

CONSIDERATIONS ON THE APPEARANCE AND DEVELOPMENT OF HUMANITARIAN LEGISLATIVE NORMS IN THE FRAMEWORK OF INTERNATIONAL RELATIONS DURING THE MIDDLE AGES

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Abstract

During the Middle Ages, war did not aim at glory, but interests, and the peace state was not considered honourable, but humiliating, as initially, the causes of a war could be: the obligation to avenge an offence or a crime, the conflicts between suzerains and vassals, the campaigns against some cities or ending rebellions. Most of the time, for kings, land owners and knights, war was the best choice to prove their power and to increase their wealth. The reason was the spoils of war. However, in all those conflicts, human people were affected, thus generating the need to develop some specific norms in order to protect them.

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1. Introductory Remarks

At the beginning of feudalism, conquest wars and wars carried out for obtaining supremacy on vast areas were very frequent, and the ways and methods used in fights were very cruel. Later on, the problem of arguing a “rightful” war became a problem. In this respect, regardless of the country, we shall not overlook the following moments:

- after the period of feudal conflicts (11th - 12th centuries) an active struggle for limiting and forbidding armed conflicts began. During the same period, the rule according to which war can only be declared by the king was established;

- gradually, the so called legal grounds for a “rightful” war appear, among them the returning of stolen property and the country’s defence. Some conditions about achieving military actions are formulated, which regulated that war can only pursue the goal of peace. War cannot be an act

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of vengeance, but only a way of solving conflicts, while initiating military actions depends only on the king.

In this sense, we must not overlook that “St. Augustine sets the basis of a new Christian ethics, whose canonical definition of “rightful war” was not be formulated until much later, during the 11th and 12th centuries. Moreover, we might presume that the elements which, according to Augustine, make a war, might be considered rightful in its time:

1. Its purposes must be clean and rightful: to prevent the enemy from doing harm, from killing, robbing..., but, also to re-establish a state of righteousness which had been destroyed by enemies, to retrieve the stolen goods and lands, to prevent or to punish bad deeds;

2. It must be carried out with love, without hatred, without personal interest, revenge or plunder, for example;

3. It must be public, not private; in other words, it must be declared by the legitimate authority...¹.

The act of declaring war in the Middle Ages was compulsory and unanimously recognised. This moment is realised, first verbally, in writing or by means of messengers, and later by means of manifests.

Men were the only participants allowed in military actions, with the exception of pilgrims, merchants, the clergy and children under the age of twelve. Women and elders were part of the non-belligerent category. The Carolingian kings, for example, imposed military service on all their subjects, but only when their empire was invaded. Free folk ... had to form groups of two or three people in order to give one warrior to their master, together with his weapons and war equipment. Royal vassals, counts, archbishops and abbots were commissioned with recruiting operations: preparing the soldiers lists, inspecting the gear, ensuring food provisions during the campaigns. Not complying with the given orders was punished by a severe fine. All free peasants were forced to provide the army with an amount of food, as well as transportation carriages (pulled by oxen). Each count had to save the fodder necessary for the army. In the frontier areas, the population was subjected to occasional military duties (building fortifications, maintaining and guarding them etc.)²

It must be said that, during the feudal era, there was the obligation of the vassal to carry out a military service at his suzerain's request or for a

¹ Jean Flori. *Război sfânt, jihad, cruciadă. Violență și religie în creștinism și islam*. Chișinău, Ed. Cartier, 2003, p. 40.

² Ovidiu Drimba, *Istoria culturii și civilizației*. Vol. V., *op. cit.*, pp. 276-277.

limited period of time. From the registers of the period, we find out that the military obligation consisted of two months of unpaid military service annually during wartime, and 40 days during peace time. Later, there was a time when only men between 16 and 20 years of age were mobilised. The only people exempted from carrying out military services were the members of the clergy, the magistrates, judicial consultants, heads of the families and the nobles' servants.

