CONTENTS

INTRODUCTION

THIS BOOK ATTEMPTS to trace the very earliest emergence of ideas concerning the complex, often fraught, relationship between war and ethics. It looks back to more than five thousand years before our modern era, utilising some of the earliest textual evidence that human civilisations have produced, as well as a good deal of material evidence. In it, I push the history of just war thought back into the deep past, revealing the incredible richness and complexity of ethical reflections on war in the three millennia preceding the Greco-Roman period. In doing so, I strive to show that the history of the just war is more geographically diffused and far more ancient than has previously been assumed.

This study is entitled *Origins of the Just War* (rather than, for instance, *The Origin of the Just War*) because I wish to make clear that the ideas examined within it represent a number of *different* origins of ethical thought about war, albeit some of them interconnected and all of them of considerable antiquity. The investigation focuses principally on three ancient martial cultures: Egyptian, Hittite, and Israelite. These cultures flourished between the third and the first millennium BCE, within a single relatively coherent geographical unit referred to as the 'Near East'. This unit composed those lands fringing the eastern Mediterranean seaboard: Egypt, Sinai, Syria-Palestine, and Anatolia.

As will become clear, each of these three ancient Near Eastern societies developed sophisticated ethics of war and distinctive doctrines of just war. However, as will be discussed in depth, the development of just war thought in each society was almost entirely concentrated on what we now term *ius ad bellum* (i.e., justice/right to wage war) criteria, especially considerations of proper authority and just cause. I argue that these ancient *ius ad bellum* doctrines were built on political theologies that were at once both universalising and (to our minds perhaps incongruously) highly chauvinistic. Moreover, these political theologies did not recognise the status of the individual person in the same way that modern societies have come to recognise individual

'rights'.[1] These universalising yet chauvinistic *ius ad bellum* doctrines, which possessed no concern for the welfare of individual enemy persons, were so prepotent that they almost completely inhibited the development of so-called *ius in bello* (i.e., justice/right in the conduct of war) norms. Each of these ancient just war doctrines was grounded in a desire to rationalise, sacralise and, ultimately, to legitimise the act of war, not to restrain it or condemn it. I argue in the Conclusion that, in its presumption in favour of war, ancient just war thought is best described as *ius pro bello*. Further, I posit that a more accurate understanding of the ancient origins of just war thought provides lessons about how we should think about and apply just war theory in a modern context.

Michael Walzer's seminal *Just and Unjust Wars* opens with the remark that '[f]or as long as men and women have talked about war, they have talked about it in terms of right and wrong'.[2] Quite so; and though the chronological starting point for this study is roughly the year 3100,[3] even this deep history is unlikely to represent *the* origin of ethical thought about war. It is highly likely that ethical thought about war significantly predates the late fourth millennium. Indeed, it is likely that ethical thought about war is almost as old as warfare itself. We would do well to remember that non-literate societies are perfectly capable of developing normative ethical systems, and that oral traditions usually contain powerful ideas about right and wrong action. When written texts did begin to emerge in the ancient Near East, the patterns of thought expressed within them did not erupt *ex nihilo*, as if thinking was dependent upon writing. Rather, such texts began to record ideas that had been brewing in oral traditions for centuries, and possibly millennia, beforehand. Such oral traditions continued to contribute to evolving cultural norms as literature gradually evolved.[4] Nor is there any reason to assume that ethical thought about war, when it did emerge, sprouted from a single source, like some gently civilising Hippocrene spring. Thus it is not fitting to speak of *the* origin of the just war. It should rather be recognised that, as various human communities gradually became more complex and increasingly competed for

1. One of the best examinations of the early emergence of 'rights' in medieval and early-modern Europe remains Brian Tierney, *The Idea of Natural Rights: Studies on Natural Rights, Natural Law and Church Law 1150–1625* (Atlanta, GA: Scholars Press, 1997).

2. Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, 4th edn (New York: Basic Books, 2006), 3.

3. All dates and references to centuries and millennia should be read as BCE unless stated otherwise.

4. As Moses Finley observes of Greco-Roman history: 'the epoch-making invention of literacy was followed for centuries by the survival of a fundamentally oral non-literate society. Man can function reasonably well in a pre-industrial society with little or no use of the written word.' Moses Finley, *Ancient History: Evidence and Models* (1985; repr. London: Pimlico, 2000), 16.

resources, they undoubtedly began thinking about the ramifications of killing and perhaps dying in the service of their community.

While ethical thought about war probably predates the late fourth millennium, the problem for us is one of available evidence, and availability of evidence ultimately constrains all historians. When examining pre-literate societies, or societies which have left no traces of literature (which amounts to much the same thing for modern researchers), it is almost impossible to reconstruct complex religious, ethical, legal, or political thought. Material and iconographic evidence—including sometimes intricate images and carvings of deities, animals, and more—can offer us a glimpse of the nature of ancient beliefs: a sense of what these people valued, perhaps even a sense of what they hoped or feared. But as to the true richness of the cultures and belief systems which produced these artefacts—what Clifford Geertz famously referred to as the 'webs of significance'—we can only really guess.[5] So, while ethical thought and norms concerning violence and warfare may date back to Neolithic, Mesolithic, or even Palaeolithic human communities, the form and content of those traditions and ethics must inevitably remain a mystery. Lacking textual evidence, we are severely constrained as to what we can say about the 'ethics' of such cultures, or what they thought about the myriad cultural, religious, social, and psychological challenges created by large-scale acts of violence.

Principally, this book is intended for just war scholars of all stripes, although it is also for anyone with an interest in the ancient world and its cultures of thought, as well as for those interested in historical international relations or military history more broadly. It engages with the long-standing and extensive debates regarding the history, evolution, purpose, and efficacy of the just war tradition. In demonstrating that sophisticated ethics of war were developed in the ancient world, long before the emergence of Greek philosophers, Roman jurists, or Christian theologians, it hopes to encourage just war scholars to see their subject in deeper chronological terms, as something that is truly ancient, and not a novel creation of the medieval or early modern world. The value of this, I believe, is that by observing just war thought in its infancy—in seeing it emerge inchoate and half-formed—we are better able to analyse its essential objectives and the motivations for its creation. We can do so unemcumbered by the accretion and obfuscation of centuries of polemical moral and legal exposition. If this is correct, then all just war theorists—even philosophers of the moral analytical school—should take note, for arguably we are observing the creation of just war thought from first principles; seeing in 'real time' how it was developed in response to immediate social, cultural, religious, and military exigencies.

5. Clifford Geertz, *The Interpretation of Cultures: Selected Essays* (New York: Basic Books, 1973), 5.

More fundamentally, this study suggests that ethical thought about war is intrinsic to human society and that where complex societies develop, we should also expect complex thought about the ethical qualities of warfare to emerge. In almost every case, I would argue, this ethical reflection will, in some way, seek to legitimise and justify warfare for the sake of preserving or enhancing the existing socio-political order. Thus this book is also intended for anyone interested in the anthropology, sociology, or politics of war, for it shows how the intellectualisation of war is a peculiarity of humans as political animals.

Ultimately, for those interested in the ethics and the social functions of war, this book is intended as a starting point. It reveals where springs of ethical thought about war and violence bubbled to the surface, where they ran off in similar or divergent directions, and where, occasionally, they converged. Although this is a historical study, then, it is written as much for international relations scholars, ethicists, and anthropologists as it is for historians. Just war studies is a lively field of contemporary scholarship, and my hope is that this book will make a substantial contribution by revising a number of conventional assumptions about the origin, purpose, and nature of just war thought.

What I do not offer is a genealogy in simple terms of just war thought.[6] I make no claim for a single source of just war thought or a single 'Ur-concept' of war or justice, to which all other just war doctrines can be traced back. I do not claim to have recovered a single just war tradition which regulated and restrained ancient warfare across cultural, political, or epochal boundaries. Rather, the principal question is whether individual societies of the ancient Near East conceived of such things as 'good' and 'bad' wars in moral or legal terms. In other words, did they think in terms of 'just' and 'unjust' wars? Did they think that war was an activity that was or should be governed by certain ethical or behavioural norms?

First and foremost, I argue that ancient societies did indeed think about war in relation to ethics and justice, and that just war traditions did indeed emerge in the ancient Near East, and can be identified in Egyptian, Hittite, and Israelite culture. In each case, just war traditions were closely tied to claims of political authority, mediated through theological conceptions of how divine power was exercised in the terrestrial world. In each of the societies examined, there are numerous elements of just war thought that bear direct comparison to modern just war traditions: a concern for authority, the conceptualisation of various 'just causes' for war, the importance of punitive and retributive justice, and a recognition that war and peace constitute different legal relationships between states, to name but a few. The possibility that certain elements of these ancient just war traditions influenced the gradual development of

6. I use the term 'genealogy' here in the simple sense of a line of descent, not in the sense of a Foucauldian genealogy.

more modern just war thought seems highly plausible; however, as will be discussed, direct connections remain extremely difficult to prove empirically.

Yet the discussion of ancient just war traditions throughout this volume also brings into sharp relief the danger inherent in making absolute distinctions between 'right' and 'wrong' in the international arena. These traditions contain a warning, perhaps, of the potential ramifications of overly confident claims regarding morality or justice in war, and the impact that such claims may have on the conduct of war itself. Ancient Near Eastern warfare was a realm of activity which recognised almost no protections for combatants or non-combatants and witnessed shocking cruelties, and this was unequivocally connected to how violence, justice, and enemy culpability were conceived at a fundamental level. Nonetheless, pragmatism and prudence remained at work in the prosecution of ancient wars. At times, such considerations could even act as a brake on some of the worst ideologically justified excesses.

Structure and Terminology

Beyond the Introduction, chapter 1, and Conclusion, this book is organised into three main parts, each tackling one of the historical case studies in question: Egyptian, Hittite, and Israelite just war thought. As readers will see, each part is made up of three chapters, consisting of a general historical introduction followed by analytical chapters pertaining to thought on war, which I discuss under the broad categories of *ius ad bellum* and *ius in bello*. Complementing chapter 1, which offers a brief overview of the art of war in the ancient Near East, the introductory chapters of each section are intended to provide historical context for the analytical chapters that follow. They offer a concise outline of the key historiographical, geopolitical, and cultural histories of each society, as well as an introduction to the types of sources available to the historian. Needless to say, the introductory discussions of such vast topics are far from exhaustive. Readers already well versed in ancient Near Eastern history, or primarily interested in the conceptual frameworks of just war thought from a modern comparative perspective, may wish to proceed directly to the analytical chapters of each section.

