

**THE LIMITS OF JUST WAR THEORY
AND INTERNATIONAL
HUMANITARIAN LAW:
INTEGRATING MORAL INJURY
INTO THE ETHICS OF ARMED
CONFLICT**

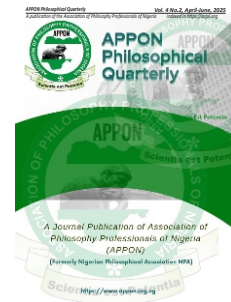
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ABSTRACT

Armed conflict has been a persistent feature of human history, generating consequences that extend well beyond physical destruction into the moral, existential, and human rights dimensions of affected societies. This paper presents a critical interpretive review of sixty-three scholarly works published between 1973 and 2025, examining how existing normative frameworks, namely Just War Theory, International Humanitarian Law (IHL), and the Responsibility to Protect (R2P), address the ethics and legality of armed conflict. The review argues that all three frameworks exhibit structural inadequacies when confronted with asymmetric warfare, non-state armed actors, and hybrid operational environments. More critically, this paper advances a specific original claim: that moral injury (the damage done to the conscience and moral identity of combatants and civilians through participation in or exposure to war) constitutes a neglected dimension of *jus in bello* assessment and should be formalised as a proportionality factor in normative evaluations of wartime conduct. Drawing on clinical moral injury literature alongside legal and philosophical scholarship, the paper argues that integrating this experiential dimension into Just War Theory and IHL would produce more honest and ethically robust frameworks. The study suggests selective and politically constrained application of R2P across cases including Syria, Libya, and Sudan. Post-conflict justice mechanisms consistently fall short of normative ideals. It is against this backdrop that future scholarships must develop adaptive mechanisms that are gender-sensitive, culturally grounded, and empirically testable.

Keywords: Asymmetric warfare, International Humanitarian Law, *Jus in bello*, Moral injury, Responsibility to protect

Background to the Study

Armed conflict has been among the most persistent features of human civilisation, generating consequences that extend beyond material destruction and forced displacement into the moral, existential, and human rights dimensions of the societies affected. It has become a key domain of interdisciplinary inquiry, drawing on moral philosophy, international law, political science, and human rights theory to make sense of the complex realities that war inflicts on individuals, communities, and states. From early classical articulations of just war to contemporary debates over

asymmetric warfare and the Responsibility to Protect, scholars and policymakers have long argued over the conditions under which inter-group violence may be considered morally permissible, legally regulated, and humanely constrained. Despite the sophistication of these normative frameworks, the gap between their aspiration's standards and the realities of contemporary conflict remains wide and, this paper argues, inadequately theorised.

The philosophical foundations of this discipline can be traced to the seminal work of Michael Walzer, whose *Just and Unjust Wars: A Moral Argument with Historical Illustrations* established a systematic philosophical method for evaluating the ethics of warfare.¹ Walzer's articulation of *jus ad bellum*,

¹ D. Fisher, *Morality and War: Can War Be Just in the Twenty-First Century?* (Oxford: Oxford University Press, 2011): 12

the moral conditions for initiating war, and *jus in bello*, the moral constraints governing conduct within war, provided the vocabulary over which subsequent scholars built their critiques and extensions of just war thinking. Walzer's framework has retained relevance across conflicts including the Gulf Wars, the Israel-Palestine conflict, the Syria and Libya crises, and the ongoing war in Ukraine.² Yet the persistence of mass civilian harm, even among states formally committed to these standards, demonstrates that theoretical coherence has not translated into reliable compliance.

IHL, codified principally through the Geneva Conventions and their Additional Protocols, constitutes the legal counterpart of just war theory. It imposes binding obligations on states and, to an increasing extent, on non-state armed groups, governing the protection of non-combatants, the treatment of prisoners, and the prohibition of certain weapons and methods. Oberleitner's systematic treatment of human rights in armed conflict law and practice documents both the ambition of this normative architecture and the high incidence of enforcement failures in practice.³ These enforcement gaps are not merely technical or administrative failings; they reflect deep structural tensions between the normative impulses of international law and the geopolitical calculations of dominant states that frequently subordinate accountability mechanisms to strategic interests.

Theoretical Framework

This paper is framed within a three-part normative paradigm that deploys Just War Theory, International Humanitarian Law (IHL), and Existential-Moral Philosophy to examine the ethical, legal, and experiential dimensions of armed conflict. Each lens illuminates a distinct dimension of the problem: the moral permissibility of going to war, the legal regulation of conduct within war, and their lived experience of war's consequences for those who fight and those who suffer.

