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WAR, JUSTICE, AND LEGITIMACY: RE-EXAMINING THE ETHICAL AND LEGAL FOUNDATIONS OF INTERNATIONAL ORDER

~Sana Ali

INTRODUCTION

The pursuit of international order has long been intertwined with questions of war, justice, and legitimacy. While the modern international system is founded upon the principles of sovereign equality, peaceful dispute settlement, and the prohibition of the use of force, armed conflict continues to shape global politics and international relations.¹

The persistence of war despite extensive legal regulation raises a fundamental question: what makes the use of force legitimate within an international order that seeks to preserve peace?

Historically, legitimacy in warfare was evaluated primarily through moral and philosophical lenses. Classical thinkers sought to determine whether war could ever be justified and, if so, under what conditions. These ethical inquiries gradually evolved into normative frameworks governing the resort to force, the conduct of hostilities, and the responsibilities that follow armed conflict.² In the contemporary era, such questions extend beyond philosophy into the realm of international law, where institutions such as the United Nations (UN) and the International Court of Justice (ICJ) seek to regulate state behaviour and maintain collective security.³

The relationship between ethics and law remains central to understanding the foundations of international order. Legal rules may prohibit certain forms of conduct, yet the legitimacy of political and military action often depends upon broader considerations of justice, accountability, and moral responsibility. Consequently, international order cannot be

¹ U.N. Charter pmb.; U.N. Charter art. 2, 4.

² MICHAEL WALZER, JUST AND UNJUST WARS 3-20 (5th ed. 2015).

³ U.N. Charter arts. 24, 33; Statute of the International Court of Justice arts. 1-38.

understood solely through legal institutions or power politics; it must also be examined through the ethical principles that underpin them.⁴

This article examines the ethical and legal foundations of international order through the interconnected concepts of war, justice, and legitimacy. It traces the evolution of these ideas from the writings of Saint Augustine and the Indian doctrine of Dharma Yuddha to the contemporary framework of international law, the United Nations system, and the jurisprudence of the International Court of Justice. In doing so, it argues that the legitimacy of international order derives not merely from legal authority but from the continued interaction between ethical principles and legal norms.

HISTORICAL FOUNDATIONS OF WAR AND JUSTICE: AUGUSTINE, AQUINAS, AND THE INDIAN TRADITION OF DHARMA YUDDHA

The ethical regulation of warfare predates modern international law by several centuries. Long before the establishment of international institutions and legal frameworks, philosophers and religious thinkers grappled with the fundamental question of whether war could ever be morally justified. The search for ethical restraints on violence gave rise to traditions that sought to reconcile political necessity with moral responsibility, laying the foundations for contemporary discussions on legitimacy and justice in international relations.⁵

Among the most influential contributors to this discourse was Saint Augustine of Hippo. Writing during the decline of the Roman Empire, Augustine rejected both the glorification of warfare and absolute pacifism. Instead, he argued that while peace remained the ultimate objective of political communities, the use of force could be morally justified when undertaken to rectify grave injustice and restore a just peace.⁶ For Augustine, war was not inherently virtuous; rather, its legitimacy depended upon the intentions behind it and the pursuit of justice. His emphasis on rightful authority, moral purpose, and the restoration of peace would later become foundational principles of the Just War tradition.

Building upon Augustine's ideas, Thomas Aquinas developed a more systematic framework for evaluating the legitimacy of war. In his *Summa Theologica*, Aquinas identified three essential conditions for a just war: the authorization of a legitimate authority, the existence of a just

⁴ Hedley Bull, *The Anarchical Society: A Study of Order in World Politics* 52-73 (4th ed. 2012).

⁵ James Turner Johnson, *Just War Tradition and the Restraint of War: A Moral and Historical Inquiry* 25-46 (1981).

⁶ SAINT AUGUSTINE, *THE CITY OF GOD* bk. XIX, ch. 7 (Marcus Dods trans., Modern Library 1950).

cause, and the presence of a right intention.⁷ These principles sought to ensure that warfare remained subject to moral scrutiny rather than serving as an unrestricted instrument of political power. Aquinas' formulation significantly influenced subsequent developments in political philosophy, international law, and ethical theories of warfare.

