

# THE INTERACTION OF CHRISTIANITY AND CHIVALRY

## IN THE HISTORICAL DEVELOPMENT OF THE LAW OF WAR

*The ensuing article is based upon a lecture, the last of a series of three, delivered at the Graduate Institute of International Studies, in Geneva, in October and November of 1963. The author would like to take this opportunity to express his grateful thanks to Mr. Jacques Freymond the Director of the Institute, at whose invitation the lectures were delivered, and by whose kind permission the following article is published in this Review.<sup>1</sup>*

*The three lectures were devoted to the general theme of Christianity and war. More specifically, they endeavoured to deal with the contribution rendered by Christian ideals and thinking to the rudimentary development of the Law of War at a time when theology, morals, and law were not severable. It is from this rich amalgam that Public International Law in general, and the Law of War in particular, emerged as an integral part of the Christian civilization of Western Europe. The subsequent movement whereby International Law reached out from Europe to become more truly universal is still in progress today. Some jurists have seen much of the stress and strain in contemporary inter-*

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<sup>1</sup> It should be noted that the *International Review of the Red Cross* had the pleasure of publishing, in its numbers of April and May 1961, a study entitled "Penitential discipline and Public wars in the Middle Ages" by G.I.A.D. Draper. This was an important contribution to the history of humanitarian law during one particular period. (*Ed.*)

*national relations as the direct consequence of extending a régime of legal rules, born in the specifically Christian tradition of Western Europe, to other civilizations nurtured in a wholly different set of values and ideas.*

*The central theme of the first of the three lectures was the impact of the "just war" idea upon the Christian attitude to war and Christian practices of warfare. Therein some attempt was made to trace the rise and fall and the modern recrudescence of this powerful idea. The lawyer tends to see the origin of the "just war" conception in the Roman, pagan, religio-legal thinking, which achieved its finest literary flowering in the writings of Cicero. St. Augustine adopted it and gave it a definitive place in the pantheon of Christian philosophy and ethics. The greatest of the Western Fathers was prepared to allow that in the limited circumstance of a "just war" it was not sinful for a Christian to participate. The unexpressed premise behind this thinking was that war and war making were prima facie sinful activities. A war might be "just" if it were waged on the authority of a lawful prince, to promote good or avoid evil, and if the cause were "just".*

*The idea was reasonable but the practical application of it was the endless and bloody wars which were the regular feature of mediaeval Christendom. If God were supporting the prince waging the "just war" then the forces of evil were inspiring his adversary and all those luckless individuals who were supporting him. The prince waging the "just war" was the chosen instrument of God to punish the wicked. It was manifestly the Will of God that the wicked should suffer for their sins. It was not the role of man to interfere with the working of Divine Providence. Moreover, the Will of God is not divisible. Throughout the mediaeval period it was not admitted that both belligerents could be waging a "just war". The practical results of such ideas are plain for all of us to see in the manifold cruelties and miseries that attended mediaeval warfare, whether conducted between Christian princes or by them against heretics and unbelievers. It came to be established by the subtlety of the canonists and the glossators that in a "just" war most practices are licit. Such limited restraints as there were in the actual conduct of hostilities were binding solely upon the party waging the "unjust war". Naturally, neither contestant was willing to admit that it was waging an "unjust war". The combined effect of such ideas was that no normative restraints binding belligerents in their conduct of operations was practicable until the conception of the "just war" and its ancillary principles had passed from the scene. Not only did*

*it fail to restrain kings and princes from resorting to war whenever they thought fit, but it effectively barred the establishment or operation of humanitarian restraints in the conduct of warfare and the treatment of those who were victims of its savageries. Such a state of affairs has not redounded to the credit of the Christian tradition. It delayed for centuries the appearance of a body of legal rules designed to impose certain minimal restraints upon both sides, in the interests of their common humanity.*

*There may be room today for a new idea of the "just war", but the lesson of history indicates that such an idea must be firmly welded into a legal context if tragedy and barbarism are to be avoided. The Charter of the United Nations offers such a possibility.*

G. I. A. D.

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We have seen that the influence of Christianity, through its conception of the just war, upon the development of the Law of War was not satisfactory. If the purpose of the Law of War is to impose some restrictions upon a process that is by definition destructive and cruel, the just war idea may be considered, on balance, to have been a failure. It is true, as has been pointed out by the English legal historian, Sir William Holdsworth, that "the just war ideas have enforced the truth that *prima facie* war is a moral evil that is not lightly to be undertaken, and that it needs to be justified . . ." We know, however, that the practical application of those ideas was in the main negative when it was not downright disastrous. The impact of the just war idea as a controlling influence upon the actual conduct of warfare, was minimal. We therefore have to seek further and ascertain what other forces, if any, played a part in the eventual acceptance of some restraints in the actual conduct of a process that the just war idea stigmatised as normally an evil one, capable of justification only in the limited circumstances prescribed by the Church.