2. Medieval Approach of Conflicts

Against a historical medieval background with intense fighting, knights make their appearance; knowing all the battle techniques very well, they would offer their services to noblemen in conflict with their peers. Among the objectives pursued by knights were the crusades unions. One of the distinctive points in the state of things was that, under the pretext of "holy war", of liberating Jerusalem and the "Holy Sepulchre" from under the occupation of Muslims, the purpose of the crusades was in fact removing the dominance of Islam, as well as acquiring goods and possessions. During the crusades, the Christian armies indulged in plundering and killings most of the time. Thus, we have the information that, when Jerusalem was conquered during the first crusade (5th of July 1099), the crusaders executed 10,000 people (inhabitants), among whom a considerable number of women, children and elderly people. The following crusades continued with acts of violence, massacring the Hebrew and Muslim population.

Initially, the wars from this period did not have any limitations regarding methods and ways of accomplishment, and, most of the time, all the attempts made in this direction could be considered unsuccessful, despite the fact that this period allowed the awareness raising of a need to establish certain conditions in "humanizing" wars¹. On a grim daily basis during the Middle Ages, crossbows, for example, were considered treacherous, diabolic, deadly weapons unworthy of a Christian warrior. Anyway, the manners of an era confer the moral content of the respective era. Thus, not even condemning the use of this kind of weapon by the Council of Lateran in 1139 constituted an impediment in their use.

¹ Marcel Stănculescu, Mihai Floroiu, *Drept International Public*, Ed. Paralela 45, Pitesti, p. 18.

The procedural formalism of declaring war was maintained for a long period of time, being extended to the feudal era. It took the form of throwing the gauntlet or of sending a provocation letter through a herald.

Medieval armed conflicts also had restrictions regarding the moment of carrying out the actions: fights were carried out only during winter (with little deviations in the 15th century), there were no fights during rain falls or and at night. In order to prevent the numerous armed conflicts, the Church intervened by establishing "the peace of God", which forbade any wars during certain periods of the year (Christmas and Easter fasting), or on certain days of the week: starting Friday evening and lasting until Monday morning, then, later on, from Wednesday evening until Monday morning. After a short period of time, the Church tried to create "Leagues of peace", meant to fight against turbulence factors, against peace violators, therefore sanctifying those knights who committed themselves to Church banners in order to bring this moral fight to the battlegrounds before turning the others to fight against the unfaithful"¹.

Imprisonment in the Middle Ages depended mostly on the social status of the person taken into captivity. In the case of knights and noblemen, "The Code of Honour" was in force, generating adequate treatment aspects and allowing ransoms or conditional release. In the case of ordinary combatants, for whom no ransom could be obtained, and whose rudimentary equipment did not present any interest for the winning side, they were taken into captivity, most of the time being massacred, and sometimes released as a result of prisoner exchanges.

Extremely complicated also was the situation of people wounded in battle, this being due to the lack of regulations in this field. Most of the wounded died on the battlefield or were prey for robbers.

During the medieval period, the whole wealth of an enemy (private or state) could be captured by the other armed opponent. At that specific moment, fully equipped troops would destroy the goods that could not be transported. The spoils of war were considered to belong, initially, to him who captured it, subsequently being distributed according to the orders of the commander. In this way, medieval war could be compared with an ensemble of robbery and brigandage.

During the Middle Ages, slowly but surely, the foundations of neutrality institutions and demilitarization are established. Concerning

¹ Jean Flori, *Război sfânt, jihad, cruciadă. Violență în creștinism și islam*. Chișinău, Cartier, 2003, p. 152.

demilitarization, we allege certain historical data, like the demilitarization of roads and bridges in the Pyrenees during the reign of Luis XI and the conclusion of the treaty of 1379 between the Teutonic Order and Lithuania, regarding the demilitarization of certain border areas.

Also worth mentioning is the artillery, which appeared during that time, and which, initially, did not play an important role during wartime. The artillery would intervene in very rare cases, especially when the military actions were carried out according to a predetermined scenario. It is easily understood that the losses caused among enemies were too insignificant, that the artillery pieces were hard to move across the battlefield and that they had a low pace of shooting, being easily destroyed by the enemy. Later on, medieval artillery proved to be efficient sometimes in the case of sieges of fortified cities, opening large gaps in the city walls.

