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Protestant Peace Ethics under Scrutiny: Does the War in Ukraine Refute the Doctrine of Just Peace?

On February 24, 2022, for the first time since the end of the Second World War a great war returned to Europe. Russia's criminal aggression on the whole of Ukraine claims hundreds of thousands of human lives and causes immeasurable suffering; it destroys cities, civilian infrastructure, resources and cultural assets – not to mention the Global repercussions. German politics responded by proclaiming a “Zeitenwende” and increasing the quantity and quality of military support for the country under attack. In German Protestantism, this new situation has led to a controversial discussion about whether a paradigm shift is needed in the orientation of Protestant peace ethics towards the concept of just peace (e.g., Körtner 2023). It is not always clearly differentiated which reference texts the corresponding debates refer to. The following article focuses on the most recent elaboration of peace ethics by the Protestant Church in Germany (EKD): the 2007 memorandum *Aus Gottes Frieden leben – für gerechten Frieden sorgen* (Live from God's peace – Care for just peace; EKD 2007). Firstly, the most important principles formulated in this document will be summarized (1). Secondly, we will take a brief look at the changed political context caused by the war in Ukraine (2). Thirdly, it will be asked whether and to what extent the call for a “new”, different or revised peace ethics is justified against the described background (3).

1 The Peace Memorandum of 2007

The document responded to a specific political context: In the 1990s, ethno-nationalistically charged civil wars and the collapse of states dominated the agenda. Those led to the first combat deployment of Germany's armed forces as part of NATO in Kosovo in 1999. After September 11, 2001, the “war on terrorism” proclaimed by George W. Bush was added. In 2003 the USA intervened in Iraq, while in violation of international law, with a so-called coalition of the willing. Germany has been involved in the military actions of the Western world against the Taliban in Afghanistan since 2002 in what was initially described as a stabilization mission. The 2007 memorandum took events such as those as an occasion to reach a consensus on fundamental issues of peace ethics and their application

to the peace and security policy challenges of the time. Three key points should be emphasized from the abundance of considerations contained therein: the guiding concept of *just peace*, the maxim of *peace through law* and the concept of *law-preserving force*.

1.1 The Guiding Concept of *Just Peace*

The topos had become prominent in the ecumenical debate of the 1980s, when the churches of the South turned against the narrowing concerning security policy of the European and North American peace discourse by calling for Global distributive justice. The concept was systematically developed at the beginning of the new millennium (Reuter 2007). Inspired by the biblical image of an all including good order in which “justice and peace kiss” (Ps 85:11), the EKD memorandum also developed a concept of political peace based on respect for equal human dignity in the image of God and serving human security and human development. Peace is understood as an historical process of decreasing violence and increasing political and social justice, within and between states. The desired ideal of just peace therefore requires political and institutional problem-solving in four dimensions: protection from violence, promotion of freedom, reduction of poverty and recognition of cultural diversity (EKD 2007, no. 78–84). A close combination of peace, security, development and cultural policy measures is therefore essential.

The concept of just peace does not mean that the all including good order promised in the Bible should be taken over by human beings. A guiding concept does not directly standardize actions either. It has the function of a regulative idea: it is meant to mediate action in a non-ideal world with an orientation towards an ideal goal that transcends our experience. In addition to this, such an idea is necessary because in political reality there are inevitably tensions and conflicting goals between justice and peace. Peace means in the least the absence of violence; justice, on the other hand, is a normative standard that enables to distinguish between true and false peace. Such a standard is needed because of the everlasting presence of conflicts over competing claims. The memorandum resolves the tension as follows: “When demands for peace and for justice block each other [. . .] it must be sought how such blockages can be overcome through [. . .] confidence-building measures, so that steps on the path of peace and steps on the path of justice mutually enable, encourage and promote each other.” (EKD 2007, no. 80; trans. HRR)

1.2 The Maxim *Peace through Law*

The Peace Memorandum places a strong emphasis on law as a means of just peace (EKD 2007, no. 86–103). It considers the legalization of international relations to be one of the necessary, albeit not sufficient, conditions for achieving the vision of just peace. As a middle way between cosmopolitanism and nation-state sovereignty thinking, it favors a cooperatively structured world order – i.e., an order in which international organizations contribute to closer interdependence between states through reinforced coordination, increasingly also by involvement of civil society actors. Such a world order was ascribed the task of taking institutional account of the four material dimensions of just peace: the protection of freedom through the promotion of universal human rights (not to be interpreted as cosmopolitan civil rights); the reduction of poverty through the organization of a right to development; the recognition of cultural diversity through the protection of plural (but human rights-compatible) forms of life; and finally, protection against violence through the consolidation of a system of collective security provided for in the UN Charter.