Standard textbooks on the modern Law of War make an all too brief reference to this subject. Typical of such treatment is that afforded in the current volume of Oppenheim's "International Law", volume 2, *Disputes, War and Neutrality* (pp. 226-227). "The whole growth of the laws and usages of war is determined by three principles. There is, first, the principle that a belligerent is justified in applying any amount and any kind of force which is

necessary for the realisation of the purposes of war—namely, the overpowering of the opponent. There is, secondly, the principle of humanity at work, which postulates that all such kinds and degrees of violence as are not necessary for the overpowering of the opponent should not be permitted to a belligerent. Thirdly, there is in operation the principle of chivalry, which arose in the Middle Ages, and introduced a certain amount of fairness in offence and defence, and a certain mutual respect.” This passage is not contained in some quaint expression of antiquated learning, but in a modern and classical textbook to which frequent reference is made to-day by the Foreign Departments of Governments. Equipped with such principles the modern jurist is required to approach questions critical for our age, such as the legality of the employment of nuclear weapons, and the application of the Law of War to so-called “international power”.

If one attempted to assess the particular contribution of the Church to each of these three principles, one might hazard the following suggestions : (1) that the doctrine of the just war may have helped to establish the first principle, namely, that that amount and kind of force is allowed which is necessary to overpower the enemy. That might be true for the party waging the just war but not for its opponent. The necessary failure of the just war idea to furnish a set of restraints governing both contestants in a war becomes apparent in this framework ; (2) the second principle, that of humanity, is of comparatively recent growth and is largely secular in its roots ; (3) the principle of chivalry, strange to modern ideas, derived from a set of ideals that in part coincided with, and in part diverged from, those of Christianity. What comprised this group of ideals that we designate loosely as chivalry ? Wherein did they derive, and depart from those of Christianity ? In what specific areas of the Law of War did the conception of chivalry play a part in the subsequent development of that Law ? What is the fair appraisal of the influence of chivalry upon the ultimate development of the law of war ? These questions demand our attention here. We are prone to associate chivalry with our readings of historical romances and of romantic literature. We must, I think, forget the romance and approach the reality. In the early development of the usages and law of war, chivalry had an impact of a practical nature, part ameliorative, part retrogressive. To assess this impact is our task here.

Although much has been written about chivalry both in the history of war and of literature, few attempts have been made to set out its basic principles in a systematic form. Our early and romantic reading provides us with a picture of splendid and noble men, encased in magnificent armour, engaged in jousts and tournaments, watched and admired by beautiful and noble women. There were heroic errands to be accomplished for ladies for whom they languished. There were exquisitely delicate courtesies, great acts of self-sacrifice, and generosity, both to the foe and to the weak, particularly women. Modern historians however have given us a sharper picture. Those who have added to their enjoyment of living by reading Runciman's *History of the Crusades* are made painfully aware of what chivalry in action entailed. The period covered by this history, the 11th to the mid 14th centuries, saw the rise and heyday of chivalry as an active force in society, whether in its pacific or in its warlike pursuits. The Crusades span an interlude in history which witnessed the rise and full flowering of the ideas, ideals and practices of chivalry. An impact had been made in that period that was to leave some reasonably clear traces in the later practices of social behaviour and in the conduct of warfare. Some of the practices of chivalry in war became the usages of more disciplined armies and eventually passed into those unwritten customs of warfare that were to be codified in the Hague Conventions concluded at the close of the 19th century.

Hallam in his *History of the Middle Ages* of 1818, is typical of the immediately post-Napoleonic historians. He takes a generous view of the institution of chivalry and its effects. He is however not uncritical. He is prepared to make the bold statement that ". . . the best school of moral discipline which the Middle Ages afforded was the institution of chivalry . . . our most sceptic criticism must assign a decisive influence to this great source of human improvement." Hallam makes an even bolder claim in this same work. "There are", he tells us, "three powerful spirits, which from time to time have moved over the face of the waters, and given a predominant impulse to the moral sentiments and energies of mankind. These are the spirits of liberty, of religion and of honour . . . It was the principal business of chivalry to animate and cherish the last of these three." Hallam makes it plain that although chivalry is connected with religion it is very distinct from it. The crucial point of impact between the two sets of ideals was the Crusades.

I think this judgment commands substantial agreement. The separate paths followed by religion and honour mark the separate progresses of the Church and chivalry in their approach to warfare. The connecting link between the two are the Crusades. The alliance was not a success. It emphasizes for all time the essential differences between the two.

Honour and the bearing of arms are, I think, at the roots of the ideas of chivalry. It is possible to state that its origins were Germanic and not Christian. Hallam refers the origins of the chivalric principles to the time of Charlemagne but we can discern earlier traces than that. Professor Hearnshaw, writing in the *Encyclopaedia of Social Sciences*, volume III, expresses the view that the origins of the *military* elements in chivalry can be seen in the Teutonic *comitatus* as described by Tacitus in chapter 13 of his "Germania". The ceremonies for initiating the youths into that select band of the better born who might have the honour of bearing arms, and the oaths taken on that occasion, are the precursors of the status of the mediaeval knighthood, and the initiation ceremonies of vigil, dedication, and girding with sword, shield and helmet. This early link between the conception of honour, and the right to bear arms and to undergo dedication to the warrior calling, has come right through to modern times.