Original Contribution

While moral injury has been studied extensively in clinical psychology, it remains absent from *jus in bello* assessment within legal and philosophical scholarship. This paper proposes integrating moral injury as a proportionality factor in the evaluation of wartime conduct. Specifically, we argue that the psychological and moral harm inflicted on combatants and civilians through participation in or exposure to war constitutes

a measurable dimension of harm that just war theory and IHL must account for. Failure to do so renders normative frameworks to be structurally incomplete. This gap is the primary contribution this review seeks to address: the formalisation of moral injury as a fourth analytical pillar alongside *jus ad bellum*, *jus in bello*, and *jus post bellum*.

Key Definitions

As used in this paper, *normativity* refers to the property of ethical and legal frameworks that prescribe how actors ought to behave, as distinct from descriptive accounts of how they do behave. It encompasses the standards embedded in just war criteria, IHL provisions, and R2P obligations. *Moral injury* is defined, following Litz et al. (2009), as the damage done to an individual's moral foundations resulting from perpetrating, witnessing, or failing to prevent acts that transgress deeply held moral beliefs, or from feeling betrayed by authority figures in high-stakes situations. It is clinically and conceptually distinct from Post-Traumatic Stress Disorder (PTSD): whereas PTSD is primarily a fear-based anxiety response, moral injury centres on guilt, shame, and loss of moral meaning. Shay (1994) first described this phenomenon among Vietnam veterans as the violation of "what's right" by those in authority. *Existential harm* is used here to denote the disruption of an individual's fundamental sense of identity, purpose, and meaning that arises from prolonged exposure to violence, displacement, or coerced participation in atrocity. It encompasses but exceeds clinical definitions, reaching into the sociological and anthropological dimensions of war's impact on communities and cultures.

Just War Theory, as systematised by Walzer (1977) and subsequently developed by McMahan (2009), Orend (2013), and others, offers the moral framework through three interrelated pillars: *jus ad bellum* (the justice of initiating war), *jus in bello* (justice in the conduct of war), and *jus post bellum* (justice in the aftermath of war). Each pillar carries specific criteria that provide analytical benchmarks for evaluating the ethics of particular conflicts.

IHL, written into binding law through the Geneva Conventions and their Additional Protocols, provides the legal dimension of analysis, translating moral imperatives of distinction, proportionality, and humanity into enforceable obligations on both state and non-state forces. Odon (2021) provides a systematic account of how human rights law and

² M. A. Alibeli, "War and Peace," M. A. "War and Peace: Theoretical Perspectives on the Arab-Israeli Conflict in Historical Palestine and the US Role in Its Perpetuation." *Perspectives on Global Development and Technology* 24, no. 1–2 (2025): 231.

³ O. A. Hathaway, R. Crotoft, P. Levitz, and H. Nix. "Which Law Governs During Armed Conflict? The Relationship between International Humanitarian Law and Human Rights Law." *Minnesota Law Review*, 96 (2011): 1885.

IHL interact in conflict settings and where their regulatory aspirations diverge from operational realities.

Existential-Moral Philosophy addresses the dimension that purely legal and doctrinal frameworks are structurally ill-equipped to capture: the experience of those who fight and those who do not, the moral harm inflicted in conflict, and the erosion of moral agency that chronic violence produces. Critically, this paper notes that all three frameworks as conventionally deployed are rooted in Western philosophical and legal traditions. Where appropriate, the analysis draws on non-Western just war scholarship, including Islamic ethics of warfare as examined by Hashmi (2002) and African philosophical approaches to conflict and reconciliation through ubuntu ethics, to assess the universality claims embedded in these frameworks and to identify their Eurocentric blind spots.

Together, these three lenses constitute an analytical architecture capable of evaluating armed conflict across the full arc of its ethical dimensions: from the decision to go to war, through the conduct of hostilities, to the moral and psychological reckoning that follows. The integration of moral injury as a measurable category within this architecture is the central methodological and theoretical innovation proposed here.