With the maxim “peace through law”, the church’s peace ethics is part of a bigger tradition in the history of ideas. In a narrower sense, the idea of legal international peace goes back to the Enlightenment, in particular Immanuel Kant (Kant 1795/1968) and the civil pacifistic movement at the end of the 19th century. Martin Luther had also underlined the peace function of law: As individuals, i.e., for ourselves, we should follow the Sermon on the Mount and renounce violence, but for the protection of others and the society it is necessary to strengthen the monopolization of force within the respective superior legal authority (Luther 1523/1948, 254–255). And last but not least, in the postulate of international legal peace, one can hear the secular echo of the great prophetic promise: that a universal legal instruction from God will establish peace among nations (Isa 2, Mic 4).

1.3 The Concept of *Law-Preserving Force*

Part of the concept of law is that it can be enforced if necessary. For this reason, critical situations had to be considered in which the question arises as to whether the use of force is permitted or even required. Since ancient times, test criteria for the moral justifiability of military force have been formulated in the doctrine of *bellum iustum*. The memorandum argues that today the framing conditions that were constitutive for the doctrine of just war have disappeared: Medieval natural law in large parts of Europe could still understand war as an act of punishing justice because there was agreement on common standards of justice in an

ideologically homogeneous, Christian world. This premise was shattered through the Reformation: Article XVI of the Augsburg Confession from 1530 talks strictly speaking not of just war, but of lawful warfare (*iure bellare*). Modern international law has implemented this impulse towards legislation, but until the beginning of the 20th century it regarded the right to wage war as a characteristic of state sovereignty. This has at the latest also changed since 1945, as Article 2 (4) of the UN Charter contains a general prohibition on the use of force, which only allows two exceptions: Firstly, in the case of an authorization by the Security Council within the framework of a system of collective security as a kind of international police operation. And secondly, in the case of self-defense against an attack – as long as the Security Council itself does not take measures to restore peace.

Due to this changed conceptual framework, which tends to limit the classic *jus ad bellum* to a *jus contra bellum*, the EKD memorandum has abandoned the term “just war”. However, this did not render the moral test criteria that had been handed down by the *bellum iustum* doctrines obsolete. Such criteria remain indispensable for all those who do not take a radical pacifist stance. Even those who assume that non-violence is the first option will always ask (self-)critical questions like these when they are confronted with the necessity to ward off primary violence with (counter)violence: Is there sufficient cause (for example, in the form of the most serious threats to human life and common law)? Am I authorized to do so, i.e., am I acting in the name of interests that can be claimed as universal? Am I pursuing the goal of restoring a state of mutual non-violence? Is there no effective less violent means? Is it assured that the evil that has occurred is not answered with an even greater evil; is it within the scope of the proportionality of consequences? Is the proportionality of means also ensured? Are innocent bystanders spared? For Christian ethics, even if all these criteria on this list are met, the use of morally permitted or required (counter)violence is accompanied by the prospect of taking on guilt (cf. EKD 2007, no. 102–103).

The Peace Memorandum proposed to understand these test criteria as general criteria within the framework of an ethics of law-preserving force – “general” because they can be applied not only to the use of military force but also to police operations, the exercising of the right of resistance or a legitimate liberation struggle. With regard to the use of military force, limits were set for three groups of cases: for the right of self-defense in the war on terrorism and under the conditions of nuclear deterrence, for the international community’s responsibility to protect endangered groups of population, and for international armed peace missions below the threshold of combat operations (EKD 2007, no. 105–123). In each of these cases, the memorandum considered the authorization of military means of coercion in accordance with the rules of the UN Charter to be necessary (EKD 2007, no. 104, 133, 138, 140).