Within a broader context, it should be noted that, at the end of the 15th century, the artillery becomes a fearful and decisive force in determining the odds of the battle. The beginnings of its development are partly explained by the fact that this type of weaponry becomes mobile because of the common use, in harmonious and undividable synthesis, of its carriage and wheels. It must be mentioned that, starting then, the cannons are built from an alloy predominantly composed of bronze, and that metal, cast iron or textile soaked in sulphur projectiles are launched at enemy troops. In the restricted framework in which we presented the tactical-strategic role of the artillery during this period, we should state that there was a considerable increase in war costs, expenditures that were incurred by the lower classes of society. We should also recall the special place of individual firearms (the musket, harquebus, etc.) which, in time, became more and more frequently used by the military forces, thus starting to have an increased influence over the consequences of military conflicts.

With a distinction of background and shape of military organisation, the emergence of permanent firearms in medieval states was mainly due to the following cumulative conditions: the existence of regular and stable military structures; ensuring an undisputable superiority through the number of permanent troops; granting advanced safety in connection with temporary movements; the existence of a large number of individuals willing to dedicate their lives to a military career; the existence of sufficient financial resources.

The 14th and 15th centuries mark the end of a series of treaties which regulated neutrality issues, including clauses about renouncing to provide military aid to the parties involved in the armed conflict.

3. Muslim Influences on "Humanizing" the War

Despite the fact that they were Christian, there was a time when some European states used to conclude alliances with the Muslim world to the detriment of co-nationals or of neighbours. Within the narrow framework of the study carried out, we must highlight the treaty between Pope Innocent the 8th and Bayezid, the alliance between Francis the 1st and the Turks to the detriment of the German empire and of Carol Quintus, the agreement of Carol Quintus with the Muslims of Alger and Tunis etc.

Islam exercised a strong influence on the development of international humanitarian law during the historical period under the lens here.

In the Middle Ages, the doctrine of Muslim law abided by the belief that war is restricted to men, with women and children under the age of 15 not allowed to participate in military actions; moreover, the latter could not be taken prisoners. Also excluded were the ill, the elderly, the crippled, the poor and the hermits. The Mohammedan law had 5 "fair" war principles: the fight against the unfaithful, the fight against those who separated themselves from Islam, the punishment of those who did not agree with the interpretation of the Koran; the fight with Christian warriors¹. We must also mention the holy war (jihad), defined as "a duty of the Muslim community, who had to fight against the unfaithful and to spread Islam. He who dies in such a war goes directly to Heaven, without awaiting Judgement Day. The unfaithful must first be trained and invited to join Islam. If they refuse, war must be brought against them. Their surrendering without conversion leads to a treaty according to which the defeated party keeps their goods, religion and customs, but have to pay a certain tax. If they resist and are then defeated, they become property of the victors, with all of their goods. The Muslims can kill them, can transform them into slaves, can abduct their women and children, etc. By means of such "holy" wars, the Muslims managed to spread Islam and to create two of the biggest empires the world has ever known, the Arab Caliphate and the Ottoman Empire². Jihad was allowed "even before its doctrine was established, at least in the collective mentality of the Muslims from the time of the Prophet. The order to fight against the unfaithful "polytheists" from Mecca was very clear: "When the sacred months come to an end, kill all the

¹ Баскин Ю.Я., Фельдман Д.И. История международного права. М., Международные отношения, 1990, с. 77.

² Diac. Prof. univ. Dr. Emilian Vasilescu. *Istoria religiilor*. Ediția a III-a. Editura Didactică și Pedagogică, R.A. București, 1998, p. 165.

polytheists wherever you may find them" (Koran IX, 5). Only repentance, the acceptance of Muslim prayer, and paying Islamic taxes could relieve them of an attack..."¹. Under the given conditions, "any armed resistance against the warriors of Allah positions their enemies in the camp of the unfaithful, assimilating them at the same time, regardless of their religion, to enemies of God, liable for death. Moreover, if they surrendered and accepted to be governed by the victors... they had the right to live protected, as *dhimni*: second rate citizens, but citizens nonetheless. The pagans had no town privileges: for them, there was conversion or death"².

