HISTORICAL AND LEGAL ANALYSIS OF THE JUST WAR IN THE DISCOURSE OF THE EARLY WESTERN EUROPEAN MIDDLE AGES

Artem Shiposha,
Postgraduate Student, Kharkiv National University of Internal Affairs
(Kharkiv, Ukraine)
ORCID ID: 0009-0005-0938-2126
ashiposha@ukr.net

Abstract. The purpose of this article is the conceptual systematization of the key features of the just war phenomenon in the political and legal discourse of the Western European Early Middle Ages. The author showed that during the early Middle Ages in the West, the development of the concept of just war took place gradually under the dominant influence of Christian orthodoxy, which largely eliminated early Christian concepts of pacifism and adapted ideas about the legality and justification of war as a form of violence limited by law and religion. It was found that the foundation of early medieval ideas about a just war was primarily an ethical assessment of violence. The Christian Church, based on the teachings of Augustine, took the initiative in determining the role of war in society and tried to regulate it or at least minimize its excesses, directing military actions in a more or less socially acceptable direction (the fight against non-believers, heretics, apostates, enemies of the church, etc.). In the course of the development of the early medieval political and legal discourse, certain signs of a just war were elaborated: 1) waging war by a Christian ruler in the name of protecting the state and faith: in a just war, preference is given to defensive (protective) goals; 2) waging war for the Christianization of neighboring (as a rule) barbarian peoples, their conversion to the bosom of Christian civilization; 3) a war that has a just cause (protection of land, rights, subjects, etc.); 4) a war, including an internal one, conducted under divine sanction (justice is usually on the side of the winner); 5) a war in which the participation of the clergy as combatants is excluded, while its interests, as well as the interests of the church, are protected in priority order; 6) the war is waged with the aim of establishing lasting peace, without the threat of complete destruction of the enemy, the escalation of violence is denied; 7) a war waged by a proper subject of law (as a rule, a state), which represents a state, against another state, which excludes internal wars as wars waged by improper subjects (denial of civil strife within the country).

Key words: just war, law, Early Middle Ages, Christianity, state.

Introduction. Since the beginning of social history, war has been one of the most prominent and impressive human activities. The course of history has repeatedly been radically altered by wars, which have often destroyed states and civilisations. The ancient Greek philosopher Heraclitus of Ephesus (c. 540-c. 480 BC) summed it up: «War is the father of all, the king of all; it makes some gods, others men, some slaves, others free» (Bondar V., November 30 – December 1, 2016: 38). And the ancient Roman writer of the early fifth century, Flavius Vegetius Renatus, stressed: si vis pacem, para bellum («if you want peace, prepare for war») (Flavius Vegetius Renatus, 1996: 63), which paradoxically reflects the dependence of the state of peace on the permanent readiness of the state to go to war with its neighbours.

Meanwhile, philosophical, political and legal thought continued to try to understand wars and at the same time to encourage, deter or even deny them. Attitudes towards war therefore ranged from a belief that human endeavour would culminate in an apocalyptic struggle to a categorical rejection of any form of violence. More specifically, war quickly came to be seen as an integral part of human existence, if not the main manifestation of political activity. For Western Europeans in particular, war often served as the true «cradle of the nation» and a significant factor in state-building. Many forms of human endeavour were seen as wars, such as the war of the Christian spirit against the flesh, and the wars declared by politicians against social ills.

Recognising the inevitability of wars in the context of the coexistence of competing and sometimes warring states, theorists have resorted to the intellectual search and formulation of various concepts of just war, born of the fundamental need to legitimise war as a social action on legal, moral and, above all, religious grounds. The concept of just war has evolved over time and today it does not so much justify certain wars as it defines the criteria by which a war can be called just and limits the most dangerous means of warfare (e.g. the use of weapons of mass destruction). The concept of «just war» is thus not positive, but rather value-neutral. From an ethical point of view, however, just wars are recognised as evil, but a lesser evil, and this is the contradiction of this doctrine (Shevtsiv M. B., 2016: 98–99).

During the Middle Ages, because of the absolute dominance of the Christian religion in the West, theological arguments were given priority. But this did not mean a complete rejection of legal or moral arguments that were somehow «built in» to the dominant ideological doctrine. The moral influence of the Church on state power was great: religion instilled Christian ideals of goodness, justice, mercy, etc. in the government and its officials (Zinkevych T. S., 2019: 38, 53, 76, 126). Thus, it was religious principles that determined most doctrinal approaches to understanding the phenomenon of «just» wars, and religion itself often served the political ends of war. Christian morality and doctrine were refined according to the needs and mentalities of the time, and Europe was desperately searching for new, more effective principles of political organisation to fill the vacuum left by the disappearance of Roman imperial power in the West in the late fifth century.