2 A Changed Political Context

The 2007 memorandum combined such case-specific concretizations with a critical look at the Global peace policy challenges since the mid-1990s. They were characterized by a unipolar constellation: under the hegemonic leadership of the United States, the claim was made to unilaterally enforce concepts of a world order oriented towards Western self-interest. It was a time of liberal interventionism, which in its own way destabilized international law and damaged trust in the international order. In its contextual background loomed asymmetric conflicts, prolonged Global anti-terrorist warfare, a disregard for political self-determination fueled by human rights-missionarism or the illusion of externally forced democratization in failed states.

None of the criticism leveled by the memorandum is wrong, but fewer points are relevant today. The structure of international relations established after 1990, with the United States as the only remaining hegemonic power and guardian of Western democratic values, is in a state of upheaval. Authoritarian powers such as China and Russia have long been striving for regional hegemony in their geopolitical environment: China wants to control the Indo-Pacific region, Russia wants to secure dominance over the post-Soviet space. Whether this will result in multipolarity or whether the Ukraine war will actually lead to a new bipolarity between the United States/Europe and China/Russia remains to be seen.

The war against Ukraine (cf. Sasse 2024) has a geopolitical and a normative-political dimension: In *geopolitical* terms, Putin has long been pursuing the goal of restoring the territory of the former Soviet Union as a political, economic and, if possible, military zone of influence. Ukraine is of particular importance in this context. In the Budapest Memorandum of 1994, Russia, the USA and the UK promised Ukraine full territorial integrity in exchange for the transfer of its nuclear weapons to Moscow. The Kremlin considered the fact that thirteen eastern and southeastern European states joined NATO between 1999 and 2017 as a threatening encirclement and a breach of the promise made in connection with the German reunification to refrain from expanding the alliance eastwards. This accusation cannot be traced back to legally binding documents such as the Two Plus Four Treaty of 1990 or the NATO-Russia Founding Act of 1997; it can only be based on very early informal statements by Foreign Ministers Baker and Genscher, which incidentally concerned the extension of NATO defense structures to East Germany (cf. Sarotte 2021). However, it remains a symbol of the feeling of disregard for Russian ambitions for geopolitical power. The fact that Ukraine and Georgia were offered the prospect of membership in the alliance at the NATO summit in 2008 at the insistence of the Bush administration may have reinforced Moscow's fears of being marginalized in the European security order. The timing

of Russia's intervention in Georgia in 2008 was no coincidence. Since then, the Kremlin has endeavored to keep the number of Western-oriented states and governments in the neighboring countries as low as possible and to prevent further NATO accessions. The fact that the West largely ignored Russia's concerns, which were raised with particular vigor at the Munich Security Conference in 2007, when implementing the eastern expansion of the alliance, accelerated the trend towards increasing confrontation.

However, this is not enough to explain the major attack of February 24, 2022 (Zürn 2022a, 2022b). Putin invaded Ukraine when the country's NATO membership was no longer on the agenda. In view of Russia's nuclear potential, there could be no serious talk of a Western threat to Moscow's existential security interests. Something else is likely to have been decisive for the start of the great war: at its core, it is about a *normative system conflict* that has to do with the competition of ideas and value orientations within the country (cf. German Commission for Justice and Peace 2018): Putin feared a growing democratization movement that had the potential to become a role model for his own population. It was no coincidence that he hardened the domestic repression from 2011 further in response to the massive protests against electoral fraud. Following the "Orange Revolution", which opposed the rigged presidential election in Ukraine in 2004, the Euromaidan of 2013/14 with tens of thousands of demonstrators in Kyiv articulated the desire for further rapprochement with the European Union. Putin responded to this *Revolution of Dignity*, in which Ukrainians sought to free themselves from the tutelage of a kleptocratic authoritarian state and laid claim to individual and political self-determination, with the occupation of Crimea and military support for the separatists in Donbas – marking the beginning of the first phases of the war against Ukraine.

