

## **A YEAR OF DESTRUCTION AND THE FUTURE OF UKRAINIAN DEMOCRACY: ETHICAL ANALYSIS OF THE RUSSIAN WAR OF AGGRESSION AGAINST UKRAINE TWELVE MONTHS AFTER THE 2022 INVASION**

*This article addresses the continuing moral conflicts and dilemmas of the Russian invasion of Ukraine and the Western responses to it, especially focusing on current debates regarding the delivery of weapons, but also theories of great powers and responsibility. Hypothetical outcomes of the war are also addressed ethically as well as the debates about peace negotiations and settlements, the speculative provisions for an armistice, the questions regarding reconciliation and agency and the moral imperatives in light of current events, not least the recent Chinese plan and developments in democracy worldwide. The article emphasizes the unique roll of Ukraine as a decisive democratic agent with long term responsibility.*

**Keywords:** Russia, Ukraine, war, aggression, war crimes, weapons delivery, United Nations Charter, right of self-defense, ethics.

As summarized by Antony J. Blinken, Secretary of State of the United States, in his remarks at the United Nations Security Council on February 24, 2023, over the course of the year of war,

Russia has killed tens of thousands of Ukrainian men, women, and children; uprooted more than 13 million people from their homes; destroyed more than half of the country's energy grid; bombed more than 700 hospitals, 2,600 schools; and abducted at least 6,000 Ukrainian children – some as young as four months old – and relocated them to Russia.<sup>1</sup>

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<sup>1</sup> Antony J. Blinken. Secretary Blinken's Remarks at the United Nations Security Council Ministerial Meeting on Ukraine // *United States Department of State*, Feb. 24, 2023, <https://www.state.gov/secretary-blinkens-remarks-at-the-united-nations-security-council-ministerial-meeting-on-ukraine/>

Along with this, President Putin's war has led to the death of thousands upon thousands of Russian soldiers. The words of the Prophet Samuel on the king's abuse of power seem to ring true today: "These will be the ways of the king who will reign over you: he will take your sons and appoint them to his chariots and to be his horsemen, and to run before his chariots" (1 Sam. 8:11, NRSV). Putin has taken the sons of Russia, and many convicted criminals, and sent them to their death for an entirely unnecessary war, a war of imperial ambition, one that is destroying Russia's standing in the world and weakening the economic foundations of its citizens. The outcome of this war is not yet known, but in terms of the fundamental ethical analysis of Russia's war of aggression, the basic features remain essentially in place.<sup>2</sup>

The old arguments for the war have no legitimacy whatsoever in any of the various just war theories. The surprising repetition of the arguments of justification betray, it seems, a form of self-deception or are simply propaganda. Does Putin even regret what he is doing to his own country, to the youth of Russia, if he actually believes what he is saying? Obviously, he cares nothing about the death of innocent children in Ukraine. The omens are bad for this man, and the clock is ticking. He may be on the brink of destruction himself, even if he seems to have support from China, the centralized-power dictatorial oppressor of the Tibetans, Hong Kong democracy, the Uyghurs and, increasingly, the Taiwanese. Will the autocrat Putin soon be taken out of the game by other power players in the background? Will he hold on through to the next election cycle with its show elections in the fake "democracy"? The Russian war against Ukraine over the last year has been a dark episode of Russian deception, lies and violence, a storm of hatred and brutality, human tragedy and death.

### **How does this end? Hypotheticals and the best of the bad options**

The Ukrainians are rightfully defending their country from this unlawful assault and attempt to subject them to subservience. Russia's war of aggression is still a fundamental violation of international law and a disregard for internationally recognized borders. Crimes against humanity have been committed by the Russian forces in their assault on non-combatants and in their needless destruction of Ukrainian hospitals, schools and houses of worship, not to mention fundamental civilian infrastructure. The Russian soldiers are raping women in the occupied areas, and in many cases their superiors know this and do nothing. They are disregarding human dignity in multiple other ways, as well, such as stealing Ukrai-

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<sup>2</sup> See my essay: *The Russian War of Aggression against Ukraine: An Analysis of the Dilemmas from an Ethical Perspective* // *Ethik und Gesellschaft* 15/2 (2021) 1-23, published on July 31, 2022 (open access), <https://ethik-und-gesellschaft.de/ojs/public/journals/5/dm/EuG-2-2021/EuG-2-2021-art-7.pdf>. The essay was a lecture from March of 2022 on the same subject.

nian children and deporting them to Russia, not to mention the intentional (not collateral) destruction of Ukrainian cultural goods. Will the situation to follow in the next months in the spring and summer of 2023 be decisive for the outcome of the war? Or will it drag on and look similar a year from now? It is difficult to know if the amount of weapons, ammunition, artillery, armored vehicles and tanks being used and destroyed on a daily basis, over the last year, and still today in February of 2023, can be sustained at the same rate over a longer period of time. How long can this continue in material terms?

When considering the prospect of worldwide catastrophe resulting from this war, the gravest danger remains the possibility of a direct conflict of NATO forces with the Russian forces, which would be a major escalation leading to further destruction and death, and, in the worst of the worst cases, a potential nuclear war. Russian use of these weapons in Ukraine, if they took this step out of desperation (which has thankfully been discouraged by China), would probably trigger a direct intervention from the United States and NATO allies, with comprehensive strikes on Russian naval and military positions in Crimea and in the east of Ukraine. The use of nuclear weapons would be a horrific outcome of this war, but many of the other outcomes are also dreadful, if not in the same sense. Indeed, there are countless bad options to consider in the ethical reflection of the war. Ethically, we must seek to contribute to and work toward the least-worst of these bad options before us. Yet the Western alliance is not directly involved in this war as a war party, and thus must also acknowledge that its role to play in this matter is limited. The decisions of other actors are often made without consideration of rational argument and without interest in proportionality regarding counteracting measures (“fog of war”).

In terms of international law, the best possible outcome would be an immediate armistice and a withdrawal of the Russian military from the internationally recognized borders of Ukraine, including Crimea. We do not know what will happen in the future, and we have been surprised by the performance of the Ukrainian military last year, but are there any signs that this could happen at this moment? Is the Ukrainian military strong enough to push the Russian forces out of Crimea? Would the resulting loss of life and destruction be worth it? Would the Russian public rally support to stop this? Initially, Putin and his generals thought they could take Ukraine in one swift blow. Many prominent military historians in the West on the day of the invasion and in the days after also declared that Ukraine would not be able to stand up to this aggression (“Kyiv will fall”). The opposite proved true, the tenacity and gut-level fighting will of the Ukrainian soldiers shocked the world, along with the national support behind them as they mass produced Molotov cocktails, knit together camouflage covers from home supplies and organized baking events to make meals and cakes for the soldiers on the front. Of course, the Western delivery of weapons was also clearly decisive in this development. The performance of the Ukrainian military

surprised the world, and this sense of strength and forward movement is still felt today. Yet overconfidence is very dangerous.

