

Title

‘Expanding the History of the Just War: The Ethics of War in Ancient Egypt.’

Abstract

This article expands our understanding of the historical development of just war thought by offering the first detailed analysis of the ethics of war in ancient Egypt. It revises the standard history of the just war tradition by demonstrating that just war thought developed beyond the boundaries of Europe and existed many centuries earlier than the advent of Christianity or even the emergence of Greco-Roman thought on the relationship between war and justice. It also suggests that the creation of a prepotent *ius ad bellum* doctrine in ancient Egypt, based on universal and absolutist claims to justice, hindered the development of *ius in bello* norms in Egyptian warfare. It is posited that this development prefigures similar developments in certain later Western and Near Eastern doctrines of just war and holy war.

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James Turner Johnson (1981; 1984; 1999; 2011) has long stressed the importance of a historical understanding of the just war tradition. An increasing body of work draws our attention to the pre-Christian origins of just war thought.¹ Nonetheless, scholars and politicians continue to overdraw the association between Christian political theology and the advent of just war thought (O’Driscoll 2015, 1). This reinforces the common misconception that just war is an exclusively Christian doctrine, and, in consequence, “curtails its appeal in parts of the world that historically have no affinity with Christianity” (O’Driscoll 2015, 2). Demonstrating that just war doctrine predates Christianity may, therefore, broaden its appeal.

The current article strengthens and expands the scope of the historical just war argument. It does so by demonstrating that complex considerations of the relationship between war and justice existed more than two thousand years prior to the advent of Christianity. In providing the first major exposition of the ancient Egyptian ethics of war, it demonstrates that just war thought developed beyond the traditional boundaries of Europe. Moreover, there are compelling (albeit speculative) reasons to posit that elements of Egyptian thought about war might have influenced the later Western tradition.²

Though chronologically and culturally distant from modern warfare, rethinking modern assumptions in the light of ancient doctrines can be illuminating. On the one hand, the article highlights how absolutist and/or universalizing concepts of justice can generate potent *ius ad bellum* doctrines. On the other hand, it cautions that prepotent *ius ad bellum* doctrines can make the resort to war more likely and, by hindering the development or application of *ius in bello* norms, more destructive. It goes on to suggest that assumptions of universal justice continue to have a negative impact upon modern conflicts.

This article concentrates on Egyptian ideology and warfare during the three major periods of centralized monarchy: the Old Kingdom (2686-2181 BCE), Middle

¹ For Greek and Roman just war thought: Ober (1994); Bellamy (2006, 15-20); Reichberg, Syse, Begby (2006, 3-59); Syse (2006; 2010); Lanni (2008); Neff (2008, 13-38); Raymond (2010); Cox (2015, 2-4); O’Driscoll (2015). Nevertheless, the focus remains fixed on the West. Some, notably John Kelsay, have attempted to incorporate non-Western traditions into the debate: Kelsay (1993; 2003; 2006; 2007; 2010). See also the collections of comparative essays in Johnson and Kelsay (1990); Kelsay and Johnson (1991); Brekke (2006); Hensel (2010).

² For further discussion, see Supplemental Information: Appendix 1 “Egyptian culture and the West.”

Kingdom (2055-1650 BCE), and New Kingdom (1552-1069 BCE).³ During this time the Egyptians suffered and repulsed invasions as well as pursuing imperialist policies of their own in Nubia (modern southern Egypt and northern Sudan), Libya, and Syria-Palestine.⁴ At the level of international relations, the Egyptian state engaged in warfare and diplomacy with a variety of states and peoples over the course of its long history. There existed no “international organizations, law codes or jurists” between the third and first millennium BCE, but there did exist “a recognizable international legal community” in the area from the Nile to the Tigris-Euphrates (Ziskind 1967, 202-3).⁵ Within this international legal community, Egypt developed its own distinctive ethics of war; yet scholars have given little attention to the emergence of Egyptian just war thought.⁶

The ethics of war in ancient Egypt was founded upon three tenets of Egyptian culture that displayed remarkable longevity and consistency: 1) the cosmological role of Egypt; 2) the divine office of the pharaoh; 3) the superiority of the land of Egypt and its inhabitants over all other lands and peoples. These ideological foundations led the Egyptian political elite to develop an ethics of war that possessed elements analogous to later Western concepts of proper authority and just cause: so-called *ius ad bellum* criteria. The relationship between war and justice in Egyptian culture was so intimate that we can identify an ancient Egyptian just war doctrine. Egyptian pharaohs claimed exclusive possession of legitimate authority and just cause in warfare. In contrast, while the conduct of Egyptian warfare followed a small number of norms, the development of *in bello* restraints are invisible to the historian.⁷

³ Dates should be taken as approximate. The dating of Egyptian dynastic periods and the reign-lengths of pharaohs remains subject to debate: I have followed the date system used in Morkot (2010).

⁴ See Supplemental Information: Appendix 2 “Note on ancient Egyptian warfare.”

⁵ Munn-Rankin (1956); Ziskind (1967, 43-4, 203). The attempt to reconstruct an ancient Near Eastern legal system goes back to Selden (1640). For subsequent early attempts, see Ziskind (1967, 2-3). For the legal-diplomatic systems of Egypt and other Near Eastern powers, see Korošec (1931), Ziskind (1967); Pritchard (1969, 159-223; 2011, 150-225); Bederman (2001, 16-31, 137-54); Westbrook (2003).

⁶ See Supplemental Information: Appendix 3 “Ancient Egyptian ethics of war: a brief historiographical outline.”

⁷ The ancient Egyptians would not have recognized terms such as *ius ad bellum* and *ius in bello*. They are used here simply to highlight how Egyptian concepts and practices articulated values that bear direct comparison to features of the later just war tradition.

Egyptian warfare was brutal, yet this lack of restraint was partly rooted in the conviction that the possession and defense of justice was integral to the wars in which Egypt engaged. As a consequence, the state had a free hand in prosecuting wars in whatever manner it saw fit.

The first part of the article analyses Egyptian political theology and its creation of *ius ad bellum* concepts regarding legitimate authority and just cause. The second part reflects on Egyptian conduct *in bello* through examining the mechanisms of Egyptian warfare, including the conduct of war, the conceptualisation and treatment of enemy persons and property, and the role of diplomacy. In the conclusion, I suggest that the ancient Egyptian concept of just war can be grouped with certain other just war doctrines that have emerged over time and across cultures, specifically those sharing claims to universal and/or absolute justice.

Ius ad bellum

Authority

Throughout the ancient Near East there was a shared concept that divine authority was mediated through the figure of the king. Egypt was somewhat anomalous in that, from the Early Dynastic period (c. 3100-2686 BCE), Egyptian kings assumed an even greater authority, being regarded not only as an agent of the gods but as a figure who fulfilled a divine office and attained a quasi-divine status.⁸ The divine aspects of the pharaoh's office remained closely linked to his martial role. Senusret I (1965-1920 BCE) claimed that: "I was nursed to be a conqueror...his [Atum] son and his protector, he gave me to conquer what he conquered".⁹

From the Middle Kingdom onwards, Egyptian pharaohs came to associate themselves especially with the high-god Amun-Re. As the son of Amun-Re, the pharaoh possessed an incontestable legitimacy to wage war, not only on behalf of Amun-Re – whose support was tacit – but also on his own authority as a quasi-divine being. This built on earlier royal ideology. During the Old Kingdom, the authority of

⁸ The precise nature of the pharaoh's divinity remains a subject of debate. Earlier scholarship tended to emphasize the divinity of the pharaoh (Frankfort 1948, 24-47; 143-212); however, some recent scholarship (Posener 1960; Hornung 1983, 139-142; Baines 1995, 6, 9) has stressed the pharaoh's human attributes. Nonetheless, some scholars remain willing to refer to the "deified ruler" (Silverman 1995, 72, 80, 85, 87; Menu 2003, 55), especially Amenhotep III and Ramses II.

⁹ Berlin 3029 in Lichtheim (1973:1, 117).

the terrestrial ‘son of Horus’ to act with impunity against Egypt’s neighbours was so axiomatic that ‘no king felt the need to justify such action’ (Redford 1995:165).

