



**The Right to Wage War (jus ad bellum): The
German reception of Grotius 50 years after De iure
belli ac pacis (Berliner Juristische
Universitätsschriften: Grundlagen des Rechts
Book 52)**

Andreas Harald Aure

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With *De iure belli ac pacis libri tres* (1625), the Dutch humanist and natural law philosopher Hugo Grotius (1583-1645) quickly became the greatest authority on international law (*jus gentium*) and on just war (*bellum justum*) in Europe for the next hundred years or so. By examining the theories of three largely unknown German scholars, Konrad Friedlieb, Valentin Alberti and Johann Wolfgang Textor, Andreas Harald Aure discusses dominant visions of international law and the right to go to war (*jus ad bellum*) in the Protestant parts of the Holy Roman Empire, two generations after Grotius wrote his magnum opus.

The authors struggled with questions such as:

- What may serve as right justification (cause) for war?
- Can an offensive war be just?
- Can a war be just on both sides?
- Has a belligerent the right to pass through third-party territory?
- Is there a right to wage war on behalf of people in foreign countries?

Two chapters discuss the conceptual development of *jus gentium* (the law of nations). As an adherent of Thomas Hobbes' systematic approach to law, Samuel Pufendorf (1632-1694) realigned *jus gentium* as natural law (*jus naturale*). The main topic of this book is a detailed account of the just conditions for war (*jus ad bellum*) among leading German scholars in the 17th Century, based on in-depth research of primary sources.

Die Veröffentlichung von *De iure belli ac pacis libri tres* (1625) machte den holländischen Humanisten und Naturrechtsphilosophen Hugo Grotius (1583-1645) innerhalb kurzer Zeit zur führenden Autorität in Europa auf dem Gebiet des Völkerrechts (*jus gentium*) und des gerechten Krieges (*bellum justum*), woran sich in den folgenden hundert Jahren nichts ändern sollte.

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