

Keeping Tradition Alive: Just War and Historical Imagination

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Abstract

The just war tradition is one of the key constituencies of international political theory, and its vocabulary plays a prominent role in how political and military leaders frame contemporary conflicts. Yet, it stands in danger of turning in on itself and becoming irrelevant. This article argues that scholars who wish to preserve the vitality of this tradition must think in a more open-textured fashion about its historiography. One way to achieve this is to problematize the boundaries of the tradition. This article pursues this objective by treating one figure that stands in a liminal relation to the just war tradition. Despite having a lot to say about the ethics of war, Xenophon is seldom acknowledged as a bona fide just war thinker. The analysis presented here suggests, however, that his writings have much to tell us, not only about how he and his contemporaries thought about the ethics of war, but about how just war thinking is understood (and delimited) today and how it might be revived as a pluralistic critical enterprise.

Keywords: just war, ancient Greece, Xenophon, historiography, changing character of war

"The past is a different country, they do things differently there."

L. P. Hartley

Introduction

What is at stake when one refers to just war *tradition* rather than just war *theory*? To insist on thinking about just war as a tradition entails rejecting the idea that it reduces to a single, coherent, axiomatic theory. Approaching just war in this way involves conceiving of it as a historically continuous collection of closely related but often competing voices that, when viewed in concert, form a sustained body of thought and practice.¹ As such, thinking about just war as a tradition means engaging it in

its totality, as a rolling story, rather than as an index of discrete individuated contributions (Johnson 2009, 252). Proponents of this approach argue that not only does it afford us a deeper and more historically contextualized understanding of the various moral categories and principles that just war thinking both relies upon and trades in (e.g., just cause, proper authority), it also furnishes us with a more variegated and potentially critical perspective upon how those same categories and principles are employed today.²

It is disappointing, then, to note that scholars who approach just war as a tradition tend to sell themselves short by focusing on the same selection of authoritative figures (e.g., Augustine, Aquinas, Vitoria, Grotius)

¹ Nardin (1992, 3) defines traditions as "resilient but not immutable practices that are constantly modified in use."

² The key proponents of this approach are Johnson (2006) and Kelsay (2013). Their approach shares certain similarities with aspects of Skinner's approach to the history of political thought (2002).

at the expense of a wider range of thinkers.³ Presumably scholars have trained their exegeses on these figures because they made seminal contributions to the development of the tradition. This is fine insofar as it goes. But the possibility must also be entertained that the failure to look beyond the usual suspects reflects a failure of historical imagination. On this account the focus on a restricted range of thinkers represents a slide into “traditionalism,” that is, a preference for deferring to and working within the established canon (Pelikan 1984, 64). The result is problematic: a discourse that is unduly narrow and which reproduces itself at the expense of fresh thinking (O'Driscoll 2013, 53–56). Scholars who pursue this approach jeopardize the vitality of the tradition—its protean character, its adaptability, its relevance—by turning it into a dusty indulgence for antiquarians.

The purpose of this article is to argue that this situation can be remedied and to propose a model for how this might be achieved. The idea is simple. It is to extend the historiography of the just war tradition to include a wider range of figures, with a special emphasis on those who are liminal to the tradition. The intention is not to press a case for including this or that figure among the list of the great and the good of the just war tradition. Rather, it is simply to expand the discourse as a means of encouraging more reflexive and open-textured thinking about the boundaries of the tradition and how they have come to be understood. If scholars are convinced of the utility of thinking about just war as a tradition, but also wish to avoid the flaccid conservatism that is a by-product of recycling the same old canonical texts, this represents a viable way forward. In essence, what we are talking about is a recovery of historical imagination.

This could take a number of forms. It could, for instance, involve an opening up of the discourse to engage non-Western approaches to thinking ethically about war. The comparative ethics of war is a fertile area for research. Work in this field exhibits a commitment to viewing just war thinking alongside and in dialogue with other cultural approaches to thinking about and regulating warfare (e.g., as found in Islamic political thought or Hinduism). This approach already has produced an impressive body of scholarship (Johnson and Kelsay 1991; Nardin 1996; Sorabji and Rodin 2006;

Popovski, Reichberg, and Turner 2009; Hensel 2010; Reichberg, Syse, and Hartwell 2014).

As developed here, however, the recovery of historical imagination assumes a related but subtly different form. It too is comparative, but it pursues a diachronic rather than synchronic approach. Instead of peering over the boundaries of the just war tradition to evaluate its counterparts in other cultures and parts of the world, the idea proposed here is to delve both further and more extensively into the past than has hitherto been the case to examine how just war has been understood in earlier historical societies.⁴

To showcase this approach, this article examines a set of texts from one remote historical society, namely classical Greece. Within this frame, its principal focus is upon the writings of Xenophon of Athens (431–356 BCE), a figure of some historical significance who is seldom considered in relation to the tradition of just war reasoning, but whose writings have the potential to illuminate some of its core aspects. The discussion will proceed by examining how Xenophon posits warfare in his collected works, and in particular how he examines it in terms of right and wrong. While the primary purpose is not to argue for Xenophon's inclusion in the tradition, it will be shown that he treats the ethics of war in terms that evoke the *jus ad bellum* and *jus in bello* categories and principles that form the conceptual vocabulary of contemporary just war thinking.⁵ Perhaps more importantly, this article will also show that the manner in which

⁴ This argument draws upon Schorske's idea of “thinking with history” (1998, 3), as well as the work Lowenthal (1985) and others. For a recent example of what this might look like, see Cox (2017).

⁵ There is a temptation here to cavil that this terminology has no place in any discussion of Xenophon's writings—that this would be anachronistic. This complaint has merit. There are, however, two responses to it. First, it overlooks the degree to which any extension of this terminology, coined only in the twentieth century (Kolb 1997), to classical just war thought is anachronistic. Second, while scholars must be mindful to treat historical categories of thought sensitively and with due appreciation for their contextual character, some element of translation may be necessary to render those ideas intelligible to a contemporary audience (Rorty, Schneewind, and Skinner 1984, 6–7). To this end, it can be useful to treat certain “low-level platitudes” as “bridgehead” concepts that make conversations possible across different societies and eras (Rorty, Schneewind, and Skinner 1984, 2; also Lloyd 2004, 8). This article uses just war categories in this way.