In its final and perfect form chivalry represented the interplay of three distinct elements which fused with each other. These three elements were war, religion and sexual love, three fairly basic activities of mankind. Binding these three elements together was the factor of service. I think that if we keep these elements in mind it is possible to understand the contradictions between delicacy and crudity, compassion and cruelty, ideal and depravity, fairness and ferocity, dedication and greed, romantic love and lust, good faith and treachery, forbearance and atrocity in warfare, courage and inhumanity to the defenceless, that are the practical realities of chivalry. The essential contradictions inherent in chivalry are particularly prominent in its relations with religion.

Christian compassion is ousted by the appalling ferocity and cruelty shown in warfare against unbelievers in the Crusades. When loot and women were at their mercy the mediaeval Crusader knights knew little restraint, even against fellow Christians. Their behaviour against the Christians of the Eastern Empire, during the Fourth Crusade of 1204, baffles all description. It has left its un-

healed scars upon Christendom to this day and has driven a wedge of suspicion and misunderstanding between Eastern and Western Christendom that has not yet been removed. The Crusades, by which the Latin Church had tried to remove from Europe the worst aspects of chivalric knighthood and to employ its better qualities of service to God and Holy Church, resulted in the loss of the Holy Land to the Moslems and the final rupture between Eastern and Western Christians.

Hearnshaw rightly stressed the factor of service underlying the three elements of chivalry. The truly chivalrous knight rendered service "first to his feudal lord, secondly to his Divine Sovereign, and thirdly to his lady love. The link between war and religion was the crusades; the link between religion and love was the worship of the Virgin Mary, which was particularly developed among the Crusading Orders." Although chivalry took its place within the feudal system it could not be content with it. It was essentially a restless and emotional system. The Church had the genius to see that the emphasis of chivalry upon war and love would prove disrupting forces in feudal society. The private war, the curse of mediaeval Christendom and feudalism, was furthered and promoted by large numbers of knights sworn to the warlike vocation. Although service was so essential a factor of chivalry, the reality was that chivalry weakened the bonds of feudalism and of family life. There could be little order as long as private wars were furthered by knights who had a love of fighting for its own sake. Family life was assailed by the immoral attachments formed by knights imbued with supposedly chivalrous ideas which all too frequently were a mere pretext for sexual indulgence.

Chivalry seems to have made a particular appeal to the younger sons of noble landowners. These men had little cause to be satisfied with a feudal system that allowed the eldest son to inherit the whole of the ancestor's land and all the power, jurisdiction, wealth and prestige which went with it. The scale and depth of discontent for younger sons of noble fathers was, I suggest, one of the great recruiting factors for the chivalric movement. It was at that precise point that the Mediaeval Church saw its opportunity. If these younger sons of great men, dedicated to the calling of arms, lacking feudal responsibilities and any settled way of life open to men of noble birth, could be imbued with the ideal of service of God and Holy Church in recovering the Holy Land and the Holy Sepulchre

of our Lord from the hands of the heathen, then at one fell swoop two great objectives could be achieved. First, Europe would enjoy a little peace from the incessant private wars, forays and brawls which marred and weakened the whole feudal structure of Western Christendom. Second, the dream of the Church that the Holy Land might form part of Christendom might be made a reality. Who better to carry out this noble mission than those chivalrous knights sworn to defend God and his Holy Church and to employ their swords against the enemies of Christ ?

It was such a splendid idea that the Church did not reckon with the price that would have to be paid. To Pope Urban II, the promoter of the First Crusade launched at the Council of Clermont in 1095, the religious slogan *DEUS VULT* "marked the conversion of feudal knighthood into Christian chivalry." The result was one of the greatest tragedies in the history of Christendom. Chivalry did not become something different because it was Christian chivalry. All those vices which chivalry had displayed in Europe were to be demonstrated in even greater measure in the Holy Land. The Crusades were *par excellence*, just wars. The Pope had given the Crusaders the Cross to wear. Indulgences had been granted. The knights had vowed to wrest the Holy Sepulchre from the infidel. All the worst consequences of the idea of the just war and all the essential vices of chivalry combined to make the Crusades one of the bloodiest and most inhuman essays in the field of warfare. Nothing lasting remained after the close of the last major and disastrous Crusade in 1265, except a legacy of hate and suspicion between Eastern and Western Christians and between Christian and Moslem. In this unhappy outcome the Christian knights and the Military Orders of the Knights Hospitallers and the Templars must take their share of the blame. However, they are not solely responsible. That erratic stream of noble counts and knights which from time to time tried out their fortune in the Holy Land, with little understanding of the country or the fighting, of the people or the delicately poised balance of the Latin Kingdom of Jerusalem, contributed their quota to the miseries and inhumanities perpetrated in the incessant campaigning that went on in the unhappy Holy Land. There, little was seen of the virtues of chivalry, except, surprising to relate, on the part of Saladin and his Emirs. A great deal, however, was seen of the worse evils that flow from the chivalric ideas. Those evils were, primarily, extreme quarrelsomeness and pugnacity, merciless

arrogance and greed, cruelty to the vanquished, lack of a sense of common humanity, faithlessness to those outside the circles of feudal obligation, and frequently impious disregard of religion.

