

INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 6 | Issue 6

2023

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The Bestiality of War Crimes: An Analysis of Homer's Iliad

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ABSTRACT

The concept of war crimes is as old as warfare itself. Homer's Iliad is a classic epic poem that depicts the Trojan War and its aftermath. This article aims to analyze the various war crimes committed in the Iliad and how they relate to modern-day international law. The methodology used in this research is a qualitative analysis of the text, drawing upon relevant legal instruments such as the Geneva Conventions and the Rome Statute of the International Criminal Court. The results show that the war crimes committed in the Iliad include indiscriminate killing, torture and use of prohibited weapons. These actions violate modern-day international humanitarian law and constitute war crimes. The implications of this research highlight the need for the international community to take strong measures to prevent and punish war crimes. The Iliad serves as a warning of the brutalities of war and the importance of upholding human rights and dignity, even in times of conflict. This research also shows the relevance of the Iliad in modern times, as war crimes continue to be committed in various parts of the world.

Keywords: *Brutalities, Geneva convention, International Criminal Court, Indiscriminate killing, International law*

"It is important to bear in mind that war crimes are not just violations of international law but they are also inhuman acts that have a lasting impact on the survivors, their families and communities" - Justice D.Y. Chandrachud, Supreme Court of India.

War crimes refer to intentional acts committed during an armed conflict that violate international humanitarian law, also known as the laws of war. These acts include the murder or mistreatment of prisoners of war or civilians, torture, rape, and other forms of violence against non-combatants or combatants who have surrendered or are hors de combat (out of action). War crimes are considered among the most serious offenses under international law and can result in severe penalties, including imprisonment and even the death penalty. The prosecution of war crimes is intended to prevent such acts and promote respect for human dignity and the rule of law in times of armed conflict.

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The Iliad² is an epic poem written by the ancient Greek poet Homer. It tells the story of the Trojan War, a ten-year conflict between the Greeks and the Trojans over the beautiful Helen of Troy. The poem focuses on the hero Achilles, who is a Greek warrior and the Trojans' greatest foe. Throughout the epic, there are numerous examples of war crimes committed by both sides. The Greeks and Trojans engage in brutal battles, killing each other mercilessly. There are scenes of civilians being killed, prisoners of war being mistreated, and women being taken as slaves. These actions violate the laws of war and are considered war crimes by modern standards. Furthermore, the poem explores the concept of honor and how it can drive individuals to commit war crimes in the name of glory. The Greek hero Achilles is willing to kill his fellow Greeks and Trojans alike in order to avenge the death of his friend and earn the honor he believes he deserves. This thirst for honor leads him to commit brutal acts of violence that would be considered war crimes even today.

The killing of unarmed civilians, was a common occurrence in the Iliad. The text describes multiple instances where soldiers, particularly those from the Greek army, kill non-combatants, including women and children. One such instance is in Book 2, where the Greeks attack a nearby Trojan town and "massacred the men, and through the town they went, destroying utterly all they found." (2.410-411). The soldiers then proceed to take women as captives and divide them among themselves. This act of killing unarmed civilians, particularly women and children, violates multiple modern-day laws and treaties related to war crimes. For example, the Geneva Conventions³, which outline the standards of international humanitarian law in armed conflicts, prohibit "violence to the life, health, or physical or mental well-being of persons, in particular murder as well as cruel treatment such as torture, mutilation or any form of corporal punishment" (Article 3, para. 1). Additionally, the Rome Statute⁴ of the International Criminal Court defines war crimes as "intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities" (Article 8, para. 2(b)(i)). One relevant case is Prosecutor v. Popović et al.⁵, in which several individuals were charged with crimes including murder, extermination, and persecution of Bosniak civilians during the Srebrenica massacre in 1995. The ICTY found that the accused had been part of a joint criminal enterprise to murder Bosniak men and boys, and emphasized the importance of holding individuals accountable for the killing of unarmed civilians during times of armed conflict

² Homer.(1998). The Iliad. Translated by Robert Fagles, Penguin Classics.

³ Geneva Conventions for the Protection of War Victims (Aug. 12, 1949), 6 U.S.T. 3316, 75 U.N.T.S. 31.