Some believe that we may indeed see and should prepare for a collapse of the Russian state leading to a reform of the federation, and more independence for Belarus and Kazakhstan, as well as Tatarstan, Bashkortostan, Chechnya, Dagestan, and Sakha.<sup>3</sup>

While a dramatic event of this scale could or would probably lead to a dissolution of the Russian war in Ukraine, it is theoretically possible that the war could actually continue in one form or another under a new military ruler (or limited occupation). Others see the resistance to the Russian order of things coming from within the ranks of Russia's allies. The Belarusian government-in-exile (based in Vilnius, Lithuania) under Svetlana Tikhanovskaya, now has the support of a volunteer armed branch, reported to have over 200,000 Belarusians volunteers. Sławomir Sierakowski, senior fellow at the German Council on Foreign Relations, holds that "Like Ukraine, Belarus is culturally alien to Russia". He argues that since "2020, Belarusian society has articulated its values, learned the art of long-term resistance, and created a free media based abroad." He holds that "Belarusian soldiers and government officials" now have a choice of allegiances "between the illegitimate government in Minsk and the legitimate one elected by a majority vote in 2020" – a choice which "will be made when the opportunity arises, which could be when Russia's humiliation in Ukraine engulfs the Kremlin in chaos"<sup>4</sup>. Even if Belarusians declared independence from Russia's overlord status, however, it is possible that the Russian military presence in one form or another would be maintained in Ukraine.

Western support is still strong, and it will in all likelihood hold to the end. Yet the level of intensity of the support could certainly change depending on the conditions. Hypothetically, for example, if the Ukrainian forces pushed the Russian forces back to the *status quo ante* borders before the 2022 invasion, it is likely that there would be a new debate in the West about the options of a negotiation settlement. Another option is a long and drawn-out extension of the reality on the ground, lasting years, the continual loss of life in the fluctuating border region.<sup>5</sup> While many are making predictions, the outcome of the current situa-

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<sup>3</sup> Alexander J. Motyl. It's High Time to Prepare for Russia's Collapse // *Foreign Policy*, Jan. 7, 2023, <https://foreignpolicy.com/2023/01/07/russia-ukraine-putin-collapse-disintegration-civil-war-empire/>. Even Motyl hedges his bets: "Russia could weather the current crisis and survive in its present form, whether under Putin or a successor. But even if it does, it will be severely weakened as a state, and all the structural tensions will remain".

<sup>4</sup> Sławomir Sierakowski. The Belarusian Opposition Is Growing Stronger // *Project Syndicate*, Aug. 17, 2022, <https://www.project-syndicate.org/commentary/belarus-opposition-growing-stronger-with-war-in-ukraine-by-slawomir-sierakowski-2022-08>

<sup>5</sup> Richard Haass. Why the War Will Continue // *Council on Foreign Relations*, Feb. 23, 2023, <https://www.cfr.org/article/why-war-will-continue>

tion today in February of 2023 seems very open and very dependent upon other external factors, especially China's involvement. The role of China in the conflict is now in a transformational phase of development, and the situation in Iran and in the Balkans is not entirely stable. In a perfect storm, the conflict fields could metastasize into a third world war, with China invading Taiwan, Iran creating highly enriched uranium for nuclear weapons and new regional conflicts breaking out in multiple places with loose levels of interconnection – Belarus joining Russia in a new assault on Ukraine, Israel attacking Iran's nuclear facilities, war breaking out in the South China Sea between multiple parties and a reignition of war in the Balkans. Stephen M. Walt, professor of international relations at Harvard University, recently argued that “Putin correctly judged that the Russian people would tolerate high costs and that military setbacks were not going to lead to his ouster”<sup>6</sup>. Yet this too could change if the situation as a whole shifted. Even if the majority of Russians today still essentially “supports the war, or at least is prepared to accept it as a fact of life”<sup>7</sup>, and even if there are signs that “Russian support for Putin's War in Ukraine is hardening”<sup>8</sup>, Russian society today lives under a dictatorial propaganda machine that is doing everything in its nearly unlimited power to generate exactly this result in public opinion. It is an entirely unstable situation created through these repressive measures. In all totalitarian top-down-organized systems which are always held together with force from a centralized command center, everything seems unified until the power center weakens, and the pieces start falling apart. Even the ideological summer camps for Russian children, and the attempt to purify the entire educational systems in Russia to make it fully pro-war, work to create that façade the world is supposed to see. Naturally, this is adopted for pragmatic reasons by those who do not want to be punished and who desire the benefits that come with affirmative alignment. If the benefits of affirmation fall away in this system of forced alignment, however, and if the repressive rules of punishment are no longer enforced, the edifice of robust patriotic unity and support for the war as a necessity will slowly fracture and then accelerate as other persuasive and long repressed voices of criticism enter the fray unencumbered and passionate. At the moment, however, this is impossible, not least because “most Russians still rely on the television for their news – which is entirely state-owned and

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<sup>6</sup> Stephen M. Walt. What Putin Got Right // *Foreign Policy*, Feb. 15, 2023, <https://foreignpolicy.com/2023/02/15/putin-right-ukraine-war/>

<sup>7</sup> Eva Hertog. In divided Russia, ‘compassion has become civil resistance’ // *Politico*, Jan. 30, 2022, <https://www.politico.eu/article/vladimir-putin-volodymyr-zelenskyy-in-divided-russia-compassion-has-become-civil-resistance/>

<sup>8</sup> Author(s) not named: Bloomberg News. Russian Support for Putin's War in Ukraine Is Hardening // *Bloomberg News*, Feb. 23, 2023, <https://www.bloomberg.com/news/articles/2023-02-23/ukraine-latest-russia-support-for-war-hardens-as-putin-cracks-down>

completely on-message”<sup>9</sup>. Of course, it is theoretically possible for them to get VPN clients and read foreign news. But how many people do things like this when they are busy with the problems of day-to-day life in a country in which the “citizens” do not have any “say” anyways? Why waste your time if your opinion does not matter anyways, and if you will be thrown in jail for a decade for criticizing the regime? Those Russians who have come out against the war in protest thus deserve the highest praise for their bravery, and for risking their lives.

The remarks from the United States General Mark Milley, chairman of the Joint Chiefs of Staff, in an interview in *Financial Times*, and in his past interviews, have received a surprising amount of attention internationally (and not least in Germany, especially on the far left and far right of the political spectrum). In the most recent interview, he stated that “it will be almost impossible for the Russians to achieve their political objectives by military means. It is unlikely that Russia is going to overrun Ukraine. It’s just not going to happen [...]” He also remarked: “It is also very, very difficult for Ukraine this year to kick the Russians out of every inch of Russian-occupied Ukraine [...]. It’s not to say that it can’t happen [...] But it’s extraordinarily difficult. And it would require essentially the collapse of the Russian military.” Yet he also emphasized (as is forgotten by everyone, it seems, citing him today) the need to meet the aggression “with firmness, deterrence” and “military power”, even while being “very conscious about managing escalation”, all the while seeking to “uphold the principles for which the United Nations was founded and which the international order is resting on”<sup>10</sup>. Obviously, without this firmness and deterrence, without the military power, the Ukrainians would not have a position at the negotiating table with Russia. There would be no “negotiations” in such a case, and no “negotiating table”. They would simply be forced to submit to the Russian demands, like the Belarusians. It is surprising that this simple fact is disregarded in so much of the criticism of the delivery of weapons to Ukraine. In short, to be taken seriously at the negotiating table, one must be taken seriously on the battlefield. For this reason, supplying them with lethal weapons to defend themselves helps them to preserve their freedom and thus strengthens their position in any future negotiations (that are worthy of this term). Those who are (in reality) calling for the Ukrainians to “capitulate” to the Russian forces and to accept their conditions, should be honest