For examples of these grave charges against chivalry let us look at two incidents of the Crusades, the fall of Jerusalem to the Crusaders in 1099 and the sack of Constantinople by the Crusaders in 1204. Of the fall of Jerusalem Runciman tells us: "The Crusaders, maddened by so great a victory after such suffering, rushed through the streets and into the houses and mosques killing all that they met, men, women and children alike. All that afternoon and all through the night the massacre continued. Tancred's banner was no protection to the refugees in the mosque of al-Aqsa. Early next morning a band of Crusaders forced an entry into the mosque and slew everyone . . . When Raymond of Aguilers later that morning went to visit the Temple area he had to pick his way through corpses and blood that reached up to his knees. The Jews of Jerusalem fled in a body to their chief synagogue. But they were held to have aided the Moslems ; and no mercy was shown to them. The building was set on fire and they were all burnt within . . . When there were no more Moslems left to be slain, the princes of the Crusade went in solemn state through the desolate Christian quarter . . . to give thanks to God in the Church of the Holy Sepulchre."

The contrast afforded by the Saracen capture of Jerusalem under Saladin in 1187 is dramatic. "The victors were correct and humane. Where the Franks, eighty eight years before, had waded through the blood of their victims, not a building now was looted, not a person injured. By Saladin's orders guards patrolled the streets and the gates, preventing any outrage on the Christians. Meanwhile each Christian strove to find the money for his ransom . . . It was with difficulty that the Hospital and the Temple could be made to disgorge their riches ; and the Patriarch and the Chapter looked after themselves alone."

The name of Richard I of England, Cœur de Lion, has often been extolled, with that of Tancred and Godfrey of Bouillon, as glorious in the annals of chivalry. Brave soldier Richard undoubtedly was. His skill and originality as a commander were the admiration of his age. It would, however, be a distortion of history

to consider his armed struggle with Saladin as one conducted within the Code of Chivalry. It is necessary to remind ourselves of the siege of Acre by the Crusaders in 1191. Largely as a result of Richard's initiative and courage the city had been captured after a difficult siege. The normal practice was that the more vigorous the defence the more violent was the conduct of the besiegers when the city eventually fell into their hands. If the justness of the war was proven in the victory, then the long resistance of the unsuccessful besieged accentuated their wickedness in opposing the Divine Will. In the case of the Crusades the war was by definition "just" on the part of the Crusaders. Hence, besieged cities were very careful to make terms for their capitulation whereby their defenders were spared their lives, normally on payment of a large sum of money. The Church normally insisted that good faith should be kept, even with an enemy. *Pacta servanda sunt* has a long history and the Church can claim to have contributed something to the establishment of this basic principle of modern international law.

The terms of the capitulation of Acre are not untypical of the practice during the Crusades. "Acre was to be surrendered with all its contents, its ships and military stores. 200,000 gold pieces were to be paid to the Franks, and an extra 400 for Conrad of Montferrat in person. 1500 Christian prisoners with 100 prisoners of rank, to be specifically named, were to be liberated and the True Cross was to be restored. If this were done the lives of the defenders would be spared . . . The Sultan agreed to abide by the treaty made by his officers at Acre . . . The negotiations over the prisoners of rank broke down. Richard was now eager to leave Acre and march on to Jerusalem. The Saracen prisoners were an embarrassment to him ; he was glad of an excuse to rid himself of them. Cold-bloodedly, on 20 August (1191) more than a week after his ambassadors had returned to him, he declared that Saladin had broken his bargain and ordered the massacre of the 2,700 survivors of the garrison at Acre. His soldiers gave themselves eagerly to the task of butchery, thanking God, so Richard's apologists gleefully tell us, for this opportunity to avenge their comrades who had fallen before the city. The prisoners' wives and children were killed at their side. Only a few nobles and a few men not strong enough to be of use for slave labour were spared . . . When the slaughter was over the English left the spot with its mutilated and decaying corpses ; and the Moslems could come and recognise their martyred friends."

It is a deplorable story.

