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STOICISM AND JUST WAR THEORY

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DEDICATION

For Mom and Dad: I'm sure this project, time-consuming and difficult as it was, was still easier than raising me.

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This project would not have happened except for those years of war in Iraq, where I witnessed something resembling the holiness and sublimity of courage and justice from combatants and civilians alike, despite their pain and impending deaths. These actions forever after inspired me even when- perhaps, especially when- I was unable to exemplify these virtues myself.

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ABSTRACT OF THE DISSERTATION
STOICISM AND JUST WAR THEORY

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The ancient philosophy of Stoicism, itself one of the foundations for international law, can improve contemporary just war thinking by forming a coherent set of philosophical principles to serve as a foundation for a just war theory. A Stoic approach considers justifications for moral actions to come not from an appeal to human rights, conformity to deontological rules, or from the utility of the actions themselves, but from virtuous character traits and corresponding virtuous actions. As such, a Stoic approach to just war theory is a virtue ethics perspective in which metaethical incentive for moral action is the agent's own flourishing and successful life (*eudaimonia*). Such a theory is concerned with 'internal justice' rather than the 'external justice' of international laws, rules, or norms. Stoic justice is based on the conception of *oikeiosis*, with its dual aspects: the presumed natural desire for self-preservation, leading to the selection of things appropriate to the human constitution; and the supposed social instinct, most notably exemplified by affection for those in the agent's 'concentric circles of concern.' As equally a natural law theory and a virtue ethic, Stoic just war theory also attempts to answer points of contention between political realism and cosmopolitanism. This work outlines and, in a precursory way, develops other implications of Stoic philosophy for

just war theory derived from relevant (and salvageable) Stoic positions on physics and metaphysics, epistemology, ethics, moral psychology, and political philosophy. This project also examines the actions of ancient Stoic- or Stoically inclined- statemen in order to demonstrate the possibility, within its historical context, of Stoic justice in warfare. The Stoic just war theory answers problems and criticisms from other positions on natural law, virtue ethics, and just war. A minor theme of this project attempts to develop an education program in Stoic just war theory based on the ancient Stoics' own program for education.

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Introduction

Much of the just war tradition, at least in the West, has its roots in Stoicism, one of the major philosophical schools of the Hellenistic and Roman period. The Stoics taught that human beings, like the orderly cosmos that they are a part of, are rational, and therefore that the world is knowable. In terms of their ethical ideas, they accepted that all typical human beings have the capacities for ethical behavior and for becoming moral cosmopolitans. They believed that virtue is necessary and sufficient for a successful and flourishing life in accordance with nature, and that achieving such a life is itself the goal of a human life and the incentive to moral behavior. Also, since virtue alone led to such a flourishing life (and, conversely, that vicious behavior alone could prevent its achievement), they accepted that there are no moral goods or evils apart from virtuous and vicious character traits, respectively, and their derivative actions. They posited, moreover, that those virtues were inseparable: the wise person who, because of his knowledge in the art of living, is prudent, just, brave, and temperate. Finally, the Stoics accepted that actions and emotions which those virtuous or vicious characters exemplify are a product of either correct or incorrect judgments about appearances; and that those judgments were under the control (and the *only* thing in the control of) the agent.

In the context of the just war tradition, the Stoics' influence, by way of Cicero's (106 BCE - 43 BCE) Stoicism-inspired ethical writings, is perhaps most apparent in Grotius' *The Rights of War and Peace*, where the latter provides two distinct frameworks regarding what is permissible in a just war; what can be called, 'external' and 'internal' justice. As Gregory Reichberg notes, this differentiation between 'external' and 'internal' justice is an important conception for the framing of Grotius' work, almost as

foundational as what has been called Grotius' 'impious hypothesis.'¹ For Grotius, external justice involves, among other things, regulations and laws regarding property and jurisdiction within the 'law of nations.' To some extent, this seems to overlap with what Michael Walzer calls the "war convention." This refers to "the set of articulated norms, customs, professional codes legal precepts, religious and philosophical principles, and reciprocal arrangements that shape our judgments of military conduct."² These regulations are important, if not settled, features of how war is expected to be conducted.

In contrast, Grotius' conception of internal justice involves obligations that arise from property, promises, and oaths, among other things. Rather than being founded on convention, internal justice seems mainly to correspond to Christian virtues and a 'law of nature' which finds its earliest and most coherent form in the philosophy of the Stoics. It is this internal type of justice that is the major theme of this project (in fact, for the Stoics, it is the only type of justice). The point of this work is to show that Stoicism's virtue ethics approach can improve contemporary just war thinking by forming a coherent set of philosophical principles to serve as a foundation for a just war theory. A Stoic approach considers justifications for moral actions to come not from the conformity to rules or from the utility of the actions themselves but from virtuous character traits. It has not, until now, been successfully and coherently been applied to just war, though others have

¹ Reichberg in Rodin & Shue, p. 206. Loc. cit.: "Chapters IV-IX proceed from the point of view of 'external justice' (here identified with a special kind of *jus gentium*), while Chapters X-XVI detail what may be done according to the requirements of 'internal justice' (which is comprised of *jus naturae* and some complementary virtues such as charity)."

² Walzer 2000, p. 44

indeed attempted some other virtue ethics approaches.³ Taken together, a Stoic approach to just war theory is a virtue ethics perspective in which metaethical incentive for moral action is the agent's own flourishing and successful life (*eudaimonia*). This project claims that such an approach provides a more consistent and systematic just war theory than others which are based on deontological or utilitarian principles, or on a hybrid of these, which are currently popular due especially to Michael Walzer's influential book, *Just and Unjust Wars*.

Specifically, this dissertation argues that the concepts from Stoic philosophy (at least as framed by the Grotian conceptualization of 'internal' justice), with its physicalist ontology, 'eudaimonic' virtue ethics, and epistemological stringency are adequate to answering these conceptual and practical difficulties in contemporary just war theorizing.⁴ The first chapter will outline the relevant parts of Stoic philosophy for the purposes of this project, including Stoicism's materialism, its corresponding questions regarding knowledge and action, and Stoic moral psychology. This chapter will also explain ancient Stoicism's main tenets, including, crucially, the school's ethical

³ For instance, Chan's application of virtue ethics abandons the concept of just war, and is, by his own account, "close to pacifism" (p. 283). David Fisher (p. 63) attempts to combine virtue ethics with concern for the importance of consequences for his "virtuous consequentialism." The previous two theorists are examined in detail in Chapter 6, but there are others: Eric Heinze, in *Global Violence*, comes closer to a just war theory based on virtue ethics in his insight regarding virtue's importance in normative proscriptions on terrorism and torture (pp. 130, 140). G. Scott Davis, in *Warcraft and the Fragility of Virtue*, posits a just war theory based in Aristotelian virtues.

⁴ We must consider here that Stoic philosophy flourished from the 3rd c. BCE to at least the 3rd c. CE, under many philosophers emphasizing different aspects of the theory, and not entirely consistently. Add to this the difficulties of a lack of extant works by the earliest Stoics. Thus, the theory constructed here, as any proposed Stoic 'theory,' will be only one Stoic theory among what might be many which can be constructed. While attempting to be meticulously coherent to the fundamental principles of Stoic philosophy which can still be reasonably defended, it is unclear that every Stoic in the Hellenistic and Roman worlds would accept the one presented here as exhaustive.

implications which were the most historically influential- either as basis or foil- for the just war tradition. Overall, the purpose of this section is to show how the three branches of Stoic philosophical discourse, in the ancient world divided into ‘physics,’ (i.e. natural philosophy) epistemology, and ethics (including politics), can serve as a foundation for ‘internal justice’ in contemporary just war thinking.

The second chapter will trace Stoicism’s historical contribution to the just war tradition, particularly as it occurred due to the influence of Cicero’s ethical and political writings, most notably by his book, *On Duties*. Cicero was most responsible for applying Stoicism’s conception of justice to the realm of warfare, and noting his influence on just war will position the reader to understand the influence of Stoicism on later thinkers. Among these are the scholars of the late Renaissance, like those of the Neostoic movement, and therefore this chapter will especially consider the work of Justus Lipsius. Then, a discussion of Carl von Clausewitz’s view of the virtues of war help us understand the Stoics’ claim about inseparability of the virtues, and the importance of its application for a contemporary Stoic just war theory. Clausewitz’s *On War* also positions us to examine the parallels between Clausewitz’s and the Stoics’ view of emotions in war, an important topic for an internal aspect of justice in warfare. Next, we will explore the parallels between Stoic philosophy and Grotius’ view of internal justice. This will conclude the historical review of Stoicism throughout the just war tradition and allows us to then delve deeper into the technical philosophical positions of Stoicism in the subsequent chapter.

The third chapter will be a textual analysis of Cicero’s presentation of just war theory as it appears in his *On Duties*, which in turn will fill out a more coherent just war

theory based on Stoic philosophy that claims to be parsimonious and ‘naturalistic.’ This means that it is accessible to reason for a typical adult rational agent possessing language, self-preservation instincts, and (as the Stoics argued) a social nature with its affective aspects; while deferring, in its final standard, to nothing more other than a ‘natural law’ of ethics, itself synonymous with universal reason. This chapter will be the core of the dissertation, and presents a reconstructed and updated Stoic just war theory, including its convergence with, and differences from, contemporary just war thinking. Throughout, it will attempt to develop Stoic just war theory’s implications for *jus ad bellum* (i.e. just cause, legitimate authority, right intention, last resort, balance of consequences, and probability of success); *jus in bello* (i.e. proportionality, discrimination, and the ‘doctrine of double effect’); and *jus post bellum* (i.e. reconciliation, retribution, and cosmopolitanism). Moreover, this third chapter will reflect on Stoic approaches to some of Cicero’s concerns regarding cultural pluralism, pocide, and different types of war, such as Cicero’s wars of rivalry and wars of necessity. This chapter will thus provide principles necessary for the possible education of future combatants, which will be the topic of the next chapter.

The fourth chapter will evince the minor theme of the dissertation: the outline of a possible program for teaching Stoicism-inspired virtue ethics for those leaders and troops who are expected to conduct military operations. In order to develop these possible methods of virtue education, this chapter will discuss the Stoics’ three topics (*topoi*) for philosophical education: the disciplines of ‘Desire’ (*orexis*, which corresponds to Stoic physics), ‘Impulse’ (*horme*, which corresponds to ethics), and ‘Assent’ (*sunkatathesis*,

which corresponds to logic/epistemology).⁵ The Stoic positions on moral luck, the equality of moral errors, and the ‘extraordinary individual’ will also be discussed here, and developed further in the subsequent chapters. In short, this chapter is the secondary theme of this project, and will posit guidelines for the future development of practical applications to Stoic just war theory. Moreover, this section will also provide a way to evaluate the actions of historical figures, which may set examples for virtue ethics education.

The fifth chapter will examine and analyze the Stoic principles in the actions of Stoic or Stoicism-inspired statemen, namely King Kleomenes III of Sparta, the Stoic Opposition to autocracy, and the Emperor Marcus Aurelius. The topics to be examined through these Stoics’ actions in warfare include usurpation of power, rebellion against tyranny, and the intersectionality of political realism and cosmopolitanism. Also, this chapter will demonstrate the Stoics’ axiological orientations in particular actions in warfare, including the destruction of cities, assassinations, and Stoic restraint of the use of force. This chapter will reveal the Stoic understanding that warfare, though sometimes necessarily brutal, still allows for appropriate, and even just, moral actions (though for the Stoics these two things are not synonymous) if the agent is trained in Stoic principles.

The sixth, final chapter will preempt some possible criticisms of this Stoic just war theory and give tentative rebuttals for any alleged weaknesses, including the difficulties posed by the fact/value distinction and those implied by the cultural

⁵ This is developed from the work on the subject of ancient Stoic moral education by Brian Johnson, *The Role Ethics of Epictetus*; and by Pierre Hadot, *Philosophy as a Way of Life*. Lang, O’Driscoll, & Williams (p.11) refer to the just war tradition’s approach which focuses on the individual combatants, and education for the military officer, as the “pastoral” approach.

relativists' position. This stance is most concisely stated by R. W. Dyson, who provides a challenging critique to any position founded on natural law or human rights, claiming that these theories will necessarily fail. Then, Stoic theory will be compared to other just war theories, namely Cécile Fabre's cosmopolitan just war, with her self-described *ad hoc* principles, and the virtue ethics-based approaches to just war by David Fisher and the near-pacifist David Chan. These theories will be found to be less consistent internally than Stoicism due to their ontological, epistemological, or metaethical foundations, but these interesting viewpoints can help further develop the consequences of a Stoic just war theory, as well as possible approaches to virtue education for combatants. The Stoic theory's ability to develop an education program will then be examined by juxtaposing Stoicism against classical writers of asymmetrical warfare. Stoicism will be shown to be relevant to the experience of combatants in modern warfare, i.e. the increasingly common, decentralized 'new wars,' which involve perceptions of legitimacy by an occupied population and the moral permissibility, if there be any, of controversial tactics like torture. While remaining cautious- even skeptical- about how much a virtue ethics approach will accomplish in terms of policy, education programs, and 'external justice,' Stoicism as a just war theory aims for a coherent 'internal justice,' and attempts to answer questions and break the aporia that arise from contemporary just war problems. At the very least, a new Stoic approach will allow philosophers and International Relations theorists to rethink the primacy of both deontological ethics and utilitarian consequences when reasoning about appropriate actions throughout all the phases of modern warfare.

A note on terms and method: Throughout this project 'ruler' will refer to any agent who is practically able to declare and wage war, regardless of title or even quantity

of individuals (e.g., it can refer to a body of congressmembers). The term ‘soldier’ denotes any agent who might engage in combat, regardless of political status or branch of service (e.g. marines, sailors, and insurgents are all included in the term here). The Greek terms throughout this project have been transliterated and are usually given their English equivalents, whereas the Latin will keep its original script but will also generally be placed alongside its English counterpart. Finally, at the risk of not being as inclusive as a theorist would like, the hypothetical rulers and soldiers will be referred to with masculine pronouns. This is because the ancient Stoics typically referred to their hypothetical agents as masculine, and it seemed both forced and, in a few cases, as a misrepresentation of the Stoics’ words (if not of their cosmopolitan principles) to change to gender-neutral or feminine pronouns. The inclusively-minded reader must forgive this and understand that, unless otherwise stated, there is no reason any statement made here about the Stoics’ ethical imperatives cannot also apply to female rulers or soldiers.

Chapter 1: Stoicism for Just War Theory

Stoicism was one of several philosophical schools in the Hellenistic period which followed the death of Aristotle. It was given its name from the *Stoa Poikile*, the roofed colonnade in the Athenian agora where the founder, Zeno of Citium, gave his lectures. This exposition will not consider the historical aspects of the philosophy in detail, but will instead focus on its traditional philosophical concepts. While care must be taken when stating the views of a philosophical school with more than a five-hundred-year history, a theorist concerned with using Stoicism as a foundation for just war theory must develop and encase those aspects which are important and plausible, and ignore or if necessary revise those which are unhelpful or implausible. While some aspects of particular Stoics' thoughts seem quaint to a modern mind, many aspects of the ancient philosophy are internally consistent, plausible, and interesting to contemporary questions of justice throughout the phases of warfare. We will examine their merits in this section, but there is a caveat: Stoic philosophical discourse was, in the ancient school, generally divided into three different fields: the study of physics (or a naturalistic philosophy which includes their pantheistic theology), logic (which includes epistemology), and ethics (which includes moral psychology as well as political theory, and the latter will receive its own section here). While we will appraise these topics separately, the reader must understand that, for the Stoics, these were only parts of philosophical *discourse* and not of reality of itself, in which all of these was interconnected. That is, these topics are *only separable conceptually*. Both to the ancient Stoics and for this project, the overlap between physics, logic, ethics, and political theory, even in discussion, is to some extent inevitable.

1.1 Physics

The Stoic is a materialist (albeit in a qualified sense, since some things, like propositions, ‘subsist’ on matter rather than ‘exist’) as well as a nominalist; and thus accepts the existence only of particular objects. ‘War,’ for example, only refers to a conceptualization of particular physical events. This Stoic nominalist physicalism rejects immaterial disembodied ‘forms’ but instead accepts two principles (*archai*; s. *arche*): the undifferentiated matter (*hyle*) itself, and what the Stoic calls the *Logos*. *Logos* is a universal Rationality, a natural law immanent throughout matter, discoverable by human reason, and communicable by language (the method of discovery for rational animals, i.e. humans). It is, for an International Relations theorist, analogous perhaps to the anarchic structure of the international system: a thing inseparable physically, but separable *conceptually*, from the interacting units in a system. A useful analogy from chemistry would be that of systematic complexity: something that imposes order and certain behaviors on the physical objects. So, the Stoics, who hold the ontological position of a materialistic universe which nevertheless has an immanent rational order (*Logos*), posit humans as capable of understanding this order due to their inherent capacities for reason (and language): “For what does reason profess? To establish truths, to remove falsehoods, to suspend judgments over what is unclear.”⁶ For a Stoic, the *Logos* is inherent in the universe in everything from its physical laws to its moral laws. Rebutting (or at least qualifying) the charge of atheism, it is identical with a deity, a rational, non-

⁶ Epictetus, *Discourses* 1.7.2-5, 10 = Anthony Long and David Sedley [hereafter LS] 31R

supernatural Stoic ‘Zeus.’⁷ Thus, “god is the world itself, and the universal pervasiveness of its mind.”⁸

As we shall discuss in the subsequent sections, this Stoic naturalism is the starting point for ethical inquiry. A just war theory based on Stoic principles, therefore, will have natural law as its metaethical foundation. This differs from other contemporary just war theories which tend to rely either on deontological principles (including deference to human rights), and those which are based on utilitarian principles (where those rights claims, if those rights exist at all, become superseded in the face of a greater evil); or those theories which, as we shall discuss in 6.2.1, are a hybrid of both. There is no such conflict for a natural law-based, eudaimonic theory like that of the Stoics. Instead of an appeal primarily to human rights, for a Stoic

there is no other starting point or origin for justice except the one derived from Zeus and that derived from the common nature; for everything like this must take that as its starting point, if we are going to say anything at all about good and bad things.⁹

Unlike some of the scholastic theologians like Thomas Aquinas, the Stoics’ pantheistic and materialistic worldview identifies divine law with natural law. Natural law is the only true authority, and serves as a standard for positive laws, that is, those laws stated publicly which members of a certain community or communities are expected

⁷ Diogenes Laertius 7.134 = LS44B; Some Stoics were more religiously oriented than others. Cleanthes (*Hymn to Zeus* = LS54I), for example, wrote a famous hymn to Zeus’ divine providence and reason: “Most majestic of immortals, many-titled, omnipotent Zeus, prime mover of nature, who with your law steer all things, hail to you.”

⁸ Cicero, *On the Nature of the Gods* 1.39 = LS54B

⁹ Plutarch (quoting Chrysippus), *On Stoic Self-Contradictions* 1035a-d = Brad Inwood & Lloyd Gerson [hereafter IG], pp. 9-10

to obey. In a word, natural law is the standard to which any positive laws must cohere in order to command any moral authority. To be obligatory, positive laws must conform to natural law and “everything in the law of nations ought also to be a part of the civil law.”¹⁰ Thus, only the natural law, discoverable by reason, is obligatory, and is the only standard of moral conduct in social affairs:

Law is king of all things human and divine [presiding] over what is honorable and base, as ruler and as guide, and thus be the standard of right and wrong, prescribing to animals whose nature is political what they should do, and prohibiting them from what they should not do.¹¹

Moreover, it is immutable, since the Stoics also equate natural law with ‘right’ or ‘correct’ reasoning:

True law is right reason, in agreement with nature, diffused over everyone, consistent, everlasting, whose nature is to advocate duty by prescription and to deter wrongdoing by prohibition. Its prescriptions and prohibitions are heeded by good men though they have no effect on the bad. It is wrong to alter this law, nor is it permissible to repeal any part of it, and it is impossible to abolish it entirely. We cannot be absolved from this law by senate or people, nor need we look for any outside interpreter of it, or commentator. There will not be a different law at Rome and at Athens, or a different law now and in the future, but one law, everlasting and immutable, will hold good for all peoples and at all times.¹²

Since natural law is universal and discovered by reason through the reasoning faculty (*hegemonikon*) of all typical adult humans, then all such human beings are participants in the cosmic community: a cosmopolis of rational agents. This obliges

¹⁰ Cicero, *On Duties* 3.68

¹¹ Marcian I = LS67R

¹² Cicero, *On the Republic* 3.3 = LS67S; Elsewhere (*DJBP* 1.1.10), Grotius borrows from Cicero for his own conception of natural law: “Natural right is the rule and dictate of right reason, showing the moral deformity or moral necessity there is in any act, according to its suitability or unsuitability to a reasonable nature, and consequently that such an act is either forbid[den] or commanded by God, the author of Nature” (all translations are Richard Tuck’s).

justice even to the most distant foreigner. While such an appeal to rationality and sociability rejects moral relativism, it still accepts that cultural practices which do not contradict natural law are morally indifferent (*adiaphora*, the category of things which may have selective value and be preferred or dispreferred but have no moral value). This is because, for the Stoics, only virtue (*arete*, *virtus*) has moral worth and is truly good, and thus those cultural practices which do not contradict the moral law (and thus are not vicious) are permitted (See 1.4). Moreover, only that person who has a disposition developed over a lifetime to consistently and unerringly adhere to natural law, i.e. the Stoic ‘sage’ (*sophos*), is said to be morally perfect and truly wise; and a true cosmopolitan, due to his acquired wisdom in selection of those things which are conducive to human life and his perfected sociability.¹³ Rather than following positive laws as such, the sage’s adherence to reason, i.e. natural law, makes the sage’s knowledgeable actions always, by definition, just, prudent, moderate, and courageous; with the virtue most represented depending on the particular circumstances in which the sage’s wisdom presents itself. For the Stoics, the concept of the sage amounts basically to a thought experiment of an agent who has perfected his moral character: “Only creatures who use reason live by law and justice.”¹⁴ Only such an agent can have truly just actions, due to his perfected reason.

In sum, Stoic physics leads the philosopher to understand the world as a rational whole, a material world in which reason (*Logos*) is immanent throughout all, separable

¹³ As previously mentioned, the Stoics referred to the sage in masculine terms, but there is no reason that the sage cannot be female

¹⁴ Cicero, *On the Nature of the Gods* 2.154 = IG, p. 77

from the matter only conceptually. The Stoic world is a community of rational beings under a common law, where all just (as well as prudent, brave, and temperate) actions are conducted only by a person whose disposition is one of wisdom- wisdom defined by a disposition that unerringly and consistently coheres with the natural law as discovered by such a person's perfected reasoning faculty (and communicable in language). A final important concept for understanding Stoic physics is *oikeiosis*, the natural processes of finding and selecting that which is 'appropriate' or 'endeared' to the animal. However, for simplicity we will relegate this discussion to the section on ethics. An understanding of Stoic physics, in turn, requires an analysis of Stoic epistemology, since the just and wise sage, should he ever exist, requires (and has acquired) scientific knowledge (*episteme*) of goodness and badness in order to know what action to take.

1.2 Epistemology

For the materialist and nominalist Stoic, only 'occurrent' thoughts exist. Thoughts supervene on physical bodies and exist only when they are actually being thought of, rather than existing as 'dispositional thoughts.' Basically, Stoic epistemology describes the human condition this way: Animals, unlike other living things e.g. plants, receive impressions (*phantasiai*; singular: *phantasia*) through sense-data and (generally) act according to their respective natures. It is in this way that those animals can seek out those things which are appropriate to their constitutions and reject those which are inappropriate. Typical adult humans, specifically, are rational, language-using animals, and thus receive 'rational' impressions, which include language content. Some impressions (those thought processes an agent receives) are appearances which represent

reality clearly and distinctly, and the receiver is thus obliged to believe the impression's propositional content. In Stoic parlance, "Some sensory impressions arise from what is, and are accompanied by yielding and assent."¹⁵

The content of impressions can either represent reality clearly (a 'cataleptic' impression), or not represent reality (a false 'non-cataleptic' impression), or can represent reality but not clearly (still a 'non-cataleptic' impression). Therefore, the receiver *qua* rational agent must then analyze or test the impression by comparing that impression to the agent's preconceptions (*prolepseis*; s. *prolepsis*), to see if such an impression corresponds to reality.¹⁶ The term 'must' here is deliberate: unless acting on mere sudden physiological reaction (*propatheia*), the agent 'must' (i.e. cannot help but) juxtapose impressions against preconceived notions, often including those of value ("This X is good/bad/neither good nor bad"). In Stoicism, all rational agents do this. However, there is also a normative sense of 'must'- discussed below in the ethics section- which obliges the receiver to make correct decisions about those received impressions.

These preconceptions, not unlike in the later theory of John Locke who borrowed much from the Stoics, are developed over time and experience, and empirically.¹⁷ Here it is important to restate the importance of language to a rational animal like a human. Humans have language capabilities, another aspect of rationality or *Logos*, and language is inherent in the impressions rational agents (e.g., typical human adults) receive. *Logos*,

¹⁵ Sextus Empiricus, *Against the Professors* 8.85-6 = LS34D

¹⁶ For *prolepsis* and *ennoia* as the criteria of truth, see H. Dyson's second chapter.

¹⁷ John Locke, *An Essay Concerning Human Understanding* esp. 2.1; For a comparison between the views of Locke and (Cicero's) Stoicism, see Miller & Inwood, pp. 46-7.

then, contains a double-meaning for Stoics: *Logos*-as-reason, which human being share with each other and with the cosmos, and *logos*-as-language, the method of communication shared by those rational agents. Although a shorthand way of explaining Stoic epistemology would suggest Stoics hold that an agent ‘compares impressions to reality,’ this is technically incorrect, or at least incomplete. Rather, because human impressions are rational (except for perhaps some of the more basic occurrences, such as fight-or-flight reactions), these impressions have propositional content; what the Stoics call ‘sayables’ (*lekta*, s. *lekton*). The term, because of its importance for moral reasoning, requires exposition:

[The Stoics] say that a ‘sayable’ is what subsists in accordance with a rational impression, and a rational impression is one in which the content of an impression can be exhibited in language.¹⁸

Because adult, prototypical humans (i.e. agents) are rational, impressions involve thought processes: An impression arises, then “thought, which has the power of talking, expresses in language what it experiences by the agency of the impression.”¹⁹ These thought processes are therefore language-laden and, in terms of typical human development, are improved over time:

An animal’s utterance is air that has been struck by an impulse, but that of a man is articulated and issues from thought... and is perfected at the age of fourteen.²⁰

¹⁸ Sextus Empiricus, *Against the Professors* 8.70 = LS33C

¹⁹ Diogenes Laertius 7.49 = LS33D

²⁰ Diogenes Laertius 7.55-6 = LS33H

For the Stoics, we do not assent to the impressions as mere sense-data, but we receive them as imbued with propositional content that have truth values, i.e., the ‘sayable’ in the impression is either true or false, and either clearly true, or not clearly true. So, strictly speaking, ‘*impressions*’ themselves are not true or false; rather, *it is the proposition that humans beings receive as part of the impression* that has such a truth value.

Consider, by way of example, the Stoic soldier on patrol on a bright day. He perceives an impression of a figure moving in his direction on the street. The impression itself has certain qualia, but the Stoic, *qua* rational animal, begins almost immediately to receive also the propositional content. So, the Stoic mind uses language even unto itself, a ‘*logos*’ with which to understand the world (also, such propositional content can be shared and its justifiability is what makes for ethical action, but more on this *infra*). The Stoic soldier then mentally states, “A man moves toward me.” So far, the impression is not directed by the Stoic (setting aside that the Stoic can close his eyes or look away). In a word, the impression is not under the agent’s control. The subsequent action, however, *is*. Our Stoic on patrol, after receiving the impression and its propositional content (“A man moves toward me”), has a few options. One option is that the Stoic can ‘assent’ (noun: *sunkatathesis*) to the impression. That is, he can accept it as true. This action (because assents are actions, in Stoicism) is *believing* that a man moves toward him. Another option is that the Stoic can, for whatever reason, reject the impression as a mirage or other type of hallucination caused by the heat of the day, by the physical and mental exertion of the patrol, or if he has reasons to believe it is in fact a stationary tree, or more incongruently, say, a chimpanzee running toward him. In this case, the Stoic rejects the impression (specifically, the impression’s propositional content: “A man

moves toward me”) as false. Yet another option is that the Stoic can ‘withhold assent’ (*epoche*) to the impression. The Stoic understands, for instance, that the object is far away, or that there is instead a glare, or that possibly the object is moving away from him, not toward. The Stoic then has withheld assent until, for example, conditions have changed and the Stoic can test the impression against the preconceptions which are required to discover such a proposition’s truth value.²¹

The ideal and perfect Stoic, that is, the morally perfect sage (*sophos*), assents only to, and to every, received ‘cataleptic impressions’ (*kataleptike phantasiai*). Such a cataleptic, or ‘graspable,’ impression is the Stoic criterion of truth. It “has its source in that which is, in conformity with the very thing that is.”²² It is an impression received by the agent that ‘corresponds to reality’ (literally, “arises from what is and is stamped and impressed exactly in accordance with what is” [*einai ton pragmaton thasi, ten ginomenen apo huparchontos kat’ auto to huparchon enpesphragismenen kai enapomemagmenen*]); and cannot be mistaken (literally: “cannot arise from what is not”), while a ‘non-cataleptic’ impression, on the other hand, is “neither clear nor distinct” (*ten me trane*

²¹ The Stoics defended their criterion of truth, and hence their ethics, against other Hellenistic philosophers, such as the Academic Skeptics, who doubted the existence of the cataleptic impression. On the other hand, the Pyrrhonian Skeptics went further than the Academics, doubting even whether the cataleptic impression should be doubted and that only mere impressions can be posited- but not beliefs, and thus no knowledge. See Photius, *Library* 169b18-170b3 = LS71C: “Not one of them has said that either that all things are [non-cataleptic], or that they are [cataleptic], but that they are no more of this kind than that, or that they are sometimes of this kind, sometimes not, or that for one person they are of this kind, for another person not of this kind, and for another person not even existent at all.” See Grotius (*DJBP* Preliminary Discourse 5), who defends his version of a Stoic *oikeiosis* and natural law against a hypothetical skeptic: “And that we may not engage with a multitude at once, let us assign them an Advocate. And who more proper for this purpose than Carneades... [who believes that] Nature prompts all men, and in general all animals, to seek their own advantage: so that either there is no justice at all, or if there is any, it is extreme folly, because it engages us to procure for the good of others, to our own prejudice.”

²² Sextus Empiricus, *Against the Professors* 8.85-6 = LS34D

mede ektupon).²³ The cataleptic impression alone, or rather, along with its propositional content, represents the object as it truly is (setting aside that it is the way it appears *to this rational agent*). To all other impressions, the Stoic sage either rejects it outright, or else withholds assent (*epoche*).

To reiterate, take a few mundane examples: A Stoic receives an impression of two objects placed next to another pair of objects and then receives the impression's propositional content that 'two and two are four.' The Stoic, having a preconception from an elementary education of simple arithmetic, and testing the impression against this preconception, assents to the impression. Another Stoic gets the impression that his keys are in his pocket (along with the propositional content, 'My keys are in my pocket.'). Remembering that he is not wearing pockets, rejects the impression, as it is false. Yet another Stoic gets the impression that the number of stars in the sky are an even number. Since it is unclear (non-cataleptic), the Stoic withholds assent to the impression. So, the Stoic receives either cataleptic impressions (which are true and accurately represent reality), or non-cataleptic impressions (which are either false or true-and-unclear, but either way do not represent reality clearly and distinctly):

Of impressions, one kind is cataleptic, the other non-cataleptic. The cataleptic, which [the Stoics say] is the criterion of things, is that which arises from what is and is stamped and impressed exactly in accordance with what is. The non-cataleptic is either that which does not arise from what is, or from that which is but not exactly in accordance with what is: one which is not clear or distinct.²⁴

²³ Diogenes Laertius 7.46 = LS40C

²⁴ Diogenes Laertius 7.46 = LS40C; There is an anecdote in *ibid* 7.177 = LS40F about a Stoic philosopher, Sphaerus, who reached out for a wax pomegranate during a banquet, taking it for a real one. When asked why he assented to a false (and thus necessarily non-cataleptic) impression in reaching out for a fake fruit, Sphaerus responded that he did not assent to an impression that the pomegranate was real but rather to an impression that it was 'reasonable (*eulogon*)' that the pomegranate was real. In doing so, Sphaerus "pointed out that the cataleptic impression is different from the reasonable one... The former is incapable

As stated above, certain impressions are not clear, and in those cases assent is not permitted. In cases of unclarity, the sage withholds assent:

In the case of impressions which differ so slightly the wise man will stop and become quiescent, while in the cases where a more substantial difference strikes him he will assent to one of the impressions as true.²⁵

The sorites paradox in this passage exemplifies the intersection of Stoic epistemology and Stoic ethics. Merely because the sage does not have all the relevant information does not imply that a correct judgment cannot be made, since a correct judgement may be to withhold assent; or, after further thinking (thus receiving new impressions with new propositional content) assent only to an impression whose propositional content is cataleptic. The cataleptic impression includes understanding of what is reasonable to do ‘all-things-considered’; and thus a sage can act wisely (and courageously, justly, and prudently) despite a lack of total information.

The Stoic accepts something of a scale between mere ‘opinion’ (*doxa*) on one end, which is the least secure in terms of understanding, and ‘scientific knowledge’ (*episteme*) on the other. The latter is the most secure, and only had by a sage with a disposition of character of always assenting to all, and only to, cataleptic impressions.

of deceiving, but the reasonable impression can turn out otherwise.” The Stoic does not, perhaps cannot, truly know if his impressions always represent reality. But, instead a second order representation of reality occurs: ‘It is reasonable to suppose X.’ In a sense, this is a second order cataleptic impression about a non-cataleptic impression. For example, sometimes a cataleptic impression may be of the sort, ‘It is reasonable that the nation should mobilize its forces for an impending attack.’ Thus, the reasonableness of mobilizing the military may be cataleptic even if the data which it is based on is non-cataleptic.

²⁵ Sextus Empiricus, *Against the Professors* 7.416 = LS37F; Hankinson (p. 78) states that “the Stoics (like all the ancients) are firmly committed to a correspondence theory of truth”; but that, “By the same token, the most they can possibly espouse is a coherence theory of knowledge, or perhaps rather of justification-but of course such a theory is perfectly compatible with a correspondence theory of truth.”

'*Katalepsis*' is between these. It is more than mere opinion, but this "grasping" is not developed to a firmness of character as that of the theoretical sage who understands the interconnectedness of all their knowledge. While even non-sages (or, as Stoics call all those who are non-sages, 'fools') receive cataleptic impressions and may assent to them, they, that is, their mental states, do not have '*episteme*': the scientific knowledge whose prerequisite is a firm, virtuous disposition of character.

The Stoics say that there are three things which are linked together. Scientific knowledge (*episteme*), opinion (*doxa*), and cognition (*katalepsis*) stationed between them. Scientific knowledge is cognition which is secure and firm and unchangeable by reason. Opinion is weak and false assent.²⁶

So, '*katalepsis*,' what the Stoics call the act of cognition, is found both in the sage and non-sage:

Cognition in between these is assent belonging to a cataleptic impression; and a cataleptic impression... is one which is true and of such a kind that it could not turn out to be false. Of these they say that scientific knowledge is found only in the wise, and opinion only in the inferior, but cognition is common to them both, and it is the criterion of truth.²⁷

The Stoic takes for granted (necessarily, if ethical decisions are going to be made at all) that the human mind is capable of rooting out truth from falsehood, and it is precisely in the perfection of this capacity- the ability to make correct judgment about received impressions- that a person becomes wise, and therefore just (and because the Stoics accept the unity of the virtues, also brave, temperate, and prudent; discussed in 1.3).

²⁶ Sextus Empiricus, *Against the Professors* 7.151-7 = LS41C; Cf. Brennan, p. 63: "To refer to the beliefs that do not come up to the standard of knowledge, philosophers sometimes use the term 'mere belief'; the Stoics used the term 'opinion' [*doxa*]."

²⁷ Sextus Empiricus, *Against the Professors* 7.151-7 = LS41C

Ethical action, therefore, is nothing other than virtuous action proceeding from a character that has perfected this epistemic capacity:

Since then the human mind is completely suited to the scientific knowledge of things and to consistency of life, it embraces cognition above all... Therefore it makes use of the senses and creates the expert skills as second senses, and strengthens philosophy itself up to the point where it produces virtue, the one thing on which the whole of life depends.²⁸

But how does such expertise happen? The answer lies in two more terms from Stoic epistemology, one of which we briefly discussed *supra*: ‘*prolepsis*’ and ‘*ennoia*.’ Basically, the agent receives an impression, and, in order to decide whether to assent to the impression or not, refers to the preconception (*prolepsis*) appropriate for determining the particular case. These preconceptions have developed over time and can be said to be well-developed (setting aside its correspondence to reality) around the time the individual fully becomes an ‘agent’ at around fourteen years of age. When a subject of inquiry is articulated by definition and communicable, this is then called a ‘conception’ (*ennoia*). These preconceptions “are common to all men”:

So when does conflict arise? In fitting preconceptions (*prolepseis*, n. *prolepsis*) to particular entities, as when someone says, ‘He acted nobly, he is brave,’ and another says, ‘No, he is crazy.’ This is the source of men’s disagreement with one another... What is education? Learning to fit the natural preconceptions to particular entities in agreement with nature, and further, making the distinction that some things are in our power and others are not.²⁹

So, it is here that the Stoic identifies what things are in his control (i.e., are ‘up to’ him, [*eph’ hemin*]): an assent to the impression, which involves testing the impression against

²⁸ Cicero, *Academica* 2.22 = LS40N

²⁹ Epictetus, *Discourses* 1.22.1-3, 9-10 = LS40S

his preconceptions; whereas *the impression itself*, however, is outside of his control (i.e., not ‘up to’ him [*ouk eph’ hemin*]). For the Stoic, any deviation from assenting to all, and only to, cataleptic impressions is a moral error and a violation of natural law. This is why all moral mistakes are equal: a faulty judgment is a faulty judgment, and ‘up to’ the agent, whereas the consequences are not.

The terms lend themselves to confusion in English and in their Latin cognates, since technically the Stoic ‘conception’ *is a kind of* ‘preconception.’ ‘Conceptions’ (*ennoia*), and ‘preconceptions’ (*prolepseis*) are less likely to be confused in the Greek originals. These technical terms are important for the Stoics’ epistemology and moral education because, in Stoicism,

the mind forms conceptions- *ennoia*, as they call them- of those things, that is, which they articulate by definition. The entire method of learning and teaching, they say, stems and spreads from here.³⁰

A ‘conception’ is communicable, meaning that its articulation and definition can be stated in propositional form and discussed with another rational agent. Rather than epistemology and, therefore, ethics being private and relativistic, reason is available to all; and therefore moral actions are communicable, and hence justifiable. All citizens of the Stoic cosmopolis would theoretically be able to persuade and be persuaded by reason when the concept is made public and explicit, as long as the agent were to receive it as a cataleptic impression. A community of sages, theoretically, would not be a rule by the majority but a rule by consensus, since all would be able to recognize a cataleptic impression that is presented through articulation and discussion, and then assent to its

³⁰ Augustine, *City of God* 8.7 = LS32F

reasonableness (what makes it reasonable will be discussed in 1.3 and 1.4).³¹ While technically a preconception is a type of conception, for the purposes here we can defer to the Stoic parlance that differentiates them in the following way:

Some conceptions arise naturally... and undesignedly, others through our own instruction and attention. The latter are called ‘conceptions’ only, the former are called ‘preconceptions’ as well.³²

So, conceptions arise by the desire of the enquirer to put a subject of inquiry, one of his preconceptions, into language able to be made communicable to other rational agents, whereas the larger category that includes then, preconceptions, arise naturally through sense-experience. It is these conceptions and preconceptions that play an epistemological role, not merely in false beliefs, but in the dangerous and excessive emotions (*pathe*) which play a role in wrong actions; including, of course, those leading up to and during warfare (and in *post bellum* vindictiveness). The extirpations of these mistaken emotions are necessary for developing a moral and *eudaimonic* character, and thus necessary for committing just actions. The sage would, of course, have a quality of mind free from these harmful emotions, and the Stoic term for such theoretical ‘passionlessness’ is *apatheia*.

In Stoicism, a passion (*pathos*; pl. *pathe*) “acquires vehemence and strength from bad and erroneous judgement.”³³ Briefly, passions happen in the following way:

³¹ There is much of this that is reminiscent of Habermas’ conception of ‘communicative action’: see especially pp. 19-20. Future work might establish further connections between these two theories of rationality.

³² Aetius 4.11.1-4 = LS39E

³³ Plutarch, *On Moral Virtue* 440E-441D = LS61B; Cf. Tieleman (pp. 186-7) for passions as “weakness” and “disease.”

1. The agent receives a false impression (with its corresponding propositional content) that something good or bad is either happening or in prospect, and that it is appropriate to be either gleeful, hopeful, distressed, or fearful.

2. The agent assents to the impression (and does so mistakenly, given the Stoics' axiology). This false judgment equates to a false belief that something good or bad is either happening or in prospect.

3. Then, the agent's false belief (which is mistaken and unwarranted) causes an excessive response (a 'passion') that is no longer in the agent's control.³⁴

In experiencing a passion, the agent, in having assented (2) to a false impression (1), has relinquished control, and now experiences (3) an irrational emotion (passion [*pathe*]). These include: 'glee' (the excessive and currently uncontrollable false belief that something good is happening); 'desire' (the excessive and currently uncontrollable false belief that something good is in prospect (for example, 'anger' is a type of desire: "a desire for revenge on one who seems to have done an injustice inappropriately"); 'distress' (the excessive and currently uncontrollable false belief that something bad is happening); or 'fear' (the excessive and currently uncontrollable false belief that

³⁴ See the LS65 for their compendium on passions; and Inwood 1987; Still, a false belief need not always become a passion, but all passions involve false beliefs. For instance, a memory of a perceived wrong against oneself may sometimes lead to the passion of anger, but sometimes merely remains a false belief without the emotional state of anger.

something bad is in prospect).³⁵ So, ‘*pathe*’ are false beliefs which have an affective component, i.e. assents which are carried to excess.³⁶

One reason that the Stoic’s view of the passions is important for a virtue ethics approach to just war theory is because it deals quite well with the principle of proportionality. For the Stoic, passions are “impulses going beyond the rational proportion” that are no longer obedient to reason, or are “contrary to reason”; it is an impulse that has gone beyond what is reasonable, “For the proportion of a natural impulse is what accords with reason and goes only as far as reason itself thinks right.”³⁷

The Stoic maxim relevant here is that of Epictetus:

It is not the things themselves that disturb men, but their judgments about things. For example, death is nothing terrible, otherwise Socrates would have thought so; what is terrible is the judgment that death is terrible. So whenever we are impeded or disturbed or distressed, let us blame no one but ourselves, that is, our own judgments.³⁸

This will become more clear in the analysis of Stoic ethics, since the Stoic considers only that which is dishonorable (i.e., vicious: foolish, unjust, cowardly, immoderate) to be

³⁵ I.e., anger; See Diogenes Laertius 7.113 = IG, p. 120; Andronicus, *On Passions* 1 = LS65B

³⁶ Although more than can be covered in this short project, there is more to the passions: ‘Fresh’ (*prophaton*) impressions have a vividness which often lead to hasty judgments, and often also passions (*pathe*). ‘Carried to excess’ is an important part of the definition because one might have a false belief that something bad is in prospect (death, for example) and yet not have a passion. See Long and Sedley’s compendium on this subject (LS65), especially Andronicus, *On Passions* 1 = LS65B. The ideal sage would not be emotionless, but instead have ‘good emotions’ (*eupatheia*). However, this need not concern us for now.

³⁷ Galen, *On Hippocrates’ and Plato’s Doctrines* 4.5.21-5 = LS65L; What is natural for a human being, Grotius (*DJBP* Preliminary Discourse 9) claims, is to “[F]ollow the dictates of a right and sound judgment, and not be corrupted either by fear, or the allurements of present pleasure, nor be carried away violently by blind passion. And whosoever is contrary to such a judgment is likewise understood to be contrary to natural right, that is, the laws of nature.” Here, Grotius accepts the Stoic position that it is reason, and not emotion, that is conducive to sound judgment.

³⁸ Epictetus, *Manual* 5 = LS65U

truly bad, since only vice keeps one from attaining a happy life in accordance with nature, or *eudaimonia*. It is enough to note for now that the Stoic accepts that it is those assents to false impressions (false because they are mistaken about what is good, bad, or indifferent), rather than the event or merely the impression itself, that lead rational animals to their passions (and thus to act *irrationally*).³⁹ In a word, assenting to false impressions about what is good or bad (and either present or in prospect) leads to disproportionate emotions and impulses, and correcting these false judgments this will be an important part of a Stoic just war theory.

The Stoics' extremely high bar for knowledge (and thus moral action) implies that non-sages, or, as the severe and exacting Stoics put it, 'fools,' are ubiquitous throughout the world. The world is inhabited and infested by fools, since none but perhaps a few of them have ever developed the type of character that can assent only to, and to all, cataleptic impressions, can reject every one of those that are false, and withhold assent to every one of those which are not clear and distinct. The sage is the person who "will never believe a falsehood," nor would such a person assent to anything non-cataleptic, "because he neither holds mere opinions nor is ignorant in any respect."⁴⁰ In Stoic ontology, "the wise man does everything well":

... accomplishing everything in accordance with right reason and in accordance with virtue, which is expertise concerned with the whole of

³⁹ At least after a moment to process the initial unavoidable feelings that make up an impression, what Seneca (*On Anger* 2.2) referred to as "movements that occur independent of our will [and] cannot be controlled or avoided..." These can be labeled 'pre-emotions' (*propathēia*).

⁴⁰ Stobaeus 2.11 = IG, p. 149

life. By analogy, the inferior man does everything that he does badly and in accordance with the vices.⁴¹

While the Stoics might at first seem to be too exacting in their requirements for moral action, it is coherent with their physicalist ontology and epistemology, since virtuous acts, as opposed to those which are merely ‘appropriate,’ can only proceed from a wise, expert character consistent with such a mind’s tenor. So, moral action in Stoicism is based on the metaethical quest for a happy, healthy, eudaimonic mind. The point of this project is to show that only such coherence can build a foundation for the just war tradition, and therefore the thought experiment of the ideal sage is necessary for considering what moral action might be in warfare. Wars are unjust because they are fought by non-sage insane fools, and “every inferior man is insane, since he has ignorance of himself and of his concerns, and this is insanity.”⁴² Here, the Stoics posit that the vast majority of people, not understanding what is in fact in their best interest, are ignorant of what is good or bad for them, and that ignorance of what is good and bad for oneself is madness. Ignorance about what is just in warfare is bad because it keeps the agent from a happy life in accordance with nature, as we will discuss in the subsequent sections.

Before departing from Stoic epistemology, we must present a rather idiosyncratic aspect of their theory of knowledge that will be important for just war thinking below. Recall that the Stoics’ physicalist ontology accepts the existence only of *occurrent* beliefs

⁴¹ Plutarch, *On Stoic Self-Contradictions* 1046E-F = LS61F

⁴² Stobaeus 2.68, 18-23 = LS41I; In some respects, Niebuhr (p. 17) appears to share the Stoics’ disparagement: “Our democratic civilization has been built, not by children of darkness, but by foolish children of light.”

(since beliefs supervene on physical events; today one might perhaps say that thoughts exist when they supervene on *brain* states) and does not accept the existence of *dispositional* beliefs, “ones that you are disposed to have if the question arises, or ones that are part of your make-up or disposition, even though they are not at work in your thoughts right now.”⁴³ Tad Brennan explains that the Stoic uses the term ‘belief’ (*doxa*) only for occurrent thoughts:

A belief on the Stoic view is an event, like a sneeze... If it is not playing an active role in my thoughts, then it is not a belief, on the Stoic view. And instead of talking about ‘dispositional beliefs,’ as though they were another kind of the same thing, they talk about having a ‘disposition to believe,’ that is, a feature of your psychology which is not a belief, but makes you the sort of person who *will* have a belief when the occasion arises.⁴⁴

Brennan is correct in stating that this is “a slightly more accurate way of speaking.” To show why, consider that the thought that there is not currently an elephant perched above one’s car. It seems appropriate to state that this is only an existing belief when one is in fact thinking it. Before that strange thought, to state one has a dispositional belief about such a thing unnecessarily overpopulates one’s world with beliefs one does not in fact have. That is, one’s belief that there is not an elephant perched above one’s car, the belief that there is also not an elephant perched above the house, nor above the desk, etc., can only be said to truly be beliefs *when in fact one is having any of those occurrent beliefs*. To claim that one has an infinite amount of beliefs

⁴³ Brennan, p. 64

⁴⁴ Brennan, p. 64

about where elephants are or are not perched is to confuse ontological existence of beliefs with a ‘*disposition to believe*,’ or in this case, ‘*not believe*.’

More simply, my numerous but consecutive beliefs about the word that is my mother’s maiden name are beliefs *when they are occurring* i.e. when I am actually thinking about my mother’s maiden name. At any other time, rather than stating that I have a ‘dispositional belief’ about my mother’s maiden name, it is more accurate to say that I have the type of disposition *that* believes, or a ‘disposition *to* believe,’ that a certain word is my mother’s maiden name. Perhaps Brennan states it best when he compares it to a laugh:

A disposition to laugh at knock-knock jokes is not itself a laugh, so it would be rather odd to say that there are two kinds of laughs, the occurrent kind I do after you tell me a knock-knock joke, and the dispositional kind I was having this morning at breakfast, while sorrowing over the latest news from sub-Saharan Africa, it would have still been true to say of me, even as I was sighing over the fate of AIDS victims, that I have a disposition to laugh at knock-knock jokes... But it would surely be false to say that I was, at the very time, laughing, and the falsehood would not be much amended by saying that I was having a dispositional laugh.⁴⁵

Though all this perhaps seems tedious for a project on just war thinking, such an exacting ontology about epistemic matters is important. The Stoics’ epistemological view on the existence of only occurrent beliefs is why the concept of ‘right intention’ as it currently exists in just war discourse risks becoming dubious, if not incoherent. Not only would no one but the sage be able to truly have a truly right intention, but there may be (for non-sages) different intentions at different times, i.e. anytime there is ever an occurrent thought about declaring or mobilizing for war (not to mention *in bello*

⁴⁵ Brennan, p. 64

intentions). So, a right intention is right *only when it is occurrently being rightly intended*; and such an intention is not dispositional but occurrent.

1.3 Ethics

As implied by the sections discussing Stoic physics and epistemology, any deviation from adherence to natural law and any deviation from assenting to a true and clear (i.e. cataleptic) impression is equal to any other deviation. This is because what is in the agent's control is the judgment, not the impressions nor the consequences; and it is precisely here where the agent has failed. In terms of assenting, rejecting, or withholding assent, which is the only moral action involved here, correct assents are equal to each other morally, as are all incorrect assents equal to each other. Thus, the Stoic accepts the equality of all moral errors (i.e. all errors are equally deviations from natural law), and the equality of all correct actions (i.e. all correct actions are adherences to natural law). "All wrong actions are equal, and likewise all right actions; and all fools are equally foolish..."⁴⁶ For a Stoic, those rare perfectly moral persons (sages) always act correctly, due to their virtuous characters, while others (the ubiquitous ignorant and vicious fools) act equally badly. The only differences (and here lies the foundation of Stoicism as a virtue ethic) are in the disposition of the agent, since some errors "arise from a hardened and incurable character but others [do] not."⁴⁷

⁴⁶ Stobaeus 2.113, 18-23 = LS590

⁴⁷ Stobaeus 2.113, 18-23 = LS590

As mentioned, Stoicism is an ethics of *eudaimonia*. The end for which all is done is one's own well-being: a successful, flourishing life. This is connected with what makes Stoicism important for modern just war thinking: its realism. The Stoic understands that there are, in a sense, very few things under one's own complete control. Progression to *eudaimonia*, which involves a serene and happy state of mind over a lifetime, is one of those things under the agent's control. It is concerned with having the appropriate judgments about received impressions: proper judgments that correspond to reality and adhere to reason, and therefore to natural law; and when performed consistently over an entire life, eventually develops (at least theoretically) to a virtuous disposition. For the Stoic,

being happy (*eudaimonein* [noun: *eudaimonia*]) is the end, for the sake of which everything is done, but which is not itself done for the sake of anything. This consists in living in accordance with virtue, in living in agreement, or, what is the same, in living in accordance with nature.⁴⁸

The Stoic (for reasons that will be explained below) understands that it is a life of human excellence that is a flourishing one. Human excellence, or virtue (*arete*), is brought about through the peculiar characteristic of humankind, i.e., reason: "which when right and perfect makes the full sum of human happiness," and when such reason is perfected, it "is called virtue and is identical to rectitude (*honestum*)."⁴⁹

In Stoicism, the question of why one should act morally, and *a fortiori* why one should act morally concerning war, relates to one's *eudaimonia*. The virtues are the only moral goods, and they are both instrumental and intrinsic: "For they both generate

⁴⁸ Stobaeus 2.77, 16-27 = LS63A

⁴⁹ Seneca, *Letters* 76.9-10 = LS63D

happiness (*eudaimonia*) and they complete it, since they are its parts.”⁵⁰ Because of the holism of Stoic philosophy, an ethical life is one in which Stoic epistemology and physics are inseparable from appropriate action (i.e., ethics). *Eudaimonia* is the agent’s goal, and that end is found by applying knowledge “of those things that happen by nature, selecting those in accordance with nature and rejecting those contrary to nature”; hence the importance of understanding Stoic physics, as well as epistemology, in order to achieve “a life in agreement and consistent with nature.”⁵¹ Things which are ‘in accordance’ with nature and which are ‘contrary’ to nature will be explained shortly, but it is important to emphasize that, *contra* other virtue ethics, for the Stoics virtue is both necessary and sufficient for *eudaimonia*:

Virtue is a consistent character, choiceworthy for its own sake and not from fear or hope or anything external. Happiness consists in virtue since virtue is a soul which has been fashioned to achieve consistency in the whole of life.⁵²

Moreover, because virtue is a type of knowledge, and a disposition of the material ‘soul’ (*psuche*) or character, the Stoics posited the ‘unity of the virtues.’ Since it is wisdom exemplified in action, sometimes that wisdom would be called prudence, and at other times justice, courage, or temperance:

For he who has virtue has a theoretical knowledge of what is to be done and also practices it. And what one is to do and choose is also what one is to endure for and stand firmly by and distribute.⁵³

⁵⁰ Stobaeus 2.71, 15-72, 6 = LS60M

⁵¹ Cicero, *On Ends* 3.31 = LS64A

⁵² Diogenes Laertius 7.89 = LS61A

⁵³ Diogenes Laertius 7.126 = IG, p. 123

Simply put, a Stoic's life consists in attempting to become a sage. Though this is incredibly unlikely to happen, true human flourishing depends on having a character that is wise, just, brave, and temperate; and all action is directed at this goal.

So, rather than provide a merely consequentialist or deontological starting points for ethics- or worse, an inconsistent mix of both- Stoic ethics begins from physics, particularly the human animal's constitution, and its aspects of self- (and, as we shall see, *other-*) preservation, and sociability. An important term for understanding this foundational part of Stoicism's ethics is *oikeiosis*, or 'appropriateness.' For this, let us consider a passage from the work of the Stoic philosopher Hierocles:

An animal has self-preservation as the object of its first impulse, since nature from the beginning appropriates it... The first thing appropriate to every animal... is its own constitution and the consciousness of this. ... [In addition to vegetative processes,] animals have the... faculty of impulse through the use of which they go in search of what is appropriate to them, what is natural for them is to be administered in accordance with their impulse. And since reason, by way of a more perfect management, has been bestowed on rational beings, to live correctly in accordance with reason comes to be natural for them.⁵⁴

The path to a successful human life, for the Stoics (as for some later Enlightenment philosophers), begins with self-awareness and self-preservation, one aspect of *oikeiosis*. This, combined with humankind's natural sociability (another aspect

⁵⁴ Diogenes Laertius 7.85-6 = LS57A; The Stoics' *oikeiosis* is central to Grotius' (*DJBP* Preliminary Discourse 6) work: "Now amongst the things peculiar to man, is his desire of society, that is, a certain inclination to live with those of his own kind, not in any manner whatever, but peaceably, and in a community regulated according to the best of his understanding; which disposition the Stoics termed *oikeiosis*. Therefore the saying, that every creature is led by nature to seek its own advantage, express thus universally, must not be granted."

of *oikeiosis*), leads to our selection of things appropriate (*oikeion*) to our own self-preservation and to that of the community of those endeared to us.⁵⁵ As Hierocles puts it:

The appropriate disposition relative to oneself is benevolence (*eunoetike*), while that to one's kindred is affection (*sterktike*)... Just as our appropriate disposition relative to our children is affection, and, to external property, choice (*hairetike*), so an animal's appropriate disposition relative to itself is self-preservation [text is fragmentary but Long and Sedley suggest lit. 'in a kindly way'] and, to things which contribute to the needs of its constitution, selection (*eklektikos*)... We are an animal, but a gregarious one which needs someone else as well. For this reason too we inhabit cities; for there is no human who is not a part of a city.⁵⁶

As Hierocles demonstrates, 'self-preservation' and 'other-preservation' were a fundamental part of the Stoics' ethics. For the Stoics, an animal by nature becomes aware of itself and its faculties and seeks primarily what is appropriate (*oikeion*) to itself and reject what is inappropriate, or alien, to itself. So, nature *both allows and compels* an animal to self-preservation. Human beings typically have another thing which is appropriate to them, however. 'Reason,' by which a human may better understand his needs and select what is familiar (*oikeion*), does not *replace* natural self-interested impulses, but rather *assists* in self-preservation. Presaging Hobbes, who understood natural law as conducive to human survival, the Stoics claim it is natural for humans to live in accordance with reason, particularly the reason devoted to the impulse of self-

⁵⁵ Though I have not found an instance where Grotius cites Hierocles, in *DJBP* 1.2.1.3 he echoes the Stoic's understanding of self-preservation and sociability of humanity when arguing that war is not contrary to natural law: "It is not then against the nature of human society, for everyone to provide for, and take care of himself, so it be not to the prejudice of another's right; and therefore the use of force, which does not invade the right of another, is not unjust..."; See also Christopher Brooke, p. 44

⁵⁶ Hierocles 9.3-10, 11.14-18 = LS57D; On the term self-preservation, the text is fragmentary but Long and Sedley suggests lit. 'in a kindly way' (*eunoetikos*).

preservation, or what Hobbes later calls “conservation.”⁵⁷ Moreover, with the second, social aspect of *oikeiosis*, the Stoics’ natural end (*telos*) of humanity also recognizes the importance of communal solidarity (more on this below).⁵⁸

It is in the Stoic view of appropriation that one can clearly see the intersection of physics and epistemology with ethics and *eudaimonia*. As stated by the Roman Stoic Musonius Rufus:

Of things that are, God has put some things under our control, and others not under our control. Under our control He put the finest (*kalliston*) and most important (*spoudaiotaton*) matter, that, indeed, by virtue of which He himself is happy, the power to make use of external impressions. For when this power has its perfect work, it is freedom, serenity, cheerfulness, steadfastness; it is also justice, and law, and self-control, and the sum and substance of virtue.⁵⁹

With this understanding of what the agent is responsible for, that is, his assents to impressions, the Stoic can then posit an axiology of moral concepts: virtue (*arete*), vice (*kakia*), and ‘indifferents’ (*adiaphora*). In Stoicism,

some existing things are good, others are bad, and others are neither of these. The virtues- prudence, justice, courage, temperance... are good. The opposites of these- foolishness, injustice, and the rest- are bad. Everything which neither does benefit nor harms is neither of these: for instance, life, health, pleasure, beauty, strength, wealth, reputation, noble birth, and their opposites, death, disease, pain, ugliness, weakness, poverty, low repute, ignoble birth and the like... For these things are not good but indifferents of the species ‘preferred.’ For just as heating, not chilling, is the peculiar characteristic of what is hot, so too benefitting, not harming, is the peculiar characteristic of what is good. But wealth and health no more do benefit than they harm. Therefore health and wealth are not something good. Furthermore... that which can be used well and

⁵⁷ *Leviathan* 13.3-4

⁵⁸ Mitsis, pp. 154-5

⁵⁹ Musonius, Fragment 38 = Epictetus, Fragment 4 = IG, pp. 184-5

badly is not something good. But wealth and health can be used well and badly. Therefore wealth and health are not something good.⁶⁰

Consistent with the Stoic materialism that posits virtue as the disposition of the natural soul or character, virtuous actions are physical things that can be perceived. They are bodies in a certain state (like a tuned lyre), rather than mere mental states or mere principles.⁶¹

Importantly for just war thinking, this materialism about ethics may go some way to illuminate the principle of proportionality, since virtue is seen as harmony with nature, and vice is seen as disharmony: “Viciousness is a tenor or character which is inconsistent in the whole of life and out of harmony with itself” and “disorderly,” as well as “at variance with reason and utterly hostile to peace of mind and life.”⁶² This axiology differentiates Stoicism from other brands of virtue ethics, since the Stoics consider nothing which is not virtue or vice to have any moral value: only that which is honorable does so. Rather, things outside of virtue or vice (i.e., the dispositions of character which develop from correct or incorrect assents to impressions) are neutral, or ‘indifferent’ (*adiaphora*), in the sense that they are externals outside of the control (though perhaps not always outside the influence) of the agent. They are generally to be selected if they are ‘according to nature’ (e.g. life, health, wealth, strength, etc.) and rejected if they are ‘contrary to nature’ (e.g. death, illness, destitution, weakness, etc.) Thus, while these

⁶⁰ Diogenes Laertius 7.102-3 = LS58A

⁶¹ See Seneca, *Letters* 117.2 = LS60S: “[W]hat is good is a body because what is good acts, and whatever acts is a body. What is good benefits; but in order to benefit, something must act; if it acts, it is a body.”

⁶² Cicero, *Tusculan Disputations* 4.29, 34-5 = LS61O

things do indeed have value (*axia*) in the sense that they are to be selected (we can call this ‘selective value’), they do not have *moral* value and in themselves cannot make the agent *eudaimon*. Nor can their absence make the agent miserable (*desdaimon*). For example, there are miserable people who are healthy, wealthy, and strong. Rather, it is the agent’s virtue or vice that makes him one or the other (*eudaimon* or *desdaimon*). Selection of those things which are natural requires the proper use of the agent’s rationality: “There is no good except where there is a place for reason.”⁶³ Virtue is accomplished, if it is accomplished at all, after a lifetime of consistently selecting that which is appropriate. Such ‘externals,’ however, are to be selected or rejected based on whether they are in accord with one’s preservation (technically the preservation of one’s *rational self*, but more on this later) and the preservation of one’s community(ies):

All things in accordance with nature have value and all things contrary to nature have disvalue... what Antipater calls ‘selective’: according to this, when circumstances permit, we choose these particular things instead of these, for instance health instead of disease, life instead of death, wealth instead of poverty.⁶⁴

The ‘things according to nature,’ while indifferent to virtue and *eudaimonia*, are surely not indifferent to action, however. On the contrary, they are *the materials* for virtue: The Stoic must select and reject those things appropriately in order to develop his moral character to the consistency and ‘tenor,’ as it were, of that of a sage who, after a lifetime of experience in selecting accordingly, has achieved virtue, and thus *eudaimonia*. Such moral indifference to those dispreferred things and events in human life is most

⁶³Seneca, *Letters* 124.13-14 = LS60H; Cf. Grotius (*DJBP* 1.2.1.2): “Though the first impressions of nature recommend us to right reason, yet right reason should still be dearer to us than the natural instinct.”

⁶⁴ Stobaeus 2.83, 10-84, 2 = LS58D

apparent in the quintessential soldier who, like the Stoic, is often obliged to forego many of the things according to nature (*proegmena*; e.g., comfort, health, cleanliness, food), and expected to perform their required ‘appropriate actions’ (*kathekonta*) despite naturally preferring other things and events. Such a Stoic soldier ultimately cheerfully accepts and, in the sage’s case, even *desires*, only what the cosmos, Zeus, or Fate wills. So, while generally preferred, indifferent externals (*adiaphora*) such as health and wealth are sometimes to be rejected, if reason dictates. Sometime, therefore, those morally indifferent things which are contrary to nature (*apoproegmena*) ought to be selected:

For if healthy men had to serve a tyrant and be destroyed for this reason, while the sick had to be released from the service and, therewith also, from destruction, the wise man would rather choose sickness in this circumstance than health. Thus neither is health unconditionally preferred nor sickness [unconditionally] dispreferred.⁶⁵

1.3.1 Virtues

If virtue is necessary and sufficient for *eudaimonia*, and if a just war theory is to be based on virtue, then it is imperative to define the Stoics’ virtues.⁶⁶ The Stoic virtues are those typical of the classical era: prudence (*phronesis*), temperance (*sophrosune*), courage (*andreia*), and justice (*dikaiosune*). For the sake of this project, it is important to keep in mind that, justice, like all virtues, is a personal attribute rather than the properties of an institution or a state of affairs independent of occurrent human action. Stoics

⁶⁵ Sextus Empiricus quoting the Stoic Ariston, *Against the Professors* 11.64-7 = LS58F

⁶⁶ The goal here is to do so for the sake of rulers and soldiers themselves. There might be a distant secondary goal, although we can remain skeptical about its actual occurrence: the possibility of developing (external justice) policies.

consider virtue as “nothing other than the mind disposed in a certain way.”⁶⁷ For the Stoic, “Prudence, moderation, courage, and justice are sciences and expertises of certain things...”⁶⁸ Recall that virtue is a disposition of a person who, having scientific knowledge (*episteme*) of what is good, bad, and neither good nor bad (i.e., indifferent), unerringly and consistently chooses those ‘indifferent things which are in accordance with nature’ (*kata phusin*; those ‘preferred’ things [*proegmena*]) and rejects their contraries (*para phusin*; those ‘dispreferred’ things, [*apoproegmena*]). The disposition of someone with a character that does this perfectly is one of virtue (*arete*). Noting the inseparability of the virtues, the Stoic founder, Zeno

defines prudence in matters requiring distribution as justice, in matters requiring choice as moderation, and in matters requiring endurance as courage...⁶⁹

So, these virtues are a unit: virtue is a type of wisdom which, depending on the circumstances, presents itself as either a prudent, or just, or brave, or moderate action. Another way of discussing this unity is to state that any virtue is consistent with other presentations of virtue: For example, a brave act is a prudent one, a just act is a temperate one. They are “mutually connected and interwoven.”⁷⁰ Justice, therefore, “primarily studies individual desserts; but secondarily the rest, too.”⁷¹ While they are interconnected

⁶⁷ Seneca, *Letters* 113.2 = LS29B

⁶⁸ Stobaeus 2.58. 5-15 = LS60K

⁶⁹ Plutarch, *On Moral Virtue* 440E-441D = LS61B

⁷⁰ Stobaeus 2.113, 18-23 = LS59O

⁷¹ Stobaeus 2.63, 6-34 = LS61D

and the person that has one has them all, the perfected character can primarily exemplify one at a certain time, and then emphasize a different one at a different time:

For whoever has one has all, and whoever acts in accordance with one acts in accordance with all. They differ from one another by their perspectives. For the perspectives of prudence are, primarily, the theory and practice of what should be done; and secondarily the theory also of what should be distributed, what chosen and what endured, for the sake of infallibly doing what should be done. Of moderation the special perspective is, primarily, to keep the impulses healthy and to grasp the theory of them; but secondarily, that of what falls under the other virtues, for the purpose of conducting oneself infallibly in one's impulses. Likewise courage primarily grasps the theory of everything that should be endured; and secondarily, that of what falls under the other virtues.⁷²

Take an act of bravery, for example: 'Courage' is a sage's scientific knowledge (*episteme*) of what is and is not fearful, and this is only found in the consistent character of the wise, who unerringly adhere to natural law:

Courage is 'a tenor of the soul obedient to the supreme law in matters requiring endurance.' Or 'the maintenance of stable judgement in undergoing and warding off those things which seem fearsome.' Or 'scientific knowledge of things fearsome, the opposite of fearsome, or to be completely ignored, maintaining stable judgement of those things.'⁷³

Recalling the Stoics' epistemology, the sage may receive an impression whose '*lekta*' may be something like, 'This is terrifying, and it is appropriate for my character to shrink in fear.' The sage, who perhaps at first might experience psychosomatic responses, or a 'pre-emotion' (*propathia*), quickly recovers, and considers the impression by juxtaposing it against his preconceptions of what is in fact bad (vice alone).

Understanding that the object of the impression does not lead to misery (for only vice

⁷² Stobaeus 2.63, 6-34 = LS61D

⁷³ Diogenes Laertius 7.63 = LS32F

does that), he rejects the impression, and therefore does not experience the passion of fear.

For this project, of course, it is the virtue of justice which requires the most illumination. Stoics define justice as “knowledge of the distribution of proper value to each person”; or “a condition which distributes to each person what is in accordance with his value”; where ‘value’ is subsequently defined as “what is fitting for each person.”⁷⁴ The Stoics considered justice as dependent not only on *oikeiosis* in general, but particularly on an individual’s social roles. But this is not limited to one’s gender: Musonius Rufus notes the importance of women being just, even though their social roles were different than those of men (at least, in Imperial Rome).⁷⁵ In the Stoic conception of justice (and the other virtues as well), a particular action can be either done unjustly because it is inappropriate, done unjustly because it *is* appropriate but done without the right intention which emanates from a virtuous character, or done both appropriately and justly when done by a sage who has a virtuous character and scientific knowledge of his reasons for performing such an action. Technically, therefore, an action is either ‘inappropriate’ (for a person’s own humanity and his other social roles, and therefore the state of the agent’s character is vicious), ‘appropriate’ (*kathekonta*; s. *kathekon*), done according to the nature of a rational and social animal, though not done from the right intention of a virtuous disposition- and thus done *appropriately but viciously*; or it is a ‘right action’ (*katorthoma*), that is, a type of appropriate action (again, *kathekonta*) which

⁷⁴ Stobaeus 2.5 = IG, p. 125, Stobaeus 5.7f = IG, p. 136

⁷⁵ Stobaeus 2.31.126

are also morally correct and virtuous. To reiterate: ‘Right actions’ (*katorthomata*; s. *katorthoma*) are a subset of appropriate actions (*kathekonta*) which are done only by someone with a virtuous disposition (a sage, [*sophos*]).

The Stoics hold certain conditions must be present for an action to be ‘appropriate’ (whether or not it reaches the tremendously high bar of moral rightness). The criteria are its expected consequentiality, and its permitting of reasonable justification:

Proper function is so defined: ‘consequentiality in life, something which, once it has been done, admits of a reasonable justification’... Some proper functions are perfect [and] are called right actions [*katorthomata*]. The activities which accord with virtue are right actions, such as acting prudently, and justly. Those which are not like this are not right actions, and they do not call them perfectly proper functions, but intermediate functions [*kathekonta*], such as marrying, serving on embassies, conversing, and the like.⁷⁶

The last line discloses that appropriate actions, or “proper functions” (Long and Sedley’s term) are actions that humans often do as members of the human race and of their communities. While some are duties that are appropriate *generally*, e.g. looking after one’s health, some are appropriate *only under certain, and often unfortunate, circumstances*, e.g. severing one’s body part. Actions done appropriately (*kathekonta*) can be accomplished by all; whereas the subset of those appropriate actions which are virtuous and right (*katorthomata*) can be accomplished only by sages. Whether or not actions ought to be performed at all depends, as always, on reason:

⁷⁶ Stobaeus 2.8 = IG, p. 136; Stobaeus 2.85, 13-86, 4 = LS59B

Proper functions are those which reason dictates our doing, such as honoring parents, brothers and country, spending time with friends... Some proper functions do not depend on circumstances, but others do.⁷⁷

Thus, appropriate actions accord with nature whether they are functions done generally or under specific circumstances, but always according to the principles of *oikeiosis*: self-preservation and sociability.⁷⁸ Virtue, then, is embodied human excellence, and it begins with fulfilling one's appropriate actions toward oneself and others. Reminiscent of Hobbes' 'perception,' the means for accomplishing these appropriate actions is a type of 'self-perception,' as it were, which

contributes to knowledge of the first thing which is appropriate, the subject [which] would be the best starting point for the elements of ethics. [As] soon as an animal is born it perceives itself... The first thing an animal perceives is its own parts... both that they have them and for what purpose they have them, and we ourselves perceive our eyes and our ears and the rest. So whenever we want to see something, we strain our eyes, but not our ears, toward the visible object... Therefore the first proof of every animal's perceiving itself is its consciousness of its parts and the functions for which they were given.⁷⁹

The Stoics here use *oikeiosis* in a way that might currently be explained by genetics and instinct, and here we may also observe how their physics, epistemology, and ethics are inseparable. A human's first appropriate action (*kathekon*) is self-preservation, or to "preserve oneself in one's natural constitution"; the next is the appropriate selection

⁷⁷ Diogenes Laertius 7.108-9 = LS59E

⁷⁸ See Plutarch, *On Common Conceptions* 1069E = LS59A: "Chrysippus says, 'What am I to begin from, and what am I to take as the proper function and the material of virtue if I pass over nature and what accords with nature?'" When the Stoics state 'self-preservation,' they mean preservation of the rational self rather than merely the physical self. We will see below that it is appropriate to give up the preferred indifferent that is 'life' when the Stoic understands that he can no longer live a life that is worth living due to the accumulation of too many dispreferred indifferents. Hence the Stoics' endorsement of well-reasoned suicide: See 5.2.

⁷⁹ Hierocles 1.34-9, 51-7, 2.19 = LS57C

of things according to, and rejection of things contrary to, one's constitution, or "to seize hold of the things that accord with nature and to banish the opposites."⁸⁰ On the path to excellence, this appropriate selection of things is performed consistently to the point where the agent values the consistency and harmony *itself* rather than the goods selected. Right reason becomes the thing desired, not those things which are reasonably chosen.