Readers will notice that throughout the volume I have included many quotations from the primary sources (some quite lengthy) as well as a number of images of the outstanding material evidence. In doing so, I wanted to provide the reader with a direct experience of the original sources, and to allow those sources to speak for themselves as much as possible. I hope it will become apparent that the sophisticated ethical concepts discussed throughout the book are not an artificial creation of this author, but rather a faithful rendering of the historical material. All quotations of the Near Eastern material are taken from published translations of the originals. A number of quotations are taken from translations of fragmentary sources, which in the original editions can often

include editorial insertions or contested translations. As a rule, I have excised editorial insertions from quotations so as to make the primary sources more readable. If readers are interested in any specific text, I would always refer them to the original scholarly edition, details of which are to be found in the footnotes.

Defining war has proven consistently troublesome, and there remains no real consensus among scholars as to what war *is*. Needless to say, the conceptual challenges become greater still when attempting to define violence more broadly.[7] The problem of definition is exacerbated when thinking across cultures or across large expanses of time, for a definition that may appear capable of describing ancient warfare may fail to describe industrialised modern warfare.[8] A satisfactory universal definition becomes yet more elusive when thinking across academic disciplines, for the assumptions and interests of various disciplinary approaches will inevitably focus on differing elements that constitute the complex phenomenon of war, thereby generating contrasting definitions.

I understand war to be *organised armed conflict between distinct and exogenously and/or endogenously recognised groups*. This definition is broad enough to encompass most disciplinary interests in war as well as encompassing forms of warfare that have traditionally been termed 'primitive'.[9] It accepts the possibility that some feuds can attain the status of war, *if* such violence is sufficiently organised and the opposing groups are recognised as distinctive communities. It also encompasses civil war, which involves the creation of two (or more) competing communities within a single polity, with such groups achieving some

7. The literature on violence is vast, but some attempts across disciplines to trace a history of violence include: Philip L. Walker, 'A Bioarchaeological Perspective on the History of Violence', *Annual Review of Anthropology* 30 (2001): 573–96; Warren C. Brown, *Violence in Medieval Europe* (New York: Longman, 2011); Steven Pinker, *The Better Angels of Our Nature: A History of Violence and Humanity* (London: Penguin, 2011); Robert Muchembled, *A History of Violence: From the End of the Middle Ages to the Present* (Cambridge: Polity, 2012); Andrew Linklater, *Violence and Civilization in the Western States Systems* (Cambridge: Cambridge University Press, 2017); Philip Dwyer, 'Violence and Its Histories: Meanings, Methods, Problems', *History and Theory* 56 (4) (2017): 7–22.

8. For definitions of ancient warfare, see James A. Aho, *Religious Mythology and the Art of War: Comparative Religious Symbolisms of Military Violence* (Westport, CT: Greenwood Press, 1981), 3–4; *LIR*, 108; Ronald Cohen, 'Warfare and State Formation: Wars Make States and States Make Wars', in *Warfare, Culture, and Environment*, ed. R. Brian Ferguson (Orlando, FL: Academic Press, 1984), 329–58 at 330. See also Wright's 'dual' definitions of war: Quincy Wright, *A Study of War*, 2nd edn, 2 vols (1942; repr. Chicago: University of Chicago Press, 1965), 1:8.

9. For example, Joseph Schneider argues that primitive warfare is a form 'of crime and punishment within populations where systems of public justice are undeveloped. That is not war.' Joseph Schneider, 'Primitive Warfare: A Methodological Note', *American Sociological Review* 15 (6) (1950): 772–77 at 777. However, Schneider's characterisation of primitive warfare would undeniably include much armed conflict up to the early modern period (and indeed beyond it), and thus appears overly restrictive and too greatly influenced by twentieth-century Western assumptions about the role of the state.

degree of endogenous and/or exogenous recognition.[10] The definition is also flexible enough to include different scales of conflict. It may take only two to tango, as they say, but it takes considerably more than two people to wage war. War is a social activity and takes place on a grand scale. However, scale is relative. We should not dismiss the potential trauma of what might appear to us as 'small' conflicts when, in fact, such conflicts represented a major commitment and risk of human resources for the communities involved. Finally, the definition is intended to be narrow enough to preclude elements such as propaganda or other forms of psychological warfare as *independently* meriting the identification of 'war'.[11] By the definition offered above, a propaganda campaign alone is not sufficient to be defined as war; it fully comprehends, however, that such aspects of hostility usually accompany armed conflict. Indeed, for the purposes of investigating the ethics of war, sources that could easily be described as propagandistic—monumental architecture, royal annals, campaign reports, poems and prayers—provide much of the historical evidence.

As I use the term, 'just war thought' refers broadly to ideas that posit or assume a relationship between war and ethics—in the simplest sense, that war can be either 'good' or 'bad' under certain circumstances. (Of course, many different things could constitute what was thought of as 'good' or 'bad'.) As just war thought became more sophisticated, the sense of war being 'good' or 'bad' increasingly implied a working relationship between war and justice, in that war could be both an expression of and a tool for justice or injustice.[12] Just war thought also refers to customs, obligations, or laws pertaining to normative behaviour in the conduct of warfare: that is, the expectation that fighting wars be a rule-bound activity and not simply an exercise in unrestrained violence.[13]

10. Stathis Kalyvas, who provides a particularly thorough analysis of civil war, defines it as 'armed combat within the boundaries of a recognized sovereign entity between parties subject to a common authority at the outset of the hostilities'. Stathis N. Kalyvas, *The Logic of Violence in Civil War* (New York: Cambridge University Press, 2006), 5.

11. In a contemporary context, this could also include 'cyber warfare'.

12. Just war thought thus excludes notions of pacifism, which posit that there can be no working relationship between war and justice, with absolute pacifism holding that war is manifestly immoral and universally antithetical to justice. The literature on pacifism is extensive, but an excellent comparison between historical and contemporary pacifism and just war thought can be found in Jenny Teichman, *Pacifism and the Just War: A Study in Applied Philosophy* (Oxford: Blackwell, 1986). See also Peter Brock, *A Brief History of Pacifism, from Jesus to Tolstoy* (Toronto: Syracuse University Press, 1992).

13. Of course, we should not necessarily assume that the existence of 'rules' in an international system actually reduces violence, and even a rule-based system can encourage violence. See, inter alia, Anthony F. Lang Jr., 'Rules and International Security: Dilemmas of a New World Order', in *War, Torture and Terrorism: Rethinking the Rules of International Security*, ed. Anthony F. Lang Jr. and Amanda Russell Beattie (Abingdon: Routledge, 2009), 1–22. Equally, Maja Zehfuss has argued that a commitment to 'ethical war' in modern international relations has actually enhanced international violence: Maja Zehfuss, *War and the Politics of Ethics* (Oxford: Oxford University Press, 2018).

Throughout this volume I generally prefer the term 'just war thought' to 'just war tradition'. This is because it remains to be seen, as the chapters that follow examine, whether we can reasonably describe ancient Near Eastern just war thought as constituting a 'tradition' (or multiple 'traditions'). The most influential modern commentator on the character and composition of the historical just war tradition being James Turner Johnson, it makes sense to refer to his concept of what is meant by the *tradition* of just war. Johnson conceives moral values and traditions in the following manner:

> My own understanding of the nature of moral values is that they are known through identification with historical communities, while moral traditions represent the continuity through time of such communal identification.[14]

While noting that there is much elision between the terms 'just war theory' and 'just war tradition', Johnson prefers the latter, because a *theory* implies a level of singularity which masks the varied contexts, languages, and interpretations of just war thought as a whole. Despite these divergences, 'what is remarkable is how much agreement exists among theorists who have written on the restraint of war, operating out of their own creativity at sometimes widely separated moments in time. Such agreement makes it meaningful to speak of a just war *tradition*, if not a just war *theory*.'[15] Since the Middle Ages, this tradition has included areas of thought and practices that can be loosely grouped into the dual categories of *ius ad bellum* (justice/right to wage war) and *ius in bello* (justice/right in the conduct of war). It should be noted, however, that the relationship between these *ad bellum* and *in bello* categories is far from unproblematic, and throughout the medieval period and later, elements from each were conflated with one another or entirely disregarded.

At the heart of Johnson's conceptualisation of the tradition is the notion of a continuous 'historical stream of moral reflection on war', into which the historically informed ethicist can enter.[16] Johnson has defended the merits of approaching the just war as a historically embedded tradition which continues to have relevance for contemporary just war studies precisely *because of*

14. James Turner Johnson, *Just War Tradition and the Restraint of War: A Moral and Historical Inquiry* (Princeton, NJ: Princeton University Press, 1981), x.

15. Ibid., xxi, xxii–xxiii. For an insightful overview and critique of Johnson's concept of tradition and just war, see Anthony F. Lang Jr., 'The Just War Tradition and the Question of Authority', *Journal of Military Ethics* 8 (3) (2008): 202–16.

16. James Turner Johnson, 'Thinking Morally about War in the Middle Ages and Today', in *Ethics, Nationalism, and Just War: Medieval and Contemporary Perspectives*, ed. Henrik Syse and Gregory M. Reichberg (Washington, DC: Catholic University of America Press, 2007), 1–10 at 4. Johnson's approach has been described as 'an historical hermeneutics of just war'. Cian O'Driscoll, 'Hedgehog or Fox? An Essay on James Turner Johnson's View of History', *Journal of Military Ethics* 8 (3) (2009): 165–78 at 167.

its historical character. He maintains that to comprehend the language of just war and the concepts underlying it, theorists must enter 'into a stream of reflection, debate, and dialogue as it has developed over history'.[17] Only then can it usefully be applied to contemporary problems. I support Johnson's insistence on the importance of approaching just war thought from a historical perspective. I am also inclined to agree on the continuing value of historical just war thought to contemporary debate.

Nevertheless, I am uncomfortable with the notion that thinkers within a tradition of thought enter into a 'dialogue' with one another. The problem with this image is that it bestows agency on *both* speakers. In reality, when we read and interpret the works of dead (or possibly even living) authors we are engaged not in a dialogue but in a monologue. Our interpretation of their thoughts is one-sided, and being dead they do not have the luxury to respond, refute, correct, or agree. So, whilst commentators have clearly engaged with the thought of their historical predecessors, it is perhaps better to think of this in terms of 'acts of translation of past concepts into contemporary theoretical languages', as Ian Hall describes it, rather than an active 'dialogue' in which both parties contribute equally.[18] As a general rule, Patrick Curry's assertion that '[t]raditions only exist in so far as they are continually re-invented and reconstructed by the historical participants', strikes me as correct.[19]

Historiography and Methodology

In a stimulating interdisciplinary work, Vilho Harle argues that 'to contribute to the current needs of intercivilizational communication and understanding, peace and international studies must break out of the jail of conventional academic borders and pay more attention to ancient and non-European worlds'.[20] This study is rooted in a similar conviction, that a move away from canonical texts is a necessary and fruitful enterprise when thinking about the history of ethics and war.

