

WARFARE ETHICS IN COMPARATIVE PERSPECTIVE

China and the West

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SEVEN MILITARY CLASSICS

Martial Victory through Good Governance

*Yvonne Chiu*¹

In an increasingly tumultuous global political landscape, many states are asking how they can retain or regain their international credibility, influence, and competitiveness. Liberal democracies have not been immune from the widespread democratic backsliding during the past decade or so, and some are now deciding that an important part of the answer is to “get your own house in order,” presumably because having more moral purchase abroad will make the state more effective geopolitically.

Why would the quality of domestic society matter so much for international competition? Classical Chinese philosophy as found in the *Seven Military Classics* (武經七書) offers a compelling argument for how good governance contributes to military and geopolitical victory.

Good governance also speaks to the contemporary normative debate about humanitarian intervention, both militarized and non-militarized. Even as wars since the mid-19th century have become more ideological and concerned with rendering justice, international legal justifications for war have narrowed, and the United Nations’ Charter permits wars only in “self-defence” by individual or collective states (Art. 51).² As a result, the international laws of war have effectively ceded questions of *jus ad bellum* and instead focus primarily on *jus in bello*—how one may fight *during* a war—*independent* of the justice of one’s cause (Chiu 2019, 193–233).

This is problematic for states, some of which will not have others to come to their “self-defence,” but even more so for oppressed people within states, as the UN charter is premised on the idea of state sovereignty. State sovereignty—including a state’s right to oppress its own people without interference—and the limited international legal framework for legitimate warfare are continually challenged, however, by human rights and other claims, and a

classical Chinese “good governance” argument offers a productive angle for revisiting justified causes for intervention.

Good governance as legitimate cause for war

While there is enormous variation in Chinese thought on political philosophy and military ethics,³ the *Seven Military Classics* weave military strategy and virtue ethics together with detail and nuance and, taken collectively, their arguments can be reconstructed into a conception of “good governance” which maintains that good governance at home actually wins wars abroad. A contemporary reconstruction from these canonical texts of Chinese military philosophy offers potential lessons on the international ramifications of domestic virtues. Especially with the empirical correlation between democratic governance and military effectiveness, there may be much to learn from this comprehensive approach.

The *Seven Military Classics* are representative of creative and formative periods in Chinese history, but they and other early Chinese military works do not constitute a unified school or theory. Each of the seven was written at different times in different contexts,⁴ and later “canonized” as a set for military education in imperial China (during the 11th century, Song Dynasty); they have different foci and exhibit varying mixes of Confucian, Mohist, Daoist, and Legalist influences,⁵ so it is necessarily somewhat artificial to analyze them as a group.

Still, a common thread of non-military sources of security runs through these works, specifically: righteous, just governance both is legitimate cause for war and strengthens and secures the state, by increasing the morale of its soldiers so they will fight harder and by deterring the enemy with the ruler’s “awesomeness” (威 *wei*). In each of these works, philosophy of governance is integral to military strategy in a way that is largely missing from modern Western military strategic thought (with the notable exception of its counter-insurgency doctrines).⁶

Legitimate cause for war (jus ad bellum)

Chinese classical tradition generally holds that wars waged for the sake of “righteousness” are morally acceptable.^{7,8} Although wars are abhorrent and always tragic, some are necessary evils in order to stop aggressive wars, restore stability and order, and depose tyrants and end despotic rule (Lo 2012, 414–415). For example, Confucians sanctioned “punitive expeditions” against tyrants, and the *Seven Military Classics* generally concur.⁹

More expansively, wars to instill the necessary virtues in others are permissible. According to *Si Ma Fa* (司馬法), “the Tao for imposing order on chaos” starts with benevolence, then uses credibility, straightforwardness, unity, righteousness, “change [wrought by authority],” and finally

“centralized authority”.¹⁰ Not everyone will voluntarily submit to civilized rule, however, so force is then justified to bring people to righteousness:

As for warfare, when upright methods do not prove effective, then centralized control of affairs [must be undertaken]. [If the people] do not submit [to Virtue], then laws must be imposed. If they do not trust each other, they must be unified. If they are dilatory, move them; if they are doubtful, change [their doubts].¹¹

Authority comes from warfare, not from harmony among men. For this reason if one must kill men to give peace to the people, then killing is permissible. If one must attack a state out of love for their people, then attacking it is permissible. If one must stop war with war, although it is war it is permissible. Thus benevolence is loved; righteousness is willingly submitted to...¹²

Domestic disorderliness warrants correction by outside forces, *Si Ma Fa* continues: those who let “fields turn wild and [their] people scatter,” do harm to their relatives or the people, “murder the Worthy” or overthrow their ruler, or are otherwise “chaotic and rebellious both within and without their borders” will be “purged,” “extinguished,” or otherwise “rectified.”¹³

As “terrible” as physical coercion is, “rectification and punishment” through military campaigns are sometimes appropriate, says *Questions and Replies between Tang Taizong and Li Weigong* (唐太宗李衛公問對).¹⁴ *Taigong’s Six Secret Teachings* (六韜) holds that to “respect the people” requires not only treating those who “submit and accord with you...generously with Virtue,” but also “break[ing] with force” those who oppose righteous rule.¹⁵

As such, both the political ruler and the military leader have crucial roles in “bring[ing] peace to those who are in danger,” says *Three Strategies of Huang Shigong* (黃石公三略), for “the essence of the army and the state lies in investigating the mind of the people and putting into effect the hundred duties of government.”¹⁶

Violence as a last resort

Even when justified and necessary, war is problematic and should be a last resort.¹⁷ Multiple works posit that the Sage Kings took no pleasure in military expeditions and thought weapons were “evil,” to be used only when all other tools of righteous governance had failed.¹⁸

Daoism influences some of the seven *Classics*: even when the use of violence is unavoidable and “accords with” the Dao of Heaven, “weapons are inauspicious instruments and the Dao of Heaven abhors them.”¹⁹ Not only is success never certain no matter how expert or prepared one is,²⁰ but even victorious military ventures suffer lost resources, including precious men (human capital);

so one must always seek quick victory, for wars harm everyone including the winners, says Sun Tzu.²¹

To add to the danger, warfare can invigorate and can take on a logic and motivation of its own: while “those who forget warfare will certainly be endangered,” perhaps more common, in the words of *Si Ma Fa*, is that “those who love warfare will inevitably perish.”²²

Winning without fighting and the geopolitical endgame

Thus, the greatest military victories are achieved, paradoxically, without fighting at all, as several of *Classics* say. The most famous of these statements comes from Sun Tzu, who declares:

It is best to keep one’s own state intact; to crush the enemy’s state is only a second best. ... the expert in using the military subdues the enemy’s forces without going to battle, takes the enemy’s walled cities without launching an attack, and crushes the enemy’s state without a protracted war. He must use the principle of keeping himself intact to compete in the world. Thus, his weapons will not be blunted and he can keep his edge intact.²³

Threats are only credible if the weapon would be effective, but there is a limit to how battle-ready troops can be without having been battle-tested, for nothing genuinely prepares one for war except war. To extend Sun Tzu’s metaphor, the most effective weapons are those that have been sharpened, blunted, then whetted again. Sun Tzu surely knows this, so what should we make of this synecdoche?

It is in the first instance a warning to rulers to use warfare only sparingly, so as to suffer its losses (even in victory) minimally and thus leave the state in a stronger position for future competition. It could also mean that a fearsome military *posture* should do much of the work of persuading the enemy to capitulate.