War could be declared by the head of the state or by other people in his service. If not, it lost fairness. It was mandatory, when declaring war, to have pre negotiations, meaning that an ultimatum had to be given and the opponent allowed to respond.

Initiating a military dispute ended all the treaties previously concluded, with the exception of the cases when various provisions had been made. Non-believers – subjects of the Islamic state – were considered enemies and commerce with them was illegal.

What is valid for Muslims, by comparison with Christians, refers to the restricted social island of damages and injuries caused by war actions. If we look at things from a historical point of view, we shall see that the actions of the Muslims are more transparent and untainted with innocent blood in regard to the banishing the Christian armies out of Jerusalem by Dadah-ad-din, on 27 September 1187. Re-conquering the holy city was not accompanied by massacres, proof of loyalty and humanity. Normally, people taken prisoners were not subjected to torture; they were sold as slaves or released after the suitable amount was paid as ransom. The defeated party, who embraced the Islamic religion, were guaranteed their lives and inviolability. Otherwise, after a victory or capitulation, the wealth of the defeated became spoils of war, and the 5th part of it was sent to the high rulers. War stopped after conquest, as a result of the peace treaty, or by paying the contributions, which practically had the character of temporary truce, because there could not be a continuous peace between Muslims and Christians. It is considered that the duration of the truce could not exceed 10 years, because this was the period of the first peace treaty concluded by Mohamed himself. Later on, this deadline was not so strictly respected, peace lasting more if it was in the interest of both parties.

¹ Jean Flori, *op. cit.*, p. 92.

² *Ibidem*, p. 104.

4. Armed Conflicts in Romanian Provinces

According to a series of autochthonous historical sources in the field under investigation, we find fragments out of which we can select numerous data about the specifics of achieving armed conflicts in the Romanian states during the early stages of our evolution. They contain convincing evidence about the existence of rudimentary, un-carved and un-codified norms of rightful war. In the first half of the 15th century, for example, they already contained data referring to the completion of treaties between Moldova and the neighbouring states: “Alexandru Vodă says the chronicle, became friends with the Polish people just in case they needed each other’s help. It proved to be a right decision since the Polish needed the help of Moldova to fight against the Cossacks in Prussia, and Alexandru sent Moldavian cavalry who proved to be very brave in combat¹. Most of the time and with all the appearances of unity, the treaties between states that the medieval Romanian countries were part of did not manage to create durable political-military alliances. However, they remain a very important part of our history. There is a huge documentary database which contains the clauses, the conditions and the interests (frequently contradictory) pursued through concluding peace treaties or alliances. Despite the narrow framework of the present study, we aim at underlining a number of agreements in which the Romanian medieval states were directly involved, evidencing themselves through various specific features. We especially focus on the following: the first important continental anti-Ottoman coalition of Nikopol, 1369; the peace treaty between Moldova and Poland of 1459, which was meant to end the bloodshed between the two countries; the help Moldova received from the king of Hungary, with military forces which participated in the battle of Vaslui; the Russian diplomatic support offered to Moldova by weakening the power of the Tatars and preventing Lithuania from participating in the war carried out by the Polish king against our people in 1497; making peace and concluding an equal alliance treaty between Moldova, Poland, Lithuania and Hungary as a result of the victory obtained by the Moldavians at Codrii Cosminului etc.

At that time, when harassment had become legal, and war was a trifle based on the principle *al-or-nona* (all or nothing), treaties and norms – so called juridical – on which the relationships between countries were based, varied according to the selfish interests of the noblemen and the moods of the king. There is no wonder that often the chaos of medieval wars was

¹ Grigore Ureche. *Letopisețul Țării Moldovei*. Studiu introductiv de E. Rusev. „Cartea moldovenească”, Chișinău, 1971, p. 76.

breaking the rules of messenger's inviolability. Stefan the Great used to cut the noses and poke the eyes of the messengers who were sent by the Sultan to collect annual taxes, and Vlad Țepeș used to impale them.

