Criminology against War

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Abstract

Following the armed conflict in the former Yugoslavia, a new criminology of war developed, producing fresh insights and opening up original research streams. The incorporation of war within the remit of criminological analysis, advocated by classical as well as critical criminology, rapidly gained new momentum. The focus on asymmetrical conflicts and invasions unveiled the massive killing of civilians, bringing war into the arena of victimology. Moreover, the examination of the material forces that drive international conflicts situated such conflicts among the violent predatory offences that concern most criminological theories. The study of 'war crimes', ultimately, led some authors to shift attention towards 'war as crime'. After briefly summarizing the developments that shaped a criminology of war, this paper attempts further analytical steps towards the formulation of a criminology against war. A critique of the concept of 'just wars' is followed by the examination of the ambiguities that cloud the notions of *jus ad bellum* and *jus in bello*. Current legal provisions regulating international conflict are described as *blank norms*, while principles of peace-building are finally pinpointed.

Keywords: just wars, blank norms, peacebuilding, tension reduction

Introduction

Classical sociology wavers between views of war as promoter of intense social bonding (Durkheim, 1996) and as antiquated human tool to be superseded by economic development (Comte, 1953). Violent conflicts, in Comte's view, were destined to fade under the force of solidarity and cooperation that characterize industrial production. A fundamental antithesis was detected between military civilization and the civilization of labour, between the spirit of conquest and the spirit of industry. Marxist analysis, in its turn, vacillates between an analysis of war as ultimate clash between competing empires and critical moment leading to the fateful clash between social classes (Lenin, 1918; 1951).

In traditional criminology, war situations are regarded as criminogenic environments that drive up all antisocial factors (Bonger, 1936). Crime, it is argued, is generated by scarcity, but also by the general demoralization: violent behaviour increases as a mimetic outcome of the spectacle of killing. The dark figure of crime goes up, and offences are committed by those who do not fight as well as by those who do, though 'the figures of the crimes committed in the field will probably never be published' (ibid: 105).

With anti-war movements achieving emphatic traction throughout the 19060s and 1970s, criminology returned on the topic elaborating the notion of peacemaking. Criminology, it was noted, has traditionally been a military science,

a science of war, offenders being identified as enemies. The war on crime was seen as a signal of our inability to make peace, namely to build meaningful relationships in communities (Pepinsky and Quinney, 1991). While mainstream criminology continued (and still does) refining notions of stigma and human separation, both notions were replaced with cooperation and mutual trust, as shown in stories of violence that transmute into embryonic elements of peacemaking. Recalling his past theoretical and practical commitment, Pepinsky (2013: 10) clarified that his 'methodology' consisted in 'unconditional listening to suffering, to stories of how people transcend and transform violence'.

The new criminology of war, whose inception can be temporally located during and after the dissolution of Yugoslavia, followed at least in part Bonger's teachings. War theaters, it was observed, trigger crime within societies as well as in interactions between societies and states (Jamieson, 1998; 2014). The invasion of Iraq showed the normalization of the terror bombing of civilians and the emergence of neo-liberal states of exception in occupied territories (Whyte, 2010; Chambliss, Michalowski and Kramer, 2010). Recent conflicts, in Libya, Syria, Afghanistan, Yemen and elsewhere also saw the formation of new specialists in violence in the guise of non-state entities and private enterprises (Kaldor, 2001; Ruggiero, 2019). Criminologists have described war as state crime (Kramer and Michalowski, 2005), called for it outright criminalization (Ruggiero, 2005), focused on chaos that inspires the pursuit of profit through 'market patriotism': so that international security and business interests end up coinciding (Whyte, 2007). Sexual violence has been interpreted as a 'permissible act', a form of communication among men, the elevation of masculinity that accompanies war as a way of destroying the enemy's culture and its reproductive capacity (Ruggiero, 2020).

The criminology of war has scrutinized paramilitary organizations, organised criminal groups, corporations, private contractors, advisor and mercenary companies (Whyte, 2003; Ruggiero, 2015, 2016). It has foregrounded mass violence, violations of human and civil rights, the development of new techniques of surveillance, growing social and ideological control (Jamieson, 1998; Walklate and McGarry, 2015; McGarry and Walklate, 2019). The decline of state accountability is associated to the emergence of new actors invested with the legitimacy to use violence as a tool for the development of market strategies. As a consequence, war has also been equated to a new form of corporate crime. It is felt that the hazy areas of 'conflict consultancy' and 'security services' highlight the shared traits of war and the crimes of the powerful (Ruggiero, 2007)*.

