</sup> E.g. online at: <http://perpetualpeaceproject.org/resources/erasmus.php>.

Strangely enough however, it is far from clear what a ‘just and lasting peace’ actually is. Peace is a complex and multifaceted concept, which cannot be defined in a straightforward way.<sup>5</sup> Even so, just war theorists rarely explore the goal of peace and its implications.<sup>6</sup> Consequently, as Mark Evans points out, they might readily “disagree once they begin to spell the specifics of what they understand by it”. This is a fundamental problem: peace is central to just war theory, but is not explored in depth and remains therefore implicit and vague. To consider this, a thorough analysis is required. As Evans argues, “we need to inspect further the concept of a “just peace” itself”.<sup>7</sup> That task is taken up here. The central question is: how could a just war theorist understand peace, insofar that peace is the goal of just war theory? To answer that question, this paper takes a step back and explores the concept of peace in depth. The aim is to contribute to a better understanding of the nature of peace in general, and the ‘just and lasting peace’ that is the goal of just war theory. This is particularly relevant for *jus post bellum*, since it regulates the transition from war back to peace. The content and scope of rights and obligations under the heading of *jus post bellum* can only be clear if we know the specifics of the ‘just and lasting peace’ that it aims to realize.

The paper proceeds as follows. The next section delves into the general nature of peace. It presents a framework outlining the nature of peace, distinguishing different facets: the spatial element, including the dimensions of peace (inner versus outer), the temporal element (temporary versus eternal), and the character of peace (negative versus positive). This framework provides the building blocks for the analysis in section three, which will focus on one form of outer peace: political peace. What concepts of political peace can be distinguished? Five concepts of political peace are sketched and placed on a continuum determined primarily by the character of the peace. As it will appear, the character can range from a purely negative peace, e.g. the unjust peace of a brutal robber, to a fully positive peace: a lofty and comprehensive ideal of harmonious relations. The fourth section explores what concepts of political peace are appropriate to function as the goal of just war theory. Hence, it answers the central question: How could a just war theorist understand peace? As it appears, three concepts of political peace have the potential to function as the goal of just war theory. The conclusion in the fifth section takes stock and indicates an important reason to endorse a certain conception of peace.

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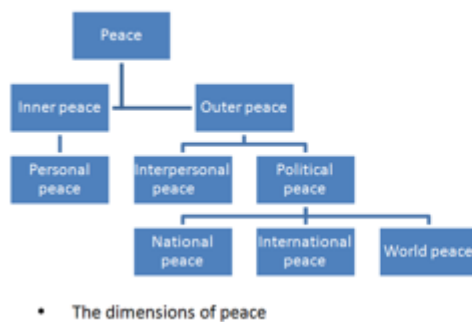
<sup>5</sup> And contrary to the issue of war, relatively little conceptual thinking has gone into the issue of peace. Pierre Allan & Alexis Keller (eds.), *What is a Just Peace?*, Oxford: Oxford University Press 2008, p. 1. Richmond states: “Peace is rarely conceptualized, even by those who often allude to it.” Oliver Richmond, *The Transformation of Peace*, New York: Palgrave MacMillan 2007, p. 2. Charles Webel and Johan Galtung similarly argue that “a philosophy of peace is still in its infancy”, and Nigel Dower that “the ethics of peace takes second place”. Charles Webel & Johan Galtung (eds.), *Handbook of peace and conflict studies*, New York: Routledge 2007. Dower 2009, p. 3.

<sup>6</sup> Robert Williams and Dan Caldwell, ‘Jus Post Bellum: Just War Theory and the Principles of Just Peace’, in: *International Studies Perspectives* 2006/7, p. 312.

<sup>7</sup> Mark Evans, ‘At War’s End. Time to Turn to Jus Post Bellum?’, in: Carsten Stahn, Jennifer Easterday & Jens Iverson (eds.), *Jus Post Bellum: Mapping the Normative Foundations*, Oxford: Oxford University Press 2014, p. 28, 42.

## 2. The Nature of Peace

Figure 1 Three facets of peace



Temporary peace      Permanent peace

- The durability of peace

Negative peace      Positive peace

- The character of peace

### 2.1 The Temporal Element of Peace

Since peace is a complex and multifaceted concept, it can be understood in a variety of ways. In this section, three of these facets are discussed: the temporal element of peace, the spatial element of peace, and the character of peace. The first facet is the temporal element of peace, which regards the durability of the peace. The main distinction to be made here is between a temporary or a permanent peace. In a permanent peace, which is eternal and everlasting, the threat of war disappears completely. Contrary to permanent peace, temporary peace comes in many gradations. It might be a very short term peace, e.g. a truce or a cease-fire, in which there is no stability but only a temporary cessation of the violence of war. This is a fragile peace in which the war can break out again at any minute. According to Thomas Hobbes, such fragile, temporary peace with the threat of war does not even constitute 'peace'. Hobbes' weather analogy nicely illustrates his claim: "For as the nature of foule weather, lyeth not in a showre or two of rain; but in an inclination thereto of many days together: So the nature of war, consisteth not in actuall fighting; but in the known disposition thereto, during all the time there is no assurance to the contrary. All other time is peace."<sup>8</sup>

But a temporary peace might also be a stable long term peace. The variations in between those two extremes are determined by the degree of stability and durability, and the question on if and how the underlying problems that gave rise to the war are solved. The less disposition to fight and the more harmony and reconciliation between former enemies, the more stable and durable the peace is. This also means that the more stable the peace, the more secure people are, and the more relieved from the fear of the violence of war. As will appear later in this section, the degree of stability is often connected with the character of the peace. Usually, but not always, a positive peace is also more stable and durable.

<sup>8</sup> Thomas Hobbes, *Leviathan* (R. Tuck ed.), Cambridge: Cambridge University Press 2007, p. 88-89.

## 2.2 The Spatial Element of Peace

The second facet of peace regards the spatial element, and this entails the different dimensions of peace. The main distinction here is between inner and outer peace, and there are various forms of the latter. Inner peace is the personal dimension of peace. It deals with the mental and emotional life of individuals - their psychological wellbeing. Inner peace means tranquility, freedom from disturbance and 'peace of mind'.<sup>9</sup> Augustine points to the harmony between knowledge and action, in which an individual's action is guided by his intellect, in which he is neither "molested by pain, nor disturbed by desire".<sup>10</sup> The opposite state of inner peace is inner conflict, unhappiness and misery.<sup>11</sup> Inner peace is opposed to outer peace, peace outside the individual person; i.e. between people. Outer peace can be subdivided into interpersonal peace and political peace. The interpersonal dimension of peace regards peace between individual people. This is referred to by Augustine as social peace, an example of which is "domestic peace" between the members of a family.<sup>12</sup> The political dimension of peace regards peace between groups of people. It can be defined as "the more or less lasting suspension of violent modes of rivalry between political units."<sup>13</sup> A political peace can again be subdivided; it exists within states, between particular states, or between all states. National or domestic peace is the peace between political groups and the state, international peace is the peace between states or political groups outside territorial boundaries and universal or world peace exists worldwide between all states. Political peace is often explained dialectically as the opposite of violent conflict or war, and so refers to a situation in which states relate to each other without resorting to the use of arms.<sup>14</sup>

This means that peace can have a personal, interpersonal and political dimension, but given our concern with just war theory, the focus in this paper is on political peace after a specific war. In the traditional theory, the focus has been on one type of political peace; peace between two (or more) states after an international war. However, contemporary political reality shows many different sorts of war, not fitting the conventional symmetrical conception of war as taking place between two equal state armies. Conventional wars between two states are declining, whereas other sorts of war e.g. (internationalized) civil wars, asymmetric wars, humanitarian interventions and peace enforcement operations are increasing. Furthermore, the distinction between national and international wars is not always easy to make. Internationalized civil wars are one example, but additionally, a humanitarian intervention is an international war in which the national dimension is very important. The current political circumstances and the question on how just war theory can adept to current political

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<sup>9</sup> Webel & Galtung 2007, p. 6.

<sup>10</sup> Augustine 1887, p. 935.

<sup>11</sup> Webel & Galtung 2007, p. 6.

<sup>12</sup> Augustine 1887, p. 933.

<sup>13</sup> Raymond Aron, *Peace and War: A Theory of International Relations*, New Brunswick: Transaction Publishers 2003, p. 151.