5. Moldovan Permanent Army of Stephen the Great

The permanent army that some countries had was also used by the Moldavians, excelling in the time of Stephen the Great. From a military point of view, it was composed of: courtiers (servants); noblemen with their own troops; the mass of peasants and town dwellers. The courtiers (servants) were selected from among the small noblemen and from among the peasants who distinguished themselves in battle, and were divided into two categories: the braves and the sturdy. The braves were cavalry, and formed the personal guards of the king. During peace time, their duty was to guard the king and the royal court, and during war time they were the elite cavalry, being well armed, disciplined and trained. The sturdy were the infantry, and were called to arms only in case of great danger. The noblemen came to battle together with their troops, on the king's request. The peasants constituted the nucleus of the infantry, being armed, and were also summoned by the king. The merchants took part in defending the fortress, becoming part of the artillery and the infantry. There is another category of Moldavian fighters - who was sent to guard the frontiers in exchange of some privileges awarded by the king. The military service was mandatory for all Moldavians capable to carry arms, because external threats endangered the existence of the country and its people.

It must be noted that, starting with the second half of the 15th century, the Moldavian army was composed of cavalry, infantry and artillery. The cavalry was of two types: light and heavy. The former was comprised of peasants, used in searching the area, following and harassing the enemy, and for manoeuvres. The light cavalry could also act as infantry, leaving their horses during the battles. The heavy cavalry included noblemen and the brave. It was better armed, carried out manoeuvres, large offensives from behind and from the flanks of enemy lines, waiting for the king's order to engage at the critical moments of the fight. It must be mentioned that, "as the military techniques, the diversity and range of firearms evolved, in the 16th century 'the big army', became inoperative because of the lack of equipment and training of the whole population. The emphasis was on widening the permanent court army, and on diversifying the military specialisations within it; therefore, the guilds of cavalry, infantry

(dărăbanmi or dorobanți) appear, together with the artillery and the search-division forces (hînsarii) etc.¹

An important military reform rests in the hands of Stephen the Great, who introduces the artillery within the army. The given reform draws attention, among other things, because he reduced the importance of the military role of the noblemen and increased the offensive and defensive capacities of the Moldavian armies.

Much later, under Ottoman rule, an era of great torments and regress followed, enforcing a series of mutations, mainly in the army sector. Many rulers "being defended by wars with their neighbours through Turkish protection, did not manage the army, because during peace time there is no need of an army, and, due to the fact that administering an army is difficult, this allowed for the limitation of the number of soldiers, while soldiers lost their former bravery"².

According to all written and unwritten laws, war is war. According to their origins, wars differ in character. In our history, for example, Stephen the Great always followed certain rules; war was led by certain principles, which subsequently remained valid, naturally changing their content, according to the development manner of fighting and of the military forces³. Traditionally, we have always sustained that most of the national wars had defensive purposes, where Moldavians used bows, spears, axes, swords, broadswords, maces and rifles – which were called "sineață" – or they used scythes, axes or "fușturi"⁴. We are not mistaken if we say that, sometimes, some of these wars were carried out of interest, with the purpose of acquiring wealth and slaves according to the documents stating that "Stephen the Great rose with all his power against the ill deeds of the Hungarians, when they arrived in Baia, so he travelled to Transylvania, where he plundered, enslaved and burnt the Székely Land"⁵. The purpose of obtaining spoils of war is also described in another chronicle: "many

¹ Istoria militară a românilor (culegere de lecții). Editura Militară, București, 1992, p. 139.

² Dimitrie Cantemir, *Descrierea Moldovei*. Chișinău, Cartea Moldovenească, 1975, p. 130.

³ Colonel Ion Cupșa, *Arta militară a moldovenilor în a doua jumătate a secolului al XV-lea (Ștefan cel Mare)*. Editura Militară a Ministerului Forțelor Armate ale R.P.R. București, 1959, p. 134.

⁴ N. Bălcescu, *Puterea armată și arta militară la români*. Studiu introductiv, selecția textelor și glosar de Anatol Ghermanschi. Editura Militară, București, 1990, p. 67.