But the worst atrocity committed in the course of the Crusades was the sack of Constantinople in 1204, during the Fourth Crusade. This time the victims were Christians. Pope Innocent III may be held blameless for it. The villains of the incident were the Venetians led by the Doge Dandolo. By no stretch of the imagination could a Crusade against Christians be termed a just war. The sack of Constantinople lay outside any restraint imposed by the code of chivalry. The victims of the sack were of all classes, lay and religious, old and young, rich and poor. It is clear that chivalry did not entail the protection of objects of art and culture, lay or religious. I would remind you of the facts. "There was little fighting in the streets as the invaders forced their way through the city. By next morning the Doge and the leading Crusaders were established in the Great Palace; and their soldiers were told that they might spend the next three days in pillage." "The sack of Constantinople is unparalleled in history. For 9 centuries the city had been the capital of Christian civilization. It was filled with works of art that had survived from ancient Greece and with the masterpieces of its own exquisite craftsmen. The Venetians indeed knew the value of such things. Whenever they could they seized treasures and carried them off to adorn the squares and churches and palaces of their town. But the Frenchmen and the Flemings were filled with a lust for destruction. They rushed in a howling mob down the streets and through the houses, snatching up everything that glittered and destroying whatever they could not carry, pausing only to murder or rape . . . Neither monasteries nor churches nor libraries were spared. In St. Sophia itself, drunken soldiers could be seen tearing down the silken hangings and pulling the great iconostasis to pieces, while sacred books and icons were trampled under foot. While they drank merrily from the altar-vessels a prostitute sat herself on the Patriarch's throne and began singing a ribald French song. Nuns were ravished in their convents. Palaces and hovels alike were entered and wrecked. Wounded women and children lay dying in the streets. For three days the ghastly scenes of pillage and bloodshed continued, till the huge and beautiful city was a shambles. Even the Saracens would have been more merciful, cried the historian Niceta, and with truth (. . . the worthy Martin of Paris was determined to have his share of the Booty, though out of piety he only robbed churches.) . . . When the soldiers were exhausted by

their license, order was restored. Anyone who had stolen a precious object was forced to give it up to the Frankish nobles . . . No one . . . could possibly count the gold and silver, the plate and the jewels . . . never since the world was created has so much been taken in a city. It was all divided according to the treaty, 3/8ths went to the Crusaders, 3/8ths to the Venetians and a quarter was reserved for the future Emperor." (i.e. the Latin Baldwin).

This terrible event is probably one of the greatest crimes committed by Christians against Christians. There were many representatives of Western chivalry among the sharers of the loot and among the participants in the atrocities. Pope Innocent III was appalled, but the Venetians had tricked him. He fulminated against the conduct of the Crusaders. All that had been achieved was the final alienation of the Eastern Christians. The Saracens remained as firmly in control of the Holy Land as before. Neither the emblem of the Cross, nor vows, nor the Christian religion, nor the code of chivalry, had the faintest impact in restraining the endless carnage and pillage of those shameful three days in Constantinople. The crowning humiliation for the Pope was that he learnt that his legate Peter of Saint-Marcel had released the Crusaders from their vows to make the journey to the Holy Land.

The Crusaders seem to have learnt nothing. In the last of the Crusades, in 1365, they sacked Alexandria. Runciman makes the justifiable comment "Two and a half centuries of Holy Warfare had taught the Crusaders nothing of humanity." The Popes, in their anxiety to find active employment for the landless Latin nobility used the ideals of chivalry to aid them in the recovery of the Holy Land. The endless private wars and raids which disrupted order in Western Europe were in large part attributable to that large number of Christian knights, seeking adventure and wealth. There was no place for them at home. Doubtless it was a good idea of the Papacy to enlist their sense of service, courage, religion, and honour in the Crusades. To be just to the Papacy it can have known little of the terrible price Christendom was to pay for the service of such men. The trouble was that the ideals of chivalry and its practice were at sharp variance. The just war idea may have been based upon the unexpressed premise that *prima facie* war is a sin. Morally and philosophically that may be true. In fact the canon lawyers, closely allied to the moral casuists, very soon weakened the fundamental premise behind the idea of the just war. As we have seen

the just war can claim little credit as a restraining or humanising force in the actual conduct of hostilities. *DEUS VULT*, in its practical operation, proved a terrible doctrine. When the just war idea was allied to that of chivalry the combination was doubly disastrous. The link between Chivalry and religion was the Crusades. Service of God and his Holy Church was a part of the chivalric ideal. The Belgian writer, Nys, in his great work "Les Origines du droit international" depicts the tragic combination of Christianity and chivalry in words that are memorable.

"It would seem," he tells us, "that the Christian spirit and the idea of chivalry should introduce a certain temperateness into hostile relations; we see, on the contrary, a catalogue of all kinds of violence and frequently war is conducted with more harshness than under the Roman Empire".

Chivalry embraced a double aspect, the one a product of the spirit of individuality characterising the German race and the other stemming from the influence of the Church. But its influence must not be exaggerated. . . . "The Ordinance of Chivalry", a 13th century poem, depicts the knights as great men of justice in feudal times. The duty of chivalry is to look after women, widows and orphans, weak and not powerful men; thus it is stated by the "Order of Chivalry."