A third possibility is that keeping one’s own state intact carries much more meaning than it appears. If an “intact” state means it is secure, stable, and just, then this is incredibly difficult and complicated to first achieve and then to sustain, as we shall see. It would be a rare accomplishment, so an intact state signals not only the breadth and depth of the ruler’s virtues but also a capable and effective complex of political, social, and security institutions, and it is through the use of these capacities that one should subdue an enemy state.

This would buttress good governance’s claim that righteousness (an internal attribute) will manifest external effects by defeating the enemy. Rather than being a sport²⁴ or some other end in itself, war is a tool—and simply one among many, including diplomacy, espionage, propaganda, superior virtue, effective domestic institutions, etc.—for securing peace.²⁵

How far does the duty to secure peace extend, geopolitically? Some works in the *Seven Military Classics* could be read to imply that peace is not merely a condition of calm and non-violence between states, but rather much more ambitious: a stable and just system of All under Heaven.²⁶ Derek Yuen argues that the goal in *Sun Tzu's The Art of War* (孫子兵法), for example, was not to win wars but rather to put All under Heaven, "i.e.,...the rule of one [just] state, namely, China."²⁷ If so, he believes that a particular geopolitical order must be restored, which consists not of sovereign states but rather a unified "All under Heaven."

Leadership virtues and good governance

The best way to win without fighting is to prevent war from happening at all—through one's own good governance. In both classical and contemporary Chinese thought, there is little demarcation between "cold" and "hot" war, and one blends seamlessly into the other. This means that the ethics of warfare are actually located in a primarily different place than in Western thought: classical Chinese writings focus on the period before the war and especially on its prevention.

Classical authors repeatedly advocate the use of "humane governance" in order to prevent warfare. As removing a tyrant is one of the few acceptable justifications for war, the best deterrent is to not be a tyrant and therefore not a legitimate target.

Furthermore, demonstration of superior morality persuades others to join the righteous ruler's kingdom. Advises *Huang Shigong*, "Thus it is said, 'Draw in their men of character and valor and the enemy's state will be impoverished.'"²⁸ In his 13th-century commentary on this work, Shi Zimei 施子美 adds, "An enlightened king concentrates on expressing virtue, thus the four barbarians submit to his rule. Thus by propagating virtue one can then make those distant submit. What need is there to rely on expanding territory?"²⁹

Rightness is not only desirable for its own sake³⁰ but also efficacious, for if one governs people "according to the forms of propriety [*li*] [and] stimulate[s] them with righteousness, ...then the officers will die [for the state]."³¹ This allegiance is earned primarily through the ruler's own rectitude, and that is where the state's strength lies. "Fortune and misfortune lie with the ruler, not with the seasons of Heaven,"³² and a wicked ruler earns no loyalty and thus only endangers his own state and people. *Huang Shigong* admonishes, "One who concentrates on broadening his territory will waste his energies; one who concentrates on broadening his Virtue will be strong."³³ Virtues include benevolence, righteousness, loyalty, trust [good faith], courage, and planning,³⁴ as well as properly judging other people, for good attracts good and evil begets evil. Rulers will find that dismissing one good man from office will yield exponential losses for their kingdoms, and rewarding one evil man will "draw myriad evils."³⁵

Thus, a ruler must attend to his own virtue and heed the advice of the wise,³⁶ for only a “person of civil virtue [can] bring peace to the empire.”³⁷ In order to impose virtuous living on others, one must display virtue oneself, including a degree of spiritual maturity as evidenced by one’s attitudes toward war, and demonstrate the superiority of that way of life. The idea is to get willing submission from others, rather than simple domination over them.³⁸

Virtue is a “subtle”³⁹ strength that conquers not with force, but with the overwhelming appeal of its rectitude: “The government of a Worthy causes men to submit with their bodies. The government of a Sage causes men to submit with their minds,” says *Huang Shigong*.⁴⁰ For even from “beyond the seas,”⁴¹ people will travel to reside under and give their allegiance to righteous, humane, and virtuous rule.^{42, 43}

Beyond the value of virtue’s public demonstration, we can also detect an argument that *righteous conduct will win wars*. Outcomes of war will reflect the general quality of warring parties’ respective domestic administrations: *whoever is the better ruler will win the war*. This is not simply a blind faith that the gods will reward those who are more virtuous. It is a statement about *good governance*.⁴⁴ Those who govern well will win wars because: (a) their population is more satisfied and therefore more willing to work and sacrifice for the sake of the kingdom; and (b) their kingdom is less corrupt and better organized, and can therefore more efficiently and effectively marshal materiel and human resources for the war effort. This is why righteous rulers will win the war, these texts argue—not merely by being righteous, but also because of the effects of their good governance.

Implications for jus in bello

At the same time, classical Chinese thinkers and poets were concerned with how war would burden the population. Offensive wars were criminal, of course, but even righteous wars impose unnecessary suffering on both the rulers’ own people and their opponents’. Long before the West talked about winning “heart and minds,” classical Chinese thinkers emphasized the military importance of earning the support of the people one seeks to conquer. One must attend to relations between superiors and inferiors, between kings and commoners; to that end, victorious kings must not penalize the common people who did not fight against them and instead focus on punishing those responsible for the war—presumably their unjust and/or uncivilized rulers.⁴⁵

Multiple writings advise different ways to woo the opponent’s population. *Six Secret Teachings* says a siege should only sever the city’s supply routes and surround and guard the city: it does not include engaging in battle, setting fire to or destroying buildings, cutting down trees, or killing captives or those who surrender. A well-conducted siege simply outlasts the opponent, instead of destroying them or their property. Similarly, harming non-combatants or damaging their property is prohibited, and there are guidelines for treating

prisoners of war humanely.⁴⁶ *Si Ma Fa* reiterates limiting the pursuit of fleeing and retreating enemies, distinguishing between combatants and non-combatants, treating sick and wounded soldiers and civilians, accepting surrender, and respecting the gods, infrastructure, natural resources, and property rights of the invaded. Furthermore, one must properly signal or declare the start of combat as a gesture of good faith, as well as choose an appropriate time of attack (not when a state is in national mourning or suffering from natural disaster, and in neither summer nor winter), in order “to love both your own people and the enemy’s people.”⁴⁷

Again and again, the classical texts exhort aspiring conquerors to demonstrate their own virtuousness in contrast with the enemy ruler’s viciousness. Careful treatment of the enemy population is a concerted effort to split those people from their unjust rulers: it allows the enemy’s people to recognize the invader as righteous and gives them no reason to fight in opposition. This advice has been borne out by comparative surrender rates. When possible, soldiers of autocratic regimes are more likely to surrender to democratic opponents because they believe they will receive better treatment; for example, in World War II, German soldiers fighting American or British troops were more willing to surrender than those facing Soviet troops (Reiter and Stam 2002, 69; Reiter and Stam 1997). As *Six Secret Teachings* advises:

Show them benevolence and righteousness, extend your generous Virtue to them. Cause their people to say ‘the guilt lies with one man.’ In this way the entire realm will then willingly submit.⁴⁸

When the enemy’s people are presented with a righteous path they can follow, it minimizes the fighting and effort required to subjugate them by turning the invader into the ruler.⁴⁹

While it is certainly pragmatic to treat the enemy population with justice, it is not merely so. Exhibiting one’s virtue makes a public statement about one’s right to rule. Proper behavior during war is necessary in order to reveal the aspiring conqueror’s right intentions as well as his broader righteousness. In this way, the content of *jus ad bellum* and *jus in bello* are tightly tied, with the former guiding the latter.

