

Research Article

Just War Theory: An Ethical Approach

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Abstract: The aim of this article is to show that war cannot be just, neither morally, nor in itself or in essence, because it always has political and legal causes. Conversely, terrorism cannot be justified. The rise of terrorism shows that the human spirit is not pure freedom or unmixed reason, part of a kingdom of ends. So it can be said that there is a similarity between the states that hold military power, the dictators who reign in terror, and the bombers. Their common point is the use of force, concealed in various forms: firearms, nuclear weapons, economic domination; violence.

Keywords: just war, ethics, peace, terrorism, justice, politics

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INTRODUCTION

African societies, more than a century after the colonial invasion, remain in a cycle of violence in various forms, summarized in the term of war or armed conflict. Consequently, doing philosophy today in Africa requires paying special attention to the movement of peoples caused by armed conflict. Armed conflict is a source of physical and moral harm.

The objectives of this study are to define the intelligibility of wars and to understand what makes it possible to designate certain events, in historical matter, as wars, and not as economic crises, religious developments or technical breakthroughs. It is a cognitive process applied to the formulation of the concepts of war and radical evil, within the precise framework of the writings of Hugo Grotius and Emmanuel Kant. War is taken here as an object of science and not as an applied human activity, the implementation of which calls for cognition and can benefit from the efforts of rationality. We give ourselves the task and ambition to grasp the war conceptually with Kant, in his objective and intelligible intimacy, by identifying the conceptual site of the war, that is to say the space of the human to which it belongs, know the political order.

Our hypothesis is that war is a subordinate reality of politics. In other words, all wars are in the political realm, that is, in the conquest and management of power. This conceptual anchoring allows the concept of war to be constructed by relating it to the three concepts of morale, law and peace. It is well known academically that in the history of political ideas, the works of Hugo Grotius on The rights of war and peace (1724; 2012) mark a decisive moment in the philosophy of war (S. Forde, 1998). Grotius brings together a number of ideas present in the religious context and proposes their secular justification. He was quickly followed by 17th century jurists, Samuel von Pufendorf and Emer de Vattel, who offer their own understanding of secular international law, including a theory of just war.

In addition, war finds its first philosophical analysis in Emmanuel Kant, in the third definitive article of the Project of perpetual peace, in paragraph 62 of the Metaphysics of manners, in a part of the Conflict of faculties, as well as in certain fragments of his work posthumous. Kant deals specifically with cosmopolitan law as an autonomous body in relation to international law and public law internal to the state. As such, it establishes the conditions for peace between states as a definitive end to war (W. Howard, 2012).

Contemporary writings on this subject have experienced certain resurgence after the Vietnam conflict. Michael Walzer (2004), Sidney Axinn (2013), and many others have written on this subject, offering a plethora of just war theories. These authors and their theories largely stick to the program as defined by Grotius and Kant.

METHOD

Our philosophical inquiry follows a comparative method. In the first moment, we give a brief overview of the ideas of Hugo Grotius, to better understand the beginning of the theory of just war. We evaluate, in the second moment, a basis for discussion with Emmanuel Kant on the concept of radical evil. And the third moment is devoted to the analysis of the ethical concept of war proper.

RESULTS AND DISCUSSION

Hugo Grotius and the theory of just war

War is undoubtedly the great affair of the human race. It is in this capacity that Kant recognizes the most natural thing in war: "War, however, does not need a particular determining reason, but it seems to be grafted onto human nature. (E. Kant, 2002, p. 73). The natural dimension of war in man is the bellicose spirit, which tends to impose individual history as total history. The declaration of war is always made by an individual and only one (head of state, head of government or rebel leader) who, through his prerogatives, embodies the power alienated by a group. From this point of view, war is the materialization of a form of exclusion: war is to relocate the other, to deterritorialize it by all forms of migration or by death, death is a departure.

It should be recalled, from the outset, the historical and geographical context of these writings dating from the late wars of the Old Regime at the end of the Middle Ages in Europe, wars which saw children of twelve years being, on paper, army colonels. The war that the philosophers of the Enlightenment describe has not become foreign to us, in view of the accelerated militarization of the nation-states of the world today. The rereading of 18th century peace projects is therefore a reminder of the promises of peace buried, as soon as they were born, under the rubble of the wars which followed them.

