

The *Mozi* and Just War Theory in Pre-Han Thought

Chris Fraser

University of Hong Kong

Abstract

The *Mozi* presents one of history's earliest discussions of the justification for war. *Mozi* and his followers held that although unprovoked aggression is always unjustified, defensive war and punitive aggression may sometimes be warranted. However, their criteria of just war are so stringent as to permit only defensive war, rendering offensive, punitive war nearly impossible to justify. The article reviews discussions of just war in the *Mozi* and other pre-Han texts and discusses how *The Annals of Lü Buwei* presents a conception of "righteous arms" as an alternative to the Mohist privileging of defensive over offensive war. I argue that, with minor refinements, the Mohist view answers the *Annals*' criticisms while underscoring problems concerning the justification of aggression that the *Annals* overlooks. The article highlights how features of early Chinese justifications for war—most importantly, the analogy between just war and criminal punishment—raise deep problems for the justification of aggression.

Keywords: *Mozi*; Mohism; *Lü shi Chunqiu*; condemning aggression; righteous war; just war theory

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1. Introduction

China's Warring States era (481–221 BCE) was marked by cruel, destructive, recurring warfare between the seven major warring states and numerous minor states. This perennial violence gave rise to an impassioned anti-aggression discourse led by the early Warring States philosopher and social activist Mo Di 墨翟 (fl. ca. 430 BCE) and his followers, the most well-known critics of armed aggression. Initially, the Mohists may simply have opposed all military aggression. Later, however, they developed the more nuanced view that, although unprovoked aggression is wrong, defensive warfare—including humanitarian intervention—and punitive aggression may sometimes be justified. The writings collected in the *Mozi* 墨子—a compilation of texts presenting a range of Mohist views, probably compiled and edited by various hands—implicitly present an elaborate set of criteria by which to evaluate the justification for war. This article identifies and elucidates these criteria and examines how the *Mozi* applies them to evaluate the justification for military action in various contexts. One key finding is that the Mohist criteria are so stringent that offensive war can be justified only very rarely and even defensive war is not always warranted. Another is that the *Mozi* may anticipate the idea of appealing to an interstate alliance as a competent authority to justify retributive, preventive offensive action against a rogue state. To help clarify the significance of Mohist and other early Chinese views and to situate them with respect to later, international discourse on the ethics of war, the article briefly explores the extent to which they overlap with justifying conditions widely accepted in contemporary just war theory.

The Mohists initiated a discourse on the moral justification for war to which a range of early Chinese texts contributed, as the escalating frequency, intensity, and scope of armed conflict during the Warring States era drew attention to questions concerning ethically appropriate grounds for and responses to aggression. Aside

from the *Mozi* itself, the richest discussion of the justification of war appears in several sections of *The Annals of Lü Buwei* 呂氏春秋, which integrate and develop points presented in earlier political, military, and ethical writings. Here I briefly review remarks on the justification for war from the *Guanzi* 管子, *Sima Fa* 司馬法, *Mengzi* 孟子, and *Xunzi* 荀子 that fill in the conceptual background to the position defended in the *Annals*. I then explore the arguments of the *Annals* in detail. The *Annals* rejects the Mohist privileging of defensive over aggressive war and articulates a conception of just war—or more specifically, “righteous arms” (*yi bing* 義兵)—as an alternative to the Mohist position. Although the early Chinese concept of righteous arms has been treated in previous studies,¹ the dialectical relation between the doctrine of righteous arms presented in the *Annals* and the Mohist theory of just defensive war has not been examined in depth, and the pivotal role of Mohism in early discourse on the ethics of war has not been sufficiently emphasized.²

After expounding the *Annals*' account of righteous arms, I consider how a proponent of the Mohist doctrine of just war might respond. I argue that, with minor clarifications or refinements, the Mohist view can adequately answer the *Annals*' criticisms and that it underscores problems concerning the justification for offensive war that the *Annals* overlooks. At the same time, I will highlight conceptual features of early Chinese justifications for war—most importantly, the analogy between just war and criminal punishment—that reflect genuine, deep problems for the justification of aggression which remain pertinent to just war theory today. In this regard, the disagreement between the *Mozi* and the *Annals* may be instructive for contemporary reflection on international relations and the justification of war.

¹ See, for example, Lin, 2002; Lewis, 2006; Godehart, 2008; Van Els, 2013B; and especially Graff, 2010.

² For example, Wu (2003, 225–226) does not elaborate on the conception of just war implicit in the Mohist concept of *zhu* 誅 (punitive war), nor does he examine the relations between the Mohist stance and other early views on justified war. Zhang (2005, 16) minimizes the role of Mohist thought in Chinese just war discourse, characterizing Ruist and *Fa Jia* (“Legalist”) thought as more influential. Kang (2006, 132) mentions Mozi among early critics of aggression but his discussion of the criteria for just war in pre-Qin thought omits Mohism entirely (133–134). Neither Lewis's (2006) nor Godehardt's (2008) otherwise excellent work discusses Mohism. In tracing the development of the doctrine of righteous arms, Cao (2014, 102) mentions Mohist thought only fleetingly, without exploring how righteous arms relates to the Mohist concept of punitive war or Mohist criticisms of aggression.

Warring States texts are generally anthological, composite, and of uncertain date, their various sections having been written and compiled gradually, sometimes over many years, by multiple, anonymous hands.³ Accordingly, doctrines and arguments presented in different parts of the same “various masters” (*zhuzi* 諸子) text, for example, may diverge from each other in significant respects. For these reasons, this study is organized mainly thematically, offering only partial, tentative chronological suggestions, and it focuses on the views expressed in the texts, not the positions of specific historical figures. No assumption is made that statements in one section of a text necessarily represent the position of all sections.

The article focuses on the dialectical relationship between the arguments of the *Mozi* and those of the *Annals* partly because of their inherent interest and partly because of their historical status. The *Annals* is a compendium of writings produced by a team of scholars sponsored by Lü Buwei 呂不韋, chief minister of the state of Qin 秦, which eventually conquered all other rival states to unify China in 221 BCE. Unlike almost all other pre-Han philosophical texts, the “almanac” sections of the *Annals*—which include the essays on warfare—can be assigned a fairly precise date, as they are known to have been completed by 239 BCE, less than two decades before the Qin unification.⁴ These essays are thus in effect the concluding documents in an extended pre-imperial discourse on the justification for war that begins with Mozi in the fifth century BCE. Moreover, the significance of the *Annals* is more than academic. The compendium was prepared for presentation to the ruler of Qin, and its theory of righteous arms is a major theme of the celebratory propaganda promulgated by the victorious Qin empire.⁵ If, as a recent anthology about Chinese debates on war suggests, the moral acceptability of warfare has rarely been a focus of discussion in Chinese history,⁶ the *Mozi* is a shining exception, and the dispute between the *Annals* and the Mohists deserves special attention.

2. Conditions of Just War

³ For concise discussions of the composite nature and complex chronology of an extensive selection of pre-Han texts, see Loewe, 1993.

⁴ Knoblock and Riegel 2000, 27.

⁵ Lewis 2006, 191–92. Lewis suggests that this theory of just arms formed the core of later Chinese views of justified warfare.

⁶ Lorge 2013, 10.

As a preliminary to discussing early Chinese justifications for war, it is worth briefly sketching basic elements of contemporary just war theory. The purpose of doing so is not to imply that Chinese discussions of the ethics of war are significant only as measured against a contemporary or Western frame of reference, but to illustrate how early Chinese discourse raises issues widely recognized as crucial in just war theory and deserves attention as making significant contributions to global discourse on the ethics of war.⁷ Comparisons with contemporary just war theory may also help to clarify the implications of Chinese views.

Just war theory is commonly treated as comprising two parts, *jus ad bellum* (“right to war”), which treats the justification for going to war, and *jus in bello* (“right in war”), which treats right conduct during war. Early Chinese treatments of the ethics of warfare chiefly address *jus ad bellum*, but some passages also address *jus in bello*. Accordingly, most of the discussion in the following sections will focus on the justification for war, with a few remarks also on just conduct during war.

The Western tradition of just war theory is typically traced back to Aristotle (384–322 BCE), Cicero (106–43 BCE), and Augustine (354–430). Aristotle formulated the idea that war requires a just cause, while Cicero specified that war could be conducted only by a proper authority. To these objective conditions, Augustine added a subjective requirement: a just war must be fought with the right intention.⁸ A pivotal figure in the development of the tradition was Thomas Aquinas (1225–1274), who synthesized these and other ideas into a systematic doctrine of just war, incorporating the idea of proportionality of means to the ends and introducing the doctrine of double effect.⁹

⁷ A thorough treatment of this discourse would also include sources from the Indian religious and philosophical tradition. For discussion, see, for example, Clooney, 2003; Brekke, 2005; Allen, 2006; Morkevicius, 2010; and Roy, 2012. A significant difference between early Indian treatments of warfare and Western and Chinese discourse seems to be that, according to several scholars, Indian writings tend to focus on questions concerning just conduct in war (*jus in bello*) rather than the justification for war (*jus ad bellum*), which is central in Western and Chinese discussions. See Brekke 2005, 119; Allen 2006, 141; and Morkevicius 2010, 169. For a critical discussion of this claim, see Roy 2012, 28.

⁸ Orend 2013, 10–12.

⁹ Orend 2013, 15–16.

Just war theorists today typically propose six criteria for *jus ad bellum* that must jointly be satisfied to justify going to war.¹⁰ Whether or not these criteria ultimately yield a fully adequate account of the justification for warfare, they offer an informative background against which to consider early Chinese views on just war.

1. Just cause. War can be made only for a good reason, such as resistance to aggression.
2. Right intention. The actual motivation for the war must be a just cause.
3. Proper authority. Those launching a war must have the legitimate political authority to do so.
4. Probable success. The war must have a good chance of achieving its aims.
5. Last resort. All feasible peaceful alternatives to war, such as diplomacy, must first be exhausted.
6. Proportionality. The expected goods the war will bring about must outweigh the harms it will cause for all affected.

As to *jus in bello*, theories today commonly require that armed forces (1) must not target the innocent, except in certain extreme cases, (2) must use only force proportional to their justified ends, (3) must treat captives humanely, and (4) must not employ illicit means or weapons, such as genocide, rape, destruction of people's livelihood, or chemical and biological weapons.

As we will see, the Mohist "Triads"¹¹—parts of which are probably earlier than or contemporaneous with Aristotle¹²—clearly allude to rough versions of at least the first four of the criteria for *jus ad bellum*. Arguably, other Mohist writings imply

¹⁰ For easily accessible summaries of these widely affirmed criteria, along with those for *jus in bello*, see Mosely, 2009, and Orend, 2008.

¹¹ The "Triads" are ten sets of three *pian* 篇 ("books," "scrolls"), some now lost, that form the core of the *Mozi* and present what came to be regarded as the ten major Mohist doctrines. The three *pian* in each triad bear the same title, followed by the designation "upper" (*shang* 上), "middle" (*zhong* 中), or "lower" (*xia* 下). The individual *pian*—and even different sections within each *pian*—are discrete texts that may be of different origin and date. For a brief overview of the content and chronology of the "Triads," see the supplements on "Texts and Authorship" and "Significance and Chronology of the Triads" in Fraser, 2015. For a more detailed discussion, see Defoort and Standaert 2013, 1–34.

