

PETAR BOJANIĆ (Belgrade/ Rijeka)

What Is 'Victory' in the Orthodox Christian Ethics of War?

Abstract

The text reconstructs the protocol of 'victory' as part of the interruption of enmity and establishment of temporary peace. Different understandings of the enemy and enmity imply that victory in war and cessation of conflict can essentially determine the way war is conducted, and that they follow rules of war. Victory is supposed to be a crucial moment that characterizes the ethics of war. Particular testimonies and thematizations of victory in the Orthodox Christian tradition can provide an introduction into a potential ethics of war that could ensure a new relationship towards the enemy and killing the enemy.

Keywords: ethics of war, victory, peace, enemy, interruption of enmity

To begin to explain the title of this attempt to determine 'victory' (in war) and reconstruct the various protocols that constitute it, consider a rather new and vague phrase: "the Orthodox or Eastern Christian ethics of war" (the "ethics of war," constructed in January 1915 by Bertrand Russell¹ and quite current in the last fifty years, is developed in the direction of uncovering decisive and necessary arguments for the use of violence). I find that the various justifications of force and violence, as well as the diverse reflections of justification of war made in imperial Russia, and then also partially in the Soviet Union, along with occasional attempts at explaining violence and war in other predominantly Orthodox Christian states (Serbia, Greece, Bulgaria), could be ascribed to an "ethics of war" substantively determined by this Christian faith. However, ethics of war is at present not taught in Russian military academies, nor can it be found in ethics or political theory syllabi (or agendas).

¹ Cf. B. Russell, "The Ethics of War," in: *The International Journal of Ethics*, Vol. 25, n. 2, January 1915.

Even among themselves, intellectuals, that is, philosophers, do not debate the justification of war in contemporary conditions, nor do they thematize military interventions the Russian military conducts concomitantly with NATO forces and the American military. Even though Russian philosophers have written about war since at least the mid-19th century (one author even uses the contemporary phrase "phenomenology of war" [*fenomenologija vojni*]), since war presents a huge dilemma and test both with regard to their religion and Russia's generally ambitious imperial aspirations, victory in World War II and post-war socialism have meant that war is not spoken, written, or thought about; use of violence by the state and military actions are discussed only within the Politburo, without the presence of public intellectuals. Although the Soviet army conducted several military interventions after WWII, the number of which is unclear, and led a long and draining war in Afghanistan, yet war experiences have not translated into various ethical problems – most important among them the distinction between just and unjust wars.

Given that today Russia shares all major problems of the West and Western democracies (members of the European Union and candidate countries) and the world in general – a shift in the concept of safety and theory of security grounded in ethical principles, the fight against terrorism, new technologies in the use of force and their justification, virtual crime and war, the relationship to the civilian population, collateral damage, etc. – public discourse about these problems are the task and duty of the critical intellectual. His task is to address the public with his reflections regarding old and new problems of use of force and violence in service of the political and military leadership, enabling it to make the right decisions, while at the same time limiting their military might by placing them before public scrutiny and judgment.

By introducing the phrase "the Orthodox Christian ethics of war,"² my idea can be hypothetically explained in several steps: first, I seek to show that within the Russian tradi-

² Angeliki Laiou's "The Just War of Eastern Christians and the Holy War of the Crusaders" (*The Ethics of War. Shared Problems in Different Traditions*, eds. R. Sorabji & D. Rodin, Oxford 2006, 30–43), which was supposed to be a contribution to the understanding of war among Orthodox Christians within an overall and general "ethics of war" (close or in common to all world religions), insufficiently or inappropriately advances a true construction of understanding and justifying the use of force that might be called orthodox. Cf. P. Bojanic, "Violence and 'Counter-Violence. On Correct Rejection. A Sketch of a Possible Russian Ethics of War Considered through the Understanding of Violence in Tolstoy and in Petar II Petrovic Njegos," in: *RUDN Journal of Philosophy*, Vol. 24, n. 2, 657–658.

tion, in the Russian language, there already was a living, theoretically viable, and active current of war thematization in the first half of the 20th century (until World War II), within the Soviet Union, as well as in emigration. Reflections on war, reconstructions of pacifism, incredibly lively debates about the justification of the use of force against violence of the aggressor are in moments far ahead of the arguments and various theories their colleagues, concomitantly writing in other European languages, are putting forth. An ideal task is to identify all the most important texts and books from this period (again, in emigration and the Soviet Union) in philosophy, law, politics, and literature. Above all, it is necessary to pay particular attention to the study of the relation of force (violence) and law, and the reconstruction of two crucial ideas: a) that force or violence has nothing to do with right, and b) that right or justice or some institutional order cannot be produced without the use of force.