Between the sage and the typical fool (who is not concerned with understanding the Stoics' axiology of virtue, vice, and 'indifferents') are the 'progressors' (*prokoptones*; *s. prokopton*): still fools (such as the Stoics themselves), but those who are on their way to achieving a flourishing, successful life. While progressors remain ignorant, miserable persons who waver in their commitment to virtue, they may (theoretically) eventually become *eudaimon* and virtuous if their characters continue to develop over an entire lifetime into the consistent and unerring character of a sage. Until then, the Stoic progressing toward virtue, the *prokopton*, though technically still insane and foolish, begins to value character traits consistent with humankind's rational and gregarious nature, rather than the acquisition of wealth, health, and so on. More to the point, the Stoic begins to value, say, courage itself rather than the ability to e.g. unflinchingly run toward danger, or the honor awarded to such a soldier by the community. The Stoics belabor this point since it is essential for progression to virtue, and marks the difference between Stoicism and other virtue ethics like that of Aristotle and contemporary philosophers who, unlike the Stoics, do not consider that virtues are the only moral goods necessary for a flourishing life. In the Stoic view:

⁸⁰ Cicero, *On Ends* 3.17, 20-2 = LS59D

Once this procedure of selection and rejection has been discovered, the next consequence is selection exercised with proper functioning; then, such selection performed continuously; finally, selection which is absolutely consistent and in full accordance with nature. At this point, for the first time, that which can be truly called good begins to be present in a man and understood. For a man's first affiliation is toward those things which are in accordance with nature. But as soon as he has acquired understanding, or rather, the conception which the Stoics call *ennoia*, and has seen the regularity and, so to speak, the harmony of conduct, he comes to value this far higher than all those objects of his initial affection; and he has drawn the rational conclusion that this constitutes the highest human good which is worthy of praise and desirable for its own sake... But since those things which I called proper functions originate in nature's starting points, it must be the case that the former are means to the latter; so it could be correctly said that the end of all proper functions is to obtain nature's primary requirements, but not that this is the ultimate good, since right action is not present in the first affiliations of nature. It is an outcome of these, and arises later... Yet it is in accordance with nature, and stimulates us to desire far more strongly than we are stimulated by all the earlier objects.⁸¹

Recall that the point of the Stoics' ethics is for agents to progress in Stoicism to the point where their character becomes of the kind where they consistently and unerringly choose those preferred, 'according-to-nature things' (*proegmena; kata phusin*) and reject their opposites.⁸² Eventually, they can (and should) consistently do these things not from the desire for those things themselves, but only for the sake of virtue itself and for maintaining a harmony with 'Nature,' the 'whole,' or a pantheistic Zeus.⁸³ If and when this unerring disposition occurs, then the agent becomes a sage, someone whose appropriate actions (*kathekonta*) are perfect, morally right actions (*katorthomata*).

⁸¹ Cicero, *On Ends* 3.17, 20-2 = LS59D

⁸² Diogenes Laertius 7.104-5 = LS58B

⁸³ See DeBrabander (pp. 9-11) for a comparison of Spinoza's and the Stoics' pantheism.

Notice the importance of social roles for discovering one's *kathekonta*. Stoicism, recall, is a cosmopolitan philosophy, in which the cosmos is a community of rational agents living under natural law. This law is the one and only true law, and thus civil laws are in some sense arbitrary and have authority only to the extent that they cohere with natural law. That stated, the Stoics understand that the agent and, by implication, the sage, must act *from somewhere*. Although he aspires to act in such a way as to benefit all humanity, the Stoic approaches virtue by performing his appropriate acts from within his relatively smaller community:

For there is a fellowship that is extremely widespread, shared by all with all... [A closer relationship] exists among those of the same nation, and one more intimate still among those of the same city.⁸⁴

Cicero, for his part, had envisioned the agent's role ethics as falling under some aspect of the virtue of temperance, though his conception of it is something closer to the idiosyncratic Roman virtue, *decorum*, which is rather more like 'propriety' or perhaps 'seemliness' than 'temperance' or 'moderation' (*sophrosune*) in the strictly Stoic sense. At any rate, he posits four roles for an individual, starting with the widest, or most universal. This is the role given to the agent by human nature, that of a rational animal. A further role, funneling more narrowly, applies to an agent's individual nature. Beyond these, Cicero posits a third role assigned by circumstances, e.g. military and political offices. Lastly, Cicero imagines a fourth one dealing with an individual's career choices. While these might conceivably pull the agent in different ways, none of these can (morally) contradict each other. A few excerpts from Cicero's scheme:

⁸⁴ Cicero, *On Duties* 3.69

We must realize also that we are invested by Nature with *two characters*, as it were: *one of these is universal*, arising from the fact of our being all alike endowed with reason and with that superiority which lifts us above the brute. From this all morality and propriety are derived, and upon it depends the rational method of ascertaining our duty. The *other character is the one that is assigned to individuals in particular*. In the matter of physical endowment there are great differences: some, we see, excel in speed for the race, others in strength for wrestling; so in point of personal appearance, some have stateliness, others comeliness. Diversities of character are greater still... Everybody, however, must resolutely hold fast to his own peculiar gifts, in so far as they are peculiar only and not vicious, in order that propriety, which is the object of our inquiry, may the more easily be secured. *For we must so act as not to oppose the universal laws of human nature, but, while safeguarding those, to follow the bent of our own particular nature*; and even if other careers should be better and nobler, we may still regulate our own pursuits by the standard of our own nature. For it is of no avail to fight against one's nature or to aim at what is impossible of attainment... To the two above-mentioned characters is added *a third, which some chance or some circumstance imposes*, and *a fourth also, which we assume by our own deliberate choice*. Regal powers and military commands, nobility of birth and political office, wealth and influence, and their opposites depend upon chance and are, therefore, controlled by circumstances. But what role we ourselves may choose to sustain is decided by our own free choice. And so some turn to philosophy, others to the civil law, and still others to oratory, while in case of the virtues themselves one man prefers to excel in one, another in another.⁸⁵

In this way, Cicero suggests appropriate actions develop from agents' perspectives: they must act, and ought to act appropriately, as humans with particular natures, circumstances, and career goals. Still, Cicero posits this with an eye as to what is seemly for a Roman aristocrat (and thus prohibits some forms of labor), rather than with the truly Stoic assumption that all occupations, as long as they cohere with reason and sociability, are indifferent.⁸⁶ While useful for understanding Cicero's own Stoicism-

⁸⁵ Cicero, *On Duties* 1.107-15, my emphasis

⁸⁶ Cicero (*On Duties* 1.151); His concept of *decorum* resembles the 'appropriateness' of Stoic *oikeiosis*, but rather than the self-preservation and sociability aspects, Cicero adds that some occupations are unbecoming, like manual labor. Some are only seemly if they are done on a large scale, e.g., agriculture

inspired just war theory, we might not, however, find Cicero's scheme very practical; neither for understanding Stoic motivation for ethical action nor for developing a program for education in virtue.

The Stoic Hierocles, on the other hand, envisions the individual's roles, embedded in his own community as they are, as concentric circles of concern. While certainly cosmopolitan, Hierocles understands the basis of justice to stem from the *oikeiosis* concern for oneself and for those in the agent's family, and then enclosed by further circles:

Each one of us is, as it were, entirely encompassed by many circles, some smaller, others larger, the latter enclosing the former on the basis of their unequal dispositions relative to each other. The first and closest circle is the one which a person has drawn as though around a center, his own mind. This circle encloses the body and anything taken for the sake of the body... Next, the second one further removed from the center but enclosing the first circle; this contains parents, siblings, wife, and children. The third one has in it uncles and aunts, grandparents, nephews, nieces, and cousins. The next circle includes the other relatives, and this is followed by the circle of local residents, then the circle of fellow tribesmen, next that of fellow citizens, and then in the same way the circle of people from neighboring towns, and the circle of fellow-countrymen. The outermost and largest circle, which encompasses all the rest is that of the whole human race.⁸⁷

and trading. Considering the earlier Stoics' indifference to such things, as well as the fact that early Stoics were often outside of the elite social classes and often foreigners (Zeno had been a merchant, Cleanthes a former boxer and water porter, and Chrysippus, like the first two heads of the school, was an immigrant to Athens). This advice seems specific to Cicero's social class (*On Duties* was written as a letter to his son, after all) and not essentially Stoic.

⁸⁷ Hierocles (Stobaeus 4.672, 7-673, 11) = LS57G.

At this point, Hierocles differentiates the just person, i.e. the sage, who is 'well-tempered' (*entetamenon*), from the individual burdened with a parochial or nationalistic worldview⁸⁸:

Once these have all been surveyed, it is the task of the well-tempered man, in his proper treatment of each group, to *draw the circles together somehow toward the center*, and to keep zealously transferring those from the enclosing circles into the enclosed ones. ... It is incumbent on us to respect people from the third circle as if they were those from the second, and again to respect our relatives as if they were those from the third circle. For although the greater distance in blood will remove some affection, we must still try hard to assimilate them. The right point will be reached if, through our own initiative, we reduce the distance of the relationship with each person. The main procedure for this has been stated. But we should do more, in *the terms of address we use*, calling cousins brothers, and uncles and aunts, fathers and mothers... For this mode of address would be no slight mark of our affection for them all, and it would also stimulate and intensify the indicated contraction of the circles.⁸⁹

Two points here merit explanation: the Stoic conception of virtue, and *a fortiori* justice, as doing excellently what humans are made by nature to do anyway, and the importance of language in doing so (i.e., changing the *lekta*). For the former, an analogy with physical health is helpful. Consider the rarity of a human being in perfect health (even down to perfect teeth). Like the Stoic sage, it is unlikely that such a person exists and doubtful even that such a person has ever existed. And yet, it is not inconceivable for a human to be in perfect health. All other things equal, one might reasonably strive for it. Perfect health is logically possible and reasonable to strive for despite the high

⁸⁸ Long and Sedley translate *entetamenon* as referring to the person, whereas Ilaria Ramelli takes it that Hierocles refers here not to the person, but "to the 'most stretched out' circle" (pp. 126-7). While both are grammatically correct, I prefer Long and Sedley's account here for its consistency with Stoic physicalism: the virtuous person is 'well-tempered' or 'tuned' to the workings of Nature, the whole.

⁸⁹ Hierocles (Stobaeus 4.672, 7-673, 11) = LS57G

improbability of such a person ever existing, and the unlikeliness of any individual getting to this point despite their best efforts. In a word, such a state is *natural*. Moreover, though even physicians (perhaps *especially* physicians) have never encountered a perfectly healthy individual (say, with not even a mosquito bite), physicians, due to their scientific knowledge, can still in principle spot one. The physician is an analogy for the Stoic: the Stoic might have a ‘cataleptic impression’ of what a *morally* healthy person is like, and strive to be one as well, without having to actually encounter one and though it is unlikely that the Stoic will become one, even despite severe effort. Like the person in perfect physical health, the sage, who is in perfect *moral* health, is something of a thought experiment. And yet, such moral health can rightfully be stated to be, in this normative sense, the natural human condition.⁹⁰

“How so,” a critic might argue, “is not selfishness or cruelty natural, considering the ubiquity of such things?” For the Stoic, this would be an equivocation of the term ‘natural.’ Compare the physical health analogy again. Though cancer is ubiquitous, one can rightly state that a perfectly healthy person is one without cancer. Similarly, a perfectly *morally* healthy individual is one who is not cruel or selfish. Thus, the sage, the perfectly moral person, is the individual who performs perfectly all of humankind’s appropriate acts, or proper functions (*kathekonta*): taking care of others, selecting things conducive to self-preservation, sometimes serving on embassies, etc. He does perfectly what is natural, and does it consistently from a perfectly healthy moral disposition. The

⁹⁰ Cf. Seneca, *Letters* 120.5

sage, therefore, is “complete (perfect) because he lacks none of the virtues” and is “always and under all conditions happy.”⁹¹

Secondly, Hierocles considers the importance of the “terms of address” one uses. We will revisit the importance of this for just war in Chapter 3 when discussing Cicero’s use of language for dealing with enemies, but it is sufficient here to point out that the ‘*lekta*’ the agent attaches to impressions regarding others goes a long way in acting appropriately toward them. This is a direct application of the Stoic’s epistemology, since the Stoic understands that impressions have propositional content, and it is the use of language that determines the agent’s judgement about impressions. For Hierocles, using terms of address that take into account the kinship of humanity helps the agent become adept at performing their social roles. Thus, while all persons may consider those most endeared to themselves as more deserving for their attention and assistance, the ‘well-tempered’ use this natural inclination (which is the basis for justice), and the familial and endearing terms for those related to them, as the means for bringing closer the further circles, as it were, and therefore for accomplishing the goal: ‘well-tempered’-ness itself, or virtue. The point is that virtue itself is the end (since it is necessary and sufficient for *eudaimonia*), but can only be acquired by performing one’s appropriate actions.

Hierocles’ older contemporary, Epictetus, discusses the importance of titles in discovering appropriate actions. Like Hierocles (and unlike Cicero), Epictetus does not consider these social roles as falling under mere temperance, but under virtue in its total and universal form:

⁹¹ Stobaeus 2.5b8 = IG, p. 128; also Stobaeus 102.7a = IG, p. 134

How is it possible to discover proper functions from titles? Consider who you are: in the first place a human being, that is, someone who has nothing more authoritative than moral purpose, but subordinates everything else to this and keeps it free from slavery and subordination... Furthermore you are a citizen of the world and a part of it, not one of the underlings but one of the foremost constituents. For you are capable of attending to the divine government and of calculating its consequences. What then is a citizen's profession? To regard nothing of private interest, to deliberate about nothing as though one were cut off (from the whole) ... Next keep in mind that you are a son... next know that you are also a brother... next if you are a town councilor, remember that you are a councilor; if young, that you are young, if old, that you are old; if a father, that you are a father. For each of these titles, when rationally considered, always suggest the actions appropriate to it.⁹²

In this passage, Epictetus observes the important Stoic themes of appropriate actions, the moral value of right judgment rather than of external 'indifferents,' and the cosmopolitan nature of rational agents who use language and are naturally social. In another, Epictetus notes the importance of impressions, and assents to those impressions, for action. Important for this project, he considers judgments regarding impressions which occur regarding war, and for the passions that such judgments become. Though lengthy, this passage is essential for understanding Stoic epistemology's importance for a Stoic just war theory:

[T]he measure of man's every action is the impression of his senses (now this impression may be formed rightly or wrongly...), whoever remembers this will not be enraged at anyone, will not revile anyone, will not blame, nor hate, nor take offense at anyone. ... Such great and terrible things have their origin in this- the impression of one's senses... and nothing else. The *Iliad* is nothing but a sense impression and a poet's use of sense-impression. There came to [Paris] an impression to carry off the wife of Menelaus, and an impression came to Helen to follow him. Now if an impression had led Menelaus to feel that it was a gain to be deprived of

⁹² Epictetus, *Discourses* 2.10.1-12 = LS59Q; Future work on Stoic just war theory might consider the Stoic resolution to role conflict. For Cicero, especially in Book I of *On Duties*, such conflict is only apparent; or if not, resolved by deferring to what is best for human fellowship. Epictetus is more vague. See Johnson, esp. Ch. 7, for Epictetus' appeal to divine command, thus resolving conflict from "outside" the role.

such a wife, what would have happened? We should have lost not merely the *Iliad*, but the *Odyssey* as well... Wars and factions and deaths of many men and destructions of cities..., what is there great in the deaths of many oxen and many sheep and the burning and destruction of many nests of swallows or storks? ... Men's bodies perished in the one case, and bodies of oxen and sheep in the other. Petty dwellings of men were burned, and so were the nests of storks. What is there great or dreadful about that? Or else show me in what respect a man's house and a stork's nest differ as a place of habitation... except that the petty houses of men are made of beams and tiles and bricks, but the nest of a stork is made of sticks and clay. ... In these matters [a man] does not differ [from a stork]. Seek and you will find (*Zetei kai euseis*) that he differs in some other respect: in his understanding what he does... his capacity for social action (*koinonikoi*), in his faithfulness, his self-respect, his steadfastness, his security from error, his intelligence. Where, then, is the great evil and the great good among men? Just where the difference is; and if that element wherein the difference lies be preserved and stands firm and well-fortified on every side, and neither his self-respect, nor his faithfulness, nor his intelligence be destroyed, then the man also is preserved; but if any of these qualities be destroyed or taken by storm, then the man also is destroyed. ... These are the falls that come to mankind, this is the siege of their city, this is the razing of it- when their correct judgments are torn down, when these are destroyed, [rather than] when women are driven off into captivity, and children are enslaved, and when the men themselves are slaughtered....⁹³

Epictetus, with typical understatement, links several Stoic themes here.

Impressions, with their propositional content, present themselves. Agents then decide to assent to them (instead of rejecting them). Assuming some of these impressions to be of the kind that suggest something external to be good or bad in prospect or present, these assents sometimes lead to passions e.g. anger, grief, or fear. When these happen to individuals with tremendous power, the 'Paris' and 'Menelaus' of the world, wars are initiated and cities are destroyed. All of these passions are based on misvaluations of externals which the Stoics understand to be of moral indifference (e.g., the razing of a

⁹³ Epictetus, *Discourses* 1.28, Oldfather's translation

city is equal, morally speaking, to the destruction of a stork's nest, the massacre of the inhabitants to the culling of livestock). Slavery, slaughter, exile, pocide: these are not (in themselves) anything evil. Rather, it is the judgment that these things are moral evils that is a moral error.

On the other hand, a 'passion' (*pathos*), like the murderous rage of a Homeric hero, is only one moral error among many. For the Stoic, the destruction of a stork's nest without good reason is the moral equivalent of a murder in combat or the razing of a city done without good reason: a misjudgment is a misjudgment. Inherent in Epictetus' diatribe is the quintessential Stoic axiology: virtue is the only moral good, and it is exemplified in the appropriate judgments made by a consistent and unerring moral character; vice is the only evil, exemplified by errors in judgments and sometimes also by the passions; and all else, from the sacking of a city to the slaughter of an ox, is a moral indifferent and, if done unreasonably, equally erroneous. The true tragedy is not the destruction of Troy, but the destruction of reason occurring in an agent who mistakenly takes externals of one kind or another to be good (e.g., how Agamemnon takes the acquisition of loot to be good) or bad (e.g., how Hector takes the destruction of his community and the slaughter of his family to be bad); rather than merely preferred (i.e., according to nature of a rational, social animal) or dispreferred (i.e., contrary to such a nature), respectively.

Passages like that of Epictetus above have earned Stoics a reputation for severity and harshness, and their philosophical principles as detached from reality. But this reputation is unfair. The Stoic follows reason wherever it leads. Far from being the unfeeling machine that a colloquial interpretation of 'stoicism' suggests, the Stoic is one

who devotes his mental faculties to separating truth from falsehood, who attempts to understand what is in his control and what is not, who makes the appropriate judgments about received phenomena and feelings; and who acts according to his roles as a citizen of the cosmos and of his particular community. Despite the imperative to abstain from violent emotion, Stoics do not extirpate their feelings but rather aim to make correct judgments about them.⁹⁴ Moreover, the Stoics do not claim such a disposition as that of the sage is easy to achieve: The Stoics thought the sage a near-mythical creature, like a phoenix.⁹⁵ Rather, such a well-tempered person is a rare example of what a human being can and should become. As Epictetus states elsewhere, “in every species nature produces some superior individual” who is “the same sort of thing as red in a mantle”; referring to the expensive purple dye of the *clavus latus* worn on the hems of senators’ *togae* to differentiate them from those worn by socially inferior Roman citizens.⁹⁶ He imagines the sage who, like Machiavelli’s ruler, must make judgments that others cannot or will not, and must, according to his appropriate actions, say, “Do not expect me to resemble the rest, and do not blame my nature because it has made me different than the rest.”⁹⁷

⁹⁴ Epictetus, *Discourses* 3.2.6, 1.4.11; Cf. Johnson, pp. 66-7

⁹⁵ Alexander, *On Fate* 199.14-22 = LS61N

⁹⁶ Epictetus, *Discourses* 1.2.19-24, Oldfather’s translation; See the discussion on Helvidius in 5.2.3.

⁹⁷ Epictetus, *Discourses* 3.1.23, Oldfather’s translation; See 5.2.3.

1.4 Political theory

The section on ethics provides a segue into Stoic political philosophy and the sage's political role, which will be important when discussing proper authority and right intention for *jus ad bellum*, in 3.1. The sage (if he exists at all) lives in a world of fools. The latter are often selfish, cruel, emotionally unstable human beings who, because they reason badly, do not understand the law of nature and the community of rational beings. They are very often led astray by their impressions. Because moral errors are all equally mistakes in judgments, which assign moral value to what are actually moral indifferents, "all bad men are as bad as each other, without any differentiation, and all who are not wise are all alike mad."⁹⁸ The Stoics see a parallel between the fool and a drowning man:

...just as in the sea the man an arm's length from the surface is drowning no less than the one who has sunk five hundred fathoms, so even those who are getting close to virtue are no less in a state of vice than those who are far from it...⁹⁹

Those "who are getting close to virtue" are those who are, like the Stoics, progressing toward virtue. The progressor (*prokopton*), while able to act often with the understanding that virtue and vice alone are good and bad, respectively, still does not have the unerring and consistent character, that is, the 'tenor of soul,' of the sage (and is thus drowning just below the surface, as it were). Thus, progressors remain foolish and vicious right up to their attainment of virtue, which will probably never happen. The implication here for political theory is that there exists a world inhabited and misgoverned by insane fools who are "enemies and do harm to each other and are hostile, because they are in discord

⁹⁸ Alexander, *On Fate* 196, 24-197, 3 = LS61N

⁹⁹ Plutarch, *On Common Conceptions* 1063A-B = LS61T

with each other.”¹⁰⁰ Moreover, fellow citizens, and even families “are foes, enemies, slaves and estranged from one another, including parents and children, brothers and brothers, relations and relations...”¹⁰¹

On the other hand, there have been “just one or two good men,” making the sage’s existence, as mentioned, rarer than the phoenix, that “absurd and unnatural creature... [of] the Ethiopians.”¹⁰² But such a person will sometimes dissimulate for the sake of the public. The Stoics accepted that “the wise man will make public speeches and engage in politics as if he regarded wealth and reputation and health as good...,” and if needed, he would deceive by saying false statements.¹⁰³ Therefore, the sage who lives in a world inhabited by the insane and vicious will (like Machiavelli’s prince) lie and deceive, if it is reasonable to do so.¹⁰⁴ In this sense, applied virtue depends on

¹⁰⁰ Stobaeus 2.11b = IG, p. 140

¹⁰¹ Diogenes Laertius 7.32-3 = LS67B

¹⁰² Alexander, *On Fate* 199.14-22 = LS61N

¹⁰³ Plutarch, *On Stoic Self-Contradictions* 1041F = LS66A; Sextus Empiricus, *Against the Professors*, 7.42 = IG, p. 33

¹⁰⁴ On the sage lying (especially if the sophos is a general who must deceive adversaries), see Stobaeus 2.11 = IG, p. 149; Machiavelli’s ruler, despite his great *virtù*, would still be a complete insane fool, in Stoic terms. Grotius (*DJBP* 3.14.7) on the other hand, disagrees with Cicero, and the Stoics, on deception: “Here arises a question, whether it be lawful for a captive taken in a just war to flee away; I do not mean him who for some personal fault had deserved that punishment, but who, by the fact of the state, has fallen into misfortune. According to the most reasonable opinion he ought not, because... he is engaged, as a member of the state, and in its name, by virtue of the general convention among nations; which yet is so to be understood, unless an intolerable cruelty has forced him to do it.” Harry Gould reminds me that Cicero (*On Duties* 3.107) states that there is no injustice in deceiving pirates (e.g., not paying a promised ransom). In *DJBP* 2.13.15, Grotius attempts to refute Cicero specifically: “Nor does this take place only in relation to public enemies, but in regard to every other enemy; for it is not so much the persons to whom we swear, as God, whom we invoke as a witness to what we swear, that creates an obligation. And therefore, Cicero is not to be minded, when he says, that it is no perjury, if a man does not pay the money which he promised as an oath to pirates, or robbers, for saving his life; because a pirate, or robber, has no claim to the right of arms, but is a common foe of all mankind, and with whom we ought not keep either our word or our oath.” The Stoic claim concerning the appropriateness of deception in certain circumstances calls to mind the Islamic practice of the right to lie for self-preservation, *taqiya*.

circumstances and social roles. Like Themistocles exaggerating a minor threat in order to persuade the Athenians to build a powerful navy with their newfound wealth, the Stoic ruler will speak, perhaps even behave, as if those things which he knows to be indifferent (life, health, wealth, etc.) are moral goods or evils.¹⁰⁵ He does so because he must live with, and sometimes govern, others who are morally confused. The Stoic sage is far from a solitary, unfeeling being: He will “take part in politics on the basis of preferential reason”; or if the community might progress to be in line with natural law by him doing so.¹⁰⁶ He “will marry and produce children, since these are in accordance with the nature of an animal which is rational, social, and gregarious.”¹⁰⁷ Nor do they rule out suicide or deliberate suffering: If it is appropriate, the wise man will kill himself, committing a “well-reasoned suicide both on behalf of his country and on behalf of his friends...”; and “will endure both pain and death for the sake of the fatherland, if it is moderate.”¹⁰⁸

The Stoic, regardless of social role, is presented as having “an ability to judge that everything which happens to a mere human being is beneath it.”¹⁰⁹ Because of his

¹⁰⁵ Herodotus, *Histories*. 8.144; Plutarch, *Themistocles* 4; Epictetus (*Discourses* 3.19) compares the philosophers pretending, along with the crowd, that indifferents have moral worth to a nanny patronizing her ward: “Even while we were still children, our nurse, if ever we bumped into something... did not scold us, but used to beat the stone. Why, what did the stone do?”

¹⁰⁶ Stobaeus 2.109, 10-110, 4 = LS67W

¹⁰⁷ Stobaeus 2.109, 10-110, 4 = LS67W

¹⁰⁸ Diogenes Laertius 7.130 = LS66H; Stobaeus 11b = IG, p. 140; See the particular examples of Stoic fortitude discussed in Chapter 5. Grotius (*DJBP* 2.19.5.2) disagrees with the Stoics on suicide, and this disagreement brings to light the difference in the Stoics’ metaphysics and that of Plato and later Christianity: “For the Platonists do argue excellently well against the Stoics, and such as hold it lawful for a man to kill himself to avoid slavery or the pains of an acute distemper or even out of hopes of acquiring glory, or by maintaining, that the souls is to be kept in the safe custody of the body, and not to be dismissed, but by the command of him, who first gave it.”

¹⁰⁹ Cicero, *On Ends* 3.26 = IG, p. 154

disinterestedness in externals and care only for virtue, the sage is the only true friend; and the only one who can act justly or bravely, for “neither justice nor friendship can exist at all unless they are chosen for their own sakes.”¹¹⁰ Possessing such a virtuous disposition requires that the sage has “firmly decided that there is nothing except what is honorable or shameful which makes a difference or distinguishes one thing or situation from another...” In a word, the sage understands the identity between the honorable and the good.¹¹¹

For the Roman Stoic Seneca, as for Stoics generally, there is a strong similarity between the life of a sage, who is dedicated to following natural law, and a soldier operating his often-grim duty under orders:

this perfect and virtuous man never cursed fortune, was never sad about what happened, regarded himself as a citizen and a soldier of the cosmos, and so endured all his labors as though he were under orders. Whatever happened, he did not scorn it as inflicted on him by chance but took it as a job assigned to him.¹¹²

The sage, as a soldier and a ruler, sees his circumstances as an opportunity to be prudent, moderate, brave, and just, seeking that which accords with natural law rather than with vengeance or his community’s idiosyncratic customs, or even international norms. His standard for law is not convention but nature, since no government, in itself, has moral authority to compel. In this sense, he is a philosophical anarchist.¹¹³

¹¹⁰ Cicero, *On Ends* 3.70 = IG, p. 157

¹¹¹ Cicero, *On Ends* 3.27 = IG, p. 154

¹¹² Seneca, *Letters* 120.12 = IG, p. 189

¹¹³ Peter Kropotkin (*Anarchism*, p. 288) states that Zeno, the founder of Stoicism, was “the best exponent of anarchist philosophy in ancient Greece.” There are many parallels between Stoicism and the writings of 19th and 20th century anarchists, going beyond merely political philosophy to include a naturalistic view of ethics. For instance, Kropotkin posits an origin of moral sentiments remarkably similar to the Stoics’

This anarchist cosmopolitanism was an important part of Stoicism from its earliest days when the founder, Zeno, and the third scholar, Chrysippus, contemplated a utopia of sages in their books, *Republic (Politeia)* and *On Republic (Peri Politeias)*, respectively, which survive only in fragments. Their thought experiments demonstrate the Stoics' concern is for what is common and natural (*phusis*) for humankind rather than for what is merely conventional (*nomos*). In Zeno's ideal communities (one imagines cities and towns throughout a world populated only by the wise) there would not be any coercive leaders, nor even be democracies, since, in following reason, all sages would reach a consensus once the appropriate course of action were communicated. For Zeno, all would be fellow citizens with "one way of life and order, like that of a herd grazing together and nurtured by a common law."¹¹⁴ In such a world, all property would be

oikeiosis, with a 'double tendency' toward sociability, as well as toward self-preservation and individual happiness. Echoing the Stoics' view of *oikeiosis* as the 'starting point' of justice, Brian Morris ("Kropotkin's Ethical Naturalism" p. 427) states that, for Kropotkin, the social instinct "was the 'starting point' [not only] of all ethical theory, but also of justice (or equity) and of self-sacrifice, which [were the] two other important elements of morality." Like the Stoics, Kropotkin also posits a natural law that is immanent, founded on the natural social instinct of humankind, rather than religiously or externally imposed: "The moral conceptions of man are merely the further developments of the moral habits of mutual aid, which are so generally inherent in social animals that they may be called a law of Nature" (Kropotkin, quoted in Morris, p. 427). Suissa (*Anarchism and Education* p. 34) adds that an anarchist view of human nature like Kropotkin's "places great weight on the idea of rationality." Given Kropotkin's basis for such an ethics was rooted in Darwin's theory of evolution, it raises interesting questions about how the Stoic view can, presumably, accept and incorporate modern scientific theories that were unknown to them (see Morris, pp. 423, 427). Beyond similarities with *oikeiosis*, Daniel Guerin (*Anarchism* p. xi), in discussing Bakunin, seems quite close to the Stoic view when positing an anarchist moral law whose regulations are "not imposed by any outside legislator beside or above us, but are immanent and inherent, forming the very basis of our material, intellectual, and moral being- they do not limit us but are the real and immediate condition of our freedom." I am thankful for Joaquin Pedroso's insight on this, in email conversation, May 2020.

¹¹⁴ Plutarch, *On the Fortunes of Alexander* 329A-B = LS67A

communal.¹¹⁵ Also communal would be education and the virtues, some of which are necessarily social:

All good things belong in common to the virtuous, in that he who benefits one of his neighbors also benefits himself; concord is knowledge of common goods, and that is why all virtuous men are in concord with each other, because they are in agreement about matters concerned with life. They say that justice exists by nature and not by convention. Again, the virtuous have an affinity to legislating and educating people....¹¹⁶

As the final sentence demonstrates, the sage, like all Stoics when their circumstances permit, is a political creature and an educator. But, rather than teach the homely conventions of one's particular traditions, the utopian community would see the "uselessness" of such a curriculum and teach only that which consistent with the common law of the human community.

In a world where there are only virtuous people, and who are all "citizens, friends, relations, and free," parochial traditions and institutions are discarded. Zeno's community(ies) of sages require no marriages (or perhaps rather have no rules about marriages- what ancient commentators disparagingly called a "community of wives"), nor temples, nor lawcourts, nor gymnasia; presumably because sages have no need to worship in buildings (since Zeus is synonymous with the cosmos' law); and because they would agree about matters of distribution; and would know how to exercise without a gymnasium's training regimen (or perhaps because they would not need to train for war

¹¹⁵ Despite the more conservative approach of the so-called 'Middle' Stoics, even an elitist Stoic like Panaetius did not see property as belonging to anyone by nature, but instead by long occupancy.

¹¹⁶ Stobaeus 11b = IG, p. 140

or physical beauty). Moreover, money, like other social conventions, would “not be thought necessary either for exchange or for travel.”¹¹⁷

Such a world, finally, is one where human rationality is observed equally among the genders, and even gender itself seem to be based on biological rather than social roles. Thus, “men and women should wear the same clothes and keep no part of the body completely covered.”¹¹⁸ The third Stoic scholarch, Chrysippus, earned a reputation for depravity by following this trivialization of social convention to its logical conclusion. As he saw it, incest between parents and children or between siblings, as well as dietary taboos, and “proceeding straight from childbed or deathbed to a temple have been discredited without reason.”¹¹⁹ Nor did his iconoclasm escape traditions concerning the deceased: Since death, rituals, and funerary materiel were indifferent, utopian citizens would use simple burial methods, or even throw the body out as one would throw out nail clippings. Also unnatural are the conventional prohibitions regarding cannibalism: if there be an amputated but edible body part, “we should not bury it or dispose of it in some other way, but consume it.”¹²⁰

¹¹⁷ Diogenes Laertius 7.32-3 = LS67B

¹¹⁸ Diogenes Laertius 7.32-3 = LS67B

¹¹⁹ Plutarch, *On Stoic Self-Contradictions* 1044F-1045A = LS67F; Though the Stoics were skeptical of the trappings of religion, they were not technically atheists. They considered Zeus to be the rational order immanent in the cosmos, an aspect of which is the natural law of human moral behavior. Moreover, Zeno also saw the benefits of a communal religion, considering a sublimated Eros as a deity to be worshipped as a representation of harmony and security: “Zeno of Citium regarded Eros as god of friendship and freedom, and the provider in addition of concord, but of nothing else...” and “Eros is a god which contributes to the city’s security.” See Plutarch, *On Stoic Self-Contradictions* 1034B = LS67C

¹²⁰ Sextus Empiricus, *Outlines of Pyrrhonism* 3.247-8 = LS67G

1.4.1 A brief note on cultural relativism, property, and the world-city

What is an International Relations theorist to make of this? There is no evidence to suggest that the Stoics envisioned their utopias to be the inevitable endpoint of civilization. It is not likely they even thought that such a world was possible.¹²¹ For the purposes here, this is unimportant. In order to develop a just war theory, the Stoic utopia is a thought experiment that allows the theorist to juxtapose world cultures against the standards of the Stoics' natural law. And, if there is no violation in the practice (in terms of the self-preservation and sociability principles that *oikeiosis* entails), it allows the Stoic to find other cultures' practices to be indifferent, but permissible.¹²² Utility and a reasonable justification, therefore, allow for different practices in different cultures based on history, geography, and necessity; whereas any prohibition or a *casus belli* which rests on, for example, appeals to the alleged barbarism of incest and cannibalism (*mere* cannibalism, not, say, *mass murder and* cannibalism) would be unreasonable. As Bartolomé de las Casas was aware, many pretexts have been given for nothing other than what may amount to differences in social convention.¹²³

The Stoic view of property is another idiosyncrasy. For the Stoics in general, a natural claim to territory is rejected. Rather, property is ideational- a convention, that, when found unreasonable, is to be abandoned. For Ariston,

¹²¹ Schofield, pp. 151-2; also Vogt, Ch. 2

¹²² Cf. Grotius (*DJBP* 3.15.11): "Another privilege which ought to be allowed the conquered, is the exercise of their ancient religion; unless they themselves, being convinced, are desirous to change it..."

¹²³ De las Casas' (p. 219) defense of cannibalism and human sacrifice as rational, in Ch. 33 of *In Defense of the Indians*, recalls Chrysippus' defense of cannibalism and other taboos as indifferent, so long as in does not violate the principles of justice. Cf. Brunstetter, p. 97

there is no native land, just as there is no house or cultivated field, smithy, or doctor's [office]; each one of these comes to be so, or rather is so named and called, always in relation to the occupant and user.¹²⁴

While a modern critic might view this as a justification for imperialism, the Stoic point is a different one. For the Stoic, no one has any more right to a particular land than anyone else, at least not by nature. Rather, by the time of the middle Stoics, it was 'long occupancy' that played a role in the acquisition of property.¹²⁵ A reasonable justification must be able to be given for its transference; one that is communicable to the parties involved, since by nature the entire cosmos belongs to those able to use reason. While early Stoics posited that the wise would share all in common, they typically considered property among those things which are generally preferred, but altogether morally indifferent (*adiaphora*), and thus unnecessary for *eudaimonia*.¹²⁶

Common ownership is not limited to the property within the city of birth, however. If sages would share all in common, then that applies to the cosmos as well, the larger and primary political unit to which the wise belong. Seneca, for his part, considers

¹²⁴ Plutarch, *On Exile* 600E = LS67H

¹²⁵ Consider Cicero's (*On Ends* 3.67) analogy of the seat in the theater. No one has any more right to any of them than anyone else. However, once a person occupies one, no one else may remove them; at least, as everything else in Stoic philosophy, without a good reason.

¹²⁶ It is only later, conservative Stoics and their sympathizers (Panaetius and Posidonius; and Cicero, respectively) who considered the importance of individual property and argued against redistribution of wealth. This is *prima facie* incoherent with the Stoics' position. However, consider Cicero's statement (*On Duties* 2.73), "Communities and governments were founded above all for the preservation of private property. For although men banded together under nature's guidance, it was in the hope of safeguarding their possessions that they sought the protection of cities." Slightly revised, the orthodox Stoic position can consider cities as means for acquiring those preferred indifferents according to nature, and come to be also because of the social nature of humans. Both of these goals are quite consistent with the Stoic conception of *oikeiosis*. Grotius (*DJBP* 1.2.1.3), on the other hand, uses his Ciceronian Stoicism as justification for acquiring and defending property: "So the use of the common productions of nature was the right of the first occupier, and for anyone to rob him of that was manifest injustice." See also *DJBP* 2.2.2.5 and 2.2.11

that “there are two communities- the one which is great and truly common, embracing gods and men” and another, smaller one (something of a synecdoche of the cosmos and its common law) in a person’s individual community, “the one to which we have been assigned by the accident of our birth.”¹²⁷ For the Stoics in general, the larger, universal city is more natural, since humans are members of it due to their common rationality which should cohere with natural law. The smaller, accidental one imposes further duties on us in the form of specific social roles. But those obligations cannot and should not ever contradict the law of nature, to which humans owe their primary allegiance.

¹²⁷ Seneca, *On Leisure* 4.1 = LS67K

Chapter 2: Stoic Influence and Parallels

This chapter will give a brief exposition of Stoicism's origin and its influence on relevant major figures in international law and in warfare, namely Cicero, Justus Lipsius, Carl von Clausewitz, and Hugo Grotius. It ends with a discussion on the latter's conception of 'internal' and 'external' justice, and a claim that these conceptions can be improved by positing a virtue ethic based on principles of ancient Stoicism which, incidentally, Grotius abandons.

2.1 From Cicero to Lipsius

Different aspects of Stoic philosophy have found their way in to the writings of quite diverse theorists of war. The most popular and influential part of their ethics has been briefly summed up by Christopher Brooke, and it serves us here as both a review of the Stoics' ethical positions and as a template for comparing this with the views of these later thinkers:

The goal of human existence is to live in accordance with nature, which is to live rationally or virtuously. Virtue is the only genuine good, and it is sufficient for happiness. Other things we might conventionally call goods, such as health or wealth, are, properly speaking, only 'preferred indifferents.' Vice is the only genuine bad. We must learn to distinguish between those things that are under our control and those that are not, and train ourselves to be concerned about the latter. Most of the emotions that we experience are false judgments, and should be extirpated through Stoic therapies or spiritual exercises. If we can rid ourselves of these emotional responses, than we can live the good life in the passionless state the Stoics called *apatheia*, and to live that ideal life is to be the Stoics' sage. But the Stoic conceded that the sage was rarer than the phoenix and might never in fact have existed. The sage was, they said, both wise and free- a true cosmopolitan, or citizen of the world- and remained happy even under torture.¹²⁸

¹²⁸ Brooke, p. xii

For better or worse, it was Cicero's brand of Stoicism which has probably been the most prominent throughout the history of international law and just war theory. Cicero did not identify himself as a Stoic but as an Academic Skeptic (the philosophical school which traced its lineage to Plato, and by the Roman era, had posited that all claims to knowledge were dubious). However, he was quite familiar with Stoicism, having been influenced by the leading Stoics of the Hellenistic and Roman era (e.g., Panaetius of Rhodes, Diogenes of Babylon, and Posidonius of Apamea). Though he often criticizes Stoicism throughout his body of work, he often writes as a Stoic, especially in his writings on ethical matters. Much of Cicero's influential book discussing justice before, during, and after war, *On Duties*, is known to follow the work of leading Stoics of the so-called 'Middle Stoa' period, and he freely admits that the first two books of his work follows what was already written by Panaetius, and to a lesser extent, Posidonius.

Even when following these Stoic philosophers closely, his own 'Ciceronian Stoicism' is often infused with much that is idiosyncratic to Cicero and his traditional Roman values. As mentioned in Chapter 1, he often relegates what is appropriate ethical action to the Roman virtue of *decorum*, something closer to what is 'seemly' for someone in Cicero's own social class. Earlier Stoics like Cleanthes, who had been a night-laborer and a boxer, and Zeno, who had been a small-scale and unsuccessful importer, would have found quite strange Cicero's position that being a merchant is only appropriate if it is done on a vast scale.¹²⁹ Moreover, Cicero's use of the Stoic principles of appropriation (*oikeiosis*) and natural law to justify both the accumulation of property and

¹²⁹ Diogenes Laertius 7.5; *On Duties* 1.151

imperialism is another application (or misapplication?) of Stoicism that early anarchists like Zeno and Chrysippus might have found strange. Cicero's works, and the work of the later Roman Stoic Seneca (discussed in Chapters 3 and 4, respectively), were prominent in the ideas of later philosophers and the early Christian theologians, even if only as a foil for their own moralizing. Despite Stoicism's long history and Cicero's enormous influence, Stoicism was denigrated by such Christian authors as Augustine for the school's alleged atheism, determinism, and materialism. With the rise of scholasticism in the Middle Ages, there was "little interest in or detailed knowledge of the Stoics' arguments for a thousand years."¹³⁰

A revival in western Europe of Stoic arguments and texts began in the Renaissance, and continued with the 'Neostoic' work of Justus Lipsius, in particular his dialogue *On Constancy* and, to a lesser extent, his work of political theory, *Politica*. But Lipsius attempted to jettison some of what he considered to be the most offensive positions of the Stoics (at least, offensive to Christian sensibilities), namely their materialism and determinism. Lipsius' Christianized Stoicism provided a foundation for his writings on ethics, and especially its application to the military sphere. Through Lipsius, Neostoicism reputedly had a direct influence in the rise of the nation-state and militarism in Europe. The scholar most persuaded of this is perhaps Gerhard Oestreich, who envisages Neostoicism to have enhanced

¹³⁰ Brooke, pp. xii-xiii; The Stoics' determinism may be closer to what contemporary philosophers call 'compatibilism,' i.e., the view that there is no contradiction between free will and fated events. In the Stoics' view, human being can make judgements and choose among options, even if those options are destined and their judgments come from a primary cause (their individual natures) and a secondary cause (the external events that have initiated their judgments). See Clement, *Miscellanies* 8.9.33.1-9 = LS5I. Long and Sedley's commentary on this allows them to coin their own term for the Stoic brand of determinism: 'presupposist.'

social discipline in all spheres of life, and this enhancement produced, in its turn, a change in the ethos of the individual and his self-perception. This change was to play a crucial role in the later development of both modern industrialism and democracy, both of which presupposed a work ethic and the willingness of the individual to take responsibility.¹³¹

In sum, it helped “spread an ethic of duty that bordered on asceticism.”¹³² He also finds Lipsius’ reconstruction of Stoicism to have provided a “philosophical basis for a change in mental and spiritual attitudes” which in turn “led to a positive acceptance” of the power of the centralized state.¹³³ This power, in turn, was “embodied in the standing army” which supposedly adopted the Roman Stoic virtues and Stoicism’s adherence to duty.¹³⁴ In this view, political humanism and Neostoicism were “the moral principles underlying the modern military state, principles which had not a little to do with its success.”¹³⁵ Yet another thing the anarchist Zeno, one imagines, would have found quite strange.

Oestreich’s critics, however, view his position as “increasingly awkward one” in which his grand historical claims are unwarranted and his view of Lipsius’ debt to Stoicism unpersuasive.¹³⁶ *Contra* Oestreich, Brooke argues that Lipsius’ political work, *Politica*, is instead “a partial restoration of Stoic political theory in the wake of

¹³¹ Oestreich, p. 7

¹³² Brooke, p. 15

¹³³ Oestreich, p. 8

¹³⁴ Oestreich, p. 8

¹³⁵ Oestreich, p. 73

¹³⁶ Brooke, pp. 15-6; Elsewhere (p. 21): “[W]e need to learn to see [Lipsius] as someone who is attempting to salvage a version of Senecan or Stoic political theory and to reconstitute the mirror for princes in the wake of Machiavelli’s shattering critique.”

Machiavelli's devastating attack" on Stoic (particularly Seneca's) political thought.¹³⁷

For a Stoic just war theory, this is quite interesting indeed, since Lipsius develops what seems, *prima facie*, to be an unstoic tenet of political theory: the concept of 'mixed prudence.' Whereas the Stoics identified the 'honorable' (*honestum*) with the 'useful' (*utile*), and posited that only that which was honorable had any true utility, Lipsius rhetorically asks whether it is "allowed that I mix it [i.e. prudence] a little, and add a bit of the sediment of deceit?"¹³⁸ Certainly, Lipsius asks this in light of Machiavelli's realist criticisms of political ethics. Lipsius answers his own question: It is indeed allowed, "in spite of the disapproval of some Zenos," referring to those prudes reticent to diverge from the purported positions of orthodox Stoicism.¹³⁹ In doing so, Lipsius' "modified Senecan framework" becomes a "critical response to," and a "partial appropriation" of, Machiavelli's realist insights.¹⁴⁰

Oestreich, on the other hand, takes it that Lipsius' 'mixed prudence' allows a ruler to counter others' acts of deception with deception of his own for the public advantage. If Oestreich is correct, Lipsius is "not recommending a complete departure from what is honorable" but instead a leavening of Stoic virtue with the "unmistakably Machiavellian notion" that a ruler "must have attributes of both the lion and the fox"; and that such a ruler "must act as time and occasion dictate."¹⁴¹ Lipsius seems to accept that, if the

¹³⁷ Brooke, p. xv

¹³⁸ Lipsius, quoted in Brooke, p. 29

¹³⁹ Brooke, p. 29

¹⁴⁰ Brooke, p. 27

¹⁴¹ Oestreich, p. 48

common good be accomplished, a ruler may supersede or ignore human laws in order to preserve, but not to extend, his position.¹⁴² Presumably Lipsius here thinks preservation implies temperance while extension implies a greediness with no logical limit, making deception unjustifiable. Surely, there is a Stoic precedence to this (see Chapter 4): Epictetus has a homely analogy of a shoe; which can meet the needs of a foot's preservation simply, whereas a desire for luxury shows no limit to a shoe's fanciness.

But Lipsius seems to overstate the difference between Stoic virtue (*arete*) and a Machiavellian *virtù*. If such 'mixed prudence' is in fact for the public advantage, then Stoic philosophers did not need to wait for Machiavelli and Lipsius to allow for a reasonable use of deception and violence. It seems quite clear that Stoic *oikeiosis*, in both its self-preservation and sociability aspects can, under certain conditions, accept that these things are appropriate and warranted. And if performed by a sage (who the Stoics accepted would, if needed, deceive others- fellow-citizens as well as enemies), even an act of justice. Machiavelli himself points out the *virtù* of some of his preferred examples, who were indeed two Stoics (or inspired by Stoicism): King Kleomenes III of Sparta and the Roman emperor Marcus Aurelius, further discussed in 5.1 and 5.3. Even Lipsius' term for the combination of deception and virtue, 'mixed prudence,' seems to wrongly suggest a Stoic impermissibility of using deception in warfare. The Stoic warriors discussed in Chapter 5, who arguably also had the best interests of the community in mind, would probably have found this to be quite a strawman. *Pace* Lipsius, Stoic prudence needs no mixing.

¹⁴² Brooke, p.29

In sum, despite his appreciation of Stoic virtue Lipsius seems to misinterpret it by bringing the concept too close to its Christian counterpart. Moreover, as Brooke also notes, Oestreich's claim that Neostoicism "set limits to what the state could do, despite its greatly increased potentialities in war and peace, by developing the scope of military and international law," perhaps overstates Neostoicism's importance in serving the politics and militaries of the modern European state.¹⁴³ And yet, there is an interesting parallel between Neostoic virtue and the theories regarding the virtues of war exemplified by commanders and soldiers, which merits further discussion. Oestreich notes this parallel as well and, correctly or incorrectly, sees more than mere correlation. He sees Clausewitz's figure, the ideal general, as an embodiment of the ideal Lipsian citizen-soldier: "the citizen who acts according to reason, is answerable to himself, controls his emotions, and is ready to fight."¹⁴⁴ At any rate, this provides us with a segue to the next section, which allows us to compare an agent's appropriate actions in war with the 'military genius' Carl von Clausewitz describes in his *On War*.

2.2 Clausewitzian ethics

In a different discipline than that of just war, or at least just war as usually conceived, Carl von Clausewitz emphasizes the importance of the virtuous character of soldiers. A short digression into Clausewitz's conception of the virtues of war can shed light on how a Stoic education in virtue may be espoused for potential combatants, which

¹⁴³ Oestreich, p. 75

¹⁴⁴ Oestreich, p. 30

will be the topic of Chapter 4. Oestreich notes how Carl von Clausewitz's *On War* contains several references to "the moral forces of army life"; and finds that the philosophy, psychology, and ethics of Clausewitz's chapter 'On the spirit of war' "are largely rooted in the military tradition."¹⁴⁵ While this surprises exactly no one, Oestreich goes further, suggesting that this tradition, and thus Clausewitz's concept of 'moral forces,' with its call for constancy and firmness, are based in "the thoughts and imagery of Neostoicism."¹⁴⁶ An International Relations theorist can remain agnostic as to the extent to which Clausewitz was influenced by Stoicism (whether in its ancient or Neostoic form), or to what extent he purposefully makes the connection between that ancient philosophy and his own. It is enough to note the similarity between them, of which there is much. A review of such similarity can summon Clausewitz's insights on the virtues of war in order to assist in the development of a virtue ethics education for troops who must, for the sake of their virtue and their *eudaimonia*, in the most grueling of endeavors and in the confusion and the disorienting loudness of combat, maintain their characters and act honorably.

The way Clausewitz refers to the military 'genius' would not be unfamiliar to a Stoic discussing the near-mythical sage. Like the Stoics, Clausewitz consistently refers to the virtues as parts of a whole:

...it is precisely the essence of military genius (*kriegerischen Genius*) that it does not consist in a single appropriate gift- courage, for example- while other qualities of mind (*Kräfte des Verstandes*) or temperament are wanting or are not suited to war. Genius consists in a harmonious

¹⁴⁵ Oestreich, p. 88

¹⁴⁶ Oestreich, p. 89

combination of elements, in which one or the other ability may predominate but none may be in conflict with the rest.¹⁴⁷

Such a discussion about the unity of the virtues might have been taken straight from the writings of the Stoic philosophers. For the Prussian, as for the ancients, virtues cannot contradict. The Stoics accept this unity of virtues because virtue is an event proceeding from the character of a person who, due to his scientific knowledge of what is good, bad, or indifferent, consistently and unerringly makes appropriate judgments about impressions, and experiences no violent emotions. In a word, the virtues are representations of wisdom in action. While Clausewitz places the emphasis on only one of virtue's aspects, i.e., courage (a familiar topic to the Stoics as well), for this project the emphasis can be applied to justice.¹⁴⁸ Before we can do so, however, it is important to read Clausewitz further regarding the virtue of courage in order to understand his conception of virtue as a whole:

Courage (*Mut*) is of two kinds: courage in the face of personal danger, and courage to accept responsibility either before the tribunal of some outside power or before the court of one's own conscience (*oder der inneren, nämlich des Gewissen*).¹⁴⁹

Clausewitz mainly discusses the first kind of courage in his famous work. Yet, notice that Clausewitz writes here of courage "before [a] tribunal" or "before the court of one's own conscience" as something like similar to, or interconnected with, a personal or

¹⁴⁷ Clausewitz, p. 100, all English excerpts are Howard and Paret's translation

¹⁴⁸ Cicero (*Tusculan Disputations* 4.53 = LS32H) discusses the Stoics' definitions of courage, and states by way of a back-handed compliment: "However much we [i.e. Academics] may attack this school... I'm afraid that they may be the only real philosophers."

¹⁴⁹ Clausewitz, p. 101; See also du Picq (p.118) on the "moral elements in battle": "Real bravery, inspired by devotion to duty, does not know panic and is always the same."

‘internal’ justice, or perhaps even with ‘temperance.’ This calls to mind the ‘internal’ justice of Stoic virtue ethics rather than a mere reliance on the ‘external’ justice of laws, norms, and rules which often do not meet the standards of justice at all (i.e., the standards of natural law). This contrast seems most evident when there is little or no check on one’s power, as Clausewitz seems to suggest. The Stoics, especially those of the Roman Empire under the rule of the Caesars, the so-called Stoic Opposition, might agree with Clausewitz that often enough there is no check on the commander’s will but the commander’s own conscience.¹⁵⁰

Clausewitz further discusses the nature of courage and observes, like the Stoics, that its truest form is a disposition, rather than merely an action. Whereas he accepts that a form of courage can be brought about by emotional states, here the Stoics would be more reticent. Still, the Stoics would agree that courage (or at least the type which Clausewitz sees as a permanent and dependable form of courage) is an event where a certain disposition of soul, or character, is a necessary factor. Here is Clausewitz on courage:

Courage (*Mut*) in [the] face of personal danger is also of two kinds. It may be indifference to danger, which could be due to the individual’s constitution (*Organismus des Individuums*), or to his holding life cheap, or to habit. In any case, it must be regarded as a permanent condition (*bleibender Zustand*). Alternatively, courage may result from such positive motives as ambition, patriotism, or enthusiasm of any kind. In that case courage is a feeling, an emotion, not a permanent state. ... The first is more dependable; having become second nature (*zweiten Natur*), it will never fail. [It is] more reliable [and] leaves the mind calmer; the second tends to stimulate, but it can also blind. The highest kind of courage is a compound of both.¹⁵¹

¹⁵⁰ See the discussion on the Stoic Opposition in 5.2.

¹⁵¹ Clausewitz, p. 101

Here Clausewitz helps identify why a firm, permanent disposition is important for virtue. The Stoics would agree that true courage, of the dependable, so-called second nature type, involves a calm mind and a firm disposition; a character that is reliable and permanent (*bleibender Zustand*). Courage takes place in moments of adversity, and there are few things, if any at all, that are more adverse to the human physical constitution than the dangers of war. Again, while he concentrates on the aspect of virtue that is courage, it is only a small step to apply it to the Stoic conception of justice, which is a different but related aspect of a virtuous disposition. War, to put it Stoically, typically brings with it many dispreferred (*apoproegmena*) indifferents (*adiaphora*), externals contrary to nature (*para phusin*), and takes place in a world where one controls nothing outside of one's own mind; and even that much only when one is not in the thrall of fear, anger, elation, or distress. In language that would not seem out of place in Stoic writings, Clausewitz states:

War is the realm of physical exertion and suffering. These will destroy us unless we can make ourselves indifferent to them, and for this birth or training must provide us with a certain strength of body and soul. [...] War is the realm of uncertainty; three quarters of the factors on which action in war is based are wrapped in a fog of greater or lesser uncertainty.¹⁵²

Elsewhere, he states that “four elements make up the climate of war: danger, exertion, uncertainty, and chance.”¹⁵³ Clausewitz bids his reader to keep in mind “the weight, the burden, the resistance- call it what you like- that challenges the psychological

¹⁵² Clausewitz, p. 101; Cf. Posen, p. 23

¹⁵³ Clausewitz, p. 104

strength of the soldier.”¹⁵⁴ Often, it is the unexpected that threatens to dissolve the mind’s clarity and ‘firmness’:

[I]f, for example, the enemy resists four hours instead of two, the commander is in danger twice as long; but the higher an officer’s rank, the less significant this factor becomes, and to the commander-in-chief it means nothing at all.¹⁵⁵

He might have added what such unexpected resistance means to the common soldier, who is often less educated and less experienced: the twenty-somethings, in a country far from home, whose patrols in triple-digit heat in full battle gear require scanning alleyways and suspicious mounds on roadsides; where the mood of the day often threatens to drastically change the nature of their interactions with an often less-than-compliant population; as they watch expressions and hand movements of the locals, and are forced to make split-second decisions about which of them require dispatching. For the Prussian Clausewitz, war’s horrors (or, for the Stoics, *reputed* horrors) with the “dreadful presence of suffering and danger,” lead to a “psychological fog” where “emotion can easily overwhelm intellectual conviction.”¹⁵⁶ At other times, his language is quite close to the Stoic position, especially concerning soldiers’ assents (*sunkatathesis*) to vivid, or ‘fresh’ (*prospaton*) impressions:

With its mass of vivid impressions (*zahlreichen und starken Eindrücken*) and the doubts which characterize all information and opinion, there is no

¹⁵⁴ Clausewitz, p. 104

¹⁵⁵ Clausewitz, p. 104

¹⁵⁶ Clausewitz, p. 108

activity like war to rob men of confidence in themselves and in others, and to divert them from their original course of action.¹⁵⁷

Such situations often lead to “inflammable emotions,” which are “easily aroused” and which are, “in general of little value in practical life, and therefore of little value in war.”¹⁵⁸ Closer to the purposes here for a Stoic education, Clausewitz details the necessity of training against these passions:

Their volatile emotions (*aufbrausenden, aufflammenden Gefühle*) make it doubly hard for such men to preserve their balance; they often lose their heads, and nothing is worse on active service. ... If training, self-awareness, and experience sooner or later teaches them how to be on guard against themselves, then in times of great excitement an *internal counterweight will assert itself so that they too can draw on great strength of character*.¹⁵⁹

This is reminiscent of the advice of Epictetus, who reminds his own students to keep watch as if they are their own enemies laying an ambush for them.¹⁶⁰ This wariness is necessary because, though much training can lead to progress in judging impressions correctly, none but the near-impossible sage have a disposition that can consistently and unerringly resist all the false, or unclear, impressions, especially those brought about in violent circumstances.

Thus, it is nearly certain that no soldiers, let alone rulers, have hitherto exemplified justice throughout the phases of warfare, or so the Stoics must posit. To

¹⁵⁷ Clausewitz, p. 108; For ‘fresh’ (*prophaton*) impressions as factors in passions (*pathe*) in Stoic philosophy, see Long and Sedley’s compendium on this topic = LS65, especially Andronicus, *On Passions* 1 = LS65B.

¹⁵⁸ Clausewitz, p. 106

¹⁵⁹ Clausewitz, p. 107, my emphasis

¹⁶⁰ Epictetus, *Manual* 48

rectify this, a “sensitive and discriminating judgment (*feiner, durchdringender Verstand*) is called for; a skilled intelligence to scent out the truth” (*un mit dem Takt seines Urteils die Wahrheit heraus zu fühlen*); or “an intellect that, even in the darkest hour, retains some glimmering of the inner light which leads to truth.”¹⁶¹ In war,

fresh opinions never cease to batter at one’s convictions. No degree of calm can provide enough protection: new impressions are too powerful, too vivid, and always assault the emotions as well as the intellect. Only those general principles that result from deep and clear understanding (*klaren und tiefen Einsicht*) can provide a comprehensive guide to action.¹⁶²

The importance of a war epistemology is a requirement for Clausewitz, as it is for a Stoic just war theory. Again here we see that a calmness of mind, when available, is a prerequisite for careful judgments about impressions (see 4.3). The point here is the Clausewitzian “general principles” for “understanding” seem parallel to the Stoic imperative to withhold assent to all impressions until they are tested against the Stoic preconceptions, to avoid passions, and to take the actions appropriate to one’s social role.

In Stoic terminology, assenting to false impressions about the supposed badness of indifferent but dispreferred externals, like those experienced in warfare, risks the burgeoning of powerful, unhelpful emotions, e.g., fear, anger, distress. The unclarity of events in battle disorients and confuses the agent who does not bring himself to reject or withhold assent from these impressions, and who therefore allows himself to succumb to the passions (*pathe*). Those passions, in turn, while wrong in themselves, may further lead to unjust (as well as cowardly, imprudent, and immoderate) actions. Like

¹⁶¹ Clausewitz, pp. 101-2

¹⁶² Clausewitz, p. 108

Clausewitz, the Stoics posited the necessity of a prudent and discerning mind, a firm disposition that, *ex hypothesi*, can judge such impressions against the preconceptions (*prolepseis*) of what is truly bad (vice), and what is only an apparent bad (e.g. death, mutilation). And both stress the importance of developing such a disposition through rigorous training (*askesis*).

Despite their vastly different social roles, two Stoics, the former slave Epictetus and the Emperor Marcus Aurelius, both consider the business of life to be a kind of warfare.¹⁶³ Epictetus believes that in order to prepare for it, the recruit must conduct “a winter training,” calling to mind the rigorous drilling in which only the most disciplined armies trained, since most campaigns in the ancient world were executed only in the warmer summer months.¹⁶⁴ Both the Stoics and Clausewitz (or any commander who can recite the worn adage regarding plans and first contact with enemies) can agree that only a trained and disciplined mind can persevere and keep calm during battle. But the Stoics’ ethical system goes beyond the purposes of Clausewitz’s work, adding that assenting to unclear or false impressions lead not merely to imprudence, cowardice, distress, or fear, but to injustice as well. While individual soldiers may keep their calm states of mind during training in the field or drills on the parade ground, *in bello* atrocities often happen when soldiers are angry, scared, confused, and/or exhausted. Assents to false and unclear impressions can and do happen, according to the Stoics, for all but the firmest dispositions, i.e. that of the sage. And, considering such a being’s rarity, injustices in war

¹⁶³ *Discourses* 3.24.31; *Meditations* 2.17

¹⁶⁴ Epictetus, *Discourses* 1.2.32, Oldfather’s translation

can unfortunately be expected, since they are waged and fought by fools over indifferent things that they mistakenly take to have moral worth.¹⁶⁵ Still, the Stoics' conception of virtue, and *a fortiori* justice, is one which is internal. Interestingly, men as different from each other as Clausewitz and Seneca (for the latter, see 4.4-6) both understood that there is often no check on the power and will of the ruler or commander except the "court of one's own conscience."¹⁶⁶

Since a virtuous disposition, or even one that *approaches* virtue, is sometimes the only check on power, the Stoics naturally recommended a 'training' (*askesis*) and strengthening of the mind to make appropriate judgments under even the harshest impressions. This also has a Clausewitzian parallel, since the latter defines "strength of mind, or of character," not as a "vehement display of feeling, or passionate temperament" but as "the ability to keep one's head at times of exceptional stress and violent emotion."¹⁶⁷ In discussing a good character, Clausewitz once again echoes the Stoic position that the virtues are inseparable- that courage, which he emphasizes, involves something quite like the Stoics' temperance (*sophrosune; temperantia*). As he states, it is

¹⁶⁵ Cf. Thucydides 3.82.2, Strassler's translation, emphasis mine: "The sufferings which revolution entailed upon the cities were many and terrible, such as have occurred and always will occur, as long as the nature of mankind remains the same; though in a severer or milder form, and varying in their symptoms, according to the variety of the particular cases. In peace and prosperity, states and individuals have better sentiments, because they do not find themselves suddenly confronted with imperious necessities; but war takes away the *easy supply of daily wants*, and so proves a rough master, that brings *most men's characters to a level with their fortunes*."

¹⁶⁶ Clausewitz, p. 101; See also Musonius Rufus' remarks that rulers should also study philosophy for understanding definitions of kingly virtues, in Stobaeus 4.7.67

¹⁶⁷ Clausewitz, p. 105

more accurate “to assume that the faculty known as self-control- the gift of keeping calm even under the greatest stress- is rooted in temperament.”¹⁶⁸

Finally, Clausewitz leaves the reader with a picture of an agent who, like the Stoic sage and his *apatheia*, can calmly understand his social role, and the appropriate actions such a role entails. His ideal soldier’s military duties quite resemble those of Hierocles’ ‘well-tempered’ (*entetamenon*) person:

If we then ask what sort of mind is likeliest to display the qualities of military genius, experience and observation will both tell us that it is... the calm rather than the excitable head to which in war we would choose to entrust the fate of our brothers and children, and the safety and honor of our country.¹⁶⁹

2.3 Grotian appropriation and internal versus external justice

Oestreich’s claims that Clausewitz’ war ethics is founded on Neostoicism is less than completely convincing, but Neostoicism was in the air, as it were, and certainly there are many parallels between Stoic virtue and Clausewitzian courage. Still, Neostoicism did influence other modern thinkers, such as the Earl of Shaftesbury, Michel de Montaigne, Francis Hutcheson, Jean-Jacques Rousseau, Thomas Hobbes, and Adam

¹⁶⁸ Clausewitz, p. 106

¹⁶⁹ Clausewitz, p. 112; Cf. Oestreich (p. 7): “Neostoicism also demanded self-discipline and the extension of the duties of the ruler and the moral education of the army, the officials, and indeed the whole people, to a life of work, frugality, dutifulness and obedience. The result was a general enhancement of social discipline in all spheres of life, and this enhancement produced, in its turn, a change in the ethos of the individual and his self-perception. This change was to play a crucial role in the later development of both modern industrialism and democracy, both of which presupposed a work ethic and the willingness of the individual to take responsibility.” Also see the discussion on Seneca’s emphasis on the ‘calm mind’ necessary for virtue, in Chapter 4.

Smith.¹⁷⁰ Most importantly for framing Stoic virtue ethics, however, was the influence of Stoicism, or at least Cicero's version of it, on Hugo Grotius.¹⁷¹ *The Rights of War and Peace* (*De Jure Belli ac Pacis*, hereafter *DJBP*), first appeared in 1625, and has cemented Grotius' reputation as one of the founding fathers of international law. There are several Stoic themes which he adopts, the most obvious being a revision of *oikeiosis*, an animal's (and *a fortiori*, a human's) sense of 'appropriation.' Moreover, Grotius also reworks the Stoics' conception of natural law. Still, he jettisons, or at least ignores, Stoic physics (along with its materialism), epistemology (along with its acceptance only of occurrent beliefs), and much of the ethics (e.g. the sufficiency of virtue) that gives Stoicism its power and consistency.

Although Grotius often seems to accept the Stoic epistemology of *sunkatathesis*, i.e. assent to mental impressions, he is working from a different metaphysical position than the Stoics' determinist, materialistic pantheism (and on a reliance, despite the so-called 'impious hypothesis,' on Christian theology). Despite the differences between Grotius' view and the Stoics' conflation of natural law with divine law, they agree that the law of nature is the dictate of right reason,

...shewing the moral turpitude, or moral necessity, of any act from its agreement or disagreement with a rational nature, and consequently that such an act is either forbidden or commanded by God, the author of nature... Now the law is so unalterable, that it cannot be changed even by God himself.¹⁷²

¹⁷⁰ Brooke, pp. xiv-xvii; Adam Smith's ethics, perhaps most fully developed in *The Theory of Moral Sentiments*, resembles much of the Stoics' circles of concern.

¹⁷¹ See Brooke, p. xiv, for his view that Grotius' "natural jurisprudence" had a "distinctive foundation in what we might call Ciceronian Stoicism."

¹⁷² Grotius, 1.1.10; the last line cannot be Stoic, since it does not recognize the identity of natural law with the Deity.

As the passage describes, an action in conformity with rational nature has an inherent moral necessity.¹⁷³

Grotius grounds his natural law and natural rights around the two (Stoic) principles of self-love and sociability.¹⁷⁴ But Grotius has a much different version of *oikeiosis* than posited by the Stoics, and therefore Grotius' conception of 'justice' lands far from the Stoic cosmopolitan view of it.¹⁷⁵ Like the Stoics, Grotius accepts that humans are self-interested, that they seek their own benefit, and that they "have an impelling desire for a peaceful and organized society."¹⁷⁶ Because of the similarity to the Stoic account in Cicero's *On Laws*, one might expect Grotius to accept the Stoic cosmopolitan premise that each thing tries to preserve itself and that, in doing so *correctly*, it serves also for the good and benefit of the whole universe.¹⁷⁷ But this, according to J. B. Schneewind, is where Grotius's account diverges from that of the Stoics: Natural law, For Grotius, is far from being the rational order inherent in the cosmos. Rather, it merely "shows how to manage our inclinations and selfish desires for our own benefit"; and this shows that Grotius abandons the Stoic quest for moral perfection and *eudaimonia*, and "considers only the empirical data about human conflict

¹⁷³ Schneewind, p. 74

¹⁷⁴ Tierney, quoted in Brooke, p. 37

¹⁷⁵ See Brooke (pp. 57-8) for more differences and possible misunderstandings on Grotius' part.

¹⁷⁶ Schneewind, p. 71

¹⁷⁷ Schneewind, p. 69

and its resolution.”¹⁷⁸ Grotius does not merely ignore the Stoic importance about human flourishing (and thus the Stoics’ ethical motivation for just war), but also disregards the Stoic axiology in which virtue is the only human good and vice the only evil.

The differentiation between ‘internal’ and ‘external’ justice is also an important part of Grotius’ work.¹⁷⁹ For Grotius, external justice involves, among other things, laws and regulation regarding property and jurisdiction within the ‘law of nations.’ This Grotian conception overlaps somewhat with what Michael Walzer calls the “war convention,” which he refers to “the set of articulated norms, customs, professional codes, legal precepts, religious and philosophical principles, and reciprocal arrangements that shape our judgments of military conduct.”¹⁸⁰ In discussing external justice, Gregory Reichberg states that Grotius

...took care to indicate that the framework of reciprocal belligerent rights in public war, given its consensual basis (hence the requirement of formal declaration), was an expression of ‘external justice’ (*externa justitia*) only. This sort of justice did not entail positive approval of the acts in question (killing and wounding enemies, devastating and pillaging, etc.), especially when carried out by an unjust belligerent, but only impunity from prosecution.¹⁸¹

Reichberg notes that ‘internal justice,’ by contrast, “was coextensive with the natural law”:

¹⁷⁸ Schneewind, p. 73; Cf. Brooke, pp. 39-40; Elsewhere (p. 51), Brooke suggests that this is where Grotius’s account foreshadows Hobbes’s, since Grotius’s is an argument for humans pursuing their own self-preservation without any specific ethical greatest good, or *summum bonum*. And yet the absence of a greater good does not “derail the project of setting suitable rules to govern practical reason.”

¹⁷⁹ Reichberg, p. 205

¹⁸⁰ Walzer 2000, p. 44

¹⁸¹ Reichberg, p. 205; Reichberg discusses the differences between the two throughout his chapter, “Just War and Regular War: Competing Paradigms” in Rodin and Schue’s *Just and Unjust Warriors*.

Assessing acts from the point of view of their inherent rightness or wrongness, this form of justice sharply restricted the range of what might legitimately be undertaken even in a just war.¹⁸²

Grotius' internal justice takes into account not the posited rules, norms, and customs of interstate behavior, but the inherent morality in these actions. It calls to mind Clausewitz's ideal commander, who must answer to his own conscience even, perhaps especially, when there is no military tribunal which threatens to review his actions. 'Internal justice' involves obligations that arise from property, promises, and oaths, among other things. Rather than being founded on convention, Grotius' sense of internal justice seems to correspond to Christian virtues and incorporate something from the Stoics' 'law of nature.' The project developed here concerns itself with this aspect of Grotius' view of justice and posits instead that the Stoics' own conceptions of virtue ethics and *eudaimonia* (which Grotius himself abandons) provide a foundation and incentive for such internalized justice.

There remains the question of why Grotius found it necessary to specify these distinct forms of justice. Perhaps a clue lies in his reference to the Roman Stoic Seneca, when he accepts that actions can be just or unjust independent of whether the war is 'public' (*bellum publicum*) or 'private' (*bellum privatorum*):

What has been said touching the justice of the cause, ought to be observed in public wars, as well as in private. And Seneca with reason complains of the difference that is put in that respect, "We punish murderers committed between private persons, but do we act in like manner with regard to wars,

¹⁸² Reichberg, p. 205; Elsewhere (p. 206), he notes the chapters in *DJBP* which separate the discussion of these topics: "Chapters IV-IX [of Book II] proceed from the point of view of 'external justice' (here identified with a special kind of *jus gentium*), while Chapters X-XVI detail what may be done according to the requirements of 'internal justice' (which is comprised of *jus naturae* and some complementary virtues such as charity)."

and the slaughter of whole nations? It is a glorious crime, avarice and cruelty reign there without restraint...”¹⁸³

Grotius, therefore, echoes the Stoic’s concern that justice does not end at one’s city walls, so to speak, nor at international society’s institutions and agreements. Instead, there are actions which are appropriate, sometimes obligatory, even towards those who are considered enemies. This holds regardless of whether failure to perform those actions can be prosecuted or even whether the enemy adheres to those same regulations.

Anthony Lang states that Grotius “sought to combine traditions that did not seem possible to combine” by developing a just war theory which might “stand against the violence of his day, and promote a just and merciful attitude to the most horrible of human practices...”¹⁸⁴ But, much of what Grotius considers just is less relevant, even quaint, to modern warfare, such as Grotius’ positions on fraud and lying, especially considering “the challenges raised by technological developments...”¹⁸⁵ Though Lang notes the changes required of Grotius’ positions for modern warfare, he also suggests that the creation of international institutions, e.g. the International Criminal Court, seems to make Grotius’ reliance on natural law relevant once more.¹⁸⁶ Although it is imaginable that an updated Stoic version of internal justice might in the best of times influence international institutions through a natural law foundation based, like Grotius’, on the Stoics’ concept of appropriation (*oikeiosis*), this project will not make this claim. It

¹⁸³ *DJBP* 2.1.1.3

¹⁸⁴ Lang, p. 141

¹⁸⁵ Lang, p. 139

¹⁸⁶ Lang, p. 141

posits only the importance that Stoics give to internal justice in a world full of unjust and mad fools, in order for an individual to achieve a flourishing, successful life (*eudaimonia*); the living of which requires personal, internal justice, and thus the performance of just actions in warfare.

To better understand this conception of internal justice, consider Grotius' differentiation between what is punishable and what is unethical. Lawfulness for Grotius, as for the Stoics, reaches its standard ultimately by the natural law: "The word *licere*, to be lawful, may be taken for that which is not punishable by human laws, and yet is inconsistent with piety, or the rules of morality."¹⁸⁷ Referring to a hypothetical person who follows the letter of the law rather than a sense of internal justice, he states:

...I think him miserable, not only because he did such things, but because he managed, that he might lawfully do them, though it is not lawful for any man to do ill, but we are misled by the error of speech, when we say that is lawful which is only allowed.¹⁸⁸

Referencing another Stoic, Grotius adds, "And Musonius blames those princes who say, 'thus I can do, rather than thus I should do.'"¹⁸⁹ Therefore, an appeal to the established norms and agreed-upon laws of war is insufficient for ethical action.