State of research and publications. The question of the just war in the political and legal thought of early medieval Western Europe has been the subject of research by such modern foreign scholars as D. Bartholomew, B.S. Bachrach and R.H. Bainton, J. Beeler, M. Boda, J.F. Verbruggen, S. Windass, G.A. Dean, J.T. Johnson, J.B. Elstein. Beeler, M. Boda, J.F. Verbruggen, S. Windass, G.A. Dean, J.T. Johnson, J.B. Elstein, K. Erdmann, J. Kelsey, F. Contamin, R. Pigou, F.H. Russell, J. Richard, B. Smalley, W. Ullmann, J.M. Wallace-Hadrill, J. Flory, and others. Their research proves that the concept of just war in early medieval political and legal discourse was influenced by Christian doctrine; the issues of intellectual innovations in the conceptualisation of the phenomenon of just war, which it underwent in the course of the synthesis of Roman, ancient Germanic and early Christian ideas about war, its causes, methods of conduct and forms of limiting violence, are thoroughly covered; The specifics of the gradual growth of the role and views of church thinkers in the sacralisation of the concept of a just war are clarified; the development of the approaches of various theological movements and schools within Christian orthodoxy to the interpretation of the characteristics of a just war, based on a systematic understanding of biblical texts, the works of the Church Fathers, and attempts to adapt their intellectual constructions to the political and legal realities of a particular country in a particular period are outlined. In general, the author contends that there was no single universal concept of just war in the early Middle Ages and demonstrates the coexistence of various competing approaches and views on this phenomenon within orthodox Catholicism during this period.

Instead, Ukrainian historical and legal scholarship still has a simplistic approach to interpreting the role and place of the early medieval discourse on the just war in the conceptualisation of this concept in the political and legal thought of Western Europe: it is mainly about the outstanding contribution of Aurelius Augustine (c. 354–430), who is considered the «father» of this doctrine, and the development of this doctrine, which was interrupted until the 13th century with the formulation of the concept by Thomas Aquinas. 354–430), who is considered the «father» of this doctrine, and the development of this doctrine, which is interrupted until the thirteenth century with the formulation of the concept by Thomas Aquinas (1226–1275) [Maduabuchi, O., Uke I. and Maduabuchi R., 2023; Russell F.H., 1975: 258–291). This gives the false impression that the early Middle Ages was a period of intellectual stagnation in the understanding of this doctrine, which brought nothing original or useful to enrich the intellectual thought of the time. This approach, which is typical even for some dissertations

of Ukrainian authors (Panafidin I.O., 2014), does not correspond to historical realities and distorts the general idea of the continuity of the development of the ideas of a just war, whose development was not interrupted even in times of relative intellectual «stagnation». Only recently, thanks to the historical and legal research of O. Borysova, D. Zabzaliuk, I. Zahrebelnyi, K. Semchynskyi, S. Stasiuk and some other national authors, such one-sided approaches are beginning to change into more realistic and differentiated ones. It is emphasised that one of the decisive moments and at the same time driving forces of the development of European law is the influence of the Christian religion on it (Vovk D., 2012: 25). It was this religion that «played an important role in shaping the prohibitions and restrictions on warfare, especially in the Middle Ages» (Pylypenko V. P., 2024: 58). At the same time, the lack of national research in the field of the elaboration of the concept of just war during the development of early medieval Western European political and legal discourse makes it necessary to focus specifically on this phenomenon in this article and to explore its key features and characteristics.

The aim of the study is to conceptually systematise the main features of the just war phenomenon in the political and legal discourse of early medieval Western Europe.

Presentation of the main material. The Middle Ages began in chaos, accompanied by the decline of pacifism and the doctrine of just war, which was constantly violated in practice (Bainton R., 1960: 102). A just war required the power of the state, but such power was often lacking in the territories left by the Roman legions, and even after the Germanic invaders settled in the lands of the former Roman Empire and formed their own states, the centralised government was so weak that it could not protect its subjects from new invasions – Vikings, Avars, Magyars, Slavs, etc. In such a situation, everyone defended himself. In such circumstances, everyone defended themselves as best they could, according to the principle of vim vi repellere: force can be repelled by force.

At the same time, war was endemic to Germanic society, and not only their propensity for war, but also their style of warfare was adapted to their new kingdoms, which were formed on the ruins of the Roman Empire during the V-VI centuries (Bachrach B.S., 1993; Bachrach B.S., 1972; Contamine P., 1985; Duby G., 1980; Wallace Hadrill J.M., 1975). The concept of offius in bello was also greatly influenced by their ideas. The notion of comitatus, a warrior/family society, was transferred to the medieval knight, where vassal and lord had equal duties and loyalties. Their ideas about the role of the individual in relation to the family were also unique to the Germanic peoples. Because they «could not rely on the protection and assistance of a bureaucratic empire when they were threatened by attack or famine, every man and woman in the community had to adhere to a fundamental socio-biological principle» (Russell J.C., 1994: 120). Thus there was a culture that valued personal bravery combined with a paramilitary society in which both lord and vassal had mutual legal obligations in military matters. This led to the concept of chivalry, which slowly emerged during the Middle Ages (Bartholomew D., 1999). Of course, this concept had to be compatible with the concept of war officially promoted by the Christian religion.

