



JUS IN BELLO AND THE MORAL STATUS OF SOLDIERS IN UNJUST WARS

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Abstract

This manuscript develops an integrated account of the moral status of soldiers in unjust wars by bringing classical just war theory and virtue ethics into dialogue with moral psychology and research on moral injury and military suicide. Building on the Augustinian–Thomistic tradition and Catholic just war doctrine, it defends the moral independence of *jus in bello* from *jus ad bellum*. It argues that individual combatants may retain moral legitimacy through discrimination, proportionality, and disciplined restraint even when the war itself is unjust.

The analysis treats military training as a potential setting for moral formation, drawing on Aristotelian habituation and Roy Baumeister's account of self-regulation. It situates these capacities within social systems sustained by cohesion, shared identity, and mutual recognition, drawing on Émile Durkheim's theory of social integration and James Coan's social baseline theory.

Research by Hanne M. Watkins and Geoffrey P. Goodwin (2020) identifies asymmetries in moral judgment: soldiers fighting for an unjust cause are judged more harshly despite equivalent conduct. Read alongside Christa Davis Acampora's relational account of moral injury, these findings suggest how conflicting moral interpretations may undermine recognition and belonging. Research associating separation from military service with increased suicide risk also directs attention to the transition to civilian life. These findings are consistent with a role for social and institutional support, but do not establish its loss as the cause of elevated risk.

The manuscript introduces the warrior virtue translation problem, the difficulty of carrying military-formed virtues into civilian moral settings, and the warrior moral ecosystem model, which describes moral agency as sustained by institutional practice, social recognition, and shared meaning. This model treats disruption of a soldier's moral community as one possible source of moral injury alongside wrongdoing, betrayal, and trauma.

By distinguishing just cause from just conduct while situating soldiers within a relational framework, this account defends combatants' moral agency and proposes a framework for studying moral injury and reintegration. It suggests that moral repair should attend to recognition, accountability, and continuity of moral identity. Its clinical implications remain proposals for investigation rather than demonstrated treatment effects.

Keywords : Just War Theory; Moral Injury; Military Ethics; Moral Agency; Military Reintegration

The Moral Status of Soldiers in Unjust Wars

A central debate in just war theory concerns the moral status of combatants who fight in unjust wars. Classical just war doctrine distinguishes *jus ad bellum*, the justice of entering a war, from *jus in bello*, the principles governing conduct within war. Can soldiers fighting for an unjust cause nevertheless act morally by observing those principles? The question matters both to moral philosophy and to soldiers seeking to understand their actions and experiences of moral injury.

Within the traditional just war framework, the dominant position has been that the moral evaluation of the war itself is analytically distinct from the moral evaluation of conduct within war. According to this view, combatants on opposing sides may both be morally permitted to fight, provided they adhere to the principles governing *jus in bello*, particularly discrimination between combatants and noncombatants and proportionality in the use of force. The roots of this framework lie in Augustine's and Thomas Aquinas's reflections on legitimate authority, right intention, and restraint in warfare. Neither explicitly formulated the modern distinction between *jus ad bellum* and *jus in bello*. Their insistence that participation in war does not suspend individual moral responsibility nevertheless helped shape the later tradition.

Augustine held that legitimate authority and the restoration of peace and justice could justify war, while cruelty and vengeance remained morally condemnable. As Robert A. Markus argues, Augustine's account places enduring moral limits on violence and preserves the accountability of individuals within political conflict (Markus, 1983).

Hugo Grotius further developed the rules governing warfare in *De Jure Belli ac Pacis* (1625/2005). His account contributes to the tradition's recognition that injustice in the resort to war does not erase restraints on its conduct. That continuing obligation should be distinguished from the further, contested claim that combatants on both sides have an equal moral permission to kill.

For Augustine and Aquinas, conduct in war remains subject to restraint and accountability to moral law. The following formulations express the emphasis on moderation and the rejection of cruelty:

Aquinas: "The use of force must be moderated according to the requirements of justice."

