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Russia's war in Ukraine:
A perspective from just war theory

by:

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Manfred Rosenberger thesis of the year 2025

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Dedication by the publisher

Col. (ret) Manfred Rosenberger, who was a founding member of EuroISME and its first Executive Director, has passed away in January 2025. In order to honour his memory, the Board of Directors has decided that EuroISME's annual students' prize will henceforth be known as the Manfred Rosenberger prize for military ethics.

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List of acronyms

AA	Associations Agreement
ATO	Anti-Terrorist Operation
CEC	Central Electoral Commission
CPSU	Communist Party of the Soviet Union
DCFTA	Deep and Comprehensive Free Trade Area
DNR	Donetsk People's Republic
EU	European Union
HR	Human Rights
JWT	Just War Theory/Tradition
KIIS	Kyiv International Institute of Sociology
LNR	Lugansk People's Republic
MAP	Membership Action Plan
NATO	North Atlantic Treaty Organization
NGO	Non-Governmental Organization
OSCE	Organization for Security and Cooperation in Europe
UCP	Ukrainian Communist Party
UK	United Kingdom
UN	United Nations
US	United States
USSR	Union of Soviet Socialist Republics

1 Introduction and research design

1.1 Introduction and motivation

In the early hours of 24 February 2022, President Putin declared his intention to conduct a "special military operation" in Ukraine. His reasons for the aggression included the threat Ukraine posed to Russian security and the intention to protect the inhabitants of the self-proclaimed Lugansk People's Republic (LNR) and Donetsk People's Republic (DNR) from alleged genocide by the "Nazi" Ukrainian government. In the immediate aftermath, Russia launched a full-scale military invasion, with its troops deployed across northern and south-eastern Ukraine.

Russia's invocation of legitimate self-defence and humanitarian intervention, among other claims, makes it necessary to pay attention to its arguments and assess whether they are in line with Just War Theory (JWT), in particular the *ius ad bellum* or the right to war. It is not uncommon for some individuals and/or states to use JWT arguments to justify their belligerent actions, some of which are of dubious moral rectitude. Indeed, governments need to be able to justify - either externally or to convince their own citizens - that their actions are legitimate to secure domestic and international support. According to Evans (2005) and Baqués (2007), the instrumentalization of tradition is no reason to denigrate it, since it is the use of tradition that is to be condemned, not the theory itself. This is why it is worth analysing Moscow's ongoing war in Ukraine to see whether it qualifies as a just war in terms of its causes.

Although less significant, Russian military intervention already took place in 2014 with the annexation of the Crimean Peninsula and the subsequent destabilisation of the Donbass. Therefore, even when considering the situation in 2022, the reader should bear in mind that in 2014 Moscow launched a war against

Ukraine, the causes of which will also be assessed and weighed in the light of the JWT. Moreover, it should not be ignored that 2014 was only the culmination of tensions that had been building up since at least the collapse of the Union of Soviet Socialist Republics (USSR) and the subsequent independence of Ukraine. As will become clear during this thesis, Russia never accepted the rupture with Kyiv, which was considered an important strategic and cultural asset. The impetus with which independent Ukraine sought to break away from Russia's sphere of influence alarmed Moscow, but also a significant part of the Ukrainian population, which did not see the need to dissociate itself from its Slavic neighbour. The turning point was the Orange Revolution, which brought Ukraine a little closer to the West at Russia's expense. The Maidan revolution was the second "assault" in which Moscow perceived that it was losing Kyiv. Seeing the illegal removal of Yanukovych and the installation of a government with pro-Western and, in some cases, anti-Russian tendencies, the Kremlin decided to annex Crimea and use Ukrainian regionalism to destabilise the Donbass region.

Both the arguments of 2022 and those of 2014 will be studied on the light of JWT, with a focus exclusively on the *ius ad bellum*. The length of this work does not allow us to study all the authors who have worked on the theory, so some benchmarks have been chosen in this regard, including the works of Thomas Aquinas, Francisco de Vitoria, Hugo Grotius and Michael Walzer. Thomas Aquinas is considered the starting point of the tradition, establishing self-defence, indirect aggression and punitive war as just causes for war. Francisco de Vitoria and Hugo Grotius ratified Aquinas' causes, adding humanitarian intervention and preventive war. Michael Walzer confirmed and qualified his predecessors, adding two more types of intervention: intervention to help an independent political community oppressed by the government, and counter-intervention in the case of civil war.

1.2 Aims and hypotheses

This research was conducted with two general objectives. First, to examine what the JWT considers to be just causes for starting a war and, second, to assess whether the arguments used by Russia to justify its war in Ukraine can be considered just causes according to the theory. In terms of specific objectives, the project aims to study the works of the above-mentioned authors to establish the just causes of the tradition, and to examine in depth the case study of the Russian war in Ukraine to clarify whether it has a just cause. Thus, the research question to be addressed is the following: *is there evidence of just cause in Russia's war against Ukraine?*

The hypothesis that will be defended is that *Russia lacks just cause in its war against Ukraine.*

1.3 Methodology and content

This thesis is a case study in which the theoretical framework of the JWT is applied to the Russian war in Ukraine. To carry out the research, a qualitative methodology has been used through a literature review. In terms of the sources used, the theoretical framework was developed from primary sources, *i.e.* the authors who originally formulated or systematised the theory. However, secondary sources were also used. The case study relied mainly on secondary sources.

Given the nature of the object of study and the great propaganda effort made by both parties of the conflict, obtaining accurate and complete information is a major limitation of the research. Although it is impossible to remove this obstacle, the measure taken to mitigate it was to use specialised and recognised publications in the field that have been subjected to peer review.

In terms of structure and content, the study consists of six main sections, conclusions and bibliographical references. The first section introduces the subject of the study, the objectives, research question and hypotheses of the thesis, as well as methodological issues. The second section is devoted exclusively to the theoretical

framework, in which a systematisation of the just causes offered by the main just war theorists can be found. The case study consists of sections three, four and five. The third section looks at the different understandings that Ukraine and Russia had of the collapse of the USSR and the early tensions that arose in the 1990s. The fourth section examines the first Russian military intervention in Ukraine in 2014, contextualising it through key moments and analysing whether there is a just cause for Russia's annexation of Crimea and military intervention in the Donbass. The same approach is taken in the fifth section, which looks at the second, much larger, military intervention in 2022. The sixth section discusses the results obtained during the research and offers its findings based on the research question and the hypothesis established at the beginning. Finally, in the last section, the reader will find the bibliographical references.

2 Theoretical framework: an approach to Just War Theory

War has always been a part of human history, so it is natural that certain moral justifications have emerged to legitimise the initiation of hostilities (Evans, 2005: 1). JWT is precisely this school of thought, which deals with the rights and duties of war and aims to provide coherent reasoning that can be applied in current conflicts (Baqués, 2007: 31) Due to the complexity of the tradition and its longevity, it is useful to begin with some brief remarks on its basic content and historical development in order to locate its origins and, consequently, the starting point of the present theoretical framework.

Thus, the objects of study of JWT could be summarised in three: (1) *ius ad bellum*, *i.e.* the circumstances or conditions under which the use of force can be legitimised; (2) *ius in bello*, which seeks to determine the limits of the use of force; and (3) *ius post bellum*, which examines how wars can be brought to an end so that their conclusion is considered within the minimum parameters of justice (Brunstetter & O'Driscoll, 2018: 1).

It is important to stress that the aim of the tradition is not to justify wars. The various authors who have worked on it sought to scrutinize them (Baqués, 2007: 38). Indeed, several authors claim that the theory is halfway between pacifism and realism, as it rejects both radical pacifism and absolute warmongering (Vorster, 2015: 55; Baqués, 2007: 34; Walzer, 2004: 15). Certainly, the belief that wars can be justified distances it from pacifism, just as the conviction that both the decision to go to war and its methods must be subject to moral scrutiny keeps it away from the axioms of realism (Coverdale, 2004: 223).

Having established some basic framework, it is now appropriate to examine its origins. War and its justice preoccupied some of the great thinkers of antiquity as both Plato and Aristotle

wrote about the need to limit it. However, both authors legitimise the use of violence to impose culture on peoples considered "barbarian", which is why Baqués (2007: 21-22) considers that we should not place them at the origin of the tradition.

According to other authors (Brunstetter & O'Driscoll, 2018: 5), Cicero was the first thinker to offer a relatively systematic view of justice in war, with a clear influence on later authors such as Augustine of Hippo, Grotius and Vattel. Indeed, the wars waged by Rome had to be justified and authorised by the *fetialis*, and the Senate could not initiate hostilities against another people without their consent (Nussbaum, 1943: 454). While it is true that Cicero limited the causes of war to the defence of self and others (Baqués, 2007: 27), his premises sought to legitimise aggressive military action, impose Roman institutions and traditions, and extend its influence across the Mediterranean (Stewart, 2018: 10).

Like Cicero, Augustine insisted that war should only be waged in cases of necessity and with the aim of achieving a lasting peace (Nussbaum, 1943: 455). He presented his thoughts on war through the canons that guided the behaviour of Christians, but he wrote very little on the subject and never systematised it, his passages on war serving the general purpose of his work (Johnson, 2018: 27; Luban, 2012: 307). In fact, the systematisation of the extracts from Augustine's work would come later from Gratian's *Decretum* (Johnson, 2008: 545; Nussbaum, 1943: 456). However, the JWT tends to ignore the canonists, of whom Thomas Aquinas is best known for devoting an entire question to the justice of war (Johnson, 2018: 28; Peña Echeverría, 2014: 82). Therefore, in the absence of solid theoretical references in antiquity, it is prudent to situate the origin of the tradition in Thomas Aquinas, who recovers the assumptions of Augustine and represents the basis from which it develops and evolves (Baqués, 2007: 44).

2.1 Thomas Aquinas and the origins of the Just War Theory

As noted above, Thomas Aquinas came to prominence by systematising the Christian doctrine of war in his 40th question of the second section (II-II) of his *Summa Theologica*. The question begins asking whether it is always a sin to make war. It starts from the premise that "all war is unlawful" and therefore "war is always sin" (Aquinas, 2010, q. 40, art. 1: 338). However, its second article mentions that "wars are lawful and just insofar they defend the poor and the whole republic against the injuries of the enemies" (Aquinas, 2010, q. 40, art. 2: 339), implying that it is not an absolute prohibition, but that it contains certain reservations as long as three conditions are met (Baqués, 2007: 52).

The first requirement is that the war must be waged under the rightful authority, and he identifies the prince as the legitimate authority for two main reasons. One is that the prince, unlike the private citizen, could not appeal to a higher court. On the other hand, princes were the ones responsible for the care of the republic, so it was their duty to defend the public good of the city, kingdom or province subject to their authority (Aquinas, 2010, q. 40, art. 1: 338). Just as they were responsible for dealing with internal disturbances - thus guaranteeing the internal peace of the Republic - they were also entrusted with "defending the common good with the sword of war against external enemies" *(ibid.)*.

Secondly, the author requires a just cause to initiate hostilities and, quoting Augustine, he says that wars are just when they are fought "to avenge injuries", as well as when they are fought "to punish the people or the city who neglect the outrage committed by their own", or "to restore what has been unjustly stolen". (Aquinas, 2010, q. 40, art. 1: 338). It must be noted that the word revenge should be read as a sanction, since revenge according to Christian tradition is a sin, whereas sanction is not. Similarly, injury should be understood as an attitude that is contrary to the law (Baqués, 2007: 56-59). Thus, the main aim of just war is

to restore a right that has been unjustly violated (Reichberg, 2018: 61).

Finally, Aquinas requires the right intention of the disputants or, in his words, "an intention aimed at promoting good or avoiding evil" (Aquinas, 2010, q. 40, art. 1: 338). Therefore, just war should not be an instrument to promote greed or cruelty, "but out of a desire for peace, to restrain evil and promote good" *(ibid.)*. He goes so far as to say that even if the authority is right and there is a just cause, a war can be unjust if it lacks the right intention. In this sense, war cannot have other aims than to restore the just order, and especially unjust are those aims which seek revenge or the will to destroy the enemy.

2.2 Evolution and development: from Neo-Scholasticism to its secularisation

Various authors are responsible for the evolution and development of the JWT, and the limited space of this work obviously does not allow to deal with all of them. Therefore, a small selection of them has been chosen, considering that they are the ones who represent the tradition in a unique way. Thus, this section will deal with the various just causes, some of which already appeared in the 13th century with Thomas Aquinas, and others which were developed in the 16th and 17th centuries by Francisco de Vitoria and Hugo Grotius.

Francisco de Vitoria, a Spanish Dominican friar and professor at the University of Salamanca, was a key figure in reviving Thomistic thought (Justenhoven, 2012: 122). Johnson (1975: 204) describes him as Neo-Scholastic for applying Aquinas's theology to contemporary issues. Writing during the Spanish conquest of the Americas, he supported the conquest but denounced the abuses by Spanish conquerors and Charles V's excessive ambitions (Nussbaum, 1943: 459). On the other hand, Hugo Grotius, a Dutch jurist and for many the father of international law (Lang, 2018: 128), wrote during the rise of a

secular view of international law. He emphasized just war doctrine's reliance on natural law and *ius gentium* over religious sanctions (Johnson, 1975: 209). Grotius sought to regulate war through law (Peña Echevarría, 2014: 73), which some view as secular (Nussbaum, 1943: 466), even though recent scholars have highlighted the weight of theology in his texts (Lang, 2018: 129). Writing as Dutch politics emerged from Spanish dominance, he justified Dutch commercial expansion in the Indies, tied to the Dutch East India Company (Tuck, 1999: 79-81; Lang, 2018: 132).

2.2.1. War of self-defence

Francisco de Vitoria's work begins with the recognition of the sovereignty of the American "Indians" over their lands, concluding that "before the arrival of the Spaniards, they were true lords, publicly and privately" (de Vitoria, 1963: 187), so that they could not be dispossessed of their possessions without a just cause. He then goes on to list the reasons that he considers illegitimate for the colonisation of their lands by the Spanish Empire, including the domination of the globe by the Emperor and the Pope, the alleged right of discovery, forced evangelisation, the general sins of the natives and a supposed special gift from God.

The Spanish Dominican then establishes the right to hospitality, freedom of movement and trade between nations and states as fundamental principles of international law, stating that these are common to all humanity (Justenhoven, 2012: 130). Thus, if the Native Americans deny any of these rights to the Spaniards, the former would be committing an offence and the latter would have the right to initiate hostilities only if the "Indians" were to respond violently (de Vitoria, 1963: 224). Similarly, war would be justified if the natives did not allow Christians to preach the Gospel in safety, and if an "Indian" ruler forcibly prohibited conversion to Christianity (*idem*: 226-229).

We can therefore see that for Vitoria there was the possibility of the legitimate use of force only if there was a just cause. Indeed, he concludes that Christian and natural law permit violence, since "if it is licit to take up the sword and use arms against internal evildoers and against seditious citizens, [...] it is also licit to use the sword and arms against external enemies", so that "the legality of defensive war cannot be doubted, since it is licit to repel violence with violence" (de Vitoria, 1963: 242). Grotius later came to the same conclusion, stating that "among the principles of nature, there is nothing that opposes war, but they all favour it [...]" (Grotius, 2020, Book I, Chap. II, I: 72).

However, after denying the legitimacy of wars to impose the Christian religion, those waged with the ambition of expanding one's own territory, and those whose purpose is the glory and private profit of the sovereign, Vitoria states that the only just cause for waging war is the injury suffered (de Vitoria, 1963: 249). Following the same line, Grotius also treats as unjust the wars of religion, those that seek to reduce a power either out of ambition or simple fear, or those that, having a just cause, are moved more by the desire for honour or some utility that benefits only the sovereign (Grotius, 2020, Book II, Chap. XXII: 193, 199 and 203), stating that "the cause of starting a war cannot be other than the injury" (Grotius, 2020, Book II, Chap. I, I: 258).

Both authors agree that not just any kind of offense is valid, but that it must be particularly serious. Vitoria mentions that it is not licit to wage war for minor injuries because "the quality of the punishment must be proportional to the seriousness of the offence" (de Vitoria, 1963: 250). Grotius similarly affirms that "the law does not have the right of death against all citizens for any crime, but only for crimes so grave as to deserve death" (Grotius, 2020, Book II, Chap. I, XIV: 277).