<sup>14</sup> The Challenge of Peace: God's Promise and Our Response, A Pastoral Letter on War and Peace by the National Conference of Catholic Bishops, 1983, par 27, online at: <http://www.usccb.org/upload/challenge-peace-gods-promise-our-response-1983.pdf>.

circumstances is a serious challenge. Ideally, just war theory provides guidance for various sorts of war. This paper remains focused, as traditional just war theory, on international wars, but includes unconventional wars such as humanitarian interventions.<sup>15</sup>

Despite this focus on political peace, there are outspoken connections between the different dimensions of peace. Inner peace is helpful to achieve outer peace, and it might even be considered to be an essential requirement. As a famous quote of Confucius illustrates: “To put the world in order, we must first put the nation in order; to put the nation in order, we must put the family in order; to put the family in order, we must cultivate our personal life; and to cultivate our personal life, we must first set our hearts right.”<sup>16</sup> Also for Augustine, inner and outer peace are connected since peace on the smaller scale is a requirement for peace on a larger scale. For example, the peace in a household bears reference to the integrity of the whole of which it is an element, and as such “domestic peace has a relation to civic peace”.<sup>17</sup> But also the other way around, whilst outer peace is not strictly necessary to achieve inner peace, it would be difficult for individuals to be at peace when they do not live in peace. Outer peace is a precondition for individual wellbeing, and it consequently enables people to experience inner peace. As Webel argues: “Personal survival is the absolutely necessary condition, the *sine qua non*, for peace at the personal level. And national security, or the collective survival of a culture, people or national state, has in modern times become the macroscopic extension of individual defensive struggles (...).”<sup>18</sup>

### 2.3 The Character of Peace

The third facet regards the character of peace, and the main distinction here is between a negative and positive concept of peace. In his ‘Letter from a Birmingham Jail’, Martin Luther King referred to “a negative peace which is the absence of tension to a positive peace which is the presence of justice”.<sup>19</sup> This important distinction is usually credited to Johan Galtung, the so called ‘founder’ of the field of peace studies.<sup>20</sup> Applying this distinction to the different dimensions of peace shows more precisely what this distinction means. Negative inner peace refers to the freedom from inner conflict and disturbing thoughts or emotions. Positive inner peace is defined as psychological wellbeing or “calmness of mind and heart”.<sup>21</sup> Negative outer peace refers merely to the absence of interpersonal conflict or war, while positive outer peace refers to a richer and more comprehensive concept of peace, in which desirable values and social structures are present.<sup>22</sup>

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<sup>15</sup> Hence without directly addressing the issue of the specific application of *jus post bellum* on civil wars. This issue certainly demands more attention and is an interesting subject for further research.

<sup>16</sup> Popular quote credited to Confucius, see e.g. <http://www.values.com/inspirational-quotes/7086-to-put-the-world-right-in-order-we-must-first>.

<sup>17</sup> Augustine 1887, p. 939.

<sup>18</sup> Webel & Galtung 2007, p. 11.

<sup>19</sup> Online at: [http://www.africa.upenn.edu/Articles\\_Gen/Letter\\_Birmingham.html](http://www.africa.upenn.edu/Articles_Gen/Letter_Birmingham.html).

<sup>20</sup> Johan Galtung, ‘Violence, Peace, and Peace Research’, in: *Journal of Peace Research* 1969, 3/3, p. 167-191.

<sup>21</sup> Webel & Galtung 2007, p. 4.

<sup>22</sup> Webel & Galtung 2007, p. 4.

Focusing on political peace, Galtung holds that positive political peace is characterized by certain desirable values; it entails not only an absence of direct violence (as in a negative peace) but also an absence of structural violence, by which he means the sort of indirect violence that can be embedded in the structure of (domestic or international) society, for example as during South Africa's Apartheid. Such violence "(...) is built into the structure and shows up as unequal power and consequently as unequal life chances."<sup>23</sup> So what are these desirable values and social structures? Usually, a positive political peace is characterized by harmonious relationships and solidarity, economic equity and political justice, satisfaction of needs, and a lack of economic exploitation or political repression. This is also the way in which peace is defined in contemporary peace studies: "not just as the absence of war, but also the presence of the conditions for a just and sustainable peace, including access to food and clean drinking water, education for women and children, security from physical harm, and other inviolable human rights".<sup>24</sup> In essence, these desirable values can be explained in terms of human rights.<sup>25</sup>

War and peace are often presented as dichotomy: e.g. Hugo Grotius stated that there is either war or peace; there is nothing in between.<sup>26</sup> But it rather appears here again that there is no clear demarcation line between war and peace – particularly not today. Mary Kaldor has famously shown that nowadays, the distinction between war and peace is often blurred.<sup>27</sup> As noted above, there is a variety of different sorts of war and peace, and these are located on a continuum, ranging from total war to perfect peace.<sup>28</sup> The tipping point at which a particular situation can be labeled 'peace' is the absence of direct large scale violence, but given the blurred lines there is a large grey area. Different variations of peace can be distinguished on the 'peace side' of the continuum, ranging from a purely negative peace to a fully positive peace. The more positive qualities are embedded in a certain concept of peace, explained in terms of human rights, the richer it is, and the more it shifts from a negative to a positive concept. As the national context is the prime area where human rights can be secured, the national context becomes more relevant when the peace becomes more positive. This framework, outlining the facets of peace, contextualizing international political peace and explaining its character in terms of human rights, provides the building blocks for the subsequent political peace continuum.<sup>29</sup>

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<sup>23</sup> Galtung 1969, p. 171.

<sup>24</sup> Peace defined by the renowned Kroc Institute of Peace Studies at the University of Notre Dame. Online at: <http://kroc.nd.edu/about-us/what-peace-studies>

<sup>25</sup> This is in line with the different characteristics of the peace which are mentioned by just war theorists: the realization of human rights, the nature of the political regime in the defeated state, general reconstruction, and distributive justice and economic measures. Also mentioned are stability and reconciliation between former enemies, which fall under the temporal element of peace in my general framework.

<sup>26</sup> Hugo Grotius, in: Richard Tuck & Jean Barbeyrac, *The Rights of War and Peace*, Indianapolis: Liberty Fund 2005 (*De Jure Belli ac Pacis*, 1625, translated by John Morrice), (book 3, chapter 21, paragraph 2). Online for example at: [http://www.constitution.org/gro/djbp\\_321.htm](http://www.constitution.org/gro/djbp_321.htm).

<sup>27</sup> Mary Kaldor, 'From Just War to Just Peace', in: Charles Reed & David Ryall (eds.), *The Price of Peace. Just war in the Twenty First Century*, Cambridge: Cambridge University Press 2007, p. 266.

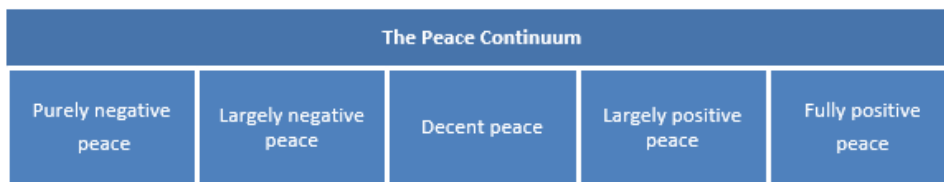
<sup>28</sup> Pierre Allan makes a similar international ethical scale, in which the destruction of mankind is one extreme, and agape paradise the other extreme. Allan & Keller 2008, p. 95-100.

<sup>29</sup> Largely overlapping but distinguishing even more facets of peace: Catholic social philosophy teaches that peace is a multi-layered order, consisting of order in the universe; order in freedom and conscience, order among individual human persons, order between members of a political community and its authorities; order between political communities; and order between individuals, social groups and states to obtain a worldwide community. *Pacem in Terris*, Encyclical of Pope John XXII on

### 3. Five Concepts of Political Peace

With this insight in the elements of peace, we can sketch a continuum of five concepts of political peace. They are distinguished here as separate concepts: purely negative peace, largely negative peace, decent peace, largely positive peace, and fully positive peace. Obviously, there are variations within those concepts and they might also overlap in certain respects. But while admittedly this division is somewhat simplistic, a distinction such as this is useful to further clarify and analyze the subject of peace.