A contemporary understanding of war may still be inspired by the work of von Clausewitz (2008), who conceptualised war as a 'remarkable trinity': first, primordial violence, hatred, and enmity driven by blind instinct; second, probability and chance; and third, political calculation. This remarkable trinity is rendered as the three-dimensional illegality of contemporary wars: first, the illegal nature of their very inception; second, the nebulous normative contexts in which they take place; and third, the criminal fashion in which they are fought. Of course, von Clausewitz wrote about 'old wars', but his remark that often, by

* This paper does not address civil wars nor the wars waged by states against their internal enemies.

waging war, 'governments part company with their peoples' (ibid: 235) finds an echo in contemporary events, when majorities invoking peace are ignored.

With the 'privatisation' of international conflict, a crucial statement by Karl von Clausewitz is validated, namely that we can compare war to commerce, which is also a conflict between human interests and activities. Business, war, and statecraft are contests between organisations, and they only differ in their weapon or tools of competition.

In brief, enormous efforts have been made to firmly situate war within criminology. The difficulties encountered in the process are those that criminologists normally face when they analyse legitimate harmful conducts instead of criminalised conduct, notably, when they sidestep official definitions of crime and social order. Today, war may or may not be situated among other criminological concerns, and while efforts to this effect will certainly continue, a critique of the international principles that guide armed conflicts can lead from the pubescent *criminology of war* straight to an embryonic *criminology against war*.

A critical approach to the traditional justificatory arguments that promote war might facilitate this transition. Guided by this purpose, the following pages critically discuss the notion of 'just wars' and examine the ambiguities of principles such as *jus ad bellum* and *jus in bello* (the 'rules-right to wage war' and the 'rules guiding war'). The legal provisions that regulate international conflict are then termed 'blank norms', as they justify invasions and establish the victor's justice (Zolo, 2009). Finally, some peace-building principles are pinpointed that can accompany criminology in its fight against war.

Just wars?

The debate around the justification of war spans centuries and, for a concise outline, Cicero's arguments on the subject matter can be an appropriate starting point. States have to abide by the 'laws of war', he argued, and they must bear in mind that reason characterizes humans while force typifies beasts. Wars can only be fought with a view to peace and security, being *extrema ratio* solutions in response to aggressions. They have to be announced and declared, treat enemies with humanity and always shun cruelty (Cicero, 2021).

Augustine' s contribution to the debate displayed his double effort to spread evangelical teachings and, at the same time, affirm the legitimacy of a religion that was still deemed subversive (Augustine, 2003). His loyalty to the authorities was apparent in the justification of all wars waged by the Roman Empire, all supposedly targeting unjust enemies, and in the reassurance that Christianity would not weaken the Empire (Bonanate, 2011). On the other hand, all wars commanded by God were regarded as just wars. Christian philosophers, including Aquinas, wrote about the duty to kill, inspired by the Bible. War was, therefore, sanctified by a good cause, or perhaps the good cause was sanctified by war. What better way to test the validity of an idea than on the battlefield?

Against Augustinian arguments in support of just wars as saintly triumph over infidels and heretics, medieval just war theorists treated violent conflict less as a means to punish religious deviants and social criminals than as an initiative to acquire property (Russell, 1975). War was, therefore, a form of civil litigation, a way of settling property disputes.

> 'Victory was a legitimate mode of natural means of acquisition, which conferred enforceable property rights on the victor: rights to territory for commanders, and rights to booty for ordinary soldiers. Just war theory was largely property law' (Whitman, 2012: 18).

Private interests, however, were concealed behind the noble principle of 'the verdict of history', whereby the outcome of war ceased to be determined by ability or fortune, entering the realm of destiny. The work of Hugo Grotius exemplifies this process.

Hugo Grotius was born in the Netherland in 1583, when the Dutch War of Independence from Spain was in full swing. When he travelled to France as a diplomat, his mission was to secure support for his country's insurgency. In 1604, employed by the Dutch East India Company, he fought against the monopolistic claims of Portugal in the Indian Ocean, defending the right of the Netherlands to use armed force against its rivals. After publishing a patriotic account of the history of the Dutch people, he advocated *mare liberum*, namely the freedom of sea commerce (Neff, 2012). With time, around 1613, the Dutch were accused by other countries of engaging in monopolistic practices. When his *De Iure Belli ac Pacis* was published in Paris in 1625, the legal universe in which he was immersed was delineated: natural law is eternal and is founded on reason, while positive law is founded on will. The former commands or forbids, the latter is volitional and grants humans freedom to operate.