Augustine: "The passion for inflicting harm, the cruel thirst for vengeance... these are what are justly condemned in war."

"Moral norms grounded in natural law" refers to ethical principles accessible through human reason rather than dependent solely on particular laws, orders, or conventions. In the Thomistic tradition, these principles concern fundamental goods such as life, justice, and social order. Applied to war, this framework places limits on conduct regardless of the justice of the cause. Political authority does not remove the soldier's responsibility to refuse cruelty or the intentional targeting of civilians.

The emphasis on right intention, restraint, and accountability also invites a virtue-ethical interpretation of *jus in bello*. Ethical conduct under conditions of violence requires dispositions that support judgment under pressure. This resembles Aristotle's *phronēsis*, or practical wisdom, developed through experience and habituation. Distinguishing legitimate targets, restraining excess, and acting proportionately require more than knowledge of rules; they require the capacity to apply those rules when fear, anger, or loyalty makes doing so difficult. This is an interpretation of the tradition's formative implications, not a claim that war necessarily produces virtue.

Michael Walzer's *Just and Unjust Wars* (1977) offers an influential modern defense of the traditional position. Walzer distinguishes political responsibility for initiating war from soldiers' responsibility for their conduct. The limited authority and information available to ordinary soldiers help explain why responsibility for the resort to war should not simply be transferred from political leaders to individual combatants.

Walzer therefore defends what has become known as the moral equality of combatants. Under this principle, soldiers on opposing sides possess equal moral standing as combatants, even if one side's cause is unjust. What matters morally is whether they respect the rules of warfare—avoiding intentional harm to civilians, treating prisoners humanely, and limiting violence to legitimate military targets.

Catholic moral theology provides a further vocabulary for conscience and accountability in war. The Catechism of the Catholic Church (§§2312–2313) affirms the continuing force of moral law during armed conflict and rejects obedience as a justification for prohibited acts. The doctrine of double effect also distinguishes intended harm from foreseen but unintended harm, subject to further moral conditions. These resources may help soldiers examine particular actions without treating participation in a contested war as proof of comprehensive personal guilt. Read alongside Acampora's relational account of moral injury, this tradition suggests a possible basis for moral repair through truthful acknowledgment, responsibility, and recognition. Whether and how such a framework mitigates moral injury is a separate empirical question.

Revisionist Critiques and the Rejection of Moral Equality

In recent decades, a number of philosophers have challenged the traditional doctrine of the moral equality of combatants. The most prominent critic is Jeff McMahan, whose work argues that the moral separation between *jus ad bellum* and *jus in bello* cannot ultimately be sustained.

According to McMahan, the morality of killing in war should be assessed using the same principles that govern killing outside of war. Individuals are morally liable to defensive harm only if they are responsible for posing an unjust threat. If this principle is applied consistently, then soldiers fighting for an unjust cause cannot be morally justified in killing those who are defending themselves against aggression.

From this perspective, the traditional doctrine of moral equality obscures an important moral asymmetry between just and unjust combatants. Soldiers fighting for an unjust cause participate in the unjust threat posed by their state. Even if they follow the rules of war in their conduct, the underlying act of killing enemy soldiers may remain morally unjustified because those enemy soldiers are engaged in legitimate defense.

David Rodin's *War and Self-Defense* (2002) similarly challenges the extension of ordinary permissions of self-defense to war. Such critiques question the justification for harming others in an unjust war; they do not make restraints on that harm less binding. An unjust combatant's obligation to avoid prohibited conduct remains even when compliance is insufficient to justify the combatant's participation.

Debates represented in *The Morality of Defensive War*, edited by Cécile Fabre and Seth Lazar (2014), further examine individual responsibility, liability, and the limits of defensive harm. They also require care in distinguishing justification from excuse: limited information, coercion, and military hierarchy may bear on a soldier's blameworthiness without making an otherwise unjustified act permissible. Revisionist approaches evaluate particular threats and individual rights rather than treating combatant status alone as a sufficient moral permission to harm.