Thinking of war, conceiving of perpetual peace was impossible before them, because peace only designated the transitional state between two wars. Perpetual peace was unthinkable before these texts; it will at least become conceivable from a philosophical point of view afterwards. Progress has not been easy, since the West has valued warlike virtues since Antiquity. For a philosophical discourse on perpetual peace to have arisen, there must have been a moral

denunciation of the war which was far from self-evident. But before thinking of peace in itself, modern philosophers have tried to reflect on just war, which we need to analyze in broad outline.

In Kant's words, Grotius would only be a comforter, whose doctrine would only consist in providing an ideological alibi for wars of an essentially acquisitive character. The notion of just war would be incapable of playing the least regulatory action in the conduct of war; worse, it would only enshrine the rights of the victor, in no case those of a just man who cannot be found. Indeed, in his *Doctrine of Law*, § 61, Kant underlines the ambiguity of codifying the laws of war where it should be attempted to remove it. The right of the people who are content to manage the right to war must be surpassed by a cosmopolitan right.

However, Grotius' just war doctrine is intended to be an instrument of discrimination between wars aimed at limiting the use of force and moderating the intensity of conflicts. First, it represents an attempt to view war as a legal remedy. War is justified by the peace it must establish; peace is the only legitimate end of war. The doctrine of just war then posits that war is an object of law, governed by specific rules: law is a form of war.

This is indeed the general framework in which the Treaty of Grotius is written, entitled *The Law of War and Peace*, published for the first time in French in 1724, and republished today by various publishers. It is the first text in the history of political ideas to be devoted entirely to war and peace. Grotius shows that the use of force and respect for the law are compatible, that one can not only restrict the use of force but also regulate its use: "One should not wage any war except to maintain or pursue his right; or do it, when one has committed to it, only by standing within the bounds of justice and good faith (H. Grotius, 2012, p. 999).

Just war (*jus belli*) includes both the reasons for resorting to war (*jus ad bellum*), the objectives sought or the aims of war and the means of making it (*jus in bello*). Grotius proposes to codify the conduct of war, the end of the war and the conclusion of peace, in order to be able to distinguish acts of war and war crimes. He added the question of *jus post bellum*, post-war justice, which related to national sovereignty, occupation or the redistribution of profits. It should be remembered that the historical context here is that of the wars of religion in the Netherlands, the Thirty Years War at the time of writing the *Law of War and Peace*, and ethical, religious and legal reflections aroused by the discovery of the New World. From a philosophical and religious point of view, notably under the effect of the Reformation, a skeptical moral crisis dominates which blurs the criteria for distinguishing the just from the unjust.

The essential question which preoccupies Grotius being to know what is a just war and what is just in the war, it emphasizes on the definition of the conditions of the war. Its purpose, therefore, is not to outlaw war, but to establish the conviction that war has its laws, as well as peace, and that it must be governed by restrictions of order. moral and legal. The terms in which the problem is exposed in the Preliminary Discourse then justifies the qualification of "centrist" doctrine used by Mr. Walzer: "It was therefore necessary to move away from both ends also to disillusion and those who believe that it does not there is nothing innocent here, and those who imagine that everything is allowed without restriction (M. Walzer, 2004, p. 21).

Grotius defines war as the state of those who try to settle their differences by force, considered as such. We must therefore distinguish war as a set of preparations and projects against an enemy, and current weapons or hostilities. No normative implication in this definition, but a will to present a kind of research instrument which includes all power relationships, and then to confront them with the criteria of the just.

As can be seen, Grotius is not primarily aimed at war between states. The Law of War and Peace encompasses the multiple relationships between people of all conditions who, in the absence of a common judge, can only rely on the use of force for the defense of their rights. What brings these different situations together is either a legal vacuum (war between States), or a failure of the particular courts (war between individuals), these two circumstances being posed as equivalent. Added to this is the fact that the state, like the individual, has war jurisdiction to the exact extent that one of his subjective rights is violated.