More specifically, Grotius maintained that war is not only compatible but is at times compelled by the law of nature, the law of nations and divine law simultaneously. God wants us to defend our right to access what is necessary for our existence. Such right may require waging war, which is therefore indirectly included in the will of God, and may be justly undertaken in response to both wrongs committed and wrongs not yet committed. Grotius's list of 'wrongs' is extensive and justifies punishment in the form of defence, including for instance 'defence of chastity'. He was perhaps unaware of how his thesis would provide justificatory arguments to a large variety of actors irrespective of their belief in God's will. His nationalism, combined with the rise of international law, offered an ideal doctrine underlying colonial and imperial adventures (Van Ittersum, 2005; 2010).

According to other interpretations, Grotius in fact encouraged the removal of the notion of 'just' from the divine sphere and translated it into a procedural variable: war became just when international rules were applied (Curtis, 2006; Simpson, 2007). But what transpires from the very outset of the debate is that the need to justify war is mainly felt by powerful entities, namely those that turn out to be victorious, those whose status permits them to promote the international rules that support their past operations and would be likely to back their future ones. Contrary to Cicero's belief that the law is silent when faced by weapons, the legitimacy of armed conflicts finds its base in international regulations and principles: indeed, when 'the law goes to war' (Bonanate, 2011: 101).

Moving some centuries forward, the law of war remains the terrain in which the legitimacy of armed conflict is debated (Enemark and Michaelsen, 2005). However, in the formulation of Kelsen (2008), peace should be the predominant

goal, that is peace achieved through law. War is equated to mass murder, the greatest disgrace of our culture, and peace must be our foremost political task. Kelsen, in brief, moves beyond the doctrine of just wars and identifies the long-term objective of a *civitas maxima*, namely a world community devoted to the tireless prevention of wars. But with the variable prevention we can now move to more contemporary concerns that revolve around the controversial and ambiguous notions of jus ad bellum and jus in bello.

Jus ad bellum

The desire to wage war may depend on national strategic cultures, that is, specific sets of beliefs, attitudes and practices regarding the use of force (Schulte, 2014). However, the right to go to war can be invoked by any country as legitimate defensive resistance to real or imagined aggression. What makes a cause 'just', it should be added, is not only the attempt to repulse invasions, but also the commitment to establish a lasting condition of peace and a fairer international order. Proportionality of the effects caused should also be considered, to wit, a predictable outcome that could not otherwise be achieved without recourse to war. Predictions, however, are often erroneous and negative effects are invariably denied, particularly effects on combatants, civilians and on the environment they share.

Proportionality calculations are even harder when war is waged as a form of protection of third parties, or as initiatives aiming at regime change, which are normally carried out by 'protectors' of higher political and economic status at the international level. Such interventions 'are capricious and self-interested pretexts, threatening hard-won national autonomies and risking renewed imperialism in humanitarian guise' (ibid: 102).

The decision to wage war must be 'declared' by an authority designated to do so. Governments are obvious authorities in this respect, although decisions may require endorsement by international agencies. The main ambiguity of this requirement pertains to the very official 'declaration' of war against a country, which may be omitted so that international authorization becomes unnecessary. Declarations of war compel obligations, including restrictions in the contracts to be stipulated with the inimical country. Wars against oil producing countries, for instance, are accompanied by embargoes and the suspension of all import-export contracts, a price that countries declaring war are not prepared to pay, such contracts being among their motivating purposes.

The argument can also be used that, by strictly adopting international rules, the right-duty to intervene and protect would never have been established. 'Innovation' in international affairs, from this perspective, brings new sensibilities and laws. When intervention is justified as a response to criminal regimes and unrecognized armies, international authorization is regarded as unrealistic or even dangerous, as it propels the unauthorized force of unlawful entities. For example, if a member of the Permanent United Nations Security Council vetoes military intervention, it is argued, tyrants and terrorists can continue their action undisturbed. This is why wars can be conducted in the name of universal principles such as 'responsibility to protect', implying the right of some countries to change the regime of others, thus establishing new imperialist practices disguised as humanitarian generosity.

