

**CAN WAR EVER BE ETHICAL?  
PERSPECTIVES ON JUST WAR THEORY AND THE  
HUMANITARIAN INTERVENTION CONCEPT**

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**Abstract:** Throughout recorded history, war has been a part of human life. Sometimes war is waged for survival, sometimes it is waged in order to protect self-interests, and sometimes it is waged in order to extend those interests. According to the relatively new concept of humanitarian intervention, military force can be used for humanitarian purposes, in order to prevent human rights violations. However, any conflict or war has losses, materially and morally. On this account, it can be said that just war theory has been developed in order to prevent a huge amount of losses and in order to ensure that war is only waged when it can be justified.

The roots of just war theory and humanitarian intervention can be found within the major religions. Christianity and Islam in particular put forward several arguments opposing wanton war and aiming to terminate mass killing. Furthermore, different civilisations employ different methods during war. For instance, from the early ages, war has intrinsically involved developing ethical attitudes towards the enemy, such as the immunity of women and children.

Even when such methods and precautions apply to war, can war ever be ethical? Even when going to war is appropriate according to the principles of just war theory, can war be ethical? In order to save another person's life, can killing people be ethical? As long as military force is one of the effective tools of state policies, can war be ethical? In order to bring democracy to undemocratic states, can democratic states resort to war? This essay will seek answers to all these questions. In doing so, it will try to explain just war theory and humanitarian intervention and will try to give examples of just or unjust wars and interventions.

**Keywords:** War, Just War Theory, Humanitarian Intervention, Ethics of War

**SAVAŞLAR AHLAKİ OLABİLİR Mİ?  
HAKLI SAVAŞ VE İNSANİ MÜDAHALE KONSEPTİ  
PERSPEKTİFLERİ**

**Öz:** Tarih boyunca savaş kavramı insan yaşamının bir parçası olmuştur. Savaş bazen hayatta kalmak için bazen çıkarların korunması için ve bazen de daha fazla çıkar elde etmek için kullanılmıştır. Göreceli olarak yeni olan insani müdahale konseptine göre askeri güç insan haklarının korunması amacıyla insanlık için de kullanılır. Fakat her çatışma veya savaşın maddi ve manevi

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*kayıpları vardır. Bu bağlamda, haklı savaş teorisi büyük kayıpların önlenmesi ve haklı bir savaşın sürdürülmesi için geliştirilmiştir.*

*Haklı savaş ve insani müdahale kavramlarının kökenleri semavi dinlere dayanmaktadır. Özellikle, Hıristiyanlık ve İslam soykırımı varan kitle ölümlerine ve vahşi savaflara karşı argümanlar içermektedirler. Ayrıca medeniyetlerin de çeşitli yöntemleri vardır. Örneğin, ilk çağlarda savaşçılar, savaş sırasında masum kadınların ve çocukların öldürülmesine karşı etik davranış kalıpları geliştirmişlerdir.*

*Tüm bu yöntem ve önlemler savaşlarda kullanılsa bile, savaşlar ahlaki olabilir mi? Savaşlar, haklı savaş teorisinin prensiplerine uygun olarak yürütülse bile, savaşlar ahlaki olabilir mi? Bazı insanları korumak adına başkalarını öldürmek ahlaki olabilir mi? Askeri güç devlet politikasının en etkili araçlarından biri olmasına rağmen, savaşlar ahlaki olabilir mi? Demokratik olmayan devletlere demokrasi götürmek için demokratik devletler savaşa girebilir mi? Bu makale tüm bu sorulara cevap arayacaktır. Bunu yaparken haklı savaş ve insani müdahale kavramları açıklanacak ve haklı ve haksız savaşların yanı sıra müdahaleler ile ilgili örnekler verilecektir.*

**Anahtar Kelimeler:** Savaş, Haklı Savaş, İnsani Müdahale, Savaş Etiği

### **I.Introduction: Definitions of War**

In the traditional approach, war is an inter-state conflict, and participating parties' main aim is the capture of enemy territory. This is undoubtedly one of the widely accepted definitions of war. But nowadays, war, which is almost coeval with humanity, has altered and diverged from that meaning. Accordingly, scholars argue about different categories of war, such as modern wars, new wars, total wars, absolute wars, limited wars and so on.