2.2.2. War as punishment

Even though self-defence is the main paradigm of JWT, the classical authors recognise that justice is not always achieved by rejecting the aggressor's attack, since this does not necessarily imply reparation of the damage or provide guarantees of non-repetition (Baqués, 2007: 96-97). It has already been seen that Aquinas approves this type of war when he considers licit the war that is declared against people who have not returned what they have taken by injury (Aquinas, 2010, q. 40, art. 1: 338) and therefore seeks to achieve reparation through coercion (Baqués, 2007: 98).

In the same way, Francisco de Vitoria also writes about offensive war, which is waged "to take revenge on enemies and to punish them" (de Vitoria, 1963: 249). For the Spanish friar, not only is it legitimate for the aggressor to recover what it has lost because of an unjust war, but the aggressor must also pay for the costs and the damage caused by its actions (*idem:* 250). If the aggressor decides to refuse such an obligation, then the attacked nation would have just cause to initiate hostilities and recover the lost property (Baqués, 2007: 100). But Vitoria does not stop there: "Even after the attack has been refused, the things have been recovered and peace and tranquillity have been assured, one can avenge the injury received from the enemies and punish them for the injuries inflicted" (de Vitoria, 1963: 251). The logic behind this is to demonstrate one's capabilities to the aggressor to deter future aggression (Baqués, 2007: 100).

Grotius, on the other hand, is more cautious about such wars. While acknowledging that punishment has important functions, he concludes that punitive wars are always suspected of being unjust and that they should only be carried out when the crimes are "most heinous and most manifest" (Grotius, 2020, Book II, Chap. XX, XLI: 130). Furthermore, he makes a clear distinction between punitive wars that have some social function (correcting the offender's behaviour, preventing others from being

victims of the injury, or deterring third parties from committing the injury) and those that are waged solely for the sake of revenge, which he considers to be wholly and naturally unlawful (Grotius, 2020, Book II, Chap. XX, X: 84). In fact, the Dutch jurist was the only one so far to emphasise the difference between revenge and just punishment, condemning the former absolutely (Luban, 2012: 319). Nevertheless, the recovery of what is due by an aggrieved state and the punishment of the state that has acted unjustly are just causes according to natural law and international law (Lang, 2018: 135; Peña Echeverría, 2014: 78).

2.2.3. War caused by indirect aggression

The main argument here is that states bear some responsibility for the acts committed by citizens under their jurisdiction (Baqués, 2007: 82). War by indirect aggression is considered among the just causes established by Aquinas when he says that to avenge an injury also consists in "punishing the people or the city that neglects the outrage committed by its own" (Aquinas, 2010, q. 40, art. 1: 338). Although Vitoria does not deal directly with this kind of just cause, it can be implied in his work. If the subjects of an 'Indian' sovereign were to violate the right of natural society and the right to preach, as mentioned above, the Spaniards would have the right to open hostilities, as they would be doing them an injury (de Vitoria, 1963: 224 and 229).

On the other hand, Grotius is more explicit on this just cause when he states that sovereigns are obliged to prohibit insults from their subjects and that if they fail to do so intentionally they can be punished (Grotius, 2020, Book II, Chap. XXI, I: 154). But to be able to start a just war the author requires the fulfilment of two fundamental conditions. On the one hand, knowledge of the fact, about which he says the following: "[...] it must be said that he who knows that a crime is being committed, and who can and

must forbid it, and does not forbid it, commits the same crime." (Grotius, 2020, Book II, Chap. XXI, I: 156).

The second requirement is also derived from the above: that the sovereign has the capacity to forbid it, because "he who knows certainly, but cannot forbid it, is without guilt" (*idem:* 157). He also adds that the innocent cannot be punished for the acts of some of their compatriots, so such wars should be conducted with great care (*idem:* 176-178).

But before breaking off hostilities against the state whose subjects have offended a third state, Grotius suggests two alternatives which should be exhausted: firstly, the subjects guilty of the offence should be captured and punished by its own state; secondly, the state harbouring the aggressors could hand them over to the offended state (*idem:* 160). There is also a third possibility, which consists in expelling the subjects from the territory, with the risk that another country will give them refuge (Baqués, 2007: 90). Aware of this, Grotius prohibits third states from granting refuge to persons who have "deliberately killed an innocent man or disturbed the peace of the city." (Grotius, 2020, Book II, Chap. XXI, IV: 166).

2.2.4. Humanitarian intervention

Humanitarian intervention is perhaps the most controversial cause because it is based on the possibility of violating the sovereignty of a third state in the case of serious crimes, which goes against one of the most consolidated principles of international relations (Baqués, 2007: 121). Aquinas does not write about humanitarian intervention anywhere in his *Summa Theologica,* but this is not the case with Francisco de Vitoria, who recognised that natural and divine law obliges us to help third parties in crisis situations (Baqués, 2007: 123).

In setting out the legitimate titles by which the "Indians" could come under Spanish sovereignty, he raises the possibility of

a just war against "the tyranny of the barbarian lords themselves, or of human laws that harm the innocent, such as the sacrifice of innocent men, or the killing of innocent men to eat their flesh" (de Vitoria, 1963: 231). In this way, the Spaniards could forbid them certain things considered reprehensible to defend the innocent, and if the latter refused to renounce such behaviour or customs, it would be legitimate to declare war on them (*ibid.*). Therefore, the only right that would have the capacity to activate humanitarian intervention would be the right to life, and only in situations where the crimes – in terms of quantity and quality – are worthy of rejection by all the world's religions and faiths (Baqués, 2007: 127). Regarding Grotius, Lauterpacht (1975 cited in Baqués, 2007: 128) believed that he was sure that the subject of international law was the individual and not the state, since he recognised the existence of a common law for all humanity. Consequently, when asked about the possibility of a nation defending another nation against injury, he admits that it is a complicated matter, because the sovereign has a special right over his own people and the power to punish them for the injuries he deems them to have committed. But he also says that if a sovereign exercise over his citizens "those things which no equity approves, the right of human society is not thereby closed" (Grotius, 2020, Book II, Chap. XXV, VIII: 247), so one can assume that he would approve intervention in some cases, although he does not specify which ones.

However, he does not see humanitarian intervention as an obligation, but as something that depends on the capacity of the third party to intervene. Thus, even if the cause of the subjects is just, if the danger of going to war is very high, one would not be obliged to intervene because, in Grotius' words, "he may prefer his life and his things to those of others." (Grotius, 2020, Book II, Chap. XXV, VII: 244).

2.2.5. Preventive war

Preventive war is based on the premise that starting a war before an offence is committed can sometimes be just. This is a just cause that is not reflected in the work of Aquinas and even contradicts his main postulate on the subject, which warns that a just war is one waged in response to an injury that has already been done (Reichberg, 2007: 11). Similarly, Francisco de Vitoria does not consider just war to be one that is waged before an injury has occurred (Baqués, 2007: 109). He even goes so far as to state that "it is intolerable that someone should be killed for a future sin" (de Vitoria, 1963: 263), demonstrating his complete opposition to the idea of preventive war.

Although it is true that the Italian jurist Alberico Gentili was the first to refer to preventive war, it is in the work of Grotius that we find the first concrete and systematic attempt at this type of warfare (Reichberg, 2007: 15 and 19). In the first chapter of his second book, he mentions that "the first cause of just war is the injury not yet done, which is directed against the body or against things" (Grotius, 2020 Book II, Chap. I, II: 260). But he does not accept any kind of danger. It must be present, imminent and evident:

> I confess that if the insulter takes up arms and in such a way that his intention to kill is seen, the attack may be prevented, for in moral things, as well as in natural things, the point is not found without some space; but those who admit any fear to have the right to prevent death are greatly mistaken and deceived. (Grotius, 2020, Book II, Chap. I, V: 262).

Thus, recognising that fear is a poor counsellor and that sovereigns should not take such serious decisions as to embark on an adventure of war based on it alone (Baqués, 2007: 112), he writes that:

> Fear from the neighbouring power is not sufficient. For the defence to be just, it is essential that it be necessary, which it is not if it does not consist, not only of the power, but also of the intention, and is so established that it

> is certain with that certainty which is necessary in moral matters. (Grotius, 2020, Book II, Chap. XXII, V: 193).

Therefore, not only the intent to cause harm, but also the ability to do so, must be thoroughly evidenced. He offers the following case as an example:

> For which reason the judgement of those who establish as just cause, if the neighbour, not prevented by any covenant, erects a fortress in his territory or any defence which may ever do harm, is by no means to be approved. For against such fears, fortifications and other similar remedies are to be sought in one's own territory, if there are any, not the violence of war (Grotius, 2020, Book II, Chap. XXII, V: 193).

2.3 Michael Walzer and the return of Just War Theory

Walzer can be considered the most important reference for JWT today (Baqués, 2007: 137). His academic interest in the theory was born out of his activism against the Vietnam War (1955-1975), which forced him to look for strong arguments to oppose it (Rengger, 2002: 355). Although his work seeks to distance itself from the classics, he acknowledges that they were his starting point (Walzer, 1977 [2015]: xxvi), as evidenced by the fact that the five causes of just war that have been worked on can be extracted, albeit with their due nuances (Baqués, 2007: 140). It is precisely the aim of this section to see what these variations are.

In his work, Walzer refers to the norms, customs, codes, legal rules and philosophical principles that guide military behaviour as *war conventions* (Walzer, 1977 [2015]: 44). Within these conventions, the part that concerns this thesis – *i.e.* the *ius ad bellum* – is codified in what the author calls the *theory of aggression*. This theory is based on the premise that political communities have the right to territorial integrity and political sovereignty, both of which belong to states but are derived from the rights of the individuals who make them up. Thus, "when states are attacked, it is their

members who are challenged, not only in terms of their lives, but in terms of the things they value most, including the political association they have created" (*idem*: 53).

However, since states are responsible for defending the common life created by the interactions of their individuals, the defence of territorial integrity and political sovereignty enter as just cause for starting a war (*idem:* 54). Walzer thus accepts self-defence as a legitimate motive for initiating military action (Baqués, 2007: 143). However, it should be noted that resistance is not a moral obligation, and thus the aggrieved party may seek and achieve peace at the expense of justice through appeasement (Walzer, 1977 [2015]: 69). Moreover, since the victim of aggression is not only fighting in self-defence, but against a crime that affects the whole of society, third states could join its resistance (*idem:* 59).

At this point, Walzer introduces important nuances to self-defence regarding two of its basic principles. On the one hand, he argues that the *ultima ratio* is unattainable, and even if it were, one could not be completely sure that all peaceful means have been exhausted. On the other hand, he also questions the principle of proportionality, arguing that there are things whose value cannot be calculated, such as the independence of a country or the defeat of an aggressor country (Walzer, 2004: 104-105).

Some authors believe that, apart from humanitarian interventions and preventive wars, self-defence is the only just cause under current conditions (Brown, 2018: 208; Luban, 2012: 313). However, although Walzer (2004: 34) assumes that punitive or retaliatory wars do not comply with the principles of a just war, he admits their possibility on the premise that defeating the aggressor, repelling his attack and restoring the *status quo ante bellum* may not achieve justice, as the attacked state may deserve reparations from the aggressor, which could be demanded by force (Baqués, 2007: 159). In fact, based on the premise that if members of the international community are subjects of certain rights, they can also be objects of punishment, Walzer (1977 [2015]: 62) states

that once the military actions of the aggressor have been militarily repulsed, he can be punished under the premise of repression and deterrence.

However, recognising that the doctrine of retribution is one of the most abused parts of the war conventions, Walzer (1977 [2015]: 209) argues that at the international level it is difficult to succeed in punishing individuals who are guilty of crimes, although it is possible to deter future crimes of aggression by punishing the innocent. The result would be deterrence without retribution. Indeed, a state that fails to demonstrate its ability to repel aggression is doomed to continue to be attacked (Baqués, 2007: 160), so retaliation would be justified only if the rights of innocent people are not at stake (Walzer, 1977 [2015]: 214).

Indirect aggression, although not explicitly delineated in his work, can be implied (Baqués, 2007: 153). The axiom is that governments have an obligation to prevent their territory from becoming a sanctuary or safe zone from which terrorist organisations can launch attacks against third states (Walzer, 2004: 150). Thus, after acknowledging that a situation may arise in which individuals not under the control of a state harm a third state, Walzer argues that the response of the attacked state is fully justified if these reprisals are not directed against the civilian population of the sanctuary state (Walzer, 1977 [2015]: 217). In this sense, he concedes that "if we assume that we have correctly identified the terrorist network responsible for the 9/11 attacks, and that the Taliban government was in fact their instigator and protector, then the war in Afghanistan is indeed a just war." (Walzer, 2004: 147). It may be, however, that the sanctuary state claims an alleged inability to control these individuals and therefore seeks to absolve itself of responsibility for bringing order to its territory. Walzer argues that the state should provide evidence that it has at least attempted to suppress terrorist organisations, so that in the absence of such evidence one is not entitled to claim

incapacity and would even be suspected of deliberately not wanting to suppress them (Baqués, 2007: 157).

As for anticipatory wars, the author argues that it is not always the aggressor who attacks first, since it is possible that the attack is conditioned by systemic pressures that threaten the very survival of the state and the political community for whose defence it is responsible (*idem:* 162-163). Here it is important to note that while Grotius implicitly distinguished between two types of anticipatory wars - pre-emptive war and preventive war – Walzer explicitly distinguishes them in his work, considering the latter to be unjust. Certainly, wars fought to maintain the balance of power and to avoid what is perceived as an imbalance of power that would lead to a relationship of dominance and inferiority are excluded from just causes. For the author, it is cynical to take an opponent's evil intentions for granted, so hard and objective evidence of his intentions is required (Walzer, 1977[2015]: 78). Like Grotius, he believes that fear alone is not a viable basis for justifying anticipatory warfare, so that military alliances, mobilisations, troop movements, naval blockades, and even border incursions must be analysed on an individual basis, as they are not always sufficiently valid indicators for determining hostile intent (*idem:* 80).

In addition to rejecting fear as a valid pretext, he reconsiders one of the basic maxims on which earlier thinkers had worked. In his view, the imminence of attack is too demanding and could endanger the survival of the state (Baqués, 2007: 163). Thus, instead of judging the justice of an anticipatory war on the basis of its imminence, he does so on the basis of what he calls a "sufficient threat", which must meet three requirements: there must be (1) a manifest intention to do harm, (2) a degree of active preparation that transforms the intention into an objective danger, and (3) a situation in which not fighting significantly increases the risk of survival (Walzer, 1977 [2015]: 81).

Finally, by their very nature, interventions are the most controversial part of his work. Walzer begins by acknowledging the

importance of the principle of non-intervention (Baqués, 2007: 170), but he considers three cases in which this principle does not serve the purpose for which it was designed, so that intervention would be justified (Walzer, 1977 [2015]: 88; Walzer, 2004: 91). But he himself comes to challenge his principle as sometimes unwise, since he does not consider interventions that seriously endanger third parties to be just. In this sense, if such an intervention could provoke an international war, it would be unwise and should therefore be avoided (Baqués, 2007: 175). As an example, he cites the passivity of the United States (US) during the Hungarian Revolution of 1956, stating that its intervention would have been "morally and politically irresponsible" (Walzer, 1977[2015]: 95). It should be added that in none of the three cases can the intervening state claim political privileges for its intervention, and when this happens, we must suspect that political power was its aim from the start (Walzer, 1977[2015]: 104).

The first exception is secession, where the argument is to support a national liberation movement that is being oppressed by the government. But to intervene, there must be compelling evidence that the political community to be supported exists and that its members are committed to their independence and prepared to determine the terms of their own existence. Moreover, a state that decides to intervene must pay particular attention to the harm it might cause to the people it is theoretically supporting, and refrain from intervention if the harm would be imprudent in relation to the benefits of intervention (*idem*: 93-95).

The second exception is intervention in a civil war where another power has intervened first on behalf of one of the parties. The logic is that, in cases of internal conflict, third states should generally stand aside as neutral parties, so that a first intervention by a third party would be illegitimate (Baqués, 2007: 176). Therefore, the second intervention would only be justified if it sought to redress the balance between local forces that had been distorted by the first intervention (Walzer, 1977 [2015]: 97).