The Russian Federation's imperial power politics is no longer based on the ideological foundations of the defunct Soviet Union: its antagonism towards the West is not anti-capitalist, but religious and cultural in nature and is legitimized by the Russian Orthodox Church lead by the Moscow Patriarchate. Since 2021, Putin has attributed the inseparable unity of Russians, Belarusians and "Little Russians" (=Ukrainians) to the baptism of Kyivan Rus' in 988 (Putin 2021). According to Putin, today's Ukraine can only achieve true sovereignty and protection from the Western cesspit of hedonism, liberalism and secularism in partnership with Russia. In this perspective, the doctrine of the "Russian world" gives "Holy Russia" the status of a protective power over all "Russians and Russian-speaking people", justifying the annexation of Crimea and the intervention in Donbas. Patriarch Cyril I has now elevated the doctrine of the "Russian world" to a neo-imperial political program and explicitly interprets the "special operation" against Ukraine as a "holy war" (World Council of the Russian People 2024).

Putin's large-scale criminal attack on Ukraine is the preliminary culmination of a continuous radicalization driven by the hegemonic projection of power outwards and the autocratic preservation of power inwards. The threat to the Moscow regime that was decisive for the start of the war was the growing stability of the democratization process in Ukraine. In short, it was doubtful that the security of the Federal Republic of Germany had to be defended in the Hindu Kush in 2003 (for that reference see Struck 2002), but it is hard to deny that Europe's security and freedom is at stake in Ukraine today. Even if history does not repeat itself: It remains relevant what Swiss theologian Karl Barth, who was completely unsuspected of bellicosity, wrote to Josef Hromádka in Prague in 1938, ten days before the Munich Agreement, which surrendered the Sudetenland to Hitler's Germany: "Strange times, dear colleague, in which it is impossible in one's right mind to say anything other than that it is imperative for the sake of faith to resolutely put the fear of violence and the love of peace in second place and the fear of injustice, the love of freedom, just as resolutely in first place!" (Barth 2011, 114–115; trans. HRR).

3 Changing Continuity

What does this mean for the orientational power of the peace ethics concept presented in 2007 today? What remains valid, what needs to be clarified, supplemented or reconsidered? Important detailed questions such as new military technologies, the problems of hybrid warfare or the role of nuclear deterrence in a changed world situation cannot be dealt with in this article. The following considerations are based on the key points set out above under 1. and relate selected aspects to the current situation. It will become clear in the process: there is no need for a completely "new" peace ethics compared to the 2007 document, but a readjustment in the concretization of its still valid principles.

3.1 Orientation towards *Just Peace* Does Not Imply Unconditional Pacifism

Thinking in terms of just peace includes the primary option of non-violence. It was therefore right to emphasize the primacy of civil conflict resolution. However, it remains just as right that no unconditional pacifism was advocated. Rather, the memorandum was based on the well-understood categorization of the

different decisions of conscience that are possible for Christians with regard to the issue of peace.¹

“The Christian ethos is fundamentally determined by the willingness to renounce violence (Matt 5:38ff) and primarily by the option for non-violence. In a world still peaceless and unredeemed, however, service to others can also include the need to ensure the protection of justice and life through the use of counter-force (cf. Rom 13:1–7)”. (EKD 2007, no. 60, transl. HRR)

However, as the 2019 EKD Synod statement “Kirche auf dem Weg der Gerechtigkeit und des Friedens” showed, there has since been a growing tendency in the German Protestant church to dissolve this tension in favor of political recommendations for a consistent path of non-violence. I think this is the wrong turn (also critical Fischer 2022). Individuals and groups can decide in favor of consistent non-violence; a church whose work in society, in the good tradition of the Reformation, depends on Christians taking on political responsibility in their secular profession in public office, cannot.

The synodal rally stated that there are “tried and tested concepts and instruments” for “dealing with problems and conflicts in all [*sic*] areas of social and political life in a constructive and non-violent manner” (EKD 2019; trans. HRR). In view of the genocidal atrocities of murdered civilians in Bucha, Irpin and Mariupol, one wonders what such concepts could have looked like – against an aggressor who does not shy away from war crimes in any form? Hardly civil resistance! When the synodal rally insinuates that “in times of peace as well as in crises and war situations” there are tried and tested effective non-violent instruments that could take the place of law-preserving military defense in a major interstate war, the possibilities in various phases of conflict are obviously being mixed up all too carelessly. The Peace Memorandum had differentiated much more precisely and emphasized: “Civil conflict management is of particular importance at the beginning of a crisis and in the phase after the end of hostilities” (EKD 2007, no. 174; trans. HRR).