³ There is no need to name names here; most of us who write about the history of the just war tradition are culpable on this count. Honorable exceptions include Cox (2014); Bachofen (2015); Pugliatti (2010); Brunstetter (2010); Orend (2000); Syse (2010); and Reichberg, Syse, and Begby (2006).

Xenophon conceives of and deploys these terms casts a revealing light upon how they are understood and employed today.⁶

In this regard, four points of interest come to the fore that pertain, respectively, to the following: how war is understood, its *jus ad bellum* dimensions, its *jus in bello* practices, and the relation between them. In the first instance, it will be argued that the view of warfare advanced by Xenophon raises a host of questions pertaining to how the “war” in “just war” is understood today. For example, are contemporary articulations of the just war ideal premised upon an agonal conception of warfare that is out of date? And, how should victory in contemporary armed conflict be conceived? Second, it will be shown that the account of authority proffered by Xenophon offers a richer alternative to contemporary variants. While contemporary understandings of the authority to wage war relate almost exclusively to the initial decision to commence war, Xenophon presents an alternative view, wherein the authority to wage war is something that must be continually renewed throughout the entire course of a conflict. Third, while much of contemporary just war thought focuses on which category of person or group should be granted immunity in times of conflict, Xenophon’s historical writings remind us of another potentially very effective approach for limiting violence, namely, the practice of sanctuary. Fourth, it will be proposed that Xenophon’s writings reveal that the dual ends of just war thought, the pursuit of justice and the preservation of order, need not be viewed, following the contemporary orthodoxy, as antithetical to one another, but instead as flip sides of the same coin.

Setting these points aside for the moment, this essay will have been a success if it persuades scholars who are inclined to take the just war tradition seriously to consider the limiting effects of how it is typically delimited. To borrow Tosh’s (2008, 28–29) memorable phrase, the hope is that scholars will thus be moved to remember that the history of the tradition is not a dead weight to be borne, but an “intimation of possibilities.”

A Just War Thinker *Avant la Lettre*?

The son of a prosperous family, Xenophon’s childhood in Athens coincided with the outbreak of the Peloponnesian War. Like many of his peers, he was influenced not only by the Homeric epics but also by the teachings

of Socrates, with whom he was personally acquainted (Anderson 2001, 28). The latter’s execution in 399 BCE was a formative moment in Xenophon’s life, souring his relationship with Athenian democracy. He left the city in 401 BCE to join a mercenary force, the Ten Thousand, which Cyrus had commissioned (under spurious pretenses) to overthrow his own brother, the King of Persia, Artaxerxes. When the mission failed, Xenophon played a key role in leading the army’s survivors on a grueling march through dangerous lands back to Greece. He marked his return by taking up a commission in the Spartan army, for which he later took up arms against his native Athens at Coronea, 394 BCE. He retired twelve years later to Scillus, where he devoted himself to literary pursuits. These included the *Hellenica* (*Hell.*), which extended Thucydides’s history of the Peloponnesian War beyond the end of that conflict to 362 BCE; the *Anabasis* (*Anab.*), a chronicle of the Ten Thousand’s (mis)adventures; the *Cyropaedia* (*Cyr.*), an encomium to Cyrus the Great; and various other treatises and Socratic dialogues.⁷ Xenophon died in 356 BCE, but not before witnessing Sparta’s crushing defeat at Leuctra in 371 BCE and suffering the death of his son, Gryllus, at the Battle of Mantinea in 362 BCE.

Contemporary scholars have debated the merit of these writings. Some, such as Anderson (2001, 2), scorn them as the work of a second-rate mind. Others, such as Higgins (1977, 1–7) and Nadon (2001, 1–2), have begged to differ. Higgins and Nadon present Xenophon as a serious literary figure whose contribution to the tradition of Western political thought has not been sufficiently appreciated by modern scholars. This neglect stands in stark contrast to the admiration Xenophon’s works inspired in previous eras. Xenophon was “among the most widely read authors” in the Greco-Roman world, and figures such as Polybius, Arrian of Nicomedia, Tacitus, Dionysius of Halicarnassus, Quintilian, and Aulus Gellius saw fit to heap praise upon him (Nadon 2001, 4; Anderson 2001, 3). The clarity of his composition and the stoutly

⁶ To borrow the language of critical security studies, this aspect of the argument extends and deepens the claims developed by O’Driscoll (2015) in respect of classical Greek just war thought.

⁷ This article uses standard abbreviations to cite texts by Xenophon: *Hellenica* (1979); *Anabasis* (1972); *Cyropaedia* (2001); *Poroi* (1997d); *Hipparchicus* (1997c); and *Agésilas* (1997b); *Hiero* (1997a). All texts are cited in English translation, and references are to book and chapter numbers, not page numbers. Other texts cited in this manner include: Euripides’ *Heracles* (2002); Aeschylus’ *Persians* (2009); Cicero’s *Selected Letters* (1986); Thucydides’ *History of the Peloponnesian War* (2013); and Plato’s *Laws* (2005). In-text citation is also used for Hugo 2005 *The Rights of War and Peace* and Emmer de 2008 *The Law of Nations*.

conventional moral values his stories imparted ensured that texts such as the *Anabasis* would be a staple text for Roman schoolchildren. Xenophon's prominence endured to the Enlightenment period, when Montesquieu and Rousseau, among others, paid tribute to him (Nadon 2001, 2–3). Interestingly, there has also been a recent surge in interest in Xenophon's writings from political-science and international-relations scholars. Since 2015, three articles on Xenophon have appeared in one journal alone, namely the *American Political Science Review* (Bartlett 2015; Fallis 2015; Smith-Pangle 2017).