Arguably, just war studies has been hindered by a tendency to indulge in two prejudices. The first is a tendency to ignore historical evidence prior to (at best) classical Athens or (at worst) the rise of Christianity. Ancient states have typically been viewed as primitive and living in a constantly warlike condition, thus incapable of sophisticated ethical or legal thought about war or

17. Johnson, 'Thinking Morally about War', 9.

18. Ian Hall, 'The History of International Thought and International Relations Theory: From Context to Interpretation', *International Relations* 31 (3) (2017): 241–60 at 254–55.

19. Patrick Curry, 'Introduction', in *Astrology, Science and Society: Historical Essays*, ed. Patrick Curry (Woodbridge: Boydell, 1987), 1–4 at 4.

20. Vilho Harle, *Ideas of Social Order in the Ancient World* (Westport, CT: Greenwood Press, 1998), xiv.

international relations.[21] So we read that while the 'modern world considers the natural condition of life in our society to be the state of peace [. . .] in the ancient world, generally, the natural attitude of one state towards another was that of potential and actual enmity. Hence, war, not peace, was the foundation of international relations'.[22] This narrative has been reinforced by the influential (albeit historically problematic) sociological and psychological studies of Norbert Elias and Steven Pinker, both of whom convey a theory of the gradual pacification of society and the 'human condition' over time.[23]

Fortunately, however, there has been an increasing appetite to consider the just war tradition in a longer diachronic view. The contributions of pre-Christian authors such as Thucydides, Plato, Aristotle, Xenophon, and Cicero have become more commonly acknowledged, although sustained analysis of pre-Christian just war thought remains limited.[24] This recognition is nevertheless

21. For a summary of these attitudes, see *ILA*, 11–13; *ERCIL*, xxiii–xxiv.

22. Michael I. Rostovtseff, 'International Relations in the Ancient World', in *The History and Nature of International Relations*, ed. Edmund A. Walsh (New York: Macmillan, 1922; repr. Miami: HardPress Publishing, 2013), 31–65 at 35; cf. J. L. Holzgrefe, 'The Origins of Modern International Relations Theory', *Review of International Studies* 15 (1) (1989): 11–26. See also Wright, *Study of War*, 1:155; *ILA*, 12–17, 52; *LIR*, 1; Harle, *Ideas of Social Order*, xvi–xvii.

23. Norbert Elias, *The Civilising Process: Sociogenetic and Psychogenetic Investigations*, trans. Edmund Jephcott, revised edn, ed. Eric Dunning, Johan Goudsblom, and Stephen Mennell (Malden, MA: Blackwell, 2000); Pinker, *Better Angels*. For a recent powerful critique of the 'pacification thesis', see Philip G. Dwyer and Marc S. Micale (eds), *The Darker Angels of Our Nature: Refuting the Pinker Theory of History and Violence* (London: Bloomsbury, 2021).

24. See Josiah Ober, 'Classical Greek Times', in *The Laws of War: Constraints on Warfare in the Western World*, ed. Michael Howard, George J. Andreopoulos, and Mark R. Shulman (New Haven, CT: Yale University Press, 1994), 12–26; Ober, 'The Rules of War in Classical Greece', in Josiah Ober, *The Athenian Revolution: Essays on Ancient Greek Democracy and Political Theory* (Princeton, NJ: Princeton University Press, 1996), 53–71; Stephen Neff, *War and the Law of Nations: A General History* (Cambridge: Cambridge University Press, 2005), 13–38; Alex Bellamy, *Just Wars: From Cicero to Iraq* (Cambridge: Polity, 2006): 15–114; Gregory M. Reichberg, Henrik Syse, and Endre Begby (eds), *The Ethics of War: Classic and Contemporary Readings* (Oxford: Blackwell, 2006), 3–59; Richard Sorabji, 'Just War from Ancient Origins to the Conquistadors Debate and its Modern Relevance', in *The Ethics of War: Shared Problems in Different Traditions*, ed. Richard Sorabji and David Rodin (Aldershot: Ashgate, 2006), 13–29 at 13–15; Adriaan Lanni, 'The Laws of War in Ancient Greece', *Law and History Review* 26 (3) (2008): 469–89; Gregory A. Raymond, 'The Greco-Roman Roots of the Just War Tradition', in *The Prism of Just War: Asian and Western Perspectives on the Legitimate Use of Military Force*, ed. Howard M. Hensel (Farnham: Ashgate, 2010), 7–28; Henrik Syse, 'The Platonic Roots of Just War Doctrine: A Reading of Plato's *Republic*', *Diametros* 23 (2010): 104–23; Hans van Wees, 'Defeat and Destruction: The Ethics of Ancient Greek Warfare', in *'Böser Krieg': Exzessive Gewalt in der antiken Kriegsführung und Strategien zu deren Vermeidung*, ed. Margit Linder and Sabine Tausend (Graz: Grazer Universitätsverlag, 2011), 69–110; Josiah Ober and Tomer Perry, 'Thucydides as a Prospect Theorist', *Polis: Journal for Ancient Greek Political Thought* 31

a good starting point for a more holistic understanding of the constitutive elements and deeper history of just war thought.[25] Yet there has been little appetite to look further abroad—chronology or geographically—than classical Rome or Greece, the latter of which is seen as something of a *terminus post quem*. Thus even those studies which give attention to Greco-Roman culture, or think about the common roots of the Western and Islamic just war traditions, do nothing to crack the facade of the just war as a distinctly post-classical and predominantly Western system of thought. Happily, there has been some excellent comparative work in the fields of ancient international relations and legal history, of which studies by David Bederman, Mario Liverani, Amnon Altman, and Iver Neumann and Einar Wigen are particularly valuable.[26]

The second predjudicial tendency is an undeniable streak of Eurocentrism, bolstered by the close relationship between academic just war studies and political theory. In the West, the tradition of political theory has long assumed the superiority of Greco-Roman and Christian philosophy, theology, and jurisprudence. As a result, the just war is 'widely regarded as an artifact of Christian political theology' and thus 'the alleged property of Christians'.[27] The heroising of the classical Western tradition of political philosophy by thinkers such as Leo Strauss, Eric Voegelin, and Hannah Arendt (among others) proved itself so persuasive and pervasive because in many ways it simply built upon assumptions that were already ingrained within the Western intellectual consciousness.[28] It is surely no coincidence that the accepted genealogy of the

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(2014): 206–32; Cian O'Driscoll, 'Rewriting the Just War Tradition: Just War in Classical Greek Political Thought and Practice', *International Studies Quarterly* 59 (1) (2015): 1–10; O'Driscoll, 'Keeping Tradition Alive: Just War and Historical Imagination', *Journal of Global Security Studies* 3 (2) (2018): 234–47; Rory Cox, 'The Ethics of War up to Thomas Aquinas', in *The Oxford Handbook of Ethics of War*, ed. Seth Lazar and Helen Frowe (New York: Oxford University Press, 2018), 99–108.

25. See, for example: Frederick H. Russell, *The Just War in the Middle Ages* (Cambridge: Cambridge University Press, 1975), 3–15; Nicholas Rengger, 'On the Just War Tradition in the Twenty-First Century', *International Affairs* 78 (2) (2002): 353–63 at 353–54; Mark Evans, 'Moral Theory and the Idea of a Just War', in *Just War Theory: A Reappraisal*, ed. Mark Evans (Edinburgh: Edinburgh University Press, 2005), 1–21 at 1–6; Charles Guthrie and Michael Quinlan, *Just War: The Just War Tradition: Ethics in Modern Warfare* (London: Bloomsbury, 2007), 5–9; Nicholas Fotion, *War and Ethics: A New Just War Theory* (London: Continuum, 2007), 9; Bellamy, *Just Wars*, 15–114.

26. *LIR*; *ILA*; *ERCIL*; Iver B. Neumann and Einar Wigen, *The Steppe Tradition in International Relations: Russians, Turks and European State Building 4000 BCE–2018 CE* (Cambridge: Cambridge University Press, 2018).

27. Anthony F. Lang Jr. and Cian O'Driscoll, 'Introduction: The Just War Tradition and the Practice of Political Authority', in *Just War: Authority, Tradition, and Practice*, ed. Anthony F. Lang Jr., Cian O'Driscoll, and John Williams (Washington, DC: Georgetown University Press, 2013), 1–16 at 6.

28. For an outline of this paradigmatic 'tradition', see John G. Gunnell, *Political Theory: Tradition and Interpretation* (Lanham, MD: University Press of America, 1987);

just war tradition could appear, Janus-like, as a genealogy of political thought. Take John Gunnell's description of the hallmarks of this 'tradition' of political theory:

> Most important is the assumption that the conventional chronology of classic works (including at least those of Plato, Aristotle, St. Augustine, St. Thomas Aquinas, Machiavelli, Hobbes, Locke, Rousseau, and Marx) is the product of a distinct activity and constitutes a definite tradition of inquiry extending well over two millennia.[29]

With the exception of Marx, this list of authorities reads like a list of celebrities within the just war tradition. While we should not be surprised that thinkers interested in political theory should also be interested in the relationship between states, justice, and war, this intimate association between the dual traditions of political theory and just war has encouraged a dependence on a relatively restricted canon of sources. Moreover, just war scholars do not have to strive to persuade those working outside their field that thinkers such as Plato, Augustine, Aquinas, Hobbes, or Rousseau are worth taking seriously, because such *auctores* are already taken seriously: they are *authorities*.[30] As one colleague eloquently put it in response to the aforementioned 'accusations', just war scholars have been guilty of the 'hermeneutic fallacy of availability [. . .]. That is to say, we have written histories of the just war tradition based only on the bookshelf that we have easiest access to.'[31]

Since the work of Alfred Vanderpol in the early twentieth century, and cemented by the highly influential contributions of Paul Ramsey a generation later, modern academic studies of just war have often sought to address the subject from the perspective of Catholic or Protestant Christian ethics, even when not explicity acknowledged in such terms.[32] Even as the literature on the ethics of war became increasingly secularised—most notably with the

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R.B.J. Walker, *Inside/Outside: International Relations as Political Theory* (Cambridge: Cambridge University Press, 1993), 26ff.

29. Gunnell, *Political Theory*, 34.

30. On the lasting importance of authority within modern just war thought, see the collected essays in Anthony F. Lang Jr., Cian O'Driscoll, and John Williams (eds), *Just War: Authority, Tradition, and Practice* (Washington, DC: Georgetown University Press, 2013).