In another appeal to natural law, Grotius notes conversely that some measures which are forbidden by interstate customs, laws, and norms are not forbidden by the higher, natural standard. In an observation that presages the implications of Stoic just

¹⁸⁷ *DJBP* 3.4.2.3

¹⁸⁸ *DJBP* 3.4.2.2

¹⁸⁹ *DJBP* 3.4.2.2

war theory for asymmetrical warfare (see 6.4), Grotius notes the differences between what is permissible by natural law and by laws between nations:

As the Law of Nations permits many things... which are forbidden by the Law of Nature, so it prohibits somethings allowed by this Law of Nature. For if we respect the Law of Nature, when it is permitted to kill a man, it signifies not much whether we do it by sword or poison. I say the Law of Nature, for indeed, it is more generous to attempt another man's life in such a manner, as to give him an opportunity of defending himself, but we are under no obligation to use such generosity toward those who deserve to die.¹⁹⁰

To some extent, this is also reminiscent of Cicero's position on what is permissible against tyrants, and Grotius observes this when discussing whether an enemy's goods can be confiscated or destroyed: "Cicero, in the third of his Offices, declares, 'It is not against the Law of Nature to spoil or plunder him whom it is lawful to kill.'"¹⁹¹ Though we will revisit the Stoic position toward tyrants in 5.2, we can juxtapose Grotius' acclaim of Cicero's position with his approval of Seneca's, who argues that returning favors to a tyrant is possible while still acting, as the Stoics often stated, 'according to nature.' Grotius paraphrases the Stoic's position: If one is required to return a lavish favor, it is appropriate to grant a tyrant gifts that will only corrupt himself and not ones which further oppress the latter's subjects. In contemporary warfare one might suggest different examples: gifting cruise ships to dictators is preferable to gifting battleships, a private luxury jet is a better gift than a bomber drone. Grotius' point is that there are appropriate actions to be taken even when not required by custom or law:

¹⁹⁰ *DJBP* 3.4.15

¹⁹¹ *DJBP* 3.5.1; *On Duties* 3.32

I will be grateful to a tyrant, if what I present him with neither increases, nor confirms, his power of ruining the State, for such things a man may give him without contributing to the common calamity.¹⁹²

Elsewhere, Grotius notes that what is said to be “right and lawful, because they escape punishment, and partly because courts of justice have given them the authority,” can still be forbidden by internal justice.¹⁹³ When discussing such contradictions, Grotius often refers to the virtue ethics approach of the Stoics even if he abandons many of their ethical positions. He agrees with the Stoics when, again, he cites Seneca: ““What the law does not forbid, honor restrains.””¹⁹⁴ Thus, he accepts that it is internal justice that is the standard of action, rather than mere ‘right.’ After referring to the Stoics in particular, he notes the ambiguity of the word ‘lawful’: “that which is really lawful in itself, the other for that which is only lawful externally.”¹⁹⁵ What is lawful in itself sometimes means doing less than the law allows i.e., showing mercy; while at other times it means doing more than the law requires.

Grotius appeals to the virtue of ‘temperance’ for the former (doing less): “Even where justice does not demand it, yet it is often agreeable to goodness, to moderation, and a great soul to forgive.”¹⁹⁶ For the latter (doing more), Grotius suggests that one might, with (internal) justice, dispatch someone even though doing so would be unlawful

¹⁹² *DJBP* 3.1.5.2

¹⁹³ *DJBP* 3.10.1

¹⁹⁴ *DJBP* 3.10.1

¹⁹⁵ *DJBP* 3.10.1

¹⁹⁶ *DJBP* 3.11.7; Elsewhere (*DJBP* 2.20.21), he chides the Stoics for their position that the sage would not forgive offences. But see the discussion on Seneca’s *On Mercy*, *infra*.

(externally). Here, Grotius echoes Cicero's view (partially quoted, *supra*) about the moral right, perhaps even duty, to kill a tyrant:

But when it is just to kill... in a just war according to internal justice, and when not... No man can be justly killed with design, unless for a capital crime, or because we cannot really secure our lives and estates without doing it. ... But that the punishment may be just, it is absolutely required that he who is killed should have rendered himself culpable, and that in so heinous a manner, that before an upright judge he should be condemned to die.¹⁹⁷

In sum, both Grotius and Cicero agree that a proverbially just judge's standard is right reason, rather than legal, or 'external' justice. This coheres with the Stoics' moral anarchism (see 1.4), which holds that nothing but the true law of nature, discoverable by reason, holds any authority. Grotius, like Cicero before him, adopted and adapted Stoicism to suit his purposes. However, those purposes would seem quite alien to some of the ancient Stoics. As others have noted, "Stoicism for Grotius was what he and his contemporaries cared to understand by it, in trying to serve their practical needs in turbulent times."¹⁹⁸ Where Grotius follows the Stoics more closely (at least Ciceronian Stoicism), he uses the Stoics' positions as a springboard for his defense of imperialism, as both Cicero's and Grotius' doctrines of natural law attempt to legally defend imperial expansion.¹⁹⁹ Like the Stoics, who based their conception of justice on *oikeiosis*, Grotius' based his view of natural law on *appetitus societatis*. However, in Grotius' use

¹⁹⁷ *DJBP* 3.11.2

¹⁹⁸ Hans Blom and Lauren Winkel, p. 4

¹⁹⁹ Straumann, p. 44

of the Stoic term, *oikeiosis* now serves as a basis for, and defense of, Dutch commercial imperialism in the East Indies.²⁰⁰

While this project's Stoic just war theory uses the Grotian paradigm of internal justice as a starting point, it leaves Grotius' own interpretation of Stoicism behind. Grotius' abandonment of Stoicism's version of virtue ethics confuses the conception of internal justice in a way that a strictly Stoic foundation (one developed from their own sense of 'appropriation' and natural law) would not. This is evident from Grotius' (and Cicero's) justification for imperialism. Still, Grotius' conceptual separation between internal justice and external justice is quite helpful for verbalizing the problems in a modern just war theories based on human rights and international law. In terms of internal justice, a Stoic just war theory can posit a coherent, plausible, and interesting theory founded on the goal of *eudaimonia* and 'living in accordance with nature.' Such a theory can inform and revise, or supplant, some aspects of external justice while (perhaps) coexisting comfortably with other aspects. In Chapter 4, we see that it can develop the beginnings of a future education program, even if such a program may only be self-taught. Most importantly, Stoicism as a just war theory is a guide for rulers and soldiers attempting to live happily and according to humanity's nature in a world of unjust, insane, and cruel fools. In a world where very little is under the control of the agent, such a theory understands that true justice is internal to the agent, and not an external thing which depends on norms, laws, and agreements.

²⁰⁰ Straumann, p. 50

Chapter 3: Cicero's Just War Theory and the Stoic Criteria

The previous discussion regarding the intersection of Stoic physics, epistemology, and ethics (which Grotius and even Cicero abandon to varying extents) is necessary for providing an ethical system to serve as a foundation for a just war theory. This section sketches a Stoic just war theory and its implied positions on some traditional themes of *jus ad bellum*, *jus in bello*, and *jus post bellum*. While a systematic Stoic just war theory like the one presented here might be original, the connection between Stoicism and war is far from new, as we have observed. As mentioned earlier, Cicero discusses some of these themes in his treatise on appropriate actions, *On Duties*. But he does not do so systematically, since the concerns in his work are broader than merely those of warfare. Many other aspects of Stoicism are ignored completely. Although Cicero was sympathetic to Stoic ethics, he diverges from a consistent account of Stoicism. Where he does so, we can observe this and consider what a systematic Stoic just war theory requires if it is to be consistent with the aforementioned Stoic philosophical principles.

Like any other virtue ethic, Stoicism puts the focus on the individual's character rather than on mere consequences or universal categorical duties. This is not to say that consequences are not a factor in selecting. The presumed consequences are necessary for making appropriate decisions. Moreover, it is the selecting that is truly important in Stoicism. Selection of those things according to nature is 'up to' (*eph' hemin*) the agent, while all else, including the actual consequences, are not 'up to' (*ouk eph' hemin*) the agent. As previously discussed, the sage will sometimes select that which is typically rejected, at least will do so in extreme and unfortunate circumstances if reason dictates.

This might take the form of a heroic last stand, suicide, or self-mutilation.²⁰¹ So, the Stoic's concern with consequences is only that of selecting appropriately those things which are conducive for the preservation of a rational, social animal who, through occupation of certain particular roles in a community, cares for himself and for others in his 'circles.' Sometimes preserving the rational self, as in the case of instances of suicide or self-sacrifice, involves destroying (or allowing the destruction of) the physical self. This follows from the position that the sage's true care is for virtue itself.

Though social roles may dictate how differently the virtuous action of a ruler diverges from that of a private soldier, such a person accepts Cicero's dictum that "only that which is honorable is useful."²⁰² There seem to be no categorical imperatives in Stoicism, with the exception of the imperative to 'live according to nature/follow reason.' As mentioned, the sage *qua* ruler might, like Machiavelli's prince, deceive the public, certainly deceive an enemy if the situation requires it, and sometimes act as if things which have no moral value do, for the sake of an ignorant and foolish citizenry. This is reminiscent of the perceived public-spiritedness of Machiavelli's ruler, as the sage acts in every circumstance for the public interest, and never merely his own. 'Public' here is used in the broad Stoic sense, in which even enemy soldiers are considered, and their circumstances are taken into consideration to the extent reasonably possible. The Stoic understands justice as based on the affection for those in his circles, and (for a just

²⁰¹ On last stands: The Stoics often extolled the sacrifice of King Leonidas at Thermopylae, for example Epictetus, *Discourses* 11.20.26; Suicide will be discussed further in the section on the Stoic Opposition in 5.2; On self-mutilation: See Seneca, *Letters* 98.12 for the mention of G. Mucius Scaevola (the historical account is in Livy, 2.12-3).

²⁰² Cicero, *On Duties* 3.11

person) this has no logical limit. Recall Hierocles' insistence that 'well-tempered' persons brings the proverbial circles of distant peoples inward in their actions. Such persons understand themselves to be citizens of the cosmos living under a common law, cheerfully performing the appropriate actions that those laws, by virtue of reason, prescribe.

While Stoicism shares aspects of both consequentialism and deontology, its primacy of virtue and goal of *eudaimonia* allows for a firmer foundation to just war's metaethics. Questions of this sort include, "Why should I do what is right?" or, "Why should my warring be just?" Stoic philosophy answers these in a way which contemporary just war seems not to. This is especially the case because much of contemporary just war thinking accepts both utilitarian calculations as well as conflicting deontological principles, as best exemplified by Walzer's 'supreme emergency,' where atrocities may be committed and large scale human rights violated when circumstances are severe enough- as in the threat to the existence of a political community (See 5.1.2.4). Stoicism dissolves this incoherence by its appeal to *eudaimonia*. The Stoics' sense of internal justice posits the goal of action to be one's own flourishing, and this can only be accomplished by fulfilling human nature: acknowledging one's own role within the concentric circles of social and political ties, and expertly acting with the intent, even in war, to bring those circles inward toward one's center; so that even an enemy from the furthest plot of land is treated as a non-Stoic might treat a fellow citizen. The Stoics' cosmopolitan perspective accepts this as no mere analogy: even an enemy is a fellow citizen of the cosmopolis of reason-capable beings.

Where deontology falls short compared to the Stoics' justice is not merely in its strict adherence to moral rules. Certainly this is a shortcoming, since Walzer's 'supreme emergency' shows that those moral rules are often reasonably, if unfortunately, set aside. Deontology, at least in some of its most popular formulations, appeals to reason and human rights but without the affective, *oikeiosis* aspect of Stoic justice which calls on an agent to understand their *endearment* to others by virtue of common kinship that has no logical limit as a stopping point. Unlike a mere deontic approach, the Stoics' view of justice recognizes that there is an affective element which contributes to justice. The sage 'cares' perfectly: Although such *oikeiosis* toward those 'endeared' to oneself (*oikeion*) is the *de facto* behavior of *all* agents (something shared with many other animals), the happy, successful (and just) person, whom all agents should aspire to be, is the rare one who can do excellently what the ordinary person does only appropriately. That is, the sage's justice is based on care for offspring and family, and this care is then extended to the furthest strangers and even enemies. Conversely, those outsiders are brought in closer to the center of justice, to the extent reasonably possible. For the sage, even enemies have political, social, and in some sense, even familial, standing. In such a view, all warring, even when compelled by self-preservation to be extraordinarily fierce, is performed by the sage without malice- and always with an eye toward reconciliation. In sum, there are different, though centripetal, circles of justice in Stoicism. The incentive to moral action is different than deontology as well, since the Stoic appeals to progression toward *eudaimonia*. Along with the acceptance of the affective aspect of justice, it is this metaethical goal which differentiates Stoicism from a deontological view of just war theory which is founded on human rights.

For the Stoics, utilitarian foundations for just war are, likewise, too simplistic. The Stoics posit that the criteria for appropriate actions (*kathekonta*) involves selection of those ‘preferred-though-morally-indifferent things’ (*adiaphora*), which are conducive to self-preservation (of the *rational* self rather than the mere *physical* self) as well as conducive to maintaining one’s community(ies); as well as admitting of a reasonable defense (*eulogon*).²⁰³ Some of the most important differences between the two paradigms includes the role-oriented approach of Stoicism, which posits different obligations of care to those in one’s closer circles, even as those circles are pulled centripetally by the ‘well-tempered’ person. We will revisit this theme again in Chapter 6, along with a critique of other, non-Stoic, just war theories. For now, it suffices to summarize the major relevant difference between Stoicism, on the one hand, and both deontological and consequentialist paradigms, on the other: Stoic axiology, unlike other foundations for just war theory, holds *eudaimonia* to be the end of moral action; virtue to be the only moral ‘good’ (and conversely, vice to be the only moral ‘bad’); and grants only selective, but non-moral value, to everything else. It is only the judgments rulers and soldiers make regarding war (before, during, and after it) which alone have moral worth. For the Stoic, both duty and consequence may play a role in decision-making, but are subservient to one’s metaethical goal: *eudaimonia*. As the Stoic philosopher and Roman Emperor Marcus Aurelius tersely states, life itself is “warfare and a sojourn in a foreign land.”²⁰⁴ Warfare, like any other object which is neither virtue itself nor vice

²⁰³ See chapter 5, especially the section on the Stoic Opposition in 5.2.

²⁰⁴ *Meditations* 2.17.1-2, my translation

itself is a moral indifferent (*adiaphora*); and therefore not always to be rejected. There are no unqualified goods to be maximized (save virtue) and no categorical imperatives (except: “Live according to nature”). Correct reasoning (exemplified by care for oneself and those for whom one is responsible) dictates when and under what circumstances war is appropriately selected.

3.1 *Jus ad bellum*

Cicero posits that the purpose of war is a just peace. Here we can observe a deference to natural law: Whereas an unjust peace is quite easy to achieve by mere surrender, Cicero echoes the Stoic position that individuals do what they deem to be reasonable, even if such reasoning (often mistakenly) leads to conflict and war. In *On Duties*, Cicero states that when fighting for defense of the empire, and for a just peace, “just grounds for war should be wholly present.”²⁰⁵ Those just grounds involve seeking peace:

Wars, then, ought to be undertaken for this purpose, that we may live in peace, without injustice; and once victory has been secured, those who were not cruel or savage in warfare should be spared.²⁰⁶

The latter part regarding victory we will further examine in the section on *jus post bellum*, but we can place it here to show that, for the Stoics, passions like vengeful anger are disproportionate. The aim of war, as Cicero’s statement implies, is to return to (or begin to approach) a *modus vivendi* in line with reason, i.e. natural law. Cicero himself,

²⁰⁵ *On Duties* 1.38

²⁰⁶ *On Duties* 1.35; Cf. Harris, pp. 174-5

however, subsequently returns to more specifically Roman position of ‘seemliness’ (*decorum*) when he states that “war should always be undertaken in such a way *that one is seen to be* aiming only at peace.”²⁰⁷ Roman aristocratic values play a large role in Cicero’s ethics, and this is something idiosyncratic to Cicero rather than to Stoicism itself. On the contrary, Marcus Aurelius, though of course also a Roman, constantly reminds himself of the irrelevance of human opinion.²⁰⁸ Instead, we can state that a Stoic ‘just cause’ for war to be a desire, even when military force is necessary, to ‘live according to nature,’ exemplified by a desire to live in a peaceful cosmopolis, even if this is ultimately out of one’s control, and even if physically impossible.²⁰⁹

Recalling the Stoic criterion of truth to be the ‘cataleptic impression,’ ‘just cause’ for war keeps a high bar. Any impression of a *casus belli* short of a cataleptic impression (i.e., corresponding to reality, clear and distinct, cannot be mistaken, ‘cannot arise from what is not’) makes reasons for war difficult to assent to. Recall that a Stoic requires that any appropriate action admit of the selection of ‘according to nature’ things and of a ‘reasonable justification.’ Since war often brings so much destruction and suffering (things dispreferred), the justification must be sound, communicable, and in a propositional form with a truth value to which a rational agent can, when presented with it clearly and distinctly, assent.²¹⁰ It is not enough, moreover, to accept that the

²⁰⁷ *On Duties* 1.80, my emphasis

²⁰⁸ *Meditations* 11.23; Cf. Epictetus, *Discourses* 1.21

²⁰⁹ Galen, *On Hippocrates’ and Plato’s Doctrines* 5.6.10-14 = LS64I

²¹⁰ This is reminiscent of Kant’s imperative in *Perpetual Peace* that principles underlying states’ actions be made public (*Political Writings*, pp. 125-7)

destruction will likely be far away, so that such suffering affects only the enemy and the enemy's noncombatants. In a sense, a Stoic just cause takes into account that the enemy's home population is the Stoic's population as well. This is because that population is in the Stoic's ever-narrowing circles of concern and, considering Hierocles' (and, as we will see, Cicero's) dictum of using language that 'appropriates' or 'endears' others to oneself, even furthest foreigners ought to be treated as a typical non-Stoic might treat a fellow-citizen. To reiterate, a just cause's final appeal is right reason, that is, reasoning according to natural law. This involves the selection for oneself, and for those in one's circles of concern, of the objects consistent with sociability of humankind and human preservation- though those external objects be only of selective, non-moral value.

The Stoics most brazenly show their anarchism in their conception of 'legitimate authority' *ad bellum*. For the Stoics, every rational agent has the capacity, if not the will, to adhere to natural law. In this sense, the Stoics cannot accept any order as compulsory merely because a ruler has given it. Since a Stoic's allegiance is primarily to reason, the Stoic may challenge any order that is not plausibly just or, in Stoic parlance, even appropriate (*kathekon*). On the other hand, a truly legitimate authority, in Stoicism, would be that of the prudent, just, moderate, and brave sage. Since only the hypothetical sage unerringly follows natural law, only a sage can be a true ruler, as he alone perfectly and consistently selects those things according to the natural constitution of the sage themselves, their political community, and humanity at large. Such a sage, or any ruler who is at least approaching such a disposition, would have an education in the virtues, in order to understand what is in fact a just cause for war and what a right intention would be. So, in Stoicism the concepts of 'just cause' and 'right intention' are quite close then,

since they both depend on the epistemological position that appropriate actions should be based on assents to all, and only to, cataleptic impressions.

This point raises an interesting question about ‘right intention’: The Stoic understands that, like a just cause, only the sage can have such an intention. In the Stoics’ austere virtue ethics, the sage alone can perform a morally right action (*katorthoma*), since right actions can proceed only from a disposition of character which aligns itself with natural law. All other actions, even appropriate ones for a rational, social human animal (i.e. those *kathekonta* conducted by non-sage fools) are never really ‘just,’ (nor ‘prudent,’ ‘brave,’ or ‘moderate’) because they do not stem from a virtuous character. While the Stoic’s criterion might seem unreasonably harsh *prima facie*, it is nevertheless consistent with Stoic ontology and epistemology. Also, it seems to correspond to reality as we know it better than other approaches to just war because the Stoic, as a materialist, does not accept the existence of any non-occurrent thoughts. For the Stoics, ‘intentions’ occur if and only if an agent is ‘intending.’ Put simply, when the mind is in a certain state of thinking about something (the ancient Stoics would state this is the [necessarily material] soul being in a certain state) and deciding on a course of action, then that intent can be stated to exist. This implies that a ‘right intent’ (even setting aside the near impossibility of finding a sage ruler who can have one) can only occur and be morally right *when it is being intended*- that is, when it is occurring presently in a mind. This demonstrates the enormous difficulty of having a right intention, in Stoic epistemology and ethics, because it is quite unlikely (to state the least) that the ruler is a sage, and exponentially more unlikely that all those responsible for the

war-making decisions are sages. Right actions imply right intentions, and only sages perform those.

So much for right intentions. What of the broader category of ‘appropriate actions’ which, though not perfect, can be given a reasonable justification? Can there be an equivalent ‘appropriate intention’ in warfare? Even so, because of the Stoics materialism and nominalism, there is still a difficulty: Intentions are occurrent, and thus even an appropriate intention can be replaced a moment later, when a different false or unclear impression regarding the same topic acquires the agent’s assent; thus making the intention inappropriate (that is, assents to impressions that are dishonorable e.g., war-profiteering, or simple fear of annihilation). Because often enough in warfare the only check on war powers will be the agent himself, such checking of one’s own intentions are crucial. In this there is a deeper difficulty, perhaps: Recalling the Stoics’ epistemology, a right intention, and even the much less strict ‘appropriate’ (*kathekon*) intention, involves an assent to the propositional content (*lekta*) of an impression. Thus, in a group of decision-makers, *all of them* must assent to the same statements in the form of propositions about what is appropriate *ad bellum*. In sum, the difficulty of the right intention demonstrates the individualist and nominalist morality of Stoicism’s ‘internal’ type of justice, in which each decision-maker must, at every moment when considering these actions to begin a war, have the right assent to every proposition that impressions about war bring. If each does not, the intention *ad bellum* is wrong.

This requires the Stoic who is contemplating war to consider all the different propositions regarding their intention and assenting appropriately. If the Stoic finds that he is acting under a belief that is different than the one assented to even a moment earlier,

the Stoic must once again assess the proposition and check if it accords with reason. Because of the difference between ‘appropriate’ actions (and *a fortiori* ‘appropriate’ intentions) and ‘just’ actions (and *a fortiori* ‘just’ intentions) a Stoic virtue ethics approach consists in constantly and honestly checking one’s own intentions. Here lies the Stoics’ political realism: Public and ‘external’ justifications for warfare (i.e. based on institutional norms, or laws, etc.) and supposed right intentions mean next to nothing. What matters instead is that the ruler and policymakers in general check themselves for virtue’s own sake. But, given the ubiquity of those who are merely self-interested, ignorant of good and bad, and often cruel, nothing in Stoicism suggests that they *will* check themselves, or that those intentions publicly stated need necessarily be anything more than cynical propaganda. The Stoic, himself a recovering fool in a world of fools, can only be sure about his own intentions and his aspirations to internal justice. And, such adequate clarity only exists in those most philosophical moments unburdened by Clausewitz’s fog.

Still, what might a right intention for going to war be, according to the Stoics? Recall that Stoics consider themselves a part of the whole. They are aspiring citizens of the cosmopolis and every intention ought to reflect this. Every impression which considers the beginning of hostilities begs the agent to ask, “Does this adhere with my desire to act according to what is reasonable for a rational animal who can posit his intention through a proposition which is communicable and acceptable, at least theoretically, to anyone with a similar capacity to assent to what is true, reject what is false, and withhold assent to what is unclear?” “Could a person with the common interests of humanity (such as self-preservation and responsibilities to others in their

communities), and who understands the common language of reason, and if presented with such a proposition, assent to its truth?" As the lengthiness of these questions implies, such introspection itself may be no easy task for the non-sage even in the most peaceful of times.

The *jus ad bellum* principle of 'last resort' has more of a Stoic pedigree, due to Cicero's positions on the subject; some of which are quite consistent with some aforementioned topics in Stoicism. Cicero states:

Something else that must very much be preserved in public affairs is the justice of warfare. There are two types of conflict: one proceeds by debate, the other by force. Since the former is the proper concern of a man, but the latter of beasts, one should only resort to the latter if one may not employ the former.²¹¹

Recall that Cicero's statement is consistent here with the Stoic importance of language (*logos*). It is this *logos* (homologous to the cosmic *Logos*) that allows for morality between individuals at all, since an action is correct to the extent that it is expressible in a proposition that has an assent-able truth value. And, it is therefore true by its correspondence to reality and its coherence with natural law. Agents can assent to a reasonable impression, and such a reasonable impression is, theoretically, communicable. Since humans can reach agreement by this, unlike the private mental states of some other animals, then they should solve differences by appealing to natural law and by the use of such reason exemplified through language. When one party to a dispute is irrational, and thus has become irascible or obstinate, then and only then is it appropriate for the rational party to resort to measures used when dealing with dangerous animals (when immediate

²¹¹ *On Duties* 1.34

danger and self-preservation requires it): physical force.²¹² In this sense, even the just ruler can agree with Machiavelli's advice (and critique of Cicero) that the ruler must take on the qualities of a 'lion-fox.' The appeal to the method of the 'lion-fox' is available when the mode of conflict natural to a rational agent, debate, is unfortunately impossible.

Language continues to be morally necessary even when the decision to begin a war has been made, or when such a decision is imminent. Cicero states, "No war is just unless it is waged after a formal demand for restoration, or unless it has been formally announced and declared beforehand."²¹³ Despite how this clause was actually used in Cicero's own Rome, and to what extent it was used cynically, is beside the point. The Stoic, taking every care to act appropriately, might make use of such a clause for several reasons. Warfare, all other things being equal, tends to lead to an abundance of dispreferred things and events: human suffering, destruction of infrastructure, cruelty, etc. Thus, the Stoic ruler gives every opportunity for reconciliation. Only if this is unrequited, and only if it is reasonable to do so, does the Stoic ruler declare warfare. By doing this, the Stoic respects his enemy's reason and still considers the enemy as another member of the community (of rational beings). Therefore, the enemy, in some sense, *consents* to war (implicitly by inaction, explicitly by hostility). In addition, Hierocles' model of concentric circles, as discussed, allows the Stoic to see the enemy's population in certain respects as fellow-citizens, and would make every effort to spare them as

²¹² See Chan's take on just cause in 6.3.1.

²¹³ *On Duties* 1.36

though they were their own. This is the upshot of a Stoic virtue approach to beginning hostilities.

3.2 *Jus in bello*

In his discussion on the subject of ‘discrimination,’ Cicero discusses the importance of language for categorizing enemies. This is consistent with what Hierocles’ well-tempered person who adjusts labels in order to facilitate the centripetalism of the outer circles of social and political relationships. While one can doubt the benevolence of the Roman war machine as Cicero describes it, there is still an important normative point:

This also I observe, that he who would properly have been called ‘a fighting enemy’ (*perduellis*) was called ‘a guest’ (*hostis*), thus relieving the ugliness of the fact by a softened expression; for ‘enemy’ (*hostis*) meant to our ancestors what we now call ‘stranger’ (*peregrinus*). This is proved by the usage in the Twelve Tables: ‘Or a day fixed for trial with a stranger’ (*hostis*). And again: ‘Right of ownership is inalienable forever in dealings with a stranger’ (*hostis*). What can exceed such charity, when he with whom one is at war is called by so gentle a name? And yet long lapse of time has given the word a harsher meaning: for it has lost its signification of ‘stranger’ and has taken on the technical connotation of ‘an enemy under arms.’²¹⁴

In what almost seems like a constructivist approach, Cicero here considers the natural sociability of combatants. Naming opponents in an exclusive way licenses harshness, incivility, and therefore leads to contingent beliefs and actions. But a soldier who considers an opponent a ‘visiting rival’ (much in the way wrestlers of hostile countries often view their opponents) can still deem that opponent as someone to be

²¹⁴ *On Duties* 1.37

defeated, captured, and if the situation warrants, dispatched; but not someone to be humiliated nor excessively or cruelly punished. 'Injustice,' as the Stoic understands it, is a physical event, a nominal occurrence, and is something 'up to us' (*eph' hemin*)- it exists in how the agent treats, or fails to treat, even the furthest foreigner. Dehumanizing language, on the other hand, may lead to a counterproductive Manichaean approach which considers an opponent as someone, or perhaps *something*, to be destroyed and brutalized. Such an approach risks entrenching the violence, making future reconciliation difficult, if not impossible. This is important if the just cause, as Cicero stated above, is to live in peace without injustice. But more importantly, it interferes with a Stoic's incorporation of those outer circles, and thus prevents one's ability to live a natural and successful life.

Incorporating enemies into closer social ties may seem quaint to us, but none of the Stoics' positions on *jus in bello*, and certainly not Cicero's, should be taken as naïve or idealistic. None of this is inconsistent with the Stoics' realism regarding violence and their claim that the world is populated by insane and foolish people. Collective self-defense could certainly cohere with the *oikeiosis* principles of sociability and self-preservation. Cicero's own realism conceptualizes different types of warfare: those for rivalry and those for survival. idiosyncratically, Cicero departs from a coherent Stoicism by believing that war itself can bring 'glory'; but his two types of war are consistent with Stoicism when he states that wars fought for the glory of empire "must be carried on with less bitterness" (*minus acerbe gerenda sunt*) than wars for the survival of Rome.²¹⁵ He

²¹⁵ *On Duties* 1.38

praises, for example, the nobility of both the Romans and of the enemy, Pyrrhus of Epirus, in the eponymous war (280 – 275 BCE); a nobility which was evident even when attrition had set in and the situation became quite desperate. But rather than behaving cruelly toward captive prisoners of war or keeping them as slaves (as Cicero states Hannibal had done during the Second Punic War), Pyrrhus repatriated them with honor:

Pyrrhus' words about the returning of the captives were splendid: '[I]f the fortune of war spares the virtue of any, take it as certain that I shall spare them their liberty. Take them as a gift, and I give them with the will of the great gods.'²¹⁶

Additionally, Cicero states that promises to an enemy, even those that were made when “constrained by circumstance,” ought to be kept.²¹⁷ The Stoics could certainly agree to this for all except the most extreme of circumstances, as Cicero's more “bitter” wars for self-preservation might require. According to Cicero, such honorable methods as those of Pyrrhus are to be required:

Another very great example of justice toward an enemy was established by our forefathers when a deserter from Pyrrhus promised the senate that he would kill the king by giving him poison. [The] senate returned him to Pyrrhus. In this way, they did not give approval to the killing in a criminal way of even a powerful enemy, and one who was waging war unprovoked.²¹⁸

It is unclear that a Stoic would state that this should always be done, since one might imagine desperate circumstances which would require poisoning if reason dictates it. Here the Stoics would seem closer to the position of Grotius who, as we have seen,

²¹⁶ *On Duties* 1.38

²¹⁷ *On Duties* 1.39

²¹⁸ *On Duties* 1.40

believes that “we are under no obligation to use such generosity toward those who deserve to die.”²¹⁹ Still, the Stoics could agree that, in anything other than a “bitter” war for survival, standards of cosmopolitanism ought to be kept and, to the extent possible, made public and taught. This would remind prospective combatants (for the sake of their own virtue and *eudaimonia*) that even enemies are fellow citizens, members of a community of rational, language-using agents who can assent to universal standards of ethics- that is, the standard of natural law. As such, even in the most “bitter” of battles for survival where external justice has broken down, the Stoic understands that an internal type of “justice must be maintained even toward the lowliest.”²²⁰

3.3 Policide

There is one aspect of Cicero’s just war theory which might give a modern theorist, particularly one living in a nuclear post-World War II era, some pause. Consider Cicero’s somewhat ironic statement on the destruction of entire communities: “In the

²¹⁹ *DJBP* 3.4.15

²²⁰ *On Duties* 1.41; Grotius (*DJBP* 2.13.15.2), again, criticizes Cicero: “But though, by the Law of Nations, there is a great difference between an enemy in form, and a pirate... yet will not that difference be of any weight in this case, where we have to do with God; for though the condition of the person be such that he cannot claim a right, yet that signifies nothing, since it was God we are engaged to, and therefore an oath is sometimes called a vow; nor is what Cicero says allowable, that there is no common right that ought to be observed with respect to a pirate. For by the law of nations whatsoever is deposited with us by a thief, is to be restored to him, if the right owner does not appear...” The Stoic remembers, however, that the foe is the pirate *qua* pirate, not simply as human being or foreigner. When the pirate ceases to act as a pirate, either through surrender or incapacitation, then presumably the application of the Stoics’ centripetal degrees of justice resume, including to the furthest foreigner, as Hierocles states (Stobaeus 4.671, 7- 763, 11 = LS57G). See the discussion (in 6.4.1) regarding Trinquier’s position that the terrorist, after interrogation and torture, should resume his normal status as a prisoner of war. Moreover, the Stoics’ sociability as well as their epistemology regarding impressions calls on the agent to question even the term ‘pirate.’ Consider Nigel Kennell’s (2010, p. 178) astute remark that Polybius “naturally interpreted [the tyrant Nabis’ navy] as a pirate fleet.”

case of destroying and plundering cities it is particularly important to take care that nothing is done with recklessness or cruelty.”²²¹ What can a Stoic, who aims to act appropriately in every circumstance, and who desires to act always ‘according to nature,’ make of such a statement? Certainly, Cicero was no sage, nor even technically a Stoic, but it seems the Stoic must bite the bullet here. As Epictetus makes clear in his own blunt fashion, there is nothing terrible in the destruction of cities and the slaughter of people, even innocent ones.²²² This may be the most pungent of the Stoic positions for the uninitiated. How might a Stoic defend Cicero’s claim? Placing the last first, a Stoic might note that Cicero was quite right in prescribing that such destruction and plundering must be done in a way that is neither “reckless” nor “cruel.” Such actions were not quite ‘in the eye of the beholder’ in Stoic philosophy. Recall that it is not the destruction and plundering itself that is reckless or cruel, but the intention and action of the agent, based on the occurrent impressions received and the assents given.

This is not merely a verbal quibble: If it is ever reasonable to destroy a city then it can, at least theoretically, be done justly.²²³ We will revisit this in 5.1.2.4, during the analysis on Walzer’s historical illustration of Sherman’s destruction of Atlanta. Here it is important to reiterate that war is in the category of *adiaphora*, things indifferent, though typically a dispreferred one that is only to be chosen under certain, unfortunate circumstances when the mode characteristic of human beings, communication, is

²²¹ *On Duties* 1.82

²²² Epictetus, *Discourses* 1.28

²²³ Incidentally, Cicero (*On Duties* 1.34) laments the destruction of Corinth but not of Carthage.

impossible. It is true that for a Stoic, therefore, torching cities (or now firebombing them) is not necessarily a morally bad action *per se*. That stated, it is presumably only in the most dire circumstances that a Stoic general would find reasons to order it, since even the furthest city with its distant inhabitants is given the moral importance that a non-Stoic would give to one of their own. When deciding to destroy a city, the Stoic may ask, “Under what circumstances would I do this to one of my own cities?” Thus, there is room for virtue, including justice and temperance, even in pocide.²²⁴

The Stoics’ philosophy cannot escape criticism about pocide, and they would add that it is morally indifferent even to burn down *one’s own city*, let alone that of an enemy. In fact doing so may be not only permissible, *but perhaps even obligatory if reason requires it*. But an internal justice approach compels one to check any glee, anger, or fear that such actions may bring. Like Marcus Aurelius in his bloody campaigns outside the borders of the Empire (see 5.3), a Stoic sees nothing more glorious in the slaughter of enemies than in the culling of animals, regretting (to the extent that this word applies to a Stoic) the inability to reach a concord with the enemy as fellow inhabitants of the cosmos.²²⁵ A Stoic understands that the destruction of a person’s habitat anywhere is akin to the destruction of the homes of their fellow citizens, and this entails obligations to them both during war and when hostilities cease. Like Marcus in his wars against the Germanic tribes at the borders of the empire, and when

²²⁴ One imagines a Stoic general, if possible, demanding the targeted city to be evacuated first. There is something of an analogy with the I.R.A. attacks in which terrorist bombings were purportedly preceded by notifications to police to evacuate civilians. See Coogan, *The I.R.A.*

²²⁵ Regret is used in a qualified sense, since the wise person (the end of human progress, for a Stoic) no longer regrets anything and, while naturally preferring things according to human nature, desires only what destiny brings.

circumstances permit, the enemy becomes a ‘guest’ rather than a ‘hostile,’ and is to be treated in a way that a commitment to virtue requires.

It is in cases like these that the difference between ‘internal’ and ‘external’ justice might be most apparent.²²⁶ Justice, to reiterate, is for the Stoics a character trait of the sage: a kind of wisdom. And, wisdom is exemplified in different events as different virtues, depending on the circumstances. Since one might call wisdom in certain circumstances, ‘prudence,’ and in others, ‘courage,’ and so on, virtues cannot logically contradict. Closer to the point, wisdom exemplified as justice is not immoderate or foolish or cowardly. As we will examine in 4.6, the wise ruler’s clemency is a type of justice, even if the laws allow a greater punishment. Clemency can be just, as well as temperate, and in such instances it may be reasonable to ignore the letter of positive law. If so, the Stoic understands that the norms, laws, and rules of ‘external justice’ need not be followed when natural law, and the Stoic’s sense of justice, requires they be discarded.²²⁷ If done virtuously, this does not entail merely granting oneself license. Rather, in the context of internal justice, this reflects the Stoic position of discovering by reason the natural law morally prior to laws, rules, and norms. As Cicero states:

[T]he laws and the philosophers remove craftiness in different ways: the laws, so far as they can, lay their hands upon it, philosopher, their reason and intelligence. Reason, then, demands that nothing is done insidiously

²²⁶ Recall that external justice refers to the laws, norms, regulations, and institutions for just warfare, whereas internal justice involves instead those personal moral obligations from friendship, social, and familial bonds. Also, recall that the Stoics’ virtue ethics is founded on natural law, with no positive law binding which contradicts the law of nature, or ‘right reason.’ For the Stoic, justice is not exemplified in obeying those posited laws of external justice, at least, not necessarily.

²²⁷ Cf. Walzer 2000, p. 44

[*quid insidiosae*], deceptively [*quid simulate*] or with pretense [*quid fallaciter*].²²⁸

Moreover, the Stoic's sense of internal justice is so intertwined with courage, prudence, and temperance that it becomes difficult to propose action, and impossible to educate soldiers in Stoic ethics, without positing the unity of the virtues. There are a few prescriptive lines in *On Duties* which call to mind the discussion about Clausewitz's virtues of war. This passage connects bravery, prudence, and justice, and thus demonstrates their coherence:

We must never purposely avoid danger so as to appear cowardly and fearful, yet we must avoid exposing ourselves pointlessly to risk. Nothing can be stupider than that... We must, therefore, be more eager to risk our own than the common welfare, and readier to fight when honor and glory, than when other advantages, are at stake. However, many have been found who... would not make the slightest sacrifice for glory, not even when the nation was crying out for it.²²⁹

In sum, the Stoic soldier does not limit justice in warfare to a legalistic respect for rules of engagement, nor for any purported inviolable rights of the enemy combatants or the enemy's noncombatant population, nor to merely achieve utilitarian consequences. Rather, putting their own aspirations to virtue and *eudaimonia* first, the Stoic finds cruelty, thoughtlessness, cowardliness, and stupidity completely out of the character of one living a successful, flourishing human life (what he is attempting to achieve), and the life of the ideal combatant. Since such behavior might be most evident in how conquering forces treat the vanquished, we can now turn to the termination phase of war.

²²⁸ *On Duties* 3.68.

²²⁹ *On Duties* 1.83-4

3.4 *Jus post bellum*

Justice, after hostilities have ceased, would be reconciliatory and cosmopolitan to the extent that this is in the Stoic's control. Cicero describes such *post-bellum* actions and emphasizes the mercy that ought to be accorded to honorable enemies:

... and when the victory is won, we should spare those who have not been blood-thirsty and barbarous in their warfare... Not only must we show consideration for those whom we have conquered by force of arms but we must also ensure protection to those who lay down their arms and throw themselves on the mercy of our generals, even though the battering ram has hammered at their walls.²³⁰

Here, careful discrimination, performed after tempers have long calmed, would be necessary for distinguishing those enemies who had fought reasonably, in a way that admitted of a 'reasonable justification,' from those enemies who sought to ignore natural law's prescriptions. Moreover, the Stoic soldier takes the responsibility of protecting surrendering prisoners and inhabitants, treating them with that respect that others only accord to fellow-citizens. He does so understanding that the citizenship which is of primary importance is not the one issued by the accident of birth, but that of the rational community of the cosmos. This ought to be done even if the enemy has surrendered only as a last resort, after the proverbial battering ram has been deployed. The Stoic does not allow himself anger or cruelty even after the longest wars of attrition.

The point of *post-bellum* justice, for the Stoic, is not vengeance itself but reconciliation: an attempt to coexist without injustice on either side. Any punishments

²³⁰ *On Duties* 1.35; Grotius (*DJBP* 3.15.12.1-2) echoes this: "The last advice is, where the empire is absolutely obtained, there we should treat the conquered with gentleness, and in such a manner that their interests may be blended with those of the conqueror." He adds (*ibid*) that "a good peace is [one which is] firm and lasting"; and that "a bad one... will not hold long." See the discussion on asymmetrical warfare in 6.4.

and reprisals ought to always look to the common interest, taking those inhabitants of each of the ‘Hieroclean’ circles into consideration. It should be reason, not anger at perceived slights, that determines who is punished and to what extent. The Stoic will not blame an enemy for performing those actions which the Stoic would despise them for *not* performing, e.g. using every available resource within reason to defend their families and communities. Here, justice comes quite close to temperance:

Injustices can also arise from a kind of trickery, by an extremely cunning but ill-intentioned interpretation of the law... Moreover, certain duties must be observed even toward those at whose hands you may have received unjust treatment. There is a limit to revenge and to punishment.²³¹

Cicero’s last sentence is something of a parallel to the just war principle of ‘proportionality,’ which seems quite close to the Stoics’ virtue of ‘temperance.’ Proportionality, in this sense, calls for the Stoic to act according to reason, and allows for the (re)distribution of those things according to nature in a way that does not penalize those undeserving of punishment. If it punishes those deserving of it, it does so in a way where a charge of injustice cannot be truthfully argued. And, as mentioned, it takes place always with an eye to reconciliation regardless of what spoils the victor is legally entitled.²³² This rules out any vindictive peace settlement put in place only because the victor happens to have won; since victory, as the discussion on ‘moral luck’ will further examine (see 5.2.2.1), is outside the victors’ control (*ouk eph’ hemin*). As such, the Stoic

²³¹ *On Duties* 1.33

²³² The closest that Stoic just war theory may come to positing a non-negotiable policy requirement for *jus post bellum* might be the founding or acceptance of a common language between former enemies; when, of course, it is reasonable to do so. A language understood by all parties might facilitate dialogue, enabling the ‘first’ mode of conflict: reasoned argument and debate.

understands that victory in war is no true good, nothing to celebrate, nothing over which to allow oneself the passion of glee, and no indication of moral superiority over the vanquished.

3.5 Some final points of a Stoic just war theory

As mentioned throughout this project, only the sage has an unerring character. He alone can understand and commit just acts, selecting that which is according to nature, taking into account his social roles, including his status as a rational being who shares the globe with a community of rational beings. Always, he attempts to bring inward those individuals ‘furthest’ from himself. He sees, in some sense, every war as a civil war: something taking place against the natural community of humankind. War, in this sense, is an aberration that should be ended as quickly as reasonably possible, whenever the opportunity to live by a just peace is available. The underlying premise of Stoic just war theory is that wars throughout history have all been unjust. In their commencement, they have not been initiated nor waged by wise persons. They have not been waged with just causes. They have not been waged free of anger or fear, nor from a proper understanding of what is in fact good, bad, or indifferent to successful living.²³³ Because of the mistaken interests of those involved, war profiteers, for example, no wars have been waged with right intentions (to state the least). Nor have they been waged consistently as a last resort.

²³³ Nancy Sherman (especially in her fourth, fifth, and sixth chapters) provides examples of passions in warfare and Stoicism’s influence on the military. I cannot entirely agree with her interpretation of Stoic theory of emotion, but her book is valuable for examining how Stoicism might be a tool for virtue education for combatants.

Although that high bar has not been reached, perhaps war has still been appropriate (*kathekon*) at certain moments throughout history. In Stoic ethics, an action may be appropriate without being just, since justice is a character trait; while appropriate actions, normative prescriptions based on roles and Stoic physics (what is good, worth desiring, etc.), are a *prerequisite* for justice. Recall that the Stoic lives in a world of non-sages; a world of fools and madmen, who are selfish, deceitful, cowardly, envious, vainglorious, gluttonous, stupid, and (because they do not understand their common humanity and the obligations this implies) unjust. These include the Stoics themselves who, despite having received an education in, and are making progress toward, virtue, do not have a firm or well-tempered character. They still sometimes make assents to false impressions or hasty assents to unclear impressions, and thus also have tendencies toward these vices. This understanding, coupled with the Stoic acceptance of the unity of the virtues, calls for caution, humility, and restraint regarding impressions about warfare.²³⁴

Caution is indispensable because the Stoics understand, due to their epistemology, that they may not have clear impressions of the causes of war and the best procedures to take; and because, like Machiavelli, the Stoics accept the rottenness of human beings, vicious as they are, and the dangers they may often pose.²³⁵ Humility is required because the Stoics recognize that they are not sages. While they are progressing toward virtue, they are also foolish, bad, and insane- just like all the other people inhabiting their world.

²³⁴ The advice was not always popular. See Harris, p. 173: "Panaetius was probably the first philosopher whose arguments in favor of restraint in war-making became known to any significant number of Romans. The short-term effect, as far as we know, was nil."

²³⁵ Incidentally, 'caution' (or 'watchfulness'; *eulabeia*) is one of the 'good emotions' (lit. 'good passions'; *eupatheia*) which is felt by the wise. Because it requires a virtuous and consistent character, 'caution' is what the sage experiences instead of the fools' 'fear.' See Diogenes Laertius 7.115 = LS65F

Restraint is indispensable because the Stoics understand what is up to them (*eph' hemin*), and therefore understand the limits to power. They understand that individuals will generally do whatever they take to be in their interests, despite the norms, customs, and laws of 'external justice.' Stoics, also acting on what they take to be in their interests, are concerned instead with 'internal justice,' and seek a *eudaimonic* life by attempting to 'live in accordance with nature,' selecting that which is appropriate and rejecting all that is otherwise. They concern themselves with taking care of those in their 'circles,' and attempt always to contract those circles. By concentrating on this 'internal justice,' Stoics can approach something akin to happy, fulfilled, flourishing, and successful lives even in the least preferred and grueling of circumstances. All else, in the end, is not up to them (*ouk eph' hemin*). Perhaps, if their social roles and circumstances allow for it, they can influence 'external justice' so that it aligns itself more with their axiology and with natural law. But an 'external justice' policy of any sort cannot be depended on nor expected, and we will certainly not posit one here.

Chapter 4: Virtue Education

At this point, we have reached this project's subtheme for Stoic justice regarding warfare. The brief digression into Clausewitz's concern for the virtues of war in 2.2 provides us with a starting point from which to discuss an education in virtue for prospective combatants. It concerns soldiers who must not only act as soldiers, that is, be able to fight fiercely; but who must, if they are to live fulfilled, honorable, and successful lives, *fight as human beings*. They must be protectors of their own humanity and, by extension, protectors of the human community as well as protectors of their *specific* communities.²³⁶ Such an appeal to *eudaimonia* not only attempts to answer the metaethical question regarding why one should obey (if indeed one should) the rules of war, but an education in such a eudaemonist virtue ethic also may provide a way to reach that long-term goal of peace and cosmopolitanism, to the extent that such goals are reachable. That stated, the Stoic would find no reason to believe that any government would actually develop such a program for virtue education, since the implications would in certain instances lead to disobedience. Soldiers are trained to win wars, after all. Taking for granted that this is but a worthy aspiration, one route toward these noble goals is to instill the principles of 'internal justice' in future rulers and soldiers, or to self-teach them.

²³⁶ There is a parallel here with the Roman *ius gentium*. Harry Gould has brought to my attention Justinian, *Institutes* 1.11: "Jurisprudence is the knowledge of things divine and human, the science of the just and the unjust." This seems similar to the Stoic's conception of law as Marcian saw it (Marcian I = LS67R): "Law is king of all things human and divine [presiding] over what is honorable and base, as ruler and as guide, and thus be the standard of right and wrong, prescribing to animals whose nature is political what they should do, and prohibiting them from what they should not do."

The Stoic posits such an education in virtue by conceptualizing and educating those would-be rulers and warriors in the ‘three topics’ (*topoi*; s. *topos*). This is developed most fully in Epictetus’ *Discourses*, where he divides education into the three topics of (1) desire and aversion; (2) appropriate action (or ‘proper functions’; *to kathekon*) and roles (*prosopon*; *personae*); (3) logic and assent. Epictetus states:

There are three topics in which the would-be honorable and good man needs to have been trained. *The first is that of desires and aversions*, to ensure that he succeeds in getting what he desires and does not encounter what he seeks to avoid. *The second is that of impulses and repulsions, or proper function* quite generally, to ensure that he acts in ways that are orderly, well-reasoned, and not thoughtless. *The third has to do with infallibility and [carefulness], or acts of assent* quite generally.²³⁷

The French philosopher Pierre Hadot finds these three topics of education to correspond to the Stoic topics of philosophical discourse, i.e. physics, ethics, and epistemology/logic, respectively.²³⁸ Assuming he is correct, we can see evidence for the connection, though in a more laconic form, in the *Meditations* of Marcus Aurelius, who, as Hadot notes, “repeatedly formulates the triple rule of life for himself.”²³⁹ For instance, at one point the emperor writes: “What is enough for you? -Your present value judgment, so long as it is objective.” As Hadot notes, this connects with the Stoic epistemological position, or ‘Logic.’²⁴⁰ Marcus continues his list: “-The action you are

²³⁷ Epictetus, *Discourses* 3.2.1-5 = LS56C, modified, emphasis mine

²³⁸ Hadot, *Philosophy as a Way of Life*; However, Brian Johnson, in *The Role Ethics of Epictetus* (p. 65) disagrees that the Stoics made this connection, and posits that Epictetus’ three topics of moral education relates only to ethics. The ancients’ categorizing is not important for my purposes, since even if the ancient Stoics did not make the connection that Hadot imagines, it is still a useful tool to develop the program of Stoic education.

²³⁹ Hadot, p. 196

²⁴⁰ These topics are capitalized when referring to a subject of study for modern Stoic just war theory.

accomplishing at the present moment, so long as it is done for the benefit of the human community.” This corresponds to the Stoics’ appropriate actions for the world city and their home communities, or ‘Ethics.’ Marcus states the final thing on his list of things of importance: “-Your present inner disposition, as long as it rejoices in every event brought about by causes outside yourself.”²⁴¹ This discipline of desiring only what is in line with nature’s ‘will,’ as it were, connects to the Stoics’ naturalist ontology, ‘Physics,’ which separates not only what is under a human being’s control (*eph’ hemin*) from what is not (*ouk eph’ hemin*), but categorizes what is good and bad and what is truly beneficial and harmful for a person. With these topics defined, we can now outline a skeleton for a method to teach Stoic virtue ethics for rulers and soldiers.

4.1. Topic 1: Physics, the discipline of desire

The first field of study in Stoic virtue education, Physics, teaches what is objectively desirable, and what is not, if one is to live a good life i.e. one that is *eudaimon*. Simply put, it instructs the learner that only virtue is desirable and only vice is undesirable, and which ‘external things in accordance with nature’ (*kata phusin*) are generally to be selected and which ‘things not in accordance with nature (*para phusin*) are to be rejected.’²⁴² This topic must come first, for Epictetus, because desires and aversions are directly connected to the passions (*pathe*):

Of these [three] the most important and urgent is the one concerned with the passions. For a passion only occurs if a desire is unsuccessful or an aversion encounters [what it seeks to avoid]. This is the topic which

²⁴¹ Marcus Aurelius quoted in Hadot, p. 196

²⁴² Johnson, pp. 64-5

brings up disturbances, confusions, disasters, sorrows, lamentations, envies... through which we are unable even to listen to reason.²⁴³

There is a connection, of course, with this topic and the others, Logic (the discipline of assent) and Ethics (the discipline of impulse). The extreme emotions which render the sufferer unable to think and act reasonably, the Stoics tell us, keep the agent from correctly performing their appropriate actions. Only by knowing and seeking that which is under the agent's control can that agent perform appropriate actions. Failing to distinguish what is and is not up to the agent, and what is and is not actually morally good, leads to desire for those things which are indifferent and external, and sows "the seeds of theft and war."²⁴⁴ The point of the first topic, the discipline of desire, is to train students in what is under their control (judgments) and what is not (externals), to select that which is appropriate and reject what is not, and to truly desire only virtue and truly avoid only vice. Epictetus elaborates on this: An education in Physics consists in

... learning to apply the natural preconceptions (*prolepseis*) to particular cases, each to the other in conformity with nature, and, further, to make the distinction, that, some things are under our control while others are not under our control. Under our control are moral purpose and all the acts of moral purpose; but not under our control are the body, possessions, parents, brothers, children, country- in a word, all that with which we associate. Where, then, shall we place 'the good'? ... Therefore, let us [hypothetically] designate "good" to these things [that are outside of our control, i.e. externals such as health, wealth, country, property] For if it is in my interest to have a farm, it is my interest to take it away from my neighbor; if it is my interest to have a cloak, it is my interest also to steal it from a bath. *This is the source of wars, seditions, tyrannies, plots.* And again, how shall I any longer be able to perform my duty toward Zeus?²⁴⁵

²⁴³ Epictetus, *Discourses* 3.2.1-5 = LS56C

²⁴⁴ Epictetus, *Discourses* 1.22, Oldfather's translation

²⁴⁵ Epictetus, *Discourses* 1.22, Oldfather's translation, my emphasis

In this passage, events such as war are the result of mistaking indifferent objects (*adiaphora*) to be objects of moral worth (*ton kalon*) to be desired. This topic must then also involve the self-preservation aspect of *oikeiosis*, which holds that which is (truly) beneficial and desirable for a rational, social animal i.e., virtue; and what should be merely selected: those preferred, but ultimately indifferent, externals (that is, they are indifferent to *eudaimonia*). Also, it involves training the emotions, since mistaking indifferents for goods or evils may often lead to the passions (*pathe*): the mistaken judgments, carried to an irrational excess, about what is good or bad (and, by implication, what is desirable or undesirable), and the further mistaken judgments about whether such things are present or in prospect. For example: ‘rage,’ defined as an irrational desire for vengeance, involves a mistaken belief, carried to excess, that the harm to an enemy is a good that is in prospect.²⁴⁶ Other passions are often based on faulty judgments about evils in prospect (leading to passions such as fear) or evils that are present (leading to e.g., distress). The Stoic understands that assents to false and irrational impressions, and the passions that such misjudgments bring, are inappropriate motivators for action in warfare.²⁴⁷

In a word, the Stoics hold that unhappiness stems from desires for things they may lose or fail to obtain, and from attempting to avoid misfortunes which are often

²⁴⁶ Mistaken beliefs, however, are necessary but not sufficient for *pathe*; of course, someone may have a mistaken belief (e.g. death is an evil) and understand the supposed bad thing is in prospect, but not have an excessive emotional response about it. For example, a prisoner of war might foresee that he is next in line for execution and think this is an evil in prospect, and yet be too exhausted, stunned, jaded, or war-weary to have any emotional response about these false beliefs.

²⁴⁷ Whether the enlightened Stoic can persuade the citizenry or their fellow soldiers about this axiological position is a different story. Given the Stoics’ position on the ubiquitous stupidity and madness of humanity, this remains very much in doubt.

inevitable.²⁴⁸ Thus, the topic of Physics (the discipline of desire) “consists in accustoming ourselves to the gradual renunciation of such desires and aversions”; and a progressor (*prokopton*) in this topic of education learns to desire only that which depends on him i.e., moral virtue, and learns to avoid only that which depends on him i.e., moral vice.²⁴⁹ All else, which is outside the progressor’s control, is morally indifferent, and thus no reason for strong, irrational emotions. The ruler and combatant, then, must be trained to accept all and any events which may befall the individual, “willed as they are,” to use the somewhat theological language of providence, “by universal nature.”²⁵⁰

4.2. Topic 2: Ethics, the discipline of impulse

Progress in Physics, as we have discussed above, enables the soldier’s success in the second topic, the discipline of impulse: ‘Ethics.’ This deals with an agent’s appropriate action (*kathekonta*) and social roles. ‘Ethics’ connects what is appropriate for an individual to desire with actions stemming from right reason. In Brian Johnson’s reading of Epictetus, the first topic, Physics, “paves the way for the appropriate actions studied in the second topic” because the agent must be in the process of developing the correct attitude toward preferred externals, so they can perform their duties to others.²⁵¹

²⁴⁸ Johnson, p. 65

²⁴⁹ Hadot, p. 193

²⁵⁰ Hadot, p. 193

²⁵¹ Johnson, p. 66

Epictetus considers the importance of both affection and social roles in this reasoning process:

The second [topic] has to do with proper function; for I ought not be impassive like a statue, but maintain my natural and acquired relationships, as a religious man, as a son, as a brother, a father, and a citizen.²⁵²

The phrase “impassive like a statue” (*apathe hos andrianta*) is interesting because it underscores the natural feeling, the affective aspects of human life, that occur in varying degrees in the agent’s relationships. This, then, emphasizes the social aspect of the Stoics’ conception of *oikeiosis*. While the agent who is properly educated understands life and all externals as indifferent to *eudaimonia*, he nevertheless understands that his social nature and communal relationships instills certain obligations which, all things considered, are appropriate to perform if he is to strive toward that state of happiness and human flourishing.

These appropriate actions depend, as Epictetus notes, on the social role of the agent, but not in a purely intellectualist or deontological method which might consider these *kathekonta* as mere duties. Rather, a normative type of affection (*philostorgos*) for one’s fellows, in light of the social role(s) the agent occupies, is necessary so that the agent may act proportionately, “in an orderly fashion, upon good reasons, and not carelessly.”²⁵³ Hadot adds to this the importance of Stoic *oikeiosis* with its double

²⁵² Epictetus, *Discourses* 3.2.1-5 = LS56C

²⁵³ Epictetus, *Discourses* 3.2.1-5 = LS56C; See *ibid* 3.29.58-9 for a discussion on experiencing affection without becoming ‘enslaved’ and ‘miserable’ to external events.

aspects, ‘self-preservation’ and ‘sociability.’ For him, Stoic appropriation of the things ‘preferred’ (*proegmena*; according to nature but indifferent to moral virtue) activates the

deeply-embedded instinct which impels rational human nature to act for its own conservation. Duties are thus actions ‘appropriate’ to our rational nature, and they consist in placing ourselves in the service of the human community, in the form of the city/state and of the family.²⁵⁴

On the one hand, Epictetus emphasizes the intimate connection between self-preservation, social roles, and appropriate actions, since one’s roles help determine what is reasonable to do.²⁵⁵ Especially in the moral psychology of the sage, this includes an appropriate affective aspect which bids one to care for oneself and others without becoming attached to those others (and to one’s own life) in a way which mistakes those lives for moral goods in themselves (recall that, for the Stoics, living has no moral value). On the other hand, the source of conflict in the world, both domestically and internationally, is a misevaluation of what is in fact (for a Stoic) indifferent. In sum, “the origin of conflict between individuals is a battle over preferred externals.”²⁵⁶ This second topic, the discipline of impulse, is meant to emphasize for combatants the reasons and the goals for moral action in throughout the phases of combat.

4.3 Topic 3: Logic, the discipline of assent

Lastly, the third area of exercises, ‘Logic,’ is the discipline of assent. As Hadot puts it, Epictetus advises the progressor to criticize each received representation

²⁵⁴ Hadot, p. 193

²⁵⁵ Johnson pp. 183-4

²⁵⁶ Johnson, p. 66; Epictetus, *Discourses* 1.2; 2.10; 3.3.5-10

(*phantasia*), and advises his listeners to give assent only to that which is ‘objective.’ In other words, those instructed are to “set aside all subjective value-judgments.”²⁵⁷ But what does ‘subjective’ mean in this context? This is perhaps best exemplified by the way Marcus Aurelius, in his *Meditations*, reminds himself to make judgments about things in a way that “set[s] aside,” as it were, the pleasantness or unpleasantness that risks leading the agent to assenting that something good or bad is present or in prospect. For instance, Marcus reminds himself that the lavish food on his dinner plate is only a fish carcass; that his expensive Falerian wine is merely the juice of a grape-cluster; and that his Tyrian purple robe is “nought but sheep’s wool steeped in the blood of a shell-fish.”²⁵⁸ Epictetus, a former slave presumably unfamiliar with the pleasures of wearing purple robes, adds to this with his own more homely examples. He reminds his listeners who are receiving these value-laden impressions to state to themselves those propositions which clearly and unbiasedly state the objective nature and qualities of the observed objects: “If you kiss your own child or wife, say to yourself that you are kissing a human being; for when it dies you will not be disturbed.”²⁵⁹

By understanding the nature of an object free from the overpowering feelings that it tends to arouse in the agent particularly, ‘objective’ judgments may then be made about it. Or so the Stoics claim, though none of them seem to have thought that making these appropriate judgments is an easy task. Yet, by making progress in silencing the passions

²⁵⁷ Hadot, p. 193

²⁵⁸ *Meditations* 6.13, Haines’ translation

²⁵⁹ *Manual* 3, Oldfather’s translation

enough to heed reason about what is good, bad, and indifferent (the first topic), and carefully considering social roles and conducting the appropriate actions which they command (the second topic), then the progressing student can perfect their reasoning abilities in order to secure those proper judgments (the third).²⁶⁰ When perfected, these can be performed in the most difficult of circumstances:

The third topic applies to those who are already making progress, and concerns security in just these matters mentioned, to ensure that even in dreams, or intoxication, or depression, a mental impression should not slip by which has not been tested.²⁶¹

Recall that, for the Stoic, every assent to a false impression is equal to every other: the consequences of those assents are not in the agent's control. So, the Stoics hold, while the probable consequences are certainly to be taken into consideration when selecting, they are ultimately indifferent to virtue and, by implication, to *eudaimonia*. Here, the Stoics seem to have presciently developed a critique to the modern conception of 'moral luck,' in that it is unclear why consequences which do not depend entirely on the agent's assents should make the action more or less praise- or blame- worthy.²⁶² Thus, committing a murder is morally equal to making a mistake in a logic problem, since that which is 'up to' the agent i.e., the assent, has been equally wrongly given in both circumstances. If a terrorist's bomb (assume placing it is an immoral action) does not detonate, the Stoic would not assign any less moral blame to the terrorist. Of course,

²⁶⁰ Johnson, pp. 67-70

²⁶¹ Epictetus, *Discourses* 3.2.1-5 = LS56C; For the Stoics' defense of the possibility of knowledge against the Pyrrhonian and Academic skeptics, see Long and Sedley's compendium on the subject: LS39, especially their commentary on pp. 239-41.

²⁶² This discussion continues in depth in 5.2.2.1.

it does not follow that all moral errors or all crimes ought be punished equally; as there are other reasons that influence how punishment is meted, and mistakenly affirming the consequent of a syllogism does not generally warrant a tribunal. But the Stoics' criticism of any morality that depends on the actual consequences of an action hinges on the notion that, while the consequences are *not* in an agent's control, appropriate judgments are those which take into consideration the *probable* consequences of the agent's selection, and which admit of a reasonable justification. But any deviations from assenting only to cataleptic impression are all equally inappropriate judgments and therefore equally mistaken: In terms of Stoicism's occurrentist epistemology, the agent received an impression and, in falsely assenting, made the only possible mistake he could make in that moment.

In terms of developing an education program, this leads to a *prima facie* counterintuitive position. Take the case of a terrorist and a victim of the former's action. The Stoic must hold, for the sake of consistency, that (a) the terrorist bomber's assent to the impression that it is appropriate to target noncombatants, and (b) the bombing victim's fear of her impending death from wounds inflicted by the terrorist's bomb, are both equal moral errors. That is, they are both assents to false impressions: (a) is a false impression about an apparent prospective good; and (b) is a false impression about an apparent prospective evil. We must not soften the Stoics' position: Both mistakes, (a) and (b), are equally bad. As Johnson, reflecting on Epictetus' position, states, "Mistakes in logic and ethics are equivalent because both involve the manner in which we use 'the

impressions presented to our minds.”²⁶³ The agent, in his improper judgment, committed the only possible error available for that impression. However, the terrorist likely had several false impressions to which he wrongly assented to up to the detonation of the explosion; while the victim (at least as regards the same event) had perhaps only one, and of the type which typically does not bring with it a swarm of other dispreferred indifferents (destruction, pain, death, etc.).²⁶⁴ Considering social roles and the *oikeiosis* principle regarding both self-preservation and sociability, the Stoic soldier of course dispatches one and assists the other, if possible. But the point deserves reiteration: Since it is the judgment rather than the consequences that have moral importance, a mistake in logic is the moral equivalent of murder, rape, theft, or targeting civilians for firebombing. The moral equality of errors is illustrated in Epictetus’ recollection of his own education under his Stoic professor, the austere Musonius Rufus:

Indeed this is the very remark I made to Rufus when he censured me for not discovering the one omission in a certain syllogism. ‘Well,’ said I, ‘it isn’t as bad as if I had burned down the Capitol.’ But he answered, ‘Slave, the omission here is the Capitol.’ Or are there no other errors than setting fire to the Capitol or murdering one’s father? But to make a reckless and foolish and haphazard use of external impressions that come to one, to fail to follow an argument, or demonstration, or sophism- in a word, to fail to see in question and answer what is consistent with one’s position or inconsistent- is none of these things an error?²⁶⁵

Thus, realization of the equality of moral errors is an important part of a future Stoic virtue education program. Such a program’s Logic component (the discipline of assent)

²⁶³ Johnson, p. 69

²⁶⁴ For the “logic of suicide terrorism,” see Pape, pp. 20-4.

²⁶⁵ *Discourses* 1.7.32-3, Oldfather’s translation; See also Musonius’ *Letter to Pankratides*

intends to help (or self-help) progressors attain freedom from hasty judgment and deceptions by examining their received impressions objectively and making appropriate judgment about them, in human life generally and in warfare particularly.

A concluding remark to this last topic of a virtue education for just war is that the discipline of assent seems to involve what philosophers now call a virtue epistemology: a theory of knowledge which focuses on the character of the believer e.g., his “accuracy, adroitness, and aptness.”²⁶⁶ Ernest Sosa’s metaphor of the virtuous archer strikingly mirrors Cicero’s own analogy, whether intentionally or not. For Cicero, someone who desires only a virtuous character (which is in the agent’s control) while merely selecting ‘preferred indifferents’ (ultimately out of the agent’s control), is analogous to an archer who desires to become excellent at his skill but necessarily can do so only by attempting to hit the bullseye. Hitting the bullseye would be preferred but ultimately out of the archer’s control (for example, a gust may blow the arrow off its target once released).²⁶⁷ With further research, a Stoic just war theory may benefit from contemporary insights within the field of virtue epistemology, and perhaps even some aspects of decision theory. Though interesting, any further speculation takes us too far outside the scope of this project.

²⁶⁶ Sosa, pp. 22-3

²⁶⁷ Cicero, *On Ends* 3.22; Cf. Sosa, pp. 22-3

4.4 The virtuous ruler and the virtuous soldier

The Stoics' thought experiment of the eudaimonic sage, someone with a disposition of consistently and unerringly judging impressions correctly, serves as a normative standard for a program of virtue education for just war. To this point, consider a passage that lays out the definition(s) of wisdom in Stoic philosophy, and wisdom's relation to the three topics discussed above:

The Stoics say that wisdom is scientific knowledge (*epistemen*; n. *episteme*) of the divine and the human, and that philosophy is the practice of expertise (*techne*) in utility, the single and supremely fitting expertise is excellence, and excellences at their most general are three: the physics, ethics, and logic. Physics is practiced whenever we investigate the world and its contents, ethics is our engagement with human life, and logic our engagement with discourse, which they also call dialectic.²⁶⁸

As Rene Brouwer states: "The Stoics understood wisdom as an expert-like disposition which is 'fitting' precisely because it enables the sage to understand and act in accordance with the expert-like structure of the world."²⁶⁹ The sage's state of character, well-tempered as it is, is a part of the *Logos* which pervades the whole of nature. Put more simply elsewhere: "The sage's disposition... 'share[s]' or 'participate[s]' in cosmic nature."²⁷⁰ There is a subtle but important feature here that parallels just war theory's conception of 'proportionality.' Because of Stoic philosophy's physicalism and nominalism, virtues only exist in actions conducted by those with firm and stable dispositions. Therefore only the sage can be truly and intentionally 'proportionate' in his

²⁶⁸ Aetius 1, Preface 2 = LS26A; Cf. Brouwer, p. 8

²⁶⁹ Brouwer, p. 177

²⁷⁰ Brouwer, pp. 36-7

actions. This is because, for Stoics, proportionality is a feature not relegated merely to justice but is part of the sage's temperance. It exists in the sage's actions of keeping his will in line with nature, and thus exhibiting just, brave, and prudent action. These actions need not be successful in terms of actual consequences in battle or warfare generally. Rather, a sage's actions in war may resemble Cicero's archer, in that his intentions, though right and virtuous, and emanating from a good character, may not always be successful in accomplishing what was selected. This might be due to various causes, such as miscommunication, the necessity of dealing with the many who are not sages, or the general confusion in the 'fog of war.'²⁷¹

Still, proportionality is indeed a feature of a sage's justice, stemming from his firm and stable disposition, which unerringly assents only to cataleptic impressions about matters of distribution of force throughout the phases of war. Conversely, since the sage withholds assent to all unclear impressions, the sage never holds mere opinions (and is therefore 'unopinionated' or 'opinion-less' [*adoxastos*]).²⁷² The sage's temperate disposition allows him to place adherence to natural law, discoverable by reason and social roles, as the standard for proportionate action. So, 'proportionality' in just war emanates from the agent's character rather than from policy or mere external events.²⁷³

²⁷¹ See 5.1 and 5.3.

²⁷² Sextus Empiricus, *Against the Professors* 7.151-7 = 41C; Cf. Sextus Empiricus, *Outlines of Pyrrhonism* 1.22-23; Cf. Brouwer, p. 61

²⁷³ This is another aspect of Stoicism that cannot quite easily be put into (external) policies because there seems to be an aesthetic aspect to Stoic justice. The capacity of humans "to understand requires us to behold Nature as an aesthete does a work of art" (Johnson, p. 95; Epictetus, *Discourses* 1.6.23-27). Stoicism's addition to the just war notion of proportionality depends on the sage's artistic skill (*techne*). Such artistic skill allows him to envision and to understand what the natural law requires, what his social role compels, and how to articulate it in language in order to explain his reasons for action. Perhaps like artists generally, the sage's behavior also exemplifies affective states. For Stoicism, Brouwer (p. 90) states,

Such an ideal person's firmness of character, or "perfect tenor," is a "special kind of knowledge about one's special place in the world."²⁷⁴

The sage's authority stands at an intersection between Stoicism's moral anarchism and the Stoics' idiosyncratic definitions. Consider the paradox of the sage *qua* ruler: The Stoics understood that no authority figure has the right to coerce merely because of his political position. Rather, it is natural law, rather than government, which has moral legitimacy- and this is discoverable by reason (in Stoic epistemological terms, by assents to cataleptic impressions). As mentioned previously, in the strictest sense, only a sage can correctly be considered a 'proper authority,' and there is thus some irony in the fact that only the mythical sage can legitimately declare, wage, terminate, or even abandon, war.²⁷⁵ Add to such proper authority the fact that only the sage has 'right intention,' because he alone has the best interests of the human community in mind (and his own, as well). The Stoic accepts that:

Only the wise man is free, but the inferior are slaves. For freedom is the power of autonomous action, but slavery is the lack of autonomous action... Besides being free, the wise are also kings, since kingship is rule that is answerable to no one; and this can occur only among the wise [because] a ruler must have knowledge of what is good and bad, and that no inferior man has this. Likewise only the wise are holders of public offices, judges, and orators, whereas no inferior man is.²⁷⁶

these are "apathy," "eupathy," and "sympathy": "[I]n apathy, as the sage is freed from such incorrect judgments on his place in the course of things; in eupathy, as the sage will do what is up to him, or accept what he cannot change, while being joyful when appropriate; in sympathy as the sage lives in accordance with, and is part of, the substantive reason that orders and guides the world."

²⁷⁴ Brouwer, p. 38

²⁷⁵ This brings up interesting questions of when it is reasonable, in terms of a Stoic just war theory, to abandon a campaign: a topic for the recent and growing discussion on *jus ex bello*.

²⁷⁶ Diogenes Laertius 7.121-2 = LS67M

The ancient Stoics attempted to grab the uninitiated listeners' attention by stating that free men of their day were all slaves and that the only true masters and rulers were the proverbial and near-mythical sages. Persons acting under false or unclear assumptions (i.e., everyone but sages) are not autonomous, and thus are too often led by their passions and false beliefs. The sage alone is capable of autonomous action since he alone possesses a disposition which submits only to reason. The sage alone will, unerringly and from a consistent and 'well-tempered' disposition, make appropriate decisions, unencumbered by mistaken judgments and the strong emotions they may cause. Zeno illustrated this point by stating that, "Someone could sooner immerse a bladder filled with air than compel any virtuous man against his will to do anything he does not want"; because "the soul which right reason has embraced with firm doctrines is unyielding and invincible."²⁷⁷ On one hand, a Stoic with an education in virtue makes use of the 'mythical' sage as a thought experiment, in order to consider, even under the least preferred of circumstances, what such a noble person of perfect moral health would do. On the other hand, the Stoic's philosophical anarchism compels them to understand that all existing 'rulers' are so called only because of their social roles but (because they are non-sages who, by Stoic definition, are foolish and insane) have no *moral* authority. The implication is that none of the orders of purported authority figures, nor any human laws, are infallible, final, or non-negotiable.

At least for pedagogic purposes, some of the later Stoics seem to have found the concept of a sage too abstract, and instead emphasized the lives and actions of

²⁷⁷ Zeno, quoted in Philo, *On Every Man's Being Free* 97 = LS67N

‘extraordinary’ individuals in history or mythology to act as moral guides and examples. At times, such an individual may perform an action which would be inappropriate for others to perform. Johnson considers Epictetus’ account of such an extraordinary individual as someone who “take[s] up their role as a kind of Archimedean point upon which there is no compromise” and performs “difficult appropriate acts with expertise and finesse.”²⁷⁸ Such an example “serves to motivate ordinary individuals with a kind of ethical ambition.”²⁷⁹ One purpose of this ‘extraordinary individual is to become the paragon of virtue for particular roles. Recall that, for the Stoics, individuals (as members of the cosmic world and as members of their particular states) may have many roles, each of which carries special obligations.²⁸⁰ Individuals’ highest moral priority is with the cosmopolis, as members of reason-possessing social animals, but also have a lesser allegiance to the accidental place of birth. Thus, the cosmopolitan sages, regardless of particular social role(s) they have in their smaller state, are primarily members of the largest, cosmic state- a state held together under the same moral law. The related concept of the extraordinary individual can be used as an example of what a heroic action might be like; such an action must take place in the context of a certain social role, of course,

²⁷⁸ Johnson, p. 77; Even if Johnson is correct when he denies that Epictetus’ extraordinary individual is identical to the Stoic sage, the two are close enough for the purposes here.

²⁷⁹ Johnson, p. 77; See Epictetus, *Discourses* 1.2.22, Oldfather’s translation: Such a person is “displayed as a goodly example to the rest.”

²⁸⁰ Johnson, p. 86; See Epictetus, *Discourses* 1.2

but an action performed by an extraordinary individual would not be one necessarily required of *every* individual occupying that role.²⁸¹

As is always the case with Stoic virtue, the progressor in virtue is taught that disobeying the natural law *is its own* penalty, and this is exemplified by the claim that the sage will be happy (*eudaimon*) even if sentenced to exile, to prison, to pay a fine, or to a hang on a cross. To illustrate this, Epictetus imagines a corrupt judge sentencing him:

Then the judge says, ‘I adjudge you guilty.’ I reply, ‘May it be well with you. I have done my part; and it is for you to see whether you have done yours.’ For the judge too runs a risk, do not forget that.²⁸²

But what does Epictetus think the judge risks? The last sentence displays the Stoic position that the death, imprisonment, and torture that the defendant may suffer are not evils; while the vice of injustice the judge embodies, and the state of misery he remains in, is. The sage, however, could never be (and a progressor of Epictetus’ rank presumably *would not often be*) carried away by the vividness of the impressions presenting death, imprisonment, exile, or torture as evils. The Stoic sage cannot be persuaded that pain and death are moral evils any more than, say, an expert mathematician can be made to believe twice two is five. Such is the ‘fitting expertise’ of the wise, whose eyes are made no wider “by the glitter of gold than by the glitter of a sword.”²⁸³ But the corrupt judge, even when there is no political force to punish him,

²⁸¹ One example might involve the difference between a virtuous soldier and a virtuous soldier who also finds it appropriate to perform a heroic last stand, which not every soldier can be required to perform. See the discussion on Helvidius Priscus in 5.2.3.