However, in view of the current situation, more consideration should be given to some aspects of the just peace concept, which are present in the memorandum but do not characterize its systematic approach: after all, the concept developed at the time is primarily aimed at outlining a legitimate basic structure of the international *order* (as order of peace) and deriving the political institutions required within this framework. Something else is at issue when *practices* of a just peace are sought in or after an open conflict (cf. Strub 2007). On one hand, this concerns the tasks of peacebuilding already mentioned at that time, such as the (re)establishment of rule-of-law structures, respect for human rights, economic development and the legal and social reappraisal of the past (EKD 2007, no. 67–72). What is missing, however, are reflections on the (temporally preced-

ing) practice of peacemaking: here, requirements for negotiation processes that could enable a just peace agreement should be addressed (cf., e.g., Stassen 1992; Allen and Keller 2006).

3.2 The Point of Reference for the Maxim *Peace through Law* is the Moral Concept of Law

Despite the return of nation-state power politics and the changed system conflict, the model of a cooperative, rules-based world order cannot be abandoned. The assumption that this model has become obsolete since Putin's invasion of Ukraine fails to recognize its status as a counterfactual objective. It never did offer a description of the *status quo*, but provided a normative framework for criticizing asymmetric concepts of power orders that were based on Western claims to hegemony (Brock and Simon 2022, 19). Still, in practical terms, the implementation of multidimensional peace tasks – the protection against violence, the promotion of freedom, the reduction of poverty, the recognition of cultural diversity, and now also the implementation of sustainability goals or the control of the consequences of climate change and migration – is unthinkable without political coordination and international organizations, forums and agreements. To reject diplomacy, cooperation and confidence-building across the board would be just as misguided as canceling the project of increasing legalization of international relations.

However, the maxim of “peace through law” must neither be misunderstood in a legal positivist manner nor reduced in a culturalist manner (Reuter 2022). The concept of law claimed here is not of an empirical nature but refers to the moral concept of law, which is then concretized in basic human rights and a legitimate international legal order. If one favors a procedural reading of the idea of law or the concept of law in Kant's sense (for terminology cf. Dreier 1984), i.e., as the epitome of external laws that enable the coexistence of freedom for all, this demands no more (but also no less) than: rules of international law must be justifiable in egalitarian (respecting the sovereign equality of states), inclusive (involving all those affected) and fair (open to reciprocal balancing of interests) processes of communication. The concept of legal peace thus does not ignore the plurality of diverse legal traditions. It refers to a discursive space of contentious negotiation that remains open to competing interpretations but requires all participants to adopt a critical and reflective attitude towards their own legal tradition (Günther 2014, 52–53).

Russia's unprovoked war of aggression against Ukraine, breaching both the general prohibition of the use of force and all treaties that recognize state sovereignty and the integrity of territorial borders, violates both moral and positive

law. However, even a blatant violation of international law does not render its claim to validity null and void – on the contrary: If the violation of law is widely disapproved of, it can even help to reaffirm the norm. Although not legally binding but declaratory, Russia's actions were strongly condemned by an overwhelming majority of the 193 member states in two UN General Assembly resolutions: the Russian invasion by 141 states in March 2022 and the annexations of the partially occupied regions of Luhansk, Donetsk, Zaporizhzhia and Kherson by 143 states in October of the same year; in February 2023 again 141 states requested Russia to retrench from Ukraine. It is true that the states of the Global South do not support the sanctions imposed by the West – partly because they see Russia as a vital trading partner and do not want to be drawn into a conflict between the great powers (cf. Werkner 2023). However, this does not change the fact that there is great unity in the clear condemnation of Russia's breach of the international order.