Reasonable prospect of success is yet another requirement of jus ad bellum, which seems ideally designed to favour powerful countries. The latter, however, may also err in their prediction of success or misrepresent their military capacity to succeed. Securing a just aim, once other ways of securing peace have been exhausted, also guides pre-emption action. This type of action is meant to foil impending threats that require immediate military mobilization. Preventive war, in turn, refers to military responses that target presumed hostile states and anticipate their decision to go to war. In both cases, history teaches us that wars against chosen enemies and their possible decisions are unjust.

In general, support for military engagement will depend on persuasive public arguments, including the depiction of enemies as deserving of some form of punishment. The appellation 'oligarch' may help in this respect, as it is meant to convey an image of the enemy as unscrupulous, uncouth and greedy, a 'correspondence bias' (as social psychologists would term it) that diverts attention from the oligarchs belonging to the invading country.

Finally, the right to wage war can also be claimed when the war is over, for example when invading countries display an interest in reconstructing that which they have destroyed, thus providing an ex-post justification for their invasion (Jus Post Bellum).

Jus in bello

Wars have to right serious wrongs, they have to use force proportionate to the wrong to be righted. They must be inspired by a just cause and undertaken with a reasonable expectation of success. Wars, as we have seen, may be initiated as a form of pre-emption or prevention, but must not make matters worse. Moreover, as jus in bello prescribes, they must be conducted in the just fashion (Freedman, 2014). For example, they must spare non-combatants. The reality is that, once expectation of success is established, every possible means to defeat the enemy outplays the requirement to use proportionate force. Von Clausewitz (2008) was well aware of this mechanism, particularly when he analyzed the 'economy of force' and 'absolute war'. Victory in a single campaign, he warned, cannot slow down the bellicose effort, therefore violence against the enemy must be relentless, it cannot stop before its total annihilation. Containing the means in relation to the desired ends is impossible when the fight ignites intense passion, triggering disproportionate feelings of punishment and revenge. And when the initial purpose of the conflict vanishes and violence escalates, euphemisms such as peace operations and humanitarian intervention gain currency. 'The statement that just wars have a goal is false, because the goal is soon forgotten' (Freedman, 2014: 23).

The goals and the permitted means of contemporary wars are not only forgotten, but even obliterated thanks to the presence in war zones of a variety of actors, including private security companies, auxiliary service providers and a cohort of business lobbyists. Other actors, such as drone operators, keep themselves at a remarkable geographical and emotional distance from the theatre of violence. Although hidden, they can nevertheless interact directly with top commanders: 'the kill chain has been radically shortened' (Coker, 2014: 63), while the possibility of assessing their respect of jus in bello is curtailed.

Wars may enjoy official legitimacy but use illegitimate means. They often violate the norms that safeguard the life of civilians, as the very notion of civilian can be disputed. Populations, in fact, may be regarded as complicit with combatants due to ethnic similarity, geographical proximity or ideological assonance. They may also be accused of acting as shields that intentionally protect fellow-country persons from inimical fire, therefore they can be deemed combatants disguised as civilians.

Actions with predictable damaging outcomes, however, are justifiable when they are intended to produce positive effects, when they are not aimed at generating collateral consequences, or when the latter are outweighed by the beneficial effect of the actions themselves. Collateral damage, in this way, becomes a form of 'externality', a notion that in economics absolves the infliction of harm on third parties who do not take part in a transaction. Moreover, occupying armies can always justify attacking civilians as the latter are likely to resent occupation; they may even 'rely' on the hostility caused by random bombardment as a justification for further bombings. Sanctuaries, shelters and hospitals, in this way, become legitimate targets, while cruelty spreads 'in a process of military drift to less and less proportionate action amounting to barbarism' (Schulte, 2014: 110).

Violation of ethical norms leads to legislative innovation: as legal restraints weaken, prohibited practices become acceptable. See for instance the slow process leading to the normalization of targeted assassinations (Weizman, 2009).

Blank norms

The overview presented so far would suggest that the norms regulating war are 'blank behavioural rules', namely hollow normative principles to be replenished by those who intend to justify waging wars and legitimize the fashion in which they conduct them. These 'blank rules' may be the unintended result of efforts made by the UN to impose limits on the legitimacy of armed conflict after the two world wars. However, such efforts created a situation whereby legitimacy was mainly offered to those powerful enough to wage war (Sur, 2014).

> 'Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security' (UN, 2016).