Parallel to these developments in Western thought, ancient Indian philosophy articulated its own ethical framework governing the use of force through the doctrine of Dharma Yuddha, or righteous warfare. Rooted in the broader concept of dharma, a principle encompassing duty, justice, righteousness, and moral order, the doctrine emphasized that war could only be justified when undertaken to uphold justice and restore ethical balance within society.⁸ The most prominent articulation of these ideas is found in the Mahabharata and the Bhagavad Gita, where warfare is portrayed not as an act of conquest but as a moral responsibility undertaken in defence of righteousness.⁹

The dialogue between Lord Krishna and Arjuna in the Bhagavad Gita is particularly significant in this regard. Faced with the prospect of fighting against his own kin, Arjuna experiences profound moral doubt regarding the legitimacy of violence. Krishna's response does not celebrate war; instead, it frames participation in a just struggle as a fulfilment of ethical duty when peaceful alternatives have been exhausted and injustice threatens the moral order.¹⁰ This perspective reflects an understanding of warfare that places ethical obligations above personal interests and political expediency.

The doctrine of Dharma Yuddha also imposed important restrictions on the conduct of warfare. Traditional rules discouraged attacks on unarmed individuals, prohibited unnecessary cruelty, and emphasized fairness in combat.¹¹ These principles bear notable similarities to modern concepts of distinction, proportionality, and humanitarian restraint that later emerged within international humanitarian law. Such parallels demonstrate that ethical concerns regarding warfare are not confined to a single civilization or intellectual tradition but represent a broader human effort to regulate violence through moral norms.

⁷ THOMAS AQUINAS, SUMMA THEOLOGICA II-II, Q.40, Art.1 (Fathers of the English Dominican Province trans., Benziger Bros. 1947).

⁸ Bimal Krishna Matilal, *Moral Dilemmas in the Mahabharata* 45-68 (1989).

⁹ THE BHAGAVAD GITA chs. 1-2 (Eknath Easwaran trans., 2007).

¹⁰ Id. at ch. 2, vv. 31-38.

¹¹ B.K. Matilal, *The Ethics of the Mahabharata* 52-74 (2002).

Taken together, the writings of Augustine and Aquinas alongside the Indian doctrine of Dharma Yuddha reveal a shared concern with limiting the arbitrary exercise of force. Although these traditions emerged from distinct cultural and philosophical contexts, they converged on the belief that legitimacy in warfare depends upon adherence to principles of justice, moral responsibility, and restraint. Their enduring influence continues to shape contemporary debates concerning war, legitimacy, and international order.

JUST WAR THEORY AND THE EVOLUTION OF LEGITIMACY

The ethical traditions articulated by Augustine, Aquinas, and the doctrine of Dharma Yuddha laid the intellectual foundations for what later evolved into Just War Theory. While these traditions emerged in distinct cultural and historical contexts, they shared a common objective: to establish moral limits on the exercise of force and ensure that warfare remained subject to principles of justice rather than the unchecked pursuit of power. In contemporary international relations, Just War Theory continues to serve as one of the most influential normative frameworks for evaluating the legitimacy of armed conflict.¹²

Traditionally, Just War Theory is divided into three interconnected dimensions: *jus ad bellum* (justice before war), *jus in bello* (justice during war), and *jus post bellum* (justice after war).¹³ Together, these principles seek to regulate the entire lifecycle of armed conflict, from the decision to resort to force to the establishment of a just and durable peace.

The first dimension, *jus ad bellum*, establishes the conditions under which the use of force may be considered morally and legally justified. These conditions generally include the existence of a just cause, authorization by a legitimate authority, right intention, proportionality, last resort, and a reasonable chance of success.¹⁴ The underlying objective is to ensure that war remains an exceptional measure employed only when peaceful alternatives have failed. The principle reflects a broader commitment to preserving international stability by preventing the arbitrary use of force.

The second dimension, *jus in bello*, governs the conduct of parties once hostilities have commenced. It requires combatants to distinguish between military targets and civilian populations and mandates that force be employed proportionately to the military objective

¹² MICHAEL WALZER, *JUST AND UNJUST WARS: A MORAL ARGUMENT WITH HISTORICAL ILLUSTRATIONS* 21-47 (5th ed. 2015).

¹³ BRIAN OREND, *THE MORALITY OF WAR* 31-59 (2d ed. 2013).

¹⁴ *Id.* at 31-59.

pursued.¹⁵ The principle recognizes that even when the resort to war is justified, the means employed during conflict remain subject to ethical and legal constraints. In this regard, the legitimacy of military action depends not only upon the reasons for war but also upon the manner in which it is conducted.