It is of course true that in every age there were outstanding, shining examples of Christian knights, but it cannot be denied that chivalry, in the guise of Christianised knighthood, failed to live up to its high ideals. The failure was not marginal. It was so gross as to taint both Christianity and chivalry. The precise point in which Christianity and chivalry meet in contemporary organisation is probably in the two militant orders, the Knights of the Temple and the Knights of the Hospital. Here we see the idea of service, courage, and the defence of Holy Church. These two Orders provided the mainstay of the fighting forces of the Crusades. Errant knights and Kings and Emperors came and went from the Holy Land. The two military Orders were a permanent feature of the Latin Kingdom of Jerusalem. The jealousy and quarrelsomeness and greed of these two Orders are now part of the history of the Crusades. They were immensely courageous, but frequently on the side of the hotheaded and imprudent. When not engaged in fighting the Saracens they intrigued, acted as not too scrupulous bankers, and quarrelled with each other. Nothing is truer in this sad history than that chivalry

was in general ineffective in war. Chivalry was guilty of precisely that evil which St. Augustine had condemned in war ; the love of fighting for its own sake. The Crusades demanded service, courage, faithfulness to vows, self-dedication, and honour. In theory chivalry could provide these noble qualities. It could be seen, however, by any honest contemporary, that the practices of chivalry in Western Europe were quite the reverse. Fighting for its own sake, quarrel-someness over trifles of precedence and points of formal good manners, had been a common feature of knightly conduct. The Papacy had allied itself to a set of principles which were only superficially in harmony with Christian ideals. In a large area of chivalry, Christianity could have no common conversation with it. Unfortunately, this area was the larger and controlling part of chivalry.

The Church viewed a Crusade to recover the Holy Land from the Saracens as a just war. The errant, landless knights saw fighting as a good in itself and the Crusades as a wonderful opportunity to gain wealth and new lands in the Kingdom of Outremer. There a standard of living, even of luxury and power, could be enjoyed such as was quite impossible at home. The Church and the Western knights came together in the historical event of the Crusades but for quite different purposes. It was not therefore surprising that the result should have been so appalling. When those who see war as an evil to be justified in certain restricted conditions, employ those who see war as something to be gloried for its own sake, the stage is set for unlimited misery and inhumanity. The just war idea concentrated upon the reason for going to war and had little to say about how the war was to be fought. Chivalry had little interest in why the war was to be fought but had a passionate desire to be fighting for the love of excitement, violence and the chances of gain, easily acquired. Here I suggest was the fatal combination that led to all the miseries and cruelties with which our mediaeval history is littered. Chivalry could use the Church's 'just war' rationale for the Crusades as a heaven-sent opportunity to engage in the favourite pastime of knights endowed with infinite leisure, but not much in the way of property.

In the Middle Ages the Church had had much trouble in restraining the craving for tournaments and jousting. Time and again the Church fulminated against these pastimes. Fortunes were spent in

such pursuits. They were the great method of making life exciting for those with no land to administer, no court to hold, no power to wield. It was in the tournament and the joust that chivalry really came into its own. Here the struggle was between social equals, an idea central to the whole conception of chivalry. Here the knights were at their best. There were rules of offence and defence based upon mutual respect and honour and courtesy. It is these practices at tourneys, so much castigated by the Church, that have, strange to relate, left a beneficent impact upon the conduct of warfare in their contribution to rules that eventually passed into the usages and customs of warfare. It has been pointed out by Maitland, the English legal historian, that the law of the great man tends to become the law for all. This he advanced as a proposition of general application in many fields of legal history. I think that it has a particularly pertinent application to the influence of chivalry in the development of the law of war. So far as the contribution of the Christian conception of the just war was concerned it is my general impression that its effects were negative where they were not downright disastrous. On the other hand chivalry, in the extremely limited sphere where its practices had some relation to its ideals, has left a small legacy of some value in the eventual shaping of certain rules of the law of war.

I venture to suggest that the Crusades, the connecting link between the Church and chivalry, are not the area in which this positive contribution of chivalry to the story of restraints in warfare can properly be sought. The reason is twofold. *First*, the just war idea is so paramount in the Crusades that the Church had, as a price for clearing Western Europe of turbulent knights in the service of the Cross and imposing vows upon such men, to accept much of their evil way of life and their love of fighting. Indulgences were granted to those who took the Cross for the Holy Land's recovery. Thereby the Crusaders had remitted in advance those temporal consequences of sin, namely penances, that would otherwise have been enjoined for all the sins that they committed in the fighting in the Holy Land. This was not calculated to make chivalric knights or others conduct their military activities with any restraint. Allied to this situation was the normal consequence of the just war idea that God was behind their cause and the Saracens were thus by definition evil men because they were opposing the Will of God. *DEUS VULT* was not an empty slogan. It really meant something and that some-

thing was the horror we have tried to depict above. All that was done to the Saracens was done in the performance of God's Will. Associate that idea with the chivalric glorification of war and the military calling and the results are reasonably foreseeable. *Second*, the code of chivalry was first and foremost a code prevailing only between Christian social equals, i.e., those who belonged to the noble and knightly class and had passed through the solemn initiation, after a long training as a squire, to the degree of knighthood. The Crusades were against people who were neither noble nor Christian. Chivalry did not apply in the context of the Crusades.