Xenophon's writings were also influential for a number of figures associated with the just war tradition. In first century BCE, Marcus Tullius Cicero acknowledged a profound intellectual debt to Xenophon. As a young man, Cicero learned Greek by translating Xenophon's *Oeconomicus*, and he later remarked in a series of letters (Ep. 27; Ep. 50) that he sought in his own life to emulate the wisdom and example of Xenophon's arguably finest literary character, Cyrus the Great (Wiedemann 1994, 21). In the seventeenth century, Hugo Grotius made extensive use of Xenophon's writings as supporting material for arguments he advanced in *The Rights of War and Peace*. He cited Xenophon across all three books of the aforementioned text, on a range of topics including the importance of avoiding war where possible (II.XXIV.II.4); the legality of warfare (I.II.I.3); what counts as a just cause for the use of force (II.IV.1); the virtue of restraint in battle (III.XI.XIII.1); and the need to keep faith with the enemy (III.VIII.II.2). The Swiss jurist, Emer de Vattel, did likewise in his 1758 classic, *The Law of Nations* (I.XI.§112; III.VI.§141; III.VIII.§147; III.VIII.§158; and III.X.§180). These authors aside, one might judge Xenophon's reception in the later just war literature as patchy at best. This is in keeping with how Roman sources dominated earlier Greek ones in the evolution of medieval just war reasoning.

Two potential difficulties arise at this point. First, how should we interpret what Xenophon had to say about the ethics of war? And second, how should we relate these views of his to the just war tradition? A few words on each of these issues will pave the way for the discussion that follows. The first question pertains to how we make sense of Xenophon's complex and multilayered texts. While Xenophon detailed the norms that governed Greek warfare, it is hard to know if he was simply recording them or also endorsing them. Furthermore, where Xenophon is concerned, the line between description and prescription is often in the eye of the beholder. The problem is exacerbated by the fact that Xenophon variously projected his authorial voice onto different protagonists, wrote of his own role in historical events in the

third person, published under a *nom de plume* (Hell.), and blurred the lines between fact and fiction (Cyr.). Furthermore, contradictions abound in his writings on war. These factors combine to make it difficult to arrive at an authoritative reading of Xenophon's views on the ethics of war. Rather, the best one can hope for is a catalog of the various principles and norms that Xenophon's writings suggest were in force in his day. While this will not reveal very much about what motivated Xenophon, nor help us distinguish his ironic claims from his sincere ones, it will afford us a certain amount of insight into the temper of the times and the boundaries of the moral universe that Xenophon inhabited.

This still leaves the question of the connection between Xenophon's ethics of war and the just war tradition. Most of what Xenophon had to say about the ethics of war was ancillary to his focus on political leadership, education, and virtue. Even if one argues that whatever Xenophon did have to say about the ethics of war evokes familiar just war principles such as just cause or proper authority, he would not have been familiar with that particular vocabulary or aware of the schematic form it would later develop. Thus, it is reasonable to assume that Xenophon did not perceive himself to be engaging with or contributing to the just war tradition. Insofar as one ought to be mindful of the injunction to treat historical thinkers in their own terms, and not to interpret their claims in light of categories of thought that were not available to them, this matters a great deal (Skinner 2002, 61). Yet, even though Xenophon did not conceive of his endeavors in this light, I hope to demonstrate that it is possible to identify a homologous relation between his views on the rights and wrongs of war and what we earlier called the moral categories and principles of just war thinking.⁸

Xenophon's War

While the temptation exists to plunge straight into what Xenophon and his contemporaries held to be "justified" with respect to war, one must not neglect to first examine how he posits "war" itself. Following a line of inquiry suggested by Clark (2015, 2, 6–7, 17–19), this section will expose the ethical commitments and assumptions that inform Xenophon's conception of war and, by extension, his understanding of just war. Beyond telling us something interesting, if not essential, about Xenophon's views on the ethics of war, this discussion will underline the importance of thinking critically (which in this case also means historically) about the different ways in which war

⁸ See footnote 5 for further justification of this approach.

has been understood over time and the political effects of this.⁹

There has been heated debate in recent years about what constitutes warfare, and even whether it still exists (Clark 2015, 2–4; Smith 2005, 3; Gow 2013, 2–3; Kahn 2013). The catalyst for this debate is the increased use by the United States and other advanced militaries of armed Unmanned Aerial Vehicles (UAVs), more commonly known as drones. The introduction of this technology has, it is argued, introduced a radically different form of combat from anything else that preceded it. This novelty stems from the fact that drones facilitate a radical asymmetry wherein members of the advanced army can now kill without risk of being killed. As Enemark (2014, 4) asks, “if drones cross a line between a mode of killing that entails reduced risk to the killer and a mode of killing that is risk-free, it is worth asking *whether war is going on at all* (italics added).” Needless to say, Xenophon never encountered this particular problem. The questions raised by the advent of drones are helpful, however, insofar as they bring into sharp relief certain aspects of Xenophon’s conception of warfare (that may otherwise slip by unnoticed).

War, as described by Xenophon, was *agonal* in character. That is to say, he depicted it as akin to a game or tournament, bounded by set rules and rituals.¹⁰ Pitched battles played a central role. Battles were typically initiated by a deliberate act of provocation, whereby one army would march through the territory of its foe, setting fire to habitations and razing crops (Ages. I.33; Hell. I.1.33–34; I.2.2; V.2.4). If the challenge was accepted, formal hostilities would commence. Following preliminary skirmishes involving squads of lightly armed soldiers, the opposing ranks of hoplite infantry would either march or run across the open field to join battle with their opponents (Hell. III.2.15–17; V.2.41–42). On the occasions that Xenophon described actual combat, he depicted it as a melee of shoving, stabbing, slashing, and grappling (Ages. II.9–17; Hell. IV.3.16–21). Battles were almost always brief, intense affairs, seldom lasting more than a day (Hell. V.4.45). A battle was won when an army broke its enemy’s lines, causing it to flee from the battlefield (Hell. I.2.9–11; II.4.5–7; Anab. VI.5)—though there were

occasions when battles concluded almost before they began, on account of one side fleeing before any blood was spilled (Anab. I.8; Hell. VII.1.31–32). Whichever side drove the other from the field of battle earned the right to mount a trophy, a ritual that was tantamount to a proclamation of victory, and which thereby confirmed the conclusion of the conflict and the dispute that occasioned it (e.g., Hell. IV.6.12).