¹² See note 19 below on the chronology of the *Mozi*. Aristotle's discussion of war appears in the *Politics*, at least parts of which postdate the death of Philip of Macedonia in 336 BC (Anagnostopoulos 2009, 20–21).

versions of the last two as well.¹³ Competing views in texts such as the *Xunzi* and *The Annals of Lü Buwei* focus mainly on just cause and right intention, with some attention to proportionality. Regarding *jus in bello*, on the other hand, the *Mozi* offers only scattered remarks, while, as we will see, the *Xunzi*, the *Sima Fa*, and the *Annals* clearly stipulate that non-combatants should be spared, captives treated humanely, and mass destruction of resources and livelihood avoided.

Of course, pre-Han texts on the ethics of warfare do not treat the issue of “just” war *per se*, using a Western concept of justice or what is just.¹⁴ Instead, they evaluate, for instance, whether or not warfare is righteous (*yi* 義), benevolent (*ren* 仁), permissible (*ke* 可), or consistent with the Way (*dao* 道). Still, both early Chinese discussions and the Western just war tradition address the general question of whether war coheres with or can be legitimized by overarching ethical values that govern personal and social life. Despite differences in their concepts, theoretical assumptions, and historical context, this shared concern provides a basis for examining Chinese sources alongside Western ones as contributions to a broader, transcultural discourse on the ethics of war.

3. The *Mozi* on War

The Mohists were renowned for their strenuous opposition to military aggression.¹⁵ “All Under Heaven,” a Han dynasty retrospective of Warring States thought that constitutes the final book of the *Zhuangzi* 莊子, says that Mozi “cared universally, benefited all-inclusively, and rejected fighting.”¹⁶ An anecdote in the

¹³ That Mohist views roughly cover the six criteria for *jus ad bellum* is not a distinctive observation. In an article drafted concurrently with but independently of this one, Loy offers a similar interpretation (2015, 241–242). Zhang (2005, 18–19) notes correspondences between a range of pre-Qin views on the justification for war and criteria emphasized in the Western tradition of just war theory.

¹⁴ For that matter, it is unlikely that influential contributions to Western just war theory ranging from Aristotle to Aquinas to Michael Walzer all share a unified, monolithic conception of the just, either.

¹⁵ For an easily accessible survey of Mohist thought, see Fraser, 2015.

¹⁶ *Zhuangzi*, “Tian Xia,” 33/18. References to the *Zhuangzi* give book (*pian*) titles along with book and line numbers in the Harvard-Yenching concordance text (Hung, 1956). This citation method allows convenient identification of the exact lines cited using the concordance search tool at the Chinese Text Project, <http://ctext.org/tools/concordance>, a resource site administered and edited by

Mozi depicts Mozi walking ten days and nights to reach the powerful southern state of Chu in time to dissuade its king from attacking the small central state of Song.¹⁷

Speeches reported in the *Zuo Zhuan* 左傳 commentary on the *Spring and Autumn Annals* 春秋, an early Chinese historical record, describe as righteous such motives for war as defending a small state from aggression or punishing criminal behavior.¹⁸ However, these speeches present no detailed or explicit account of just war, and they may reflect the views of the Warring-States-era compilers of the commentary, not those of the much earlier historical figures it depicts. The *Mozi* appears to be the earliest text in the Chinese tradition¹⁹—and indeed among the earliest in any philosophical tradition²⁰—to address the ethics of war in detail and to articulate a clear stance concerning the conditions under which warfare is justified.

The unifying basis for discussions of warfare in the *Mozi* is the text's consequentialist ethical theory.²¹ “Consequentialism” is a general term for the view that what determines whether actions, norms, policies, or character traits are

Dr. Donald Sturgeon. The Harvard-Yenching concordance is used because lines are numbered sequentially throughout each book.

¹⁷ *Mozi*, “Gongshu,” 50/1–19. References to the *Mozi* give book (*pian*) titles along with book and line numbers in the Harvard-Yenching concordance (Hung, 1948). The concordance numbering can be used with the concordance search tool at the Chinese Text Project.

¹⁸ Lewis 2006, 187.

¹⁹ Conjectures concerning the dating of the *Mozi* Triads range from mid-to-late fifth century BCE for the earliest sections to late third century BC for the latest. One plausible view is that the earliest parts “go back in substance to the beginnings” of the Mohist movement some time in the fifth century BCE (Graham 1993, 338). A paragraph in Book 18, the second of the three texts entitled “Condemning Aggression” (“Fei Gong”), gives examples of “former” and “recent” states ruined through wars of aggression, all of which were conquered between 473 and 431 BC (Graham 1989, 44). These references of course do not fix the date of the text, but they are at least suggestive, implying that the paragraph might have been composed not too long after 431 BCE. Another credible view is that the Triads date from the early fourth to the early third century BCE (Defoort and Standaert 2013, 4). A potential clue to the date of Book 19, the third “Condemning Aggression” text, is that among examples of belligerent contemporaneous states it includes Yue 越, which was absorbed by Chu 楚 in 333 BC (Brindley 2015, 86). One plausible explanation is that the relevant passage may have been written before that time. For a detailed overview of different theories about the chronology and development of the *Mozi*, see Defoort and Standaert 2013, 4–16.

²⁰ The earliest sources for discussions of the ethics of war in other major traditions of thought appear to be Aristotle's *Politics*, which dates roughly to around or after 336 BCE (Anagnostopoulos 2009, 20–21), and the Hindu *Mahabharata*, which seems to have been composed between the fifth and third centuries BCE (Roy 2012, 14). Unlike the *Mozi*, the *Mahabharata* does not present a systematic discussion of the justification for war grounded in an explicit ethical theory.

²¹ Whether Mohist ethics is indeed foundationally consequentialist has been the subject of extensive debate. For a detailed defense of the claim that it is, see Fraser 2016, 117–122 and 138–143.

morally right is whether they have better consequences than alternatives. Mozi and his followers held that what is right is determined by what “promotes the benefit of all under heaven and eliminates harm to all under heaven.”²² “Benefit,” as they understand it, comprises material wealth, a flourishing population, and social order.²³ Order (*zhi* 治) refers to the absence of evils such as violence, crime, exploitation, oppression, and harassment, the presence of social goods such as harmony, cooperation, and charity, and the exercise of relational virtues, such as loyalty and filiality. The universal qualifier “all under heaven” in Mohist formulations of ethical norms is crucial: in evaluating practices and courses of action, we must consider the benefits and harms to everyone affected, not only ourselves. On balance, if we consider the consequences for both sides of a conflict, war almost always wastes wealth, reduces population, and disrupts social order. Therefore, according to Mohist ethics, war is nearly always wrong.

Mohist writings distinguish three kinds of wars: defensive wars (*shou* 守), punitive wars (*zhu* 誅), and aggressive wars (*gong* 攻).²⁴ Defensive wars the Mohists take to be justified when unavoidable. Punitive wars they consider justified in special circumstances, in which demanding criteria are fulfilled. Aggressive wars they consider unjustified without exception. Unlike many anti-war activists, however, the Mohists themselves were keen, expert participants in military affairs, who considered a robust defense force a cornerstone of a state’s political and economic strength. Since a state may be forced to engage in defensive warfare and possibly also punitive warfare, they advocated maintaining a high level of military readiness and devoting due attention to city fortifications. A summary of Mohist political and economic views in a late stratum of the *Mozi* lists among a state’s seven most serious worries the inability to defend its city walls and moats, the ruler’s failure to make adequate defense preparations, and the failure of neighboring states to come to its assistance against an aggressor.²⁵ A passage from the Mohist “Dialogues” depicts Mozi chastising the minister of a small state for wasting money

²² “Jian Ai xia,” 16/1.

²³ “Jie Zang xia,” 25/5.

²⁴ Van Norden 2007, 174.

²⁵ “Qi Huan,” 5/1–4. Scholars generally agree that this and the other “summary” books (books 1–7) are among the latest parts of the *Mozi* (Defoort and Standaert 2013, 7).

on luxuries rather than strengthening his defense force.²⁶ In the Mohists' historical and political milieu, a prerequisite for promoting the benefit of all was the ability to defend one's own state and to join in interstate defense alliances. Indeed, some Mohists formed specialized militias that were renowned for their prowess in siege fortifications and defensive warfare. (Portions of their technical manuals are preserved in *Mozi* books 52–71.) The Mohists' reputation as defense experts may have provided diplomatic leverage to help convince potential aggressors to forgo unjust wars.

3.1 Defensive War

For the Mohists, a justified state policy must promote the benefit of all and eliminate harm to all. Presumably, then, they consider defensive war justified insofar as it promotes benefit or reduces harm, at least for the community under attack. Of course, defensive war may not always promote benefit or reduce harm, compared with letting one's state be peacefully absorbed by an aggressor. Any war is likely to waste lives and resources. A failed defensive war might provoke harmful reprisals that are worse than the consequences of immediate surrender. If the costs of defensive warfare are too high, compared with surrendering one's state without resistance, Mohist ethical theory should justify surrender.²⁷ However, the Mohists depict the consequences of invasion in their day as horrific: a conqueror might pillage or destroy all of the defeated state's resources and execute or enslave its people.

Now the rulers of the great states say, without scruples, "Dwelling in a great state without attacking small states, how am I great?" Hence they muster their sharpest soldiers and assemble their boat and chariot forces to attack an

²⁶ "Gui Yi," 47/36–40. The "Dialogues" comprise four books (*Mozi* books 46–49) presenting short sayings, anecdotes, and conversations involving Mozi, some presumably fictional. (This section of the *Mozi* is sometimes taken to include book 50, "Gong Shu," which is a single narrative.) The dating of the Dialogues is highly uncertain, but features such as their more polished literary style, references to a mature, well-established Mohist organization, and explicit formulation of a quasi-canonical list of ten Mohist doctrines ("Lu Wen," section 14, 49/61–64) seem best explained by the hypothesis that they postdate the Triads. They may date from the middle to late fourth century BCE or perhaps even later. For further discussion, see Defoort and Standaert 2013, 6. As will become clear, the Dialogues fill out and develop Mohist views on war in crucial respects not covered by the Triads.

²⁷ Van Norden 2007, 176, makes this observation.

innocent state. Entering the state's borders, they mow down its crops, fell its trees, raze its city walls, filling its moats with the rubble, burn its ancestral shrines, and slaughter its sacrificial animals. People who resist are beheaded; those who don't resist are brought back in chains, the men to labor in stables and on chain gangs, the women to thresh grain.²⁸

For a state under attack, it seems likely that defensive warfare, even with the risk of defeat, generally would have had better expected consequences than peaceful surrender.

Defensive war for the Mohists includes not only self-defense but the defense of other states, specifically allies and “innocent” (*wu zui* 無罪) small states targeted by belligerent larger states.²⁹ Good statesmanship requires cordial, mutually beneficial relations with other states, such that all are prepared to come to each other's defense.³⁰ Through orderly domestic government and mutually beneficial diplomatic relations, states establish themselves as innocent and thus deserving of defense assistance.

