



Crimes of War, Diplomacy and Religion

The concept of unwritten law

- Yes, since it was not Zeus that published me that edict, and since not of that kind are the laws which Justice who dwells with the gods below established among men. Nor did I think that your decrees were of such force, that a mortal could override the unwritten [455] and unfailing statutes given us by the gods. For their life is not of today or yesterday, but for all time, and no man knows when they were first put forth. Not for fear of any man's pride was I about to owe a penalty to the gods for breaking these. [460] Die I must, that I knew well (how could I not?) . That is true even without your edicts. But if I am to die before my time, I count that a gain. When anyone lives as I do, surrounded by evils, how can he not carry off gain by dying? [465] So for me to meet this doom is a grief of no account. But if I had endured that my mother's son should in death lie an unburied corpse, that would have grieved me. Yet for this, I am not grieved. And if my present actions are foolish in your sight, [470] it may be that it is a fool who accuses me of folly. Sophocles Antigone 449-461

Treaties: Religion and authority

- ▶ Step 1: Talks by envoys
- ▶ Step 2: Appropriate political bodies agree on the terms agreed on by the envoys
- ▶ Step 3: Treaty concluded by sacrifices and oaths
- ▶ Step 4: Public presentation of the treaty, often inscription in poleis, and Panhellenic sanctuaries

Treaty types and alliances

- ▶ When the Athenians had heard both out, two assemblies were held. In the first there was a manifest disposition to listen to the representations of Corinth; in the second, public feeling had changed, **and an alliance with Corcyra was decided on, with certain reservations.** It was to be **a defensive, not an offensive alliance.** It did not involve a breach of the treaty with Peloponnese: ***Athens could not be required to join Corcyra in any attack upon Corinth.*** But each of the contracting parties had a right to the other's assistance **against invasion,** whether of his own territory, or that of an ally. Thuc. 1.44

The King's Peace

- ▶ King Artaxerxes thinks it just that the cities in Asia should belong to him, as well as Clazomenae and Cyprus among the islands, and that the other Greek cities, both small and great, should be left independent, except Lemnos, Imbros, and Scyros; and these should belong, as of old, to the Athenians. But whichever of the two parties does not accept this peace, upon them I will make war, in company with those who desire this arrangement, both by land and by sea, with ships and with money. Xen. Hell. 5.1.31

For the good fortune of the Athenians and the allies of the Athenians. So that the Spartans shall allow the Greeks to be free and autonomous, and to live at peace occupying their own territory in security, and so that the peace and friendship sworn by the Greeks and the King may be in force and endure in accordance with the agreements, be it decreed by the people. Excerpts IG II² 43

Commonly recognised laws

- ▶ Envoys are inviolate
- ▶ Sworn peace treaties must be adhered to
- ▶ War has to be formally declared
- ▶ Cessation of war must be declared and agreed

Envoys & Religious crime

- ▶ To Athens and Sparta Xerxes sent no heralds to demand earth, and this he did for the following reason. When Darius had previously sent men with this same purpose, those who made the request were cast at the one city into the Pit¹ and at the other into a well, and bidden to obtain their earth and water for the king from these locations. [2] What calamity befell the Athenians for dealing in this way with the heralds I cannot say, save that their land and their city were laid waste. I think, however, that there was another reason for this, and not the aforesaid. Hdt. 7.133

Sparta & the treaty

- ▶ The Lacedaemonians, though fully aware of it, opposed it only for a little while, but remained inactive during most of the period, being of old slow to go to war except under the pressure of necessity, and in the present instance being hampered by wars at home; until the growth of the Athenian power could be no longer ignored, and their own confederacy became the object of its encroachments. They then felt that they could endure it no longer, but that the time had come for them to throw themselves heart and soul upon the hostile power, and break it, if they could, by commencing the present war.

[3] And though the Lacedaemonians had made up their own minds on the fact of the breach of the treaty and the guilt of the Athenians, yet they sent to Delphi and inquired of the god whether it would be well with them if they went to war; and, as it is reported, received from him the answer that if they put their whole strength into the war, victory would be theirs, and the promise that he himself would be with them, whether invoked or uninvoked. Thucydides 1.118

War crimes... not

- ▶ On their arrival, the Athenians, afraid that Aristeus, who had been notably the prime mover in the previous affairs of Potidaea and their Thracian possessions, might live to do them still more mischief if he escaped, slew them all the same day, without giving them a trial or hearing the defence which they wished to offer, and cast their bodies into a pit; thinking themselves justified in using in retaliation the same mode of warfare which the Lacedaemonians had begun, when they slew and cast into pits all the Athenian and allied traders whom they caught on board the merchantmen round Peloponnese. Indeed, at the outset of the war, the Lacedaemonians butchered as enemies all whom they took on the sea, whether allies of Athens or neutrals. Thuc. 2.67