1 Introduction
Focus and Framework

The logic of historical understanding binds together the three topics discussed in this volume – surrender, prisoners of war, and wartime detainees. Surrender by states, by specific military units, and by individual uniformed combatants ends fighting by the submission of one adversary to another. Surrender can lead to the defeated forces becoming the prisoners of the victors. Historically, the negotiations and documents of surrender and capitulation deal explicitly with the treatment of prisoners of war as essential aspects of capitulation. The conditions of these prisoners of war can vary in severity and duration, but prisoners subject to their adversaries they are. In conventional regular warfare, the surrendered combatants are engaged in open warfare, easily identified as enemies. In contrast to this, insurgencies are conducted by irregular combatants who are usually hard to distinguish from the general population. Insurgency as a form of warfare has a long history but it has been particularly important in the era following the two world wars. Part of insurgents' defense is to merge into and emerge out of the civilian population. Insurgents are more likely to be taken by seizure than by surrender. Searches and sweeps intended to capture such "civilian combatants" inevitably seize many more individuals by mistake, misperception, or indiscriminate tactics. Once captured, detainees are confined and treated much like prisoners of war, as recognized by the laws of war. Detainees are, in a sense, a modern equivalent of the more traditional prisoners of war. Causation links surrender with prisoners of war, and the practical similarity links prisoners of war and civilian detainees.

Were this volume a history of surrender alone, the calculation and will of those who decide to surrender would be central to the story throughout. However, as will soon become clear, compulsion and coercion must be added to the discussion when prisoners of war and detainees are added as essential subjects of the study.

My volume is a historical narrative above all, but it also suggests a conceptual framework derived from that narrative. Similar to my past work, including *Battle: A History of Combat and Culture* and *Another Kind*

of War: The Nature and History of Terrorism, I propose descriptive models here to aid in understanding state, military unit, and individual surrender. By introducing descriptive models in this introductory chapter, I hope to clarify my arguments and assist the reader in recognizing alternatives and variety in the historical experience detailed and developed in the chapters that follow. But the fact that I offer them at the start of *Leaving the Fight: Surrender, Prisoners of War, and Detainees in Western Warfare* should not be regarded as indicating that I began with the models and then chiseled Chapters 2–8 to fit them; quite the opposite is true. The historical record came and comes first.

It is my conviction that by bringing together surrender, prisoners of war, and detainees in single integrated study, we learn not only about these subjects but about the evolution of the nature and conduct of Western warfare. Let the reader be my judge.

1.1 Choice and Coercion

The approach to surrender, prisoners of war, and detainees in my study shares some aspects with traditional discussions, but it follows its own path in other regards. Studies of surrender itself emphasize the willful decision to yield and submit to the enemy. In their excellent volume, *How Fighting Ends: A History of Surrender*, Holger Afflerbach and Hew Strachan rather cavalierly bypass defining surrender by stating "Everybody knows what 'surrender' means."[1] The *Merriam-Webster Dictionary* cuts to the chase in its definition, "to submit or yield to give oneself up, as into the power of another." In short, it is a willful decision to "submit or yield."[2] My work recognizes choice, but it also stresses coercion and compulsion as important factors when discussing prisoners of war and detainees.

The existing literature addresses surrender on three levels:

- *the state level*, when a belligerent state ceases fighting and concedes victory to its enemy or enemies;
- *the level of the military unit or command*, from a squad to an entire army corps, when immediate commanders, from squad leaders to generals, surrender their troops to an enemy force, ordering these troops to lay down their arms;
- *the individual level*, when individual soldiers and detainees surrender, or attempt to surrender, themselves.

[1] Holger Afflerbach and Hew Strachan, eds. , *How Fighting Ends: A History of Surrender* (Oxford: Oxford University Press, 2012), p. 1.
[2] *Merriam-Webster Dictionary*, www.merriam-webster.com/dictionary/surrender.

Surrenders of states are negotiated at the highest level and can incorporate a broad range of alternatives, from the utter capitulation of unconditional surrender to the concessions made to the defeated in order to bring the conflict to an end. Surrender of military units involves specific forces yielding to their adversaries, and here again negotiations, or at least official agreements, are the rule in the cases of large units. Decisions are made and actions taken. The most common of such surrenders have historically involved the surrenders of siege garrisons, but unit surrenders at a high level can encompass the surrender of entire armies, as Lee's Army of Northern Virginia at Appomattox. While command choice is key in both state and military unit surrender, the men in the ranks are compelled to comply with the surrender agreements.