⁵ Grigore Ureche, *op. cit.*, p. 89.

damages did King Mihai do to the Turks across the Danube, burning and plundering their villages and towns close to Pravadiia”¹.

During these wars, the defeated were not treated humanely. If they were not killed, they became prisoners and were subsequently enslaved: “Stephen the Great attacked them with his army, on August the 20th, fighting with bravery; he killed most of them and enslaved the rest, taking everything from them”². A similar situation is the one during the reign of Vasile Lupu: “Many Tatars died, and many were taken slaves, the only ones who remained free were the ones who ran from the battlefield”³. In Moldova there was no regulation about war prisoners, or about non-belligerent people (women, children and merchants). This does not mean that death was always the only option for the defeated. From the available documents, we conclude that “the Tatars, with all the spoils of war and a large number of Moldavian prisoners, were retreating towards the Dniester. Arriving in the Lipinți grove, they found the way blocked by the Moldavian cavalry. There was a bitter fight and the Tatars were destroyed almost completely. The son of Khan was taken prisoner...”⁴. In support of the same hypothesis, there is another text from the chronicle of Grigore Ureche, where we find out that, during the battle of Podul Înalt (Vaslui), Stephen the Great “captured the son of Isac Pasha alive and then set him free...”⁵. Wars were becoming a machinery for getting prisoners, a factory of slaves to the advantage of the winning side: “Stephen the Good, together with his son Bogdan fought the Polish many times. They took many prisoners from Poland and they used them to plough the fields, to sow acorns, to make groves so as to remind them never to come to Moldova again”⁶.

A series of scientific-literary documents describes in detail the institution of slavery during Ion Vodă: “...all those who harmed the defeated enemy were punished by the judge, who put them under inquiry. ...It seems that the prisoners were treated more humanely, although sometimes they were forced to enrol in the enemy army”⁷. The present research shows cases of

¹ Miron Costin, *Opere. Letopisețul Țării Moldovei și altele*. Ediție critică cu un studiu introductiv, note, comentarii, variante, indice și glosar de P. P. Panaitescu, 1958, Editura de stat pentru literatură și artă, p. 48.

² Grigore Ureche, *op. cit.*, p. 90.

³ Miron Costin, *op. cit.*, p. 131.

⁴ Ion Cupșa, *op. cit.*, p. 61

⁵ Grigore Ureche, *op. cit.*, p. 94.

⁶ Ion Neculce, *O samă de cuvinte. Letopisețul Țării Moldovei*. Editura “Cartea Moldovenească”. Chișinău, 1969., p. 63

⁷ *Arta militară a moldovenilor în perioada domniei lui Ion Vodă „Cel Cumplit”*. Editura Militară a Ministerului Forțelor Armate a R.P.R. București, 1959, p. 35.

the massacre of war prisoners in the given period of time. We will make special reference here to the battle of Tighina of 1574, when "...the commander of the Turkish army was taken prisoner, and offered in return for his release, six times his weight in gold and silver. The Moldavians did not agree to his proposal and killed him." ¹.

It must also be noted that, during Ion Vodă's reign, mercenaries appeared in the Moldavian army, and people who "bring children to the army"² are punished.

In what concerns the wars carried out by the Romanian medieval states, we encounter cases that signal the use of war cunning. Such cunning techniques are relatively numerous, but we shall focus on the case of king Bogdan, son of Alexandru the Good, who managed to slow the Polish armies down by making peace propositions and then, on 6th December 1450, he organised a surprise attack and crushed the enemy army at Crasna village.

Robberies, interest and destruction are the markings left along the years of war carried out by the Romanian countries, continuing until the end of the 16th century. There are some parts that cast shadows upon the military campaigns of King Mihai in the Bulgarian countries, where "they attacked and returned with 150 carts of possessions, also taking prisoners from the Turkish population, including women and children. They stayed there for three days, torching and destroying the city (Baba city - our own entry V. Rusu)"³. Paradoxically, but also during the time of Mihai the Brave, there are feeble attempts at forbidding robberies from happening during military campaigns: "...When entering Moldova in 1600, Mihai the Brave commanded his armies to shoot all the Transylvanians who were caught robbing, while the Romanians were punished only by beatings"⁴.