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<sup>9</sup> Other reports are more critical of the image of national unity: Natasha Lindstaedt. Ukraine War: New Figures Suggest Only One in Four Russians Support It, but That Won’t Be Enough to Oust Putin // *The Conversation*, Dec. 8, 2022, <https://theconversation.com/ukraine-war-new-figures-suggest-only-one-in-four-russians-support-it-but-that-wont-be-enough-to-oust-putin-196163>

<sup>10</sup> Felicia Schwartz. Financial Times interview with Mark Milley, “Ukraine war pushes US to review arms stockpiles” // *Financial Times*, Feb. 16, 2023, <https://www.ft.com/content/a3c943e9-9071-49b8-9f6d-2b82e1f8167b>

and open about this and stop using the weasel words. Yet even on this point, it is not clear that the Russian forces actually want to negotiate with Ukraine. They have occupied a new stretch of territory; they assert that this occupied territory now belongs to them; and are preparing to take more. Recent reports suggest they may be planning to absorb Belarus. Where are the examples that suggest Russia actually wants peace?

### **Ethical analysis of the Chinese twelve-point plan and Belarusian amendment suggestions**

In the first point of the twelve-point plan offered by the Chinese Ministry of Foreign Affairs it asserts the need for “respecting the sovereignty of all countries”. It claims:

Universally recognized international law, including the purposes and principles of the United Nations Charter, must be strictly observed. The sovereignty, independence and territorial integrity of all countries must be effectively upheld. All countries, big or small, strong or weak, rich or poor, are equal members of the international community.

This is a very impressive statement and deserves high praise. The statement is surprising, however, given the fact that China has not once called on Russia to respect the “territorial integrity” of Ukraine. In the second point it addresses “legitimate security interests”, arguing:

The security of a country should not be pursued at the expense of others. The security of a region should not be achieved by strengthening or expanding military blocs. The legitimate security interests and concerns of all countries must be taken seriously and addressed properly.

There is a fundamental contradiction in this, for the “small” and “weak” countries addressed above are genuinely concerned about Russian aggression; and they have many examples to prove that this fear is a justified fear, one reflecting reality. For this reason, they want to join NATO; clearly not to attack Russia, but to be protected from Russia. In this, the document suggests cynically that there is an aggressive motivation behind NATO when it is actually a defensive alliance. There are indeed positive aspects of the document, and this is undeniable, such as the call for peace talks, protection of civilians, prisoners of war, the nuclear power plants and also its support for the grain exports and “post-conflict reconstruction”. Most importantly, it claims that “nuclear weapons must not be used and nuclear wars must not be fought”. This is truly praiseworthy. It is also praiseworthy that China is calling for peace. Yet one may ask if China really backs these ideas in principle. China’s behavior at home in the South China Sea or in the treatment of Taiwan does not reflect these peaceful claims whatsoever, nor does the forceful

roll back of democracy in Hong Kong. The problematic issue of the document is really fundamental in nature, and already ringing loud in the title. It speaks of “the Ukraine Crisis”<sup>11</sup>. This is a deeply misleading euphemism for the Russian war of aggression, and it says everything about China’s unwillingness to name the injustice. It does not name the aggressor and the victim, but presents the issue in an abstract sense of two parties in conflict. This is the same strategy seen in Belarus’ response to the recent debates in the United Nations. Belarus offered an amendment suggestion to the UN draft resolution titled “Principles of the Charter of the United Nations underlying a comprehensive, just and lasting peace in Ukraine” (A/ES-11/L.7), which calls for “the Russian Federation immediately, completely and unconditionally [to] withdraw all of its military forces from the territory of Ukraine”. The resolution was endorsed by UN members on Feb. 23, 2023, with 141 supporting it, 32 abstaining (with China and India) and only seven opposing it (Russia, Belarus, North Korea, Syria, Mali, Eritrea and Nicaragua). In the suggested amendment, Belarus called for the following revision: “In the seventh preambular paragraph, replace ‘aggression by the Russian Federation against Ukraine, including the continuous attacks against critical infrastructure across Ukraine’ with ‘hostilities in Ukraine’”<sup>12</sup>. This is a blatant attempt at white-washing the unjustified aggression.

### The Habermasian proposal

Jürgen Habermas has recently argued that “Western governments [...] share moral responsibility for casualties and destruction caused by weapons from the West. Therefore, they cannot also shift to the Ukrainian government the responsibility for the brutal consequences of a prolongation of hostilities that is only possible due to their military support”<sup>13</sup>. Habermas also raises doubt about the idea that we are protecting human life in this. His arguments appear at the first glance strong at this point, for he raises questions about the Western strategy of distancing itself from the consequences. He suggests that we are not distanced from these but in some sense responsible for them. This claim is not made by appealing to law, but to the realm of moral reflection, especially regarding the principle of in-

<sup>11</sup> Ministry of Foreign Affairs, the People’s Republic of China. China’s Position on the Political Settlement of the Ukraine Crisis // *Ministry of Foreign Affairs, the People’s Republic of China*, Feb. 24, 2023, [https://www.mfa.gov.cn/eng/zxxx\\_662805/202302/t20230224\\_11030713.html](https://www.mfa.gov.cn/eng/zxxx_662805/202302/t20230224_11030713.html)

<sup>12</sup> Belarus. Amendment to draft resolution A/ES-11/L.7, Principles of the Charter of the United Nations underlying a comprehensive, just and lasting peace in Ukraine // *United Nations General Assembly*, Feb. 21, 2023, document number A/ES-11/L.8, <https://documents-dds-ny.un.org/doc/UNDOC/LTD/N23/054/37/PDF/N2305437.pdf?OpenElement>

<sup>13</sup> Jürgen Habermas. A Plea for Negotiations // *Süddeutsche Zeitung*, Feb. 14, 2023 (transl. Ciaran Cronin), [www.sueddeutsche.de/projekte/artikel/kultur/juergen-habermas-ukraine-sz-negotiations](http://www.sueddeutsche.de/projekte/artikel/kultur/juergen-habermas-ukraine-sz-negotiations). All the following citations from Habermas are from this article.



terdependency. A simple counter argument here says: would this same logic then ultimately suggest that dictators who are willing to kill should be appeased? Historically, for example, the same logic in World War Two would have told the Poles to surrender to the German invasion because of “the brutal consequences” of resistance. When it is clear that defeat is the only option, this logic makes some sense. Yet when victory is possible, or when the defeat is a part of a larger strategy of slowing, weakening and ultimately limiting the injustice, this changes everything in the argumentation. A more complex counter argument here says: The command to preserve human life, the desire to uphold orders of international law and the moral rejection of the logic of might-makes-right are principles in dynamic tension within ethical realism in just war theory, ones we encounter in moral deliberation in an original interdependency. We cannot entirely sort out this dynamic tension of interactive value claims in simple hierarchies, nor do we encounter them as such. For example, soldiers today are risking and on occasion giving their lives for these principles in order to preserve them for the world as a whole today, and for their living children, and the generations to come. They want to preserve them from the dictatorial powers that follow a very different rationale and seek to impose this way of thinking and way of life upon them. Simply put, by fighting the war they are trying to stop these other “brutal consequences”, and are willing to accept responsibility for the continuation of the war because they see it as necessary. In both cases, there are brutal consequences.