The third level of surrender, individual surrender, complicates our understanding. To be consistent with the concepts of state and military surrender, individual surrender should be an act of the individual's will, a choice made by the combatant. Although this does occur in battle, and will be discussed in the following chapters, willful individual surrender rarely accounts for the vast majority of individuals who are surrendered during the course of an armed conflict. I have no precise figures, but most prisoners of war become such not through their own decision but because they are compelled to do so by their own state or military leaders. It is not choice but coercion.

To these prisoners should be added those who without a willful submission were captured when they were incapacitated by wounds or circumstance or overpowered in the field.

Therefore, when discussing prisoners of war, one must leave behind the standard of willful choice, since most of prisoners of war did not personally choose to surrender, although they often had to perform rituals of surrender and submit to the power and authority of their captors.

The role of coercion is even more bald-faced in considering detainees taken and held by an adversary. Characteristically, detainees neither surrendered nor were surrendered by a party at war; they were simply seized by the enemy. Short of perfect miliary intelligence, which is a rare commodity in real war, military units detailed to search for and seize insurgents and the supporters of insurgents will rope in larger numbers than are actually guilty. Safety would seem to come from arresting and holding all suspects rather than taking the chance of letting dangerous insurgents go free.

1.2 Surrender on the State Level

The model in Figure 1.1 highlights four primary aspects of state surrender. First, it emphasizes the interaction between loss, attrition, and the