Methodology

This paper employs a critical interpretive review methodology, which aims at synthesising and evaluating available scholarship on armed conflict and its moral, existential, and human rights consequences across diverse regional and historical contexts. Rather than adhering to the full protocol of a systematic review, which would require pre-registered inclusion criteria, inter-coder reliability testing, and a PRISMA-compliant flow diagram, this review adopts purposive sampling guided by theoretical relevance. This approach is appropriate for conceptually oriented scholarship that seeks to advance a normative argument rather than to produce a positivist enumeration of empirical findings.

The search was conducted across the databases Scopus, Web of Science, JSTOR, and Google Scholar, using Boolean search strings combining terms such as “just war theory,” “International Humanitarian Law,” “Responsibility to Protect,” “moral injury and warfare,” “jus post bellum,” and “armed conflict and human rights.” Searches were conducted in October 2024 and covered publications from 1973 to 2025. Inclusion criteria required that studies: (1) engage substantively with the ethics, law, or experiential dimensions of armed conflict; (2) be published in peer-reviewed journals, edited academic volumes, or as dissertations from recognised institutions; and (3) address at least one of the three analytical

lenses. Studies were excluded if they focused solely on technical military or operational matters without normative content, or if they were published in non-English languages without available translation. An initial pool of 612 candidate studies was identified through database searches. Citation chaining procedures, both backward (tracing references in core papers) and forward (identifying papers that cited core papers), yielded an additional 117 studies, producing a total candidate pool of 729 papers. Of these, 63 studies were selected through purposive sampling for analytical depth of engagement with the study’s theoretical concerns.

Descriptive Overview of the Literature

The 63 studies reviewed span a publication range from 1973 to 2025, with the majority concentrated in the period from 2009 onward, reflecting the intensification of scholarly interest following the adoption of R2P at the 2005 World Summit and the proliferation of asymmetric conflicts in the Middle East and sub-Saharan Africa. Geographically, the literature concentrates heavily on Middle Eastern conflicts, particularly the Israel-Palestine conflict, the Syrian civil war, and the Libya crisis; on sub-Saharan African settings including the Democratic Republic of Congo, Darfur, Sierra Leone, and Rwanda; and on Eastern European conflicts, especially the Russia-Ukraine war. Selected Southeast Asian cases, including the Papua and Bangsamoro conflicts in the Philippines, also feature. This geographic concentration reflects both scholarly interest and data availability, but constitutes a geographic bias that limits the generalization of conclusions, particularly regarding conflicts in Central Asia, Latin America, and the Pacific.

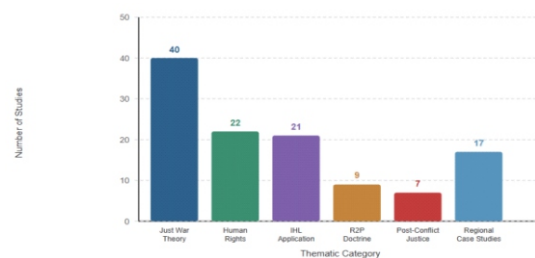


Figure 1: Thematic Distribution of the 63 Reviewed Studies

Thematic Findings

The thematic analysis indicates that there are several patterns prevailing in the literature. To start with, a largely shared view is that standard ethical and legal doctrines, chiefly just war theory and IHL, are under deep applicability pressure in both modern asymmetric warfare and the participation of non-state actors. Putra et al. show that the fundamental principles of the core IHL of distinction and proportionality are systematically violated in wars like in Syria and Yemen, where non-state armed forces consciously use civilian set-ups as strategic

assets, which places a situation where legally-specified measures cannot be realised without interfering with military success.⁴ A similar legal and ethical examination of the Israel-Palestine war by Hariz et al. also reports the manner in which the structural aspects of asymmetric warfare create structural and well-recorded failures of both the IHL and the conduct of just war requirements, with the harm to civilians professionalised and the escape structures systematic.⁵

Second, the literature documents catastrophic human rights consequences across all analysed conflict zones. These include systematic sexual violence as a weapon of war in the DRC, Rwanda, Liberia, and Libya; coercive child soldier recruitment in Somalia; gendered rights violations in Latin American internal conflicts; and forced displacement in Iraq, Afghanistan, and Syria. Scholarship by Gardam and Charlesworth (2000) established that IHL was not gender-neutral in its design, and that women experience armed conflict and its legal frameworks in structurally distinct ways that standard normative accounts have consistently under theorised. More recent work by Contreras-Hernández et al. (2025) extends this analysis to the South and Central American context, documenting how gendered border violence operates at the intersection of armed conflict, migration, and state failure. These human rights violations are not incidental; scholarship consistently characterises them as systemic patterns reflecting the deliberate choices or structural indifference of warring parties. International protection mechanisms have regularly proven insufficient in the face of political obstruction, Security Council deadlock, and the deliberate targeting of civilian populations.