War is therefore seen as a substitute for a legal sanction: "Also, as many sources of lawsuits, as many causes of wars: because where the paths of justice fail there begins the path of arms (H. Grotius, 2012, p. 206). Whether it opposes individuals or States to one another, it is conceived as a *consecutio juris* or the pursuit of a right by armed force. It thus only achieves in a violent form what a peaceful judicial procedure cannot obtain.

Consequently, just war then appears to be the unilateral exercise of a sanction against the offender. The parties therefore necessarily have an unequal status: he who avails himself of just cause acts as a vigilante; his opponent's war is necessarily unjust. The Law of War and Peace thus lists three types of war: private war which takes place between individuals, public war between public persons, mixed war between public authority and individuals. In this way, if war is not necessarily a relationship between sovereign persons, still less between sovereign states, the status of

belligerents matters little, at least in the case of just war, and the criterion of just cause becomes central.

This idea of just war is challenged by Kant, as an ideological varnish, which cancels the idea that discrimination can be made between different types of wars, and that some of them can be legitimized on the grounds that they are a means of restoring an infringed right and therefore, ultimately, of ensuring future peace and security. It is absurd to pretend to justify war in the name of peace and to identify it with criminal or even judicial proceedings. The question of the relationship between war and peace goes beyond the purely legal framework advocated by Grotius. It is essentially moral and political, and it is linked to the problem of moral evil and physical evil, summarized in the Kantian concept of radical evil.

The Idea of Radical Evil

The problem of radical evil arises when, seeking the formal conditions for any act contrary to moral law performed in the sensitive world, Kant assumes the presence of a subjective practical principle contrary to moral law and the foundation of all particular maxims. If the presence in human nature of an original disposition to the good is the condition for the possibility of morally good actions, on the other hand, the existence of actions empirically contrary to moral law leads Kant to take note of the fact that the objective principle of moral law is not always respected in its purity, to the exclusion of all other sensitive motives. He then supposes an unfathomable resistance from the referee to admit in the maxim of his action the only moral principle. This resistance to disrespecting the moral law, even though man knows what is required of him morally, escapes all explanation and is what Kant calls the evil or radical evil addiction.

Indeed, although he cannot escape the categorical imperative of the moral law which continues to impose itself on his conscience, man nevertheless admits in the maxim of his action the possibility of occasionally departing from moral law. Radical evil is precisely what underpins, from a subjective point of view, the adoption by free will of a supreme maxim contrary to moral law and the foundation of non-moral actions. Evil is radical "in that it corrupts the principle of all maxims" (E. Kant, 2011, p. 45).

The inclination not to respect the moral law is present at the origin of each of the decisions of the arbitrator who by a free act may not comply with the moral law. In Kant's critical philosophy, freedom is essentially practical freedom defined positively as obedience to moral law and, negatively, as independence from sensitive conditions. However, in the article On Radical Evil, the free act by which the arbitrator adopts a non-moral supreme maxim cannot

fall under practical freedom in so far as the arbitrator has the freedom to disobey the moral law.

In other words, the problem of radical evil arises when the arbitrator distinguishes himself by opposing the will. Henceforth, the arbitrator no longer identifies with pure will and his objective principle of determination. It adopts, in fact, a first subjective practical principle contrary to the moral law at the origin of non-moral actions. Here, the arbitrator cannot be free in a practical sense in that he does not bring into the maxim of his action the moral law as the only determining principle. Nevertheless, the arbitrator is free in the sense of a freedom of choice which is expressed in the original choice of the arbitrator of the subjective basis of all the particular maxims.

That man is capable of radical evil is tantamount to saying that war, from the moral point of view, must be assimilated to radical evil. Thus, by the publication of his essay *On radical evil in human nature*, which the editors inserted in the large work entitled *Religion within the limits of simple reason* (1792; 2011), Kant defends rigorism in morals. The observation that the fundamentally bad man is capable of the greatest evil seems to be able to proceed only from a resolutely rigorous moral, exactly in the manner of Kantian ethics. In other words, the proverbial intransigence of Kantian morality would explain the observation of the radicality of evil in man.