Moreover, there is something like an obstinacy of the law: Even powerful states rarely refrain from invoking the law to justify their use of force. Not even Putin shirked the duty of reporting his “special operation” to the UN Security Council as an alleged self-defense measure and publicly justifying it with a *Responsibility to Protect* the allegedly threatened Russian minority in Ukraine. This cynical instrumentalization of international law shows: Anyone who uses the language of law recognizes it performatively and risks a self-binding commitment that exposes him *volens nolens* to the struggle for law. The good news is this. In this struggle for law, there is no longer a state monopoly on interpretation: today it includes the informal sanctioning of Global injustice, with which a mobilized civil society world public scandalizes flagrant violations of the prohibition of the use of force as well as evident crimes against humanity.

One relevant objection to the confidence in international law formulated in the EKD memorandum is, however, that although there is no lack of international peace law norms, there is a lack of means to enforce them. The main criticism is that the enforcement of law is too strictly tied to a mandate from the UN Security Council, which is composed according to power-political logic and all too often proves incapable of acting. The fact that there is indeed a painful gap between norm and norm enforcement can be clearly seen in the Ukraine war: as a result of the Russian aggressor's right of veto, the Security Council was unable to impose the coercive measures provided for in Chapter VII of the UN Charter in case of a breach of peace or an act of aggression. The concept of international military Responsibility to Protect in cases of genocide, war crimes, displacement and resettlement, which was accepted at the 2005 UN World Summit, also leads to nothing against a nuclear state. As a consequence of the war in Ukraine, a new, nuclear-armed bloc formation cannot be ruled out. This means that, for the time being, the mechanisms of the UN system of collective security can be relied on even less

than before to enforce international law. The reforms of the UN Security Council proposed in the peace memorandum – such as the possibility of subsequent review of decisions by an independent body, the obligation to give reasons for voting behavior in substantive decisions, the abolition of the right of veto in certain cases (EKD 2007, no. 131) – must remain present on the agenda right now. For the time being, however, it is indisputable that the responsibility borne by nation states for ensuring a functioning national and alliance defense has gained considerably in importance.

3.3 The Ethics of Law-Preserving Force Includes Assistance in Self-Defense

Almost 20 years ago, it was necessary to argue against the misuse of *the right of self-defense* to justify the United States' unlimited war on terror. The current issue is the legitimate exercise of this right in defense against interstate aggression as well as legitimate forms of assistance by third parties. The moral right of a state to defend itself follows from its duty to protect life and liberty of its citizens, which includes the protection of their political self-determination and cultural way of life within internationally recognized territorial borders (Walzer 2015, 53ff; different but not convincing, Rodin 2014). Under the UN Charter's system of collective security, the right of self-defense of a state under unprovoked attack can be lawfully exercised by the state itself ("individually") or in association with others ("collectively") as long as this is necessary to avert a present threat and no higher legal authority intervenes on behalf of the victim of the aggression or decides on other measures (Art. 51). Under international law, the right to self-defense entitles all other states to the support that is possible within the framework of their treaty obligations. Morally, it can even oblige them to do so – within the limits of their capabilities. This ranges from humanitarian initiatives and economic sanctions to emergency military aid, be it indirectly by supplying weapons to the attacked state or directly by participating in the war of defense. Germany's indirect military support for Ukraine has raised new normative questions; some of these will be discussed in conclusion in the context of an ethics of just peace.

There were various arguments against *weapon deliveries* at the beginning of the large-scale invasion: assuming that the Russian troop deployment staged at the end of 2021 was for maneuvering purposes, the initial intention was to keep Germany's privileged channels of communication with Moscow open. This argument was still acceptable until February 24, 2022, but was dropped the moment Putin's statements turned out to be brazen lies and all means of diplomatic conflict resolution had failed. Furthermore, reference was made to Germany's special

historical responsibility towards Russia. This was hardly convincing – after all, Hitler’s war against the Soviet Union had caused immeasurable suffering, not forgot in Ukraine. Finally, Germany’s voluntary commitment (which has not been consistently honored on other occasions either) not to export any weapons to crisis and tension zones outside of NATO was cited. On the one hand, the current restrictive principles of the German Federal Government should be followed more consistently and transparently, but on the other hand, the exception already provided for in the current rules should be taken seriously for cases in which an attacked state is required to exercise its right to self-defense in accordance with Article 51 of the UN Charter (BMWK 2019, III.7).