Figure 2: The character of peace, five concepts on a continuum



#### 3.1 Purely Negative Peace

Let us look, first, at the concept of a purely negative peace. On the continuum, this concept is right at the tipping point from war to peace. It can be defined as peace, as there is no longer national or international war. But aside from the absence of war, this concept of peace entails no positive characteristics. An example is the sort of unjust repressive peace that is imposed after a (unconditional) surrender. It is a forced peace which entails, on the part of the vanquished, a submission to the power of the victor. Here, the direct violence of war is replaced with a system of structural violence, in which injustice is widespread and embedded in the political structure. One can think of annexed territory or a civil war that ends with a totalitarian regime in place which represses (parts of) the population, violating peoples basic human rights.<sup>30</sup> While there is no war, individual insecurity remains.

Theorizing the concept of a purely negative peace, it appears that it can be related to the perception that war, and not peace, is the normal state of affairs in international relations. In the time of Plato and Aristotle, war was seen as inherent in the human condition and warfare was a normal characteristic of daily life. Therefore, although Aristotle claimed that peace is the goal of war, such a situation of peace was only a temporary interruption of war.<sup>31</sup> International relations were characterized by direct or indirect strife and hostilities. In one of Plato's dialogues, the Cretan politician Clinias

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Establishing Universal Peace in Truth, Justice, Charity, and Liberty, 1963, online at: [http://w2.vatican.va/content/john-xxiii/en/encyclicals/documents/hf\\_j-xxiii\\_enc\\_11041963\\_pacem.html](http://w2.vatican.va/content/john-xxiii/en/encyclicals/documents/hf_j-xxiii_enc_11041963_pacem.html). See further also: Russell Hittinger, 'Quinquagesimo Ante: Reflections on Pacem in Terris Fifty Years Later', in: *The Global Quest for Tranquillitas Ordinis. Pacem in Terris, Fifty Years Later, Pontifical Academy of Social Sciences*, Acta 18, 2003, p. 46.

<sup>30</sup> E.g. as eloquently described in 1984 by George Orwell, but the situation in Gaza also comes to mind here.

<sup>31</sup> Relations between city states was seen as competitive and hostile, and with 'barbarians' peace was even considered impossible. Stephen Neff, *War and the Law of Nations, A General History*, Cambridge: Cambridge University Press 2005, p. 30.

considers that: “For what most humans call peace he (the lawgiver of the Cretans) held to be only a name; in fact, for everyone there always exists by nature an undeclared war among all cities.”<sup>32</sup> For the Romans, war was the normal state of affairs as well. Although war was indeed aimed at peace, international peace (as opposed to peace within the city state or empire) was regarded as a negative concept. The *Pax Romana* remains the typical example of such peace to date: a period of relative peace through repressive order and unity, essentially a Roman hegemony over other nations.<sup>33</sup> *Pax* then referred not to a positive peace but to the condition prevailing after victory.<sup>34</sup> And after victory, the peace that was installed could entail unconditional surrender, slavery, and suppression of the vanquished. A vivid illustration of this conception of peace is Calgacus’ comments on the Romans preceding the Battle of Mons Graupius: “To ravage, to slaughter, to usurp under false titles, they (the Romans) call empire; and where they make a desert, they call it peace.”<sup>35</sup> Therefore, although the *telos* of war was peace, this concept was primarily a situation that was advantageous for the victor, but far from just.

During the development of just war theory, the perspective of war as the normal state of affairs changed: peace was now considered the normal condition of humanity.<sup>36</sup> Christian just war theorists understood war to be part of earthly life, but tried to reconcile it with Christian pacifism – which teaches nonviolence and rejects the evil of war.<sup>37</sup> This has led to just war theorists’ attempt to regulate war: war is an exception that can only be justified when necessary to protect or reestablish that peace.<sup>38</sup> As one of the founders of just war theory, Augustine considers various concepts of peace.<sup>39</sup> While he values positive concepts over the negative concept of peace, all are considered valuable in itself. Negative peace is characterized by an absence of collective violence and a certain order. It is a way to achieve political goals, it can be imposed by the victor, and can be unjust, but must nevertheless count as peace according to Augustine. As an example, Augustine states that even the brutal robber values peace with his associates, so “that they may with greater effect and greater safety invade the peace of other men.” At home this robber imposes peace on his family because “their prompt obedience to his every look is a source of pleasure to him”.<sup>40</sup> The robber appreciates negative peace because it helps him achieve his

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<sup>32</sup> Plato, *The Laws of Plato*, Chicago: University of Chicago Press 1980 (*De Legibus*, translated by Thomas Pangle), p. 4 (626a).

<sup>33</sup> See further e.g. Ali Parchami, *Hegemonic Peace and Empire: The Pax Romana, Britannica and Americana*, New York/London: Routledge 2009.

<sup>34</sup> Neff 2005, p. 31.

<sup>35</sup> Online at: <http://www.gutenberg.org/files/7524/7524-h/7524-h.htm>.

<sup>36</sup> Neff 2005, p. 38.

<sup>37</sup> Primarily based on the teachings of Jesus of Nazareth from the New Testament, e.g. in the Sermon on the Mount: “Do not resist an evildoer. But if anyone strikes you on the right cheek, turn the other also,” and, “Love your enemies and pray for those who persecute you.” (Matthew 5) See further on the form of pacifism preached by Jesus: Peter Brock, *Varieties of Pacifism. A Survey from Antiquity to the Outset of the Twentieth Century*, New York: Syracuse University Press 1998, p. 3-4.

<sup>38</sup> Neff 2005, p. 29-34.

<sup>39</sup> Augustine’s just war theory is part of an expansive and complex theological doctrine. It is impossible in this paper to do justice to Augustine’s work, and I acknowledge that I do not attempt to do so. Rather than giving a thorough analysis of his philosophy, some elements of his arguments are used in this paper to serve the purpose of analyzing concepts of peace. See further on the various conceptions of peace in Augustine’s theory the interesting analysis in Coady.

<sup>40</sup> Augustine 1887, p. 930.



own interests, i.e. robbing people, and because he finds pleasure in imposing his will. This reflects a realist perspective on peace; the contribution to self-interest makes the robber value such peace.

This purely negative peace, based on the idea that ‘might makes right’, is close to the kind of international peace the Greeks and Romans had in mind. The value of this ‘victor’s peace’ is based on the satisfaction of personal or national interests. It is a matter of prudence: the victor has an interest in its national security, and therefore aims at the peace that benefits these national interests, if necessary at the expense of others. It means that this concept of a purely negative peace is characterized by the absence of war only, that the most basic human rights, e.g. to life, can be violated as national interest is what matters, and that the national context is not relevant aside from there being no war. Often, this purely negative peace will be unstable since there is no reconciliation between former enemies. However, a negative peace is not necessarily merely temporary and unstable. There can be purely negative, i.e. an extremely unjust peace, which is nevertheless relatively stable because of the oppression.

### **3.2 Largely Negative Peace**

Let us secondly, move further on the continuum. There we find a concept of peace that we can call a largely negative peace. This concept of peace is not purely negative, since it is characterized by an absence of war, but also by an absence of an inhumane regime that violates the most fundamental human rights (e.g. to life). Like the preceding concept of peace, largely negative peace does not entail any form of reconciliation, but there is usually a certain level of (imposed) stability. The requirement that the political regime is humane means that the national context of the former enemy, usually the aggressor, comes into play here. In a largely negative peace, the new or remaining regime in place does not commit crimes against humanity; there is no systematic and large scale violation of the most fundamental human rights.

Avishai Margalit’s theory of peace, justice and compromises is helpful in further outlining a largely negative conception of peace which sets a low threshold regarding realization of human rights and the nature of the political regime. Margalit argues that realism compels us to seek ‘just a peace’ instead of ‘a just peace’.<sup>41</sup> The urgency to establish peace prevails over the pursuit of justice, from which he draws that peace can be justified also if it is unjust. Primarily for the sake of stability – a somewhat stable peace as opposed to a mere cease-fire – it is justified to accept some injustices, Margalit argues.<sup>42</sup> However, not just any peace is justified: the exception for Margalit is peace based on a rotten compromise. A post war compromise which results in a situation where the political system is characterized by cruelty and humiliation is unacceptable. After war, the regime in place must – at least – treat people as human beings. The foundation for Margalit’s argument is his Kantian appeal to shared

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<sup>41</sup> Online: <http://www.nybooks.com/daily/2009/12/17/obama-and-the-rotten-compromise/>.