The erection of the trophy signaled the opportunity for the heralds on the losing side to approach the victorious army to arrange for the retrieval of its slain soldiers (Hell. III.5.22–24). This was of paramount importance. The proper burial of the dead was a “sacred duty” in Xenophon’s Greece (Garlan 1975, 61; Vaughn 1993; O’Driscoll 2015, 7). Any failure to discharge this obligation occasioned bitter recriminations. Xenophon’s account of the trial and conviction of the Athenian generals charged with responsibility for the failure to recover their dead at the Battle of Arginusae (406 BCE) attests to this (Hell. I.7). By the same token, Greek armies were generally willing to facilitate a defeated enemy’s efforts to bury its own dead. It was customary for the victors to greet the heralds from the vanquished side politely and to comply with their request for access to the battlefield to gather their dead. Thucydides (IV.97) recorded only one occasion upon which the victor denied the defeated side leave to do so, and this was because the latter had violated a sanctuary during the conflict. Xenophon cataloged no such cases. He did, however, furnish evidence that defeated armies refrained from violating their conqueror’s trophies (Hell. IV.5.10), and we know from Plutarch that it was proscribed for the victors to repair their trophies when they inevitably decayed (Pritchett 1974, 253). The hope behind this was that once a trophy had decomposed the memory of the hostilities that occasioned it would be extinguished (Pritchett 1974).¹¹

The sole occasion on which Greek armies were permitted to construct permanent trophies was when the victory they had won was over a barbarian adversary (West 1969). This exception belied the fact that Xenophon (and the Greeks more generally) perceived wars waged between Greek states to be qualitatively different from wars waged by Greek states against barbarian nations. In Xenophon’s words, if “the proper course of action” for a Greek city waging war against other Greek cities “was to discipline them rather than enslave them” (Ages. VII.6), the opposite applied when the adversary was a

⁹ On the connection between thinking critically and thinking historically, see Devetak (2014).

¹⁰ Several primary sources support the *agonal* thesis, but it likely reflects an idealized account of Greek warfare, rather than its actuality. Nevertheless, what is of interest here is that it structures Xenophon’s account of warfare. For an excellent primer on Greek warfare, see van Wees (2004). Part IV treats *agonal* warfare in depth.

¹¹ The trophy of this period differs in meaning from modern war memorials. If the modern approach is characterized by the injunction “never forget,” the trophy was designed to ease forgetting (Borg 1991; Winter 1995).

barbarian—restraints could be loosened, and war waged in a no-holds-barred manner. The implications of this are evident in Xenophon's account of how an ambassadorial delegation lauded the Ten Thousand for their conquest of barbarian territories, while at the same time admonishing them for attacking Greek lands (*Anab.* V.5). Beyond this, Xenophon recorded several incidents wherein Greek armies treated other Greek armies with a level of respect that they would not have offered barbarian foes (e.g., *Hell.* I.6.14; III.2.22).¹² While this way of framing may sound retrograde, it draws our attention to two issues: first, the challenge that arises when attempting to limit wars waged between and across different cultural or civilizational groupings, and second, the degree to which different ethical approaches to war are predicated upon how war itself is defined. Neither of these issues receive sufficient attention today.¹³

Setting the category of wars against barbarians to one side, the protocols surrounding the trophy underline the agonal character of warfare in Xenophon's texts. The practice of warfare appears as a formal affair focused on the crucible of pitched battle and bounded by an institutionalized means of distinguishing the winner and the loser in any given conflict. The advent of drone warfare (alongside other new military technologies and practices) suggests that the salience of this model for understanding contemporary armed conflict is severely limited—a point that military historians have been making for at least a quarter of a century (Weigley 1991). And yet, as the responses to the emergence of drone warfare attest (see above), agonal understandings of warfare still pervade contemporary just war thinking.

Jus ad Bellum

How did Xenophon address the question of justice to the practice of warfare? To begin with, it is important to note that the Greeks did not conceive of justice in the same manner as we do today. For them, it was not an abstract noun, but rather something that people did. Where we are inclined to ask what justice means, the Greeks were more likely to ask what it means to act justly (Oakeshott 2006, 82).¹⁴ The answer they arrived

at was that acting justly involved paying one's dues, which parlayed into doing good for one's friends and harm to one's enemies. As Xenophon put it, "a man's excellence consists in outdoing his friends in kindness and his enemies in mischief" (*Mem.* II.6.35).¹⁵ What did this mean with respect to warfare? Xenophon stated a preference for peace over war and advocated "a policy of not initiating unjust wars against others" (*Por.* V.13).¹⁶ This was not a blanket ban on the recourse to force: it permitted states to wage what would be called "just wars" if certain conditions were met.

The first of these conditions is that the state in question must possess a just cause. Xenophon cited the receipt of an unprovoked attack as an example of what constitutes a just cause (*Por.* V.13). Beyond this, his historical writings suggest that Greek states habitually sought to justify their wars as a response to the infliction of an unjust injury on either their own societies or their allies (e.g., *Hell.* III.5.6–15; VI.5.36–41). His account of the Spartans' attempts to persuade the Athenians of the legitimacy of their war against Thebes is a case in point. "The Thebans have come into our country, have cut down our trees, burned our houses, and stolen our property and our cattle," the Spartans complained. "Surely, then, you must be violating your oaths if you fail to come to our assistance, when we are so clearly the victim of aggression" (*Hell.* VI.5.37). This was not the case for war *sui generis* either. Xenophon attributed a similar argument to Cyrus in the *Cyropaedia*, a hagiography to the King of Kings: "Let us go forth with confidence . . . for now enemies are coming, beginning the unjust deeds, and our friends summon us to be auxiliaries. What is more just than defending ourselves or more noble than aiding friends?" (*Cyr.* I.5.13). Xenophon also recorded states seeking to justify wars based on the need to forestall emergent threats (*Hell.* IV.2.10–13; V.2.18; VI.38–41), to vindicate a violated oath (*Anab.* III.2; *Hell.* VI.5.12), and even to enforce what we today might call a right to hospitality (*Anab.* V.5). While this appears an unusually wide range of prospective just causes for war, each and every one of them recur at some point or other in later just war thought, suggesting a certain degree of continuity with the main line of the tradition.¹⁷

Just cause by itself was not, however, sufficient to legitimate the recourse to war. Xenophon's historical

¹² This way of framing evokes Plato's distinction between "civil strife" and "war" (*Rep.* §469–71 (Plato 1974)). Civil strife pitted Greek societies against one another and was properly conducted "in a spirit of correction, not of enmity." War, however, fought by Greeks against barbarians, was a no-holds-barred affair.