Bernadette Menu (2003, 53) interprets the Old Kingdom Pyramid Texts as presenting war as self-legitimizing – “a way for the king to fulfil his obligations with regard to his subjects, and a validation of his functions, regarding his status as a god-king”.¹⁰

To reaffirm his relationship with the gods and to emphasize the divine sanction of military ventures, pharaohs visited cult centers – especially Karnak – prior to embarking on campaigns. Here the pharaoh would ‘receive’ commands from the god(s).¹¹ For example, Pharaoh Kamose (1555-1550 BCE) stated that: “I went north because I was strong (enough) to attack the Asiatics through the command of Amon, the just of counsels.”¹² Pharaoh Merneptah (1213-1203 BCE) stressed the divine protection enjoyed by Egypt: “None who attacks her people will succeed. The eye of every god is after her despoiler, It will make an end of all its foes.”¹³ The authority and interests of gods and pharaoh were essentially indivisible and, by the nature of their divine origin, in accord with justice. Thutmose III (1456-1427 BCE) erected a stela at the temple of Amun (Karnak), providing an unequivocal statement of the pharaoh’s divine mandate to wage war on his enemies:

I [Amun] gave you valor and victory over all lands...
The princes of all lands are gathered in your grasp...
I fettered Nubia’s Bowmen by ten-thousand thousands,
The northerners a hundred thousand captives.
I made your enemies succumb beneath your soles,
So that you crushed the rebels and the traitors.
For I bestowed on you the earth, its length and breadth,
Westerners and easterners are under your command.¹⁴

¹⁰ “La guerre est à la fois un moyen, pour le roi, de remplir ses obligations à l’égard de ses sujets, et une valorisation de ses fonctions, de son statut de roi-dieu”. My translation.

¹¹ This was certainly practiced during and after the New Kingdom and was probably practiced much earlier: Baines (1995, 23); Gnirs and Loprieno (2009, 249); Spalinger (2013, 97).

¹² Carnarvon Tablet I in Pritchard (1969, 232-3).

¹³ *Poetical Stela of Merneptah* in Lichtheim (1973:2, 75); cf. Pritchard (1969, 376-8).

¹⁴ *Poetical Stela of Thutmose III* in Lichtheim (1973:2, 36). See also *Tale of Sinuhe*: Parkinson (2009, 38); Lichtheim (1973:2, 41).

According to Thutmose III's political theology, the authority to wage war was founded upon a divine grant of universal sovereignty over all lands and peoples. Black (2009, 24) observes that this is "the earliest record of nationalist imperialism and divinely mandated universal empire". Consequently, any challenge or threat to the Egyptian monarchy was interpreted as an act of rebellion. Egyptian conceptualisation of universal authority, which rendered all enemies – internal or external – as rebels, served to delegitimize the military actions of enemy peoples at the same time as legitimizing the martial actions of the state. As we shall see, it justified any offensive war as a defensive act to restore the natural political order, as understood by Egypt (Shaw 1991, 7). This concept of divine sovereignty and jurisdiction was repeated throughout Egyptian texts and iconography. It highlights the crucial link in Egyptian culture between authority and legitimate warfare.

The authority of the pharaoh to wage war stemmed not only from his divine office but also from the unique cosmological status of his kingdom. Egypt was regarded as the terrestrial embodiment of the universal politico-theological principle of order and justice: *Ma'at*. This pivotal attribute made Egypt and Egyptians superior to all other lands and peoples.¹⁵ *Ma'at* – personified as a female deity – appears as a principle of right action early in Egyptian history.¹⁶ But the creative harmony of *Ma'at* was believed to be perpetually threatened by the destructive forces of chaos (*Isfet*), which the Egyptians identified terrestrially as foreign peoples beyond their realm as well as criminal and rebellious elements within it. This fundamental duality of justice and order versus injustice and chaos was naturally translated into the dichotomy of peace and war. Ancient Egyptian literature expresses a deep-seated hostility towards 'barbaric' foreigners and the threat they posed to civilized society. This hostility is

¹⁵ Menu (2003, 51) describes *Ma'at* as "le clé du système institutionnel de l'Égypte pharaonique" and defines it thus: "l'ensemble des conditions qui font naître et qui renouvellent la vie' ou, plus brièvement, le 'principe de vie', autrement dit: l'ordre, l'équité, la justice, la vérité, mais aussi la prospérité et la victoire, tandis qu'*isfet* en est l'antithèse: le chaos, l'injustice, le mensonge, la misère, la défaite, les ennemis, en un mot tous les éléments mortifères." On the concept of *Ma'at*, see Assmann (1990); Karenga (2004); Goebis (2007, 275-81). On the cosmological superiority of Egypt, see Gnirs (1999, 72-3); O'Connor (2003, 160-61).

¹⁶ During Dynasty V, c. 2498-2345 BCE (Lichtheim 1997, 19).

especially vivid in prophetic ‘lament’ poetry, thought to originate in the Middle Kingdom but surviving only in New Kingdom copies:

Destroyed indeed are those things of happiness...the land is laid low with pain, by those feeding Syrians who go throughout the land. Enemies have arisen in the East! Asiatics have come down to Egypt; a secure stronghold is lacking...I shall show you the land in catastrophe, what should not happen, happening: arms of war will be taken up, and the land will live by uproar.¹⁷

Ma’at could only be restored by the return of a true king: “Asiatics will fall to his slaughtering, and Libyans will fall to his flame. Rebels belong to his rage, and malcontents to his awesomeness...And the Walls of the Ruler will be built. There will be no letting Asiatics come down to Egypt... Truth will return to its proper place, with Chaos driven outside.”¹⁸

Just Cause

The defense of *Ma’at* was central to the ancient Egyptian concept of just cause. Within the broader conception of justice, the principles of reciprocity and retribution were of fundamental importance. Retributive justice pervaded all levels of Egyptian society. In royal ideology, criminal law, or private religion, Egyptians subscribed to a basic moral causality which held that good actions brought positive consequences while evil actions brought negative consequences.¹⁹ This was central to ideas of good government, with violence and avarice being commonly recognized as key expressions of injustice.²⁰ According to this understanding of justice, it was morally right that enemies of Egypt – cast as violators of order and justice (*Ma’at*) – should bear the evil consequences of punitive war and defeat. Such enemies were, by

¹⁷ *The Words of Neferti* in Parkinson (2009, 136-7); cf. Lichtheim (1973:1, 139-45). For similar themes, see *The Words of Khakheperreseneb* in Parkinson (2009, 144-50); *The Admonitions of Ipuwer* in Lichtheim (1973:1, 152) and Parkinson (2009, 173).

¹⁸ *The Words of Neferti* in Parkinson (2009, 139); cf. *Instructions to King Merikare* in Lichtheim (1973:1, 105).

¹⁹ Lichtheim (1997, 36-7, 46); David (2013, 17-19).

²⁰ See *Tale of the Eloquent Peasant* in Lichtheim (1973:1, 169-84) and Parkinson (2009, 54-88); *Dialogue of a Man with his Soul (Ba)* in Parkinson (2009, 158-9).

definition, evil, and all actions against them were justified as part of a natural system of reciprocity and retribution. Of course, this conception of justice was entirely stacked in favour of the Egyptians. *Ma'at* resided in Egypt and pharaoh was the sole guardian and absolute judge of matters pertaining to *Ma'at*. Therefore any assault upon Egypt or Egyptian interests was *ipso facto* unjust.

Self-defense against barbarians was the quintessential *casus belli*. Gnirs (1999, 73) observes that “war was conceived of as the inevitable answer to enemy provocation”. In this, Egyptian attitudes bear comparison to later classical Greek ideas about the natural animosity that existed between Greeks and barbarians (non-Hellenes).²¹

A laudatory hymn to Senusret III (1874-1855 BCE) expresses a clear sense of repelling injury and defending the innocent against external threats: “He came and fought [on] his frontier: He rescued him who had been robbed!”²² Pharaoh Kamose justified his wars against the Hyksos invaders on the basis that: “No man can settle down, being despoiled by the imposts of the Asiatics. I will grapple with him, that I may cut open his belly! My wish is to save Egypt and to smite the Asiatics!”²³ The protective and punitive functions of the pharaoh were central to his obligations to his people, his land, and his gods. Violence against enemies was a just retributive response to injuries (actual or potential) suffered by Egypt.²⁴ This concept of self-defense was frequently expanded to include aggressive wars waged beyond the borders of Egypt.²⁵ In a very concrete sense, the cosmological conception of Egypt as the sole residence of order and justice meant that *all* Egyptian wars were defensive, as foes were representative of chaos and constantly threatened peace and security.