²⁸² Epictetus, *Discourses* 2.5.26-9, Oldfather’s translation

²⁸³ Seneca, *Letters* 48.11, my translation

falls short of the dictates of natural law and remains dishonored, stupid, and miserable in the process without even being aware of it.²⁸⁴

Epictetus' response is that of someone who would naturally prefer to be spared from punishment, poverty, or death (since these things are contrary to a person's natural constitution), and would normally, all things considered, *select* their opposites. Yet, he would only truly *desire*- as a full citizen of the cosmos- what the rational order of the cosmos brings; or, put in Epictetus' more theological language (one of his idiosyncrasies), 'what God desires.'²⁸⁵ To illustrate this, there is an apt Stoic comparison of a foot, *qua* foot, to foot *qua* part of a whole (body). Epictetus offers it as a synecdoche:

Do you not know that as the foot, if detached, will no longer be a foot, so you too, if detached, will no longer be a man? For what is a man? A part of a state; first of the state which is made up of gods and men, and then of that which is said to be very close to the other, the state that is a small copy of the universal state.²⁸⁶

Epictetus is implying that the sage, like everyone else, is not omniscient. Instead, the sage must select what is according to his constitution, while still accepting that what is personally appropriate for him in particular circumstances may change when he considers what is appropriate for the whole (hence, preservation of the rational, social self takes precedence over preservation of the physical self). That 'whole' encompasses

²⁸⁴ I thank Harry Gould for reminding me that the judge in such a case, like fools in general (perhaps with the exception of the progressor), is ignorant of his own misery.

²⁸⁵ *Discourses* 4.7.35-6

²⁸⁶ *Discourses* 2.5.26-9, Oldfather's translation

the community of all humanity, as well as the community of one's particular state or nation. To continue with the foot analogy, Epictetus cites an earlier Stoic:

Therefore Chrysippus well says, 'As long as the consequences are not clear to me, I cleave ever to what is better adapted to secure those things in accordance with nature; for God himself has created me with the faculty of choosing things. But if I knew that it was ordained for me to be ill at this moment, I would even seek illness; for the foot also, if it had a mind, would seek to be covered in mud.'²⁸⁷

While these examples illustrate the wise person's affective responses to situations outside of his control, they also show the importance of exemplifying this attitude within one's social roles: Ethically speaking, the lesser roles must not contradict the greater one (human being). The agent is the center of the concentric circles, surely, but like a foot, this involves taking the whole into consideration when deciding what is appropriate for the agent (or a foot) to do. Individuals ought to examine their overlapping roles- cosmic and civic- with the "highest priority layer," that of a citizen of the cosmos, "constraining the choices and actions of the lower layer" of their civic roles.²⁸⁸ Thus, individuals should obey the universal reason of the whole; and only then, while maintaining their adherence to reason, they "ought to pursue the requirements of their specific roles."²⁸⁹ Using the thought experiment of the sage as a reference, some individuals must take on the role of appropriate authority, certainly. But, they become authorities *only to the extent that their orders obey natural law.*

²⁸⁷ *Discourses* 2.6.9-10, Oldfather's translation

²⁸⁸ Johnson, p. 88

²⁸⁹ Johnson, p. 88

Relatedly, some actions are reserved for the aforementioned ‘extraordinary individual.’ For Epictetus, this was best exemplified by Heracles, who was tasked with performing extraordinary labors which only someone with Heracles’ special capacities could perform e.g., destroying humanity’s villains and dangerous monsters.²⁹⁰ In such an example, Heracles is aware of his innate capacities and acts accordingly, though also serves as a quintessential example for ordinary individuals who must conduct, sometimes even exceed, their role’s appropriate actions. Another striking image is that of Epictetus’ bull in the herd, who alone is capable of understanding its extraordinary prowess and who, like Heracles, takes up the role of defending the rest of his kind from a marauding lion:

How comes it... that when the lion charges, the bull alone is aware of his own prowess and rushes forward to defend the whole herd? Or is it clear that with the possession of the prowess comes immediately the consciousness of it also? And, so, among us too, whoever has such prowess will not be unaware of it.²⁹¹

Epictetus’ example tries to answer how agents become aware of what is appropriate to their character. There is an instinctual element, or a self-perception, at work in the *oikeiosis* aspects of self-preservation and sociability. The bull, in a sense, instinctually perceives itself and reckons its own capabilities. And yet, despite such an instinctual perception of capabilities, education and training in virtue (the “winter training”) are essential to further train the agent’s disposition for proper conduct, since “a bull does not become a bull all at once, any more than a man becomes noble”; such an extraordinary

²⁹⁰ *Discourses* 1.6.30-6; Johnson, pp. 95-6

²⁹¹ *Discourses* 1.2.30-2, Oldfather’s translation; Johnson, pp. 95-6

person must be educated so that he does “not plunge recklessly into what is inappropriate for him.”²⁹²

4.5 Comparing the *virtú-ous* ruler in Machiavelli and Stoicism

The Stoic account of an extraordinary individual can be further illuminated by comparing such a figure to the Machiavellian prince. For Machiavelli, there is a standard of conduct which even the most severe ruler must uphold, if he is to be truly praiseworthy. A bold ruler who must maintain stability and order still cannot be considered glorious (*non gloria*) unless they act with adherence to a certain kind of ethic, despite the precarious political role they assume. Machiavelli’s discussion of Agathocles, the Syracusan tyrant, parallels the Stoic position that there is a moral law for humanity which can be observed even by a ruler who must, in some cases, act with apparent ruthlessness. We can examine this further in the section on the Spartan reformer-king, Kleomenes III, whom Machiavelli also discusses, in 5.1. For now, it suits this sketch of a Stoic virtue education to discuss Machiavelli’s account of Agathocles.

Although successful in usurping power and murdering dissenters, someone like Agathocles is not to be imitated or admired, according to Machiavelli, even despite

²⁹² Epictetus, *Discourses* 1.2.30-2, Oldfather’s translation; See also the use of ‘herd’ in Plutarch, *On the Fortune of Alexander* 329A-B = LS67A; Epictetus (*Discourses* 1.6.32-6, Oldfather’s translation) gives something of a Nietzschean warning in fighting monsters, however: Like Heracles, who was tasked by others to carry out his duties against villainy, it is inappropriate to seek out ‘monsters’ to fight: “Or what do you think Heracles would have amounted to, if there had not been a lion like the one which he encountered, and a hydra, and a stag, and a boar, and wicked and brutal men, whom he made it his business to drive out and clear away? ... Ought he to have prepared these for himself, and sought to bring a lion into his own country from somewhere or other, and a boar, and a hydra? This would have been folly and madness. But since they did exist and were found in the world, they were serviceable as a means of revealing and exercising our Heracles.”

ensuring an orderly society and a victory over a powerful external enemy, Carthage.

Here is Machiavelli's passage:

Therefore, he who considers the actions and the genius of this man [Agathocles] will see nothing, or little, which can be attributed to fortune, inasmuch as he attained pre-eminence, as is shown above, not by the favor of any one, but step by step in the military profession, which steps were gained with a thousand troubles and perils, and were afterwards boldly held by him with many hazardous dangers. Yet it cannot be called talent (*chiamare ancora virtu*) to slay fellow-citizens, to deceive friends, to be without faith, without mercy, without religion; such methods may gain empire, but not glory. Still, if the courage of Agathocles in entering into and extricating himself from dangers be considered, together with his greatness of mind in enduring and overcoming hardships, it cannot be seen why he should be esteemed less than the most notable captain. Nevertheless, his barbarous cruelty and inhumanity with infinite wickedness do not permit him to be celebrated among the most excellent men (*eccellentissimi uomini*). What he achieved cannot be attributed either to fortune or genius (*alla fortuna o alla virtù*).²⁹³

Conversely, Machiavelli singles out the Stoic philosopher and Roman emperor, Marcus Aurelius, for maintaining order in the Empire while also being moderate both in his rule and in his character:

[Marcus Aurelius] lived and died honored, because he had succeeded to the throne by hereditary title, and owed nothing either to the soldiers or the people; and afterwards, being possessed of many virtues which made him respected (*da molte virtu che lo facevano venerando*), he always kept both orders in their places whilst he lived, and was neither hated nor despised.²⁹⁴

Machiavelli here alludes to the fact that Marcus, unlike Agathocles, inherited the throne rather than usurped it, and such *fortuna* may influence what the *virtuoso* must do to maintain power and order. But while Machiavelli takes for granted that a ruler must

²⁹³ *The Prince* Ch. 8

²⁹⁴ *The Prince* Ch. 19

sometimes do evil to maintain such power and order, at no point does he advocate pointless violence, cruelty, or greed. Rather, assassinating enemies or punishing subjects are necessities, duties that are imposed on the ruler if he is to maintain power. Violence, conducted only when necessary, is akin to surgery. Like Machiavelli's prince, a ruler educated in Stoic virtue ethics understands the ubiquity of vicious, treacherous individuals in his political realm and the rarity of human virtue. The Stoic ruler is therefore a realist, and clear-eyed about people's tendency to fall prey to persuasive impressions leading to the violent passions of desire, anger, and fear. A Stoic should understand the viciousness of human beings and still, as in the case of Marcus Aurelius (see 5.3), prudently remind himself to expect this, to check himself against those same vices, and to always consider their common kinship in reason, even while policing domestic enemies and warring against foreign ones.

To sum up, the Stoic ruler realizes the common bond between humanity, and the common law of reason to which they ought to adhere.²⁹⁵ As a ruler, he understands, moreover, his exceptional position which compels him to act in a way that is appropriate only for a ruler: by declaring and waging war, sending troops to their probable deaths, etc., for the sake of the whole. Stoic education in virtue, therefore, converges with some aspects of consequentialism of both the utilitarian and Machiavellian type. It resembles utilitarianism in that the ruler must sometimes do what, to many, seems harsh or cruel. Also, he must use his reason to select that which is likely to bring about those things

²⁹⁵ Cf. Løkke, pp. 40-1: "... the early Stoics would surely have agreed that we cannot live in agreement with nature unless we use our reason to discover and implement the principle of justice and the other virtues."

according to nature, including the preservation of his community(ies). Yet, the Stoic is Machiavellian rather than utilitarian in their *reasons* for never acting unnecessarily harshly or violently. While a view to the common good and an abstinence from cruelty is present in both Machiavellian and utilitarian philosophies, the Stoics and Machiavelli both place the agent's character first, with the Stoics aspiring to virtue (*arete*), and Machiavelli touting a ruler's *virtù*.²⁹⁶ Thus, the Stoic does not separate *eudaimonia* from the end (*telos*) of military ethics. And, unlike a deontological ethic, in the Stoics' adherence to natural law there is only the Stoic imperative to reason and act according to the natural law. Perhaps no other rule is stronger than a rule of thumb.²⁹⁷

4.6 An education program and *On Mercy*

An education program of the sort proposed here obviously requires educational material. Probably, these programs and the corresponding materials would not be provided by military cadre in their official capacities, but instead be disseminated by peer-teaching or self-teaching. Of course, militaries such as the U.S. Army have previously used certain texts to serve as required reading for instilling their own martial values in their troops. On occasion, those texts have extolled aspects of the Stoics' ontology and ethics. Sometimes these take the form of novels. An example of such a work is Steven Pressfield's novel about the three hundred Spartans at Thermopylae,

²⁹⁶ Cf. Machiavelli, *Discourses on Livy*, Ch. 9, discussed in 5.1.

²⁹⁷ Striker, pp. 219-20; See the discussion in Inwood 2007, p. 108

Gates of Fire.²⁹⁸ Several passages from the novel involve a fictional account of Spartan education, including a scene in which a mentor teaches the appropriate actions required by one's social role. Pressfield has the Spartan Dienekes tell his protégé:

Never forget, Alexandros, that this flesh, this body, does not belong to us. Thank God it doesn't. If I thought this stuff was mine, I could not advance a pace into the face of the enemy. But it is not ours, my friend. It belongs to the gods and to our children, our fathers, and mothers and those of Lakedaemon [i.e., Sparta] a hundred, a thousand years yet unborn. It belongs to the city which gives us all we have and demands no less in requital.²⁹⁹

This passage recalls, among other aspects of Stoic philosophy, the unity of the virtues, in which justice, the 'knowledge in matters of distribution,' or 'giving to each what is due,' also entails courage, prudence, and temperance. For Pressfield's Dienekes, one's physical body is not one's alone but a part of a greater whole. This seems quite close to the Stoics' *oikeiosis*, as a member of a community one 'belongs' to others: to one's family, country, and the Divine. To be brave, therefore, is also to be just toward those others. But the Stoics, unlike Pressfield's Spartans, have not drawn a hard, circular border, as it were, between themselves and others e.g., the Persians who are (more or less) the antagonists of the novel. Rather, the Stoic understands that justice implies consideration for all humanity. Whereas soldiers' concerns generally might end at their political units, due to their military training which compels concern for a larger unit than the individual himself, the morally *excellent* soldier (i.e., a sage-soldier) does not find a

²⁹⁸ United States Army Center of Military History, *The U.S. Army Chief of Staff's Professional Reading List*. https://history.army.mil/html/books/105/105-1-1/CMH_Pub_105-1-1_2011.pdf

²⁹⁹ Steven Pressfield, p. 35. Dienekes' point about moral obligations to one's community holds even if we must set aside the ethical difficulties of positing obligations to non-existent future generations and non-existent deities. The Stoics often used anecdotes of Spartan virtue as training tools: See Musonius Rufus (in Stobaeus 2.31.125) on the benefits of a Spartan education.

logical limit to the care parsed to others. In such a rational, but also affective, state of justice, it becomes appropriate to treat even the furthest foreigner with moral concern, and the Stoic incorporates even those they must sometimes kill in war closer into their inner circles, treating them like others might treat fellow citizens in a domestic dispute.³⁰⁰ This adherence to Stoic virtue and care for humanity is the path to a successful and happy life, and an incentive to act justly.

Historical fiction like Pressfield's novel provides clues as to how a required reading program might be implemented. It is unclear how Stoicism will be represented in novelizations in a suitable way in the future, however. Until then, a Stoic program for education in military virtue, and *a fortiori* an education in just warfare, can begin with the standard texts of late Stoicism, which have influenced rulers and soldiers throughout antiquity as well as the early modern period. Among these are Seneca's *Letters*, Epictetus' *Discourses* and *Manual*, and Marcus Aurelius' *Meditations*. Those who would be involved in policy (if influencing policy with Stoic virtue ethics is at all possible) might study especially Seneca's *On Mercy*, a work of the 'mirror for princes' style of literature. Seneca's book was written, at least ostensibly, as moral instruction for Seneca's pupil, the young Emperor Nero, as "an attempt to instruct Nero and cause him to reflect on the nature of his power."³⁰¹ Brooke adds that Seneca's work attempts to "impress on the new prince virtuous habits of rule," while also providing "a systematic

³⁰⁰ Incidentally, the Stoic pantheist might emphasize Dienekes' first proposition about "belong[ing] to the gods"; "the city" might refer to the cosmopolis: the 'city of Zeus.' If so, wars become something akin to policing, with the goal to restore order and a world worth living in for all those considered.

³⁰¹ Robert Kaster in Seneca, p. 135

defense of the Roman principate against republican criticism.”³⁰² If so, this implicitly reinforces the Stoic idea that no government is legitimate other than one that adheres unerringly to natural law. Seneca is able to posit with some plausibility that a prince may sometimes be more appropriate, even beneficial, than a republic.³⁰³ For Brooke, Seneca’s argument combines the idea of the Stoic cosmopolis and the Roman Empire:

...and so the boundaries of the Roman principate are extended to the ends of the earth in order for Nero to become a universal monarch with unlimited jurisdiction. If the state is to be rationally directed, furthermore, and its monarchy legitimate then the princeps must be entirely virtuous, ruling in accordance with the Stoics’ cosmic natural law.

For such adherence to natural law to be met, Seneca attempts to teach Nero that the true ruler “must always act in accordance with the providential reason that pervades the world.”³⁰⁴ In accordance with one’s role as ruler, promoting the common good entails that there is no difference between “what is worthy (*dignum*) and what is useful (*utile*).”³⁰⁵

As the name of the work suggests, Seneca finds *clementia* to be among the most important virtues for a ruler (though this may only be the advice most suited *for a young Nero*). Consistent with the Stoic doctrine that only that which is honorable to be truly useful, clemency is both right (i.e., it is reasonable) and prudent (i.e., adheres to the

³⁰² Brooke, p. 22

³⁰³ Brooke, p. 22: “... Seneca offers his own narrative of a passage from republican corruption to rational principate. In the late republic, the Romans had lost their ability to live in accordance with true *ius* and thereby could no longer be said to be properly free; under the rule of the Caesars, on the other hand, the body politic was restored to health through the guidance of its virtuous ruler... and *libertas* was thereby restored to the people.”

³⁰⁴ Brooke, p. 22

³⁰⁵ Brooke, p. 22

oikeiosis principle of self-preservation by selecting that which is according to nature). Also, it is the virtue appropriate to the role of the prince as a ‘good father.’ But ‘clemency’ should not be confused for ‘pity,’ which is both irrational and involves believing external events have moral value, in the sense of believing that something bad has occurred to someone. Seneca distinguishes the act of clemency from the emotion of pity (*misericordia*) by defining the latter as being “the sorrow of the mind brought about by the sight of distress of others...”³⁰⁶ The sage would not pity anyone, due to his serenity of mind (*serena eius mens est*) but will show mercy, “since he is born to be of help to all and to serve the common good (*bonum publicum*) ...”³⁰⁷

Although Seneca is addressing the ruler regarding the control of his own regime, much of the language he uses coheres with our conceptions of just war theory, namely, proportionality and right intention. Clemency is not the *mildest* punishment but the one that correctly judges the degree of remission.³⁰⁸ Like any other adherence to natural law, the Stoics’ clemency does not require adherence to a society’s positive laws.³⁰⁹ The merciful ruler “sentences not by the letter of the law, but in accordance with what is fair and good.”³¹⁰ Proportionality, in particular, becomes an action conducted for the sake of keeping one’s will in line with natural law and for the sake of one’s own well-being.

Here, Seneca notes the importance of restraint and the necessity of the right mental state

³⁰⁶ *On Mercy* 2.5.4

³⁰⁷ *On Mercy* 2.6.3

³⁰⁸ *On Mercy* 2.3

³⁰⁹ I thank Harry Gould for this pertinent insight.

³¹⁰ *On Mercy* 2.7.3

in the Stoics' conception of clemency: "Mercy means restraining the mind (*temperantia animi*) from vengeance when it has the power to take it," and it is "the lenience of a superior toward an inferior in fixing punishment."³¹¹ True clemency can only be exemplified by the person with a good character; someone with an "unruffled mind" (*tranquilla mente*) and "a countenance under control" (*vultu suo*).³¹² Here again, Seneca views clemency as coming only from a virtuous disposition in conjunction with the social aspect of *oikeiosis*; that is, from the character of a sage who unerringly and consistently makes appropriate judgments about what is good and bad. He makes those appropriate judgments about what is to be selected as being in accordance with the nature of a rational and social animal.

It is this state of character which differentiates 'clemency' from the vice, that is, the "mental defect" (*vitium animi*), of 'pity' (*miser cordia*); it differentiates a virtue like 'clemency' from both 'cruelty' on the one hand and 'pity' on the other; allowing the ruler to exercise freedom of judgment "not as though it were doing less than what is just, but as though the determination it reaches is the most just."³¹³ Therefore, clemency is the virtue of the ruler that incorporates (and unifies) justice, moderation, and proportionality. Rather than act according to pity, which involves emotional pain, the just Stoic ruler's

³¹¹ *On Mercy* 2.3

³¹² *On Mercy* 2.5.3

³¹³ *On Mercy* 2.4.4, 2.7.3; See the section on Marcus Aurelius' emancipation of (individual) slaves in 5.3.

clemency involves both justice and temperance, and acts to “assist his fellows and add to the common good.”³¹⁴

In the realm of just war thinking, the ruler ought to lean toward humanity rather than to retribution. For Seneca, every reason for leniency ought to be explored. In the fog of war especially, finding the balance “is difficult,” but “whatever measure will be more than strictly equitable should tip the scale in the more humane direction.”³¹⁵ For the Stoics, such clemency is part of human nature: natural sociability, and prudence, command it. While it is “natural for all human beings,” some roles embody it more appropriately than others. Clemency

best adorns people in command, insofar as it has more to protect in their cases and has more material to work with in making itself apparent. For how little harm a private person’s cruelty does! But the savagery of princes means war.³¹⁶

This passage certainly prioritizes the virtuous character as the only thing that is morally important but it accepts that the ruler’s actions are generally more effective than that of a private individual. While a vicious disposition will make anyone miserable, the consequences are deadlier when it is rulers who neglect their character. War is the extreme example of this.

In another passage, Seneca differentiates a virtuous character as the factor which differentiates a king and a tyrant, but does so in the context of the *oikeiosis* self-

³¹⁴ *On Mercy* 2.6.3

³¹⁵ *On Mercy* 1.2.2

³¹⁶ *On Mercy* 1.5.3; See Epictetus’ (*Discourses* 1.19.11-2) discussion regarding how altruism involves an enlightened egoism. In his example, if Zeus wants to be praised as Rain-Bringer, then he must bring rain.

preservation principle, while also implying virtue's unity (in this case, moderation, justice, and prudence) by discussing the foreseeable consequences of a virtuous character for the physical safety of the ruler himself:

Clemency, then, not only ennobles men, it makes them safer; it is at one and the same time an adornment of supreme power and its surest security. For why else do kings reach old age and bequeath their kingdoms to their sons and grandsons, while the power of tyrants is loathsome and short-lived. What difference is there between a tyrant and a king (for their fortune looks the same, and they both have equal license), save that tyrants indulge in violence as a matter of equal pleasure whereas kings do so only for some necessary reason?³¹⁷

There is some resemblance here with Machiavelli's discussion of honor's role in true glory, but Seneca makes it explicit that efficiency and maintenance of power is necessary but insufficient for glory. Herein lies the Stoics' philosophical anarchism regarding kingly rule: Whereas the true king, the sage, unerringly rules according to the natural law and thus for the common good, the tyrant illegitimately rules for other, perhaps purely self-interested or otherwise irrational reasons; and therefore the latter is no true ruler. As Seneca states elsewhere, political power "cannot rightly be harmful if it is ordered according to nature's law."³¹⁸ For a Stoic like Seneca, it is only the quest for *eudaimonia*, exemplified as temperate, and simultaneously, just actions, that becomes the foundation for just war. Also, like his discussion of clemency suggests, such a quest is the basis for the principle of proportionality. "True happiness," he states, "lies in granting well-being to many, in summoning them back to life from death, and in earning a civic garland through clemency"; only this kind of power leads to moral autonomy,

³¹⁷ *On Mercy* 11.4

³¹⁸ *On Mercy* 1.19.1

whereas, “Killing large numbers indiscriminately is the power of a conflagration or a collapsing building.”³¹⁹

Cruelty, on the other hand, is “nothing other than a harshness of mind in exacting punishment.”³²⁰ It involves not reason but passion, and so is not autonomous, and is no part of human nature as the Stoics define it. Rather, cruelty is “the *least human* sort of evil”; and “unworthy of the gentle mind of man.”³²¹ Whereas perfected rationality is a precondition for virtuous and merciful action, irrational cruelty “is a bestial sort of madness” which causes the miserable tyrant to “take delight in bloody wounds, casting off one’s humanity to assume the character of some woodland creature.”³²² Savagery is to be detested above all, due to its escalating nature:

It first goes beyond customary limits, then beyond all human limits, in searching out new forms of punishment, in calling on special talents to dream up the means of multiplying and prolonging pain, in taking pleasure in human misery. In the end, its diseased and loathsome thoughts are reduced to utter insanity: cruelty is converted into pleasure, committing murder becomes an actual delight.³²³

In a word, then, Seneca’s attempt to instruct the ruler regarding clemency and (in just war terms) proportionality involves an appeal to a desire for temperate, healthy mind;

³¹⁹ *On Mercy* 1.26.4-5

³²⁰ *On Mercy* 2.4.1; Cf. Musonius Rufus (in Stobaeus 4.7.15): “A king should want to inspire awe rather than fear in his subjects. Majesty is characteristic of the king who inspires awe, cruelty of the one who inspires fear.”

³²¹ *On Mercy* 1.25

³²² *On Mercy* 1.25.1; Cf. Epictetus (*Discourses* 1.4.7-9): “It is because of this kinship with the flesh that those of us who incline toward it become like wolves, faithless and treacherous and hurtful, and others like lions, wild and savage and untamed; but most of us become foxes, that is to say, rascals of the animal kingdom. For what else is a slanderous and malicious man but a fox, or something even more rascally and degraded?”

³²³ *On Mercy* 1.25; Cf. Machiavelli, *Discourses on Livy* 1.10

only this can bring about one's own flourishing. While there is much in Seneca's advice that deals with the happiness that derives from a mind in accordance with natural law, there are also specific pieces of advice which can be garnered to develop best practices for an education in virtue in the different temporal phases of warfare. Seneca, like the Stoics generally, does not espouse pacifism, but accepts only two reasons for violence that are consistent with Stoic principles for just cause: self-defense, and other-defense.³²⁴ If the ruler must use force, he must do so while setting an example for the rest: "The prince establishes good practices for the community, and clears away vices..."³²⁵ Calling to mind the principle of last resort, such punishments also ought to be rare. Seneca warns his student, Nero, that a ruler worthy of the name punishes only infrequently: "Having many occasions for punishment is no less a disgrace for a prince than many deaths are for a doctor."³²⁶

There are also passages in *On Mercy* which may help outline a Stoic *jus post bellum*. In one, Seneca discusses the importance for one's own character in treating even the most inferior of social classes with dignity: "Giving orders to slaves in a temperate fashion deserves praise."³²⁷ A modern reader must not let Seneca's elitist condescension

³²⁴ *On Mercy* 1.20; Grotius (*DJBP* 1.2.1) agrees that war is by no means contrary to natural law, but that war is appropriate to a human for whom self- (and other-) preservation is a 'first impression of nature': "...from the writings of the Stoics, that there are two sorts of natural principles; some that go before, and are called by the Greeks *ta prota kata phusin*, the first impressions of nature; and others that come after, but ought to be the rule of our actions, preferably to the former. What he [Cicero] calls the first impressions of Nature, is that instinct whereby every animal seeks its own preservation, and loves its condition, and whatever tends to maintain it, but on the other hand, avoids its destruction, and everything that seems to threaten it.

³²⁵ *On Mercy* 1.24

³²⁶ *On Mercy* 1.24

³²⁷ *On Mercy* 1.24

mar the important point we have discussed throughout this project, that of internal justice and the indifference of institutions. This kind of will to moderation, Seneca understands, is often enough *the only limit* to the suffering imposed on the conquered and enslaved.³²⁸

What Seneca states regarding slaves could equally apply to a defeated enemy, who is often at the mercy of the more powerful (whether it be an individual or a state), whose will to restraint is doubtful:

... you must consider not how much you can get away with making them suffer, but how much license you are given by the nature of morality and fairness, which bids you spare even captives and those you have purchased. [...] Slaves are allowed to take refuge at a statue; though it is [legally] permitted to do anything and everything to a slave, the common rights (*aequi bonique natura*) of living creatures say that some things cannot be done to a human being.³²⁹

In a Stoic education for just war, rulers and soldiers must check themselves regardless of the legal avenues which an 'external justice' permits. Echoing Cicero's dictum to treat with courtesy those who have fought honorably in battle, Seneca's wise ruler

... will release enemies unharmed, sometimes even with words of praise, if they were summoned forth to war in an honorable cause, for the sake of loyalty or in defense of a treaty or their freedom.³³⁰

As mentioned previously, the Stoic trained in Physics, Ethics, and Logic does not punish an enemy for actions which he might despise them for *not* performing. Rather, the wise ruler understands that individuals are only responsible for what is up to them (*eph'*

³²⁸ See also Seneca's (*On Mercy* 1.18; *On Anger* 3.40) anecdote regarding Publius Veditius Pollio's cruel punishment for a clumsy slave.

³²⁹ *On Mercy* 1.18

³³⁰ *On Mercy* 2.7; Cf. Cicero, *On Duties* 1.35

hemin), and thus ought not be punished unreasonably for conducting their appropriate actions (*kathekonta*) in service to their communities. Accordingly, the Stoic ruler “will remit punishment in many cases,” and, understanding the sorry state of culture and education in the world, will even spare those “whose character is insufficiently sound but capable of being made sound.”³³¹ Seneca alludes to the Stoic definition of virtue as ‘expertise’ when he compares such a ruler to adept farmers, cares not only for “the trees that grow straight and tall” but also for those “that have for some reason grown crooked, in order to straighten them...”³³² Cicero had already stated something similar: “[N]o one should be entirely neglected in whom any mark of virtue is evident.”³³³ And elsewhere: “Life is not passed in the company of men who are perfectly and truly wise, but those who do very well if they show likenesses of virtue.”³³⁴

The picture that develops of Stoicism is that of a pedagogical tool to improve the life of the prospective ruler and combatant even when faced with the most extreme aspects of human suffering (including his own). Also, it is a method to actively promote justice (in one’s own actions, despite the absence of external compulsion) and to promote, to the extent reasonably possible, those things ‘according to nature’ for *all*-even the enemy’s population. Despite the rationalist approach to *clementia* and its emotional distance from the passion of pity, there is an affective aspect to this (for a sage,

³³¹ *On Mercy* 2.7

³³² *On Mercy* 2.7.4

³³³ *On Duties* 1.46

³³⁴ *On Duties* 1.46

at least). Like Epictetus, who states that a Stoic must not be “unfeeling like a statue,” Seneca denies any severity in Stoic education for just war:

I know that the Stoics have a bad reputation among the ignorant for being too callous and therefore very unlikely to give good advice to kings and princes: they’re blamed for asserting that the wise man does not feel pity and does not forgive. ... No; in fact no philosophical school is kindlier and gentler, nor more loving of humankind and more attentive to the common good, to the degree that its very purpose is to be useful, bring assistance, and consider the interests not only of itself as a school but of all people, individually and collectively.³³⁵

Far from a philosophy of apathetic individuals seeking only what is best for themselves, the Stoics might argue that an education in Stoic Physics, Ethics, and Logic (and their respective disciplines of desire, impulse, and assent) could help provide both rulers and soldiers with principles for *eudaimonia*, and an understanding of the common law under which all humans ought to operate even in the most extreme circumstances. Accordingly, Stoic justice is based on concern, in various concentric and centripetal circles, for all. Such is the goal of Stoic education which this section has attempted to outline. Contrary to a mistaken view of Stoicism as uncaring toward others regarding warfare, and the famine, injury, disease, and death that war brings, Stoic philosophy’s path to human happiness is one where even the fiercest combatant is educated (or self-educated) to see even the ‘most distant stranger’ as a fellow inhabitant of the world-city; and whose every action in warfare reflects this.

³³⁵ *On Mercy* 2.5.3

Chapter 5: Stoic Warriors

This section aims to provide historical illustrations of Stoic, or at least Stoicism-inspired, rulers and soldiers. While this cannot be a comprehensive history, we can explore certain themes that help frame how agents might behave according to the Stoic virtues, and *a fortiori* justly, throughout the various phases of war. The historical figures presented all have, in various degrees, ties to Stoic philosophy, though it is not necessary to show that they were all card-carrying (or beard-wearing) Stoics. It is enough here to present their actions, including their successes and failures (in ethical matters as well as political), to discuss some relevant themes in just war thinking. We will begin with King Kleomenes III of Sparta (reigned 235 BCE - 222 BCE). Then, we will move on to the so-called ‘Stoic Opposition’ of the Roman statesmen in the early Roman imperial period. Finally, we discuss Stoic just war themes during the reign of Marcus Aurelius (lived 121 CE – 180 CE).

5.1 The Spartan reformation of Kleomenes III

In this section we can grapple with difficult questions regarding whether the actions of King Kleomenes III are consistent with Stoic just war theory, both in his domestic struggles and in his war against the combined forces of the Achaean League and the kingdom of Macedon. Specifically, this section reviews whether or not a Stoic just war theory can claim that Kleomenes acted appropriately (*kathekon*) in his internal political affairs: massacring the Ephorate (*ephoroi*; annually elected Spartan magistrates), killing (or at least allowing the killing) of his co-regent, exiling and killing political opponents, and assuming dictatorial powers. In his external affairs, the question is

whether Kleomenes can be stated to have acted appropriately in his destruction of the city of Megalopolis. While these questions may seem quite unusual, even dubious, to those who desire a complete separation of just war theory from political realism, it may be the case that Kleomenes' seemingly ruthless actions were nevertheless consistent with Stoic just war theory and eudaimonic virtue ethics- perhaps even just (see the discussion on 'mixed prudence' in 2.1).

It will be most useful to frame the discussion of the Spartan king through Machiavelli's presentation of him in the *Discourses On Livy*. Here it is necessary to quote him at length:

In support of what has been said above, I might cite innumerable instances, as of Moses, Lycurgus, Solon, and other *founders of kingdoms and commonwealths, who, from the full powers given them, were enabled to shape their laws to the public advantage*; but passing over these examples, as of common notoriety, I take one, not indeed so famous, but which merits the attention of all who desire to frame wise laws. *Agis, King of Sparta, desiring to bring back his countrymen to those limits within which the laws of Lycurgus had held them, because he thought that, from having somewhat deviated from them, his city had lost much of its ancient virtue and, consequently much of its strength and power, was, at the very outset of his attempts, slain by the Spartan Ephors, as one who sought to make himself a tyrant. But Kleomenes coming after him in the kingdom, and, on reading the notes and writings which he found of Agis wherein his designs and intentions were explained, being stirred by the same desire, perceived that he could not confer this benefit on his country unless he obtained sole power. For he saw that the ambition of others made it impossible for him to do what was useful for many against the will of a few. Wherefore, finding fit occasion, he caused the Ephors and all others likely to throw obstacles in his way, to be put to death; after which, he completely renewed the laws of Lycurgus. And the result of his measures would have been to give fresh life to Sparta, and to gain for himself a renown not inferior to that of Lycurgus, had it not been for the power of the Macedonians and the weakness of the other Greek States. For while engaged with these reforms, he was attacked by the Macedonians, and being by himself no match for them, and having none to*

whom he could turn for help, he was overpowered; and his plans, *though wise and praiseworthy*, were never brought to perfection.³³⁶

Elsewhere, Machiavelli states:

From all these causes comes the difficulty, or rather the impossibility, which a corrupted city finds in maintaining an existing free government, or in establishing a new one. So that had we to establish or maintain a government in that city, *it would be necessary to give it a monarchical, rather than a popular form, in order that men too arrogant to be restrained by the laws, might in some measure be kept in check by a power almost absolute*; since to attempt to make them good otherwise would be a very cruel or a wholly futile endeavor. *This, as I have said, was the method followed by Kleomenes...*³³⁷

Among the most important points here is Machiavelli's "public advantage" clause. As discussed in 1.4, the ancient Stoics understood that no systems of government, like no social classes, were inherently good. Rather, they were all indifferent, and anything from monarchy to democracy could be performed either well or badly depending on the virtue of the ruler(s). By implication, since natural law is the standard for obedience to positive laws, the Stoic is not opposed to monarchy as such, but rather considers that only the near-mythical sage could be *the only true* monarch. While the term 'tyrant' might only apply to a ruler whose leadership is contrary to natural law, presumably a usurper who acts according to the law of nature, and therefore justly, may be legitimate in a way that an elected official who disregards natural law is not. A Stoic ruler who acts according to the natural law as described throughout this work is legitimate because he looks always to the public advantage. Perhaps a Stoic might claim

³³⁶ *Discourses* 1.9; emphasis mine

³³⁷ *Discourses* 1.18; emphasis mine

that King Kleomenes aspired to be such a ruler, though there might be some qualifications, as discussed *infra*.

5.1.1 History

Machiavelli's statement quoted above regarding a preceding king, Agis IV, is important for understanding Kleomenes' actions but requires a bit of a digression. Sparta, since archaic times, was a dual monarchy but also included both aristocratic and democratic elements. The political system supposedly instated by Sparta's legendary law-giver, Lycurgus, ensured there were always two kings from two separate royal houses. There was also a *Gerousia*, which was a senate consisting of both reigning kings and another twenty-eight members (all with lifetime tenure) elected by the citizenry. Beside this there were the aforementioned Ephorate, board members elected annually by the citizenry, who wielded enormous power in legislative, executive, judicial, and economic matters. Lastly, there existed the citizen assembly which elected these leaders, though this body is less pertinent to our narrative.

Spartan social structures consisted of full-citizens, the Spartiates (or '*Homoioi*,' meaning 'equals'), who were full-time hoplite soldiers and were allotted parcels of land in order to meet the requirements to their *syssitia*, the name given to the several common mess halls which Spartan citizens were elected to join once completing their severe Spartan disciplinary training. This training took the form of the *agoge*, a type of notoriously austere public military school for sons of full Spartans (and apparently the sponsored sons of lesser or half-Spartans). Below these full Spartans were the *Perioikoi*, the 'around-dwellers' who lived in the towns around Sparta, in the geographical and

political region of Lakonia, or Lakedaemon. The *Perioikoi* had a central role in manufacturing products and weaponry for the Spartan hoplite class, and also served in the Spartan military. Although to varying degrees these towns were internally autonomous, their foreign policy was dictated by Sparta's needs. Close enough to this rank, and also below the Spartiates, were the *Hupomeiones*, 'the Inferiors,' former citizens (and their descendants) who lost their citizenship due either to some social infraction or from inability to meet the economic requirements necessary to pay their *syssitia* dues. These Inferiors were therefore unable to maintain the cost of full citizenship status. Like the *Perioikoi*, *Hupomeiones* were still typically required to participate in Sparta's campaigns abroad. At the bottom of the hierarchy were the helots, peasants who toiled on the Spartans' allotted land with few, if any, civil or social rights. Apparently, helots to some extent lived in family groups and could not be bought or sold by individual Spartans, and so were not technically slaves; though it is unclear to a modern reader how this technicality would make much of a difference to the unfortunate life of the typical mistreated helot.³³⁸

By the third century BCE, Sparta was a mere vestige of the powerful, classical *polis*. It was reduced to being a third rate power in Greek politics, nowhere near the power of Macedon or Ptolemaic Egypt, and even unable to match the regional powers of the Achaean League or that of their erstwhile allies, the Aetolian League. Internally, the bivouac lifestyle of the disciplined and frugal classical Spartan hoplite-citizen was all but

³³⁸ By the time of the Hellenistic period it seems that some helots could make a significant amount of money selling the excess harvest which they were not required to surrender to their Spartiate masters, and were thus able to buy their freedom when it was offered (*infra*).

gone. The 'Lycurgan' regime had deteriorated and the ancient customs "were foundering on the reef of gross and increasing social inequality among the supposedly 'equal' Spartiates, of who there were by now only about 700 left."³³⁹ Reduced from the ten thousand Spartiate 'Equals' of the Classical Era, by the middle of the 3rd century BCE the grand majority of the full Spartiates were impoverished, and able to keep their citizenship only by taking on enormous debt. The remaining hundred or so Spartiates were tremendously wealthy oligarchs and, unsurprisingly, staunch defenders of the status quo. Add to this the ever-increasing number of lower-grade Spartans, the *Hupomeiones*, many of whom could remember having a larger share of political privileges, likely seething at the perceived unfairness.³⁴⁰ Any opinion the helots might have had of the situation, if anyone bothered to record it, is not extant.

This precarious socio-political situation is where Machiavelli's account begins. King Agis IV attempted to reform or perhaps even revolutionize Sparta, both by his own and his family's example and by his political power. Wearing the quintessential old-fashioned Spartan warrior's cloak, redistributing his kingly wealth, and returning to the frugality and simplicity of the now antiquated Spartan discipline, Agis proposed to cancel debts and redistribute land and wealth equally to Spartan citizens, as well as to some

³³⁹ Cartledge 2003, pp. 240-2; Cf. Cartledge & Spawforth, *Hellenistic and Roman Sparta* pp. 42-3 "[The] adult male citizen body numbering about 1,000 in 370 [BCE] had shrunk by 244 [BCE] to a mere 700. Of these one hundred were agro-plutocrats, while the remainder were more or less heavily indebted to the rich landowners and in many cases had had to mortgage even their ancestral lot of land (*klaros*) on which presumably their continued claim to full Spartan citizenship ultimately rested. Below these 700 Spartiates (to use the proper term for the *Homoioi* or 'Peers' of full status) there lived a mass of... 'Inferiors' (*Hupomeiones*)."

³⁴⁰ Cartledge 2003, p. 245; T.W. Africa (1968, p. 9) considers that there had never before been an equal division of land in Sparta.

lower-grade Spartans.³⁴¹ To do this, he enrolled his family members, including his tremendously wealthy mother and grandmother, to his cause.³⁴² He attempted to eliminate his opponents by exiling some (including his co-king, whom he replaced with a more compliant member of that royal family), and replacing some of the Ephors with others more amenable to his ideals.

But Agis met with misfortune, both internally from the conservative oligarchs, and externally from the regional power to whom Agis' Sparta was technically allied. The Achaean League's oligarchical leadership, including the statesman Aratus of Sicyon, found such revolutionary activity in favor of the lower-classes dangerous to their own stability and social positions.³⁴³ Internally, though debts were indeed cancelled, the Ephor whom Agis entrusted to carry out the next phase i.e., land reorganization, stalled in the redistribution efforts (this magistrate was an uncle of Agis, incidentally, and desired the debt cancellation but not the redistribution of his wealth). Public anger ensued, and the next board of *ephors* elected the following term reverted to status quo ante policies. Unfortunately for Agis, this included the recalling of the conservative rival coregent and the latter's supporters while Agis was on campaign leading his troops in Sparta's dutiful alliance with the Achaean League against another regional power, the Aetolian League.

³⁴¹ Plutarch, *Agis* 4.2; Kennell 2010, p. 166; Cartledge & Spawforth, p. 41; See Cartledge (2003 pp. 45-6) on the cancellation of debts and the redistribution of land in equal allotments.

³⁴² I have not done justice here to the importance of Spartan women to these reforms, and I beg the reader to read Plutarch's account of these women's dynamism in his *Agis* and in his *Kleomenes*. Cf. Cartledge 2003, p. 244: "One reason this episode is so fascinating is that it is one of those very rare occasions in all ancient Greek (or Roman) history where we can say for sure that the role of women was not only unusually prominent but actually decisive."

³⁴³ Cartledge 2003, p. 246; Paul Cartledge and Antony Spawforth, p. 43

But Agis also had other, external troubles: Aratus, the leader of the campaign against the Aetolians, feared the revolutionary morale of Agis' new citizen-soldiers in the combined army. Understanding what a victory in battle would mean for the impoverished lower-classes' perception of such a young, dynamic king, summarily dismissed Agis before the fighting began. At Sparta, Agis' opponents took the opportunity of Agis' humiliation in the bloodless and ignominious adventure abroad to unlawfully imprison him, his supporters, and even his family members. Through subsequent treachery, Agis was executed along with his mother and grandmother. Thus ended Agis' life and his reforms.³⁴⁴

With this background, we are now in a position to examine Kleomenes' actions. Machiavelli states that this subsequent king (and son of the once-deposed, conservative rival coregent of Agis), was "stirred by the same desire" as Agis (the fact that Kleomenes married Agis' widow was a factor).³⁴⁵ Kleomenes understood the precariousness of his situation, and that of his fellow-citizens, lest he obtain sole power. In order to achieve a government for the "public advantage" (Machiavelli's words), Kleomenes decided on overcoming those political counterweights that had become a tool of the oligarchy. In short, Kleomenes became an autocrat.³⁴⁶ However, he understood from Agis' failure that domestic reforms ought to be preceded by the political power and prestige that only

³⁴⁴ Cartledge & Spawforth, p. 47; Cartledge 2003, p. 246

³⁴⁵ Cartledge & Spawforth, p. 39: "It is far harder to decide, as one eventually must, whether Agis and Kleomenes were in any valid ancient or modern sense revolutionaries, as distinct from patriotic reformers or restorers of a presumed status quo ante (as they themselves and their propagandists claimed they were)." These authors (*ibid*) suggest that 'revolutionaries' is a more accurate term.

³⁴⁶ For an interesting comparison between Kleomenes and the Stoic hero, Heracles, see T.W. Africa 1959, pp. 468-9

victory in war can bestow.³⁴⁷ He subsequently built a solid reputation for military might in campaigns for regional hegemony carried out against the Achaean League, Sparta's former allies. Kleomenes then (prudently?) left many of his would-be opponents in garrisons far from Sparta. He and his mercenaries returned home, seized control of the government, massacred four of the five Ephors (the fifth fled) along with ten of their staunchest supporters. He then exiled eighty more. To help Kleomenes assume total control of the dual kingship, his supporters killed his coregent heir apparent, Archidamus V. It seems that either Kleomenes was unable to stop the killing, or that he ordered it himself, depending on the charitability of the sources.³⁴⁸

With no further opposition, Kleomenes completed the reforms partially begun by Agis, as well as many of his own improvements. He thus fashioned himself as a new Lycurgus, as Machiavelli implies (*supra*).³⁴⁹ These measures included the cancellation of debts (again) and land redistributed into equal allotments among the citizenry, which was itself enlarged fourfold to include worthy Spartans of the lower social classes, as well as his foreign-born mercenaries.³⁵⁰ The Spartan military was retrained and equipped in the

³⁴⁷ Kennell 2010, p. 170: Agis and Kleomenes “must have viewed their city’s humble international position as inextricably linked to its domestic troubles.”

³⁴⁸ Polybius, 5.9; Cartledge 2003, pp. 246-8; Kennell 2010, p. 169

³⁴⁹ Though he abolished the Ephorate, Kleomenes could not abolish the Gerousia, as the institution was too well-entrenched in Lycurgan tradition. Instead, he shortened their lifetime tenure to a single year; Kennell 2010, pp. 170-1; See also Stewart, p. 393 for details on the reforms.

³⁵⁰ Andrew Erskine (p. 138) sees the extension of citizenship as the “least Lycurgan” of the reforms- and attributes them to Sphaerus’ Stoicism. For a religious dimension of the reforms, see Cartledge 2001, p. 149 “A Spartan public regulation (Plut. Mor. 239e) imposed a religious curse upon any klaros-holder who exacted more than the maximum stipulated rent (or tribute) payable by the helots working his land; but this regulation may not antedate the reforms of King Agis IV and Kleomenes III in the 240s and 230s.” See T.W. Africa 1959, p. 462 for a less egalitarian view of the reforms. Also, see Stewart, p. 391: “There was

updated Macedonian style (a mere century after Macedon's three meter long spears made mince of the allied Greek phalanx at Chaeronea).³⁵¹ His former philosophy tutor, the Stoic Sphaerus, assisted in reinventing and updating the *agoge*, the ancient *syssitia* mess halls, and the *gymnasia*. His most propagandistic job involved providing 'Lycurgan' justifications for Kleomenes' reforms.³⁵²

As Machiavelli mentions, despite Kleomenes' initial successes as a rising Peloponnesian wrangler, a Macedonian-Achaean alliance eventually crushed an outspent and outmaneuvered Spartan army, though not before a retreating Kleomenes had captured and completely destroyed the city of Megalopolis, which had in the previous century been built precisely as a counterweight to Spartan power. Kleomenes fled, probably in hopes of launching an insurgency from his exile in Egypt, but died there by suicide in a failed coup against the new Ptolemy a few years later.³⁵³ Some of his and Sphaerus' reforms, however, survived until the end of Roman-era Greece.³⁵⁴

an element of pragmatism to this program- Sparta relied primarily on mercenaries and their payroll must have been crippling.”

³⁵¹ Kennell 2010, p. 171

³⁵² Erskine (especially pp. 123, 131-2, 137-8) goes further, positing that Kleomenes' reforms, and their popularity outside Sparta, were due to their to Sphaerus' Stoic influence. Cartledge (2003, p. 248), however, doubts the strength of the argument. See also Kennell 1995, p. 100, and 2010, pp. 174-5; and T.W. Africa 1959, pp. 464-5. For an even more acerbic review: Peter Green, especially pp. 212-6

³⁵³ Polybius, 5.39; Cartledge & Spawforth, pp. 50-3; Also, Shimron (p. 152) notes how Kleomenes' temporary successes refutes Polybius' theory on Lycurgan policies being inefficient for foreign expansion. See also T.W. Africa 1959, p. 461

³⁵⁴ Shimron, p. 150; Kennell 2010, p. 176

5.1.2 Analysis

The case of King Kleomenes III is pertinent to this project because of the king's connection with Stoicism, via his intimacy with Sphaerus. Such familiarity with Stoicism is unnecessary for a juxtaposition of a ruler or soldier's actions against the standard of a Stoic just war theory, of course. But it is helpful to examine those who, like Kleomenes, might be plausibly put forth by the Stoics themselves as combatants trained in the Stoics' ethics. Furthermore, such a connection allows us to examine themes of internal justice and its final cause: *eudaimonia*. Taking this eudaimonic approach to internal justice, we may examine the events of Kleomenes' reign through the Stoic conceptions discussed previously: the importance of one's social role(s), and the actions appropriate to those role(s), for one's circles of concern; the moral neutrality of everything except virtue and vice; the Stoic obedience to no law but natural law and those positive laws which accord with it; and the so-called 'dichotomy of control' i.e. the understanding of what is and what is not in one's control. Still, Kleomenes' extra-constitutional actions (e.g. massacres) and controversial tactics (e.g. pocide) also allow room for criticism. It is in this respect that, of all the historical examples in this work, Kleomenes is perhaps the most difficult case. If Stoic just war theory can explain his actions as reasonable and appropriate (if not quite reaching the high bar for Stoic justice), then the actions of other Stoics (and those who were inspired by Stoicism) later in this chapter seem even less problematic.

Here the reader interested in Stoicism's virtue ethics approach to just war must remember that it is not necessary to claim that Kleomenes' actions were just. Recall that only a sage, because of a happy and eudaimonic disposition of character which is

unerring in its assents to all (and only to) cataleptic impressions, can commit right actions (*katorthomata*). It is enough to show here that Kleomenes actions were ‘appropriate’ (*kathekonta*); that is, that they admit of a reasonable justification, and are concerned with consequentiality in selecting those things according to nature for one’s self and for those in one’s circles of concern, especially as discovered by one’s social role(s). The Stoics can claim that consistently selecting to perform these appropriate actions, while desiring only to achieve a virtuous character (and thus, *eudaimonia*), will put the agent on his way to the theoretical achievement of such a eudaimonic disposition.

However, the case of King Kleomenes III is a difficult one for other reasons as well: The extant ancient sources are divided on his character and on the events during his eponymous war (229-222 BCE). Also, they show blatant bias. Polybius is hostile toward Kleomenes, who sacked and destroyed his place of birth, Megalopolis, a few decades before he was born. He also shows his contempt for Hellenistic Sparta’s government in general.³⁵⁵ Plutarch, on the other hand, sees much to admire in Kleomenes but was never one to let historical accuracy interfere with an opportunity to narrate a moralizing tale. The work of another source, Phylarchus, is friendly but survives only in fragments. Lastly, Kleomenes’ actions could probably be explained without any mention of Stoicism at all. In this respect, Kleomenes can be seen as merely one more revolutionary Spartan ruler in a rogues’ gallery of 3rd and 2nd century BCE Spartan rulers. There were several, from Agis to Nabis, who all attempted to reform and/or revolutionize an increasingly

³⁵⁵ Polybius, 2.81; Cartledge 2003, p. 243: “Polybius therefore could not accept and indeed felt he had to demolish the generally very favorable picture of Kleomenes that he found in the work of Phylarchus.” Cf. Erskine, p. 129; Also, Shimron, p. 151 notes that there was not much difference, despite Polybius’ praise of one and contempt for the other, between the reforms of Lycurgus and those of the 3rd c. BCE.

decrepit Sparta (whose glory days were well behind her) in order to compete in a Hellenistic world in which the geopolitical moves taken by any single independent city-state, or even an alliance of them, was increasingly quaint and impotent against the mighty kingdoms of the Hellenistic world and the rising power of Rome. Still, as Machiavelli mentions, for what he was doing and against the regional and the great powers he was up against, Kleomenes is one of those who were most bold and successful, at least for a time. In this sense, we can view his moral and political successes and failures through a Stoic lens as a useful guide for a virtue ethics approach to just war theory.³⁵⁶

To begin, Kleomenes' actions might be the most difficult for accepting a Stoic just war theory because of Kleomenes' violence and perceived ruthlessness. This is especially apparent in the culling of the Ephors, the alleged fatal betrayal of his co-regent heir apparent, and the pocide of Megalopolis. What principles of Stoicism in general, and the '*oikeiosis*' foundation for Stoic justice in particular, might suggest that his actions were at all appropriate? We must recall that an appropriate action (*kathekonta*), in Stoicism, selects those 'indifferent' things according to the nature of a rational and social being (though these things have no moral value in themselves), and selects them according to one's social role(s); and such selection admits of a reasonable defense, one which is expressible in language to other rational agents and in accordance with natural

³⁵⁶ Cf. Cartledge & Spawforth, p. 53: "The new-model army performed wonderfully well over the next two campaigning seasons, fighting as only those can who aim for something much more inspiring than mere preservation of the status quo."

law of right reason.³⁵⁷ Of those things in the categories of ‘indifferents’ (*adiaphora*) are those generally preferred (e.g. health) and those generally dispreferred (e.g. illness). Being morally neutral, however, sometimes those generally preferred things ought to be rejected and those which are generally dispreferred are to be selected.

Was there a reasonable justification for the massacre of the Ephors? Perhaps. It may have to do with an analogy with the Stoic conception of parts to whole. In terms of a physical body, the Stoics understood that a person ought to naturally prefer to have the parts of his body intact. But he might, in unfortunate circumstances, cheerfully choose amputation of a limb for the sake of the whole body. Even consumption of the amputated limb is not in itself wrong. Like a wolf stuck in a trap, who would be acting according to its self-preservation instinct (*oikeiosis*) by gnawing off the pinned limb, one presumably could destroy, even consume, a part of a body for the sake of the whole. Might, then, a sage, whose social role is to maintain and, to the extent he is able, improve his community, excise a useless part of the community as he might a diseased limb? The answer, a Stoic might say, is yes- in dire circumstances, like that of the trapped wolf. There is some irony here, but one that the Stoic can accept: Kleomenes (almost certainly) was no sage; and therefore no actions he performed, including the annulation of the Ephorate and killing of the Ephors themselves, were ‘just,’ or ‘right actions’ (*katorthomata*). Nevertheless, such actions are not wrong in themselves either, and they

³⁵⁷ Again, this does not and need not meet the standard of a ‘right action’ (*katorthoma*) which is an ‘appropriate action’ (*kathekonta*) performed excellently by the proverbial sage, whose disposition is unerring and consistent due to their expert knowledge of what is good, bad, and indifferent.

may have been appropriate (*kathekon*) under these extraordinary circumstances (if that is what Sparta's social, political, and economic situation was).

Certainly, Kleomenes' apologists could point to the fate of King Agis and Agis' family as reasons for Kleomenes and his own family to feel threatened (especially Kleomenes' wife, Agiatis, who was also King Agis' widow and therefore, as an accomplice to both men's reforms, a repeat offender). In this view, the Ephors had it coming, and the Ephors' retainers were unfortunately killed as enemy combatants. A sage, if the action were appropriate, could even have killed these men *justly*. Could others do so? Given the Stoics' high bar for justice, no. But this highlights the impressions to which a ruler like Kleomenes must assent (or withhold assent) in order to act appropriately and for the common benefit, even if not completely in accordance with the proverbial sage's right reason. Understanding his actions through such a lens, we are now in a position to develop the Stoic just war theory further by examining Kleomenes' actions through the contemporary themes of just war.

5.1.2.1 Right intention

Kleomenes' actions might have been deemed inappropriate and unjust (though recall that Stoics understand that appropriate actions are almost always unjust in light of internal justice and the rarity of sagehood) *if* he had been acting under intentions which did not take into account his social role and his circles of concern. Machiavelli refers to Kleomenes as acting for the 'public advantage,' and Kleomenes' actions are arguably consistent with this. None of his detractors state that he acted either to enrich himself personally- quite the contrary- or to oppress his subjects, leaving aside the Helots who

were *always* oppressed (and even many of these were eventually sold their freedom). His cancellation of debts and redistribution of wealth (including his own wealth), paved a way for many of his subjects to escape their ever-increasing poverty. In making his foreign-born mercenaries, as well as the ‘around-dwellers,’ ‘inferior’ Spartans, and eventually even the serf class (at least those who were fit for military service) full citizens, Kleomenes’ actions were plausibly consistent with the Stoic cosmopolitan view that it is not social status, wealth, or noble birth which have moral value (but rather have *selective* value) but only an agent’s state of character. In fact, Kleomenes’ social reforms were popular even outside of Sparta, throughout the wider Greek world. He won supporters from almost every city in the Peloponnese. This, in turn, is what brought Aratus and the other oligarchic rulers of the Achaeans to turn to their former enemy, Macedon, for assistance. The Achaean League preferred domination from an outside great power to the social upheaval caused by the supposed spread of Kleomenean reforms in their own *poleis*, by the revolt of their own lower classes and by the power of Kleomenes’ dynamic, revamped army. The Achaean oligarchs, of course, were at risk of losing their own social positions and wealth.³⁵⁸

Kleomenes’ actions recall the Stoic circles of concern, as well. Kleomenes did not export his reforms to the other cities of the Peloponnese which he occupied, and this led to resentment among the poor in those areas. Perhaps Kleomenes reasonably understood his limits: If an allegiance against the Achaean League was necessary for war, it behooved him to have his allies in good order, regardless of their internal policies and

³⁵⁸ Shimron, p. 147

their suppression of their lower classes.³⁵⁹ A modern political realist might call this ‘restraint.’ Closer to home, old-fashioned Spartan pragmatism also entered the picture in his liberation of the helots, since this was Sparta’s agricultural foundation. The six thousand helots who were enfranchised were done so only when the Macedonian-Achaean alliance were nearing Lakonian borders. Subsequently, they were given arms to fight in the coming battle, and charged a hefty manumission fee for honor of doing so.³⁶⁰ Still, it implies that thousands of helots of military age and fitness level could afford the fee. There are some reasons to believe that Kleomenes had previously helped incorporate them into Spartan society, and there is some evidence that those who survived Kleomenes’ defeat at Sellassia were still full-citizens years later.³⁶¹

Finally, one might observe the just war concept of ‘right intention’ (and add to some contemporary thinking on *jus ex bello*) by Kleomenes’ orders to the Spartans upon his defeat at Sellasia and Sparta’s subsequent occupation by Antigonus of Macedon.

³⁵⁹ Cartledge & Spawforth, p. 53: “The [Kleomenean] revolution, that is to say, struck a chord in the cities of Sparta’s Achaean opponents, where the sub-hoplite poor citizenry groaned for debt-cancellation and land-distribution on the Spartan model, which they obviously regarded as exportable. That, however, was a grave misapprehension, both because Sparta’s unique socio-political conditions could not be simply reproduced elsewhere and because Kleomenes had no intention of exporting social or economic revolution of any kind. Ideological preference may have had something to do with this refusal, but a more powerful factor was the pragmatic consideration that Spartan hegemony over an association of cities dominated by mass movements of genuinely democratic character was likely to be radically unstable and bound to attract the unwelcome attention of Macedon, which had made its views on popular social movements unequivocally clear from the very outset of its hegemony of Greece.”

³⁶⁰ Cartledge & Spawforth, p. 56; T.W. Africa (1968, pp. 3-5) states, “One third of the Spartans who died so valiantly for the revolution were ex-helots who had been freed for a price and enfranchised to fight for Kleomenes.”

³⁶¹ In fact, this seems to have set a precedent for later manumission and enfranchisement. See Cartledge 2003, p. 249: “Whereas Kleomenes had liberated 6,000 helots only as a last-ditch military maneuver, probably with no long-term social implications for the end of helotage in mind, Nabis liberated helots as a set policy, as part of an economic modernization package.” Also, see Stewart, pp. 394-8 for attempts at reform after Kleomenes.

Rather than order his remaining subjects to resist Antigonus, Kleomenes went into exile, giving directions that the Macedonians should be allowed inside Sparta.³⁶² It is consistent with Stoicism's justice (as well as just war conceptions of 'probability of success') that forcing soldiers, and especially those who are typically noncombatants, into an unwinnable war with no good reason is wrong; it betrays an unreasonable lack of concern for those in one's charge. Kleomenes accepted the situation and decided to live in voluntary (if, for Spartans, a somewhat disgraceful) exile, at least for the time being, rather than, say, force his subjects into facing an unnecessary, though 'heroic' death. Abdication, an ignominious escape, and later, a less than glorious death, was the price to pay for a Spartan king whose primary concern was for those in his care (and not merely his own family, who were already awaiting him in exile). Kleomenes' intentions, the Stoics might argue, were consistent with a Stoic virtue ethics which considers renown and reputation to be among those indifferent things which have selective value, especially in power politics, but no moral worth. These actions were also compatible with the Stoic care for those in one's charge. Sparing the remnants of his Spartan army and citizenry for future hostilities against the Macedonians and Achaeans, rather than fight to the death against the occupiers, is compatible with such care as well. At least, it is for one who must act from within his roles of 'king' and 'commander.'

³⁶² See Polybius, 5.9: Antigonus, perhaps due to benevolence but also likely looking to have a polis in the Peloponnese to balance against the Achaeans in the future, treated the Spartans well.

5.1.2.2 Proper authority

The discussion leads us now to the social roles Kleomenes embodied which requires some background into Kleomenes' education in Stoic philosophy. Recall the Stoic dictum that 'virtue is the only moral good.' If as a youth Kleomenes and some of the Spartans in his generation were indeed educated by the Stoic Sphaerus, it is this maxim that presumably would have had primacy in the philosophical curriculum. The Stoics in general had much respect for the classical Spartan way of life (*diaita*); and the philosophers' purported, or at least, aspirational, indifference to life, death, poverty, and wealth resemble the Spartan virtues of austere living, frugality, and modesty. The Spartans' martial virtues, though state-induced, made for fine, idealized examples of the Stoics' virtues of courage and temperance. Zeno's utopian treatise, moreover, may have been based on the myth of Classical Sparta's well-ordered city (*eunomia*), and several Stoics had written books about the Spartans' regime and legendary discipline.³⁶³ Sphaerus himself wrote two books on Sparta, though whether before or after his time teaching Kleomenes or helping with the latter's reforms is unclear.

The Stoic indifference to regime types may have been relevant here, as well. Since the Stoics' adherence to natural law implies that no other government is legitimate lest it appeal only to right reason, so neither a king, aristocracy, nor democracy has any legitimate authority if they are not run by sages or are inconsistent with natural law, discoverable by reason. This provided the ancient Stoics with an answer, if an all too convenient one, for practical economic concerns. The Stoics considered the patronage of

³⁶³ Schofield, pp. 36-42

kings a legitimate way of earning money, and several of them advised rulers and, later, Roman aristocrats and emperors. But such indifference to forms of authority also implied, as shown later by Seneca's precarious position as Nero's tutor, that a usurper is every bit as legitimate or illegitimate as any other type of government.³⁶⁴ Can a Stoic moral argument be made for Kleomenes having acted appropriately (and, if he were a sage, *justly*) during his usurpation of power and revolution? If Stoic justice compels at least relative egalitarianism, then it seems so. Stoicism's eudaemonist philosophy requires the 'well-tempered' person to take those individuals in their outer circles inward, as members of the human community of rational, social creatures. Stoic justice does not require Kleomenes to treat all others equally, but to bring the outward circles of concern closer inward. In this respect, his enlargement of the citizen body from seven hundred to four thousand, and eventually six thousand more once he manumitted helots, is quite consistent with Stoic justice. His redistribution of wealth is another example. While wealth itself is indifferent to *eudaimonia*, Kleomenes' distribution of those 'according to nature' externals went further than necessary for his immediate purposes of reforming his military social class of citizen hoplites. The violence done to some must be viewed, a Stoic might argue, in light of this agenda. The Kleomenean revolution's expansion of (limited) equality was at least consistent with an appeal to natural law and cosmopolitan Stoic principles, and was most evident in Kleomenes' willingness to have good foreigners as citizens and subjects, rather than bad Spartans.³⁶⁵

³⁶⁴ See T.W. Africa 1968, p. 13, for a less kind view of the "opportunistic" Stoics who involved themselves in politics; and Green (p. 219) for philosophy's propensity to "prostitute itself in the political arena."

³⁶⁵ Erskine (p. 141) sees more than mere consistency and correlation.

On the other hand, all of the above are also consistent with a Spartan king merely attempting to form an army which would raise Sparta to the level of her former glory. But the Stoics accept that the honorable alone is useful, and the Spartan's concern *as a king of Sparta* is consistent with his concern *as a Stoic* (if in fact Sphaerus' teachings stuck). Also, Kleomenes' refusal (or his failure?) to redistribute wealth in the occupied *poleis* is where political realism and restraint meet Stoic cosmopolitanism. Kleomenes arguably saw redistribution of wealth outside Sparta as not helpful to the immediate concerns of his war against the Achaean League and Macedon. If he ever even considered reforming these cities' social structures at all, such considerations would have to be checked (or at least postponed) by prudential concerns and immediate security concerns. Kleomenes' restraint might be compared positively against a modern neoconservative attitude for regime change *post bellum*: Kleomenes accepted that what worked for Sparta may not work for Argos, at least not for a Spartan king who needs stable allies with functioning governments.

5.1.2.3 Discrimination

Can Kleomenes' execution of the Ephors along with ten of their retainers be deemed 'appropriate' (*kathekon*)?³⁶⁶ Kleomenes had Agis IV's example to consider: Agis' reticence, and his noble but half-hearted implementation of reforms led to his own death, and to that of his family members, when the tide of support turned against him and

³⁶⁶ Lipsius, who wondered whether political realism and Stoic rectitude could be mixed somewhat, might be quite satisfied with Kleomenes' example had he known about it. See the discussion about "mixed prudence" in Brooke, esp. pp. 29-31; See Chapter 3 above and 5.3.

those he exiled returned in his absence to exact vengeance. The regicides represented the interests of a hyper-conservative oligarchy that impoverished Kleomenes' subjects for no ostensible reason other than to keep their status and wealth.³⁶⁷ Given that very recent history, no other strategy than that of Kleomenes' might have led both to a reform of Sparta's institutions and to his own continued survival. Perhaps Kleomenes provides us with a counterexample to Seneca's quintessential merciful ruler, the mold- or the mask-fashioned for a young Nero. But this also provides evidence for the Stoics' placement of virtue before precepts: Whereas the later Roman Stoics had to contend with an erratic, unstable young emperor who could execute anyone at will, Kleomenes' constitutional role as king was quite restricted. And, for one who harbored ambitions to invert the power of the decadent oligarchs after the example made out of the previous reformer-king, Kleomenes' position was possibly quite precarious.

The alleged murder of his coregent seems less excusable. Archidamus V was a brother to the reformer-king, Agis IV, and apparently also a supporter, since he fled into exile after Agis' arrest and murder. Kleomenes invited him back to Sparta but he was killed shortly upon his return. The sources are unclear, but Kleomenes either ordered his execution (according to the always-hostile Polybius), or knew about it and was unable to stop it (according to the moralizing Plutarch).³⁶⁸ At any rate, Kleomenes took the opportunity to fill the vacancy in the other royal house with his own brother, and thus

³⁶⁷ See Cartledge & Spawforth, p. 42: "The main reason for [Sparta's] decadence... was the persistent or rather accelerating oliganthropia, shortage of citizen military manpower. This in turn was predicated upon an even more grossly unequal distribution of landed property within the civic territory of Laconia..."; Also, see Stewart (p. 390) who notes that the agoge "seemed perfectly designed to keep people out..."

³⁶⁸ Polybius 5.37.1-5; Plutarch, *Kleomenes* 5.3

flippantly demolished another institution. In no extant source does any ancient Stoic canonize Kleomenes as a sage, and if in fact Kleomenes ordered it then it seems clear that Kleomenes' character points more toward Machiavellian *virtù* than it does to Stoic *arete*. Either way, the action (if it indeed was Kleomenes') seems perfectly in keeping with Kleomenes' character. This calls to mind the anecdote of Sphaerus and the wax pomegranate (see the footnote in 1.2), and can help us pose a series of questions³⁶⁹: Can Sphaerus' protegee, Kleomenes, be said to have assented to a reasonable impression? Was the culling of his co-regent, Archidamus, and replacing him with a pliable relative, reasonable? More technically, was it in line with Stoic *oikeiosis* (both the self-preservation aspect and the sociability aspects) and was it the most direct way, or with the highest probability of success, for enacting his reforms with minimal opposition? Was such an impression's propositional content (*lekta*) cataleptic, and did it admit of a 'reasonable defense' (*eulogon*) considering the danger Agis IV, Kleomenes' predecessor and fellow revolutionary, and Agis' closest loved ones, had faced? If in fact it was for the 'public advantage,' then would that be enough to admit of a reasonable defense? Could Kleomenes have claimed, truthfully, that these actions were appropriate in the moral sense (*kathekon*)?

The answers are, in the end, unclear. There seems something unsavory in a supposed philosopher-king killing an ally, his co-regent and brother to the man whose reforms inspired him; especially one who seems to have approved wholeheartedly of

³⁶⁹ A quick reiteration: When the king exclaimed that Sphaerus had assented to a false impression (reaching for the wax fruit), Sphaerus cunningly retorted that he did not assent to the impression that the pomegranate was real but that it 'was reasonable' that the pomegranate was real, and that a reasonable impression was different from an unreasonable one. It was to a reasonable one which Sphaerus assented.

reforms of the type Kleomenes proposed. Unless, of course, Kleomenes had reasons to believe that Archidamus was merely trying to regain an equal position (at least, equal institutionally) to Kleomenes for his own ends; not an unreasonable thought, given the political jostling of the dual, and often *dueling*, Spartan royal houses. The evidence is too thin to judge, perhaps; though surely Kleomenes had much more at stake by allowing Archidamus to live. Was such a preemptive killing (or letting the killing ‘happen’), perhaps to thwart future perfidy by the target, an assent to a cataleptic impression like that of Sphaerus’ reasonable expectation of a wax pomegranate? While one may balk at a casual comparison between picking a wax fruit and the (alleged) killing of a possible threat to political, military, economic, and social reform (let alone to the destruction of a major city, which we will discuss subsequently), the Stoics consider both of them indifferent actions, and both equally wrong if they be caused by assents to false impressions. At any rate, the alleged murder of Archidamus seems to be a more difficult case to square with Stoic just war theory than the destruction of an entire city (Megalopolis).³⁷⁰ Here, it seems easier for Kleomenes to claim that he acted appropriately, and that a sage would have acted ‘justly,’ by committing this act of picide. This subject, however, requires some extrapolation.

³⁷⁰ My impression is that Kleomenes did indeed have Archidamus murdered. This would be perfectly aligned with his bold character and quite in keeping with the Spartan royal intrigue throughout the polis’ history. Admittedly, however, this is just speculation.

5.1.2.4 Last resort and the destruction of cities

For Michael Walzer, a ‘supreme emergency’ embodies “a fear beyond the ordinary fearfulness” and the usual “opportunism” of war: In such severe danger, an agent may be required to perform “exactly those measures that the war convention bars.”³⁷¹ The most severe type of threats, “a threat of enslavement or extermination directed against a single nation,” allows “soldiers and statesmen [to] override the rights of innocent people for the sake of their own political community.”³⁷² To be clear, nowhere is Walzer cavalier about the gravity of his claim:

I am inclined to answer this question affirmatively, though not without hesitation and worry. What choice do they have? They might sacrifice themselves in order to uphold the moral law, but they cannot sacrifice their countrymen. Faced with some ultimate horror, their options exhausted, they will do what they must to save their own people.³⁷³

For Walzer, such necessity appeals to consequentialist principles rather than deontological ones: “Utilitarian calculations can force us to violate the rules of war only when we are face-to-face... with a defeat likely to bring disaster to a political community.”³⁷⁴ Still, Walzer emphasizes that such a situation “neither compels nor permits attacks on the innocent, so long as other means of fighting and winning are available.”³⁷⁵

³⁷¹ Walzer 2000, p. 251

³⁷² Walzer 2000, p. 254

³⁷³ Walzer 2000, p. 254

³⁷⁴ Walzer 2000, p. 268

³⁷⁵ Walzer 2000, p. 255

Setting aside for now Walzer's claim that utilitarian calculations *in extremis* may override deontological obligations to respect rights, a Stoic would be less confident than Walzer in the latter's ontology of the political community. Unlike Walzer's communitarianism, the Stoics' allegiance is always to two *poleis*: a smaller one that is their home country, and the larger one that is the cosmos. These allegiances, for a Stoic, will not contradict. Rather, as with Marcus Aurelius' reign (see 5.3), an action is good for one's smaller community *when it is good for the larger*. Conceivably, the Stoic may sometimes approach a similar conclusion to Walzer's by referring to the cosmopolitanism of a universal community of reason, in which all humans are obligated to play their roles, as well as fulfill obligations to their immediate 'circles.' Moreover, Cicero has already considered the supreme emergency in his comparison of wars for rivalry and wars for survival (see 3.2), which are fought with more 'bitterness.' Such a conception of *oikeiosis*, both in the self-preservation aspect and the social aspect, might reach the same destination as Walzer's conclusion about the defense of a community in a 'supreme emergency.' But the Stoic position does not require the jettisoning of deontological principle (since it perhaps has none) for other values which, in Walzer's view, are typically less important. The Stoics would wonder what it was about the death of one's indifferent parochial society that requires extirpating one's principles. Their own theory, the Stoics might argue, is not at war with itself the way hybridized ethical paradigms like Walzer's seem to be. If a Stoic ruler or soldier reaches the same unfortunate conclusion that Walzer does, he does so consistent with his just war position, rather than in the *ad hoc* manner posited by others, Walzer included.

Nevertheless, the Stoics accept that the destruction of one's community, like that of a stork's nest, is nothing bad in itself, nor when in prospect is it anything fearful in itself. In a virtue ethics approach the ruler or soldier is responsible for maintaining his rational, calm and benevolent (to his own community and to the enemy's) disposition despite the threat of annihilation. One major difference between Walzer and the Stoics here is that the 'internal' virtuous character aspired to by the Stoics is not intended to be put into an 'external justice' policy like that of Walzer's ethics. The Stoic asks, 'The person who must make the decision to kill or let die- what is his character like? What does he hold to have moral value?' It is here that Walzer's critique of political realism *in bello*, illustrated in his discussion of General William Tecumseh Sherman's destruction of Atlanta, is helpful for discussing the 'appropriateness' (*kathekonta*), and perhaps the justice, of Kleomenes destroying Megalopolis; and also for discussing the 'last resort' principle of a Stoic just war theory.