<sup>42</sup> Avishai Margalit, ‘Decent Peace’, The Tanner Lectures on Human Values, delivered on May 4-5, 2005, p. 217.

humanity; not respecting people as human beings would “erode the foundation of morality”.<sup>43</sup> But despite the Kantian human dignity and shared humanity as foundation for his theory, what Margalit has in mind is a very limited minimum, as he invokes examples as Hitler’s third Reich, South African Apartheid or King Leopold the Second’s reign in Congo – i.e. crimes against humanity – as unacceptable. Aside from that required bare minimum, “everything else is negotiable” for Margalit.<sup>44</sup> Clearly, this concept of peace excludes only the most extreme institutionalized injustices, i.e. large scale violations of the most fundamental human rights. Peace is still primarily seen as the absence of violence, but does usually entail a certain stability and a humane regime, which is not characterized by Galtung’s structural political violence to the extent that the regime is barbarous, cruel and humiliating towards its own population or the former enemies population.

### 3.3 Decent Peace

The third concept of decent peace moves further on the continuum towards a positive conception of peace, as it encompasses more positive characteristics than the concept of negative peace. It is likely that there is more stability in a decent peace. The underlying causes that gave rise to the war are solved to a large extent or at least a satisfactory *status quo* is reached. This means that the peace might not be everlasting, but it is expectedly durable or sustainable for a substantial period of time. Furthermore, in moving further on the continuum, the national dimension becomes more important. In a decent peace, the political system that is in place is not only humane, but respects the basic human rights of its citizens. This includes the requirement that the first necessities of life are secured and that people are not below a minimal standard of living due to the deprivation of war.

This concept of peace can be further sketched by making use of Rawls' theory of international justice. Securing certain important basic human rights for all people is one of the distinguishing marks of Rawls' theory. This also limits internal political sovereignty of states and the reasons for war. Based on these important basic rights combined with the value of tolerance among peoples, Rawls holds that both liberal and decent peoples must be equally respected as members of the societies of peoples. A regime is decent when it is not aggressive in its external relations, it has (at least) a decent consultation hierarchy (its citizens are consulted in some way, but not necessarily through a democracy), and it respects the following basic human rights: the right to life, freedom and equality for the law.<sup>45</sup> A part of the right to life is the right to a minimum of means of subsistence. These human rights represent for Rawls a special class of urgent rights that constitutes the threshold for decent political institutions.<sup>46</sup>

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<sup>43</sup> Avishai Margalit, *On Compromises and Rotten Compromises*, Princeton: Princeton University Press 2009, p. 2.

<sup>44</sup> Margalit 2005, p. 223.

<sup>45</sup> John Rawls, *Law of Peoples*, Cambridge: Harvard University Press 1999, p. 64-67, and further Samuel Freeman, *Rawls*, New York/London: Routledge 2007, p. 429-430.

<sup>46</sup> Freeman 2007, p. 435.

As is well known, in the non-ideal theory, Rawls proscribes how to deal with other peoples: the outlaw states and burdened societies. In the ‘law of peoples’, and largely coinciding with just war theory’s just causes, there is a prohibition on war with the exception of self-defense against aggression (of outlaw states) and humanitarian intervention to rescue a people from grave violations of human rights. “The aim of a just war waged by a just well-ordered people is a just and lasting peace among peoples, and especially with the people’s present enemy.”<sup>47</sup> More specifically, the goal is to make peoples comply with the law of nations, and to bring all peoples within the society of peoples, which is determined by this criterion of ‘decency’. Also, there is a duty to assist peoples who are living under unfavorable circumstances. This duty is not aimed at improving the economic standard of living, but is aimed at helping a people building just or decent institutions of their own, so that the national government can itself protect human rights.<sup>48</sup> Freedom, equality and a people’s right to self-determination are essential, and paternalism should be avoided.

Rawls’ reasons for proscribing to respect decent peoples, and prohibiting the forced transformation into liberal democratic peoples (in general or after war) comes from a sense of realism.<sup>49</sup> Rawls wants his theory to be action guiding, which is why it must remain relatively close to the political reality, not being overly idealistic. It must not exceed what is normally seen as the boundary of practical political possibility.<sup>50</sup> At the same time, the law of peoples he proposes is not merely descriptive of the political reality; in order to be action guiding, it must set the bar a little higher. His theory is a realistic utopia: it is idealistic but remains realistic and is therefore ambitious in a limited way.<sup>51</sup> But also, Rawls wants to avoid the critique of being ethnocentric. As opposed to the full spectrum of human rights as e.g. codified in the Universal Declaration of Human Rights, these basic human rights can, according to Rawls, be accepted by both liberal and decent peoples. Rawls theory of international justice shows us how can be thought of a concept of decent peace. After a self-defense or after a humanitarian intervention, the decent peace that shapes the aftermath is modest in the sense that it is focused on preventing future aggression and creating stability, helping a people or state build its own just or decent political institutions (i.e. not imposing), and securing the most basic human rights. Similar to the duty of assistance, economic redistribution beyond what is urgently needed after the war to protect the right to an adequate standard of living, is not a part of a decent peace after war.

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<sup>47</sup> Rawls 1999, p. 94.

<sup>48</sup> Rawls 1999, p. 7.

<sup>49</sup> And not so much by relativism, as he does not argue that it is justified that decent peoples do not reform their institutions in order to become liberal democratic. Rather, he departs from the acknowledgment of the imperfect international order that consists of a plurality of peoples. See further Freeman 2007, p. 426.

<sup>50</sup> Rawls 1999, p. 7-8. This can also be called the principle of tolerable divergence: the idea that morality can only offer practical guidance if the gap between the demands of morality and prudence is tolerable. Just war theory follows this principle as it does not proscribe norms of ideal justice, but it takes into account the ever difficult reality of war and as such, has incorporated some of the realists arguments. Just war theory occupies the territory between realism and idealism. From this perspective, it is very clear that just war theory is always, as Walzer puts it, justice under a cloud. See further: Steven Lee, *Ethics and War. An Introduction*, Cambridge: Cambridge University Press 2012, p. 21-22.

<sup>51</sup> Rawls 1999, p. 6.

### 3.4 Largely Positive Peace

Let us look now at the fourth conception of peace, in which there is a robust connection between peace and justice, not only at the institutional level, but also at the interpersonal level.<sup>52</sup> The concept of a largely positive peace entails the realization of a comprehensive set of human rights, with a strong emphasis on the national political structure of the former enemies. Historically, this concept of peace comes from a theological perspective. As we have seen, while Augustine argues that a purely negative peace, despite being flawed, nevertheless constitutes a sort of peace that is valuable, there is another sort of peace that is more valuable. Only the ‘peace of the just’ is truly worthy of the name peace. “He, then, who prefers what is right to what is wrong, and what is well-ordered to what is perverted, sees that the peace of unjust men is not worthy to be called peace in comparison with peace of the just.”<sup>53</sup> Regularly quoted among just war theorists, such a largely positive peace is the *tranquillitas ordinis* for Augustine; peace characterized by order and justice. It has the form of a well-ordered concord; this again reflects the idea of peace being a compromise between the various interests of the people.<sup>54</sup> The earthly city seeks an earthly peace, “and the end it proposes, in the well-ordered concord of civic obedience and rule, is the combination of men’s wills to attain the things which are helpful to this life.”<sup>55</sup> This is the highest attainable goal in the early realm, and must be distinguished from the perfect eternal peace in the spiritual realm discussed hereafter.<sup>56</sup> More specifically, the compromise between individual interests that constitutes the tranquility of order means: “that a man, in the first place, injure no one, and, in the second, do good to every one he can reach.”<sup>57</sup> As is clear, the interpersonal dimension of peace reappears here, as the relations between individuals are important for this concept of peace.