The history of Romanian wars includes cases of total massacres of the defeated: "...King Radu lost the war and his side suffered greatly, all were cut down and all the flags were taken and all the brave warriors who were caught alive were cut down ..." ⁵ and, "...king Stephen, with his hired army, hit them on Thursday, and it lasted ten day ..., many died and many were caught and killed by the infantry"⁶.

¹ *Arta militară a moldovenilor în perioada domniei lui Ion Vodă „Cel Cumplit”*. op. cit., p. 54.

² *Arta militară a moldovenilor în perioada domniei lui Ion Vodă „Cel Cumplit”*. op. cit., p. 35

³ Nicolae Bălcescu, op. cit., p. 184.

⁴ *Ibidem*, p. 30.

⁵ Grigore Ureche, op. cit., p. 91.

⁶ *Ibidem*, p. 94.

During the military operations within the territory, sometimes not even the holy sanctuaries were spared: "Timuș, as soon as they arrived at the citadel, on the second day they started robbing the monasteries; the first one robbed, using rifles, was Dragomirnei monastery. They gave them all the riches; nevertheless, they robbed all the merchants and noblemen, the Cossacks raped the women and the girls, and they plundered the monastery"¹. Along these lines, we can mention the fact that "...the lead that was used to cover Putna monastery was taken by the Cossacks led by Timuș, the son-in-law of Vasile Vodă, and they took it to Suceava, where they made bullets out of it, to defend the Suceava citadel from Gheorghie Ștefan Vodă"². We have data about the wars carried out on our territory, during which neither the women, nor the children of the enemies had inviolability. Thus, during the Moldavian war campaign over the Tatars in Bugeac: "... they cut and burnt everything... they cut all the fat Tatar women and impaled all their children"³.

None of the soldiers of the Romanian army wounded on the battlefield were given any medical help. The historical records show that, during the battle of Mirăslău, "two miles from the battlefield, all the fields and roads were full of dying and dead people"⁴. In Moldova, until Ion Vodă's reign, "the military service was improvised; weakly organised, it was unable to do anything, which is why most of the wounded could not be attended. It is important to mention that, in the 16th century, the first hospitals were established"⁵. Desertion is an issue related to the wars in Moldova during Vasile Lupu's reign, when it was punished by "first taking their weapons, then all were imprisoned together with their leaders, some of them were sent to the salt mines, and others were inflicted other forms of punishment."⁶

We must not overlook the important information about issues related to war and peace encountered in the writings of some remarkable authors from the medieval Romanian space. The most important to mention are Neagoe Basarab, Nicolae Milescu Spătaru, Dimitrie Cantemir.

¹ Miron Costin, *op. cit.*, p. 159.

² Ioan Neculce, *O samă de cuvinte*. Editura de Stat a Moldovei. Chișinău, 1956, p. 28.

³ Ion Neculce, *op. cit.*, p. 121.

⁴ Nicolae Bălcescu, *op. cit.*, p. 278.

⁵ *Arta militară a moldovenilor în perioada domniei lui Ion Vodă „Cel Cumplit”*, *op. cit.*, p. 34.

⁶ Miron Costin, *op. cit.*, p. 134.

6. Rules of Conflict in Others Regions outside Europe

Rules of carrying out wars can also be found in the history of certain populations from outside the old continent, Europe. The economic base of the Aztec empire was mainly composed of spoils of war. The monarch did not administer the conquered territories himself; he left them to administer themselves, being satisfied to receive tribute, which included especially men to be used in ritual sacrifice¹. The crowning of the new Aztec monarchs was always accompanied by sacrifices of war prisoners, "starting with the ones personally captured by the new monarch himself"². They considered that "the only option to obtain victory was to sacrifice as many prisoners as possible"³. In the Aztec empire, at the beginning of the New Year and of the new century (the Aztec century was 52 years long), a lot of blood had to be spilled. This is why, during fights, the purpose was not to kill the adversary but to capture them in order to be later sacrificed. There were wars which were started only to satisfy the need for prisoners. When there were no prisoners, warriors themselves offered to be sacrificed on the stone block. Out of all the sacrifices, one had a special symbolic value, being some sort of great Roman Saturnalia. A prisoner was taught by eight priests for about a year how to live like a king. He was given four wives out of the most beautiful girls and was worshipped like a true monarch. On the day of the sacrifice, he was led to the temple, with many followers, where he said goodbye to his four wives and to the eight priests⁴.