The legal system that the Germanic kingdoms inherited from the Romans was heavily influenced by the ancient Roman tradition, but in recent decades the Christian Church has been the state religion and Christian ideas have been incorporated into legal codes. The Germanic peoples brought their own views and traditions of warfare, and as they became Christianised and Romanised, some of their cultural baggage was transferred to other systems. The Roman legal system was the foundation upon which all theories and concepts were grafted as each group slowly moved into different parts of the empire. So it is not surprising that Roman ideas changed during the Middle Ages, as the warlike Germanic peoples learned laws to limit violence, and the pacifist ideal of early Christians slowly evolved into the general concept that war could not only be legal, but obligatory – just – for all good Christians. It is important to emphasise that, unlike the religious systems of the ancient world that tolerated others, the medieval Catholic Church established a monopoly on truth in all spheres of public and state life. The concept of a just war was no exception, in which the dogmas of the Church claimed

the status of political axioms, and biblical teaching acquired the force of law (Sytnyk H.P., 2023: 17). Thus the concept of just war, developed within the framework of Christian orthodoxy, became not only an element of political and legal discourse, but also a component of a generally binding ideology that was to be applied to all social classes and strata of the hierarchically organised feudal society, from the highest to the lowest.

From the early Middle Ages, the Church, represented by its thinkers, offered a kind of ideological synthesis that became the basis for the concept of just war. It was based on the ideas of Plato, Aristotle and Cicero, combined with religious dogmas about war and politics. These concepts embodied a monistic – Christian – view of a just war, which reflected the Christian interpretation of justice (as a righteous way of life, in accordance with God's instructions, minimising violence, etc.), reflected the supremacy of spiritual power over secular power, preached the priority of religious politics over secular politics, widely practised moral and ethical approaches to characterising wars, and offered exclusively religious criteria for dividing them into just and unjust (Sytnyk H.P., 2023: 17).

At that time, two types of war were considered acceptable in the Christian understanding: a holy war and a just war. A holy war is waged for the ends or ideals of faith, it is waged by divine authority or by the authority of a religious leader. When the latter is a church official (e.g. the pope or his authorised representative), a holy war becomes a crusade. The ideal of the crusade has historically been associated with a theocratic view of society, whereas a just war is usually waged against public authority for more mundane ends, such as the defence of territory, individuals and rights. While satisfied with achieving more concrete political goals, a just war does not allow for the total destruction of opponents and seeks to limit the use of violence through codes of right behaviour, immunity for non-combatants, and other humanitarian restrictions that do not exist in a holy war. In a holy war, Christian participation is a positive obligation, whereas in just wars participation is legal but limited (Russell F.H., 1975). In the Middle Ages, the distinction between holy war and just war was difficult to draw in theory, and was glossed over by those interested in justifying a particular war. In the heat of battle and dispute, belligerents often abandoned the more restrained guidelines of a just war for the absolute ideals of a holy war. Then, when a just war was recognised as necessary, it easily turned into a holy war, pursuing the highest goals of the warring parties, most consistently embodied in the ideology of the Crusader movement (Zabzaliuk D. Ye., 2020).

The very first basis of a just war was the justification of war as such. In particular, the greatest merit of the recognised Augustine of Hippo in conceptualising a just war was his assertion of a kind of status quo – war is an inherent reality of God's world (meaning the human world created by God)» (Kokhanchuk R., 2003: 29). In his view, perfect peace is a manifestation of the Absolute Good and is therefore impossible on a sinful earth (in the earthly city). Therefore, in his view, even in the history of the Christian city there is a place for war as a constant struggle with pagans, heretics, heathens and even fellow believers. For Augustine, however, this primordial pessimism does not lead to a total condemnation of all wars (Deane H.A., 1963). Instead, the philosopher proposes a more complex and nuanced scheme that opens the way to a moderate optimism: in fact, according to him, some wars can still be just, especially when they contribute to the establishment of peace and justice and are not entirely in line with the canons of Christian doctrine (Stasiuk S., 2010). Thus, Augustine's thought is characterised by a distinction between ideal (just) and real (unjust) war, in accordance with the dichotomous idea of the coexistence of the ideal (divine) and the real (corrupted by human sin) in a single universe. According to the French researcher J. Florey, his dual idea – on the one hand, the obligatory rejection of unjust war and, on the other, the recognition of just war – embodies the general direction of the development of the general Christian mentality in the understanding of war in the early Middle Ages (Panafidin I.O., 2014: 23).

For example, the most influential post-Augustinian concept of just war, that of the prominent Spanish philosopher Isidore of Seville (560–636), had all the formalistic features of the late Roman

spirit: at its centre were the Roman views of just war as an officially declared position of the state. Isidore literally believed that a just war was a war that had been officially declared and in which no victor was deprived of his rightful spoils, lawfully won in the course of hostilities. His version of the Roman view is even simpler than that of later Roman republican legalists such as Cicero. Thanks to him, the foundations of Roman just war theories, such as formal proclamation, were translated into medieval political and legal thought. This was despite the fact that Isidore's works were mainly compilations of earlier Roman authors. The famous Italian jurist Gratian (d. c. 1150) later cited Isidore in his «Decretum» as the main source of Roman law on the justice of war, which he understood to be the defence of the nation against foreign invasion on the basis of natural laws (Bartholomew D., 1999).