Every form of self-defense requires a consideration of the *proportionality of consequences*: What evil can be accepted without bringing about even greater evils? Accordingly, anything that could lead to a direct military confrontation between the nuclear powers beyond the NATO alliance’s duty to protect must be avoided. The enforcement of a no-fly zone over Ukraine is therefore out of the question, as is the deployment of ground troops – but not the delivery of heavy weapons, provided they are intended and suitable for territorial defense. With all due prudence: the West should not allow to deprive itself of the power to define when the line of war involvement has been crossed for fear of Russian threatening gestures. Under international law, a state providing military support would only become a party to the conflict if it intervened in the combat operations directly and in close coordination with the state receiving the aid (Wentker 2023; Wissenschaftlicher Dienst 2023). Gray areas between non-belligerency and conflict participation remain, but setting the threshold for conflict participation lower from the outset would blur the qualitative difference between breaking the law and enforcing it in a problematic way.

The *duration* of military assistance is also subject to the balance of objectives. There is no doubt that those who provide military assistance and thus contribute to the continuation of war assume a moral co-responsibility for the increasing number of its victims (Habermas 2023). However, the balancing of evils relevant here is complex; it must also consider the consequences that would have to be expected if Ukraine were to be subjugated. The question is: Does the assistance for Ukraine’s self-defense lead to a senseless prolongation of the war with even more destruction, deaths and injuries, so that not only the Ukrainian resistance but also its military support lose their legitimacy (Merkel 2022)? Or is the arming of the attacked country more appropriate and necessary in order to stop the aggressor and prevent the threat of the war spreading to the post-Soviet space (Masala 2025)? The dilemma cannot be resolved, and neither option offers the prospect of escaping without incurring guilt: No one can know whether the casualties associated with Ukrainian acts of defense outweigh the suffering and fore-

seeably never-ending repression that would be made possible by renouncing resistance. However, as long as the Ukrainians' will to assert themselves continues, it would be morally wrong to recommend a unilateral cessation of combat operations – especially as this would neither end the immense suffering of the civilian population nor satisfy Putin's imperial desires. How long the attacked country wants to hold out militarily and what compromises it would accept must be decided primarily by the affected population and its government.

Last but not least, all military emergency aid must be orientated towards the *goal of a just peace*. This means three things: firstly, that within the framework of an overall political-strategic concept, there must be clarity about the end state that is to be sought (except through economic sanctions also) by military means. The binary logic of victory and defeat is not expedient here. In negotiations, Ukraine has every right to assert its claim to the restoration of its territorial integrity – which was violated by the annexations of Crimea and the Donbas – within the borders of 1991. However, external military support should focus on strengthening the invaded country to such an extent that the aggressor changes its cost/benefit calculation and is prepared to negotiate a serious solution. Secondly, military force alone can never create a just peace. What it can do at best is prepare the ground for its negotiation. Therefore any military aid, no matter how decisive, must be flanked by unrelenting diplomatic efforts towards peaceful dispute resolution. However, to this date (as of July 2024) such attempts have not been successful. As conflict research teaches us, negotiations require the achievement of a “ripe moment” in the form of a “mutually hurting stalemate,” that means a situation that can no longer be improved for both sides (Zartmann 2001). The circulating rumor that an agreement ready for signature was blocked by the West during the ceasefire talks in Belarus and Istanbul in spring 2022 does not stand up to detailed scrutiny (Schäfer 2023; Charap and Radchenko 2024). In addition to the favorable course of war for Ukraine at the time, the discovery of the Russian massacre in Bucha and the surrounding area contributed to the failure of the talks. The guns would certainly fall silent if Putin offered to withdraw his troops to the *status quo ante* of February 23, 2022. Thirdly, after all that has been said, there can be no just peace without a reappraisal of the war crimes and without an affirmation of the rules-based international order that has been violated by Russian aggression. As long as it is this order that provides the normative framework for any peace solution, negotiations based on it are not conceivable without any preconditions: Recognizing the basic principles of international law is not at issue; face-saving compromises must be sought elsewhere.

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