In the case of the Aztecs "the ransom of a prisoner was unknown, no matter who he was and no matter the price offered for his ransom. For the Aztec warrior, capturing prisoners all by itself became the sole purpose of the battle; it brought military and social prestige – and implicitly benefits and privileges. A higher rank in the society could not even be obtained by the monarch's son if he did not take any prisoners of war. The honours were gradual: after the Aztec took two prisoners, the monarch offered him in return an orange cape, a belt buckle in the shape of a scorpion and the right to wear printed or embroidered clothing. But only after he captured four prisoners was he awarded the title of "absolute warrior", and from that moment on he became part of the military class"⁵. It is very

¹ Ovidiu Drimba, *Istoria culturii și civilizației*. Vol. II, Editura SAECULUM I.O., Editura VESTALA. București, 1998, p. 181.

² Ovidiu Drimba, *op. cit.*, p.182.

³ Ovidiu Drimba, *op. cit.*, p.183.

⁴ Ion Ghinoiu, *Vârstele timpului*. Chișinău; Știința, 1994, p. 125.

⁵ Ovidiu Drimba, *op. cit.*, p. 186.

interesting and significant that “prisoners from the nearby regions were preferred, prisoners who did not arrive weak and exhausted. That is why the Aztecs made wars specially to capture future victims. These wars were called ‘bloomed’ or ‘holy’ wars and caused horror to neighbouring peoples...”¹.

The Aztecs followed a certain procedure in starting military actions. Thus, emissaries were sent to the tribes which were about to be subjected, with the proposition of joining the Aztec empire had the obligation to pay an annual tribute. The answer had to be presented in 20 days, and if it was a negative one, a war council would be summoned to determine the starting day of the military operations. During the military actions, the Aztecs did not have as main objective the destruction of cities or the massacring of the population; they only wanted to obtain the desired territories.

The Inca civilisation also imposed itself by special military actions. The final purposes of these actions were robberies, destruction and war prisoners. They avoided the destruction of cities and the blind massacre of the defeated; they only set the quantum and nature of the tribute they would receive following their victory.

The Maya civilisation had different objectives. For them, wars were a way of obtaining prisoners who would subsequently become slaves for life, property of the conquerors. In almost all cases, war prisoners with high ranks were immediately sacrificed. Sometimes, they ate pieces of meat from the body of the sacrificed person if the latter was considered to have been brave or if he had great physical characteristics.

In the military history of medieval China, we can observe that the most efficient of all weapons and fight methods used were deceit, espionage and threatening to completely destroy the city or the total destruction of the population. The judicial Chinese documents condemn the wars started without justification. As part of the international relations practiced by the Chinese, the solving of litigious problems was done at a forum called “The Congress of Monarchs”, with representatives (considered some sort of ambassadors) used in preparing the forum and in finding the solutions.

It is incontestable that war in Japan was thought initially to be an occasion to show personal bravery. It was proved that, starting with the 13th century, the ideal of war degenerated, and they began to use poisoned arrows, prisoner torture and espionage services. There was the presupposition that war transformed itself into a hunt for people, within which the reward was

¹ Diac. Prof. univ. Dr. Emilian Vasilescu, *op. cit.*, p. 57.

directly proportional to the number of fallen heads. In case of defeat, collective suicides would be organised, where hundreds of warriors, vassals and servants died.

7. Short Conclusion

We therefore conclude that, during the Middle Ages, humanitarian law imposed itself only through rare elements which later formed the basis of the laws in force today.

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