Consequently, it is understood that the military activity of the just intervention must be proportional to that of the unjust one, and in no case can the aim of the war be to win it (*idem*: 100).

Finally, the third prerogative is intervention for humanitarian reasons, that is, to protect citizens of a third state who are subjected to serious human rights violations (Baqués, 2007: 179). However, there is concern that states may use the humanitarian argument as a pretext for geopolitical advantage, which is why this type of intervention can only be justified in the face of very specific, particularly serious events and provided there is a reasonable likelihood of success (Walzer, 1977 [2015]: 106-107). On the one hand, he establishes a qualitative requirement according to which intervention is only justified in response to crimes that "shock the moral conscience of humanity" (*idem:* 107). As examples, he cites massacres, rape, ethnic cleansing, state terrorism and modern versions of bastard feudalism (Walzer, 2004: 86). On the other hand, there is also a quantitative requirement, as it requires that the violations must be systematic and massive (Walzer, 1977 [2015]: 107).

The author insists that interventions of any kind are very complicated because strong states tend to use them as a means of promoting their geopolitical interests, so the right to intervene should be reserved for the most exceptional cases (Baqués, 2007: 184).

Beyond the cases and causes outlined here, other types of war would be considered unjust for Walzer, including "wars of aggression, wars of conquest, wars waged to expand spheres of influence and create satellite states, or for purposes of economic expansion" (Walzer, 2004: 17).

3 The fall of the Soviet Union as the starting point of the case study

3.1. A traumatic rupture for Russia

The collapse of the USSR in December 1991 was unwelcome for Russia, which had held a dominant position in the Soviet space. Since pre-Soviet times, Moscow had claimed a key military role beyond its borders (D'Anieri, 2023: 54). After 1991, Russia's foreign policy focused on regaining great power status as a nuclear, economic and political power, which required some territorial restoration (Shiraev and Khudoley, 2019: 39).

The post-Soviet space was vital to both Russia's leadership and its population. A 1994 poll found that most Russians favoured expansion to include former Soviet territories, with more than three-quarters supporting the reintegration of Belarus, Ukraine and Kazakhstan (Laba, 1995: 477). The following reasons have been posited for this phenomenon: (1) Geopolitically, these territories are regarded as being exclusively associated with Russia; (2) historically, they share cultural roots with Kievan Rus' (882-1240); (3) in terms of security, Russia requires a stable near abroad; and (4) economically, this region constitutes its natural zone of expansion (Shiraev and Khudoley, 2019: 126).

Russian territorial expansion has historically been driven by a perception of vulnerability. Its vast size creates border challenges, and repeated invasions have left a lasting impact on the collective memory. To ensure "strategic depth", Moscow has sought control over its neighbours. This is further fuelled by mistrust of the West stemming from invasions such as Charles XII's of Sweden (1706), Napoleonic France (1812) and Nazi Germany (1941) (Götz and Staun, 2022: 484). Lacking natural barriers on its western flank, Russia's foreign policy since Peter the Great (1682-1725) has aimed to secure its neighbourhood through control or conquest to

protect the Russian heartland (Biscop, 2024: 13). During the Soviet era, Stalin expanded this strategy by establishing communist governments to create a buffer zone against the West (Shiraev and Khudoley, 2019: 39).

The late 1980s brought challenges as the USSR was on the verge of collapse. Baltic states such as Estonia (1988) and Lithuania (1990) led independence movements, prompting Moscow to organise "international fronts" to mobilise Russians and Russian speakers against these movements (Plokhy, 2023: 25). Similar strategies were applied in Moldova, where pro-Russian separatists in Transnistria gained de facto control with Russian help. In Georgia, Russia supported separatists in Abkhazia in 1993 and later deployed peacekeepers in both Abkhazia and South Ossetia (D'Anieri, 2023: 54; Shiraev and Khudoley, 2019: 132).

But Ukraine has always been a special country for Moscow. This is partly because of cultural issues dating back to Kievan Rus' – seen as the embryo of the Russian nation-state – and partly because Ukraine is both its bridge to the West and a buffer zone with the potential to stop Western invasions (Rumer, 1994: 139). Brzezinski (2016: 46) described Kyiv as a geopolitical pivot capable of transforming Russia's status. In his own words: "Without Ukraine, Russia ceases to be a Eurasian empire" and becomes only an Asian power, a continent in which it has China as a strong competitor.

In this context, territorial claims over Ukraine are strongly rooted in Russian history and less dependent on what some scholars (Dunford, 2023; Walt, 2022; Mearsheimer, 2022; Mearsheimer, 2014b) argue was the expansion of the North Atlantic Treaty Organisation (NATO) (Kuzio and D'Anieri, 2018: 61). This is not to say, of course, that the expansion of the Western bloc has nothing to do with Moscow's perceived grievances, but that it need not necessarily be its independent variable or the only one to consider.

Certainly, Kyiv's subjugation to Moscow had been present during the tsarist era, when Ukraine was treated as a backward nation and therefore in need of "civilisation". These were, as an example, the statements of Prince Ivan Dolgorukov (1764-1823) after a visit to Kyiv in 1817:

> The khokhol [a slur term for a Ukrainian] appears to be created by nature to till the land, sweat, burn in the sun and spend his whole life with bronzed face…[H]owever, he does not grieve over such an enslaved condition: he knows nothing better…[…] the khokhol would be difficult to separate from the Negro in any way: one sweats over sugar, the other over grain. (Shkandrij, 2001 cited in Oksamytna, 2023: 504).

As Mearsheimer (1993: 55) acknowledged, Russia has dominated Ukraine for more than two centuries and has repeatedly tried to undermine its national identity. Thus, much of what is perceived as positive in Russian historiography has negative connotations for Ukraine: the "liberating tsar" Alexander II banned the Ukrainian language; Tsarina Catherine, although a symbol of modernisation for Russians, is remembered in Ukraine as the one who took away their autonomy (D'Anieri, Kravchuk and Kuzio, 1999: 70). During the Soviet period, in 1932, Kaganovich - a Soviet politician and official - claimed to Stalin that his greatest concern was the loss of Ukraine. Consequently, while it is true that at least 5 million people died of hunger across the USSR between 1931 and 1934, 3.9 million were Ukrainians. The famine was accompanied by a campaign of defamation and repression against the Ukrainian intellectual (professors, museum directors, writers, artists, priests...) and political elite, resulting in the attempted destruction of their national idea. Anyone associated with the short-lived Ukrainian People's Republic (1917) was imprisoned, sent to forced labour camps or directly executed (Applebaum, 2022: 458). In this sense, despite the fact that the famine also affected other regions, some authors claim that it had a clear anti-Ukrainian bias (Finkel, 2024: 123).

Consequently, Russian political attitudes and myths did not accept the existence of Ukraine as a state or nation separate from Russia (Laba, 1995: 477). Lester (1994) did a great work illustrating the views of the various political orientations that emerged in Russia in the 1990s regarding Ukrainian independence. In the pro-Western group – associated with Yeltsin and Foreign Minister Kozyrev – there was no alternative but to officially accept the independence of the former republics. However, there were also critical voices, such as the philosopher Aleksandr Tsipko, who claimed that without Ukraine there could be no Russia in the true sense of the word, or Anatolii Sobchak – leader of the Russian Movement for Democratic Reforms – who deplored the disintegration of the USSR and, in particular, the separation of Ukraine and Russia, going so far as to support the idea of returning the Crimean Peninsula to Russia (*idem:* 206).

Other political groups were even more explicit in their dissatisfaction with the dissolution of the USSR. The leader of the Free Russian People's Party, Aleksandr Rutskoi, described the separation of Russia and Ukraine as unacceptable and favoured independence only on condition that some territories were ceded (*idem:* 208-213). Sergei Baburin of the National Salvation Front, recognising the enormous value of the city of Sevastopol, was prepared to fight for the territory. Vladimir Zhirinovsky, leader of the Liberal Democratic Party, put forward the idea of restoring the Russian Empire in its pre-1917 form, including Finland. For republics that resisted union with Russia, the proposed solution was to dump nuclear waste on their territories and to foment inter-ethnic and/or religious wars (*idem:* 218-220). Some senior Russian officials went so far as to describe Ukraine's independence as "transitory" and discouraged various Western governments from establishing embassies in Ukraine as they would eventually be reduced to consulates attached to Moscow (Mearsheimer, 1993: 55).

3.2. A complicated independence for Ukraine

Ukraine's path to independence faced challenges, including border issues. Before 1991, the Russia-Ukraine border was an internal administrative matter, and its current form does not align with ethnographic or Tsarist-era boundaries (Laba, 1995: 457-458). Modern Ukraine was partly shaped by the Soviets, as Putin has claimed. The Don territory was partly ceded to Ukraine in 1920 and later divided in 1925 (Wilson, 2016: 634), while Crimea was transferred by Khrushchev in 1954 for economic and administrative reasons, as it was connected to Ukraine, not Russia (Kuzio and D'Anieri, 2018: 62).

Independence also revealed regional differences stemming from territorial cessions that did not align with ethnic distributions (Rumer, 1994: 131). For instance, some have claimed that "Novorossiya" was added to Ukraine to manage a challenging and unreliable province (Laba, 1995: 462). This fuelled tensions, as western Ukrainian nationalism clashed with resistance in the east and south, particularly in Donbass, where some felt that Galician Ukrainians sought to dominate the nation (Rumer, 1994: 132). But, even before Euromaidan, scholars warned against simplifying Ukrainian politics to ethnicity and language alone (Haran, Yakovlyev, and Zolkina, 2019). Ukraine's declaration of independence, therefore, surprised many, including its political leaders.

On 24 August 1991, when the coup against Gorbachev failed, the Verkhovna Rada (Ukraine's parliament) declared independence, appointed Leonid Kravchuk as president and set a referendum for December 1991 (D'Anieri, 2023: 33). Only 50% of the votes in the Rada were required to pass a declaration of independence, but in the end a 2/3 constitutional majority was achieved with 321 votes in favour. D'Anieri, Kravchuk and Kuzio (1999: 25) offer three explanations for this unexpected parliamentary majority. First, the Ukrainian Communist Party (UCP) was forced to concede because the growing opposition that

had emerged in Ukraine was moving in that direction. Second, due to the attempted coup in the USSR and the incompetence of the authorities in dealing with it. Finally, it seemed that Yeltsin's leadership would eclipse Gorbachev's in Moscow, so that a Soviet regime in Ukraine seemed impossible.

With independence declared by the Rada, it was time for a referendum, which was held on 1 December 1991. Surprisingly, with a turnout of 84.1%, 90.3% of the Ukrainian population voted "yes" to the question "Do you support the declaration of independence of Ukraine?" It is important to note that in all regions of the country, including Crimea and the city of Sevastopol, most of the population supported independence. Admittedly, the percentages were lower in some regions, with 54.2% in Crimea and 57.1% in Sevastopol, but in both Donetsk and Lugansk 83.9% voted in favour of independence (D'Anieri, 2023: 35). Since there was no deep-rooted national sentiment in the east and south of the country, it is important to ask why the population supported independence. There were three main factors: people's dislike of Gorbachev, the perception that the USSR was exploiting Ukrainian resources, and the hope that independence would improve living standards (D'Anieri, Kravchuk and Kuzio., 1999: 29).

But the challenges ahead for Ukraine were considerable, as it faced a quadruple transition: democratisation, transition to a market economy, state-building and nation-building (*ibid*: 3). And the conditions in which it found itself were not optimal for this, in part due to an imperial and Soviet legacy. Democratisation was hindered by a political system that was overly influenced by informal institutions and actors, *i.e.* the oligarchs (Ramas, 2016a: 190). In terms of economic transition, there was a strong anti-market bias stemming from communist ideology (D'Anieri, Kravchuk and Kuzio., 1999: 139) and it did not help that the industrial sector Ukraine inherited was not internationally competitive (Sauvageot, 2016: 230). Moreover, the failure of privatisation limited tax collection and contributed to the

persistent state budget deficit (D'Anieri, Kravchuk and Kuzio., 1999: 205). The economic situation was exacerbated by a state structure characterised by administrative deficiencies and high levels of corruption (*idem:* 138). Finally, nation-building was also complicated by the fact that the borders with which the Slavic country became independent included territories that had been part of different empires and were subject to different historical trajectories (Ferrero-Turrión, 2016: 227). In addition, Ukrainian identity was relatively diffuse because of the harsh and constant repression of its national idea (D'Anieri, Kravchuk and Kuzio, 1999: 45).

3.3. The emergence of tensions between Russia and Ukraine and the role of the West

Russia's inability to accept Ukrainian independence and Ukraine's determination to maintain it soon came into conflict. Ukrainian nationalist sectors, aware of Russia's territorial claims, were quick to assert Ukraine's European identity, in some cases with strong negative connotations towards Moscow. Ukrainian security sectors pointed to the country's European integration as a protective measure against Russia and treated Moscow as Kyiv's biggest threat (Rumer, 1994: 139).

The desire to maintain its independence against the will of the Russians led Ukraine to adopt an ambiguous position on nuclear weapons stationed on its territory. While it is true that both the parliament and the population supported the idea of a non-nuclear Ukraine – largely because of the unpleasantness of the Chernobyl nuclear accident in 1986 – Russian threats to the country's territorial integrity and independence caused Kravchuk to reconsider giving up nuclear status (Bluth, 2019: 81-83). Mearsheimer (1993: 50) was one of the advocates of a nuclear Ukraine, arguing that nuclear deterrence was the best way to prevent a possible Russian reconquest. Some Ukrainian politicians claimed that without nuclear weapons the Russians would have

already done to Ukraine what they had done to Georgia, Moldova or Azerbaijan (D'Anieri, 2023: 53). Likewise, without nuclear weapons and an ambiguous attitude towards them, many world leaders would not have stopped in Kyiv on their visits to the post-Soviet space (Rumer, 1994: 138).

Nevertheless, in November 1993 Ukraine decided to ratify the START I Treaty and the Lisbon Protocol, but with certain conditions. On the one hand, it demanded financial compensation for giving up its nuclear status and, on the other, binding security guarantees and recognition of its territorial integrity (Bluth, 2019: 92). In the end, Ukraine's denuclearisation was part of the Cooperative Threat Reduction Programme and security guarantees were provided through the Budapest Memorandum (1994), whereby the US, UK and Russia committed not to violate Kyiv's territorial integrity or political independence except in case of self-defence (Plokhy, 2021: 326).

Apart from the anti-Russian overtones of an independent Ukraine and its status as a nuclear power, there is also the controversial issue of the Black Sea Fleet, whose status was not settled by the Belavezha agreements (1991). The first crisis in this regard arose when Admiral Kasatonov ordered the fleet's personnel to board the ships and take them outside Ukraine's maritime borders (Zygar, 2023: 325). In this context, it is worth noting that in January 1992 Yeltsin declared that not only the fleet but also Crimea was and would be Russian. The Russian parliament also passed a resolution questioning the legality of the 1954 transfer of the peninsula (Kuzio and D'Anieri, 2018: 71). Kravchuk and Yeltsin agreed to meet in Masandra (Crimea) in 1993 to negotiate the division of the fleet, but a week before the meeting Russia cut off Ukraine's gas supplies for non-payment of its debts. The cut-off meant a particularly harsh winter for the Ukrainian people and the bankruptcy of many industrial enterprises. Moscow then offered to cancel the debt in exchange for control of the fleet and naval base at Sevastopol and the renunciation of nuclear weapons

(D'Anieri, 2023: 43). The issue was resolved in 1997, with 80 per cent of the fleet's ships handed over to Russia and a lease until 2017, allowing it to station up to 25,000 personnel at the base (Plokhy, 2021: 325). In the same year, both sides signed the Treaty of Friendship, Cooperation and Partnership, in which they reaffirmed and accepted their borders and pledged to respect their integrity (Kuzio and D'Anieri, 2018: 72).