The imperialistic New Kingdom witnessed a concerted policy of extending the borders of Egypt. The legitimacy of this expansionist policy derived from the royal ideology of divine sanction and universal jurisdiction, enjoyed by pharaohs since at least the Middle Kingdom. The empire reached its territorial apogee under Thutmose

²¹ Plato (1968, bk. 5, 470c-e, 471a-b); Aristotle (1998, bk. 7, 1333b.37-1334a.10).

²² Hymn IV to Senusret (Sesostris) III in Lichtheim (1973:1, 200). Gnirs and Loprieno (2009, 247) highlight the continuities in Old, Middle and New Kingdom militaristic literature by noting the similarities in structure and phraseology between this hymn, the *Autobiography of Weni* (below n. 78), and the *Poetical Stela* of Thutmose III (above n. 14; below n. 27, n. 34).

²³ Carnarvon Tablet I in Pritchard (1969, 232).

²⁴ *Poetical Stela of Merneptah* in Lichtheim (1973:2, 76).

²⁵ See *The Autobiography of Ahmose son of Abana* in Lichtheim (1973:2, 13).

III (1456-1427 BCE), stretching from the Euphrates in the north-east, to beyond the Fourth Cataract of the Nile in the south (central Sudan). Thutmose III left extensive written records of his campaigns in the form of stelae and *Annals* inscribed on temple walls. We are told that the pharaoh departed on campaign “in valor, might, and right, to overthrow that wretched enemy, to extend the borders of Egypt, his father, mighty and victorious Amun, having commanded that he conquer.”²⁶ The universal sovereignty of the Egyptian monarch sanctioned the violent subjugation of ‘barbarian’ lands:

I [Amun-Re] came to let you tread on those of Asia...

I came to let you tread on eastern lands...

I came to let you tread on western lands...

I came to let you tread on lowlanders...

I came to let you tread on islanders...

I let them see your majesty as the avenger...

I came to let you tread on earth’s limits...²⁷

Celebrating martial deeds against injustice was essential in promoting the valor of the pharaoh. Seti I (1294-1279 BCE) boasted that he “exults at undertaking combat...his heart is satisfied at the sight of blood. He cuts off the heads of the perverse of heart”.²⁸ The act of war became an aspect of the pharaoh’s perpetual struggle against the forces of chaos (Spalinger 2005:78). Owing to the supernatural origins and superhuman strength of the pharaoh, his victory is depicted in the sources as inevitable. The contest is intrinsically asymmetric and there is no sense that it is or should be a ‘fair fight’.²⁹ From the reign of Amenhotep II (1427-1400 BCE), reaching an apogee under Ramses II (1279-1213 BCE), the valor of the pharaoh was exaggerated to such an extent that the deeds of the Egyptian soldiery were frequently

²⁶ *Annals of Thutmose III* in Lichtheim (1973:2, 30).

²⁷ *Poetical Stela of Thutmose III* in Lichtheim (1973:2, 37).

²⁸ North exterior wall of great hypostyle hall at Karnak, in Pritchard (1969, 254).

²⁹ See Hymn I to Senusret III in Lichtheim (1973:1, 198-9); *Tale of Sinuhe* in Parkinson (2009, 30).

ignored or even explicitly denigrated in order to magnify the heroism of the monarch.³⁰

Concepts of Rebellion

Ma'at was thought to be a divine principle that all humans should respect and follow. Enemies, internal and external, were identified as traitors or rebels against *Ma'at*. In consequence, much of the justification for aggressive warfare was couched in terms of punitive violence against rebellion. Because of this universalism, the punishment for rebellion was equally harsh for native Egyptians and foreigners alike.³¹ While no ancient Egyptian law codes proper have survived, a reconstruction of criminal law from a range of texts evinces that a variety of corporal and capital punishments were proscribed for those who violated *Ma'at*. Punishments included flogging, mutilation (e.g. cutting off noses and ears), impalement, and burning. Crimes against the king (treason) or the gods (misappropriation of temple property, tomb robbery) were archetypal capital offenses.³² The Middle Kingdom ruler Senusret I justified horrific acts of violence against those implicated in civil war on the basis that it was a legitimate punishment for rebellion and the destruction of religious property within Egypt:

[A]s for them that had transgressed against this house (the temple at Tod). My Majesty made [a great slaughter among them...] both men and women, the valleys being filled with rows (?) (of cadavers), the mountains bearing sheaves (of corpses); the enemy from the “Terraces” were placed on the brazier – it was

³⁰ See Stelae of Amenhotep II in Pritchard (1969, 245); Barkal Stela in Pritchard (1969, 240); *Kadesh Bulletin* and the *Kadesh Poem* in Lichtheim (1973:2, 57-72); examples of the Kadesh battle reliefs in Seidel and Schulz (2005, 322, 371).

³¹ Muhlestein (2011, 83) describes the non-Egyptian foreigner as “the prototypical rebel”.

³² Lorton (1977, 14, 26, 28-31, 34-6); Jasnow (2002b, 281-2; 2003c, 242-6); Muhlestein (2008; 2011, 34-43, 79-82); Janzen (2013, 250-9). Lorton (1977, 15, 51) disputes burning as a capital punishment prior to the Late Period – a position convincingly challenged by Leahy (1984, 199-202) and Muhlestein (2008, 192-4). For an overview of ancient Egyptian law, see Jasnow (2003a; 2003b; 2003c).

death by fire because of what they had done against it...the young were sawn up, the children of the enemy were like sacrificial victims.³³

In this case there was clearly a corporate judgment of guilt, with women and children suffering the same gruesome fate as the men.

The punishment of rebellion was exported beyond Egypt's traditional frontiers as Egyptian imperial power matured. Rebellion features prominently in the records of military campaigns as a cause for war. Thutmose I (1504-1492 BCE) invaded Nubia "to crush rebellion throughout the lands", while Thutmose III's expedition to Megiddo (in Syria-Palestine) was intended "to kill the treacherous ones who were in it and to give things to those who were loyal to him".³⁴ The campaigns of Amenhotep II were framed in similar terms: "He surrounded everyone rebellious to him and killed them, like those who have never existed, put on (their) side, upside down".³⁵ Even the Hittite protagonists at Ramses II's great battle at Kadesh (1274 BCE) were described as rebels.³⁶ This claim that had no basis in political reality, only in the justification for punitive warfare contained within Egyptian political theology.

In bello norms

Preparing for war

The opening of hostilities between Egypt and an enemy was probably marked by some sort of declaration of war; the time and site of battles might also have been prearranged, yet there is little direct evidence for either practice.³⁷ The negative stereotype of the 'miserable Asiatic' was confirmed by their *failure* to declare war:

³³ From two speeches of Senusret I, cited in Redford (1995, 165); see also Muhlestein (2008, 189-93; 2011, 37-9); Janzen (2013, 304-5).

³⁴ Lichtheim (1973:2, 14); Armant Stela in Pritchard (1969, 234); cf. *Annals of Thutmose III* and *Poetical Stela of Thutmose III* in Lichtheim (1973:2, 29-39).

³⁵ Memphis and Karnak Stelae of Amenhotep II in Pritchard (1969, 245-6).

³⁶ *Kadesh Poem* in Lichtheim (1973:2, 70).

³⁷ "When the time of breakfast had come, I attacked him. I broke down his walls, I killed his people, and I made his wife come down to the riverbank." Carnarvon Tablet I in Pritchard (1969, 233); cf. Spalinger (2005, 3, 16). Declarations of war were common in other ancient Near Eastern societies (Ziskind 1967, 125-37; Bederman 2001, 208-41).

“He does not announce the day of combat, Like a thief who darts about a group.”³⁸ A later example from the Third Intermediate Period records how the Kushite pharaoh Piye (736-712 BCE) commanded his generals to make overt declarations of war, even allowing the enemy time to gather his full host:

Do not attack by night...fight when one can see. Challenge him to battle from afar. If he proposes to await the infantry and chariotry of another town, then sit still until his troops come. Fight when he proposes...let them be challenged to battle in advance, saying: “You whose name we do not know...form your battle line, and know that Amun is the god who sent us!”³⁹

The order forbidding night attacks suggests that such operations were somehow dishonourable, and is reminiscent of the condemnation of Asiatics as thieves who do not declare war (above). However, Piye’s decision to allow his enemy time to gather troops was more likely strategic – to force a decisive battle – than ‘chivalric’ (Chevereau 1999). The recording of it must be understood as a piece of propaganda intended to magnify the pharaoh’s martial prowess. The order forbidding night attacks and to “fight when one can see” might have been motivated simply by operational practicality, or by Piye’s desire that his subjects should be able to witness his victory. Moreover, Egyptian preparations for war certainly included elements that were arcane and intended to produce an asymmetric advantage. Magical operations attempted to harness occult powers prior to campaigns in order to curse ‘rebellious’ enemies through sympathetic magic and even human sacrifice. The ritual cursing and destruction of objects and victims was intended to mirror the destruction of the enemy before any battle took place.⁴⁰

Weapons and Tactics

³⁸ *Instructions to Merikare* in Lichtheim (1973:1, 103-4).