Above is Art 51 of the UN Charter, which allows countries to present their armed attacks as acts of self-defence, pending the measures eventually taken by the UN Security Council to restore peace. It has to be noted that the promulgation of such measures can be delayed by the very attacking countries whose members sit on the Council, a delay that amounts to a carte blanche offered to invaders. This indefiniteness, according to Sur (2014: 121), 'allowed the building of military alliances like NATO … which activated itself when the Security Council underwent a period of paralysis', and when disagreement emerged about what exactly constitutes an act of aggression.

The Charter, in brief, does not banish war but expands the circumstances under which it can be waged. For instance, by affirming that members must refrain from using force against the territorial integrity and political independence of any state, it implicitly allows the use of force against other objectives. Self-defence, for instance, can be invoked against non-state actors, but also against states that presumably protect such actors or do not fight energetically enough against them. By extension, armed aggression can also be justified against regimes that reject the principles of liberal democracies and, for this reason, must be changed.

Blank norms, finally, allow powerful countries to ignore decisions made by international bodies such as the International Criminal Court as their national Constitution is deemed to supersede any such decision. The powerful, therefore, can claim a right to unilateralism.

A criminology against war needs to develop further critical arguments around blank norms, while simultaneously explore alternatives to armed conflict as proposed by peace studies and peace-building approaches. These are the focus of the following section.

Criminology as peacebuilding

Neoliberalism shares with classical sociology the idea that economic development inevitably brings solidarity and peace. The end of the Cold War was an occasion to show how this optimism was not unfounded. Instead, the expansion of democracy, along with the spread of neoliberal economic models, showed how competition rids itself of the obstacles previously established by bipolar predominance. No practical efforts were made to build peace, as peace was expected to build itself automatically through market mechanisms. Conversely, pre-eminent countries, despite international economic interdependencies, took the direction of autocracy: military alliances were not dismantled but strengthened. Ultimately, globalization failed to deliver the (promised) harmonic and concerted elevation of all countries but produced its opposite, namely socio-economic asymmetries and unregulated dispossession of some by others. Transnational economic interactions engendered conflict rather than convergence, and as a result, the distinction between war and peace eroded, leaving us all in an age of 'unpeace' (Leonard, 2021). A criminology against war, in this context, may have to energetically question asymmetries, while contributing to peace-building processes in response to unpeace.

The dominant, liberal notion of peace-building, however, entails the connected notion of statebuilding, which in turn implies hierarchical roles among the states involved. The idea of statebuilding cannot be totally divorced from its origin, when marking national territories went hand in hand with establishing control in distant ones. Newly-formed powerful states, having established their boundaries, could then compete in expanding them through genocide known as civilizing missions.

The currently prevailing notion of statebuilding, therefore, echoes such missions and implies dominant countries interfering with the choices of their subaltern counterparts. As we have seen, such interference can easily be presented as duty to protect or as preemptive action, that is as components of what are deemed just wars. In sum, while emphasizing values such as

cooperation, international solidarity, universal rationality and liberty, statebuilding today remains attached to nationalism, so that the imperial agendas that failed to achieve its goals by the end of the twentieth century are equally doomed in the twenty-first (Richmond and Visoka, 2021; Jahn, 2021).

Hypotheses inspired by constructivism have been formulated which link peace-building with the establishment of international obligations, rules and institutions aimed at peace. A process is envisaged whereby the networks thus created, while forging consensual ideas of peace, will foster identities fit for nonviolent interactions. However, such ideas, again, emanate from dominant systems, they rest on power relations that have historically acted as obstacles to peace (Wallis, 2021).

Dominant agendas connect peace processes to economic development, accompanied by the weakening of state intervention and privatization of resources and services. Growth is granted priority over equality, with the consequence that conflict rather than peace is most likely to follow. In sum, the problem remains whether peaceful coexistence is possible without an equal distribution of power and without a consensual understanding of peace.

Critical theory approaches attempt to provide answers to such questions while deconstructing international interventions in conflict-affected societies. Through a critique of the liberal values on which power relations are based, colonial rationality is replaced by understandings of peace, by cooperation and solidarity as interpreted and practiced by voiceless groups (Braithwaite and D'Costa, 2018). Alternative perspectives, in brief, bring local views to the fore, focusing on how the subaltern express their vernacular notions of security, describe experiences and develop their own understanding of conflict and peace. In this way, the hegemony of liberal peace is contested and a postcolonial rationality boosted (Jabri, 2010, 2013; Jabri and Richmond, 2021).