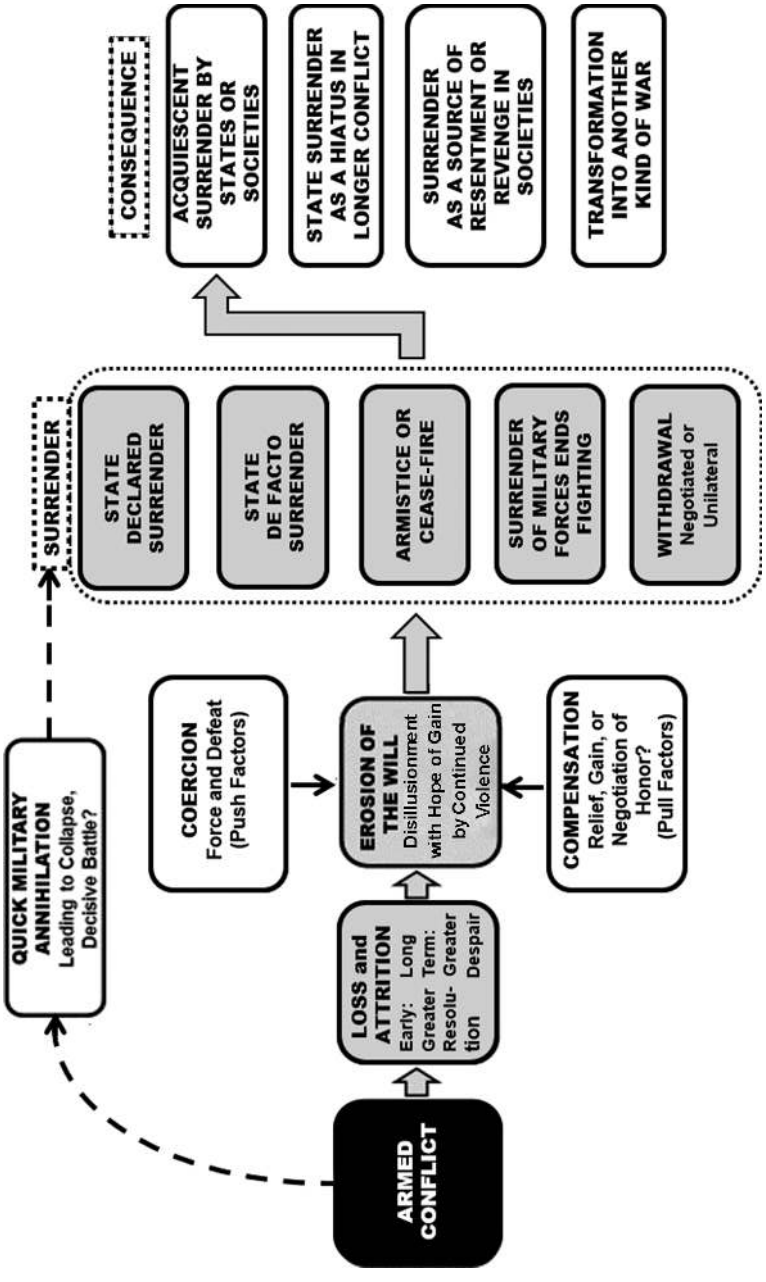

Figure 1.1 Descriptive model of state surrender

erosion of the will. Second, it considers the influences of coercion and compensation on the will and the resignation to surrender. Third, it notes that "surrender" can take different forms, from an outright documentary declaration of surrender to a self-imposed and unilateral withdrawal of one's military forces from the war zone. And fourth, the model notes the fact that surrender can have different outcomes, ranging from acquiescence in defeat to continued violence in new forms. The shaded blocks and arrows constitute the primary axes of the model.

Armed conflict leads to loss: attrition and exhaustion. In his book, *The Allure of Battle: A History of How Wars Have Been Won and Lost*, Cathal Nolan argues that from the close of the nineteenth century through the present day, major wars have virtually all been wars of attrition, won by the side that is richest in resources, not by brilliant generalship or the quality of the troops commanded.[3] Yet sometimes, in the right circumstances, victory has been sealed by great battles or campaigns before the pressures of attrition can take effect. Then defeat and surrender come quickly. The box "Quick Military Annihilation" in the model recognizes this fact. "Annihilation" is used here in the sense employed by the great German military theorist, Carl von Clausewitz. He used the term to mean the annihilation of the enemy's will, not utter physical destruction. Historically, such defeat characteristically comes through "decisive battle," so spectacularly represented by Napoleon's victory at Austerlitz in 1805.[4] It resulted not only in the defeat of Austria and the humiliation of the Russian army, but it also, through the Treaty of Pressburg, brought an end to the Holy Roman Empire. But resolution of combat through early and decisive campaigns is very much the exception, not the rule. And what may seem to be rapid conventional triumphs, as in the Iraq War during March and April 2003, can bring not peace but rather continued violence of a different kind, as will be seen in Chapter 8.

Returning to loss, which plays such a critical rule in the graphic model here, it is critical to recognize that loss operates in two distinct ways. In the short run, loss can reinforce the moral will to continue fighting. Those killed and wounded create an obligation for others to redeem their sacrifice and suffering by continuing the war in pursuit of victory.

[3] Cathal Nolan, *The Allure of Battle: A History of How Wars Have Been Won and Lost* (Oxford: Oxford University Press, 2017).

[4] Of course, crediting Napoleonic "decisive victories" as war ending comes down to a certain conception of the Napoleonic wars. Were they individual wars or part of a longer struggle, a kind of "Twenty-Three Years War"? See the treatment of Napoleonic warfare in my "International Rivalry and Warfare, 1700–1815," in T. C. W. Blanning (ed.),*The Short Oxford History of Europe: Eighteenth-Century Europe* (Oxford: Oxford University Press, 2000), pp. 178–217.

As Fred Iklé observes in *Every War Must End*, "Related to … reasons for prolonging a war is the fact that, after months or years of fighting, many citizens will come to feel that the outcome of the war must 'justify' past sacrifices."[5]

However, in the long run, attrition and exhaustion wear down an overmatched adversary. As further loss without the hope of victory becomes unacceptable, the pragmatic adversary capitulates. The notable defense intellectual, Edward Luttwak, who has been likened to Machiavelli, argues that attrition should be allowed to run its course, leading to the resolution of armed conflicts. In his sharp-edged article, "Give War a Chance," published in *Foreign Affairs*, he even opposed humanitarian interventions because they only prolong the agony and forestall the conflict-ending effects of attrition.[6] As distasteful and heartless as it is, his brutal article sticks in the mind as a stark exposition of attrition's ability to force surrender in the long run. Hope gives way to disillusionment.