31. This particular colleague thought it safer to remain anonymous.

32. Vanderpol bemoaned the ignorance of his contemporaries regarding the historical Christian just war tradition and fervently believed in its continuing relevance for modern international relations: 'Généralement ils l'ignorent complètement; ils ne se doutent même pas qu'elle existe, et qu'un retour à cette doctrine constituerait un immense progrès sur l'état actuel des relations internationales.' Alfred Vanderpol, *La Doctrine scolastique du droit de guerre* (Paris: A. Pedone, 1919), 2. See also P. Batiffol, P. Monceaux, E. Chénon, A. Vanderpol, L. Rolland, F. Duval, and A. Tanquerey, *L'Église et le droit de guerre* (Paris: Bloud and Gay, 1920); Paul Ramsey, *War and the Christian Conscience: How Shall Modern War Be Conducted Justly?* (Durham, NC: Duke University Press, 1961); Ramsey, *The*

philosophical revitalisation of the field sparked by Walzer's *Just and Unjust Wars* (1977) and the emergence of the determinedly anti-historical 'revisionist school' of just war theory—such discussions are arguably embedded in essentially Eurocentric and Judeo-Christian cultural assumptions.[33]

No other scholar has done more to stress the importance of the *history* of just war thought than James Turner Johnson, who has repeatedly—and influentially—argued for the necessity of understanding the just war as a historical tradition. Only by contextualising the conceptual categories and language of the just war, maintains Johnson, can we fully grapple with its meaning and its possible relevance to real-world politics.[34] He has acknolwedged the pre-Christian roots of just war thought (by which he means the Greco-Roman and/or Hebrew tradition), but maintains that 'just war doctrine proper owes its early development to Christian theologians and canonists'.[35] More specifically, Johnson associates this genesis with the medieval and early modern interpretation of excerpts from the writings of authorities such as Augustine, alongside the roughly contemporaneous emergence of a secular law of arms associated with the nebulous ethos of chivalry. It was the coalescence of these religious and secular strains of thought and practice around 1400–1500 CE that gave birth to what Johnson recognises as a mature just war doctrine.[36]

The Eurocentric and Christian-centric analysis of just war thought and norms has created a narrative of the just war in which non-Western histories

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Just War: Force and Political Responsibility (1968; repr. Lanham, MD: University Press of America, 1983).

33. For further discussion of revisionist literature, see Conclusion below, 'Lessons from the Earliest Just War Traditions'. For major contributions to revisionist just war theory, see David Rodin, *War and Self-Defense* (Oxford: Oxford University Press, 2002); Jeff McMahan, *Killing in War* (Oxford: Oxford University Press, 2009); Seth Lazar, 'Responsibility, Risk, and Killing in Self-Defense', *Ethics* 119 (4) (2009): 699–728; Cécile Fabre, *Cosmopolitan War* (Oxford: Oxford University Press, 2011); Helen Frowe, *Defensive Killing* (Oxford: Oxford University Press, 2011).

34. James Turner Johnson's *oeuvre* on the ethics of war is extensive, but for the major contributions, see: *Ideology, Reason, and the Limitation of War: Religious and Secular Concepts 1200–1740* (Princeton, NJ: Princeton University Press, 1975); *Just War Tradition*; *Can Modern War be Just?* (New Haven, CT: Yale University Press, 1984); *The Quest for Peace: Three Moral Traditions in Western Cultural History* (Princeton, NJ: Princeton University Press, 1987); *Morality and Contemporary Warfare* (New Haven, CT: Yale University Press, 1999); *Ethics and the Use of Force: Just War in Historical Perspective* (Farnham: Ashgate, 2011). See also the articles in Cian O'Driscoll (ed.), *James Turner Johnson and the Recovery of the Just War Tradition*, special issue of *Journal of Military Ethics* 8 (3) (2008): 163–262.

35. Johnson, *Just War Tradition*, xxiv.

36. See, inter alia, Johnson, *Ideology, Reason, and the Limitation of War*; Johnson, 'Thinking Morally about War', 10; Johnson, 'St. Augustine (354–430 CE)', in *Just War Thinkers: From Cicero to the 21st Century*, ed. Daniel R. Brunstetter and Cian O'Driscoll (Abingdon: Routledge, 2018), 21–33.

have little part to play. This has funnelled just war studies down a relatively narrow channel. One can refer to a huge number of publications devoted to analysing a reasonably small canon of works within the so-called Western just war tradition, while other non-canonical works and cultures of just war thought have lingered in comparative obscurity. So Gunnell's critique of the 'myth of the tradition' of political theory and an over-reliance on 'a basic repertoire of works' might equally apply to contemporary assumptions about the just war tradition.[37]

This Eurocentric and Christian-centric tendency is revealed as all the more inadequate when one thinks about the intellectual foundations of Christian thought itself. When Augustine searched for intellectual and spiritual authorities for legitimising warfare, he not only depended on Cicero (via Saint Ambrose) but on the Vulgate Old Testament. This, of course, was derived directly from the Greek Septuagint and ultimately from the Hebrew Bible or, to give it its Hebrew name, the Tanakh. This rich and complicated compilation of texts, which will be the subject of Part III below, was already coalescing into a recognisable whole well before Plato had even been born; and, as we shall see, sophisticated ethical thought about justice and war had been developing in the Near East for at least two thousand years prior to that. Equally puzzling is that, while most just war scholars identify Saint Augustine as the 'father of the just war tradition', the north African origins and context of Augustine himself are rarely acknowledged.[38]

37. Gunnell, *Political Theory*, 68; cf. ibid., 85–90. In a similar vein, Robert Walker has cautioned against the prescriptive and constrictive effects of academically dominant intellectual traditions: 'References to a tradition of international relations theory are by no means innocent [. . .]. [A]ccounts of a tradition serve to legitimise and circumscribe what counts as proper scholarship.' Walker, *Inside/Outside*, 29.

38. Augustine was born in Thagaste, modern Souk Ahras, in Algeria; he later became bishop of Hippo Regius, modern Annaba, Algeria. The superlative biography remains Peter Brown, *Augustine of Hippo: A Biography* (Berkeley: University of California Press, 1969). For Augustine as the 'father' of the just war tradition, see Arthur Nussbaum, 'Just War: A Legal Concept?', *Michigan Law Review* 42 (1943) (3): 453–79 at 455; Georges Hubrecht, 'La "Juste Guerre" dans le Décret de Gratien', in *Studia Gratiani, Volume 3*, ed. Jos Forschielli and Alph M. Stickler (Bologna: Institutum Gratianum, 1955), 160–77 at 163, 166–67; Johnson, *Just War Tradition*, xxiv; Russell, *Just War*, 16; William V. O'Brien, *The Conduct of Just and Limited War* (New York: Praeger, 1981), 4; Jonathan Barnes, 'The Just War', in *The Cambridge History of Later Medieval Philosophy: From the Rediscovery of Aristotle to the Disintegration of Scholasticism 1100–1600*, ed. Norman Kretzmann, Anthony Kenny, and Jan Pinborg (Cambridge: Cambridge University Press, 1982), 771–84 at 771; Jean Bethke Elshtain, *Just War Against Terror: The Burden of American Power in a Violent World* (New York: Basic Books, 2004), 49–50; John Mark Mattox, *Saint Augustine and the Theory of Just War* (London: Continuum, 2006), 14; Lang, 'Just War Tradition', 202–3; Gregory M. Reichberg, 'Jus ad bellum', in *War: Essays in Political Philosophy*, ed. Larry May (New York: Cambridge University Press, 2008), 11–29 at 12–13; David D. Corey and J. Daryl Charles, *The Just War Tradition: An Introduction* (Wilmington, DE:

An exception to this trend is the considerable body of work devoted to the ancient Israelite military tradition, albeit the bulk of this work has been undertaken as an extension of Christian hermeneutics by scholars working in the fields of theology and biblical history. This literature will be discussed at length in Part III, but it is worth noting here that a good deal of biblical scholarship on the topic of war has been steered by theological hermeneutics and doctrinal commitments. Whether such treatments proceed by seeking to identify a holistically consistent ethic of war that is in fact difficult to detect in the primary sources, or by seeking to 'reveal' biblical norms palatable to modern theological or evangelical requirements and sensibilities, they must be approached with caution.[39] These treatments typically conceive ancient Israelite attitudes to warfare—particularly the depiction of Yahweh as an uncompromising and frequently savage god of war—as a hermeneutical problem to be overcome by modern believers who find such attitudes incompatible with their own faith.[40]

The unwelcome upshot of all this is that the presentation of the just war as an intrinsically Christian doctrine 'curtails its appeal in parts of the world that historically have no affinity with Christianity', as Cian O'Driscoll has shrewdly observed.[41] Given the central influence of just war thought on modern international law generally, and the laws of armed conflict specifically, the negative effects of mischaracterising the history of the just war tradition, although difficult to gauge, should not be underestimated. It is perhaps not too outlandish to suggest that such mischaracterisations potentially hinder attempts to forge a global consensus pertaining to the limitation of war. Establishing that

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ISI Books, 2012), 10. I have argued elsewhere that Saint Augustine does not really deserve the title of 'father of the just war tradition' that most scholars are happy to bestow upon him. I believe that the present study further strengthens this claim. See Rory Cox, 'Gratian (circa 12th century)', in *Just War Thinkers: From Cicero to the 21st Century*, ed. Daniel R. Brunstetter and Cian O'Driscoll (Abingdon: Routledge, 2018), 34–49.

39. A typical example of this approach is that of Tremper Longman and Daniel Reid, who state, '[W]e approach the Bible as an organic whole [. . .]. [I]n the final analysis we treat the Old Testament, even the Bible as a whole, as a single writing that presents an internally consistent message, including an internally consistent, yet unfolding picture of God as a warrior. [. . .] [F]or us the basic ground is a theological one based on the self-attestation of Scripture that leads us to an evangelical hermeneutic.' Tremper Longman III and Daniel G. Reid, *God is a Warrior* (Grand Rapids, MI: Zondervan, 1995), 26–27. The authors are thus willing to prioritise doctrinal 'internal consistency' over the evidence of the text itself, for example: ibid., 33.

40. For example: A. Gelston, 'The Wars of Israel', *Scottish Journal of Theology* 17 (3) (1964): 325–31 at 325; Peter C. Craigie, 'Yahweh is a Man of Wars', *Scottish Journal of Theology* 22 (2) (1969): 183–88 at 183; Craigie, *The Problem of War in the Old Testament* (Eugene, OR: Wipf and Stock, 1978); Paul D. Hanson, 'War, Peace, and Justice in Early Israel', *Bible Review* 3 (3) (1987): 32–45. See also the historiographical summary in *WHB*, 5–9.

41. O'Driscoll, 'Rewriting the Just War Tradition', 1–2.

just war thought is neither uniquely Christian nor exclusively Western may broaden its appeal in the realms of international relations policy and military practice.[42] By recognising that efforts to reconcile war with justice are not purely Western or Christian, this study seeks to make the debate about the just war tradition, as well as its ongoing relevance to international relations, more culturally inclusive than it sometimes appears.