One passage in the Mohist Dialogues suggests that diplomacy and even political submission to a powerful aggressor may sometimes be preferable to defensive war. Fearful of an attack by the powerful state of Qi, the Lord of Lu asks Mozi what can be done to save his state.³¹ Mozi cites the examples of the four sage-kings, who by teaching loyalty and practicing righteousness rose from small fiefdoms to rule the world, and the four tyrants, who through enmity and violence lost their empires. Disaster can be avoided, he suggests,³² by “honoring Heaven and serving the ghosts above, caring about and benefiting the people below, richly preparing furs and coin, making your remarks humble, urgently paying respects to the neighboring various lords, and leading your state to serve Qi.” These remarks suggest two concurrent courses of diplomacy. Lu should develop friendly ties with neighboring states, so that they support its defense, while diplomatically subordinating itself to Qi if needed to avoid war. The passage hints that the Mohists regarded diplomacy as

²⁸ “Tian Zhi xia,” 28/46–50. See too “Fei Gong xia,” 19/10–14.

²⁹ “Fei Gong xia,” 19/12.

³⁰ “Fei Gong xia,” 19/57; “Qi Huan,” 5/1–2.

³¹ “Lu Wen,” 49/1–4.

³² Here and throughout the paper, actions and statements attributed to Mozi are considered to be those of his literary persona, which may or may not coincide with those of the historical Mo Di.

preferable to defensive war even when the cost might be some form of vassalage to a more powerful state. Their reasoning was probably that whatever harm might come from diplomatic subjugation would be less than the harm of war, or at least a mismatched war with little likelihood of success. The passage may be applying an implicit criterion of probable success to argue against war, or it may reflect the view that defensive war is justified only as a last resort, when no peaceful diplomatic alternative is available.

The tale of Mozi's convincing Chu to forgo its attack on Song illustrates the importance of defense preparation in Mohist peace activism and diplomacy. While a company of three hundred Mohists prepares to defend Song with force if needed, Mozi travels to Chu to persuade the King to call off the invasion. He first tries rhetoric:

“Now suppose there were a person here who set aside his fine carriage, as his neighbor had a broken cart and he desired to steal it. He set aside his embroidered finery, as his neighbor had a rough hemp coat and he desired to steal it. He set aside his grain and meat, as his neighbor had some chaff and dregs and he desired to steal them. What kind of person would this be?”

The King said, “Surely he would be a kleptomaniac.”

Our Master Mozi said, “The territory of Chu is five thousand *li* square; the territory of Song is five hundred *li* square. This is like the contrast between an elegant carriage and a broken cart. Chu has Yun Meng, full of rhinoceroses and milu deer, while the Yangzi and Han rivers are the richest in the world in fish, tortoises, and crocodiles. Song is said to lack pheasants, rabbits, and foxes. This is like the contrast between grain and meat and chaff and dregs. Chu has tall pines, catalpa, camphor, and oak. Song has no tall trees. This is like the contrast between embroidered finery and a rough hemp coat. Your subject takes the King's officials' attacking Song to be conduct of the same kind as the kleptomaniac's. I see the great King will surely injure righteousness to no gain.”³³

³³ “Gongshu,” 50/8–13.

The King concedes but says he must take Song nonetheless, because Gongshu Ban, his military engineer, has already built the siege engines. Mozi then uses his belt and a stick as models to illustrate how his militia's defense techniques can effectively counter all nine of Gongshu's methods of attack. Seeing this, the King cancels the invasion. The story suggests that the Mohists put diplomacy before defensive war but found the threat of a formidable defense pivotal to achieving peace through diplomacy.

3.2 Aggressive War

Aggressive war for the Mohists is always unjustified. A war of aggression, as they understand it, is an offensive war against a state that is innocent.³⁴ Mohist texts do not directly spell out criteria for a state to be innocent, but several conditions can be inferred from their stories about justified punitive war. In at least some cases, they consider punitive war justified when a state or its leader has fallen into "great disorder," insulted Heaven and the spirits, attacked other states, or inflicted atrocities on its people.³⁵ For a state to qualify as innocent, then, minimally, its leaders must be orderly, devout, peaceful toward other states, and benign to their subjects. If a state is innocent, in this sense, there can be no morally sound justification for aggression against it.

The Mohists offer both moral and prudential arguments against wars of aggression.³⁶ The moral arguments aim to show that, for various reasons, wars of aggression are morally wrong. The prudential arguments aim to show that such wars are also against the interests of the aggressor's own state, since the costs outweigh the benefits. In Mohist ethics, of course, since the distinction between benefit and harm determines right and wrong, demonstrating that the harms of some action outweigh the benefits is tantamount to showing it is morally wrong. So the prudential arguments also support the conclusion that aggressive war is immoral. One argument combines moral and prudential concerns, contending that even if a

³⁴ "Fei Gong xia," 19/12.

³⁵ See, for example, "Fei Gong xia," 19/33; "Ming Gui xia," 31/84 and 31/89; and "Lu Wen," 49/16.

³⁶ For a detailed account of each argument, see Van Els, 2013A.

ruler wages war for morally admirable ends, aggression is a poor means of pursuing them.

The moral arguments are presented mainly in three books, the first and third “Condemning Aggression” texts (*Mozi* Books 17 and 19) and the third “Heaven’s Intent” text (Book 28). The shared theme of these arguments is that aggressive warfare fails to meet the basic moral standard of promoting the benefit of all. The first moral argument appears in the first “Condemning Aggression” book:

Now suppose a person enters someone’s orchard and steals his peaches and plums. When the multitude hears about it, they condemn him. If superiors who govern get hold him, they punish him. Why is this? Because he injures another to benefit himself. In the case of seizing someone’s dogs, hogs, chickens, and pigs, the unrighteousness is even greater than entering someone’s orchard and stealing the peaches and plums. What is the reason for this? Because the more he injures another, the more he is unbenevolent and the heavier the crime. In the case of entering someone’s stable and taking the person’s horses and oxen, the unbenevolence and unrighteousness are even greater than seizing someone’s dogs, hogs, chickens, and pigs. What is the reason for this? Because it injures another even more. If it injures another more, the more it is unbenevolent and the more serious the crime. In the case of killing an innocent person, stripping him of his clothing, and taking his spear and sword, the unrighteousness is even greater than entering someone’s stable and taking the person’s horses and oxen. What is the reason for this? Because it injures another even more. If it injures another more, the more it is unbenevolent and the more serious the crime. In these cases, the gentlemen of the world all know to deem these acts wrong and call them unrighteous. Now when it comes to the bigger case of attacking another state, they don’t know to deem it wrong, and so they praise it, calling it righteous. Can this be called knowing the difference between righteous and unrighteous?³⁷

Example by example, the text builds to the analogical conclusion that unprovoked military aggression is unrighteous in exactly the same way that theft and murder are: “it injures another to benefit oneself.” Indeed, war is far worse than these crimes, for

³⁷ “Fei Gong shang,” 17/1–7.

the same reason that murder is worse than theft: “It injures another more. If it injures another more, the more unbenevolent it is and the more serious the crime.” To the Mohists, unrighteous war is a crime of the same kind as theft, robbery, and murder, only on a larger scale. “The gentlemen of the world” fail to see this, however. They are “confused” in distinguishing the righteous from the unrighteous and thus see military conquest as a proud achievement to be memorialized for later generations, rather than a crime.³⁸

The third “Heaven’s Intent” essay makes the underlying inconsistency explicit. In governing their states, “kings, dukes, and great men” all punish murder and theft just as the ancient sage-kings did. Yet they invade, attack, and annex other states, a crime amounting to “thousands and tens of thousands” of murders and thefts.³⁹ Their own governments prohibit killing people, yet they deem it righteous to kill as many people of a neighboring state as possible. How is this different, the text asks, from calling a small amount of black “black” but a large amount “white”?⁴⁰

The third “Condemning Aggression” essay presents a more elaborate moral argument.⁴¹ Everyone knows that what is good or moral is what benefits all denizens of the cosmos—Heaven, the ghosts, and people.⁴² But wars of aggression do not benefit Heaven. Just the opposite: they employ some of Heaven’s people to massacre others, while dispossessing spirits from their shrines, overthrowing the altars of soil and grain, and slaughtering the sacrificial animals. They fail too to benefit the ghosts and spirits, since they result in the death or scattering of their worshippers. Nor do they benefit people. Obviously, those who die do not benefit, and much of the survivors’ material resources are wasted. Since such wars are harmful at all three levels, they are morally wrong.

The prudential argument that wars of aggression are against the aggressor’s own interest is the main theme of the second “Condemning Aggression” essay and reappears in the third. The argument amounts to a litany of the costs and harms of

³⁸ “Fei Gong shang,” 17/14 and 17/10. There is a remarkable parallel between the Mohist point here and Augustine’s anecdote about the pirate in *City of God*, Book 4, Chapter 4. Challenged by Alexander the Great to explain his conduct, the pirate replied it was of the same kind as Alexander’s, the only difference being that piracy committed on a petty scale makes one a robber, while on a vast scale it makes one an emperor (Dods 2000, 113).

³⁹ “Tian Zhi xia,” 28/61–64.

⁴⁰ “Tian Zhi xia,” 28/66–67.

⁴¹ “Fei Gong xia,” 19/15–19.

⁴² “Fei Gong xia,” 19/3–4.

war for the aggressor. War interrupts planting or harvesting. It wastes innumerable quantities of weapons, military supplies, vehicles, and livestock. People die because of harsh weather, insufficient food, illness, and injury in battle. The spirits suffer because of the death of their worshippers. Warlike rulers might rejoin that these costs are offset by the fame and plunder that victory brings.⁴³ The Mohist reply is that the spoils of war are simply never enough to make up for the costs:

Calculate what they win for themselves, and there is nothing they can use. Calculate what they gain, and on the contrary it is not as much as what they lose. Now attacking a city of three *li* with an outer wall of seven *li*, to attack this without using weapons and capture it without killing, this is difficult. Only by killing people—whether many, surely numbering in the tens of thousands, or few, surely numbering in the thousands—can a city of three *li* with an outer wall of seven *li* be captured. Now states of ten thousand chariots have empty towns numbering in the thousands that can be entered without conquest and wilds numbering in the ten thousands that can be developed without conquest. That being so, then land is what's in surplus, while people are what's in shortage. Now to maximize the deaths of the people and aggravate the troubles of superiors and subordinates in order to fight for an empty city, this is to discard what's in shortage in order to multiply what's in surplus.⁴⁴

No warlike state lacks land, yet they waste what they need—human lives—in pursuit of what they possess in abundance—villages, cities, and farmland. Governing in this way is contrary to the proper ends of the state.⁴⁵

Opponents might object that some states have indeed benefited from wars of conquest. Chu and Yue in the south and Qi and Jin in the north all increased their territory and population through aggressive wars. The Mohists respond that a handful of successes among a myriad failures shows that aggression fails to conform to the morally right Way (*dao* 道), just as a doctor who treats many patients but heals only a few fails to genuinely treat disease:

⁴³ “Fei Gong zhong,” 18/10.

⁴⁴ “Fei Gong zhong,” 18/10–15.

⁴⁵ “Fei Gong zhong,” 18/15.

