



On the Law of War and Peace

Hugo Grotius

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THE disputes arising among those who are held together by no common bond of civil laws to decide their dissensions, like the ancient Patriarchs, who formed no national community, or the numerous, unconnected communities, whether under the direction of individuals, or kings, or persons invested with Sovereign power, as the leading men in an aristocracy, and the body of the people in a republican government; the disputes, arising among any of these, all bear a relation to the circumstances of war or peace. But because war is undertaken for the sake of peace, and there is no dispute, which may not give rise to war, it will be proper to treat all such quarrels, as commonly happen, between nations, as an article in the rights of war: and then war itself will lead us to peace, as to its proper end. In treating of the rights of war, the first point, that we have to consider, is, what is war, which is the subject of our inquiry, and what is the right, which we seek to establish. Cicero styled war a contention by force. But the practice has prevailed to indicate by that name, not an immediate action, but a state of affairs; so that war is the state of contending parties, considered as such. This definition, by its general extent, comprises those wars of every description, that will form the subject of the present treatise. Nor are single combats excluded from this definition. For, as they are in reality more ancient than public wars, and undoubtedly, of the same nature, they may therefore properly be comprehended under one and the same name. This agrees very well with the true derivation of the word. For the Latin word, Bellum, WAR, comes from the old word, Duellum, a DUEL, as Bonus from Duonus, and Bis from Duis. Now Duellum was derived from Duo; and thereby implied a difference between two persons, in the same sense as we term peace, UNITY, from Unitas, for a contrary reason. So the Greek word, polemos, commonly used to signify war, expresses in its original, an idea of multitude. The ancient Greeks likewise called it lye, which imports a DISUNION of minds; just as by the term dye, they meant the DISSOLUTION of the parts of the body. Nor does the use of the word, WAR, contradict this larger acceptance of it. For though some times it is only applied to the quarrels of states, yet that is no objection, as it is evident that a general name is often applied to some particular object, entitled to peculiar distinction. Justice is not included in the definition of war, because the very point to be decided is, whether any war be just, and what war may be so called. Therefore we must make a distinction between war itself, and the justice of it.

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