Already in the 5th century, the influence of Augustine inspired the intellectual elite of the time to produce a number of false works, including the letter Gravi de pugna, which assured Christians who feared the consequences of war that God was on their side and would surely give them victory in battles with their enemies (Russell F.H., 1975: 26). Thus, only divine help and favour were necessary to achieve victory, although Augustine himself argued only that Providence determined the outcome of wars without necessarily granting victory to the just side. Nevertheless, the assumption of gravi de pugna strengthened the Germanic legal practice of ordeals, according to which the justice of an action (deed) was confirmed by its result. Over time, the idea that wars had to serve religious purposes in order to be just became widespread, and on the contrary, successful wars were seen as a sign of divine favour.

There are several examples of the ideology of trial described by historians in the early Middle Ages. We find one such example in the History of the Christian Church by Rufinus of Aquileia, which covers the events of the IV–V centuries. (Rufinus of Aquileia, 2016). Rufinus in particular tells of the Battle of Frigidus (394), in which the Roman emperor Theodosius I the Great (379–395) fought against the pagan usurper Eugenius. Rufinus says that when the emperor saw his troops retreating, he turned to God: «Almighty God... You know that I have begun this war in the name of Christ, Your Son, in order to obtain what I believe to be a just retribution. If it is not so, then punish me, but if I have come here for a just reason and with trust in You, then extend Your right hand to those who are Yours... (Rufinus of Aquileia,2016: 481). The Emperor's victory, won in a bloody and exhausting battle, became a kind of confirmation of the justice of the war he waged against the usurper. Therefore, divine sanction was the highest recognition of the justice of such a war.

The clearest example of judging a just war by the criterion of its outcome is the analysis of the invasions of the Frankish king Clovis I (481–511), which were sanctioned by the monarch's Christian conversion and his belief that God was on the side of the one who fought a just war. God's control over the fate of the battle appears here as a decisive element in Clovis's conversion to Christianity (Erdmann S., 1977: 19–20). With war firmly rooted in the mentality of both the general population and the political elite, the Christian monarchs of early medieval Europe considered wars to be just if they were won because it showed that God was on the side of the victors. Indeed, victory was seen as the main sign of the justice of a particular war. At the same time, if the war was lost, it was the fault of the Christians who fought it, because God was punishing them for their sins. After all, only God can win. This line of thought goes back to the Old Testament, where God punishes the Israelites by sending pagan armies to teach them obedience to God (Wood I., 1994). Thus a second sign of just war appears in early medieval Western European political and legal thought, under the influence of the destructive barbarian hordes that buried the Roman Empire: a just war may be lost, but this time God uses a foreign aggressor to teach a retreating nation a moral lesson. from obeying His commandments. So Isidore of Seville took up this theme in his «History of the Kings of the Goths», describing the events of the 5th century. According to Isidore, the Huns were in the habit of punishing the faithful, as were the people of the Persian nation. ... Because they are the scourge of God's wrath, and as often as His wrath comes out against the faithful, the latter are scourged by them so that, corrected

by their blows, they may refrain from worldly desires and sin...» (Wood I., 1994: 15). We should understand this example as a moral explanation given after the defeat of the «just» side in a war. The Christians, after their defeat, probably gave the following explanation: it expressed God's judgement that their way of life did not meet the requirements of Christianity, and the Huns were used by God as an instrument (whip) to carry out His judgement, to punish and correct His believers. The Anglo-Saxon Chronicle of the XIth century makes a similar comment about the victory of the Norman Duke William the Conqueror at the Battle of Hastings in 1066. The Normans won the battle «which God gave them for the sins of the people» (i.e. the Anglo-Saxons). This seems like a fairly simple way of establishing justice – people sin, and then God punishes them through military defeat or other disaster (Evans R., 2019). Such examples in the early Middle Ages are spread geographically from Western to Eastern Europe. From them we can conclude that the justification for war included the demand that the enemy should be avenged and corrected because of the supposed sin committed. It seems that the sin committed gave rise to a presumably just cause. But whether the sin was committed or not, and therefore whether the cause was just or not, depended on God's judgement. This judgement was revealed at the end of the battle, i.e. whether the outcome of the battle was victory or defeat. Victory clearly showed that God recognised the cause as just, and victory was the reward; defeat showed that the cause was unjust, and that was the punishment. God's judgement was not just a conditional part of this way of thinking, so it was not just a marker of the righteousness or unrighteousness of the case. God's judgement was the essential part that made causes just or unjust and made one side of the conflict an instrument for the materialisation of His judgement. For this reason, a just war in this sense is just because God – as the Almighty Ruler of the universe – has decreed it (Boda M., 2024).