Although four or five states benefited from it, we still call it not practicing the Way. It is analogous to a doctor medicating people who are sick. Suppose there is a doctor here who assembles for treatment all the sick people in the world and medicates them. A myriad people taking this medicine, if four or five people treated benefited from it, we still call it not practicing medicine. So filial sons don't give it to their parents and loyal subjects don't give it to their ruler.⁴⁶

The text goes on to cite numerous examples of states that were extinguished because of their own or others' aggression. For the Mohists, the Way refers to norms that everyone can practice regularly and consistently with beneficial results for all. So the fact that only four or five exceptional states among a myriad have benefited from aggression shows that aggressive war is not the Way.

To these arguments, warlike rulers might rejoin that the Mohists' list of states that destroyed themselves by undertaking wars of aggression shows only that the states' leaders were incompetent, or "unable to marshal and employ their multitudes."⁴⁷ With competent leadership, aggressive war can be profitable. In rebuttal, the *Mozi* cites historical examples of brilliant generals whose military adventures were initially successful but eventually brought reprisals, defeat, and ignominious death.⁴⁸ Even for leaders as talented as these, aggressive war is unlikely to yield long-term profit and security.

A further argument against aggression combines prudential and moral concerns. The third "Condemning Aggression" essay considers the view that aggression might be justified if the aggressor's motive is not material gain but "to establish a reputation for righteousness across the world and to attract the various lords with virtue."⁴⁹ For prudential, self-interested reasons, the aggressor aims to achieve an admirable moral status and considers wars of conquest a reliable way to do so. A reputation for righteousness and virtue is a laudable ambition, the Mohists agree, but aggression is a misguided means of pursuing it. To achieve this aim, a ruler should instead conduct diplomatic relations in good faith, distribute military

⁴⁶ "Fei Gong zhong," 18/18–20.

⁴⁷ "Fei Gong zhong," 18/26–27.

⁴⁸ "Fei Gong zhong," 18/27–39.

⁴⁹ "Fei Gong xia," 19/55.

and economic aid generously to other states, and govern morally and effectively in his own state—thus befriending other states while strengthening his own. In this way, he would bring innumerable benefits to all and have “no match in all the world.”⁵⁰ Wars of aggression are unjustified even if driven by praiseworthy motives.

3.3 Punitive War

The third “Condemning Aggression” essay, chronologically most likely the latest of the three,⁵¹ raises an important objection to Mohist criticisms of aggressive war. According to historical accounts widely accepted in the Mohists’ era, several of the sage-kings they admired as moral paragons carried out successful offensive military campaigns. Yu suppressed the Miao tribes, Tang overthrew the tyrant Jie of the Xia dynasty, and Wu toppled the tyrant Zhou of the Shang dynasty. If aggressive war is harmful and unrighteous, as the Mohists contend, why did the sage-kings launch these wars? The Mohist reply is that these offensive campaigns were not wars of aggression (*gong*). They were punitive missions (*zhu*),⁵² a type of offensive warfare that overlaps with what we might call humanitarian intervention. The Mohists allow that in the case of punitive missions, offensive war may sometimes be justified.

The treatment of punitive war in the *Mozi* is a rich, early example of a justification for offensive warfare that has been neglected as a source of the pre-Han concept of just or righteous arms (*yi bing*).⁵³ Although the *Mozi* itself does not use the phrase “righteous arms (*yi bing*),” it is the earliest text to elaborate on the

⁵⁰ “Fei Gong xia,” 19/55–61.

⁵¹ The two major sequential theories of the development of the Triads—those of Taeko Brooks and Watanabe Takashi—agree that the chronological sequence of the “Condemning Aggression” (“Fei Gong”) books is most likely *shang-zhong-xia* (see Defoort and Standaert 2013, 12–16), a hypothesis that complements the findings of my own previous research (Fraser 2010A, 2010B). Both date book 17 roughly to the early fourth century BCE, book 18 to the middle decades of the fourth century, and book 19 to the later decades. Of course, given the limited evidence and the many uncertainties involved, any hypothesis about the chronology of the triad books must remain tentative. The difficulty of dating individual books is compounded by the likelihood that the books themselves are composite texts, their different sections or paragraphs perhaps being of different date and origin. On this point, see Maeder, 1992 and Fraser, 2010B. For a general discussion of the composite nature of early Chinese texts, see Boltz, 2005.

⁵² “Fei Gong xia,” 19/32–33.

⁵³ For instance, Lewis (2006, 188) neglects the Mohist discussion of punitive warfare. Zhang (2005, 16) and Cao (2014, 102) mention Mohism only very briefly.

concept of punitive war (*zhu*), which provides the conceptual basis for the later notion of righteous arms. In the *Mozi*, the distinction between aggressive and punitive war is drawn explicitly only in the passage defending the wars of the sage-kings. However, the topic of punitive war appears repeatedly. Several passages in the Triads claim that a state which follows Mohist policies will be “strong when entering to defend (*shou*) and powerful when emerging to punish (*zhu*).”⁵⁴ Moreover, Mohist moral arguments against aggressive war repeatedly draw analogies between wars of aggression and crimes such as theft, robbery, or murder. As Van Els points out,⁵⁵ although these moral arguments do not mention punitive warfare, the crime analogy implies that punitive campaigns could be justified, since the Mohists expressly endorse punishment for the analogous crimes.

To vindicate the sage-kings’ supposedly punitive wars, the *Mozi* presents a series of elaborate stories, replete with portents from Heaven and visits from spirit emissaries. Although the stories amount mainly to a concocted apology for these wars, they jointly illustrate a series of conditions under which the Mohist writers consider punitive war justified. Intriguingly, these implied conditions overlap significantly with mainstream views today of the conditions for *jus ad bellum*, as sketched in section 2.

The first and most prominent condition justifying these punitive wars is that all were purportedly conducted with divine sanction.⁵⁶ According to legend, Heaven (*tian* 天) expressed its condemnation of the targets of the punitive missions through miraculous portents, including freak weather, crop failure, midnight sun, rains of blood and flesh, screeching ghosts and animals, and fantastic creatures, such as a giant bird with a human head. Even more important, Heaven dispatched spirit emissaries to publicly authorize the sage-kings’ campaigns. Since the Mohists apparently expect Heaven’s mandate to be signalled by such publicly observable miracles, in practice the criterion of divine sanction turns out to be extremely, even impossibly demanding.⁵⁷ Indeed, one purpose of the stories may have been to rule

⁵⁴ *Mozi*, “Shang Xian zhong,” 9/13–14. See too “Shang Xian zhong,” 9/30–31; “Shang Tong zhong,” 12/40; and “Fei Ming xia,” 37/42–43. An interesting question is to what extent these references to punitive war might be purely rhetorical, since for the Mohists in practice punitive wars are rarely justified.

⁵⁵ Van Els 2013A, 77.

⁵⁶ This point is emphasized by Wong and Loy 2004, 354–55. See too Van Els 2013A, 84–91.

⁵⁷ Van Els 2013A, 91 stresses this point.

out claims to Heaven's mandate through private revelation. If Heaven does sanction an invasion, it will alert many witnesses.

Heaven's sanction does not correspond directly to any condition in contemporary just war theory. However, in the Mohists' philosophical and religious context, the mandate of Heaven can be interpreted as fulfilling the condition of proper authority for punitive war. Heaven is regarded as an ultimate socio-political and cosmic authority figure, ranking above any human prince, king, or emperor and ruling over the entire natural and social world. One *Mozi* passage draws an analogy between Heaven's punishment of those who launch aggressive wars and a sovereign's punishment of criminal acts within a state.⁵⁸ The implication is that the only authority that can legitimately initiate a punitive mission is Heaven itself. This point turns out to be pivotal in understanding Mohist doubts about the justification for offensive war, and so we will examine it closely in section 6. Heaven's role also marks an important conceptual difference between early Chinese discourse on war and contemporary just war theory. In contemporary theory, the condition of proper authority usually refers to the stipulation that only the legitimate political authority of a state, acting in accordance with that state's laws, may justly declare war. As sections 4 through 6 will show, in early Chinese political thought, the issue of proper authority instead mainly concerns the question of under what conditions, if any, one state can possess the authority to "punish" another.

Beyond Heaven's role as a proper authority for launching punitive wars, the reasons the Mohists give for Heaven's sanctioning punitive missions correspond to several modern criteria for *jus ad bellum*. First, Heaven does not sanction punitive wars capriciously or arbitrarily. It does so for good reasons, which correspond to the condition of just cause in contemporary just war theory. In each of the Mohists' examples, the punished state had purportedly fallen into disorder. The most detailed accounts of this disorder report that the tyrants Jie and Zhou blasphemed Heaven and the spirits and massacred their own people.⁵⁹ Zhou is accused of atrocities such as abandoning the elderly, murdering children, torturing the innocent, and slicing open the wombs of pregnant women.⁶⁰ Punitive missions are thus undertaken to put an end to chaos and atrocities and to restore peace and order. This point explains

⁵⁸ "Lu Wen," 49/12–16.

⁵⁹ "Ming Gui xia," 31/83–84, 31/89.

⁶⁰ "Ming Gui xia," 31/89.

how Heaven's role in sanctioning legitimate punitive wars coheres with the Mohists' consequentialist ethical theory. Heaven's grounds for approving of a punitive expedition are that it will bring about more benefit than alternatives.

Second, a punitive war must be waged with good intention. Specifically, Mohist texts explain, it should be waged not for self-interest, but to promote the benefit of all, as in Yu's campaign against the Miao: "Yu's subjugation of the Miao was not to seek to expand his wealth and status, obtain blessings and rewards, or please his ears and eyes. It was to seek to promote the benefit of all the world and eliminate harm to all the world."⁶¹ Each of the purportedly justified punitive wars was fought to secure peace and stability. This condition corresponds roughly to the condition of right intention in Western just war theory.

Third, the sage-kings had good reason to believe their punitive wars would succeed, as the spirit envoys Heaven dispatched to command the attacks expressly guaranteed success.

Shortly a spirit came to announce, "The virtue of Xia is in great disorder. Go to attack them. I will surely cause you to have a great victory over them."⁶²

A crimson bird holding a jade sceptre landed by the Zhou shrine and said, "Heaven mandates King Wen of Zhou to invade Yin and possess its state."...King Wu ascended the throne and in a dream saw three spirits, who said, "We have immersed Zhou of Yin in the power of wine. Go to attack him. We will surely cause you to have a great victory over him."⁶³

Although readers today may doubt whether purported announcements from spirits are good grounds for expecting military victory, these features of the stories correspond to the condition of probable success in modern just war theory.

Despite its fanciful, mythical trappings, then, the Mohist doctrine of punitive war overlaps four of the six criteria for *jus ad bellum* commonly accepted in just war theory today: just cause, right intention, proper authority, and probable success. Moreover, as we will see in section 6, further remarks in the *Mozi* hint at the two remaining criteria, last resort and proportionality.

⁶¹ "Jian Ai xia," 16/54–55.

⁶² "Fei Gong xia," 19/40.

⁶³ "Fei Gong xia," 19/44–46.

