

PRISONERS OF WAR IN ANCIENT GREECE

Mr. Pierre Ducrey, Doctor of Literature at Lausanne University and foreign staff member of the French School at Athens, has published a remarkable and well documented book on this subject.¹ Not only does he give new historical facts, but he shows certain constant facts discernible throughout the ages, as well as changes in the treatment of prisoners of war up to the Roman conquest which revolutionized the customs regulating war among the Greeks.

This book is in two parts. The first deals with conditions of capture, the circumstances and causes thereof; the second analyzes the practical measures for detention, sale or release of prisoners. The last chapter discusses questions of considerable purport concerning, for example, the conduct of war, the concept of human value, the role of the army as a supplier of serf labour. We think our readers will be interested in some of the book's conclusions which we have translated below:

How does the victor behave towards his captive and what are the latter's chances of surviving defeat without losing his freedom and political independence?

We must first consider who the captive is. He may be a soldier fallen into the hands of someone stronger than he. The army to which he belonged, an emanation of his country or an expression of State power, should in no case continue the war; that is why the vanquished is prevented from resuming combat by death, slavery or detention, without however excluding the possibility of his enlisting in the forces of the victor. If he had fought to defend a city which is taken by force of arms, he will escape slaughter only to fall into slavery. Of all large-scale executions of prisoners known, the majority were of combatants, whether killed after a battle or after the siege of a town. Other slaughters were the result of trouble within cities.

¹ *Le traitement des prisonniers de guerre dans la Grèce antique, des origines à la conquête romaine*, Editions E. de Boccard, Paris, 1968, 360 pages.

Captives may also be taken by conquest or pillage. They are not then soldiers but the inhabitants of towns and countryside, men and women, old people and children. When considered as prize, they rarely risk death: only navigators, although not without commercial value, are sometimes exposed to the danger of having their throats cut or being thrown into the sea by pirates and buccaneers who were numerous at certain times and who rivalled each other in violence.

The captive seems therefore to be totally deprived of rights, like an acquired object, cut off either temporarily or definitively from what made him a free man. The taking of his town and its destruction deprive him of the political association to which he was attached and consequently of his prerogatives as a citizen. He becomes a man without a country and is for that the more dependent on the decisions of the victor.

What are the contingencies which determine the prisoner's plight, and what considerations dictate the victor's choice? The main factor in this choice undoubtedly resides in the political, financial or military interest and the sometimes imponderable element of passion, roused by ancestral hatred and resulting in extermination of the vanquished and disarmed combatants. But generally, calculation prevails and leads to the various alternatives: execution or slavery of which the motive may be anything but economic, to the extent to which it is a political weapon destroying an army or population of a city, detention, and release dependent on ransom.

Must we deduce from the foregoing that the victor was completely free to do as he wished onto his defeated enemy? As will be seen later, religious laws and public opinion were opposed to the slaughter of prisoners. The enslaving of a town's inhabitants also was looked upon with disfavour. Moreover there were discernible the principles of a law of nations condemning the execution of seamen and, in general, of innocent people. Those responsible for an unwarranted slaughter, sacrilege and piracy, risked chastisement which could not be less than death.

In conclusion, stress should be laid on an observation which is important for our view of the conduct of war by the Greeks. Although it cannot be denied that slaughter and slavery of the

defeated were frequent, particularly at certain times, it is true that the victor was often content to release his captives against ransom or even unconditionally. It must be admitted that the defenders and inhabitants of a city risked death and slavery only if they persisted in resisting the assailant. We wish to stress a fact which, in our opinion, has been insufficiently emphasized: to achieve mastery over a town by assault was for the assailant a last resort which he would renounce willingly if he convinced the assieged to accept his conditions. The latter, by capitulating and accepting the terms of a treaty, obtained the promise of safety for their lives and liberty of themselves and their kin. Whilst not minimizing the consequences of defeat, as it signified for the vanquished State the loss of independence and self-government, or even meant deportation for its population, we repeat that a siege did not offer solely the alternative of fighting or perishing, but also a third choice: negotiation.

From the time of the very first Geneva Convention, legal experts have been called upon to define the beneficiaries of the humanitarian texts which now have a broad international base. Mention is first made of the wounded and the sick, then successively are defined the concepts of "combatant", "prisoner of war" "civilian internee" and "civilian". As Mr. Ducrey points out, things were quite different in ancient Greece which had no vocabulary to designate concepts of uncertain definition. The expressions used to convey a state of captivity are many and various and reflect a condition which may differ according to time, place and circumstances.

PROTECTION OF CULTURAL PROPERTY

The *International Review* has several times published news on international efforts to protect cultural property in case of armed conflict and it recently gave a reminder of the importance of the Convention signed at The Hague on 14 May 1954 which afforded