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DO THE WEAK HAVE A RIGHT TO FIGHT THE STRONG? MORAL ABSOLUTES AND THE PROBABILITY OF SUCCESS

Abstract. The *jus ad bellum* requirement of the probability of success can be perceived as an unjust requirement which prohibits the weaker side of a potential or actual military conflict from committing itself to organized violence, even to defend and protect its own survival. This view of the probability of success as an unjust requirement, however, need only be held if: (1) the goal of the weaker state is survival itself. In cases when (1) is true, the requirement should be considered void. On the other hand, if: (2) survival is not considered an overriding factor, then the requirement stands. This paper explores the latter position using the example of the famous Melian Dialogue from Thucydides' *History of the Peloponnesian War*, and applies it to the question of Ukraine's right to war and their government's possible moral obligation to negotiate in their current defensive war against Russia.

Keywords: jus ad bellum; probability of success; moral absolutes; political goals

1. INTRODUCTION

The just war requirement of the probability of success is commonly understood to say that a state has a right to war (*jus ad bellum*) only when, *ceteris paribus*, there is a high enough probability of success that it will achieve the political goals towards which such an armed conflict would be aimed. Such a requirement can be perceived as unjust because it prohibits the weaker side of a potential military conflict from committing itself to organized violence, even to defend and protect its own survival. This view of the probability of success as an unjust requirement, however, need only be held, as is suggested in this paper, if the goal of the weaker state is survival itself, and of course, the defense of human lives. In cases when this is true,

the requirement should be considered void. On the other hand, if survival is not considered an overriding factor, then the requirement stands.

The aim of this paper is to show that in cases in which the goal of the state is not survival itself or the immediate protection of human lives, and the weaker party's goals are defined as something other than survival, the weaker state is free to calculate its probability of success given the political goals they have set for themselves. If the probability of success is calculated as low (regardless of the relative military capabilities of the state in question), then the requirement would not be fulfilled and the right to war (*jus ad bellum*) would be void. On the other hand, in cases in which the survival of the state is at stake, then it is an overriding factor to the probability of success requirement, *but only in cases of defensive wars*.

2. THE PROBABILITY OF SUCCESS AND SURVIVAL

Frances Harbour asserts that both politicians and members of the press often oversimplify the moral dimension of national decisions to use force by focusing solely on whether a state's cause is just. While a just cause is crucial in contemporary discourse on armed conflict, assessing the justice of a cause firsthand is inherently subjective. Incorporating other moral considerations into the decision-making process surrounding warfare serves as a reminder that there are multiple moral values at play beyond the cause itself. Systematically applying these criteria encourages a critical reevaluation of the decision to engage in conflict, considering the potential costs in terms of lives and resources. Moreover, considering additional criteria underscores the caution expressed by authors such as Morgenthau, who warn against relying solely on good intentions as the basis for a sound policy (Harbour, 2007, 230; Morgenthau, 2006, 6). In other words, requirements like the probability of success force us to view our moral absolutes within a political and strategic context.

Furthermore, Harbour stresses that certain terms in the English language, such as chance, hope, possibility, expectation, prospect, or 'likelihood', encapsulate the notion of reasonable probability of success. This concept aligns with the perspective of Paul Ramsey, a pioneer in modern just war theory, who suggests that decision-makers can anticipate "a reasonable expectation of success, but only reasonable expectation, not assurance" (Ramsey, 2002, 527). The varied terminology also suggests varying degrees of uncertainty, yet they are frequently employed interchangeably, even by Ramsey himself. Harbour consistently employs the term 'reasonable probability', as it underscores a relatively stringent evidential standard, drawing attention to the fundamental criticisms faced by the criterion. 'Probability' carries a significantly higher likelihood compared to mere 'hope', 'chance', or 'possibility', as success is almost always associated with some degree of chance or hope (Harbour, 2011, 232).