¹³ One notable exception to this is Linklater (2017).

¹⁴ For a more detailed account of the Greek understanding of justice, see Havelock (1978).

¹⁵ This is the conventional view of justice set out by Plato in Book I of *The Republic* (§1 and 2). For analysis, see Dover (1974, 180–81).

¹⁶ "Wise men do not go to war for trifling things," he wrote in the *Hellenica* (VI.3.4–6).

¹⁷ On the historical evolution of just cause in just war thinking, see Johnson (1999, 28–30).

writings suggest that the state in question also had to possess the requisite authority to initiate hostilities. He described an elaborate complex of rituals governing the authorization of war between Greek states. Prior to the commencement of war, community leaders working in tandem with religious officials were expected to obtain divine approval for the use of force. This entailed consulting oracles, conducting divinatory sacrifices, and observing omens. Xenophon's writings are littered with references to these practices (e.g., *Cyr.* II.1.1; *Hell.* IV.7.7; *Anab.* III.1). Once the officials were satisfied that the auspices were positive, they, and they alone, were entitled to levy war on behalf of the state (see *Hell.* II.2.18; V.4.20–24). The final step was to depute the formal proclamation of war to a herald, a quasi-religious personage and state functionary whose involvement signified both the war's official and divine character (*Cyr.* V.4.24–27; *Anab.* II.1; II.3; *Hell.* II.4.22).

While there is an inclination to ask whether the gods were the ultimate locus of authority or merely consulted on an advisory basis by state officials, this question misses the degree to which the profane and the secular were fused in classical Greece. If, as [Sourvinou-Inwood \(1990\)](#) has remarked, the authority of the *polis* both articulated and was articulated by religion, the polis “anchored, legitimated, and mediated all religious activity.” This makes for a marked contrast to what [Ullmann \(1965, 12–13\)](#) characterized as the later Western tendency to identify the origin of political authority with either a divine or natural source, never an admixture of both. Ullmann's argument regarding ascending and descending theories of government and law has latterly become the subject of dispute. Contemporary historians of medieval political thought dismiss it as overdrawn and out of date.¹⁸ Regardless of its intuitive appeal, then, scholars should guard against assuming that this way of viewing the source of political authority can be extended to classical Greek thought. Xenophon's writings on the authorization of warfare attest that the reality was more complex than this would allow.

Interestingly, the requirement of proper authority was not confined to the initiation of warfare. Once obtained, it had to be continually renewed. To this end, belligerent armies conducted sacrifices not just prior to war, but through its duration. Xenophon reported that armies carried out these rituals every day at dawn (*Anab.* IV.6), prior to all battles (*Hell.* III.2.17), attendant to river and border crossings (*Hell.* 4.3–4), or simply whenever divine guidance was desired (*Hell.* III.2.24–26). The Greeks

placed great faith in these rituals, and plans could be postponed (*Anab.* VI.4), altered (*Hell.* III.4.15), or canceled (*Hell.* IV.7.7; *Anab.* V.5), depending on their result. Xenophon also cited several occasions when commanders imperiled the lives of their men by repeating sacrifices under enemy fire until they obtained a felicitous result (*Hell.* III.1.17–18; *Anab.* VI.4).

This way of approaching matters stands in contrast to the contemporary legal norms that govern the use of force in international society, which focus almost exclusively on the initial recourse to war. On this model, belligerents are obliged to procure authorization for the initiation of hostilities but not for their continuation. Accordingly, there is no expectation that belligerents should regularly or as a matter of course renew their authority to wage war.¹⁹ The limitations of this approach are visible in respect of the legal justification offered for the 2003 invasion of Iraq by the United States and its allies. While the debate surrounding the legitimacy of the intervention focused on the (non)existence of weapons of mass destruction and Saddam Hussein's record of mass human rights abuses, the legal basis for the war claimed by the US and UK governments rested on United Nations Security Council Resolution 678, passed twelve years earlier in the context of the 1991 Gulf War ([Taft and Buchwald 2003](#)). Resolution 678 authorized states to use “all necessary means” to eject Iraq from Kuwait. Subsequently, Resolution 687, which brought an end to the Gulf War, prescribed that any failure on Iraq's part to comply with its terms would trigger the resumption of conflict on the grounds previously specified in Resolution 678. Twelve years later, in 2003, Resolution 1441 cited this mechanism as the legal basis for invading Iraq. The general point here, however, is merely to demonstrate how the practices described by Xenophon bring into stark relief the thin and heavily front-loaded character of the contemporary approach to proper authority.

Moving on, evidence for something approximating right intention is patchier in Xenophon's writings, but still discernible. He praised the Spartan king, Agesilaus, for his commitment to waging war with the purpose of justice in mind, as he did against Olynthus: “The object of this expedition is not to do harm but to do good to those

¹⁸ Many thanks to Rory Cox for bringing this point to my attention.

¹⁹ The shift toward targeted killing as a means of waging war has the potential to alter this norm. According to [Crawford \(2013\)](#), the requirement that every drone strike must be approved on its own terms creates the conditions for treating the authority to wage war, not as something that is granted once, but as something that must be continually renewed. Thanks to Rory Cox for drawing my attention to this.

who have been harmed" (*Hell.* V.3.14). War, on this view, may be justified if it is intended to counter acts of harm.²⁰ There is also evidence that Xenophon acknowledged an interior dimension with respect to right intention. His account of the Argives's attempt to invoke a holy truce to forestall an impending Spartan attack offers the clearest example of this (*Hell.* IV.7.2). Xenophon reported that Agesilaus sought guidance from the oracle at Olympia on the validity of the Argive claim. "[Agesilaus] pointed out that [the Argives] had begun to talk about the holy months not at the correct times but only when the Spartans were on the point of invading their country." The oracle's response was blunt: "[t]he god signified to [Agesilaus] that it was in accordance with his religious duties not to accept a truce which had been offered in a dishonest manner."

