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## **INTRODUCTION. THE THEORY OF JUST WAR – 600 YEARS AFTER THE PRESENTATION OF PAUL VLADIMIRI'S *CORPUS DIPLOMATICUM* AT THE COUNCIL OF CONSTANCE**

The possibility of justifying war has been explored by Christian philosophy since its very beginning. The dispute on the ethics of military action reached its climax in the late Middle Ages when the so-called just war theory assumed its canonical form. It is this theory, transposed into the language of legal formulas, which became the basis of the key principles underlying modern international law. Consideration of the most significant events of the Second World War, as well as a number of other (mostly twentieth-century) armed conflicts, led to the emergence of a renewed version of the just war theory, which is now the essential point of reference in the contemporary academic debate on the morality of war. It was presented for the first time in a book entitled *Just and Unjust Wars*, published forty years ago by the American philosopher Michael Walzer. In order to characterize the relationship between his own understanding of the ethics of war and the classic form of the just war theory, shaped in the context of the medieval debates on how to justify military action, Walzer admits succinctly that he “went to school with Catholic just war theorists.”<sup>1</sup>

A major milestone in the medieval disputes about the legal and moral permissibility of killing in war was a legal and diplomatic controversy that took place six hundred years ago between the Kingdom of Poland and the Order of Brothers of the German House of Saint

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1 See the paper by Michael Walzer in the present volume.

Mary in Jerusalem (the Teutonic Order). The representative of King Vladislav Jagiello of Poland at the Council of Constance, where the Polish-Teutonic conflict was to find its final solution, was a prominent Polish scholar named Paul Vladimiri (Paweł Włodkowic).<sup>2</sup> He is considered one of the founders of the Polish school of international law, chiefly associated with the theory of just war. A number of diplomatic challenges confronted by Paul Vladimiri, and earlier by Stanislaw of Skarbimierz, were, in fact, basic issues in political philosophy, including, for instance, the justification for waging war and the relation of some universal principles of action expressed by the law to specific situations<sup>3</sup>. Vladimiri – following St. Augustine and Stanisław of Skarbimierz – argues that the natural law involves the right to accept military assistance from the infidels, if this is the only way to ensure peace. He then lists the conditions for a just war: first, the war must be carried out in a fair manner – that is, either for the recovery of state possessions that had been robbed or in defense of such possessions. In Vladimiri’s classification, this condition concerns the “object” of war. Second, only lay people can engage in military action – this condition concerns the “person”.<sup>4</sup> Third, the motives for war must be noble, and those who take part in it must be “orderly souls”: a just war is born out of a “spirit” capable of ensuring “that it should not be for hatred or revenge or greed, but for redress and through charity, justice and obedience, because it is not a crime to carry on war but it is a sin to war for loot”<sup>5</sup>. Fourth, all acts of looting, rape, etc. are

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2 Paweł Włodkowic (Lat. Paulus Vladimiri, family name Dołęga) was born in 1379 (approx.) in Brudzeń in Dobrzyń Land, Poland. See. T. Jasudowicz, *Śladami Ludwika Ehrlicha: do Pawła Włodkowica po naukę o prawach człowieka*, Toruń 1995, 1. He served as the rector of the Akademy of Kraków in 1414-1415. See. J.J. Domański, Z. Ogonowski, L. Szczucki, *Zarys dziejów filozofii w Polsce. Wieki XIII-XVII*, ed. Z. Ogonowski, Warszawa 1989, 48.

3 S.F. Belch, *Paulus Vladimiri and his doctrine concerning international law and politics*, vol. I, London-The Hague-Paris 1965, 208.

4 “Persona scilicet habilis ad pugnandum scilicet secularis (...); nam clerico non licet nisi in necessitate inevitabili”. *Ibid.*, 66.

