ABSTRACT: An analysis of the conflict between the theory of public war and the theory of discrimination reveals the fundamental incoherence of modern just war theory. The theory of public war is derived from a theory of justice that places the value of political society conceived of as a supra-individual communal entity above the value of the individual. The theory of discrimination, however, is derived from a theory of justice that places the value of the individual above that of political society. Modern systematic just war theory is thus based on two, inconsistent theories of justice—one anti-individualist, the other individualist. This incoherence is revealed through an analysis of three of the most influential systematic just war theorists of the modern period: Francisco Vitoria, Hugo Grotius, and Michael Walzer.

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