A shift of focus is therefore required, away from the history of Christianity and away from the geographical frontiers of Europe and those historical societies traditionally claimed as Western antecedents.[43] Some effort has already been made in this direction, with a number of scholars drawing attention to the rich veins of ethical thought on war in the Chinese, Hindu, and especially Islamic traditions. Indeed, though Johnson's work is principally associated with the Western tradition, he himself has played a notable role in this comparative movement.[44] As a result, there has been a growing awareness and appreciation that comparative studies of global traditions can be remarkably fruitful. Thus we see that in China, writings touching upon the relationship of justice and war date back to at least the Warring States period (481–221), with the writings of Confucius (c. 551–c. 479) slightly predating this. The Confucian, Daoist, and Legalist traditions all considered the possible licit and illicit uses of war, with licit war generally conceptualised as defensive or the highest form of judicial punishment, to be used by state rulers alone.[45] The ancient Hindu tradition also

42. Again, also noted by Lang and O'Driscoll, 'Introduction: The Just War Tradition', 1, 6–7; O'Driscoll, 'Rewriting the Just War Tradition', 1–2; Rory Cox, 'Expanding the History of the Just War: The Ethics of War in Ancient Egypt', *International Studies Quarterly* 61 (2) (2017): 371–84 at 371.

43. For an initial attempt at this approach, see Cox, 'Expanding the History'.

44. James Turner Johnson, *The Holy War Idea in Western and Islamic Traditions* (University Park: Pennsylvania State University Press, 1997); James Turner Johnson and John Kelsay (eds), *Cross, Crescent, and Sword: The Justification and Limitation of War in Western and Islamic Tradition* (New York: Greenwood, 1990); John Kelsay and James Turner Johnson (eds), *Just War and Jihad: Historical and Theoretical Perspectives on War and Peace in Western and Islamic Traditions* (New York: Greenwood, 1991).

45. An excellent collection of essays is available in Ping-cheung Lo and Sumner B. Twiss (eds), *Chinese Just War Ethics: Origin, Development, and Dissent* (Abingdon: Routledge, 2015). See also Mark E. Lewis, 'The Just War in Early China', in *The Ethics of War in Asian Civilizations: A Comparative Perspective*, ed. Torkel Brekke (Abingdon: Routledge, 2006), 185–200; Daniel A. Bell, 'Just War and Confucianism: Implications for the Contemporary World', in *Confucian Political Ethics*, ed. Daniel A. Bell (Princeton, NJ: Princeton University Press, 2008), 226–56; Ni Lexiong, 'The Implications of Ancient Chinese Military Culture for World Peace', in *Confucian Political Ethics*, ed. Daniel A. Bell (Princeton, NJ: Princeton University Press, 2008), 201–25; Ping-cheung Lo, 'The *Art of War* Corpus and Chinese Just War Ethics Past and Present', *Journal of Religious Ethics* 40 (3) (2012): 404–46; Vladimir Tikhonov, 'Chinese and Korean Religious Traditions', in *Religion, War and Ethics: A Sourcebook of Textual Traditions*, ed. Gregory Reichberg and Henrik Syse (Cambridge: Cambridge University Press, 2014), 597–630.

contained critical thought about the ethics of war, with concerns for just cause, right intention, last resort, and proper conduct identifiable in the *Rāmāyaṇa* and the *Māhabhārata*. Significantly, parts of these classic texts date back to the sixth and fourth centuries BCE respectively.[46] While the fields of early Chinese and Hindu just war studies remain limited within anglophone literature, the later Islamic tradition has received much greater attention. Beginning with Majid Khadurri and continued by scholars such as John Kelsay, there is now a significant corpus of work exploring all aspects of Islamic thought on war, from its early medieval origins through to the present day.[47]

The study of just war thought in the Chinese, Hindu, and Islamic traditions is obviously valuable and much to be encouraged, but they are excluded from the remit of this study for two reasons. The first is that the earliest evidence from China and the Indian subcontinent is roughly contemporaneous with the intellectual flowering of classical Athens: that is, from around the sixth to the third century BCE. Therefore, even these venerable Asiatic traditions are significantly predated by the Egyptian and Hittite evidence, and only catch the tail-end of the Israelite material. Islam, emerging as it did in the seventh century CE, is separated from the fall of the kingdoms of Samaria and Judah by over a thousand years, and from the height of the Hittite and Egyptian kingdoms by two thousand. Put simply, these alternative global traditions appear too late for a study which focuses on the *earliest* origins of just

46. Robert E. Hume, 'Hinduism and War', *The American Journal of Theology* 20 (1) (1916): 31–44; Roderick Hindery, 'Hindu Ethics in the *Rāmāyana*', *The Journal of Religious Ethics* 4 (2) (1976): 287–322; Francis Xavier Clooney, 'Pain but not Harm: Some Classical Resources toward a Hindu Just War Theory', in *Just War in Comparative Perspective*, ed. Paul Robinson (Aldershot: Ashgate, 2003), 109–26; Surya P. Subedi, 'The Concept in Hinduism of "Just War"', *Journal of Conflict and Security Law* 8 (2) (2003): 339–61; Nick Allen, 'Just War in the *Māhabhārata*', in *The Ethics of War*, ed. Richard Sorabji and David Rodin, 138–49; Raj Balkaran and A. Walter Dorn, 'Violence in the *Vālmīki Rāmāyaṇa*: Just War Criteria in an Ancient Indian Epic', *Journal of the American Academy of Religion* 80 (3) (2012): 659–90; Kaushik Roy, 'Hinduism', in *Religion, War and Ethics: A Sourcebook of Textual Traditions*, ed. Gregory Reichberg and Henrik Syse (Cambridge: Cambridge University Press, 2014), 471–543; Valerie Morkevičius, *Realist Ethics: Just War Traditions as Power Politics* (Cambridge: Cambridge University Press, 2018), 159–93.

47. An indicative list of the anglophone literature on Islamic just war thought includes: Majid Khadduri, *War and Peace in the Law of Islam* (Baltimore: Johns Hopkins University Press, 1955); Rudolph Peters (ed. and trans.), *Jihad in Medieval and Modern Islam* (Leiden: Brill, 1977); Kelsay and Johnson, *Just War and Jihad*; Bassam Tibi, 'War and Peace in Islam', in *The Ethics of War and Peace: Religious and Secular Perspectives*, ed. Terry Nardin (Princeton, NJ: Princeton University Press, 1996), 128–45; Sohail H. Hashmi, 'Interpreting the Islamic Ethics of War and Peace', in ibid., 146–68; Johnson, *Holy War Idea*; John Esposito, *Unholy War: Terror in the Name of Islam* (Oxford: Oxford Uinversity Press, 2002); Ahmad Atif Ahmad, 'The Evolution of Just War Theory in Islamic Law: Texts, History, and the Purpose of "Reading"', *American Foreign Policy Interests* 28 (2) (2006): 107–15; Alia Brahimi, *Jihad and Just War in the War on Terror* (Oxford: Oxford

war thought. Secondly, while a good case can be made for the cultural interaction and influence of Mediterannean and Near Eastern peoples during the Bronze Age and early Iron Age, there is little evidence of significant interaction between the Near East and eastern or southern Asia during the same period.

In sum, though this study does not position itself specifically as a contribution to post-colonial literature, one of its central aims is to encourage a move away from the academic and popular idea of the just war as an exclusively Western or Christian ethical tradition. In showing that the earliest evidence of just war thought is to be found among the ancient Egyptians, Hittites, and Israelites, this work does, to some degree, attempt to 'decolonise' its history. While not wishing to detract from the remarkable contributions of the Greek, Roman, or Christian traditions, we must recognise that these were neither the first nor the only philosophical, theological, legal, or practical attempts to interrogate the relationship between justice and war.

The Value of Comparison

Discussions of scholarly method tend to represent it as something far more grandiose and systematic than the realities of scholarly research and writing usually permit. Nevertheless, I think there is some value in explaining to readers the key intellectual assumptions underpinning my approach to the historical sources and subject more generally. It will also help to elucidate what I take to be the main objectives of this study, as well as its limitations.[48]

The methodological approach at the heart of this study is that of comparison, and the comparative method is especially effective when testing a hypothesis.[49] The primary hypothesis tested in this book is that ancient Near Eastern societies prior to c. 500 BCE thought of war in ethical terms, distinguished

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University Press, 2010); Ahmed Al-Dawoody, *The Islamic Law of War: Justifications and Regulations* (New York: Palgrave Macmillan, 2011); Makram Abbès, 'Can We Speak of Just War in Islam?', *History of Political Thought* 35 (2) (2014): 234–61; Nesrine Badawi and John Kelsay, 'Sunni Islam', in *Religion, War and Ethics: A Sourcebook of Textual Traditions*, ed. Gregory Reichberg and Henrik Syse (Cambridge: Cambridge University Press, 2014), 301–82; Mohammad H. Faghfoory, 'Shi'ite Islam', in ibid., 389–470; Morkevičius, *Realist Ethics*, 109–58. For John Kelsay's work, see, inter alia, *Islam and War: A Study in Comparative Ethics* (Louisville, KT: Westminster John Knox Press, 1993); 'Al-Shaybani and the Islamic Law of War', *Journal of Military Ethics* 2 (1) (2003): 63–75; 'Islamic Tradition and the Justice of War', in *The Ethics of War in Asian Civilizations: A Comparative Perspective*, ed. Torkel Brekke (Abingdon: Routledge, 2006), 81–110; and *Arguing the Just War in Islam* (Cambridge, MA: Harvard University Press, 2007).

48. The discussion that follows is partly adapted from a broader discussion of methodological approaches in Rory Cox, 'Approaches to Pre-Modern War and Ethics: Some Comparative and Multi-disciplinary Perspectives', *Global Intellectual History* 6 (5) (2018): 592–613.

49. William H. Sewell Jr., 'Marc Bloch and the Logic of Comparative History', *History and Theory* 6 (2) (1967): 208–18 at 208–9, 214, 217.

between morally 'good' and 'bad' wars, and developed what might accurately be termed 'just war thought'. In addition, I posit two ancillary claims: firstly, that ancient just war thought is analogous to, perhaps even homologous with, that body of later thought associated with the Greco-Roman and Christian just war tradition; and secondly, that societies engage in ethical reflection on war as a self-legitimating and self-justifying process resulting directly from the necessity or desire to wage war.