Take General Sherman's supposed justification for leveling Atlanta by stating "War is hell": For Sherman, a desolation for the sake of peace is justified by a just cause *ad bellum*.³⁷⁶ Sherman claimed he was innocent in his indiscriminate bombing of civilians and the destruction of their property because of the Confederacy's initial secession and aggression. For Walzer, Sherman's 'War is hell' proviso "sums up, with admirable brevity, a whole way of thinking about war."³⁷⁷ Under the condition of a just

³⁷⁶ Sherman's actual statement to those in Atlanta who wrote to him begging for clemency was, "War is cruelty and you cannot refine it." See Sherman's letter to James M. Calhoun, quoted in Marc Wortman, p. 330.

³⁷⁷ Walzer 2000, p. 32; loc cit.: "Sherman was claiming to be innocent of all those actions (though they were his own actions) for which he was so severely attacked: the bombardment of Atlanta, the forced evacuation of its inhabitants and the burning of the city, the march through Georgia..."

cause for war, Sherman believed he, and presumably by extension any statesman or soldier in his position, “cannot be blamed for the death and destruction he spreads around him- for war is hell.”³⁷⁸ But Walzer disagrees with Sherman, comparing “the tyranny of war” to domestic political tyranny: “Just as we can charge a tyrant with particular crimes over and above the crime of ruling without consent, so we can recognize and condemn particular criminal acts within the hell of war.”³⁷⁹ Just as some crimes supervene on the crime of tyranny itself in the domestic sphere, there are crimes, Walzer believes, that supervene on the initial crimes of an unjust war. Walzer abstracts the major points of Sherman’s actions to suit his own philosophical purposes; but a closer look at Sherman’s actions, and the general himself, may strengthen a claim about the ‘appropriateness’ of King Kleomenes’ destruction of Megalopolis to suit our own.

First, a disclaimer: General Sherman was not a Stoic philosopher, and certainly no sage. His blatant racism alone keeps him out of that category. And like those of Kleomenes before him, Sherman’s actions throughout the Civil War, for better or worse, were not out of character. Having been repeatedly frustrated by the guerrilla tactics of his enemy in the Second Seminole War, Sherman “learned to distrust anything less than the enemy’s complete capitulation”; preferring “a war of extermination” to the drawn-out uncertainty of asymmetrical warfare.³⁸⁰ During those years on campaign in the Florida

³⁷⁸ Walzer 2000, pp. 32-3

³⁷⁹ Walzer 2000, p. 33 Incidentally, Cicero (*On Duties* 1.34) would have “prefer[red]” that the Romans had not destroyed Corinth, but he believed “that they had some specific purpose in doing so, in particular in view of its advantageous situation, to prevent the location itself from being someday an incitement to war.”

³⁸⁰ Wortman, p. 39

swamps, Sherman accepted that, to defeat an unorthodox enemy, “the army would need to think, if not fight, like Indians, with unorthodox methods that sometimes breached accepted rules of war.”³⁸¹ He took such flinty determination with him to a besieged Atlanta during the Civil War, where he notoriously aimed his artillery at civilians’ homes. At first, Sherman began the bombardment by ordering sustained artillery fire only in the afternoon hours until dusk, allowing inhabitants to escape the worst of the shelling by digging and hiding in their underground shelters, or ‘gopher holes.’³⁸² As the days dragged on without a surrender, however, the general “came to view the siege as a personal affront.”³⁸³ Using heavier artillery, Sherman’s soldiers came to understand that their targets were not only the fortified military positions, but also the thousands of civilians trapped within the city.

The siege dragged on, and the upcoming presidential election needed a decisive victory to improve Lincoln’s chances of winning. Sherman began “losing his detachment and now wanted vengeance on the city.”³⁸⁴ We can lightly pass over the emotional aspects of Sherman’s war of attrition only to mention that a Stoic general would, consistent with the Stoics’ epistemology, repeatedly check their own impressions to consider whether anger (the passion that arises as a false belief that some good [i.e., vengeance] is in prospect) has now irrationally become a motivator for their orders. But,

³⁸¹ Wortman, p. 42

³⁸² Wortman pp. 284, 290

³⁸³ Wortman, p. 296

³⁸⁴ Wortman, p. 296

whatever Sherman's intentions or emotional state, a general's order might be appropriate but still be carried out *inappropriately by his troops*. Walzer's statement regarding the tyranny of war, in which one can still "recognize and condemn particular criminal acts within the hell of war," is useful for a Stoic just war theory's individuality and internality of justice in warfare.

Atlanta now fallen, Sherman's soldiers and the opportunistic inhabitants looted the city, smashing doors, shattering windows, tossing furniture into the streets, and stealing: "Throughout the Five Points, soldiers broke open stores and offices 'in their mad hunt' for tobacco and whisky."³⁸⁵ Even a just general (though no Stoic need claim Sherman was) can give a just order that is done unjustly by his troops. Assuming even that Sherman's order to destroy Atlanta was appropriate, Stoic virtue ethics holds that each individual is responsible for acting justly when fulfilling it (or if the case may be, in refusing to fulfill it). In the Stoics' internal justice perspective, a soldier under the sway of rage and greed will fulfill an appropriate order (even a just one) *inappropriately* (and thus unjustly).

Something more can be stated regarding the (in)justice of destroying a city and the violation of rights it supposedly entails: Sherman's intentions in the destruction of Atlanta after its submission, though seemingly quite cruel, might have been, for the Stoics, an appropriate act (*kathekon*). Consider Sherman's motives in relocating the Atlantans before the rest of the city's destruction. His decision to remove the population

³⁸⁵ Wortman, quoting Richards, pp. 318-9.

figured into his strategy for pursuing the campaign deeper into Georgia, and thus deep into Confederate territory. But there were other advantages, as Marc Wortman states:

He would be freed of the need to police and feed the destitute thousands... In a city off-limits to civilians, Sherman and his men would not be troubled by such heart-breaking scenes [of starving mothers and children eating carrion] ... His men could carry out their occupation of the town without the tensions and occasional terrorist activities [they] had endured in every other hostile city taken so far. There was also important symbolism to his cruelty. He wanted the harshness of his actions to broadcast a message [i.e., about his earnestness] even louder than his artillery battery's report...³⁸⁶

A Stoic philosopher might perhaps criticize Sherman's 'vengeful' emotional state during the bombardment of Atlanta. Still, a charitable Stoic approach, which considers the loss of property and habitat an indifferent thing, might appreciate that Sherman's order (even if not appropriately carried out by some of Sherman's troops) took into account not only his own strategy for victory, nor also the safety of merely his troops, but (as the passage suggests) the relative physical safety of the Atlantans themselves; after their surrender, at any rate. The Atlantans occupied a much farther circle of concern than a sage would otherwise like, Hierocles might admit, but they were in a circle being cared for nonetheless. Sherman, therefore, is Walzer's example of the cruelty committed by even those with a just cause, and Walzer's own point was merely to criticize the position that *jus in bello* depends on the justice of one's cause *ad bellum*. Still, this helps us view the destruction of a city through a virtue ethics approach like the Stoics, which considers virtue as the only moral good; and which is exemplified by appropriate actions in one's social roles and its further commitments to one's circles of concern; and selects those

³⁸⁶ Wortman, p. 326

‘according to nature’ externals; and, finally, admits of a reasonable justification. In this light, we might see that Sherman (although no Stoic) was not necessarily as cruel as Walzer’s critique of the ‘war is hell’ doctrine requires him to be; at least, not in this instance.

While any further judgment on the historical Sherman can be withheld here, the destruction of Atlanta has given us a frame with which to examine Kleomenes’ destruction of Megalopolis. This policide was “the culmination of [a] successful enterprise,” which, for a time, positioned Kleomenes’ Sparta to enjoy something approaching the position of international dominance she held before the Peloponnesian War.³⁸⁷ Yet, with the Achaeans having allied themselves to a regional superpower (Macedon), and the Spartans’ funding from another (Ptolemaic Egypt) sputtering and finally expiring, Kleomenes found himself surrounded by enemies and forced to retreat further back into Spartan territory to defend his *polis*. With this context in mind, we can turn to Plutarch and Polybius to describe Kleomenes’ desperate strategy: disintegration of the alliance against Sparta, by destroying Megalopolis, the city that was built a century earlier *with the precise purpose of balancing against Spartan power in the Peloponnese*.

Plutarch states that Kleomenes sent a general, Panteus, and two regiments to take Megalopolis in a surprise attack on the city walls. Panteus succeeded, and “slaying all

³⁸⁷ Cartledge 2003, p. 246; Polybius, 2.49: “... although Kleomenes’ ambitions and objectives were for the time being restricted to the Peloponnese, he would follow up success there with a bid for supremacy in Greece- a goal that would require him first to put an end to Macedonian rule.” Also, *ibid* 2.52: “Kleomenes’ victories had made things very difficult for the [Achaean] League, and they could do nothing to stop him from taking action against their cities. ... he anticipated very soon having the entire Peloponnese under his control...”

the defenders whom he encountered.”³⁸⁸ Kleomenes was then able to enter the city “before the Megalopolitans were aware of it.”³⁸⁹ Polybius, our other source, is a bit too quick to juxtapose the heroism of the inhabitants to the supposed savagery of the invaders. He also notes Kleomenes’ desperation due to his precarious strategic position:

[Kleomenes] stole inside the defensive wall. The next day the Megalopolitans fought with such courage that Kleomenes put his entire enterprise in jeopardy, let alone just his possession of Megalopolis. Three months earlier, in fact, that is exactly what had happened to him, when he stealthily gained entrance to the district of the city called Colaeum. On this occasion, however, the size of the force he had with him, and the fact that he had already occupied the most critical positions, eventually brought him success...³⁹⁰

Plutarch concentrates instead on the plight of the inhabitants, who managed to escape to Messene by deploying a rear guard to hold off the Spartans. Those defenders, save for a small number who were captured, were able to flee as well. The most renowned of the prisoners, Lysandridas, pleaded for their city and offered allegiance to Kleomenes against the Achaeans. Appeals to the Spartan king’s aspirations for magnanimity and glory are observable both in the prisoner’s offer and in Kleomenes’ response:

[Lysandridas states:] I advise you not to ruin so brave a city, but to fill it with faithful and steadfast friends and allies, by restoring their country to the Megalopolitans, and being the savior of so considerable a people.

[Kleomenes replies:] It is very hard to trust so far in these matters; but with us let profit always yield to glory.³⁹¹

³⁸⁸ Plutarch, *Kleomenes* 23.4, Perrin’s translation

³⁸⁹ Plutarch, *Kleomenes* 23.4, Perrin’s translation

³⁹⁰ Polybius, 2.55

³⁹¹ Plutarch, *Kleomenes* 24.2-4, Dryden’s translation; Polybius, 2.61

As Plutarch states, despite Kleomenes' "generous and humane proposals," the Megalopolitan government (now in exile at Messene) refused, preferring to remain firmly in the Achaean-Macedonian alliance.³⁹² While Kleomenes had previously taken "strict care that the city should not be plundered," he now despoiled it and relocated its treasures to Sparta, destroyed most of the city, and "marched away for fear of Antigonos and the Achaeans..."³⁹³ Polybius adds more color to the devastation: After expelling the inhabitants of Megalopolis, Kleomenes "destroyed it with such malignant savagery that it became impossible to conceive of its ever becoming inhabited again."³⁹⁴ But still, with enemies closing in, the Spartan king who won converts everywhere in the Peloponnese (except for two cities, even by Polybius' own hostile account) had given the Megalopolitans the opportunity to receive back their city intact with a caveat of alliance.³⁹⁵ From an internal justice perspective, it is difficult to see any irrational cruelty in Kleomenes' decisions here, all things considered. Moreover, just a few months earlier, his entire enterprise had nearly been ruined over a similar ordeal. Thus, with few captives left in the city after the inhabitants' escape to safety, the city was plundered and destroyed as to not leave another hostile base of operations in Kleomenes' rear as he retreated into Lakonia for a final battle against the might of Antigonos' Macedonian army and their Achaean allies.

³⁹² Plutarch, *Kleomenes* 24.5, Dryden's translation

³⁹³ Plutarch, *Kleomenes* 25, Dryden's translation

³⁹⁴ Polybius, 2.55

³⁹⁵ Polybius, 2.55

The remainder of the historical episode, including Kleomenes' defeat, exile, and eventual suicide, is interesting for a discourse in Stoic philosophy in general, but unimportant for the purposes here.³⁹⁶ Instead, we may consider the Stoic concepts of 'virtue,' 'oikeiosis,' and 'social roles' in Kleomenes' policide. How might a Stoic philosopher such as Sphaerus, Kleomenes' tutor and assistant reformer, judge his pupil? Kleomenes' reforms were perhaps quite egalitarian for the time, especially for Sparta, and Kleomenes believed that this could not be accomplished by legal means but only by usurpation and autocracy. But autocracy, for the Stoic, is just as legitimate (or illegitimate) as any other form of government, since it is the adherence to the natural law that is the true standard of justice.³⁹⁷ If what Machiavelli calls the 'public advantage' had not been the aim, then Kleomenes would have acted inappropriately. If instead, Sphaerus might argue, Kleomenes acted primarily as a rational and social animal ought, and as a cosmopolitan, by considering not the conventional social status of individuals but by accepting those further out of his 'circles' into inner ones, then Kleomenes did indeed act appropriately. This is evidenced, Sphaerus might continue, by the support received throughout the Peloponnese from underclasses weary of the oligarchical rule of those who, like Aratus, benefitted from the status quo and who feared a spreading of Kleomenes' revolution, either by Kleomenes' army or by their own subjects.³⁹⁸

³⁹⁶ See Plutarch, *Kleomenes* 39.1; See the discussion in Erskine, p. 136

³⁹⁷ Green, p. 96; T.W. Africa (1959 p. 461), on the other hand, considers Stoicism "the most conservative of the philosophic schools, partly because of its patronage by the well-to-do and partly because natural law concepts easily justified the established order."

³⁹⁸ Cf. Erskine, pp. 148-9. At the Achaean assembly at Argos, Kleomenes was not even allowed to enter the city and address the crowd for fear that he "would carry all his points by either winning over or constraining the multitude..." (Plutarch, *Kleomenes* 27.1).

The Stoic conception of *oikeiosis* is not only present in Kleomenes' social reforms before the Megalopolis affair but also in his motives for his self-preservation and for the preservation of his *polis*. Especially so when Aratus, unable to check the Spartan king and witnessing the defection of cities throughout the region, turned to his former archenemy and regional great power, Macedon, to beat the revolutionary Spartan king and to snuff out his reforms.³⁹⁹ After years of successes, Kleomenes, a Stoic might posit, considered his options: He was a man hunted by the combined might of Macedon and the regional Achaean enemy. His funds had run dry, and he could not allow a hostile and powerful city at his back. Surely, the taking of Megalopolis led to Kleomenes' soldiers butchering the dutiful defenders. But combatants, all things being equal, are targets; and Kleomenes did not pursue the vast majority, who fled with their families intact.⁴⁰⁰ On the contrary, he sent a herald and their own prominent citizens to sue for an alliance. A Stoic like Sphaerus would not argue here that Kleomenes was an excessively *pleasant* conqueror; but the Stoic just war theorist understands that wars will forever continue to feature combatant deaths, slaughtered animals, burning children, and weeping civilians, among other dispreferred indifferents. At best, someone like Kleomenes could wage such a war appropriately (*kathekon*). If, as Sherman would later say, cruelty "cannot be refined," then it can be limited to what is necessary to act 'appropriately,' for the sake of one's own humanity and *eudaimonia*.

³⁹⁹ Polybius, 2.47: "Kleomenes not only overthrew the traditional Spartan constitution, replacing lawful kingship with tyranny, but was also managing the war in a remarkably efficient manner..." For the distribution of wealth going beyond the minimum amount required for a suitable army and thus a proof of Kleomenes' Stoic idealism, see Erskine, pp. 142, 145-7. See T.W. Africa (1968, p. 11) for the motivations of the "most unconventional Spartan" i.e., Kleomenes.

⁴⁰⁰ Plutarch, *Kleomenes* 24

Sphaerus died before his younger contemporary, Polybius, wrote his own account of the Kleomenean War, but he (or perhaps Panaetius, who ran in Polybius' Scipionic social circle) might have reminded Polybius how his own hero, Aratus, is reported to have brutally destroyed cities. And, unlike Kleomenes, he did not spare the inhabitants. Mantinea, for example, after being taken by Aratus, was "racked by such appalling calamities that throughout Greece people were shocked and moved to tears..."⁴⁰¹ Sphaerus, on the other hand, could argue Kleomenes' destruction of Megalopolis, terrifying to the non-Stoic inhabitants as it may have been, was quite proportional, and the cruelty minimal. The Spartan king was required to balance these received impressions against the conceptions of what is appropriate for a statesman; one responsible not merely for himself but for his own city, and for those inhabitants whose land he is occupying. Those inhabitants' regime are enemies temporarily and by circumstance. They ought to be given every opportunity to capitulate and return to the inner circles, even when Macedonian spears are looming just beyond the horizon. Kleomenes' bargaining for an alliance before the eventual destruction of Megalopolis recalls the unity of the Stoic virtues, particularly the connection between justice and prudence. But even in defeat, Kleomenes ordered his fellow Spartans not to throw away their lives resisting the Macedonian occupiers. Instead, he chose exile rather than lose his subjects in vainglory. Or so Sphaerus might argue. Such is the cold-eyed virtue ethics of

⁴⁰¹ Here, Polybius (2.56) is actually quoting Phylarchus, who had written an earlier account of Aratus' sacking of Mantinea. Polybius disparages Phylarchus at length, however, for the melodramatic appeal to emotion in the latter's account. For example, according to Polybius (2.56.7), Phylarchus reports that "weeping and wailing" victims were "led off into captivity, along with their children and aged parents." And yet, although Polybius chastises Phylarchus for his interpretation and bias, he does not dispute the facts in the latter's pathos-laden rendition of events. See also *ibid.*, 2.61

a Stoic just war theory: one not slavish to international law or norms of warfare (which may often turn out to be more brutal still) but to one's own quest to act appropriately as a citizen of the cosmopolis as well as a citizen of whatever smaller community he happens to inhabit.

A final note on the policide of Megalopolis may shed light on the individuality of 'internal' justice in warfare, and it requires the reader to assume Kleomenes to be a Stoic sage and his order a just one. While it is not the task of a theorist to understand how a Hellenistic tyrant might have gone about destroying an ancient city, doing so might indeed help explain the position described above, that a just order can still be carried out unjustly. Like the Union soldiers in Atlanta who looted for booze and burned homes, soldiers might act unjustly even though a general might, theoretically, give a just order to commandeer supplies and torch a city. Neither Plutarch nor Polybius give details on exactly how Kleomenes destroyed the city. (Was such a scene so common it needed no explanation?) But it is likely the city's architecture, defenses, and weapons were used against it. Statues were possibly used as battering rams, and probably draft animals, slaves, ropes, and other farming equipment were commandeered to bring down columns. Rather than tire out his soldiers, one imagines Kleomenes allowing anyone with an incentive to destroy and loot the buildings to do so.⁴⁰² Such activity raises questions about the interconnectedness of internal justice and external justice: following a just general's command might be legal and even appropriate, but still unjust, particularly

⁴⁰² I am grateful for Kai Whiting's historically-inclined expertise in engineering.

when done for greed or out of spite.⁴⁰³ It is always the responsibility of a Stoic commander, if that is what Kleomenes was, to give just orders. Unfortunately, he cannot control the execution of those orders, let alone their execution reaching the high bar of Stoic internal justice.

5.2 The Stoic Opposition

The next phase of this chapter takes place between the 1st century BCE and 1st century CE as the Republic transformed into an Empire run by successive autocrats. Admittedly, this is something of an arbitrary timespan that omits several important figures important for understanding the history of Rome, as well as for understanding the progression of Stoicism's ideas and influence in the period under consideration.⁴⁰⁴ For instance, *ex ante* it leaves out the reforms of the Gracchi and their Stoic tutor, Blossius, because of the similarity (at least, the similarity as Plutarch narrates it) with the events in the lives of the Spartan kings, Agis and Kleomenes. The period ends, quite artificially, before the grisly reign of Domitian, when merely writing a biography on one of the Stoic heroes discussed here could be a death sentence.⁴⁰⁵ Still, the tumultuous years of autocratic rule in the period in question can help us examine and further develop Stoic just war themes and the principles embodied by the Stoics of the period.

⁴⁰³ Another interesting comparison with Sherman's army: Rewards were offered for the arrest of Union soldiers setting fires to homes during the initial fall, even though Sherman would order the burning of the city itself only a few days later. See Wortman, p. 335

⁴⁰⁴ For Stoics becoming "troubled by the bad side of Roman imperialism," see Shaw, pp. 39-40; For the Stoic Opposition to Nero particularly, see Barrett, Fantham, & Yardley's eighth chapter.

⁴⁰⁵ As it was for Arulenus Rusticus: See Tacitus, *Agricola* 2

To set the scene, the sociopolitical situation of this time “created a kind of void for Rome’s leading class,” in which the senate was still required to go through the motions of the decision making processes “despite having no real political power.”⁴⁰⁶ Most senators chose something of a mixture or a middle path “between collaboration and dissidence,” but there were several Stoicism-inspired senators who opposed the emperors and have since come to be known as the ‘Stoic Opposition.’⁴⁰⁷ This term, however, may be something of a misnomer since not all the Stoics of the era opposed Julius Caesar and the successor emperors. Nor were all those who did so Stoics. For example, Tacitus tells us that one of the most admirable examples of resistance to Nero, even under the severest of torture, was neither an aristocrat nor a Stoic but a freedwoman, Epicharis. Her boldness and fortitude was exemplary despite presumably being deprived of a rich education in philosophy.⁴⁰⁸ Moreover, as we have seen with the example of Seneca, philosophers in the aristocratic classes were not opposed to autocratic rule *per se*.⁴⁰⁹ Rather, there have been Stoics who supported it (e.g. Seneca) and those who died opposing it (e.g. Cato).⁴¹⁰ No matter how despicable, no government can make any

⁴⁰⁶ Reydams-Schils, p. 84

⁴⁰⁷ Beard, p. 428; For the turn to Greek philosophical schools such as Stoicism for a guide in times of uncertainty, see Morford, especially p. 4; Also see Shaw, p. 17, for Roman Stoicism’s lack of an “absolute orthodoxy.”

⁴⁰⁸ *Annales* 15.51; Cf. Barrett, Fantham, & Yardley, pp. 199-200

⁴⁰⁹ Brooke, p. 63

⁴¹⁰ Seneca, though he was Nero’s tutor and helped administer the Empire in Nero’s youth, eventually withdrew from public life. After an accusation of being on the fringes of the Pisonian conspiracy, he was ordered to commit suicide by his former pupil. See *Annales* 15.60-2; For an analysis of the precarious situation Seneca was in, and his attempt to keep “things from getting worse than they were,” see Turpin, pp. 390-1: “Whatever the attractions of moral absolutes, Seneca was not in a position to wash his hands of

person, Stoics included, just or unjust, *eudaimon* or miserable. Given the Stoics' classification of all regime types as indifferent, a government's value can only be that of preferred or dispreferred.

However, the Caesars were often not indifferent toward the Stoic philosophers. The Stoics' alleged boldness and their refusal to be cowed from voicing their disapproval for the emperors' vicious behavior were often explicit reasons for their executions. Certainly, Stoicism and its ideals of autonomy and adherence to virtue were not necessary for opposition, or rebellion to regimes or unjust laws; nor for acts of resilience in the face of torture and death. Despite this, 'being a Stoic' became a capital charge that opportunistic informants and prosecutors (*delatores*) often brought against those whom they accused of sedition. In this sense, Stoicism "was not so much proactively anti-imperial as forced into a defensive position by the Roman censorship mechanism."⁴¹¹ Among the reasons for their precarious situation was that the Stoics' supposed adherence to a strict ethical code made emperors such as Nero feel inadequate and suspicious, since they often voiced their negative opinions on the emperors' vicious lifestyles and actions.⁴¹²

the regime; his duty, as a Stoic, was to do as much for his fellow citizens as was consistent with his own sense of integrity."

⁴¹¹ Wilson, p. 149; According to Hammer (2014 p. 334), the Rome of the emperors had become a "political landscape where public categories of true and false, right and wrong, just and unjust, protected and unprotected, legal and illegal, and honorable and dishonorable have no reality apart from the emperors will, making it impossible for individuals to know, understand, make inferences about, or predict the boundaries of political conduct." I think there is a connection here between the Stoic position on tyranny and the Stoics' conception of proportionality and rational limitation, exemplified by the discussion on the needs of the human foot mentioned above. Recall that the needs of a foot is limited; once that limit is exceeded there is no logical place to where satisfaction occurs. A Stoic might find that tyranny, that is, unchecked and unjust monarchy, provides no logical limits on the tyrant's desires for power and wealth.

⁴¹² Vogel-Weidemann (p. 102) notes that "...opposition to the principate was confined almost

The examples of such opposition most relevant for this project, of course, are those that involve warfare, or at least armed group violence. One such example is that of Rubellius Plautus (33 CE – 62 CE), who surrendered to an armed force sent by Nero seeking his execution, rather than marshal an Asian army (where he was in exile) to fight in his defense. More important still is the resistance of Marcus Porcius Cato the Younger (95 BCE – 46 BCE), who (on behalf of an enemy population, no less) objected in the senate to Caesar’s war crimes, even stating outright that the latter ought be delivered to the victims for punishment. Also relevant here is Cato’s adherence to both cosmopolitan and Roman laws during the civil war of 49–45 BCE, when he halted plans to massacre a rebellious population; as well as his refusal, in defeat, to recognize an illegitimate ruler (Caesar), choosing suicide rather than the enemy’s clemency.⁴¹³ Later Stoic examples of opposition until death, like those of Barea Soranus, Thrasea Paetus, and Helvidius Priscus, were not performed *in bello* but will still be referenced for discussing Stoic themes for just war.⁴¹⁴

It needs to be stated that these exemplars are not beyond criticism, despite Tacitus’ description of the characters of Thrasea and Soranus as being “virtue itself”

exclusively to the senatorial class [but] was not homogeneous in its motives or its aims. The abolition of the principate or the curtailment of its powers may still have been points at issue during the early stages of the *'novus status'* or new order. In later decades, however, the conflict tended to center increasingly on the claims of individuals or groups of individuals to determine who should be princeps...”

⁴¹³ For the Stoics, if the probable consequences of resistance are favorable and there is also a reasonable justification, then resistance, even resistance by suicide, is appropriate. However, this might also depend on the circumstances and one’s character, as Cato demonstrated. Suicide itself is, for the Stoics, an action that was generally dispreferred except in extraordinary circumstances; or for the public advantage; or when being compelled (e.g. by a tyrant) to say or do something unreasonable; or when living an appropriate life with those according to nature things has become impossible. See Diogenes Laertius 7.130 = LS66H

⁴¹⁴ Cf. Allen, p. 205: “The idea of withdrawal from public affairs was... Roman rather than strictly Epicurean or Stoic, although the Stoics were apt to be more spectacular in their demise.”

(*virtutem ipsam*).⁴¹⁵ Yet, we can compare their particular actions against the Stoic principles theorized throughout this project. Like Clausewitz's ideal general who is answerable only to his own conscience, Stoic justice takes place in the actions of the individual statesman or combatant, regardless of (and sometimes in opposition to) rules, laws, and norms. The Stoicism-influenced Romans we discuss here can be seen as examples of when and how, under Stoic just war principles, an agent might stand against one's own society's posited laws and against tyranny, even as in the example of Cato, on behalf of an enemy population. Their experiences might also shed light on the conditions for resisting an aggressor; and for what reasons to personally abandon, or exit, a campaign or rebellion. The last point is important because some of these Romans, perhaps better even than many of the Stoics mentioned so far, provide poignant examples of how freedom and autonomy, via suicide, are always in one's grasp. No one can be coerced into an unjust war or a war crime when one's freedom lies, as the Stoics claim, a few slashed veins away.⁴¹⁶ While neither burying these Romans nor unconditionally praising them, we can begin by reviewing a few of the less-explicitly military examples of Stoic resistance, and then analyze (out of chronological order) a few pertinent actions of Cato the Younger under the framework of a Stoic just war theory.

⁴¹⁵ *Annales* 16.21; See Brooke, p. 67: "All three of these allegations- sedition, glory seeking, and hypocrisy- were regularly to appear on the charge sheet drawn up against the Stoics down the ages that followed."

⁴¹⁶ Cf. Seneca, *On Providence* 6.6-9

5.2.1. Rubellius

For the time period in question, it is Nero's rule (from 54 CE to 68 CE) which would most exhibit the murders, exiles, and suicides of Stoics and those philosophically inclined to Stoicism, including Rubellius Plautus (a distant cousin and potential rival to Nero). Rubellius, already in exile, received word of a contingent of soldiers en route to execute him. His companions differed on how he should respond. Some advised him to resist with force by raising an army from the locals to fight Nero's Imperial force. If the resistance were to prove successful, Nero would need time to send another, and in the meantime fortune could turn. Perhaps, the suggestion went, even an insurrection might develop given the esteem Rubellius' name held among the Roman people: "In short," one companion advised Rubellius, "either you save yourself by this action, or at least a bold end is as good as a timid one."⁴¹⁷ Tacitus describes Rubellius' deliberations:

Either he felt helpless- an unarmed exile- or the suspense wearied him. Or perhaps he believed that his wife and children, whom he loved, would be more leniently treated if the emperor were not upset by an alarm. ... Or his philosophical friends, the Greek Coeranus and the Etruscan Gaius Musonius Rufus, may have recommended an imperturbable expectation of death rather than a hazardous and anxious life.⁴¹⁸

Rubellius chose to meet his death calmly and without a struggle. Although of course none of these reasons are exclusively Stoic, Stoicism here provides a theoretical framework, as well as advice, for (internal) *jus ad bellum*, or even *ex bello*, situations: In realizing his precarious and weak position, Rubellius understood, or at least it is reasonable for him to have thought, that the situation was hopeless. And although

⁴¹⁷ *Annales* 14.59

⁴¹⁸ *Annales* 14.58-9; Cf. Wilkinson, p. 62

Tacitus does not continue this line of reasoning, a Stoic like Rubellius could also ask, ‘Is persuading, or even compelling, a hastily assembled force to fight and probably die in a nearly hopeless situation against an autocrat who has all of the might of the Roman military at his disposal, merely to rescue *me*, worth the bother?’ Rubellius might reasonably and Stoically answer in the negative. Here lies the Stoics’ qualification to the self-preservation instinct: Although generally appropriate (*oikeion*), such natural instincts must be used to preserve the agent’s *rational* self, not merely the “paltry body” (*to somation*).⁴¹⁹ Self-preservation, morally speaking, must be rational; in the circumstances of warfare, it must also be proportional.

The second point, the one concerning Rubellius’ family, fits the Stoic commitment to one’s innermost circles. Of course, however noble, obligations to one’s survivors and self-sacrifice is not specific to Stoicism. It suffices here to state that deliberation free of the passions of distress and fear in order to make appropriate and reasoned judgement is *championed* by Stoicism, if not *exclusive* to it. Tacitus’ last sentence in the passage quoted above reinforces this notion: a calmness in the expectation of death is certainly consistent with Stoicism, and there exist many passages from Stoic literature in which Stoics viewed their lives as if they were already dead; as if they were “a little soul bearing up a corpse” (*psucharion ei bastazon nekron*).⁴²⁰ Rubellius’ other companions, notably the Stoic Musonius, implicitly appeals to the Stoic sage’s ideal attitude of passionless *apatheia*, suggesting that (at least for Rubellius) living as a

⁴¹⁹ Epictetus, *Discourses* 1.1.23, Oldfather’s translation

⁴²⁰ Marcus Aurelius (4.41), quoting Epictetus, Haines’ translation

fugitive would be less preferable than a dignified, equanimous death.⁴²¹ One natural instinct for self-preservation need always obey reason, the Stoics' *jus ex bello* could posit. Weighing the options, Rubellius chose death and awaited the guards and his execution peacefully. But he would not be the last of Musonius' students and companions who fell under Nero, and Musonius himself would end up being exiled twice.⁴²²

5.2.2 Thrasea

Later, Nero had Thrasea and Soranus, two intimates of Musonius, put on trial and executed; the latter along with his daughter. In the past, the mild-tempered senator and Stoic, Thrasea, had often let the slavish adulation expressed toward Nero by others in the senate "pass by in silence or with curt approval."⁴²³ And, like other Stoics, he was not opposed to the principate as such.⁴²⁴ Some, like Seneca, Persaeus, and, as we have seen,

⁴²¹ See Stobaeus (3.7.24), Cynthia King's translation, for Musonius' view on the utility of suicide: "It is not proper for one to die who is helpful to many while he is alive, unless by dying he is helpful to more."

⁴²² See Wilkinson, p. 64, for Nero's necessity of a compliant Senate for his legitimacy and that Stoic senators' moral behavior suggested the immorality of Nero's own lifestyle; also Reydam-Schils, p. 103, for a comparison of Seneca's and Musonius' exiles. Upon Musonius' return from exile, he successfully prosecuted another professed Stoic, P. Egnatius Celer, a delator who had accused Soranus. This is noteworthy because elsewhere (Stobaeus 3.19.16) Musonius states that a Stoic would not bring charges against another since no harm can come to oneself by another. In bringing charges on behalf of a decent man like the deceased Soranus against a treacherous *delator* like Egnatius, Musonius shows a Stoic would bring charges against someone for the public good (or perhaps for a just retribution?). This provides a guideline, I think, for Stoic *jus post bellum*, where reprisals would be sought only if they are in the common interest. For the network of relations between the "Stoic martyrs" and Musonius Rufus, see Dillon, pp. 56-7.

⁴²³ Strunk, p. 121; Annales 14.12.1

⁴²⁴ Toynbee, p. 49

Sphaerus, collaborated with princes.⁴²⁵ But when Thrasea could no longer tolerate Nero's excesses he chose a manner of passive, though conspicuous, resistance. He refused to applaud Nero's stage performances. He refused to take the annual votes of loyalty to the emperor. Most worrying to the imperial power, he walked out of the senate during a vote to praise Nero for assassinating his own mother, Agrippina the Younger.⁴²⁶ Such a withdrawal from political life was tantamount to denigrating the princeps as a tyrant, and was seen as treasonous.⁴²⁷ It is likely that Thrasea's protest was not aimed solely at Nero, but also toward the senate, whose obsequiousness he found intolerable.⁴²⁸ In the end, such effrontery accomplished little. As Tacitus states, by walking out during this institutional acceptance of Nero's outrageous behavior, Thrasea put himself in danger "without bringing general freedom any nearer."⁴²⁹ Nero had had enough of Thrasea as well, and made it clear that he was no longer welcome in the senate house. With his days numbered, Thrasea withdrew from public life.

From a Stoic perspective, Thrasea's intolerance at the crimes of an autocrat regardless of his own survival showed him to be one of Stoicism's 'extraordinary individuals' who refuse to "succumb to the disorientation caused by the altered world of

⁴²⁵ Krill, p. 211. See also Turpin (p. 37), and his assessment of Tacitus' view on collaboration with emperors: "Moral decisions are complicated, and Tacitus is clear that in some circumstances collaboration with the regime could be just as virtuous as martyrdom; that was his point in the *Agricola*, and he remains fascinated by honorable and effective collaborators."

⁴²⁶ *Annales* 14.12; See also Rogers (p. 286) for a discussion on the list of charges brought against Thrasea.

⁴²⁷ Wilson, p. 146

⁴²⁸ Strunk, p. 108

⁴²⁹ *Annales* 14.12; for Thrasea's "public strategy of noncompliance," see Wilson, especially p. 144.

despotism.”⁴³⁰ His passive resistance to the emperor's use of authority demonstrated a complete indifference to the precariousness of his own circumstances.⁴³¹ This helps further development of a Stoic *jus ex bello*: While a ruler or soldier should participate in politics when there is a reasonable chance of moral progress, he may retire when the political regime cannot be improved. Consistent with this, Thrasea retired from public life even though he had before been “an indefatigable and invariable participant in the senate’s discussions- taking sides on even the most trivial proposal.”⁴³² He continued to provide such an example when capital charges eventually materialized; accelerated, of course, by the delatores’ diatribes. Similar in some respects to Rubellius’ situation, a debate transpired among Thrasea’s friends whether he should attempt to defend himself in the senate or spare the senate the disgrace of condemning him.⁴³³ One, a tribune, offered to use his veto power to spare him, but Thrasea dissuaded him: He understood that the friendly gesture would be “fatal to its author, and not even any help to the accused.”⁴³⁴ Rather, as Tacitus states, Thrasea provided an example of Stoicism *in*

⁴³⁰ Hammer 2014, p. 354; For Thrasea’s demeanor being indicative of the political values of republicanism deemed dangerous to Nero, and even giving a measure of freedom and confidence to the other senators “to judge and act,” see Wilkinson, pp. 36, 39, 65. For a discussion on Tacitus’ ambivalence toward Stoics in general and Thrasea in particular, see Brooke, pp. 64-5; Cf. also Beard, p. 422

⁴³¹ Martin, p. 176

⁴³² Annales 16.22; Cf. George, p. 244

⁴³³ See Turpin (p. 386) for Thrasea’s dilemma; and (ibid, pp. 386-8) for a discussion on Stoics receiving advice from friends on one’s appropriate actions.

⁴³⁴ Annales 16.26.2-5; Strunk, p. 119

extremis, bidding those who were present to watch his death, to strengthen their spirits with his own firm example (*quibus firmare animum expediat constantibus*).⁴³⁵

As Harry Gould explains, for Tacitus the Stoic suicides (or executions that might as well be suicides) were “ostentatious and often pointless symbolic acts of resistance” leading to “equally pointless deaths.”⁴³⁶ For a project on Stoic ethical theory, however, there are a few different threads here to tease out: the inferiority of the Opposition’s motives; and the ‘moral luck’ which was a factor in that “pointless[ness].” First, as Gould points out, Tacitus saw the Stoics’ behavior as “self-serving”; and he “mostly presented their actual motivations to be a decidedly unstoic concern with the appearance of their death, and hence mere vanity.”⁴³⁷ This is interesting because it calls to mind the Stoic position that none but sages have the right intentions, and thus *only they* can perform right actions (*katorthomata*). While non-sages, i.e. insane fools, may have true, cataleptic impressions and sometimes respond (i.e. assent) appropriately, right intention can only come from someone with a disposition of character which consistently and unerringly follows the dictates of nature, taking only virtue to be good and its opposite, vice, alone to be bad. The Stoics might agree that Thrasea, though an excellent example of a Stoic extraordinary individual, was still not a sage and, because of this, his behavior

⁴³⁵ Annales 16.35.1; Strunk, p. 121, states that “Tacitus is also directing [Thrasea’s words] to a second audience, his readers, who are to take inspiration from the example of Thrasea.” See Turpin, pp. 360-1, for the tantalizing view that Tacitus was, in showcasing Thrasea’s noble death, also using the *exempla virtutis* method of Stoic education. Ibid, p. 372: “In the case of *exempla virtutis*... the Stoics valued quantity. They realized, too, that people did not need to be perfect, or even generally admirable, to provide exempla that would be useful to others.”

⁴³⁶ Gould, *Prudence: Moral Virtue as Political Practice*, forthcoming

⁴³⁷ Gould, *Prudence: Moral Virtue as Political Practice*, forthcoming

at his death was vicious, foolish, and morally wrong. Despite this, it was indeed appropriate (*kathekon*) and to be imitated by others in similar circumstances, if reason necessitates it.

There is an illuminating anecdote about Thrasea in the *Discourses* of Epictetus, as both the aristocrat (Thrasea) and the slave (Epictetus) were students of Musonius Rufus. Epictetus, lecturing to his own students about the indifference of external circumstances to living according to nature and to the dictates of reason, describes an occasion that both Thrasea weighed before his teacher the values of two dispreferred indifferents: death and exile. As Epictetus recalls it, Thrasea once said:

“I would rather be killed today than banished tomorrow.” What then, did [Musonius] Rufus say to him? “If you choose death as the heavier of two misfortunes, what folly of choice! But if as the lighter, who has given you the choice? Are you not willing to practice contentment with what has been given you?”⁴³⁸

Here, Epictetus notes Thrasea’s reticence at being exiled, and Musonius’ rebuke that true wisdom dictates complete indifference to one’s fate since neither exile nor death is morally bad, nor is one punishment morally worse than the other. Years after Epictetus’ antidote, Thrasea had presumably still not become a sage by the time of his execution (i.e., his compelled suicide). Thus, a Stoic might say he died *appropriately*, conducting his *kathekonta* as a senator and a Stoic. But he also died *wrongly* (again, *sub conditione* Thrasea was no sage) by preferring a different punishment to the one received, rather than joyously accepting whatever nature, personified as Zeus, had distributed to

⁴³⁸ *Discourses* 1.1.26-7, Oldfather’s translation; True to form, Musonius seems a bit harsh here: A Stoic can still prefer one indifferent punishment to another, and indeed Stoics must appropriately select between indifferents if they are to progress to sagehood at all. But Musonius seems to be pointing out that a Stoic must cheerfully accept anything which is out of his control to prevent, since it is his allotted destiny.

him. In the exacting and severe virtue ethics of the Stoics, even someone Tacitus considers “virtue personified” did not make unerringly consistent judgments about impressions (though perhaps only a Stoic as severe as Musonius Rufus could unhyprocritically fault him for that). None, Stoics like Thrasea included, have consistently made appropriate judgments about impressions *every time they have received impressions about anything*. So, the Stoics could argue that, given the moral status of the Stoic Opposition, *of course* their deaths were imprudent, immoderate, unjust, and cowardly, as they were not ‘right actions’ (*katorthomata*). And yet, those deaths, no matter how foolish and mad, might still be appropriate ones (*kathekonta*) given their Stoic refusal to accept an unjust order (e.g., excusing, even applauding, Agrippina’s murder) and the social roles under which they must act for the public advantage and for their own moral well-being. Such a role, at least for extraordinary individuals like Thrasea, commands an example of staunch resistance in the face of tyranny; if not for their colleagues and contemporaries, then at least for posterity. In fact, despite Tacitus’s statement about the futility of their deaths, Tacitus himself has cemented Thrasea’s example for subsequent readers throughout the centuries.⁴³⁹

5.2.2.1 Stoicism and Moral Luck

There is another Stoic theme to examine here, however. Despite his obvious respect for Thrasea, Tacitus seems to view his death from the unstoic position that consequences (something *post hoc* and external) can make an action morally praise- or

⁴³⁹ See Strunk, 131; and Turpin, p. 378

blameworthy. Gould sets the problem concisely (though for other purposes): “Thræsea’s withdrawal... might have been unproblematically laudable *if* it had led others to oppose the motion of thanksgiving, but as it was, it only served to bring hostile attention to him.”⁴⁴⁰ If Tacitus’ criticism of Thræsea is warranted, it is only by holding Thræsea to Tacitus’ own standards and not, as this project on Stoic just war theory does, to the standards of Stoic philosophy. The Stoics’ virtue theory posits that one’s actions cannot be made good or bad by factors outside of one’s control, let alone factors that happen after the event (Where might one even draw the temporal line about what is relevant on such a consequentialist view, anyway?).⁴⁴¹ There seem to be (at least) two types of ‘moral luck’ relevant to this discussion. The first is what Bernard Williams, who seems to have had the Stoics in mind in his analysis of the subject, calls “constitutive luck,” which notes the “bitter truth” that much of what leads to someone becoming *eudaimon* (for example, a philosophical education) is in fact outside of one’s control: “[F]or the many and the vulgar” who will never achieve sagehood, such *eudaimonia* is “not... an available course.”⁴⁴² Thomas Nagel adds to this by examining the *epistemological* aspect of moral luck: It is because of “biological luck,” rather than because of knowledge, that any of our beliefs are true. For Nagel, our conclusions “result, in part, from influences which we do not control directly.”⁴⁴³ For now, it suffices to reiterate the Stoic

⁴⁴⁰ Gould, *Prudence: Moral Virtue as Political Practice*, forthcoming (emphasis in original)

⁴⁴¹ Cf. Aristotle’s (*Nicomachean Ethics* 1.11) view regarding whether descendants’ misfortunes affect departed ancestors’ *eudaimonia*.

⁴⁴² Williams, p. 20

⁴⁴³ Nagel, p. 27

importance placed on education. The Stoics emphasized the importance of a philosophical education in the three *topoi* (see 4.1-3) precisely because moral corruption begins very early in a person's life, due to the false impressions of pleasure and pain as good and bad things (respectively), and due to the corrupting influence of others.⁴⁴⁴

More to the point of this project, however, we can limit the discussion on moral luck more narrowly to the problem of individuals' actions being praise- or blameworthy despite their actions' dependency on factors beyond any one individual's control.⁴⁴⁵ For the Stoics generally, these aspects of moral luck can be relegated to different roles which provide guidelines to acting appropriately: for example, the particular circumstances of one's life, include one's social status (i.e., the Ciceronian 'third role'); and a Stoic like Epictetus would add to this the location of one's birth.⁴⁴⁶ So, the Stoics already factor into their virtue ethics those aspects of an individual's life which are beyond their control, but only as moral 'indifferents' (*adiaphora*) which have only preferred or dispreferred value.

To make the Stoics' conception of what we now label 'moral luck' more precise, we may review a few examples from the literature of this topic. Nagel's account of moral luck is exemplified most clearly perhaps by his thought experiment of a negligent truck driver whose failure to have recently checked his brakes becomes a factor in manslaughter when his truck is unable to stop in time to avoid a child. Of course,

⁴⁴⁴ See the compendium in LS65, especially "the movement of soul which is irrational and contrary to nature" in Stobaeus 2.88, 8-90, 6 = LS65A.

⁴⁴⁵ Nagel, p. 25

⁴⁴⁶ Cicero, *On Duties* 1.107-15; Epictetus, *Discourses* 1.9.1-9

whether or not a situation arises which require him to break suddenly (and contingently, whether or not a child is run over) is outside of his control.⁴⁴⁷ The point holds also if instead of hitting a child the uncontrollable truck hits a tree. “Yet,” states Nagel, “the negligence is the same in both cases, and the driver has no control over whether a child will run into his path.”⁴⁴⁸ But, hitting a child is typically seen as more morally blameworthy than hitting a tree.

Consider another example which emphasizes the fact that so much of one’s agency is based on the arbitrariness of one’s location. Nagel discusses the problematic side of such (mis)fortune:

Someone who was an officer in a concentration camp might have led a harmless and quiet life if the Nazis had never come to power in Germany. And someone who led a quiet and harmless life in Argentina might have become an officer in a concentration camp if he had not left Germany for business reasons in 1930.⁴⁴⁹

Nagel’s example therefore intends to show that, “We judge people for what they actually do or fail to do, not just for what they would have done if the circumstances had been different.”⁴⁵⁰

Considering the negligent truck driver example, the Stoics, with their usual severity, would state that the action is equally an error, *with no degrees of erring*, whether a child is run over or not. The situation outside of the driver’s control (whether there is a

⁴⁴⁷ Nagel, p. 29

⁴⁴⁸ Nagel, p. 29

⁴⁴⁹ Nagel, p. 26

⁴⁵⁰ Nagel, p. 34

tree, or a child, or a fully-occupied school bus in front of the runaway truck) makes the circumstances only more or less preferred or dispreferred but does not add or subtract to the morality of the action. If the driver acted inappropriately (in this case, negligently), then all of these are equally bad. Consistent with this, when considering the second example of the immigrant/concentration camp officer, the Stoics might respond to Nagel by stating that the typical method of appraising human action is misguided, as all moral errors deserve equal blame. This is due to the Stoics' epistemological position of right and wrong has to do only with proper judgments regarding impressions.⁴⁵¹ Either an agent assents correctly or he does not. Hence, what seems like "a quiet and harmless life" in Argentina, if lived viciously, is morally equivalent to viciously serving as an officer in a concentration camp. Since vice alone is bad, the quiet German-Argentine is just as insane, wretched, and morally bad as the cruel Nazi guard, due to the state of ignorance about what is truly good and bad. To state that one life is worse than the other (in terms of moral blame) is to state that external situations can *make*, or at least, *help make*, someone good or bad, a position which the Stoics cannot accept. What the agent is responsible for is not the situation in which he is placed (to the extent that this placement is due to circumstances outside his control) but what judgments about them he makes.⁴⁵²

The Stoic position regarding the German immigrant/camp guard may seem *prima facie* difficult to square with our own moral intuitions, given the vastly different consequences between the two situations. The Stoics would point out that it is the

⁴⁵¹ Nagel, p. 34

⁴⁵² This, however, is not to state that all deserve equal punishment: See 5.3.3.

unnatural state of human axiology, and the mistaken appraisals for moral behavior, that make the thought experiment difficult to us. The Stoics' axiology and their stark differentiation of what does, and what does not, lie in one's control attempts to disable the criticism of those who think that externals can make someone better or worse, morally speaking. Perhaps in some respects their arguments cannot do so completely, as pointed out by Williams and by the Stoics themselves before him, since education is a major factor in one's moral life. A lack of education can indeed keep someone miserable and can keep them committing immoral actions, bound as they are to their vices and passions by their insanity and ignorance. As Epictetus' statement, "Only the educated are free," may suggest, whether or not one finds oneself a good teacher is certainly one important aspect of moral luck.⁴⁵³ But the Stoic view has certain advantages, especially concerning reconciliation in *jus post bellum* situations. A Stoic judge in a *post bellum* tribunal will understand that much of one's actions are contextual, circumstantial, and often constrained. Further work on the Stoics' response to moral luck in matters of war can perhaps determine whether rehabilitative, rather than retributive, punishment is appropriate for war criminals; at least when doing so is reasonable and in the public advantage.

Now we can project the Stoics' response to 'moral luck' onto Thrasea's own quiet protest against Nero. For this, consider one more of Nagel's examples:

Someone who launches a violent revolution against an authoritarian regime knows that if he fails he will be responsible for much suffering that is in vain, but if he succeeds he will be justified by the outcome.⁴⁵⁴

⁴⁵³ *Discourses* 2.1.23

⁴⁵⁴ Nagel, p. 31

For the Stoics, future events can neither vindicate nor condemn an agent; only his judgments can. All an individual ought to be morally praised for or blamed for is the state of his character and the assent to the impression at hand: his judgment of whether or not such a course of action selects the appropriate external things and admits of a reasonable justification.

Thrasea is equally (morally) responsible whether or not his attempt to get his colleagues to revolt against the emperor (or at least to stand up to him during some of his greatest outrages) ‘fails,’ and therefore causes “much suffering that is in vain” (in this case, for Thrasea’s family); or whether he ‘succeeds’ in the external sense e.g., if the other senators join his revolt.⁴⁵⁵ Unlike Nagel’s revolutionary, Thrasea cannot be (morally) “justified by the outcome” but only by the assent to the impression (though of course the possible consequences are to be carefully considered when assenting). Thus, Gould’s summary of Tacitus’ conclusion, “It is plain that Thrasea did not accomplish very much directly in his resistance,” and, “He did not restore the power and dignity of the Senate; it is clear that this was never possible...,” is correct, in terms of the facticity of what other senators did (or failed to do) when faced with Thrasea’s example.⁴⁵⁶ On the other hand, Thrasea acted appropriately (the Stoic defense might go) whether or not the consequences of him doing so were fortunate and preferred, or unfortunate and dispreferred. He acted appropriately since, like the Stoics’ sage, Thrasea took part in

⁴⁵⁵ This can be developed much further by the Stoics’ psychology of action and its relation to the ‘hormetic’ proposition. See Inwood 1987, Chapter 3.

⁴⁵⁶ Gould, *Prudence: Moral Virtue as Political Practice*, forthcoming

politics while he thought his actions contributed to moral progress, and retired from politics when he had reasons to believe it was impossible to make any meaningful contribution.⁴⁵⁷ Not only, the Stoics might add, did Thrasea act in accordance with this Stoic principle, but also according to the idiosyncratic role of the “extraordinary individual.” Certainly, the Stoics would agree with Tacitus that Thrasea “failed to provide liberty for others.”⁴⁵⁸ In one sense this is necessarily so, since autonomy can only be brought about for oneself and by one’s own effort. Only when an agent becomes educated in Physics, Ethics, and Logic can he act freely and virtuously. Not one senator’s courage would make Thrasea’s action any more praiseworthy; nor did their collective cowardice make it more blameworthy.

5.2.3 Helvidius

A subsequent emperor, Vespasian, reluctantly executed Thrasea’s son-in-law and fellow Stoic, Helvidius Priscus. This was something not altogether surprising, considering Helvidius’ irreconcilability to Vespasian’s rule, once having “heckled him almost to tears.”⁴⁵⁹ If Seneca had once conceded that Stoics tended to stand out more for

⁴⁵⁷Diogenes Laertius 7.121 = IG, p 122; Harry Gould reminds me that attendance and participation was Thrasea’s obligation under the law and under the *mos maiorum* which Thrasea was trying to defend. Was it therefore reasonable, in a Stoic perspective, for Thrasea to withdraw and abandon his senatorial duties? Perhaps the answer lies in the ‘extraordinary individual’ clause that Epictetus mentions is suitable for some, but not all, agents (discussed in 4.4). This brings up interesting questions regarding Stoic views on passive disobedience when institutions and laws are incompatible with natural law. See the discussion on insurgency and counterinsurgency in 6.4.1.

⁴⁵⁸ Tacitus, *Annales* 14.12

⁴⁵⁹ Beard, p. 427; Wilkinson, p. 70; See Epictetus (*Discourses* 1.1.27), who specifically refers to Helvidius as a Stoic.

their caution than their boldness, it is because he did not live to see Helvidius' relentless vitriol directed at the emperor.⁴⁶⁰ Compared to Thræsea, it is more difficult to feel much sympathy for Helvidius, since he seems to have done everything possible to court his own death; and against a relatively mild emperor, at that. Though at first he seems to have approved of Vespasian's rule, and even delivered a congenial speech complimenting him in the senate, he eventually made himself as antagonistic and irreconcilable as possible.⁴⁶¹ According to Suetonius, Helvidius refused even to call the emperor by his title, referring to him in public as simply "Vespasian"; and while acting as a praetor, "left the emperor unhonoured and unmentioned in all his edicts."⁴⁶²

In some respects, it is difficult to see how Vespasian deserved all this. Of all the autocrats the Stoics opposed, Vespasian comes across as the least deserving of Helvidius' enmity. According to Suetonius, the generally good-natured Vespasian

did not show anger until by the extravagance of his railing Helvidius had all but degraded him. But even in his case, though he did banish him and later ordered his death, he was most anxious for any means of saving him, and sent messengers to recall those who were to slay him; and he would have saved him, but for a false report that Helvidius had already been done to death. Certainly he never took pleasure in the death of anyone, but even wept and sighed over those who suffered merited punishment.⁴⁶³

Epictetus, on the other hand, praised Helvidius for his Stoic adherence to his principles in the face of the unchecked power of the emperor. There is an anecdote in his

⁴⁶⁰ Seneca, *Epistles* 22.7; Reydams-Schils, p. 103

⁴⁶¹ Toynbee, p. 52

⁴⁶² Suetonius, *Life of Vespasian* 15, J.C. Rolfe's translation

⁴⁶³ Suetonius, *Life of Vespasian* 15, Rolfe's translation

Discourses which describes Vespasian begging Helvidius to keep away from the senate body, or at least to keep quiet, so that the emperor could avoid having to take action against him. Naturally, Helvidius refused. Threatened with execution, Epictetus has his idealized Helvidius respond:

“When did I ever tell you that I was immortal? You will do your part and I mine. It is yours to put me to death, mine to die without a tremor; yours to banish, mine to mine to leave without sorrow.”⁴⁶⁴

Epictetus here represents Helvidius as the quintessential ‘extraordinary individual’ who can perform actions which are not required of others, even at the cost of his own life: “the purple thread in the robe,” as Epictetus calls it. Though a single man, Helvidius did for the other senators what the purple hem in the garment does for their *togae*: to be beautiful in itself while also setting “a goodly example to the rest.”⁴⁶⁵

Though he seems to have staunchly supported the Stoic ideals of autonomy, exemplified best by his frankness of speech, Helvidius earned the reputation of a rabble-rouser who was “vociferous and antagonistic” even in exile.⁴⁶⁶ He had reviled and insulted the emperor, preached revolution, and threatened the existing social order.⁴⁶⁷ While he was known to be frugal (*opum contemptor*), dedicated to service with rectitude (*recti pervicax*), and “unmoved by fear” (*constans adversus metus*), he was also immoderate and intolerant.⁴⁶⁸ But his faults, if that is what they were, serve here to

⁴⁶⁴ *Discourses* 1.2.24, Oldfather’s translation

⁴⁶⁵ Epictetus, *Discourses* 1.2.19-24, Oldfather’s translation; Toynbee, p. 54

⁴⁶⁶ See Cassius Dio, *Roman History* 65.12.3; Wilkinson, pp. 74-5

⁴⁶⁷ Toynbee, p. 55

⁴⁶⁸ Tacitus, *The Histories* 4.5; See the discussion on Helvidius in Balmaceda, pp. 204-5

highlight the inseparability of the Stoic virtues. To be truly just, the agent must also be temperate, prudent, and brave. If Helvidius did not possess one of the latter virtues, he cannot, for the Stoics, have possessed the former. In which case, he may have acted *appropriately*, but not *justly*. Justice is a character trait exemplified by someone with *all* the virtues; and all the virtues are a form of wisdom exemplified in different ways in particular circumstances.

But Epictetus, who best praises Helvidius for his entrenched adherence to his principles, might also be the best philosopher to criticize him. Consider what Epictetus states elsewhere about a friend of his who needlessly angered the officials presiding over his own lawsuit:

Where truth and where nature are, there is caution... Just as my friend Heraclitus, who had an unimportant lawsuit...; after he had pointed out the justice of his claim he went on to the peroration in which he said, "But neither will I entreat you, nor do I care what your decision is going to be, and it is you who are on trial rather than I." And so he ruined his case. What is the use of acting like that? Merely make no entreaties, but do not add the words "Yes, and I make no entreaties," unless the right time has come for you, as it did for Socrates, deliberately to provoke your judges.⁴⁶⁹

What might Epictetus say to his fellow Stoic, Helvidius, when taunting and showing unpardonable contempt for Vespasian? It depends. In the passage above, Epictetus discusses the imprudence of his friend when addressing the judges; separating that which is appropriate i.e., keeping one's dignity by taking a case to the judges without self-abasement or toadying for their favor, from what is unnecessary i.e., provoking the judges in such a haughty manner. Intriguingly, Epictetus states that there may in fact be a

⁴⁶⁹ *Discourses* 2.2.14-20, Oldfather's translation

“right time” for such a confrontation, and refers specifically to Socrates’ own trial where the latter famously courted his own death to show his fellow Athenians that one must not care for anything other than one’s own character, even in the face of the vapid multitude.⁴⁷⁰

For a Stoic, it is morally bad to be in a condition contrary to nature, and Epictetus takes Helvidius’ example to compare how an unsocial and vicious person is akin to an irrational animal. In a conversation with an interlocutor who asks if Socrates and Helvidius, in their respective troubles, had been in “dire circumstances,” Epictetus denies it. He explains that it is rather the vicious and unreasonable who are in such a state, not their victims:

It is therefore the same with a man also. What is his nature? To bite, and kick, and throw into prison, and cut off heads? No, but to do good, to assist, to indulge the wishes of others. Whether you will or not, then, he is in a bad condition whenever he acts unreasonably. “And so was not Socrates in a bad condition?” No, but his judges and accusers. “Nor Helvidius, at Rome?” No, but his murderer. ... If he suffers nobly does he not come off even the better and a gainer? But he is the person hurt who suffers the most miserable and shameful evils; who, instead of a man, becomes a wolf, a viper, or a hornet.⁴⁷¹

Epictetus connects Helvidius with Socrates as those who have acted reasonably, and their judges and accusers as those who had not, and thereby hurt *themselves*. If we compare this passage with the previous one, we see that Epictetus notes that his friend (the Heraclitus who angered the authorities presiding over his case) erred; but Helvidius,

⁴⁷⁰ *Discourses* 2.2.20; Plato, *Apology* 36c; For a different interpretation of “proper time,” see Xenophon (*Apology* 6-8), who suggests that Socrates chose to die before the onset of cognitive decline. Would Socrates have been right to provoke the jury as he did if he had been forty years old rather than seventy?

⁴⁷¹ *Discourses* 4.1.127, T. W. Higginson’s translation

because he had good reasons to stand against autocracy, and because of this repeatedly and implacably angered the greatest Roman authority, did not.

Of course, Epictetus' account is only one philosopher's view, albeit one who knew Helvidius as a fellow-student of Musonius and who found his actions to be appropriate (at least appropriate *for Helvidius*). If not the true justice exemplified by the sage, then it was at least an example to the rest of what human agency, when free from fear, is capable. And yet, despite Epictetus' gloss Helvidius comes across as immoderate in his antagonism toward the emperor and recklessly suicidal, even if his goal was to be a Stoic martyr. Nevertheless, Helvidius' implacability signals the existence of the 'extraordinary individual' who must set the example of appropriate action in the face of certain execution, *even if Helvidius' own example falls short*. At any rate, years later his son, Priscus the Younger, followed in his father's footsteps: He was executed, as were several other Stoics during Domitian's reign.⁴⁷² Epictetus himself was exiled along with many other philosophers.

5.2.4 Cato the Younger

Of the Stoic Opposition, the figure of Cato is the one most obviously relevant to a discussion about just warfare. He is the quintessential Stoic for a just war perspective due to his adherence to both Stoicism generally and to justice in warfare particularly. For these purposes, it is helpful to frame the themes of Stoic virtue ethics through a few major events in his life. But, doing so shows internal justice to be contextual, in some

⁴⁷² Wilkinson, p. 75

cases, to an agent's idiosyncrasies: What is appropriate for Cato in war, as we shall see, might not be appropriate for others. Far from contradicting a universalizable just war theory, this is consistent with the Stoics' position that true justice must take into account one's own individual nature, and come from one's own *oikeiosis*: self-preservation (in the end, of the rational self) and care for others, but this must necessarily be performed from one's specific roles and their own specific requirements. While Plutarch is generally quite critical of Stoicism, and may even be quite critical of it in his *Life of Cato*, in this passage he notes that Cato grounded "his admirable political stances on Stoic principles."⁴⁷³ Already, Cato's own internal and idiosyncratic justice seems to be quite a different strain from the *clementia* Seneca would later promote to Nero.

Of course, Cato was not merely a Stoic but also a statesman and a soldier. Despite his famous and characteristic inflexibility, or perhaps because of it, Cato was much loved by his troops. He willingly suffered every hardship alongside them. As a tribune, Plutarch reports, he not only led soldiers by his example, but led by "associating reason with his authority."⁴⁷⁴ This leads us to the Stoics' philosophical anarchism and thus requires a brief digression: As discussed throughout this project, correct reasoning is the only true authority in Stoicism. The association of reason and power can be epitomized in a conversation between Epictetus and a certain governor. When the man states that he can throw whomever he pleases into prison, Epictetus replies that he could

⁴⁷³ Shifflett, p. 18

⁴⁷⁴ *Cato* 9.3, Dryden's translation

also throw a stone in such a manner. When the man proclaims that he can also have whomever he wants beaten, Epictetus, unimpressed, states:

So you may an ass. This is not a government over men. Govern us like reasonable creatures. Show us what is best for us, and we will pursue it; show us what is otherwise, and we will avoid it.⁴⁷⁵

While a cruel man might coerce a donkey by beating it, humans possess reason, and can only be *justly* ruled by appeals to reason. Of course, none of this prohibits using force when necessary. Though the mode of resolving conflicts among men is discourse, force, the method of beasts, is an unfortunate inevitability in politics. But, at least for Cicero, force is justly used only against those who have rejected reasoned discourse, and who have therefore made any resolution by dialogue impossible. Overall, a Stoic approach to *jus ad bellum* posits violence as a last resort because a just person can only be fully human, and *eudaimon*, when he attempts to solve disputes through communion with fellow citizens of the cosmos. The appeal to warfare, on the other hand, is appropriate only when the unreasonable party has rejected this, making themselves basically animals.⁴⁷⁶ To bring this into the narrative here, Plutarch's account of Cato's tribuneship illuminates also the impossibility (except in conception) of separating the Stoic virtues. This is perhaps most apparent in the military applications of Stoicism, as

⁴⁷⁵ *Discourses* 3.7.34, George Long's translation; This raises the interesting question of how we non-sages would know to declare war. I think the implication is that a sage will know when reason is no longer possible and war must be declared. On the other hand, the fools of the world who are in a position of authority must always attempt reasoned discourse to solve conflicts with foreigners; since they do not know for sure- save perhaps when Hannibal is battering down the proverbial gates- that dialogue is no longer possible. The last resort of war is appropriate when a cataleptic impression occurs (See 6.3.1 for David Chan's virtue theory of just war).

⁴⁷⁶ Cicero, *On Duties* 1.34; Epictetus, esp. *Discourses* 4.1 and 4.5

seen in Plutarch's passage regarding the moral behavior of Cato's troops. Due to Cato's persuasion and his meritocratic method of commanding troops,

it was hard to say whether they were more peaceful or more warlike, more valiant, or more just; they were also formidable to their enemies and courteous to their allies, fearful to do wrong, and ambitious to gain honor.⁴⁷⁷

The point of this project does not require us to believe him regarding the moral character of Cato's troops (though there is no reason to doubt him here) but leads us instead to note that there is no necessary contradiction for Plutarch between a "peaceful" character and a "warlike" one. In addition, the "fearful[ness]" only of what is morally wrong and the desire only "to gain honor" is consistent with the Stoics' axiological position that virtue alone is desirable and good, and vice alone is always to be avoided.

This position is demonstrated by the Stoics' importance of the moral *exempla virtutis*, with Cato's leadership providing a template for such warriors' virtue. This example, moreover, implies a lifestyle where moderation and justice are made public (or at least *affected* publicly). Cato, like Kleomenes the Spartan before him, lived frugally "in his apparel, his diet and mode of traveling"; and resembled more "a common soldier than an officer."⁴⁷⁸ He became "the object of general affection" of his troops: "For the true love of virtue is in all men produced by the love and respect they bear to him that teaches it..."⁴⁷⁹ Cato's love of Stoicism and its application to military leadership is further shown in his persuasion of a renowned but reclusive Stoic philosopher,

⁴⁷⁷ *Cato* 9.3, Dryden's translation, modified

⁴⁷⁸ *Cato* 9.4, Dryden's translation

⁴⁷⁹ *Cato* 9.5, Dryden's translation; For the importance of *exempla* as a form of education, see Turpin, p. 363

Athenodorus, to reside in his camp.⁴⁸⁰ Taken together, a common theme of unified virtue develops in the Stoic example of leadership, personified here by Cato: The Stoic leader who (prudently) realizes that virtue is the only good also behaves appropriately toward others, including enemies (justice); bears physical hardships on behalf of his subjects and on behalf of humanity (courage); and acts appropriately regarding his dress and lifestyle (temperance).⁴⁸¹

With the example of Cato's soldierly frugality, it becomes increasingly apparent that the Stoics' conception of the unified virtues connects both physics and ethics. The excellent (and thereby, just) soldier is proportional in his entire mode of life, as human needs are limited and necessity can be met (at least in principle); whereas a desire to move beyond the dictates of necessity has no such limits:

Each man's body is a measure for his property, just as the foot is a measure for his shoe. If, then, you abide by this principle, you will maintain the proper measure, but if you go beyond it, you cannot help but fall headlong over a precipice, as it were, in the end. So also in the case of the shoe; if once you go beyond the foot, you get first a gilded shoe, then a purple one, then an embroidered one. For once you go beyond the measure there is no limit.⁴⁸²

If a shoe is needed to protect the foot, then there is a limit to what is needed. But when a fancier shoe is wanted, there is no logical limit to how fancy the shoe can become. For the Stoics, it is necessity, not a limitless desire for externals, that determines

⁴⁸⁰ *Cato* 10; Incidentally, Athenodorus was in a precarious situation when, as chief librarian at Pergamum, it was discovered he had been (allegedly) bowdlerizing the most radical and controversial parts of Zeno's *Republic*, according to Diogenes Laertius 7.34. A new life with a powerful benefactor like Cato may have been part of his "escape plan" (Goodman & Soni, p. 61).

⁴⁸¹ See the discussion regarding the work of Sun Tzu in 6.4.

⁴⁸² Epictetus, *Manual* 39, Oldfather's translation

proportion. Thus, it seems there is a connection here, even a homologous relationship, between ‘proportionality’ in selecting those indifferents which fulfill human needs (i.e., temperance) and ‘proportionality’ in Stoic justice.⁴⁸³ The inseparability of the virtues suggests that the just soldier, or ruler, would be as just and measured in his actions toward others as in his lifestyle and appearance (at least, to the extent that he can control his appearance). Cato’s exemplification of his Stoic principles, particularly his austere frugality in dress, showed this quite literally. His tendency to go barefoot and naked beneath his simple toga in the senate might have been merely an obvious affectation, had it not been for the consistency he showed by all the other hardships he willingly endured in his barracks life. Affected or not, Cato’s behavior reflects the Stoics’ position that externals are indifferent, and are to be selected only in order to meet requirements. Such moderation in one’s private life is concurrent with moderation and proportionality in public life and in war; and demonstrates further the Stoic inseparability of the virtues.

Besides his austerity, another of Cato’s many strange idiosyncrasies was his exceptional rhetorical ability (exceptional *for a Stoic*, at least).⁴⁸⁴ It is in one of his speeches during the events of the Catiline conspiracy, as provided by Sallust, that values consistent with Stoic ontology, epistemology, and ethical theory are best perceived:

“At this point does anyone bring up ‘compassion’ (*mansuetudinem*) and ‘mercy’ (*misericiordiam*)? Long ago we lost the true names for things: squandering the property of another is called ‘largesse’; daring to do wicked things is called ‘courage.’ And so the Republic is at the edge. ...
“Do not believe that our ancestors made a small Republic great with

⁴⁸³ It also calls to mind Clausewitz’s (*On War* 1.3) theoretical observation that there are no logical limits to the use of force in warfare.

⁴⁸⁴ See Rex Stem (pp. 42-5) for a discussion on the alleged weakness of Stoic rhetoric and Cato’s eloquence as an exception.

military weapons. ... No, other things made them great, things which we do not have at all: disciplined energy at home, a just empire abroad, a mind free in deliberation, limited neither by guilt or craving. In place of these qualities, we have extravagance and greed, public poverty and private wealth. We praise affluence, we pursue idleness. We make no distinction between good and bad men; ambition usurps all the rewards of virtue. ... [At home you] are slaves to bodily pleasures and here you are slaves to slaves to money and influence, this is why the Republic, abandoned by you, has been attacked.”⁴⁸⁵

We can set aside Cato’s plea for compassion (see 4.6 for a discussion on Seneca’s *On Mercy*). Rather, consider Cato’s lament for the loss of “true names for things.” In his complaint about this detachment of words from objects, Cato’s remark represents the Stoic importance of language (*logoi*), and the homology between *logos* as ‘rationality’ with the ‘rationality’ of reality i.e., the cosmos. Closely related to this is Stoic moral epistemology, with its technical complexity and “its emphasis on the mechanics of perception and communication, especially the critical role of language.”⁴⁸⁶ Also relevant is the Stoics’ imperative to remind oneself of the “true,” objective names of things free from the strong feelings those objects may stir. Cato posits that even the meaning of words has been lost due to the Romans’ inability to apply their conceptions of what is good and bad to particular cases. While the Stoics understood that all rational individuals have those conceptions (about what is good and bad), it is the correct and natural application of those conceptions to actual objects and events that a fool does not do- at least not consistently. Doing this well, of course, requires an education in the Stoic topics: Physics (what is in fact natural for a human, and thus, good), Logic (including

⁴⁸⁵ Sallust, *Catiline’s Conspiracy* 52.11-24, emphasis added.

⁴⁸⁶ Shaw, p. 34; See *ibid*, p. 40, for the Stoics’ attempt to use language to reform the imperial system to a more “humane” one. Also, see Johncock’s (pp. 19-20) discussion on Stoic rationality.

epistemology i.e., how one can assent to these things consistently and correctly), and Ethics (how one ought to behave according to this assent).⁴⁸⁷ It is telling that Sallust's Cato complains of the lack of distinction, in the Rome of his time, between good and bad men.⁴⁸⁸ Progressors in Stoicism, who wish to become good men themselves, ought to remind themselves constantly of the actual nature of things, juxtaposing their received impressions with well-developed conceptions of what is in fact good and bad. By ridding an impression of an external object from any implicit emotional propositions, and thereby ridding himself of the false idea of any of goodness or badness inherent in an object, the Stoic can attempt to remain as objective as possible.⁴⁸⁹ A Stoic virtue education may, in the future, help the statesman and combatant anchor words to definition in a way that just war theory has not yet fully incorporated.⁴⁹⁰

Despite Cato's concern with frugality and proportionality, in Plutarch's opinion Cato's sense of modesty misses the mark: In passing "judgment in capital cases, and

⁴⁸⁷ Cf. Dillon, pp. 66-7; See also Chapter 4; Thucydides (3.82.2) had already considered the problem of the perversion of meanings (*paradiastole*) leading to atrocities during the Corcyran civil war; and Thomas Hobbes, *Leviathan* 46.16-22) would later deny the anchoring of meanings for words.

⁴⁸⁸ Cf. Hammer 2014, pp. 161-5

⁴⁸⁹ Such disassociation of external objects from implicit emotional attachment or moral value is one way the Stoics might attempt to refute moral relativism discussed in Chapter 6.

⁴⁹⁰ An interesting place to start is the important work conducted by Benson Mates, whose *Stoic Logic* compares this topic to work done in logic by Frege and Carnap, and finds similarities in sense-denotation and intension/extension distinctions (p. 4). Where I find this most relevant to Stoic just war is the connection between logic and physics. For the Stoics, signs are bodies (e.g. air coming from a mouth) and things signified (the object being referred to) are bodies, but significates (*lekta*) are incorporeals, which are revealed by signs (e.g. the sound from mouths) which subsist in our thoughts. Sextus Empiricus, *Against the Professors* 8.80. Also pertinent to Stoicism and just war is Mates' (p. 35) discussion on Stoic veracity: "...truth is found only in a good man, but even a bad man may say something true"; and a good man "may tell a falsehood" if he "is an army officer; but the good man cannot be a liar. It is not the act itself but the motive that counts..."; See also Stem, especially p. 37, on the Stoic orator's moral obligation "to focus on the truth, and to do so with brevity and restraint."

upon the persons of the highest rank” in this humble attire, Cato “did not do more honor and credit to the office by his signal integrity, than he disgraced it by his strange behavior.”⁴⁹¹ But there is a Stoic precedent for his bare feet in the courtroom and for his lack of a tunic beneath the toga. Setting aside Cato’s constant harangues to his colleagues about returning to the traditional Roman values, Cato’s behavior recalls the Socratic and Cynic roots of Stoicism.⁴⁹² The examples of Socrates and Diogenes of Sinope, with their single threadbare cloaks and bare feet in all types of weather, demonstrate the philosophers’ disinterest in all but the state of the human soul (*psuche*); and for the Cynics especially, the ethical position that there is no shame in what is natural e.g., nudity, but shame only in what is unnatural i.e., vice.