As Harbour presses, there exists some level of chance or hope for success in most situations. The unexpected storm of 1588 significantly altered the likelihood of a Spanish victory during the voyage of the Armada to Britain. However, relying on a similar occurrence during a potential German invasion in 1940 would have been a logical fallacy for the British. The concept of reasonable probability of success is more rigorous than terms like 'likelihood' or 'prospects', which are relatively neutral in connotation. Moreover, considering probability necessitates rational analysis based on estimations of the future, rooted in mathematical probability theory. It requires empirical judgment rather than emotional reactions to causes deemed good or important. While assessing probabilities inherently carries the risk of error, it imposes a stricter requirement than mere hope. The term 'reasonable' introduces an additional layer of rigor to this process (Harbour, 2011, 232).

While precision and rationality in estimating the probability of success are both important and problematic, it is worth keeping in mind that the reasons for any attempt at calculating them are

at the same time moral and political reasons, and that the main question in this paper concerns the circumstances in which there is a need for such considerations at all. In this context, one would be wise to remember Clausewitz's words that what "… remains peculiar to war is simply the peculiar nature of its means. War in general, and the commander in any specific instance, is entitled to require that the trend and designs of policy shall not be inconsistent with these means. That, of course, is no small demand; but however much it may affect political aims in a given case, it will never do more than modify them. The political object is the goal, war is the means of reaching it, and means can never be considered in isolation from their purpose" (Clausewitz, 2007, 29).

Therefore, a state which does not have a reasonable hope of achieving its political goals via violent means cannot really be said to have a right to war. A state has the moral right to war only if there is a reasonable hope or probability of success. If the political goals of a war cannot be achieved by a war then a war should be avoided, and political leaders should look towards ending conflict and negotiating peace in cases of ongoing wars in which the probability of success in achieving their declared political goals seems slim. This *jus ad bellum* requirement seems to also have a serious political-strategic value (Buzar, 2020, 88).

On the other hand, it is clear that engaging in war when a state's survival is altogether threatened goes beyond coldly calculating the probability of success. Although such occasions are both relatively rare and tragic, it is the duty of governments to set aside possible pacific sentiments and probability calculations and engage in a war for the survival of the state and the protection of its population, or at least attempt to do so. It should be noted that the underlying assumption of this paper is that the paramount objective of any state is its own survival, with the survival of other states being relevant only in relation to the survival of one's own. Should this assumption be incorrect, the framework of the paper would prove to be significantly

weaker than it is at face value. Demonstrating the truth and validity of this assumption goes beyond the scope of the present paper. The most relevant sources that examine this assumption can be found in the realist tradition about international relations, and authors such as Niccolò Machiavelli (2005), Edward Hallett Carr (1946), Hans Morgenthau (2005), and Kenneth Waltz (1988).

A state may have a right to war without having to resort to calculating its probability of success, but that only applies to instances in which its very survival is clearly threatened. When, however, power calculations and loftier political and strategic goals, rather than basic survival and security, are at stake, then the probability of success becomes a relevant moral requirement, given that war means are violent means that cause death and destruction. One fascinating example of miscalculation due to a disregard in properly incorporating the importance of the probability of success into one's strategic thinking rests with the leadership of the Ancient Greek island state of Melos, whose state and population perished during the Peloponnesian war in the 5th century BC at the hands of the Athenians.[1] This paper will attempt to retell the events at Melos to illustrate the author's position about the importance of the probability of success in the *jus ad bellum* requirement given the possible threats to the survival of the state, and in the Melian case its own people and culture.

3. THE MELIAN DIALOGUE AND THE PROBABILITY OF SUCCESS

Thucydides' rendition of the Melian Dialogue in his *History of the Peloponnesian War* provides a version of the tragic events at Melos. In 416 BC, during the sixteenth year of the Peloponnesian War, the Athenians arrived at Melos with overwhelming military

1 There are, of course, a number of other such examples, some of which are clearly presented in V.D. Hanson's recent work *The End of Everything: How Wars Descend into Annihilation* (2024).

might. Situated in the Aegean Sea, the island of Melos was inhabited by the Melians, who, as descendants of Spartan colonists, had thus far retained their independence from Athenian dominance and opted to remain neutral in the ongoing conflict. Rather than immediately resorting to aggression, the Athenians initiated negotiations with the Melians, seeking to persuade them to align with Athens in the war. However, the Melians insisted that these discussions be conducted discreetly, limited to a select few individuals deemed privileged (Thucydides, 2004, 3.84). This stipulation casts doubt on the likelihood of Thucydides, the historian chronicling these events, having access to firsthand information about the negotiations.