The next sign of a just war, which can be seen in the works of early medieval authors, is a just (legal, righteous) reason for the war (Bainton R., 1960). Thus, the aforementioned Isidore of Seville, in a purely Roman manner, contrasted a just war, launched after an official declaration in order to recover lost property or to repel and punish enemies, with an unjust war, waged out of madness and without a legitimate reason (Johnson J. T., 1987). This approach served as a channel through which the Roman doctrine of just war was translated into medieval political-legal discourse. A gratuitous, irrational, tyrannical war is unjust and therefore subject to the condemnation of the Church, the law and the State. This is why the idea of the expediency of restraining extralegal violence gradually comes to the fore in this idea. Because most thinkers of the time were clerics, early medieval thought had a clerical bias that both encouraged religiously motivated wars and cast doubt on the morality of most acts of violence.

Among Christian thinkers, Gregory of Tours (538/539–593/594) insists that a just war aims at peace, and only a war waged to achieve or restore peace can be considered just (Gregory of Tours: 60, 63–65). Similarly, Grigory considered the conclusion of peace agreements with defeated enemies as the proper end of a just war (Gregory of Tours). He also emphasised the inviolability of such a sworn peace agreement, sacramentum. By analogy with the intra-Frankish treaties described in the History of the Franks, such agreements included a solemn sanctio, invoking the powers of the saints against would-be violators. The righteous party is the one that respects the sanctity of treaties, offends by violating them, fights with divine help and wins. Conversely, a party that gives false testimony or rejects a peace agreement incurs divine wrath and loses (Gregory of Tours). In his writings, Gregory provides a historicised account of his views on just war, including the guilt of nations in justifying wars against them, the necessity of fighting for a just cause, the role of God as the enforcer of peace agreements, peace as the goal of just war, even the Augustinian requirement of righteous intention in just war (as opposed to the Frankish lust for war during the attack on the Saxons) (Wynn P., 2014). In addition, Gregory clearly and consistently authorises just war as war in the name of spreading Christianity, a theme that runs through his writings. This opinion is picked up and relayed in his ideological beliefs by the outstanding thinker and Roman Pope Gregory I the Great (590–604)

(Markus R. A., 1997; Richards J., 1980) and the glorified Frankish king, and later the emperor – Charles I the Great (778–814, emperor from 800) (Nelson J.L., 2013). If the first justified the justice of the war with the motives of suppressing the resistance of heretics and the conversion of barbarians to Christianity, the second adopted these ideological principles in their practical activities, which, at the same time, stimulated further intellectual discourse around the topic of a just war. In particular, Charlemagne's far-reaching imperial program of religious, moral and political power was noted by his court scholars, who linked the expansion of Christianity and the interests of Charlemagne's legitimate Italian campaigns against the Lombards, and the refusal of the Saxons to submit to Christianity justified their conquest and forced conversion. Wars were viewed as public, just and sacred at the same time, justified by ecclesiastical goals that united the people of God and prevented the division of functions between the Church, the clergy, the laity, the kingdom and the Empire (Gregory of Tours). It is noteworthy that at that time, even clergymen, contrary to ancient prohibitions, were obliged to participate in the military campaigns of the Christian emperor. The Franks were sure that they were God's chosen people; therefore, war and violence on the part of the Carolingians to carry out divine justice in the name of expanding the Regnum Francorum was perfectly reasonable (Colyer D.).

It is worth noting that in the Carolingian era (the second half of the 8th – 10th centuries) (Riche P., 1959) the idea of a just war became highly personalized. Its bearers are just (pious, righteous) monarchs who embody the principles of Divine justice in their rule, and strive to approach the ideals of Civitas Dei. Thus, in his letters, in addition to the military defense of the Christianum imperium («Christian Empire») and the Catholic faith, the outstanding thinker of the second half of the 8th to the beginning of the 9th century, advisor to Charlemagne, philosopher and scientist, one of the brightest figures of the «Carolingian Renaissance» Alcuin of York (735–804) (Wallach L.) calls spreading the principles of justice the third main duty of a Christian ruler, portraying Charles himself as the only living person endowed with the power to do what pleases God. Ensuring justice in peace and military affairs is key among other duties of a Christian ruler. Alcuin claims that as a reward for fulfilling these tasks, God will generously bless the sons of Charlemagne and preserve the royal throne for all his descendants, as he did with his favorite, the ancient Jewish king David (with whom Charlemagne himself was often compared by his supporters) (Moesch S., 2020: 88). In the written at the beginning of the 9th century. Smaragdus of Saint-Michel (c. 760 c. 840) «Mirrors for princes» for the instruction of Emperor Louis I the Pious (814–840) also put forward iustitia («justice») in the foreground, along with such virtues, as humilitas («humility») and pax («peace») (Moesch S., 2020: 224). For this reason, the king is allowed to defend his people with a just war and spread his rule and Christianity in the world (Isidore of Seville, 2006: 117–118, 199–200, 359–360; Ullmann W., 1970: 17–38; Canning J., 1996: 16–28; Crouch J., 1994: 14–16; King P. D., 2007: 141–143). Only God can judge kings. If a king becomes an unjust, wicked, and merciless tyrant, then his people are not allowed to rise up against him, because judgment is on God's side. God also punishes the king and his people if they follow the king in his sin, or if the source of the sin is the people (Isidore of Seville 2018: 200–203; Loschiavo L., 2019: 389).