But the portrait of Cato that Plutarch gives us is ambivalent: Cato is not, in his account, the quintessential Stoic sage that the later Stoic philosophers, particularly Seneca, would later claim him to be.⁴⁹³ Rather, Plutarch’s Cato is something of a flawed hero. Certainly, only the staunchest adherents of Stoicism could unhypocritically have rebuked Cato for the excess grief he displayed at his brother’s death.⁴⁹⁴ The Stoics understood quite well that there exist such overwhelming impressions, such as those that lead to fear, anger, or grief, to which perhaps only a sage, or someone not far from a sage,

⁴⁹¹ *Cato* 44, Dryden’s translation

⁴⁹² Cf. Turpin, p. 364: “Moreover the relationship between what is ‘Roman’ and what is ‘Stoic’ is complicated and sometimes impossible to pin down...”

⁴⁹³ See Morford (esp. p. 178) on Seneca making Cato “approachable” to the ordinary reader.

⁴⁹⁴ Plutarch, *Cato* 11

can withhold assent.⁴⁹⁵ But some charges against Cato are less excusable: As a tribune, for example, Cato was steadfast in his quest to root out corruption except when his own brother-in-law, D. Junius Silanus, was accused of it. This case Cato did not prosecute.⁴⁹⁶

Despite these rare inconsistencies, Cato was renowned in the senate for his severity. This is observable in the invective directed at Caesar for his actions in Rome's (or rather, Julius Caesar's) northern campaign. Plutarch describes an event in which Caesar, by his own account, indiscriminately slaughtered "three hundred thousand" noncombatants "in a time of truce."⁴⁹⁷ In the aftermath, Caesar's allies petitioned for a public thanksgiving, but Cato saw the event as a miscarriage of justice, and charged Caesar with war crimes:

... Cato declared [that] they ought to deliver Caesar into the hands of those who had been thus unjustly treated, and so expiate the office and not bring a curse upon the city. ... [Cato] concluded by telling the senate, it was not the sons of the Britons or Gauls they need fear, but Caesar himself, if they were wise.⁴⁹⁸

Like previously overlooking Silanus' alleged corruption, Cato's posturing might be viewed cynically. Certainly, he and Caesar were political enemies.⁴⁹⁹ Regardless, Cato's action was quite consistent with his Stoic leanings: No matter how expedient Caesar's 'victory' over the Germans seemed, the only things truly advantageous are those

⁴⁹⁵ See esp. Epictetus, *Discourses* 2.17

⁴⁹⁶ Plutarch, *Cato* 21.2-3

⁴⁹⁷ *Cato* 51

⁴⁹⁸ Plutarch, *Cato* 51.4, Dryden's translation; Also see Goodman & Soni, p. 179

⁴⁹⁹ Beard, p. 285

which are honorable.⁵⁰⁰ For the Stoics (and even, as discussed, Machiavelli), unnecessary cruelty is neither advantageous (because it does help achieve *eudaimonia*) nor honorable. Another example of Cato's egalitarian justice took place during the culmination of his feud with Caesar in the civil war of 49 BCE – 45 BCE. Having taken over a city allied to Caesar, Plutarch states that the Roman commanders were ready

... to put all the inhabitants of Utica to the sword, and to raze the city, for having... taken part with Caesar. Cato would by no means suffer this; but invoking the gods, exclaiming and protesting against it in the council of war, he with much difficulty delivered the poor people from this cruelty... and took the greatest care that no injury should be done nor affront offered them by the Romans.⁵⁰¹

In this case, the Stoics could argue that Cato's defense of the Uticans aligns with a cosmopolitan just war; even at the expense of typical Roman *jus*. In defending the Uticans from slaughter, as in his previous proposal to hold Caesar accountable for war crimes against German noncombatants, Cato showed an attitude consistent with a Stoic's concern for all humanity, even to the furthest foreigners, even if one's nation is at war with them. This action saved the inhabitants of Utica from what, to a Stoic, would be an inappropriate and (contingently) unjust action. Cato, under the cosmopolitan umbrella of Stoicism, refused to assent to the false impression that massacring the population of Utica is a prospective good, even if it was technically legal. But that does not mean that Cato, like any other Stoic, thought that death itself was an evil, nor that it was to be avoided *at all costs*. As discussed, while not something morally bad- death to a Stoic is an

⁵⁰⁰ Cf. Cicero, *On Duties* 2.3: For Cicero and Cato, what is dishonorable for a human being cannot be honorable for a Roman. See also Wood, pp. 83-5.

⁵⁰¹ *Cato* 58, Dryden's translation

indifferent- it is *generally* dispreferred. Since *oikeiosis* generally requires survival in accordance with natural born instincts, exceptional reasons are required for selecting death instead.⁵⁰² Cato's attitude toward death is most apparent in his suicide. For Stoics, suicide belongs to a special class of (imperfect) duties, which are appropriate for agents only under certain conditions. Cato's own conditions making his suicide (arguably) appropriate were his individual nature (what Cicero described as the 'second role') and the circumstances he found himself in after losing the civil war against Caesar (Cicero's third role).

For his part, Caesar did not require Cato's death and, on the contrary, took every opportunity to spare his defeated enemies. He allowed them to return to the senate unharmed, with their tacit acceptance of Caesar as perpetual dictator. Cato, of course, chose to end his life instead, in a suicide which would become legendary in later antiquity (the poet Lucan, himself compelled to commit suicide by Nero, states that even in the 1st century CE Roman schoolboys were required to learn the events of Cato's death). It suffices here to state with brevity his final night: Having read and reread Plato's *Phaedo*, Cato called for his sword to be brought to him, and punched a slave for tarrying with it. After further arguing with his companions, the sword was brought in for him but, having broken his hand on the slave's mouth, botched his evisceration.⁵⁰³ While being treated

⁵⁰² Griffin 1986a, p. 73

⁵⁰³ *Cato* 68; One might spare a thought for the slave's dilemma here. Cato's actions throughout his life seem to care little for Roman slaves, even though he cared for the deaths of Germanic noncombatants (at least if his personal enemy, Julius Caesar, was involved in those deaths, anyway). See the subsequent section on Marcus Aurelius' treatment of slaves for comparison.

for it, Cato shoved the surgeon away and tore out his own intestines.⁵⁰⁴ One wonders how much of all this was in the Roman schoolboy's curriculum.

At any rate, Cato viewed Caesar's rule by force as illegitimate, and refused to surrender and to live under Caesar's perpetual dictatorship. For the Stoics, it is not force that makes government legitimate, but rather its consistency with right reason. If it does not adhere to that standard then the Stoic need not obey it.⁵⁰⁵ If Cato had accepted Caesar's clemency (as e.g., Cicero did) Cato would be in effect legitimizing Caesar's rule.⁵⁰⁶ Plutarch has his Cato give this laconic quip regarding Caesar's mercy: "For it is but usurpation in him to save, as their rightful lord, the lives of men over whom he has no title to reign."⁵⁰⁷ While, Cato's actions could, of course, be explained by his fervent republicanism or his caustic personal enmity toward Caesar, this is unimportant for the purposes of this project.⁵⁰⁸ Rather, it is enough to note that Cato's actions are consistent with the Stoics' view that the wise alone are true kings, and that tyranny is in the category of the things which are indifferent (*adiaphora*).⁵⁰⁹ While one might continue to live

⁵⁰⁴ *Cato* 70; For Cato's "un-Socratic method of dying," see Zadorojnyi (pp. 218-220) who notes, for example, that Plutarch names the shoved physician as Cleanthes. Incidentally, this was also the name of an early Stoic scholar, suggesting Cato pushed away his Stoic principles with his violent and haphazard death.

⁵⁰⁵ Cf. Kant's (p. 113) view in *Perpetual Peace* that world-governments would be tyrannies, and unethical due to its replacement of the conquered states' constitutions.

⁵⁰⁶ Cf. Zarecki, p. 120, who notes that Cicero wrote a (now lost) eulogy of Cato in which he seems to have considered Cato's suicide "as a praiseworthy alternative to living under Caesar's autocracy."

⁵⁰⁷ *Cato* 66, Dryden's translation; Griffin 1986b, p. 194; Cf. Connolly pp. 192-3 for Cicero's refusal "to adopt Cato and his suicidal sacrifice as an exemplary model."

⁵⁰⁸ For republicanism as the *sine qua non* to the opposition against the emperors, see Wilkinson, whose argument is stated explicitly on p. 30.

⁵⁰⁹ Though it is not indifferent for the tyrant himself, who is miserable.

under a tyrant, and even be (theoretically) happy, a Stoic accepts that suicide is appropriate when a tyrant compels one to do or say something dishonorable, and when it is reasonable to do so on behalf of one's friends or fellow-citizens.⁵¹⁰ Thus, the Stoics have a seemingly harsh, but probably factual answer to the 'just following orders' Nuremberg defense of war crimes: No, they might say: One can always refuse and be killed, or commit suicide.⁵¹¹ This is exemplified by Cato's statement at his death: "Now I am my own master."⁵¹² This was his "ultimate expression of self-control."⁵¹³ In connecting Cato's suicide to the Stoic dichotomy of control, Seneca would later write that Cato's sword could not provide freedom for Rome, but could indeed provide freedom for Cato.⁵¹⁴

Moreover, Cato's suicide reflects the importance given to self-consistency (*constantia*) in Stoic philosophy: Cato preferring evisceration to submission is quite consistent with his regimented character (recall Cicero's account of the "second role").⁵¹⁵ Such a harsh and unbending character was an integral part of Cato's own personality,

⁵¹⁰ For a discussion on the reasons for suicide, and others such as an incurable illness, madness, or extreme poverty, see Diogenes Laertius 7.130 and SVF 3.768 and commentary in Reydams-Schils, p. 46, and Griffin 1986a, p. 73; See also the discussion in Goodman and Soni, pp. 290-1; Cf. George, p. 245

⁵¹¹ Such suicide for the 'public advantage' was the path attempted by the American prisoner of war (and later, vice presidential candidate) James Stockdale, whose Stoicism-inspired suicide attempt was a result of the understanding that further torture would compel him to give incriminating information about his fellow-prisoners. See Stockdale, pp. 200-1

⁵¹² *Cato* 70, my translation; Cf. Hammer 2008, p. 56

⁵¹³ Zarecki, p. 121

⁵¹⁴ Seneca, *On Providence* 2.10; Hammer 2014, p. 296

⁵¹⁵ Cicero, *On Duties* 1.107-15; Also, this seems to adhere to Zeno's (in Stobaeus 2.75, 11-76, 8 = LS63B) formulation of the goal of life, "living in agreement" (*to homologoumenos zen*).

which was quite severe even from childhood. His education in Stoicism and in rhetoric seems to have magnified that severity. Plutarch discusses his education under the Stoic philosopher Antipater, and states that Cato

devoted himself especially to ethical and political doctrines. He was possessed, as it were, with a kind of inspiration for the pursuit of every virtue; but, above all, that form of goodness which consists in rigid justice that will not bend to clemency or favor, was his great delight. He practices also the kind of speaking which is effective with a multitude, deeming it right that in political philosophy, as in a great city, a certain warlike (*machimon*) element should also be maintained.⁵¹⁶

Furthermore, Plutarch tells us that even as a child he displayed, both in speech and in countenance, “a nature that was inflexible, imperturbable, and altogether steadfast.”⁵¹⁷ In this young age he “was harsh and repellent toward those who would flatter him”; but “still more masterful toward those who tried to frighten him.”⁵¹⁸ He was neither quick to laugh nor feel anger, “though once angered he was inexorable.”⁵¹⁹

Therefore, acceptance of Caesar’s new order would have limited his freedom to make honorable moral choices (that is, *honorable for Cato*).⁵²⁰ Consistent with this developed character and his natural constitution, Cato acted in a way appropriate for him but not for all others. Cato’s behavior calls to mind the quintessential Stoic who is permitted to resign from political life if his continued presence is useless, or the

⁵¹⁶ *Cato* 3.4, Perrin’s translation

⁵¹⁷ *Cato* 1.2, Perrin’s translation; *ibid* 1.4 mentions his “reluctance to be persuaded...”; for Plutarch’s portrait of Cato reflecting his anti-Stoic agenda, see Zadorojnyi, pp. 222-3

⁵¹⁸ *Cato* 1.2, Perrin’s translation

⁵¹⁹ *Cato* 1.2, Perrin’s translation

⁵²⁰ Zadorojnyi, p. 216

proverbial Stoic bull who meets the danger alone while the herd escapes. Cato commanded his son and companions to accept Caesar's clemency and return to Rome, though he himself would not.⁵²¹ Rather than follow his lead, he recommended that the others make peace with Caesar, as suicide would not have been appropriate (*kathekon*) for them. His son, moreover, was to accept Caesar's pardon but refrain from political life: "For to act therein as became him, was now impossible; and to do otherwise, would be dishonorable."⁵²²

At least for later generations of Stoics, Cato's personality was that of the 'extraordinary individual,' the person who shows their mettle by acting in a way that is not expected, or becoming, of others. The later Stoics saw Cato's example, despite its imperfection, as something to strengthen a Stoic progressor's conception of a sage, that perfect model of virtue. Examples such as Cato's suicide show where the divergence between internal and external justice are most obvious. A role-oriented virtue ethics approach like that of the Stoics can posit that there are actions that are appropriate, even just, for some individuals and not so for others. For those like Cato, for whom submission would be inconsistent with their developed character, and incompatible with the public advantage, suicide would be one of those appropriate actions (*kathekonta*). One's own individual nature, as the Stoic Panaetius had posited, is a factor; but more fundamentally, it is reason, or "the divine hint," which determines the appropriate

⁵²¹ Cf. Epictetus, *Discourses* 1.2.30-2; See Zarecki, p. 121 for a possibly different (perhaps better) outcome had Cato been an Academic rather than a Stoic.

⁵²² Plutarch, *Cato* 66.3, Dryden's translation; See George, p. 258: "Thus within the context of the intra-Stoic debate over Cato's participation in the civil war the poet has allowed his Cato to declare the rightness of his glorious cause. Within the world of [Lucan's] poem, at least, Cato is more than a Quixote; he is the sapiens calling for men not to withdraw but rather to participate in the ongoing struggle for libertas."

moment for suicide, as it was for Socrates.⁵²³ A theorist attempting to develop a Stoic just war theory cannot afford to be ambiguous here: The point, for the Stoics, is that there is always an escape from coercion. This is true even in an unjust war, where there may be attempted coercion on a soldier to commit war crimes against the enemy and against one's fellows. Sometimes, that escape is death.

There remains the idiosyncrasies of Cato's personality which some, like Plutarch, think was inconsistent with a truly philosophical mind. In his personal policies, Cato was restrained but he was not the realist that e.g., Kleomenes was. He often made a spectacle of himself raging against the Rome that *was* for the Rome that, he felt, *should be*. Cicero once wrote of him that he acted "as if he was living in Plato's Republic, rather than Romulus' shithole (*Romuli faece*)."⁵²⁴ But not all Stoics were as severe and inflexible in their personalities. Nor, of course, were all Stoics so opposed to ignoring political realities. For a Stoic who more successfully balanced cosmopolitanism and realism, adherence to natural law with the expectations required of a Roman statesman, and devotion to philosophy with a longer and even harsher tenure on campaign, we leave the Stoic Opposition against the Caesars and turn to the Stoic Caesar himself, Marcus Aurelius.

⁵²³ Cicero, *Tusculan Disputations* 1.74; Griffin 1986b, pp. 196-7: "Stoicism, not alone but via the powerful example of Cato, made suicide, not tolerated or acceptable - for it was that already - but fashionable and esteemed." See also James Romm's first and seventh chapters for historical context of Stoic suicide.

⁵²⁴ Cicero's *Letter to Atticus* 21 (2.1); Beard, p. 289; See Hammer 2014, p. 164, for a discussion on Sallustian Cato's virtue being "strangely immune from the exigencies of the moment..."; And cf. *ibid*, pp. 283-4 for a legalistic 'letter of the law' approach becoming "increasingly useless" by Seneca's time. Cf. Rawson, p. 103.

5.3 The realism and cosmopolitanism of Marcus Aurelius

The Doric column in Rome's Piazza Colonna honors Marcus Aurelius' victories in the First and Second Germanic Wars (170 CE -175 CE and 177 CE -180 CE, respectively). Its spiral relief depicts several events from the various battles. Marcus Aurelius' son and subsequent emperor Commodus commissioned it, presenting a version of his father's life that he wished the Roman audiences to see; and it was Commodus, rather than Marcus, "who would bask in the inevitable acclaim accorded this monument..."⁵²⁵ While the column cannot serve us as a literal or chronological commentary of the wars, it provides a vivid portrayal of the fighting.⁵²⁶ It is not important whether the depictions were intended to accurately represent the events (there is a depiction of a rain god on it, after all) or for what reason the column was built. Rather, this work will take for granted that the events depicted represent likely occurrences during these wars "of defense and attrition": e.g., the soldiers holding severed heads and dragging prisoners by the hair; the destruction and torching of villages; the rounding up of barbarian women as their children cling desperately to them; the piles of broken enemy bodies; rows of enemy prisoners of war waiting their turn to be beheaded by their fellow prisoners; scattered and banished exiles; and Roman soldiers manhandling partially denuded women.⁵²⁷ Assuming these depictions represent actual events allows an examination of the character of a Stoic ruler during a reign steeped in

⁵²⁵ Iain Ferris 2009, p. 21, 25; Ferris 2000, p. 90

⁵²⁶ Birley, p. 178; Cf. Ferris 2000, p. 91: "In the numerous battle scenes on the column... there is often almost a sense of panic and frantic endeavor on the part of the Roman forces..."

⁵²⁷ Birley, p. 70; Ferris 2000, pp. 93-5

constant warfare abroad and calamity within the Empire. It also provides us with a way of exploring the intersection between political realism and cosmopolitanism in a war which can best be described as “a grim and sordid necessity.”⁵²⁸ Iain Ferris calls the depictions on the column “pornography of political violence”:

... the barbarian had simply become a body; dehumanized pieces and fragments of bleeding and battered flesh, whose fate was dictated by Roman Imperial authority. On the column these bodies were stabbed or hacked at, pushed and herded like beasts being brought in from the fields, pulled along by the hair, beheaded, and their bodies piled up in heaps for the edification of the Roman viewers.⁵²⁹

There is, in the spiral reliefs of the column, repetitions of these same themes, along with heaps of barbarian corpses and animals, and roughly treated captives. A few scenes in particular can serve as synecdoche for the scorched-earth policy of the Roman operation: Scene XXIX displays one of the many difficult and confusing guerrilla skirmishes but stands out from the others in that this one depicts a Roman trooper battling an opponent while gripping a grisly trophy (a severed German head) in his teeth.⁵³⁰ Another, Scene CIV, is quintessential of the many panels depicting the violence done to women (and incidentally these are more common on the column than those which depict fighting between combatants). Many depict women in the midst of the destruction of their homes and families, and some are shown being dragged away by the hair, and their (suggested) rape.⁵³¹ Ferris again:

⁵²⁸ Birley, p. 178

⁵²⁹ Ferris 2009, p. 110

⁵³⁰ Ferris 2009, p. 61

⁵³¹ Ferris 2009, p. 118

In Scene CIV a group of women prisoners and their children is herded together in the background of the scene, one of the women cradling an infant in her arms... In the foreground, a Roman soldier is depicted pushing an evidently terrified mother and her clinging, equally frightened, son towards the main group of prisoners. Her escape is blocked by the upheld shield of a second soldier. [A third soldier] is shown dragging a young, childless woman away from the group. ... The nature of her imminent fate is uncertain, as is also the case in other similar scenes of women and children being pushed forward by Roman troops.⁵³²

But the Romans are never depicted as out of control, or as an undisciplined mob who have suffered the breakdown of military discipline. On the contrary, the column seems to show the idealized Roman war machine operating with murderous efficiency. The column is not a warning of the bloodthirst and madness that can happen with the breakdown of order in the ranks. It portrays, rather, the “honest portrayal of the carnage and randomness of war...”⁵³³ Another scene further exemplifies this ‘fog of war’ aspect *in bello*:

[Scene LXIX] involves a Roman soldier walking behind a row of four women prisoners... accompanied by two small children. [He] is carrying a shield in his left hand and in his right hand he is holding a barbarian baby, presumably the child of the woman in front of him whose attention appears to be on the [small child walking] with her. Is the soldier helping the woman by carrying her baby while she attends to her other, older frightened child or has he, in fact, just snatched the infant out of her arms for some reason? One interpretation would elicit sympathy from us, the other horror.⁵³⁴

⁵³² Ferris 2009, p. 122

⁵³³ Ferris 2009, p. 127; Ibid, p. 120, for Ferris’ discomfoting commentary: “That there is always sexual tension and sexual violence between the men of an invading or victorious force and the women of a conquered area is unfortunately and sadly true for all conflicts, ancient and modern.” On the other hand, Cassius Dio (*Roman History* 71.2) suggests not all women were passive victims: “Among the corpses of the barbarians there were found even women's bodies in armor.” Though of course not everyone protected in armor is necessarily a combatant.

⁵³⁴ Ferris 2009, p. 122

As in Sherman's destruction of Atlanta, here may be an example of the dichotomy between appropriate orders and the inappropriate executions of them. But here, the Roman troops were not undisciplined American conscripts; they were professionals unfazed by the sight of their steel entering flesh and by the shrieks of partially disrobed, fleeing women. A Stoic virtue ethics which posits an 'internal' justice must still accept that even the quintessential Stoic ruler is still limited in how much violence he can control or passions he can assuage on campaign. On the other hand, a plausible Stoic just war theory might defend Marcus' actions during the Marcomannic Wars (the brutality notwithstanding) while accepting that brutal wars, and the realpolitik that precedes and follows them, can occur simultaneously with a cosmopolitan attitude and actions which prefer, and actively seek, peace and reconciliation. Despite their differences, Marcus Aurelius, like Sherman centuries later, can (at least theoretically) act appropriately, even justly, while others acting under those orders might act *inappropriately*. There are limits to what a ruler or commander can do to ensure the proper treatment of the enemy- and even a powerful Roman emperor can exemplify justice only in his own actions, despite his ability to demand it in others'. There is perhaps something bitter in a virtue ethics approach to warfare, but an honest Stoic understands the bitterness of a medicine is indifferent; and the return of (moral) health, exemplified by one's just actions in service to humanity, to be truly desirable. To square the violence of the emperor's campaigns with his own Stoic principles and sense of justice outlined here, some exposition on Marcus Aurelius and the events of his reign is necessary.

5.3.1 Crises

Marcus Aurelius' reign was a difficult one with much time spent much on campaign.⁵³⁵ Furthermore, it was complicated by “a series of desperate crises.”⁵³⁶ In his early years as emperor, a flooding of the Tiber and a famine which followed it destroyed buildings, and killed people and animals. There was violence in Britain. In the east, war with Parthia broke out when king Vologases III occupied Armenia and massacred a Roman legion. After the conflict, legionaries, returning from campaigning in the East carried back with them a plague which devastated the Empire. Elsewhere, Mauri rebels crossed the Straits of Gibraltar and invaded Hispania.⁵³⁷ Hostilities also commenced along the northern borders. An early offensive against these Germanic tribes was disastrous, and invaders subsequently poured across the frontier.⁵³⁸ There was also a rebellion in Egypt and another in Antioch when, in 175 CE, the Roman general Avidius Cassius took advantage of a particularly severe bout of Marcus' lifelong illness (and perhaps his rumored death), to proclaim himself emperor.”⁵³⁹

Hans Morgenthau states that the Roman Empire was “a political organization of universal scope” since the time of the Stoics; and that since that time, “there has been

⁵³⁵ Cassius Dio (*Roman History* 71, Earnest Cary's translation) states, “The emperor himself fought for a long time, almost his entire life, one might say, with the barbarians in the region of the Ister, with both the Jazyges and the Marcomanni, one after the other, using Pannonia as his base.”

⁵³⁶ Birley, p. 139

⁵³⁷ Birley, p. 168

⁵³⁸ Birley, p. 163

⁵³⁹ Diskin Clay, in *Marcus Aurelius*, p. xiii; Birley, pp. 122-3

alive in Western civilization a feeling for the moral unity of mankind”⁵⁴⁰ He notes that the Empire’s longevity “was due primarily to the profound respect in which the name of a Roman was held within its confines.”⁵⁴¹ This respect, in turn, made “the burden of its superiority as easy as possible to bear,” as it “deprived its subject people of the incentive to rid themselves of Roman domination.”⁵⁴² Marcus’ decisions during his troubled reign would fit well with a policy of a restrained political realism. He often crushed opposition threatening the Empire, but also made Roman rule as legitimate as possible to Roman subjects. As Morgenthau states of Roman power in general:

Isolated revolts would be dealt with swiftly and efficiently by preponderant Roman power, thus increasing Rome’s prestige for power. The contrast between the dismal fate of those who dared to challenge Rome, and the peaceful and prosperous existence, under the protection of Roman law, of those who remained loyal, increased Rome’s reputation for moderation in the exercise of its power.⁵⁴³

The Emperor’s method often entailed balancing the Germanic tribes against each other, and recruited some to fight his wars in the East. With the Roman citizenry decimated by plague and famine, he settled some frontier Germanic tribes inside the Empire. His cosmopolitanism was a realist one, however. When some of those attempted to siege one of his cities, Ravenna, he expelled the entire lot.⁵⁴⁴ He made

⁵⁴⁰ Morgenthau, p. 381

⁵⁴¹ Morgenthau, p. 84

⁵⁴² Morgenthau, p. 84

⁵⁴³ Morgenthau, p. 84

⁵⁴⁴ According to Cassius Dio (*Roman History* 72.4, Cary’s translation), “Some of them were sent on campaigns elsewhere, as were also the captives and deserters who were fit for service; others received land in Dacia, Pannonia, Moesia, the province of Germany, and in Italy itself. Some of them, now, who settled at Ravenna, made an uprising and even went so far as to seize possession of the city: and for this reason

treaties with the barbarian tribes when in Rome's interest, and when some (the Jazyges) repeatedly defied the terms, he allegedly considered wiping them all out.⁵⁴⁵ The Stoic emperor, however, searched for and found a reason not to do so, as recruiting them as soldiers was both more useful and more humane. When dealing with the problems within Roman territory, again Marcus showed both his humanity and his realism. When Cassius revolted with the Eastern portion of the Empire, Marcus consolidated the army to fight against fellow Romans. A loyalist soldier assassinated Cassius before Marcus' force mobilized, however. The threat now terminated, the punishments for the rebellious cities were lenient and reasonable, and Marcus took the opportunity to tour, and show himself, to the formerly secessionist provinces.⁵⁴⁶

We have discussed in 2.1 how the Neostoic Lipsius wondered if there could be a mixture between realism and Stoicism. Does such a realist policy cohere with Stoic cosmopolitanism and the principles laid out throughout this work? Some scholars, like G. R. Stanton, posit that Marcus was "basically a Roman rather than a Stoic."⁵⁴⁷ In this account, there was nothing particularly Stoic about Marcus' actions: His foreign policy, like that of his predecessors, consisted of "defending the empire to the best of his ability

Marcus did not again bring any of the barbarians into Italy, but even banished those who had previously come there."

⁵⁴⁵ Cassius Dio, *Roman History* 72.13

⁵⁴⁶ Cassius Dio (*Roman History* 72.27.3, Cary's translation) states: "Marcus, upon reaching the provinces that had joined in Cassius' uprising, treated them all very leniently and did not put anyone to death, whether obscure or prominent." And elsewhere (72.30): "So pure and excellent and god-fearing did he show himself from first to last; and nothing could force him to do anything inconsistent with his character, neither the wickedness of their rash course nor the expectation of similar uprisings as the result of his pardoning these rebels."

⁵⁴⁷ Stanton, p. 587

and without consideration for the Germanic tribes who are themselves under pressure...”⁵⁴⁸ In Stanton’s view, Marcus was never able to unite the role of emperor with that of philosopher. Marcus’ Stoicism, “like his opium addiction,” was merely “insulation against the discomfort of the Roman frontiers and the realities of Roman politics.”⁵⁴⁹

This position needs another look in light of a Stoic just war theory and internal justice. Marcus’ political realism, the defense might go, was only as bloody as defense of the Empire required, and (more importantly, for a cosmopolitan philosophy) always with a view to treating the defeated as amicably as possible under the conditions required by Marcus’ social role. He found reasons for incorporating non-Italian outsiders, whenever possible, as Roman citizens within the Empire. He acted with the goal of bringing those hostile territories into Rome’s dominion, with all the duties, rights, and benefits of Roman civilization that they entailed. This, of course, was not mere altruism: Marcus also resettled Germanic tribes within the borders of the Empire in an effort to repopulate the plague-decimated population. As Anthony Birley notes, the settlers “were to be romanized sooner or later, by one means or another.”⁵⁵⁰ Cassius Dio, on the other hand, states that the emperor “showed that he wanted not to acquire their lands but to punish the people” by blocking roads to preventing the frontier inhabitants from leaving.⁵⁵¹ Birley

⁵⁴⁸ Stanton, p. 587

⁵⁴⁹ Stanton, p. 587

⁵⁵⁰ Birley, p. 170

⁵⁵¹ *Roman History* 72.20, Cary’s translation; Birley, p. 209

disagrees and finds this interpretation of events implausible, as uninhabited land would have been useless to Marcus: “The empire itself was no longer in need of fresh areas to settle- rather the reverse, as the settlements of barbarians in Italy itself and the provinces demonstrate.”⁵⁵²

Unless security matters made immigration imprudent (as in the attempted takeover of Ravenna), large numbers of Germanic peoples entered the depleted Empire to become taxpayers, soldiers, and landowners. The point was “to romanize the Marcomanni, Quadi, and the Jazyges, not merely to acquire their land.”⁵⁵³ This is consistent with the Stoics’ cosmopolitanism: The barbarians were people just as worthy of living inside the empire as any other Romans with all the corresponding privileges (and, of course, duties). Thus, the emperor saw foehood even against the most bitter enemies as something only temporary and, as Cassius Dio admits, Marcus “was always accustomed to treat even his most stubborn foes humanely.”⁵⁵⁴

It is also helpful to briefly note Marcus’ views of common humanity in his domestic jurisprudence, especially with regard to the less socially fortunate. By almost all ancient accounts, Marcus was a “prudent and conscientiously just emperor.”⁵⁵⁵ Birley

⁵⁵² Birley, p. 209

⁵⁵³ Birley, p. 209

⁵⁵⁴ *Roman History* 72.14.2, Cary’s translation; For example, a Germanic chieftain whom Marcus captured, Ariogaesus, was merely exiled to Alexandria. Similarly, the troublesome satrap Tiridates, who had “stirred up trouble in Armenia,” was exiled to Britain upon his defeat (*Roman History* 72.14).

⁵⁵⁵ Birley, p. 133; Cassius Dio (*Roman History* 72.6) elaborates on Marcus’ behavior at court: “The emperor, as often as he had leisure from war, would hold court; he used to allow abundant time to the speakers, and entered into the preliminary inquiries and examinations at great length, so as to ensure strict justice by every possible means. In consequence, he would often be trying the same case for as much as eleven or twelve days, even though he sometimes held court at night. For he was industrious and applied himself diligently to all the duties of his office; and he neither said, wrote, nor did anything as if it were a minor matter, but sometimes he would consume whole days over the minutest point, not thinking it right

attributes this to his philosophical inclination, which “ensured he would display an almost excessive sense of duty.”⁵⁵⁶ The major interests of Marcus’ legislation were the manumission of slaves, the appointment of guardians for orphans and minors, and the selection of councilors throughout the Empire for running the provinces’ local affairs.⁵⁵⁷ While of course such legislature was part of Marcus’ role as emperor, the keen interest and diligence taken in these affairs can divulge something about Marcus personally and his Stoic worldview. The least personal of his three interests was perhaps the concern with local government, as he was attempting to “combat the growing apathy that was coming over the empire” as the richer provincial Romans increasingly avoided their political and social obligations, and the increased taxation which this involved.⁵⁵⁸ It is quite likely that the emperor’s “special interest” in the appointment of trustees and guardians may be explained by the fact that he had lost his father at an early age. But it is the emperor’s meticulous interest in the liberation of slaves that is the most interesting aspect of Marcus’ legislation.⁵⁵⁹

Though enslavement is ranked among the Stoic ‘indifferents’ (*adiaphora*) and of no moral value, Marcus took on the obligation, within the confines of the Roman legal system, to provide liberty to particular slaves when the occasions presented themselves.

that the emperor should do anything hurriedly. For he believed that if he should slight even the smallest detail, this would bring reproach upon all his other actions.” The last point, especially, calls to mind Cato’s behavior in the senate, discussed above.

⁵⁵⁶ Birley, p. 139

⁵⁵⁷ Birley, p. 133

⁵⁵⁸ Birley, p. 133

⁵⁵⁹ Birley, p. 135-7

Throughout his reign, Marcus was especially concerned with “giving any slave the maximum possible chance of freedom, if there had ever been any question of his master wishing to grant it...”⁵⁶⁰ When ambiguities arose in the wills of the deceased, the emperor always opted for the most favorable interpretation on the slaves’ behalf, including granting their freedom and allowing them to inherit property from their former masters. Marcus set legal precedents for legislation regarding slaves even when a slave-holding economic system like Rome held no incentive for doing so. Thus, he ensured that slaves obtained their liberty “if their masters had intended that they should have it, whatever legal obstacles might be put in their way by third parties.”⁵⁶¹ His paternal benevolence toward human chattel was also evident in the entertainment industry. He ruled that gladiators ought to fight only with blunted weapons, and even had nets installed to limit the injuries of tight-rope walkers.⁵⁶² In sum, Marcus’ attitude for the position of individual slaves was one of “deep compassion.”⁵⁶³ There was a notable exception to his emancipation of slaves, however. He did not grant freedom to a trainer who had trained a lion to eat people in the Circus, though the spectators clamored for the

⁵⁶⁰ Birley, p. 137-8; Cato, on the other hand, was more concerned with not breaking Roman law, even as the republic was being torn apart and soldiers were needed (thus distinguishing his inflexible approach from the more fluid one of Kleomenes). Plutarch (*Cato* 60, Dryden’s translation) writes: “One of the assembly proposed the making a decree, to set the slaves at liberty; and most of the rest approved the motion. Cato said that it ought not to be done, for it was neither just nor lawful; but if any of their masters would willingly set them free, those that were fit for service should be received.”

⁵⁶¹ Birley, p. 200

⁵⁶² Cf. Cassius Dio, *Roman History* 72.29.3

⁵⁶³ Birley, p. 200

emperor to have him liberated. In this case, Marcus merely stated that the man had done nothing to earn it.⁵⁶⁴

The Spartan king Kleomenes III liberated helots (for a fee) as a last ditch effort against Macedon. And Cato, for his part, was averse to liberating slaves when it went against their masters' wishes, even *in extremis* after the disaster at Utica. When soldiers were needed, Marcus instead found a middle way between Kleomenes' cynical approach to law and Cato's stubborn legalism. He emancipated slaves who volunteered for military service, including the gladiators who were formed into specialized units.⁵⁶⁵ Even bandits received Marcus' well-known leniency (for all but the most serious of crimes) and were brought into the Roman army, "especially the wild hillmen of Dalmatia and Dardania- a country which has always bred ideal guerrilla fighters."⁵⁶⁶ The point is that Marcus did not merely shun unnecessary cruelty but arguably made every effort to adhere to the Stoics' sense of internal justice and cosmopolitan principles within the confines of what was politically necessary and expedient for the security of the Empire.⁵⁶⁷ Despite

⁵⁶⁴ Cassius Dio, *Roman History* 72.29.4; Birley, p. 148

⁵⁶⁵ In Cato's situation, one must consider the circumstances of the emancipation: those slaves who were voluntarily freed by their owner (Cato had no complaints about that) and healthy enough for military service were led, like Kleomenes' emancipated helots, directly to the armory to prepare for battle. (We are not told to what purpose the more frail ones would have been put.) For the importance of safeguarding property in a functioning state, see *On Duties* 2.22.78 (where Cicero is a long way from the early Stoics' anarcho-communism) and Hammer 2014, p. 60. However, see *ibid*, p. 65, for Cicero's distrust of government-enforced wealth redistribution stemming in part from state-sponsored threats to damage private property as political retribution. For the ironic fact of Cicero having a hand in the chaos he denounced, see *ibid*, p. 69.

⁵⁶⁶ Birley, p. 159

⁵⁶⁷ Cassius Dio (*Roman History* 72.11.2) describes this balance between cosmopolitanism and power politics: "Others, like the Quadi, asked for peace, which was granted them, both in the hope that they might be detached from the Marcomanni, and also because they gave him many horses and cattle and promised to surrender all the deserters and the captives... The right to attend the markets, however, was not granted to them, for fear that the Jazyges and the Marcomanni, whom they had sworn not to receive nor to allow to

the violent propaganda depicted on the column in Rome, and though he could be quite severe toward “those who were clearly guilty of serious crimes,” it was Marcus’ custom to be, whenever possible, lenient; especially regarding enemy prisoners of war.⁵⁶⁸

A Stoic just war theory can accept the harsh necessities of war where, as Cicero states, one is compelled to resort to beastlike fury. But the Stoic cosmopolitan position attempts, consistently and as soon as reasonably possible, to reconcile the enemy to an inner circle of concern; one which includes increased obligation and care for the enemy’s humanity and physical well-being. When (according to Cassius Dio’s account) considering whether to wipe out the Jazyges after their repeated perfidies, Marcus was able to find ways to normalize the relationship, and incorporated them as auxiliaries.⁵⁶⁹ When the wars destroyed the enemy’s will to fight and the plague decimated the Roman population, he pragmatically found a reason to transform those enemies into Romans.⁵⁷⁰ When provinces rebelled, Marcus when possible only exiled the leaders. In the case of the rebellious general Avidius Cassius, when a loyalist killed him and sent Marcus the

pass through their country, should mingle with them, and passing themselves off for Quadi, should reconnoiter the Roman positions and purchase provisions.”

⁵⁶⁸ Birley, p. 183; Sellars (p. 111) states that “the one feature that stands out in Marcus’ many references to the virtues is the pre-eminence of justice, which is mentioned far more than any of the others.”

⁵⁶⁹ Cf. Cassius Dio, *Roman History* 72.13: “Envoys were sent to Marcus by the Jazyges to request peace, but they did not obtain anything. For Marcus, both because he knew their race to be untrustworthy and also because he had been deceived by the Quadi, wished to annihilate them utterly (*epipan ekselein ethelesen*). For the Quadi had not only fought on the side of the Jazyges at this time, but on an earlier occasion, too, had received in their own and any Marcomannian fugitives who were hard pressed while that tribe was still at war with the Romans. Moreover, they were not carrying out any of their agreements; in particular, they had not restored all the captives, but only a few, and these such as they could neither sell nor employ at any labor. Or, if they ever did give up any of those who were in good physical condition, they would keep their relatives back in order that the men given up might desert again to rejoin these.”

⁵⁷⁰ Birley, p. 183

rebel's severed head, he turned away in disgust at the sight of it; so unbecoming was it for Marcus' character to take glee at the sight of even a dead traitor.⁵⁷¹ But Marcus' cosmopolitanism should not be mistaken for a modern idealist one founded on human rights: War is brutal, often uncontrollable and, human stupidity being what it is, perpetual. Like Clausewitz's ideal general realizes, often enough in warfare the only check on power is an internal one. If so, a Stoic of Marcus' caliber might add, such a check on one's own behavior must be founded on Stoic principles: on virtue as the only moral good, concern for humanity, and passionless judgment. At least, it must be if one is to find a measure of peace and happiness in a violent world, where life on campaign along the Roman frontiers was often nasty, brutish, and short.

5.3.2 Persecution of the Christians

The events in Marcus' life involve a grim chapter, even by Stoic standards. How does such an account of cosmopolitanism and human concern square with what is perhaps the most severe criticism of Marcus' rule: his tacit approval, or at least acceptance, of the violent persecution of Christians in the Empire during his reign? Here we can take the events at Lugdunum (Lyon) in 177 CE as a case study of the persecutions against Christians in general, which flared up occasionally throughout Marcus' reign. While a complete account for the reasons behind the violence is lacking, "it is not surprising that anti-Christian feeling was running high in this period":

War and plague had taken a heavy toll, economic difficulties followed, and scapegoats were wanted: the pagans believed that the gods were angry. The names of the martyrs of Lyon include several that are Greek

⁵⁷¹ Cassius Dio, *Roman History* 72.28

and two are specifically described as immigrants... Thus xenophobia, often a potent ingredient in such outbreaks, probably played a part here too. ... They were subjected to torture of the most brutal kind.⁵⁷²

Another factor seems to have been Marcus' decrees against spectatorial games, which "led to low prices being paid for gladiators"; thus, "entrepreneurs looked around for other condemned men [i.e. Christians] to fill the gap."⁵⁷³ When the governor of Lugdunum sent word to the emperor asking how the Roman citizens among those accused of being Christians ought to be treated, Marcus seems to have instructed that any Roman citizens who recanted should be released, and those who did not were to be beheaded. The non-citizens among the accused were not given this final privilege and sent to be fed to the animals instead.⁵⁷⁴

In fact, historians debate the severity of the persecutions and Marcus' role in them. Paul Keresztes, for one, states that virtually all of the earliest mentions of these events, including the account by Tertullian (who declares Marcus to be a protector of the Christians), deny Marcus' role in them at all; they instead "put an almost infinite trust in him and simply do not show any belief that he was a persecutor."⁵⁷⁵ Keresztes seeks to point out an error made by the later writers who "made no distinction between events of

⁵⁷² Birley, p. 202

⁵⁷³ McLynn, p. 186

⁵⁷⁴ Birley, p. 203; There is something ironic in Marcus bestowing this special treatment, considering the Stoics' indifference toward death and toward social convention. A Stoic like Marcus can give this dubious honor to the upper classes understanding that this is actually no benefit, even a grim one. Epictetus (*Discourses* 1.19) echoes this sentiment when he states a fever is just as lethal as a tyrant's death sentence, and just as deserving of contempt.

⁵⁷⁵ Keresztes, p. 321

popular violence and the actions of some provincial governors...⁵⁷⁶ For him, the Christian persecution has historically been misunderstood, and thus “blame has been placed at the wrong door.”⁵⁷⁷ Perhaps. It would be quite in line with Marcus’ character to have shown leniency toward the Christians; that is, to the extent that even an emperor could control the events against a minority population under the direct control of a local governor in the provinces.

At any rate, circumstances throughout the empire were dire throughout Marcus’ reign, and this almost certainly would have been a factor in the persecutions. The calamities of the 2nd century CE brought with it a wave of insecurity and hysteria. The fear of the Romans is apparent in the depictions of miracles represented on the column of Marcus Aurelius, including the assistance of the rain god who saved the Roman army from certain destruction.⁵⁷⁸ This shows that the population of the Empire considered that even their mighty Roman army was successful at least partly due to divine intervention, when the gods could be placated and were not outright hostile.⁵⁷⁹ Keresztes notes that

⁵⁷⁶ Keresztes, p. 321-2

⁵⁷⁷ Keresztes, p. 321-2

⁵⁷⁸ For Ferris (2000, p. 92), the so-called ‘rain miracle’ depicted on the column demonstrates “a lack of confidence and a vulnerable side of the Roman imperial psyche that had not been seen before in Roman art and one that must have reflected a wider social and political crisis of confidence.”

⁵⁷⁹ Cassius Dio (*Roman History* 72.8-10) also illustrates the Romans’ desperation: “A great war against the people called the Quadi also fell to his lot and it was his good fortune to win an unexpected victory, or rather it was vouchsafed him by Heaven. For when the Romans were in peril in the course of the battle, the divine power saved them in a most unexpected manner. ... The Romans, accordingly, were in a terrible plight from fatigue, wounds, the heat of the sun, and thirst, and so could neither fight nor retreat, but were standing and the line and at their several posts, scorched by the heat, when suddenly many clouds gathered and a mighty rain, not without divine interposition, burst upon them. ... Thus in one and the same place one might have beheld water and fire descending from the sky simultaneously; so that while those on the one side were being consumed by fire and dying; and while the fire, on the one hand, did not touch the Romans, but, if it fell anywhere among them, was immediately extinguished, the shower, on the other hand, did the barbarians no good, but, like so much oil, actually fed the flames that were consuming them, and

those difficult years may have convinced the pagan Romans, if not Marcus Aurelius himself, “that the old gods had been alienated by neglect and had to be won back.”⁵⁸⁰ An edict calling for public sacrifices to appease the gods, while not specifically anti-Christian, would probably have made the absence of those Christians conspicuous.⁵⁸¹

Keresztes sums up:

Thus it is evident that the two waves of persecutions under Marcus Aurelius' rule of 161-180 A.D. were the very indirect and never-intended result of decrees from Rome, which affected the whole of the Empire and which were issued in extremely critical circumstances with the aim of restoring peaceful life throughout the realm. That violent mobs and individuals, including possibly high officials, used these decrees against the Christians is another matter.⁵⁸²

Birley also notes the growing hostility to Christianity throughout the Empire.

While Marcus probably did not approve of persecuting Christians any more than, for example, Trajan had, the precedent that considered Christianity (or, at least, refusal to sacrifice to the pagan gods) a capital crime was already entrenched: “Marcus clearly did not initiate the persecutions personally [but] would have seen no reason to obstruct the course of law.”⁵⁸³ At any rate, Marcus’ own philosophical journal, *Meditations*, only

they had to search for water even while being drenched with rain. Some wounded themselves in order to quench the fire with their blood, and others rushed over to the side of the Romans, convinced that they alone had the saving water; in any case Marcus took pity on them.”

⁵⁸⁰ Keresztes, p. 339

⁵⁸¹ Keresztes, pp. 322, 329, 340; He adds elsewhere (p. 322): It is not difficult for us to imagine how people, with or without the medical knowledge of our times would react to a plague of such proportions. Pagans were accusing Christians of being the cause of the anger of the gods, and Christians reciprocated this charge in similar terms.

⁵⁸² Keresztes, pp. 340-1; Birley (p. 202) notes that Christians were often accused of cannibalism and incest, which “increased public frenzy against them.” One wonders what Zeno or Chrysippus might have thought of this, considering the early Stoics’ position on the moral indifference of these.

⁵⁸³ Birley, p. 203

mentions the Christians once, and that for the herd mentality of their religion, where (according to Marcus) they actively sought death. He muses on the nobility of a “soul ready for its release from the body,” but that such acceptance of an inevitable impending death ought to be “thoughtful, dignified,” and “undramatic”; unlike the resignations of the Christians, who court their deaths “in mere revolt” (and equally, dramatically).⁵⁸⁴

Is it possible, as Keresztes is wont to do, to absolve Marcus Aurelius of the persecutions? We need not answer this here. But, as Keresztes states, “It is ironical that the Stoic saint of the Roman Empire should be blamed by modern writers for the extraordinary anti-Christian violence of his rule...”; though he qualifies this by adding that “peace for Christians was impossible” due to the “the tragic internal and external circumstances” during Marcus’ rule.⁵⁸⁵ Also, Birley provides us with some insight into Marcus’ mind:

Marcus’ personal attitude to the fate of the Christians must remain largely undiscoverable... But as a Stoic, who by his training and by the necessity of his position believed profoundly in the duty of the individual towards the state, he cannot have viewed kindly the activities of people who professed complete lack of concern with worldly life.⁵⁸⁶

Certainly, the Stoics would have seen individuals unconcerned with their broader communities and abstention from political affairs as cutting themselves off from their social obligations and natural functions (*kathekonta*). Given the judgment he rendered to the most destitute of individuals elsewhere, it seems unlikely that Marcus would have

⁵⁸⁴ *Meditations* 11.3, Martin Hammond’s translation

⁵⁸⁵ Keresztes, p. 341

⁵⁸⁶ Birley, p. 203

punished them as severely as they were, if given a better option. But it is also unlikely that the plight of the Christians were of much concern to him under pressure, as he was, of the severe- even existential- threats that occurred throughout his reign; including those which were internal (e.g. revolts and attempted usurpation), external (e.g. invasions and wars), and natural (e.g. plague, flood, earthquake). If Marcus cannot be absolved (despite some scholars' best efforts) then perhaps something can be stated regarding the relative unimportance of the matter (at least, unimportant to Marcus). Conversely, the persecution of the Christians in the provinces of the Empire under the direction of cruel, opportunist governors and the extent to which Marcus Aurelius' decisions, or indifference, factored into it, are somewhat reminiscent of Sherman's lack of complete control of his looting soldiers in Atlanta.⁵⁸⁷ As mentioned, a leader's orders, even appropriate (*kathekon*) ones- in Marcus' case, an edict left in place from a previous emperor requiring sacrifices to pagan deities in an attempt to calm a panic-stricken population- can be taken advantage of by underlings and executed inappropriately and unjustly.

⁵⁸⁷ Commenting on an early draft, Harry Gould pointed out that the provincial governors would have been the emperor's appointees, despite not directing them on a day-to-day basis. Had the emperor erred and acted viciously, therefore, in appointing them? Perhaps. But as mentioned *supra* regarding the Battle of Atlanta, a commander (in this case, Marcus) is not responsible for others' vices, according to Stoic philosophy, but only for their appointment to their positions. Could Marcus have known of their cruelty and tendencies to exploit an apolitical, despised religious sect? Would he have been willing to replace those appointees if he had? It is not clear. But, considering the emperor's reputation for leniency and kindness toward those of the lowest strata of society, it seems likely that Marcus would have done more. Perhaps those accounts of persecution were exaggerated or even invented, as Keresztes implies. On the other hand, if Keresztes overstates Marcus' innocence, the persecutions of Lugdunum happened in 177 CE: the same year as the commencement of the Second Marcomannic War. Thus, Marcus was much closer, in his attention as well as geographically, to a different group of social inferiors being mistreated by Romans: Germanic noncombatants.

There is another example that parallels the moral disorientation of Christian persecution: In Scene LXIX from the column of Marcus Aurelius (discussed above) a soldier carries (away?) a barbarian woman's baby. Assuming it represents an actual event, it can be interpreted perhaps as a soldier who is grimly obeying an order to move the population elsewhere by helping a mother who has her hands full; or- more grimly- delivering the child into the hands of slavers (the imagination suggests things grimmer still). Could that possibly be an appropriate action, if, say, such an unfortunate case might be the child's best hope for survival? On the other hand, the soldier might instead be taking advantage of a vague order to enrich himself by snatching the child away to sell into slavery.⁵⁸⁸ Such a scene aptly represents the harsh reality of internal justice: the real problem of how an appropriate (and even just) order can often be inappropriately and unjustly executed by another.

Such convoluted impressions are why what is needed, a Stoic might say, is a moral education grounded in a (Stoic) virtue ethics which shuns all passions. Of course, war will still be fought by fools whose passions lead to cruelty and injustice. This is probably inescapable. However, one's best hope in such moral fog is to have trained one's character to make appropriate judgments based not on anger for the enemy, or fear, or grief, or desire for profit (or even for survival); but, like Marcus Aurelius, to judge appropriately what is in one's control and what is not, understanding that only what is dishonorable is bad, and acting according to one's social role. In Marcus' case, the social

⁵⁸⁸ Ferris (2000, p. 96) notes poignantly: "The final, upper reliefs [of the column of Marcus Aurelius] portray barbarian peoples going off into exile with their belongings and their animals ... but no children are depicted, which may be of significance."

role was that of a Roman emperor, certainly, but (at least on his best days) primarily that of a rational and social cosmopolitan who looked to the common benefit of humankind.

5.3.3 Writings on campaign

To the extent that Cicero's *On Duties* can account for a drastic difference between one's roles, there is possibly no better example of this than between Marcus Aurelius' individual temperament and his social role as emperor. Not only was he chronically physically unhealthy but also studious and quiet, preferring a life of calm philosophical contemplation to the one he received: a life filled with bloodshed, betrayal, and attrition. Ferris notes this awkward contrast:

The story of Marcus' life might at first sight seem both extraordinary and ironic, in that this by all accounts most contemplative of men, the author of the Stoic philosophical work known today as *Meditations*, spent most of his life in training in Rome to rule an empire from its center and yet spent most of his actual time as emperor away from Rome fighting desperate defensive wars on and beyond her frontiers.⁵⁸⁹

For the last ten years of his life, Marcus spent almost all his time on campaign, while dedicating his spare time to writing his *Meditations*.⁵⁹⁰ These philosophical passages surely "were a source of solace and guidance" during his life on campaign in the German forests.⁵⁹¹ They consist of "repeated appeals to himself to remember and apply the tenets of Stoic philosophy to his day-to-day life," and they rest primarily on the central doctrine of recognizing the Stoics' dichotomy of what is one's control and what is

⁵⁸⁹ Ferris 2000, p. 19

⁵⁹⁰ Ferris 2000, p. 25

⁵⁹¹ Sutton, pp. 70-1

not.⁵⁹² As a Stoic, Marcus' assumption throughout the *Meditations* is that, regardless of the circumstances one finds oneself in, it is in his own power to control his response to events.⁵⁹³ While Epictetus' influence is obvious throughout, Marcus' passages in the *Meditations* often strike a more somber note than the *Discourses* of Epictetus. "But this is not surprising," notes Birley, "considering that they were written in the middle of war and death."⁵⁹⁴ Ferris, meanwhile, notes that Marcus' many metaphors of severed heads and limbs may have a psychological explanation: "This severe morbidity is perhaps almost a symptom of battle fatigue and post-traumatic stress disorder."⁵⁹⁵ Certainly, Marcus' years of campaigning was a major factor in the constant reminder throughout his *Meditations* to differentiate between what is in one's control and what is not. But his work contains more themes than merely the 'dichotomy of control,' many of which are useful for further fleshing out a Stoic just war theory. A few that are significant are: Marcus' steely observation (and acceptance) of the world as one inhabited by cruel, unjust men; the overlapping of restraint and justice in a world of dangerous political maneuvering; and the acceptance of (and a striving to behave as a part of) a cosmopolitan world. But, for Marcus, such a cosmopolitan world was not a thought experiment of an imaginary series of communities of only wise and just individuals, as Zeno had posited in his utopian *Republic*, but for all humanity, including the stupid and wicked.

⁵⁹² Sutton, p. 71

⁵⁹³ Sutton, p. 71

⁵⁹⁴ Birley, p. 103

⁵⁹⁵ Ferris 2009, p. 27

5.3.4 A world of fools

Marcus' political (we might say, 'classical') realism regarding human nature is to a large extent consistent with Thucydides' and Machiavelli's pessimistic view of human behavior. Machiavelli, for his part, praised the Emperor in both the *Discourses on Livy* and *The Prince*. He mentions him as a quintessential example of "men of modest life, lovers of justice, enemies to cruelty, humane, and benignant..."; who possessed "many virtues which made him respected" (*accompagnato da molta virtù*); including his ability to keep 'order' (*ordine*), and who consequently "was neither hated nor despised" (*non fu mai nè odiato, nè disprezzato*).⁵⁹⁶ The emperor's principle method of self-defense, according to Machiavelli, was not the pretorian cohorts or "countless legions," but instead his own good life, the goodwill of his subjects, and "the attachment of the senate."⁵⁹⁷ Despite such popularity, Marcus, like the other Stoics and like Machiavelli, understood the poignant empirical truth that he was surrounded by men who were bad, selfish, and treacherous. Passages regarding their rottenness ooze from his *Meditations*. In what seems to have been one of his darkest moments, there is an enigmatic condemnation of some rogue who apparently lingered in the emperor's thoughts: "A black character, an unmanly character, an obstinate character, inhuman ([or brute]

⁵⁹⁶ Machiavelli, *The Prince* Ch. 19; While a full exposition of the Emperor's realist foreign policy requires a historical approach to the subject, what is interesting here is his ability to hold such a policy consistently with his conception of virtue generally, and the Stoic conception of justice in particular.

⁵⁹⁷ Machiavelli, *Discourses on Livy* 10

theriodes), animal (*boskematodes*), childish, stupid, counterfeit, cringing, mercenary, tyrannical.”⁵⁹⁸

Probably unintentionally, the metaphor of the “brute” and “animal” recalls Cicero’s *jus ad bellum* warning to resort to the mode of conflict appropriate to animals only when the mode fit for humanity (i.e., reasoned dialogue) is impossible.⁵⁹⁹ Marcus continues the metaphor in another passage, comparing the warriors who take pride in such slaying of their fellow human beings to mere animals trapping their insignificant prey:

A spider is proud to trap a fly. Men are proud of their own hunting- a hare, a sprat in the net, boars, bears, Sarmatian prisoners. If you examine their motives, are they not all bandits?⁶⁰⁰

Here, Marcus seems to take waging war for any reason other than to fulfill one’s social role in the service of both common humanity and one’s own smaller community to be akin to a criminal act. For the Stoics in general, a common human origin in reason precludes the existence, even between foreigners or enemies, of an amoral international system. Not that understanding this is easy: Marcus consistently reminded himself of the need for practice, training, and self-reflection in order to achieve communion with Nature and nature’s laws, which command concord:

And among the rational creatures there were civic communities friendships, households, assemblies: and in war treaties, and truces... Only the intelligent creatures have now forgotten that urge to be unified with

⁵⁹⁸ *Meditations* 4.28, Haines’ translation

⁵⁹⁹ *On Duties* 1.34

⁶⁰⁰ *Meditations* 10.10, Hammond’s translation

each other: only there will you see no confluence. They may run from it, but nevertheless they are overtaken: such is the power of nature.⁶⁰¹

Marcus here represents the state of mind of a Stoic ruler tasked with defending his state, certainly, but who also has internalized cosmopolitan citizenship as a primary allegiance, and who sets it upon himself to police the battlefield accordingly. Defending one's homeland, in Marcus' case by waging war for two decades in the frozen forests of Germania, are, for Stoics, appropriate actions (i.e., the selection of things according to nature while admitting of a 'reasonable defense'). Any deviation of this is criminal even if there is no written agreement between nations. This alludes to the Stoics' demand for a 'right intention,' not merely for *jus ad bellum*, but also *in bello*: A soldier might do something appropriate (*kathekon*; e.g. defend the borders by killing the enemy) but do it unjustly (e.g. gleefully), thus making such an agent akin to a spider.⁶⁰² Elsewhere, Marcus is more explicit:

If you set up as good or evil any of the things beyond your control, it necessarily follows that in the occurrence of that evil or the frustration of that good you blame the gods and hate the men who are the real or suspected causes of that occurrence or frustration: and indeed we do much injustice through our concern for such things. But if we determine that only what lies in our power is good or evil, there is no reason left us either to charge a god or to take a hostile stance to a man.⁶⁰³

⁶⁰¹ *Meditations* 9.9.2-3, Hammond's translation

⁶⁰² Or even worse, since the spider is not acting viciously by trapping flies (setting aside the obviously metaphorical statement regarding a spider's affective mental state), but naturally; whereas the unjust soldier, in Stoicism, is acting unnaturally (i.e., un-humanly) by suffering the passion of glee. Birley (p. 215) is quite comfortable elaborating on the emperor's mental state *post bellum*: "Marcus did not exult in his victories. But some of his men must have taken pride in their personal prowess against the enemy. The artists of the Aurelian column in Rome have authentically recaptured the resignation and sympathy which motivated Marcus, in their portrayal of the northern wars."

⁶⁰³ *Meditations* 6.41, Hammond's translation

As a repetitive exercise to avoid anger at the moral failings of others (and perhaps his own), Marcus often reiterates to himself the irrationality of expecting immoral men to act morally. Wanting otherwise is “like wanting the fig tree not to produce [acid sap] in its figs, babies not to cry, horses not to neigh, or any other inevitable fact of nature.”⁶⁰⁴ It is as “absurd” to be surprised at the ubiquity of injustice and ignorance as it is for a “doctor or ship’s captain to be surprised at fever in a patient or a head-wind springing up.”⁶⁰⁵ As a result, Marcus prudently trained himself to expect the worst in humanity:

Say to thyself at daybreak: I shall come across the busy-body, the thankless, the overbearing, the treacherous, the envious, the unneighborly (or ‘unsocial,’ *akoinoneto*). All this has befallen them because they know not good from evil. But I, in that I have comprehended the nature of the Good that it is beautiful [or ‘right,’ *kalon*], and the nature of Evil that it is ugly [or ‘wrong,’ *kakou*], and the nature of the wrong-doer himself that it is akin to me, not as partaker of the same blood and seed but of intelligence and a morsel of the Divine, can neither be injured by any of them- for no one can involve me in what is debasing- nor can I wroth with my kinsman and hate him. For we have come into being for cooperation, as have the feet, the hands, the eyelids, the rows of upper and lower teeth. Therefore to thwart one another is against Nature; and we do thwart one another by shewing resentment and aversion.⁶⁰⁶

While Marcus Aurelius could be taken to refer to the treachery endemic in his own court, he might just as likely be referring to the enemy soldiers and the dubious

⁶⁰⁴ *Meditations* 12.16, Hammond’s translation; Ibid, 5.17 posits a deterministic element to folly: “To pursue the impossible is madness: and it is impossible for bad men not to act in character.” Also, 4.6: “With such people such an outcome is both natural and inevitable...; 11.18.11 reiterates the point but reminds Marcus that injustice ought be stomped out anywhere, not merely where one is the recipient: “[I]t is madness to expect bad men to do no wrong: that is asking for the impossible. But it is cruel tyranny to allow them such behavior to others while demanding that they do no wrong to you.” This last statement in particular raises interesting questions regarding a Stoic’s position on humanitarian intervention, but we can postpone this for future work. See Gross 2010, pp. 16-7.

⁶⁰⁵ *Meditations* 8.15, Hammond’s translation

⁶⁰⁶ *Meditations* 2.1, Haines’ translation; Compare Machiavelli’s many statements about people’s wickedness, selfishness, and overall rottenness (for instance, in *The Prince* Ch. 17) with Marcus’ advice to himself throughout the *Meditations*.

allies throughout his decades in the wars defending the Empire's northern borders.

Though he waged war in the interests of Empire, in line with Stoic natural law he accepts the existence of normative standards even in the international system, and reminds himself to expect treachery and disobedience to the moral law; and even to react with compassion:

Whenever you are offended at someone's lack of shame, you should immediately ask yourself: 'So is it possible for there to be no shameless people in the world?' it is not possible. Do not then ask for the impossible. This person is just one of the shameless inevitably existing in the world. Have the same thought ready for the rogue, the traitor, every sort of offender. The recognition that this class of people must necessarily exist will immediately make you kinder to them as individuals.⁶⁰⁷

As mentioned previously, the Stoics' natural law position holds that correct reasoning, rather than governmental authority or international norms, is true moral authority. Marcus Aurelius compares those who do not adhere to this law to fugitive slaves. Considering the Stoics' 'equality of errors' doctrine, emotions based on faulty judgments (i.e. *pathe*) about impressions (*phantasiai*) turn agents, and *a fortiori* soldiers, into law-breakers, fugitives from divine rationality and just law:

A slave running from his master is a fugitive. Law is our master: the law-breaker is therefore a fugitive. But also in the same way pain, anger, or fear denote refusal of some past, present, or future order from the governor of all things- and this is law, which legislates his lot for each of us. To feel fear, pain or anger is to be a fugitive.⁶⁰⁸

Such a fugitive, by acting discordantly with the will of universal reason by separating "himself from the principle of our common nature, either by being

⁶⁰⁷ *Meditations* 9.42, Hammond's translation

⁶⁰⁸ *Meditations* 10.25, Hammond's translation

“disaffect[ed] with his lot” or by failing to fulfill obligations based on “social principle” (*politikon logon*), becomes “a tumor on the universe, and “a social splinter, if he splits his own soul away from the unified soul of all rational beings.”⁶⁰⁹ For Marcus, who reigned during wars, natural calamities, and the deaths of most of his immediate family, grief was nevertheless as much a product of flawed reasoning as fear, anger, or glee. Hedonists also get scourged: “A man who pursues pleasure will not hold back from injustice...”⁶¹⁰ This follows from Marcus’ Stoic axiology, which posits that any (mis)judgment to an impression (technically, an impression’s propositional content) which takes something besides one’s own virtue or vice to have moral value is mistaken; and this mistaken view that pleasure is a moral good is a cause of injustice.

There is, however, one passage on moral errors that requires some explanation and which may be relevant for *jus post bellum*, especially in considering severity in punishment. Marcus cites with approval the philosopher Theophrastus (who, as it happens, was not a Stoic but an Aristotelian Peripatetic) and his comparative ranking of moral errors. Marcus seems to agree with him that some errors deserve greater punishment depending on the passion that initiated those errors:

Theophrastus says that offences of lust (*epithumian*) are graver than those of anger (*thumon*): because it is clearly some sort of pain and involuntary spasm which drives the angry man to abandon reason, whereas the lust-led offender has given in to pleasure and seems somehow more abandoned and less manly in his wrongdoing. Rightly then... the greater censure attaches to an offense committed under the influence of pleasure than to one under the influence of pain. And in general the one is more like an injured party, forced to anger by the pain of provocation: whereas the

⁶⁰⁹ *Meditations* 4.29, Hammond’s translation

⁶¹⁰ *Meditations* 9.1.4, Hammond’s translation

other is his own source of the impulse to wrong[doing], driven to what he does by lust.⁶¹¹

How does a Stoic accept that some errors call for a more severe punishment than others, given that in Stoic philosophy all errors- from murder to a mistake in a syllogism- are equal? We might only discover an outline of an answer here, but one which might lead to further work on the subject. First, our answer assumes that Marcus' approval of Theophrastus' position is consistent with his Stoic view (whether or not Marcus thought it to be so is not important here). Secondly, in Stoic moral psychology, both anger and lust are types of desire; and both mistakenly take something indifferent to be a moral good (i.e. something which can bring *eudaimonia*) rather than, as the Stoics accept, something indifferent (*adiaphora*) that is merely generally preferred (*proegmena*). Thirdly, let us indulge in the idea that Marcus is being a tad careless with his pen, and assume instead that the lust-led offender in his example does not give in to pleasure but to the *desire for prospective pleasure*.

At any rate, one answer to why some punishments ought to be greater would be that the anger-led offender has made an immediate misjudgment, and was carried away by a sudden, overwhelming desire (technically, an assent [*sunkatathesis*] to an impression, causing such a desire) to hurt an enemy who he believes has wounded him. In the context of war, this seems plausible enough, as one single impression can cause an unjust, though perhaps understandable, retaliation. For example, imagine that a wounded soldier, whose judgment has been made hastily by pain, fires upon a surrendering enemy combatant during a battle. Such a soldier, we might say, has been disoriented from the

⁶¹¹ *Meditations* 2.10, Hammond's translation

otherwise-appropriate actions of defending himself, his fellow-soldiers, and less directly, his fatherland. Such an assent to a false impression (whose propositional content, in theory, would be something like, “It is appropriate to shoot this soldier for the damage inflicted upon me”), though misguided, seems closer to the Stoics’ conception of the appropriate care for one’s life and for the members of one’s inner circles i.e., the *kathekonta* derived from the social aspect of *oikeiosis*. By contrast, the lust-led offender often enough “is his own source of the impulse” in that there is no outside provocation to turn to violence. In the latter case, neither is there anyone present to protect by his intended action, even misguidedly, as in the case of the shooter.

Moreover, in the suddenness of pain, *one* impression (and the agent’s faulty assent) is enough to lash out with a impertinent strike. But lust, considering the Stoics’ ontology (regarding the existence only of occurrent thoughts), often occurs from *a series* of misjudgments. Since, every time there is a thought on the matter, there is a chance at misjudgment. A lust-led offense, therefore, is often the culmination of *many* misjudgments, whereas a reaction from pain only takes one. Let us imagine a slightly adapted Scene XX of Marcus’ column, which portrays the aftermath of the destruction of a German village (a pocide in miniature).⁶¹² One can plausibly imagine the Roman soldier, having slaughtered the defenders, grabs a barbarian woman by the hair as she

⁶¹² Ferris, 2000, 95: “One of the most shocking scenes is that of the sacking of a German village (Scene XX), with the emperor and his Roman troops being shown as spectators at the event. Roman troops slaughter the barbarian men. One soldier is depicted about to bring his sword down on the figure of a barbarian man already partially stunned and on the ground on all fours, his bare back to the looming figure of the Roman. Another Roman grabs a woman by the hair as she attempts to flee the village with her child. Her garment has fallen away from her right shoulder to expose her bare breast... A slaughtered barbarian man lies on the ground behind the woman and it may be assumed that he was her husband and the child’s father.”

scrambles away with her child, her simple garment now “fallen away from her right shoulder to expose her bare breast.”⁶¹³ Such an event takes some time; at least, more time than a wound received from an enemy spear or bullet. And, this event brings with it even more impressions- and every impression brings with it another chance at judgment.

Regarding punishment, the rape of a noncombatant divulges *an abhorrent character*, and imprisonment (or more) would serve to separate the offender from others (both other noncombatants and corruptible fellow soldiers). Also, a greater punishment for this sort of thing might serve as a deterrent, as Seneca notes.⁶¹⁴ If Marcus’ strategy in the future might (and did) require the assistance of the German tribes against other enemies (often other German tribes), then there is a pragmatic reason to punish a soldier (one’s own or an enemy) who gives in to lust more severely than one who gives in to anger: An enemy’s prudent respect for Roman prowess is useful to the Roman strategy in a way that hatred for Roman hubris (manifested in the disgust at the abhorrent beating and raping of a woman just widowed) is not. An error consistent with self-defense, albeit self-defense misjudged, is more easily excused than one committed where defense is not at issue (though equally wrong); or so the reasoning for a stronger punishment might go.

⁶¹³ Ferris 2000, p. 95

⁶¹⁴ *On Anger* 1.16.2-7

5.3.5 Restraint and justice

Though Marcus only briefly mentions censure, his writings in the *Meditations*, as well as the historical record, amply discuss his regard for tolerance and clemency. “Most of his life,” according to Cassius Dio, “he devoted to beneficence...”:

He himself, then, refrained from all offences and did nothing amiss whether voluntarily or involuntarily; but the offences of the others... he tolerated, and neither inquired into them nor punished them. So long as a person did anything good, he would praise him and use him for the service in which he excelled, but to his other conduct he paid no attention; for he declared that it is impossible for one to create such men as one desires to have, and so it is fitting to employ those who are already in existence for whatever service each of them may be able to render to the State.⁶¹⁵

In short, the emperor seems to have tolerated others’ shortcomings whenever possible, even those of his erstwhile enemies. Like the other historical statemen of antiquity who garnered Machiavelli’s praise, Marcus was wont to abstain from unnecessary cruelty; making himself feared but, prudently, not detested. He constantly reminds himself in the *Meditations* that “rational creatures are born for each other’s sake, that tolerance is a part of justice, that wrongdoing is not deliberate.”⁶¹⁶ An enemy, therefore, remains not merely a “fellow man” but also a “kinsman” and “colleague”:

...though one who does not know what accords with his own nature. But I do know: and so I treat him kindly and fairly, following the natural law of

⁶¹⁵ *Roman History* 72.33, Cary’s translation

⁶¹⁶ *Meditations* 4.3.2, Hammond’s translation; In the Socratic (and Stoic) vein of ethics, injustice occurs because fools mistake indifferent things as having moral value, *and so err unwillingly*. In *Meditations* 6.20, Marcus refers to such an enemy as a “competitor in the ring” (*gumnasiois*). Clay (in his introduction to the *Meditations*, p. xxxvi) adds: “Marcus represents attainment of these virtues as a contest (*agon*), like a wrestling or a boxing match. But his opponents are not external to him. In his conception of his inner soul he recognized a struggle between reason and the raw images (*phantasiai*), appetites, passions, impulses, ambitions of his other ‘self.’ It was up to him and his ‘directing mind’ to weigh them and to assert them and pursue them, or to reject and avoid them.”

our fellowship, but at the same time I aim to give him his proper desert in matters which are morally neutral.⁶¹⁷

During the emperor's reign, such matters of moral neutrality often took the dispreferred form of war; and with it, all the events which would inspire the "pornography of political violence" depicted on the column Commodus dedicated to him.⁶¹⁸ But Marcus reminds himself to refrain from taking glory in such things, and cautions himself not to become "caesarified" (*apokaisarothois*).⁶¹⁹ In his *Meditations*, he checks any desire for imperialism which may materialize at the expense of moderation and justice. *Per* the Stoics' axiology, even the greatest warriors and conquerors rank far lower in esteem than Marcus' own heroes, philosophers who were instead able to conquer their own minds:

Alexander, Julius Caesar, Pompey- what are they to Diogenes, Heraclitus, Socrates? These men saw into reality, its material, and their directing minds were their own masters. As for the former, they were slaves to all their ambitions.⁶²⁰

⁶¹⁷ *Meditations* 3.11, Hammond's translation; Sellars (p. 119) considers Marcus' "principle motivation": "... to see all humans- no matter what level of ethical progress- as his fellow citizens and members of a single community." Perhaps this goes some way into answering Williams (p. 20), who notes the moral luck of having the cognitive capacity and education for achieving sagehood: "There has been a strain of philosophical thought which identifies the end of life as happiness, happiness as reflective tranquility, and tranquility as the product of self-sufficiency- what is not in the domain of the self is not in its control, and so is subject to luck and the contingent enemies of tranquility. The most extreme versions of this outlook in the Western tradition are certain doctrines of classical antiquity, though it is a notable fact about them that while the good man, the sage, was immune to the impact of incident luck, it was a matter what may be called constitutive luck that one was a sage, or capable of becoming one: for the many and the vulgar this was not (on the prevailing view) an available course." Marcus' answer, like Seneca's, is tolerance and *clementia*.

⁶¹⁸ Ferris 2009, p. 110

⁶¹⁹ *Meditations* 6.30.1

⁶²⁰ *Meditations* 8.3, Hammond's translation

True glory, like justice, is internal, and the conquerors he mentions were presumably acting under their desire for external glory (something outside of themselves i.e., a passion). They were thus ‘enslaved,’ as it were, to their own ambitions (*ekei de hoson pronoia kai douleia poson*). They were also not entirely responsible for their successes, since victory in warfare is not merely subject to the will of the conqueror. The philosophers, however, “were their own masters” (*auton auta*), unburdened by the dangerous passions which can lead to the unnecessary suffering and deaths of others.⁶²¹ Marcus here is also echoing Cato’s words at his suicide: that he was now “his own master.”⁶²² The point of the passage above is that the philosophers he mentions were in control over their minds, their actions, and their emotions (at least according to Marcus), and thus worthy of being praised. The conquerors, as slaves to glory and their passions, and who confused indifferent things for beneficial ones, were not.

Marcus’ realist restraint and the importance he places on internal justice take for granted the ubiquity of ignorance, passion, and malice of others- while still understanding

⁶²¹ The influence which Heraclitus in particular had on Marcus’ thoughts in the *Meditations* is a topic that deserves much more attention than we can devote to it here. Briefly however, as Clay (p. xxxi) has also noted, “... a number of things in the art and thought of Heraclitus appealed to him: Heraclitus’ conception of a universal rationality of human beings; his awareness of a cyclical pattern discernible within change; the river of change that seems to carry everything before it, but is in fact a part of the orderly transformations of the universe; the unnatural estrangement of the individual from what all men share in common; and the aphoristic style that gave Heraclitus the nickname ‘the dark.’” In the *Meditations* itself, Marcus several times either quotes or paraphrases Heraclitus; and much of his own thought, like that of many other Stoics (particularly, Cleanthes and Sphaerus) before him, is derived, even if it deviated, from Heraclitus’ conceptions of *Logos* and natural law. Take for instance Marcus’ musings on the inherent change in the world (4.42); the metaphor of the river in describing such change (4.43); the sleep-walking behavior of the ignorant (4.46; 6.42); and perhaps most importantly for the topic of war, the individual’s acceptance of conflict in nature and in life as a metaphorical martial art to deal with that conflict (7.61): “The art of living is more like wrestling than dancing, in that it stands ready for what comes and is not thrown by the unforeseen.”

