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Re-Writing the Just War Tradition

Just War in Classical Greek Political Thought and Practice[*]

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History has to be rewritten in every generation, because although the past does not change, the present does; each generation asks new questions of the past and finds new areas of sympathy as it re-lives different aspects of the experiences of its predecessors.

Christopher Hill (1975:15)

Introduction

The just war tradition supplies a moral grammar, arguably the predominant one in the western world, for thinking about the rights and wrongs of war. What is intriguing, however, is not that influential actors like President Obama (2009) increasingly invoke the rhetoric of just war, it is that they cite the venerable history of that tradition as the source of its authority. Leading scholars in the field (Johnson 1975; Rengger 2013) have similarly argued that contemporary references to just war ideas draw their force from the deeper historical tradition that they evoke and from which they ostensibly derive. Accordingly, how we conceive of that tradition matters a great deal, for it delimits the range of ideas that can be proffered in its name. It is of consequence, then, that the tradition is widely posited as an outgrowth of Christian political thought. Its roots are conventionally traced to the writings of St Augustine in the 4th and 5th centuries CE. For instance, John Mark Mattox (2006:14) declares Augustine the 'father of the just war', while Jonathan Barnes (1988:771) suggests that Augustine's teachings constitute the "*fons et origo*" of the tradition.[1] Similarly, William V. O'Brien (1981:4) submits, 'the just war tradition begins with the efforts of Augustine to justify Christian participation in Roman wars'. Elsewhere, the late Jean Bethke Elshtain (2004:49-50) asserted that the just war tradition 'starts with Augustine' and is properly trammelled by his understanding of the relation between justice, peace, and order. These views command general assent in the literature.[2]

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[1] Also see: Claude (1987:87); Myers (1996:117, 119); Totten (2010:77); Yoder (1996:1); and Stevenson (1987:2).

[2] Evidenced by the fact that narrative accounts of the just war typically begin with Augustine—for example: Russell (1975:6) and Nussbaum (1943:455).

This, however, is a selective way of viewing the just war tradition. It overlooks the fact that ideas corresponding to just war thought abound prior to Augustine. Most obviously, Aristotle (1996:21) referred to "war that is by nature just", while Cicero (1991:72-3) wrote extensively on *bellum justum*. Neither produced a systematic theory of just war of course, but the ideas they introduced are nevertheless significant. Peering beyond Aristotle and Cicero, it is possible to observe a whole life-world of ideas homologous to our understanding of just war in Ancient Greek and Roman society. A few scholars have commented on this in passing, but little more than that.[3] This oversight of classical just war thought matters for two reasons. First, it obscures the fact that Augustine did not create just war thought *ex nihilo*, but instead built upon classical sources. Second, it permits, even reinforces, an overdrawn association between early Christian political theology and the advent of just war thought. That is to say, it gives rise to a widely held perception that the just war is, at root, a Christian doctrine—a perception that arguably curtails its appeal in parts of the world that historically have no affinity with Christianity.[4] This article challenges this omission by proffering what we might crudely call a "pre-history" of the just war tradition, focusing in particular on excavating just war ideas evident in classical Greek political thought and practice.

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[3] Johnson (1981:xxiv) notes that the "deepest roots of the tradition reach back into biblical Israel and into the thought and practice of classical Greece and Rome". Orend (2006:12), Raymond (2011), Davis (1992), Bellamy (2006:29), Brahimi (2010:9), Sorabji (2006:14), Syse (2006;2010), Begby et al (2012:17-19), and Reichberg et al (2006:70) note the Greco-Roman contribution to just war thought.

[4] Three qualifying remarks apply to this observation. First, Johnson (2014) has critiqued the view that just war is a narrowly Christian doctrine. Second, Christian articulations of just war have been largely ignored by "revisionist" just war theorists who prefer to focus on Michael Walzer's modern rights-based account of just war. Finally, many Christian scholars argue that their writings do not apply exclusively to Christians (Fisher and Wicker 2010:5).

Reflective of the tripartite structure of just war analysis that has become commonplace today, this article comprises three sections. Section One covers the *jus ad bellum* of classical Greek just war thought. In particular, it treats its deontological core, the principles of just cause, proper authority, and right intention, elucidating them by reference to political practices as well as the contributions of philosophers, playwrights, and historians. Section Two turns to the *jus in bello*, detailing the norms that governed the conduct of war in classical Greece. It pays special attention to sanctuary and the rules regarding the use of long-range weapons and trickery. Section Three examines how war was concluded in classical Greece. This involves a close look at battlefield trophies and an argument to the effect that a particular conception of victory served as a cornerstone for the Greek ethics of war. Care will be taken in all cases to avoid the fallacy of assuming that the manner by which the Greeks understood specific just war principles (such as, say, just cause) can be mapped directly onto how they are articulated today—this would be anachronistic. Following the lead of G. E. R. Lloyd (2004: 8), these principles will instead be employed as "bridgeheads" that provide a focal point for the translation of ideas across remote eras. By way of conclusion, this article proposes that the Greek ethics of war is a potentially exciting seam to mine insofar as it reveals interesting connections between the just war tradition and Islamic jihad, raises searching questions about the relation between just war and victory, and challenges scholars to think in new ways about the comparative ethics of war.