The banality of governance

If the business of a “righteous army” is to “suppress the violently perverse and rescue the people from chaos,”⁵⁰ then it must behave accordingly: not only must the war be won virtuously, but it must lead to future peace and humane and virtuous rule. Therefore, unsurprisingly, righteous behavior must extend to the post-war period as well.⁵¹

The victor must display correct attitudes before, during, and after battle because the only thing that gives him legitimacy to conquer and rule is his

superior virtue. His moral excellence is established through his just actions and the success of his everyday rule, so once conquered peoples become part of his own society, he must demonstrate his righteousness by governing them in that same just manner that gave him the legitimacy to subjugate them.⁵²

It is one thing to display flourishes of magnanimity in the tumult and fervor of war, but quite another to be virtuous under tedious circumstances. Daily governance of a complex society requires painstaking attention to dense yet monotonous details, and it can be both incredibly demanding and unimaginably dreary.

A benevolent ruler focuses primarily on administering his own state well, which includes facilitating wealth generation and accumulation, minimizing taxes and other impositions, equitably distributing land, not harming the people, rooting out corruption, instilling a sense of justice and shame in the population, enforcing justice and establishing rule of law, and properly respecting the ancestors and according men with appropriate ranks.⁵³

It is much more difficult to act with virtue, rule with righteousness, and establish and maintain a just and stable society over an extended period of time, yet it is no less critical to security than military efficacy. “Being victorious in battle is easy, but preserving the results of victory is difficult,” says *Wuzi*,⁵⁴ and non-military components such as domestic moral excellence are essential for long-term security. To protect his state, a ruler must govern well.⁵⁵ To govern well, a ruler must: attract courageous and “worthy” men to fill his state’s offices,⁵⁶ prevent the “chaos” that results from officials forming factions that pursue their own interests ahead of the state’s;⁵⁷ retain his authority over the military;⁵⁸ refrain from over-taxing and otherwise economically over-burdening his people;⁵⁹ lead the people to be content and “peaceful”;⁶⁰ and himself resist greed and geopolitical ambition. Instead of coveting more territory and sparking more conflict, he must focus on his existing territory and his own virtue.⁶¹ It is the periods of peace—in between wars—that are most important, but they are also far more difficult to manage.

One can see how the concerns of morality come full circle, in a cycle of virtuousness: virtue determines one’s spiritual state, which determines the condition of the political and social entity, which in turn enables one to prevent or win wars and gives one legitimacy to wage war if necessary, thereby improving the spiritual, political, and social circumstances of others.

The relevance of classical Chinese “good governance” for *jus ad bellum*

Classical Chinese military philosophy folds secular virtue ethics of military leadership into their societal context in order to tackle broader questions of governance and rectification. Incorporating some aspects of this “good governance” theory into *jus ad bellum* can: (a) better connect international to domestic principles and (b) offer an alternative to “rights” discourse.

Why classical Chinese just war theory instead of Western?

Other traditions also connect the domestic and the international, so why reach for this school of thought when existing international law of armed conflict (LOAC) is based primarily on Western historical developments and Western military ethics? The legalistic formulation of contemporary LOAC reflects the Westphalian-based international system of state sovereignty by maintaining strict distinctions between domestic and international, but Western just war theory frequently connects the two, for example, medieval Aquinas or contemporary Paul Ramsey who positions *The Just War* (1968) as a part of a comprehensive theory of statecraft. Given LOAC's historically Western roots, these might be less dissonant frameworks from which to draw.

However, this classical Chinese military theory of “good governance”: (a) ties moral questions of war to those of everyday politics and governance, while (b) maintaining the distinction between the two, and (c) is more easily secularized. Western just war theory that directly channels domestic principles into its international ones is either religious in nature or, when secular, connects domestic with international by collapsing the distinction between them and effectively erasing the international (e.g., revisionism).⁶² Any universalistic theory should seek to bridge international principles and domestic values in some way; at the same time, maintaining a distinction between the two realms, in a secular fashion, is necessary to formulate a more robust ethics for contemporary geopolitical circumstance and its reality of separate and diverse states.

Connecting domestic values and international principles

The contemporary legal framework of LOAC that separates principles of international justice from domestic justice of societies is inconsistent with the governing principles and values of any society that espouses a universal ideology, and of liberal democracies in particular. Liberal democratic countries *should* have an interest in better aligning their foreign policy with their domestic politics and in fighting wars in ways that are informed by their underlying domestic principles—or at least consciously, rather than inadvertently, making exceptions. This is a challenge not only for political and military practice, but also for academic and philosophical study, which usually treats military affairs and just war theory separately from other issues of global justice. The increasingly urgent questions about whether and how to extend domestic systems of governance and justice to the global realm (e.g., in the field of global governance) frequently overlook problems of war, but domestic principles have both normative and empirical relevance for warfare.

Relative to other forms of governance, democracies excel at making their societies richer. Despite contested causation and worrisome recent trends, the majority of the richest forty-percent of countries in the world are still considered “free” according to the Freedom House rubric, and most of the

remainder are petro-states (Freedom House 2018; World Bank 2018). This correlation between democracy and wealth may be epistemically revealing: insofar as governments are supposed to improve their citizens' lives, greater wealth and higher standards of living might show that democracies "know" better ways of structuring political society.

Less discussed but no less important is the relationship between democratic governance and military achievement. Contrary to the image of authoritarian societies being better at war because they are more disciplined, democracies have in fact won about eighty percent of the time, during the past two centuries.⁶³ While some attribute this phenomenon to the greater likelihood of democracies assisting one another (Choi 2004) or their superior ability in marshalling resources from their society to fight,⁶⁴ others argue that their system of governance means that democracies usually only engage in wars they are likely to win (selection effect) because their leaders are accountable to the population (in a way, Kant's theory in *Perpetual Peace* in action), that their military leaders are more skilled because they are less likely to have been chosen for political reasons, and that their soldiers are more willing to fight than those of non-democracies as evidenced by surrender rates (Reiter and Stam 2002). If any of these theories are true, then liberal democracies are winning for reasons related to their peculiar constitutional features and institutional arrangements and their distinctive value systems; the implications of good governance for military effectiveness are of enormous theoretical and practical consequence.

This phenomenon at least demonstrates a correlation between good governance and military success—and makes possible the veracity of classical Chinese good governance's argument that the former is the root of the latter.⁶⁵ This correlation suggests that virtue ethics⁶⁶ needs more integrated attention in contemporary Western just war theory, and classical Chinese treatment of good governance might offer some ideas for how to go about it.

Rights, or the lack thereof

The second advantage of good governance contrasts with the rights-based approaches to just war theory that dominate contemporary Western perspectives. "Rights" are powerful precisely because they are strong statements of individual desert and offer rigorous protections for individuals. A Hohfeldian framework, for example, both separates and relates the myriad, complex components of rights, and one can point to precise duties that people have for a right to be upheld. But things get murkier beyond the formal jural components of rights, for example, in determining the bounds of *collective* rights and duties within societies (including under circumstances of war), and even more so with creating the *conditions* for exercising those rights.

In that respect, rights discourse may be trying to do too much by both philosophically establishing the existence and nature of the relevant rights *and* establishing the circumstances under which those rights can be meaningfully held.

The latter requires a complex of institutions, laws, circumstances, and values, which may include the delineation of other rights, but what a right is and the conditions for the possession of those rights are ultimately different things.