The second step refers to the various intellectual problems of the period – belonging to different ideologies, living in the Soviet Union or abroad – write about, attempting to "connect" with and "incorporate" the extremely sparse information about the military operations of the Soviet army after the Second World War in countries of Eastern Europe and Asia. It is very important to uncover and formulate a potential doctrine of Russian warfare and limit to use of force (the source of which are Marxism-Leninism, the theory of use of force in Orthodox Christianity, thematization of force in civil war, peoples' defense, and brutal imperial-colonial rule in countries of Eastern Europe). Such a doctrine would certainly imply a reconstruction of various ethical problems that appear in various forms of warfare and use of force.

The third point would concern the comparison and juxtaposition of these results with contemporary "just war" theories and "ethics of war," which have been formulated above all in the Anglophone world from the period of the Vietnam war to the wars against terrorism. Since there are no texts that explicate the Russian, Soviet or Orthodox Christian conduct of war, this will be an opportunity to draw a precise distinction between two "war ethics."

My intention is to provide, in a few steps, a preliminary explanation of the nature of victory: what is to win or lose, and the various meanings of these words. Further, I want to know how this protocol functions in different competitive practices, in battle, in the ethics of war and in the ethics of war's end (that is, the transfer from *ius victoriae* to *ius post bellum*). 'Victory', and all the moments and layers tied to this complex term, could potentially reveal that the idea of victory as cessation and end of war and violence are of substantive importance for an Orthodox ethics of war; the term 'victory' can be the basis of construction of differentiation from Western versions of ethics of war and battle.

Victory is the cessation or interruption of violence, but always temporarily ended. Still, when interrupted, how is it interrupted, what are the conditions for its interruption? How is the cessation of violence announced and what gives it validity? (Certainly, one of the conditions for it is a declaration accepted by not only the victor and the defeated, but also 'the third'; since it is documented – e.g., capitulation, written acknowledgment, agreement of reparation, etc. – victory or defeat is a "social fact" or "institutional fact.")

Always difficult to define in simple terms,³ the following is a set of unconditional conditions of victory (and analogously, but not necessarily, defeat), which will help us reconstruct the characteristic of victory that would potentially allow violence and damage to be significantly reduced and not recur. Victory is determined above all by the relation to or treatment of the enemy or foe. Explicitly or implicitly, the relation towards the enemy conditions a few other characteristics of victory: the first is the institution of help in arriving at victory and all the variants of support given (or obstruction) to the victor, as "victory is never mine alone" or "I have won (or lost) thanks to some other" (friend, ally, God, guardian angel, witch, etc.); the second characteristic of victory concerns the way in which it is achieved – whether victory is necessarily immoral, meaning that its achievement requires the use of means and acts outside the rules of a fair duel.

I would like to ascribe the last two characteristics of victory (*de facto* the fourth and fifth step determining any potential victory) to what could with a great deal of reservation be called "Православна этика войны:" the first of these two refers to regret of victory or a manifestation of grief that the one defeated is "better" or "stronger" than the victor, and has been "unjustly" beaten. The second of these two refers to the negation of victory by removing agency or authorship and entitlement ("I have won because I conquered myself,"

³ The origin of the word 'victory' is the Latin *victoria*, from *vinco*, or *victus*, meaning 'to conquer'. According to the Oxford English Dictionary, 'victory' is '[t]he position or state of having overcome an enemy or adversary in combat, battle, or war; supremacy or superiority achieved as the result of armed conflict'. *The Oxford English Dictionary* (2nd ed, 1989), xix, 610. In English, the word 'victory' first appeared in the 14th century, complementing pre-existing terms, such as 'success' or 'vindication of rights'. The particular meaning of victory in any specific military campaign obviously depends on how the goals of that campaign are defined. Although commonly thought of as the campaigner of total wars, the great Prussian strategist, Carl von Clausewitz, observed: "In war many roads lead to success, and ... they do not all involve the opponent's outright defeat. They range from the destruction of the enemy's forces, the conquest of his territory, to a temporary occupation or invasion, to projects with an immediate political purpose, and finally to passively awaiting the enemy's attacks." Cf. G. Blum, "The Fog of Victory," 3.

or "God was victorious, not me; I am merely His instrument"). The function of this shift in position or fictional symbiosis with another who becomes the substantive victor and thus erases any notion of defeat is the prevention of retribution and extreme violence against the enemy (a fiction that helps to hold back); ultimately, it is meant to convert the enemy into a friend.