Jus ad bellum

Warfare occupied a prominent place in the Greek understanding of political life. Plato (1975:5-7) put it succinctly in the *Laws* when he has a Cretan legislator, Cleinias, declare that the lot of men is to be "engaged in a lifelong war against all other states". Thucydides (2013:213) portrayed it as a "violent master", while Heraclitus (1995:154) labeled it as "father of all and king of all". Yet the Greeks also viewed it with circumspection. Xenophon (1979:319), for instance, cautioned that although "if it is really true that it is divinely ordained that there should be wars among men, then what we should do is be as slow as we can to start a war and as quick as we can to end it, once it has begun". Herodotus

(1998:40) lamented war's capacity to render the institutions of Greek society precarious. No one is stupid enough, he argues, to prefer war to peace. "In peace sons bury their fathers and in war fathers bury their sons". More dramatically, Aristophanes (2005) depicted war, personified by Ares, as a quarrelsome lout, a cantankerous wretch who relished causing trouble and making life a misery for ordinary people. What is interesting from our perspective, however, is that the Greeks nevertheless maintained that, so long as it satisfied certain conditions, war could be regarded as a legitimate enterprise.

Proper Authority

The first of these conditions approximates to what just war scholars refer to as proper authority. Without going so far as to claim that the Greeks professed a cogent doctrine of proper authority, equivalent to what one finds in, say, the writings of Thomas Aquinas (2002:240-2), a rudimentary analogue is discernible in their texts and practices. Specifically, it is possible to observe that the Greeks insisted that the license to levy war lay solely with the *polis*, and that certain rites and procedures had to attend its enactment for it to be deemed legitimate. Let us treat these in turn.

By the 5th century, practice indicated that the only authority deemed competent to initiate war was the community (*polis*) manifested by the people (*demos*). Private actors were denied this license. The censure of pirates and wayward generals who risked military expeditions without the permission of the *polis* is proof of this (Herodotus 1998:363-4; Xenophon 1979:286).[5] Yet if the *polis* alone bore the title to war, this tells us little about who could initiate war on its behalf. In the case of Athens, the power to initiate war lay solely with the popular assembly, or *Ekklesia*.[6] It was at the *Ekklesia* that matters of war and peace were determined. As David Stockton (1990:83) notes, "It was the *Ekklesia* alone which took the final decisions on declaring war or making peace".

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[5] For a general commentary: Gabrielsen (2007). On pirates: de Souza (1999).

[6] Following 508/7, every male citizen over the age of eighteen was entitled to participate in meetings of the *Ekklesia*. Women and non-citizens were excluded. The citizenry is likely to have been between 45-60,000 by the mid-4th century.

On what grounds did the *Ekklesia's* license to initiate war on behalf of the *polis* rest? Some scholars argue that its authority derived from the belief that it embodied the Athenian *demos.* As M. H. Hansen (1989:214) puts it: "The *Ekklesia* is not representative of the *demos.* It is the *demos*". Others (Ober 1996:119) contend that the relation between the *Ekklesia* and the *demos* was one of synecdoche: the *Ekklesia* stood for the *demos* as a part may sometimes stand for the whole. According to this view, the *demos* stood behind the *Ekklesia* as "the implied authority". Differences aside, both positions acknowledge that the license to initiate war resided as the exclusive preserve of the *Ekklesia*, which stood for the *demos*, which in turn was indivisible from the *polis.*

It was not enough, however, that the *Ekklesia* decided on the course of war. The Greek conception of proper authority also entailed a procedural aspect that encompassed a set of quasi-religious rites. The most intriguing of these was the practice of consulting an oracle (Xenophon 1979:226). This involved dispatching an ambassador to the sanctuaries of gods noted for their oracular powers, the most famous of which was that of Apollo at Delphi (Bowden 2005). The principal purpose of these visits was divination (Parker 2011:14). Ambassadors sought an audience with the gods in order to discern their disposition toward a proposed course of action such as, for example, the invasion of a rival *polis* (Mikalson 2010:101). This was no idle exercise in soothsaying. Rather it was an opportunity to glean whether a prospective war would meet with divine favour and consequently be successful. While this ritual supposed that the authority to initiate war derives at least in some part from the gods, the consultations could only be conducted if commissioned by the *Ekklesia*, carried out by *Ekklesia* officials, and ultimately adjudicated by the *Ekklesia* (Herodotus 1998:451-4; also: Garland 1984: 81; Sourvinou-Inwood 2000). It is possible, then, to perceive an admixture of the sacred and profane at work in this procedures attendant to the authorization of war. This is underscored by the role that the herald—a *polis* official whose role and lineage traced to the divine parentage of Hermes—played in its confirmation (Mosley 1973:87), and in its reaffirmation via a series of sacrificial offerings to the gods presided over by publicly appointed generals (Jameson 1993).

Just Cause

A strong claim can thus be submitted that the classical Greeks committed to a practice of proper authority that bears comparison with later accounts of the right to war. This is also the case with the principle of just cause. In fact, for the Greeks, the former necessarily implied the latter. If a Greek *polis* was to procure the gods' support for the initiation of a given war, it was expected to demonstrate that it possessed a *casus belli* and that the war in question would be just. As Garlan (1975:47) puts it: "It was essential to have the right on one's side, in the eyes of the gods even more than in the eyes of men; formally at least, by a judicious selection of the *casus belli*". Practice reflected this requirement as *poleis* habitually stressed the legitimacy of their cause and its putative conformity with norms circumscribing the recourse to force (Connor 1988: 8-9). Three sources give us a flavour of this.