This distinction points to the value of thinking about “good governance” as a legitimate reason for *jus ad bellum*. There is no concept of “rights” in classical Chinese thought and classical Chinese and contemporary Western concepts do not easily map onto each other; but Western conceptions of rights are often overstated, and humanitarian intervention can be justified in other ways, perhaps with “good governance” as developed in the *Seven Military Classics*.⁶⁷

Good governance takes a broad perspective of society: it complements the modern focus on human rights justifications for *jus ad bellum*, but focuses the sprawling concept of human rights in a way that can actually instantiate the implementation of those rights. It also highlights broader institutional questions that must be confronted in human rights violations, as decades of experience have shown us that humanitarian aid alone can not only be insufficient, but may also exacerbate the underlying problems that led to humanitarian crisis. Giving basic humanitarian aid effectively and in a way that does no further harm is difficult enough when just dealing with bad governance, and may be impossible when there is also war to contend with.⁶⁸

“Good governance” is broader yet also more detailed than “human rights” because it encompasses a variety of institutions, practices, and values needed to *sustain* respect for human rights, so it must fold consideration of post-war governance and long-term outcomes into *jus ad bellum*. In doing so, it must account for the just war theory principle of probability of success in a practical way that human rights do not; “good governance” may be a more robust and useful concept to use for *jus ad bellum*, or at least a necessary addendum to it. On the other hand, “good governance” is more difficult to achieve and sustain than the possession of human rights within any given timeframe, which makes success less likely, so the threshold for meeting *jus ad bellum* standards is effectively higher for a good governance approach.

The pitfalls of comparative theorizing

As with all comparative political theorizing, we must tread carefully, as there are dangers in cherry-picking the lessons we find attractive, such as reading into a tradition something that is not there or trying to draw limited lessons that are unsuitable in piecemeal form.⁶⁹

Complex virtues

To begin with, traditions are not always internally consistent. In the midst of the *Seven Military Classics*’ repeated admonitions for virtuousness, for example, *Huang Shigong* advises rulers to “use those that have desires”:

The *Army's Strategic Power* states: 'Employ the wise, courageous, greedy, and stupid. The wise take pleasure in establishing their achievements. The courageous love to put their will into effect. The greedy fervently pursue profits. The stupid have little regard for death. Employ them through their emotions, for this is the military's subtle exercise of authority.'⁷⁰

Thus, military strategy seems to call for the ruler to intentionally exploit all types of people, including the decidedly dissolute. How should one reconcile the directive to cultivate people's vices for his own ends, however just, with the repeated mandate to guide and educate the people toward their own virtuousness? Perhaps this directive should only apply to the ruler's actions abroad—but *Huang Shigong* is also adamant that the ruler should target his virtues toward the enemy's people as well as his own. Perhaps a utilitarian interpretation or a "dirty hands" approach could go some way toward reconciling this, but these are in high tension with the dominant narrative about the inherent value of the sage's virtuous leadership and that *jus ad bellum* cannot be had without domestic righteousness.

Paternalistic politics

Classical Chinese military thought also resides in a paternalistic and hierarchical system, with all its accompanying dangers. Not only are ranks, honors, and riches to be properly apportioned by occupation, but these occupations reside in an inflexible society where farmers, artisans, and merchants must "dwell solely in [their respective] districts," to prevent "scheming" as well as "confusion" between districts and clans, says *Six Secret Teachings*.⁷¹

This reflects a paternalistic view of politics that equates the state with parents or elder siblings, and subjects with children or younger siblings, and assigns them those accompanying duties.⁷² It is unclear to what extent classical Chinese virtues can be reconstructed for a modern context that largely rejects such political paternalism and hierarchy, and therefore how precisely to translate its features.

Tension with the contemporary international political structure

That righteous warfare in classical Chinese just war theory intends to unite all states under the rule of a single just system⁷³ is difficult to map onto the contemporary geopolitical reality of many distinct states whose sovereignties are enshrined in international law. The normative continuity between domestic and international that undergirds this good governance argument also makes it harder to accept that there may be many different legitimate centers of power.

While not impossible, an ideal "all under heaven" end goal should at least initially be shelved, as the immediate context of classical Chinese military

strategy's good governance argument is the existence of disparate states of varying degrees of righteousness and therefore the constancy of conflict.

This leads us to the next questions about how exactly to apply the argument. For example, given the shortage of Sage Kings, does that argue for a more non-interventionist or pacifist stance? Does the broad definition of "war" tend toward non-military forms of humanitarian aid, rather than coercive intervention? Does the importance of a society's internal orderliness and the ruler's benevolence and righteousness, as both goods in themselves and as persuasive beacons to outsiders, suggest the need for more open borders and easier migration so that people who seek righteous societies may move to settle in them, rather than having a just ruler intervene where the disorder resides?

Implications of an expanded *jus ad bellum*

Finally, I highlight three additional hazards especially relevant for just war theory: (1) abuses of a "good governance" justification; (2) eroding civil/military separation in liberal democracies; and (3) implications for the moral equality of combatants.

The first concern is no less important for its obviousness: expanding justifications for coercive action is ripe for abuse, and history has shown that any opportunity of that sort will be taken. Even the most well-intentioned individuals and governments are corruptible, so it may be better on net to legally restrict intervention more than normative philosophy would permit.

At the same time, one cannot ignore serious human rights abuses across the world; but all intervention, however justified, comes at a cost, which leads to the second crucial problem. One strength of classical Chinese military ethics is that it treats leadership virtues comprehensively and integrates virtuous leadership with questions of governance, but such an approach might upend contemporary liberal democracies who expect military subordination to civilian rule.

In classical Chinese philosophy, ruler's virtues are inseparable from military virtues—they are one and the same—and this feature was a product of their time and political system. Contemporary liberal democracies, however, demand strict civil-military separation, and for good reason, historically. There should be some overlapping virtues between military and political leadership—e.g., service, self-sacrifice, patriotism—but not all of their virtues should coincide, and liberal democracies do not want military personnel in their official capacity to become too concerned with questions of politics or governance.⁷⁴ Contemporary Western liberal democracies manifest this separation in their constitutional arrangements and legal restrictions, and contemporary Western just war theory reflects this separation (perhaps unwittingly) by often treating moral questions in war (*jus in bello*) as its own realm, one that draws on but is not wholly governed by the ethical principles relevant to everyday life in peaceful society. As a result, one must be judicious about which virtues one pulls from classical Chinese military thought and how they are articulated

under contemporary circumstances, as that has the potential to erode military-civilian separation in liberal democracies.

A third difficulty is that broadening *jus ad bellum* with good governance to justify humanitarian intervention—or any substantive questions of justice beyond self-defense—has knock-on effects for the doctrine of moral equality of combatants.

With modern warfare's "trial by combat" structure,⁷⁵ the use of soldiers as proxies of the state has led to a moral equality doctrine that gives combatants on all sides equal rights of self-defense and equal privileges to kill. This moral arrangement is reflected in various established wartime institutions, including medical immunity, medical neutrality, and non-penal POW detention (Neff 2010, 63–64). For example, all POWs must be extended Geneva Convention protections regardless of the justice of their cause because a soldier is considered an agent of his state and only kills as such: as a vessel or tool, his act of killing in war is not personal, criminal, or inherently punishable.