In terms of tensions with the West, while the issue of NATO's bombing of Yugoslavia has nothing to do with Ukraine, it helped to create a resentment in Moscow that would be later part of the context of the current conflict. The interventions in Bosnia in 1994 and 1995, and especially NATO's decision to bomb Serbian positions in 1999, were viewed with hostility by the Russian leadership and population. Moreover, the 1999 intervention in Kosovo took place only two weeks after the Czech Republic, Hungary and Poland had joined the North Atlantic Treaty Organisation (NATO) (D'Anieri, 2023: 97), thus demonstrating the alliance's appropriation of one of the functions of the United Nations Security Council (UNSC) (Ortega, 2020: 170). The conclusions drawn by Moscow were that the Atlantic Alliance could intervene militarily when it benefited its interests and that it could do so to the detriment of Russian interests, thus ignoring its veto power and relegating Russia to the status of a second-tier power (Haukkala 2015: 29).

As for NATO expansion, while there was no official pact renouncing its expansion into Soviet space, some verbal statements were interpreted by the Kremlin as a compromise. The misunderstanding, according to D'Anieri (2023: 63), was caused both by the speed of events at the time and by disagreement over which measures constituted a deterioration of Russian security. There is no doubt that NATO enlargement irritated Russia, but given all that has been discussed, it cannot have been the root cause of the tensions that emerged more than five years before the first wave of enlargement and must be sought in other issues, such as

Russia's conception of its national identity, its borders and its role in the region (Kuzio and D'Anieri, 2018: 73).

4 The road to the first invasion in 2014

4.1. The Orange Revolution

After the USSR's dissolution, Ukraine's political elite was largely former Soviet leaders who deprioritized economic reform (Rumer, 1994: 130). Political challenges included Crimea's 1992 independence declaration, annulled for greater autonomy, and a 1993 Donbass workers' strike that led to Prime Minister Leonid Kuchma's resignation and snap 1994 elections (D'Anieri, 2023: 44-47). Kuchma, a Russian-speaker from the east, defeated nationalist Kravchuk with 52% of the vote, gaining support from eastern and southern Ukraine. His win eased Crimean secessionist sentiment, further stabilized by pro-Russian Yuri Meshkov's election as Crimean parliament speaker (*idem:* 72-75).

In 1999, Kuchma, campaigning as an anti-communist, won 58% of the vote, consolidated power following Moscow's model, and gained oligarch support through privatization (*idem*: 104). However, corruption scandals, including journalist Heorhi Gongadze's murder, sparked outrage, alienated the West, and pushed Kuchma closer to Putin (Plokhy, 2021: 57-59).

Kuchma's weak opposition helped him win in 1999, but by 2004, the opposition had united. Karatnyutcky (2006, cited in Copsey, 2010: 34) attributes this to a presidentialist system holding Kuchma accountable for everything happened in the country, a privatization that empowered independent oligarchs, and his diminished credibility after Gongadze's death. In 2002, Yushchenko, a pro-European former ally, broke the Communist Party's dominance. Facing unpopularity, Kuchma backed Yanukovych, a Donetsk politician with weak Ukrainian language skills, as his 2004 successor (Ramas, 2016: 197-198).

The first round of the 2004 election was very close, with Yushchenko winning 39.9% of the vote to Yanukovych's 33%.

Following Yanukovych's declaration of victory in the second round, Yushchenko denounced electoral fraud and called on his supporters to protest, leading to the occupation of the Maidan by a well-organised crowd (McFault, 2007: 49). The protests forced the Supreme Court to annul the results and call for a third round, which Yushchenko won with 52% of the vote in a fair election (Aslund, 2015: 69).

A crucial factor in his success was the transformation of informal social networks into a civil society capable of mobilising popular support (Copsey 2010: 31). Indeed, the role of external factors in the civic movement is often overestimated and exaggerated, ignoring the possibility that Ukrainian voters made their political choices based on domestic issues (*idem:* 35). Some authors also tend to underestimate or ignore the role of Russia, downgrading Yanukovych to the status of a mere friend of Moscow and dismissing the pressure that the Kremlin has always exerted on Ukraine's domestic affairs (Kuzio, 2019).

The West also played an important role in the events of 2004, notably through the Organisation for Security and Cooperation in Europe (OSCE), which denounced electoral fraud and supported the protests (Copsey 2010: 37). Western-funded NGOs such as the National Democratic Institute, the International Republican Institute and the Soros Foundation supported the opposition, but largely because the ruling parties did not seek such support. Similarly, organisations such as "Pora" received valuable training in means of peaceful mobilisation (Shulman and Bloom 2012: 454). In terms of civil society and NGOs, however, there is no evidence that the movement was overwhelmingly supported by an "anti-Russian" West. For example, it has been estimated that of the $1.56 million received by the "Pora" group, only $130,000 came from outside donors (Copsey 2010: 40).

While Western interference focused more on building democratic institutions, Russia was openly partisan in its direct

support for Yanukovych (Shulman and Bloom 2012: 455). Russian support included political advisers such as Gleb Pavlovsky, state media support, vote rigging, pressure on dependent voters and probably tens of millions of dollars. Estimating Russia's financial support for Yanukovych's campaign is rather complicated, as there are different sources with radically different assessments. Some put the figure at a modest $5-10 million, others at $500-600 million, while other sources suggest an intermediate figure of $300 million. The lack of transparency of this support makes it difficult to clarify the figure, but what is clear is that Yanukovych was not short of funds and could afford any project he set his mind to (Petrov & Ryabov, 2006; 152-153; Wilson, 2014: 46; Yekelchyk, 2020: 120). Russian media, which are widely watched in Ukraine, also promoted Yanukovych. Unlike the US and European countries, which refrained from endorsing candidates despite favouring Yushchenko, Putin leveraged his popularity and visited Kyiv before the vote (Copsey, 2010: 36-37).

It is important to note that despite Russian intervention, Ukrainians perceived more interference from the West due to the transparency of its organisations. However, most Ukrainians opposed foreign influence in their politics, reflecting a strong sense of independence (Shulman and Bloom, 2012: 471). Nevertheless, the peaceful transfer of power in 2004 marked a milestone in Ukraine's democratic process (Tsygankov, 2015: 281). From Moscow's point of view, the Ukrainians had nothing to do with organising the protests, which were not a genuine action by Ukrainian civil society, but a piece of theatre staged by Western-funded groups (Popova & Shevel, 2024: 73). D'Anieri (2023: 133-134) identifies this event as a turning point, marking a shift from cooperative to adversarial relations, with Ukraine as the focal point. For the West and pro-Western Ukrainians, a new status quo was created and any effort to undermine it represented a threat, and for Russia and pro-Russian Ukrainians the status quo had been disrupted and needed to be re-established.

4.2. From Association Agreements to Euromaidan

The Orange Revolution was a non-violent transfer of power through a democratic process. However, it was not a new dawn in Ukrainian politics (Capsey 2010: 42). Cracks began to appear within the orange coalition, plunging Yushchenko's tenure into political and institutional instability. Tymoshenko and Yushchenko began to accuse each other of corruption, demonstrating to the population that it was business as usual (Kuzio and D'Anieri, 2018: 80).

At the international level, 2008 saw what some authors (Dunford, 2023; Walt, 2022; Mearsheimer, 2014b) have described as the cause of the Ukrainian war and the poor relations between Russia and the West: the NATO summit in Bucharest. The US had intended to offer Ukraine and Georgia a Membership Action Plan (MAP) to eventually become members. But German Chancellor Angela Merkel and French President Nicolas Sarkozy rejected the proposal because NATO was unpopular in Ukraine and Georgia had two unresolved territorial conflicts (Zygar, 2023: 252). In fact, according to a survey, 61% of Ukrainians did not view their country's accession to NATO positively and only 24% supported the idea (Tsygankov, 2015: 89). Thus, in the end, both countries were not offered membership, but a statement was made indicating the intention to offer it in the future (Kuzio and D'Anieri 2018: 80).

According to Biscop (2024: 23), this was a strategic mistake, but at no point does this mean that the West is responsible for the invasion of Ukraine, despite having acted naively. For the author, the reality is that Russia has considered Kyiv as part of its sphere of influence and thus sought to maintain the strategic depth on its western borders. Be that as it may, the Kremlin did not like the declaration and months later invaded Georgia to draw its red lines. As for Ukraine, Moscow reiterated that it was not even a real country and threatened that if it joined the organisation, it would do so without Crimea and the eastern part of the country (Zygar, 2023: 252).

Turning to Ukraine's domestic politics, presidential elections were held in 2010. Yushchenko, who until then had been the most popular president in Ukraine, barely won 5% of the vote in the first round. The winner, with 48.95% of the vote, was Yanukovych, who, like his predecessors, subsequently sought to consolidate his position by controlling the country's legislature and judiciary (Ramas, 2016a: 204).

In the 2012 parliamentary elections, his Party of Regions won with 30% of the vote, using all "administrative resources" (D'Anieri, 2023: 175). However, according to D'Anieri (*idem:* 201-202), the concentration of power failed for three reasons. First, regional diversity made it difficult to build a single political force in the country. Second, due to the growing willingness of Ukrainians to protest, despite the disappointment of the Orange Revolution. And, paradoxically, the third factor was the pluralism of the oligarchic forces, which did not allow for this concentration of power.

Internationally, Yanukovych decided to move closer to Moscow. In 2012, he passed a law *de facto* establishing Russian as the second state language, although this required a constitutional amendment requiring a parliamentary majority that Yanukovych did not have. He signed the Kharkiv agreements, which extended the lease of the Black Sea Fleet for 25 years and increased the number of Russian troops that could be stationed in Ukraine in exchange for lower gas prices (Zygar, 2023: 266). But he also tried to follow the pro-European line because it was quite popular in Ukraine, playing a dangerous game of double-dealing (D'Anieri, 2023: 185). On the one hand, the EU launched negotiations for a new generation of Association Agreements (AA) in the framework of its Eastern Partnership, including the so-called Deep and Comprehensive Free Trade Area (DCFTA). On the other hand, Moscow's launch of its own regional project led to the existence of two incompatible projects in a common neighbourhood. Both Russia and the EU perceived the other as motivated by negative

geopolitical intentions, thus fostering not only mistrust between the two sides, but also the use of increasingly radical countermeasures. Thus, the spiral in which they became entangled was not a product of their actions, but of their assumed perceptions of each other's intentions (Casier, 2018: 26).

Yanukovych had incentives to accept the EU's offer. Much of the population hoped that Europe would improve their quality of life, and some Ukrainian oligarchs saw greater market opportunities in Brussels than Moscow could offer (Aslund, 2015: 95). But the EU also demanded notorious political conditionality, centred on Tymoshenko's imprisonment and allegations that her arrest was politically motivated (D'Anieri, 2023: 189). European demands for reform, combined with strong pressure and various incentives from Moscow, led to Yanukovych's refusal to sign the association agreements (Aslund, 2015: 97), which resulted in the Kremlin buying €15 million of Ukraine's debt and almost halving the price of gas (D'Anieri, 2023: 99).

The refusal to sign the agreements was a victory for Russia, but people soon took to the streets. Onuch (2014: 46) mentions that unlike the Orange Revolution, the 2013 protests were more widely spread across the national territory, were not as organised and lacked a clear leader, so the opposition simply took advantage of the window of opportunity. In its early stages, Euromaidan aimed to influence decision-making on a foreign policy issue. However, it soon developed into a seemingly revolutionary movement aimed at overthrowing Yanukovych. The turning point were the laws of a repressive nature, very similar to those passed by President Putin in 2011, and the conflict was further radicalised with the first deaths in January 2014 (Ramas, 2016b: 43).

The West has always condemned the violence of the protests, both on the part of the demonstrators and the government. Visits to Maidan Square by the US Deputy Secretary of State and the European High Representative made it clear that the West was in favour of the opposition and the uprising. Some

of the US senators who had appeared during the Orange Revolution were back in the Independence Square. John McCain addressed the demonstrators, saying: "People of Ukraine, this is your moment. The free world is with you, America is with you, I am with you". In the same vein, Christopher Murphy guaranteed that in the event of a successful Maidan, the US would be at their side (Walker & Grytsenko, 2013 cited in Ruiz Ramas, 2016b: 71). Certainly, Western representatives encouraged the protesters and the Kremlin viewed this with indignation, once again confirming its perception that the West was behind the revolutions and that the next one would take place in Moscow.

But it is also worth noting the interference of Russia, whose intelligence services had infiltrated the Ukrainian security forces during Yanukovych's presidency and provided advice and equipment to the Ukrainian riot police. The Russian political elite supported the counter-protests, and its intelligence services financed and trained the anti-Maidan forces. In addition, protesters – so-called political tourists – were transported from Russia to Donetsk, Lugansk and Kharkiv, and from Transnistria to Odessa (Ishchenko, 2024: 13; Kuzio and D'Anieri, 2018: 99-10).

By mid-February, the government began to lose control of the situation and hundreds of people, including police and protesters, were killed. Faced with this situation, Yanukovych struck a deal with the opposition that included the formation of a new government, early presidential elections and a return to the 2004 constitution, which gave the president more limited powers. However, fearing that Yanukovych would cling to power in the next elections, the protesters accepted nothing less than the president's resignation and soon began to occupy government buildings, forcing him to withdraw from the capital and eventually from the country. Faced with a power vacuum, the parliamentary opposition formed a provisional government and declared Turchynov as acting president (Plokhy, 2023: 97). The interim government pledged to restore the 2004 constitution, set a date for

the next elections, promised to investigate human rights violations committed during the uprising and, of course, signed the AA. While in Brussels this was viewed as progress towards a democratic, peaceful and economically prosperous Europe, the Kremlin saw it as a "Nazi coup" and an intrusion into its sphere of influence (Aslund, 2015: 104).

It is true that according to the Ukrainian constitution a motion of no confidence requires a two-thirds parliamentary majority, and that the Rada passed it with a simple majority since many deputies from the Party of Regions had fled (Plokhy, 2023: 98), which served as a pretext for the Russian authorities to describe it as a coup d'état. While it is true that the transfer of power cannot be considered legal because it did not meet the required majority, some authors question whether it can be classified as a coup (Ramas, 2016b: 92; Ishchenko, 2024: 12; Popova & Shevel, 2024: 155). In addition, although far-right supporters were a minority during the protests, their persistent presence and propensity for violence gave them disproportionate influence (D'Anieri, 2023: 206), providing the elements for Moscow to label it a "Nazi coup". Already in 2003 Russia began to label pro-Western Ukrainian politicians as "Nazis" and warned of the dangers of neo-Nazism in Ukraine. This was repeatedly pointed out by the Russian media with the aim of demonising and discrediting anyone who did not choose a pro-Russian political direction. Eventually, Nazi words and symbols were used by Russia to refer to the whole of Ukraine and its democratically elected government (Fortuin, 2022: 327), even though Svoboda – Ukraine's largest far-right party – did not enter parliament because it failed to reach the 5% threshold (Ishchenko, 2024: 16).

4.3. The annexation of Crimea and the intervention in Donbass

The Euromaidan did not go down well in Moscow. Of course, not all Ukrainians shared the Euromaidan sentiment. The inhabitants of eastern Ukraine felt wronged by the authorities in Kyiv, as they

always felt that they were treated as second-class citizens by the central government. As a result, the illegal change of authorities was viewed with fear and some people took to the streets in protest. However, as will be seen below, Ukrainian citizens were not alone (Zygar, 2023: 3019) and it is even questionable whether they constituted most of the protesters.

As noted above, Moscow saw Yanukovych's removal as a threat and called it a "Western-backed Nazi coup". The response was not long in coming when, on 27 February 2014, sixty armed men entered the Crimean parliament and council of ministers and raised Russian flags over the government buildings. Allegedly, the parliament met and voted to replace the Crimean prime minister with the pro-Russian Aksyonov (D'Anieri 2023: 218), whose party had won less than 5% of the vote in the last elections (Plokhy, 2023: 112). During the parliamentary session, the legitimate President Mogilev was denied access to parliament, but his vote was apparently recorded. The next day, Russian soldiers without insignia – the so-called "little green men" – took over the airports of Simferopol and Sevastopol, and hundreds of veterans from Afghanistan and Chechnya, as well as athletes and members of Russian patriotic clubs, arrived in Sevastopol (Zygar, 2023: 296).