Enemy

The change in meaning of the term 'victory' and the evolution of various protocols referring to victory have to do above all with the changes in the relation towards the enemy. If Thucydides considered victory the complete annihilation of the enemy and the enemy city (*Peloponnesian Wars*),⁴ later, after the Crusades of the 13th century, the victor is limited not only to not being allowed to kill, but also from destroying the holy sites of the defeated. After the Peace of Westphalia in 1648, the victor's authority is significantly limited: his right (*ius victoriae*) reaches only to the extent of correcting the damage inflicted upon him before the conflict or war began.⁵ This means that the right of the victor is not limited by his power and strength to do whatever he can to the defeated, but exclusively by the right to remedy the reason the war began in the first place. Still, the idea of the destruction of the enemy (their property, remains, body – Clausewitz mentions something he calls a destroying battle, *Vernichtungsschlacht*) is deeply set in the histories of Judeo-Christianity.⁶ Two

⁴ "The object taken violently by means of conquest become the property (*oikeia kekteisthai*) of the victorious party." Cf. A. Chaniotis, "Victory' Verdict: The Violent Occupation of Territory in Hellenistic Interstate Relations", in: J.-M. Bertrand, ed, *La violence dans les mondes grec et romain*, Paris 2005, 456.

⁵ Cf. J. Q. Whitman, *The Verdict of Battle. The Law of Victory and the Making of Modern War*, Boston, London 2012, Introduction, 1–24.

⁶ "What is our aim? . . . Victory, victory at all costs, victory in spite of all terror; victory, however long and hard the road may be; for without victory, there is no survival." W. Churchill, *Speeches to Parliament*, "An Address to the House of Commons" (13 May 1940), reprinted in D. Cannadine (ed.), *Blood, Toil, Tears and Sweat: The Speeches of Winston Churchill* (1989), at 149. We encounter this same passion for victory in General Alexander Suvorov: *Идешь бить неприятеля, умножай войска, опорожняй посты, снимай коммуникации. Победивши, обновляй по обстоятельствам, но гони его до сокрушения. Преследуй денно и нощно, пока истреблен не будет... Недорубленный лес вновь вырастает. Коли быть перипатетиком, то лучше не быть солдатом... Победа все покрывает*" (When you are preparing to beat the enemy, enlarge your troops, vacate the guard posts, remove communication. Once you have won, you can fix as needed,

arguments regarding limits and the significance of the idea of destruction of the enemy are mentioned at the beginning of the last century. In "Ethics of War," and specifically in "Wars of Colonization," Bertrand Russell speaks of English fantasies of the destruction of Germany: "When the present war began, many people in England imagined that if the Allies were victorious Germany would cease to exist: Germany was to be "destroyed" or "smashed", and since these phrases sounded vigorous and cheering, people failed to see that they were totally devoid of meaning. There are some seventy million Germans; with great good fortune, we might, in a successful war, succeed in killing two millions of them. There would then still be sixty-eight million Germans, and in a few years the loss of population due to the war would be made good. Germany is not merely a State, but a nation, bound together by a common language, common traditions, and common ideals. Whatever the outcome of the war, this nation will still exist at the end of it, and its strength cannot be permanently impaired. But imagination is what pertains to war is still dominated by Homer and the Old Testament."⁷

Since destruction is impossible, it is problematic to see what Georg Simmel is thinking when he thematizes "complete or utter victory" (*vollständiger Sieg*). Complete victory or destruction of the enemy can call into question the existence of freedom, as well as the existence and cohesion of the victorious group: "Consequently complete victory over its foe is not always, in a sociological sense, a fortunate event for a group, because the energy that guarantees its cohesiveness thereby declines, and the disintegrative forces that are always at

but make sure to chase the enemy down to annihilation. Pursue his day and night, until he is completely routed... A forest that has not been uprooted will grow again. Even if you are peripatetic in your philosophy, you must never be so in your military endeavors... Victory covers everything). A. Suvorov, *Наука побеждать генералиссимуса Суворова*, Москва, Ripol, 2021, 253. A famous passage from a sermon by St. Philaret of Moscow is often cited in a various versions; however, the sentence "Гнушайтесь убо врагами Божиими, поражайте врагов отечества, любите враги ваша" (Despise the enemy of God, defeat the enemy of the homeland, love thy enemies" (Sveti Filaret, "Слова в неделю 19 по Пятидесятнице," *Сочинения Филарета*, Митрополита Московского, Москва, 1873, 264) is bastardized in later citations and interpretations into "Люби врагов своих, сокрушай врагов отечества, гнушайся врагами Божиими" (Love thy enemies, crush the enemies of the homeland, despise enemies of God"). The imperative "поражайте врагов отечества" (defeat the enemies of the homeland) would seem to be synonymous to "beat the enemies of the homeland," but is weaker in intensity, turning 'defeating' the enemy into cut off, exclude, strike off, marginalize.