Cécile Fabre's *Cosmopolitan War* (2012) grounds the morality of war in the equal moral worth of persons rather than state membership. On this account, liability depends on morally relevant contributions to unjust threats, not simply on whether someone belongs to an enemy military. This challenges blanket permissions tied to combatant status and requires attention to the rights of particular individuals. These philosophical arguments about liability should not be confused with the legal rules protecting civilians in armed conflict.

Virtue Ethics and Military Moral Formation

The debate over the morality of soldiers in unjust wars takes on a different character when examined through the lens of Aristotle's virtue ethics. Rather than focusing primarily on rules, Aristotle emphasizes the development of character through habituation. In the *Nicomachean Ethics*, Aristotle argues that virtues are not innate traits but cultivated dispositions formed through repeated practice within communities that reinforce moral norms.

Virtue, Aristotle writes, arises from habituation: individuals become courageous by repeatedly performing courageous actions, just as they become just by performing just actions. Moral education therefore occurs not primarily through abstract instruction but through structured practices that shape perception, judgment, and character over time.

Military institutions can provide a setting for this process of habituation. Training, mentorship, and shared hardship can cultivate courage, loyalty, and restraint. Whether they do so depends on the practices and leadership that reinforce them. Cohesion and discipline alone do not guarantee virtuous conduct; they can also sustain harmful norms.

A virtue-ethical approach directs attention to the soldier's practical judgment within combat as well as the justice of national policy. Even in unjust wars, particular actions may express courage, restraint, and care for others. Recognizing those virtues does not by itself settle the revisionist objection to participation, but it prevents evaluation of the soldier's character from being reduced to a judgment about the war's cause.

Roy Baumeister's work offers a psychological account of capacities relevant to habituated virtue. Self-regulation enables individuals to manage impulses, emotions, and behavior in accordance with commitments (Baumeister & Vohs, 2007). His strength model proposes that self-control is a limited capacity that can be depleted and strengthened through practice (Baumeister, Vohs, & Tice, 2007). The model offers a useful point of comparison with habituation, although its resource-depletion account remains empirically contested. It should therefore be treated as a theoretical contribution rather than a settled explanation of moral character.

From this perspective, military routines and training may support ethical action by rehearsing restraint under stress and embedding it in systems of accountability. The argument is conditional: training must reinforce defensible norms, and leaders must model their application. Baumeister's analysis of violence also draws attention to the meanings through which people justify harmful actions. Shared purpose can sustain restraint, but it can also rationalize wrongdoing. The quality of a military moral community therefore depends on the norms it enacts, not merely on the strength of its members' self-control or commitment.

Warrior Virtue and Social Integration

Military institutions can function as closely integrated moral communities in which courage, loyalty, sacrifice, and fidelity to comrades acquire shared meanings. The warrior moral ecosystem model describes the relationships among training, leadership, institutional norms, mutual recognition, and individual judgment that sustain such a community. Émile Durkheim's *Suicide* (1897/1951) provides a framework for examining these relationships. Durkheim connected suicide to patterns of social integration and regulation, directing attention beyond individual distress to social conditions. His analysis does not imply that greater cohesion is always protective; the degree and form of integration matter.

Military units often represent some of the most intensely integrated communities in modern society. Shared risk, collective responsibility, and the constant presence of danger reinforce bonds of trust and mutual dependence among soldiers. These relationships generate a powerful moral community in which acts of courage and sacrifice are publicly recognized and affirmed.

James Coan's social baseline theory provides a psychological and neurobiological perspective on social support. It proposes that people regulate risk and effort in relation to the availability of trusted others (Coan & Sbarra, 2015). Supportive relationships may reduce the burden of coping with threat.