On 1 March, the new Crimean president called for Russian intervention to "ensure peace and tranquillity" in the territory, and on 16 March the referendum was held to ask the population whether they were in favour of Russian annexation. With an estimated turnout of 83%, 95.5% of the population voted to join Moscow. Considering that, according to surveys by the Kyiv International Institute of Sociology (KIIS), only 41% of the Crimean population supported the idea of joining Russia before Yanukovych's fall (Kyiv International Institute of Sociology [KIIS], 2014 cited in D'Anieri, 2023: 220), the results of the referendum do not seem to reflect reality. Indeed, Andrei Zubov - a professor at the prestigious Moscow Institute of International Relations - compared the annexation of Crimea to Nazi Germany's

annexation of Austria, for which he was subsequently dismissed (Plokhy, 2023: 116). Thus, on 17 March, Crimea asked to be annexed to Russia, and 21 March was chosen to get this done (D'Anieri, 2023: 221).

At the same time, tensions were rising in the Donbass. On 7 April 2014, anti-Maidan forces began to occupy government buildings in Donetsk and Kharkiv and declared themselves independent people's republics. The declaration of the LNR was made twenty days later by separatists outside their territory. The central government announced the Anti-Terrorist Operation (ATO) in the separatist regions on 13 April. As in Crimea, referendums were held in the DNR and LNR on 11 May and independence was declared the following day, with Borodai – former Major General of the Russian FSB – as prime minister of the DNR and Girkin – a former Russian army and FSB officer - as its self-proclaimed supreme commander (*idem:* 225).

From the outset, the Kremlin denied its involvement in the events described above, but the evidence made its narrative untenable. When Moscow acknowledged that there had indeed been an intervention by Russian forces, it did so on a variety of legal grounds. In Allison's view (2014: 1259), the purpose of these justifications was not to convince other states of the legality of their actions, but to create uncertainty in the international community to limit punitive responses. In the following subsections, some of the arguments used explicitly and implicitly to justify their actions are assessed and contrasted with the just causes set out in the theoretical framework. Some just causes have been directly excluded (punitive war and war caused by indirect aggression) because they have never been invoked by Russia.

4.3.1. War of self-defence

Moscow invoked self-defence, citing an alleged territorial threat to Russia and the Russian Black Sea Fleet. Serious human rights

violations against the Russian-speaking population in Ukraine were also cited, but this will be discussed in a separate section. The reality is that there was no armed attack on the territorial integrity of the Russian Federation prior to the Russian intervention, so self-defence could not be claimed (Bílková, 2014: 39). There has been no deployment of Ukrainian troops on its territory, nor is there any evidence that the Black Sea Fleet has been attacked by the Kyiv government (Wisehart, 2014).

Moreover, apart from the accusations, Russia has not bothered to provide any credible evidence that its forces stationed in Ukraine have been attacked, let alone that its territory has been attacked (Allison, 2014). Thus, the claim of self-defence can be dismissed with the conclusion that the facts do not support the requirements for military intervention in Ukraine, as its right to territorial integrity and/or political sovereignty was not threatened by the Ukrainian government.

4.3.2 Preventive war

It has already been seen that the Kremlin has opposed NATO enlargement since the 1990s. It is an undeniable fact that the Atlantic Alliance has expanded against Moscow's will, breaking the tacit agreement between the leaders of the time. In addition, the Alliance has waged extraterritorial wars in the Balkans and Libya and deployed an anti-missile defence system in Eastern Europe (Edinger, 2022: 1890).

Mearsheimer (2022; 2014), Dunford (2023) and Walt (2022) argue that NATO's successive enlargements (1999, 2004 and 2009) have been perceived as hostile to their national interests. Foreign Minister Lavrov has even accused the EU of trying to create spheres of influence in Eastern Europe to the detriment of Russia. But their arguments have been criticised by other scholars. For example, Toal (2017 cited in Specter, 2022: 255) argues that Mearsheimer makes fear – which, let us remember, is a bad advisor

– the sole explanatory variable of the conflict. However, he does not explain why the war did not explode when NATO accepted the Baltic states in 2004. It can be argued that Russia did not yet have the capacity to enforce its red lines, but this would not explain why it did not react in the same way to Finland's entry into the alliance (Oksamytna, 2023). Thus, even though structural realism is undoubtedly necessary, it is not sufficient to explain or predict state behaviour. While Mearsheimer accuses the West of idealism for thinking that institutions could solve the security dilemmas in post-Cold War Europe, for D'Anieri (2019: 19) the argument that giving in to the territorial demands of great powers will satisfy their quest for power and bring peace is equally idealistic and morally questionable. Indeed, Mearsheimer himself concedes that appeasement is a bad strategy:

> It would be foolish for a state not to gain as much power as possible, because a state's prospects for survival increase as it accumulates additional increments of power. Furthermore, the appeased state's capability to gain even more power would be enhanced - probably substantially - by the additional power it was granted by the appeaser. In short, appeasement is likely to make a dangerous rival more, not less, dangerous (Mearsheimer, 2014a: 156).

Moreover, while Moscow's fear is emphasised, the fear of the Eastern European states is ignored, and their role as a decisive factor in shifting the balance of power in the region is minimised. Thus, knowing that Russia would one day rise again and regain its influence in Europe, the Eastern European countries rushed to join NATO (Edinger, 2022: 1877). In this sense, according to Kuzio and D'Anieri (2018: 9), the expansion of NATO followed the imperatives of structural realism. Edinger (2022: 1877) even goes so far as to claim that Mearsheimer's assessment does not follow the logic of realism, since, according to him, the Atlantic Alliance should have expanded faster and perhaps, with Ukraine inside, Russia would not have invaded Crimea and Ukraine would have been safer.

However, and to return to the issue at hand, it is questionable to what extent Moscow really believes that the plans of the Atlantic Alliance include invasion or aggression against its territorial integrity (Edinger, 2022: 1896). At the very least, it has never demonstrated that this is one of its intentions. Aznar (2018) argued that not only does NATO not intend to pose a threat to Moscow, but it does not even have the capacity to do so. Following this line, former Russian Prime Minister Primakov admitted that NATO enlargement is not so much a military problem as a psychological one (Primakov, 2001 cited in Edinger, 2022: 1890), and the JWT does not consider the fear of a neighbouring country to be sufficient. Walzer even goes so far as to mention that military alliances are not always a sufficiently valid indicator of hostile intentions, and certainly Moscow has provided no evidence that NATO has plans to invade its territory. In any case, Ukraine was not a member of the Atlantic alliance in 2014, and it was not even clear when, if ever, it would join.

4.3.3. Humanitarian intervention

Another of Russia's most frequently cited justifications for its intervention in Ukraine was the protection of Russians and Russian speakers in Ukraine. However, as several scholars agree, there is no evidence that Russian citizens in Crimea and eastern Ukraine were subjected to systematic and massive atrocity crimes prior to the intervention (Marxsen, 2016; Grant, 2015; Bílková, 2014; Wisehart, 2014; Allison, 2014). Pupcenoks and Seltzer (2021: 771) argue that there is a broad consensus among experts that the situation in Ukraine did not meet the requirements for humanitarian intervention, as there was no imminent genocide or atrocity crimes of a similar nature. Thus, without the existence of serious human rights violations, there can be no moral basis for arguing for humanitarian intervention (Marxsen, 2016: 19).

It is true, as Dunford (2023) mentions, that the Ukrainian Rada voted to repeal the law passed by Yanukovych in 2012 that gave special status to the Russian language and, according to the author, Russian was "eradicated from education, official documents, radio, television and non-electronic media, as well as from economic life". However, the author neglects to mention that the Ukrainian government ultimately did not sign the law, thus preserving the status of the Russian language (Giuliano, 2018), although after the annexation of Crimea and the Russian intervention in Donbass, measures were indeed taken to reduce Moscow's influence in the country, including some policies that violated the rights of Russian speakers. But there is no mention of certain realities in Ukraine, such as the fact that most newspapers are in Russian and that the most watched TV channel in Ukraine (Inter) has always been presented in Russian (Kuzio, 2019).

In contrast, language grievances in Ukraine have historically been low, as shown by various field studies (Kuzio, 2019; Giuliano, 2018). Only 9.4% and 12.7% of the population in Lugansk and Donetsk, respectively, claimed to be concerned about the imposition of a single language in 2014, and 80% in eastern and southern Ukraine denied that there was discrimination against Russian (Kuzio, 2019). As for Crimea, according to a May 2013 survey, only 4% of respondents said they were concerned about the status of the Russian language (International Republican Institute [IRI], 2013). Regarding discrimination in general, according to data from KIIS (2014 cited in Giuliano, 2018) in 2014, 35% of respondents answered that their rights were not respected in Ukraine, while 59% disagreed with such a statement. The perception of discrimination is surprisingly low, considering that Ukraine has almost eliminated the law and all propaganda used by the Kremlin (ibid). The issue of Russophobia and discrimination against Russians - both by Ukraine and by the West in general - is widely cited in the Russian media, but Faraldo (2023) strongly denies this reality. In his opinion,

> Russophobia, to be such, should have become a systematic and continuous consideration, both on country's foreign policy and on its inhabitants outside it. There was no such thing. There have been no anti-Russian pogroms, there has been no systematic discrimination of Russian citizens for the fact of being Russian [...] Russophobia lacks a persecuting, discriminating, let alone eliminating history (Faraldo, 2023: 115-116).

Therefore, minor sporadic incidents cannot be used to justify humanitarian intervention. Bílková (2014: 48) adds that even if evidence of systematic atrocities had been found, the scope of the military operation and its objectives would still be problematic.

The paradox of the situation is that since the annexation there have been reports of human rights violations on the Crimean Peninsula, particularly against the Tatar population and other residents who allegedly did not support the referendum (Allison, 2014; Yekelchyk, 2020: 118). There have been reports of people being forced to emigrate for not accepting Russian citizenship, some Islamic organisations have been banned, Tatar-language television and radio have been banned, and leaders of their community have been arrested (Grant, 2015: 35). The number of Tatar schools has been reduced from 13 to 7, and Ukrainian schools have been closed (Kuzio, 2019).

4.3.4. Intervention for secession

In the case of Crimea, although it is true that its population have a collective identity that is more linked to Russia than to Ukraine, Bílková (2014: 32) questions whether they constitute a separate political community. Moreover, the organisers of the self-determination referendum established an apocalyptic discourse in which the choice was between Russia and a "Nazi dictatorship"; a rhetoric that was not only unfounded but also imposed, with opposition to such movement silenced even by physical intimidation (Grant, 2015: 29). Looking at polling data, in May 2013 only 23% of respondents in Crimea said that the peninsula

should be separated from Ukraine and ceded to Russia. On the contrary, 67% of respondents said that Crimea should remain within Ukraine, even if they disagreed on how it should be integrated (IRI, 2013)

The situation was even worse in the Donbass, where the atmosphere was one of widespread fear and violence. In Grant's (2015: 24) view, war is no place to vote and decide the constitutional future of a country. Nor should one ignore polling data from KIIS (2014 cited in Giuliano, 2018), which shows that even in the Donbass, support for separatism has always been low, with only 29% of respondents supporting the idea and a majority of 52% opposing it. Looking at the April 2014 KIIS data, we see that only 30.3% of respondents in Lugansk said they agreed with the idea that their region should secede from Ukraine and join Russia, while 51.9% said they disagreed. Similarly, only 27.5% of respondents in Donetsk said they agreed, while 52.2% rejected the idea (KIIS, 2014). According to another poll in December 2014 – which excluded the Crimean Peninsula and the non-government-controlled regions of Donbass – when respondents were asked what the ideal system of government for Ukraine would be, only 4% answered the secession option (Chaisty & Whitefield, 2017). In this sense, while it is true that there is a genuine separatist sentiment in the region, which has emerged sporadically since the 1990s, it is questionable to what extent it is a majority-held sentiment.

Even when listening to those who voted for secession, the motives had little or nothing to do with a perceived Russian identity. Rather, their concerns were local, highlighting perceptions of unequal and unfair economic redistribution, worries about the economic impact of EU membership, and fears of nationalist radicalism that were exaggerated and encouraged by the Russian media (Giuliano, 2018). Moreover, Giuliano's study *(ibid)* found that the "*Novorossiya*" project was not mentioned by ordinary citizens of the Donbass, even among those who

participated in the protests. Other field studies conducted in government-controlled areas of eastern Ukraine found that only 15% of respondents supported "*Novorossiya*" as a basis for separation from Ukraine (O'Loughlin *et al.*, 2017: 33 cited in Arel & Driscoll, 2023: 43). Although surveys are an imperfect measurement tool, Arel & Driscoll *(ibid)* believe it is reasonable to conclude that the majority of people did not support the legitimacy of Putin's "*Novorossiya*" project. While it is true that there was a local population with separatist sentiments in the Donbass, political volunteers from Russia played a clear role in organising the anti-Maidan insurgency. Furthermore, both Strelkov and Borodai acknowledged the lack of commitment of the local population to the *Novorossiya* project (Matveeva 2017: 132).

Thus, it is difficult to find hard evidence of the existence of an independent political community whose members are committed to their independence and oppressed by the Ukrainian government. The data, however, would show the opposite. In any case, the fact that Russia annexed Crimea raises many questions about the aims of the intervention and suggests that political power was the Kremlin's goal from the outset.

4.3.5. Counter-intervention in civil war

For Grant (2015: 58), this justification in the Kremlin narrative has much to do with the way Moscow understands intervention. The fact that the West has sought to establish its influence in Ukraine through economic and political means does not at all make it a military intervention, which is a prerequisite for counter-intervention. In this regard, Grant *(ibid)* has argued forcefully that no multilateral body has found evidence of a pre-Russian military intervention that would rule out counter-intervention as just.

Some authors go so far as to deny the civil war status to Ukrainian war, describing it as an international conflict between Ukraine and Russia (Kuzio, 2019; Merezhko, 2018; Tsybulenko

and Francis, 2018). It is true that tensions exist between Kyiv and the Donbass, but until 2014 they had always been managed peacefully. According to Tsybulenko and Francis (2018: 138), the use of words such as "rebels" or "separatists" exploits the idea of a supposedly fragile regionalism, promotes the false idea of a civil war, and profiles Russia as the protector of an ethnic minority, which has resulted in Russia facing almost no consequences for its actions in 2014. Moreover, the same authors claim that the above notions are incompatible with the reality in the Donbass. In this regard, Kuzio (2019) believes that the description of the 2014 Ukrainian conflict as a civil war correlates with three main factors: (1) denying or reducing the role of the Russian military intervention, (2) claiming that the Russians were oppressed, and (3) exaggerating regional divisions and their consequences.

The issue of the alleged oppression of the Russian-speaking population on Ukrainian territory has already been discussed, and it has been pointed out that Ukrainian regionalism is a poor indicator for understanding Ukrainian political behaviour. Having also concluded that there is no hard evidence of Western military intervention prior to Russian intervention, it is worth noting the extent of Russian military involvement.

Merezhko (2018: 117) believes that Russia's presence in Donbass is undeniable, and Zadorozhnii (2016: 120) claims that Moscow mounted, directly managed and controlled the proclamations of the Donetsk and Lugansk People's Republics. Kuzio (2019) believes that Russian intelligence has been training pro-Russian and separatist groups in Donbass and Crimea. There is evidence that Russian GRU agents were already on Ukrainian territory in March 2014 and were the ones who organised and coordinated the anti-Maidan protests and later the militias (Czuperski *et al.,* 2015 cited in Wilson, 2016: 647). In April 2014 there was no mass revolt until Girkin arrived and he himself later admitted that it was him who "pulled the trigger of the war" and that if his unit "had not crossed the border, everything would have

disappeared – as in Kharkiv, as in Odessa" (Girkin, 2016 cited in Wilson, 2016: 648). The same idea was conveyed by President Lukashenko when he said: "Let's be honest, if it weren't for Russia, the days of the DNR and LNR would have been numbered long ago." (Lukashenko, 2014 quoted in Wilson, 2016: 649). Various phone intercepts showed Girkin asking Moscow to send more "volunteers" to keep the rebellion going. The early leaders of the separatists mostly held Russian passports, including Girkin, Antifeev, Bezler, Mozhaev, Bashirov, Koryakin and Borodai (Wilson, 2016: 647). By August 2014, the pro-Russian side was collapsing and without the help of regular Russian troops, the conflict would have ended (Haran, Yakovlyev and Zolkina, 2019).