4. Punitive War in Other Texts

The Mohist appeal to the concept of punitive war to defend the sage-kings' purportedly justified offensive campaigns reflects a stance expressed in a range of middle to late Warring States political, military, and philosophical writings. The exact chronology of these texts and potential directions of influence between them cannot be determined with confidence. However, it seems likely that by the last decades of the fourth century BCE, the idea had become widespread that offensive military action against other states could be justified if undertaken for the purpose of punishing ethical transgressions. War could be justified by analogy to criminal punishment. This section surveys several texts that illustrate this stance.

The “Can Huan” (“Considering Misfortune”) section of the *Guanzi* 管子, an eclectic collection of political, economic, military, and ethical writings associated with the state of Qi 齊, draws parallels between punitive (*zhu* 誅) war against bellicose foreign states and criminal punishment of domestic miscreants, declaring that armed forces are required for both ends. “So in punishing a vicious state, one must use armed forces; in suppressing scoundrels, one must use criminal punishments. So, then, as to armed forces, externally they are used to punish viciousness; internally they are used to suppress wickedness.”⁶⁴ For this text, a robust military is essential to the reputation of the sovereign and the security of the state, as it is the means by which one punishes aggression abroad and prohibits crime at home.

The parallel between criminal punishment within the state and military campaigns to punish wrongdoing abroad appears again in the *Sima Fa* 司馬法, a fourth-century BCE military text also associated with Qi.⁶⁵ To suppress the unrighteous, worthy kings of old created the five criminal punishments for domestic use and marshaled armored soldiers for interstate expeditions.⁶⁶ The *Sima Fa*

⁶⁴ Yan 1996, 243–44, also Rickett 1985, 393. Rickett tentatively suggests a late Warring States date for this text.

⁶⁵ Sawyer 1993, 115 places the *Sima Fa* in roughly the middle of the fourth century BCE.

⁶⁶ Lau and Chen 1992, “Ren Ben,” D1/45/18, also Sawyer 1993, 127. Index numbers from Lau and Chen, 1992 can be used with the concordance search tool at the Chinese Text Project, <http://ctext.org/tools/concordance>.

prominently addresses basic ethical values such as benevolence (*ren* 仁) and righteousness (*yi* 義) and seeks to carefully delineate the separate but complementary roles of civil and martial values and norms.⁶⁷ Accordingly, its opening passage is expressly concerned with the moral justification for war.⁶⁸ In ancient times, the text declares, taking benevolence as the foundation and ruling by righteousness was considered upright. However, in circumstances when the intention to practice uprightness could not be fulfilled, rulers had to pursue decisive authority (*quan* 權), which comes from war, not harmony between two sides. In such cases, “if one kills people to bring peace to people, killing them is permissible; if one attacks a state out of care for its people, attacking it is permissible. If one stops war by means of war, although it is war, it is permissible.”⁶⁹

Discussions in the two major Ruist “masters” anthologies of the late fourth to the third century BCE—the late fourth-century *Mengzi* 孟子 and the third-century *Xunzi* 荀子—suggest that the notion of a punitive mission to penalize a vicious ruler had become a common conception of justified offensive war. Passages in the *Mengzi* support punitive war against states that have mistreated their populace, provided the aspiring conqueror has won his own subjects’ support through benevolent government.⁷⁰ When King Xuan of Qi conquers Yan to punish its ruler for cruelty to his subjects, Mencius approves of the punitive invasion but chastises Xuan for violating norms of right conduct in war by killing and imprisoning the people of Yan, destroying their temples, stealing their precious vessels, and failing to practice benevolent government.⁷¹ He offers a populist criterion for rightful punitive war: invasion or annexation is legitimate if the people of the conquered state welcome the invading army for rescuing them from a vicious ruler and are pleased to be annexed.

⁶⁷ Sawyer 1993, 117–118.

⁶⁸ The *Sima Fa* also addresses right conduct in war (*jus in bello*). An invading force sent to punish the ruler of an offending state must not do violence to its gods, hunt its game, destroy earthworks or buildings, cut forests, or seize livestock, grain, or tools. They are not to harm the elderly or young or even to treat adults as hostile unless attacked. Wounded enemies are to be treated and returned. See “Ren Ben,” D1/45/23–25, also Sawyer 1993, 128.

⁶⁹ “Ren Ben,” D1/45/3–4, also Sawyer 1993, 126.

⁷⁰ Lau et al. 1995B, “Liang Hui Wang shang,” 1.5/2/28–1.5/3/2. Index numbers from Lau et al. 1995B can be used with the concordance tool at the Chinese Text Project (<http://ctext.org/tools/concordance>).

⁷¹ “Liang Hui Wang xia,” 2.10/11/23–2.11/12/8. Here and below, “Mencius” refers to the persona depicted in the texts, whose views may or may not correspond to those of the historical Mencius.

Such intervention, the text claims, is like a fall of “timely rain,” an analogy later adopted in both *Xunzi* and the *Annals*. (The Mohists offer no such populist standard, perhaps because they assume Heaven itself will indicate when punitive war is justified.)

A familiar political motif in the Confucian *Analects* is the ideal of rule by the moral influence of the sovereign’s virtue.⁷² The *Mengzi* extends this ideal into the doctrine that the benevolent ruler has no match or enemy.⁷³ The virtuous ruler can conquer misgoverned states unopposed, as their people will perceive the rightness of his cause and abandon their tyrannical rulers to welcome his benevolent, righteous regime. So convinced is Mencius that such encounters will be essentially bloodless that he dismisses historical reports to the contrary as apocryphal.⁷⁴ At the same time, however, the *Mengzi* raises the problem of proper authority for punitive war.⁷⁵ The point of Mencius’s famous claim that in the Spring and Autumn era there were no righteous wars is that punitive missions can be carried out only by a superior authority against subordinates.⁷⁶ A king can legitimately punish the lord of a city, but states that are equals in political status lack the authority to punish each other. Only an “official of Heaven”—not the King of Qi—could have had the proper authority to invade and punish Yan, Mencius claims retrospectively.⁷⁷ Perhaps justified punitive war indeed requires divine sanction, as the Mohists contend.

The *Xunzi* appeals to the concept of punitive war to address the potential contradiction between Ruist moral values and aggression. A legitimate king engages only in “punishment” (*zhu*) and not in “war” (*zhan* 戰).⁷⁸ Punitive missions target only those who have brought disorder to the common people, not the people themselves. Such missions follow strict standards of right conduct in war. The king does not attack a city that is well defended or troops who resist. He does not

⁷² See, for example, Lau 1979, 2:1, 2:3, and 12:19.

⁷³ Passages that mention this concept include “Liang Hui Wang shang,” 1.5/3/2; “Teng Wen Gong xia,” 6.5/33/12; “Li Lou shang,” 7.7/37/3; and “Jin Xin xia,” 14.3/73/18 and 14.4/73/20.

⁷⁴ “Jin Xin xia,” 14.3/73/18. Graff (2010, 200) rightly calls attention to Mengzi’s conviction that just wars involve little or no bloodshed.

⁷⁵ Graff 2010, 204–205.

⁷⁶ “Jin Xin xia,” 14.2/73/14.

⁷⁷ “Gongsun Chou,” 4.8/22/17.

⁷⁸ *Xunzi*, “Yi Bing,” 15/64. References to the *Xunzi* give book (*pian*) titles along with book and line numbers in Hung, 1956. The lines cited can be found using the Chinese Text Project concordance search tool (<http://ctext.org/tools/concordance>).

massacre the inhabitants of cities, move troops covertly, or keep his forces in the field long. His troops do not kill the old or weak, destroy crops, or capture those who submit or flee.⁷⁹ The concept of a punitive mission thus resolves the apparent conflict between offensive warfare and the Ruist values of benevolence and righteousness. It is precisely because of their moral virtues, the text claims, that the benevolent and righteous resort to arms:

The benevolent care about others. They care about others and so detest it when someone harms them. The righteous conform to orderly patterns. They conform to orderly patterns and so detest it when someone disorders them. Taking up arms is the means of suppressing violence and eliminating harm, not a matter of fighting to seize plunder. So the army of a benevolent ruler, wherever present, has an effect like a spirit; wherever it passes, it brings about transformation. It is like the fall of timely rain—no one does not rejoice.⁸⁰

For the *Xunzi*, as for the *Mengzi*, the army of a benevolent, righteous ruler prevails less by strength of arms than by the power of its moral virtue or charisma.⁸¹ The military exploits of the “four emperors and two kings”—Yao, Shun, Yu, and Tang, along with Kings Wen and Wu—all were cases of “marching through the world with armies of benevolence and righteousness.” As Mencius contends, their conquests were non-violent. “Those nearby found [the sagely rulers’] goodness dear, while those far off admired their virtue. The soldiers did not bloody their blades, yet those far and near came to submit.”⁸²

The *Mengzi* and *Xunzi*, then, both compare a virtuous king’s punitive invasion of a misgoverned state to the felicitous arrival of seasonable rain. Both contend that such an invasion will incur little bloodshed and will be welcomed by the people of the badly ruled state, who the invading force must leave unharmed. Both see virtue itself as a source of power, a “force multiplier” that ensures a righteous army will prevail.⁸³ Neither provides concrete criteria to identify misruled states, beyond asserting they are disorderly and have diverged from the Way. Perhaps the most specific criterion they give is the *Xunzi*’s remark that if the ruler and subjects of a state delight in each

⁷⁹ “Yi Bing,” 15/59–66.

⁸⁰ “Yi Bing,” 15/67–69.

⁸¹ Stroble 1998, 174.

⁸² “Yi Bing,” 15/70–71.

⁸³ The phrase “force multiplier” is Graff’s (2010, 208–209).

other, a king congratulates them rather than invading.⁸⁴ The *Mencius* implies that divine mandate might be required to justify punitive war. By comparison, the *Xunzi* prompts the worry that the doctrine of justified punitive war could all too easily slide from a commitment to rescuing victims of cruelty into a license for a powerful ruler to seize any state whose leadership he deems less virtuous than his own.⁸⁵

5. The *Annals* on Righteous Arms

Outside of the *Mozi*, the richest treatment of the ethics of warfare in the pre-Han literature appears in *The Annals of Lü Buwei* 呂氏春秋, which contains several short essays devoted to rejecting pacifism, rebutting the view that only defensive warfare can be justified, and presenting an account of righteous arms. As Graff suggests, the *Annals* is likely the earliest Chinese text to employ a specific label—*yi bing* (righteous arms or armies)—for the notion of a righteous or justified war or army.⁸⁶

A few middle to late Warring States figures are reported to have rejected warfare entirely, advocating that states instead “lay down arms” (*yan bing* 偃兵) or “put arms to rest” (*qin bing* 寢兵). According to the *Zhuangzi* “Tian Xia” essay, the anti-violence activists Song Xing 宋鉞 and Yin Wen 尹文 “prohibited aggression and put arms to rest (*qin bing*) to save the world from war.”⁸⁷ A story from a later section of the *Annals* reports that Gongsun Long 公孫龍 urged King Zhao of Yan to lay down arms (*yan bing*).⁸⁸ Unfortunately, no detailed arguments for these

⁸⁴ “Yi Bing,” 15/65.

⁸⁵ Graff (2010, 209) raises the same worry with respect to the military texts.