The first is Plato. There is a passage in the dialogue *Alcibiades* (2001:40-42) where he depicts Socrates quizzing the ambitious young Alcibiades on his views on war and peace. What reasons should we cite when seeking to commit our community to war? Alcibiades' response is immediate: "We say we are the victims of deceit or violence or spoliation". Might there ever be circumstances, Socrates probes, where you would advise your *polis* to wage war against a community that is not directing any such harmful activity against us? If there are, Alcibiades replies, I would refrain from admitting that our prospective enemies are free of any wrongdoing, for wars waged against innocent parties are never justifiable.[7] The formulation is redolent of Francisco de Vitoria's later claim that one should only be warred against on account of some act of wrongdoing (1991:303-4).

The second source is Plato's student, Aristotle. In *Rhetoric to Alexander* (1937:299-303), the author (either Aristotle or his follower Anaximenes) advises his reader that the question of "grievance" is central to deliberations about war. If, on the one hand, a *demos* is convinced that it has suffered a terrible grievance,

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[7] Henrik Syse (2006:294-5) offers an interesting analysis of this passage, and elsewhere (2010) offers a more general reading of Plato's contribution to just war thought.

it will believe it has grounds for war. If, on the other, it believes its grievances to be trifling, it will likely refrain from taking the military route. What character of grievance could be expected to incline a *polis* toward belligerency? The author is very clear on this:

> The following are arguments for making war on somebody: that we have been wronged in the past; and now that opportunity offers ought to punish the wrongdoers; or, that we are being wronged now, and ought to go to war in our own defence—or in defence of our kinsmen or our benefactors; or, that our allies are being wronged and we ought to go to their help; or, that it is to the advantage of the state in respect of glory or wealth or power or the like.

Setting the reference to glory to one side, this passage bears comparison with later medieval statements of just cause such as, for example, that supplied by Francisco Suarez (1964:815-23).[8] Elsewhere, Aristotle (1996:188) frames the matter very differently by arguing that communities should view force, not as a means to dominate other *poleis*, but as a concomitant of good government. Men may wage war, first, to "provide against their own enslavement"; second, to "obtain empire for the good of the governed"; and third, to establish "mastery only over those who deserve to be slaves". We will return to the latter claim later, in our discussion of discrimination. In the meantime, one should pause before drawing conclusions about Greek mores on the basis of the idiosyncratic musings of Plato and Aristotle.

Correcting for this, the final source is a series of debates regarding the merits of the use of force in particular instances recorded by historians. In each case the discussion appears to skirt the contours of what must appear to contemporary observers as just cause precepts. The most famous case is Thucydides' account (2013:391-413) of the exchange that took place between Nicias and Alcibiades at the *Ekklesia* over whether it was wise to sail on Sicily.

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[8] The reference to glory, and to the broader idea that the defence of the state necessitates the preservation of its prestige, suggests an oblique but interesting connection to the contemporary idea of "ontological security" (Mitzen 2006; Steele 2008). It has also been unpacked by Richard Tuck (2001:20) in respect of the relation between liberal and imperial conceptions of the right to war.

The former argued against the war on the grounds that it was a rash policy, while the latter submitted that Athens had an obligation to assist its allies by actively thwarting the threat from Sparta and its allies. Xenophon's fictitious account (2008:28) of an address by Cyrus to his troops is also insightful. "Let us go forth with a light heart", he proposed, for we have no ill repute to fear on account of the fact that "none can say we covet another man's goods unlawfully". Rather, Cyrus claims, he and his men only fight in self-defence or with a view to protecting the victims of unlawful aggression. "Our enemy strikes the first blow in an unrighteous cause, and our friends call us to protect them. What is more lawful than self-defence? What is nobler than to succour those we love?"

There are other sources that could have been canvassed but have been omitted. This survey has nevertheless provided grist for the argument that it is possible to detect something approximating just cause argumentation at work in classical Greek political thought and practice. There are of course discontinuities as well as continuities between the arguments treated here and the more familiar statements of just cause proffered by later just war thinkers. If this discussion has privileged continuities at the expense of discontinuities, the forthcoming discussion of right intention will redress this imbalance.

Right Intention

If it is relatively easy to detect elements of just cause argumentation in Greek political thought and practice, the principle of right intention is an altogether tougher nut to crack. This is in part because the very notion of right intention presupposes a conception of interiority that is distinctively Christian in both provenance and character. Derived from Augustine's meditations upon the evils of man's *libido dominandi* and his interpretation of Christ's injunction to turn the other cheek (1994:221), it posits that the internal disposition of the warrior bears strongly upon the justice of the war he or she is fighting. The just warrior, so the argument goes, must wage war with nothing but love in his or her heart— love for God, love for one's fellow human whom one protects by fighting, and even love for one's enemy whom one is saving from their own sinfulness. This understanding of right intention, which is modelled upon Christ's sacrifice on the cross, obviously has little resonance in pre-Christian classical Greece.