The will is central to warfare. Clausewitz defined war as "an act of violence meant to force the enemy to do our will."[7] Again, Clausewitz pointed to "the will that moves and leads the whole mass of force." [8] Will is resolution and determination based on calculation and emotion. Yet, the fact that will derives from both calculation and emotion creates a tension. Rational calculation of interests might lead to the conclusion that there is little to gain and much to lose by continued fighting. However, the emotional commitment to the fight, growing out of (1) the desire to justify one's losses or avenge suffering, or (2) the compulsion to avoid the shame of defeat, can make a cease-fire or surrender unthinkable. Emotion is entwined with conceptions of honor; and honor, although lofty, can also lead to irrational willingness to endure and inflict violence. Consider the state of affairs by December 1914 in World War I. The war plans of the great continental powers had failed. Europe would have been well served if the adversaries had relented and returned to the *status quo ante bellum*. But it was unthinkable – too much honor was at stake. But mounting losses on the battlefield and the sheer attrition of sustaining a war can erode the will in the long run, as they did 1915–18, or in Vietnam, 1964–73. At some point it becomes clear that continued

[5] Fred Charles Iklé, *Every War Must End*, rev. ed. (New York: Columbia University Press, 2005), p. 12.
[6] Edward Luttwak, "Give War a Chance," *Foreign Affairs* 78, no. 4 (July/August 1999), pp. 36–44.
[7] Carl von Clausewitz, *On War*, trans. and eds. Michael Howard and Peter Paret (Princeton, NJ: Princeton University Press, 1984), p. 90.
[8] Clausewitz, *On War*, p. 184.

fighting will simply increase, not avenge, losses, and the frustration and sorrow of useless loss overwhelms the shame of yielding to the enemy.

War is violence – force and the threat of continued force – so, obviously, coercion is at its core. In the models of state and military unit surrender presented here, coercion is a "push" factor, meant to drive a foe toward surrender. In conventional warfare, sucessful coercion can be a matter of amassing enough power to overwhelm or threaten to overwhelm the adversary. Surrender becomes a way of avoiding the destructive force of the enemy. Yet in wars of counterinsurgency, ill-considered resort to coercive force can redound against those who are guilty of it. Such violence wins support and converts for the enemy among the very population that the counterinsurgent is trying to win over.

In contrast to the "push" of coercion to impose surrender, the "pull" factors of compensation encourage surrender as a lesser evil than continuing to fight a losing struggle. Western traditions of honorable surrender systematized in codes of chivalry, and later democratized and generalized in practices and laws of war, have offered promises of survival, security, and honor to those who yield in battle. Victors can ease their enemies' acceptance of defeat and surrender through real and symbolic incentives.

Here, granting conditional, as opposed to unconditional surrender, can be very important.

1.2.1 Five Forms of State Surrender: State-Declared Surrender, State De Facto Surrender, Armistice, Surrender of All Military Units, and Withdrawal

Once a defeated, exhausted, or disillusioned state engaged in warfare opts to end the fighting by yielding to the enemy's will and demands, the warring adversaries traditionally negotiate an agreement – a "peace," a treaty, or an armistice. This has been the general pattern of Western surrender from Middle Ages through World War II. As will be seen, this pattern altered significantly for the great powers after 1945.

1.2.2 State-Declared Surrender

For most Americans, the iconic image of surrender comes from the end of World War II, with Douglas MacArthur presiding over a ceremony on the deck of the USS *Missouri* during which the defeated and humiliated Japanese explicitly conceded their unconditional surrender to the victorious allies on September 2, 1945.[9] This was unquestionably what I call

[9] For the Japanese Instrument of Surrender see www.archives.gov/milestone-documents/surrender-of-japan.

here a "state-declared surrender," with explicit language as brutally sharp as a bayonet. In fact, this form of surrender, with the explicit declaration of surrender, is most associated with unconditional surrenders of Germany and Japan at the end of World War II. The documents signed at that time were literally entitled "Instruments of Surrender." However, such utter capitulations, while dominant visions of surrender, are also nearly unique. Even the explicit declaration of "surrender" of any kind in the wording is, indeed, rare. The strictest parallel to the unconditional surrenders of Germany and Japan in 1945 was the "Instrument of Surrender" signed by the Italian government in September 1943.[10] There are other more recent examples, notably the Pakistani "Instrument of Surrender" at the end of the brief Indo-Pakistani War in December 1971 and the "Instrument of Surrender" that ended the Falklands War in June 1982.[11] For the most part, the word "surrender" is missing from even the most one-sided treaties and "peaces" that end wars in Western history. If "surrender" occurs it usually applies only to one side giving up possession of specific territory.