Xenophon also anticipated what would later be labeled the principles of "last resort" and "reasonable chance of success." We should "be as slow as we can to start a war and as quick as we can to end it," he wrote in the *Hellenica* (VI.3.4–6). Elsewhere, he was emphatic that a community should never initiate war unless it had a strong "chance of winning" (*Anab.* VII.1). He does not elaborate these ideas, but it is interesting that he references them at all, for they would not be codified, as it were, until much later.

Jus in Bello

If a state should be slow to start a war, what, if any, restrictions did Xenophon attach to its conduct? Xenophon acknowledged a number of restraints bearing on Greek warfare. Again, they may be most usefully explicated by reference to contemporary *jus in bello* precepts.

The most notable restraints detailed by Xenophon approximate to what contemporary theorists call the principle of discrimination.²¹ Xenophon's writings indicate that discrimination functioned to protect officials and dignitaries from the ravages of war. Certain categories of persons, most notably heralds and envoys, were granted immunity from hostilities (*Anab.* V.7). This commonly took the form of a guarantee of "safe conduct," and its protection extended to all members of the subject's traveling party and could also include provision for hospitality (*Anab.* II.3). Beyond diplomatic personages, there are also a series of passages in both the *Cyropaedia* and the *Agesilaus* that suggest that immunity might in certain

circumstances be extended to all persons not directly involved in the activity of fighting. Xenophon recorded that the titular heroes of both texts commanded their men to withhold from undertaking any attacks on the civilian populations of the lands they were traversing. Thus, Cyrus variously bade his men to "kill all those in arms" but spare everyone else (*Cyr.* V.3.1) and to ensure that "there be peace for those working, but war for those in arms" (*Cyr.* V.4.27; II.4.32; VII.5.31; *Hell.* VI.5.12; *Anab.* III.2). It is, however, very much the case that the focus of discrimination was on protecting diplomatic officials and not the more general category of noncombatants.

Discrimination did not only apply to persons, however. Xenophon noted that it could also be extended to times and places. With respect to the former, and similar to the medieval "Truce of God" movement, Xenophon details that the Greeks proscribed military operations during periods of truce and religious festivals (*Hell.* IV.4.2). This meant that all communities were obliged to refrain from warfare during negotiated truces and for the duration of the great PanHellenic games and that individual communities were expected to refrain from all martial activities during their own festive periods.²² As noted above, communities occasionally accused one another of cynically appealing to periods of truce to shirk involvement in certain wars, but far from undermining the norm, this only underlines its strength.

Xenophon also designated particular sites of cultural and religious significance, such as the Temple of Artemis (*Hell.* VI.5.9), as sanctuaries, which means they too were spared the ravages of warfare. The Greeks designated these spaces inviolable, and it was forbidden to profane them by conducting hostilities against anyone or anything within its boundaries (Sinn 2008, 158; Pedley 2006, 29). As Xenophon put it, to violate a sanctuary is to show "contempt for religion and a total disregard for the conventions of civilized life" (*Hell.* IV.4.2–4). Accordingly, to trespass upon a sanctuary was not just to transgress the laws of man, it was to offend the gods in whose name that site had been rendered inviolable. The cloak of protection provided by sanctuary extended to all who sought refuge within its boundaries, even enemy soldiers. Proof of this is Xenophon's account of Agesilaus's response to the news that eighty of his enemies who had recently fled from him

²⁰ If one squints one might discern in this statement a foreshadowing of the later idea that war is just in an *ad bellum* sense only if it causes more good than harm.

²¹ On discrimination, see Kinsella (2011).

²² The custom of refraining from hostilities during times of celebration was the explanation for the Spartans' failure to make a timely appearance at the battle of Marathon 480 BCE. The Spartans declined to march on the Persians until the next full moon signaled the conclusion of the holy festival of *Carneia* (Holland 2005, 188).

on the battlefield were now hiding out in a temple. “In spite of the many wounds he had received,” Xenophon wrote (*Hell.* IV.3.20), “he still remembered what was due to heaven. He told [his troops] to let the men go wherever they wished and would not allow them to do anything wrong.” Elsewhere, Xenophon praised Agesilaus as “a scrupulous observer of sacred places . . . (who) never did violence to anyone, even to an enemy, who had taken refuge in the sanctuary of a god” (*Ages.* X.1).

Judging on the available evidence, the mechanism of sanctuary appears to have been an effective means of limiting the destructiveness of warfare. Yet, while the concept of sanctuary has never entirely disappeared from view, it features only peripherally in contemporary just war discourse. This holds true despite the fact that crimes such as the recent ransacking of Palmyra by the so-called Islamic State have precipitated calls for a renewed focus on the protections afforded to religious and cultural sites (Peterson 2016; more broadly, Hassner 2009). One might reasonably ask, why is this? How has this neglect of the idea of sanctuary come to pass?²³ And, would it be possible to (re)connect the practice of offering sanctuary to the more prominent norm of discrimination and promote its revival as a primary form of restraint in war? One’s immediate response might be to suggest that the practice of sanctuary has little utility in the context of today’s amorphous battlespaces. How, one might ask, might the demarcation of a particular patch of territory as inviolable serve a meaningful purpose in a world in which war has arguably been deterritorialized? Yet, the protection that the sanctuary city movement has been able to offer asylum seekers in countries such as the United States, Canada, and the United Kingdom indicates that the practice of sanctuary can also be recast in nonspatial terms (Bagelman 2015). Such initiatives could serve as a source of inspiration for thinking about how the practice of sanctuary might be revived with respect to warfare.