⁷ B. Russell, "The Ethics of War," 135.

work gain ground. The collapse of the Roman-Latin Federation in the fifth century BCE has been accounted for by the fact that the common foe was then overcome."⁸

Two or three fragments which I am about to quote, extracted from so-called marginal, pseudo-texts (archives, correspondences, interviews, etc.) could show, above all, that peace or victory (the beginning or termination of war) is always decided upon by the other (the adversary or enemy). The difficulty with peace and pacifism, really with the beginning or termination of war, is always about the fiction of the ultimate enemy and our total destruction at his hand.⁹ In 1965, Julien Freund, friend, student, and translator of Carl Schmitt, was defending his doctoral thesis, *L'Essence du politique* (*The Essence of the Political*), before a committee including Raymond Aron, his mentor, as well as Raymond Polin, Paul Ricœur, and Jean Hyppolite. Freund writes about the debate with Hyppolite in his 1991 book of interviews: "Thus arrives the moment of Hyppolite's intervention. He had acknowledged my work by adopting Aron's arms; he found me too severe against Kelsen but then settled on our fundamental difference, the source of his refusal. *'Reste la catégorie de l'ami-ennemi définissant la politique. Si vous avez vraiment raison, a-t-il affirmé, il ne me reste plus qu'à cultiver mon jardin.'* ('There remains the category of friend-foe, politically defined. If you are truly correct, he said, nothing is left for me but gardening.') To which I said: 'Listen, Mr. Hyppolite, you have said two or three times recently that you were wrong about Kelsen. I believe you are about to make another mistake, because, like all pacifists, you think that it is up to you to designate the enemy (*car vous pensez que c'est vous qui désignez l'ennemi, comme tous les pacifistes*). But, you see, the moment we no longer wish to have enemies, we will not have them. (*Du moment que nous ne voulons pas d'ennemis, nous n'en aurons pas, raisonnez-vous*). Rather, it is the enemy who designates you as such. (*Or c'est l'ennemi qui vous désigne.*) And if he wishes to be your enemy, you can treat him as friendly as you like. From the moment he wishes you to be his enemy, you indeed are such. And he will even prevent you from gardening.'*(Et s'il veut que vous soyez son ennemi, vous pouvez lui faire les plus belles protestations d'amitié. Du moment qu'il veut que vous soyez l'ennemi, vous l'êtes. Et il vous*

⁸ G. Simmel, "Conflict", *Sociology. Inquiries into the Construction of Social Forms* (1908), Leiden, Boston 2009, 287. "*Darum ist der vollständige Sieg einer Gruppe über ihre Feinde nicht immer ein Glück im soziologischen Sinne; denn damit sinkt die Energie, die ihren Zusammenhalt garantiert, und die auflösenden Kräfte, die immer an der Arbeit sind, gewinnen an Boden*".

⁹ "Enmity is the total negation of another being in its complete life action." (*Feindschaft ist die totale Negation des anderen Seins in allen seinen Lebensbetätigungen*), E. Husserl, *E III* 8, 1934, 12.

empêchera même de cultiver votre jardin). To tragic effect (*Tragique même*), because Hyppolite retorted: 'In which case, there is nothing for me to do but commit suicide.' (*Résultat : il ne me reste plus qu'à me suicider*').¹⁰

Franz Rosenzweig's original contribution to histories of war and pacifism, but also win-win ethics, can be found at the end of a letter to his parents from January 6, 1917. Imminently after the official offer of peace by Wilhelm II (on December 12, 1916), Rosenzweig writes that only then was it clear to him what pacifism was: "Pacifism is in fact – this has become clear to me in the past days, since the 12th – necessary equipment of war (*notwendiges Zubehör des Krieges*). So, war is not lead in order to *force* (*zwingen*) the enemy (*Gegner*) – it would be impossible for that to last long – but to *subjugate* (*unterwerfen*), to impose (*aufzuzwingen*) on him one's own will, to *replace* (*ersetzen*) his will with mine. The victor does not wish to make a *tool* (*Werkzeug*) of the vanquished (because he *cannot* persevere in it), but rather his slave. The goal of the victor is not the *destruction* of the enemy (*Vernichtung des Feindes*), but the basing of a new *contract*. But this supposes that in the enemy there is a shred of a "desire for peace," (*Friedenssehnsucht*) which has fallen asleep, and the mission of the war is to awaken this desire. If this desire for 'peace at all cost' (*Frieden um jeden Preis*) becomes stronger than the ability to suffer (Heroism), then the hour of peace has struck. All this of course applies to two victors as it does to one. Therefore, pacifism is 'as old as' war (namely, *human, slave-directed war* (*auf Versklavung gerichteter Krieg*); animals only know a war of destruction (*Vernichtungskrieg*), and hence have no pacifism."¹¹