⁸⁶ Graff 2010, 202. The phrase “*yi bing*” also occurs in the *Wuzi* 吳子, in a list of five types of military forces, where it is explained as “prohibiting violence and rescuing from disorder” (Lau and Chen 1992, C1/36/29–30, also Sawyer 1993, 208). However, the extant *Wuzi* text may be of later date than the *Annals* (Sawyer 1993, 192). One passage in the *Mengzi* uses the phrase *yi zhan* 義戰 to refer justified warfare in which a sovereign authority punishes a subordinate (“Jin Xin xia,” 14.2/73/14), but the text does not elaborate on the concept.

⁸⁷ “Tian Xia,” 33/41. “Tian Xia” is a late, perhaps Han dynasty text that gives a retrospective, critical survey of the doctrines of a range of earlier figures, some of whose teachings are not recorded elsewhere. Its description of Mohist doctrines is roughly accurate, but it is difficult to say how reliable its report of Song Xing and Yin Wen’s views is.

⁸⁸ “Ying Yan,” 18/7.2. Citations to the *Annals* give section titles along with section numbers in Knoblock and Riegel, 2000. Since the *Annals* itself is divided into sections and subsections, these titles and numbers can be used to find the corresponding passage in any edition.

nonviolent teachings have been preserved. One possibility is that laying down arms was considered a consequence of comprehensive moral concern, as Gongsun Long indicates elsewhere in the *Annals*.⁸⁹ Another is that it was thought to follow from a particular conception of human psychology and the good personal and social life. According to “Tian Xia,” “prohibiting aggressive war and putting arms to rest” was the “external,” or social and political, side of Song and Yin’s teaching, while “the genuine desires are few and shallow” was the “internal,” or personal and psychological, side.⁹⁰ Song and Yin seem to have held that people’s genuine needs are simple and easily satisfied, and the good life lies in fulfilling these needs for all while freeing the heart of disturbances arising from extraneous desires. Hence on a personal level, the follower of their teachings has no motive to fight others, while in interstate relations, a ruler has no good motive to go to war. Song and Yin may have thought that by promulgating these teachings they could bring about a world in which arms would be renounced entirely.

Against such views, the *Annals* argues that the ancient sage-kings recognized the notion of righteous arms (*yi bing*) but not the doctrine of laying down arms (*yan bing*).⁹¹ Arms cannot be laid to rest, the text contends, as they are an ancient, inevitable part of human life and the root of political authority. The first political authorities were chiefs who won their status in combat. When chiefs proved unable to govern, lords were established, and when lords proved unable to govern, the emperor was established. But the authority of the emperor ultimately issues from the combat that established the chiefs. Since combat has always been part of life and underwrites political authority, the essay concludes, there can be such a thing as righteous arms but no general renunciation of arms.⁹²

The text draws an analogy between using a whip to prevent misbehavior by children in the home, criminal punishment to prevent offenses by people in the state,

⁸⁹ “Shen Ying,” 18/1.5.

⁹⁰ “Tian Xia,” 33/41.

⁹¹ “Dang Bing,” 7/2.1–7/2.4.

⁹² This inchoate theory of political authority as stemming from victory in combat may be unique in early Chinese thought. A more common theory of the origin of political authority grounds it in its good consequences for society. Both the *Mozi* and the *Xunzi* offer such consequentialist theories. The *Annals*’ view contrasts with that expressed in the opening passage of the *Sima Fa*, according to which war is used to establish authority only when the intention to practice the “upright” path of “taking benevolence as the foundation” and “governing through righteousness” is thwarted (Lau and Chen 1992, D1/45/3, also Sawyer 1993, 126).

and punitive war to prevent violence between lords of states in the empire. Just as a family cannot renounce discipline in child-rearing and a state cannot renounce criminal justice, punitive invasions cannot be renounced. It would be perverse to ban all food because of a few deaths from food poisoning or all boats because of a few deaths in boating accidents. Similarly, it would be perverse for all to lay down arms because a few lost their states in military adventures. Arms are like water or fire: they may be used more or less skillfully, leading to positive or negative results, but they cannot be abandoned. If an army is genuinely righteous, it is used to punish tyrants and relieve suffering and thus pleases the people.

The next pair of essays rebut the stance that only defensive warfare can be justified and aggressive or offensive warfare must be rejected.⁹³ “In the present age, many scholars...condemn attack and invasion [*gong fa* 攻伐] while advocating rescue and defense.”⁹⁴ The “many scholars” in question are most likely the Mohists, perhaps among others. The view the *Annals* criticizes is not that of the *Mozi*, but given the Mohists’ rhetorical emphasis on defense, it could easily have been confused with their position.

According to the *Annals*, the stance that only defensive war can be justified is mistaken for two reasons. First, aggressive and defensive warfare refer to one and the same activity; no fixed distinction can be drawn by which one and not the other can be rejected. The text claims that aggressive warfare is used only to attack those who lack the Way and to punish the unrighteous. Attacking and punishing wrongdoers greatly benefits the people, so by a consequentialist ethics such as the Mohists’, such aggressive warfare is in fact right. Second, if we hold that aggression is always wrong and defense always right, we will be led to defend those who lack the Way and rescue those who are unrighteous. Moreover, in taking up arms to do so, we will be forced to kill innocent soldiers. These actions are harmful and so morally wrong. Indeed, committing to defense without first distinguishing between righteous and unrighteous recipients of assistance is a serious injustice, since punishing wrongdoers is only right. Hence both wholesale condemnation of aggressive war and indiscriminate advocacy of defensive war are mistaken. The only permissible

⁹³ “Zhen Luan,” 7/3, “Jin Sai,” 7/4.

⁹⁴ “Zhen Luan,” 7/3.2.

position is to endorse righteous arms (*yi bing*).⁹⁵ If a military expedition is righteous, then either aggression or defense is permissible; if it is unrighteous, neither is.

Now to urgently advocate rescue and defense without differentiating whether it is righteous or unrighteous, there is no unrighteousness greater than this and no harm to the people of the world more extreme than this. So, advocating attack and invasion [*gong fa*] is impermissible, condemning attack and invasion is impermissible, advocating rescue and defense is impermissible, and condemning rescue and defense is impermissible. Only advocating righteous arms (*yi bing*) is permissible. If the use of arms is righteous, then attack and invasion are indeed permissible and rescue and defense are indeed permissible. If the use of arms is unrighteous, then attack and invasion are impermissible and rescue and defense are impermissible.⁹⁶

Another short essay gives guidelines for the conduct of the righteous army (*yi bing*), which can be interpreted as an account of just conduct in war (*ius in bello*).⁹⁷ The invading army is not to kill the civilian population, destroy crops, plunder graves, fell trees, burn storehouses, torch houses, or seize livestock. Heralds are dispatched to announce that the army has come to rescue the people by punishing (*zhu*) their unfit ruler, eliminating enemies of the people, and following the Way of Heaven. Those who aid the ruler are killed, but those who cooperate with the invaders are rewarded. Punishment is dealt only to offenders. The remainder of the populace is to be treated well. Accomplished officials are promoted and given salary increases, orphans and widows receive assistance, elders are shown respect, the state's wealth is distributed amongst the people, and its shrines and temples are restored. These measures aim to ensure that the conquered people glorify the invader's name, delight in his conformity to ritual propriety, and cherish his virtue. The success of a punitive expedition rests less on military might than on moral authority, as reflected by the subjugated people's acceptance of a worthy new ruler.⁹⁸

⁹⁵ "Jin Sai," 7/4.2.

⁹⁶ "Jin Sai," 7/4.2.

⁹⁷ "Huai Chong," 7/5.2–5.4.

⁹⁸ Stroble 1998, 175.

When a righteous army arrives, the people of neighboring states come to them like flowing water and the people of punished states look up to them as parents. The farther they march, the greater is the multitude of people they win over. Without the soldiers crossing blades, people submit as if transformed.⁹⁹

The heralds' announcements spell out the crimes of rulers who lack the Way and thus are legitimate targets of righteous arms. Allegedly, an unfit ruler is arrogant and decadent, predatory and oppressive, licentious and selfish. He strays from sagely institutions, slanders the former kings, and rejects old canons. He does not follow Heaven and is unkind to the people; he taxes without limit and ceaselessly appropriates the people's wealth. He executes the innocent and rewards the unworthy. These accusations can plausibly be taken to sketch a rough set of conditions for a righteous punitive invasion. In the *Annals'* own words, an army is indeed righteous when it "punishes a tyrant while uplifting the embittered populace" who are his victims.¹⁰⁰

The *Annals* thus draws together many key features of the views on just war found in other early sources. The text considers the use of arms unfortunate but sometimes necessary, so it rejects wholesale pacifism. It holds that, in addition to self-defense, resorting to arms may be justified to restore order in other states or to punish unfit, cruel, or belligerent rulers. It assumes that righteous, punitive war is analogous to criminal punishment of an unfit ruler. The subjects of the targeted state are considered victims of misrule, not perpetrators of violence, so they are to be spared and their livelihood preserved. They are expected to recognize a righteous conquering army as rescuers and accordingly to welcome and assist them. Such a response from the conquered people supposedly confirms that the punitive mission is justified and ensures that bloodshed will be minimal. By our lights, the approval of a state's residents arguably might provide good grounds for offensive intervention to depose its unfit leaders. Yet without rigorous opinion polling, it is hard to see how the extent of such approval could be measured reliably. A conqueror's own self-serving claim of popular support is hardly a convincing justification for war.

⁹⁹ "Huai Chong," 7/5.4.

¹⁰⁰ "Dang Bing," 7/2.4. For a discussion of this description, see Lin 2002, 103, who draws in turn on Luo, 1986.

Intriguingly, the *Annals*, the *Mengzi*, and the *Xunzi* all assume that residents of a conquered, misgoverned state have no loyalty to their state, as opposed to its venal leadership, and no concern for the sovereignty of its territory. The writers of these texts never imagine that the subjects of a state might resist invasion because they identify with the state, wish to defend its sovereignty, or resent occupation by foreigners. Indeed, the writers assume that, provided the ruler is indeed corrupt, the attacking army announces its aim to remove him, and residents of the state are unharmed, the residents can have no legitimate objection to the invasion. These attitudes reflect two crucial, interrelated conceptual issues in early Chinese political thought that emerge from discussions of just war. The first is to what extent there is any operative conception of people's membership in and loyalty to a sovereign polity, rather than merely subjugation to a local lord. The other is whether individual states are to be considered independent, sovereign entities or merely subordinate, constituent jurisdictions within a unified regime, be it the notional but ruined Zhou empire—which by the Warring States era lacked the power to enforce interstate norms of conduct—or the normative ideal of the community of “all under heaven” (*tian xia* 天下). As the idealized descriptions of punitive invasions in the *Annals*, the *Mengzi*, and the *Xunzi* illustrate, in early Chinese political thought, the concepts of state sovereignty and of membership in a polity or nation are at best vague and inchoate, as is the distinction between loyalty to a state and to the particular individual who happens to govern it.

The *Annals*' view of righteous war clearly incorporates features corresponding to just cause and right intention, and arguably it considers probable success as well. However, it raises crucial questions concerning the authority for punitive war, the justification for war when other alternatives remain, and the proportionality of war as a response to misrule. For the *Annals*' stance implies that a righteous punitive attack can be launched against a state without a previous act—or even intention—of aggression against the attacker.¹⁰¹ Indeed, the text hardly considers the case of responding to aggression or the threat of aggression against one's own state. The focus is on punitive action against a state that has allegedly harmed its own subjects or others.