The perception of peace as tranquility of order was brought up to date by the encyclical of Pope John XXII, *Pacem in Terris*, which is called the “magna charta of the Catholic Church’s position on human rights and natural law”.<sup>58</sup> The tranquility of order in a society rests on four pillars: “Its foundation is truth, and it must be brought into effect by justice; it needs to be animated and perfected by men’s love for one another, and, while preserving freedom intact, it must make for an equilibrium in society which is increasingly more human in character.”<sup>59</sup> This means that peace is understood as a rich positive concept in the Catholic tradition, based on the values of truth, justice, love for one’s neighbor and freedom, and which supports the universal common good.<sup>60</sup>

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<sup>52</sup> Or in the terminology of Evans, this concept of positive peace means that justice is secured both at the society wide macro-level but also at the micro-level of the society in individual relationships. Evans 2014, p. 29-30.

<sup>53</sup> Augustine 1887, p. 932.

<sup>54</sup> See also Anthony Coady, *Morality and Political Violence*, Cambridge: Cambridge University Press 2008, p. 268.

<sup>55</sup> Augustine 1887, p. 940.

<sup>56</sup> Augustine 1887, p. 933.

<sup>57</sup> Augustine 1887, p. 935.

<sup>58</sup> Russell Hittinger, ‘Quinquagesimo Ante: Reflections on *Pacem in Terris* Fifty Years Later’, in: *The Global Quest for Tranquillitas Ordinis. Pacem in Terris, Fifty Years Later, Pontifical Academy of Social Sciences*, Acta 18, 2003, p. 39.

<sup>59</sup> *Pacem in Terris* 1963, par 37.

<sup>60</sup> The Harvest of Justice is Sown in Peace, A Reflection of the National Conference of Catholic Bishops on the Tenth Anniversary of The Challenge of Peace, 1993, par 2. Online at: <http://www.usccb.org/beliefs-and-teachings/what-we-believe/catholic-social-teaching/the-harvest-of-justice-is-sown-in-peace.cfm>.

Unlike Margalit, who argues that peace and justice are not complementary as fish and chips but rather competing like tea and coffee,<sup>61</sup> the Catholic tradition holds that “the harvest of justice is sown in peace”.<sup>62</sup> Peace and justice are strongly connected and the realization of human rights is central to this conception of peace. Human rights are founded in human nature and the dignity of individual persons.<sup>63</sup> All individuals are interdependent and part of the global human community.<sup>64</sup> Furthermore, regarding social justice and stability, instead of remaining hostilities or a balance of power, the just peace involves mutual respect and collaboration between former enemies.<sup>65</sup> The underlying causes for the war are solved and former enemies are reconciled. This means that this peace is a “peace by satisfaction”; instead of hostility there is consent and mutual confidence, and former enemies are satisfied with the *status quo*.<sup>66</sup> Therefore, a largely positive peace is likely to be a lasting peace.

In this fourth concept of peace, the various dimensions of outer peace come together. Up until now, we have focused on the international dimension of peace, but in a largely positive peace the interpersonal dimension is also important. Furthermore, the universal dimension of peace arises here as well. Namely, the Catholic tradition focuses not only on the regulation of national and international war, but also (and particularly, some might claim) on the abolition of war in general: the creation of universal peace. While one does not necessarily exclude the other, these goals reflect the two main strands of thinking on the ethics of war and peace within the Catholic tradition: just war theory and pacifism.

The pacifist perspective can be used to further sketch a secular version of a largely positive peace. Institutional pacifism, as found in Immanuel Kant’s and Hans Kelsen’s proposals, aims to realize universal peace through the development of international law and institutions. This approach is primarily focused on the universal dimension and the temporal element of peace (i.e. the total and everlasting abolition of war) rather than focusing on the character of the peace. However, some interpretations of Kant can be used for a concept of a positive peace that is comprehensive qua character, using the democratic peace thesis.<sup>67</sup> Based on Kant’s essay *Perpetual Peace*, the democratic peace thesis holds – in short - that democracies do not go to war with each other. Based on that empirical fact, it is argued that the key to a tranquil international order is a Kantian liberal democracy. For the concept of positive peace, this would mean that the requirements regarding the national context are quite comprehensive.

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<sup>61</sup> Margalit 2009, p. 8.

<sup>62</sup> Online: <http://www.usccb.org/beliefs-and-teachings/what-we-believe/catholic-social-teaching/the-harvest-of-justice-is-sown-in-peace.cfm>.

<sup>63</sup> *The Challenge of Peace: God's Promise and Our Response*. A Pastoral Letter on War and Peace by the National Conference of Catholic Bishops, 1983, par 15. See further on the dual foundation – human dignity or personhood and natural law – of human rights in *Pacem in Terris*: Hittinger 2003 and Roland Minnerath, ‘Pacem in Terris. Quid Novi?’, in: Mary Ann Glendon, Russel Hittinger & Marcelo Sánchez Sorondo (eds.), *The Global Quest for Tranquillitas Ordinis*, Vatican City: The Pontifical Academy of Social Sciences 2013, p. 31-37.

<sup>64</sup> *The Challenge of Peace* 1983, par 240.

<sup>65</sup> *The Challenge of Peace* 1983, par 200, 234.

<sup>66</sup> Aron 2003, p. 161.

<sup>67</sup> I absolutely realize that this interpretation of Kant’s theory is not shared by everyone, e.g. Howard Williams vigorously opposes such a extensive interpretation of Kant, and opposes that Kant would be a just war theorist. Thomas Mertens also points out the considerable distance between Kant and the just war theory. See: Thomas Mertens, ‘Kant and the Just War Tradition’, in: Heinz-Gerard Justenhoven & William Barbieri Jr. (eds.), *From Just War to Modern Peace Ethics*, Berlin: De Gruyter 2012, p. 231-247.

According to Michael Doyle, a liberal democracy requires a political regime that respects the individual freedom of its citizens. This means that three sets of human rights are realized: the liberal freedoms rights such as the freedom of thought, opinion and expression, religion, and private property, the social and economic rights as the right to work, social protection and a adequate standard of living, and the political rights of democratic participation.<sup>68</sup> Given the emphasis on individual freedom and property, the capitalist system of a market economy based on supply and demand is the economic system that fits the liberal democracy. Some recent theorists have taken on this democratic peace thesis, arguing that a stable international order can be realized by intervening – waging war – and realizing a broad spectrum of human rights in other states.<sup>69</sup>

### 3.5 Fully Positive Peace

And lastly, on the far end of the continuum there is the fully positive peace. This sort of perfect ideal peace is often but not exclusively connected to a theological world view. This concept of peace further builds on the preceding concept of positive peace and one could say that all the facets of the general concept of peace come together here: the peace is eternal and everlasting, inner and outer dimensions are united, and it is perfectly just. For example, the Confucian system distinguishes three stages which represent a system of social political progress or improvement in the world. The first stage is the ‘disorderly stage’, the second is the ‘small tranquility’ or ‘advancing peace stage’, and the third is the ‘great similarity’ or ‘extreme peace stage’.<sup>70</sup> In this latter concept, inner peace, interpersonal peace and political peace come together. More specifically, the inner peace of individuals is perfected, the character of mankind is on the highest possible level, and everyone is happy. There is harmony between people, they treat each other lovingly and respectfully. Additionally, there is eternal political peace; the world is one, national states are abolished, and war does no longer exist. In this extreme peace, all races have unified into one race, and people are truly equal.<sup>71</sup> This utopian ideal is the final aim, “the golden age of Confucianism”.<sup>72</sup> As Confucius is believed to have stated: “When the great principle prevails, the whole world is bent upon the common good. The virtuous and able are honoured, sincerity is praised, and harmony is cultivated.”<sup>73</sup> It is a situation based upon cosmopolitanism and communism.

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<sup>68</sup> Michael Doyle, ‘Kant, Liberal Legacies, and Foreign Affairs’, in: *Philosophy and Public Affairs* 1983, 12/3,4, p. 205-235, 323-353, and further: Michael Brown, Sean Lynn-Jones & Steven Miller (eds.), *Debating the Democratic Peace*, Cambridge: The MIT Press 1996, p. xiv.

<sup>69</sup> E.g. Fernando Teson, ‘The Kantian Theory of International Law’, in: *Columbia Law Review* 1993/92, p. 53-102 and Fernando Teson, *Humanitarian Intervention: An Inquiry into Law and Morality*, Ardsley: Transnational Publishers 2005.

<sup>70</sup> Miles Dawson (ed.), *The Ethics of Confucius*, New York: Cosimo 2005, p. 301. For different English translations of this ‘extreme peace’ see: K’ang Yu-Wei, *Ta T’Ung Shu: The one-World Philosophy of K’ang Yu-Wei*, New York/London: Routledge 2005 (xx, translated by Laurence Thompson), p. 27-30.