Another aspect that clearly demonstrates the early Russian military intervention is the speed with which all the weapons appeared (Wilson, 2016: 647). Tsybulenko and Francis (2018: 126) point out that many of the weapons held by the rebels came directly from the Russian Federation and were never sold to Ukraine. To this, Kuzio (2019) adds that there were few military bases in the Donbass, as during the Soviet era they were mainly built in western Ukraine due to its proximity to Western Europe. Weapons included T-72BA, T-72B3 and T-90A main battle tanks; armoured vehicles such as the BTR-82A; GAZ-233014 "Tigr" and GAZ-39371 "Vodnik" infantry fighting vehicles; the KamAZ-5350 "Mustang" armoured truck; rocket launcher systems such as the 2B26 Grad-K; tactical surface-to-air missile systems such as the Tor M-2; Pantsir-S1 surface-to-air missiles; and Granat-1, Granat-2, Orlan-10 and Eleron-3 drones (Tsybulenko and Francis, 2018: 126). Finally, there are the troops provided by the Kremlin, both regular and irregular. Combined, the DNR and LNR armies totalled 35,000 troops, which was crucial to the secessionist victory (Kuzio, 2019).

The provision of weapons and the funding and training of militias has been confirmed by NATO, Ukraine's National Security Council, as well as various interrogations of Russian

military personnel, Russia's own media, and multiple confessions of Donbass military leaders (Zadorozhnii, 2016: 124). Both Russian weapons and troops were decisive in winning the main battles against the government (Tsybulenko and Francis, 2018; 127).

5. From hybrid warfare to full-scale invasion

5.1. Ukraine and Russia after the first war

The war reshaped Ukrainian-Russian relations and Ukrainian identity (Ishchenko, 2024: 146). As Bekeshkina (2017, cited in Haran, Yakovlyev, and Zolkina, 2019) noted, "Putin got Crimea, but he lost Ukraine." The occupation boosted the proportion of Ukrainians identifying as mostly or exclusively Ukrainian, while eliminating Crimea and Donbass's traditionally Russophile electorate (D'Anieri, 2023: 255). In 2012, 23.1% of the population identified as Russian and Ukrainian or solely Russian; by 2017, this fell to 12.4%, with only 2.5% identifying solely as Russian. Even in Donetsk and Lugansk, surveys in 2015 showed 53% and 63% identifying as mostly Ukrainian, respectively (Haran, Yakovlyev, and Zolkina, 2019).

Support for European integration rose sharply. In 2012, only 46% of Ukrainians supported joining the EU, compared to 57% in 2014. Meanwhile, support for integration with Russia dropped to 16% (Haran and Burkovskyi, 2022). By August 2022, 86% favoured EU integration, and 83% supported NATO membership, reflecting the impact of Russian aggression (*ibid.).*

Government policies mirrored these shifts. Under Poroshenko, a law banning communist and Nazi symbols targeted the UCP, drawing criticism from European authorities (D'Anieri, 2023: 250). Poroshenko also banned some Russian social networks, closed Moscow-linked channels, and passed an education reform mandating Ukrainian language proficiency, affecting 305,000 students educated mainly in Russian (*idem:* 251, 265). NATO membership was legislated as a foreign policy goal, despite limited popularity and Kyiv's distant prospects of joining (Ishchenko, 2024).

In 2019, Poroshenko lost the election largely due to his anti-Russian campaign (Plokhy, 2023: 138). Zelensky, a Russian-speaking candidate from eastern Ukraine, won decisively with 73.2% of the vote, dominating in all but one region (D'Anieri, 2023: 259). Zelensky also aimed to limit Russian influence, particularly targeting Medvechuk, a key ally of Moscow in Ukraine, by using the National Security and Defence Council to shut down Medvechuk's TV channels. He also passed a 2019 law requiring civil servants to know Ukrainian and promoting the national language while reducing Russian publications. Despite some criticism, most Ukrainians supported these measures as safeguards against future aggression (D'Anieri, 2023: 265; Plokhy, 2023: 133, 144).

Meanwhile, Russia's rhetoric denied Ukraine's nationhood, culture, and statehood (Mälksoo, 2023: 476). Both Poroshenko and Zelensky were labelled as Nazis, and claims of genocide were made against the Ukrainian government. A 2014 film, *Ukraine.ru*, portrayed Ukraine as an anti-Russian Western project (Fortuin, 2022: 330-332). In 2021, Putin published *On the Historical Unity of Russians and Ukrainians*, arguing that Ukraine and Belarus were essentially Russian nations. He claimed Ukraine's identity shift was forced and concluded that Ukraine's sovereignty was only possible in partnership with Russia (Putin, 2021).

The anti-Ukrainian narrative became much louder with the publication of an article by Sergeystev – who was the leader of Kuchma's campaign in 1999 and Yanukovych's in 2004 – during the first months of the 2022 war (Fortuin, 2022: 338). Sergeystev (2022) claimed that the "Nazification" of Ukraine began in 1989, when nationalism was politically legitimised, and advocated "denazification", *i.e.* political, educational and cultural censorship, as well as re-education through ideological repression of Nazism. According to the author, unlike Georgia and the Baltic states, "history has shown that it is impossible for Ukraine to exist as a nation-state, and any attempt to 'build' such a nation-state has

naturally led to Nazism" (Sergeytsev, 2022). Consequently, for the author, the "denazification" of Ukraine inevitably involves "de-Ukrainisation", which, in his words, is "the rejection of large-scale artificial inflation of the ethnic component in the self-identification of the population of the historical territories of Malorossiya and Novorossiya". Since the Ukrainian elite cannot be re-educated, it must be physically eliminated. Sergeytsev's article was published in *RIA Novosti*, a state media outlet, and was never contradicted by the authorities (Fortuin, 2022: 339). While it is true that there is political influence by clearly neo-Nazi groups in Ukraine (for a detailed overview of the problem of neo-Nazism in Ukraine, see Colborne, 2022), this should not be exaggerated, let alone considered a just cause for war.

5.2. Full-scale invasion

By 2021, it was clear that the Minsk agreements – highly favourable to Russia and unacceptable to the Ukrainian population and authorities – would not lead to autonomy for the Moscow-controlled DNR and LNR. As noted above, the 2014 occupation reduced electoral support for pro-Russian parties, partly because it eliminated the most pro-Russian regions and partly because of the changing identities of Ukrainians. Anti-Russian media policies also significantly reduced their influence (D'Anieri, 2023: 271).

The prelude to war began with large-scale Russian exercises in February 2021, with thousands of troops massing on the Ukrainian border. While the troops later withdrew, much of the infrastructure remained (Bugayova, Stepanenko and Kagan, 2023). In December 2021, Putin argued that NATO expansion threatened Russia's security and proposed halting NATO growth and reversing military deployments in post-1997 member states (D'Anieri, 2022: 227). The US rejected these demands but offered talks on transparency, such as confirming the absence of Tomahawk missiles in Romania and Poland (Bugayova, Stepanenko and Kagan, 2023). When military exercises began in

Belarus in February 2022, German Chancellor Scholz assured Putin that Ukraine would not join NATO in the near future. However, Putin ignored this and, on 21 February, he recognised the Donetsk and Luhansk People's Republics, including areas not under Russian control (D'Anieri, 2023: 280).

On 24 February, Russia launched its "special military operation", attacking Kyiv, Kharkiv, Donbass and the Black Sea coast (D'Anieri, 2023). The main aim of the operation was to quickly decapitate the Ukrainian government by replacing Zelensky with a Kremlin-friendly leader (D'Anieri, 2023; Plokhy, 2023; Villanueva, 2022). Putin expected Ukrainians to greet his troops as liberators, but instead they were met with resistance (Plokhy, 2023: 163). Villanueva (2022: 37) described it as a "strategic failure" for Russia. By April 2022 it was clear that Russia could not take Kharkiv and Kyiv, so it shifted its focus to securing Donbass and consolidating control of the Black Sea coast (D'Anieri, 2023: 292).

For Plokhy (2023: 193), the Russian invasion has destroyed the idea of fraternity between Russians and Ukrainians, and even more, that they are the same people. Ishchenko (2024) agrees with Bugayova, Stepanenko and Kagan (2023) that this is a war aimed at restoring Russia's great power status and marking the limits of its sphere of influence. They also agree that Russia has been unable to develop and offer a more attractive political and economic project than the West, so in the absence of soft power it has decided to use hard power. Thus, while Mearsheimer (2022), Walt (2022) and Dunford (2023) again blame the West and its bad decisions, Mälksoo (2023) believes that it is important to remember that war is not an abstract board game, as traditionally conceived by classical IR theories, but an intensely existential experience for those thrust into its reality. Indeed, realism does not understand morality, but JWT does, so the following sections will once again analyse the Kremlin's arguments to justify its large-scale invasion of Ukraine, always bearing in mind that the war between

the two countries began in 2014 and, as seen in the previous sections, there was no compelling evidence of the existence of a just cause.

5.2.1. War of self-defence

Regarding self-defence, there is again a broad consensus that there is no evidence that Ukraine attacked Russian territory before 24 February 2022 (Bugayova, Stepanenko and Kagan, 2023; Cavandoli and Wilson, 2022: 399; Gill, 2022: 123). Russia also referred to the existence of 30 secret US-funded biological weapons development facilities, but these facilities do not exist, as confirmed by the UN Representative for Disarmament Affairs (Green, Henderson and Ruys, 2022: 11) and the Bulletin of the Atomic Scientists (Field, 2022). In fact, the biological research programme to which they refer has existed for decades and information about it, including its funding, is public and is aimed at preventing rather than developing biological weapons (Hoffman, 2022: 211).

5.2.2. Preventative war

It has already been shown that NATO enlargement is an existential issue for Moscow. However, its claim that it will automatically attack Ukraine if it joins NATO is a vague threat, not an imminent one, and one that will presumably happen at some unspecified point in the future (Green, Henderson and Ruys, 2022: 12). Saying that Ukraine is being invaded to prevent it from joining NATO and launching an attack from there is too distant a threat and does not demonstrate hostile intent (Cavandoli and Wilson, 2022: 400). This may be true for realism but let us remember that for Walzer there is no just cause for a war launched to maintain the balance of power or to prevent what is perceived to be its imbalance, and it is cynical to take an adversary's malign intentions for granted

without providing hard, objective evidence. In this sense, there is no evidence that Ukraine's accession to NATO will lead to war with Russia, especially given how cautious the Allies have been about starting a conflict with Moscow (Green, Henderson and Ruys, 2022: 10; Gill, 2022: 123; Hoffman, 2022: 211). Indeed, there have been NATO enlargements in 1999, 2004 and 2009, and on none of these occasions has the Alliance started a war with Russia. Even with the most recent accession of Finland and Sweden in 2023, the Alliance did not take the opportunity to attack Russia's territorial integrity.

Bugayova, Stepanenko and Kagan (2023) even question Ukraine's entry into NATO in 2022, given that no significant steps had been taken to formally admit it as a member. As they note, to join the Alliance, potential members normally have to complete the MAP, which was never prepared for Ukraine before February 2022, so formal membership had not even begun. In addition, Hungary's relative pro-Russian stance, tensions with Turkey and the organisation's refusal to accept members with territorial disputes meant that membership was not even on the table.

5.2.3. Humanitarian intervention

In 2022, the Kremlin again claimed that it was intervening to protect Ukrainian Russians from alleged discrimination and genocide. Once again, however, Moscow failed to provide any solid evidence to support its claims. On the contrary, all experts, including the International Court of Justice, agree that no genocide has taken place on Ukrainian territory, despite consistent monitoring by the OSCE, the UN and various NGOs, which have strongly rejected the Kremlin's claims (Green, Henderson and Ruys., 2022: 26, Gill, 2022: 123; Cavandoli and Wilson, 2022: 402; Hoffman, 2022: 218). It is true that Ukraine is not the country that best guarantees the rights of its minorities and that there are human rights violations on its territory (Cavandoli and Wilson,

2022: 402; Gill, 2022: 123). According to the UN (2022a), several cases were reported between August 2021 and January 2022, some of which were committed by government authorities. Violations included arbitrary deprivation of liberty, torture and ill-treatment of prisoners of war, and restrictions on freedom of expression. During this period, the UN reported 8 cases of discrimination against men in the Ukrainian Armed Forces based on their sexual orientation. It is also worrying the little progress that has been made in investigating and prosecuting crimes committed during the Euromaidan, particularly the massacre in Odessa in May 2014 that left 48 people dead. However, as cynical as it may seem, these human rights violations do not constitute systematic and massive violations. While it is true that the aforementioned language policy may restrict the rights of Russian-speaking Ukrainians, this cannot result in the physical destruction of the Russian or Russian-speaking population, as a policy of systematic oppression, extermination or expulsion of Russians or Russian-speakers has never been implemented in Ukraine (Cavandoli and Wilson, 2022: 402; Hoffman, 2022; 218; Gill, 2022: 123; Green, Henderson and Ruys, 2022: 26).

In any case, as several experts point out (Cavandoli and Wilson, 2022: 403; Hoffmann, 2022: 220), the argument of human rights violations is undermined by the nature and scale of the Russian military operation. It is difficult to see how more than 8,000 deaths and the destruction of 182 medical facilities and 230 educational institutions between February and May 2022 can serve humanitarian purposes. Nor can they explain the 6.2 million people who have fled the country and the more than 8 million who have been internally displaced. There can be no humanitarian purpose for soldiers who have arbitrarily arrested and executed civilians and used sexual violence as a weapon of war (United Nations, 2022b).

In contrast to Moscow, Ukraine has evidence that atrocities have been committed in an apparently systematic

manner. According to a report by some thirty experts (New Lines Institute, 2022), there is evidence of mass killings of civilians by Russian forces following the same pattern: with their hands tied behind their backs, with clear signs of torture, and shot at close range. There is evidence of shelling of residential areas, destruction of infrastructure vital to the survival of civilians, including hospitals and humanitarian aid facilities. There is also evidence of sexual violence being used as a weapon of war, in some cases with clear genocidal overtones. One victim stated that a Russian soldier told her that they were being raped to prevent them from having Ukrainian children. There were reports of mothers and fathers being raped in front of their children and vice versa. In one case, a Russian soldier raped an 11-year-old boy and forced his mother to watch as she was tied to a chair. In another case, a Russian soldier raped a civilian and then cut her face and neck (New Lines Institute, 2022). All in all, it is very difficult to see that Russia's ongoing war in Ukraine is being waged for humanitarian purposes. The ease with which some Russian propagandists in the state media speak of the destruction of Ukraine and Ukrainians, as well as the deliberate and systematic bombing of civilian infrastructure, including the destruction of Ukrainian cultural sites, suggests that Moscow seeks the destruction of the Ukrainian nation. It is certainly an idea that is now widely accepted among genocide scholars (Finkel, 2022: 13).

5.2.4. Intervention for secession or civil war

It has already been argued above that the existence of an independent oppressed political community corresponding to the Ukrainian territories mentioned by Moscow and genuinely wanting to decide the course of its existence is questionable. In fact, the assertion of this ground contradicts the extent to which President Putin has reiterated that Russians and Ukrainians are the same, denying himself the existence of an independent Ukrainian

community (Cavandoli and Wilson, 2022: 395). Moreover, his arguments clash with the fact that Moscow has systematically denied the right to self-determination to minority groups within the Russian Federation (Hoffmann, 2022: 214), such as the Chechens. Again, the fact that it has claimed political privileges in the Donbass territories must call into question its intentions.

On the other hand, as far as civil war intervention is concerned, Russia has stated several times that it is fighting NATO forces in Ukraine, and in this respect, there is no evidence that regular troops of any Alliance member are on Ukrainian territory (Bugayova, Stepanenko and Kagan, 2023). The mere fact that EU member states have sent offensive military equipment to Ukraine using an EU budget was an unprecedented move (Biscop, 2024: 36). As noted in the previous section, the first and illegitimate intervention was the Russian one, as there had been no Western military intervention on Ukrainian soil prior to February 2014. Without Russian "political tourists", troops and weapons, the anti-Maidan movement probably would have been politically attenuated, just as it was politically attenuated before. In this context, Ishchenko (2024: 143) mentions that the Ukrainian problems were internal in nature and should have been solved internally, without Russian tanks and bombs.