The third fragment comes from Heidegger's *Schwarze Hefte* (1939–1941), and was probably written in 1939, at the time of Germany's initial war victories. Usually, the defeat needs to be accounted for, with the defeated producing sundry justification for his failure. In this text, Heidegger justifies the power of the victor. In contrast to Alberto Gentili and other founders of international law, Heidegger subordinates law to life and victory, substantively binding the two, seeking to find a place for victory outside law. Victory thus becomes everything and to the victor belongs all.¹²

¹⁰ J. Freund, *L'aventure du politique*, Paris 1991, 45.

¹¹ "F. Rosenzweig an die Eltern," 6. 1. 1917, F. Rosenzweig, *Der Mensch und sein Werk, 1. Briefe und Tagebücher*, Haag 1979. Cf. P. Bojanic, "Pacifism: Equipment or Accessory of War?," in: *Philosophia*, Vol. 41, n. 3, 1038–1040.

¹² The 1980s pop song "The Winner Takes it All," by Abba is a remake of various Christian texts. Thus, the last line of Nikolaj Velimirović's (or St. Nikolaj the Serb) famous text "Azbuká Pobede"

Victory over an enemy (*der Sieg über den Feind*) still does not prove that the victor is in the right (*im Recht ist*). However, this "truth" is no longer relevant, if law is interpreted as that which is not only confirmed and substantiated (*bestätigt und bekräftigt*) by victory, but above all and primarily established and made (*gesetzt und gemacht*): right is the power of the victor (*Recht ist dann die Macht des Siegers*), the power of overlordship (*die Macht der Übermacht*). Such law resists "codification" (*kodifizieren*), since due to its character of power and position of victory, it presents new legal reach, interpreted as the "right" to the very "life" of the victor.¹³

Although rather diverse, the three fragments are also typical in histories of enmity and constituting the figure of the enemy in the West. The determination of the enemy is substantively theological, since his intention is to destroy or disrupt the existing order (C. Schmitt, J. Freund). The response to the enemy's enmity is theologically oriented: he must be destroyed or else a truce must be made if the enemy abandons his destructive intentions (F. Rosenzweig). Of course, peace with a former enemy is always asymmetrical, unfolding within the victor's right of power over the enemy (F. Rosenzweig), power of domination (M. Heidegger) that celebrates life. However, how to win in the first place, and what means does the victor use to reduce the destructive power of the enemy?

"Coda: Can the Good Guys Win? Revision of a Question or Two"

Borrowing the title of a text by Michael Walzer from a few years ago: "Coda: Can the Good Guys Win?,"¹⁴ I would like to briefly problematize two close, but sufficiently different questions, and then attempt to sketch a potentially justified answer. How does the victor achieve victory? And, can a man or soldier in war, who acts and evaluates his own actions, remain good (a good man), despite all the evil (the inhumanity) that surrounds him? As it stands, however, the question in the subheading is not clear because it begs the question why anyone would remain good in war or after it? Is there sufficient reason to refer to an individual man or all men individually in war, which is foremost a group or institutional activity? Walzer's ques-

[Alphabet of Victory] from the mid-twentieth century, can be translated as "the winner takes it all" [Ko pobijedi, dobice sve].

¹³ M. Heidegger, *Überlegungen XII–XV*, vol. 96, Frankfurt am Main 2018, 15–16.

¹⁴ M. Walzer, "Coda: Can the Good Guys Win?," in: *The European Journal of International Law*, 2013, Vol. 24, No. 1, 433–444.

tion is more precise: coda is used in music to indicate an ending of a section or movement, it can be a final dilemma or addition to a piece. Thus, Walzer's 'coda' is the consideration whether a group of men ('guys') can win by remaining good? What does it mean 'to be good'? This difference in number – man, singular, who must remain good (imperative) and a team, a crew, a group of people who together must remain good – determines the different ethical stance of the Orthodox and *Western* understanding of the ethics of just war.¹⁵ In the former case, some man or any man must survive the war and preserve his humanity despite the situation around him; in the latter case, a group of people ought to first of all win, and the only question is whether this will be done by breaking the rules of just war or not.