Research discussed within this framework associates support from trusted companions with reduced responses to threat. Such findings offer a possible mechanism through which social relationships affect stress, although they do not directly establish the effects of military unit cohesion.

Applied to military life, this framework suggests that trust in comrades and leaders may help regulate fear and uncertainty. The loss of these relationships during civilian transition may therefore create strain. The proposed connection between relational regulation, moral identity, and post-service adjustment requires direct study.

Warrior Virtue Translation and Moral Injury

Samuel P. Huntington's *The Soldier and the State* (1957) describes a tension between liberal society and military professionalism. Individual autonomy and skepticism of authority can sit uneasily alongside the discipline, hierarchy, and collective purpose required by military institutions. This tension provides one way to examine the difficulties veterans may encounter when moving between military and civilian settings.

Public disagreement about wars, including Vietnam, Iraq, and Afghanistan, can intensify those difficulties when judgments about policy become judgments about the character of everyone who served. The extent and form of such responses vary across communities and conflicts. They should not be assumed to characterize all antiwar criticism or civilian attitudes. Nor does this historical tension establish that revisionist just war theory arose from hostility toward soldiers.

The relevant question here is how veterans interpret competing moral judgments about their service. When judgments about a war obscure distinctions among individual actions, veterans may experience a loss of recognition. This possibility connects the philosophical debate to relational accounts of moral injury without making moral disagreement itself a clinical injury.

Difficulties also arise when dispositions cultivated in military service must find expression in civilian settings. Loyalty, willingness to accept risk for others, and disciplined restraint may remain valuable while requiring different forms of practice and recognition. Readiness for violence, in particular, must be adapted to circumstances in which its legitimate exercise is far more restricted.

I call this the warrior virtue translation problem: the challenge of carrying virtues developed within military life into settings with different roles, expectations, and systems of recognition.

The translation difficulty becomes particularly salient when veterans retrospectively evaluate the wars in which they fought. If the justice of a war becomes politically contested or morally reinterpreted over time, veterans may experience tension between the virtues they embodied during service and the moral narratives that later emerge in public discourse. Actions once understood within the military community as expressions of duty, loyalty, and courage may be reframed by broader society as morally suspect if the war itself becomes widely regarded as unjust. Hanne M. Watkins and Geoffrey P. Goodwin (2020) provide evidence relevant to this problem. Their experiments found that judgments of soldiers' conduct were influenced by judgments about the justice of the cause. Soldiers fighting for a cause judged unjust received harsher moral evaluations even when their conduct was equivalent to that of soldiers on the opposing side.

These findings indicate that observers do not consistently evaluate *jus in bello* independently of *jus ad bellum*. Within the traditional framework defended here, this asymmetry can amount to a failure to recognize morally relevant differences between political decisions and individual conduct. From a revisionist perspective, however, some sensitivity to the justice of the cause may be morally appropriate. The experiments identify a pattern of judgment; they do not resolve the normative dispute.

For veterans, public judgments about a conflict may affect how their service is understood. Conduct experienced as an expression of duty or restraint within a military community may receive a different interpretation outside it. Whether that difference contributes to distress depends on the individual's experiences, relationships, and understanding of the conduct itself.

Acampora and colleagues' relational account locates moral injury within the practices through which people assign responsibility and recognize one another as moral agents (Acampora et al., 2024, 2025). Communities help individuals interpret their actions and sustain coherent moral identities. A breakdown in those practices can undermine moral orientation and belonging.

The asymmetries documented by Watkins and Goodwin suggest one possible source of conflicting recognition. They do not themselves demonstrate moral injury in veterans. The connection proposed here is that incompatible interpretations of service may disrupt the relationships through which veterans understand their actions. On this account, moral injury can involve moral dislocation as well as wrongdoing, betrayal, or exposure to violence. Veterans may find that the meaning of an action changes as they move between communities. Moral repair requires space to examine those interpretations, including the possibility that criticism is warranted, without reducing a person to a single act or to the cause for which that person fought.