Habermas is very right to point out that “the West, which is enabling Ukraine to continue the fight against a criminal aggressor, must neither forget the number of victims, nor the risk to which the possible victims are exposed, nor the extent of the actual and potential destruction that is accepted with a heavy heart for the sake of the legitimate objective.” He is also right, I think, to argue that we must “seek tolerable compromises”. Yet what could this be? Putin demands that the Ukrainians accept Russia’s annexations of territory (“the new territorial realities” as he calls the occupation). We must not imagine that there is a different Russia with which the Ukrainians would negotiate. Who decides what is “tolerable” in this real situation? Who could determine this for Ukraine? If Ukraine is, as Putin claims, simply a client state of the West (like Belarus is to Russia), then the West has the say. It is not, however, and thus Ukraine must decide for itself. Our contribution of weapons is not to a client state, but to an autonomous state, a democracy. We are rightly enabling Ukraine to defend itself. Yet we must precisely calibrate the level of weaponry to respond to the threat they are facing. Such a conception does not seek to defeat Russia in Ukraine, which is clearly one thing, but rather to equip Ukraine to defend itself and its internationally recognized borders, which is a very different thing. As Habermas says, “At present, there is no sign that Putin is willing to engage in negotiations”. Yet Habermas argues that the Western alliance should have stated the goal of its military support

in the sense of a clear and defined geographical border, the *status quo ante* before the February invasion. Yet such a “goal” on the part of the Western alliance, which Ukraine may adopt for itself, would move to change the nature of the Western alliance’s role in the war. It is not playing this role of deciding outcomes, and rightly so. This is for Ukraine to decide, and Ukraine must bear the consequences for its decisions and for the losses resulting from these deliberations which are made freely by the democratic representation. Habermas holds that we should “press for energetic attempts to start negotiations and search for a compromise solution that would not give the Russian side any territorial gain beyond the status quo before the beginning of the war and yet would allow it to save face”. He sets his hopes on “a compromise that saves face for both sides”. Yet is it the responsibility of the Western alliance to seek to preserve Putin’s image in the world? Perhaps if real peace was to result from this, yet the opposite is more likely if we are realistic. Pacification of people like Putin reinforces their self-conception of omnipotence. Habermas thinks it would have been good to inform Russia from the outset of the “goal of restoring the *status quo ante* as of February 23, 2022”, yet this would have inspired Russia to think it had legitimate right to the annexed territories before Feb. 23, 2022. The occupation of these has always been a violation of international law. This would be a betrayal of the Ukrainians in the interest of appeasement, and a betrayal of their will of independence as expressed in 1991. Habermas is a great thinker but it is somewhat disturbing to read the claim that Ukraine “is still a nation in the making” in the context of his discussion about the Russian occupation of Ukraine. It is probably not what Habermas wanted to say with this statement, but it does seem to put forward the suggestion in a secondary sense of implication that Ukraine should accept that it is “in the making”. Should it? And is it really? In which sense? Every country is always in one sense or another “in the making” – but not in the sense of shifting borders. What is the implication of this claim? Are the borders actually fluid and also “in the making”? Is this what Habermas was suggesting with the phrase? Perhaps this was not his intension, but rather wanted to say “in the making” in the sense of becoming more independent from Russia.

### **A United Nations peacekeeping mission for the occupied territories?**

Other options of negotiation (which seem far out of reach at the moment) would be, for example, the idea of a new United Nations peacekeeping mission (protection force) in the Russian occupied territory of Ukraine, including or not including Crimea, or the formation of a neutral zone or even a condominium. In this case of a peacekeeping mission or neutral territory, Ukraine and Russia could mutually claim the territories and Crimea as their own but nevertheless agree to armistice under the condition that the territories would be overseen by neither of them, but the United Nations protection force. This could be the end of hostilities

in some form of compromise. The “Government House” of the United Nations Conciliation Commission (United States, France and Turkey) in Jerusalem in 1949 is a distant example of this idea. It was established “in a zone neutralized by the agreement of Israel and Jordan”<sup>14</sup>. Of course, the situations are not identical in any sense, nor was the Saudi Arabian–Iraqi neutral zone of 1922. In all these cases, the conditions were entirely different. Of course, the back-and-forth of negotiations in such a theoretical case in the establishment of a neutral zone would certainly lead to some complicated solution which is now virtually impossible to imagine in detail (especially given Russia’s continued offensive strikes and insistence that the Ukrainian territories belong to Russia). Theoretically, however, the territories occupied by Russia could also be treated like Antarctica (governed by multiple parties), or like the Brčko District (governed by the Federation of Bosnia and Herzegovina and the Srpska Republic) or something completely different (and perhaps totally impossible) like Pheasant Island between Spain and France (with alternating governance intervals of six months). Perhaps there is some way to stop the killing with some provisional solution like this, which would certainly please neither the Ukrainians nor the Russians, but could theoretically lead to peace. Even in these cases of provisional peace agreements, however, nothing would change about the fact that the occupied territory belong to Ukraine according to international law.

Of course, we have no idea what will happen in the next months militarily, and whether the situation after the spring and summer offensives will change the diplomatic options for negotiations. Some think that this is already in the works. In an interview, United States Representative Adam Smith (Washington State), who also sits in the House Armed Services Committee, claimed that “the ultimate end to this is the Ukrainians take back as much pre-Feb. 24 territory as they can get, force Putin to the bargaining table, and then ultimately Ukraine would have to compromise somewhat on issues like Crimea and portions of the east and arrange for solid security guarantees going forward”<sup>15</sup>.

### **The Ukrainians can think for themselves**

In the referendum for the independence of Ukraine in 1991 during the fragmentation and dissolution of the Soviet Union “no less than 92 percent of the country’s inhabitants voted for independence”, and in Crimea it was 54 percent. In total, “80 percent of eligible voters participated” and the “results were almost

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<sup>14</sup> Evan Luard. *A History of the United Nations*, vol. 1: *The Years of Western Domination, 1945-1955*. London 1982, p. 200.