¹⁰¹ This incisive observation is due to Godehardt 2008, 19.

6. Can Offensive War be Justified?

Although the *Annals* presents a veiled attack on the Mohists, the two texts' views of just war differ little in principle. As we have seen, the *Mozi* does not argue that all offensive warfare is wrong or that all defensive warfare is justified. It argues that "unrighteous" aggressive war against an "innocent" state is wrong, while the sage-kings' punitive offensive missions were justified.¹⁰² The elaborate tale of Mozi rushing to defend the weak state of Song from Chu, a powerful aggressor, specifies that Song is "innocent."¹⁰³ The Mohists might agree that defense is unjustified if the victim of aggression is unworthy. When Mozi encourages the Lord of Lu to employ diplomacy to defuse a threat from Qi, he implies that aggression is best prevented by governing one's own state virtuously and building friendly relations with neighboring states.¹⁰⁴ Such measures make a state worthy of defense assistance. Conversely, Mozi also warns a general of Qi that attacking Lu will injure both sides and that such a wrong is eventually returned to the aggressor. He cites historical examples of serial conquerors who were ultimately defeated and executed by alliances of other feudal lords.¹⁰⁵ He counsels the King of Qi that he will incur ill fate for the invasion.¹⁰⁶ A natural implication of these exchanges is that a belligerent state is unworthy of defense assistance.

As to the *Annals'* claim that in practice aggressive and defensive warfare are one and the same, surely a meaningful distinction can be drawn between them based on their ends. Offensive strategies or tactics can of course be employed toward defensive ends, but an overlap in strategies or tactics does not erase the difference between aggression and defense. The Mohists could coherently denounce

¹⁰² "Fei Gong shang," 17/9. Hence Zeng 1972, 143 is probably unwarranted in claiming that Mozi would flatly reject military action characterized as "righteous arms." Zeng suggests the doctrine of righteous arms attempts to justify war by appeal to morally right motives, while for the Mohists the only criterion for moral justification is beneficial consequences. Since even a purportedly righteous war has the very bad consequence of killing many people, he concludes, the Mohists must reject "righteous arms" (1972, 143). As we have seen, however, the Mohists hold that in some cases punitive war may be morally justified because its consequences are less bad than the alternative of allowing a tyrant to continue harming others.

¹⁰³ "Gongshu," 50/4.

¹⁰⁴ "Lu Wen," 49/1-4.

¹⁰⁵ "Lu Wen," 49/4-8.

¹⁰⁶ "Lu Wen," 49/8-11.

unprovoked war for aggressive ends while allowing the use of offensive strategies or tactics for defensive ends.

One difference between the *Mozi* and the *Annals* is that only the latter spells out *jus in bello* requirements for the conduct of a rightful punitive invasion.¹⁰⁷ The *Mozi* writers are more concerned with the question of *jus ad bellum*, or when such an invasion is justified.¹⁰⁸ The *Annals*' implicit position on *jus ad bellum* is that punitive intervention is justified when the rulers of a state diverge from "sagely institutions" and "old canons," engage in heavy, capricious taxation and confiscation of property, and administer rewards and punishments unjustly. Arguably, however, these conditions set the bar much too low. Even if these are signs of misrule, it is difficult to see how a punitive war could be justified merely on the grounds that the targeted state has modified traditional institutions, levies onerous taxes, and operates an unfair or abusive criminal justice system. Were a state today to exhibit similar features, we would not consider its neighbors justified in invading to forcibly remove its leadership.

The *Mozi* is less specific about the crimes that might justify punitive missions. As we have seen, the text accuses the tyrants Jie and Zhou of torturing and massacring the innocent. By our lights, these atrocities might justify humanitarian intervention. More typically, however, Mohist writings simply claim that the targets of punitive missions were "disorderly." The Mohists may devote less attention to specifying justificatory criteria for punitive missions because they expect Heaven itself to unambiguously indicate when punitive war is justified. Indeed, through their appeal to unequivocal, miraculous portents of Heaven's mandate, they set the bar for justified punitive war impracticably high. In its original context, however, the stringent requirement of divine sanction may have been a shrewd solution to a conspicuous risk arising from the doctrine of righteous punitive war. A warlike ruler could all too easily excuse illegitimate aggression on the pretext that it is punitive

¹⁰⁷ Graff 2010, 208 suggests that the Mohists reject the idea of *jus in bello*, quoting a passage that criticizes a Ruist description of humane conduct toward retreating soldiers. However, the passage cited (*Mozi*, "Fei Ru xia," 39/21–26) indicates only that morally vicious soldiers targeted by punitive warfare should not be spared. It need not imply that the Mohists reject *jus in bello* guidelines for humane conduct toward morally worthy opponents or innocent non-combatants.

¹⁰⁸ As Loy 2015, 244 emphasizes, the Mohists' rhetorical aim of persuading rulers to eliminate military conflict tends to lead them away from detailed discussion of *jus in bello*.

rather than aggressive war.¹⁰⁹ If justified punitive missions require divine sanction, this excuse is largely ruled out, since in practice such missions could never fulfill the justifying condition.

Absent miraculous omens indicating Heaven's mandate, what might justify punitive war? This question is taken up in a dialogue in which Mozi dismisses a proposed justification for a punitive expedition.

Lord Wen of Lu Yang said, "Sir, why stop me from attacking Zheng? My attacking Zheng follows Heaven's intent. For three generations, the people of Zheng have murdered their ruler. Heaven has punished them, causing three years of scarcity. I will assist Heaven in its punishment."

Our Master Mozi said, "For three generations, the people of Zheng have murdered their ruler and Heaven has punished them, causing three years of scarcity. Heaven's punishment has been sufficient. Yet now you raise an army to attack Zheng, saying 'My attacking Zheng is following Heaven's intent.' As an analogy, suppose there were a man whose son was strong but useless, so his father whipped him with a bamboo cane. The neighbor's father then beat him with a wooden staff, saying, 'My beating him is following his father's intent.' How would this not be perverse?"¹¹⁰

Lord Wen's claim echoes the heralds' announcement in the *Annals* that the invading army is following Heaven's Way. In response, the passage implies several intriguing points that help flesh out the Mohist just war theory. The grounds for a legitimate punitive war cannot be simply that the offending state is disorderly or has committed crimes. A stronger justification is needed, such as divine sanction or the likelihood that punitive war would produce a significantly greater total balance of benefit over harm. Without miraculous portents, the very evidence that Heaven is displeased with a state—such as that the state suffers from scarcity—is at the same time evidence that Heaven itself has already punished it. Further punishment is redundant.

Mozi's remarks thus imply inchoate recognition of yet another condition in just war theory, proportionality of the means of justified war to the ends. If the end is to punish Zheng, then Lu Yang's invasion violates proportionality, as Heaven has

¹⁰⁹ Wong and Loy 2004, 347 raise this worry, as does Graff 2010, 209–210.

¹¹⁰ "Lu Wen," 49/16–20.

already dealt sufficient punishment. The passage can also be read as implying a condition of last resort, by which war cannot be justified as long as peaceful alternatives remain. For a consequence of Mozi's remarks is that a punitive mission could be justified only if one first waited to see whether Heaven itself would punish the offender. Hasty intervention without Heaven's mandate would never be justified.

More important, this example again raises the problem of proper authority for a punitive mission. As we have seen, the word for such missions, “*zhu* 誅,” also refers to criminal punishment. A prominent rhetorical strategy in the *Annals* and other texts is to draw analogies between punitive war, criminal justice within a political society, and even child discipline in the home. Criminal punishment can be justified only if carried out by a proper authority. By analogy, then, punitive warfare can be justified only if carried out by a legitimate authority. So if punitive warfare is analogous to criminal punishment, on what authority may the ruler of one state punish the ruler of another? As Mencius explains, only an emperor or “an official of Heaven” could have the legitimate authority to punish an unfit ruler.¹¹¹ The ruler's peers do not. Without divine sanction, then, Lord Wen has no authority to punish a neighboring state. Just as we lack proper authority to punish a neighbor's child, the sovereign of one state lacks proper authority to punish wrongdoers in another—let alone to punish its ruler, his political equal.

Alternatively, given the ambiguity in Warring States thought as to whether individual states constitute independent sovereign entities or constituent jurisdictions within a universal regime, perhaps the notion of righteous punitive war is best interpreted as implicitly denying the existence of state sovereignty or the significance of interstate boundaries. Individual states are parts of a greater entity, *tian xia* 天下 (“all under heaven,” or the entire human, social world), subject to the authority of an actual or potential emperor, who is himself accountable to the authority of Heaven.¹¹² Conceptually, perhaps early Chinese thinkers do not really recognize war between sovereign states as such. To them, interstate violence falls

¹¹¹ Mengzi, “Gongsun Chou,” 4.8/22/17; “Jin Xin xia,” 14.2/73/14.

¹¹² Zhang 2005, 19–20 notes the role of shared belief in a universal Christian religious authority in underpinning Western conceptions of just war and stresses the absence of any counterpart belief in the Chinese tradition. However, he seems to overlook how the ideal of *tian xia*—the community of all under heaven—and the concept of Heaven's mandate might fill a comparable role in grounding claims about the justification for war in Chinese discourse.

within the purview of criminal justice.¹¹³ Illegitimate aggression, whether against other states or one's own subjects, amounts to a crime to be punished. Legitimate war for offensive ends is a punitive activity premised on treating the rulers of offending states as if they were domestic criminals. A righteous punitive invasion thus purports to be an exercise of legitimate authority, rather than—as we might understand it—a means of establishing authority over a conquered territory. In principle, to undertake a righteous punitive mission, the aggressor must already hold the appropriate authority—presumably through Heaven's mandate.¹¹⁴ Hence Mozi's response to Lord Wen: Wen purports to act on behalf of Heaven, but nothing supports this claim to celestial authority.

The difficulty of justifying punitive war is reflected in the account the *Sima Fa* gives of the procedures by which “worthy kings” of antiquity would legitimize punitive expeditions. The *Sima Fa* depicts the various states and their lords as subordinate to a unified regime ruled by a king who in turn answers to Heaven and various deities. Authorization for punitive war is obtained through an elaborate series of rituals in which the king calls the various lords together, reports to “August Heaven, the Lord on High, the sun, moon, planets, and constellations,” prays to the spirits of the earth, the four seas, and the mountains and rivers, and sacrifices to the ancestral kings.¹¹⁵ During the Warring States era, with the near-total decline of the Zhou empire, the necessary hierarchical relations between Heaven and other deities, the king, and the various lords no longer obtained, and so authorization for punitive war was beyond reach.

For this reason, over the course of the Warring States period, the requirement that a punitive invader hold proper authority was gradually subverted by the idea that a virtuous new emperor might arise from among the rulers of the seven rival

¹¹³ Godehardt 2008, 24–26 aptly captures these features of the classical Chinese worldview, noting that the early Chinese tradition lacks a distinction between international and domestic conflict, both being considered disruptions of social order, and that a just war waged by an emperor is more similar to a police action than to a military one. By way of comparison, Brekke 2005, 119–120 suggests that one explanation for the intense interest in the justification of war in the European tradition and its relative absence in the Hindu tradition is that European thinkers drew a fundamental distinction between violence against external enemies and against internal enemies, whereas Hindu thinkers did not. The use of military power against external entities must be justified, whereas its use against internal enemies is merely an exercise of legitimate authority within the ruler's jurisdiction.