Aside from discrimination, what other principles of conduct did Xenophon attach to the waging of war? If one was enjoined to do good for one’s friends and leave those who played no part in war well enough alone, sworn enemies were to be treated with severity. Accordingly, Xenophon wrote acceptingly of harsh measures meted out to foes. For instance, in contrast to other Greek sources (Plato *Laws* 706c; Aeschylus *Pers.*), Xenophon passed no judgment on the use of the bow and arrow against enemy troops, nor did he censure the use of guerrilla tactics (e.g., *Hell.* III.2.4; IV.5.13–18)—a

tactic his contemporaries disparaged as beyond the pale (e.g., Euripides *Her.* 145–80). He also declined to condemn the use of sneak attacks (*Hell.* IV.4.15), blockades (*Hell.* III.2.1; V.3.23), water-tampering (*Hell.* III.1.7), and strategies designed to “strike terror” into enemy societies (*Anab.* VII.4). Instead, he viewed such acts simply as part and parcel of the requirement to do one’s worst against sworn enemies.²⁴

This injunction also extended to the practice of trickery, a thorny topic for men brought up to revere prowess in battle above all else (O’Driscoll 2015, 5). Xenophon acknowledged the opprobrium that guile can attract when he quoted a heated argument between the young Cyrus and his father, Cambyses, on the topic of practicing trickery in war. As related by Xenophon, the exchange began when Cyrus rebuked his father for counseling him to learn the art of subterfuge: “Father, what sort of man you say I must become!” (*Cyr.* I.6.27–34). Cambyses’s patient response to the future king is revealing. It is true, he tells his son (I.6.27–34), that while friends should refrain from practicing trickery against one another, no such courtesies apply when one is waging war against enemies. Instead, it is incumbent on the military man to become a “poet of stratagems against the enemy.” Xenophon clarified this counsel in the *Agesilaus* (I.17) where he noted that, while deceiving one’s friends is the act of a scoundrel, tricking one’s enemies is not only the act of a good soldier, it is also “just and fair” (also, *Hell.* III.1.8; IV.4.10; *Hip.* V.8–11). This conflicts with later just war thought, which draws a pronounced distinction between trickery and perfidy, with the former permitted and the latter prohibited (Whetham 2009).

The allowance of trickery against wartime enemies but not against peacetime rivals is also at odds with the “reductivist” strand of contemporary revisionist just war thought, which holds that the same principles of conduct that pertain in peacetime should also apply in wartime.²⁵ Where reductivists contend that a soldier’s license to use

²³ The ignominious failure of “safe havens” in the Bosnian War and elsewhere has surely played some role in this, but is presumably not the full explanation.

²⁴ The easiest way to understand this is by reference to the line made famous by the character Omar in the HBO television series, *The Wire*: “It’s all in the game.”

²⁵ Reductivists “reduce the morality of war to the morality of life outside of war; reductivists think that people lose the protection of their right to life on just the same grounds in war as they do outside of war, and they think that the lesser evil justifications that apply in war are no different from those that apply outside it. This amounts to a clear stance on how to think about the morality of war: start by working out the principles that govern liability and lesser evil justifications in life outside of war, then apply those principles to war” (Lazar 2017).

force remains the same regardless of whether they are confronting an enemy soldier in battle or an armed bank robber, Xenophon's approach is different. It supposes that the act of declaring war and formally designating one's rival as an enemy generates a new set of relations with that person or group. This insight was refined by Cicero who argued that the rules that govern any given conflict are determined not only by the kind of war being fought—a war for survival, or a war for empire—but also by whether the adversary was a formal enemy or an outlaw (*De Off.* I.38; III.107 (Cicero, 1991)). While the approach favored by Xenophon (and later Cicero) is subject to precisely the traits that reductivists repudiate, it also draws our attention to the rich moral vocabulary pertaining to enmity that their position necessarily, but perhaps regrettably, occludes.

Just War as an Ordering Activity

At this point, the discussion takes a turn. This turn pertains to the relation between justice and order Xenophon intimates in his writings on war and, more specifically, the counterpoint it offers to contemporary just war theorizing. In order to appreciate the former, it will be helpful to first say a few words about the latter.

Rengger's (2013) excellent monograph, *Just War and International Order: The Uncivil Condition in World Politics*, provides our point of departure. Rengger's purpose in this book is to chart (and denounce) what he takes to be the "foolish and harmful" trajectory that has been evident within just war theorizing since the late eighteenth century and which subsequently (since the twentieth century) acquired a vicelike grip upon it (Rengger 2013, ix). This trajectory, which Rengger describes in terms borrowed from Oakeshott (2006), consists of a mounting tendency to connect the idea and practice of just war to what is essentially a liberal internationalist account of justice.²⁶ The effect of this is to yoke just war thinking to an interventionist ethic, which assumes the use of force to be a vector for good in the world, a means of spreading human rights and democracy to otherwise troubled regions. Though fascinating, Rengger's account of how this development came to pass need not detain us here; of more interest are the consequences he sees it producing. He argues that where the just war tradition historically reflected a concern for *both* the advancement of justice *and* the limitation of war, contemporary just war thinking tends to view these as competing goals, with the

former given priority over the latter. As he puts it, when it comes to modern just war thinking, "a conception of the ethics of force as predominantly about the pursuit of justice, or perhaps better, the elimination of injustice, *rather* than about the restraint of force" has risen to the fore (Rengger 2013, 9).

The key point here is that Rengger detects in recent just war theorizing the emergence of a tension between what were traditionally tandem themes of just war thinking. As he explains it, proponents of the just war approach have, over the past two centuries, come to view the tradition "as essentially about the punishment of wrongdoing *rather than* (as opposed to alongside) the limitation of destructiveness" (Rengger 2013, 9). What is most striking here is not so much Rengger's claim that the pursuit of justice has priority over the limitation of war in contemporary just war scholarship, as his subtle observation that they are treated as competing ends, such that it is possible to quest after one or the other at any given time, but not both. Just war thinking, on this account, is an either/or business: one must privilege *either* the pursuit of justice *or* the limitation of war, because one cannot achieve both at the same time.²⁷ When all is brought together, then, Rengger's argument is that the pursuit of justice and the limitation of war appear as competing ends in modern just war theorizing, that the former is increasingly cast in the terms set by liberal internationalism, and that, thus construed, it is granted priority by just war theorists over the limitation of war. Although this argument might, at first glance, appear to be purely esoteric in character, this is very much not the case. As Rengger explains, the factors just listed combine to create a more permissive attitude toward force, leading to more rather than less war in the world.²⁸

²⁷ Interestingly, this problem might be seen as loosely mapping onto what English School theorists have identified as one of the principal fissures in international society, namely the tension between the imperatives of justice and order (Bull 2002, 74–94, 180–83).