⁶²² Plutarch, *Cato* 70.1

that even enemies are kin in their possession of reason. Continued from *Meditations* 2.1, quoted above, Marcus reminds himself of the importance of the Stoics' cataleptic impressions regarding harm, the good, and human kinship:

But I have seen that the nature of good is what is right, and the nature of evil what is wrong; and I have reflected that the nature of the offender himself is akin to my own- not a kinship of blood and seed, but a sharing in the same mind, the same fragment of divinity. Therefore I cannot be harmed by any of them, as none can affect me with their wrong. Nor can I be angry with my kinsman or hate him. We were born for cooperation, like feet, like hands, like eyelids, like the rows of upper and lower teeth. So to work in opposition to one another is against nature: and anger or rejection is opposition.⁶²³

Marcus' realism is therefore an ethical one which calls to mind the importance of normalized relationships in international politics.⁶²⁴ While acknowledging the *de facto* rottenness of human beings, such a rottenness is a deviation of the natural state of humankind. So, he reminds himself to always keep an eye on what *humanity itself* is: a political unit or a family in which reconciliation must be sought after always, for the common benefit. Thus, Marcus reminds himself to constantly work toward that cosmic *post bellum* state.⁶²⁵ When Marcus writes that "none can affect [him] with their wrong[doing]," he is echoing the Stoic position that an agent harms only themselves when they become, to the extent that they can, a "tumor on the universe" by giving in to

⁶²³ *Meditations* 2.1, Hammond's translation

⁶²⁴ Marcus' ethical realism does not refer to 'moral realism,' the position that at least some ethical propositions refer to objective features of reality. Rather, what is meant is an ethical *political* realism. In a Stoic ethical realism, the ethical foundation, of course, is *eudaimonia*; a political realism based on an enlightened self-interest and an interest and care for others, even distant foreigners. Practical applications for ethical realism from outside the discipline of philosophy might be the policy recommendations in Andrew Bacevich, pp. 170-82; in Lieven & Hulsman, pp. 119-77; as well as in Rajan Menon, pp. 171-8.

⁶²⁵ Though the pun on 'state' here is unintended, it reveals the relation between the 'state' of human fellowship as it is, and a cosmic 'state' in which all humans are citizens.

pleasure, resentment, distress, or deviousness.⁶²⁶ But self-harm also comes about when a person “turns away from another human being,” or intends to harm him: “such is the case in the souls of those gripped by anger.”⁶²⁷

Not only wrath but also carelessness deserves rebuke, as when an agent

acts at random, without conscious attention- whereas even the most trivial action should be undertaken in reference to the end. And the end for rational creatures is to follow the reason and the rule of that most venerable archetype of a governing state- the Universe.⁶²⁸

With this goal in mind, Marcus finds no reasonable excuse for placing bodily pleasures and pains before his duty to act in accordance with the dictates of nature and humanity:

At break of day, when you are reluctant to get up, have this thought ready to mind: ‘I am getting up for a man’s work. Do I still then resent it, if I am going out to do what I was born for, the purpose for which I was brought into the world? Can you not see plants, birds, ants, spiders, bees all doing their work, each helping in their own way to order the world? And then you do not want to do the work of a human being- you do not hurry to the demands of your own nature.’⁶²⁹

Marcus makes the connection between moderation and justice here as well, reproaching himself for taking time to take some (presumably much-needed) rest. Or as he puts it, for going beyond his limits in resting, but not in his quest for virtue: “Here you

⁶²⁶ *Meditations* 4.29

⁶²⁷ *Meditations* 2.16, Hammond’s translation

⁶²⁸ *Meditations* 2.16, Hammond’s translation; There is a parallel here with Clausewitz’s position that all actions in war must keep in mind a political goal. Marcus would seem to develop this further: All actions in war, and *a fortiori* in politics, must keep in mind a universal moral and political reality.

⁶²⁹ *Meditations* 5.1, Hammond’s translation; Nowhere does Marcus assume developing such a character is easy; but, rather, it is a life’s work (4.37): “Your death will soon be upon you: and you are not yet clear-minded, or untroubled, or free from fear of external harm, or kindly to all people, or convinced that justice of action is the only wisdom.” Elsewhere (8.1), he states that “... nothing is good for a human being which does not make him just, self-controlled, brave, and free: and nothing evil which does not make him the opposite of these.”

stay below your capability.”⁶³⁰ Marcus also mentions the internality of justice and the dichotomy of control when he tells himself to strive for a “calm acceptance” of that which comes from external causes, but to exemplify “justice in all activity of your own causation.”⁶³¹ Like a true Stoic, he understands that it is nature, not convention, that is the “origin of justice, from which all other virtues take their being”; and this can be accomplished only by placing one’s virtue as the object of action, “since there will be no preservation of justice if we are concerned with indifferent things....”⁶³² Elsewhere, Marcus reminds himself to temper his constancy with the flexibility necessary for acting with a ‘right intention’:

Always have these two principles in readiness. First, to do only what the reason inherent in kingly (*basilikos*) and judicial (*nomothetikos*) power prescribes for the benefit of mankind. Second, to change your ground, if in fact there is someone to correct and guide you away from some notion. But this transference must always spring from a conviction of justice or the common good: and your preferred course must be likewise, not simply for apparent pleasure or popularity.⁶³³

From a Stoic just war perspective, Marcus Aurelius’ restraint and realism are corequisites of justice. Unlike the inflexibility of someone like Cato, the emperor

⁶³⁰ *Meditations* 5.1, Hammond’s translation; Also *ibid*, 8.39: “In the constitution of the rational being I can see no virtue that counters justice: but I do see the counter to pleasure: self-control.” Moreover, the emperor’s capability, per Stoicism, requires taking into account his natural role as well as that of his social role (5.11): “To what use, then, am I now putting my soul? Ask yourself this question on every occasion. ... What sort of soul do I have after all? Is it that of a child? A boy? A woman? A despot? A beast of the field? A wild animal?” The last query three queries in particular call to mind the Stoic importance of language as well as Cicero’s call to force as a method of conflict resolution fit for animals.

⁶³¹ *Meditations* 9.31, Hammond’s translation

⁶³² *Meditations* 11.10, Hammond’s translation

⁶³³ *Meditations* 4.12, Hammond’s translation; Accepting the advice of others calls to mind the deliberations of Rubellius and of Thrasea on their respective impending executions. Though for Stoics justice is ‘internal,’ it is often helpful to consider the advice of others in order to discover what reason requires for justice and, as these examples imply, bravery.

reminds himself of his own limits and of the limits of Roman imperial power. Likewise, he tells himself to perform what nature requires him to do at the present moment, rather than ruin progress by keeping to unattainable ideals: “Do not hope for Plato’s utopian republic, but be content with the smallest step forward, and regard even that result as no mean achievement.”⁶³⁴ It is such restraint and justice that allows him to act according to his role, while becoming neither “tyrant [n]or slave to any man.”⁶³⁵ In this sense, Stoic justice concentrates not on the *institutions* of tyranny and slavery, but on the internal aspect of such injustice. One harms oneself by malignant execution of power (tyranny), or by obeying the unjust orders of another (slavery). This is another nod to the Stoics’ moral and political anarchism; the sole focus of political action ought to be the “common interest” (*koine chresimon*) and “harmony” (*euarmoston*).⁶³⁶

For the emperor, actions to correct injustice should be, in a sense, restorative; and such correction should be done dispassionately. In line with Hierocles’ paradigm, even in warfare one’s concern for oneself should be, to the extent possible, identical with concerns for all. Marcus’ reasons for moving against an enemy or a rebel might epitomize the Stoic conception of ‘last resort’:

What is not harmful to the city does not harm the citizen either. Whenever you have imagined you have been harmed, apply this criterion: If the city is not harmed by this, then I have not been harmed either. If, on the other

⁶³⁴ *Meditations* 9.29, Hammond’s translation; Contrast this remark about Plato’s utopian republic with Cicero’s frustration at Cato, *supra*.

⁶³⁵ *Meditations* 4.31, Hammond’s translation

⁶³⁶ *Meditations* 7.5, Haines’ translation

hand, harm is done to the city, you should not be angry, but demonstrate to the doer of this harm what he has failed to see himself.⁶³⁷

These cosmopolitan themes are revisited in the next section, but there is one final point which is too important to be relegated to a mere footnote: the emperor's concern for nonhuman animals and the environment. For Marcus, the call to internal justice does not merely involve an agent's behavior toward other humans: "Since you have reason and they do not, treat dumb animals and generally all things and objects with generosity and decency."⁶³⁸ Granted, this is *one* passing thought from *one* Stoic, and very little evidence for Stoic concern toward animals exists anywhere else. And any claim for Stoic concern for nonhuman animals suffers when this passage is juxtaposed against the Stoics' other, less-kind statements.⁶³⁹ Even without these difficulties, a Stoic just war theory which might prescribe concern for non-human animals in warfare would involve more than the usual amount of speculation. But if Marcus' position can be taken as consistent with Stoic principles as such, then animal welfare and environmental concerns must be taken into consideration when attempting to act justly. If this is correct, then it is another example of the unity of the virtues: Stoic justice and Stoic temperance become nearly interchangeable. Virtue may be portrayed as justice when actions involve reason-using persons, and as temperance toward nonhuman animals, but these lines may be blurrier

⁶³⁷ *Meditations* 5.22, Hammond's translation; More laconically in *ibid* 8.59: "Men are born for the sake of each other, so either teach or tolerate."

⁶³⁸ *Meditations* 6.23, Hammond's translation

⁶³⁹ For instance, like the one in Diogenes Laertius, 7.129: "[The Stoics] believe there is no justice between us and the other animals, because of our dissimilarity..."; Ferris' (2009, p. 120) statement about the ubiquity of violence against women in war is unfortunately also true about violence toward other animals, but brings with it far fewer calls for changing the norms of warfare.

than previously thought.⁶⁴⁰ In war, this might involve abstaining from ordering the defoliation of wilderness (such as that done by Agent Orange), bombing animal habitats, or from pollution of rivers and farmland, even if no humans are casualties.

Two millennia after beasts were systematically tortured and killed in the amphitheaters of Marcus' Rome, *jus in bello* toward animals still seems about as utopian now as Plato's ideal city seemed to Marcus. Regardless of whether such moral concern for the environment and for non-human animals will ever be expressed in reality, like Marcus' goal of incremental progress in the 'utopian' passage (*Meditations* 9.29), striving for it is the duty of the just ruler and soldier. One quote from the *Meditations* serves as a justification for empathy and consideration for animals caught in humans' war, as well as a segue to the next section:

You should meditate often on the connection of all things in the universe and their relationship to each other, in a way all things are interwoven and therefore have a family feeling (*touto phila allelois*) for each other: one thing follows from another in due order through the tension of movement, the common spirit inspiring them, and the unity of all being.⁶⁴¹

⁶⁴⁰ The difference between justice and temperance concerning nonhumans, like the inseparability of Stoic virtue generally, is a conceptual one, and perhaps even a bit arbitrary. For instance, would conflict over resources in Africa or Borneo, which would shamefully include great apes among its casualties, be called an example of injustice or intemperance?

⁶⁴¹ *Meditations* 6.38, Hammond's translation; In what is more of a stretch, but perhaps also suggests care for the non-human aspects of nature, is Marcus' note to remember his "three relations" (8.27, emphasis added): "*First, to your environment*; second, to the divine cause which is the source of all that happens to all men; third, to your fellows and contemporaries."

5.3.6 Cosmopolitanism

Though much of the emperor's life involved balancing enemy nations against Rome's current enemies and nearly-constant warfare, at least in his most private writings Marcus never considered Rome's national interest as antithetical to the interest of others. Unlike contemporary realism's zero-sum view of international politics, Marcus' quest for *eudaimonia* consisted in observing the interconnectedness of all things in nature and, if he is to be a true part of that nature, to strive to be just, as well as virtuous in other respects. This, in turn, compels him to understand his distinct but connected roles: "As Antoninus [i.e., Marcus Aurelius], my city and my country is Rome; as a human being, it is the world. So what benefits these two cities is my only good."⁶⁴² This required him to balance his prudent realpolitik with his cosmopolitan concern for the common benefit of humankind. He commands himself to "take no action unwillingly, selfishly, uncritically, or with conflicting motives" but rather to act always in accordance with his stations: that of "a male, mature in years, a statesman, a Roman, a ruler: one who has taken his post like a soldier waiting for the Retreat from life to sound, and ready to depart..."⁶⁴³ The last part of the sentence recalls the role he is tasked to play in the smaller political unit of Rome, where he must be prepared to die at any moment, whereas the next passage considers his obligations to the greater political unit, where he must be pleased with his destiny:

As long then as I remember that I am a part of such a Whole, I shall be well pleased with all that happens; and in so far as I am in intimate connection with the parts that are akin to myself, I shall be guilty of no

⁶⁴² *Meditations* 6.44, Hammond's translation

⁶⁴³ *Meditations* 3.5, Hammond's translation

unsocial act, but I shall devote my attention rather to the parts that are akin to myself, and direct every impulse of mine to the common interest and withhold it from the reverse of this.⁶⁴⁴

In this passage lies the starkest difference between a Stoic virtue theory and many other just war theories: the importance placed on an agent's aspirations for a flourishing life and firm character which, for better or worse, is often the only check on one's conduct in war. The virtuous Stoic statesman or soldier, should such a person ever exist, would not merely be acting according to duty; in acting on behalf of those to whom he is responsible and even on behalf of those he will never meet, he would also be living successfully and happily. Thus, Marcus tells himself that working toward the common benefit must be done while both keeping "a cheerful demeanor," and (as one would expect from a political realist) while remaining independent "of outside help and the peace which others can give."⁶⁴⁵ Again, there is a parallel here with Clausewitz's general, who must act despite the uncertainty in the battle, i.e. the "fog of war" (*Nebel des Krieges*):

In man's life his time is a mere instant, his existence a flux, his perception fogged, his mind a whirligig, his fortune unpredictable, his fame unclear... All things of the mind are dreams and delusions; life is warfare, and a sojourn in a strange land; the only lasting fame is oblivion. What then can escort us on our way? One thing, and one thing only: philosophy.⁶⁴⁶

⁶⁴⁴ *Meditations* 10.6.2, Haines' translation; Sellars (p. 113) explains how justice benefits the agent: "Thus, the agent directly benefits from acting justly in two ways: (i) by being part of the whole, they benefit whenever the whole benefits, and (ii) by acting consistently with their own human nature, they avoid internal conflict and take pleasure in fulfilling their proper function. ... They achieve internal consistency, consistency with human nature, and consistency with the larger whole of which they are a part.

⁶⁴⁵ *Meditations* 3.5, Hammond's translation

⁶⁴⁶ *Meditations* 2.17.1-2, Hammond's translation

The Stoics' philosophy makes the internal component of justice, the life in accordance with nature, the lynchpin of ethics in the self-help world of international politics. It is the pursuit of *eudaimonia* that compels Marcus to act justly, with the emphasis on the internal: The combatant's "duty is to stand straight- not [be] held straight."⁶⁴⁷

Interestingly, it is Marcus' experiences on the battlefield that provide him with an apt, if macabre, metaphor for those who act unjustly:

If you have ever seen a severed hand or foot, or a head cut off and lying some way away from the rest of the body- analogous is what someone does to himself, as far as he can, when he will not accept his lot and severs himself from society or does some unsocial act.⁶⁴⁸

Marcus observes in these grisly cases a parallel between incongruity and unnatural horror of the aftermath of a Roman battle and those who act unsocially, which sever themselves from the natural whole of humanity. Elsewhere, the emperor takes this example further and, like Cicero, Cato, and Hierocles before him, notes the importance of language in considering one's relationship to all humanity:

Rational beings collectively have the same relation as the various limbs of an organic unity- they were created for a single cooperative purpose. The notion of this will strike you more forcefully if you keep on saying to yourself: 'I am a limb of the composite body of rational beings.' If, though, by the change of one letter [lit. lambda to rho; *melos* to *meros*], you call yourself simply a part rather than a limb, you do not yet love your fellow men from your heart: doing good does not yet delight you as an end

⁶⁴⁷ *Meditations* 3.5, Hammond's translation

⁶⁴⁸ *Meditations* 8.34, Hammond's translation; As mentioned above, Ferris suggests that the many returning thoughts of severed heads and scattered limbs may be symptomatic of post-traumatic stress. Cf. Sellars, p. 120: "Marcus' image of all humans as equal citizens in a single cosmic city draws... on earlier Stoic thinking. However, he develops his own thoughts on this topic further, insisting on an even stronger connection between individuals and between each individual and the whole. One might say the problem with cosmopolitanism as it is usually conceived is that it continues to see individuals as distinct, isolated agents. There may be a single, universal city, but there remains a plurality of citizens within it, each with their own needs and concerns. Marcus' aim is to move beyond this individualistic model and replace it with something more integrated and organic."

in itself; you are still doing it as a mere duty, not yet as a kindness to yourself.⁶⁴⁹

Again, Marcus' motivation is (or, as he reminds himself, *should be*) a type of self-love exemplified through care and love for others: a quest for *eudaimonia* which is only accomplished by fulfilling that which is natural: a close, endearing (i.e., *oikeion*) relationship to his fellow human beings.⁶⁵⁰ In this way, Marcus most explicitly separates the metaethical Stoic position from one of "mere duty"; this provides the Stoic just war theory with a different incentive to justice than a deontological account.

If the battlefield's scattered limbs and heads are the grotesque distortions of what human community ought to be, that is, if the gruesome scene serves as a metaphor for the unnaturalness of those who act unjustly, then something like the metaphor's opposite serves as a reminder of the unity of humankind:

Think of the universe as one living creature, comprising one substance and one soul: how all is absorbed into this one consciousness, how a single impulse governs all its actions; how all things collaborate in all that happens; the very web and mesh of it all.⁶⁵¹

⁶⁴⁹ *Meditations* 7.13, Hammond's translation; Cf. Sellars, p. 123: "The person who sees themselves as a part may act for the benefit of the whole, all the while retaining their own identity as an individual, a part of, but still distinct from, society as a whole. By contrast, if someone sees themselves as limb of society, as an integrated part of a larger organism, then they will act for the common good of the whole knowing that it is also for the good of themselves. While a part might still experience a conflict between its interests and the interests of the whole, a limb will experience no such thing, for its wellbeing depends on the wellbeing of the whole." See also Baldry's (pp. 154-5) discussion on the importance of love, i.e. Eros, in Zeno's ideal city.

⁶⁵⁰ Cf. Sellars, p. 124: "Our primitive sociability connects us with people closest to us, but a more developed sociability- acknowledging what we share in common with all others- involves embracing the idea of a single global community of all mankind."

⁶⁵¹ *Meditations* 4.40, Hammond's translation

This interconnectedness of all things is a reappearing theme throughout the *Meditations*, and in line with Stoic physics and theology. In the Stoics' pantheism, such a cohesion is itself divine, and a common holy law of reason:

All things are meshed together, and a sacred bond unites them. Hardly a single thing is alien to the rest: ordered together in their places they altogether make up the one order of the universe. There is one universe out of all things, one god pervading all things, one substance, one law, one common reason in all intelligent beings, and one truth- if indeed there is also one perfection of all cognate beings sharing in the same reason.⁶⁵²

As these passages show, even when bleak necessity compelled him to fight and destroy his human kin in defense of the Empire, he consistently forced himself to view his enemies as fellow citizens. However, the historical situation was nuanced: Marcus' wars against the barbarians were often less a zero-sum war for existence between alien worlds than they were unfortunate setbacks in a normalized, though nuanced, relationship. Lynn Pitts describes relations between Roman and the Marcomanni and Quadi as "friendly" despite "short periods of hostilities."⁶⁵³ As noted above, Rome often cultivated these tribes to counterbalance others- particularly the dangerous and often-treacherous Jazyges.⁶⁵⁴ But there was more. Trade was common between the Romans and the Germanic tribes, with Roman traders being "active beyond the frontiers and... operating under the protection of the friendly kings"; and their German counterparts were

⁶⁵² *Meditations* 7.9, Hammond's translation

⁶⁵³ Pitts, p. 46

⁶⁵⁴ Pitts, p. 46; Cassius Dio (*Roman History* 72.19): "Marcus gave audience to those who came as envoys from outside nations, but did not receive them all on the same footing; for this varied according as the several states were worthy to receive citizenship, or freedom from taxes, or perpetual or temporary exemption from the tribute, or even to enjoy permanent support. And when the Jazyges proved most useful to them, he released them from many of the restrictions that had been imposed upon them..."

seemingly “equally free to buy and sell in Roman markets.”⁶⁵⁵ Fluid agreements and relationships of some kind or another existed between them for centuries, “presumably to their mutual advantage.”⁶⁵⁶ Despite the depictions on the Column of Marcus Aurelius, the emperor seems to have enjoyed often-friendly relations with the chieftains of tribes. For example, he was asked early in his reign to approve the Quadi’s choice of king, which suggests the Germans accepted that Rome had some place in their internal deliberations.⁶⁵⁷ Marcus, and even many German tribesmen, may have already considered the area as an extension of the Roman Empire, one in which Germans received citizenship, served in the Roman army, and settled in Roman provinces—including Italy proper.⁶⁵⁸

Whatever the normal relationship between the Romans and the German tribes, the Stoics in general thought of (or, like Marcus, at least reminded themselves to think of) even the furthest foreigner as a fellow citizen and “an inhabitant of the highest City, of

⁶⁵⁵ Pitts, p. 51

⁶⁵⁶ Pitts, p. 46; And apparently not merely to the advantage of the elites (ibid, p. 58): “Roman influence extended not just to the tribal leaders, who received luxury goods as diplomatic presents and through trade and, it seems, technical aid, but also to the lower classes. Roman artefacts were in everyday use at all levels of society and some of these suggest the adoption of Roman ways. This social and economic relationship is the real background against which the diplomatic and military relations on the middle Danube must eventually be judged.”

⁶⁵⁷ Pitts, p. 49; Ibid, p. 54, describes what the technical aspects of such a relationship: “The assimilation of these trans-Danubian tribes to Roman ways no doubt helped to foster peaceful relations on the frontier; it also led to a desire for *receptio* within the empire in times of trouble. At no time does a written treaty or *foedus* seem to have existed to regulate relations between Rome and the Marcomanni and Quadi; there is no reference to or hint of such a treaty in the literary sources. The relationship between Rome and the German kings seems rather to have been one of *amicitia*... *Amicitia* was an informal, extra-legal relationship with no specific obligations on either side. The lack of any written treaty helps to explain some of the confusion that arose at times over what rights and obligations each party had, *amicitia* being a much more ambiguous relationship than one defined by treaty.”

⁶⁵⁸ Pitts, p. 49

which all other cities are mere households.”⁶⁵⁹ While it is a matter of chance and indifference to which of those households one belongs, the Stoic’s true community is that of all humanity.⁶⁶⁰ At no point in the *Meditations* does the Stoic emperor view an enemy as something alien to himself; nor as unworthy, *post bellum*, to reintegrate into an aspiring harmonious relationship based on actual concern and close ties of kinship and community under the common law of reason.⁶⁶¹ For a Stoic, the just war is the one where an internal justice compels a ruler or soldier to seek a flourishing life in harmony with that reason, and to do so by seeing even enemy combatants as fellow citizens of the cosmopolis, due to their own share in it:

If mind is common to us all, then we have reason also in common- that which makes us rational beings. If so, then common too is the reason which dictates what we should or should not do. If so, then law too is common to us all. If so, then we are citizens. If so, then we share in a constitution. If so, then the universe is a kind of community. In what else could one say that the whole race shares a common constitution?⁶⁶²

⁶⁵⁹ *Meditations* 3.11, Hammond’s translation; Cf. Sellars, p. 119: “So *qua* Roman he is a citizen of Rome, but *qua* rational being, he is a citizen of the cosmos. Marcus’ comments also suggests a clear hierarchy between these two cities of which he is a citizen. If his commitments were to come into conflict, his first loyalty would be to the natural law of Nature, not the manmade laws of Rome.”

⁶⁶⁰ Cf. Epictetus, *Discourses* 1.9.3-6, Higginson’s translation: “If the things are true which are said by the philosophers about the kinship between God and man, what else remains for men to do than what Socrates did? Never in reply to the question, to what country you belong, say that you are an Athenian or a Corinthian, but that you are a citizen of the world. For why do you say that you are an Athenian, and why do you not say that you belong to the small nook only into which your poor body was cast at birth? Is it not plain that you call yourself an Athenian or Corinthian from the place which has a greater authority and comprises not only that small nook itself and all your family, but even the whole country from which the stock of your progenitors is derived down to you?”

⁶⁶¹ *Meditations* 4.23; Cf. Sellars, p. 120: “The first way in which Marcus tries to move to a more integrated model is to insist that one ought to put the interests of the community before those of the individual. The first stage in the process is to align one’s own interests with the interests of the cosmic city.”

⁶⁶² *Meditations* 4.4, Hammond’s translation; Cf. Sellars, p. 112

Chapter 6: Challenges to Stoic Just War and Implications

We are now in a position to examine the potential challenges to the Stoic just war theory developed in this work. Some of these stand on skepticism of natural law's existence. Others are concerned with the ethical foundations, such as deontological and consequentialist (or hybridized) approaches to just war foundations. Throughout, this chapter will engage with Stoicism's internal consistency, as well as its consistency with some aspects of asymmetrical warfare, which is important if the Stoic theory can engage with contemporary topics in just war and in education for prospective combatants. We begin by examining how Stoicism measures up against criticisms of its natural law foundation by engaging with the important critiques of R. W. Dyson. Dyson presents a challenge because if natural law is not philosophically well-grounded, then Stoicism as a foundation for just war theory and a prospective approach to virtue education for rulers and soldiers is a dead letter. Dyson's skepticism also allows us to examine Stoicism's answer to the problems of relativism and of the 'is/ought' fallacy. Stoicism, we shall see, avoids these pitfalls by appealing to an internal rather than external justice; and relatedly, due to the importance it places on 'appropriation' (*oikeiosis*) in its conception of justice.

Next, the discussion contrasts Stoic just war theory with other, somewhat similar approaches to just war: Cécile Fabre's cosmopolitan just war position, and with two distinct virtue ethics approaches by David Fisher and David Chan. Fabre's just war theory provides a challenge to Stoicism because Fabre attempts to provide a just war perspective that is cosmopolitan, but in a rights-based, hybridized deontological-consequentialist account free of Stoicism's eudaimonism and virtue ethics. Fabre's account, therefore, will be found to be lacking in both internal consistency and in

incentive to just action in warfare. Stoicism will be found to be more internally consistent, while noting that a virtue approach provides coherent metaethical incentives to cosmopolitan action in ways Fabre's self-admittedly "*ad hoc*," rights-based approach does not. Fisher's account, on the other hand, attempts a 'virtue consequentialist' approach to just war which would, if successful, negate the need for Stoicism's axiom regarding the sufficiency of virtue. However, Fisher, whether intentionally or not, borrows much from Stoicism, while the latter may answer Fisher's concerns about the interconnection between character traits, roles, and consequences in a more coherent way than his own theory. Fisher will be found to misunderstand the Stoic just war position, while the latter's concept of *oikeiosis* can provide the answers to problems in Fisher's "virtuous consequentialism." Thus, Fisher's virtue consequentialism will be found to be unnecessary for revising a virtue ethics approach to just war. For his part, Chan attempts to abandon just war theory altogether, positing a virtue ethics that makes a decision to engage in warfare itself permissible only in a 'supreme emergency.' Chan's perspective, though it rightly posits the importance of conceptualizing a sage's hypothetical decisions, will be found deficient in its axiology. This, in turn, gives the Stoics' immediatist materialism and its claim of the sufficiency of virtue a consistency which Chan's perspective lacks.

This chapter ends with a brief detour into some of the classical and modern writings on asymmetrical warfare. Like our discussion on Clausewitz's virtues of war (see 2.2), this recalls the importance of a virtue education for just war, which is the minor theme of this project. If Stoicism can be a viable theory of internal justice in warfare, then it helps the Stoic theorist to show that a virtue education, and its emphasis on the

unity of the virtues, can help inculcate prudence, temperance, courage, and justice in the contemporary soldier, while usually being compatible with such an individual's duties. The Stoic view holds that the ideal soldier can and should be simultaneously just and courageous. This is perhaps nowhere more clear and immediate than in contemporary (and, in all likelihood, future) warfare, with its asymmetrical nature. In campaigns with limited recourse to 'external justice,' a soldier can be trained in the Stoic virtues to be both fierce and compassionate, which benefits the individual (that is, the individual's moral well-being) as well as often conducive to asymmetrical strategies of the fighting unit. Also, this section underscores the importance of the Stoics' concept of '*oikeiosis*,' since perhaps nowhere more than in asymmetrical warfare, particularly in its opposing aspects of insurgency and counterinsurgency, is the importance of care for the local populace and concern even for the enemy combatant more obvious.

Because asymmetrical warfare explicitly connects justice with care for the surrounding population, it helps to examine some of the prescriptions given to both the guerrilla fighter and the counterinsurgent in a brief review of some classic writings in the asymmetrical warfare canon, including the writings of Sun Tzu, certainly, but also modern works by Mao Zedong, Ernesto "Che" Guevara, David Galula, and Roger Trinquier. These examples can demonstrate how a future program of Stoic virtue education for soldiers might be instilled or self-taught, both for insurgencies and counterinsurgency operations. This is for the moral well-being of soldiers, primarily, but accomplished necessarily by a cosmopolitan approach to asymmetrical warfare. In the end, this raises questions regarding certain tactics. While future work is certainly needed, we can examine one of them here, torture, to both observe how the Stoics might respond

to something like Walzer's "dirty hands" scenario, and to assist in developing research programs and best practices in the future of combat.

6.1 Problems with natural law

The problems brought forth by R. W. Dyson are perhaps the most serious challenges for Stoic just war theory. It is helpful to tackle these first to examine whether the theory can survive them, before moving on to a comparison between the Stoic just war theory and those which are based on different principles. Dyson's objective is not to criticize the foundations of just war theory in particular, but to discuss the precariousness of a natural law foundation for international politics in general. For Dyson, understanding, predicting, and managing international behavior "in terms of confrontation or cooperation- in conflictual or cosmopolitan terms" depends greatly "on where one stands in relation to the assumptions of natural law theory or political realism."⁶⁶³ Despite the astute critique of natural rights and his acceptance of political realism at the cost of cosmopolitanism (as it is typically conceived), he comes to a conclusion somewhat similar to the Stoic just war theory posited here, that "the two perspectives are not, in reality, wholly incompatible with each other."⁶⁶⁴ And, also like a contemporary Stoic virtue ethic, Dyson finds a foundation for a natural law theory based on universal rights is quite problematic. His evidence is the observed inconsistency between the vast differences in human values throughout the world with any position that

⁶⁶³ Dyson, p. 163

⁶⁶⁴ Dyson, p. 163

requires a set of universal beliefs. Any statement of universal rights risks becoming undermined, Dyson states, “by the actual heterogeneity of the world in which such rights might rest”; and such statements about universal rights are typically intelligible “only in relation to a specific intellectual and political background.”⁶⁶⁵ Such universal rights, for Dyson, have most recently in human history been the result of the “Enlightenment, rationalist, Christian, liberal tradition that, by historical accident, has been for so long normative of the ‘civilized’ world.”⁶⁶⁶ In a word, his critique of natural law is a relativist one.

It is not likely, however, that the Stoics’ paradigm in general, and our new Stoic just war theory in particular, would be refuted by Dyson’s statement that “the whole idea of rights vested in the individual is itself a culturally determined one,” and that such “a conception that must flounder on the reef of cultural diversity.”⁶⁶⁷ For the Stoics, all cultures, and all cultural practices, are indifferent things. Stoic justice is instead based on the *oikeiosis* position of self-preservation and care for those in one’s circles, not on individual rights. It is not ‘universal rights’ which are necessary for justice; rather, for the sake of one’s own *eudaimonia*, what is important is an individual’s care and obligation toward those in his community, exemplified by actions taken in light of his social role(s). The Stoics might sympathize with Dyson, given their position on examining impressions devoid (to the extent these things are possible) of subjective or

⁶⁶⁵ Dyson, p. 180

⁶⁶⁶ Dyson, p. 180

⁶⁶⁷ Dyson, p. 180

emotional language, and therefore agree with Dyson that, “No amount of intensity or sincerity of feeling can establish any given point of view as universally correct or incorrect.”⁶⁶⁸ But they could also see Dyson’s view as overreaching, as it is unnecessary for a Stoic natural law theory to posit that any given point of view is universally correct. The Stoics take reason itself as the standard for correctness, and, as virtue ethicists, can posit that no action is itself correct unless it comes from a disposition of virtue (from within an agent’s social role[s]) and is communicable by language to other agents who, like themselves, contain those foundations of justice instinctually by virtue of being human i.e., by their own *oikeiosis*.

In addition, and connected to this point, the Stoics can fully agree that different individuals, given their different roles and circumstances, might behave in ways which would be inappropriate actions if performed by others (including, but not limited to, the *kathekonta* of the extraordinary individual). Still, such actions, especially if performed by those progressors (*prokoptones*) who are not (yet) virtuous, may still be ‘appropriate’ (*kathekon*) if they take into account the balance of those ‘preferred’ (*proegmena*) things ‘in accordance with nature’ (*kata phusin*) and their opposites (*apoproegmena, para phusin*); and, importantly, if they can be given reasonable and communicable justification (*eulogon*). Moreover, given a common language, these reasons can be communicated between communities, even those with vastly different histories and traditions, by virtue of the common human ‘*oikeiotic*’ needs. To the extent that these actions are *kathekonta*, they are rational and conducive to a cosmopolitan world where such *oikeiosis* is extended

⁶⁶⁸ Dyson, p. 181

to similar rational and social agents. So, there exists an escape from the relativist's trap, or so the Stoics would have us believe. And it is here that they could claim that Dyson's criticism fails to refute the Stoics' conception of natural law. Dyson (though he is correct in stating that these things have historically been connected) explicitly associates natural law with a liberal approach, with its

collection of related beliefs: in human perfectibility, moral reason, universal values, the rule of law, the settlement of disputes by negotiation and judicial processes, collective security, progress, international cooperation.⁶⁶⁹

Of course, a Stoic certainly would not have seen the world through the individualist perspective of modern liberalism, even if *some* aspects of these beliefs ring true. Among these is the Stoic acceptance that moral progress is possible, since individual humans are (theoretically) perfectible, in that they can develop a tempered disposition which excellently and consistently makes truthful judgments about impressions (even if none have yet done so). Another is their acceptance of universal values (human excellence itself i.e., virtue [*arete*]) even if the things to be selected may change depending on the individual's role(s) and other circumstances. Still another is that natural law, in the sense of whether an action is permissible, impermissible, and obligatory is ascertainable by reason by any typical individual (as no other law has independent moral authority), even if those actions may not be the same for every individual in every circumstance. Perhaps another is that security is hypothetically possible since inquiries ('disputes' seems like the wrong term) among the wise can (theoretically) be settled by reasoned argument (though among the rest of us they are

⁶⁶⁹ Dyson, pp. 187-8

often “settled” by violence). For the Stoics, this last one might be qualified to state that international cooperation is possible but unlikely. The standard for justice is *oikeiosis*, and the moral law is consistent with such self- and other- preservation instincts and instincts of sociability. But, the Stoics do not expect that all would come to see it, nor that anyone will act appropriately with much consistency. Unlike the modern liberal tradition, the laws, institutions, and judicial processes necessary for such a liberal approach are only to be obeyed if they are in accordance with right reason. They possess no moral force in themselves. Although community(ies) of sages, as in Zeno’s Republic, would need no lawcourts since they would always- being wise- reach a consensus, international law as it occurs in actuality is posited by madmen and vicious fools, making external justice, even cooperation itself, sporadic and unlikely, and always occurring for the wrong reasons (i.e., the mistaking of indifferent things for things of moral worth). Thus, natural law in the Stoic approach is quite different than the one Dyson sets out to refute.

In criticizing a political philosophy based on natural law, Dyson perceives the seeming “moral fragmentation and relativism” of the world:

The metanarrative of the Enlightenment- the faith in reason as the vehicle by which mankind was to be led towards the summit of happiness- is one in which it is difficult to believe in a world upon which scientific rationality seems to have inflicted so much misery, conflict and inequality. Every experience that we have seems to reinforce the view that history is chaos and stasis rather than progress; and the political conclusion that this most readily suggests is a realist one.⁶⁷⁰

⁶⁷⁰ Dyson, p. 199

For Dyson, “politics is strife, actual or potential.”⁶⁷¹ We shall return to the misery which scientific rationality in the form of imperialism has inflicted shortly, but for now, it suffices to state that the Stoics see no contradiction in accepting a standard of natural law, typically described as right reason itself, while also accepting that “life,” even political life, “is warfare.” Like “every experience” Dyson claims we have, the Stoics accept that the world is run by fools who are as far from “the summit of happiness” and virtue now as they were before the Enlightenment’s metanarrative. The Stoic holds no hope in the moral progression of humankind *as a species*. Instead, the goal is *eudaimonia*, and it is the Stoic’s duty to act appropriately always in accordance with his social roles, and to develop a disposition which can select that which is appropriate and according to the nature of a social and rational animal. Moreover, he must do this while understanding that nothing external to him can make him morally bad and miserable nor good and *eudaimon*. He understands that he controls only what is internal (beliefs, judgments, and those assents to appearances which become actions and emotions). Finally, he accepts that virtue itself is the only morally important object; with all else to be merely, but appropriately, selected.

The conclusion Dyson reaches might seem, to the Stoics, to separate duty from justice in a way they find unacceptable, given their conceptions of role ethics. For Dyson, there exists in the international realm (and increasingly in multicultural societies as well) “a contest between differing and often irreconcilable perspectives.”⁶⁷² What

⁶⁷¹ Dyson, p. 199

⁶⁷² Dyson, p. 199

follows from this, he states, is a duty first and foremost to “to achieve peace and security at whatever price has to be paid, typically at the expense “of what is right.”⁶⁷³ Where Dyson’s attempted refutation of natural law (i.e., its impossibility, or at least unknowability, due to differing perspectives) fails against the Stoic paradigm is that, in Stoicism, “rightness” (*katorthomata*) means something different than what other paradigms might mean by the concept, given the Stoics’ concern for only internal justice and given their axiology. Doing that which is “right” in the Stoic sense of ‘appropriate’ (*kathekon*) is the same as acting within the agent’s social role(s), which must strive for peace and security for those under his responsibility. But, the agent must strive for it, if he is to be truly happy (the goal [*telos*] of human life), with a genuine concern for the larger community of humankind and the common benefit.

As for the ‘multicultural societies’ with which Dyson is concerned, the Stoics posit that all of them, including one’s own, are morally indifferent.⁶⁷⁴ As Zeno states in his *Republic*, cultural traditions, lawcourts, marriages, as well as the trappings of religion would be unneeded and abandoned in a world inhabited only by the wise. The standard for any culture is natural law, which can be discovered by reasoning from what is necessary for self- and other- preservation and sociability, as the Stoic phrase “living in accordance with nature” implies. Anything else is superfluous. Such a standard can be justified not by an appeal to any particular culture, but only by reason, and therefore

⁶⁷³ Dyson, p. 199

⁶⁷⁴ *Pace* Walzer’s incentive for setting aside moral prescriptions in a ‘supreme emergency.’

justifiable internationally by communication between any rational creatures arguing (i.e., using that rationality in the form of discourse) from the first principles of *oikeiosis*.

For Dyson, on the other hand, the disparate norms and behaviors of the world's peoples appears to contradict any thesis claiming a universal morality, and for him this is one of natural law claims' greatest problems.⁶⁷⁵ Worse, he draws a connection between moral universalism and imperialism, stating: "There is no reason to suppose that imperialism, or at any rate cultural imperialism, is dead."⁶⁷⁶ Nicholas Rengger takes this criticism even further, and applies it to just war theory in particular. He claims that an ideological conflict has operated in the just war tradition since the beginning- one which sees the tradition with two conflicting goals: "limitation of the destructiveness of war," and "punishment of wrongdoing."⁶⁷⁷ Ideologies which hold just wars as justifications for punishing other states has become even more prominent in the twentieth century, and especially so in contemporary just war literature. In sum, just war is now "chiefly associated with the promotion of justice or at least the elimination of gross injustice."⁶⁷⁸ Rengger's concern that this has led the just war tradition "to adopt a more permissive attitude to the use of force" seems to support Dyson's view of the ubiquity and

⁶⁷⁵ Dyson, pp. 196-7

⁶⁷⁶ Dyson, p. 198

⁶⁷⁷ Rengger, p. 8; For Rengger (p. 9), the just war tradition has been increasingly about the "pursuit of justice, or perhaps better, the elimination of injustice, rather than about the restraint of force and that, as a result, it is becoming progressively less restrictive, that it is cleaving, in other words, to seeing the tradition as essentially about the punishment of wrongdoing rather than (as opposed to alongside) the limitation of destructiveness."

⁶⁷⁸ Rengger, p. 98

persistence of imperialism in the modern world- often perpetuated by the imperialists' belief in a set of universal values.⁶⁷⁹

A Stoic theorist can admit this is a concern for Stoic just war theory, at least *prima facie*. For better or worse, Cicero and the educated Romans of his era could look to Stoicism's natural law philosophy to justify the expansion of their own empire. Of course, this is not unique to Stoicism. Stoicism can no more likely be used for these purposes than can e.g., liberalism. Yet, the Stoic principles themselves as laid out throughout this project only concern themselves with a virtue ethics approach to *internal* justice. Recall that Stoic just war theory does not assign moral value, positive or negative, to any ideology, and so imperialism, as are all forms of government, is something indifferent. If there *is* to be imperialism, or if, like Marcus Aurelius, a Stoic ruler finds himself in charge of something like an empire (or any other form of government, of course), such a ruler can strive to be just *from within* such a role, and within such a regime. If such a role is something like that of 'emperor,' then he will, like Marcus, strive to rule only according to natural law's principles of common humanity and in accordance with right reasoning, which is itself based on the *oikeiosis* principles discussed throughout this work. In a word, even a Stoic emperor is a (philosophical) anarchist.

Rengger, for his part, views a way out of the chaos of contemporary just war theory in a way the Stoics would agree with, albeit with some minor qualifications. He views as "the best image of a global ethic" one that recognizes "the depth of our

⁶⁷⁹ Rengger, pp. 8, 98

pluralities” and “the value that might be found in such diversity”; a global ethic which depends on

conversation and dialogue- about similarities and differences, rules and responsibilities, conduct becoming and unbecoming. Of course, people can refuse the invitation to participate in such a conversation; they can try to keep themselves isolated or shout so loud they hope to drown out every other voice. But inasmuch as they do, they simply move away from the understanding of what a global ethic should involve.⁶⁸⁰

In these few sentences, Rengger sums up what the Stoic finds important in cosmopolitanism: the *Logos* as reason and discussion, and the moral equality between cultures (the standard of natural law considered). Moreover, the last sentence of the passage calls to mind that an obstinate unwillingness to participate in the human community and a disobedience to the dictates of reason and natural law are their own punishment. The “limb” which is amputated (*amputates itself*, for a grislier but more apt analogy) withers, and is (morally) useless without an attachment to the whole. Like the limb, a detached person leaves his nature unfulfilled; though often faces no other punishment than to remain miserable unto death.

6.1.1 The ‘fact/value distinction’ criticism of natural law

There is another, somewhat related problem that might, if the arguments for its merits were sound, refute the Stoics’ foundation for a just war theory- and make this entire project moot. If the fact/value distinction (made famous by David Hume) makes knowledge of natural law impossible or unknowable, then such a foundation for ethics in international politics is untenable. For Dyson, the problem is again an epistemological

⁶⁸⁰ Rengger, p. 171

one, and some excerpts of his thoughts on the problem, although lengthy, deserve quoting:

As such, [the fact/value distinction] has a major bearing on the question of moral certainty, and to ignore it is to be led into serious misunderstandings. The conclusion to which it points is that the claims of natural law fail not because there can be no such thing as moral truth, but because no moral truth, however indubitable under certain conditions, can be established as universally or absolutely so. ... The essential point is that 'fact' and 'value' constitute separate logical categories. ... On the one hand, statements purporting to be statements of fact are propositions capable of bearing empirical truth and falsity. On the other, evaluative statements are not so capable: they are not, as it is usual to say, propositional. Statements expressing what is or is not the case differ from those expressing what is or is not good, right, just and so on, in that the statements of the former kind are amenable to verification by sense-perception, whereas those of the latter kind are not. Factual and evaluative statements are thus 'categorically distinct.' The word 'true' cannot be applied in the same way to both, and to suppose that it can is to commit an elementary logical error or 'category-mistake.' ... In the event of a disagreement over a question of value, 'nature' thus appears to furnish us with no criterion of truth or falsity. There is no point of reference that is external to the parties to the disagreement, and hence no conclusive method by which the disagreement can be settled.⁶⁸¹

Not surprisingly, the Stoics would find this overstated. Nature is the starting point for ethics, certainly, but no "external point of reference" (at least in Dyson's sense) is required for the Stoics' virtue ethics, especially for claims of acting according to internal justice. The analogy of *eudaimonia* with physical health does the heaviest lifting here. There is a standard of health that can be rationally striven for, even if we need not hold others to those standards, nor necessarily punish them for not holding them. Like the misery of a vicious character, being unhealthy is punishment enough. The concern for the Stoics is not that of judging others, necessarily, or even seeking to resolve

⁶⁸¹ Dyson, p. 202

disagreements about morality, but the agent's attempt to live in a morally healthy manner. This is not to state that the Stoics do not use facts about reality to understand what is in the nature of a healthy animal (likewise, a physician looks to nature for developing theories about human health). On the contrary, like an animal which by *oikeiosis* seeks its natural state, the Stoics look to nature as a guide as well. To be happy, their normative theory of moral health concludes, we must also seek our natural morally healthy, i.e., virtuous, state.⁶⁸²

To reiterate, it seems as if Dyson's concern works best against a natural law theory that seeks to impose its axiology on other cultures. On the contrary, the Stoics attempt to impose Stoic principles *on themselves*, in order to achieve the unlikely but desirable state of perfect moral health, i.e., *eudaimonia*, just as one might seek the unlikely but preferred state of perfect physical health. Still, like a physician who perceives the requirements for physical health for everyone despite differences in culture (e.g. everyone needs exercise and a healthy diet), the Stoic philosophers would find strange the suggestion that human values everywhere are relative and irreconcilable.⁶⁸³ People generally are foolish and insane, of course, and fail to consistently do what is in

⁶⁸² In a draft of this work, Gould asks whether at the root of the Stoic position there might be either a tautology or an analytic truth; and if so, "is *it* subject to this sort of is/ought analysis?" This is an interesting question as it leads us to ask, among other things, why one would wish to be happy and to be in a virtuous state. It is unclear what the Stoics, or Aristotle, or any of the Hellenistic philosophers, might have responded to this besides the assumption, quite like that of some forms of modern psychology (or even life coaches) that human beings simply desire happiness as an intrinsic end. While perhaps not fully satisfying, this project, like the Stoics' assumption, takes the position for granted. For a thorough discussion, see Long (pp. 179-201) who notes (p. 197) that the Stoics' conception of *eudaimonia* is impossible without "their acceptance of determinism and providence."

⁶⁸³ Cf. Seneca (quoting Terrence, *Letters* 95.53, Graver & Long's translation): "Let this verse be in your heart and in your mouth: 'I am a human being, I regard nothing human as foreign to me.'"

their best interests as a rational social animal (as one might also, through ignorance and stupidity, engage in behavior detrimental to physical health). Still, actions can still be placed in such a framework of (moral) health, and health-seeking, in order to understand and theorize about appropriate human behavior. This includes what they may do, and ought to do, owing to their concern for themselves and for their social and political circles.

So, does Dyson's relativist criticism of natural law here apply to the natural law of the Stoics? Let us look at his conclusion that, "if moral disagreements are fundamentally incorrigible," then "the natural law theorist's faith in the possibility of universally deductive moral inference is misplaced."⁶⁸⁴ Dyson's critique is interesting because it attempts to show that the natural law theory rests on a logical fallacy. In his paraphrase of Hume:

No assertion of fact can provide the first premise of an argument the conclusion of which is that something ought (or ought not) be done. Hence, nothing that purports to be a statement of what human nature is, or about what human beings want or need (or, indeed, value), can entail any prescription of what anybody has a duty to do or is entitled to receive. ... It is... not possible to deduce such things as rights and obligations from any consideration of what is the case.⁶⁸⁵

Closer to the point, natural law claims must rely on the supposition that facts imply values "if they are genuinely to call upon a morality that exists prior to, and regardless of, what any community of value has adopted or agreed upon."⁶⁸⁶ But Stoicism's basis for

⁶⁸⁴ Dyson, p. 202

⁶⁸⁵ Dyson p. 223; Hume, *Treatise* 3.1.1

⁶⁸⁶ Dyson, p. 224

internal justice, *oikeiosis*, need not rest on this supposition, as the Stoics need not maintain that one's own community of value is correct (they thought themselves fools, after all). Dyson's criticism, if only when placed against the Stoics' conception of internal justice, fails. The Stoics' just war theory cannot, nor does it intend to, prescribe universally deductive moral inferences *for others*. What the Stoics' natural law provides is a framework to improve one's own life, and that can only be done by living a virtuous (and therefore, just) life. The Stoics were well aware of the insanity even of their own communities, and they certainly did not claim themselves to be sages. Rather, the community of all rational agents must act according to their social roles, and though the most important of these is the role of a member of the entire cosmos, many of those roles develop within a (smaller) community; one still rife with mistaken values and unwarranted beliefs.

So, in developing a foundation for ethics based on *eudaimonia*, the Stoics need not derive values from facts but instead derive values from another value: one's alignment with nature/one's own human flourishing. Since Dyson finds current arguments for natural law ethics fallacious, the Stoic might posit one which can pass through the Humean fact/value filter:

- Let S stand for 'a successful and flourishing life';
- Let N stand for 'natural (in the normative sense of moral health) for a typical adult human being';
- Let E stand for 'state of excellence';
- Let V stand for 'virtue' (prudence, courage, justice, and temperance).

The syllogism becomes:

1. If a person wants S, then that person must live according to what is N (Stoic stipulative definition of N; see Chapter 2)
2. A person wants S
3. That person must live according to what is N (from 1, 2; *modus ponens*)
4. What is N for a person is identical to what is E (Stoic claim about moral health)
5. A person's E is one in which that person is V (Socratic claim of cardinal virtues)
6. What is N is V (from 4, 5; transitive relation)
7. If a person wants S then that person ought to have V (from 1, 4, 5, 6)
8. A person ought to have V (from 2, 7; *modus ponens*)

Such a syllogism has its limits, of course. One might always ask why excellence is equivalent to embodying the cardinal virtues (see Chapter 1), or why one should seek a happy, flourishing life, i.e., why *eudaimonia* is the *telos*. Certainly, the ancient Stoics, like other philosophical schools of their day, assumed that we all do, at least if we are typical adult humans. If someone did not, presumably the Stoics would label such a being to be too miserable to understand that he ought not be so. The Stoics accept that we seek our natural state through the process of *oikeiosis*- naturally seeking what benefits us and avoiding what harms us. Only later might we (with adequate education) find that what benefits us is virtue and what harms us is vice. Happily, attaining this is completely up to us.

6.1.2 The 'fact/value' problem's implications for human rights

Another of Dyson's penetrating criticisms of natural law is one founded on skepticism. That is, it is not merely that there seem to be no universal values, but that

such values, even if their existence be granted, are likely unknowable.⁶⁸⁷ Here, Dyson is not merely posing an ontological challenge to natural law, but also an epistemological one: If in fact a belief in natural law were justified, then those with knowledge of it have the “Platonic imperative” to teach it to the ignorant, and compel others to uphold it. But

do we have any reason for supposing that anyone does know the truth?
Does the doctrine of natural law stand on any kind of philosophical
footing? This is the question upon which everything hangs...⁶⁸⁸

Dyson’s questions are of interest here because, if the answer to them is a negative one, then it seems to refute natural law as commonly understood.

Despite their differences regarding the epistemology of natural law claims, the Stoics might agree with Dyson about the difficulties of an ‘essentialist’ position regarding *an external justice approach* to international ethics. In particular, this is the problem of universal human rights. Rengger, who also presents his skepticism on these rights, has sympathy for claims positing universal human rights and yet remains doubtful that they make much sense “outside of a particular political and intellectual context.”⁶⁸⁹ Calling them universal, therefore, becomes dubious. Dyson echoes the sentiment, tying natural law to human rights explicitly.⁶⁹⁰ He connects what he calls an “essentialist” view of human nature to its (supposed) religious foundations. This makes it so that such a view’s exponents can only persuade those who already share those religious beliefs. Of course,

⁶⁸⁷ The epistemological difficulties of natural law recalls the criticism Academic Skeptics lobbed against the Stoics throughout their history as two of the major schools of antiquity. See the compendium in LS68-70.

⁶⁸⁸ Dyson, p. 194

⁶⁸⁹ Rengger, p. 29

⁶⁹⁰ Dyson, p. 210

“the unregenerate will at once raise the question of why we should entertain a particular form of religious belief, or any... at all.”⁶⁹¹ On the other hand, without a supernatural account of an origin for human nature there exists a different problem: the question of why we should believe that human life has any intrinsic value at all. Dyson states, “What non-religious reason is there for believing, in any sense other than a descriptive one, in a ‘family’ of human beings abstracted from all contingency?”⁶⁹²

Presumably, here the Stoics would show sympathy with Dyson’s position. Recall that, for the Stoics, life is among those things which are indifferent (*adiaphora*), and there is no reason to suppose that it has any *moral* value at all. Life, except in unfortunate circumstances, is preferred, and holds relative, and non-moral, value. Certainly, it is *oikeion* for an animal to preserve itself and, in the case of sociable humans, the lives of those for whom it is responsible, stemming from the affection for offspring (which humans share with many other animals). But this only posits certain appropriate actions (*kathekonta*) for the individual, and does not require the Stoic to claim that life has *intrinsic* value. While it is to be generally protected, life ought to be given up when other values outweigh it.

Dyson points to another important problem for a document like the Universal Declaration of Human Rights (UDHR): the seeming meaninglessness of ‘essential human nature’ if it be devoid of “the accidents of ethnicity, nationality, gender, citizenship,

⁶⁹¹ Dyson, p. 211

⁶⁹² Dyson, p. 211

education, socialization, culture.”⁶⁹³ The UDHR declares human beings to be born free and equal in dignity and rights, but, as Dyson notes, the term ‘human being’ is not purely descriptive:

Conceptually and grammatically, it is inseparable from freedom, equality, dignity and rights. It conveys all the emotive and ethical harmonics associated with those things. It denotes a shared moral status that obliges all humans to extend to others the same consideration as they would themselves wish to be shown.⁶⁹⁴

This, he claims, is circular, since ‘human being’ is then made a “term of value” not by appealing to religion but rather “by a stipulative definition.”⁶⁹⁵ Even if it is true that only humans are rational, such rationality is insufficient to establish them as having value; nor does it imply their rights and duties.⁶⁹⁶ Thus, it seems that such an essentialist claim about human nature as ‘rational,’ even if we acquit it of the charge of tautology, leads to an ‘is/ought fallacy.’

But Dyson also has a different, secondary point: the vagueness of the term ‘rationality’ itself. The word can be used to describe a variety of human behavior, including, among other things, the “capacity to justify our beliefs and actions” or to “make moral judgments.”⁶⁹⁷ But what of the marginal cases: those with brain damage or

⁶⁹³ Dyson, p. 211

⁶⁹⁴ Dyson, p. 212; Wildberger (p. 219) comes close to this position when she states that the Stoics’ conception of natural law “prescribes behavior that we nowadays would justify with reference to human rights.”

⁶⁹⁵ Dyson, p. 212

⁶⁹⁶ Dyson, p. 213

⁶⁹⁷ Dyson, p. 213

other mental disabilities? Might this, Dyson wonders, imply that some humans are more valuable than others, and that some have no value at all?

These are conclusions that it is open to anyone to draw; but they are, one suspects, not conclusions that anyone who believes in human rights or human dignity would wish to draw. If this suspicion is correct, ... the supposed value, and hence the moral identity, of the human person must, after all, stand on some ground other than rationality.⁶⁹⁸

The Stoic can respond to Dyson's observation mostly with agreement. For the Stoics' sense of justice, there cannot be so clear a separation of a human being from his social roles. That is, they do not give 'moral' value to human life in the abstract, but only as a useful part of the whole. Human life, and all its necessities for survival, are morally indifferent, making near-nonsense of all the 'rights' the UDHR is supposed to outline and uphold. Instead, obligations are based on *oikeiosis* and on roles. In other words, the agent must achieve justice *from somewhere*- the point in the center of a self which has no hard limits (it is tempting to use political language of 'borders'). The agent who has learned how to be a human being, and can perform this excellently, does well what all humans, according to the Stoics, do anyway: care for their circles, down to the furthest foreigner; and does this despite any of the supposed dangers non-Stoics mistake as evils.⁶⁹⁹ The agent with a virtuous disposition i.e., the well-tempered person, follows not an abstract idea of rights, but of care, bringing those circles inward to expand his care for all of them. It is no coincidence that Stoic ethics is closer to that of Peter Kropotkin than those of the Enlightenment's 'rights,' at least as they are portrayed in the UDHR. The

⁶⁹⁸ Dyson, pp. 213-4

⁶⁹⁹ Cf. Seneca, *Letters* 26.10, Graver & Long's translation: "One who has learned death has unlearned slavery."

Stoics' and Kropotkin's anarchisms both take their cues from Nature and their natural concern for others, rather than claims about any liberal individualism, which often smuggles in capitalist assumptions.⁷⁰⁰ This is natural human behavior, the Stoics posit. But unlike almost all of us, the sage does this excellently. Unlike in the modern view of justice, the Stoics base their justice on a natural concern toward familial, social, and political circles. Although rationality held an important place in learning one's *kathekonta*, and for achieving *eudaimonia*, such rationality is not required as a quality held by the object of concern in order for it to be cared for.⁷⁰¹ The Stoic understands that human *oikeiosis* implies natural familial concern for offspring, who, at least for a long stretch of time, will not be rational in the sense that a human rights position requires.⁷⁰²

Rationality, for the Stoics, is what obliges humans to care for others *despite* the often nebulous impressions to the contrary. Therefore, when Dyson states that

⁷⁰⁰ Cf. the UDHR's claims regarding wages in Articles 22-24.

⁷⁰¹ Though the Stoics appreciated that humans' rationality allows for a communion of moral creatures, they did not suppose that human life was inherently valuable, but merely indifferent. Nothing wrong happened if one of them, or all of them, suffered or died. For the Stoics, however, people do have non-moral value, and this depends on relationship. But they (at least the pedantic Greek Stoics, if not the pragmatic Romans) would probably prefer more technical language: An agent's role(s) (*prosopon*) provides avenues for appropriate actions (*kathekonta*). Those roles provide values from which to act; the Stoics need not posit that justice requires all people to have equal (non-moral) value. In the sense of internal justice, for something or someone to have value, it must have value *to someone*; value is given, the Stoics understand, by their relation to the subject- but the well-tempered person (*entetamenon*) understands that there is no logical limit for this care to end, and thus cares for all. But this is not to state that individuals will care for all equally, only that they bring those circles in closer to occupy those closer positions; thus, the well-tempered man does what all do, but does it excellently, and every one of his appropriate actions (*kathekonta*) are of the subset, 'right' actions (*katorthomata*). So, merely because someone does not have rationality does not mean that they cannot be in a circle of those cared for; caring for them is part of what makes human life successful. But their lives, in themselves, have no moral value- just as death does not. Life and death were, for the Stoics, indifferent, though either 'according to nature' and 'preferred' (*proegmena*) or 'not according to nature' and 'dispreferred' (*apoproegmena*).

⁷⁰² Typical adult humans, they claim, have a capacity for rationality, and a capacity, all things being equal, to eventually develop a disposition which uses such rationality expertly. But they do not use it expertly nor consistently.

“rationality is neither a necessary nor a sufficient condition of having moral worth,” the Stoics could agree, given their position on natural sentiment’s role in (internal) justice.⁷⁰³ Following Hume, Dyson posits that, “Reason can show us only how to act most effectively in relation to imperatives established by something else, and it can perform a critical function only in relation to values that are already granted.”⁷⁰⁴ So, it seems Dyson’s concern, when applied to Stoic justice and natural law, cannot refute Stoicism, given the latter’s view of justice. Justice is not merely what humans have *due to their rationality, but also by their sociability and love for e.g., offspring*. Humans are rational *and* social creatures who typically (and for the Stoics, *normatively*) want to preserve themselves and those they care about. Therefore, rationality is not the full measure of Stoic justice, but instead relies on the natural human concern for others, which in turn assists in preservation for the agent himself and those in his circles.⁷⁰⁵ Dyson himself comes quite close to this position elsewhere:

If moral imperatives cannot be established by reason, then we seem compelled to admit that they are grounded not in the head but in the heart. They arise not from *naturalis ratio* but from some aspect of our character- perhaps a sympathetic affinity with others- that is sentimental or passionate rather than rational in character.⁷⁰⁶

⁷⁰³ Dyson, p. 214; We have discussed Epictetus’ dictum that the agent “ought not be unfeeling like a statue” in Chapter 5.

⁷⁰⁴ Dyson, p. 218; Elsewhere (ibid, pp. 218-9), “the equation between morality and rationality is persuasive only for as long as it ignores” Hume’s suggestion that “what sets our goals for us is not reason after all,” referring to the importance, for Hume, of human ‘sentiment’; or as Dyson notes, “Hume’s argument amounts to is this: that reason is not prescriptive but instrumental,” and that therefore, “It is not possible to pronounce my choices morally good or bad by reference to the criteria of rationality...”

⁷⁰⁵ By contrast, one might imagine a rational tiger or orangutan, whose rationality would be less involved with sociability, and might thus have different ethical imperatives.

⁷⁰⁶ Dyson, p. 219

This observation, as piercing as it may be to modern human rights imperatives, cannot refute the type of internal justice posited in this project. In fact, it coheres with it quite well. That is, this passage's claim does not "damage irretrievably the claim that there is a law of nature that reason prescribes to all mankind."⁷⁰⁷ Such "sympathetic affinity" is the basis of Stoic justice, due to such affinity an agent has for himself and for those around him (the dual aspects of *oikeiosis*). In fact, with some qualifications, Dyson's proposed balance between political realism and natural law, 'thin realism,' might fit with the Stoics' view:

Granted that the world is harsh and human nature in general is violent and aggressive, it may nonetheless be true that individuals and communities are prepared to sacrifice their own interests for wholeheartedly compassionate reasons, or for the sake of values that they hold to be universal and beyond compromise.⁷⁰⁸

If it is possible to change Dyson's definition of 'human nature' in the passage to reflect not merely its capacity for aggression but also a normative account of how an excellent and successful (*eudaimon*) human being might behave given 'rationality' and 'sociability,' then the Stoics would agree. They understood the world to be inhabited by violent, aggressive, cowardly, and greedy fools who do not know what is in fact in their own best interests. But such behavior is not natural for a healthy human character, just as disease is not a quality of a physically healthy body.

So, there is another, final reason Stoicism can survive Dyson's criticisms: His own views about any compatibility between political realism and natural law often seems

⁷⁰⁷ Dyson, p. 219

⁷⁰⁸ Dyson, p. 226

more Stoic than he might allow, as the Stoics could also have claimed that “some key assumptions of realism are not, in fact, irreconcilably at odds with a perspective of natural law or moral universalism.”⁷⁰⁹ Dyson dubs this a ‘thin’ version of realism, which he claims is a possible code of ethics even under the harshness of international political workings. While political actors might be themselves committed to values they hold to be universal, such as “justice, equality, freedom, [and] rights,” these actors would still face difficulties in putting them in practice:

they must acknowledge that they can do nothing to serve such values without first taking precautions for their own security in an environment in which there are good reasons to fear that others will threaten it. Security is a necessary precondition of political action, and power is a precondition of security; but it does not follow that political action cannot or should not be ordered to the promotion of moral values.⁷¹⁰

Despite Dyson’s skepticism about natural law, this passage seems quite consistent with the Stoics’ conception of *oikeiosis*, which takes for granted an animal’s, and *a fortiori*, a human’s, concern with self-preservation, security, and with acquiring those things in accordance with nature. A rational and social animal would be concerned, they understood, with its own security and with those relations to whom he feels (and *is*) obligated. Those relational ties, furthermore, have no rational end, and even the furthest stranger is, to a rational agent, a fellow citizen in some respect.

⁷⁰⁹ Dyson, p. 191

⁷¹⁰ Dyson, p. 193

6.2 Cosmopolitan just war

Having survived Dyson's criticisms against any theory founded on natural law, the Stoic theory can be juxtaposed against other, parallel theories. This section examines the similarities between a Stoic cosmopolitan just war theory and a strong version of the cosmopolitan just war in the current literature, namely the work of Cécile Fabre. Her careful study highlights the differences between the two paradigms and provides a starting point for understanding the errors (as the Stoics would call them) of contemporary cosmopolitan just war's axiology. Some of the major points of contention between her view and that of the Stoics' is the individualistic bent of her cosmopolitanism; her defense of rights (including her reasons for defending mercenary activities (though, as we shall see, not the defense of the occupation itself); and the '*ad hocness*' of her metaethics. To begin with, Fabre's cosmopolitanism is an individualistic one "in which the individual, as a moral and rational agent, is the fundamental focus for concern and respect."⁷¹¹ It is "individualistic, egalitarian, and universal," and insists on the arbitrary nature of political boundaries, which "ought not to have a bearing on individuals' prospects for a flourishing life."⁷¹²

The Stoics could agree with the moral arbitrariness of borders, but will insist that such arbitrary and indifferent constructs *cannot* suppress an individual's prospects for a

⁷¹¹ Fabre, p. 2

⁷¹² Fabre, p. 16

flourishing life, which depends only on the individual himself.⁷¹³ Although borders are arbitrary in some sense, they present the Stoic with conditions for exemplifying virtue (along with certain roles and moral obligations) to be followed if the agent is to lead a successful life. Fabre accepts that borders do provide *some* special relationship between individuals, but Stoicism goes further than this tacit acceptance: For the Stoics, political boundaries (though arbitrary) do indeed have a bearing on individuals' prospects for a flourishing life in the sense that virtue develops from acting *within some borders and from somewhere*. They also accept, however, the primary allegiance to reason alone, and to the greater community of humanity. *Per* the Hieroclean circles of concern, virtue develops from treating those inside of national borders as a typical person might treat neighbors; and in some sense treating those outside those borders, who might otherwise be (mis)treated as foreigners, as fellow citizens. In some respects, the Stoics do find an ally in Fabre due to her position on political borders, to which she gives "far less moral weight than is standardly assumed in the just war tradition."⁷¹⁴

Like the Stoics, her defense of just war "is rooted in the thought that groups and institutions do not matter *per se*," though admittedly the former must disagree with the moral weight her position gives to the suffering caused by those borders.⁷¹⁵ But when Fabre tersely states that "institutions do not really matter *per se*: individuals ultimately

⁷¹³ By individual, the Stoic here means the typical moral agent. Fabre is correct that a lack of resources may prevent humans from becoming moral agents, however. For example, a lack of access to nutrition and clean water may lead to neurotypical stunting.

⁷¹⁴ Fabre, p. 288

⁷¹⁵ See Fabre's view on suffering on p. 288

do,” the Stoics might ask what work the term “matter” does in this phrase.⁷¹⁶ If ‘mattering’ is the question, then *to whom* do individuals matter? *How should* individuals matter? And ‘matter’ in what sense? The answer, for the Stoics, is “matter” *to the agent whose perspective it is*, of course. Tentatively, the Stoics might agree, with qualifications, to Fabre’s statement that “individuals’ acts and suffering... stand in need of justification.”⁷¹⁷ However, they must be justified from a different standpoint- not of alleged rights but rather of the agent’s virtue, based on *oikeiosis* and natural concern for those in one’s circles.

Perhaps the most obvious example of how rights-bearing permeates Fabre’s cosmopolitan just war theory is observable in her qualified defense of mercenaryism, and for the corporations acting as intermediaries for mercenaryism.⁷¹⁸ This position does have a Stoic equivalent: The Stoics would have seen mercenaryism as an indifferent thing which, like every other external, could be partaken in appropriately or inappropriately with each occurring impression (Kleomenes was not squeamish in hiring mercenaries nor in granting them citizenship; see 5.1). There is no inherent reason that mercenaryism, like any employment, ought to be considered unjust. Although, stating that one has the moral right to become a mercenary would seem, for the Stoics, both tautological and insufficient. One has the ‘right’ to be a mercenary if it is ‘appropriate’ to be one, i.e., if it is the appropriate action (*kathekon*) in support of one’s circles and one’s social roles, if it

⁷¹⁶ Fabre, p. viii

⁷¹⁷ Fabre, p. 288

⁷¹⁸ Fabre, p. 236

can be justified by reason in language, and if one's personal mental and physical characteristics allow (e.g., he is bold, hardy, and physically fit). Unlike in Fabre's position, this is not quite dependent on the war being just, since there are no just wars-only, at best and ideally, *just intentions and just actions in wars*. Mercenaryism, like assassination or conducting chemical warfare, is just only when it is performed by a sage, who is conducting an appropriate act (*kathekonta*), but performing it perfectly and rightly (an instance of *katorthomata*, the subset of *kathekonta* done by sages).

Likewise, Fabre holds that only certain combatants are liable to be killed: those who take part in an unjust war.⁷¹⁹ Specifically, Fabre states that those

combatants who fight a just war of self-defense have the right to kill combatants who fight an unjust war of aggression, but... the latter may not, in turn, retaliate in their own defense: *pace* orthodox just war theory, whether or not combatants have the right to kill enemy combatants (largely) depends on the moral status of the cause for which they fight.⁷²⁰

Here we seem to find much more daylight between Fabre's cosmopolitan just war and that of the Stoics. The differences are both ontological and moral. First, as mentioned, the Stoics' internal justice approach cannot accept the existence of a just war, only at best just individuals- and the just actions performed by those individuals. Moreover, Fabre's appeal to rights conflicts with Stoicism's *oikeiosis*, both in its self-preservation aspect and its sociability aspect. The Stoic position allows for a soldier, acting in his capacity and when it is reasonable to do so, to defend his life and the lives of his compatriots, and

⁷¹⁹ Fabre, p. 6

⁷²⁰ Fabre, p. 8; Elsewhere (p. 286): "Whether combatants may kill combatants largely depends on the moral status of the war which they are fighting, and particularly on the moral status of the cause for war. If their cause is unjust, then they lack the right to kill enemy combatants, unless the latter in turn carry out unjustified killings."

to use deadly force to do it even against others who, unfortunately, are doing the same. The soldier might be required *to not fight* in an unjust war if he receives a cataleptic impression that it is inappropriate to do so. Barring that, it is not the case that a soldier should necessarily keep from defending his life and those of his comrades even if his government is at fault. The Stoic soldier, of course, also considers it appropriate to defend other lives as well, such as civilians and even enemy combatants when they are no longer a threat. Still, Fabre's position deserves more careful consideration, because it raises a point about the differentiation between the Stoics' internal justice and the external 'justice' of laws, norms, and rules. To claim that "combatants who fight in an unjust war (*prima facie*) do not have the right to kill enemy combatants," does not mean "that the laws of war should reflect that important principle in such a way that unjust combatants ought to stand trial for murder."⁷²¹ Rather, "one can speak of moral principles for war independently of their applicability..."⁷²² Despite their differences, here the Stoic position mirrors Fabre's concern that what might be a moral error need not always be punished (even setting aside acts of clemency). What is unjust is not identical to what must be prosecuted. This time, the Stoics reach Fabre's location but come from a different direction.

This leads us to what is likely the greatest difference between a Stoic virtue ethics foundation for just war and that of Fabre's rights-based approach, and this is where theories like Fabre's suffer compared to that the Stoics'. Fabre's cosmopolitan theory of

⁷²¹ Fabre, p. 12

⁷²² Fabre, p. 12

justice is founded on a “rights-based sufficientist theory of justice” in which “individuals have rights to the resources and freedoms they need to lead a minimally decent life.”⁷²³ However, she accepts that once those requirements have been satisfied, “the well-off have the autonomy-based right to pursue their goals and life-projects.”⁷²⁴ Closer to the point of a just war theory, there is an implication here for the *jus in bello* principle of ‘discrimination.’ When individuals do not have resources necessary to fulfill basic needs, then “individual affluent members of affluent communities who are derelict in their duty to the very poor are legitimate targets in war.”⁷²⁵ This kind of warfare i.e., “subsistence war,” allows “the very deprived [individuals and/or states] to wage war against those who treat them unjustly.”⁷²⁶ In sum, subsistence rights can be defended by force, “provided that wrongdoers who meet the conditions for liability to attack can be identified.”⁷²⁷

For the Stoics, the concept of *oikeiosis* and its implications for justice can better explain why those things necessary for survival might be defended or confiscated, and

⁷²³ Fabre, p. 7; Cf. Gueye, p. 173

⁷²⁴ Fabre, p. 7

⁷²⁵ Fabre, p. 9

⁷²⁶ Fabre, p. 101

⁷²⁷ Fabre, p. 101; Cf. Rengger’s (p. 98) criticism about rights-based cosmopolitan just war theory: “[C]osmopolitan just war accounts are essentially grounded in the way in which the tradition has been reformulated in the twentieth century. They do not, in other words, fundamentally change the manner in which the just war tradition has come to view the relationship between the punishment of wrongdoing (now increasingly seen as the elimination of injustice) and the restriction of the use of force. ... [I]n some respects they push the tradition further down the road of the permissive use of force. ... For in the twentieth- and now the twenty-first- century, teleocratic conceptions of politics do not apply to states alone but also to other forms of political agency including (for example) intergovernmental agencies such as the United Nations. The cosmopolitans wish to remove the state- or to find political agents more appropriate than the state- but they still see politics in the way that teleocratic understandings of the state suggest we should.” The Stoics would have no reason to believe that the United Nations, or any other agency, will uphold natural law better than do states.

they need not defer to rights claims. Instead, the agent has a ‘duty,’ that is, it would be appropriate (*kathekon*), all things being equal, to search out those things necessary for human survival for oneself and for those in one’s circles.⁷²⁸ The Stoics’ alternative to Fabre’s claims about the obligations of the ‘unjustly well-off,’ and the rights of the ‘needy’ who might wage war against them, can be observed with the aforementioned analogy of Epictetus’ shoe (see 5.2.3). To reiterate the point of the analogy, there are limits to needs but no limits to luxury once needs are met. While it is reasonable to seek out those necessities (a shoe that protects the foot), it is not reasonable, *and thus not temperate or just*, to seek those things in excess (a gilded one). Therefore, the unjustly well-off have no right to make exorbitant wealth even after basic needs to all are met, since no one has a right to be gluttonous, greedy, or unjust. No one has a right to luxury even when everyone else’s needs are met and exceeded. While Fabre’s position might provide principles for international law, the Stoics posit rather that individuals have many more obligations than Fabre’s position suggests, even if these suggestions are an internal justice only and cannot be upheld legally.