In recent decades, increasing attention has been devoted to a third dimension, *jus post bellum*, which concerns justice after the cessation of hostilities. Traditional discussions of warfare often focused on the initiation and conduct of conflict, while neglecting the responsibilities that arise following military victory. Contemporary scholarship, however, emphasizes that legitimacy cannot be assessed solely on the basis of military success. Sustainable peace requires post-conflict reconstruction, accountability for violations of international law, reconciliation among affected communities, and the restoration of effective institutions of governance.¹⁶

The growing prominence of *jus post bellum* reflects a broader transformation in international legal and political thought. Modern conceptions of legitimacy increasingly recognize that the consequences of war extend far beyond the battlefield. Questions concerning transitional justice, war crimes prosecutions, victim reparations, and institutional rebuilding have become integral to evaluating whether a conflict has ultimately served the cause of justice.¹⁷

The significance of Just War Theory lies in its ability to bridge the gap between ethics and law. While originally developed as a moral framework, many of its principles have gradually influenced the development of international legal norms governing the use of force. Concepts such as legitimate authority, proportionality, distinction, and accountability now occupy a central position within international law and global governance institutions. Consequently, Just War Theory provides an important conceptual link between historical ethical traditions and the contemporary legal architecture of international order.¹⁸

INTERNATIONAL LAW, THE UNITED NATIONS, AND THE REGULATION OF FORCE

¹⁵ Geneva Convention Relative to the Protection of Civilian Persons in Time of War art. 3, Aug. 12, 1949, 75 U.N.T.S. 287; Protocol Additional to the Geneva Conventions of 12 August 1949 (Protocol I) arts. 48, 51, June 8, 1977, 1125 U.N.T.S. 3.

¹⁶ Larry May, *After War Ends: A Philosophical Perspective* 1-18 (2012).

¹⁷ Carsten Stahn, *Jus Post Bellum: Mapping the Normative Foundations*, 23 EUR. J. INT'L L. 311, 313-30 (2012).

¹⁸ James Turner Johnson, *Just War Tradition and the Restraint of War: A Moral and Historical Inquiry* 201-28 (1981).

The evolution of Just War Theory from a primarily ethical framework to a system of legally enforceable norms represents one of the most significant developments in the history of international relations. While moral principles historically guided discussions regarding the legitimacy of warfare, the catastrophic consequences of the two World Wars underscored the need for institutional mechanisms capable of regulating the use of force at the international level. This realization culminated in the establishment of the United Nations in 1945 and the creation of a legal framework designed to preserve international peace and security.¹⁹

The United Nations Charter fundamentally transformed the legal status of war within international relations. Prior to the twentieth century, states often regarded war as a legitimate instrument of foreign policy. The Charter sought to reverse this position by establishing a general prohibition on the threat or use of force. Article 2(4) of the Charter requires all member states to refrain from the threat or use of force against the territorial integrity or political independence of any state.²⁰ This provision is widely regarded as a cornerstone of contemporary international law and reflects the international community's commitment to preventing unilateral military aggression.

However, the prohibition on force is not absolute. Recognizing the realities of international politics and the necessity of self-preservation, the Charter preserves the inherent right of individual and collective self-defense under Article 51 in the event of an armed attack.²¹ This provision reflects a careful balance between the maintenance of international peace and the sovereign right of states to protect themselves. The legality of military action therefore depends not only upon its objectives but also upon its conformity with the legal requirements governing self-defense, including necessity and proportionality.²²

Beyond self-defense, the Charter establishes a collective security framework centered on the United Nations Security Council. Under Chapter VII, the Security Council possesses the authority to determine the existence of threats to international peace and security and may authorize collective measures, including the use of force, to restore international order.²³ This system represents a significant departure from earlier international arrangements by seeking to replace unilateral military action with collective decision-making. In theory, legitimacy derives

¹⁹ Hersch Lauterpacht, *The Grotian Tradition in International Law*, 23 BRIT. Y.B. INT'L L. 1, 24-37 (1946).

²⁰ U.N. Charter art. 2, 4.

²¹ U.N. Charter art. 51.

²² *Military and Paramilitary Activities in and Against Nicaragua (Nicar. v. U.S.)*, Judgment, 1986 I.C.J. 14, 176-201 (June 27).