The warrior virtue translation problem thus concerns both continuity and revision. Some dispositions can find new civilian expressions; others require critical reflection. Recognition should affirm defensible conduct while

preserving accountability for wrongdoing. It need not endorse every military practice or treat unit approval as conclusive evidence of moral legitimacy.

The warrior moral ecosystem model brings these questions together. It proposes that moral agency depends partly on relationships and practices that support judgment, accountability, and belonging. Disruption of those supports may help explain some experiences of moral injury. This remains a theoretical proposal whose mechanisms and limits require empirical investigation.

Research on military suicide also directs attention to the transition out of service. Reger et al. (2015) found an association between separation and increased suicide risk, while deployment was not associated with suicide in their cohort. Kang et al. (2015) likewise found elevated suicide risk among both deployed and nondeployed veterans relative to the general population. These studies concern deployment status, which is not equivalent to direct combat exposure. They do not establish that combat is protective or that the loss of unit cohesion causes suicide.

For the present model, their relevance is narrower: risk cannot be understood through deployment history alone, and separation deserves attention as a period of possible vulnerability. Loss of relationships, institutional structure, or purpose may contribute, but these proposed pathways must be examined alongside psychiatric, medical, economic, and other social factors.

A relational account can therefore complement individual clinical approaches to military suicide. It draws attention to belonging and continuity of meaning during civilian transition without treating them as a complete explanation. The proposed connection between the warrior moral ecosystem and suicide risk is a hypothesis, not an inference established by the cited cohort studies.

Understanding moral injury requires attention both to individual experiences and to the social processes through which moral meaning is sustained or contested. Reintegration involves finding settings in which veterans can reflect on their conduct, retain defensible commitments, and participate in relationships that support accountability and belonging.

Jus in Bello in Military Practice

Jus in bello can be understood as a discipline of restraint within the profession of arms. The practical challenge is to translate moral limits into conduct under conditions of fear, uncertainty, and institutional pressure.

In *In Defence of War* (2013), Nigel Biggar defends the classical tradition against revisionist critiques, emphasizing moral guidance suited to the conditions in which soldiers act. His approach supports the importance of workable restraints amid uncertainty and divided responsibility. For the argument developed here, the practical value of a shared code lies in its capacity to guide conduct and limit cruelty even when the justice of the war is disputed.

That practical value does not, by itself, settle the philosophical case for moral equality. It does explain why a code of conduct binding on all parties remains essential. The defense offered here combines that institutional need with attention to the limited authority, knowledge, and choices of individual soldiers.

Discrimination and proportionality are central to *jus in bello*. Discrimination requires distinguishing legitimate targets from those protected against attack. Proportionality limits permissible harm relative to the relevant military benefit. In international humanitarian law, the rule prohibits attacks expected to cause incidental civilian harm excessive in relation to the concrete and direct military advantage anticipated. Necessity is a related but distinct constraint on the use of force (International Committee of the Red Cross, n.d.).

Rules of engagement (ROE) translate legal, policy, and operational requirements into directives on the use of force. They can give practical effect to restraint, although they are not identical to *jus in bello* and their content varies by mission and circumstances.

Identification requirements, where applicable, help personnel distinguish permissible targets from protected persons. Practicing these judgments can support the habits of attention and restraint required in combat. The connection to *phronēsis* lies in learning to apply relevant standards under uncertainty, rather than in assuming that procedural compliance alone guarantees sound moral judgment.

Escalation-of-force procedures may likewise support restraint where circumstances permit warnings or graduated responses. They should not be described as a universal sequence that must precede every use of lethal force. The relevant procedures depend on the mission, threat, and applicable rules.

Consistent training and leadership can make restraint part of professional identity. When personnel are expected and supported to refuse unnecessary or prohibited force, ethical limits become habits of conduct as well as external directives. This is the practical connection between rules of engagement and the manuscript's account of virtue formation.