Acknowledging the formidable presence of Athenian forces, the Melians entered into a dialogue by asserting that the Athenians approached the negotiations with preconceived notions, anticipating only two possible outcomes: either the Melians would yield to Athenian demands under threat of war, or they would defiantly resist, inevitably leading to conflict (Thucydides, 2004, 3.86). Both parties concurred that the stakes were nothing short of the survival of the Melian people and their sovereignty (Thucydides, 2004, 3.87-88).

As the negotiations progressed, the Athenians emphasized that arguments should be grounded solely in what was presently expedient and practical, asserting that questions of justice only emerged when power was evenly balanced; in reality, the strong imposed their will while the weak acquiesced (Thucydides, 2004, 3.89). In response, the Melians advocated for upholding the principle of the common good and ensuring fair treatment for those in jeopardy, arguing that such measures were not only in the Athenian interest but also in the Melian interest, particularly in the event of the Athenian decline among the Greeks (Thucydides, 2004, 3.90).

The Athenians countered by asserting that the survival of Melos was in their best interest as well (Thucydides, 2004, 3.91), a statement met with skepticism by the Melians, who perceived their interests as irreconcilable due to the inevitable imposition of servitude by one

party over the other (Thucydides, 2004, 3.92). Despite the Athenians' suggestion that submission offered Melians the chance to avoid greater harm and pursue their own benefit in preserving Melos (Thucydides, 2004, 3.93), the Melians expressed a preference for maintaining neutral relations with Athens, advocating for "inactive neutrality" as a gesture of goodwill (Thucydides, 2004, 3.94). Rejecting this proposition, the Athenians argued that such a friendship could be interpreted as weakness, declaring that Melian friendship was more dangerous to them than Melian hostility (Thucydides, 2004, 3.95).

Dismissing the Athenian rationale, the Melians emphasized the distinction between states allied with Athens and those maintaining neutrality, asserting that it was not expedient for Athens to subjugate all remaining neutral states (Thucydides, 2004, 3, 96, 98). In response, the Athenians clarified that their strategic interests primarily targeted island states, perceived as potential threats due to their susceptibility to risky behavior, whereas mainland states posed minimal danger to Athenian dominance (Thucydides, 2004, 3, 97, 99). Through this exchange, as narrated by Thucydides, the Athenians aimed to impart a lesson in geopolitics and *realpolitik*, in stark contrast with the Melians' idealistic insistence on principles of justice and moral language.

Despite continued resistance from the Melians, who viewed submission as a matter of honor and clung to hope for a favorable turn of events (Thucydides, 2004, 3, 100, 102), the Athenians argued that surrender was not inherently dishonorable when facing insurmountable odds (Thucydides, 2004, 3, 101). They cautioned against relying solely on hope and fortune, urging the Melians to adopt a pragmatic approach rather than resorting to futile optimism (Thucydides, 2004, 3, 103).

After this, the conference culminated in the central arguments of both the Melians and Athenians, some of which deserve to be quoted (more or less) wholly (Thucydides, 2004, 3, 104-107):

"*Mel*. We can assure you that we do not underestimate the difficulty of facing your power and a possibly unequal fortune. Yet, as for fortune, we trust that our righteous stand against injustice will not disadvantage us in divine favour; and that Spartan help will make up for our deficiency in strength – if for no other reason, they will be bound to fight for us out of kinship and a sense of honour. So our confidence is not as completely illogical as you suggest.

Ath. … We believe it of the gods, and we know it for sure of men, that under some permanent compulsion of nature wherever they can rule, they will. We did not make this law; it was already laid down, and we are not the first to follow it; we inherited it as a fact, and we shall pass it on as a fact to remain true for ever; and we follow it in the knowledge that you and anyone else given the same power as us would do the same. So as for divine favour, we can see no reason to fear disadvantage. As for your trusting fantasy about the Spartans, that a sense of honour, of all things, will bring them to your aid, we can only admire your innocence and pity your folly. Among themselves and under their own regulations at home the Spartans are as virtuous as can be. But their treatment of others is a different story, and a long one, best summarized by saying that of all the people we know the Spartans make the most blatant equation of comfort with honour, and expediency with justice. Such principles are hardly conducive to your rescue, which does now look an illogical proposition.

