

Hugo Grotius on Natural Law and Just War

On natural law

Fully convinced... that there is a **common law among nations**, which is valid alike for war and in war, I have had many and weighty reasons for undertaking to write upon this subject. **Throughout the Christian world I observed a lack of restraint in relation to war**, such as even barbarous nations should be ashamed of.

What we have been saying would have a degree of **validity even if we should concede** that which cannot be conceded without the utmost wickedness, **that there is no God**, or that the **affairs of men are of no concern to Him**.

The actions, upon which such a dictate is given, are either **binding or unlawful in themselves**, and therefore necessarily understood to be commanded or forbidden by God. This mark **distinguishes natural right**, not only from **human law**, but from the **law which God himself has been pleased to reveal**.

On just war

Right intention

It is necessary to observe that a war may be just in its origin, and yet the intentions of its authors may become unjust in the course of its prosecution. For some other motive, not unlawful in itself, may actuate them more powerfully than the original right, for the attainment of which the war was begun. It is laudable, for instance, to maintain national honour; it is laudable to pursue a public or a private interest, and yet those objects may not form the justifiable grounds of the war in question.

A war may gradually change its nature and its object from the prosecution of a right to the desire of seconding or supporting the aggrandizement of some other power. But such motives, though blamable, when even connected with a just war, do not render the war itself unjust, nor invalidate its conquests.

Anticipatory self-defense

Some writers have advanced a doctrine which can never be admitted, maintaining that the law of nations authorises one power to commence hostilities against another, whose **increasing greatness awakens her alarms**. As a matter of **expediency** such a measure may be adopted, but the principles of **justice can never be advanced in its favour**. [T]o maintain that the bare probability of some **remote, or future annoyance** from a neighbouring state affords a **just ground of hostile aggression**, is a doctrine **repugnant** to every principle of equity. Such however is the condition of human life, that no full security can be enjoyed.

[A]pprehensions from a neighbouring power are not a sufficient ground for war. For to authorize hostilities **as a defensive measure, they must arise from the necessity**, which just apprehensions create; **apprehensions not only of the power, but of the intentions of a formidable state**, and such apprehensions as amount to a **moral certainty**.... For as a guard against such apprehensions, every power may construct, in its own territory, strong works, and other military securities of the same kind, without having recourse to actual war.