⁴ Rome Statute of the International Criminal Court, U.N. Doc. A/CONF.183/9, July 17, 1998.

⁵ Prosecutor v. Popović et al., Case No. IT-05-88-T, Judgment, ¶¶ 732-756 (Int'l Crim. Trib. for the Former Yugoslavia, Trial Chamber I, June 10, 2010).

The destruction of cultural heritage sites and property is also depicted in the Iliad. The text describes instances where soldiers from both sides destroy temples, shrines, and other cultural heritage sites. One such instance is in Book 1, where the Greeks attack the Trojan city and "sacked the city, plundering its countless treasures. The city's sanctuaries and sacred places were all destroyed" (1.36-38). The text goes on to describe how the Greeks also took prisoners and burned down the city. This act of destroying cultural heritage sites and property is prohibited under modern-day international law. For example, the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict prohibits "any form of theft, pillage or misappropriation of, and any acts of vandalism directed against, cultural property" (Article 4). Additionally, the Rome Statute of the International Criminal Court defines war crimes as "intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected" (Article 8, para. 2(b)(ix)).

Throughout the text, prisoners of war are also often treated brutally and without any regard for their rights. One instance of mistreatment of prisoners of war in the Iliad is in Book 7, when Hector, the Trojan prince, takes two Greek soldiers prisoner. He orders them to be tied up and taken to the city, but also threatens to have them killed if the Greeks attack the city again. The soldiers plead for mercy, but Hector ignores their pleas and orders them to be taken away (7.302-318). This mistreatment of prisoners of war is prohibited under modern-day international law. The Third Geneva Convention, which governs the treatment of prisoners of war, prohibits "violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture" (Article 13). Additionally, the Rome Statute of the International Criminal Court defines war crimes as "wilfully causing great suffering, or serious injury to body or health" (Article 8, para. 2(c)(i)). The International Criminal Tribunal for the former Yugoslavia (ICTY) has prosecuted several individuals for crimes related to the mistreatment of POWs during the Balkan Wars in the 1990s. In *Prosecutor v. Tadić*⁶ the accused was found guilty of, among other things, cruel treatment of POWs, including beatings, torture, and murder. The trial chamber emphasized the importance of upholding the protections afforded to Prisoners of war under international law, stating that "the laws and customs of war...govern the conduct of belligerent parties and impose an obligation on all parties to an armed conflict to respect and ensure respect for such persons."

⁶ *Prosecutor v. Tadić*, Case No. IT-94-1-T, Judgment, ¶¶ 639-646 (Int'l Crim. Trib. for the Former Yugoslavia, Trial Chamber II, July 14, 1997).

In the Iliad, there is no explicit framework regulating war crimes as we know it today. However, the epic poem provides insight into the values and beliefs of ancient Greek society regarding the conduct of war. For example, the Greeks believed that it was acceptable to seek revenge for the killing of a family member or loved one, even if it meant killing innocent bystanders or non-combatants. This is evident in Achilles' treatment of Hector's body, which he mutilates and drags behind his chariot in revenge for Hector's killing of his friend Patroclus. On the other hand, the Iliad also shows some attempts at regulating the conduct of war, such as the idea of ransom for prisoners of war. When Agamemnon takes the daughter of a priest as a slave, her father offers a ransom for her release, which Agamemnon initially refuses. This scene shows that even in ancient times, there was some recognition of the need to mitigate the suffering of non-combatants.

The framework for regulating war crimes that we have today has evolved over time and is largely influenced by international law and treaties. It seeks to establish rules and principles for the conduct of war and holds individuals accountable for acts that are deemed to be war crimes. The Geneva Conventions, for example, established the standards for the treatment of prisoners of war, the wounded, and civilians during armed conflicts. The Iliad shows that many of the values and beliefs of ancient Greek society are not in line with modern notions of humanitarianism and the protection of civilians during armed conflict but nevertheless demonstrates the need for continued efforts to create and uphold frameworks that prioritize the protection of innocent civilians and the mitigation of unnecessary suffering during armed conflict.