Third, regional case studies consistently reveal politically conditioned and selective application of international norms. Scholarship on the Syrian conflict, including the analysis by Glover (2011) of R2P's structural limitations and Dumitru's (2023) examination of Security Council dysfunction, demonstrates that geopolitical rivalry among permanent members rendered R2P virtually inoperative during one of the most severe humanitarian crises of the twenty-first century. UCDP and ACLED conflict data corroborate that IHL violations in Syria, Yemen, and Myanmar were not anomalous but structurally recurring phenomena tied to the political

economy of impunity. Scholarship suggests that the selective application of R2P reflects not institutional design failures alone but the absence of sufficient political will among states with the capacity to act.

Fourth, post-conflict justice is characterised by research findings, which reveal considerable dissimilarities in the areas of both normative ideals and pragmatic realities. Although philosophically well-founded frameworks of individual-oriented reparations and post-war accountability have been developed by some scholars, including Orend and Schulzke, the case studies carried out in the region of Iraq, Syria, the DRC, and the Nagorno-Karabakh area invariably demonstrate that the implementation of the frameworks is heavily hindered by the political opposition, institutional inefficiency, and the lack of ending internal violence.⁶ The analysis of a Commission on International Justice and Accountability project on Syria and Iraq by Rankin illustrates the potential innovativeness of non-state accountability formerly available and practical constraints of the use of the UN-based framework.⁷

Fifth, the existential and moral dimensions of armed conflict emerge from the reviewed literature as a seriously under-theorised domain within normative scholarship. Studies such as Robinson et al. on moral complexity among military leaders and Ateeq on the nexus of morality, ethics, and law offer insight into moral experience in conflict contexts, but do not connect these findings systematically to the normative legal and philosophical frameworks that dominate the field. This absence is significant: moral injury, as clinically defined by Shay and later systematised by Litz et al., constitutes a form of harm distinct from PTSD, rooted not in fear but in the violation of moral conscience through participation in or exposure to morally transgressive acts. The failure of legal and normative scholarship to incorporate this category is not merely a theoretical oversight but a practical failure, as the experiences of combatants and civilians contain evidence essential to any honest assessment of what war actually does to human beings.

The Enduring Tensions within Just War Theory

This review demonstrates that Just War Theory remains the

⁴ L. R. Blank, "Complex Legal Frameworks and Complex Operational Challenges: Navigating the Applicable Law across the Continuum of Military Operations." *Emory International Law Review* 26 (2012): 90.

⁵ V. Badalič, "Preventing Accountability: The Erasure of Civilian Victims and the Quest for Impunity." In *Preventive Warfare: Hegemony, Power, and the Reconceptualization of War*, (Cham: Springer, 2024):150.

⁶ A. Voronkova, *Understanding the Dynamics of Ethnonationalist Contention: Political Mobilization, Resistance and Violence in Nagorno-Karabakh and Northern Ireland*. PhD Thesis, Queen Mary University of London, (2012): 45.

⁷ J. Doumit, "Accountability in a Time of War: Universal Jurisdiction and the Strive for Justice in Syria." *Georgetown Journal of International Law* 52 (2020): 265.

dominant normative paradigm for the ethical analysis of armed conflict, yet also reveals significant and in many respects unresolved tensions between its theoretical commitments and the realities of contemporary warfare. Walzer's original formulation exerted profound influence on both scholarly discourse and policy deliberation, establishing a common vocabulary for discussing the moral permissibility of war and articulating criteria, namely just cause, right intention, proportionality, last resort, legitimate authority, and reasonable prospect of success, against which particular military actions can be assessed.⁸



Figure 2: Just War Theory: Principles vs. Modern Warfare Challenges

It is not just a question of political abuse, however. The systemic characteristics of modern warfare, especially the existence of asymmetric wars in which state forces must face non-state guerrillas hiding among civilian populations, present real conceptual problems for the just war standards, which have mainly been formulated in terms of interstate wars between professional armies. The exploration of human shielding and the production of civilian martyrs as tactical choices within the Balkans and the Middle East, given by Skerker, illustrates how asymmetric belligerents are exploiting the factors that IHL and just war ethics restrain stronger sides with, and engineering conditions in which employing military force against the enemy would be morally permissible, but could cause a lot of civilian deaths.⁹ Hamourtziadou and Skerritt build on this discussion to consider the kill-not-capture and targeted killing operations, stating that they have a systematic effect on the justice duties of combatants to fallen or surrendering enemies, undermining the principles of reconciliation after conflict.¹⁰