One could legitimately point out that this assertion does not really need demonstration, because the link between an austere morality and an essentially pessimistic conception of human nature appears confusingly banal. The question that arises is therefore the following: is it possible for free will to make room partly for moral reason and partly for selfish reason?

This would amount to proposing a mix of motivations within free will. Such syncretism is inadmissible to Kant, for the good reason that the moral motive does not allow itself to be relativized or marginalized. To understand this, we must remember the status of moral law, as the law of pure reason. This rules a priori, that is to say by virtue of the Kantian definition of a priori, in a necessary and universal manner, and it goes without saying that its principle applies in all cases. Its status as "law" immediately attests to this. No derogation is authorized, so that no bargaining is possible within free will. The law imperatively commands and the simple fact of admitting alongside it, within the maxim, another principle destroys the claim of moral law. In other words, one contradicts oneself when one affirms that the law commands universally but that it tolerates at the same time the competition of a foreign principle: it would then be at the same time universal and particular.

Thus, the third section of the 1792 essay is entitled "Man is evil by nature" and begins with a definition of moral evil. However, the paragraph which contains this definition is precisely that in which the thesis of the radicality of evil and its presence on the scale of the human species is stated. The proposition "the man is bad" means that he is aware of the moral law and yet he has admitted in his maxims an occasional deviance from it (E. Kant, 2011). Two elements are to be retained from this definition, namely awareness of the law and the occasional nature (*gelegentlich*) of the derogation from the law of duty. The slightest occasional deviation means outright rejection of the law. It truly translates into an acceptance of evil in terms of principles. This evil is radical in so far as the emergency regime claimed for itself is in fact a deep corruption of the human heart.

Turning now to the question of the generalization of corruption to the whole human race, Kant finds himself forced to establish on this aspect of his thesis to venture on much less stable theoretical ground. This attracted a number of critics. On what basis, in fact, can he say that all human beings immediately chose evil? Kant retorts that it is based on anthropological observation. And for fear of being accused of partiality by restricting its sampling to Europe only, he seeks to support his thesis of the generality of evil by making fun of the myth of the good savage, that is to say the false illusion of natural goodness among distant peoples (E. Kant, 2011, p.46).

If history as the passage of time continues its warlike course in an irreversible way, the refusal to trivialize the events of suffering in history can provoke a reversibility of time, an opening to ethical time. Escape from reckless distraction from the suffering of others begins with the rejection of unethical political reason, that is, of war. It is because state politics tends to find in itself its *raison d'être*, outside of ethics, that political reason, in contemporary societies, becomes the mother of meaning, so that the principles ethics of the primacy of individual well-being are referred to the contesting game of social demands, led by defenders of consumer rights. Henceforth, the impossibility of exercising the right to demonstrate in order to claim respect for other human rights from the government, becomes the motive that forces a forced exodus, in search of hospitality.

It is a question of recognizing that all suffering caused to the citizen is the fruit of a vision of the world, under the background of the denial of the freedom to rebel in the face of suffering. The basic truth to remember is this: it is humans who drive other humans out of their homeland, directly or indirectly. From this point of view, the migrant problem is eminently an ethical problem of interhuman relations, experienced as war. At the start of any migratory movement, there is a

suffering of others inflicted by a human subject, there is a self-sufficient power of the man against the human. Activity of the animal kingdom, in a ferocity of the wild beast, which defends its living space, the self-sufficient man forces the other man to leave or to die, to die by way of departure from his place of origin.

To take away from others the right to revolt in the face of suffering is to push them to deny their own place, that is to say the ground trampled by their feet, to leave their body. And pushing others into exile is, at least, living in absolute confinement. The autarkic man is enclosed in himself and on himself, in a monolithic attitude before sociality; so that to exist, to be truly oneself, for him, it is to chain oneself alone in a geographical territory, in a narcissistic veneration of the thing, because the earth is a thing.

War as a Radical Evil and Peace

Since antiquity, war has often presented itself, depending on the balance of power, as the movement of conquest from the West to the East or from the East to the West, so that the primary idea of terror is naturally associated with this kind of war. But the colonial enterprise from Europe to Africa inaugurated a civilization of and through terror. If civilization, in its primary sense, means the habitation of the city, the colonialist West founded African cities and nations on the basis of violence. It's not just the birth pain inherent in benign surgery. It is about the congenital transmission of state terrorism, still present in nations with no national ideal in Africa. From this point of view, some nation states are still in a state of nature, as envisaged by the contract philosophers.