6.2.1 Metaethical “*ad hocness*”

Admittedly, the emphasis on virtue alone is not sufficient to explain why Stoic just war theory is more consistent with its own principles than Fabre’s right-based cosmopolitan just war is with its own. For this, it is necessary to show that Stoicism rests on a stronger foundation because it does not face the metaethical challenges that Fabre’s

⁷²⁸ Of course, Stoic virtue ethics posit that it is the act of ‘searching appropriately’ for those things that is important for virtue, not the success in actually attaining them.

account does (as do many others): the problem of appealing to deontological views of justice, and yet a readiness to jettison those standards when the prospective consequences are dire. As Fabre admits:

I agree with the deontologists, of whom I am one, that *pace* consequentialists, some acts are intrinsically right or, as the case may be, intrinsically wrong, irrespective of our consequences. ... However, I also take on board the quasi-consequentialist point that consequences sometimes do matter a great deal. The resulting theory might seem an *ad hoc*, unhappy hybrid of deontological and consequentialist intuitions. I do not deny this. But ‘*ad hocness*’ seems to me to be a price worth paying to avoid incurring the much higher cost of the jarring implausibility inherent in the views that consequences never matter or that they are the only thing that matters.⁷²⁹

Fabre is by no means alone in holding hybrid views of just war. As we have mentioned, Walzer also faces similar problems with his concept of the ‘supreme emergency.’ But is “*ad hocness*” the only price a theory with confused principles must pay, or does it also incur the debt of incoherence? The axiological problem is the same, in this case, as Walzer’s: the plurality of the ‘morally good.’ The Stoics, on the other hand, do not face this challenge because they have a singular moral good: virtue. Of course, *other things have value* (those things in accordance with nature, such as health, wealth, etc.) and they are, generally, to be selected over things which have disvalue. But the Stoic theory succeeds where these others do not: their monistic view of the morally good holds only a virtuous disposition and its corresponding actions to be morally good, and to be chosen for their own sake. This allows the Stoic to be able to judge those ‘indifferents’ (*adiaphora*) which have more or less value, by juxtaposing the received impressions against Stoic axiology, and then select those things (circumstances

⁷²⁹ Fabre, p. 14

considered) which are in accordance with human nature (this term having already been defined throughout this work), while rejecting their opposites. In other words, when choosing consequences, these things (even human lives) do not have moral value. Nor are rights, in the ‘natural’ or ‘human’ sense of the term, violated by the consequences of anyone’s actions.⁷³⁰

There still remains the metaethical question regarding Fabre’s “*ad hocness*.” She accepts both deontological and consequentialist principles as a reasonable price for avoiding the “jarring implausibility” resulting from views which either deny the importance of consequences or make consequences the only thing of importance. Fabre’s “price” to avoid the higher cost would appear, for the Stoics, to be both a false dichotomy and a category error, since human excellence is the only true goal. Accordingly, the agent can balance those intended and foreseeable consequences in order to make appropriate assents about impressions, since those things are important for *selection* but not for the true good, *eudaimonia*. Moral goodness is found elsewhere; not in upholding human rights (which stand on precarious metaphysical ground), or in actually *attaining* peace, or pleasure, or freedom from pain, but rather in the development of an excellent (and *a fortiori*, just) character. The Stoic has no difficulty with the metaethical challenge that other theories face (the ‘Why should I do what is right/Why should I be good?’

⁷³⁰ We can still appreciate Fabre’s position, as rights-language may be useful for developing policies regarding warfare. This would be the ‘external justice’ which this project criticizes as insufficient for just war theory (and not true justice, which is only the category of actions conducted by sages i.e., *instances of justice*). In this sense, Fabre’s reification of individual cosmopolitan rights has its uses. The sage can act *as if* these things exist and, along with preferred consequences, act as though they are in fact ‘good.’ But the Stoic understands these things to be little more than rules of thumb and useful fictions when dealing with an international community of insane fools who take things that are in fact indifferent to be good in themselves.

question) because the answer, as discussed throughout this project, is one's own successful life (*eudaimonia*). Nothing else but virtue, and a virtuous life according to nature, is morally praiseworthy or to be desired. Although education in virtue is certainly to be endorsed, unlike in Fabre's noble attempt, there is no promise for any meaningful 'external justice' policy change in contemporary warfare. Rather, the only expected change is in one's own disposition.

6.3 Parallel virtue theories for just war

We are now in a position to consider other, non-Stoic, virtue ethics approaches to warfare. We can begin the discussion about how other writers have viewed the importance of virtue in war by examining David Fisher's "virtuous consequentialism." Fisher is, like Fabre, aware of the problem of conflicting metaethics of just war. He places both virtue ethicists and moral absolutists (e.g., deontologists) in one category, due to their alleged agreement "that what matters most" in both schools "are the interior qualities of our moral actions."⁷³¹ In Fisher's other category are the consequentialists, who reject this praise of personal integrity and instead hold that "all that matters- or all that really matters- are the consequences of actions."⁷³² Like Fabre, Fisher chooses from both categories, arguing that each is partly right but also profoundly wrong. Fisher's own ethical framework, "virtuous consequentialism,"

insists rather that the complexity and challenge of our moral lives, in both the private and public realms, can be properly addressed and our ethical beliefs soundly grounded only if we give appropriate weight to all facets

⁷³¹ Fisher, p. 5

⁷³² Fisher, p. 5

of moral agency. This includes both the internal qualities and external consequences of our actions, as well as the principles that guide those actions and the virtues needed to enact the principles of our daily lives.⁷³³

So, while Fisher's acceptance of both deontological principles and the importance of consequences is not unique (see Fabre's "*ad hocness*," above), he also adds the importance of virtue, which he states is on the same side of the scale, so to speak, as deontology, since it concerns itself with the internal aspect of action.⁷³⁴ Fisher uses the analogy of the family unit to posit that virtue is necessary but insufficient for a complete moral theory. While virtuous action is mutually advantageous in the successful management of a family, it does not, he alleges, explain the unconditional love that a mother may give to her child, even a child who is severely disabled and "who may never be able to return that kindness."⁷³⁵ But Fisher also takes aim at the post-Enlightenment model of consequentialism, which promotes self-interest and does not recognize humanity's "communitarian nature."⁷³⁶ The recognition of such a nature, for Fisher, "provides the final crucial bridge enabling virtue ethics and consequentialism to be reconciled."⁷³⁷

First, let us return to the mother's unrequited care for a disabled child. There is good reason to think that, when the Stoics referred to a community of rational and social

⁷³³ Fisher, pp. 5, 63

⁷³⁴ One might argue that consequentialism, in some cases, also concerns itself with such an internal aspect but this takes us too far from the point to pursue it here.

⁷³⁵ Fisher, p. 58

⁷³⁶ Fisher, p. 58

⁷³⁷ Fisher, p. 58

creatures, that this referred to the typical adult. But in the Stoics' *'oikeiosis,'* the love and care for offspring is mentioned specifically.⁷³⁸ One can be a good parent without expecting (more exactly, one *must not be expecting*) reciprocation from their offspring. To turn one of Epictetus' observations about familial relationships on its head, Nature may grant us offspring but in doing so need not make such offspring 'useful' to us.⁷³⁹ But Fisher's position on the "communitarian nature" of humanity both agrees in one sense, and disagrees in another sense, with the Stoics' position. The Stoics were communitarian in a weak sense of the word. They understood that many of their roles and their appropriate actions derived from this smaller local community. However, they were not *merely* communitarian (or perhaps *were* communitarian in a different, strong sense) because their primary allegiance was not logically limited to the smaller community but instead to the greater community of rational beings i.e., the cosmopolis.

Fisher's virtue consequentialism, by his account, is like a bridge intended to traverse from the current inadequate ethical ground, on which just war theories are currently abutted, to one which considers that a flourishing life is dependent on an agent's natural affection and care for those in their communities. But such a project is not quite original, nor necessary, and he pilfers from the remnants of an ancient structure:

Moral rules and virtuous conduct are needed to enable us to live well together in communities. Morality is necessary for the good life. But it is not, as Stoic philosophers supposed, sufficient. ... It is moreover, *a key feature of morality that it extends its claims progressively further out through ever widening concentric circles of the communities to which we belong.* We start our lives and first learn moral rules and virtuous behavior within a family. *But the claims of morality soon extend outwards*

⁷³⁸ Hierocles 9.3-10, 11.14-18 = LS57D

⁷³⁹ *Handbook* 30

*from the family to: a school, a village, a regiment, a town, our country, and so outwards to the international realm. We learn that morality governs our behaviors as individuals even toward distant strangers. Morality also governs the relations between the political communities or states to which we belong.*⁷⁴⁰

It is unclear why Fisher so disparages the Stoics' position regarding the sufficiency of virtue for human flourishing while also erecting what appears to be a nearly exact replica of the Stoics' own Hieroclean circles of concern; especially since the Stoics use much of the same language, as when regarding obligations to even the most "distant strangers." While rejecting their positions in order to build something quite similar, he mentions or alludes to the circles of concern repeatedly. Elsewhere he notes the circles' necessity for ethics, stating that it is "a key feature of morality that it extends its claims progressively further out through ever-widening circles of the communities to which we belong."⁷⁴¹ This is Stoic through and through, as is his statement that this extension starts "from the family and extend[s] outwards even towards the international community."⁷⁴²

Still, one element which Fisher has not reconstructed is the Stoics' sage: that well-tempered individual who, by doing excellently that which is natural, *draws those circles inward*, and thus behaves justly toward the 'inhabitants' of those circles. Without the conception of the sage, the Stoics might not be able to posit an absolute ideal for *eudaimonia*. But Fisher himself notices this, as well as other design flaws in his project. The "obvious rejoinder" (Fisher's words) to his "virtue consequentialism" is quite

⁷⁴⁰ Fisher, p. 61, my emphasis

⁷⁴¹ Fisher, p. 134

⁷⁴² Fisher, p. 134

reminiscent of Fabre’s “*ad hocness*”: what Fisher calls an “indigestible farrago” of a plurality of goods from different ethical traditions (i.e. intentions, rules, consequences, and virtues) that seems to offer no clear guide for moral behavior.⁷⁴³ But Fisher never quite refutes the charge, instead insisting that ethical life need not be simple, and that different roles are played by each of the features in his (self-consciously complex) theory.⁷⁴⁴ We need not consider these claims individually. It suffices to state here that the Stoic just war theory is more concise, as well as ontologically and epistemologically simpler. Stoicism’s moral epistemology more aptly takes into consideration the equality of moral errors, moral luck, and the dichotomy of control: what is in fact ‘up to’ (*eph’ hemin*) the agent and what is not (*ouk eph’ hemin*). The Stoics’ sense of internal justice needs only (and *can* only) consider the character of the agent (himself) in order to approach justice in warfare. In sum, it rejects the needlessly complicated plurality of goods.⁷⁴⁵ In this way, Stoicism’s virtue approach more fully answers the question regarding incentives for moral action (the “Why should I be just?” question) and, *a fortiori*, moral action in war by positing that the only punishment is often continued misery, and the only tribunal is the one held by oneself in the role of judge. For the Stoics, such misery is the only true punishment. Fisher is right that theories which ignore virtue are inadequate, and he also observes the importance of virtue for making sense of

⁷⁴³ Fisher, pp. 135-6

⁷⁴⁴ Fisher, pp. 135-6

⁷⁴⁵To reiterate briefly: Rather than posit that justice must share the podium of moral value with consequences and the lives of others (and one’s own life), the Stoics see these preferred things as indifferent (though generally preferred and the objects of selection). Virtue alone is to be desired and sought, for the sake of a successful life in accordance with one’s human and individual nature.

the circles of concern. But, he seems to mistakenly suppose that this is a new and original addition to the virtue ethics perspective. Unfortunately, he includes the same incompatible ingredients as Fabre's and Walzer's and many others: the acceptance of a plurality of moral goods, while rejecting one of the main ingredients i.e., the well-tempered man's role in such a paradigm.

The Stoics could certainly applaud Fisher for his astute recognition of the inadequacy of deontological and consequentialist paradigms and their theories. Moreover, the Stoics' own philosophy coheres with Fisher's insistence that an education in the virtues is important for just war, particularly when he states that all those who are "involved in decisions about peace and war... need to be schooled in the virtues, so that virtuous conduct becomes second nature."⁷⁴⁶ While the phrase "second nature" might be pulled from Aristotle's virtue ethics rather than that of the Stoics, in subsequent statements he seems closer to the Stoics, without crediting them for what he admires in a coherent virtue ethics.⁷⁴⁷ We will later examine Sun Tzu's virtuous general and some modern guides in virtue that (though few might claim them as sages) can guide the discussion of what a Stoic virtue education might entail for contemporary and future warfare. Before this, it will be useful to examine David Chan's virtue ethics approach to warfare, and its own distinct shortcomings for a complete moral philosophy for just war.

⁷⁴⁶ Fisher, p. 133

⁷⁴⁷ Sometimes he seems to channel Marcus Aurelius himself (Fisher, p. 133): "For only thus will there be any prospect that the right decisions are taken in the heat and passion of war."

6.3.1 Virtue and the abandonment of just war theory

David Chan's virtue ethics approach is interesting because, if his argument is correct, it makes war impermissible except in the most dire of circumstances. His primary concern with the just war doctrine is that it "lends itself to myth-making about war," and "makes it possible for politicians to disguise and sell their unjustified wars as just wars."⁷⁴⁸ Rather than attempting to develop a just war theory based on virtue, Chan scorns the just war doctrine as not worth salvaging.⁷⁴⁹ Just war theories make war too permissive and do not adequately take into account (what Chan considers to be) warfare's intrinsic evil, making it among the worst things in human experience. Moreover, war is often not taken seriously enough by theorists, and he takes issue with those who claim that war is somehow justifiable if it satisfies a set of conditions.⁷⁵⁰ Thus, Chan's main criticism against just war theory in general is that "is that it has become more of a matter of law than ethics, and that it permits a lot of avoidable evil."⁷⁵¹ Chan's proposed solution is to shift from a rights-based ethics to a virtue-ethics approach. This leads him to accept an ethics of war which occupies a position between a too-permissive just war theory and a too-strict pacifism.⁷⁵² His alternative approach, like that of the Stoics,

⁷⁴⁸ Chan, p. 3; See Rengger's similar concerns, above.

⁷⁴⁹ Chan, p. 4

⁷⁵⁰ Chan, p. 6

⁷⁵¹ Chan, p. 74

⁷⁵² Chan, p. 7; Elsewhere (p. 32): "It is time for a Copernican revolution in the ethics of war: No more fine-tuning of the conditions of just war theory, but a new way of thinking about the moral acceptability of war as an instrument of the state."

makes “use of the concept of a virtuous person” instead of relying on rights and mere duties.⁷⁵³

Chan seems more cognizant of the Stoics’ philosophical principles than Fisher, and he is well aware of the Stoic influence on the just war tradition.⁷⁵⁴ Like the Stoics’ quietism about individual rights in general, Chan’s view is that a rights-based or deontological morality misses the point of war ethics and does little to mitigate the enormous amount of human suffering which war may bring. He compares the just war to an individual’s act of self-defense:

I may be within my rights to harm or kill an aggressor when I act in self-defense to protect my right to life, but in doing so, I will cause great suffering. On a deontological ethics, the suffering that I cause does not count against the rightness of my action if I am doing something that I have a right to do. When I exercise my right of self-defense, the harm that I bring to the aggressor is deserved. If I were to torture him or make him suffer a slow and painful death, then I would have inflicted more suffering than he deserved and I would be wrong to do so. But as long as I do what is in my rights, I do no wrong.⁷⁵⁵

While an individual who defends himself does no great harm even if he kills his aggressor, Chan notes that, on the contrary, wars are exponentially more destructive. Therefore, such destruction “must be taken into account in an ethics of war in a way that the rights-based account of just war cannot possibly do.”⁷⁵⁶ But while Chan’s account

⁷⁵³ Chan, pp. 33, 57

⁷⁵⁴ See Chan, p. 10: “Roman Stoics inherited from ancient Greek philosophy the idea of a common humanity and the importance of controlling passions with reason. In Stoic thinking, it is not enough to justify war that the Romans had the ability to wage war and triumph over their enemies, and that going to war was politically expedient and brought glory to military and political leaders.”

⁷⁵⁵ Chan, p. 61

⁷⁵⁶ Chan, p. 61

rules out a theory like that of Fabre's rights-based sufficientist account, he agrees with her (and with Fisher) that acting only to maximize preferred consequences is also generally insufficient for justice in warfare. Utilitarian approaches to war, Chan states, can lead to moral disasters, since "the difficulty of measuring and comparing benefit and harms makes it likely that states would go to war giving more weight to the harms to the other side."⁷⁵⁷ Moreover, a consequentialist account also permits people to be "harmed for the greater good," whether or not they deserve to be.⁷⁵⁸ Finally, he prophesizes that a purely consequentialist just war theory would see war become more common, "as all that is required to justify war is that the net benefits of war are greater (by a little bit) in comparison with any other alternative."⁷⁵⁹ We might remain agnostic about Chan's sibyllic qualities, but the worry about war's ubiquity nevertheless leads Chan to argue for his own virtue ethics approach, one in which moral decision-making is neither merely a matter of calculating benefits and harms, nor of relegating moral choice merely to "the following of rules or to the satisfaction of conditions" which allow for a right to harm.⁷⁶⁰

We need not discuss Chan's paradigm in detail except to sum up that it permits *war itself* only as a 'supreme emergency' (it does not, as in Walzer's view, refer only to the permissibility of atrocities).⁷⁶¹ Instead, it is his axiology, and its implications for the

⁷⁵⁷ Chan, pp. 61-2; It is unclear to me that this is a fair representation, or a refutation, of utilitarianism as such.

⁷⁵⁸ Chan, pp. 61-2

⁷⁵⁹ Chan, pp. 61-2

⁷⁶⁰ Chan, p. 62

⁷⁶¹ Chan, p. 174

actions of a virtuous ruler, which is interesting for this project. As we shall see, Chan's virtue ethics, for all its merits, is inferior to that of the Stoics'. There are quite a few reasons for this, including the more consistent axiology and ontology of the Stoics, the Stoics' telos of *eudaimonia* as an incentive to moral action, and the Stoics' own political realism and its skepticism about the ability to vastly improve the external justice aspect of warfare. To reiterate, Chan's value system posits war to be among the greatest evils; one which is worse than others because it "multiplies both the severity of intolerable harms inflicted, and the amount of moral culpability for the multiple incidences of wrongdoing by large numbers of agents."⁷⁶² So, not only is war a moral evil in itself, but it also brings about moral corruption and other higher-order evils. It inflicts "physical damage on populations affected by war," as well as "moral harm on both victims and perpetrators of war crimes."⁷⁶³ Still, the axiological status he grants to war, and his criticism of the licentiousness of just war theory, does not quite lead Chan to accept pacifism. It does not follow from war's greatly 'evil' nature that it must never be chosen, when the alternative to doing so is worse. Chan's position here is already in stark contrast to the Stoics,' whose relegation of war to the category of 'indifferent' (*adiaphora*) is shown most poignantly by Epictetus' jarring comparison of pocide with the destruction of storks' nests. But the Stoics would also qualify Chan's pithy statement that, "War has a corrupting influence that brings out the worst in people."⁷⁶⁴ It certainly *does*, due to the

⁷⁶² Chan, p. 77

⁷⁶³ Chan, p. 78

⁷⁶⁴ Chan, p. 79

foolish insanity of human beings who consistently give their assent to false impressions and (contingently) suffer from the violent emotions (*pathe*) like anger or fear, which in turn often lead to even further vicious actions in warfare. But, for the Stoics, it need not do so.⁷⁶⁵ If a sage can be virtuous always and everywhere, and if appropriate actions can be done in any conditions, then they can be done in warfare.

However, there is an appeal to the virtuous person in Chan's philosophy, just as there is in Stoicism, even if their axiologies are irreconcilable. Chan's virtuous person (hereafter, 'Chan's sage') must choose if and when she must avoid greater moral evils by waging war, which is itself a tremendous evil.⁷⁶⁶ This implies that, for Chan, war is a great evil, but sometimes a necessary one; while for the Stoics, it is a (generally dispreferred) indifferent. We will revisit this shortly; but for now, in terms of their respective 'sages,' one of the most obvious differences between Chan's and that of the Stoics' is that Chan's sage may sometimes choose to do something that is extremely evil; while the Stoics' sage logically and literally cannot, given that evil in the Stoic paradigm lies only in vice. The Stoic sage cannot perform an action that will make him miserable, and if choosing war is an evil, then that would lead to misery. Not that Chan's sage would choose to do so except in the most dire of circumstances, since, Chan claims, there are almost always other, less-evil options to protect citizens against enemy attacks. Nevertheless, it "could be rational and morally correct" for her "to choose to go to war

⁷⁶⁵ As alluded to previously, Epictetus (*Discourses* 2.20.26) uses the Battle of Thermopylae (480 BCE) to show war is sometimes appropriate.

⁷⁶⁶ I will refer to Chan's sage using female pronouns, both to differentiate her from the quintessential male Stoic sage and because Chan does so.

under extreme circumstances when faced with a dilemma of choosing between great evils.”⁷⁶⁷ The difference between a ‘dispreferred indifferent’ in the Stoics’ paradigm and an ‘evil’ in Chan’s is not a mere splitting of hairs or a renaming of things without a true distinction. This difference is foundational to Stoic incentives for moral action i.e., the goal of *eudaimonia*.

But Chan’s view is important also for an epistemological criticism of sagehood in virtue ethics. Chan’s conception of the virtuous person (or any virtue ethics theory positing a sage) must contend with the question of the possible identification of a sage by non-sages, and, *a fortiori*, the identification of a sage’s actions with just actions (again, by non-sages). We might refer to this as the ‘How do I know a sage when I see one?’ question. The apparent paradox here is that a non-sage observer, even with the best intentions, comes with ethical, cultural, and axiological baggage; making the detection of a sage (and a sage’s actions) difficult, if at all possible. Such criticism is an implication of Dyson’s epistemological concern regarding cultural and moral relativism, discussed above. The ancient Stoics themselves faced this criticism from their Academic skeptic critics. Their solution was that, while only the sage is virtuous and alone has a disposition to always assent only to (and to all) truthful (and cataleptic) impressions and therefore act accordingly and virtuously, the non-sage (or at least a sensitive and informed ‘progressor’ [*prokopton*]) can also assent to cataleptic impressions. So, even a fool can correctly assent to the impression, “This indeed is a just person.” However, such fools cannot *always* do so, nor do so *consistently*. Thus, an agent can still develop good

⁷⁶⁷ Chan, p. 66

preconceptions (*prolepseis*) regarding the thought-experiment that is the sage. With practice, he can know an act of justice when he sees one (i.e., given Stoic preconceptions of what is good, bad, and indifferent, he can assent to a cataleptic impression), even if the agent is not a sage and cannot perform a just act himself (due to not having developed a virtuous character).⁷⁶⁸ For his part, Chan faces a similar problem and attempts to develop his own rebuttal:

One way to figure out what is the right thing to do is to consider the wartime decisions of morally admired leaders. But how do we know which political leaders are virtuous? Do we not need to know which decisions are right in order to tell whether the leaders who make them are virtuous? If so, we end up abandoning the agent-based approach of virtue ethics for an act-based ethics with criteria for right action that are independent of or prior to the concept of a virtuous agent. In order not to do this, we must provide criteria for a leader's virtuous character directly. We can do this if we have a reasonably complete account of what human goodness is which can be used to pick out good human beings.⁷⁶⁹

Chan is right to carefully consider the criteria of sagehood, since this is not only the common critique of virtue ethics in general, but also a possible excuse for just war theorists to default to an act-based theories of ethics, despite their irreconcilable principles. While Chan's thoughtfulness can assist the Stoic theory in future research, for the reasons already noted, the Stoic approach will not posit that the sage will ever act badly (i.e., morally erroneously). Chan's sage, relying on the non-Stoic value system positing a plurality of moral goods (and evils), might. This betrays the difficulty in Chan's virtue ethics: Chan's sage, in choosing war, chooses a tremendous moral evil. As he states, "Although the choice of war in the circumstances need not impugn her

⁷⁶⁸ See the compendium in LS69

⁷⁶⁹ Chan, p. 65

character, she will not think of it as a just war [since] evil cannot be justified.” Chan’s sage not only sometimes does what is evil, but also regrets her actions: “She will regret having to choose war, but she would regret even more if she did not choose war...”⁷⁷⁰

For the Stoics, such regret might be a type of distress, a *pathe* which the sage would not permit himself.

The Stoics might agree with the spirit of Chan’s approach regarding the difficult choices a sage must make when weighing options. Like Chan, they might agree that all wars have been unjust due to the decisions and actions performed by non-sages: foolish, insane, and often cruel people who are at times under the sway of passions they have no business having and who, with no good reason, send others to their deaths. But the Stoics stand on firmer ethical ground: It does not follow, in Stoic axiology and metaphysics (considering the many events and occurrences in war), that war is an intrinsic evil. The Stoics’ conception of war describes, in one sense, a series of actions and events throughout a somewhat arbitrary length of time. It is, for example, a bomb detonated, a speech given, a limb being blown off, a woman shot, a child burning, etc. Even more narrowly, only those physical bodies which are occurrent exist, since neither the present nor the future truly exist in the Stoic paradigm. This is perhaps where Stoic materialism does its heaviest lifting, since the sage can be called so only by the state of his character at every instant; and thus he is a person who has the right intention and performs right actions in every instance, since no other state of the world can truly be said to exist. This implies that a sage cannot regret anything, since the only thing that matters morally is the

⁷⁷⁰ Chan, p. 109

decision made when the mind is presented with impressions, which are either true and cataleptic (and require assent) or they are not (and require withholding of assent).⁷⁷¹

Therefore, the sage is concerned with only what is in his control; though, as discussed throughout this project, he balances probable consequences and can give *eulogon*: reasonable justifications communicable in speech (at least theoretically). To reiterate, one of the major differences in Chan's and the Stoics' virtue ethics for just war is that Chan's sage chooses between evils, whereas the Stoic sage chooses between preferred and dispreferred 'indifferents.'⁷⁷² Again, this is no mere verbal quibble: Because of the difference in the two ontologies, the metaethical motivations are different. Unlike the Stoics, Chan's sage does not appeal to *eudaimonia*, and this takes much away from any defense which could be given against the charge of moral relativism (see the discussion on Dyson, *supra*). What then, a critic might ask, would motivate Chan's sage to do what is just instead of appealing to pleasure, or tradition, or rights, or anything else? As we have seen when discussing Dyson's criticisms of natural law, this is a problem the Stoics do not have. The cost of such coherence, however, is their reputation for severity.

⁷⁷¹ In an early draft, Harry Gould asked whether, given the Stoics' 'immediatist' materialism, there still be room for "subsequent information to alter the evaluation of a past impression / judgment / action"; in a word, whether the "Stoics live in the eternal now." I think, tentatively, that a sage cannot be mistaken since he assents to the information presented at the moment. However, subsequent information can show that, although the judgment came from a disposition of virtue, if such new information had been presented at the time, a different judgment would have been appropriate. In sum, a reasonable impression can require assent that is still, in a sense, unsuccessful. It seems to me that this is akin to Sphaerus' attempt to eat a wax pomegranate: a sage would find it reasonable that it was a pomegranate, and yet be found to have missed the mark when new information is revealed- like receiving a mouthful of wax. In warfare, the 'mouthful of wax' might instead be a large amount of destruction.

⁷⁷² Another irreconcilable difference that deserves mention is that the Stoics, given that a mistaken assent is just as mistaken as any other, generally have not accepted the possibility of degrees of evil. For Chan, on the other hand (p. 71), "there are degrees of evil, given the definition of evil as intolerable harms produced by culpable wrongdoing. Harms may vary in their severity and there are more or less bad motives for evil deeds."

For all its difficulties, Chan's approach (like Fisher's) is helpful for discovering what is useful and essential for just war, and what is incoherent or needlessly complicated, at least when seen from a perspective of internal justice. What is inadvertently quite Stoic in Chan's thinking is found in a few of his analogies: the comparison of the supposed foreign policy of Rome to that of the US; his metaphor of dealing with enemy states as dealing with dangerous wildlife; and relatedly, dealing with domestic criminals. The point of these is that it is unnecessary, in the modern world, to resort to force to eliminate every threat:

The Romans [kept] fighting until the threat was completely eliminated or the enemy had been forced to become Roman vassals, with armies that fought on Rome's side. There would be no peace with anyone who possibly harbored any hostility toward Rome. Hostility from outsiders is also used as a moral justification when an enemy threat is cited as a just cause for war. This justification was recently invoked by President George W. Bush soon after the terrorist attacks of 9/11. And there was huge support at the time for his stand that Americans must respond with force against all enemies, real or potential, wherever they are known to exist.⁷⁷³

This he follows with a subtle nod (if it is intentional) to Cicero's position that there are two modes of conflict, i.e., discussion for human beings and force for beasts: For Chan, even in a world full of predators ready to devour men it is unnecessary to seek things to destroy, when there are other methods of keeping humans safe.⁷⁷⁴ In fact, "There might

⁷⁷³ Chan, p. 881; We might have some reservation regarding his sweeping assessment of the foreign policy of ancient Rome which he uses to make his moral claim, especially given the nuanced Imperial foreign policy of Marcus Aurelius' reign, discussed in 5.3. Also, see the discussion in Rengger, pp. 10-1; and Brachman's (pp. 196-7) criticism of the false dichotomy presented by the Bush Administration.

⁷⁷⁴ Cf. Seneca's (*On Anger* 2.31.7-8) comment on ignoring, when possible, even dangerous animals. Chan (p. 89), for his part, goes further with the analogy: "Consider now the paradox that we treat human beings worse than animals. We resort too readily to force when another human being or group of humans pose a threat to our existence. ... Surely, human life has as great or greater value than animal life." Elsewhere (p. 90): "Wiping out those who pose a threat to us, as the Romans often did, is even less justified with human enemies than with predators in the wild." For my part, I am not persuaded by Chan's off-hand claim that

even be an element of self-interest in efforts to preserve animal diversity, since we are now aware of the inter-connectedness of the ecological world.”⁷⁷⁵ An appeal to such “inter-connectedness” is similar to the Stoics’ own metaphysics and cosmopolitanism, though they used instead the language of the rational *Logos*, which permeated all things through a web of causes, and the inter-connected unity of the human community as parts of a greater whole.⁷⁷⁶

Although Chan’s approach must ultimately be rejected (at least with regard to internal justice), there is much about which the two views, his and the Stoics’, can agree. This is nowhere more apparent than another of Chan’s analogies, in which he compares, like the Stoics did before him, the local political unit and its inhabitants to the greater one of the international realm. Specifically, he compares hostile threats to nation-states with domestic criminals and argues for co-existence: “We are willing to live with some crime

humans are treated worse than animals, given the unjust/intemperate actions during factory farming, cosmetics testing, and- closer to the point of this project- the US Army’s munitions testing on animals. The Stoics, who do not think life itself has moral value at all, can still agree that human life has selective value, and even relative positive value compared to the (also morally indifferent) animal life. They would perhaps take issue with Chan’s wording of “less justified,” considering the moral indifference of life and their austere moral psychology: Either an action is justified or it is not. In *On Duties* (3.89) Cicero mentions the Stoic Hecaton’s query about whether a man aiming to lighten the load on a ship during rough weather acts appropriately in throwing overboard a slave rather than an expensive horse. Perhaps the answer remains obscure in modern philosophical thought, but for different reasons than those of the Romans.

⁷⁷⁵ Chan, p. 88

⁷⁷⁶ Chan (p. 101) does not argue that killing aggressive, threatening animals ought never be done: “There are times when co-existence becomes impossible and we will (regrettably) kill predatory animals. There are times when police must be given special powers in order to stop particularly heinous criminals. In both analogies, there are limits to co-existence.” Like Marcus Aurelius’ foreign policy (which this project has likened to modern notions of political realism) Chan’s virtue ethics approach calls to mind the viewpoints of those like John Mearsheimer (pp. 217-34), Barry Posen (especially his second chapter) and Stephen Walt (pp. 218-47), who also argue against seeking out proverbial monsters in the international realm to fight against. For the Stoics’ identification of Reason (*Logos*) and Cause (*aitia*), see Bobzien, p. 53.

rather than have the police act in more brutal ways that may harm innocent lives.”⁷⁷⁷ His idea here is quite compatible to the Stoics’ circles of concern, where a virtuous person does excellently only what is natural to all people, and thus the soldier treats those in further circles (the enemy’s civilian population) like they would treat those closer to themselves:

The use of force must be limited to prevent harm to innocent lives. We would not allow our police force to blow up a building or fire into a crowd in pursuit of criminals because doing so would cause many innocent people to be injured or killed. We should not allow our military to bomb civilian areas or take other actions that are foreseen to cause “collateral damage” because doing so would cause the deaths of innocent people. The fact that these people belong to another country does not lessen our moral obligations...⁷⁷⁸

A Stoic might regard as quaint Chan’s comment about “allow[ing]” collateral damage, given the world’s hopeless (mis)governance by the insane and foolish. Still, this project concerns itself with internal justice, and analogies like those found throughout Chan’s work can help reinforce aspects of the more robust Stoic theory of just war. However, it is in this last passage where the difference between Stoicism and other frameworks becomes most obvious: The Stoics have little hope regarding limitations of troops’ destruction of buildings or of firing into crowds (thus the emphasis on internal justice, instead). Perhaps they might even find it of little use to make such policies, given the unjust character of human beings- who will always do what they feel, rightly or wrongly, to be appropriate at the moment- and often with little chance of (external) punishment. Moreover, there is the problem of what is in one’s control and what is not:

⁷⁷⁷ Chan, p. 96

⁷⁷⁸ Chan, p. 99

What is “allow[ed]” by officers, even sages with right intentions, must often be delegated to inferior soldiers- both in rank and perhaps in moral character (see 5.1.2). Such prohibitions in warfare often have no teeth; the only investigation and censure, as we have discussed throughout this work, is often only the “court of one’s own conscience.” None of this is to say that policy as such is useless or impossible, only that the Stoics’ theory for a just war must concentrate instead on educating rulers and soldiers in virtue. In modern warfare, this has perhaps been exemplified most obviously in that kind of warfare which makes the ‘center of gravity’ the population itself: insurgency and counterinsurgency. These are the main topics of the final section of this chapter.

6.4 Sun Tzu, insurgency, and Stoicism: Virtue ethics for asymmetrical warfare

In the work attributed to him, the 6th century BCE ancient Chinese theorist Sun Tzu states: “Invincibility depends on one’s self...”⁷⁷⁹ This and many other aphorisms in *The Art of War* regarding individual moral strength has many parallels with Stoicism’s internal justice. For the latter, true freedom and invincibility lies in making correct judgments regarding impressions. Happily, this is at all times, and the only thing, in the agent’s control. For Sun Tzu, the state of a ruler or commander’s character is important for the security of the political unit. Much like the Stoics, he warns against letting oneself become overwhelmed by the passions.⁷⁸⁰ Because a human being is a

⁷⁷⁹ Sun Tzu, 4.2

⁷⁸⁰ Sun Tzu, 12.19; I am indebted to Mohiaddin Mesbahi (in conversation, 2020) for pointing out the importance of Sun Tzu to this project, as well as bringing to my attention the possibly more cosmopolitan nature of Sun Tzu, and its relative closeness to Stoicism in many respects, than the work of Clausewitz.

fundamentally social creature, irrationality and the indulgence of emotions by those with important social roles can have dire consequences for others in their command. Sun Tzu, whose own role is that of military strategist and not a philosopher extolling a pathway to *eudaimonia*, might still extol something like the Stoics' *'apatheia'*: the wise person's freedom from the excessive and dangerous emotions resulting from poor judgment. An enraged ruler, Sun Tzu claims, will not be able to raise an army; nor can a resentful general wage warfare efficiently.⁷⁸¹ This connects irrationality and a lack of self-control with a political unit's insecurity. Similarly, in *On Anger* Seneca states that it is doubly important for a ruler to check his impressions and feelings than for a common person, given the former's social role and the possible consequences of his actions.⁷⁸² Sun Tzu might agree: "For while an angered man may again be happy, and a resentful man again be pleased, a state that has perished cannot be restored, nor can the dead be brought to life."⁷⁸³

It is not merely anger that must be checked, but pride and fear as well. In Sun Tzu's prescriptions a reader will find a parallel with the Stoic sage's indifference to praise and punishment.⁷⁸⁴ For the Chinese strategist, an advancing general should not seek the former, and should he have to retreat, should not seek to avoid the latter. The ideal general's "only purpose is to protect the people and promote the best interest of the

⁷⁸¹ Sun Tzu, 3.5

⁷⁸² See the discussion in Chapter 4.

⁷⁸³ Sun Tzu, 12.18

⁷⁸⁴ Cf. Epictetus, *Discourses* 1.21.4, Oldfather's translation: "Who are those people by whom you wish to be admired? Are they not these about whom you are in the habit of saying that they are mad? What then? Do you wish to be admired by the mad?"

sovereign.”⁷⁸⁵ Such nobility of character in the general who seeks only to do what is right according to his social role “is the precious jewel of the state,” and his concern for the common welfare makes him, like the Stoics’ sage, a goal to strive for, and incredibly rare.⁷⁸⁶ The comparison of the good general to a ‘jewel’ seems analogous to the Stoics’ extraordinary individual, who does what is appropriate for his nature and role; and in doing so demonstrates what it means to be the proverbial purple stripe in the otherwise plain toga.⁷⁸⁷

An education in virtue does not apply merely to rulers and commanders but to troops as well.⁷⁸⁸ A later theorist and revolutionary, Ernesto “Che” Guevara, added that the ideal *guerrillero* must be both prudent and, seemingly paradoxically, indifferent to his destiny. The apparent contradictions Guevara claims must exist in the *guerrillero*’s character resemble those in the polemics of the ancient Stoics, who taught that one must prefer those things in accordance with nature but also resign himself to whatever Fate assigns.⁷⁸⁹ For instance, Guevara states that the fighter ought to be bold and realistic about danger but optimistic in his mental state and behavior. As an “exemplary companion” (*un extraordinario compañero*), he must be willing “to risk his life whenever

⁷⁸⁵ Sun Tzu, 10.19

⁷⁸⁶ Sun Tzu, 10.19; Elsewhere (12.17), the advice to serve the common welfare is quite close to prudence: “If not in the interests of the state, do not act. If you cannot succeed, do not use troops. If you are not in danger, do not fight.”

⁷⁸⁷ The virtuous Stoic general can perhaps most be approximated by those who, like Kleomenes and Cato, faced every hardship along with their soldiers; the former’s Stoic education complemented by his severe Spartan training regime, and the latter by his severe disposition and willingness to risk every danger, as during the march through the Sahara alongside his troops. See Chapter 5.

⁷⁸⁸ See Gross (2015, pp. 6-8) for an overview on insurgency and international law.

⁷⁸⁹ Cf. Epictetus, *Discourses* 4.109

necessary and be ready to die without the least sign of doubt”; while he must also be “cautious and never expose himself unnecessarily.”⁷⁹⁰ After prudently analyzing the inherent danger in a situation, such a fighter must nevertheless hold (and, perhaps more importantly, *display before others*) an “optimistic attitude toward circumstances” even when such an analysis “does not show an appreciable positive balance.”⁷⁹¹

Both Sun Tzu’s and Guevara’s dicta are compatible with, and reminiscent of, the Stoics’ ‘unity of the virtues.’ Like the ‘extraordinary individual’ of the Greek and Roman Stoics, Sun Tzu’s ‘jewel of the state’ must be at all times prudent, just, temperate, and brave; and these intertwine and are inseparable (except conceptually). Such a person, in Stoic terms, promotes the common welfare (albeit through a benign patriarchy) and scorns those ‘dispreferred indifferents’ which others mistakenly refer to as ‘evils.’ In doing so, such a person demonstrates justice as a type of parental concern, on which both the Stoics and Sun Tzu base their own conception of justice:

Because such a general regards his men as infants they will march with him into the deepest valleys. He treats them as his own beloved sons and they will die with him.⁷⁹²

Such a brand of justice, in a virtuous general’s life, is inseparable from courage and temperance:

⁷⁹⁰ Guevara, p. 36 [40] (For this section, I reference two editions; the secondary set of numbers i.e., those in brackets, denote the untranslated Spanish edition.)

⁷⁹¹ Guevara, pp. 36-7; Like any good soldier who must maintain equipment, Guevara’s ideal *guerrillero* is also temperate/just toward animals (79 [73]): “The mule is one of the most useful animals... The muleteers should understand their animal and take the best possible care of them. While there is nothing uniquely Stoic in this, there is a parallel with taking care of other humans and, as Marcus Aurelius notes, sentient animals, and treating them with respect for one’s own benefit i.e., *eudaimonia*.”

⁷⁹² Sun Tzu, 10.20

[He] must be the first in the toils and fatigues of the army. In the heat of the summer he does not spread his parasol nor in the cold of winter don thick clothing. In dangerous places he must dismount and walk. He waits until the army's wells have been dug and only then drinks; until the army's food is cooked before he eats; until the army's fortifications have been completed, to shelter himself.⁷⁹³

As such a figure demonstrates through his lifestyle, justice is not something codified in law (at least not necessarily), but rather something internal: in the disposition of the agent. Justice must be exemplified from within the agent's roles, and what makes a certain action appropriate (and, if possible, just) is not external to the individual. This is observable also in Guevara's ideal *guerrillero*, who in some respects is akin to the ascetic sage, the only true priest, discussed in Stoic literature.⁷⁹⁴ Like the bull in the herd which must exemplify, to the extent possible, virtue itself even if others cannot quite embody it themselves, the *guerrillero*:

must have a moral conduct that shows him to be a true priest of the reform to which he aspires. To the stoicism imposed (*austeridad obligada*) by the difficult conditions of warfare should be added an austerity born of rigid self-control (*austeridad nacida de un rígido autocontrol*) that will prevent a single excess, a single slip, whatever the circumstances.⁷⁹⁵

In a word, the *guerrillero* must "provide an example in his own life..."⁷⁹⁶ In a parallel with the Stoics' 'unity of the virtues,' he must always be in control of his judgments and emotional state, exemplifying ferocity as well as kindness, justice as well

⁷⁹³ Sun Tzu, 10.20; See the discussion on Cato in Chapter 5.

⁷⁹⁴ Cf. Epictetus, *Discourses* 3.22

⁷⁹⁵ Guevara, p. 33 [37]; Although J.P. Morray, the translator, renders the same Spanish word as two different English words for a better sense of the original Spanish, Guevara does not here invoke the Stoics by name.

⁷⁹⁶ Guevara, p. 34 [38]

as mercy. Such an exemplar must be equally prepared to take life and an instant later be in the state of mind to preserve it. In the very same sentences, Guevara's text commands those dispositional qualities which are both terrifying and terrific:

Striking like a tornado, destroying all, giving no quarter unless the tactical circumstances call for it, judging those who must be judged, sowing panic among the enemy combatants, he nevertheless treats defenseless prisoners benevolently and shows respect for the dead. A wounded enemy should be treated with care and respect unless his former life has made him liable to the death penalty, in which case he will be treated in accordance with his deserts.⁷⁹⁷

Like Sun Tzu's ideal general, the *guerrillero's* courage becomes nearly interchangeable with temperance and justice here; as justice is based on the concern for those whom one is responsible for, and on the willingness to meet every hardship with them. In these passages, we can see the similarities with the Stoics' dictum to bring those further Hieroclean circles inward toward the self. For the Stoics, recall, it is not merely one's own troops which must occupy those centripetal circles, but also the enemy. This is not done merely for altruistic reasons, of course: As the virtue of prudence (that better part of both justice and courage) dictates, there is certainly an element of self-interest. To survive long enough to become the Stoic equivalent of the 'jewel of the state,' and to do so without being hated (calling to mind Machiavelli's realism) the prudent person takes even the vanquished into his moral consideration.⁷⁹⁸ Likewise, Sun Tzu sometimes gives more practical advice for such an aspiring general, thereby combining prudence with

⁷⁹⁷ Guevara, p. 36 [40]; Thankfully, the ideal *guerrillero* can also be a pedantic bore (in loc cit.): If the prisoner of war "has not been a notorious criminal, he should be set free after receiving a lecture."

⁷⁹⁸ See the connection between virtue and self-preservation in the discussion on Seneca's *On Mercy* in Chapter 4 of this work.

temperance and justice: “Do not thwart an enemy returning homeward”; “To a surrounded enemy you must leave a way of escape”; and “... when a city is surrounded it is essential to show the besieged that there is a way to survival.”⁷⁹⁹ While these decisions might also preserve one’s own troops from a protracted engagement against a desperate enemy, it also provides a path (the Stoics might argue) to fulfilling one’s rational and social human nature, and hence to *eudaimonia*.

Every insurgent understands that true self-interest is inseparable from at least a degree of altruism. For his part, Mao Zedong extols the importance of the populace’s relationship with the insurgent for success in asymmetrical warfare. Like Clausewitz, the military objectives must be, at their core, political. Without this, “guerrilla warfare must fail, as it must if its political objectives do not coincide with the aspirations of the people and their sympathy, cooperation, and assistance cannot be gained.”⁸⁰⁰ Like Sun Tzu millennia earlier, Mao emphasizes the virtues of prudence and justice; and a guerrilla group’s officers, in particular, must show their (supposed) concern for the population. In mixing with the local population, the guerrilla fighter ought to be just and courageous by also being temperate and prudent: Such an officer ought to have “great powers of endurance so that in spite of any hardship, he sets an example to his men and is a model for them”⁸⁰¹ Echoing Sun Tzu, Mao claims that a guerrilla unit with officers like these

⁷⁹⁹ Sun Tzu, 7.30-1; In what can also be applied to the Stoic position that natural law alone ought to be obeyed, Sun Tzu (9.8) states that, “There are occasions when the commands of the sovereign need not be obeyed.”

⁸⁰⁰ Mao, p. 43

⁸⁰¹ Mao, pp. 85-6

“would be unbeatable.”⁸⁰² Though Mao’s goal for such invincibility is external success and not *eudaimonia*, this still shares with Stoicism the conception of the unbeatable character of someone who embodies the ‘unity of the virtues.’ Guevara also agrees with Mao about the importance of an intimate relationship between combatants and the local population. Put in Stoic terms, the circles of concern end not with those encompassing one’s comrades in arms, nor with those of the friendly population, but enemies as well:

A fundamental part of guerrilla tactics is the treatment accorded to the people of the zone. Even the treatment accorded to the enemy is important... and clemency as absolute as possible toward the enemy soldiers who go into the fight performing or believing they perform a military duty. ... [S]urvivors are to be set free. The wounded should be cared for with all possible resources at the time of the action.⁸⁰³

Here again we see the overlap between self-interest and altruism. Since in guerrilla warfare today’s enemies are tomorrow’s comrades, prisoners of war ought to be cared for and “treated with consideration,” as Mao also posits.⁸⁰⁴ Likewise, Mao’s famous comment regarding the necessary sympathy between local inhabitants and guerrilla fighters, “The former may be likened to water and the latter to the fish who inhabit it,” is reminiscent of the Stoics’ sense of (cosmic as well as local) solidarity. There is also a parallel to the Stoics’ indifference, as it were, to local cultural norms and social hierarchy; with ‘indifference’ here presumably meaning a lack of chauvinism or ethnocentrism. For instance, Mao suggests that soldiers are required not merely to be determined and hardy, but to also be composed strictly of volunteers chosen from all

⁸⁰² Mao, pp. 85-6

⁸⁰³ Guevara, p. 19 [26]

⁸⁰⁴ Mao, pp. 92-3

sorts of social classes.⁸⁰⁵ For Guevara, *guerrilleros* ought not to impose their own norms on those of the population nor disparage their traditions, but rather ought “to demonstrate effectively, with deeds, the moral superiority of the guerrilla fighter over the oppressed soldier.”⁸⁰⁶ Like the Stoic soldier, who must exemplify his humanity (and his justice) *from somewhere*, the guerrilla fighter must still act in accordance with the dictates of natural law, even if those actions are performed from within the role of ‘insurgent.’ To do so is to qualify for a successful and happy life in accordance with nature i.e., *eudaimonia*; and even if the external ‘reward’ is only imprisonment, torture, death, or merely public excoriation.

6.4.1 Counterinsurgency and Stoic justice

While the 20th century has been the era of ideologically-inspired guerrilla warfare, the 21st century has seen a rise in so-called ‘new wars,’ which are often characterized by interference from international and multinational actors, identity politics, large-scale organized crime, and (what are seen as) large-scale human rights violations.⁸⁰⁷ While the previous section has demonstrated that Stoic just war theory applies even to those

⁸⁰⁵ Mao, p. 86

⁸⁰⁶ Guevara, p. 19 [26]; Cultural knowledge is also important for the counterinsurgent (*US Army Counterinsurgency Field Manual* [hereafter, FM] 3.24.1.80): “Cultural knowledge is essential to waging a successful counterinsurgency. American ideals of what is ‘normal’ or ‘rational’ are not universal. To the contrary, members of other societies often have different notions of rationality, appropriate behavior, level of religious devotion, and norms concerning gender. Thus, what may appear abnormal or strange to an external observer may appear as self-evidently normal to a group member. For this reason, counterinsurgents- especially commanders, planners, and small-unit leaders- should strive to avoid imposing their ideals of normalcy on a foreign cultural problem.”

⁸⁰⁷ See Kaldor, *New Wars*; and Kilcullen’s *Out of the Mountains*

engaged in insurgency strategies and tactics, this section will briefly consider the importance of internal justice in the realm of counterinsurgency (COIN). In a successful COIN, the target population accepts the government's legitimacy, consents to government rule, and then sustainably takes charge "of their own affairs."⁸⁰⁸ But, such legitimacy is earned by eliminating the *causes* of the insurgency, including the extremists who staunchly refuse reconciliation with the government.⁸⁰⁹ The *US Army Counterinsurgency Manual* appreciates that killing those insurgents who cannot be reintegrated into society peacefully is necessary but insufficient for peace. Primarily, a COIN operation must address the insurgency's root causes through stability operations as well.⁸¹⁰

The French military officer and scholar, David Galula, is perhaps the most renowned theorist in the COIN literature. He is, in many ways, sympathetic to a population's choice to support an insurgency movement. He notes the many problems in a society which an insurgency seeks to exploit, whether those problems are political, economic, racial, cultural, social, or even "artificial."⁸¹¹ To combat an insurgency which seeks to take advantage of these underlying factors, Galula recommends dealing with these problems before any military action is decided upon. If possible, governmental

⁸⁰⁸ FM 3.24.1.4

⁸⁰⁹ FM 3.24.1.4

⁸¹⁰ Cf. FM 7.8, which discusses an affective element reminiscent of the Stoic approach, and which seems to posit the unity of the virtues (in this case, perhaps primarily an emphasis on justice and prudence). It also seems to match the Stoic position that justice's foundation is the *oikeiosis* concern for others: "[L]eaders must feel the pulse of the local populace, understand their motivations, and care about what they want and need. Genuine compassion and empathy for the populace provide an effective weapon against insurgents."

⁸¹¹ Galula, p. 14; The sense of "artificial" seems to mean 'invented.'

policies must be changed to deal with the insurgent threat by providing a target population with ways to voice dissent, and by enacting reasonable reforms. However, this is not always possible (or for the ruling elite, desirable): “There are problems that, although providing a good cause to the insurgent, are not susceptible of solution.”⁸¹² This then makes COIN necessary.

COIN strategy is pertinent for just war theory in general because Galula’s advice appeals to force as a last resort, when solutions to the population’s concerns have been attempted. Afterward, the government must resort to the ‘method of brutes,’ as it were, to stamp out an implacable enemy. Galula accepts that there is no return for hardline insurgents, who must be dispatched. However, he also insists that a counter-cause is necessary to appeal to the rest of the population, both to commit them to the side of the COIN and to isolate the extremists.⁸¹³ In Stoic terms, those too far gone are like the unreasonable brutes who must be dealt with, dis-preferably, by force; but the rest must be appealed to by reason. Every effort ought to be made to show that the COIN’s cause is better than the insurgents’. To the extent reasonably possible, the populace’s needs ought to be fulfilled, and they are to be cared for, the Stoics might add, as one might the

⁸¹² Galula, p. 46; See also Byman (p. 270) on the difficulties of this even with “massive amounts of aid...”; Cf. FM 3.24.1.51: “Skillful counterinsurgents can deal a significant blow to an insurgency by appropriating its cause. Insurgents often exploit multiple causes, however, making counterinsurgent’s challenges more difficult. In the end, any successful COIN operation must address the legitimate grievances insurgents use to generate popular support. These may be different in each local area, in which case a complex set of solutions will be needed.” Harry Gould, in an earlier draft, has rightly pointed out the difficulty of the “legitimate grievance” for Stoic philosophy.

⁸¹³ Galula, p. 54; For those too far gone to be reconciled, see Reato (p.69) on the reasoning of General Videla for the disappearances of suspected insurgents, and the dangers for a COIN operative of defining “*irrecuperables*” too broadly. See also Scahill (p. 10) on the military designating all those killed in a strike as “enemy killed in action.”

inhabitants of one's own country. By legitimately caring for the population, only then can rulers and soldiers engaged in COIN operations be said to fill the necessary requirements for appropriate actions (*kathekonta*) in war.⁸¹⁴

In sum, these COIN principles are basically also those of Stoic internal justice. Galula's first law of COIN assumes that the population's support and recognition is as important to the counterinsurgent as it is for the insurgent. Perhaps it is even more important for the COIN operator, since the insurgency's bottom-up approach gives the insurgent a tactical advantage:

And the truth is that the insurgent, with his organization at the grass roots, is tactically the strongest of opponents where it counts, at the population level. This is where the fight has to be conducted, in spite of the counterinsurgent's ideological handicap and in spite of the head start gained by the insurgent in organizing the population.⁸¹⁵

It is here that Galula's strategy lends itself to an education in Stoic virtue ethics, because Stoic cosmopolitanism requires the agent to deeply consider his interconnection with all human beings, regardless of political, social, economic, or racial differences. Thus, if the ancient Stoics stated that "only a sage is truly a ruler," a Stoic just war theory could also hold that 'only a sage is a true counterinsurgent.'⁸¹⁶ This is because a successful COIN depends on concern with those in the target society, and depends on seeking solutions to problems about deficiencies of those basic 'according to nature' requirements. Given the

⁸¹⁴ Although, this is still insufficient for right action (*katorthomata*) since this depends on the already virtuous disposition of the agent.

⁸¹⁵ Galula, p. 52

⁸¹⁶ By 'true counterinsurgent,' this does not necessarily mean 'outwardly successful,' since that depends on occurrences outside any individual's control.

Stoics' cosmopolitanism, this is the case regardless of whether the COIN is conducted by the local government or an occupying force.

COIN strategy can also fit the Stoic just war theory's importance placed on roles. Consider that, for Galula, soldiers must take on several other roles when vital tasks need to be done, at least for the time during which there are no specialists to accomplish them. In such cases, "The soldier must then be prepared to become a propagandist, a social worker, a civil engineer, a schoolteacher, a nurse, a boy scout."⁸¹⁷ Here again we see a connection between prudence, courage, and justice, since it is impossible, as the Stoic theory holds, to be a prudent ruler or courageous soldier without also being a just one. Though the COIN operators' addition of secondary roles is a tactical and strategic choice, it is consistent with a Stoic just war theory: Just COIN operators, though always vigilant and prudent, will treat an often skeptical, and sometimes hostile, population as others would treat only treat those closer in their circles. To do so is to progress toward one's own happiness and excellence, or *eudaimonia*.

However, there is another, less heartwarming way that Galula's approach to COIN is closer to Stoicism than to other, more modern just war theories: the necessity of disobeying the conventional laws of war. For Galula, abiding by the limitations provided by peacetime law forces the COIN operation into a dispreferred, protracted war. Such prolongation needlessly extends the destruction and insecurity, increases the level of human suffering, and comes no closer to achieving victory. Galula (albeit balancing precariously between a *tu quoque* and a red herring fallacy) chastises those who consider

⁸¹⁷ Galula, p. 62

it 'justice' to bomb civilian populations in wartime but also refuse to disregard convention to accomplish COIN goals. "All wars are cruel," he states, and the revolutionary war is perhaps crueler than all others because it affects the entire population, since an insurgency requires that no one remain neutral.⁸¹⁸

Another French officer and COIN theorist, Roger Trinquier, adds to this by describing the pitfalls of combating terrorism. The terrorist's targeting of noncombatants is a strength, he believes, since it typically relegates the terrorist to the common civilian legal framework. But this in turn allows the terrorist to avoid many risks, including those taken by common criminals, conventional soldiers, and even those risks faced by partisans in open battle against regular forces.⁸¹⁹ Like Galula, Trinquier accepts that, contrary to the terrorist's strategy, the terrorist must not be placed within the framework of conventional law. The terrorist is not a criminal civilian but rather a type of soldier, and Trinquier shows a type of empathy toward such a combatant:

He fights within the framework of his organization, without special interest, for a cause he considers noble and for a respectable ideal, the same as the soldiers in the army confronting him. On the command of his superiors, he kills without hatred individuals unknown to him, with the same indifference as the soldier on the battlefield. His victims are often women and children, almost always defenseless individuals taken by surprise. But during a period of history when the bombing of open cities is permitted, and when two Japanese cities were razed to hasten the end of the war in the Pacific, one cannot with good cause reproach him.⁸²⁰

⁸¹⁸ Galula, p. 53

⁸¹⁹ Trinquier, p. 16

⁸²⁰ Trinquier, p. 18

It seems that this can shed light on the Stoics' conception of 'indifference' (*adiaphora*). The Stoics' just war theory can hold that a terrorist acts precisely as unjustly as do the strategic bomber pilots acting on the orders of their own officers. While a contemporary just war theory might permit the latter's actions in extreme circumstances, and certainly even Walzer's 'supreme emergency' holds this to be the case, there are fewer theorists willing to state the same for the actions of a terrorist who also kills noncombatants when ordered by superiors (even though fewer noncombatants may be killed by the terrorist than by the pilot). Like a Stoic who views all moral errors as equal and no government as legitimate which is not founded on natural law, Trinquier sees no relevant moral difference between these types of combatants. Such a war, for these COIN strategists, ought therefore to be ended quickly, despite the sensitivities of those who abide only the conventional laws of war. Galula agrees: "No greater crime can be committed by the counterinsurgent than accepting, or resigning himself to, the protraction of the war."⁸²¹

The problems for a just war theory as it is usually presented is obvious. However, if the 'new wars' of the 21st century will be increasingly asymmetrical, then they will be fought without the luxury of being able to defer to typical war conventions. So, the hope is that a project such as this one, which posits a just war theory that cannot defer to such external justice, can meet the moral challenge of these new wars. In the Stoic ethic, individuals who must fight and kill must at the same time keep their humanity, that is, their reasonableness and sociability. If this is possible at all, then this project posits that

⁸²¹ Galula, p. 53; Cf. Sun Tzu, 2.7

Stoicism, with its emphasis on an internal justice, can meet these challenges. It is a just war theory for the increasing distance of war from both the confines of war conventions and from the confines of conventional warfare. Moreover, as we have discussed in Chapter 5, Stoicism already has been put into practice in (what we now call) asymmetrical warfare, revolutionary insurgencies, and guerrilla operations. It has allowed for an adherence to justice in the harshest of circumstances for no other reason than the promise of consistency with nature (as defined in this work) and the prospect of a happy and flourishing life. In sum, Stoicism has made appropriate action in warfare possible even when an appeal to external justice has been impossible, as it was for Kleomenes' reformation, the Stoic Opposition, and for Marcus Aurelius' war against the barbarians.

6.4.2 An observation on the morality of torture

There is a practical application for a Stoic just war theory that can provide a coda to this section. Walzer has envisioned the problem of the 'ticking timebomb' thought experiment, and the contingent question of whether torturing such a prisoner who surely knows the location of it is morally permissible.⁸²² At a practical level, Trinquier's claim regarding the moral equality of conventional soldiers and terrorists, discussed *supra*, raises interesting moral questions about the extraction of information from captured terrorists. It is here that the implications of Stoic just war theory might become relevant. While much more work on this is needed, we can suggest that a Stoic just war theory can

⁸²² See the discussion in Walzer's (1973) "Political Action: The Problem of Dirty Hands."

inform such a ‘problem of dirty hands,’ and claim even that the Stoic view may stand on firmer moral footing in doing so than others.

Recall that Trinquier considers the terrorist every bit as much a soldier as an aviator or infantryman. However, the terrorist typically escapes the suffering and the maiming he inflicts on others, not to mention the enormous amount of suffering dispensed to conventional troops, due to the former’s ability to hide among the population. In a word, the terrorist claims the same honors as the soldier while “rejecting the same obligations.”⁸²³ This means, for Trinquier, that, in capturing a terrorist, the latter must be treated neither as an ordinary criminal nor, for the time being, as an ordinary prisoner of war (POW). But since Trinquier does not attach any more moral blame to the terrorist’s actions than he would a conventional soldier, the interrogation of a captured terrorist ought only to have a political goal, and be devoid of hasty and hypocritical judgment. The Stoics would add that such interrogation must be free of anger, fear, and cruelty. Trinquier prescribes the precepts for interrogating the terrorist POW:

What the forces of order who have arrested him are seeking is not to punish a crime, for which he is otherwise not personally responsible, but, as in any war, the destruction of the enemy army or its surrender. Therefore he is not asked details about himself or about other attacks he may or may not have committed and that are not of immediate interest, but rather for precise information about his organization. ... No lawyer is present for such an interrogation. If the prisoner gives the information requested, the examination is quickly terminated; if not, specialists must force his secret from him. Then, as a soldier, he must face the suffering, and perhaps the death, he has heretofore managed to avoid. The terrorist must accept this as a condition inherent in his trade and in the methods of warfare that, with full knowledge, his superiors and he himself have chosen.

⁸²³ Trinquier, p. 18

We can be laconic here: Trinquier recommends torturing suspected terrorists for information when doing so will hasten war's end. This, of course, the war convention regards, and perhaps *should always regard*, as impermissible. But Trinquier's position raises interesting question about the actions of a prudent, brave, just, and temperate person, who encounters the political realities of fighting an insurgency; one in which terrorists wage war by hiding among their prospective victims. What might a Stoic just war theory contribute in such a situation? The Stoics' axiology views pain as a moral indifferent, of course, but a dispreferred one. Might a sage torture a terrorist as in Walzer's 'dirty hands' scenario? We can recall that if something can be done appropriately (as we have defined the term throughout this project [i.e., *kathekon*]) then it can be done rightly (i.e., *katorthoma*). Conversely and by implication, if it cannot be done appropriately, then it cannot be done justly. If a sage could torture someone, then it is because he is doing something virtuously that any human being can do appropriately. So, *if* the sage would, one might imagine it might be akin to King Kleomenes' seemingly ruthless approach to political reformation. It would be done only for the common benefit, with judgment given carefully to each impression received at every instant, and free from emotional excess and from sadism. If at all possible, given what we have discussed in 3.2 with Cicero's *jus in bello* and 4.6 with Seneca's clemency, there should always be a goal of reconciliation, even if the enemy has surrendered after the proverbial battering ram has touched the enemy gates. It suffices to note here that, analogous to injuring an enemy in battle, or to Kleomenes' act of policide, *if it can be done appropriately (kathekon) at all*, then a sage, at least, presumably may also follow Trinquier's playbook

for COIN. If this can be done morally at all, then like Kleomenes or Marcus Aurelius, the Stoic COIN interrogator must strive to be efficient without being cruel. For what it is worth, Trinquier himself places limits on the task:

Once the interrogation is finished, however, the terrorist can take his place among soldiers. From then on, he is a prisoner of war like any other, kept from resuming hostilities until the end of the war. It would be as useless and unjust to charge him with the attacks he was able to carry out, as to hold responsible the infantryman or the airman for the deaths caused by the weapons they use.⁸²⁴

In Trinquier's policy, the terrorist is allowed to resume the role of legitimate POW once the interrogation has ceased. In Stoic fashion, there is no more (or less) reason to treat him with moral disgust than one would treat a bomber pilot ordered to destroy cities. Both, if they are moral errors, are equally insane and foolish. And despite his grisly realism, Trinquier proscribes cruelty: "Although violence is an unavoidable necessity in warfare, certain unnecessary violence ought to be rigorously banned."⁸²⁵ Consequently, he places standards for those who apply for such an occupation:

"Interrogations in modern warfare should be conducted by specialists perfectly versed in the techniques to be employed."⁸²⁶ Interrogation is a skill: If it can be morally permissible, and if COIN requires it, then it ought to be conducted scientifically by someone whose role it is to do such a thing professionally and fairly. Torturing is not the activity of a typical soldier any more than is assassination but, if appropriate at all, of a mature and seasoned professional expert whose intent is neither to humiliate nor punish

⁸²⁴ Trinquier, pp. 18-9

⁸²⁵ Trinquier, pp. 18-9

⁸²⁶ Trinquier, pp. 18-9

but instead to obtain the necessary information that may, when the situation requires it, expedite peace (or, in the ticking timebomb scenario, at least a successful evacuation).

Stoicism's answer to Walzer's problem is one of roles, and the role of interrogator and torturer, if the latter needs to exist at all, must be a special one.⁸²⁷ In the modern world, this work can be done by inflicting momentary pain alone and not by maiming. For Trinquier, such interrogators must use the scientific skills available rather than barbarisms, and "must always strive not to injure the physical and moral integrity of individuals."⁸²⁸ But a COIN operator, Trinquier believes, has extremely difficult and great responsibilities, and "we must not trifle with our responsibilities."⁸²⁹ Perhaps only a virtue ethicist can see the intersection here between prudence, temperance, and an unorthodox justice: "It is deceitful to permit artillery or aviation to bomb villages and slaughter women and children, while the real enemy usually escapes, and to refuse interrogation specialists the right to seize the truly guilty terrorist and spare the innocent."⁸³⁰

⁸²⁷ Harry Gould, in response to a draft of this work, reminds me of a related problem: "... the fact that the relevant skill communities (physicians, psychiatrists, psychologists) prohibit their members' participation." This is an interesting point for future work on Stoic just war theory, considering the differing roles of e.g., physicians and interrogators, and truly deserves more discussion than I can devote to it here. My own hunch is that it might remain prohibited, but a Stoic physician might sometimes find it appropriate to participate. See also the criticism of torture in Bellamy, especially in his fifth chapter.

⁸²⁸ Trinquier, p. 20

⁸²⁹ Trinquier, p. 20

⁸³⁰ Trinquier, p. 20; Of course, not all COIN manuals agree with Trinquier, and FM 3.24.7.25 sees justice as a type of strategy: "A key part of any insurgent's strategy is to attack the will of the domestic and international opposition. [Insurgents intend] to portray their opposition as untrustworthy or illegitimate [and] portray their opposition as unethical by the opposition's own standards. To combat these efforts, Soldiers and Marines treat noncombatants and detainees humanely, according to American values and internationally recognized human rights standards. In COIN, preserving noncombatant lives and dignity is central to mission accomplishment. This imperative creates a complex ethical environment."

A Stoic, faced with contemporary and ‘new’ warfare, rather than with the spears of barbarians in Germania, might view torture itself as no more correct or incorrect than burning men in trenches, assassinating rulers, disabling a tank with a mine, or kicking a stork’s nest: *If it can be done appropriately at all* then an agent must do it with the intentions of someone concerned only with the common good, whose first allegiance is to reason and humanity, and never from *pathos*. It can only be done rightly by a sage, whose character is in line with the nature of a rational and social animal and who views all humans (even the detained terrorist) as a fellow members of a common city.⁸³¹ Such a person will take no pride in his grisly work- or he faces living a life as utterly unworthy of a human being as that of Marcus’ proverbial spider, which takes pride in trapping a lowly fly. But even more importantly, the Stoic must strive for the courage to always ask these difficult questions. For now, we can state that, in acts of interrogation, like in any other aspect of warfare, where there can be found no place for external justice there is still a place for an internal one.⁸³²

⁸³¹ The US Army COIN Manual stresses the importance of leaders watching for symptoms of moral deterioration in war (FM 3.24.7.12, emphasis mine): “Leaders at every level establish an ethical tone and climate that guards against the moral complacency and frustrations that build up in protracted COIN operations. Leaders remain aware of the emotional toll that constant combat takes on their subordinates and the potential for injuries resulting from combat stress. ... Leaders watch for possible signs of combat stress within individuals and units. These signs include: physical and mental fatigue; *lack of respect for human life*; loss of appetite, trouble with sleep, and no interest in physical hygiene; lack of unit cohesion and discipline; depression and fatalism.”

⁸³² Nothing here attempts to imply any of this is easy for the COIN troops, as FM 3.24.7.21 makes clear: “Combat, including counterinsurgency and other forms of unconventional warfare, often obliges Soldiers and Marines to accept some risk to minimize harm to combatants. This risk is an essential part of the Warrior Ethos.” Future work could concentrate on the Stoics’ position on chemical, biological, and nuclear weapons. Presumably, the Stoics would find the weapons themselves to be indifferent, with no reason in itself to allow dropping munitions on Syrian apartment complexes while simultaneously drawing a ‘red line,’ as it were, against the use of sarin gas. But see O’Donovan (p.78): “The surgeon’s scalpel can be used to commit a murder, the pirate’s cutlass to perform a surgical operation. [However,] that does not mean there is no moral significance in the difference between the two implements. A surgeon’s scalpel on the steward’s requisition list for a merchant vessel would cause nobody any alarm; two dozen cutlasses

Conclusion

This project has argued for a just war theory founded on Stoic philosophy. Such a theory is concerned with ‘internal justice’ rather than the ‘external justice’ of international laws, rules, or norms, as discussed by Hugo Grotius, who applied aspects of Stoic philosophy for his writings on international law. In the Stoics’ conception of internal justice, the incentive for moral action is the goal of *eudaimonia*, a successful and flourishing life in accordance with nature (as the Stoics understand these concepts), rather than an appeal to human rights, deontological principles, or to mere consequences. Stoic justice is based on the conception of *oikeiosis*, with its dual aspects: the supposed natural desire for self-preservation, leading to the selection of things appropriate to the human constitution; and the supposed social instinct, most notably exemplified by affection for those in the agent’s ‘concentric circles of concern.’ As equally a natural law theory and a virtue ethic, Stoic just war theory also attempts to answer points of contention between political realism and cosmopolitanism. Thus, the Stoic accepts the sometimes-appropriate, though dispreferred, brutality of warfare; while also maintaining, primarily, an allegiance to reason and to common human kinship.

This work has also outlined and, in a precursory way, developed other implications of Stoic philosophy for just war theory. These derive from relevant (and salvageable) Stoic positions on physics and metaphysics, epistemology, ethics, moral psychology, and political philosophy. Among these are rather abstract features of the ancient ethics which border on the metaphysical, such as the ‘equality of errors’; the

might.” True enough, but the Stoic would add that the moral difference lies in the steward’s *selection* of the instrument.

physicalist immediatism in moral judgments and the consequence of this for right intention in warfare; and the relationship, and the difference, between an appropriate action in warfare which can be performed by all, and one which is morally right (a subset of appropriate actions which are conducted by those with excellent moral character). More famously, this Stoic metaethics implies the moral indifference of all but virtue and vice; as well as the unity of virtues, in this case applied to virtues of war. Perhaps more practical, or rather less abstract, concepts include the Stoics' philosophical anarchism and its implications for (dis)obedience to any authority but right reason; the paradigm of the 'circles of concern' for appropriate action; and the importance of social roles for decision-making. What may be the Stoics' most controversial position for applied ethics is the acceptance of harsher methods of combat in existential conflicts than often allowed by what has been called here 'external justice.' These methods, although expected in a world misgoverned and fought over by fools, are seen by the Stoics as indifferent in themselves to human flourishing, though not indifferent to an agent's selection. If ever appropriate, they are to be executed always with a goal toward reconciliation; and with an attempt, by the Stoic warrior, to bring those further out in his circles of concern to closer ones.

This project has also examined the actions of Stoic- or Stoically inclined- statesmen in order to demonstrate the possibility, within its historical context, of Stoic justice in warfare. Thus, we have revisited the relevant deeds of an autocratic Spartan king, Kleomenes III, who executed oligarchs and destroyed a major city. We have analyzed the resistance to autocracy by elite Roman statesmen, for instance Cato the Younger and members of the so-called Stoic Opposition, who sometimes deemed

abandonment of political duties, and even suicide, as an appropriate method of disobedience. Finally, we have evaluated the actions of a philosopher-emperor, Marcus Aurelius, who- contrary to his desires- was compelled to wage decades of war against domestic and foreign enemies in defense of the Roman Empire. The different social roles and vastly different methods used by these historical cases have been underscored to show the flexibility of Stoic just war theory, which posits that any ruler or warrior, even when recourse to external justice is unavailable, has recourse to the dictates of reason, humanity, and virtue. Though extraordinarily difficult even for the most advanced Stoic practitioner, such appropriate actions, if not perfectly moral actions, can be conducted even in the thickest ‘fog of war’ and while using the dispreferred ‘method of beasts.’

The Stoic just war theory has also been contrasted throughout this work with other positions: the philosophical texts of warfare such as the classical works of Carl von Clausewitz and Sun Tzu; the guerrilla manuals such as those of Mao Zedong and Che Guevara; and the counterinsurgency texts of the 20th century, namely those of David Galula and Roger Trinquier. Stoicism finds some similarities in the virtues of war posited by all of these authors, though many of them stand on opposite sides of each other in the political, social, and economic spectrum. But, as has been argued above, Stoic just war theory also attempts to answer the ethical concerns of theorists like R.W. Dyson, Cécile Fabre, David Fisher, Michael Walzer, and David Chan. Among these scholars are critics of just war theory who reject outright many of the tenets, and sometimes even the possibility, of just warfare. Others propose deontological or utilitarian foundations (or both) for their own versions of just war. And others posit non-Stoic virtue foundations for just action, or even near-pacifism, in respect to warfare. This

work on Stoic just war theory has addressed these criticisms, and has attempted to develop a more philosophically rigorous and plausible foundation for moral action in warfare. Virtuous action, this work has posited, can be performed (at least theoretically) even in the most ‘bitter’ of conflicts, when unusual methods are required and when supreme emergencies arise.

A minor theme of this project has been an attempt to develop a program for education in Stoic just war for future rulers and warriors. To do so, this work has deferred to the ancient Stoics’ own program for education in Logic, Physics, and Ethics; as well as the developments on these topics considered by contemporary commentators on Stoic philosophy, such as Brian Johnson and Pierre Hadot. This work has not argued that such an education system would likely be developed for military personnel by cadre. There is, admittedly, little hope that any nation-state will develop such a Stoic education for war. This is not least because Stoicism’s moral anarchism and appeal to right reason and natural law would, at least sometimes, lead to disobedience. However, such a program can be developed by military ethicists and philosophers running in military circles. Such a virtue approach to combat might, like the Stoic philosophy of the ancient world, be read, developed, (self-)taught, and adhered to by the combatants themselves. Providence willing, in the dangerous intersection between political realism and cosmopolitanism that is the international system, Stoic warriors can protect those in their respective circles of concern while understanding that even their enemies in future wars live and die somewhere in those circles.

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