The philosophical argument of the war between Russia and Ukraine offered by Sørensen's suggests the other aspect of the issue, the inability to classify the war as justified by the principles of the just war and in which both sides raised the

banners of valid grievances and actual security interests, nevertheless, in which one of the sides has certainly breached the provisions against the aggressive war.¹¹ The case analysis of this conflict by Nagy, based on the criteria of just war theory, reveals that the defensive reaction of Ukraine to the invasion can be interpreted as meeting the requirements of the *jus ad bellum*, but the ethical qualities of certain military methods and war strategies suggest a different picture. Taken together, these analysts suggest that the value of just war theory as an analytical tool lies not in delivering definitive moral verdicts on specific conflicts, but in structuring the questions that are in dispute. It is a valuable, if insufficient, framework for guiding military operational decisions and providing normative benchmarks against which to measure international legal compliance.

The technological development of warfare also poses more challenges to just war theorising than the current literature covers. The philosophical analysis of hybrid warfare by Dzhyhora in the Russia-Ukraine case demonstrates the need to integrate the three interconnected components of unified strategic campaigns, i.e., the role of cyber operations, information warfare and conventional military force, obscuring the legal and moral boundaries that IHL relies upon to establish the situational assigning of responsibility, and to make the proportionality calculus of hybrid warfare an unbelievably complicated matter. The related challenge of autonomous weapons systems and the deployment of different artificial intelligence-controlled targeting creates even more fundamental challenges, including the issue of moral agency of weapons systems as such and the responsibility of commanders for decisions delegated to algorithmic systems, which are currently discussed only indirectly in the current literature and will be even more urgent with the further development of these technologies.

International Humanitarian Law: Persistent Enforcement Deficits

The literature consistently identifies a deep structural gap between the normative aspirations of IHL and its practical enforcement. Oberleitner's systematic treatment of armed conflict law and practice documents the extensive institutional architecture that has been constructed to monitor and enforce

⁸ U. Steinhoff, "Just Cause and 'Right Intention.'" *Journal of Military Ethics* 13, no. 1 (2014): 34.

⁹ McMahan, J. "The Morality of War and the Law of War." In *Just and Unjust Warriors: The Moral and Legal Status of Soldiers*, edited by D. Rodin and H. Shue, (Oxford: Oxford University Press, 2008): 20.

¹⁰ Moffett, L. *Reparations and War: Finding Balance in Repairing the Past*. (Oxford: Oxford University Press, 2023): 88.

¹¹ J. Parry, "Just War Theory, Legitimate Authority, and Irregular Belligerency." *Philosophia* 43, no. 1 (2015): 177.

IHL, including the International Committee of the Red Cross, the International Criminal Court, and various United Nations human rights bodies, while simultaneously documenting the severe constraints on these mechanisms arising from political interference, resource shortfalls, and state non-compliance.¹² The so-called 2024 institutional study review, Enhancing the Implementation of International Humanitarian Law in Conflict Zones, has observed systematic evidence of these limitations in many conflict zones, such as Syria, Yemen, Myanmar, and the Israel-Palestine conflict, and has found profound structural weak points and an upsurge of non-state actors as a clear barrier to compliance with the IHL.¹³

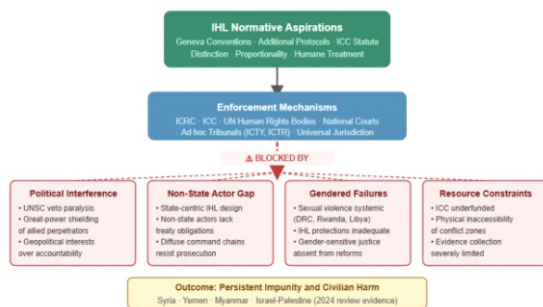


Figure 3: IHL Enforcement Gap

The Responsibility to Protect: Between Moral Aspiration and Political Constraint

The doctrine of the Responsibility to Protect occupies a central and contested position in the literature on armed conflict and human rights. Being a normative innovation, R2P would have been a sincere step forward in the endeavour to express a principled justification of humanitarian intervention, repositioning international engagement in the language of responsibility rather than sovereign right, and establishing mass atrocity crimes as a trigger for international intervention that could, in principle, supersede claims of state sovereignty.¹⁴ Nonetheless, the empirical history of the R2P implementation practice shows that it is no longer a doctrine that meets its grand promises and is compromised by the same geopolitical calculus and great-power politics that defined its predecessor,

the humanitarian intervention discourse of the 1990s.