<sup>71</sup> Dawson 2005, p. 301-302. This ideal of a world state is further developed by K’ang Yu-Wei. Aside from there being no more sovereign states, it also means that the institution of family is abolished. See further K’ang Yu-Wei 2005, p. 37-48.

<sup>72</sup> K’ang Yu-Wei 2005, p. 301.

<sup>73</sup> Quoted in: K’ang Yu-Wei 2005, p. 28. See also: Dawson 2005, p. 303.

A similar conception of harmonious peace can be found in Augustine's theory. The only true peace for Augustine, *pax*, comes from God and can be achieved only spiritual realm. This perfect and eternal peace is the supreme good of the City of God. It is a situation of religious salvation as well as full justice: "the peace of freedom from all evil".<sup>74</sup> This peace of heaven, "is the perfectly ordered and harmonious enjoyment of God and of one another in God".<sup>75</sup> As in the Confucian system, the dimensions of peace are united: the inner peace of individuals (harmony of body and soul), peace between individuals and God (following the law of God), and peace between individuals (both in the household and within the political community) and kingdoms.<sup>76</sup> This concept of peace clearly transcends the political dimension, as it is built upon inner peace which is extended to outer peace. As Confucianism has shown, the world can only be orderly and in peace and order if the inner peace is first developed, and our hearts are set right. The Dalai Lama emphasizes this individual spiritual transformation and agrees that peace should be developed within an individual first. Once fundamental qualities as love, compassion and altruism are developed within an individual, this person can create an atmosphere of peace and harmony, and that atmosphere can be extended "from the individual to his family, from the family to the community and eventually to the whole world".

As one might argue, this divine perfect peace describes a paradisiacal situation, a ideal but imaginary peace which occurs only in the non-human world.<sup>77</sup> It is therefore only worthwhile to explore a perfect eternal peace for the earthly realm. Recently, such perspective on peace coming from a pacifist perspective is proposed by philosopher Matthew Fox.<sup>78</sup> His proposal illustrates the radical difference compared to the purely negative conception of peace. The concept of peace he describes is based on cooperation, compassion and harmony.<sup>79</sup> Inner peace and outer peace are strongly connected, as the latter is built upon the former. Necessary for the achievement of eternal peace is the development of the better side of human nature, and the human capacity to love one another, therewith creating a culture of peace. In this context, he sees a prominent role for peace education. More in general, people have to develop a 'global outlook', based on the ideals of cosmopolitanism, pacifism, global ethics and world government.<sup>80</sup> Fox sees human rights as an important framework for this concept of peace, and argues that peace must be built upon the respect for human rights as the fundamental moral standard. He endorses a broad idea of human rights, including the so called third generation rights as e.g. the right to subsistence and the right to peace, but he includes also rights of animals and respect for the environment. This is unmistakably a fully positive peace, in which many desirable values are present: it is

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<sup>74</sup> Coady 2008, p. 267 and Augustine 1887, p. 943.

<sup>75</sup> Augustine 1887, p. 941.

<sup>76</sup> Andrej Zwitter & Michael Hoelzl, 'Augustine on War and Peace', in: *Peace Review: A Journal of Social Justice* 2014, 26/3, p. 320-321.

<sup>77</sup> Allan & Keller 2008, p. 98.

<sup>78</sup> Matthew Fox, *Understanding Peace: A Comprehensive Introduction*, New York/London: Routledge 2014.

<sup>79</sup> Fox 2014, p. 279.

<sup>80</sup> Fox 2014, p. 267-275.

characterized by the realization of inner peace, the full spectrum of human and animal rights, and ideals of cosmopolitanism and world government.

#### 4. Peace as Goal of Just War Theory

The previous section analyzed five main concepts of peace along a continuum. But which of these concepts can function as normative goal of just war theory? To answer that question, this section places the peace continuum in a lively debate in political philosophy on the role of feasibility constraints in normative theory.<sup>81</sup> A systematization of the main positions in this debate made by David Estlund enables us first to eliminate two concepts of peace and hence expose the outside boundaries of the peace continuum for just war theory. It enables us second to make a comparative assessment of the remaining concepts of peace as potential goal of just war theory. It is demonstrated that a largely negative peace coincides with a concessive approach to normative theory that leans towards political realism, and a largely positive peace coincides with an aspirational approach to normative theory that leans towards moral idealism.

##### 4.1 Feasibility and Desirability

Should political philosophy be able to offer practical guidance for the here and now? And to what extent do real world facts constrain normative theory? These questions are central to the idea of feasibility and the debate on non-ideal or realistic theory and ideal or utopian theory.<sup>82</sup> Many contributors to this debate take Rawls' idea of a 'realistic utopia' as their starting point. As Rawls argues, there are two desiderata that must be satisfied by a normative political theory: it must demand desirable 'arrangements' which can help to critically examine the *status quo*, but must at the same time be feasible.<sup>83</sup> Feasibility takes the practical possibilities into consideration, and thus questions whether the implementation of 'arrangements' or the compliance with norms is realistically possible.<sup>84</sup> Specific

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<sup>81</sup> See e.g. Joseph Carens, 'Realistic and Idealistic Approaches to the Ethics of Migration', in: *The International Migration Review* 1996, 30/1, p. 156-170; Pablo Gilabert & Holly Lawford-Smith, 'Political Feasibility: A Conceptual Exploration', in: *Political Studies* 2012, p. 809-825; Juha Raikka, 'The Feasibility Condition in Political Theory', in: *The Journal of Political Philosophy* 1998, 6/1, p. 27-40; Zofia Stemplowska, 'What's Ideal about Ideal Theory?', in: *Social Theory and Practice* 2008, 34/3, p. 319-340; Zofia Stemplowska & Adam Swift, 'Ideal and Nonideal Theory', in: David Estlund (ed.), *Oxford Handbook of Political Philosophy*, Oxford: Oxford University Press 2012, p. 373-389; Laura Valentini, 'Ideal vs. Non-ideal Theory: A Conceptual Map', in: *Philosophy Compass* 2012, 7/9, p. 654-664.

<sup>82</sup> In a very insightful article, Laura Valentini argues that the debate on ideal and non-ideal theory should in fact be separated into three distinct meanings: 1. Full-compliance versus partial compliance theory, 2. Utopian/ idealistic versus realistic theory, and 3. end-state theory versus transitional theory. My concern here is primarily with the second and third meanings. Valentini 2012, p. 654.

<sup>83</sup> John Rawls, *Justice as Fairness: A Restatement*, Cambridge: Harvard University Press 2001, p. 4, 5.

<sup>84</sup> John Rawls, 'The Idea of an Overlapping Consensus', in: *Oxford Journal of Legal Studies*, 1987, 7/1, p. 24. Gilabert and Lawford-Smith distinguish three stages in which combinations of feasibility and desirability yield different overall judgments of what to do in political contexts: the stage of formulation of core principles, the stage of the implementation of these principles through an institutional scheme, and the stage of political reforms to realize these institutional schemes. Gilabert & Lawford-Smith 2012, p. 819- 821.



feasibility constraints that influence the realization of normative theory are e.g. logical, biological (human nature), institutional, cultural, psychological including motivational constraints.<sup>85</sup> These constraints can be subdivided into strong and weak constraints, the former making the implementation of a certain arrangement impossible, the second making the implementation more difficult or costly but not impossible. Seeking a middle position in this debate, Rawls has attracted criticism from both sides: Some theorists have criticized Rawls' theory for giving in too much to political realism and being uncritical, while others have argued that Rawls is not realistic and fact sensitive enough, accusing him of naïve moralism.<sup>86</sup> Estlund offers a helpful systematization of the positions in this debate, and he places these on a continuum: the two extreme positions are strict (political) realism and moral idealism (as utopianism), and in between are non-ideal theories that make moral demands that are possible to meet in theory, which are called concessive or aspirational.<sup>87</sup> These gradually differ to the extent that concessions that are made regarding feasibility constraints, and hence which are more or less realistic, and more or less idealistic.