In Peace Studies, practical examples of new understandings include the setting up of 'gigantic group therapies', where *others* are invited to talk things through, therapies that are required to be flexible, generous and dialogical. All *others* can contribute by emphasizing their own view of atonement, forgiveness, redress and compensation:

> 'Let no topic be taboo. Involve actors on all sides as well and their internal critics. Who may or may not agree with the actors on the other side. Make much of the deliberations public, and certainly the proceedings. And then repeat it over and over again, with new actors, groups and people' (Galtung, 2005: 5).

Civil society has the potential to bring voiceless groups to the fore. Associated with the notion of a public sphere, global civil society is deemed able to establish national and international connections with a view to trigger peace-building processes (Kaldor and Kostovicova, 2021). Cycles of retaliation will not provide peace, as violence begets more violence: peace obtained through unpeaceful means nourishes cultures of revenge and dubious glory (Galtung, 2005). By contrast, peace could 'arise from, and be led by, people themselves, drawing its strength from civil society' (Ikeda, 2005: ix). However, the reality is that peace negotiation often excludes civil society, with the result that direct violence may be stopped but the conditions that generated it might persist. Moreover, pacified

war zones may generate opportunities for armed tyrannies to take over from the wreckage left by the conflict and to fill the transitional power void.

A criminology against war starts from the premise that armed conflict is one of greatest challenges to 'the right to life'. No derogation from this right should be allowed because: 'the purpose of war may not be mass killing, but it is almost inevitably its consequence' (Schabas, 2014: 365). From a humanitarian law perspective, armed conflict negatively affects the right to life, and the enjoyment of all rights listed in the Universal Declaration presupposes peaceful relations between states and within them. In brief, while jus ad bellum and jus in bello limit their aim to regulating the waging of wars and the behaviour on the battlefield, 'human rights law need observe no such limitation' (ibid: 386).

Criminology against war focuses on peace formation as it emerges from communities and affected local parties, where reconciliation is pursued with or without international participation and where the meaning of security transcends self-serving Western definitions. Shifting attention from institutional power to everyday practices of peace, the relevance of gender in peacebuilding and security emerges in a light that liberal approaches totally neglect: gendering peace is one of the perspectives focused on conflict-affected communities and groups (Smith, 2019). A bottom-up perspective forges networks and encourages relational processes of legitimation that can replace state-promoted or international interventions. While the latter may perpetuate the conditions that led to direct violence, namely the unequal distribution of resources, bottom-up action is likely to address forms of systemic violence before they turn into direct violence. This distinction needs a succinct clarification.

Typologies of violence vary and include institutional as well as anti-institutional violence, direct aggression from above and from below. More specific forms of political violence are found in classifications that distinctively identify: systemic violence, state violence, crowd or group violence, armed struggle, terrorism, civil war and international armed conflict (Ruggiero, 2020). From a different perspective, a key distinction refers not to violence but to peace, which can be negative or positive (Galtung, 1969; Galtung and Hoivik, 1971). The former indicates absence of direct violence, the latter denotes transformation that reduces inequality and leads to new social, economic and institutional arrangements (Wagner, 1988). For many people, negative peace is characterized by normalized or chronic violence engrained in deprivation and exclusion. Described as systemic violence, it refers to the harm generated by the social structure and the institutions sustaining and reproducing it. This type of violence prevents its victims from satisfying their basic needs, and is an avoidable impairment of the fundamental means necessary for human existence. Systemic violence, therefore, is found in the smooth functioning of economic and political systems, and can be termed 'objective', as it appears not to require specific deliberations by individuals exerting it (Žižek, 2008). Large sections of the world population endure this type of violence, and only changes in power arrangements and international emancipatory agendas can rescue them.

Liberal peace-building reiterates and crystallizes international power relations, as intervention originates in the Global North and addresses the Global South. Asymmetries are exacerbated by the very fact that the top world powers occupy a disproportionate share of positions in international agencies and decision-making enclaves (Goetze, 2017). International initiatives are too often

led by economic concerns and regard armed conflict simply as an obstacle to development and the generation of profit. In this sense, they perfect the social and institutional arrangements that support enterprise, they are hegemonic endeavours that serve business interests without pursuing equity and justice that would guarantee lasting peace (Smith and Verdeja, 2013).