Presumably, when Karl Von Clausewitz defined the notion of war, he did not assume that war would have much variety. According to Clausewitz, 'war is the continuation of politics by other means'. Clausewitz also defined war as 'an act of violence intended to compel our opponent to fulfil our will' (Clausewitz, 1989: p. 44). The notion of 'fulfilling the will' was the aspect of war which Clausewitz particularly emphasised. This approach coincides with Machiavellianism in terms of reaching one's goals: 'rulers should be good if they can but be willing to practice evil if necessary' (Machiavelli, 1908: 42).

From Cicero to Mary Kaldor, there have been various explanations of war in the literature. While Cicero defined war as a contending by force (Williams et al., 1993: p. 85), Hugo Grotius (2007: p. 18) described the concept thus: 'war is the state of contending parties, considered as such'. In addition, Thomas Hobbes argued that 'by war is meant a state of affairs, which may exist even while its operations are not continued' (Grotius, 1814:

p. 386), while Denis Diderot saw war as ‘a convulsive and violent disease of the body politic’ (Lippard et al., 2018).

Throughout recorded history, war has been a part of human life. Mingst approves this conclusion via her research on the number of wars, as follows: ‘Historians have recorded approximately 14,500 armed struggles over time, with about 3.5 billion people Dying either as a direct or an indirect result. Since 1816, between 224 and 559 international and intrastate wars have occurred, depending on how war is defined’ (Mingst and Arreguin-Toft, 2017: p. 262). The realm of war studies has been populated by many great scholars, including St Augustine, St Thomas Aquinas, Francisco de Vitoria, Francisco Suarez, Hugo Grotius, Samuel Pufendorf, Karl Von Clausewitz, Christian Wolff, Emerich de Vattel and Michael Walzer, among others. Each of them defined the term ‘war’ from their own perspective. While some argue that war is a social issue, others propose that it is a political issue. In some cases, war has been named as only sometimes unjust. Some scholars have tried to draw attention to the distinctions between war and armed conflict.

It can be claimed that the Treaty of Westphalia which led to the emergence of modern states also transformed the structure of war. Since that point, over the course of time, the causes and methods of war have altered through the impact of nationalism, imperialism, the arms race and technological developments. Modern states have only pursued crucial interests militarily, and have intervened in other states for these interests. However, as a matter of fact, states’ interests are not the only reasons for such intervention; this issue will be discussed in the ‘Humanitarian Intervention’ section.

## **II. The Ethics of War, Realist and Pacifist Approaches, and Just War Theory**

In light of the huge number of casualties during wars throughout history, scholars have developed various traditions of thought through which to understand war, such as realism, pacifism and just war theory, among others. Regarding the realist approach, ‘states act to maximize what is often called the national interest, which at times may require the use of force’ (Viotti and Kaupi, 1999: p. 56). It might be deduced from this explanation that in the realist approach that there is no moral or ethic condition in war. Furthermore, morality cannot be applied to international relations. From states’ perspective, their will to pursue their own crucial interests is indispensable. For this purpose, states should not hesitate to go to war. In the

realist tradition, after war has commenced there should not be any moral principle on the battlefield. In short, a state should do all it can to win.

The pacifist tradition could be said to be based on theological systems, especially Islam and Christianity. This tradition argues that war is always wrong, and that states should find alternative methods to solve their problems. According to Islamic just war tradition, if that is not possible, and then war might be waged as long as the ethics of war, which is central to Islam, are prioritised (Sheehan, 2008: p. 207). In contrast to the realist approach, according to pacifists morality is the highest virtue that can and should be applied to international relations. However, as Claude puts forward, 'Pacifism has not been, nor is it likely to become, the dominant doctrine of any state or international organization. Some flirting with pacifism, however, has occurred whenever the ugliness and danger of war have been particularly apparent. The urge to denounce war unconditionally and indiscriminately is occasionally irresistible (1980: p. 87).

In terms of Claude's (1980) thought, human beings support pacifism in peacetime. But when human nature and interests become involved in an issue, the ideals which are advocated in peacetime can become altered. This perspective points out that the main reason for war is human nature. In terms of pacifism, when people comprehend that war is needless, the world can be a place where people live in peace. Following Claude's line of thought, unless human nature changes, it seems that this is impossible.