There are good grounds for selecting the ancient Egyptian, Hittite, and Israelite cultures as units of comparison. The history of the kingdom of Egypt (in one form or another) spans the entire period of antiquity, but we will focus on the expanse of time from the Early Dynastic period to the late New Kingdom (c. 3150–1069). The kingdom of Hatti, meanwhile, flourished from c. 1650 and had attained the status of a superpower by c. 1450, until finally crashing into obscurity around 1180. The political history of the Israelites is more obscure, although we know that the Israelite kingdoms of Samaria (also referred to as the northern kingdom of Israel) and Judah were flourishing by the early ninth century. Both kingdoms eventually succumbed to external conquest: Samaria in 721/0 and Judah in 587/6. The cultural history of the Israelites, however, was significantly shaped by these experiences, and subsequently played a major role in influencing how Israelite scribes constructed their own histories. It is these histories, preserved in the books of the Tanakh, on which we are almost entirely dependent.

Each of these three societies represents a distinct type of political, social, and religious organisation and character. From the highly centralised semi-divine monarchy of Egypt, with its official pantheon and richly endowed royal cults, we transition to what has been characterised as a federated empire of the Hittite priest-kings and the 'thousand gods' of Hatti. Both Egypt and Hatti became mighty empires during the second millennium, covering vast tracts of land throughout the eastern Mediterranean, north Africa, the Levant, Syria-Palestine, and Anatolia. Their political make-up and experience was notably different from that of the territorially and demographically minor kingdoms of Samaria and Judah. According to the Tanakh, these Israelite kingdoms had emerged from earlier tribal units and developed an idiosyncratic cult of Yahwist monotheism, probably from around the mid-first millennium.

Taken together, Egyptians, Hittites, and Israelites flourished over a period of roughly two-and-a-half thousand years, from c. 3000 to c. 500. This represents a period prior to the domination of the Mediterranean and Near Eastern worlds by first Hellenic and then Roman armies and culture. If we are serious about pushing back the history of just war thought, then we must investigate societies and sources as 'pristine' as possible in terms of Hellenising and/or Romanising influences. It is for this reason that I have not carried the investigation of Egypt into the Ptolemaic or Roman period, for example. Likewise, I have not included First or Second Maccabees in the main discussion of

Israelite thought, because these books, whilst having much to say about violence and war, are not part of the Tanakh and appear only in the later Greek Septuagint. Dating from the second and first centuries, they are clearly products of Hellenistic Judaism. Similarly, the rabbinical texts of the Mishnah and Talmud are products of late antiquity rather than ancient history, and continued to be composed and redacted up until the sixth century CE and beyond.

In exploring whether these societies of the ancient Near East developed ideas or traditions of war as an activity bounded by ethical norms, there is no assumption that each society will have produced identical just war thought. Just as we would not expect any given individuals or communities to experience war in identical ways, so there is no reason to expect distinct societies to produce identical just war doctrines. Yet we should not discount the possibility of similarity, nor the possibility of transmission and influence from one society to another. After all, these societies were in contact with one another through various channels (albeit sometimes that communication was one-way, such as between Hatti and Israel), and such contact included forms of 'higher culture' as well as demographic movement and warfare.[50] More than any other state activity, warfare necessitates some degree of cross-border interaction. Armed conflict may therefore have created opportunities for sharing practices and ideas. The Egyptian state waged war with both Hatti and the Israelite kingdoms at various periods of its history, while the Hittites had an active military presence and lasting cultural influence in the area of the Levant in which Samaria and Judah were later to emerge.

Comparative methodology within historical studies is nowhere better described than by the French historian Marc Bloch:

> [The historian] selects two or more phenomena which appear at first sight to be analogous and which occur in one or more social milieus. He finds out how these phenomena resemble or differ from one another, traces their evolution, and, as far as possible, explains the similarities and differences.[51]

Bloch, along with his fellow *Annalistes*, was keen to promote a comparative approach to history that utilised a range of interdisciplinary methods, considering socio-cultural developments across the *longue durée*.[52] If we lack

50. William F. Albright, *From the Stone Age to Christianity: Monotheism and the Historical Process*, 2nd edn (Baltimore: Johns Hopkins University Press, 1957), 209–12.

51. Marc Bloch, 'Toward a Comparative History of European Societies', in *Enterprise and Secular Change: Readings in Economic History*, ed. Frederic C. Lane and Jelle C. Riemersma (Homewood, IL: Richard D. Irwin, 1953), 494–521 at 496 [originally published as 'Pour une histoire comparée es sociétiés européennes', *Revue de synthèse historique* 46 (1928): 15–50].

52. Others have utilised this methodology in the history of international law: 'The ultimate aim of all conceivable comparative work in the area of the history of international law

a comparative perspective, arguably we are unable to appreciate the true uniqueness or generality of phenomena, or to judge their importance in either relative or absolute terms.[53] The reality of human experience is that different cultures interact in myriad ways and 'are not hermetically sealed from each other'.[54] I believe that just war studies has concentrated too much on the modern, so that hallmarks of the tradition claimed as special and unique may well begin to appear as ordinary and common when viewed comparatively over the *longue durée*.

Bloch stipulated that the comparative method required two conditions: 'a certain similarity or analogy between observed phenomena [. . .] and a certain dissimilarity between the environments in which they occur'.[55] The ethics of war seem particularly well suited to such a comparative project. The core phenomena of war remain relatively consistent: communities deliberately inflict various harms upon one another in order to achieve their ends (whatever those may be). Yet the *environments* in which war occurs, including the intellectual environment in which the relationship between ethics and war is thrashed out, vary considerably.

The three historical societies examined throughout this book were geographically proximate, and though the evidence spans two millennia, there was also a good deal of temporal overlap between them.[56] War, of course, frequently breaks down old geographical borders and throws up new ones in its wake. And yet military conquest rarely constitutes the simple expansion of one victorious society and the complete removal or eradication of another. Populations could be forcibly moved (for example, the Israelites' exile in Babylon), or conquerors might impose a governor and a garrison to ensure regular tribute payments. But pre-existing social structures and cultures were frequently left

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is not the comparison of individual phenomena, whatever their intrinsic importance, but the comparison of entire epochs [. . .]. [W]hat is here at issue is a comparative examination of independently developed, functional international legal orders which helped influence the legal character of their respective eras.' Wolfgang Preiser, 'History of the Law of Nations: Basic Questions and Principles', in *Encyclopedia of Public International Law*, vol. 7: *History of International Law, Foundations of International Law, Sources of International Law, Law of Treaties*, ed. Rudolph Bernhardt (Amsterdam: North Holland Publishing, 1984), 128–29, cited in *ILA*, 5.

53. Chris Wickham, 'Problems in Doing Comparative History', in *Challenging the Boundaries of Medieval History: The Legacy of Timothy Reuter*, ed. Patricia Skinner (Turnhout: Brepols, 2009), 5–28 at 6.

54. Richard Sorabji and David Rodin, 'Introduction', in *The Ethics of War: Shared Problems in Different Traditions*, ed. Richard Sorabji and David Rodin (Ashgate: Aldershot, 2006), 1–10 at 2.

55. Bloch, 'Toward a Comparative History', 496.

56. Sewell points out that 'temporal and spatial proximity [. . .] does not assure similarity', just as temporal and spatial distance does not assure dissimilarity. Sewell, 'Marc Bloch', 215. Cf. Bloch, 'Toward a Comparative History', 496–98.

intact, and acculturation can be seen to have occurred. Political borders were not (and are not) the same as socio-cultural borders, and all borders in the ancient world were in a state of flux. The blurring and intermixing of political, social, and material culture is witnessed in the archaeological record, testifying that frontiers were 'zones of cross-cutting social networks'.[57]

Of equal import is whether we are utilising 'appropriate units of comparison'.[58] Are we comparing like with like, or are we wilfully misinterpreting the phenomena of one society in order to mould them into something they are not? Ethics of war are complex cultural products. The organisation of the chapters according to the categories of *ius ad bellum* and *ius in bello* concepts and practices is one way to simplify and organise the analysis. These categories are conceived as ideal types and are primarily an analytical tool rather than an exact rendering of how ancient peoples distinguished between different areas of military ethics.[59] Indeed, notwithstanding the Latin formulation, the terminological distinction between *ius ad bellum* and *ius in bello* was not an ancient Roman innovation.[60] Even medieval European jurists and theologians did not explicitly bifurcate the *ius ad bellum* and *ius in bello* categories. They certainly debated *ad bellum* issues such as *auctoritas* (authority), *iusta causa* (just cause), and *recta intentio* (correct intention); they also understood such issues as related to, but distinct from, *in bello* questions touching upon the *ius armorum* (law of arms), concerning how wars should be fought according to certain behavioural norms. But the modern usage of *ius ad bellum* and *ius in bello* as organising terms (and certainly the increasing prominence of *ius post bellum* as an independent category) can effectively be traced to the mid-twentieth century CE.[61] Employing these Latinate categories and criteria to discuss ancient Near Eastern thought thus requires a degree of translation,

57. Kent G. Lightfoot and Antoinette Martinez, 'Frontiers and Boundaries in Archaeological Perspective', *Annual Review of Anthropology* 24 (1995): 471–92 at 471. See also Claudia Glatz and Roger Matthews, 'Anthropology of a Frontier Zone: Hittite–Kaska Relations in Late Bronze Age North-Central Anatolia', *Bulletin of the American Schools of Oriental Research* 339 (2005): 47–65 at 49.

58. Sewell, 'Marc Bloch', 215.

59. 'The ideal typical concept [. . .] is not a *description* of reality but it aims to give unambiguous means of expression to such a description.' Max Weber, *The Methodology of the Social Sciences*, trans. and ed. Edward A. Shils and Henry A. Finch (New York: The Free Press, 1949), 90. Gottwald adopts a similar approach to his analysis of ancient Israelite political order: Norman K. Gottwald, *The Politics of Ancient Israel* (Louisville, KY: Westminster John Knox Press, 2001), 10–12.

60. See also Nathalie Barrandon, 'La Transgression dans la guerre au temps de Cicéron: Droit et crauté', in *La Transgression en temps de guerre: De l'Antiquité à nos jours*, ed. Nathalie Barrandon and Isabelle Pimouguet-Pedarros (Rennes: Presses Universitaires de Rennes, 2021): 97–123 at 98, 101.

61. See Robert Kolb, 'Origin of the Twin Terms *jus ad bellum/jus in bello*', *International Review of the Red Cross* 37 (320) (1997): 553–62.

anachronism, and abstraction. Nonetheless, when used as a tool for organisation and analysis, these heuristic categories are extremely useful. After all, as Quincy Wright noted in his study of war, fictions 'are the essence of the social sciences', and interpretation always requires some degree of historical imagination.[62] And while our ancient Near Eastern sources never used the direct equivalents of technical terms such as *ius ad bellum*, *iusta causa*, or *recta intentio*, they undoubtedly possessed ideas very close to the concepts these express. My intention is not to force the evidence to conform to a debate or discourse, but to approach the sources as *indicative* of dominant norms and assumptions, which can be organised together like the pieces of a jigsaw puzzle. I will leave it to the reader to judge whether these 'fictions' are effective and thus justified.