²³ U.N. Charter arts. 39-42.

not from the power of individual states but from the collective authority of the international community acting through established legal institutions.

Nevertheless, the practical operation of collective security has often revealed tensions between law, power, and politics. The veto powers exercised by the permanent members of the Security Council have frequently limited the Council's ability to respond uniformly to international crises.²⁴ Consequently, debates concerning legitimacy continue to arise when states undertake military action without explicit Security Council authorization, particularly in cases involving humanitarian intervention, counter-terrorism operations, or emerging security threats.

The relationship between sovereignty and intervention further illustrates the complexities of regulating force within contemporary international law. Traditional understandings of sovereignty emphasized non-interference in the domestic affairs of states. However, the growth of international human rights norms and the emergence of the Responsibility to Protect (R2P) doctrine have challenged this conception by asserting that sovereignty carries responsibilities as well as rights.²⁵ Under this framework, the international community may possess a moral and legal obligation to act when states fail to protect their populations from genocide, war crimes, ethnic cleansing, or crimes against humanity.

Despite these developments, international law continues to grapple with the challenge of reconciling state sovereignty, collective security, and humanitarian concerns. While the United Nations Charter has significantly constrained the lawful use of force, questions concerning legitimacy cannot be answered solely through legal provisions. Rather, they require continuous engagement with broader ethical principles concerning justice, accountability, and human dignity. In this sense, international law does not replace ethical reasoning; instead, it institutionalizes many of the moral restraints that earlier traditions sought to impose upon warfare.²⁶

THE INTERNATIONAL COURT OF JUSTICE, INTERNATIONAL JUSTICE, AND THE PURSUIT OF LEGITIMACY

The effectiveness of any international legal order depends not only upon the existence of legal norms but also upon the availability of institutions capable of interpreting, applying, and enforcing them. Within the contemporary international system, the International Court of

²⁴ Bruno Simma et al., *The Charter of the United Nations: A Commentary* 1269-1305 (3d ed. 2012).

²⁵ 2005 World Summit Outcome, G.A. Res. 60/1, 138- 39 (Oct. 24, 2005).

²⁶ BRIAN OREND, *THE MORALITY OF WAR* 175-92 (2d ed. 2013).

Justice (ICJ) occupies a central position in promoting the peaceful settlement of disputes and strengthening the legitimacy of international law. Established as the principal judicial organ of the United Nations, the Court serves as an important mechanism through which states may resolve disputes through legal processes rather than military confrontation.²⁷

The ICJ's contribution to international order extends beyond dispute resolution. By clarifying the meaning and scope of international legal obligations, the Court plays a significant role in shaping normative expectations concerning state conduct. Through its judgments and advisory opinions, the ICJ reinforces the principle that the exercise of power must remain subject to legal constraints. In this regard, the Court functions not merely as a judicial institution but as a guardian of the rules-based international order envisioned by the United Nations Charter.²⁸

One of the most influential decisions in the Court's history is the *Nicaragua v. United States* case. In its 1986 judgment, the ICJ reaffirmed the prohibition on the use of force and emphasized that claims of self-defense must conform to established principles of necessity and proportionality.²⁹ The decision remains significant because it demonstrated that even powerful states are subject to the requirements of international law. Although questions regarding enforcement persisted, the judgment strengthened the normative authority of legal principles governing interstate relations and underscored the importance of accountability within the international system.

The Court has also contributed to broader discussions concerning legitimacy through its advisory opinions. Unlike contentious cases, advisory opinions enable the ICJ to clarify legal questions submitted by authorized United Nations organs and specialized agencies. Such opinions have addressed issues ranging from decolonization and self-determination to the legal consequences of territorial occupation and the obligations arising under international law.³⁰ Through these interventions, the Court has expanded the role of legal reasoning within global governance and reinforced the idea that international disputes should be addressed through law rather than coercion.

²⁷ Statute of the International Court of Justice art. 1.

²⁸ Rosalyn Higgins, *Problems and Process: International Law and How We Use It* 182-205 (1994).

²⁹ *Military and Paramilitary Activities in and Against Nicaragua (Nicar. v. U.S.)*, Judgment, 1986 I.C.J. 14, 176-201 (June 27).

³⁰ *Legality of the Threat or Use of Nuclear Weapon*, Advisory Opinion, 1996 I.C.J. 226 (July 8); *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, 2004 I.C.J. 136 (July 9).