6. Discussion and conclusions

War has been, is, and will continue to be one of the worst things that can happen to humanity and an extremely traumatic experience for those unfortunate enough to live through it. The seriousness of war and its consequences has forced the imposition of limits on it, some of which have been explored in the theoretical framework of this thesis. The seriousness of initiating armed action against another state, in which innocent people are likely to perish, requires a just cause for war to be considered morally right. In this sense, the aim of this study was to assess whether there is a just cause – *i.e. jus ad bellum* – in the war being waged by Russia in Ukraine, with the following research question: *Is there evidence of a just cause in Russia's war against Ukraine?* A negative hypothesis was adopted, *i.e. that Russia lacks a just cause in its war against Ukraine.* Subsequent examination of both Just War Theory and the case study has confirmed the hypothesis, concluding that on the evidence currently available it is very difficult to find just cause for its war.

The self-defence argument is difficult to make, as there is no evidence that Ukraine attacked Russia's territorial integrity or political sovereignty in 2014, nor in 2022. As for preventive war, it is difficult to accept that when Ukraine joins NATO - if it ever does - it will automatically attack Russia. Kyiv's accession to NATO indeed represents a strong imbalance of power for Moscow and disrupts the strategic balance in Europe, but Walzer already warns against starting wars over what one perceives as an imbalance of power. So did Grotius when he wrote that he did not accept as a just cause a neighbouring state's taking of defensive measures on its territory that might do harm in the future. Vitoria directly considered it intolerable to kill for future sins. In any case, neither in 2014 nor in 2022 was Ukraine's NATO membership guaranteed. Even in 2022, its formal accession had not begun and

was not even on the table, in part because of an armed conflict on its territory. So while Walzer dismisses the imminence of an attack, there is no - or at least the author has not found it in open sources - hard evidence of overt NATO intentions to do harm through armed aggression against Russia. The degree of readiness to do so is also debatable, as is any alleged increased risk to Russia's survival without the ongoing military intervention.

It is also dubious to cite humanitarian reasons for its intervention. Firstly, because it has never been proven that atrocities have been committed on a large scale in Ukraine. As has been pointed out, Ukraine is not the most human rights-respecting country, and it has certainly committed crimes and atrocities that deserve rejection and condemnation. It is also true that there are laws and policies that limit the enjoyment of certain rights by Russian speakers in Ukraine, and thus imply discrimination against them. But to begin with such a serious and grave matter as war requires more, both in quantity and in quality. It has not been proven that massacres, rape, ethnic cleansing and/or state terrorism are taking place in Ukraine, let alone that they are taking place systematically and on a massive scale, so there is no humanitarian basis for Russia to intervene militarily. For Walzer, such intervention should be reserved for the most extreme cases, and Ukraine is not one of them. The fact that the West has used the humanitarian argument for suspect (geo)political interventions does not allow the Kremlin to do the same. Violating norms does not make them disappear. In fact, it is a little bizarre for Russia to justify its invasion on the basis of previous aggressions that it considers illegitimate.

Second, with the 2014 intervention, the Kremlin annexed part of Ukrainian territory and, by destabilising the Donbass, managed to prevent Ukraine's future entry into the Atlantic Alliance. Two clearly political objectives that should make us suspicious of its initial intentions. Finally, the nature of the 2022 invasion should also make us suspicious of Russia's humanitarian

intentions. There is no doubt that the humanitarian situation in the country has deteriorated significantly, and it is hard to believe the humanitarian claims given the undisciplined behaviour of Russian troops. There is ample evidence of heinous crimes committed by Russian soldiers, some of which follow the same pattern. The dehumanising rhetoric of the Russian elite and state media towards the Ukrainian population invites at least the possibility of instigating the destruction of their national group. All this is worthy of a separate study focusing on *ius in bello*, which opens as a possible future line of research.

As far as support for a national liberation movement oppressed by the government is concerned, there is no evidence of an independent political community oppressed by the government, committed to its independence and ready to determine its own course. As we have seen, separatist sentiment in the Donbass has always been very low, even during the anti-Maidan protests. Moreover, the insurgent leaders themselves have acknowledged the limited willingness of the local population to engage in rebellion and armed action. This does not mean, of course, that they do not have a distinct and unique identity that should be respected. Nor does it eliminate their legitimate grievances against a central government engaged in nation-building that often has a negative impact on their rights. But it has become clear that their concerns and grievances have nothing to do with a separate Ukrainian identity, but rather with local fears, some of which have been fostered and exploited by the Kremlin.

Finally, regarding counter-intervention in cases of civil war, there is no evidence that there was a military intervention by a third state prior to the Russian intervention in 2014. On the contrary, there is ample evidence that Russia intervened militarily at a very early stage, and that without its military support the secessionist movement would have been resolved politically. There is evidence that Russian citizens and GRU agents led not only the military rebellion but also the civilian protests against the

Maidan. Given the limited separatist sentiment and the evidence of Kremlin-supplied means, it is at least reasonable to question the success of secessionist projects without Russian support.

It is true that Ukraine has voluntarily increased its cooperation with NATO forces. A decision that had little popular support before 2014 but now enjoys the support of a large majority of Ukrainians. But even today, there is no information from open sources confirming the presence of regular troops from any Alliance member fighting on the Ukrainian side. Indeed, Western leaders have repeatedly denied that this is happening to avoid getting involved in a wider war, something Walzer strongly supports morally. But the point is that the Western military presence in Ukraine could not be confirmed before the Russian military presence, so that the Russian military intervention could be considered the first and therefore the illegitimate one.

Even if we were to assume a first intervention by a third country, Russia's proportionality and apparent objectives would remove all legitimacy. It is difficult to see how the annexation of the Crimean Peninsula would balance against a presumed first intervention. Moreover, its intervention in the Donbass is seen by many analysts as a destabilisation operation to prevent Ukraine's possible NATO membership, as NATO does not accept members with armed conflicts on their territory, which seems more of a political objective. Most analysts agree that the aim of the "special military operation" was to politically decapitate the Zelensky government and replace it with a like-minded one, and it is difficult to see how this would compensate for an allegedly illegitimate first intervention. In this regard, it is worth recalling the words of Vitoria, who said that "even if the offence committed by the enemy is sufficient cause for war, it will not always be sufficient cause for the overthrow of his government and the deposition of his natural and legitimate princes, for this would be very cruel and inhuman" (de Vitoria, 1963: 274).

It can therefore be concluded that Russia's ongoing war in Ukraine is aimed at securing its presence in its sphere of influence, preventing its rapprochement with the Euro-Atlantic bloc and protecting its strategic depth. Apart from the fact that this is the most widely accepted explanation among analysts, it is an objective that the JWT in no way endorses as a just cause. It is even explicitly forbidden by Walzer, who states categorically that "wars of aggression, wars of conquest, wars waged to expand spheres of influence and create satellite states, or for purposes of economic expansion are all unjust wars" (Walzer, 2004: 17). Therefore, the initial assessment of Russia's war in Ukraine allows us to affirm that there is no evidence to confirm the presence of any of the just causes and, consequently, it would be an unjust war in terms of *ius ad bellum*. The study of the moral grounds for third countries to intervene in favour of Ukraine and reject an unjust war is also a question that deserves independent work and opens as another possible line of research for the future.

Afterword[1]

In both international relations and the ethics of war, we seldom encounter situations as clear-cut as Russia's war in Ukraine. It is rarely so easy to distinguish between the victim and the aggressor. In rare instances has an aggressor, despite using all kinds of legal and moral arguments to justify a war of aggression, been so explicit in defining its intentions. As I write these words, I see that President Putin has repeated for the umpteenth time the maxim of this war: 'The Russian and Ukrainian peoples are one people, and in this sense, all of Ukraine is ours.' Recently, I also read an article written by the notorious Russian philosopher Alexander Dugin, one of the leading exponents of Russian Eurasianism and allegedly a man who enjoys some influence in the Kremlin. In his article, entitled *The transgender Ukrainian nation*, the author writes the following:

> Ukrainians are collective transgenders. Russians who have changed their sex, their ethnicity, for an abstract, imaginary, and absurd alternative. A man who becomes a transgender woman does not become a woman – he becomes a monstrosity. Just like a Russian who imagines himself a Ukrainian. Yes, you can cut off what is yours, what is Russian – but what will remain is a repulsive, gaping void. We understand this and we are fighting against it. Not against Ukrainians but for them. So that they remain people – that is, Russian people. Otherwise, it's a descent into trance. Castration. A change of identity even more severe than a change of sex. But now even the West is beginning to notice this. And soon, they too will turn away from this disgusting spectacle that is the political Ukrainian – a victim of a monstrous experiment. Which, by the way, they themselves

[1] I would like to express my gratitude to Rosa Ana Alija Fernández for her helpful comments on this afterword.

> initiated. And most likely, they'll try to sweep it out of sight. (Dugin, 2025)

While Russia's actions categorically fail to fall within any of the just causes established by the tradition of just war, they are consistent and fully coherent with a rhetoric that systematically denies Ukraine's sovereignty and its people's right to exist. In 2014, despite initially denying it, Russia annexed the Crimean Peninsula without any consequences, besides the usual condemnations that have clearly failed to deter it. Right now, the Kremlin is not only claiming sovereignty over Donetsk and Luhansk, but also over Zaporizhia and Kherson. While it is true that no one can know for sure where Russia's territorial ambitions end, to deny that this is a war of territorial expansion is to turn a blind eye to reality.

In this regard, there is broad consensus among just war scholars that Russia's war is unjust in every respect. Authors of the calibre of Walzer (2022) and McMahan (2022; 2024) have stated without hesitation that the Russian government is waging an unjust war on Ukrainian soil. Even authors who are most critical of the West's role in this conflict, such as Richard Sakwa, acknowledge that it is very difficult to consider Russia's war as just, both in terms of *ius ad bellum* and *ius in bello* (Sakwa, 2023: 197). On the contrary, Ukraine's war against Russia is a just war based on self-defence. This is a fact that is hardly controversial and scarcely debatable.

That said, the aim of this epilogue is to evaluate the current US foreign policy towards Ukraine from the perspective of just war theory. Considering that this master's thesis was completed a few months before the new Trump administration took office and the drastic change that followed, this evaluation seems entirely necessary and justified. Let me begin by pointing out that, over time, it has become clear that currently Ukraine is not on the radar of US interests, which have shifted to the Asia-Pacific region. The annexation of Crimea was accepted by the Obama administration on the pretext that it was full of Russians and Russian speakers, so there was nothing to be done. Western governments also did little

in the face of a flagrant territorial annexation and violation of Ukraine's political sovereignty and territorial integrity by a permanent member of the United Nations Security Council, as well as one of the security guarantors under the Budapest Memorandum. The actions and inactions taken by the Biden administration also showed that Ukraine was not a vital interest for Americans (Kauffmann, 2025). While there is no doubt that the Americans have invested and committed significant funds to Ukraine's defence, the prudent approach adopted and the limitations imposed on the use of provided weapons demonstrate a limited commitment. This can certainly be understood to a certain extent, as it is up to the US government and the American people to define their interests and establish the appropriate actions to achieve them. But the shift made by the second Trump administration is of a different nature.

After promising to end the war within 24 hours, Trump seems to have decided to abandon the victim of the aggression to its fate and adopt narratives and actions that benefit the aggressor. The wide range of accusations levelled at Ukraine range from calling Zelensky a dictator to accusing him of starting the war (Blake, 2025). On 24 February 2025, the US voted against a United Nations resolution condemning Russian aggression, alongside Russia and China. On 28 February, Zelensky was rebuked for not being grateful enough and it was pointed out that Ukraine 'did not hold the cards' (Kauffmann, 2025). Meanwhile, voices condemning or even slightly criticising Russia have rarely been heard. Furthermore, the Trump administration has advocated territorial concessions by Ukraine as a solution to the conflict, as well as Russia's reintegration into the G7, suggesting that its expulsion from the economic club is a cause of the war (Blake, 2025). Recently, some Ukrainian sources have alleged that the US has asked the Ukrainian government to stop military strikes on Russian oil and energy infrastructure, while Russia strikes the same infrastructure in Ukraine with total impunity (Kyiv Insider, 2025).

It is true that accusing the US of aligning itself with Russia may be an exaggeration, but the actions I have just mentioned are undoubtedly in line with Russian narrative and interests. Therefore, the diagnosis of the situation is that of a power that has apparently decided to change sides and position itself with the aggressor to the detriment of the victim (Applebaum, 2025). To the best of my knowledge, the just war tradition has not specifically addressed the situation of a change of position in support of the aggressor, but a few comments can be made that I consider relevant in this regard in order to assess this change of attitude in moral terms.

Firstly, given that the surrender of Ukraine and the cession of the occupied territories have been proposed as a recipe for peace, I consider it necessary to comment briefly on Ukraine's right to defend itself against unjust aggression, as well as on the morality of territorial occupations as a consequence of unjust aggression. It is safe to start from the premise that Ukraine does indeed have the right to defend itself. However, it is legitimate to ask whether it is obliged to do so. And indeed, according to Walzer (1977[2015]: 69), resistance is not a moral obligation of the victim of unjust aggression, who may choose to appease their aggressor. Seeking and achieving peace at the expense of justice is a strategy that Walzer does not necessarily consider immoral. Therefore, Ukraine could stop fighting and accept what some, in my opinion, mistakenly condemn as its destiny, as if everything were predetermined in war.

A notable example of this, apart from the Trump administration, is Professor Noam Chomsky. While it is true that Chomsky has considered support for Ukraine to be legitimate, his view is that there are only two options by which this war can end: either with Ukraine being destroyed because, for some reason, he thinks Russia cannot be defeated; or through a negotiated agreement that leaves the question of Crimea out of any negotiations and calls into question the issue of Donbas.

Chomsky's recipe for peace is the neutralisation of Ukraine, the alternative being the destruction of Ukraine and nuclear war (Robinson, 2022; Scahill, 2022). However, in my view, these arguments have three main problems.

The first has to do with Ukraine's will to resist and has already been established by McMahan (2024: 58): it is Ukraine that must decide when to stop fighting, as well as assess the risks inherent in its decisions, since it is the Ukrainians who primarily pay the price. In this regard, Ukrainians have always been quite clear. Although they have become more receptive to a negotiated settlement over time, their political sovereignty and territorial integrity remain non-negotiable for the majority of the population. According to a survey by the Kyiv International Institute of Sociology, as of May 2024, 73% of respondents said they were prepared to resist for as long as necessary. Since then, there has been a considerable decline, but a majority of 54% of those surveyed still declared their support for unconditional resistance (KIIS, 2025). Similar results were found in the study by Dill et al. (2025), which showed that 63% of respondents still preferred to fight for the complete territorial integrity of Ukraine, compared to 37% who would be willing to give up Crimea, Donetsk and Luhansk. It is true that Ukrainians now seem more willing to compromise in order to end the war, but they are not so tired of it that they would accept the maximalist demands of a great power, preferring to resist Russian control and oppose territorial concessions. Indeed, when asked about political autonomy, 77% of respondents opposed any proposal that would end in Russian control of their government, despite civilian and military casualties and the nuclear risk *(ibid.)*.

The second problem has to do with Ukraine's capacity to resist. I still do not understand on what basis some authors such as Chomsky assess Ukraine's resistance capabilities, as well as those of Russia. In February 2022, there was no shortage of analysts predicting a terrible fall of Kyiv at the hands of the Russian army

in a matter of days. However, more than three years later, Kyiv and most of Ukraine are holding out, and Russia has proven not to have the amazing capabilities it claimed to have. On the contrary, Ukraine has proven to have sufficient capabilities to resist the invasion and even to strike militarily against a materially larger and more powerful opponent. The recent success of 'Operation Spider Web,' in which Ukraine destroyed a significant portion of Russia's operational long-range aviation fleet, is evidence of this.

These errors in prediction, which overestimate Russian capabilities and underestimate Ukrainian capabilities, may stem from what is known as 'the McNamara fallacy'; a situation in which decisions are made based on seemingly objective metrics (population, economy, military capability, etc.), but other variables, especially those that are more difficult to quantify, are ignored. As a consequence, what can be measured ends up being the most important and, at times, the only thing that is considered, leaving aside other elements that cannot be quantified. The result is a tragic disregard for intangible factors such as motivation, hope, resentment or courage, some of which are often decisive in the case of wars (Torres Soriano, 2025: 45).