<sup>15</sup> Joe Gould, Bryant Harris, Sebastian Sprenger, Tom Kington. When Will the War in Ukraine End? Experts Offer Their Predictions // *Defense News*, Feb. 13, 2023, <https://www.defensenews.com/global/europe/2023/02/13/when-will-the-war-in-ukraine-end-experts-offer-their-predictions/>

immediately welcomed by the international community”<sup>16</sup>. As the referendum at that time showed, the Ukrainians can think for themselves and make their own decisions. Over thirty years later, the same is true, and today, in February of 2023, it is also clear that the Ukrainians are willing to fight and continue this war to maintain their independence as much as possible. Furthermore, many seem to be very convinced that they are going to be victorious. Of course, we have no idea how this will end at this point, but with Western support they do have the firepower to hold back the advance of the Russian forces. This has been confirmed up to this point. Yet we still do not know what would happen if, for example, Belarus suddenly invaded from the north. As many have pointed out, the idea of a full repossession of the East and Crimea will be very difficult, and this would go beyond the *status quo ante* of February 23, 2022. The Ukrainians have suffered the most losses in this war in terms of total destruction, civilian casualties and injustice. The Ukrainians have also lost a very high number of soldiers (who are fighting for a just cause), while the Russians have lost even more soldiers (fighting for an unjust cause). At this point, the war is a testing of the public wills in Ukraine and in Russia under the weight of this destruction and loss of human life. The Ukrainians (and the world) are certainly waiting and hoping for the Russian families to protest the death of their sons for an unjust cause, and hoping for mass protests in the streets of Moscow to end the war. Yet is this a foolish hope? The Russians, on the other hand, are waiting for the Ukrainians to give up and seek peace with them on their conditions, accepting the terror of their assault and conceding to their illegal landgrab.

As outsiders we cannot impose on the Ukrainians the right moral decision regarding this conflict. They must decide how they wish to proceed, knowing we support their cause of defense, which is also a defense of democracy, international law and the integrity of internationally recognized borders. Putin clearly saw what was happening in Ukraine and Belarus and tried to stop the same democracy from seeping into Russia, but he is also trying to rebuild the old empire. Concessions to Russian demands to accept the occupied territories as Russian territory would embolden the neo-imperial terror-state to consider other potential targets in the future, and in the long run, even if it is weakened and drained of supplies in the short run after the war. Claims that suggest the opposite (“after Ukraine, he would stop...”, “Russia does not have the resources for another war...”) could be true, but they are also essentially optimistic. Optimism in these kinds of situations is foolishness. The opposite may be true, for Putin openly regrets the loss of the territory of the Russian Empire. In his article “On the Historical Unity of Russians and Ukrainians” (2021) Putin mentions Anatoly Sobchak and claims:

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<sup>16</sup> Paul Robert Magocsi. *A History of Ukraine: The Land and Its Peoples*, 2<sup>nd</sup> ed. Toronto 2010, p. 724.

In 1992, he [Sobchak] shared the following opinion: the republics that were founders of the Union, having denounced the 1922 Union Treaty, must return to the boundaries they had had before joining the Soviet Union. All other territorial acquisitions are subject to discussion, negotiations, given that the ground has been revoked.<sup>17</sup>

This argument is not limited to Ukraine even if it is highly unlikely that he would attack a NATO country. Ukraine is not a client state or neo-colony of the West but an independent country and a democracy. It is fighting a war today to preserve this form of government not abroad but within its own borders, and cannot be forced by the other democratic powers to sacrifice its democracy for the sake of peace. The Ukrainian people in democratic representation will decide for themselves what their country should do and will in the given case decide which compromise is most tolerable in light of the deliberations about possibilities, costs and losses.

### **The many faces of Putin – and Russia**

One of the ethical dimensions of this war is the view of Russia and Russians today in the Western world. We must hold to high standards of ethical thought and respect the dignity of every human being, rejecting the idea that every Russian supports the war. Everyone should and must be judged as an independent person with rights and freedoms, without discrimination. This is all the more important today in the Western world. It is of utmost importance that Russians and people with Russian backgrounds in the Western world know that they are not viewed as representing Putin, and discriminated against as if this were the case.

Once Russia seemed to be on track to truly positive reform and was once seen as moving toward the rule of law. Perhaps this day will come again and we can hope that it will. Putin was once seen as having three faces, the “tough cop”, the “closet communist” and even “the jurist”, as Gordon B. Smith wrote in an essay published in 2007 (based upon a conference paper from 2005):

A review of Putin’s public speeches reveals a notable emphasis on the importance of development of rule of law in Russia. Law is primary in Putin’s view not only because it is a prerequisite to attracting foreign investment and stabilizing the economy. It also is a necessary ingredient in stabilizing democracy, insuring due process, reinforcing the state’s ability to insure the protection of citizens’ rights and physical security, and achieving the larger societal goal of social justice.<sup>18</sup>

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<sup>17</sup> Vladimir Putin. On the Historical Unity of Russians and Ukrainians // *President of Russia*, July 12, 2021, <http://en.kremlin.ru/events/president/news/66181>

<sup>18</sup> Gordon B. Smith. *The Procuracy, Putin, and the Rule of Law in Russia // Russia, Europe and the Rule of Law* / ed. F. Feldbrugge. Leiden 2007, 1-14, here: p. 10.

The contrast with today's Putin could not be starker. With his willingness to let his soldiers kill the innocent abroad, and even to send the untrained youth of his country into battle to be slaughtered, he is shifting toward the psychopath dictator mode. While the Russia of law seems lost now, we cannot give up hope on Russia. Maybe it will return to its senses and seek to reform itself again after Putin is gone. If the good prevails in Russia, there is hope for a peaceful future after this war. At the moment, however, Russia is teetering between a violent autocracy and a genocidal dictatorship of propaganda, having lost all moral standing in its ruthless attack on civilians in Ukraine and crackdown on civil rights and freedoms at home.

Yet what do the average Russian citizens really know and think about this war? And how could we even evaluate their opinions given the continual stream of brainwashing propaganda they are fed daily from the centralized state media? Do patriotic Russian parents really think in their heart of hearts that their sons should die in this war – for this cause? It is hard to believe that they would really endorse this if they were actually informed about what is happening from a free press, which they do not have. Many do not want to escape the orbit of the official narrative, and are willing to accept it, even if they may not believe it all. Yet others seem to believe that they are quite literally fighting National Socialists in Ukraine who want to commit a genocide on the ethnic Russians. This is still “Putin’s war”, and he will go down in history with the list of other dictators and psychopaths of the twentieth century who spoiled and blemished the legacy of their nations for coming generations, like the Austrian-born dictator of Germany, Adolf Hitler. Of course, Putin has not yet done anything like the Holocaust, and simple comparison on this level is unwarranted. The systematic murder of six million Jews is in a league of its own as the true embodiment of evil in the modern world. Nevertheless, Putin tried to wipe Ukraine off the map as a free country, and tried to reeducate the Ukrainians by taking over the state and media, seeking to control them as the propaganda machine controls the Russians in the “motherland”. With his bloody rampage of destruction – and not least the bombing of maternity wards – he is damaging the image of Russia in the world today irreparably, and for generations to come, just as Hitler did to Germany, and Stalin did to Russia before him. Putin’s name, like Hitler’s and Stalin’s, is now, and will always be, associated with evil, the shedding of innocent blood. Of course, the entourage of ministers in the circle of power around him, along with the chief diplomats are also uniquely guilty, and with them the higher-level military officials and mercenary leaders organizing the illegal war. Even the rank-and-file Russian soldiers, and especially those committing war crimes, are clearly implicated in the injustice of this illegal war, whether willingly serving, or not. The work toward reconciliation after this war will be impossible without the acknowledgement of this guilt. Theologically, we can say that God makes ways where there seems to be

no way, and in this sense, there is a path to this reconciliation to be realized that we can envision in the realm of hope. We must not give up hope that someday in the future and somehow it will indeed happen (even if it seems unimaginable today). Perhaps future generations will find a path toward this realization. Only Ukrainians and Russians know how this can happen. At the moment, however, it seems that reparations for the destruction, admissions of guilt and the returning of the territory to its rightful owner are basic preconditions for reconciliation. Of course, a provisional or long-term armistice (between the fundamentally adversarial parties) with neutral territory agreements and United Nations oversight assignments could theoretically be reached without the fulfilment of any of these preconditions (or a long term agreement about just peace, or security promises).