So far, in order to answer the main question 'can war be ethical?', realist and pacifist approaches have been examined. According to the realists, war cannot be ethical because ethic principles cannot be applied to war. Meanwhile, according to the pacifists, war cannot be ethical because it is always wrong. At this point, it is time to analyse just war theory, which proposes that war can be ethical under certain conditions.

It could be claimed that just war theory tries to meet realists and pacifists halfway. In this sense, in the terms of just war theorists, war can be sometimes moral and sometimes amoral. To decide whether war is moral or amoral, just war theorists have proposed various requirements, such as just cause, right intention, right authority, open declaration, last resort, reasonable hope and proportionality, among others. When it comes to how to resort to and conduct war, there are two just war categories: *ius ad bellum* and *ius in bello*. While *ius ad bellum* deals with when to resort to war, *ius in bello* deals with the legitimate conduct of the war (see Table 1).

TABLE 1: Just War Criteria by Category	
Criterion	Definition
<b>Ius ad bellum</b> (the justice of the resort to war)	
<i>Right authority</i>	Only a legitimate authority has the right to declare war
<i>Just cause</i>	We are not only permitted but may be required to use lethal force if we have a just cause
<i>Right intention</i>	In war, not only the cause and the goals must be just, but also our motive for responding to the cause and taking up the goals
<i>Last resort</i>	We may resort to war only if it is the last viable alternative
<i>Proportionality</i>	We must be confident that resorting to war will do more good than harm
<i>Reasonable hope</i>	We must have reasonable grounds for believing the cause can be achieved
<i>Relative justice</i>	No state can act as if it possesses absolute justice
<i>Open declaration</i>	An explicit formal statement is required before resorting to force
<b>Ius in bello</b> (the justice of the conduct of war)	
<i>Discrimination</i>	Non-combatants must be given immunity and protection
<i>Proportionality</i>	Military actions must do more good than harm

Source: Fixdal and Smith, 1998: p. 286

Just war theory originates in the efforts of St Augustine to justify Christian participation in Roman wars. From this foundation, St Thomas Aquinas and other scholastic thinkers developed the scholastic just war doctrine (O'Brien, 1983: p. 4). In the *Summa Theologicae* Aquinas presents the general outline of what becomes the just war theory. He discusses not only the justification for war, but also the kinds of activity that are permissible in war. Aquinas's thoughts become the model for later scholars and jurists to expand upon. In the course of time, scholars such as Francisco de Vitoria, Francisco Suarez, Hugo Grotius, and Michael Walzer have studied and improved the theory.

Francisco de Vitoria was a theologian and Professor of Theology in the University of Salamanca. Through his lectures "On the Indians lately discovered" and "On the War made by the Spaniards on the Barbarians" in 1538 and 1539, he contributed to the issue of just war in a novel and impressive fashion. He was mainly concerned with a theoretical problem of "to what extent the war of the Spaniards against the Indians was a 'just war'" (Nussbaum, 1943: 458). As Vitoria's successor, Francesco Suarez, Spanish Jesuit priest, philosopher and theologian, developed an approach to

the theory of just war in his work *De Triplici Virtute Theologica*. In his approach, by focusing on the "judicial" theory he ascribes to the prince who wages a just war, a real "jurisdiction," pertaining to "vindicative justice"; the belligerent action of the prince is likened to the decree of a law court (Nussbaum, 1943: 461-462).

When it comes to Hugo Grotius, Dutch jurist and scholar, was questioning the rules of international relations in his great work, *The Law of War and Peace* (*De Iure Belli ac Pacis*), consists of an introduction and three books. Book One defines the concept of war, argues for the legitimacy of war, and identifies who may legitimately wage war. Book Two deals with the causes of war, the origins of property, the transfer of rights and more, while Book Three is dedicated primarily to the rightful conduct of belligerents in war (Miller, 2014; Forde, 1998). All in all, according to Grotius, war is justifiable when, and only when, it serves right (Miller, 2014).

In the twentieth century, Michael Walzer's *Just and Unjust Wars* is considered as one of the most influential work. In his work, Walzer (2000: 21) distinguishes the *ius ad bellum* and the *ius in bello* as follows:

The moral reality of war is divided into two parts. War is always judged twice, first with reference to the reasons states have for fighting, secondly with reference to the means they adopt. The first kind of judgment is adjectival in character: we say that a particular war is just or unjust. The second is adverbial: we say that the war is being fought justly or unjustly.