Mel. But that is the very point in which we can now place our greatest trust – the Spartans' perception of their own interest. They will want to avoid the consequence of abandoning Melos – their own colony. Among the Greeks at large this would brand them faithless in the eyes of their friends and provide ammunition for their enemies.

Ath. You seem to forget that interest goes hand-in-hand with safety, while the pursuit of justice and honour involves danger, something which the Spartans are generally loath to face."

The challenge posed by the Athenians' formidable power and the uncertainty of the Melians' situation was sought to be understood.

It was expressed that trust was placed in the Melians' commitment to justice not being overlooked by divine forces, and potential assistance from the Spartans due to a sense of kinship and honor was believed to be relied upon, thereby suggesting that their confidence was not entirely baseless.

A different perspective on divine favor and human behavior was held by the Athenians. It was observed by them that power tended to be exerted wherever possible by individuals, a natural inclination rather than a choice. Therefore, no reason to fear divine retribution was seen. As for Spartan assistance driven by honor, it was regarded as a misguided notion. While virtues might be upheld among themselves by Spartans, actions towards others were driven by pragmatism rather than principles, hence rendering the expectation of rescue based on honor unrealistic.

Despite the skepticism expressed, trust was placed by the Melians in Spartan self-interest. It was believed by them that tarnishing their reputation among fellow Greeks and potentially empowering their enemies would result from abandoning Melos, their colony. A fundamental truth was highlighted by the Athenians, namely that interest and safety are intertwined. Pursuing justice and honor inherently involves risks, something Spartans are typically averse to. In these central passages of the Melian Dialogue, the Melians are counting on the help of the gods and the Spartans. They believe that the gods will favor them because they are fighting for what is right, because they righteously stand against injustice. The Athenians, instead, tell them that, as far as the gods are concerned, there is no reason to think that they would favor Melos over Athens, because the gods seem to be bound by the same rules of necessity and power as human beings – they rule wherever they can, and have no different expectations than humans. Thucydides skillfully excludes considerations of divine intervention into human affairs, not by denying the existence of the gods, but by claiming that the gods are bound by roughly the same laws of necessity as human beings. This

way, politics and war, both in their waging and in their retelling and explanation, are matters that should be considered in purely rational terms.

The Spartans will not help Melians because interest, power, and necessity override considerations of honor and justice. Plainly put, Melos is an island and the Spartans are a land power: coming to the help of Melos against the mighty Athenian fleet is simply not in their interest, nor is Melos in their direct sphere of interest and influence. In the end, the Athenians withdrew from the conference because the Melians would not be swayed by their arguments, and after that indeed inflicted a full-scale genocide on the Melians, who then lost not only their independence, but their state, culture, and their very lives as well. Afterwards the Athenians colonized the island with their own people, and Melos was no more. If interpreted from the Athenian perspective given in the Melian Dialogue, the grim fate of Melos was a result of its lack of rational approach to politics and war. Its doom was spelled by its own folly. Given his dislike for explanations relying on divine intervention and his general bent towards practical rationality and argument, it is a safe bet that this expresses Thucydides' own position.

Ultimately, the Melians refused to concede, leading to a devastating Athenian assault resulting in their complete destruction. Faced with an overwhelming force, the Melians had little chance of success, and despite their apprehensions about the consequences of submission, the precise nature of an Athenian hegemony following a hypothetical concession remains ambiguous.

In any case, what was at stake for the Melians had they conceded to Athenian demands was not the survival of their state or its population, but rather the level of independence which they would have had in foreign affairs. Therefore, survival was not an overriding factor to the obligation to try and calculate their probability of success in a military confrontation with the Athenians. More to that, their political leadership was given both a clear choice – to join

the Athenian alliance or be destroyed – and a lesson in foreign policy, according to which it was clear that they would not stand a chance against the Athenians. Of course, we have no way of knowing what was actually said in the negotiations between Melian and Athenian representatives, but Thucydides' account of what was possibly said drives home the idea that the Melian leadership did a great disservice to its state and people.