Moral equality of combatants is a critical part of international law's and contemporary Western just war theory's attempts to limit war's destructiveness by confining its scope to settling political disagreements (as opposed to establishing cosmic rightness), and it recognizes that warfighters operate under epistemic limitations that constrain their ability to ascertain the justice of their cause. As a result, even warfighters for an unjust cause are considered moral equals bound in "shared servitude" by their military service, rather than criminals (Walzer 2015, 36–37). While they are responsible for adhering to *jus in bello*, they are not considered directly responsible for determining *jus ad bellum*, which is the responsibility of political leaders,⁷⁶ and are permitted acceptable wartime killings in the name of an unjust cause.

Making *jus in bello* dependent on *jus ad bellum* in some way—whether with revisionism's individualist, criminal legal theory-inspired approach to evaluating just war⁷⁷ or by using a broad framework of good governance that integrates duties of domestic justice into international policy and war—would consider individual soldiers to be responsible for discerning *jus ad bellum* or righteousness and acting accordingly.

In the context of a classical Chinese-based good governance doctrine, would soldiers and subjects of an unrighteous state have a perfect or imperfect duty to submit to a righteous invader? Would they have a perfect or imperfect obligation to overthrow or abandon their unjust ruler if a righteous invader tries to rectify their state? Would a righteous ruler have a perfect or imperfect obligation to punish tyrants or to impose order on a chaotic state? Because the *Classics* largely treat the people as passive—only rulers and officials seem to have effective agency—and because this reconstructed good governance theory maintains meaningful normative distinctions between domestic and international realms instead of collapsing the two, these respective duties are unclear.

The unintended consequences of “good governance” may pose significant challenges: broadening contemporary international law’s narrow self-defense justifications for war and injecting more substantive claims of justicial right into the hard-won geopolitical *modus vivendi* may open the door to greater pursuit of unlimited revolutionary aims on the basis of non-negotiable claims of justice, and it risks dragging the world back into the seemingly boundless destruction of the 19th and 20th centuries.

But insofar as we care about justice and sometimes must go to war to render it, a reconstructed classical Chinese military philosophy offers a particularly sophisticated model from which to draw. Its comprehensive conception of good governance offers insights on standards for action and intervention, and offers viable justicial content for contemporary *jus ad bellum* considerations beyond sovereign self-defense or human rights.

In doing so, it provides a challenging but promising alternative to relying on rights discourse, while simultaneously providing robust reinforcement for rights claims by addressing the circumstances under which those rights can be meaningfully held. Its promotion of political consistency across domestic and international realms should also be an important (even if not the only) consideration for liberal democracies at least.

The empirical connection between good governance and both economic and military achievement only augments the value of thinking about how classical Chinese military philosophy weaves virtue ethics and military ethics into broader questions of good governance and how and why good governance wins wars. Underneath the idealistic focus on virtues lies a nuanced and pragmatic theory of social and global justice.

Notes

- 1 Views are her own and do not represent the U.S. Naval War College, the U.S. Department of the Navy, or the U.S. government.
- 2 The UN Charter prohibits “the threat or use of force against the territorial integrity or political independence of any state” (Art. 2.4) and limits the acceptable responses to “threats of the peace, breaches of the peace, and acts of aggression” (Chap. VII).
- 3 For example, on the separability of domestic from international ethical principles, Confucianism applies to both war and peace situations (Chan 2014, 16), whereas *Daodejing* considers warfighting to be an exceptional situation (§57).

The prominent and enduring school of realism contrasts with these approaches. Legalist theory, developed by State of Qin’s prime minister Shang Yang 商鞅 and philosopher Han Fei 韓非 during the Warring States Period (475–221 BCE), rejected Confucianism in favor of “the autonomy of politics and its independence from morality,” as politics should “maintain a viable political order rather than promoting a moral order” (Lo 2015, 251). By the Han dynasty (206 BCE–220 CE), legalism’s realist strategic culture was widely practiced.

Contemporary Chinese just war theory and views of international law remain effectively realist. For example, although Yan Xuetong 閻學通’s representative *Ancient Chinese Thought, Modern Chinese Power* (2011) makes much of moral leadership and “humane authority” in international relations, critics consider his “moral realism” to be merely a façade for offensive realism (F. Zhang 2012; Hui

- 2012; Lo 2016). On historical and contemporary Chinese realist thought, see: Lo 2015; Johnston 1995; Scobell 2003; and Wang 2011.
- 4 The provenance of some of the works is disputed, and their origins range from late Spring and Autumn Period (5th c. BCE) through the Warring States Period (5th–3rd c. BCE), and possibly the Han Dynasty (2nd c. BCE–early 3rd c. CE) and the Song Dynasty (960–1127 CE). Unlike the six other “military classics,” for example, *Six Secret Teachings* was written in contemplation of revolution, by the Zhou against the stronger Shang dynasty (Sawyer 1993, 23).
 - 5 Study of Chinese philosophy often exhibits a Confucian bias, but Confucianism is just one of many broad, rich, and varied traditions in conversation and often at odds with each other, including within the *Seven Military Classics*. Although Confucius spoke sparingly about civility and martiality, he influenced others’ military philosophizing, e.g., *Yanzi Chunqiu* (晏子春秋) on virtue’s role in securing the state and Mencius 孟子 on the ruler’s personal example for conquering the enemy. The moral order and ethical ideal espoused in both *Wuzi* (吳子) and *Sun Tzu’s The Art of War* (孫子兵法) resemble that of Confucian philosopher Xunzi 荀子, as does the Legalist-influenced *Si Ma Fa* (司馬法) (Rand 2017, 101, 104, 124–128). See Johnston 1995, 32–108; Sawyer 1993; and Rand 2017, 124–128.
 - 6 Alastair Iain Johnston classifies classical Chinese thought as a “strategic-culture model” (versus a realpolitik-dynastic model) that “[reflects] a Confucian-Mencian equation linking moral state government and external security... [such that] even as the empire mobilized resources, strategic culture would dictate policies that manifest the magnanimity of the ruler, his “awesomeness” (威 *wei*) and “virtue” (德 *de*)” (Johnston 1995, 57). See Scobell 2005 and Yuen 2014, 155–174 for other interpretations of Chinese strategic cultures.
 - 7 As early as the Western Zhou period (circa 1100–771 BCE), thinkers wrestled with “the *wen/wu* problem,” which addresses the proper uses of and relationship between civility (*wen* 文) and martiality (*wu* 武) in preserving cultural stability. The *Seven Military Classics* take up some aspects of this relationship between good governance and *jus ad bellum* (Rand 2017, 15–18, 124–128).
 - 8 One continuity between classical and contemporary Chinese thought is their shared focus on right as legitimate cause for war, although the similarities largely end there. Following Mao, contemporary writers conceptualize only two kinds of war: just and unjust, i.e., revolutionary and counter-revolutionary (e.g., F. Zhang 1997). For them, *jus ad bellum* is determined entirely by communist revolutionary purpose, to fight “the oppression of a ruling class [and] foreign aggression, and [to] promote social progress” (Wu 1998).

The discontinuities are more striking. The classical literature focuses on military virtues beyond military acumen: courage, wisdom, benevolence, humanity, trustworthiness, loyalty, respect, and dignity. Officers must lead by example and share in their troops’ hardships, and possess a sense of justice in order to “judge disputes” and “accept criticism” (*Six Secret Teachings* §19, Sawyer 1993, 62–63; *Sun Tzu’s Art of War* III§2, Ames 1993, 225–226; *Huang Shigong* §1, Sawyer 1993, 295–297). (Cf. von Clausewitz on moral courage.) A general’s character is considered so essential to military success that these texts largely ignore soldiers and their desired attributes.