### **Who is responsible for the death and destruction?**

There are many good reasons to support the Ukrainians from an ethical perspective. Of course, humanitarian support is not a matter of debate, and the magnanimity of the countries taking in the Ukrainian refugees speaks for itself, and will not be forgotten by the Ukrainian democracy. The same applies to the generous donations to Ukraine in non-lethal support of all kinds. The real ethical debate regarding the support of Ukraine is concern with the delivery of weapons. This debate has been ongoing, and was already an issue before the invasion in February of 2022. Should we help the Ukrainians in this sense? Should we send them the things they need to defend themselves militarily against the assault and fight back against those who are taking their territory? Various pacifist arguments are being put forward on this issue and have been put forward since the February invasion. I highly respect all pacifists and pacifist arguments. They raise our human spirit and stimulate our consciousness to move to higher realms of ethical awareness and thus direct us to that which is right and good in essence and in hope. They also make careful arguments that direct our thoughts to alternative possibilities and open up new paths of reflection towards that which could be. They remind us of the contradiction, the loss, the seemingly weak rational justification, and the interdependence of action, blurring the lines of distinction in a wholistic conception of responsibility. Yet precisely this movement beyond the distinctions is the point where critical and realistic thought must call the discussion back to the ground of law and order, forms of agency and the fundamental distinction between primary and secondary causes and levels of responsibility. These are the critical tools we have for making ethical sense of our complicated and conflicting world. The principles of justice, the distinctions between rights and wrongs, law and morality must be upheld while acknowledging the various sets of scales in this question. Some argue that by supplying Ukraine with these weapons we are simply supporting more loss of human life and destruction on both sides.

Clearly, this is correct on the surface. Supplying the Ukrainians with these weapons (in full knowledge of their intended purpose) is a form of enablement, and thus not directly but certainly indirectly contributes to the death of the Russian soldiers who have illegally invaded Ukraine to steal land. On the other hand, if we think of the same matter in the totality of actors involved, the responsibility for their death also lies on the other side in Russia. For those sending these Russian soldiers to Ukraine (on military command with threat of punishment upon denial of fulfilment) are also responsible for their death, for they are the initiators of their movement into harm's way. They are commanding them by force to participate in an illegal war, to enter forcefully into a country that does not belong to them and occupy it as if it did. These soldiers are "running before his chariots" but they themselves also bear responsibility for what they are doing. Furthermore, not only are the Ukrainian soldiers killing Russian soldiers, but quite obviously Russian soldiers are killing Ukrainian soldiers. The arming of the latter is more likely to slow the advance and destruction of the former. This is the basic theory of deterrence. Arming the Ukrainians is a way of "dissuading" the Russians, encouraging them to reconsider their illegal landgrab in light of the "costs", showing them that it is not so "sweet" and easy as they may think, but bitter and hard. Of course, the counter argument to this is simple, for it asserts that precisely this logic contributes to the escalation of the violence, death and destruction on both sides. This is only one side of the issue, however, for dissuasion, and the message of bitter resilience and tireless courage in face of threats can save lives, can encourage the aggressor to pull back, slow down the advance and reconsider the plans. At the same time, the same line of argument (that this contributes to the escalation of violence) essentially asks us to move away from the specific and particular case and reflections on the legality of the conflict, right and wrong use of force, and justified fatal action, toward a general and truly humane idea of the reduction of death and destruction. To this, however, it must be added coldly that there are indeed some things "worth fighting for" (even if we should always avoid violence and see it always as a last resort). Obviously, many parties are responsible for the death and destruction to very different degrees (in very different ways, each deserving different moral evaluations), but Putin and his inner circle of power bear ultimate responsibility for this war as a whole, which was very much a war of choice (not necessity, at least not by any rational weighing of the arguments).

### **The things worth fighting for**

There are indeed things worth fighting for, or stated more precisely, there are some things worth defending to such a degree that they are worth fighting for, and, if necessary, worth placing oneself in harm's way for, and thus risking one's own death to defend them. Our great treasures of freedom, democracy and the rule of



law certainly belong to these sacred things. In this particular case with regard to the Ukrainian military, they are fighting to defend these from an unjust autocracy or dictatorship forced upon their free society. It is entirely possible that freedom and democracy can be preserved by the Ukrainians in their military response. This is an important point, for if it were a truly futile attempt then the process of deliberately weighing out of the possible ethical evaluations of the war would be entirely different. If we consider this in the frameworks of the ethics of virtue, striving for the virtue of courage would avoid both cowardliness and a foolish recklessness. Yet the defense of Ukraine is not reckless, hasty or careless, and the attempt to save its democracy is not a futile one at all. Given that it is a theoretical option that freedom and democracy in Ukraine can be preserved through this war (and this has been confirmed over the last twelve months), one must then decide (and we as outsiders cannot do this for the Ukrainians, they must do this for themselves) if the “cost” for this freedom and democracy, which is in fact the unquantifiable loss of life and destruction in this war, is “worth” it. Is this loss of life and destruction, which has been holding back the aggressor, “worth” or worthy of the freedom and democracy which has been established in Ukraine? The Ukrainians obviously do not want this death and destruction, who would, yet they are also not willing to give up their freedom and democracy, and their national identity which is clearly under threat. As outsiders, we are not making this decision for the Ukrainians. Even the supply of weapons is not making this decision for them, but only enabling them to make it for themselves. The Ukrainians must make this decision and no others can or should make it for them. We are, however, and quite obviously, enabling them to defend themselves militarily. Against the critics, it must be held that this is entirely defensible in ethical terms. The right of self-defense has high standing in international law, and is, indeed, enshrined as an “inherent right” in Article 51 of the Charter of the United Nations.<sup>19</sup> In effect, in my view, this fact ends this debate at the legal level. Furthermore, the General Assembly of the United Nations has roundly condemned the invasion and illegal annexations, even if a few voices have supported the Russia’s actions (Belarus, North Korea, Nicaragua and Syria). The Security Council is good for exchanging arguments now but it is unreliable in the particular issue of this war because of the obvious prejudice of Russia. Theoretically, it could recuse itself in

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<sup>19</sup> “Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.” As cited in Murray Colin Alder. *The Inherent Right of Self-Defence in International Law, Ius Gentium* 19. Dordrecht 2013, p. 84.

abstention and leave the decision to the others but this suggestion has not been followed. Beyond these legal arguments, supporting Ukraine with weapons is in accordance with the noble virtues of courage, wisdom, prudence and justice to defend one's country from an aggressor who seeks to suppress it and take away its freedom – as long as such self-defense is truly wise and prudent, that is, as long as there is a realistic possibility of success and not a wanton and careless endangerment and risking of the lives of soldiers for a futile cause. This has always been the case in the moral thought of the Western intellectual tradition and there is no good argument to overturn it in this case.