The word 'win' (or 'victory') is an entirely vague protocol (or procedure) that determines the substantive difference between the two questions I am considering. There is indeed no doubt that Walzer's dilemma is entirely rooted in a tradition of Western thought where winning is one form of resolution of conflict, entirely opposite to compromise (Simmel) and that "victorious war is a social ideal" (Kaufmann).¹⁶ Yet, even if the concept is not fully clear, it is certain that victory more or less aggressively destroys, perhaps subdues, excludes or entirely marginalizes the opponent or the other. On the other hand, it is very complicated to speak of victory in the context of an Orthodox ethics of war for many different reasons.¹⁷ One of the most basic would be that, paradoxically, defeat in war could better preserve the faith and religious being of a people. (For example, the "Kosovo Covenant" is the very substance of Serbian statehood potential, emerging from a military defeat of the medieval Serbian army by the Ottomans; to the Serbs in that battle, so the myth goes, admittance into the kingdom of heaven was of far greater importance than victory in war and holding earthly power.) Further, it is the Lord who determines the victor, not the strength of people or arms. God is also often a

¹⁵ The word 'Western' is imprecise, but provisionally covers very different concepts of war ethics, above all the Jewish and western Christian.

¹⁶ "*Nicht die 'Gemeinschaft frei wollender Menschen', sondern der siegreiche Krieg ist das soziale Ideal: der siegreiche Krieg als das letzte Mittel zu jenem obersten Ziel. Im Kriege offenbart sich der Staat in seinem wahren Wesen, er ist seine höchste Leistung, in dem seine Eigenart zur vollsten Entfaltung kommt.*" (It is not the "community of free-willed people" [of free-willing people] that is the social ideal, but victorious war: victorious war as the final means for the ultimate aim. In war, the state manifests in its true being, it is its greatest achievement, and in war its particularity is fully developed.) E. Kaufmann, *Das Wesen des Völkerrechts*, Tübingen 1911, 140.

¹⁷ The etymology and origin of the Slavic word '*pobeda*' (victory) is certainly the first problem. In Max Fassmer's etymological dictionary, '*pobeda*' is also defeat, disaster, containing the word '*beda*' (misery).

direct participant in the war, just as a war is lost because the actors are unbelievers (St. John of Kronstadt).¹⁸ This *de facto* absence of thematization of victory in war and various techniques that construct it carries two crucial consequences for the use of violence and the handling of amount of violence. In his "The Science of Victory," Suvorov is explicit in prohibiting unjustified killing, since a soldier is simply not a criminal ("and God does not aid criminals"). Interestingly, Russian and then Soviet military leaders principally repeat a fairly univocal repertoire of an Orthodox understanding of justified violence. At this point, there is no difference between Michael Walzer's attempt to secure the conditions for the good guys to truly have a chance at ultimate victory. In the conclusion of his text, Walzer writes: "Soldiers have to be trained to fight justly, and their officers have to be taught the best ways of doing that. It is incompetence, above all, that breeds brutality. There is plenty of spontaneous brutality in war, especially 'in the heat of the battle'; I do not mean to ignore that. But well-trained and well-disciplined armies are less brutal – and their officers and soldiers are less likely to think that brutality is necessary for victory."¹⁹

It seems to me that the phrase or institution of so-called "defensive killing," in use in the last ten years across various texts having to do with just war theory, is a good explanation how to regulate brutality of violent acts. Still, the problem does not only lie with violence done in affect ('in the heat of the battle'), whether individual or group, but the level-headed and strategic production of brutal violence and the violation of the rules of war to some end (or to achieve victory).²⁰

¹⁸ In Missionary Letter 277, Nikolaj Velimirović addresses a writer from Zagreb on war: "You ask: if God allows such misery to happen to people, where is the soothing wisdom of the Savior? On paper. On paper of those who in their peacetime wicked deeds cause war. Were the soothing wisdom of the Savior in human hearts, people would live in perpetual peace." [Vi pitate: Kad Bog dopusta takvu nesrecu na ljude, gde je onda blaga nauka Spasiteljeva? Na hartiji. Na hartiji kod onih koji nedelima svojim u miru izazivaju rat. A kad bi ta blaga nauka Spasiteljeva bila u srcima ljudskim, ljudi bi ziveli u trajnome miru.] <https://svetosavlje.org/misionarska-pisma/>

¹⁹ M. Walzer, "Coda: Can the Good Guys Win?," 442.