Encountering Obstacles When Reconstructing Ancient Ethics of War

There are numerous reasons why any description of ancient ethics cannot faithfully reflect the reality of an entire culture, and I will not go into all of them here. Among the most important, however, is that we are largely reliant upon a selection of texts and other forms of evidence that represent the lives of a small, albeit highly influential, cadre of society. Any impression of the lives and values of the less privileged and illiterate majority is much harder to gain. Archaeology might reveal elements of their social and economic lives: urban structures, the remains of quotidian household items, human remains. It might even provide glimpses of their religious and ritualistic lives, in the form of religious artefacts or murals. But we cannot be sure that the masses shared the same ethical and political ideals as those articulated by the social elites. Undoubtedly there must have been significant overlap between elite and non-elite beliefs and social norms, but where, how, and why these overlaps occurred must remain hidden. As a result, it is difficult to say how representative our image of any historical society truly is.[63] Most obviously, we might think of the marked disregard of women's experiences and opinions in most societies prior to the late modern era.[64] The grossly skewed representation of economic elites is, again, typical of the pre-modern era. Given the overt reliance of intellectual historians on texts, produced in societies in which the

62. Wright, *Study of War*, 2:683. See also Finley, *Ancient History*, 17; Harle, *Ideas of Social Order*, 32.

63. Also noted by Carly L. Crouch, *War and Ethics in the Ancient Near East: Military Violence in Light of Cosmology and History* (Berlin: Walter de Gruyter, 2009), 5.

64. Regarding the experience of women in war specifically, see the important treatment by Jean Bethke Elshtain, *Women and War* (Chicago: University of Chicago Press, 1995).

vast majority were illiterate, this bias is especially notable. We might also think of marginalised minorities within a social system, such as slaves, or those marginalised on the basis of ethnicity or religion (though it should be noted that our modern understanding of racism or religious intolerance is very different from ancient attitudes).

Ethics of war can also be difficult to situate temporally. Our evidence for ethical thought about war is often the product of authors looking to the past and writing about military events that possibly took place years, decades, or even centuries earlier. In some cases, these 'historical' events probably did not take place at all, being merely literary inventions of a scribe to serve an ideological, didactic, or rhetorical purpose. We must be aware, therefore, that the ethical standards of the scribes who wrote about such events do not necessarily represent those of the time in which the military events supposedly took place. Nor should we assume that ancient scribes—who themselves usually comprised non-military elites—shared the same values or codes of conduct as soldiers.[65] Even scribes and soldiers living contemporaneously to one another could have possessed quite different world-views, especially concerning the meaning and purpose of war, or how wars should be fought. (This remains as true today as in the past.) Yet, as vicarious modern observers, our view of the ancient scene is more often through the eyes of a literate scribe than of an illiterate soldier.

Just as ethical thought about war is often characterised by elements of retrospection, so too can it be characterised by prospection—judging or justifying the past to provide guidance for the future. As a result, claiming that this or that ethical standard pertained exactly to this or that military event (a single battle, for example) becomes very difficult indeed. Instead, we must extrapolate dominant patterns of thought and behaviour that emerge from the textual and material evidence, and apply them broadly to relatively long periods of military activity. This is not an exact science. Any attempt to describe an ancient ethics of war will require a degree of generalisation and speculation that undoubtedly goes beyond the ancient 'reality' of that system of thought; there is no way of knowing whether our descriptions of a culture would ring true to the historical persons who constituted it.[66] However, for all that the processes of millennia have ravaged the remains of the ancient world, there remains a truly enormous wealth of material for the historian to pore over. As Walter Burkert notes, the challenge for any individual historian 'is not so much the limits of our knowledge as the superabundance of what can be

65. Charlie Trimm, *Fighting for the King and the Gods: A Survey of Warfare in the Ancient Near East* (Atlanta, GA: SBL Press, 2017), 7–8.

66. Geertz, for example, stresses the need to distinguish between culture as a reality and culture as an object of analysis; it is only the latter that scholars can describe: Geertz, *Interpretation of Cultures*, 15.

known'.[67] By utilising well-tested historiographical methods, we can therefore proceed with our analysis at the same time as accepting the speculative elements of our endeavour.[68]

At its heart, the comparative approach is as much about discovering idiosyncrasies as it is about highlighting commonalities.[69] But whether universalising or relativising, such comparative insights potentially prove unsettling to contemporary society. By comparing ethics and norms, groups open themselves up to the possibility that 'their own morals and customs may not be right, sacred, or universal'.[70] Such threatening ideas are frequently stigmatised or trivialised as a result. Yet, concerning something as horrible as war, I believe it is incumbent upon scholars of the subject to challenge prevailing social norms, or perhaps merely social apathy, and to encourage a constant reassessment of our moral principles.

Moving beyond the Just War Canon

I have spoken above about a desire to move beyond the traditional canon of sources used to the describe the development of just war thought. Fortunately, when exploring Egyptian, Hittite, and Israelite history we are blessed with a plethora of sources, which vary considerably in form and character. These include sources not typically considered relevant to just war studies. Prayers, poetry, literary tales, and material evidence are often overlooked, yet can tell us much about ethical norms and attitudes towards war and death. Such sources might even provide a more realistic—or at least more emotionally informed—rendering of societal attitudes than, for example, abstract treatises on jurisprudence.

Myth in the ancient world combined history, theology, and entertainment. Susan Niditch suggests that '[m]yths and metaphors if properly read may be the truest indicators of essential perceptions of existence'.[71] Myth certainly provided a guide to both personal and communal identity, and as such carried considerable weight. 'Myth was tradition, and tradition was authority,' as Ken

67. Walter Burkert, *Homo necans: The Anthropology of Ancient Greek Sacrificial Ritual and Myth*, trans. Peter Bing (Berkeley: University of California Press, 1983), xix. It should also be stressed that while I have endeavoured to utilise as wide a range of primary material as possible, my investigation is constricted by my reliance on translations of the original ancient Near Eastern languages and is thus not exhaustive.

68. As Bederman also insists: *ILA*, 11.

69. Bloch, 'Toward a Comparative History', 507; Geertz, *Interpretation of Cultures*, 43; Émile Durkheim, *The Division of Labor in Society*, trans. George Simpson, cited in Neil J. Smelser, *Comparative Methods in the Social Sciences* (Eaglewood Cliffs, NJ: Prentice Hall, 1976), 2.

70. Smelser, *Comparative Methods*, 1.

71. *WHB*, 37.

Dowden and Niall Livingston astutely observe.[72] Referring to ancient Greek examples, which may be more familiar to readers, we can illustrate the importance of myth by asking which had a greater influence on ancient Hellenistic culture and attitudes to war: Homer's *Iliad*, Plato's *Laws*, or Aristotle's *Politics*? Merely in terms of sheer audience numbers (as well as virtually any other metric), few would dispute that the *Iliad* would win hands-down. The same comparison could be made between Homer and Thucydides, or Hesiod and Xenophon, with the same result, that the poets and myth-tellers had the greatest impact on Hellenic martial culture. As Paul Veyne so eloquently elucidates in his classic study, for ancient Greeks 'myth was a subject of serious reflection', and myth and *logos* (reason) were not thought of as antithetical.[73] When thinking about the Greek ethics of war, why, therefore, has our attention been drawn principally to Thucydides, Plato, and Aristotle, rather than the Greek mythic cycles? Part of the answer, surely, is because *we* take Thucydides, Plato, and Aristotle more seriously than we do the tales of Athene, Herakles, or Odysseus. In other words, when discussing so serious a subject as the ethics of war, we allow our modern qualitative judgements to determine the sources we deem relevant. Yet the fantastical can also contain truth. Indeed, Veyne posits that mythology is important precisely because '[l]egend has its origin in the popular genius, which makes up stories to tell what is really true. That which is most true in legends is precisely the marvellous.'[74] This is not to say that ancient Greeks understood myths as ethical blueprints for real-life action (although Greek scholars such as Plato and Strabo could think of them as instructional and educational);[75] it is rather to urge that just war scholars should maintain a catholic (stressing the lower-case 'c'!) attitude towards the types of sources they use. Put simply, we should look past the canonical and extraordinary, and pay more attention to the quotidian and ordinary.[76]

72. Ken Dowden and Niall Livingstone, 'Thinking Through Myth, Thinking Myth Through', in *A Companion to Greek Mythology*, ed. Ken Dowden and Niall Livingstone (Malden, MA: Wiley-Blackwell, 2011), 3–23 at 16; cf. Ken Dowden, *The Uses of Greek Mythology* (London: Routledge, 1992), 39.

73. Paul Veyne, *Did the Greeks Believe in their Myths? An Essay on the Constitutive Imagination*, trans. Paula Wissing (Chicago: University of Chicago Press, 1988), 1; cf. ibid., 62.

74. Veyne, *Did the Greeks Believe in their Myths?*, 60.

75. Or, as Dowden says, 'Greeks did not turn to mythology for guidance on what to believe and how to live. They did not turn to their religion for morals and creeds, either. [. . .] Myth is not there to state what must be believed: myth is not dogmatic.' Dowden, *Uses of Greek Mythology*, 22. See also Veyne, *Did the Greeks Believe in their Myths?*, 62.

76. As in an anthropological superstructural approach, we might track down the minutiae or *spie* (clues) in order to enable a thick description or to reveal 'a deeper reality'. See Carlo Ginzburg, 'Morelli, Freud and Sherlock Holmes: Clues and Scientific Method', *History Workshop Journal* 9 (1) (1980): 5–36 at 11.

The literary, documentary, and material evidence offered by each society under investigation varies significantly. The mass of literature across different genres and the abundant archaeological record from ancient Egypt contrasts with the rich legalistic and diplomatic corpus that survives from Hatti. Both of these bodies of evidence contrast again with the source material of the Israelites, which, to a study such as this, is effectively limited to the Tanakh—better known as the Hebrew Bible or Old Testament. Yet this 'single' source is in fact no such thing: it is, rather, a composite of texts drawn from different genres and periods, conglomerated and redacted over a span of several centuries to give us the lengthy and complex document we now possess. Thus the Egyptian, Hittite, and Israelite sources evince a variety of features, both similar and distinct, making comparison both more interesting and ultimately more rewarding. If we are seeking to test the hypothesis that there were concepts of just war in the ancient Near East over two thousand years before the birth of Plato, then it is important to look for evidence in both similar *and* dissimilar contexts.