It should also go without saying that it is not the goal of this paper to lay blame on the victims of aggression and atrocity. The main bulk of the guilt and blame is certainly on the Athenians themselves, as they were the ones who committed the genocide against the Melians. However, it is also not the goal of this paper to examine the moral guilt of the aggressors, as atrocious as it is, but the moral obligations of the political leadership of weaker states fighting off aggression.

4. THE WAR IN UKRAINE AND THE PROBABILITY OF SUCCESS

In view of the above it is also possible to comment on a current issue, the possible moral obligations of the Ukrainian government in their ongoing defensive war against Russia. As the Russian military onslaught began on 24 February 2022, the Ukrainians were faced with two options. Either allow the Russians to take out their political leadership, install a puppet government, and have their way with the territorial partitioning of the country, or resist them with all the military force they could muster. The first option would effectively have ended their sovereignty, and it is reasonable to say that the survival of Ukraine was, in fact, at stake. This is why they chose the second option, and with enormous help from the West, they have successfully survived. This was not a guaranteed outcome, especially in the early weeks of the war. In fact, a number of scholars, analysts, strategists, *etc*. predicted that Ukraine would fall. Had they been correct (which it turns out they were not), Ukraine would still

have had the right to war, even despite the overwhelmingly negative odds and the destruction and loss of life such a response would bring about, because the very survival of their state was at stake.

It is now 2024, and at least a year since the war has been looking like a stalemate. Western assistance seems more and more conditional upon the passage of time and Ukrainian success in reclaiming territory. Even voices within Ukraine seem to be making accusations, or at least assertions, about the unjustified optimism of their leadership regarding the goals of the war. The survival of the Ukrainian state seems at least provisionally secured, and in that sense their efforts have proved successful. However, the probability of success is inextricably tied to the political and strategic goals of the war. If survival has been secured, and if the political and strategic goals of going back to the pre-2014 territorial borders of Ukraine do not seem to have a reasonable hope/probability of success within some predictable timeframe, then the right to war comes into question, and further questions arise regarding the responsibility to enter peace talks as soon as possible.

It has to be made clear in no uncertain terms that this says nothing about the distinction between aggressor and victim, and that the author of this paper has believed and continues to believe that Russia's war is unjust and unwarranted.[2] That is one thing. Discussing the moral responsibilities of the Ukrainian leadership is a matter all to itself. Their cause remains just, but the probability of success of their current goals has to be reassessed. In other words, the Ukrainian just cause for war is not at all questioned here. In a defensive war it stands as firm as it did on the war's first day. However, it should be stressed that once the survival of the state

2 Russia's causes for invading Ukraine remain obscure and obscene. On the one hand, Russian leadership attempts to claim morally neutral reasons coupled with perceived threats to their own survival, while on the other hand indulging in heavy moral rhetoric about defending Russian values and the Russian civilization from a western "empire of lies" spearheaded by the United States, aiming to destroy Russia from within and thus jeopardizing its very own survival (see: Buzar, 2023; Bajt, Buzar, 2023).

is not in question, loftier goals such as militarily reclaiming every bit of the disputed territory within the pre-2014 borders fall under the scope of requirements such as the probability of success. This claim is not the result of amoral political or strategic reasoning. Rather, it is the result of moral reasoning that takes into account the weight of death and destruction in Ukraine. Either that, or perhaps Ukraine is the case which makes us do away with the probability of success requirement altogether. This is not necessarily a view to which one has to commit, but it may be a view worthy of discussion.

Finally, assessing the moral obligations of the Ukrainian political leadership towards their citizens in light of the probability of success on the battlefield, one should seriously take into account the opinion of Stephen Kotkin that Ukrainian leadership might consider a paradigm shift from thinking about how to win the war to thinking about how to win the peace (Kotkin, 2024). Viewed from that perspective, a negotiated peace which would allow Ukraine to enter Western institutions and organizations, while gaining strong security guarantees, even without reclaiming the whole of their pre-2014 territory, might be a better deal than reclaiming all of their territory while failing integration with the West and at the expense of militarily reclaiming pieces of scorched earth which they will have little chance of revitalizing economically and demographically. Even though none of these are guaranteed scenarios, such a paradigm shift towards winning the peace is certainly better than a continued engagement in a protracted war with no clearly predictable outcome and a plethora of variables (such as international support) over which the Ukrainian government has no real control.[3]

3 The author, of course, concedes in advance that alternative interpretations of the events are possible, and that different moral assesments hinge on them.