²⁰ Walzer's dilemma originates in a 1973 text, "The Problem of Dirty Hands," published in *Philosophy & Public Affairs*, Vol. 2, No.2, 1973, 160–180. The problem is actually quotidian. Walzer writes: "He wants to win the election, someone says, but he doesn't want to get his hands dirty." Walzer is evoking Machiavelli's famous conclusion that the ruler or commander must learn "how not to be good," since the world contains "so many who are not good." This is the first condition of victory and social success. "Any man who tries to be good all the time is bound to come to ruin among the great number who are not good. Hence a prince who wants to keep his authority must learn how not to be good (*potere essere*

The second consequence of introducing or not introducing the institution of victory refers to the distinction between individual and group violence. War is not an individual matter, and individuals mostly do not determine the outcome of war. A clear beginning and aim of conflict, as well as ritual of victory at the end of war can protect from exclusion those individuals who 'successfully' and 'efficiently' use brutal violence.²¹ Not only this: victory implies legitimizing of jointly breaking just war rules or an individual's 'inhuman acts', indeed *incorporating* them as necessary for the survival of the group as such. If it is victorious, which means if it still exists, a group is never built on unjust principles. Victory is then a condition for a group not to dissolve and vice versa: only a group still in existence after certain collective acts by its members or by the group as a whole (can a group be an agent?) has fulfilled the social ideal of victory.

The significance of Walzer's dilemma regarding dirty hands is later transformed into much more complicated protocols of supreme emergency and asymmetric warfare.²² What is important for us is to affirm the difficulty, even impossibility of strictly following the rules in unpredictable conflicts and contexts. Yet, they are our only reality today. I suggest a sketch of a few variations of answers to the first two questions from the beginning: it is not possible to remain human while participating in (or being responsible for) situations below the humane threshold; victory conceals the brutality of individuals, while at the same time necessarily implying the existence of a certain amount of "bad acts" it accumulates and archives; good guys can win because the bad acts of individuals actually sometimes have a crucial role in victory and the existence of a group.

non buono), and use that knowledge, or refrain from using it, as necessity requires." N. Machiavelli, *The Prince*, ch. 15, 57; N. Machiavelli, *Il Principe*, Roma, Enciclopedia Italiana, 2013, 115.

²¹ In the 1973 text, Walzer quotes Basil the Great: "Killing in war was differentiated by our fathers from murder... nevertheless, perhaps it would be well that those whose hands are unclean abstain from communion for three years." *Ibid*, 167.

²² Walzer is disturbed by real problems faced by soldiers and citizens. For example, The New York Times in 2010 reports of a soldier complaining about the rules of engagement in Afghanistan, specifically the difficulties in winning the war. M Walzer, "Coda: Can the Good Guys Win?", 433. In a 2015 interview, Walzer explicitly talks about the problem of asymmetric warfare and victory: "It is possible to win asymmetric wars, as the Sri Lankans proved against the Tamil Tiger rebels, but only if you are prepared to kill high numbers of civilians and the world isn't watching. But you can't win if you are trying to fight according to the moral rules of engagement. That is the general problem of asymmetric warfare." M. Walzer, "Interview," in: *Journal of Political Thought*, Vol. 1, No. 1 (2015), 61.

"To slay or defeat a better man"

In *Ex Captivitate Salus*, published immediately upon his 1946 interrogation in Nürnberg, Carl Schmitt recalls: "In the autumn of 1940, as France lay defeated on the ground, I had a discussion with a Yugoslavian, the Serbian poet Ivo Andrić, whom I love very much. We had met in a shared connoisseurship (*in einer gemeinsamen Kennerschaft*) and in the veneration of Léon Bloy. The Serb told me the following story from the mythology of his people: Marko Kraljević, the hero of the Serbian saga, fought for an entire day with a powerful Turk and laid him out after a hard struggle. As he killed the defeated enemy (*den besiegten Feind*), a serpent that had been sleeping upon the heart of the dead man awoke and spoke to Marko: You were lucky that I slept through your battle. Then the hero cried out: Woe is me! I killed a man who was stronger than me! (*Weh mir, ich habe einen Mann getötet, der stärker war als ich!*) I retold this story to some friends and acquaintances at the time and also to Ernst Jünger, who was stationed as an officer of the army of occupation in Paris. We were all deeply impressed. (*Wir waren alle tief beeindruckt.*) But it was clear to us that the victors of today do not allow themselves to be impressed (*nicht beeindruckt lassen*) by such medieval stories. This, too, belongs to your great prognosis, poor, defeated Tocqueville!"²³

