

ترجمة ملخصات المحتوى بالإنجليزية

Abstracts



The Theory of Legal/Rights-Based War and the Future of International Rights

Are rights a tool for peace or for war?

Mostafa Fazaili, Vahid Kowsari

Abstract

Since ancient times, rights and laws have been regarded as instruments for peace and for organizing relations among individuals and human societies. The writings of philosophers and various thinkers who have addressed the field of war and peace have ultimately come to rest on the notion of “peace.” Even the efforts of prominent authors—such as Hugo Grotius in his book *On the Law of War and Peace*, and his attempt to articulate the legitimate grounds for war—have had no aim other than achieving peace, even through a realistic understanding of war.

However, a recently emerging theory that has introduced new changes into the international relations of certain countries—and which currently casts a shadow over the ultimate purpose of rights as instruments of peace—is the theory of “legal war,” or the use of rights and laws as tools of warfare. This article, by describing and analyzing this emerging theory, drawing on library-based sources, philosophical critique, and a forward-looking perspective, seeks to outline the possible trajectory of the future of international rights from the viewpoint of governments.

In conclusion, the study emphasizes the necessity of unity and cohesion in relation to international rights in order to confront all forms of deviation and the diversion of the integrative path of international rights, to prevent their fragmentation and disintegration, and to avoid allowing the expansion of the theory of “legal war.” Instead, it calls for strengthening and promoting the concept of “legal peace.”

Keywords: future of international rights, fragmentation of international rights, legal/rights-based war, legal/rights-based peace, teleology of rights and laws.

Amir Gholam Ali Pour Dezfouli

Ali Reza Al-e Buyeh

Abstract

War and its consequences have, throughout history—especially in the modern era—been among the most serious concerns for humanity across the world. Scholars and thinkers have continually sought to study the phenomenon of war from various perspectives, attempting to establish its legitimacy or illegitimacy from legal and ethical viewpoints. Examining war from an ethical perspective has been a central concern of moral philosophers from ancient Greek times to the present day.

Regarding the ethics of war, three well-known theories have emerged: realism, pacifism, and just war theory. Realism is one of the most widespread and dominant views, and it is itself divided into two categories: descriptive realism and justificatory realism. The justificatory type is further divided into two subtypes: prudential and moral. From the perspective of justificatory/prudential realism, the least costly path for governments to achieve their interests is to set aside moral principles while observing prudence within the framework of those interests. Proponents argue that accepting realism can also contribute to peace among governments, in contrast to just war theory, which they believe leads to the expansion of wars.

This article examines and critiques the arguments in favor of justificatory/prudential realism.

Keywords: ethics of war, just war theory, prudential/justificatory realism, pacifism.

Israel's Punitive War on Palestinians in Gaza

Camilla Boisen

Abstract:

This study analyzes the Israeli war on Gaza as a contemporary example of what is known as “punitive war,” by linking it to the intellectual roots of just war theory within the Western tradition. The paper argues that Israel’s justifications for the war—such as self-defense and the prevention of genocide—intersect with older historical concepts that legitimize the use of force as a means of punishment and deterrence, whether in defensive or offensive wars. It also highlights how modern international law, despite limiting the principle of the “right to punish,” still reflects its persistence indirectly, particularly through policies of deterrence and collective punishment.

The analysis focuses on the political and legal discourse surrounding the war, which employs moral concepts such as “security” and “protection” to justify actions that may violate the principles of proportionality and distinction under international humanitarian law. It further examines the role of colonial narratives and dehumanization in legitimizing violence against civilians, as well as the use of the concept of genocide as both a political and legal instrument.

The study concludes that the war in Gaza represents a continuation of a historical model of punitive warfare, in which older concepts are reproduced in a modern legal framework, raising profound ethical and legal challenges regarding the future of the international system and the limits of the legitimate use of force.

Keywords: punitive war, Gaza, just war theory, international humanitarian law, self-defense, genocide, collective punishment, deterrence, colonialism, international legitimacy.

A Critique of War Ethics in the Israeli Army

Mohammad Pakdaman, Omid Shafiei, Ruhollah Farhadi

Abstract

Objective: The authors seek to evaluate the Israeli army’s self-proclaimed claim of being “the most moral army in the world,” based on Michael Walzer’s just war theory. This claim serves as the primary justification used by Israeli officials to legitimize the activities of the Israel Defense Forces (IDF). Walzer is selected due to his role as a key reviver of just war theory, as well as a principal contributor to the ethical code of the IDF.

Methodology: This study adopts a critical analytical approach. It examines the extent to which the activities of the IDF align with Walzer’s just war theory from both internal and external perspectives. Internally, the study evaluates the coherence between Walzer’s communitarian approach and the principles of just war theory. Externally, it analyzes the practical conduct of the IDF based on just war theory, without focusing on its internal theoretical issues.

Findings: The article demonstrates that the IDF has extensively violated the principles of just war theory, which form the cornerstone of its ethical code. These violations occur both in terms of *jus ad bellum* (the right to go to war) and *jus in bello* (conduct during war). Regarding the intent behind engaging in war, the label of “self-defense” cannot be applied to the regime—particularly in the West Bank—due to the absence of a cohesive communal life among Israeli settlers, lack of legal authority, and related factors.

Conclusion: The study concludes that, when examined through the lens of just war theory, the central claim of the IDF—being the most moral army in the world—is unfounded. This ethical inconsistency undermines both the self-image of the IDF and the portrayal of resistance movements as “immoral actors” within academic discourse.

Keywords: just war theory, Michael Walzer, Israel, Israel Defense Forces, *jus ad bellum*, *jus in bello*.

Islam and Just War Theory

Dr. Muhammad Legenhausen

Abstract

Just war theory is said to have begun with Augustine. The doctrine was developed further as a religious teaching, but after the Reformation, secular versions of just war theory became prominent. “Just war” is contrasted with “holy war”. Since many Christians as holy wars considered the crusades, it is often assumed that jihad is the Islamic equivalent. In what follows, I argue that jihad shares much in common with the just war tradition. Recent theorists have used the term “just war pacifism” or “contingent pacifism” to describe the view that under the conditions of modern warfare, just war theory leads to the conclusion that it is morally wrong to

engage in war. In this paper, it is argued that an Islamic ethics of war and peace may be interpreted to yield a just war pacifism that is analogous to that developed on the basis of Western just war theory. Under current conditions, the criteria required by Islam to provide a moral justification for just war fail to obtain for an important range of armed conflicts, and this conclusion may be considered an argument for a conditional Islamic just war pacifism.

Keywords: 1- Just war 2- Pacifism 3-Contingent pacifism 4- Moral theory 5- jus ad bellum 6- jus in bello