As a result, the theory is explained as follows:

Just war is the name for a diverse literature on the morality of war and warfare that offers criteria for judging whether a war is just and whether it is fought by just means. This theory, thus, debates our moral obligations in relation to violence and the use of lethal force. The thrust of the tradition is not to argue against war as such, but to surround both the resort to war and its conduct with moral constraints and conditions. (Fixdal and Smith, 1998: pp. 285–286)

Regarding this theory's conditions, there are several propositions. Donald A. Wells claims that three requirements are enough to decide whether war is just or not. He adds that 'these requirements are, in turn, an authoritative sovereign must declare the war, there must be a just cause, and the men who wage the war must have just intentions' (1969: p. 820). Joseph McKenna adds four more conditions. They are that 'the seriousness of the injury inflicted on the enemy must be proportional to the damage suffered by the virtuous, there must be a reasonable chance of the winning the war, the use of war must be a last resort, the means used must be moral' (Wells, 1969: p. 821).

Thus, to decide whether war is just, the aforementioned requirements need to be fulfilled. What about after declaring that a particular war is just or unjust? When it is decided that the war is unjust, what can the aggrieved party to the war obtain? Or does consideration of whether a war is just or unjust become meaningless in any case once war has been declared? The answer changes in terms of the result of the war.

A passage which considers the dropping of the atomic bomb on Hiroshima by President Truman provides an example. The passage is quoted from Wasserstrom's essay (1968: p. 585), as follows:

Having found the bomb, we have to use it. We have used it against those who attacked us without warning at Pearl Harbour, against those who have starved and beaten and executed American prisoners of war, against those who have abandoned all pretense of obeying international laws of warfare. We have used it in order to shorten the agony of war, in order to save the lives of thousands and thousands of young Americans.

In this passage, there is a significant implication in the last sentence. Taking into account that sentence alone, saving the lives of young Americans could be said to be sufficient justification for the behaviour of the USA in war. However, to save the lives of thousands of young Americans, would a greater number of other people (non-Americans) be killed? In fact, this justification violates the proportionality principle of just war theory. That being so, what if ten people were killed instead of thousands of people? In the terms of the theory, the answer is that it might be permissible to kill ten people to save the lives of more than ten others.

Yet, as an answer to the question ‘can war be ethical?’ according to just war theory, when the war is waged properly according to the theory’s requirements then the war can be regarded as just and ethical. Chapter 7 of the United Nations (UN) Charter is about action with respect to threats to peace, breaches of the peace and acts of aggression. Article 51 in particular explains under what conditions a state can use military force:

Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

This indicates that if a war is only about self-defence, then it will be a legitimate, just or ethical war. On the other hand, according to the UN Charter, states can go to war when the UN Security Council takes a decision such as to undertake peacekeeping operations. But on this point, the structure of the UN Security Council creates a problem as to whether the Council’s decision is true or right. Unfortunately, it is beyond the scope of this article to debate the legitimacy of UN Security Council decisions. But it should be noted that states which are members of the UN have to obey the Council’s decisions.

### **III. Humanitarian Intervention**

Humanitarian intervention is explained as ‘the violation of a nation-state’s sovereignty for the purpose of protecting human life from government repression or famine or civil breakdown’. It ‘is an old concept that has been given a new lease on life with the end of the Cold War’ (De Waal and Omaar, 1994: p. 3).

The main issue in terms of humanitarian intervention is state sovereignty. The state’s sovereignty, which is established by means of the Treaty of Westphalia, obstructs intervention in another state’s territory – or, at least, that obstruction is expected, since sovereignty provides immunity for states themselves. In addition, sovereign states are responsible for their citizens’ security. When governments exploit this kind of immunity and carry

out the massacre or genocide of their own citizens, the option of humanitarian intervention by certain states or international organisations is thought to exist. However, the UN Charter permits only the right of self-defence against armed attacks and collective enforcement action authorised by the UN Security Council.

Humanitarian intervention can be applied by different methods. These can be summarised as: ‘material assistance (through relief aid), sanctions (coercive, non-military pressure to end abusive practices) and, finally, the dispatch of military forces to remedy a human disaster’ (De Waal and Omaar, 1994: p. 5).