5. CONCLUSION

In conclusion, this paper has delved into the nuanced relationship between the just war requirement of the probability of success and the broader considerations of state survival, moral obligations, and strategic calculations. By presenting one historical and one contemporary example, the paper aimed to show that the probability of success is not a standalone criterion but rather one that must be understood within a larger context, and that a morally absolutist view of the right to war based on fulfilling the just cause requirement, even in defensive wars, can be seriously questioned when the survival of a state is not immediately threatened.

This paper began by highlighting the perceived injustice of the probability of success requirement, particularly when it restricts the ability of weaker states to defend themselves. However, it was argued that this requirement becomes void when the survival of the state is at stake, as in defensive wars where the imperative of survival overrides other considerations.

Moving beyond mere survival, the paper explored the complexities of calculating the probability of success in conflicts where the goals extend beyond immediate defense. Drawing on insights from Frances Harbour and Paul Ramsey, it was noted that assessing probability necessitates rational analysis rooted in empirical judgment, rather than on emotional reactions or wishful thinking. This perspective underscores the importance of incorporating strategic and political considerations into discussions of just war.

The analysis of the Melian Dialogue from Thucydides' *History of the Peloponnesian War* provided a historical example, illustrating the tragic consequences of miscalculating the probability of success. Despite the Melians' fervent belief in their cause and appeals to divine favor and Spartan assistance, they ultimately faced annihilation due to their refusal to acknowledge the harsh realities of power politics. This cautionary tale underscores the need for political leaders

to pragmatically assess the probability of success and prioritize the survival of their state and its population.

Turning to a contemporary example, the ongoing conflict in Ukraine offered valuable insights into the moral obligations of political leadership in the face of military aggression. While the Ukrainian government's cause remains just, questions arise regarding the probability of success in achieving its broader territorial goals. This paper suggests that a paradigm shift towards prioritizing peace negotiations and integration with the West may offer a more viable path forward than continuing a protracted war with uncertain outcomes. However, this ultimately hinges on the Ukrainian leadership's assessment of the possibilities of state survival and the human costs of the war – both crucial points for which statesmen may find themselves far better equipped than philosophers.

BIBLIOGRAPHY

Bajt, M., Buzar, S. (2023). The Russian World as a Moral Community and Foreign Policy Doctrine. *International Studies*, *23*(1), 25-42. https://hrcak.srce.hr/304231.

Buzar, S. (2020). *Realizam i teorija pravednog rata*. Disput/NZCG.

Buzar, S. (2023). War Against the 'Empire of Lies': The Moral-Eschatological Perspective in Alexandr Dugin's Geopolitical Thought and Putin's 'Special Military Operation'. *Annals of the Croatian Political Science Association*, *20*(1), 205-220. https://hrcak.srce.hr/clanak/434465.

Carr, E.H. (1946). *The Twenty Years Crisis 1919-1939. An Introduction Into the Study of International Relations*. MacMillan.

Clausevitz, K. von. (2007). *On War*. Oxford University Press.

Hanson, V.D. (2024). *The End of Everything: How Wars Descend into Annihilation*. Basic Books.

Harbour, F. (2011). Reasonable Probability of Success as a Moral Criterion in the Western Just War Tradition. *Journal of Military Ethics*, *10*(3), 230-241. https://www.tandfonline.com/doi/abs/10.1080/15027570.2011.608497.

Kotkin, S. (2024). *How Ukraine Can Win Peace: A Conversation*. https://www.hoover.org/research/how-ukraine-can-win-peace-conversation-stephen-kotkin.

Machiavelli, N. (2005). *The Prince*. Oxford World's Classics.
Morgenthau, H.J. (2005). *Politics Among Nations: The Struggle for Power and Peace*. McGraw Hill Higher Education.
Ramsey, P. (2002). *The Just War: Force and Political Responsibility*. Rowman and Littlefield.
Thucydides. (2004). *History of the Peloponnesian War*. Dover Publications Inc.
Waltz, K.N. (1988). The Origins of War in Neorealist Theory. *Journal of Interdisciplinary History*, *18*(4), 615-628. https://www.jstor.org/stable/204817.

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