#### **4.2 Elimination: the Outside Boundaries of the Peace Continuum**

This debate sheds light on our peace continuum. While the continua cannot be simply taken together, a parallel can be drawn.<sup>88</sup> As pointed out in the introduction, just war theory is an action guiding, non-ideal theory that occupies the middle ground between the extremes of political realism and moral idealism. Just war theory, in other words, reflects this balance between feasibility and desirability. Estlund's systematization first shows that the purely negative and purely positive concepts of peace cannot be the goal of just war theory. As we have seen, the universal desire for peace means that wars are waged for the sake of peace. This claim can easily be accepted realizing that there are many different conceptions of peace. Even Augustine's brutal robber desires peaceful relations with his associates and family.<sup>89</sup> On this side of the continuum, when peace is understood as the mere absence of war – purely negative - it is essentially an empty concept lacking normative prescriptions, and indeed the most brutal aggressor aims for peace. Such peace is merely the self-interested realization of political goals by way of war, in other words, a 'victor's peace'. This coincides with strict political realism that sets no moral standard and consequently prescribes no change to the *status quo*.<sup>90</sup> It does not prevent or limit war, and

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<sup>85</sup> Gilabert & Lawford-Smith 2012, p. 813.

<sup>86</sup> Rex Martin & David Reidy (eds.), Rawls' *Law of Peoples. A realistic Utopia?*, Malden: Blackwell Publishing 2006, p. 7-8.

<sup>87</sup> I do not strictly follow Estlund's terminology. Estlund's term for moral utopian is moral idealism, and in between are non-ideal theories. I think it makes more sense to refer to moral utopianism as the extreme position that does not factor in feasibility constraints, as the theories in between all propose a certain level of idealization, i.e. are not non-ideal. See further David Estlund, *Democratic Authority*, Princeton: Princeton University Press 2008 and David Estlund, 'Utopophobia', in: *Philosophy and Public Affairs* 2014, 42/2, p. 113-134.

<sup>88</sup> A pacifist idealist accepts an unjust peace because that is always better than war (Erasmus), however not as a normative principle, and a political realist could propose e.g. a decent peace if that is the best way to create stability and secure national interests.

<sup>89</sup> Augustine 1887, p. 930.

<sup>90</sup> This is the standard characterization of political realism, but does not come close to doing justice to the many different and more sophisticated versions of political realism. See e.g. Little and Macdonald's recent article on so called new realist

places no limits on what can be done after war. In the same way as states have the right to wage war, they have the right to create for themselves the most beneficial peace.

This immediately indicates that a purely negative peace cannot be the goal of just war theory. Contrary to political realism, just war theory *does* hold that war is regulated by morality and it sets a moral standard in an attempt to limit the horrors of war. War can only be justified in exceptional circumstances – external aggression and extreme internal aggression, i.e. a humanitarian catastrophe – which means that some sorts of ‘peace’ are so unjust that they should not be accepted or can be replaced with a better, more positive peace. In a purely negative peace, individual well-being is severely compromised, and large scale human suffering and insecurity will remain even though the war has ended. This sort of peace replaces the violence of war with a ‘peace’ characterized by Galtung’s structural political violence to the extent that the regime violates the most fundamental human rights, and is cruel and humiliating towards its own population. This can in itself be a just cause for war, i.e. is the sort of peace that can justifiably be replaced with a ‘better’ peace. Clearly, when considering the concept of peace from the perspective of just war theory, there must be something more to peace than the mere absence of violence. This means that there must be some connection between peace and justice; the peace after war must at least be minimally just. Hence, a purely negative peace falls outside the confines of just war theory.

On the other side of the peace continuum, the concept of a fully positive peace also falls outside the confines of just war theory. Evidently the divine paradisiacal concept of peace cannot be realized in this world. A heavenly peace as Augustine’s *pax* might be a possibility in the City of God, but not in the City of Man. But neither can the ideal positive peace as described by Fox. This concept of a fully positive peace coincides with moral idealism, i.e. utopian normative theorizing that does not take any feasibility constraints into account. As became clear, a fully positive peace can be achieved through a connection between the different dimensions of peace; inner, interpersonal and political peace, and involves harmony and compassion. The infeasibility of such a world peace that is built upon the inner peace of the citizens of the world hardly needs an explanation. Given that human nature is not purely peaceful and altruistic, a fully positive world peace is a state of affairs that cannot be brought about.<sup>91</sup> In this way, it sets an impossible standard. As it is generally assumed that ‘ought implies can’, many assume that a theory that sets a moral standard of which is it impossible to live up to, is in fact a false standard.<sup>92</sup> But whether a fully positive peace can function as a standard or not, the concept is certainly too idealistic and utopian to function as the goal of just war theory. In order for just war theory to be action-guiding and effective in limiting war, it must take at least some feasibility constraints into account and set a moral standard of which it is (at least theoretically) possible to live up to. Furthermore, just war theory

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approaches. Adrian Little and Terry Macdonald, ‘Introduction to special issue: Real-world justice and international migration’, in: *European Journal of Political Theory* 2015, 14/4, p. 381-390.

<sup>91</sup> Properly considering strong and weak feasibility constraints requires complex empirical analysis and estimates, a task that I cannot pursue here.

<sup>92</sup> This way, inability refutes a moral requirement. See e.g. further Estlund 2014, p. 116-117.

has a limited scope: it is a normative theory that is specifically designed to regulate war. This means that the peace that is envisioned by just war theory is primarily the peace between states (or political groups) after a particular war. Just war theory is not concerned with establishing a perfectly just and eternal world peace, nor with the inner peace of individuals.<sup>93</sup>

Seeing just war theory as the middle between strict political realism and moral idealism exposes the outside boundaries of the peace continuum. As a result, the purely negative and the fully positive concepts of peace must be eliminated as goal of just war theory, since they are compatible with strict realist or moral idealist normative theories, but incompatible with just war theory. Peace as the goal of just war theory *is* connected to justice, but it is not about perfect justice. As a result of this elimination, the three middle concepts on the peace continuum remain as potential goal of just war theory.

### 4.3 Comparative Assessment

Let us now turn to the comparative assessment of these remaining concepts of peace. All three concepts of peace are idealistic to the extent that they set a moral standard, but they take feasibility constraints into account: they do not demand the impossible. The balance between the two desiderata of feasibility and desirability, and hence the level of idealization, explain the gradual differences between them. A largely negative peace as normative principle coincides with a concessive approach since a relatively large concession is made to the desideratum of feasibility. Various feasibility constraints are taken into account, including weak constraints that have to do with the psychological motivation to realize peace. E.g. the fact that many states are (at least in part) concerned with their national interests is taken into account when setting the moral standard. When a normative principle poses a large obstacle to the state's pursuit of its national interests, it is likely to be ignored. This can be a reason to state that the divergence between what is morally required and what is feasible must not be too big. This is what Steven Lee calls the 'principle of tolerable divergence'.<sup>94</sup> In order for just war theory to have a practical impact, it needs to take the way that states are likely to behave into account.

Whereas the concept of a largely negative peace is a concessive goal, a largely positive peace is an aspirational goal that goes less far in making concessions to feasibility constraints. Here, it is assumed that the fact that a normative principle is unlikely to be followed does not influence its validity. Since the realization of a largely positive peace is possible in theory, it can be required as a goal of just war theory, despite the fact that, given e.g. empirical circumstances or motivation, it is unlikely that it will be realized. In other words, the strong feasibility constraints are taken into account, but not the weak

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<sup>93</sup> A note can be made here: first, it would be interesting to see whether there can be a fruitful just war theory that ignores inner peace. For example in South-Africa, would it be possible to create peace institutionally, without addressing the feelings of hatred living within people, which create tensions between people on the personal level? Problems can be expected if institutional reconciliation is not accompanied with personal reconciliation and forgiveness. The question whether just war theory is a coherent theory if inner peace is ignored would be interesting to resolve.

<sup>94</sup> Lee 2012, p. 21, 22.

constraints. The decent peace in between those two concepts is a more even balance between the two desiderata of feasibility and desirability.