Kant fully and explicitly subscribes to the description of Hobbes: the state of nature is a state of war, real or virtual, of all against all. It is a state which keeps the same characteristics between societies as between individuals, so that war can oppose states and individuals. Insofar as a single individual, right in the middle of the city, opposes morality and justice, he is in the state of nature; as a result, humanity in him and through him finds himself in a state of war. It is therefore possible to make a similarity between this individual, in society, who would be in a state of nature because he wants war, and the terrorist who, individually, goes to war with an entire state. In this sense, the terrorist would be the man who, within civil society, intends to remain in a state of nature, against law and morality.

On the moral level, Kant recognizes in human nature a perversity, which is not the result of civil society. Indeed, this perversity is hidden inside the city, and is given free rein only in the state of nature, that is to say in the external relations of the States⁸ and, for us today, in terrorism. States are in a state of nature as long as they do not unite around a peace agreement. In

addition, Kant, by distinguishing between the empirical and the noumenal, suggests a positive principle which entirely exceeds the psychological or sociological description. Even out of pure selfish feeling, man is crossed by the desire to get out of the war, so that selfishness is not an absolute obstacle to peace. Legally, Kant writes:

Even if it is granted that real hostilities do not always prevail between people not governed by external laws, the state of these people, that is to say the relationship in and by which they are likely to rights, is a state where each wants to be judge himself of what seems to him to be his right vis-à-vis the others, having besides in this respect even no guarantee on their part, nor providing them, to the reserve of the force proper to each; this is a state of war where one must be constantly armed against the other (Kant, 2011, p.131).

This is why the conception of the state of nature as a state of war does not come from experience and does not depend on the conception of moral evil; it is therefore sheltered from all psychological, moral and sociological refutations, "because this state is a continual violation of the rights of all the others" (Kant, 2011, p.132). Kant insists very strongly on the idea that the state of nature is morally unjust, and that it is morality that imperatively orders to go to civil status. The uncertain and dangerous nature of the state of nature lies in the absence of a legal framework which would make violence impossible.

Consequently, the postulate of public law: you must, because of the relationship of coexistence which is inevitably established between you and the other men, to leave the state of nature to enter a legal state, is drawn analytically from the notion of law in external relations. It is by observing conflicting relationships between states that the need for public law arises. But, more deeply, it is required directly by morality, as "absolute and first duty". If the individuals are between them in the state of war, the States are between them in the state of nature; so that States in turn must, like individuals, abandon the state of nature in order to enter a legal state guaranteeing peace. It is undoubtedly for these reasons that Kant is extremely sensitive to the incomplete nature of a legal constitution, limited to the internal order. In other words, the establishment of a perfect civil constitution is linked to the establishment of legal relations between states, from the perspective of the classical concept of international law. Thus, "international law" begins, in paragraph 54 of the Kant law doctrine, from the same perspective of public law.

It is formulated in three points: 1) that the states considered in their external mutual relations (like savages without laws) are naturally in a non-legal state; 2) that this state is a state of war (of the law of the strongest) although there is not in reality always war

and always hostility. This respective position (when one and the other people want nothing better) although it results in fact no injustice for anyone, is however very unfair in itself, and the neighboring States of each other are forced to leave; 3) that it is necessary that there be an international pact conceived according to the idea of a primitive social contract, and by which the peoples respectively oblige themselves not to interfere in the internal discord one others, but nevertheless to guarantee each other foreign attacks.

For Kant, practical reason orders states, considered as legal persons, to enter into a legal state which, at the same time, retains their personal autonomy and proscribes war. The organ of this pact or this alliance must be a permanent congress of states. In this way, practical reason, as the seat of morality, a priori founds the concept of the League of Nations. Kant thus intends to effect the transition from the state of nature to the legal state, from natural war to instituted peace.