Critical evaluation of the utility of R2P to the Darfur crisis by Badescu and Bergholm found a basic anomaly between the ethical rallies that R2P speaks of and the political will that its application demands.¹⁵ The failure of the Security Council to give an effective appearance of protection in Darfur, even after the evidence that screamed of systematic atrocities against civilian populations was overwhelming, demonstrated that R2P had not fundamentally redone the politics that had led to intervention failures that had characterised the 1990s. Rather, it had brought another dimension of normative vocabulary to a political environment that was still largely constituted by state interest calculations. The comparative study of Libya and Syria shows, as conducted by Rocha, that the intervention in Libya, in which a Security Council mandate was achieved and military intervention was authorised, was as much a basis of certain geopolitical alignment as of committed humanitarianism, and that the difference in response to Syria, in which similar or even greater atrocities brought no similar international response, had revealed the selective and politically instrumentalised nature of R2P in practice.¹⁶

Sarkin and Capazorio's examination of the Syrian conflict as a test case for the limits of the international community and international law provides perhaps the most comprehensive and damning assessment of R2P's failures in the existing literature.¹⁷ They not only narrate the Security Council stalemate that did not allow the international response to effectively intervene in Syria, but also how the regional and global spill over effects of the conflict such as flows of refugees and surfacing of ISIS and proxy wars by various foreign powers were directly facilitated by the international community failing to take decisive action at some earlier phases of the crisis. They argue that the failure could not be largely due to institutional design but to political will; the states, which could intervene, opted not to do so, most likely because their strategic interests were not threatened enough by atrocities committed against Syrian civilians. This has significant implications for the future of R2P as a valuable

¹² S. Hameiri, "Failed States or a Failed Paradigm? State Capacity and the Limits of Institutionalism." *Journal of International Relations and Development* 10, no. 2 (2007): 124.

¹³ M. A. N. Alakash, H. M. Altaany, B. Abuirmilah, H. J. M. Shakhathreh, N. Z. S. Magableh, and A. K. Moh'd Suleiman Al. "Enhancing the Implementation of International Humanitarian Law in Conflict Zones: A Comprehensive Review." *Pakistan Journal of Criminology* 16, no. 3 (2024): 5.

¹⁴ G. Zyberi, "Responsibility of States and Individuals for Mass Atrocity Crimes." In *The Practice of Shared Responsibility in International Law*, edited by A. Nollkaemper and I. Plakokefalos (Cambridge: Cambridge University Press, 2017): 238.

¹⁵ E. Marks, "Humanitarian Irresponsibility and the R2P Doctrine: A Case Study of Darfur." Unpublished paper, (2008): 2.

¹⁶ Byrne, M. *Responding to Mass Atrocities: The Evolving Application of R2P*. PhD thesis, RMIT University, (2025): 78.

¹⁷ N. Glover, "A Critique of the Theory and Practice of R2P." *E-International Relations*, 2011. <https://www.e-ir.info>. 1.

normative tool, which means that its plausibility is not pegged to the legal or institutional reform but rather to the emergence of a stronger international political culture that can uphold humanitarian commitments despite the strategic competition.

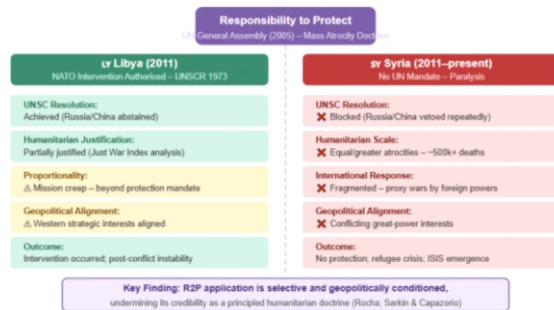


Figure 4: R2P Comparative Analysis: Libya vs. Syria

Existential and Moral Dimensions: The Human Experience of War

Among the most significant findings of this review is the neglect of existential and moral dimensions in normative scholarship on armed conflict. The experiences of individual combatants and civilians have been systematically marginalised in favour of institutional and doctrinal analysis. However, as scholarship on moral complexity among military leaders by Robinson et al. (2022) suggests, existential and moral dimensions of conflict are not ancillary but formative: they shape the moral possibilities available to actors in conflict situations, influence the likelihood of legal and ethical compliance, and define the long-term psychological and social legacies that post-conflict reconstruction must address.¹⁸