Hence, just war theorists can understand peace in three main ways: as largely negative peace, decent peace, or as largely positive peace. Which particular concept of peace they favor as the normative goal of just war theory depends in large part on the way that they balance feasibility and desirability. What is the appropriate level of idealization in just war theory? Concessive (i.e. more realistic) just war theorists as Michael Walzer will endorse a largely negative peace or a decent peace in which the balance inclines towards feasibility. The connection between peace and justice is strong but minimalist, according to Walzer, “so as to sustain the recognition that peace itself is a value at which we can justly aim and sometimes live with, even if it is unjust”.<sup>95</sup> More concretely, this means that the peace after war involves the reconstruction of a sovereign state which is a safe and decent society, determined by a minimal conception of human rights.<sup>96</sup>

Somewhat more aspirational theorists as Brian Orend<sup>97</sup> will endorse a decent or largely positive peace as the normative goal of just war theory. As such, there is a stronger connection between peace and justice than in Walzer’s just war theory. Orend holds that there are cosmopolitan duties owed to foreign populations to realize minimal justice. After war, the creation of a minimally just state – which makes every effort to: “(i) avoid violating the rights of other minimally just communities; (ii) gain recognition as being legitimate in the eyes of the international community and its own people; and (iii) realize the human rights of all its individual members”<sup>98</sup> – is central. The human rights that are most essential are the rights to security, subsistence, liberty, equality, and recognition.<sup>99</sup> Realism makes Orend acknowledge that we cannot require perfection when it comes to the realization of human rights; but serious efforts and sincere intentions are required.<sup>100</sup> Compared to Walzer, Orend places more emphasis on individual rights. Sovereignty is conditional and can be easily overridden: whenever a state does not make a genuine effort to realize the human rights of its citizens, sovereignty is forfeited. This means that the peace after war is based on a more extensive collection of human rights, which often requires forcible regime change by the just victor in the defeated aggressor.

And aspirational (i.e. more idealistic) just war theorists will endorse a largely positive peace in which the balance inclines towards desirability. Mark Allman & Tobias Winright defend an aspirational Christian just war theory based on ‘love for one’s neighbor’.<sup>101</sup> They argue that there is a

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<sup>95</sup> Michael Walzer, ‘The Aftermath of War. Reflections on Jus Post Bellum’, in: Eric Patterson (ed.), *Ethics Beyond War’s End*, Washington D.C.: Georgetown University Press 2012, p. 37.

<sup>96</sup> Walzer 2012, p. 43- 45.

<sup>97</sup> Even naïve according to Anthony Coady. Anthony Coady, ‘The Jus Post Bellum’, in: Paolo Tripodi & Jessica Wolfendale (eds.), *New Wars and New Soldiers: Military Ethics in the Contemporary World*, Surrey: Ashgate 2011, p. 54, 55.

<sup>98</sup> Brian Orend, ‘Jus Post Bellum: A Just War Theory Perspective’, in: Carsten Stahn & Jann Kleffner, *Jus Post Bellum, Towards a Law of Transition From Conflict to Peace*, The Hague: TMC Asser Press 2008, p. 43.

<sup>99</sup> Brian Orend, *The Morality of War* (second ed.), Peterborough: Broadview Press 2013, p. 35-36, 189.

<sup>100</sup> Orend 2013, p. 38.

<sup>101</sup> Mark Allman & Tobias Winright, *After the Smoke Clears: The Just War Tradition and Post War Justice*, New York: Orbis Books 2010, p. 13

strong connection between peace and justice: “peace is an enterprise of justice”.<sup>102</sup> And justice is understood as inclusive and substantive, negating self-interest, and envisaging an equitable peace in which reconstruction delivers systematic transformation and not merely regime change.<sup>103</sup> Furthermore, Seth Lazar and Laura Valentini interestingly pointed out recently that so-called ‘revisionists’ just war theorists are generally aspirational.<sup>104</sup> Cecile Fabre, one of the most eloquent revisionists, indeed places the threshold high and argues that cosmopolitan justice requires that individuals are capable of leading not only a minimally decent life (or minimal justice for Orend), but a flourishing life.<sup>105</sup> As a result, peace for Fabre is: “a state of affairs where all individuals actually enjoy their human rights to the freedoms and resources they need to lead a flourishing life”.<sup>106</sup> The capability to flourish means that individuals are autonomous – able to pursue their own conception of the good – and includes bodily integrity, basic health, emotional and intellectual flourishing and control over material resources and political environment.<sup>107</sup> As it appears, this means that Fabre will endorse a largely positive peace in which outer and inner peace are connected.

## 5. Conclusion

The analysis and the conceptual tool kit here developed sheds light on the concept of peace in general, and the different concepts of political peace that have the potential to function as the goal of just war theory. The paper shows that just war theorists can understand peace in three ways: as a largely negative peace; a decent peace; or a largely positive peace. Unfortunately, the comparative assessment of these concepts also shows that Evans’ apprehension must be confirmed: upon closer inspection, just war theorists indeed disagree on the specifics of peace as the normative goal of just war theory. Concessive just war theorists will endorse a largely negative peace or a decent peace and aspirational just war theorists will endorse a largely positive peace.

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<sup>102</sup> Allman & Winright 2010, p. 6.

<sup>103</sup> Allman & Winright here quote Adrian Pabst, whom they say to agree with on his vision on justice after war. Allman & Winright 2010, p. 75.

<sup>104</sup> Lazar and Valentini pointed out that the disagreement on the discrimination principle is a proxy battle for a deeper disagreement between traditionalists and revisionists about the nature and purpose of political philosophy. One of these deeper disagreements is precisely that balance between feasibility and desirability. As they demonstrate, traditional theorists defend the discrimination principle on concessive grounds. There are feasibility constraints that render it highly unlikely that a norm prohibiting the killing of just combatants would be followed: it is very difficult for combatants to determine whether they fight a just war and whether their enemies are liable to be killed; as a feature of human nature, it is psychologically impossible for combatants to adhere to strict moral norms in the extreme circumstances of war in terms of dire peril, deaths, psychological trauma that they face; and combatants will nonetheless convince themselves that they are fighting a just war, which is often stimulated by propaganda and selective information of their political leaders. Revisionists acknowledge these constraints, but argue that the fact that it is unlikely that combatants comply with revised *jus in bello* norms does not render the norms invalid. Furthermore, they are much more optimistic with regard to the possibilities: it might be difficult for combatants to make this distinction, but it is certainly possible if they make enough effort. Seth Lazar & Laura Valentini, ‘Proxy battles in just war theory: Jus in Bello, the site of justice, and feasibility constraints’, in: David Sobel, Peter Vallentyne, Steven Wall (eds.) *Oxford Studies in Political Philosophy* (vol. 3), Oxford: Oxford University Press 2017 (forthcoming).

<sup>105</sup> This constitutes Fabre’s threshold: “One all have the resources required for a flourishing life, (...) the well-off have as a matter of right the personal prerogative to confer greater weight to their own goals and life-projects at the expense of the less well-off. Cecile Fabre, *Cosmopolitan Peace*, Oxford: Oxford University Press 2016, p. 4.

<sup>106</sup> Fabre 2016, p. 12.

<sup>107</sup> Cecile Fabre, *Cosmopolitan War*, Oxford: Oxford University Press 2012, p. 19.

As a result, they will also disagree on the content and scope of *jus post bellum*. Aiming at a largely negative peace, which is stable and orderly and in which only the most basic human rights are secured, *post bellum* rights and obligations will be limited. This results in a minimalist or restricted version of *jus post bellum*, which is concerned with restoring sovereignty and placing limits on what victors are allowed to do after war. Aiming at a largely positive peace, in which former enemies are reconciled and in which a full spectrum of human rights (including e.g. democracy) is secured, *post bellum* rights and obligations will be much more extensive. This results in a maximalist or extended version of *jus post bellum*, which requires a longer timeframe and imposes comprehensive positive duties on the victor after war.<sup>108</sup>

Hence, while this paper makes clear which concepts of peace *can* be the goal of just war theory, it also reveals the disagreement regarding the appropriate conception of peace, and related, the appropriate content and scope of *jus post bellum*. Hence, an important next question is: which concept of peace *should* be the normative goal of just war theory? This is not a question that can be answered easily. It namely involves passing judgment on the deeper disagreement regarding the appropriate level of idealization in just war theory. This paper does not attempt to decisively settle that question, but has the more modest aim to contribute to a better understanding of peace as the normative goal of just war theory, which *is* a first and necessary step in settling it.

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<sup>108</sup> See further: Lonke Peperkamp, 'Jus Post Bellum: A Case of Minimalism versus Maximalism?', in: *Ethical Perspectives* 2014, 21/3, p. 255-288.