Adjacent cultures such as those of Babylon and Assyria will occasionally be discussed. These kingdoms, which experienced a number of turbulent political peaks and troughs, partook in the cultural and politico-military milieu of the ancient Near East, and each displayed some interest in the ethical dimensions of war. However, these Mesopotamian cultures are not the focus of this book, for several reasons. The bulk of the evidence for military and ethical matters derives from the 'new kingdom' periods of both Assyria and Babylon—that is, considerably later than the Egyptian and Hittite periods examined herein. The Neo-Assyrians (c. 911–c. 610) and Neo-Babylonians (c. 626–c. 539) were indeed contemporeanous to the Israelite kingdoms, but there already exists a handful of excellent studies on Assyrian martial culture and ethics.[77] Some shorter comparative surveys have also been undertaken by biblical scholars, albeit with a firm focus on the biblical history of Israel.[78] Finally, reasons of economy dictated against a detailed analysis of Assyria, Babylon, or the Medes (Persians). To have given adequate space to these cultures would have created an unwieldy and even longer volume.

77. See especially Bustenay Oded, *War, Peace and Empire: Justifications for War in Assyrian Royal Inscriptions* (Wiesbaden: Reichert, 1992); Crouch, *War and Ethics*; Frederick M. Fales, *Guerre et paix en Assyrie: Religion et impérialisme* (Paris: Publications de l'École pratique des hautes études, 2010); Mario Liverani, 'The King and His Army', in *At the Dawn of History: Ancient Near Eastern Studies in Honor of J. N. Postgate*, ed. Yağmur Heffron, Adam Stone, and Martin Worthington (University Park: Penn State University Press, 2021), 301–12.

78. See Sa-Moon Kang, *Divine War in the Old Testament and in the Ancient Near East* (Berlin: Walter de Gruyter, 1989); K. Lawson Younger Jr., *Ancient Conquest Accounts: A Study of Ancient Near Eastern and Biblical History Writing* (Sheffield: Sheffield Academic Press, 1990).

The Value of Investigating Ancient Just War Thought

War and justice are arguably the two social forces which do most to shape political communities. If we discount forces of nature, then war poses the greatest existential threat to communities. And yet war may also provide the means by which communities can seek to expand their resources, power, and influence. Moreover, war has the potential to unite otherwise fractious communities in the face of a common enemy.[79] It is hard to deny that war has been central to both the evolution of cultural systems and the emergence of complex states.[80] 'War made the state, and the state made war,' as Charles Tilly memorably put it.[81]

Justice, by contrast, is the principle that makes complex communal life possible in the first place. Without some principle of justice to govern human relationships, it is difficult to imagine how any community could long survive, let alone prosper. The Roman orator Cicero believed that '[j]ustice is necessary [. . .]. Its effect is so great that not even those who win their bread from evil-doing and crime are able to live without any particle of justice. [. . .] Indeed they say that there are even laws among bandits which they obey and respect.'[82] Exactly what this principle of justice entails is, of course, subject to significant variation, contingent upon the norms and requirements of specific groups.[83] But it seems reasonable to assume that stable political communities

79. The function of war to enhance social cohesion has been recognised from fourth-century Athens up to and including modern security studies: Aristotle, *The Politics*, trans. Stephen Everson (Cambridge: Cambridge University Press, 1998), bk 5.1308a25–30 (p. 125); Martin Wight, *Systems of States*, ed. Hedley Bull (Leicester: Leicester University Press, 1977), 85–86; Jeff Huysmans, 'Security! What Do You Mean?: From Concept to Thick Signifier', *European Journal of International Relations* 4 (2) (1998): 226–55 at 238–39.

80. Jonathan Haas (ed.), *The Anthropology of War* (Cambridge: Cambridge University Press, 1990), xiii; Morton H. Fried, 'Warfare, Military Organization, and the Evolution of Society', *Anthropologica* 3 (2) (1961): 134–47 at 134–35. For a useful overview of the major streams of debate concerning the 'origin' of human warfare, see Doyne Dawson, 'The Origins of War: Biological and Anthropological Theories', *History and Theory* 35 (1) (1996): 1–28.

81. Charles Tilly, 'Reflections on the History of European State-Making', in *The Formation of National States in Western Europe*, ed. Charles Tilly (Princeton, NJ: Princeton University Press, 1975), 3–83 at 42. See also: David Webster, 'Warfare and the Evolution of the State: A Reconsideation', *American Antiquity* 40 (4) (1975): 464–70; Samuel E. Finer, 'State- and Nation-Building in Europe: The Role of the Military', in *The Formation of National States in Western Europe*, ed. Charles Tilly (Princeton, NJ: Princeton University Press, 1975), 84–163; Cohen, 'Warfare and State Formation'.

82. Marcus Tullius Cicero, *On Duties (De officiis)*, ed. M. T. Griffin and E. M. Atkins (Cambridge: Cambridge University Press, 1991), bk 2, § 40 (pp. 77–78).

83. David Lyons, 'Ethical Relativism and the Problem of Incoherence', *Ethics* 86 (2) (1976): 107–21 at 108.

could simply not exist if a majority of individuals indulged in unrestrained violence. It is hardly surprising, therefore, that a social force as important as justice should have a long and complex relationship with the violence of war.

We learn much about a society from its conception of war because war is an intrinsically social phenomenon. War is deeply affected by all manner of socio-cultural norms and beliefs which shape its conceptualisation and experience, from justifying it to condemning it, from formulating grand strategy to engaging in individual hand-to-hand combat, and from understanding what it means to achieve victory, or likewise what it is to suffer defeat. Thinking about ethics is one way of ordering the experience of war, and tells us something powerful about how societies view themselves and others. Sigmund Freud insisted that the extreme and traumatic experience of warfare 'strips us of the later accretions of civilization, and lays bare the primal man in each of us'.[84] Under the stress of fear and perhaps existential threat, what are the values that a society clings to? What is jettisoned as superfluous? These are fundamental questions and may provide fundamental insights.[85] One might even think of the ethics of war as a communal coping mechanism: bestowing a deeper moral or religious meaning on an otherwise horrific and troubling activity.

Alas, there is no tract from the ancient world conveniently entitled *Just and Unjust Wars*; but this does not mean that ancient people did not conceive of wars in this way. In attempting to reconstruct ancient just war thought, we are concentrating on the values by which warfare was conceived, recorded, and judged. Such work is vital before we can properly understand ancient warfare in terms of its strategy, tactics, and logistics. For good or ill, the majority of our evidence for ancient military history comes via texts, and this textual record was mediated through the dominant cultural values of the specific society in which it was produced. Before we can understand politico-military events, we must learn the 'webs of significance' through which military deeds were filtered.[86] We must 'reconstruct a "grammar" in order to read a text', as Liverani describes it.[87]

The mass of ancient evidence has allowed scholars to push back the history of international relations to the mid-third millennium. Interstate relations in

84. Sigmund Freud, 'Thoughts for the Times on War and Death (1915)', in *The Standard Edition of the Complete Psychological Works of Sigmund Freud*, vol. 14: *1914–1916*, trans. and ed. James Strachey et al. (London: Hogarth Press and the Institute of Psycho-Analysis, 1957), 273–302 at 299. For a useful discussion of Freud's thought on war, see Anthony Simpson, 'Freud on the State, Violence, and War', *Diacritics* 35 (3) (2005): 78–91.

85. See also G. Scott Davis, 'Introduction: Comparative Ethics and the Crucible of War', in *The Ethics of War in Asian Civilizations: A Comparative Perspective*, ed. Torkel Brekke (Abingdon: Routledge, 2006), 1–36 at 1, 15. Cf. John Dewey, *The Middle Works, 1899–1924*, ed. J. A. Boydston, 15 vols (Carbondale: Southern Illinois University Press, 1976–1983), 15:134–204.

86. As Finley reminds us, '[t]he ability of the ancients to invent and their capacity to believe are persistently underestimated.' Finley, *Ancient History*, 9.

87. *LIR*, 11, 201.

the ancient Near East were formalised and governed by norms which intersected different cultures, creating an international system which reached the peak of its refinement during the Late Bronze Age (c. 1550–c. 1200) and was adopted by the successive polities of the Iron Age.[88] Thus we see an 'essential unity in the nature of State behaviour' that stretched from the earliest Sumerian city-states all the way through to the Roman empire.[89] Studying ancient ethical thought on war adds to our understanding of ancient political ideology as well as to our understanding of ancient concepts of international relations in their most dangerous and dynamic form: war between independent states.

For those interested in more modern issues, ancient ethical thought is worthy of our attention because of its influence in shaping numerous aspects of modern intellectual, religious, and political life. Our modern cultures are melting pots with many and varied ingredients—some of them very ancient indeed. To better understand the ancient is, therefore, to better comprehend the modern. Moreover, if one accepts (as one must) that contemporary international society has yet to untie the Gordian knot of ethical military violence, then there is value in investigating how our forebears struggled with analogous problems. In seeing the results of their efforts, we may choose to revise some of our own assumptions and reshape some of our approaches.

I did not set out to discover, through exploring ancient just war thought, a monolithic ancient doctrine of just war, or a doctrine that could be 'recovered' to lend legitimacy to the modern just war tradition.[90] The lines of thought and practice connecting the ancient to the modern are almost infinitely complex, and the forms of transmission are myriad. If certain elements of just war thought appear very similar across different cultures, this by no means implies that they are conceptually identical. As Shabtai Rosenne cautions, societies facing similar problems may produce similar solutions, but still 'start from different underlying premisses and different general philosophies'.[91] To construct

88. Ibid., 1–2, 197.

89. *ILA*, 3; *LIR*, 2; Jonathan Rosner Ziskind, 'Aspects of International Law in the Ancient Near East' (PhD dissertation, Columbia University, 1967); Harle, *Ideas of Social Order*, 10. Martin Wight also saw an international system of sorts in the ancient Near East, although not meeting the same criteria as the later Greco-Romano system: Martin Wight, '*De systematibus civitatum*', in Martin Wight, *Systems of States*, ed. Hedley Bull (Leicester: Leicester University Press, 1977), 21–45.

90. See also discussions in *ILA*, 4; *ERCIL*, xxiv–xxvi; Carlo Focarelli, 'The Early Doctrine of International Law as a Bridge from Antiquity to Modernity and Diplomatic Inviolability in 16th- and 17th-Century European Practice', in *The Twelve Years Truce (1609–1621): Peace, Truce, War and Law in the Low Countries at the Turn of the 17th Century*, ed. Randall Lesaffer (Leiden: Brill/Nijhoff, 2014), 210–32.

91. Shabtai Rosenne, 'The Influence of Judaism on the Development of International Law', *Netherlands International Law Review* 5 (2) (1958): 119–49 at 121. See also *ILA*, 6; Jared L. Miller, *Studies in the Origins, Development and Interpretation of the Kizzuwatna Rituals* (Wiesbaden: Harrassowitz, 2004), 458–59.

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