Studies of military ethics and moral reasoning in conflict settings illuminate how combatants navigate tensions between official rules of engagement and the ethical demands of particular encounters with enemies, civilians, and allies. This navigation is not a mechanical application of pre-established rules but a deeply contextual, emotionally charged process that may produce both moral clarity and profound moral harm. Moral injury, as defined by Shay (1994) through his work with Vietnam veterans and subsequently operationalised by Litz et al. (2009), is the damage wrought upon the moral conscience and foundational moral beliefs of an individual by perpetrating, witnessing, or failing to prevent acts that violate

those beliefs, or by the betrayal of what is right by a person of authority. It is clinically and conceptually distinct from PTSD: PTSD is primarily a fear-based anxiety disorder, while moral injury is constituted by guilt, shame, and the shattering of moral meaning. Both conditions are documented to carry significant long-term public health consequences for veteran communities globally, yet normative scholarship has largely treated them as clinical matters external to its analytical remit. This paper argues that is a critical oversight: moral injury is a form of harm produced by war, and its production should figure in any proportionality calculation within jus in bello assessment.

The existential aspects of war go beyond the lives of the war fighters to include issues of civilization that mass violence subjects the impacted societies to. The analysis presented by Naaz of the war in Palestine and Israel as a legacy of power, identity and unyielding struggle, encapsulates how the long-term armed conflict has translated into collective identity, the consciousness of the past and the prospects of coexistence that the reconciliatory process after the conflict holds.¹⁹ An anthropological and sociological analysis by Franco and Garcacia of armed conflict in Northern Cauca likewise replicates how cultural adaptability and dispute-seeking actions in the Indigenous communities in Colombia are reorganised by the persistent violence to exhibit the shapes of moral agency and resistance that are never recognised or assisted by the exogenous frameworks of these social formations.²⁰ These analyses point toward the inadequacy of universal normative frameworks that abstract from the specific cultural, historical, and existential contexts within which armed conflicts unfold and must ultimately be resolved.

Post-Conflict Justice: The Gap between Theory and Practice

According to the literature, post-conflict justice and reconciliation is one of the areas where the quality of theoretical refinement has far surpassed effectiveness. Orend's Kantian framework for just peace articulates demanding conditions for the termination of armed conflict, including prosecution of war crimes, democratic reconstitution of political order, and structural disarmament, reflecting the full moral obligations that just war theory carries into the post-

¹⁸ O. A. Peter and C. M. Osazuwa. "A Conceptual Framework to Analyse Consequences of Post-Conflict Reconstruction Interventions." *The American Journal of Political Science Law and Criminology* 6, no. 9 (2024): 108.

¹⁹ Albhaisi, *Constructing an Imagined Path to Peace*, 67.

²⁰ K. Lyons, "'Nature' and Territories as Victims: Decolonizing Colombia's Transitional Justice Process." *American Anthropologist* 125, no. 1 (2023): 65.

bellum phase.²¹ The individual-based post-war justice model by Schulzke also focuses on addressing individual responsibilities of belligerents to help civilian populations injured in military actions, and suggests that the processes of compensation and medical treatment should go far beyond the official demands of the existing IHL.²² These theoretical contributions provide important benchmarks against which actual post-conflict justice efforts can be evaluated. Still, they also risk irrelevance if they cannot be operationalised within the political constraints that govern real-world peace processes.