By contrast, local-scale approaches aim at cooperation and reconciliation exactly where they are more likely to be successful and lasting. It is at the local level that counter-hegemonic efforts can take shape and where positive peace can be pursued through negotiation, restorative-transformative practices and collective problem-solving (see similar arguments and practices developed by abolitionism, Ruggiero, 2010). Local-scale approaches allow the identification of phases and cycles of violence and may inspire the specific strategies to address them. Conflict, violence and post-violence are among the phases identified.

In the conflict phase, hostility does not necessarily take the form of direct mutual violence, but often remains at the ideational level, and intervention may prevent hostility from erupting into direct action. In this phase, attempts have been made to solve problems through interactive conflict resolution, preventive diplomacy, negotiation strategies, cooperative orientation, intergroup empathy, the adoption of nonviolent values, the development of dialogue skills and the use of communication and listening abilities (Christie and Louis, 2012). In this phase, depictions of enemies as diabolical others are avoided, while 'graduated and reciprocal initiatives in tension reduction' (GRIT) are put in place. Leaders of the conflicting parties engage in a series of small pacifying gestures in a step-by-step process, showing their potential willingness to negotiate (Etzioni 1967).

During the violent phase, efforts aim at bringing influential members of conflicting groups together, and although such encounters may not reach binding agreements, they may trigger changes in 'the larger political community and ultimately influence official diplomatic negotiations' (Christie, 2021: 221). Finally, the post-violence phase requires specific tools for the prevention of additional cycles of violence, including trauma-focused approaches focused not only on traumatized combatants but also on ordinary people afflicted by the daily stressors of violent conflict. Specialized treatment, in this phase, is accompanied by practices of forgiveness and reconciliation promoting peace.

Conclusion

Western collective memory contains both deferential enthusiasm and harsh rebuttal of war. Foundational events, wars are charged with sublime values as they forge identities, strengthen national solidarity and unity. On the other hand, wars confer honour on those who are more skilled at killing and destroying. The *Iliad* exemplifies these two extremes: highly appreciated by some as an immortal document of noble undertaking and heroism, it is also reviled for its interminable sequence of cruel fights and battles. Primo Levi (1981; 1986) disliked the 'Iliad', finding its reading intolerable: that orgy of clashes, battles, wounds and corpses, that stupid endless war and the childish anger of Achilles fighting it.

War is an invention, and traditional or advanced societies, mild or violent peoples, assertive or timid communities will go to war if that invention is part of their cultural repertoire: 'just like those peoples who have the custom of duelling

will have duels and people who have the pattern of vendetta will indulge in vendetta' (Mead, 1940: 403). Criminology against war will have to generate a new social invention replacing it, and it is a preliminary requirement to believe that such an invention is possible.

The notion of just war acts as a form of ideological adjudication by indicating the circumstances under which killing, destroying and heroism can coexist. This paper has attempted to identify some elements of what can be termed *a criminology against war*. It set off with a discussion of the traditional justificatory arguments that limit and, at the same time, promote the recourse to armed conflict. In this respect, the views of progenitors Cicero, Augustine and Grotius have been highlighted. The ambiguous norms that allow the perpetuation of war as a means for the solution of conflicting interests has been examined, showing how the elasticity of such norms provides legitimacy to a wide range of aggressions. Just wars are by definition asymmetrical, they become 'just' when aggressions succeed. Just wars waged by losers, on the contrary, are pure suicidal revenge, they express the right to kill oneself. Ultimately, while wars are ideally and officially meant to end in peace (*pax fini belli*), the rules that govern them make them infinite.

The pliability of the notion of just war has been noted in jus ad bellum as well as jus in bello, and the suggestion has been made that we are faced with 'blank behavioural rules' that can be filled by a large variety of actors: from those who claim their right to self-defence to those who invest themselves with the duty to protect others or to change regimes. Finally, the possibility of incorporating some key ideas found in peace studies, peace-building and reconciliation have been explored.

True, *bellum* is too close to *bellus* (referred to beauty) and a criminology against war should engage in repelling war even when it is presented as an attractive, beautiful undertaking.

'We must be prepared to make the same heroic sacrifices for the cause of peace that we make ungrudgingly for the cause of war' (Albert Einstein).

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Key messages

1. This paper outlines the events and theoretical arguments that have contributed to the development of a criminology of war.
2. It offers a radical critique of the notion of just wars.
3. It proposes an extension of the current debate by hypothesising the birth of a criminology against war.

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