³⁹ *Victory Stela of King Piye* in Lichtheim (1973:3, 69). Piye, a non-Egyptian Kushite invader, still appealed to traditional Egyptian ideas of military legitimacy by claiming that his campaign was inspired by Amun-Re (Baines 1995, 36).

⁴⁰ Pritchard (1969, 328-9); Shaw (1991, 9); Ritner (1993, 136-80); Hamblin (2006, 348, 415-18); Muhlestein (2008, 194-6; 2011, 19-20); Janzen (2013, 18-21, 314-17); (Bryan et al 2015, 22).

Once hostilities had begun there appear to have been very few restraints on military conduct. Some minimal efforts were made to restrict the usage of missile weapons in ancient Greece and medieval Europe, for example, but no such restrictions existed within Egyptian martial culture.⁴¹ Archery had been utilized in Near Eastern warfare since circa 12000-9000 BCE. The discovery of bows and arrows in elite Egyptian tombs, as well as numerous images depicting pharaohs using bows to fell their enemies, confirms the high social status of these weapons.⁴² There appear to have been few or no accords governing military operations once foes met in the field: espionage, ambush and deceit were all acceptable.⁴³ A Dynasty XIX manuscript (c. 1300 BCE) tells of how Thutmose III seized the city of Joppa by hiding two hundred soldiers inside baskets which were then smuggled into the city (Pritchard 1969, 23).⁴⁴

Treatment of the Enemy

The vast majority of evidence surviving from ancient Egypt provides the strong impression that foreigners and enemies were regarded with contempt. This was reflected in the deeply asymmetric status of Egyptian soldiers and enemy combatants and non-combatants.⁴⁵ Senusret III's description of Nubian enemies is typical of this attitude. "They are not people one respects, They are wretches, craven-hearted."⁴⁶

⁴¹ Strabo (10.448) and Polybius (13.3.2-4) report that during the War of Lelantine Plain, on the island of Euboea (c. 700 BCE), the belligerents banned projectile weapons. There is some doubt as to the historicity of these reports: Wheeler (1987); Ober (1994, 12-13); Lanni (2008, 471); O'Driscoll (2015, 5). The Second Lateran Council (1179) attempted to ban the use of bows and crossbows in wars between Christians: *Concilium Lateranenses II*, Canon 29 in Alberigo et al (1973, 203).

⁴² Hamblin (2006, 32); McDermott (2004, 151-7). Images: Epigraphic Survey (1986); Seidel and Schulz (2005, 124, 322, 324, 375). Despite Egyptian enemies being referred to as "Bowmen" (*Iwntyw*) (Lichtheim 1973:1, 115), which might lead us to expect a pejorative connotation with archery, one of the honorary titles of the pharaoh was "Mighty of Bows in All Lands": Stelae of Seti I in Pritchard (1969, 253); *Tale of Sinuhe* in Parkinson (2009, 30); *Kadesh Poem* in Lichtheim (1973:2, 62-3). See also Appendix 2.

⁴³ Ziskind (1967, 140-1). Compare the permissive attitude of Augustine and medieval canon law: Gratian (1879, Causa 23 q. 2 canon 2).

⁴⁴ The story has obvious parallels to the later Homeric story of the Trojan Horse. Gnirs and Loprieno (2009, 263-4) observe the relationship between this 'historical' military anecdote and contemporary Egyptian literary tales.

⁴⁵ Ideological sources may not reflect the reality of interactions with foreigners: O'Connor (2003).

⁴⁶ Lichtheim (1973:1, 119).

Nubians, Libyans, and the “vile Asiatic” were considered to be “the pain of the place where he is”.⁴⁷ But, while such ‘barbarians’ were dismissed as cowardly, they were nevertheless a constant blight to ‘civilized’ society.

Brutal treatment of the enemy during and after military engagements was normative. The killing of enemy soldiers, the enslavement of defeated combatants and non-combatants, and the destruction of non-combatant property all appear to have been taken for granted. The *Autobiography of Ahmose son of Abana* records jubilantly that during a campaign in Nubia, “a slaughter was made among them; their dependents were carried off as living captives...and that wretched Nubian Bowman head downward at the bow of his majesty’s ship ‘Falcon’.”⁴⁸ Two generations later, Thutmose III boasted that, in war against the Naharin, “I desolated his towns and his tribes and set fire to them. I captured all their people, carried off as living prisoners...and their goods as well. I took away the *very sources of life*”.⁴⁹ Clearly these campaign records were adopting standard literary conventions, yet they also demonstrate an assumption that the mass slaughter and enslavement of the enemy was a good thing – something to extol and to boast about.⁵⁰ Recurring Egyptian battle motifs characterized the enemy as physically and morally inferior to Egyptians, especially to the pharaoh (O’Connor 2003, 156-7; David 2011). Amenhotep II even described enemy kingdoms as women whom he had raped.⁵¹

Mutilation of the Dead

The preservation and return of enemy corpses appears to have been normative in late archaic and classical Greek warfare, informed and enforced by religious duty.⁵² In

⁴⁷ *Teaching for King Merikare* in Parkinson (2009, 223); Lichtheim (1973:1, 103-4, 119). Cf. Lorton (1973, 65-8) for the translation of *xy* as ‘weak’/‘defeated’ rather than the pejoratives ‘miserable’/‘wretched’/‘vile’.

⁴⁸ *Autobiography of Ahmose* in Lichtheim (1973:2, 14).

⁴⁹ Barkal Stela in Pritchard (1969, 240). See also Kamose’s sack of Nefrusi: Pritchard (1969, 233).

⁵⁰ These attitudes and conventions were also incorporated into literary works, for example *The Tale of Sinuhe* in Parkinson (2009, 32).

⁵¹ “[V]iol[ator of the] Babylonian [woman], the Byblian maid, the little girl of Alalakh and the old crone of Arrapkha!” Cited in Redford (1992, 230). For enemy soldiers being compared to women in Egyptian texts, see Gnirs and Loprieno (2009, 250-2).

⁵² Lanni (2008, 473, 478-9); O’Driscoll (2005, 7).

contrast, some of the earliest artefacts from ancient Egypt evince the deliberate mutilation of enemy corpses. The Narmer Palette (c. 3100 BCE, Figure 1) shows the triumphant pharaoh inspecting rows of decapitated corpses.⁵³ It was standard practice for the enemy dead to be counted by the number of hands, ears or phalli collected after battle. In return for presenting these trophies to the military commander, warriors were awarded the “Gold of Valor” or “Gold of Favor”.⁵⁴ This practice is attested in the *Biography of Amenemheb*: “I made captives in the king’s presence; I took a hand there, and he gave me the Gold of Favor” (Pritchard 1969, 241). Ahmose son of Abana boasted that he had “been rewarded with gold seven times” in return for presenting hands to the pharaoh.⁵⁵ An inscription at Karnak from Merneptah’s reign records: “asses...laden with the uncircumsized phalli of the land of Libya, together with the severed hands of [every?] country which was with them”.⁵⁶ Given the importance that Egyptians attached to the preservation of the flesh for burial (McDermott 2003, 17), the mutilation of enemy corpses – even for mundane purposes such as tallying the dead – must have been understood by Egyptians as a deliberate act of violation. This derogatory act conveyed a message of humiliation, retribution, and warning to existing and potential enemies.

*Figure 1 – The Narmer Palette (c. 3100 BCE), depicting the execution of prisoners of war (left) and decapitated enemy corpses (top right).*⁵⁷

⁵³ For analysis of the Narmer Palette and other Archaic Period ritual slayings, see Muhlestein (2011, 9-15).

⁵⁴ Lorton (1974b, 53, 60).

⁵⁵ *Autobiography of Ahmose* in Lichtheim (1973:2, 12-13, 33-4).

