On the (Very) Ancient Origins of Just War and Its Lessons for Today

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Much has been written about the innumerable ways in which war is horrific and violent. In the words of the World War Two veteran Eugene B. Sledge, 'War is brutish, inglorious, and a terrible waste' (*With the Old Breed*). In light of this, perhaps the truly surprising thing about war is not that it is brutal or wasteful, but that any attempt has been made to regulate or restrain its inherently violent nature. How far back in time, and where in the world, do we need to look for the origins of these fraught ethical considerations? The answer might be surprising. As I show in*Origins of the Just War: Military Ethics and Culture in the Ancient Near East* (Princeton University Press, 2023), sophisticated ethical thought about war emerged more than 5,000 years ago, during the final centuries of the fourth millennium BCE. Perhaps more surprising still, ancient just war doctrines have cautionary tales to tell modern international relations and just war theory.

Many political communities, throughout time and space, have sought to distinguish morally and legally between 'good wars' and 'bad wars', or 'just' and 'unjust' wars. Nevertheless, wars throughout history have frequently betrayed the moral and legal principles that societies create for themselves. So-called *ius ad bellum* requirements – that is, the rights or justice to go to war in the first place – seem susceptible to subjective national interest rather than objective standards of justice. Meanwhile, *ius in bello* principles – the norms governing the proper conduct of war – seem even more fragile. Expectations of non-combatant immunity, protections for prisoners of war, the proportionality of violence: all have been disappointed in practice. The war in Ukraine is just the latest reminder that legal or ethical standards restricting the declaration and conduct of war are far from guaranteed.

The traditional Eurocentric and Christian-centric narrative of the development of the just war tradition does not tell the whole story. In fact, the earliest ethical thought about war emerged in the ancient Near East around 5,000 years ago. This began in Egypt and, over the following 3,000 years, also developed in the kingdoms of ancient Mesopotamia, Anatolia, and the Levant. In other words, the just war predates St Augustine of Hippo (d. 430) – its so-called 'father' – by more than three millennia. Just war thought also emerged in China from the sixth century BCE in Confucian, Mohist, Daoist, and Legalist works; and in India, around the same time, in the great Sanskrit epics of the *Rāmāyana* and *Mahābhārata.*

From at least 3100 BCE, Egyptian royal ideology promoted the divinely-mandated authority of the pharaoh to wage war. The defence of *Ma'at* (order, justice, righteousness) against the destructive power of *Isfet* (chaos, injustice, evil) was central to Egyptian thought about just war. Just causes such as self-defence and defence of allies, as well as both punitive and vindictive justice, occur frequently in Egyptian sources between 3000 and 1000 BCE. However, Egypt's contempt for the 'evil foreigner' endowed the state with an uncontested justification to wage war against external 'barbarism', so that all Egypt's wars (defensive and offensive) were just wars.

From c. 1650 BCE, the Hittites – an Anatolian civilisation occupying much of modern-day Turkey – developed a sophisticated range of considerations concerning whether or not a war was just. Hittites were sensitive to the notion that just wars had to have just causes such as self-defence, defence of allies, restitution of property, or vengeance for divine and mundane injuries (especially treaty violations). Crucially, the Hittites made a conceptual leap in just war thought by recognising that they themselves could commit errors and engage in unjust wars. This witnessed the first

serious engagement with international justice as something objective rather than wholly relative and partisan, geared towards the interest of the home nation.

In contrast, ancient Israelite concepts of just war mirrored the Egyptian approach and remained highly chauvinistic and absolutist. Israelite thought perceived all non-Yahweh, non-Israelite peoples as inferior, destructive, and unjust. Yet, as in Hatti, the Israelites recognised their own capacity for sin. As the story of Israel, Samaria and Judah unfolds in the Tanakh (Hebrew Bible), these sins became increasingly stark, finally leading to the destruction of the Israelite kingdoms and the humiliation of their peoples.

Perhaps the most important consequence of these complex but religiously and ideologically charged *ius ad bellum* traditions was that *ius in bello* norms were barely conceived. With just wars conceived on a cosmic level, it shouldn't come as a surprise that there was a complete lack of interest in affording the enemy any protections. As an absolutist struggle between good and evil, only the complete annihilation of the enemy would suffice.

Throughout the ancient Near East, there was no distinction between combatants and non-combatants, there were effectively no prohibitions on weapons or tactics, summary execution on or off the battlefield was possible, and mass enslavement was likely. Women and children enjoyed no immunities and were frequently targeted as desirable prisoners. Enemy corpses were routinely mutilated, as hands, ears, feet or phalli could be collected to monitor the number of enemy dead and reward soldiers accordingly. All enemy property – movable and immovable – was considered a legitimate target, and plunder was a valued component of war.

Only the flimsiest traces of *in bello* norms existed. These included a general but not universal agreement that war should be properly declared. Diplomatic envoys were often granted safe conducts during peacetime, although these could be disregarded during times of conflict. In sum, there was no substantive ancient *ius in bello* tradition.

And yet military restraint was indeed practised. It was not motivated by ethics, but by military and political pragmatism. Not every enemy could be annihilated, not every individual enslaved, and not every enemy ruler toppled. It was often more practical and profitable to stay one's hand. Fascinatingly, therefore, the conduct of ancient Near Eastern warfare was frequently less brutal than ancient just war doctrines permitted.

Why should someone engaged in the study of contemporary international relations care about any of this? First of all, because much later just war thought – including the Greco-Roman, Judeo-Christian, and Islamic traditions – seems to have its roots in these ancient Near Eastern doctrines, creating a complex intellectual lineage that stretches all the way up to modern just war theory and international law.

Secondly, because absolutist and chauvinistic aspects of just war thought are worryingly apparent in twenty-first-century theory and international politics. Ancient *ius ad bellum* doctrines were so confident and so inflexible in their claims to authority and justice that they simply nullified *in bello* considerations, and never even conceived of *post bellum* duties. We can see the same tendencies in modern conflict. Where states or militarised groups are convinced of their own moral superiority and justification, humanitarian restraints are more likely to be ignored. Hamas's recent attacks on Israeli civilians and Israel's 'Iron Swords' operation in Gaza are arguably just the most recent examples of this tendency.

The so-called 'war convention' protects the legal equality of combatants and non-combatants regardless of whether they're deemed to be fighting a just or unjust war. Over the last two decades, 'revisionist' just war theory has stressed individual culpability in war, mounting a theoretically sophisticated challenge to the war convention. Based on a belief that morality is fixed and discoverable, such scholars have underestimated the real-world dangers of their critique. In creating polarised identities of just/moral versus unjust/immoral combatants and non-combatants, revisionists have failed to consider seriously the ways in which moralised identities can affect how individuals are treated during times of violence, whether as combatants, non-combatants, or prisoners-of-war.

Insisting that war is an arena in which universal moral truths can be applied is worryingly reminiscent of ancient Near Eastern ethics of war. Absolutist interpretations of moral and legal inequality hampered the development of any

meaningful *in bello* norms, and threaten to hamper their application in modern conflicts. The closest modern parallels to ancient just war doctrine are thus to be found in extremist religious teachings, on the one hand, and revisionist just war literature, on the other. While obviously very different in tone and purpose, both approaches seek to ground warfare in objective moral truths. The result is that hard won *in bello* norms are being increasingly eroded.

Ancient just war traditions demonstrate how absolute judgements in the realms of morality or justice can intensify the brutality of war – certainly in its conceptualisation, and potentially in its prosecution. We would do well to avoid the same mistaken moral absolutism today.

About the author:

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