The connection also matters to moral injury. Jonathan Shay and Acampora and colleagues, in different ways, direct attention to violations of moral expectations and failures within trusted communities. A consistently upheld ethical framework may support moral coherence, but it cannot guarantee protection from injury or resolve every tragic choice in war.

Adherence to moral limits can also create strain when an adversary disregards them. The authority of restraints on cruelty and harm to protected persons does not depend on the enemy's reciprocal compliance. Maintaining them requires institutional support as well as individual commitment.

Rules of engagement can thus support the formation of military character when they embody defensible standards and are reinforced in practice. Their ethical value depends on their content, interpretation, and enforcement, not simply on their existence.

Baumeister's work helps explain why knowing a moral rule may be insufficient to follow it under pressure. Fear, fatigue, anger, and group loyalty can interfere with judgment and self-regulation. Violations of *jus in bello* may reflect these failures, but may also involve mistaken beliefs, deliberate choices, or institutional practices that normalize wrongdoing.

This gap between judgment and action has parallels in the accounts of will and character developed by Augustine, Aquinas, and later virtue ethicists. The comparison supports the importance of moral formation without reducing distinct philosophical and psychological accounts to a single explanation of evil.

Philip Zimbardo's work also directs attention to situational pressures and the possibility of preparing people to resist them. His later writing on heroism, including work with Zeno Franco and colleagues, considers prosocial commitment and action under risk (Zimbardo, 2007; Franco et al., 2011). For military ethics, this invites attention to leadership, training, and practices that support principled resistance to harmful group norms. The Stanford Prison Experiment should not be treated as conclusive evidence for this framework, nor does research on heroism establish that military virtues automatically transfer to civilian life. That transfer remains the central problem identified here.

Conclusion

This manuscript defends a distinction between the justice of a war and the moral evaluation of those who fight it. The continuing force of *jus in bello* preserves individual responsibility under conditions of violence. The further claim that soldiers on opposing sides may possess equal moral standing remains contested, but a judgment about a war's cause should not substitute for careful evaluation of a soldier's knowledge, choices, and conduct.

Virtue ethics adds an account of the dispositions needed to sustain restraint. Aristotle's emphasis on habituation, together with Augustinian and Thomistic accounts of intention and moral responsibility, helps explain why ethical conduct requires more than abstract rules. Moral psychology adds possible mechanisms: self-regulation, socially shaped judgment, and support from trusted relationships (Baumeister, 1997; Haidt, 2012; Coan & Sbarra, 2015). These accounts illuminate different aspects of moral agency rather than jointly proving a single theory.

Research on heroism and Darwin's reflections on cooperation and sacrifice offer further points of comparison (Franco et al., 2011; Darwin, 1871/2004). Such comparisons suggest the value of interdisciplinary inquiry, or consilience, but empirical patterns alone cannot establish the moral validity or universality of *jus in bello*. The normative argument must stand on its own reasons.

The warrior virtue translation problem and warrior moral ecosystem model identify questions for further research: how military virtues find civilian expression, how competing judgments about service affect recognition, and how continuity of relationships and purpose supports reintegration. These questions extend relational accounts of moral injury without displacing attention to wrongdoing, trauma, or individual clinical needs. Moral repair, on this view, requires both honest accountability and communities in which veterans can sustain a coherent and defensible moral identity.

"Evil results not from a lack of moral knowledge but from the failure to put moral values into practice." — Baumeister, *Evil: Inside Human Cruelty and Violence* (1997), p. 373

*The author is a former enlisted Marine who served two consecutive combat tours in Vietnam, including forty-five long-range reconnaissance missions and twenty aerial combat assault operations, and was awarded the Bronze Star for meritorious service. He witnessed firsthand the moral weight borne by those entrusted with lethal authority. This experience informs the inquiry without substituting for argument: ethical reflection must remain attentive to lived responsibility, and experience requires opportunities for reflection and moral understanding.

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