⁵⁶ Cited in Schulman (1988, 90-1 n. 122); see also Cline and O’Connor (2003, 135). The removal of phalli was probably linked to the emasculation of dead foes (Gnirs and Loprieno 2009, 252).

⁵⁷ Image source: https://commons.wikimedia.org/wiki/File%3ANarmer_Palette.jpg.



Prisoners of War

All prisoners of war were the *de iure* property of the pharaoh. Soldiers were required to submit their captives to the central administration, which then decided on redistribution.⁵⁸ Many prisoners of war were gifted to the temples – especially the Temple of Amun at Karnak – because slaves were understood to constitute part of the gods’ rightful booty in helping to bring about victory.

After capture prisoners were afforded no immunities or rights. This applied across the social spectrum, with high-ranking prisoners arguably at greater risk than anyone else.⁵⁹ The status and treatment of Egyptian prisoners of war was hardly unique in the ancient world. It very much mirrors later Greek convention, whereby the “victor had the option of killing the enemy soldiers on the spot, enslaving them, or exchanging them for ransom” (Lanni 2008, 480).

A gruesome piece of political theatre performed by Amenhotep II illustrates the mortal danger faced by captured enemy leaders:

⁵⁸ *Biography of Amenemheb* in Pritchard (1969, 241); *Autobiography of Ahmose* in Lichtheim (1973:2, 13). Cf. Lorton (1974a; 1974b) for New Kingdom practice.

⁵⁹ The brutal treatment of foreign captives during the New Kingdom is explored in Janzen (2013).

His majesty returned in joy of heart to this father Amon, when he had slain with his own mace the seven princes...who had been put upside down at the prow of his majesty's falcon-boat...Then six men of these enemies were hanged on the face of the wall of Thebes, and the hands as well. Then the other foe was taken upstream to the land of Nubia and hanged to the wall of Napata, to show his majesty's victories forever and ever in all lands and all countries...⁶⁰

On a separate occasion, Amenhotep II even presided over a mass holocaust of prisoners of both sexes and all ages.⁶¹ This pharaoh was not alone in perpetrating humiliating brutalities upon his enemies. During Merneptah's reign, Libyan captives were "impaled to the south of Memphis, destroyed...carried off to Egypt and fire was hurled against their multitude in the presence of their relatives(?). (As to) the remainder, their hands were cut off because of their crimes, and others had eyes and ears removed".⁶² Nubian prisoners of war were also impaled during Akhenaton's reign, suggesting that "it was a regular feature of the punishments meted out to Egypt's defeated enemies" (Schulman 1988, 92). Significantly, these spectacles were intended primarily for a domestic audience. Captives were usually brought back to Egypt to be executed in a public display of victory, royal power and justice.⁶³ Clearly, the torture and execution of enemies was in no way considered legally or morally problematic by Egyptian society. Spalinger (2013, 117) argues that because of the inextricable connection between military victory and the restoration of *Ma'at*, an essential element of the triumphal ritual "had to have been the total abnegation of the opponent, not merely his submission but as well his destruction".

The vulnerability of prisoners of war was underlined by the fact that they ceased to possess juridical status. Slightly different terminology described captives from independent territories and captives considered as domestic rebels, but both terms can

⁶⁰ Stelae of Amenhotep II in Temples of Amada and Elephantine, in Pritchard (1969, 248); see also Spalinger (2013, 99).

⁶¹ Pritchard (1969, 247); see also Janzen (2013, 251-5). On the connection between burning and rebellion in Egyptian legal thought, see Leahy (1984, 200-203); Muhlestein (2008, 187).

⁶² Merneptah Year 4, Amada stela, cited in Schulman (1988, 91-2); Trigger (1983, 238).

⁶³ Spalinger (2013, 99) comments on Amenhotep II's hanging of the Syrian chiefs: "The reason for this often presumed 'barbaric activity' was simple...it was Amunhotep's wish to demonstrate visually his success."

be translated as meaning “like one who had never existed”.⁶⁴ An official named the “herald of captures” supervised the binding, branding and recording of prisoners of war (Ziskind 1967, 151). Enslavement brought humiliation and forced labour, as well as possibly torture and ritual execution. The description of captives as dehumanized chattels is nowhere more striking than in a papyrus from the reign of Ramses IV (1153-1147 BCE). This text records that prisoners were “branded and made into slaves, they being stamped by my name, their women and children being dealt with likewise. I brought their herds to the House of Amun, they being made for him as cattle forever.”⁶⁵

The enslavement of prisoners of war has largely been eliminated from the practice of modern warfare. Nonetheless, the current refusal to grant juridical status to non-state enemy combatants is perhaps not as far removed from Egyptian practice as one might wish. The abuse of detainees at Guantánamo Bay or Abu Ghraib prison, and the various torture techniques employed against them, evinces a degradation of human rights based on a refusal to grant juridical status to captured enemies.⁶⁶ Yoo and Ho (2003, 209-22) argue that interstate terrorism should be classified as proper war under international law, yet insist that terrorists remain illegal combatants and thus enjoy none of the protections provided under the Geneva Conventions.⁶⁷ Arguably, prisoners who are stripped of juridical status are also dispossessed of part of their individual human identity. It is hardly surprising that such prisoners should also experience a degradation of their humanity. This dehumanizing effect is recognized by the title and content of the United Nations’ *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (UN 1984).

⁶⁴ Lorton (1974b, 54). The same Egyptian terms were applied to persons *and* plunder (e.g. cattle), thus emphasising prisoners as chattel property: Ibid (55-6, 62).

⁶⁵ Papyrus Harris, cited in McDermott (2003, 118).

⁶⁶ Dratel (2005, p. xxi) observes that the abuse of prisoners in Afghanistan, Guantánamo Bay, and Iraq was the product of: “(1) the desire to place the detainees beyond the reach of any court or law; (2) the desire to abrogate the Geneva Convention with respect to the treatment of persons seized in the context of armed hostilities”. On the U.S. government’s efforts to separate enemy combatants from normal legal process and protections, and the expansion of the use of torture by the CIA in the ‘War against Terrorism’, see CIA (2004); Greenberg and Dratel (2005); Hersh (2005, 1-72); Blakeley (2011).

⁶⁷ Discussed by Frowe (2016, 205-22).

Of all the motifs of Egyptian art depicting violence, the image of the pharaoh executing prisoners of war – “smiting his enemies” – was both the oldest and most enduring. It was used from Predynastic times all the way up to the late Roman period: a span of over 3,500 years.⁶⁸ The earliest discernible smiting scene is a painting from a Predynastic Tomb at Hierakonpolis (c. 3400 BCE), showing three bound prisoners kneeling before a chief/king who wields a mace raised in his right hand.⁶⁹ A much more developed image is rendered on the famous Narmer Palette (Figure 1). King Narmer is depicted in what would become the stereotypical smiting pose: right arm raised and wielding a mace – ready to deliver the death blow – as his left hand grasps a kneeling prisoner by the hair. The intimate link between these scenes of ritual slaughter and the concept of justice was reinforced by the prominence of representations of *Ma'at* as a recurring feature of the iconography.⁷⁰ The smiting scene was intended to represent the physical and symbolic defense of *Ma'at* and the defeat of *Isfet* (chaos). It was the quintessential act of justice.

Egyptian queens are occasionally depicted accompanying the pharaoh during the smiting ritual (Schoske 1982, 84-171), but in general women and children feature only very rarely in the smiting scenes.⁷¹ This was a product of the patriarchal nature of Egyptian warfare and iconographic conventions rather than a recognition of non-combatant immunity. Depicting the pharaoh triumphing over women and children did little to enhance the king's martial status. Equally, in representing the victory of good (pharaoh) over evil (enemy soldiers), women and children were superfluous to the needs of the scene.⁷² Nonetheless, female captives were a valuable element of military booty and were forced to endure the usual sexual exploitation suffered by women caught up in wars over the centuries. The Israelite Deuteronomic code may have

⁶⁸ See Seton (1971, 1-113); Śliwa (1974, 98-105); Wildung (1977, 114-17); Schoske (1982); Ritner (1993, 113-19); Müller-Wollerman (2009, 49-56); Zimmerman (2013, 73-5).

⁶⁹ A scene found on a C-ware vessel (c. 3600 BCE) depicts a large figure who appears to hold a mace-like object in one hand and a much smaller captive in the other (Muhlestein 2011, 85). While the scene is suggestive of later smiting iconography, it cannot be identified definitely as a smiting scene.