Some scholars claim that the Greeks possessed no conception of interiority. These scholars argue that the Greeks lacked the concept of internal conscience, and instead measured themselves and their acts exclusively in terms of how other people judged and responded to them (Dodds 1951:37). Though overdrawn (Robinson 2006:13), this thesis highlights the extent to which the twin notions of honour and shame dominated the Greek moral imaginary. Human agents were concerned, not necessarily with matters of guilt and innocence, or the sanctity of their soul, but rather with the degree to which their actions would elicit either social acclaim or approbation. These were externally generated forms of moral meaning that do not sit easily alongside the principle of right intention, as it is typically understood in just war thought.

These tensions rise to the surface when we consider the vexed issue of vengeance. Echoing Augustine's stern warnings about the dangers of delighting in cruelty, contemporary theorists (Elshtain 2004:23-25; Crawford 2003:12; Steele 2013:200) condemn vengeance as a violation of right intention. Yet vengeance, construed as a response to acts that slighted a community's sense of honour, was regularly invoked in classical Greece as an appropriate motive for waging war (Fisher 2000:85; Konstan 2007:202; Dawson 1996:65; Burnett 1998:6). Sensitive to their status, communities deemed it licit to expiate the shame occasioned by the receipt of injuries by meting out vengeance to any polity that crossed them. A loose metric guided the severity of the punishment: the norm was reciprocity but disproportionate harm was acceptable in certain circumstances (Lendon 2000:18). Textual evidence supports these claims. The enactment of vengeance on an individual level pervades the events recounted in Homer's *Iliad* (2003:184, 312, 364), while the pursuit of vengeance animates Herodotus's *Histories* (1998:346, 385, 407, 573), and the accounts of the Peloponnesian War furnished by Thucydides (2013:18, 52) and Xenophon (1979:175). In many cases, where the enactment of vengeance was intended to lay an earlier wrong to rest, it instead generated a tit-for-tat cycle of violence. Yet, it is clear that the pursuit of vengeance—performative in character, tied to the prevailing honour culture, and subject to certain restrictions—was widely regarded as an appropriate motivation for waging war against another polity.

Jus in bello

Turning to the *jus in* bello, there is a lively literature on the norms that circumscribed the conduct of classical Greek warfare. The "orthodox" (Cawkwell 1989) view supposes that warfare in classical Greece was characterized, not by protracted campaigning, but by pitched battles that took place over a day or so of the summer season on a carefully selected field (Adcock 1957:7-10). These battles took the form of a head-on clash between massed ranks (phalanxes) of heavy infantryman armed with spears, stabbing swords, and the large, concave *hoplon* shields from which they derived their name (hoplites). Whichever side succeeded by the end of the day in driving the other from the field of battle, earned the right to erect a trophy and proclaim themselves the winner, thereby settling the dispute that occasioned the war in their own favour (Snodgrass 1965:115). This orthodox view attributes an *agonal* character to Greek warfare, depicting it as game-like, bounded by set rules and rituals. A number of primary source texts can be cited in support of this view, but the mass of evidence suggests that it is exaggerated.[9] It is likely to reflect an idealized vision of Greek warfare, rather than its actuality. Nevertheless, this idealized vision is revealing with respect to the normative constraints that circumscribed warfare in classical Greece. It will be useful to interrogate these norms in respect of the familiar principles of discrimination and proportionality.

Discrimination

The principle of discrimination is "a cardinal feature of the ethics of war" (Erskine 2008:188). Hailed by Michael Walzer (1992:136) as "the basis of the rules of war", it is today closely associated with the norm of non-combatant immunity (Bellamy 2012). Thus framed, it stipulates that only those actively engaged in combat operations may be directly and intentionally targeted. An examination of classical warfare discloses that the Greeks also subscribed to a

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[9] Primary sources cited in support of this view: Homer (2003:120); Herodotus (1998:408-9); and Demosthenes (1930:251). The agonal thesis is debated by: Ober (1994); Krentz (1997; 2002; 2007); O'Connor (1988), van Wees (2004); Pritchett (1974); Ducrey (1985); and Anderson (1970).

norm of discrimination, though it was cashed out in subtly different ways. The standard application of discrimination in classical Greece related to the protection of "the sacred and the neutralized" (Bederman 2001:249). Anything deemed dear to the gods was viewed as sacrosanct and inviolable. This applied to places, people, and also particular times of year.

The Greeks deigned that certain places, designated as sanctuaries, enjoyed immunity from war. "A sanctuary is a sacred area, a place apart from the secular world of humans, where gods were worshipped and rituals took place" (Pedley 2006:29). Often located at the heart of a community, they were *asylia*, that is, inviolable spaces. Because religious belief posited that everything within the confines of the sanctuary—objects, animals, and people—belonged to the gods, they enjoyed the blanket of divine protection (Sinn 1958:2000). To harm them in any way would thus invite divine retribution. Greek lore is replete with fables of such punishments. Herodotus (1998:378, 9), for instance, relates that Kleomenes was seized with madness because he cut down the sacred grove of Demeter and Persephone when he invaded Eleusis, while, after accidentally burning down the shrine of Athena at Assesos, Alyattes fell deathly ill until he had it re-built. In other cases, the violation of sanctuaries was deemed grounds for war (Bederman 2001:250). Grateful for the protection it offered, soldiers as well as pilgrims and fugitives naturally sought shelter in these holy sites. For example, Herodotus (1998:379) tells the tale of how the Argives, chased from the battlefield by Spartan forces, evaded their prosecutors for a time by taking refuge in the Grove of Argos. The crucial point, however, is that it was the physical site rather than its inhabitants that enjoyed immunity from war—which the Argives learned to their cost when, duped by a false invitation to parley, they left the grove (Burns 1984:230).