²⁸ To quote Rengger's (2013, 158) epilogue, "[t]he main argument of this book has been that the intertwining of the teleocratic conception of the modern state and the post-[sixteenth] century just war tradition has produced, in the modern reworking of the just war, a conception of 'legitimate force' that, at least in principle, is much more permissive than is usually supposed. It is permissive to the extent that, rather than acting as a restraint on the use of force by states, or indeed by other agents, it can act as a facilitator, or even driver, *for* such use."

²⁶ This account of Rengger's argument follows G. John Ikenberry's description of it in his capsule review for *Foreign Affairs* 93:1 (2014).

It is against this backdrop that the most interesting aspect of Xenophon's thinking on just war emerges. This is that aspect of Xenophon's thought, which, rather than pitting the pursuit of justice against the limitation of war as rival ends, posits them as interlocking goods, such that it would be nigh impossible to achieve one without the other. This is because the pursuit of justice is, for Xenophon, essentially an ordering activity: it involves allocating goods and harms where they are due. This being the case, it follows that the achievement of a good order, wherein each actor's entitlements and liabilities are accounted for, is intrinsic to (as well as the culmination of) the process of enacting justice (Higgins 1977, 28–30). Accordingly, humans should regulate their conduct so that each seeks only his or her just desserts, no more nor less, and afford others the same license. This creates an imperative to act always in a regulated manner and to refrain from all forms of hubristic or excessive behavior—even (or perhaps especially) when one is acting in the pursuit of justice (for a related argument, see May 2012, 8–9). Like counterweights, then, the pursuit of justice and the limitation of war can be perceived as working not against but in tandem with one another (Cyr. III.1.15–31; III.2.12–14; IV.5.7–13). Viewed in this light, the limitation of war is not in tension with the pursuit of justice, but endogenous to it.

This way of approaching matters is, of course, predicated upon a very different understanding of justice than the one that prevails today.²⁹ As such, and because one can no more turn the clock back in time than jump in the same river twice, it is not the case that one could resolve the problems Rengger identifies by simply plugging this way of thinking into contemporary just war theorizing. Nonetheless, it is of great value insofar as it affords us a new(-old) perspective on the limits of contemporary just war theorizing and awakens us to the fact that it is possible to think about just war in terms that challenge rather than affirm its contemporary framing.³⁰

Conclusion

Lest there be any misunderstanding, the purpose of this article was not to press a claim for Xenophon's induction into the just war hall of fame. Rather, its purpose was to demonstrate that a relatively mature set of reflections on the relationship between justice and war can be extracted from Xenophon's writings and that the structure of these reflections is not only homologous to but also cast new light upon the categories of later just war thought.

Taking these claims in turn, the fact that one can trace a degree of continuity between Xenophon's ethics of war and later just war reasoning is quite interesting in its own right. The identification of an element continuity between Xenophon's ethics of war and just war reasoning undermines the all too common assumption that the roots of the latter lie in early Christian political theology, and in particular, in the writings of Augustine. Conversely, the arguments put forward here establish that, not only did classical Greek sources address ethical questions pertaining to war, their attempts to engage these questions reflect a coherent (if not exactly systematic) approach.³¹ If this article successfully conveys that just war reasoning is much older than we might have hitherto believed, it also informs us that classical Greek political thought and practice is more rich and diverse than scholars might otherwise have imagined. In particular, Xenophon's writings on war affirm that classical Greek political thought and practice has much more to it than the kind of cynical realism that contemporary scholars are wont to associate with Thucydides.³²

Turning to the second claim, because medieval and early modern just war thinkers favored Roman over Greek sources, Xenophon's writings stand slightly aloof from the mainline of the just war tradition, thereby furnishing the prospect of a critical perspective upon it. Yet, this paper has shown how Xenophon's writings both illuminate the contingencies of range of core categories of just war thought and suggest different ways of approaching them. The focus in this respect was on four particular issues: the conception of "war" that "just war" is predicated upon; the *jus ad bellum* principle of proper

²⁹ This has already been alluded to above; see footnote 14.

³⁰ The hope behind revisiting prevailing conceptions of just war is best summed up by C. S. Lewis: "Most of all, perhaps, we need intimate knowledge of the past. Not that the past has any magic about it, but because we cannot study the future, and yet need something to set against the present, to remind us that basic assumptions have been quite different in different periods and that much which seems certain to the uneducated is merely temporary fashion. A man who has lived in many places is not likely to be deceived by the errors of his native village" (quoted in Kelsay 2010, 231).

³¹ The importance given to Xenophon in this article goes beyond any other study of just war thinking in classical Greek political thought and practice, including the following: O'Driscoll (2015); Raymond (2010); Sorabji (2006, 14); Syse (2006, 2010); Bellamy (2006, 29), and Dawson (1996).

³² Of course, Thucydides' own thought does not reduce to the kind of cynical realism that contemporary scholars (many of whom are in international relations) are inclined to associate with it (Bagby 1994).

authority; the *jus in bello* norm of sanctuary; and, last but not least, the general character or modality of just war reasoning itself. On this last point, Xenophon's conception of just war as an ordering activity offers an intriguing and potentially very useful counterpoint to the very particular and arguably pernicious form that contemporary just war reasoning has assumed. As such, it is an avenue that merits further investigation.

Finally, and more generally, this article has made the case that scholars who subscribe to the view that the best way to think about just war is to think about it as a tradition should exercise their historical imagination by casting their nets wider and extending their historiography beyond the standard narratives that bound the field. It has showcased the utility of this approach by highlighting how the inclusion of a marginal figure such as Xenophon can shed new light, or at least offer a revealing perspective, on questions pertaining to how we think about justice with respect to war, the conception of war supposed by the idea of just war, and what it means to think about just war as a tradition. The hope is that this approach provides a way for scholars interested in thinking about just war as a tradition to pursue this task without falling prey to the pitfalls of traditionalism.

Acknowledgements

The author wishes to thank Chris Brown, Daniel Brunstetter, Ian Clark, Rory Cox, Amy Eckert, Toni Erskine, Harry Gould, Andy Hom, James Turner Johnson, Valerie Morkevicius, Ty Solomon, and Gavin Stewart. The Economic and Social Research Council funded the project from which this essay derives (ES/L013363/1 – Moral Victories: Ethics, Exit Strategies, & the Ending of Wars).

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