⁷⁰ See Schoske (1982, 84-171).

⁷¹ Reliefs from the pyramid complex of Sahure (2487-2475 BCE) depict two children and a woman crouching behind the foot of the victim – possibly his wife and children: Seton (1971, 7-9).

⁷² On enemies being compared to women as an insult, see above n. 51.

attempted to bestow a small measure of protection for female slaves (Dt. 21:10-14) but there is no evidence for any equivalent rule in Egypt.⁷³

There remains disagreement among Egyptologists whether the smiting scenes depict real or fictive violence.⁷⁴ The sheer frequency and longevity of the smiting motif suggests that the ritual execution of prisoners was far more than artistic symbolism, and that executions were not abandoned in later periods. Political imagery must remain more closely aligned to reality than other types of imagery, exactly because it serves as a projection of power and intends to be *convincing*. Images can quickly lose their potency if unsupported by concrete power and action, as witnessed in the vandalism and destruction of political statuary in former Soviet states after 1989, or in Iraq after the toppling of Saddam Hussein's regime in 2003. Arguably, ritual execution must have survived in Egypt as a royal practice (at least an occasional one) in order for the images to have retained any meaningful relevance and authority over several millennia.

That a civilization capable of incredible cultural and technological achievements should indulge in ritual murder undoubtedly creates an uncomfortable paradox for modern sensibilities. Of course, such paradoxes are commonplace in the histories of complex societies. In ancient Rome the execution of prisoners of war was a feature of military Triumphs, although its frequency is contested.⁷⁵ In Mesoamerica, very large numbers of prisoners of war – male and female – were sacrificed in both Mayan and Aztec societies, with the decapitation and/or evisceration of the victim playing a central ritualistic and theological role.⁷⁶ The Nuremberg executions of high-ranking Nazis in 1946, or the widely publicized use of beheading by Islamic extremists in Iraq since 2003 and by Islamic State since 2014, share a number of characteristics with the killing of military captives in ancient Egypt, Rome, or Mesoamerica. While the

⁷³ The Deuteronomic stipulations were probably only intended to apply to intertribal conflicts rather than foreign wars (Ziskind 1973, 152).

⁷⁴ See Supplemental Information: Appendix 4 “The historicity of ancient Egyptian smiting scenes.”

⁷⁵ Compare Kyle (1998, 217) to Beard (2007, 128-32). The comparison with Rome is also made by Schulman (1988, 46) and Janzen (2013, 289-96). On Roman uses of extreme violence, see Zimmerman (2013, 219-339). For a comparative view of triumphal celebration rituals in the ancient Mediterranean world, see essays in Spalinger and Armstrong (2013).

⁷⁶ Moser (1973); Webster (1999, 345-6, 349-50); Berryman (2007); Mendoza (2007); Janzen (2013, 296-302).

specific religious, cultural, and legal dimensions of this act vary considerably, it often goes hand-in-hand with absolutist views regarding enemy culpability. Furthermore, the essential purpose was, and is, consistent. Executing prisoners of war communicates a message of power, justice (however conceived), and retribution to a supportive audience (human and/or divine). At the same time, it communicates a threat of power, vengeance, and humiliation to the enemy. Seen in this broader chronological and geographical perspective, the execution of prisoners of war should be recognized as a normative feature of the historical practice and ethics of warfare.

Destruction of Property

The pharaoh's *de iure* right to preserve or destroy enemy captives was extended to enemy property. Movable property was consumed by the army or transported back to Egypt. Immovable property was prone to destruction and campaign records testify to the deliberate targeting of agricultural resources, both cereal and arboreal.⁷⁷ Egyptian armies had employed ravaging since at least Dynasty VI (c. 2345-2181 BCE), as described in the *Autobiography of Weni*:

This army returned in safety [henceforth *refrain*],
It had ravaged the Sand-dwellers' land [Syria-Palestine].
[*refrain*]
It had flattened the sand-dwellers' land.
[*refrain*]
It had sacked its strongholds.
[*refrain*]
It had cut down its figs, its vines.
[*refrain*]
It had thrown fire in all its (mansions).
[*refrain*]
It had slain its troops by many ten-thousands.
[*refrain*]

⁷⁷ *Annals of Thutmose III* in Pritchard (1969, 238-9); *Annals of Thutmose III* in Lichtheim (1973:2, 33). Deuteronomy stipulated that fruit trees should be preserved when besieging an enemy city (Dt. 20:19), evidence of their high value.

(It had carried) off many (troops) as captives.⁷⁸

This inscription from a private tomb tells us a number of things about how Egyptian commanders (and their descendants) assessed military success. The safe return of the army is entwined with the devastation inflicted upon the enemy's territory. This destruction (certainly exaggerated) was obviously intrinsic to the campaign's success. Weni and his family were clearly proud of his achievements, so much so that they sought to preserve them for eternity in his tomb. Weni's actions were also met with approval by his superiors: "His majesty praised me for it beyond anything. His majesty sent me to lead this army five times".⁷⁹ In short, there is no sense that discrimination or proportionality was required, and ruthlessness was rewarded with praise and additional military commands. From the campaigns of Weni to the English *chevauchées* of the Hundred Years War (1337-1453), or General Sherman's infamous 'March to the Sea' (1864), the objectives of these ravaging operations are comparable. Their purpose was to terrorize foes into submission, to destabilize the political authority of the opponent, to cripple an enemy's economy in order to reduce military capability, and to acquire booty for the army.

Diplomacy

Neither universal nor particular immunities existed in Egyptian warfare. The concept of sanctuary or inviolable sacred space seems to have been largely absent. This disregard for the enemy sacred probably resulted from notions of Egyptian religious superiority and the inextricable link between state-gods and state-wars. As it was believed that gods sanctioned the wars of political communities, gods (or rather, their temples) shared in the rewards of success or the losses of defeat (Ziskind 1973, 143).

On the periphery of war, foreign envoys enjoyed guarantees for their safety and played a crucial role in negotiating formal international treaties. Evidence for such treaties originate in Egypt from at least the second millennium BCE but probably existed earlier. They include defensive and offensive treaties as well as neutrality

⁷⁸ *Autobiography of Weni* in Lichtheim (1973:1, 20).

⁷⁹ *Ibid.*

agreements.⁸⁰ The gods acted as witnesses to treaties, and oaths were an essential component of the treaty-making process. To break one's treaty oath was understood as both a political betrayal and a violation of the sacred. In consequence, "the aggrieved country and its pantheon were...entitled to utilize any means at their disposal to punish the offending country. This punishment included permitting or delegating the human ruler of the aggrieved country to make war" (Ziskind 1967, 126).

The best surviving example of an Egyptian peace treaty is that made between Ramses II and the Hittite king Hattusilis in 1280 BCE. Fortuitously, both the Egyptian and Hittite versions of the treaty have survived.⁸¹ The monarchs agreed upon a *riksu* (parity) treaty that was essentially a non-aggression pact as well as a defensive and offensive alliance between the two states. The rulers pledged "that good peace and brotherhood occur between us forever", and this pledge was also incumbent upon their subjects.⁸²

The Great Prince of Hatti shall not trespass against the land of Egypt forever, to take anything from it...the great ruler of Egypt, shall not trespass against the land (of Hatti, to take) from it forever...If another enemy come against the lands of User-maat-Re [Ramses II]...the Great Prince of Hatti shall (come to him and) the Great Prince of Hatti shall slay his enemy...But (if) another enemy (come) against the Great Prince (of Hatti), [Ramses II]...(shall) come to him as reinforcement to slay his enemy.⁸³

The agreement to lend mutual military aid also encompassed military actions against rebellion in each country. Remarkably, the treaty specified that Egypt should send

⁸⁰ Munn-Rankin (1956, 99-102, 107-8); Ziskind (1967, 66-120); Shaw (1991, 45); O'Connor (2003, 168). On diplomatic immunity and treaty practices in the ancient Near East and Mediterranean, see Bederman (2001, 88-136, 137-206).

⁸¹ The Egyptian and Hittite versions are printed in Pritchard (1969, 199-203). The Hittite Empire flourished between c. 1600-1150 BCE and occupied much of what is now modern day Turkey, Syria, and Lebanon.

⁸² Pritchard (1969, 199, 200); cf. Hittite text, *ibid.* 202.