Angwaomaodoko's examination of the Israel-Hamas conflict and its prospects for just and sustainable peace captures the tragic disjuncture between these theoretical ideals and the grinding political realities of protracted conflict, in which neither party possesses either the capacity or the incentive to satisfy the demands that a genuinely just peace settlement would require.²³ The challenges to reconciliation and justice processes created by asymmetric warfare that Hamourtziadou and Skerritt present are found to stem from structural limitations that are hardly surmounted by institutional design, such as the use of deliberate strategy by spoiler groups in exploiting transitional justice processes to enhance impunity, and the difficulty of securing any meaningful accountability against atrocities offered by diffuse networks of non-state actors operating across multiple jurisdictions.²⁴

The ethics of war termination and post-war reconstruction as a moral-philosophical account by Gisbertz-Astolfi can be a valuable thought-provoking theoretical tool in addressing these issues because the unethical demands of war never cease once the hostilities have been dismissed, but continue through the entire transition into the establishment of a just peace.²⁵ Dzhyhora's analysis of Russia-Ukraine peace settlement ethics similarly emphasises that a just resolution to that conflict must address not only the immediate military and

territorial questions but also the deeper questions of accountability, recognition, and security architecture that sustainable peace requires.²⁶ These contributions collectively suggest that the field has developed sophisticated theoretical resources for thinking about post-conflict justice, but that translating these resources into effective practice requires forms of international political will and institutional capacity that remain chronically underdeveloped.

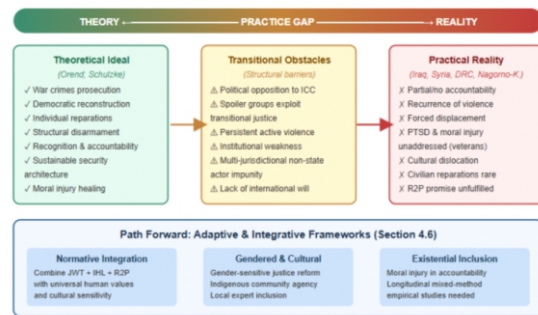


Figure 5: Post-Conflict Justice: Theory-Practice Gap

Toward Adaptive and Integrative Frameworks

The reviewed evidence consistently indicates that no single normative approach, whether just war theory, IHL, or R2P, is sufficient alone to address the full moral and legal complexity of modern armed conflict. It is increasingly common within the field to treat these frameworks not as comprehensive and self-contained rule systems, but as overlapping and partially competing normative traditions, each illuminating certain dimensions of the problem while leaving others in shadow. Odon has proposed new interpretive approaches to the relationship between human rights law and IHL that are better calibrated to the realities of contemporary warfare, while broader calls have been made within the field for pluralistic and interdisciplinary engagement across the full range of relevant ethical, legal, and experiential perspectives.²⁷

²¹ Chehtman, "Revisionist Just War Theory," 173.

²² M. N. Schmitt, "Military Necessity and Humanity in International Humanitarian Law: Preserving the Delicate Balance." In *Essays on Law and War at the Fault Lines*, (The Hague: T.M.C. Asser Press / Springer, 2011): 92.

²³ Barnes, "Renegotiating the Political Settlement," 14.

²⁴ H. Jöbstl, "Bridging the Accountability Gap: Armed Non-State Actors and the Investigation and Prosecution of War Crimes." *Journal of International Criminal Justice* 18, no. 3 (2020): 570.

²⁵ M. Melandri, "The State, Human Rights and the Ethics of War Termination: What Should a Just Peace Look Like? A Critical Appraisal." *Journal of Global Ethics* 7, no. 3 (2011): 243.

²⁶ S. R. Bhutto, S. S. Uddin, and J. Hussain. "The Architecture of Peace: Rethinking Conflict Resolution in Contemporary International Relations." *ASSAJ* 4, no. 2 (2025): 1931.

²⁷ D. I. Odon, *Armed Conflict and Human Rights Law: Protecting Civilians and International Humanitarian Law*. (London: Routledge, 2021): 55.

Conclusion

This review has demonstrated both the intellectual richness and the structural limitations of the normative frameworks that govern scholarly and policy engagement with armed conflict. Just War Theory and IHL remain indispensable analytical tools, yet their application is systematically challenged by the unconventional tactics of non-state actors, the emergence of hybrid warfare, and the geopolitical constraints that obstruct enforcement. The Responsibility to Protect, scholarship suggests, has been applied selectively and instrumentally, its humanitarian promise consistently subordinated to strategic calculations. Most critically, the moral and existential dimensions of war, including moral injury as clinically understood following Shay and Litz et al. have been inadequately incorporated into normative scholarship, leaving jus in bello assessment structurally incomplete. This paper has argued for the formalisation of moral injury as a proportionality factor within just war evaluation, alongside greater engagement with non-Western ethical traditions and gender-sensitive analytical frameworks. Future scholarship must develop adaptive normative models that are empirically testable, culturally grounded, and capable of addressing the full scope of what armed conflict does to human beings.

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