Certain categories of people enjoyed immunity in their own right. Heralds, whom we encountered earlier in our discussion of proper authority, were one such group. Charged with the task of declaring hostilities and escorting diplomatic missions in times of war, they benefitted from the strict prohibition of any attacks upon their person. Alongside heralds, priests also enjoyed immunity on the grounds that they mediated between the gods and the general population (Llani 2008:477). Any attack upon a priest would therefore

incur divine punishment, as Agamemnon discovered upon his mistreatment Chryses (Homer 2003:4-5)*.* Finally, captives taken in the course of pitched battle were also granted immunity from summary execution (Ducrey 1985:276). If a hoplite found himself taken prisoner by his enemy in the heat of battle, he could expect to be detained for an indefinite period until being ransomed back to his *polis*.[10]   Curiously, prisoners taken in siege situations could expect no such generosity. They were entirely at their captor's mercy (Connor 1998:15-8).

A hard case arises with respect to 'barbarians'—a category of people alluded to earlier in the context of Aristotle's discussion of just cause. The epithet "barbarian" encompassed all non-Greek societies whose language, religion, and traditions set them apart from Hellenic society. It denoted foreignness and inferiority, and was marked by the propensity to wage war in a manner unbefitting a hoplite, that is, from distance, using a bow and arrow (Hall 1989:139). The Greeks thought it legitimate to abandon customary constraints when waging war against them (Plato 1987:196-199). Consequently, while a relatively robust set of rules applied to wars waged between Greek communities, a more permissive framework governed conflicts against non-Greek states. For example, while it was customary for Greeks to wage wars against other Greeks in "a spirit of correction, not enmity", sparing the enemy wherever possible, no such constraints were binding on wars waged against non-Greeks (Plato 1987:199). How this played out in practice is not, however, always clear. Nevertheless, generally speaking, here is a case where a particular way of approaching discrimination serves to undercut rather than underwrite conventional limitations on the use of force.[11]

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[10] Consider the exchange between the Thebans and Plataeans (Thucydides 1998:158): Both sides appealed against the enemy's mistreatment of captives, while acting likewise against their own captives.

[11] The civilization/barbarism dichotomy that permeated Greek practice is not entirely alien to the mainstream of just war thinking. These ideas informed 16th century debates about the conquest of the Americas (Brunstetter and Zartner 2011), and resonate with contemporary debates about whether terrorists should be afforded protections by the very laws of war that they flout (Osiel 2009:1-7).

Finally, similar to the "Truce of God" movement of the Middle Ages, particular times of year were earmarked as periods that should be free from warfare.[12] In addition to periods of negotiated truce, it was proscribed to wage war during annual religious festivals. Individual *poleis* unilaterally refrained from martial activities during the period of local festivities, while all *poleis* were expected to refrain from warfare for the duration of the great pan-Hellenic games. An example of the former accounts for the Spartan's failure to put in a timely appearance at the battle of Marathon 480 BCE: the Spartans declined to march on the Persians until the next full moon signalled the conclusion of the holy festival of *Carneia* (Holland 2005:188). There were of course occasions where communities were accused of cynically appealing to periods of truce in order to shirk involvement in certain wars, but far from undermining the norm, this just serves to underline its power.

Proportionality

As anyone who paid heed to the 2014 Israeli war in Gaza (and the heated debates that attended it) can attest, the exact contours of the principle of proportionality are difficult to pin down in practice (Kamm 2014). Nevertheless, the essence of the norm is clear. It stipulates that the means of war should be commensurate to the end being sought by the use of force. It is conventionally parlayed into the language of utilitarianism in contemporary just war theory. The Greeks, however, presented it as a function of victory. This meant that the conduct of war should be judged against whether it produced a victory that could be leveraged in service of the war's end. This precluded winning dirty, for a victory achieved by dubious means was of only limited cachet. In the final section of this article, we will see how this plays out in respect of *jus post bellum* practices. More immediately, we will see how it informed Greek *jus in bello* thinking on two military practices: the use of the bow and arrow and the recourse to stratagems.

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[12] For more details on the origins and development of the "Truce of God" movement: Russell (1975:34-36).

A pejorative attitude toward the bow and arrow prevailed in classical Greece. Though the bow was most likely not subject to a blanket ban, as is often claimed, it occupied a vexed position in both literary sources and historical practice.[13] Associated with "barbarians", the bow is an object of derision in many classical texts.[14] It is depicted as the weapon of choice of both the Persians and the Scythians, who embody the opposite of "Greekness" and its ideals of courage and manliness (Hartog 1988:45). This polarity is captured in Aeschylus's *Persians* (2009:239-40) where the Persians are portrayed with "bows and sharp arrows prominent in their hands" while the Greeks are characterized by their propensity to "stand and fight in close array with spear and shield". More generally, the bow was framed as a dishonourable weapon on account of the perception that it discounted the virtues of hand-to-hand combat. The poet Archilocus called it the coward's weapon (Garlan 1975:128). In Homer's *Iliad* (2003:191), Diomedes disparages the gutless Paris as a "typical archer—loud mouth, all hairstyle and bedroom eyes!", and taunts him: "If you faced me man to man with real weapons, you would find your bow and arrows a poor defence. As it is, you're boasting about scratching my foot. I might as well have been hit by a woman or a naughty little boy". Plato (1975:116) bemoaned the "hit and run" style of combat associated with the bow as "craven" and "disgraceful". Euripides (1963:158) contended "The test of manly courage is not with a bow, but the firm foot, the unflinching eye, when the spear drives its hurtling furrow through the ranks".