⁸³ *Ibid.* 200.

military aid to Hattusilis's successors in the event of a royal succession crisis.⁸⁴ This is perhaps the earliest example of formal conditions being agreed upon for an international military intervention. Finally, the treaty was witnessed by "a thousand gods of the male gods and of the female gods of them of the land of Hatti, together with a thousand gods of the male gods and of the female gods of them of the land of Egypt". If either side violated the sacred contract, the gods of Hatti and Egypt would "destroy his house, his land, and his servants".⁸⁵

What this treaty shows is that ancient Egyptians conceived of war and peace as existing within a framework of divine and mundane international relations and law. Hostile relations between states were viewed as less felicitous than peaceful relations, but war was an ethically and legally acceptable instrument of retribution and political control. Moreover, it was evidently a normal feature of New Kingdom international relations that future military ventures were subject to the obligations of treaties such as that above. Allies of Egypt could achieve a degree of legal symmetry, although the wording of the Egyptian version clearly portrays the Hittite king as inferior to the pharaoh.⁸⁶ This treaty also shows that the Egyptian ethics of war, while distinctive, was not entirely *sui generis*. There were evidently a sufficient number of shared assumptions regarding the ethics and legalism of war that made this international treaty possible in the first place.

Conclusions

Taken as a whole, it is manifest that ancient Egyptian warfare operated within a well-established system of ethics and that considerations of justice were fundamental to the Egyptian concept of righteous war. On the other hand, we must conclude that enemy 'rights' were entirely absent from the Egyptian lexicon and prosecution of war. We have seen that it was normative to treat enemies with extreme brutality. Death on the battlefield as a combatant or afterwards as a prisoner of war was to be expected, with rank offering little protection in this regard. Mutilation of enemy corpses was standard practice, fulfilling both monitory and administrative purposes. There is no evidence

⁸⁴ Ibid. 202-3.

⁸⁵ Pritchard (1969, 200-3). David (2013, 16, 19) highlights this as a further example of the Egyptian concept of retributive justice in practice.

⁸⁶ Above n. 81.

for limitations being placed on weapons or tactics. All enemy property was a legitimate target, to be seized as booty or destroyed as part of a politico-military strategy to reduce enemy resources and inflict shock-and-awe intimidation. No meaningful distinctions were made between combatants and non-combatants in regard to property or persons. Women and children enjoyed no immunity and were certainly enslaved on a grand scale. In sum, there appears to be almost nothing that could be identified as part of an ancient Egyptian *ius in bello* tradition. However, the absence of a *ius in bello* tradition was the direct consequence of the development of a very potent *ius ad bellum* tradition.

Egypt's vital cosmological role as a sanctuary and guardian of *Ma'at* amidst a sea of chaos (*Isfet*) was a powerful religious and political teleology upon which to establish an ethics of war. Wars that defended this unique haven of order and truth were intrinsically just. Egyptian royal ideology promoted the unequivocal authority of the quasi-divine pharaoh to wage war. Egyptian contempt for the 'evil foreigner' endowed the state with an uncontested legitimacy to assert itself, reactively or proactively, against barbarism. Internal and external enemies were condemned as rebels and evildoers.

It hardly needs to be said that reality is infinitely more complex and fluid than images or texts can communicate. Ancient sources that were clearly intended to convey a variety of religious and political ideals pose numerous interpretative problems.⁸⁷ It is no coincidence that Egyptian just war ideology, which stressed unity and authority around the person of the king, was promoted most vigorously during the periods of centralized monarchy. Yet the three major kingdom periods we have examined were punctuated by prolonged periods of civil war, foreign occupation, and fragmented political communities. The ethics of war were therefore developed in conjunction with attempts to reinforce waxing or waning royal authority.

The precise historicity of representations of brutality in ancient Egyptian sources is arguably not of prime importance when considering the ethics of war. What is significant is that, for thousands of years, Egyptian elites wished to promote such actions as intrinsically 'good'. Images of slaughter or enslavement of the enemy expressed ideal types of warlike action. But ideal types rarely reflect reality. With this

⁸⁷ For discussion, see Cifola (1988, 276-7); Shaw (1991, 9); O'Connor (2003); Cline and O'Connor (2003, 120-32); Baines (1996, 349-52).

in mind, it is probable that the normal Egyptian conduct of war may have actually been *less* brutal than the Egyptian ethics of war permitted. Not every town could be razed, not every enemy could be slaughtered, and it was not always politically astute to execute enemy leaders. The pragmatics and profits of war and politics undoubtedly erred towards at least some degree of restraint.⁸⁸ The Egyptian-Hittite treaty demonstrates that Egyptian diplomacy and foreign policy was more sophisticated than mere brute force. This is not to say that Egypt was opposed to unleashing unlimited violence when it suited its purpose. The defining feature of the Egyptian ethics of war is that, rather than being restrictive, it was highly permissive.

This important feature of ancient Egyptian warfare is not unique in the history of just war thought. Highly permissive doctrines can be found in other cultures in which the process of legitimizing unlimited ‘just’ force has been shaped by absolute claims to justice combined with universalizing politico-theological teleologies. Though it is misleading to frame Egyptian warfare in terms of a “religious crusade”,⁸⁹ the medieval concept of holy war incorporated a comparable notion of universal justice (divine and natural) applying to all peoples (pagan and Christian). This was combined with a soteriological teleology for Christendom and the Church (Russell 1975, 112-26, 195-212), which made the defense of Christendom crucial to the salvation of humanity. Christian holy war emerged initially as a justification for defending the Church against rebellion (i.e. heresy), but by the mid-twelfth century Gratian could state uncontroversially that Christian prelates could exhort anyone to defend the faith against infidels.⁹⁰ From the mid-thirteenth century, canon lawyers were arguing that Christians, infidels and pagans were all bound by canon law and were under the universal jurisdiction of the pope (Brundage 1995a, 162-3). Very few limitations were

⁸⁸ See O’Connor (2003, 166, 168-9).

⁸⁹ As McDermott (2004, 85) attempts. Ziskind (1967, 131-6, 153) warns against the anachronism of applying the term “holy war” to the ancient Near East, while Muhlestein (2011, 7) highlights that state and religion cannot be separated in ancient Egypt. Egyptian wars were not proselytizing (O’Connor 2003, 166), and Egyptian theology was markedly different to Christian concepts of heaven, hell, sin, and forgiveness. Such concepts were the theological underpinnings of the penitential commutations and indulgences (*indulgentia*) offered to crusaders that helped to fuel and later to define the crusade movement. See Brundage (1976; 1995b); Bachrach (2003, 108-50).

⁹⁰ See Gratian (1879, Causa 23 prologue; q. 3 canons 1-11; q. 4 canon 25, dicta post canonum [d.p.c.] 29, d.p.c. 30; q. 6; q. 7; q. 8, d.p.c. 6, d.p.c. 28).

placed on the prosecution of holy wars, resulting in warfare characterized by extreme brutality.⁹¹

The religious character of the Egyptian state and the sharp distinction made between Egypt – governed by *Ma'at* – and foreign lands – ruled by *Isfet* – encourages comparison to medieval Islamic distinctions between the *Dar al-Islam* (House of Islam, i.e. peace) and the *Dar al-Harb* (House of War). Like the pharaoh's duty to maintain *Ma'at*, it was the duty of the Muslim head of state to maintain Islam.⁹² There are further parallels with radical interpretations of *jihad* that have emerged since the mid-twentieth century. Within Salafi jihadism the focus on extreme claims to *ius ad bellum* has led to a complete abandonment of *ius in bello* limitations.⁹³ The 1998 declaration of jihad released by Bin Laden's World Islamic Front specifically states that "to kill the Americans and their allies – civilians and military – is an individual duty for every Muslim".⁹⁴ This interpretation of jihad, based on a stark distinction between 'good' and 'evil', stands in contrast to more nuanced classical jihadist literature or more moderate modern interpretations.⁹⁵

Perhaps the closest correlates to the Egyptian ethics of war can be found in the ancient Roman concept of wars for survival (rather than for *imperium* or glory)⁹⁶ and the ancient Israelite concept of *Milhemit mitzvah* (obligatory wars). The universalism of natural justice in the case of Rome, and the absolutism of divine justice in the case of Israel, permitted unlimited warfare as a counter to existential threats to the political community. For the Israelites, this was linked to the eschatological significance of Israel comprising the territory gifted by Yahweh to his chosen people. The biblical "ban" (*herem*) against a number of specific enemy communities residing within the promised land *obligated* the ancient Israelites to engage in the genocidal killing of

⁹¹ For examples, see Cox (2012, 118-21).