However, it should be noted that freedom alienated by men means that force in society takes the place of the law. The institution of peace is the establishment of the rule of law. Reason must therefore be founded both on the impossibility of demonstrating with absolute rigor the pessimistic forecasts of political wisdom, and their absolute opposition to the imperatives of morality. The binding certainty of the latter, attested by moral conscience, should not be exchanged for the apparent probability of the latter, attested by partial and partial observation. It is for this reason that Kant develops a philosophy of history, which offers reasons for optimism that are both to counterbalance pessimistic skepticism as a whole and to surpass its main objection to perpetual peace in a roundabout way. The philosophy of history should bring reflection on morality, the metaphysical coefficient, based on the global vision of human societies and their common destiny.

We can therefore remember that in the first place, the idea of the perfect legal constitution which must inspire action does not come from experience, it is a priori; secondly, even if its realization is not certain, this idea, the use of which is only regulatory, has no limits, because it necessarily leads to progress towards perpetual peace. Since freedom is an a priori notion of practical reason, it is absurd to judge ideas from experience. Following the path of duty thus leads to a postulate, a supposition or a utopia concerning the possibility of progressing towards the final goal. The question that remains is this: how can we ensure that States can follow the reason which, in truth, is the responsibility of the individual?

To resolve this question, Kant offers a specific interpretation of history, progress and the possibility of

perpetual peace, which does not make political action inspired by moral law contradictory or absurd. There would therefore be a radical opposition between reason and experience, between morality and nature; for nature and experience would appear to be hostile to the perpetual peace required by morality and by reason. On the practical level, we would decide to act in his favor by a kind of bet, the theory of which could only have demonstrated the possibility.

It must therefore be able to produce a new way of looking at nature, experience and history. These must be able to lend themselves to a reading or an interpretation which are more reconcilable with the ideal of perpetual peace than were the considerations on the fighting spirit of men and their will for domination which had fueled skepticism. political wisdom about it. In this way, we will return to this experience that we had challenged and that we will look for a common thread and signs allowing us to detect progress towards peace, legality and morality.

The question which then arises is this: if history must be questioned in the perspective of the end assigned to it by practical reason, and if we must look for signs of progress towards this end in the well-being, at what level will we find these signs? It is here that the originality and depth of the Kantian response, and its character essentially outside of politics, are manifested. Kant searches in experience for signs favorable to perpetual peace; but it is not the same experience, the opposition to which he noted and disputed the decisive character. Basically, men, as natural beings whose free will is affected by sensitive motives, will never freely choose to take the steps essential to perpetual peace.

From then on there are only two possibilities allowing to conceive the realization of perpetual peace: either man will choose it freely, but to obey the law; or he will be forced to do so by a higher power. And, since prediction must be based on signs already existing in experience, the two possibilities come down to these: either manifest historical experience of traces of the moral disposition of the human species which must bring it to overcome its inclinations and to enter into a universal legal state; or it manifests traces of the action of a higher power which, without their knowledge, would divert the actions of men from their individual goals to make them serve its overall plan which would coincide with perpetual peace.

These two possibilities are precisely the two versions of Kantian philosophy of history. The first is that of the Conflict of Faculties (1955), where the enthusiasm aroused by the French Revolution is considered to be the sign of a "moral disposition of humanity" and of a faculty of progress such that no political n 'could have, by dint of subtlety, drawn it from the previous course of events. But Kant himself

recognizes that in the course of human history, rare acts of wisdom have been overwhelmed by waves of madness and wickedness. To predict that it will be otherwise, it is therefore necessary to find at work, in history, another power which can compel immoral dispositions and actions to favor the emergence and the effectiveness of moral dispositions and actions. .

The Conflict of Faculties, as such, ends with a chapter which shows the subordinate nature of moral education proper and of human freedom, in relation to the superior or indirect causes which push men in the right direction. There is history only to the extent that freedom is exceeded, when human actions undergo a meaning which is not of their choice, even if it results only from the totality of their own game. History occurs when the passage takes place from the conscious to the unconscious and from the particular in total, with the appearance of experience which can justify the practical ideal of perpetual peace. Paradoxically, it is to the extent that men do not do what they want, when their projects betray them that morality can progress and become part of nature. It is only by being instruments oblivious to the plan of nature that they prepare a State intended to enable them to act for autonomous ends.