¹¹⁴ Stroble 1998, 175 underscores these points.

¹¹⁵ Lau and Chen 1992, “Ren Ben,” D1/45/18–22, also Sawyer 1993, 127.

warring states.¹¹⁶ A new emperor's success in punishing other states and uniting them under his rule would confirm that he had earned the mandate of Heaven and possessed rightful authority.¹¹⁷ Of course, any such claim to divine authority would be specious. In practice, the last warlike despot left standing would simply declare himself the virtuous recipient of Heaven's mandate, whether or not his supposedly punitive aggression against other states was justified. In this regard, the doctrine of righteous arms (*yi bing*) could easily degenerate into a circular, *ex post facto* apology for the aggression of whichever warlord managed to bludgeon his rivals into submission.¹¹⁸ In the absence of an established imperial order, then, without the divine portents the Mohists demand, the doctrine of righteous punitive war could probably never legitimately justify aggression. The "impossible test" of divine sanction that the *Mozi* sets for legitimate punitive warfare in fact perfectly reflects the internal logic of the doctrine of righteous arms.¹¹⁹ Mencius is right: peers cannot legitimately punish one another.

Punitive war (*zhu*) is a category of justifiable war for offensive ends. If we set aside punitive war on the grounds that the justification criteria are too difficult to satisfy, might there remain other categories of justifiable offensive war? Two passages in the *Mozi* hint at a conception of justified retributive war, using phrases referring to vengeance or retribution (such as "*bao chou* 報讎") rather than punishment.¹²⁰ King He Lü of Wu attacked neighboring states to the east, west, and north. The lords of several states then avenged this aggression, capturing his state and mutilating his corpse.¹²¹ Zhi Bo, a minister of Jin, overthrew several rival houses one after the other until the rulers of three states allied together to avenge them, again ruining his state and defiling his corpse.¹²² Both stories depict allied offensive campaigns against a serial aggressor. Although the *Mozi* does not explicitly endorse

¹¹⁶ Graff 2010, 205.

¹¹⁷ Lin 2002, 99 sees the *Annals*' response to Mohist objections to wars of aggression as hinging on the implicit claim that only through the emergence of a single, unifying regime can warfare be brought to an end. He does not consider how critics such as the Mohists might have replied.

¹¹⁸ Stroble 1998, 175 and Graff 2010, 208 both stress this point.

¹¹⁹ On the "impossible test," see Van Els 2013A, 91, who credits the phrase to Michael Nylan.

¹²⁰ "Lu Wen," 49/5–8; "Fei Gong," 18/27–41.

¹²¹ In one version of the story, He Lü is defeated by King Goujian of Yue ("Fei Gong," 18/32–33). In another, he is defeated by the "various lords" ("Lu Wen," 49/6).

¹²² A similar situation is depicted in *Mengzi* ("Liang Hui Wang xia," 2.11/11/30–12/8). After King Xuan of Qi conquers Yan, the lords of several states plan to ally together to attack Qi and rescue Yan.

these campaigns as righteous, it does not condemn them and indeed implies that such retribution is inevitable.¹²³ Without explicitly presenting a conception of righteous retributive war, then, the *Mozi* presents ideas that can easily be developed into one. Like righteous punitive war, a righteous war of retribution would be waged for just cause and with right intention. The cause might be to reverse the results of illicit aggression and eliminate the threat of further aggression. The intention might be to restore order, avenge injury, and neutralize the unrighteous aggressor.¹²⁴ As to legitimate authority, retributive war sidesteps the problems raised by punitive war. In the scenarios depicted in the *Mozi* stories, the various lords do not appeal to divine sanction to justify retributive attacks. Rather, they ally together to act in retaliation or preëemptive self-defense,¹²⁵ since the repeat aggressor poses a threat to all. Although the *Mozi* itself does not develop this line of thought, these passages suggest an inchoate conception of approval by an international community as providing authority for a righteous offensive war of retribution. This conception of righteous retributive war coheres well with—and perhaps should be considered an extension of—the Mohist notion of justified defensive war, especially since for the Mohists defense includes the defense of allies and of unallied innocent states.

Besides the explicit notion of punishment, pre-Han texts also implicitly present a consequentialist standard for justified warfare. The *Xunzi* contends that it is benevolent and righteous to take up arms to end violence and eliminate harm. The *Sima Fa* holds that going to war to end warfare is permissible.¹²⁶ The Mohists are committed to a consequentialist ethics in which what is right is determined by what produces the greatest benefit for all. Against the backdrop of these views, one could also attempt to justify offensive war in some circumstances by arguing that it realistically promises to yield greater overall benefit than refraining from war. Indeed, as we have seen, this consequentialist criterion probably underwrites the Mohist advocacy of defensive war. In the case of offensive war, however, the criterion will probably be difficult to meet. Consider the Mohist conception of benefit as

¹²³ “Lu Wen,” 49/8.

¹²⁴ *Mengzi* (“Teng Wen Gong xia,” 6.5/33/7–19) justifies the sage-king Tang’s intervention against the ruler of Ge on related grounds, claiming that he acted in retribution for the murder of a boy carrying supplies to laborers dispatched to assist Ge. The text implies that the aim and justification of Tang’s eleven invasions of other states was retribution against corrupt rulers for their misconduct toward the common people.

¹²⁵ “Lu Wen,” 49/5–8; “Fei Gong zhong,” 18/37.

¹²⁶ *Xunzi*, “Yi Bing,” 15/67–69; *Sima Fa*, “Ren Ben,” D1/45/3–4, also Sawyer 1993, 126.

constituted by material wealth, a flourishing population, and social order. Offensive war expends resources, reduces the population, and disrupts social order. Thus by the Mohists' lights, offensive military expeditions can be justified only if these harms are outweighed by the expected benefit, such as prevention of further harms by removing a belligerent, unfit leader. We saw earlier that one *Mozi* passage favors diplomacy over defensive war, a stance that may reflect an implicit condition of last resort: the harms of war are so great that even defensive war can be justified only when there is no viable alternative. This conservative stance toward defensive war suggests the Mohists would adopt at least as cautious a stance toward consequentialist arguments for offensive war. If any alternative means of promoting benefit are available, they will probably be more justified than war. Indeed, for the Mohists the justification for political authority itself lies in the benefit to all that ensues from the existence of the state. The social harms caused by reckless military exploits thus undermine a ruler's claim to rightful political authority and in turn his authority to order his army into war.

The *Mozi* passage considered earlier about praiseworthy motives for aggressive war bears on this issue. Suppose a ruler's motive for offensive war is laudable—he seeks a reputation for righteousness and virtue, for instance. Still, according to the *Mozi*, such a ruler should forgo war and devote himself instead to the “giant task of benefiting all the world.”¹²⁷ Presumably the ruler would contemplate war only if beneficial consequences were likely. The passage does not directly rule out the idea that offensive war could have good consequences. But it suggests other, more effective ways to benefit the world—trustworthy diplomacy, publicly deploring immoral conduct by large states, contributing to the defense of small states, generously distributing foreign aid to the needy, and governing one's own state with tolerance and kindness.¹²⁸ An implication is that more beneficial alternatives to offensive war will usually be available. In principle, then, offensive war on humanitarian grounds might sometimes be justified, but such cases will be rare.

To sum up, the Mohists probably hold that, without miraculous omens indicating divine sanction, punitive warfare is effectively never justified. For the Mohists, the criteria suggested by the *Annals* are too lax. Offensive military

¹²⁷ “Fei Gong xia,” 19/61–62.

¹²⁸ “Fei Gong xia,” 19/56–61.

intervention for morally good ends, such as promoting the benefit of all, removing a threat, or reversing the harms done to a conquered territory, could conceivably be justified in some cases. However, the criteria of justification would be stringent. They would probably include that the targeted state had committed aggression or atrocities and was likely to continue to do so, that war was the only plausible means of achieving the morally good ends intended, and that without intervention the offending state was unlikely to suffer misfortune proportionate to the harms it had caused. These conditions would probably only rarely be met.

7. Conclusion

Discussions of war from the Warring States era generally assume that war in defense of an innocent state is justified, and so debate focuses on the conditions for a just offensive war. The consensus is that an offensive campaign against a state can in principle be justified as a response to that state's aggression against other states or its own subjects. However, potential for significant disagreement arises concerning three points: whether to frame such a campaign conceptually as punishment, retribution, or defense; on what authority one state can intervene in the internal affairs of another; and what level of aggression is required to justify intervention.

The prevailing conception of righteous offensive war grounds it in an analogy between righteous war and criminal punishment. Some early texts, such as the *Annals*, assume this analogy renders the grounds for such wars uncontroversial. In fact, however, this approach prevents early Chinese theorists from squarely addressing the conditions under which one sovereign state might legitimately attack another. For without sanction from some higher authority, purportedly independent states lack the authority to punish one another. The terminology of "punishment" also reflects the prevailing vagueness in Warring States political thought concerning the status of individual states. Are they autonomous political entities, which must respect each other's sovereignty, or are they only jurisdictions within a greater whole, "all under heaven"? Are the residents of such states merely subjects of a regional lord, who can be expected to willingly desert a corrupt ruler, or are they members of a sovereign nation, to which they remain loyal even if governed by a contemptible leader?

A more promising approach to justifying offensive war may be to frame it as following from a commitment to defend or restore innocent states, undertaken on the authority of an alliance of states pledged to mutual protection. The underlying justification—for both the Mohists and others—would be that such mutual defense promotes the benefit of all the world. This approach does not directly apply to cases in which a state mistreats its own subjects. However, it could be extended into a commitment to defend innocent subjects from their own government when necessary.

A more vexing question is exactly what circumstances justify an offensive response against a state with a record of serial aggression against other states or its own subjects. Of the texts examined here, it seems no coincidence that the *Mozi*, which sets the strictest criteria for justifying war, also depicts the horrors of war more starkly than other sources.¹²⁹ Accordingly, the *Mozi* also seems more sensitive to the proportionality of the means of war to its ends. The *Mengzi*, the *Xunzi*, and the *Annals* are all disconcertingly sanguine about the purported bloodlessness of a righteous punitive war and the supposedly warm welcome a righteous army can expect. Perhaps the *Mozi* sets the bar too high, making offensive humanitarian intervention too difficult to justify. But the *Annals* and the *Xunzi* are almost certainly too permissive in licensing punitive war and unrealistically optimistic about its consequences. Among these texts, the *Mozi* comes closest to reflecting the actual complexity of the issue of justifying military aggression for humanitarian ends. The Mohists are probably also warranted in holding that the potential harms of aggression are so great that it can seldom be justified.¹³⁰

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¹²⁹ One exception is a passage in the *Annals* that refers to corpses filling the plains and valleys and exposed skeletons piled as high as mountains ("Dang Bing," 7/4.2).

¹³⁰ I am grateful to two anonymous reviewers for constructive comments on the paper.

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