⁹² Montgomery Watt (1976, 152). Al-Qaeda have asserted new models of legitimate authority to declare jihad: Zehr (2013, 99-100, 101-5).

⁹³ Kelsay (1993, 69-74, 100-10); Bonner (2008, 157-65); Brachman (2009); Zehr (2013, 98).

⁹⁴ World Islamic Front (1998).

⁹⁵ For example, Peters (1977); Kelsay (2003; 2006); Al-Tabari (2007); Al-Sistani (2015). Thanks to Ahab Bdaiwi for bringing Al-Sistani's rules to my attention. Unlike in Islam, Egyptian warfare was not accompanied by a sense of spiritual struggle (the 'greater jihad').

⁹⁶ Cicero (2009, 16-17). Note that medieval lawyers categorized unlimited holy war as *bellum Romanum* 'Roman wars': Russell (1975, 195-212); Brundage (1976, 118, 122-5).

“everything that breathed”, including livestock.⁹⁷ What distinguishes Egypt from both Israel and Rome is that *all* Egyptian wars could be conceived of in this extreme manner.

The aforementioned doctrines obviously differed significantly in content and detail. Yet they are markedly similar in their underlying assumptions. Whether rooted in cosmology, theology, or Stoic philosophy, each contains universalising and/or absolutist notions of justice. These concepts of justice permitted military action against any and all who were deemed as transgressors against the law or threats to the community. Moreover, uniting all these doctrines was a definite sense of the enemy constituting a cultural ‘other’ – often characterized as barbaric – against whom extreme violence was permissible.⁹⁸

The wars of ancient Egypt are far removed from modern conflict. However, assumptions of, or claims to, universal and/or absolute justice in war are not consigned to the distant past or to the modern extremist fringe. Rengger (2013, 1-2, 8-9, 31-5, 158-79) has critiqued the Western amalgamation of teleocratic concepts of the liberal democratic state with a concept of the just war as a punitive instrument to combat injustice. This has resulted in a *less* restrictive use of force in international politics. “Where injustice is everywhere, the reasons to use force to oppose it are not hard to find” (Rengger 2013, 67). On the one hand, a conviction that states must combat injustice is made all the more necessary by the vivification of the state as a moral person, fully endowed with a conception of the good. Amy Eckert (2009, 162, 174) goes so far as to argue that “aggression against a state is akin to murder” and that this “grounds the right to national defense”. On the other hand, the post-World War 2 era has witnessed a growing emphasis on individual human rights, international humanitarian law, and the duty of states to defend against human rights abuses (for example, UN 1948).⁹⁹ Since the end of the Cold War, the UN Security Council has

⁹⁷ Bederman (2001, 209-12); Van Wees (2010, 242). See Deut. 20:16-17; 13:12-16; Num. 31:14-18; Jos. 6:20-21; 8:2, 27; 11:14; 1 Sam. 15:3.

⁹⁸ See above n. 21, n. 91.

⁹⁹ Cosmopolitan theorists such as Mary Kaldor (2007) and Cécile Fabre (2008; 2012) have argued that traditional ideas of state authority are no longer relevant for the “new wars” of the late twentieth and early twenty-first centuries. Kaldor’s suggestion that authority for the defense of global human rights should be passed to transnational bodies is, as she admits, based on the belief that “public morality has to be underpinned by universalist projects” (Kaldor 2007, 193).

been willing “to define ‘threats to the peace’ more broadly and flexibly” than simple violations of territorial sovereignty.¹⁰⁰ Consequently, the likelihood of military interventions on humanitarian grounds (often in violation of claims to state sovereignty) has increased. Stromseth, Wippman and Brooks (2006, 5, 9) observe that this “new interventionism will probably be a feature of the global order for years to come”, and is usually justified on the basis of instating or reinstating the ‘rule of law’. The authors (Stromseth, Wippman and Brooks 2006, 1-17) also highlight that the humanitarian or security concerns motivating interventions has led to these operations being characterized as a form of “new imperialism” or “liberal imperialism”. Yet the authors are less sensitive to the fact that the creation and promotion of the ‘rule of law’ through the United Nations has been dominated by Western liberal democratic states. The product is therefore a concept of law broadly reflective of Western liberal cultural values and requirements, but not fully cognizant of cultural differences.¹⁰¹ Stromseth, Wippman and Brooks do not address the problem that the very imposition of a Western dominated concept of the ‘rule of law’ is, in itself, a form of legal-cultural imperialism based on assumptions of the universality and absolute justice of such law. The authors assert that “building the rule of law after intervention depends on strengthening cultural commitments to – and public confidence in – *the very idea of law*” (Stromseth, Wippman and Brooks 2006, 55). What the authors really mean is that interveners must create a commitment to and confidence in the idea of *Western liberal democratic law*. In other words, they understand universally applicable ‘law’ to be synonymous with Western liberal democratic principles of law, as if they were a singular entity. This is more than a little reminiscent of the ancient Egyptian attitude to law and universal justice.

Uncompromising interpretations of justice, combined with the veneration of a singular political order, can produce sophisticated and powerful just war doctrines. However, the conviction that justice and war are interrelated and dependent clearly offers no guarantee that the destructiveness of war will be reduced. Indeed, it may in fact make war more destructive. In this regard, ancient Egyptian thought on war is not

¹⁰⁰ Stromseth, Wippman, Brooks (2006, 18-55, quoted text at 32).

¹⁰¹ Puchala (2005, 572-5, 577, 580-2).

unique and prefigures some later developments in the West and Middle East.¹⁰² Arguably, this is also relevant to the relationship between justice and military necessity in contemporary conflicts, as conceptions of justice directly impact upon the extent to which military necessity can exculpate collateral damage. The permissibility of abandoning rules of restraint – especially non-combatant immunity – in order to serve military necessity is alive in Walzer’s (2006, 251-68) well-known argument for “Supreme Emergency”. More recently, Neta Crawford (2003, 4-12, 160-75; 2013, 235-41, 245) has forcefully demonstrated how the modern just war tradition, international law, and military practitioners have accommodated military necessity as a means to permit the moral and lawful harming of civilians. This collateral damage is excused as the “inevitable” unintended consequence of necessary and proportionate military actions. U.S. military operations in Afghanistan, Pakistan, and Iraq rarely intentionally target civilians, but Crawford shows that not all cases of collateral damage are simply “tragic accidents”. Foreseeable civilian casualties have frequently been permitted as an acceptable cost for achieving military objectives or enhancing force protection. Thus military necessity becomes “a synonym for military utility” (Crawford 2003, 175).

If governments and their publics are convinced of the justice of a particular war – without accepting the possibility of ambiguities over issues such as just cause or enemy culpability – then the success of military operations, regardless of the ‘unintended’ costs to civilians, becomes an overriding priority. It is easy to imagine how an evermore expansive interpretation of military necessity would be directly proportional to the perceived importance of obtaining victory against an absolutely unjust enemy.

This article has demonstrated that complex thought about war and justice is not unique to the West or to Christianity. I have argued that we must expand the history of the just war tradition to recognize the rich seam of just war thought which existed in ancient Egypt well before the advent of Greco-Roman, Judeo-Christian, or Islamic considerations of this topic. Furthermore, it has been highlighted how ancient

¹⁰² Whether any influence existed between ancient Egyptian and later Western and Islamic thought must remain moot at present. A systematic comparison is beyond the scope of this article, but the author is working on just such a comparative project.

Egyptian just war thought shares certain characteristics with later classical, medieval, and even contemporary doctrines.

An understanding of the past should help to inform the just war doctrine of the present. The ancient Egyptian ethics of war demonstrates that absolute judgements in the realms of morality or justice intensify the destructive nature of war in both its conceptualization and prosecution. The challenge for contemporary just war doctrine is to create an ethical and legal framework that is robust enough to permit and regulate military force under pressing and determinable circumstances, yet flexible enough to accommodate the reality that, in something as complex as war, there are very few absolute truths.

Supplemental Information

All appendices are available online at the *International Studies Quarterly* Data Archive.

Appendix 1 “Egyptian culture and the West.”

Appendix 2 “Note on ancient Egyptian warfare.”

Appendix 3 “Ancient Egyptian ethics of war: a brief historiographical outline.”

Appendix 4 “The historicity of ancient Egyptian smiting scenes.”

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