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[13] Commentators (Ober 1994:13; Anderson 1970:1-2; Garlan 1975:128) attest that a ban on the bow was operative in the classical age. This proscription bears a resemblance to later *jus in bello* norms, especially the Second Lateran Council's 1139 prohibition of the "murderous art" of crossbowmen and archers. The belief that a ban on the bow held in classical Greece rests in part on a reported agreement between Chalcis and Eretria to refrain from launching "long-range attacks" and projectiles against one another. The authenticity of this agreement has been questioned (Wheeler 1987).

[14] Crusaders expressed the same repulsion against the use of bows and arrows by Muslim fighters. Thanks to James Turner Johnson for pointing this out to me.

A cool attitude toward the bow also prevailed in practice. Thucydides (2013:254-259) provides a neat illustration of this in his account of the Spartan surrender at Sphacteria, in 425 BCE, the seventh year of the Peloponnesian War. Following a three-month siege, the rump of a 400-strong force of Spartan hoplites surrendered to their Athenian host. Trapped, hungry, cold, and ground down by a ceaseless hail of arrows, the 292 Spartans that had endured thus far meekly submitted themselves to Athenian captivity. When it was put to one of the Spartan captives that he must be a coward for surrendering while other presumably more gallant men had stood their ground and died, Thucydides reports that he retorted "it would be a valuable spindle (meaning the arrow) that distinguished the brave, making it clear that chance decided who was destroyed by stones and arrows".[15] Reading between the lines, one commentator glosses that the Spartan's excuse for his surrender was that "he hadn't been involved in a fair fight, man to man. He hadn't been fighting against true men in regular warfare using masculine weapons" (Cartledge 2002:35).[16] He had been, instead, the victim of a "theft of war" (Rawlings 2007:82-3).

This complaint reveals a key but often overlooked point, namely that victories won by means of the bow were liable to be dismissed as lesser victories. Demeaned as "thefts", they did not attract the prestige of battles won by means of an open contest between hoplite phalanxes. Nor were they regarded as definitive. Rather, because victories won by the use of archers were

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[15] 'The use of the term "spindle", connoting a sewing needle, highlights the perception that the bow and arrow is a womanly means of war.

[16] There is a parallel between this reaction and the response on the part of US soldiers today to the use of Improvised Explosive Devices [IEDs]. Sebastian Junger (2011:142) reports that troops in Afghanistan complain about IEDs on the basis that they deny the soldier any chance to defend herself: "Good soldiers die just as easily as sloppy ones, which is pretty much how soldiers define unfair tactics in war'. In both cases, soldiers reject a weapon that undermines a warrior code that encompasses what they believe to be the right way of waging war. The effect is also to preserve the dominance of regular combatants on the battlefield against the encroachments of irregular modes of fighting".

perceived to have circumvented the procedure by which Greek *poleis* ideally settled their differences, they were deemed, if not inconclusive, at least sub-optimal. The lingering resentment expressed by the captive Spartan is telling in this respect. There is no concession that he and his comrades were beaten fair and square by a superior opponent, only a festering resentment at how the Athenians, in stooping low to conquer, had ducked a proper fight.

This theme also emerges in respect of the thorny question of whether it was justifiable to employ stratagems in classical war. On the one hand, the Greeks prided themselves on a "gentlemanly" style of battle and dismissed victories won by deception as "despicable" (Pritchett 1974:174). Brasidas, for example, condemned trickery in war was a barbaric abhorrence. Similarly, the young king in Xenophon's *The Education of Cyrus* (2008:36) recoils in horror when told by his father that skill in the dark arts is necessary for success in war: "Is this the kind of man you want your son to be!" Pericles boasted that the Athenians never "put more trust in secret preparations" than in what he termed their "innate courage in action" (Thucydides 2013:112). It is, however, the Queen of Massagitai whose remarks steal the show. According to Herodotus (1998:93) she branded Cyrus a "bloodthirsty" scoundrel and reproached him for his use of guile. The source of her anger was the trick Cyrus pulled when he lured troops under her son's command into a drunken stupor prior to battle. "What you have done should give you no cause for celebration. You used the fruit of the vine (...) That was the drug, that was the trick you relied on to overcome my son, rather than conquering him by force in battle".