5 P. Włodkowic, *Pisma wybrane*, ed. L. Ehrlich, Warszawa 1966-1969, 66-68.

not allowed in a just war. Vladimiri further extends this condition by joining it with the principle of responsibility: the aggressor state is responsible not only for war crimes committed as a result of orders issued by its military commanders or with their acquiescence<sup>6</sup>, but also for the crimes committed by the members of its armed forces and its citizens, regardless of whether they were committed as a result of an order or voluntarily. The aggressor state is also responsible for crimes arising from the legitimate defense of the victims of such attacks. Fifth, waging a just war requires compensation for the damage and harm caused during military operations. Sixth, a just war can also be declared against Christians (and not only against pagans) if they violate peace.<sup>7</sup> Lastly, a just war must be supported by the authority of the Church – this condition concerns the “authority” in the general scheme proposed by Vladimiri. To the above conditions Paul adds the prerequisite of “proper timing”, since in his view there are seasons in which waging even just wars is prohibited. These conditions for a just war derive from the more general principle of natural law, i.e. the right to preserve one’s existence, which is the law of the whole creation. The right to self-preservation also gives rise to the right to self-defense and to resist violence.

There is no doubt that the arguments presented by Vladimiri – which turned out victorious – were related to a real challenge arising from the dramatic clash of two different visions of how to shape the political structures of fifteenth-century Europe. Promoting the idea of the sovereignty of organic state entities (including non-Christian ones), deeply rooted in the natural law tradition of Christian

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6 „(...) causa prestiterunt quia non solum tenentur de rapinis propriis, similiter homicidiis et aliis commissis sceleribus, sed eciam aliorum, et non solum perpetrates per suos sed eciam contra suos”. P. Włodkovic, *Quoniam Error*, I, in: idem, *Pisma wybrane*, op. cit., 254.

7 „Sextum, quod non solum contra paganos, sed etiam contra christianos potest quid bellum iustum movere. Nam sicut pacem acquirere per pugnam licet contra barbaros, ita contra christianos”. Ibid.

philosophy, was a response to the violent methods of Christianization used by the Teutonic Knights in the northern regions of medieval Lithuania, which in the 15th century formed a political union with Poland. A close link between just war theory and the reality of military conflicts is also apparent in the contemporary version of the theory put forward by Michael Walzer. When confronted with the current proliferation of reflection on the moral aspects of military operations, the author of *Just and Unjust Wars* remains a staunch advocate of basing this kind of research not on abstract thought experiments, but on the real challenges and dilemmas faced by those responsible for the security of particular countries and their citizens.

Unfortunately, such challenges and dilemmas still prevail today – especially in our part of the world. Irrespective of the pressure exerted by the current threats to world peace, the need to revisit just war theory is also highlighted by other factors, some of which are linked to the still unfinished debate over the dramatic experiences of several generations directly or indirectly affected by the hecatomb of the Second World War. The recent discussion in Poland on the methods of armed resistance to the installation of the communist regime in the country in the 1940s-50s constitutes but one piece of evidence for the presence of real tensions in the Polish collective memory of those events. A conflict of an even more basic nature is the current dispute over the very form of this memory – universal or directly embedded in the local perspective – triggered by a recent modification of the exhibition design in the newly-created national museum dedicated to the war of 1939-1945.

This volume of *Studia Philosophiae Christianae* includes some of the articles presented at an international conference organized in October 2015 at Cardinal Stefan Wyszyński University in Warsaw to commemorate the six-hundredth anniversary of Paul Vladimír's participation in the Council of Constance. Together with the Polish translation of the keynote address delivered by Michael Walzer – the conference special guest – they constitute a small sample of

the current academic discussion in the extremely extensive research area connected with just war theory. We hope that they will inspire further research in the field of war ethics— still retaining, despite the attempts made a few decades ago to proclaim the “end of history”, its ominous topicality.

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The international conference *The Theory of Just War. Behind the Jurisprudential Defense of (Abstaining from) Military Action*, held on 13-14 October 2015 at Cardinal Stefan Wyszyński University, Warsaw, Poland, was organized by the Faculty of Christian Philosophy, CSWU, the Faculty of Law and Administration, CSWU, the International Centre for Intercultural and Interreligious Dialogue, CSWU and Łazarski University. The honorary patron of the event was the President of the Republic of Poland, Mr Andrzej Duda.