Speaking to Schmitt, Ivo Andrić, then ambassador of Yugoslavia in Berlin and later winner of the Nobel Prize for Literature, describes Marko Kraljević, perhaps the greatest Serbian hero and "victor," responsible for the construction of the "authentically traditional" (mythological or "Serbian"). Almost certainly in the presence of Schmitt's wife, Duška Todrović (who often recited and translated Serbian poems to Schmitt), Andrić evokes one of the most famous epic poems in the Serbian cannon ("Marko Kraljevich and Musa the Highwayman"), reconstructing an entirely dubitable victory of Marko over the 'Turkish' knight Musa Kesedžija (Musa the Highwayman). The epilogue is described faithfully, with the conclusion and Schmitt's strong impression certainly justified:

When Marko Kraljevich saw this, he wept
And bitter tears flowed down upon his face.
"Dear God!" he cried, "Have a mercy on my soul!"

²³ C. Schmitt, *Ex Captivitate Salus*, ed. A. Kalyvas & F. Finchelstein, Cambridge 2017, 30–31; C. Schmitt, *Ex Captivitate Salus*, Köln 1950, 32–33.

(*Jaoh mene do boga miloga*)

For I have slain a better man than me!"²⁴

Today's victors could certainly and perhaps would have to follow the "science of victory," which we might inscribe into an ideal register of an Orthodox war ethics. In it, the victor is earnestly remorseful for breaking certain rules of the duel or war, he addresses the Lord seeking absolution, and perhaps even promises that he will be gracious in the future, that is, will not behave as the cruel victors of today (this is Schmitt's point). Marko the hero avows that his enemy did not break the rules of engagement like he himself did, nor asked for the help of others. This story of victory is a construction of a stylized Orthodox viewpoint, and contains a few elements that it is necessary to briefly list: a) the idea of help – victory is always with another, with an additional: God,²⁵ guardian angel, snake, material means, secret ally, secret weapon; b) victory has multiple authors or is composed of multiple actors who share responsibility, while the ultimate decision is made by God, the supreme being; c) the science of victory or science how to win is in the victor's self-effacement.

The glorious example of a negative hero or negative victor, Marko, does not have to necessarily be devalued by everything we find in the aforementioned poem itself, in the sections before or after the verses evoked here, that is, by Andrić and Schmitt. Finally, why is the Serbian hero so distressed? Is it that the poem only vaguely shows the actual enmity between Marko and Musa – who is the real Serb, and who a Turkish vassal? Who is who here, and what is the nature of their enmity? The Romantic principle emphasized by Andrić (Schmitt) is seen in a different light when we consider the "facts" that Marko was "lost" and nearly defeated, that the battle took place on a Sunday, that he killed Musa with a hidden knife, that he deployed secret, rogue means (in contrast to his enemy), that he sought help not of God, but of his guardian angel, etc. Here, then, is how the poem ends, that is, what follows after Marko's remorse, his tears and prayer to God.

²⁴ *The Serbian Epic Ballads. An Anthology*, trans. G. N. W. Locke, Belgrade 1997, 201.

²⁵ "Adhere to Him, and with thoughts of victory step boldly forward. God in you will be victorious in your stead. To Him ascribe your victories, for yourself preserve joy." Sveti Nikolaj Srpski, "Alphabet of Victory." <https://svetosavlje.org/azbuka-pobede/>. Emperor Constantine's victory over Maxentius in 312 CE is preceded by Constantine's mystical experience in which the stars in the sky made a cross brighter than the Sun, and inscribed with the Greek words "*touto nika*" (in this sign is victory).

He cut off Musa's head and put it in
Sharats' (his horse) nosebag. He mounted then, and rode
Back to the shining city of Stambol (Istanbul).

He threw the head of Musa down before
The Sultan's feet – who started up in dread.
Said Marko: "My lord Sultan, do not fear!
Think how you would have welcomed him alive,
When you do flinch to see his face in death!"

The Sultan gave him three great sacks of gold.
Marko returned to Prilep, that fair town (Serbia).
Musa remained alone at Kachanik.²⁶

The poem ends with the one defeated still present, immortal in a sense, still lying where he was slain. The idea of the impossibility of complete destruction and annihilation of the enemy or injustice implies that complete victory is actually impossible, even despite the willingness of the victor to first produce unjust acts and at the same time seek remorse for them. It would seem that such protocols are something entirely new in complicated histories of justice and victory.

*Prof. Dr. Petar Bojanić, Institute for Philosophy and Social Theory, Belgrade /
Center for Advanced Studies – South East Europe, Rijeka,
bojanicp[at]gmail.com*

²⁶ Ibid.