The Lord himself is in favor of just wars, who, by granting victory, thereby points to the just side of the war. The examples from the history of Carolingian feuds, described in detail in the «Histories» by the grandson of Charlemagne, the historian Nitgard (c. 790 c. 843) (Nithard, 2022) are eloquent. Narrating the details of the civil war between the three sons of Louis I the Pious, he emphasizes that in the extremely bloody battle of Fontenois (841), the heads of the West Frankish and East Frankish kingdoms, Charles II the Bald (840–877) and Louis I of Germany (840–876) defeated the older brother of King Lothar I of Italy (who was also emperor; 840–855), and after the battle the victorious kings asked their bishops what they should do next. The bishops gathered at the meeting came to the conclusion: «the allies fought for right and justice, and this was clearly proven by God's judgment, therefore both advisors and executors should be considered servants and instruments of the Lord; but

everyone who has acted in this campaign from anger, hatred, glory, or any other motive, advising or acting [improperly], must in secret confession repent of hidden sins and receive punishment in proportion to his guilt, for glorification and exaltation such a manifestation of Divine justice and for the forgiveness of the sins of the ungodly brothers, since because of their sins they did not know at all that they had intentionally or unintentionally erred in many matters, so that with God's help they would be freed from this, and at the same time so that the Lord would continue to be defender and patron in every just cause, as it is now» (Nithard, 2021: 226). The following were recognized as signs of a just war: 1) struggle for law and justice (which was proven by God's court); 2) a just goal – achieving Divine justice, punishing sinners and forgiving sins; 3) actions with anger, hatred, glory are incompatible with the goals, motives and results of a just war; 4) relying on God's help as a guarantee of ensuring the justice of the war in the future.

On the other hand, the reverse side of the personalization of the just war in the just image of its participant corresponds to a kind of demonization of the opposite – the "unjust" side, which is subjected to dense ethnoization and, accordingly, a radically negative moral and ethical assessment. A certain absolutization of unjust wars can be seen in the stylized image of an unjust enemy («the Other»), who usually devastates the surrounding lands with fire and sword, does not stop at the destruction of churches and the theft of church wealth, does not count on numerous victims among the civilian population, sows disaster and economic decline in the country At the same time, the unjust goals of such statesmen are usually emphasized by their immoral character traits and unjust, unrighteous, immoral means of achieving these goals (betrayal, treachery, oath-breaking, refusal to promise, etc.). However, during the civil strife of the early Middle Ages, victory often changed hands, so it became increasingly difficult to understand the essence of the divine sanction of a just war by this criterion. Instead, internal strife was used by enemies of the Carolingian Empire to fuel external invasions. Therefore, it is natural that, finally confused about whose war is «fairer» at the level of internal internecine wars, Christian thinkers were forced to shift their attention to the external front. Here, as it seemed, the criteria of a just war emerged much more clearly. Thus, Agobard of Lyons (769–840) already contrasted Charlemagne's external wars with his contemporary, unfair internal strife. A just war is increasingly identified by him with an exclusively external war, waged for the purposes of self-defense, in which the clergy must pray for the subjugation of the barbarians of the Empire and the end of the barbarization of the subjects of the Empire (Russell F. H., 1975: 30). Similarly, the philosopher and church hierarch Hinckmar of Rheims (ca. 806–882) lamented that while Christians had previously suffered from pagan attacks, now, contrary to divine and human laws, the Church suffered at the hands of Christian kings who were supposed to to be her guardians, and then he predictably preferred a new campaign against the pagans. Here Hinckmar seemed to identify the Church with its higher clergy and their property, for he argued that ecclesiastical property should be protected from royal interference on pain of death. The war of secular lords among themselves is, according to Hinkmar, illegal and unjust, and its followers deserve to be excommunicated. The same applies to the persecution of bishops, committed without a reasonable reason, because it interferes with the realization of the tasks of the clergy to preach peace and war against the barbarians. The latest wars are at the same time sacred, sanctioned by the church, such that are waged in the name of the spread of the Christian faith, but, despite this, the active participation of the clergy is excluded. So, writing around the middle of the 9th century, Hinckmar of Rheims, Raban the Moor (ca. 780–856) and Sedulius Scotus resorted to justifying war to protect the Empire and faith (Russell F. H., 1975: 29–30). Although Raban the Moor, while exhibiting some skepticism about the innocence of just war soldiers who were «simply following orders» reflected broader concerns about whether engaging in war at all could be fully justified from a Christian perspective, even in cases where the cause of war was entirely fair, from the point of view of the church (Friend N. E., 2015: 22).