Even in Western Europe the scope of the Code of Chivalry was extremely limited. Only other noble knights were the recipients of the benefit of its code. The converse was that the waging of warfare against the commonalty was fierce, merciless and wantonly cruel. The fact that a noble knight might be laid low by a common foot soldier or archer, or crossbowmen did not encourage the knights to show much mercy to such people. They used weapons that were held in contempt by the knights. A weapon that enables a man to strike his opponent without the risk of being struck, was contrary to knightly conceptions of courage and honour. Thus we are told by Jakob Burckhardt in his work, *The Civilization of the Italian Renaissance* that Paolo Vitelli while recognising and using the cannon "put out the eyes and cut off the hands of the captured arquebusiers because he held it unworthy that a gallant and . . . noble knight should be laid low by a common, despised foot soldier." It can be seen here quite vividly how the converse side of chivalry, i.e. warfare between knights and foot soldiers, led to cruelty and the rejection of any religious, reasoned, or humanitarian restraint. Chivalry was, in modern terms, a non-democratic form of warfare. It has often been pointed out that one of the factors that led to the disappearance of knighthood and the chivalric ideal was the advent and use of gunpowder. I would add also that the use of mercenaries was another such factor. Gunpowder is a great leveller, like atomic weapons. As gunpowder meant the end of knightly warfare so perhaps the nuclear weapon has made democrats of most of us.

The fact that the Mediaeval Church condemned certain weapons which also attracted the contempt and hatred of the knightly order must not lead us to assume that their attitudes flowed from the same cause. The Second Lateran Council condemned the crossbowmen and the slingers. They were under the Church's anathema. To the

Church these weapons were hateful to God. To the knights they were weapons whereby men not of the knightly order could fell a knight. That was bad in itself. Worse, they were weapons that enabled a man to strike without the risk of being struck. Personal combat, sword to sword, lance to lance, battle-axe to battle-axe, shield to shield, with all the skill and opportunity for restraint and fairness, both in offence and defence that these methods allowed, were the crucial tests of courage and honour. The sparing of an unhorsed knight by his opponent, the forbearance to strike when the opponent was without his weapons, the avoidance of stealth, of stratagem; these were the rules of knightly combat. The very limitation of their application tended to loosen restraint when such knights were engaged in combat with those not of their order. If the archer can kill a knight from a safe distance behind his protecting stake, then when the knight gets up to that archer there is to be no question of quarter if the archer is stricken on the ground or without arrows. He suffers death at once because he is without honour.

One of the most ancient of the customary prohibitions of warfare was the employment of poison. This use of poison could take many and effective forms in mediaeval warfare. It could be used for private assassination of an enemy. This was rare. More usually it was used with such weapons as arrows and darts. Also, it was used to contaminate the water supply and wells of beleaguered cities. The Church condemned the practice although no formal prohibition was promulgated in a Council. Chivalry also condemned the practice. The reasons were not the same. For the Church the objection was that poison was allied to the black arts, to sorcery and to witchcraft. To the knightly order it was but another method of killing an opponent without personal risk. Courage and honour are complementary conceptions. Warfare is an honourable pursuit only if courage is engaged and the opponent is a man of honour. The elaborate detail of knightly behaviour could have no application where personal and equal combat conditions did not prevail.

The advent of gunpowder, and the lowering of the respect which the knightly status engendered, played their part in the eventual departure of chivalry. By the time that knighthood could be bestowed freely on such inferior men as lawyers, it was clear that chivalry was outmoded.

When we take the balance of the account of history we must be fair to chivalry and give it credit for what it contributed to the law of war. Out of the tourneys and jousting, so much condemned by the Church, came those rules of fairness, of restraint, of mercy, and of compassion that have not passed away without some trace in the customs of the law of war. The essence of knightly combat in battle meant that the defenceless knight should not be killed. He might be found unhorsed, wounded or without weapons. The victor knight might claim him a prisoner. Such prisoners might not be sold or employed as slaves. They should not be reduced to a menial status. Here the elements of courtesy, honour, and gain, were subtly blended. Such a captured knight might be, and was, ransomed. Elaborate rules were evolved as to the amount and method of payment. Ransom paid or promised meant that the life of the prisoner was spared and that he could regain his liberty either fully or on terms of parole. Now this is a noticeable step forward in the practices of warfare. That prisoners can be taken and eventually liberated is an idea with which we are today familiar. It is a principle lying at the very base of the Geneva (Prisoners of War) Convention, 1949, the modern law governing the matter. Further, a knight trusted the word and promise of another knight, even an enemy knight. The common order of knighthood meant that, when the combat was over, their personal social status was more important than their public or enemy status. If the word of the defeated and captured knight could be pledged to the capturing knight then the prisoner could be released on parole against the promise to pay the ransom when he returned home. This practice did help to introduce the idea of parole for prisoners into the law of war. Here, the Church could support the chivalric idea. Good faith entailed that trust should be kept even with an enemy. The Church unfortunately had many subtle legal grounds whereby a man could be released from his pledged word. King John of England was released from his signature of *Magna Carta* in 1215 within nine weeks. For a chivalrous knight, however, perfidy was a disgrace that no act of valour could redeem.