### **Twelve months of open questions**

As the “Joint Statement on Six Months of Russia’s Full-Scale Invasion of Ukraine” claimed in August of 2022 (while rejecting Russia’s “violation of the UN Charter”, “Russia’s unprovoked, full-scale, and illegal invasion of Ukraine” and the bombing of “residential areas and civilian infrastructure, resulting in harms to, displacement and death of thousands of civilians”):

Today, we reaffirm our solidarity with the people of Ukraine, pay tribute to all those who have sacrificed their lives for the independence of Ukraine and express our deepest sympathy and condolences to the families of the victims of the ongoing aggression against Ukraine. [...] We remain committed to the sovereignty, independence, unity, and territorial integrity of Ukraine within its internationally recognized borders, extending to its territorial waters. Today, once again, we reiterate our demand for the immediate cessation of hostilities by the Russian Federation against Ukraine, of all attacks directed against civilians and civilian infrastructure, and the full, immediate and unconditional withdrawal of the Russian forces and military equipment from the territory of Ukraine.<sup>20</sup>

The same has rightly been said again today. The Ukrainians have the right to defend themselves and their internationally recognized borders. But is it possible, and if so, is it worth the “cost” to push the Russian forces all the way back to the borders before 2014, and retake Crimea? Would it be sufficient to regain

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<sup>20</sup> United States, the European Union, *et al.* *Joint Statement on Six Months of Russia’s Full-Scale Invasion Of Ukraine*, August 24, 2022, <https://usun.usmission.gov/joint-statement-on-six-months-of-russias-full-scale-invasion-of-ukraine/>. The statement was also signed by Albania, Andorra, Australia, Austria, Bahamas, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Colombia, Croatia, Republic of Cyprus, Czech Republic, Denmark, Dominican Republic, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Monaco, Montenegro, Netherlands, New Zealand, North Macedonia, Norway, Palau, Poland, Portugal, Republic of Moldova, Republic of Korea, Romania, San Marino, Singapore, Slovakia, Slovenia, Spain, Sweden, Switzerland, Türkiye, Ukraine, the Federated States of Micronesia, and the United Kingdom.

only the territory of the *status quo* after the 2014 annexation and before the invasion of February of 2022? Or would it be better to freeze the conflict at the current fluctuating line of engagement now? Will these questions even be relevant by this summer? These are all questions of grave concern that we may speculate about from the outside looking in, but they are not questions we can answer for the Ukrainians. We cannot assert ourselves and suggest that the Western powers will decide the outcome of this war alone. Only the Ukrainians in their democratic representation can make these decisions, and they are matters that fall under their sovereign authority as an independent country. This does not mean apathy or indifference on our part, nor does it mean we want to “wash our hands” of the moral dilemma. Indeed, looking in from the outside, we must acknowledge that the Ukrainian soldiers and volunteers of the foreign legion who have fallen in this war will be remembered and honored in future generations as heroes who died for the defense and preservation of liberty, justice and democracy. We must also acknowledge that the supply of weapons to Ukraine has and will certainly indirectly lead to more death and destruction.

The spring and the summer months and the planned offensives on both sides may lead to a new situation in which all these questions must be reconsidered. With this, there are many questions about China and its involvement in the war in the coming months. All these dynamics may bring more instability and the potential for further reactions that can get out of control. In this, the Western powers who are delivering weapons must ensure that we do not directly engage the Russian forces in this conflict. We must speak up for the rights of the Ukrainians who are the true victims in this unjust war. We must remain committed to supporting them as they seek to defend those things that all democratic and free nations so greatly treasure. Of course, there are limitations to this posture of distance, and points where the Western powers would get directly involved, such as tactical nuclear strikes on the part of Russia, or systematic murder of civilians and genocide. On the last issue, Russia has already tested this threshold with its horrific war crimes and assault on civilians, such as the missile strikes on housing complexes and train stations. Nevertheless, such an intervention on the part of the Western powers would always be a last resort. Before taking this step, the Western powers would significantly upgrade the firepower of the Ukrainians to strengthen their defenses against the Russian forces, so they can fight for themselves.

### **The spheres of influence that will not go away**

Another continual issue of ethical debate that has not stopped since February 2022 is the question of realms of influence. Most Western leaders do not endorse this idea, and wish to assert that we are not seeking to expand the realm of the American or Western sphere of influence. On the contrary, we assert that

we are only helping the Ukrainians to determine their own affairs and alliances freely. Nevertheless, some see this as a shadow argument and believe that in truth the Western powers are trying to move a pawn on the chess board of pieces over to their side, seeking to strengthen the Western sphere of influence in eastern Europe. Yet this is a cynical analysis of what is actually happening, and it does not reflect the reality on the ground. Eastern Europe is not being forced to move away from Russian influence, it is choosing to do this on its own, freely, and passionately. We are not subjecting the Ukrainians to the Western realm of influence in a theory of great powers or seeking to make them join us. They are freely choosing to disassociate with Russia and seeking freely to associate more closely with Western powers in cultural and social cooperation and in international alliances. Obviously, if the same thing were to happen in another country, a movement in the other direction, the Western powers would certainly not invade this country and seek to force it by military aggression to stay associated with the Western powers.

There are certainly some powers in this world that are immensely more powerful than the others. China and the United States are the two superpowers today, and these clearly exert influence in the world to a higher degree than others. But are they forcing others to follow their path? This is the essential question that needs to be answered, and not only whether or not they have influence. The theory of great powers is not a fiction, but it is also not the final paradigm through which everything must be viewed. This paradigm of reflection must move beyond the basic question of the existence of these realms, and should also address the means and ways of influence. The moral quality of the influence must be considered as an essentially aspect in the ethical reflection. The details count in this matter, for there were always great powers, but they did not exercise their influence in the same ways. International law and higher principles of morality are superior to great powers and great powers must subject themselves to these in the light of reason. The alternative path is hideous and ultimately self-destructive, it is the path of might-makes-right logic that makes sense for a second, rises quickly then falls into the abyss of relativism and ultimately leads to the cultural decline of immorality, anti-universalism and egocentricity. The United States, American citizens, politicians and constitutional lawyers must do all they can to ensure that they always stand on the side of international law, that they work to uphold the principles of human rights and support the universalism of human dignity, even if the contradictions and violations of these principles are scattered across history and the present in the mistreatment of ethnic minorities, in the evil of slavery and racism, and in the illegal and brutal acquisition of the land of the Native Americans. Still today, the work of reconciliation must be done and is not finished.