Yet, there is a debate on the success rate of these methods. For instance, Helman and Ratner point out that ‘Material assistance can be met with scant success. This aid cannot reach its intended recipients because of violence, irreconcilable political divisions, or the absence of an economic infrastructure’ (1992: p. 7). However, Bellamy and Wheeler put forward that it should not be forgotten that ‘interventions tend ... to be successful in stopping immediate killing and less successful in building long-term peace’ (2008: p. 531).

In order to tackle the success and legitimacy issues, unilateral and multilateral approaches need to be taken into consideration. While multilateral coalitions increase the legitimacy of intervention, a unilateral claim of humanitarian intervention is regarded as nothing more than a form of realpolitik (Pease and Forsythe, 1993: p. 300). Apart from the aforementioned contentious issues, there is another debate about humanitarian intervention, which concerns ‘state interest’. According to critics, ‘The history of “humanitarian” military intervention is replete with invocations of humanitarian intentions by strong powers or coalitions in order to conceal their own geopolitical interests’ (Lobel and Ratner, 2000: p. 1). In support of this claim, the Darfur case is one of the best examples. This case unequivocally proves that prominent states are not enthusiastic about interfering in another state if the latter has no strategic importance to them.

When it comes to Bellamy and Wheeler’s argument, Somalia in 1992 is a good example in order to prove that humanitarian intervention cannot always be an exact cure. The intervention purportedly commenced with a request from Somalia’s government, but in reality there was no effectively functioning government at that time. The goals of the US-led operation were to decrease the number of casualties and to establish a sustainable peace. In the short term, the operation was successful in stopping immediate killing.

However, the building of long-term peace could not be achieved. When the UN withdrew in 1995, having suffered significant casualties, order still had not been restored in Somalia (CIA, 2007).

As already discussed, the UN Charter decides on whether an intervention is just on the basis of certain conditions, namely 'whether it was necessary to stop ongoing or imminent mass slaughter'; 'whether force was the last resort'; 'whether the invasion was guided primarily by a humanitarian purpose'; 'whether it was conducted with maximum respect for international human rights and humanitarian law'; 'whether it was likely to produce more good than harm'; and 'whether, ideally though not necessarily, it was endorsed by the UN Security Council'. In terms of international law, these conditions initially determine whether humanitarian intervention is ethical and legitimate. But they cannot provide that the consequences of the intervention will be positive.

#### **IV. Conclusion**

In sum, the central concern of this essay is whether war can be ethical or not in terms of the perspectives of just war theory and humanitarian intervention. Can there be an excuse for going to war and interfering in the internal affairs of another state?

Just war theory establishes several conditions that determine whether a war can be regarded as just, ethical or legitimate. In the terms of this theory, if the war is judged to be just or ethical, this means that it is necessary, and it may be legitimate for some people to be killed in order to save a much larger number of lives. In the context of the individual, the right to life is essential. However, in the context of state, national security is essential. Therefore, when someone attempts to take someone else's life or a state attacks another state, the individual or the state under attack cannot be deprived of the right of self-defence. This gives rise to just or ethical war.

The roots of this comprehension can be found in several religions. Islam and Christianity in particular permit people to fight if they are doing so in order to protect themselves, their families, their dignity or their states – in other words, where the circumstances do not involve any party seeking to pursue an unlawful goal. Such a conflict can be named as a just or ethical war.

Regarding the humanitarian intervention perspective, it is a means to prevent or stop a gross violation of human rights in a state, where that state is either incapable of protecting, or unwilling to protect, its own people, or is actively persecuting them (Kaldor, 2002; 2007). First economic relief, then

sanctions, and finally military force are applied to reach this preventative goal (Tufekci, 2018). Misapplications especially emerge during the use of military force. Yet, humanitarian intervention is in essence conceived of to help humanity. In this context, it is logical to claim that the war can be ethical if it is undertaken as a humanitarian intervention that has been authorised by the UN Security Council.

It is difficult to address questions of whether humanitarian intervention and just war are ethical on the basis of ethics alone, hence this essay considers these questions from the perspectives of both politics and ethics. This combination of both concepts results in a more comprehensive and logical debate, instead of dealing with the concepts from the perspective of either ethics or politics alone. When it comes to the self-defence concept, this is controversial since it creates ambiguity with regard to the justifications given for events and systems. In other words, it could be argued that both humanitarian intervention and just war are inevitably seen as ethical justifications for intervention precisely in those situations where the actors believe that such intervention serves their purposes anyway.

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