Likewise, some of these analyses may be the result of historical prejudices regarding the capabilities of both sides. It is possible that Russia, as the heir to the Soviet Union, still retains this image of a great power in the collective memory. Added to this is the narrative of Russia's supposed invincibility, which is based in part on the impressive resilience of the Soviets during the Nazi invasion. However, two things that I believe are important are overlooked here. The first is that Ukraine was also part of the Soviet army and fought with skill and fierce courage against the Nazis. The second is that the context was completely different, as the Soviet Union was the party attacked by the Nazis. Now, however, no matter how much the Russian media tries to portray its country as the victim with such disconcerting allegations as that this war is against NATO or against an alleged neo-Nazi regime

that has installed itself in Ukraine with the approval of the West, Russian soldiers crossing the border into Ukraine will see that this is far from the reality. The Russians were not welcomed as liberators by the Ukrainian civilian population, but as aggressors. And this, in my opinion, has a psychological impact that ultimately affects the will and motivation of the soldiers and, consequently, the operational capacity of the army.

The third problem relates to proposals for a negotiated settlement, the cession of territory, and the morality of the Russian occupation. To begin with, I fully agree with Sørensen (2024: 671 and 674) that calls for immediate peace exert ideological pressure that mainly benefits the party to the conflict that has already gained something from it. Therefore, these pacifist calls clearly benefit only one side, and this is usually the aggressor. Russia would be the main beneficiary of the negotiated agreement, as it would retain territories over which it has no rights whatsoever. I also doubt that Russia is willing to accept proposals such as those put forward by Chomsky (Robinson, 2022; Scahill, 2022). It will certainly be delighted to have Crimea recognised as Russian, but I doubt that it is seeking an agreement in the Donbas. Russia takes it for granted that the Donbas, or part of it, is already its own. What's more, as I said before, it considers Zaporizhia and Kherson to be its as well. So my question is, where do we draw the line? To what geographical extent is it morally acceptable to give in to Russian territorial claims? These are difficult questions. But in any case, the answers will have to come from the Ukrainians.

Having clarified this, it is also worth making a few points about the morality of occupations. I will not go into detail about the experiences of Ukrainians who have had to live under Russian occupation, but the crimes committed by the occupying forces against the civilian population are widespread and well documented. We are talking about arbitrary arrests, murders, rapes, deportations, the so-called 'human safari', an official policy of 'passportisation' that systematically imposes Russian nationality

etc. For a detailed review of this, see Amelina (2025), Gamenyuk (2025), Friedrich (2024) or Kurkov (2022). This is not justice and has no moral justification. In the words of Illia Ponomarenko (2025), 'when you surrender to an invader denying your very right to exist, you're not getting "peace," you're getting a concentration camp, a torture chamber, and then an execution pit.'

McMahan (2009: 22) makes it very clear what actions are permitted during an occupation that is unjust and unjustified: '[...] what the occupiers owe the occupied is to leave, immediately. After they have done so, they must pay compensation. It is as simple as that.' Given McMahan's assessment of Russia's war in Ukraine, I think it is safe to say that he would consider Russia's occupation of Ukraine to be unjust and unjustified. To call for acceptance of this occupation with the supposed aim of achieving peace is immoral, as well as hypocritical. I do not think that there are many countries in the world that would be willing to give up their right to political sovereignty and territorial integrity after such a flagrant and brutal act of aggression. Would Spain, for example, be willing to cede Ceuta and Melilla to Morocco in order to avoid a major conflict? Would it be willing to cede the Canary Islands as well? Would it do so if asked to do so by a power such as the US? We know that Morocco has territorial claims on Spain and that it has been operating in the grey zone in Ceuta and Melilla for years (Baqués-Quesada, 2022), so this is not an impossible scenario. I believe that most Spanish academics would not accept these proposals under any circumstances, and rightly so. I fully understand the need to exercise 'strategic empathy' towards Russia and its security concerns, but I am unable to understand the lack of empathy towards Ukraine. And I reiterate that my position is not that no territory should be ceded under any circumstances, but that it should be the Ukrainians who decide.

Having discussed what Ukrainians are morally allowed to do (*i.e.,* resist and fight against unjust aggression) and what third countries are not morally allowed to do (*i.e.,* force Ukraine to

surrender and yield to Russia's demands and unjust occupation), it is now pertinent to discuss what third states could do.

According to Walzer (1977[2015]: 59), the victim of an attack does not fight solely in self-defence because unjust aggression is considered a crime against the entire international community, which means that third parties can join the resistance. Similarly, Grotius (2020, Book II, Chapter XXV, I: 237) states that "[...] causes that are just for those whose case is in question are just for those who come to their aid". However, neither author considers this to be an obligation, but rather a possibility, with third States being able to refrain from acting if the risks are high. In the words of Grotius (2020, Book II, Chapter XXV, VII: 244), "one may prefer one's life and property to those of others". In Walzer's view, before intervening, the proportionality of the intervention must be carefully considered, as it could endanger third parties if it is reckless. According to the author, if the intervention could lead to international war, it would be considered reckless and immoral (Walzer, 1977[2015]: 95).

In the case of Ukraine, I believe that the obligation and morality of sanctions are rarely controversial. For Walzer (1977[2015]: 237), states have an obligation to impose economic sanctions on the aggressor, even if the costs are high for themselves and provided that they do not involve physical participation in the war. McMahan (2022) also considers that, in terms of proportionality, economic sanctions and boycotts do not entail excessive risks. However, the complexity of this issue lies in the proportionality of direct military intervention and the risks in terms of nuclear escalation that this could entail. In this regard, while recognising that citizens of other countries have a duty to stop Russia's aggression, McMahan (2022) considers that military intervention would be out of place because it would violate the requirement of proportionality. In his view, direct military intervention would be disproportionate due to the high risk of nuclear escalation.

Indeed, according to Anastazievsky's (2024: 41), if we set aside the requirement of proportionality, members of the international community would have the right to intervene militarily in Ukraine under the just cause of humanitarian intervention. The atrocities committed by Russia in Ukraine are well documented and some of them have already been mentioned. Thus, we could argue that all elements of the *ius ad bellum* with regard to humanitarian intervention in Ukraine are positive, except for the requirement of proportionality based on the risks of nuclear escalation.

But this is not a matter free from debate. As Anastazievsky (2024) argues, it is not so obvious that yielding to the risk of a Russian nuclear threat is the most prudent decision. First, because Russia's red lines regarding the use of nuclear weapons clash with what is morally right in the case of Ukraine. On the one hand, Russia is willing and has repeatedly threatened to use nuclear weapons if its territorial integrity is threatened, including the occupied territories in Ukraine. On the other hand, however, expelling Russian forces from these territories is morally right and necessary. I am not saying that this must be the case – that is for the Ukrainians themselves to decide – but that it would be morally right.

Secondly, because succumbing to nuclear pressure is to accept that the worst-case scenario (nuclear war) is the only possible one (*idem.:* 44). Indeed, views that limit the reality of a phenomenon as complex as war to a few possibilities clearly do not understand its unpredictable nature. Not everything is written and predetermined in war, and ignoring this reality has serious implications, both academic and political. We have been hearing predictions of a supposed Ukrainian collapse for three years, which has not yet materialised. Similarly, Ukraine has repeatedly crossed Russia's red lines and yet the nuclear attack threatened by the Kremlin has not yet taken place. Its response to 'Operation

Spider's Web' was, in terms of intensity, nothing out of the ordinary.

Finally, thirdly, Anastazievsky (*ibid:* 44-45) argues that succumbing to nuclear coercion is not necessarily the best recipe for preventing the risk of nuclear weapons use, as inaction in this regard also has consequences. This is mainly because of the message it sends to both Russia and other nuclear and non-nuclear powers: that nuclear coercion is a strategy that pays off in terms of effectiveness in international relations. Giving in to Russia's blackmail has already proven to be a bad strategy in the past; we only need to look at how inaction ended up in Crimea, for example. Furthermore, other nuclear powers could adopt the same strategy given its effectiveness and impunity. As for other non-nuclear countries, seeing Ukraine being invaded by one of the nuclear powers that promised to respect its territorial integrity and political sovereignty necessarily has an impact. This impact is followed by lessons, the most important of which is that nuclear countries will be able to do whatever they want without non-nuclear countries being able to do anything about it, which will make the acquisition of such weapons attractive. In any case, the argument that inaction can also lead to an increase in nuclear threats and increase the risk of nuclear threat is, in my opinion, very valid.

The last issue I consider relevant to discuss in this epilogue, given the Trump administration's fixation on ending this conflict at any cost, is the *ius post bellum*. That is, the moral rules that should guide the conclusion of a war. The need to establish this framework is enormous, as we know that ending a war badly can sow the seeds of future conflict (Orend, 2002: 43). The First World War is one of the classic historical examples that shows the disastrous results and consequences of ignoring post-war issues (McCready, 2009: 69).

There is some debate about the relevance of establishing principles in the *ius post bellum* because each ending is radically different, but Orend is one of the authors who has called for the

establishment of minimum standards. In fact, Orend is the most prominent promoter in terms of the number of publications on the *ius post bellum* (Evans, 2008: 534). Like McMahan, Orend (2007: 578) believes that the three categories of the just war tradition are interconnected, with the *ius ad bellum* being the most important and decisive. He therefore considers that when the aggressor state wins the war, the terms of peace and the conclusion of the war will be intrinsically unjust. Therefore, logically, an outcome in which Russia wins the war is morally unacceptable. Consequently, the only outcome of this war that could fall within the parameters of the *ius post bellum* is Ukrainian victory, understood as Russia's withdrawal from occupied Ukrainian territory and the abandonment of its objectives in Ukraine. That this may be complicated or unrealistic does not mean that it is not the right path to justice.

However, it has already been pointed out that rejecting unjust aggression does not necessarily lead to justice, so we will now look at what Ukraine's rights and obligations would be according to the principles of *ius post bellum* established by Orend (2002, 2007). Its framework consists of six principles, some of which I consider important to highlight in the case at hand. Of course, the entire post-war process must be guided by the principles of *proportionality* and *discrimination*. Any peace agreements reached must be reasonable, and Ukraine must not take advantage of its victory to impose unfair conditions on Russia. On the contrary, these conditions must be proportionate to the damage inflicted. There must also be a clear distinction between the political and military leaders responsible for the aggression and crimes and the civilian population, which, depending on the case, would be innocent. For a discussion of the level of responsibility of the Russian civilian population, see McMahan (2022; 2024).

Having highlighted these two cross-cutting principles, the first and most fundamental principle established is *rights vindication*, which requires that the fundamental rights violated by the unjust

aggression must be restored, including the right to life and liberty, as well as the right to political sovereignty and territorial integrity of the aggrieved state. Consequently, the aggression must be reversed to the extent possible and the gains from the aggression must be eliminated. In this sense, Russia should withdraw from all occupied territories so that Ukraine can re-establish its political sovereignty and territorial integrity.

Another relevant principle in this case is *punishment*, since aggression is a serious international crime that deserves to be punished. Its logic lies primarily in deterring crimes of this magnitude, either by the aggressor state or by potential third-party aggressors. However, it also represents a show of respect for the value, status and suffering of the victim. In this vein, international criminal trials should be established to prosecute those responsible for the aggression at the political level, as well as military leaders who have committed crimes during the course of hostilities. In light of the significant number of crimes committed on Ukrainian soil and the Ukrainian government's limited resources, establishing a hybrid tribunal could be an appropriate solution. Not only would this make up for the lack of resources and infrastructure needed to conduct trials of this calibre, it would also help to guarantee judicial independence. It is important to emphasise here that, while Russian military leaders, soldiers, officers and commanders responsible for serious atrocities committed in Ukraine must be brought to justice, Ukraine must also bring its own soldiers who have violated the *ius in bello* before the courts.

Thirdly, Ukraine is entitled to *compensation*, which should at least cover some of the costs it has incurred in fighting for its rights. It is essential that compensation meets the criteria of proportionality and non-discrimination, refraining from draconian amounts in order to avoid outcomes such as those of the Treaty of Versailles.

Fourthly, there is *rehabilitation*, which establishes the need for demilitarisation and political rehabilitation in cases in which the

nature of the aggression is very severe or particularly atrocious. This includes, first and foremost, a formal apology, as the victim deserves this kind of respect and recognition from the aggressor that fundamental principles have been violated. Then there is demilitarisation, which consists of limiting certain military capabilities, especially weapons of mass destruction. This includes several unknowns that are worth highlighting. The first is that we cannot know clearly whether Russian aggression meets the definition of severe or particularly heinous aggression. As an example, Orend mentions Nazi Germany, but are the two regimes comparable? We know that Russia has committed atrocious crimes, but to my knowledge, no general criteria have been established for judging the severity of an act of aggression. The second unknown is to what extent it is legitimate to suggest that Russia should be stripped of its weapons of mass destruction. Given that Russia has committed an act of aggression and its army is responsible for multiple war crimes and crimes against humanity, this is a legitimate question. Moreover, the Kremlin's use of the threat of nuclear weapons is undoubtedly irresponsible, so it is appropriate to question the extent to which it still has the right to such weapons.

Finally, there is political rehabilitation, which includes, in the most serious cases, regime change. Clearly, Putin's government is responsible for brutal aggression and the dehumanisation of Ukrainians, which, if not redressed, will have profound effects on the future and will require some form of political rehabilitation. It is true that Ukraine will eventually have to learn to live and coexist with Russia, which will necessarily involve a process of forgiveness and reconciliation. However, Russia will also have to learn to live with an independent and sovereign Ukraine. It will also have to abandon this self-image of a 'great power' that has the right to rule its 'backyard' and use force if the interests of the countries that comprise it do not align with its own. Ultimately, in the interests of fostering genuine reconciliation, Moscow must accept that

Ukrainians are not Russians, and that the Ukrainian people and their government are not genetically engineered neo-Nazis designed by the West to hate and destroy Russia. All of this will necessarily involve some degree of political rehabilitation, but its limits should still be open to debate.

In conclusion, we can make three assertions that do not seem overly controversial in moral terms. The first is that Ukraine has the right to defend itself against unjust aggression and, so far, has demonstrated the will and capacity to continue doing so. Therefore, forcing it to sign a peace agreement that violates its territorial integrity and political sovereignty, as well as to accept a brutal, unjust and unjustified occupation, lacks any moral basis. On the contrary, the second is that the morally correct thing for third states to do would be to support the victim of the aggression, i.e. Ukraine. In this sense, sanctions seem unquestionably proportionate. However, the proportionality of direct military intervention on humanitarian grounds is more difficult and controversial to assess. While there are certainly grounds for concern about the possible consequences in terms of escalation of the conflict, especially in terms of nuclear risk, of military intervention to protect the civilian population of Ukraine, I have argued that giving in to nuclear blackmail also entails costs that should be considered. Finally, the third is that the best option for ensuring a just end to the war is the restoration of Ukraine's territorial integrity and political sovereignty and, on the other hand, Russia's withdrawal from the occupied territories, punishment for its unjust aggression, and appropriate compensation for the damage caused. As a consequence of all the above, the assessment from the perspective of just war of the change in US foreign policy under the Trump administration seems clear. Although it is difficult to predict whether the current line of the administration will take a 180-degree turn, given its volatility on this issue, I believe it is safe to say that the current US policy towards Ukraine runs counter to the tradition of just war. Furthermore, this has not only

ethical consequences, but also political and geopolitical ones, as the conclusion of a war in an unjust manner is highly likely to sow the seeds of future conflicts.

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Despite the annexation of Crimea and the intervention in Donbass in 2014, Russia's large-scale military aggression against Ukraine in February 2022 came as a surprise to many. In both military invasions, Moscow attempted to justify its actions with arguments close to the Just War Tradition, including self-defence or humanitarian intervention. However, it is not enough to invoke a just cause; rather, the characteristics of the situation must meet the requirements established by the theory that allow the initiation of such a serious act as armed aggression against another state. Therefore, the aim of this study was to assess whether Russia's armed aggression against Ukraine meets the just cause criteria established by Just War Theory. The results of this research provide a strong argument that Russia did not have a just cause for its military aggression against Ukraine in 2014 and 2022.

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