The pursuit of international justice, however, extends beyond the activities of the ICJ. While the Court primarily adjudicates disputes between states, individual accountability for serious violations of international law has increasingly become a defining feature of contemporary international order. The establishment of international criminal tribunals and, subsequently, the International Criminal Court (ICC) reflects the growing recognition that war crimes, crimes against humanity, and genocide should not go unpunished.³¹ Rome Statute of the International Criminal Court arts. 5-8, July 17, 1998, 2187 U.N.T.S. 90. These institutions embody the principle that legitimacy requires accountability, particularly where grave violations of human rights and humanitarian law are concerned.

The relationship between legality and legitimacy remains particularly significant in this context. Compliance with legal rules may confer a degree of formal legitimacy upon state action, yet international justice increasingly demands a broader assessment based upon fairness, accountability, and respect for human dignity.³² Consequently, the legitimacy of international order cannot be measured solely through adherence to procedural legal requirements. It must also be evaluated according to the extent to which institutions promote justice and protect fundamental human values.

Despite their contributions, international judicial institutions continue to face significant challenges. Questions regarding state consent, enforcement mechanisms, selective compliance, and geopolitical influence often limit their effectiveness.³³ Nevertheless, the existence of institutions such as the ICJ and ICC represents a profound transformation in international relations. They reflect the growing belief that disputes should be resolved through law rather than force and that accountability remains essential to maintaining a stable and legitimate international order.

Ultimately, the ICJ's enduring significance lies in its affirmation of a foundational principle of international society: that power alone cannot constitute legitimacy. By providing legal avenues for dispute settlement and contributing to the development of international justice, the Court

³¹ Rome Statute of the International Criminal Court arts. 5-8, July 17, 1998, 2187 U.N.T.S. 90.

³² Antonio Cassese, *International Criminal Law* 3-25 (3d ed. 2013).

³³ Malcolm N. Shaw, *International Law* 889-917 (9th ed. 2021).

strengthens the ethical and legal foundations upon which contemporary international order rests.³⁴

CONTEMPORARY CHALLENGES TO WAR, JUSTICE, AND LEGITIMACY IN THE TWENTY-FIRST CENTURY

The ethical and legal foundations of international order continue to face significant challenges in the twenty-first century. While the principles governing the use of force have evolved considerably since the writings of Augustine and the emergence of Dharma Yuddha, contemporary developments in technology, security, and global governance have generated new complexities that existing frameworks struggle to address adequately. As warfare becomes increasingly sophisticated and transnational in nature, questions concerning justice and legitimacy have assumed renewed urgency.³⁵

One of the most significant developments is the emergence of cyber warfare. States increasingly possess the capability to disrupt critical infrastructure, financial systems, and communication networks through cyber operations without crossing traditional territorial boundaries.³⁶ Unlike conventional military attacks, cyber operations often blur the distinction between military and civilian targets, making it difficult to apply established principles of proportionality and distinction under international humanitarian law. The absence of universally accepted legal standards further complicates efforts to determine when cyber activities constitute an unlawful use of force or justify a response in self-defense.

Advancements in artificial intelligence and autonomous weapons systems present similar challenges. The growing reliance on automated decision-making in military operations raises concerns regarding accountability, transparency, and compliance with humanitarian principles.³⁷ If autonomous systems cause unlawful harm, determining responsibility becomes increasingly complex. Consequently, scholars and policymakers continue to debate whether existing legal frameworks are sufficient to regulate emerging technologies or whether new international norms are required.

³⁴ Thomas M. Franck, *The Power of Legitimacy Among Nations* 24-41 (1990).

³⁵ Mary Ellen O'Connell, *The Resort to Force in the Age of Terrorism and Weapons of Mass Destruction*, in *THE OXFORD HANDBOOK OF INTERNATIONAL LAW IN ARMED CONFLICT* 855-77 (2014).

³⁶ Michael N. Schmitt, *Cyber Operations and the Jus ad Bellum Revisited*, 56 *VILL. L. REV.* 569, 571-585 (2011).

³⁷ Heather M. Roff, *The Strategic Robot Problem: Lethal Autonomous Weapons in War*, 13 *J. MIL. ETHICS* 211, 214-27 (2014).