A certain skepticism about the possibility of establishing the justice of a war based on its results is already demonstrated by late Carolingian authors. Thus, the divine sanction of a just war reached the

point of denial in the writings of Agobard of Lyons, who went so far as to deny the very suggestion that a just divine judgment was revealed by the outcome of battle. Another thinker, Sedulius Scotus, argued that he approved of war, contrasting a just statesman who sought peace even for his enemies and went to war only for a necessary and just reason with a wicked prince who continued to fight after rejecting the offer of peace.

The second approach to internecine wars is demonstrated by the already mentioned Gregory of Tours and the Anglo-Saxon philosopher Gilda (500–570). The first, finding quarrels between the sons and grandsons of Clovis I, considers infatuation with civil war a sin, because it does not benefit the church or the spread of the word of God, therefore, in his opinion, internecine wars are unjust (Tolbert A., 2005). Gilda believed that «all unjust wars are not civil wars, but all civil wars are unjust» (Bachrach B. S., 1993: 129). There seems to be a specific theory of war because he was not against all wars, but he believed that some wars were wrong. Although the structure of Gilda's theory of just war was not laid out in his writings, a general outline can be gleaned from the way he wrote about his environment. Gilda cites the example of King Aurelius, who did not care about pax patriae and constantly started bella civilia (Bachrach B. S., 1993: 131). The fact that peace is desirable and that civil war is considered unjust shows that the concepts of just war in the sense of late antiquity had not completely died out in all parts of the empire, and that justice was equated with good government, while calamity became the cause of sinful errors and distortions in the exercise of power (Wallace Hadrill J.M., 1975: 103).

The disillusionment of the clergy with the violence of the laity also developed into a systematic suspicion that all wars, even just ones, still had a certain unjust undertone and therefore required repentance and the maximum avoidance of violence in the future. The result of this approach was the proliferation of works belonging to the genre of «penitential literature». Thus another of the Eastern Fathers, Basil the Great (330–379), recommended that anyone who had shed blood in war should be deprived of Communion for three years (Stasiuk S., 2010). Archbishop Theodore of Canterbury (668–690) believed that one who had killed a person on the orders of his superior should not attend church for forty days, and one who had committed murder in war should do penance for forty days (Stasiuk S., 2010).

At the beginning of the 9th century, Bishop Halitgar of Cambrai called for penance for all those who had killed in a public military expedition or who had killed out of enmity or greed (Russell F.H., 1975: 31). According to the Poenitentiale Pseudo-Theodori (c. 835), murder committed during a public war or on the orders of one's master was punishable by ten years' penance (Russell F.H., 1975: 31). The Poenitentiale Arundel, written at the end of the 9th century, imposed a year's penance for killing during a royal battle and two years' penance for a war of dubious justice waged by a statesman (Russell F.H., 1975: 31). Raban the Moor concluded that penance should be imposed for the murders committed during the wars between the Carolingian kings, since God probably considered all participants in these wars to be guilty, and therefore these wars could not be considered just (Russell F.H., 1975: 31). Even in later times – X–XI centuries. (especially after the results of the battles of Soissons in 923 and Hastings in 1066), the Church sanctified the need for penance and atonement of all the participants in the battles and refused to recognise their justice, despite the initial support of one of the parties by the papacy (Draper L.L.M.).

The Roman popes were not consistent in their assessment of just wars. For example, Leo IV (847–855), who himself took an active part in the fight against Saracen raids on the Italian coast, expressed the hope that everyone who died in the fight against the enemies of the faith deserved eternal life (Russell F.H., 1975: 32). Another Pope, John VIII (872–882), was inclined to believe that those who fought against the Church were damned, and those who died defending it were crowned with their noble blood, which was therefore a turning point in the evaluation of a just war (Russell F.H., 1975: 32–33). However, a completely different attitude towards non-believers was expressed, for

example, by Pope Nicholas I (858–867), who left the judgement of non-Christians to God alone and forbade them to be converted by force, and he also forbade the use of weapons, except against pagans. He denied priests the right to use instruments of coercion. At the same time, he allowed wars to be waged in defence of property, homeland or parental rights when necessary and when the means of defence were available (Russell F.H., 1975: 33–34). His tolerance for defensive wars was understandable in an age of total armed violence, when very few spiritual authors themselves denied the right of self-defence for an individual or a state.

Finally, after the chaos of the 9th and 10th centuries, the growing order and power in western Europe in the 11th century led the Church to seek new ways to limit the violence of the secular nobility and to use it for spiritual purposes. The Peace of God movement, the struggle for investiture and the Crusades contributed to a more consistent justification of war that found its way into the emerging canonical jurisprudence. At the same time, the movement for the «Peace of God» was not necessarily pacifist, since it was directed against violence and not against war as such, and sometimes waged hostilities against violators of its statutes (Bartholomew D., 1999). At the same time as consolidating its power, the Church extended its territorial influence and its discipline within the spiritual hierarchy, while maintaining a deep suspicion of military service and warfare, which were not under its control. In this atmosphere, by the end of the early Middle Ages, the Christianisation of war was complete: a just war is one that is declared as such and recognised as such by the leaders of the Church; it must be a legitimate instrument for the realisation of the Church's ideal of justice, which in Gregorian terms was seen as righteousness. Therefore, there was a kind of displacement of the just war towards its sacralisation: completely secular wars, wars waged with purely secular aims, cannot be completely just. Only the legal concept of Gratian, developed in the High Middle Ages (XII century) on the basis of the synthesis of ancient and early medieval concepts of just war, opened the way for its secularisation, the inclusion of the concept of just war in the intellectual arsenal of secular statesmen who wanted to maintain internal peace and build a strong military defence of their countries (Russell F.H., 1975: 55–85).

