

Law by treaty In ancient times war was not subject to any control other than that exercised by the combatants themselves, and any limitations that they might have placed on their own actions on the battlefield would have been due to military necessity rather than any belief that to attack civilians or to kill prisoners of war was wrong let alone illegal. The Viking invaders in the 11th century, for instance, knew no concept of sparing the civilian population from attack or pillage, and they did not generally protect and release captured enemy combatants. In 1625 Hugo Grotius wrote *On the Law of War and Peace* (*De Jure Belli ac Pacis*), in which he explored the basic principles of the humanitarian treatment of the victims of war. And there was no reason why they should: no treaties prohibiting brutal acts in battle had been negotiated between states, nor had there developed a uniform practice among states that considered themselves civilized to avoid such conduct. In order for such norms to develop, there had to come into existence a belief shared by a number of independent states that some limits should be placed on the methods and means of war among themselves—especially if wars were to be fought between Christian states.