The rise of non-state actors has further complicated the regulation of force. Terrorist organizations, insurgent groups, and transnational armed networks often operate across multiple jurisdictions and outside conventional legal structures. This reality has challenged traditional understandings of sovereignty, self-defense, and armed conflict.³⁸ States frequently justify military operations against such actors on grounds of national security, yet these actions often generate debates regarding proportionality, civilian protection, and international legality.

Humanitarian intervention remains another contested issue within contemporary international relations. While the Responsibility to Protect doctrine seeks to prevent mass atrocities and protect vulnerable populations, disagreements persist regarding the conditions under which intervention may be considered legitimate.³⁹ The tension between state sovereignty and humanitarian obligations illustrates the continuing difficulty of balancing legal authority with ethical responsibility.

These challenges demonstrate that the relationship between war, justice, and legitimacy remains as relevant today as it was in earlier centuries. Although technological and political circumstances have changed dramatically, the fundamental question remains unchanged: how can the use of force be reconciled with the demands of justice and the preservation of international order? The continued relevance of ethical principles and legal institutions suggests that legitimacy cannot be secured through power alone but must be grounded in accountability, restraint, and respect for human dignity.⁴⁰

CONCLUSION

The relationship between war, justice, and legitimacy lies at the heart of international order. Throughout history, societies have sought to reconcile the realities of conflict with broader principles of morality and law. From Saint Augustine's conception of just war and Thomas Aquinas' articulation of ethical restraints on violence to the Indian doctrine of Dharma Yuddha, intellectual traditions across civilizations have emphasized that the exercise of force must remain subject to standards of justice and moral responsibility.⁴¹

³⁸ NOAM LUBELL, EXTRATERRITORIAL USE OF FORCE AGAINST NON-STATE ACTORS 23–47 (2010).

³⁹ 2005 World Summit Outcome, G.A. Res. 60/1, 138-139 (Oct. 24, 2005).

⁴⁰ THOMAS M. FRANCK, THE POWER OF LEGITIMACY AMONG NATIONS 24-41 (1990).

⁴¹ SAINT AUGUSTINE, THE CITY OF GOD bk. XIX, ch. 7 (Marcus Dods trans., Modern Library 1950); THOMAS AQUINAS, SUMMA THEOLOGICA II-II, Q.40, Art.1 (Fathers of the English Dominican Province trans., Benziger Bros. 1947); THE BHAGAVAD GITA ch. 2, vv. 31-38 (Eknath Easwaran trans., 2007).

These ethical foundations significantly influenced the development of contemporary international law. The establishment of the United Nations, the prohibition of the unlawful use of force under the UN Charter, and the emergence of international humanitarian law represent institutional efforts to transform moral principles into legally enforceable norms.⁴² Likewise, the International Court of Justice and other mechanisms of international justice have strengthened the idea that disputes should be resolved through law rather than coercion and that accountability remains essential to legitimate governance.

However, legality alone does not guarantee legitimacy. While legal frameworks provide important standards for regulating state conduct, questions concerning justice, proportionality, accountability, and human dignity continue to require ethical evaluation. The legitimacy of international order ultimately depends upon the extent to which legal institutions embody and uphold these underlying moral values.⁴³

Contemporary challenges, including cyber warfare, autonomous weapons, terrorism, and humanitarian crises, demonstrate that the regulation of force remains an evolving project. Yet these developments do not diminish the relevance of ethical and legal principles; rather, they reinforce the need for their continued application and refinement. As the nature of conflict changes, the pursuit of a stable and legitimate international order will depend upon maintaining a careful balance between power, law, and justice.

Upon careful examination of the ethical and legal foundations of international order, it becomes evident that legitimacy cannot be derived solely from military capability, political authority, or legal formalism. Instead, it emerges from the continuous interaction between ethical principles and legal norms that seek to constrain the use of force and promote accountability. The enduring significance of war, justice, and legitimacy therefore lies in their collective role in shaping an international system committed not merely to the absence of conflict, but to the pursuit of a just and sustainable peace.

⁴² U.N. Charter arts. 2(4), 51; Geneva Convention Relative to the Protection of Civilian Persons in Time of War art. 3, Aug. 12, 1949, 75 U.N.T.S. 287.

⁴³ Hedley Bull, *The Anarchical Society: A Study of Order in World Politics* 52-73 (4th ed. 2012); Thomas M. Franck, *The Power of Legitimacy Among Nations* 24-41 (1990).