The fairness in offence and defence during close personal combat can, I think, be traced to the rules of the tourney and the joust. Such splendid occasions, conducted with great panoply before the

noble and the fair of the land, did not permit underhand tricks or treachery in the fighting. Likewise, in the tourneys such things as the surprise attack, unprepared by sound of trumpet and announcements of heralds, were quite out of the question, as being wholly incompatible with the chivalric code of honour of courtesy. The customary requirement of the law of war, later codified in the Hague Convention No. III of 1907, relating to the Opening of Hostilities, whereby a war initiated without a declaration or ultimatum is illegal, can trace its origin to the practices of chivalry. Nys tells us " that the spirit of chivalry led to the declaration of battle in advance ; the day and place of encounter was arranged."

The elaborated ceremonial and respect surrounding the sending and receiving of heralds and emissaries is also attributable to the idea of chivalry. Later, these practices result in the safe conduct, protection and respect that must be shown to emissaries and "parlementaires" sent by the contesting belligerents. This was a valuable idea because it enabled pacific intercourse between enemies outside the actual engagements. Here again the idea of mutual respect, courtesy, protection and honour intermingle to produce a more humane practice and one that can even lead to the end of the struggle by the conclusion of armistices. Chivalry can claim some credit for this progress.

How was it that some of the practices of a limited and jealously guarded noble and military class of knights have passed into the corpus of the written law of war of an age that has no place for chivalry and its principles, let alone its methods of conducting armed combat ? *First*, it was a matter of pride and honour on the part of the knights that they fought the battle just as they fought in a tourney and a joust, provided the opponents were of a knightly class that made such conduct possible for men of honour. Knights rode into real battle accoutred and wearing their lady's favour or scarf just as they rode into the lists of the tourney or joust. *Second*, there is that broader and more general legal phenomenon of history mentioned before, by which the law of the great tends over the centuries to become the law of the many. So it was in feudal land law. So it was in the feudal law of allegiance and treason. The knightly practices of warfare between their own class, the commander class, tended over the years to spread out and became the accepted usages, and later the customs, of the ordinary soldier, even if a mercenary and unmounted.

The appraisal of chivalry is difficult. It has been violently assailed, perhaps with inadequate justification. It has been equally over romanticised by 19th century writers like Sir Walter Scott in his *Ivanhoe*. It is essential to strike a balance in relation to chivalry itself and its alliance, and counter-action, with Christianity. The Church was mainly concerned with why wars might be fought. Once they were "just" the Church had little to say about how they were to be waged. We have seen the disasters that flowed from that approach. Chivalry had no scruples about when to fight, but it had a great deal to say about how to fight against knightly equals. The appraisal of Professor Hearnshaw seems to be in accord with the historical evidence. "Chivalry was ineffective in war, obscurantist in religion and anti-social in love . . . On the whole, however, chivalry may be said to have marked an upward step in the march of humanity from savagery to civilization. In spite of its defects, it exalted the standard of honour, it enlarged the conception of generosity ; it attached mankind to the service of religion ; it developed and installed a fine code of good manners and it inculcated a splendid ideal of social service." Hallam, on the other hand, has described the soul of chivalry as "individual honour, coveted in so entire and absolute a perfection that it must not be shared with an army or a nation. Most of the virtues it inspired were . . . independent, as opposed to those which are founded on social relations."

Before the advent of the Crusades chivalry seems to have had no particular connection with religion. After all, why should the girding of a man with arms for the slaughter of his fellow beings be treated as a religious ceremony ? But the whole idea of the Crusades welded the Christian religion and chivalry together in a way that proved fatal to the reputation of both. The Crusades were "just wars" that harnessed the chivalric ideal of service and the defence of God's Law to the recovery of the Holy Land. The purposes for which men bore arms in the Crusades so sanctified their use that chivalry acquired the character as much of a religious as a military institution. This close association of the Christian religion and chivalry brought out the worst of the just war's practical application on the battle field together with all the evils of chivalry when employed in fighting an opponent outside the benefits of the chivalric code of honour. That, I suggest, goes some way towards explaining such appalling episodes as the capture of Jerusalem and the sack of Constantinople. The Church's idea of the purposes of the

Crusades did not cohere with that of the Crusaders. The latter set out with the Cross on their surcoats but with a love of fighting and a hope of loot and lands in their hearts. This misalliance of purpose was fatal. The moral concert of Church and chivalry was superficial. It led to the incessant, cruel and bloody fighting of the Holy War, a war which has been rightly characterised by Runciman as “ nothing more than a long act of intolerance in the name of God, which is the sin against the Holy Ghost.”

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