In contrast, contemporary Chinese thought’s treatment of military virtues is unfortunately thin and largely caricatures self-sacrifice and strength of will, e.g., “resolute and stubborn will to fight, heroic [and] indomitable spirit, and the combat style of not fearing sacrifice and not fearing difficulty, so as to overwhelm and defeat the enemy” (Lectures on the Science of Air Force Campaigns, ed. Dai Jinyu 1990). There is little discussion of why or how these virtues contribute to military success, as if victory will surely follow from their mere exercise, and the deafening silence on military leaders is telling. Their moral and political virtues are simply assumed, by virtue of their equally assumed alignment with communist ideology.

- 9 Even Mohists seem to leave ajar the door to justifiable punitive intervention (as opposed to military aggression), although their stance is more opaque (Loy 2015).
- 10 *Si Ma Fa* §3 (Sawyer 1993, 137).
- 11 *Si Ma Fa* §3 (Sawyer 1993, 137).
- 12 *Si Ma Fa* §1 (Sawyer 1993, 126).
- 13 *Si Ma Fa* §1, (Sawyer 1993, 128).
- 14 *Tang Taizong and Li Weigong* §§1, 3 (Sawyer 1993, 332, 350).
- 15 *Six Secret Teachings* §7 (Sawyer 1993, 47).
- 16 *Huang Shigong* §1 (Sawyer 1993, 293).
- 17 E.g., *Tang Taizong and Li Weigong* §3 (Sawyer 1993, 348), and *Sun Tzu's The Art of War* (Ames 1993, 85).
- 18 *Huang Shigong* §3: “The Sage King does not take any pleasure in using the army. He mobilizes it to execute the violently perverse and punish the rebellious” (Sawyer 1993, 305). *Six Secret Teachings* §12: “The Sage Kings termed weapons evil implements, but when they had no alternative, they employed them” (Sawyer 1993, 51). *Wei Liaozhi* (尉繚子) §2 adds probability of success to the requirement of right intention: “The army cannot be mobilized out of personal anger. If victory can be foreseen, then the troops can be raised. If victory cannot be foreseen, then [the mobilization] should be stopped” (Sawyer 1993, 243).
- 19 *Huang Shigong* §3 (Sawyer 1993, 306). Daoist ambivalence toward violence goes even further, as “Taoists shun three generations [of a family] serving as generals. [Military teachings] should not be carelessly transmitted, yet should also not be not transmitted. Please pay careful attention to this matter” (*Taizong and Weigong* §3, Sawyer 1993, 360).
- 20 *Sun Tzu's The Art of War* §4 (Ames 1993, 115).
- 21 *Sun Tzu's The Art of War* §2 (Ames 1993, 107–108).
- 22 *Si Ma Fa* §1, Sawyer 1993, 126.
- 23 Sun Tzu's *The Art of War* I§3 (Ames 1993, 111–112). See also *Sun Tzu's The Art of War* III§2 (Ames 1993, 231). *Tang Taizong and Li Weigong* §3 cites Sun Tzu: “an army which can cause men to submit without fighting is the best; one that wins a hundred victories in a hundred battles is mediocre; and one that uses deep moats and high fortifications for its own defense is the lowest. If we use this as a standard for comparison, all three are fully present in Sun-tzu's writings” (Sawyer 1993, 360). See also: *Six Secret Teachings* §13 (Sawyer 1993, 53) and *Wei Liaozhi* §2 (Sawyer 1993, 243, 260–261).
- 24 *Sun Tzu's The Art of War* II§5 (Ames 1993, 193).
- 25 Cf. von Clausewitz, Liddell Hart.
- 26 See also, e.g., *Six Secret Teachings* §§1, 8 (Sawyer 1993, 42, 47) and *Si Ma Fa* §3 (Sawyer 1993, 136).
- 27 Yuen 2014, 37–38, 70, 115–116.
- 28 *Huang Shigong* §1 (Sawyer 1993, 294).
- 29 *Shi shi qishu jiangyi* 施氏七書講義 [1222] (Johnston 1995, 134, 286).
- 30 For example, the highly influential Confucian view holds that morality is determined by an independent natural law, based in human nature or in Heaven. Its source is heteronomous—located outside the person—and is to be apprehended by the ruler, rather than created through reason or preferences.
- 31 *Huang Shigong* §1 (Sawyer 1993, 294).
- 32 *Six Secret Teachings* §2 (Sawyer 1993, 42).
- 33 *Huang Shigong* §3 (Sawyer 1993, 304).
- 34 *Six Secret Teachings* §6 (Sawyer 1993, 45).
- 35 *Huang Shigong* §3 (Sawyer 1993, 304).
- 36 *Six Secret Teachings* §13 (Sawyer 1993, 53).
- 37 *Sun Tzu's Art of War* III§2 (Ames 1993, 231).
- 38 The importance of righteous governance is common across multiple schools of Chinese philosophy, and various aspects of this have been distilled as idioms over time,

- among them: “emphasize civility, deemphasize martiality; stress virtue and downplay physical strength” (重文輕武重德不重力 *zhong wen qing wu, zong de bu zhong li*), “if one has virtue, one cannot be matched [by an enemy]” (有德不可有敵 *you de bu ke you di*), and “display virtue and do not flaunt the military instrument” (觀德不耀兵 *guan de bu yao bing*) (Johnston 1995, 63–64).
- 39 *Huang Shigong* §1 (Sawyer 1993, 292).
- 40 He continues, “When their bodies submit the beginning can be planned; when their minds submit the end can be preserved” (*Huang Shigong* §3, Sawyer 1993, 303).
- 41 *Si Ma Fa* §1 (Sawyer 1993, 127).
- 42 *Six Secret Teachings* §1 (Sawyer 1993, 42). See also *Wei Liaozhi* §2 (Sawyer 1993, 243).
- 43 The idea that virtue is alluring even to “barbarians” gets reinforced in Chinese literature, none too subtly. For example, in the novel *Romance of the Three Kingdoms* (circa 14th c.): in 225 CE, a general captured then released the enemy tribal king seven times instead of executing him, even though the “barbarian” said he would continue to fight and then did so, to demonstrate his superior morality. After seven iterations, the tribal king whole-heartedly submitted, exclaiming, “Seven times a captive and seven times released. Surely there was never anything like that in the whole world. I know I am a barbarian and beyond the pale, but I am not entirely devoid of a sense of propriety and rectitude. Does he think I feel no shame? O Minister, you are the majesty of Heaven...I and my sons and grandsons are deeply affected by your all-pervading and life-giving mercy. Now how can we not yield? (Chap. 87–90) The fable demonstrates the limited purpose of wars—the general returned the tribal king’s lands once the latter embraced righteousness, thus eschewing the material or strategic advantages of military victory—and the proper spirit with which to conduct war in order to evoke submission.
- 44 Referring to the Sage King’s army, *Huang Shigong* §3 proclaims, “Now using the righteous to execute the unrighteous is like releasing the Yangtze and Yellow rivers to douse a torch, or pushing a person tottering at the edge of an abyss. Their success is inevitable!” (Sawyer 1993, 305–306).
- 45 This intentionally overlooks the responsibility of soldiers who fought an unjust war, willingly or otherwise.
- 46 *Six Secret Teachings* §40 (Sawyer 1993, 87). *Wei Liaozhi* §8 (Sawyer 1993, 254) echoes prohibitions against attacking both innocent cities and men.
- 47 *Si Ma Fa* §1 (Sawyer 1993, 126–128).
- 48 *Six Secret Teachings* §40 (Sawyer 1993, 87).
- 49 Alastair Iain Johnston explains, “This use of benevolence and righteousness as a political tool in a broader offensive policy is a mechanism by which a ‘guest’ (i.e., invading) army can be turned into a ‘host’ in enemy territory” (Johnston 1995, 181).
- 50 *Wuzi* (吳子) §1 (Sawyer 1993, 208).
- 51 Other major Chinese works show similar concern with *jus post bellum*: for example, the historical *Tso-chuan* (左傳) recounts that after the Battle of Pi, the king of Ch’u quotes *Shih-ching* (詩經 Classic of Poetry, Book of Songs), refuses to build a battle monument on the bodies of the Chin dead, and questions his own virtue and sense of right and wrong (Kierman 1974, 46).
- 52 Post-war justice entails benevolence as well as righteous punishment, such as executing the guilty as appropriate (*Si Ma Fa* §1, Sawyer 1993, 128).
- 53 *Six Secret Teachings* §§2, 3, 7 (Sawyer 1993, 42–44, 47). *Huang Shigong* §1 (Sawyer 1993, 294). *Wuzi* §1 (Sawyer 1993, 207–208). *Wei Liaozhi* §§10–11 (Sawyer 1993, 259–260).
- 54 *Wuzi* §1 (Sawyer 1993, 208).
- 55 Huang Zongxi’s “mirror for princes” treatise, *Waiting for the Dawn: A Plan for a Prince* [1663], also tackled the tedium of rulership. An unorthodox Confucian, Huang rejected the paternal analogy of politics. He considered the sage king’s position not a great prize but one of great responsibility: to provide economic well-being, customs and ceremonies, education, moral training, and military defense,