Kant makes a difference between the ends of individuals (apparent interest) and those of nature (real interest). It is in a way the nature which supports the violence and the immorality of the policy, it is it which applies the maxim: "The end justifies the means", the use of which is strictly forbidden to individuals by the practical reason. In this perspective, the French Revolution, the insurrection of the peoples against tyrants and the wars of liberation call for a double judgment, of retrospective justification by history and of unconditional condemnation by morality.

As we can see, Kant's ethical-legal position eliminates both the theoretical question of the best political regime and the practical question of political judgment. It advocates legalism based on the universal legitimate solution. In addition, its historical-legal position eliminates all practical consideration of judgment and prudence, in favor of the hidden work of nature, which acts through us, in our place and without our knowledge. Here again, Kant operates a synthesis between projects of perpetual peace that were before, by adding a metaphysical or historical supplement. He initiated a philosophy of history based on the idea of a progressive education of humanity of nature.

CONCLUSION

We conclude this article on the discussion about the just war and the fight against terrorism, to show the topicality of Emmanuel Kant's thought on peace. Since the renewed interest in the just war in the United States in the aftermath of the intervention in Vietnam, intellectuals began to reread Saint Augustine,

Grotius and Vattel, classic theorists of the just war. Michael Walzer, for his part, gave a new life to the theory of just war with the publication of his important work *Just and Unjust Wars* in 1977, thus opening the possibility of teaching this theory in American universities. The theory was also used extensively to judge the moral dilemmas of nuclear deterrence in the 1980s, and those of humanitarian intervention later in the 1990s.

Today, the fight against terrorism is one of the top priorities of several governments. It is therefore legitimate for the theory of just war to pay more attention to the moral dilemmas posed by the use of terrorism in human conflicts, and to those of the response which must be brought to it by States. Hence the urgency to revisit Kant's thinking about radical evil, war and peace.

Debates about justice and war can therefore be summed up in two questions: can war really be just? If terrorism cannot be legitimate, is it more just to want to fight it with war? The answer to these two questions constitutes the two results to which our study leads.

To the first question, it is possible to answer, from Kant's perspective, that war cannot be just in itself or in essence. However, it is an activity which can be justified from a political and legal point of view, but not morally. Conversely, the use of terrorism can never be justified. This is also the opinion of Michael Walzer. To answer the second question, it should be noted that the onset of terrorism shows that the human mind is not pure freedom or unmixed reason, part of a kingdom of ends. On the contrary, the evidence is that contemporary man is in the grip of material needs. The elevation of needs to the level of reason for living, stifles the demands of critical reason, the seat of moral principles. By exalting armed power, contemporary nations are stifling the idea of freedom on which they are founded, to paradoxically pose as terrorist states. The *overarming* of States has the deterrent effect of frightening the least armed, that is to say, of terrorizing the weakest. They thus think of fighting terrorism by superior terrorism, in a vicious circle of perpetual war, of violence engendered by violence.

It is therefore possible to say, all things considered, that there is a similarity between the states that hold military power, the dictators who reign in terror, and the bombers. Their common point is the use of force, concealed in various forms: firearms, nuclear weapons, economic domination; violence justified under the term of self-defense, but violence of the strong. However, the strength to this particular is that the one who exercises it does not leave it. It divides the world into two categories: the one who exercises it and the one who undergoes it. It is attached to the personality or to the society that exercises it, with the

desire to subordinate the rest of the world. It is a will to power which tends to the plebiscite of the one who exerts force, and to his elevation to the rank of master of the vanquished slaves. With the use of force, the universal order is not established as the finality of ideal and ideological expansion, but it is this very expansion, which perpetuates the bipolarization of the world of masters and slaves, with permanent certainty: the slaves of today will seek, by superior harmful forces, to become masters tomorrow. Consequently, terrorism is war as such, in the sense of violence which is becoming history, among peoples who have a hegemonic historical consciousness. All war is written and written in a historical and temporal conscience, with a clear will to triumph over the enemy, over time, especially on the media level, chanting declarations of victory.

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