On the other hand, there is also evidence to support the view that the Greeks embraced trickery. Aeneas Tacticus (1990) described craft as an integral part of war and Xenophon (1925:5.9) declared that "There is nothing more profitable in war than deception". Trickery was also common in practice. The tale of how Kleomenes' Spartans outfoxed the Argives in 494 BCE (Herodotus 1998:379) is a prime example. For several days both armies faced one another across an open plain. With neither side inclined to seize the initiative, stalemate beckoned until Kleomenes observed how the Argives had taken to timing their movements to mirror the Spartans' rituals. When the Spartans broke for meals or repose, the Argives followed suit. Spying an opportunity, Kleomenes

discretely advised his troops that the next trumpet-call for "Dinner" would be the signal to fall out for five minutes before swiftly re-forming the line and attacking the Argive camp. The plan worked a treat: the surprised Argives were cut down at their dinner tables. The Athenians were equally willing to resort to cunning, as they demonstrated at the Battle of Salamis, 480 BCE (Herodotus 1998:512). Themistocles used disinformation to induce the Persians to seek battle at a time and place that was to their disadvantage. He sent his trusted slave, Sikinnos, masquerading as a traitor, to inform the Persians that the Greek fleet was riddled with discord and intending to flee as soon as darkness next fell. The Persians took the bait and launched an attack that played into Athenian hands.

A coherent principle underlies this seemingly muddled picture. While conceding that deception might be necessary in certain circumstances, the Greeks believed such activities should be a last resort.[17] This was because victory achieved by deception did not yield any meaningful glory, and was, as such, "no cause for celebration". This resonates with medieval just war thought (Whetham 2009). Isidore of Seville complained in the 6th century CE that "a victory won through trickery is *shameful*" (Quoted in: Whitman 2012:200). Later, in the 18th century, Emerich de Vattel (2008:373-375) stated that victories achieved by open battle were more worthy than those won by deception. Accordingly, for classical Greeks and later just war thinkers alike, deception was discounted because it yielded what we might call lesser victories.

Jus post bellum

The discussion of victory leads to the final category used in recent just war analysis, the *jus post bellum*. If the resort to and conduct of war in classical Greece was bounded by a set of conventions, this was also true of how wars were ended. The protocols that governed the termination of war reflect a certain degree of symmetry with the procedures that were attached to its initiation. Perhaps even more importantly, they also fastened directly onto the ideal of victory introduced in the preceding discussion of *jus in bello*. How was this the case? It is the contention here that a particular conception of victory played a

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[17] For a vivid illustration of this: Euripides (1981: *Lines 712-720*).

determinative role in how wars were terminated in classical Greece. The *jus post bellum* conventions adopted by the Greeks were directed toward a single objective, namely ensuring that wars produced clear-cut winners and losers wherever possible. The production of a definitive victory for one belligerent and an incontrovertible defeat for the other was key if war was to serve its purpose as a decisive means of settling disputes and laying them to rest. This becomes clear when one examines the central *jus post bellum* practice in classical Greek war, the erection of battlefield trophies, or *tropaion*.

Trophies were rudimentary structures. They typically took the form of a tree-stump or wooden post, fastened with a cross-beam from which the captured arms and armour of the slain enemy were hung.[18] Weapons were, of course, a source of prestige in Greek life: nothing symbolized a glorious triumph like the sight of a now dead but once feared enemy's shield dangling from a trophy. Trophies also bore inscriptions that conveyed information pertaining to the site of the battle and its protagonists alongside a dedication to a god. Designed so as to be visible from afar, they cast an intimidating silhouette. They were usually erected immediately after the fighting had ceased upon high ground close to the spot where the enemy had broken ranks and fled (Stroszeck 2004:314-317; Vanderpol 1966). The singing of a paean and the playing of flutes usually accompanied the erection of the trophy (Xenophon 1979:206; Rawlings 2007:98). Finally, a prayer of thanks would also be offered up at its base by the victorious army. These rituals mirrored the rites undertaken upon the initiation of war, representing the closing of the circle that was opened with the commencement of hostilities.

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[18] The trophy has a very interesting afterlife. It was a common feature of Roman warfare and later overlapped with the emergence of the *labarum* and crucifix as the pre-eminent symbols of Christianity. For an example of how the trophy featured in Roman warfare: Tacitus (1996:85) and Livy (2002:43). For an analysis of this material: Mattern (1999). For a discussion of the relation between the battlefield trophy and early Christian iconography: Storch (1970) and McCormick (1990).

The trophy's conspicuousness was integral to its function. Its erection heralded the control of the battlefield and the corpses scattered over it by the side left standing. This uncontested command of the field of battle and the slain signalled victory. Forced to watch powerless from the sidelines as the winners hoisted their trophy into the air, the side driven from the battlefield was compelled to cede defeat in order to ensure the return of their battlefield dead for proper burial—a "sacred duty" in Greece (Garlan 1975:61).[19] Consequently, following the erection of the trophy the victors could anticipate the visit of a delegation of heralds from their erstwhile enemies to procure permission for the defeated army to retrieve its fallen. Heralds from the enemy side would in most cases be met politely, and, so long as they acknowledged the trophy and the victory it symbolized, bestowed the courtesy of a battlefield-visit to gather their dead (Wees 2004:136). With victory thus affirmed by both the winner and the loser, the war was emphatically concluded in favour of the victor.