- and to prevent a festering bureaucracy that “breeds indifference and irresponsibility.” Good governance institutions include the roles, powers, selection of, and constraints on the prince (such as a strong prime minister and a cabinet), ministers, administrative departments, and legislature; tax and financial systems; the land system; education; the military; and especially proper laws and the rule of law. “Only if there is governance by law can there be governance by men...unlawful laws fetter men hand and foot, even a man capable of governing well,” he cautioned (de Bary 1993, 19, 56, 80, 12–14, 20, 23, 26, 99).
- 56 *Huang Shigong* §1: “Thus it is said, ‘Draw in their men of character and valor and the enemy’s state will be impoverished.’ These valiant men are the trunk of a state. The common people are its root. If you have the trunk and secure the root, the measures of government will be implemented without resentment” (Sawyer 1993, 294). §III: “When the ruler’s munificence extends to the people, Worthy men will give their allegiance. When his munificence reaches the multitudinous insects, then Sages will ally with him. Whomever the Worthy give their allegiance to, his state will be strong. Whomever the Sages support, [under him] the six directions will be unified. One seeks the Worthy through Virtue, one attracts Sages with the Tao” (Sawyer 1993, 303).
- 57 *Huang Shigong* §1 (Sawyer 1993, 298).
- 58 *Huang Shigong* §3: “When the power of life and death lies with prominent, powerful families, the state’s strategic power is exhausted. If [they] bow their heads in submission, then the state can long endure. When the power of life and death lies with the ruler, then the state can be secure” (Sawyer 1993, 306).
- 59 *Huang Shigong* §1 (Sawyer 1993, 298).
- 60 *Huang Shigong* §3: “Employing the discontented to govern the discontented is... ‘contrary to Heaven.’ Having the vengeful control the vengeful, an irreversible disaster will result. Govern the people by causing them to be peaceful. If one attains peace through purity, then the people will have their places, and the world will be tranquil” (Sawyer 1993, 305).
- 61 *Huang Shigong* §3: “Thus it is said, ‘One who concentrates on broadening his territory will waste his energies; one who concentrates on broadening his Virtue will be strong’” (Sawyer 1993, 304).
- 62 Michael Walzer’s secular domestic theories inform his just war theory, but their connection is looser.
- 63 Based on Correlates of War Project data (inter-state military conflicts with at least 1,000 battle casualties) for all wars 1816–1990, when democracies initiated wars during that period, they won 93% of the time; as targets of aggression, they still won 63% of wars, compared with dictatorships and oligarchies (Reiter and Stam 2002, 28–29).
- 64 E.g., Tilly 1975.
- 65 Correlation between democratic governance and greater military effectiveness means that democracies are comparatively more capable of securing the *underlying conditions* (namely, stability and security) for justice and right. Stability and security are necessary but insufficient conditions for justice and right, however, and it is a separate step to show that just and righteous governments are then necessarily right in violently and coercively imposing like governments on others (Chiu 2019, 224–225).
- 66 Virtue ethics usually emphasize motive or intent, which can be difficult to reconcile with dominant contemporary ethical theories that prioritize procedure and/or outcome.
- 67 Other Chinese schools of thought also offer possibilities, such as the language of “social justice” and fairness in Daoism or the permissibility (if not the right) of complaint and rebellion in response to bad rule in Confucianism.
- 68 See, for example, Bauer 1969; Deaton 2013. There are also the difficult questions of *when* exactly to intervene militarily.

- 69 See Schwartzman 2012 on comparative political theory methods to “conjecture” across cultures and provide reasons to adherents of other comprehensive doctrines.
- 70 *Huang Shigong* §§1, 2 (Sawyer 1993, 293, 300–301).
- 71 *Six Secret Teachings* §6 (Sawyer 1993, 46).
- 72 *Six Secret Teachings* §3 (Sawyer 1993, 44). *Si Ma Fa* §2 (Sawyer 1993, 129).
- 73 Some Western schools of thought also advocate a global regime, e.g., Stoic cosmopolitanism (e.g., Epictetus, Marcus Aurelius) or global federation (e.g., Kant, Beitz, Pogge).
- 74 In fact, this problem is anticipated in *Huang Shigong*, which warns of the dangers of a militarized society, politically governed by the military, as those states will be more prone to conflict.
- 75 Three features of modern warfare inadvertently generate a “trial by combat” structure that confers only effective right from war: (1) the political nature of war, (2) its limited justicial purposes, and (3) limited qualifications for legitimate participation. This arrangement leaves questions of justicial right problematically unresolved, especially at a time when wars are again becoming increasingly ideological (Chiu 2019, 193–233).
- 76 The Nuremberg Trials and some other criminal trials notwithstanding, political leaders are generally not held to account for their *jus ad bellum* decisions, which presents a glaring moral gap.
- 77 McMahan 2009; McMahan 1994; McMahan 2004a; McMahan 2004b.