Conclusions. During the early Middle Ages, the development of the concept of just war was somewhat hampered by a general decline in intellectual activity caused by the wave of uncontrollable violence that swept across Europe and alarmed Christian leaders. The revival of interest in the concept therefore occurred gradually under the dominant influence of Christian orthodoxy, which largely eliminated the early Christian concepts of pacifism and adapted to the Roman-Germanic synthesis the idea of the legality and justification of war as a form of violence limited by law and religion.

The basis of early medieval ideas of just war was primarily an ethical evaluation of violence. It evaluated what Augustine called «the true demons of war», namely «the love of violence, vengeful cruelty, unpardonable and irreconcilable enmity, fierce resistance and thirst for power» (Biliak Yu.V., 2020: 81). At the same time, the Church, on the basis of the teachings of Augustine, took the initiative in defining the role of war in society and attempted to regulate it or at least to minimise its excesses, directing military action in a more or less socially acceptable direction (the fight against non-believers, heretics, apostates, enemies of the Church, etc.). Initially, the concept of a just war was close to the pacifism of early Christianity, a kind of social reaction against the excessive violence of the time when the early Christian kingdoms were being built on the ruins of the Roman Empire, which was actively expanding its territory and developing its military. Thus, these ideas were gradually transformed into a highly structured system designed to explain when a war should be considered just and when it should not.

In the early Middle Ages, none of the thinkers who dealt with the problem of just war show anything that could be called pacifist tendencies. Living in a system of relationships in which war was an integral part of everyday life, Christian thinkers from Gregory of Tours and Isidore of Seville to Hincmar of Reims, Raban the Moor and others. did not doubt that war was a necessary part of an

ordered Christendom, but only when it was fought for a just cause in the Augustinian sense. Under the aegis of justice, war was waged without modern moral restrictions on non-combatants. Sympathy for the peaceful victims of war was virtually non-existent. The authors were outraged by the actions of feudal lords who committed acts of violence for no good reason, but not by the consequences of these actions for the civilian population.

In the course of the development of early medieval political and legal discourse, certain signs of a just war were elaborated, which bear the imprint of the personalisation and ethnoisation of ideas about such a war. Sometimes they were quite contradictory and competed in a single discourse, such as the idea of God's sanction as a sign of a just war (victory as a sign of a just war) and theses about the possibility of imposing God's punishment on the people for their guilt, that is, for losing a just war.

In particular, the key features of a just war were defined as: 1) war waged by a Christian ruler in the name of protecting the state and the faith: in a just war, defensive (protective) aims are preferred; 2) war waged for the Christianisation of neighbouring (usually) barbarian (pagan) peoples, their conversion into the bosom of Christian civilisation; 3) a war with a just cause (protection of land, rights, subjects, etc.); 4) a war, including an internal one, waged under divine sanction (justice is usually on the side of the victor); 5) a war in which the victor has a just cause (protection of land, rights, subjects, etc.); 4) a war, even an internal one, fought under divine sanction (justice is usually on the side of the victor); 5) a war in which the participation of the clergy as combatants is excluded, while their interests, as well as those of the Church, are protected as a matter of priority; 6) a war waged with the aim of establishing a lasting peace, without the threat of the total destruction of the enemy, the escalation of violence is denied; 7) a war waged by a proper subject of law, as a rule a statesman representing a state, against another state, which excludes internal wars as wars waged by improper subjects (denial of internal strife, civil wars within the country).

As we can see, most of the signs of a just war do not answer the question of «who» or «what», but the question of «how», i.e. they refer to the ways and forms of waging war, to the behaviour of the combatants in it, and thus to the distinction between «legal» and «illegal» violence, the criterion of which is legalised Christianity or Christianised law. In it, the principles of Church and State are not yet separated, they are in a certain undivided unity. However, the contexts of the thoughts of early medieval authors already reveal the outlines of the foundations of state sovereignty in declaring and waging war (the subject of war is the state), on the basis of which internal (internecine) wars are denied; there is a limitation of the war in terms of subject matter (non-combatants have no right to participate in the war, the suffering of the civilian population must be minimised) and time (the peace of God, the violation of which leads to the recognition of the war as unjust); there must be one or more just causes of the war and its outcome (forgiveness, penance, sacred oaths, vows, maintenance of lasting peace, etc.).

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