Before rounding out the picture, it may be helpful to briefly relate two battles that involved trophies. The first is the 547 BCE battle between the Spartans and the Argives over Thyrea (Herodotus 1998:37-8). This was a battle waged by 300 champions from each side. By the time dusk fell on the contest, only two Argives and one Spartan remained standing. The Argives, assuming victory, departed the battlefield. The lone remaining Spartan, Othryades, exploited their complacency to raise a trophy proclaiming a Spartan triumph. This led to a very unusual situation in which both sides claimed victory. The Argives claimed a win on the grounds that they had clearly bested their opponents in battle, as confirmed by their numerical superiority at its close, while the Spartans pointed to Othrydates' erection of a trophy as proof of their ascendancy. This situation was not permitted to last too long, and an all-out war, in which the Spartans duly emerged as the winners, soon followed.[20]

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[19] The customary value attached to the burial of the dead is portrayed in *Antigone* (Sophocles 1984b). Also see: Vaughn (1993:46).

[20] Herodotus does not actually mention the trophy, but it is attested to by other sources (Pritchett 1974:250).

The second case is the Battle of Sybota that took place in 433 BCE between the Corinthians and the Corcyreans. Thucydides (2013:34) reports that both sides, believing they had a claim to victory because they had wreaked a certain amount of damage upon their enemies and recovered their dead and some spoils, erected trophies. This is presented as a cause of great consternation because, according to convention, only one side could erect a trophy. Though both of these cases are atypical, and also inconclusive, they nevertheless reveal the importance that the Greeks attached to the trophy, the role it played in the confirmation of victory in battle, and (most importantly perhaps) the centrality of this function in respect of the structure of classical warfare.

Given the prestige attached to the trophy, it is curious to recall that they were not cast in stone. Rather they were constructed of wood and other perishable materials. Moreover, it was proscribed to renew or repair them when they decayed (Bederman 2001:260). Proof of this is the admonishment the Thebans received following their decision to erect a bronze trophy at Leuktra. It was not right, they were chastised, for Greeks to raise a permanent trophy to mark a victory over fellow Greeks (Stroszeck 2004:312). In a similar vein, Plutarch extolled the practice of permitting trophies to "disintegrate with the passage of time", implying that the restoration of a trophy indicated a refusal to let an old grudge fade away and should thus be regarded as a "malicious" act (Quoted in: Pritchett 1974:253). Diodoros quotes the Syracusan Nikolaos to the same effect: "For what reason", he asks, was it ordained that "the trophies set up in celebrating victories in war be made, not of stone, but of any wood at hand? Was it not in order that the memorial of the enmity, lasting as they would for only a brief time, should quickly disappear?' (Quoted in: Pritchett 1974:254) There is some question as to whether the ban on repairing trophies applied universally or only to those trophies that marked victories over non-Greeks. What is certain, however, is that they were designed to be transient. They were intended to be susceptible to "erosion and decay over time" (West 1969:10). This is in keeping with their function: once victory was affirmed, and the vanquished had accepted the outcome, the decay of the trophy symbolized the importance of letting hostilities fade away, to be supplanted by a durable peace.

Conclusion

This paper does not argue that we can trace the roots of the just war tradition to classical Greece, or claim that the Greeks possessed a fully developed just war doctrine. Rather it demonstrates that ideas homologous to just war principles were evident in classical Greek political thought and practice. This challenges a standard narrative by which the history of the just war tradition is disclosed. Instead of positing the tradition as an outgrowth of 4th century CE Christian political theology, this account situates it in a deeper historical stream. This has profound implications for how we think about both the history and the identity of the just war tradition.

If just war ideas were in circulation in 4th century BCE Greece, why do standard histories of the just war only begin with Augustine in the 4th century CE? The explanation I favour is that this choice of starting point is a legacy of the canon historians who systematized just war ideas in the medieval period. These quietly influential monks formalized Augustine's scattered writings on just war as church doctrine. In doing so they rendered Augustine's particular approach synonymous with the idea of just war itself. Earlier, pre-Christian just war thought was thus written out of history. The matter is of course more complicated than this, and warrants further investigation. But the broader point can be stated quite simply. By encouraging scholars to account for classical Greek just war thought, this paper challenges us to think critically about the association we continue to draw between the origins of the just war tradition and early Christian political theology.

Some scholars will grumble that this is ancient history and has little to do with contemporary concerns. This would be a mistake. The characterization of the just war tradition an outgrowth of early Christian political thought exaggerates its distinctiveness from other religious and cultural traditions, such as Islamic jihad. This impedes the possibility of inter-communal dialogue on the norms of war. A greater openness to their common antecedents in the classical Greek thought would, however, remedy this by bringing their shared history to the fore. This would represent a step beyond the sterile "clash of civilizations" thesis (Huntington 1993) that haunts the discourse today.

In conclusion, this paper reveals an opportunity for scholars interested in the comparative ethics of war to cast their nets not only wider, in the direction of other religious or cultural traditions—as Kelsay and Johnson (1991), Nardin (1998), Sorabji and Rodin (2006), and Popovski, Reichberg, and Turner (2009) have done—but also deeper into the past than ever before. This will involve examining the diversity of just war ideas evident in the pre-Augustinian world. This article has taken a first step in this direction by surveying just war thinking in classical Greece. This effort will not have been in vain if it convinces these experts to refine the argument it advances. While more work clearly remains to be done on just war thinking in classical Greece, there is also an opportunity to examine its role in Hellenistic, Roman, and Byzantine thought and practice. By taking up this challenge, the present generation of just war scholars can begin to re-write its own history.

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