### **Democracy today, and Ukraine's wartime democracy**

When looking back at the last twelve months of war in Ukraine, and the ongoing debates about the survival of the Taiwanese democracy, it is difficult to say that it has been a good year for democracy. This follows the waves of anti-liberal populists around the world who lied and still lie to the publics about elections and ignored and still ignore official voices of reason and the orders of courts. Former President Donald Trump is the first to be named, and especially his response to the election he lost, when he stoked up the crowds who stormed the Capitol in Washington, DC – even if he did not tell them to storm the building in his speech that day (in which he actually said the protestors should make themselves heard “peacefully”). Deception, twisted reporting, clouds of speculation and cynical theories of conspiracy wreaked havoc on many democracies over the last few years. We must heal the wounds and restore reason and open debate in public, and balanced reporting in our media, working to raise banners of unity and hope. There are ways to expand and deepen our public educational institutions, move bravely beyond our echo-chambers to speak with others in a spirit of respect and dignity, and find ways to move forward and strengthen our democracies in order to hand them on to future generations in a form that is usable. The people dying for democracy in Ukraine today remind us of the great value of this political tradition and system of self-government. They should inspire us to improve our democracies at home.

Democracy cannot be established by force from above, nor instituted by a foreign power upon another culture or tradition. It emerges within the dynamics of culture and civil society and thrives on a broadly shared civil appreciation of the basic values promoted and protected by the democratic system. This “grass-roots” dynamic from below and from the middle is strongly at work in Ukraine today and it continues to move forward in the public consciousness even if there are clearly challenges in other areas, such as corruption. Every country has challenges and problems that they must work through. The healthy solution to these challenges is not authoritarian leadership, but more democracy, that is more openness, more public light shining on the problems, more debate about the shared values that are to be handed down, more education in and for self-government, more critical thought, more discipline in public office and more checks and balances in the use of delegated power and public goods.

The many reports on democracy today, such as the new *Democracy Index 2022* should awaken us to the gravity of the situation: “More than one-third of the world's population live under authoritarian rule (36.9%), with a large share of them being in China and Russia”<sup>21</sup>. Furthermore, “two-thirds of the world's population live

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<sup>21</sup> The Economist Intelligence Unit. *Democracy Index 2022: Frontline Democracy and the Battle for Ukraine*. London 2023, p. 3. Regarding the general trend of democratic health and the year

in countries that are neutral or Russia-leaning regarding the war in Ukraine”<sup>22</sup>. While the study sees a stagnation of the health of democracy worldwide, the development in China and Russia do not fit into the “stagnation” model:

This picture of stagnation in the state of global democracy hides darker developments. Strikingly, the situation in two countries that are home to more than 20% of the world’s population, China and Russia, took a decisive turn for the worse in 2022. Russia recorded the biggest decline in score of any country in the world in 2022. Its invasion of Ukraine was accompanied by all-out repression and censorship at home. Russia has been on a trajectory away from democracy for a long time and is now acquiring many of the features of a dictatorship. Meanwhile, until the end of 2022, China doubled down on its zero-covid policy, using the most draconian methods to stop the spread of the virus, locking up tens of millions of people for prolonged periods until protests erupted towards the end of the year.<sup>23</sup>

Ukraine itself has come under immense pressure to maintain its own democracy during this time of horrific war, and this will be a continual challenge in the future during the war and after it. After the war is over, Ukraine will be face with a major transition towards the normalization of democratic culture, process and freedoms, and will be charged with reestablishing rules that are necessary to keep democracy alive. This will probably be a bumpy process, as every democracy is. As the same report claims, “wartime measures set dangerous precedents that could be used by the authorities to restrict political activity using the pretext of national security” and “this will be something for the people of Ukraine to watch out for in future”<sup>24</sup>. For this reason, as well, Ukraine needs to be all the more vigilant and needs all the more support from the wealthy democracies of the world that have the resources to do two things at once: care for their own populations and problems, and also help those abroad.

When viewing the development of democracy in the world today and considering the ethical analysis of the situation, we are confronted with old problems and new ones in a dynamic of transformation and global intermeshing. The many reports over the last few years on democratic decline should not lead us to an attitude of ambivalence or disinterest, or a stoic mindset of accepting this fate without seeking to change it. Ethically, we must keep our hopes set on that higher vision of cosmopolitanism and world peace, the co-realization and mutual enrichment of various cultures, traditions, nations and religions as they come to

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2022, “overall the story is one of stagnation, with the global average score remaining essentially unchanged [...]” (*ibid.*)

<sup>22</sup> *Ibid.*, p. 27.

<sup>23</sup> *Democracy Index 2022*, p. 4.

<sup>24</sup> *Ibid.*, p. 54.

embrace the spirit of tolerance according to their own internal conceptualizations, and seek to embody the vision of mutual respect within their given local contexts, and also in commitments of good will and cooperation beyond these for human dignity and rights. The many problems at home (which are often tragically played out against the problems abroad) must be addressed without losing sight of the whole, and this is especially the case for the wealthy and powerful. Those who have access to resources, time and means to do good in the world have a unique responsibility. The inner principles of democracy and the affirmation of human dignity, rights, equality and freedom, have a global dimension that goes beyond the borders of each country. This global ethics of democracy entails a hope for peace in this world which is connected to a universal respect for all in awareness of the dignity and freedom of all people, even when this human dignity is not honored or protected. Hopes and good will based upon this draw upon a deeper and more powerful force in human existence, one more original than the destructive wills of egocentricity and the misanthropic acts of domination (which seem to encapsulate the whole in their realization). Yet agency is always required in the realization of these hopes, whereby goodwill moves beyond the realm of subjectivity and passes over into a form of intentional activity, a directed and focused application of human energy and moral intentionality. The global ethics of democracy is thus strengthened and realized when the consciousness of active responsibility simultaneously unfolds in the fabric of things. The collective support of the survival of Ukrainian freedom and democracy is the realization of this consciousness of active responsibility in one moment and in one context today. Yet we must do more for the neediest simultaneously, and work to help others who are struggling for survival, especially in South Sudan, Yemen and Ethiopia. These are not mutually exclusive assignments, and to present them as if they were is to limit the scope of moral responsibility.

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РІК РУЙНУВАНЬ І МАЙБУТНЄ УКРАЇНСЬКОЇ ДЕМОКРАТІЇ:  
ЕТИЧНИЙ АНАЛІЗ РОСІЙСЬКОЇ АГРЕСИВНОЇ ВІЙНИ ПРОТИ УКРАЇНИ  
ЧЕРЕЗ 12 МІСЯЦІВ ПІСЛЯ ВТОРГНЕННЯ 2022 РОКУ

У статті розглянуто моральні конфлікти і дилеми, пов'язані з російським вторгненням в Україну та реакцією Заходу на нього, з особливим акцентом на теперішніх дебатах щодо постачання зброї, а також на теоріях великих держав і відповідальності. З етичної точки зору висвітлено також гіпотетичні результати війни, як і дебати про мирні переговори та врегулювання, спекулятивні положення про перемир'я, питання примирення й агентурної діяльності, моральні імперативи у світлі поточних подій, зокрема нещодавнього китайського плану та розвитку демократії в усьому світі. У статті підкреслено унікальну роль України як вирішального демократичного діяча з довгостроковою відповідальністю.

**Ключові слова:** Росія, Україна, війна, агресія, воєнні злочини, постачання зброї, статут ООН, право на самозахист, етика.