Bibliography

- Ames, Roger T. 1993 [5th c. BCE]. *Sun-Tzu: The Art of Warfare*. Translated by Roger T. Ames. New York: Ballantine Books.
- Ames, Roger T. and David L.Hall. 2010 [5th–3rd c. BCE]. *Dao De Jing: A Philosophical Translation*. Translated by Roger T. Ames and David L. Hall. New York: Ballantine Books.
- Augustine. 1887 [5th c. CE]. *Contra Faustum*. Translated by Richard Stothert. Buffalo, NY: Christian Literature Publishing, Co. www.newadvent.org/fathers/140601.htm.
- Augustine. 1998 [5th c. CE]. *The City of God against the Pagans*. Translated by R. W. Dyson. New York: Cambridge University Press.
- Aquinas, Thomas. 1920 [13th c. CE]. *The Summa Theologica*. 2nd ed. Translated by Fathers of the English Dominican Province. www.newadvent.org/summa.
- Chan, Joseph. 2014. *Confucian Perfectionism: A Political Philosophy for Modern Times*. Princeton, NJ: Princeton University Press.
- Chiu, Yvonne. 2011. “Liberal Lustration.” *Journal of Political Philosophy* 19, no. 4: 440–464.
- Chiu, Yvonne. 2019. *Conspiring with the Enemy: The Ethic of Cooperation in Warfare*. New York, NY: Columbia University Press.
- Choi, Ajin. 2004. “Democratic Synergy and Victory in War, 1816–1992.” *International Studies Quarterly* 48, no. 3: 663–682.
- von Clausewitz, Carl. 1989 [1832]. *On War*. Edited and translated by Michael Howard and Peter Paret. Princeton, NJ: Princeton University Press.
- De Bary, William. 1993. “Introduction to Huang Tsung-hsi.” In *Waiting for the Dawn: A Plan for the Prince*, pp. 1–86. New York, NY: Columbia University Press.
- Freedom House. 2018. *Freedom in the World 2018: Democracy in Crisis*.
- Huang Tsung-hsi (Huang Zongxi 黃宗羲). 1993 [1663]. *Waiting for the Dawn: A Plan for the Prince – Huang Tsung-hsi’s Ming-i-tai-fang lu*. Introduction and translation by Wm. Theodore de Bary. New York, NY: Columbia University Press.

- Hui, Victoria Tin-bor. 2012. "Building Castles in the Sand: A Review of *Ancient Chinese Thought, Modern Chinese Power*." *Chinese Journal of International Politics* 5, no. 4: 425–449.
- Johnston, Alastair Iain. 1995. *Cultural Realism: Strategic Culture and Grand Strategy in Chinese History*. Princeton, NJ: Princeton University Press.
- Kierman, Jr., Frank A. 1974. "Phases and Modes of Combat in Early China." In *Chinese Ways of Warfare*, edited by Frank A. Kierman, Jr. and John K. Fairbank, pp. 27–66. Cambridge, MA: Harvard University Press.
- Lectures on the Science of Air Force Campaigns, ed. Dai Jinyu. 1990. *Excerpt in Modern Chinese Military Thought on Strategy & Ethics: A selection of authoritative writings 1990–2000*, compendium of translations, edited by Phillip A. Karber (2013): 9–10. McClean, VA: The Potomac Foundation.
- Lo, Ping-cheung. 2012. "The *Art of War* Corpus and Chinese Just War Ethics Past and Present." *Journal of Religious Ethics* 40, no. 3: 404–446.
- Lo, Ping-cheung. 2015. "Legalism and Offensive Realism in the Chinese Court Debate on Defending National Security 81 BCE." In *Chinese Just War Ethics: Origin, Development, and Dissent*, edited by Ping-cheung Lo and Sumner B. Twiss, pp. 249–280. London: Routledge.
- Lo, Ping-cheung. 2016. "Can China Rise Peacefully? A Critical Appraisal of Yan Xuetong's 'Moral Realism'." unpublished manuscript. Presented at Workshop on Military Ethics, Florida State University, November 2016.
- Luo, Guanzhong. 2002. [1522, written circa 14th c. CE] *Romance of the Three Kingdoms* (三國志平話). Translated by Charles H. Brewitt-Taylor. Singapore: Tuttle Publishing.
- Loy, Hui-chieh. 2015. "Mohist arguments on war." In *Chinese Just War Ethics: Origin, development, and dissent*, edited by Ping-cheung Lo and Sumner B. Twiss, pp. 226–248. London: Routledge.
- McMahan, Jeff. 1994. "Self-Defense and the Problem of the Innocent Attacker." *Ethics* 104, no. 2: 252–290.
- McMahan, Jeff. 2004a. "The Ethics of Killing in War." *Ethics* 114, no. 4: 693–733.
- McMahan, Jeff. 2004b. "Innocence, Self-Defense, and Killing in War." *The Journal of Political Philosophy* 2, no. 3: 193–221.
- McMahan, Jeff. 2009. *Killing in War* (Uehiro Series in Practical Ethics). Oxford: Oxford University Press.
- Neff, Stephen C. 2010. "Prisoners of War in International Law: The Nineteenth Century." In *Prisoners in War*, edited by Sibylle Scheipers, pp. 57–73. Oxford: Oxford University Press.
- Rand, Christopher C. 2017. *Military Thought in Early China*. Albany, NY: SUNY Press.
- Reiter, Dan and Stam, Allan C. 1997. "*The Soldier's Decision to Surrender: Prisoners of War and World Politics*." Presented at the Annual Meeting of the American Political Science Association, Washington, DC, August 1997.
- Reiter, Dan and Stam, Allan C. 2002. *Democracies at War*. Princeton, NJ: Princeton University Press.
- Sawyer, Ralph D. 1993. *The Seven Military Classics of Ancient China* (武經七書). Translated by Ralph D. Sawyer. New York: Basic Books.
- Schwartzman, Micah. 2012. "The Ethics of Reasoning from Conjecture." *Journal of Moral Philosophy* 9, no. 4: 521–544.
- Scobell, Andrew. 2003. *China's Use of Military Force: Beyond the Great Wall and the Long March*. Cambridge: Cambridge University Press.
- Scobell, Andrew. 2005. "Strategic Culture and China: IR Theory versus the Fortune Cookie?" *Strategic Insights* IV, no. 10 (October).

- Tilly, Charles. 1975. *The Formation of National States in Western Europe*. Princeton, NJ: Princeton University Press.
- Twiss, Sumner B. and Chan, Jonathan. 2012. "Classical Confucianism, Punitive Expeditions, and Humanitarian Intervention." *Journal of Military Ethics* 11, no. 2: 81–96.
- Twiss, Sumner B. and Chan, Jonathan. 2012. "The Classical Confucian Position on the Legitimate Use of Military Force." *Journal of Religious Ethics* 40, no. 3: 447–472.
- Walzer, Michael. 2015 [1977]. *Just and Unjust Wars*. 5th ed. New York: Basic Books.
- Wang, Yuan-kang. 2011. *Harmony and War: Confucian Culture and Chinese Power Politics*. New York: Columbia University Press.
- World Bank. 2018. Data: GDP per capita (current US\$).
- Wu, Chunqiu. 1998. "Grand Strategy: A Chinese View." Excerpt in *Modern Chinese Military Thought on Strategy & Ethics: A selection of authoritative writings 1990–2000*, compendium of translations, edited by Phillip A. Karber (2013), pp. 15–18. McClean, VA: The Potomac Foundation.
- Yan, Xuetong. 2011. *Ancient Chinese Thought, Modern Chinese Power*. Edited by Daniel Bell and Sun Zhe, translated by Edmund Ryden. Princeton, NJ: Princeton University Press.
- Yuen, Derek M.C. 2014. *Deciphering Sun Tzu: How to Read The Art of War*. New York, NY: Oxford University Press.
- Zhang, Feng. 2012. "The Tsinghua Approach and the Inception of Chinese Theories of International Relations." *Chinese Journal of International Politics* 5, no. 1: 73–102.
- Zhang, Yunxun. 1997. "China's Ancient and Modern Military Dialectical Thought." Excerpt in *Modern Chinese Military Thought on Strategy & Ethics: A selection of authoritative writings 1990–2000*, compendium of translations, edited by Phillip A. Karber (2013), p. 12. McClean, VA: The Potomac Foundation.