If declared surrender is so rare, why grant it its own category? There are three reasons. First, it is an important category of surrender that must be discussed, although it is far more more prominent in regard to the surrender of military units than of states. Second, despite its rarity, unconditional declared surrender stands out as ending the greatest, most deadly, war in human history, World War II. Third, the imposition of such surrender in 1945 is probably the most important debate about surrender in the modern historiography of war. As such, it will be an essential subject in Chapter 6.

1.2.3 State De Facto Surrender

It may come as a surprise to most readers but, most often, treaties ending conflicts between states, in which one state clearly wins serious gains from a from a defeated adversary compelled to accede to the enemy's will, do not include the word "surrender"in the text of the treaty. They

[10] For the Italian Instrument of Surrender, September 29, 1943, see https://avalon.law.yale.edu/wwii/italy03.asp. For the May 7, 1945 German Instrument of Surrender, see www.archives.gov/milestone-documents/surrender-of-germany. For the May 8, 1945 Instrument, or Act, of Surrender see www.trumanlibraryinstitute.org/wwii-75-marching-victory-10/.

[11] For the Instrument of Surrender ending the Indo-Pakistani War see www.mea.gov.in/bilateral-documents.htm?dtl/5312/Instrument+of+Surrender+of+Pakistan+forces+in+Dacca. For the Instrument of Surrender ending the Falklands War on June 14, 1982, see www.iwm.org.uk/collections/item/object/205064253.

are not declared surrenders, but de facto surrenders in this lexicon – surrenders in fact but not in name.

From the Middle Ages well into the nineteenth century, European treaties that register the surrender of an overmatched and defeated state characteristically begin not with announcements of gain and loss. Instead, etiquette required that they should be moderate in formal language and begin by speaking of the return of peace and the maintenance of good relations in the future. Treaties registering defeat are often so complex in their articles that even when one party's losses and submission qualify as surrender, calculating the extent of the loss would require a knowledge of history, a detailed map, and patience.

Also, late medieval and early modern treaties were between rulers as well as states. It could be argued that a victorious sovereign could protect the very principles that underlay his or her own special status and authority by showing respect for another sovereign's similar prestige and power within their own domains. If so, refusing to belittle the adversary as defeated and forced to surrender could be seen as being in the victor's own self-interest. Magnanimity could be advantageous.

In her book *The Art of Surrender* Robin Wagner-Pacifici makes the point that surrender treaties are exchanges based on convergence. Part of that convergence can be the acceptance that, given the circumstances, an end to the fighting is the best course, even if it entails considerable loss for one party. The notion of granting respect to the defeated could be seen as a kind of minimal but necessary exchange. She also argues that exchanges look to the future, perhaps peace and friendship with the war's conclusion related to this.

And, in an entirely pragmatic way, positive words may leave the door open for alliances with a past enemy in conflicts to come. For example, during the War of the Austrian Succession, 1740–48, France allied with Prussia against Austria, but in the Seven Years' War, 1756–63, France fought alongside Austria against Prussia.

As an example of de facto surrender, consider the Treaty of Pressburg, December 26, 1805, registering the defeat and surrender of the Austrian Emperor to Napoleon I after in his victorious campaign. It began: "There shall be, dating from this day, peace and amity between His Majesty the Emperor of Germany and of Austria and His Majesty the Emperor of the French, King of Italy, their heirs and successors, their respective States and subjects, forever."[12] Although this treaty is a dictat by the French, the words "surrender" or "defeat" do not appear. Instead, the Treaty, or

[12] For the Treaty, or Peace, of Pressburg, December 29, 1805, see www.napoleon-series.org/research/government/diplomatic/c_pressburg.html.

Peace, of Pressburg listed territorial and political terms entirely favorable to Napoleon and accepted by the utterly defeated Austrian ruler.

The pleasant language stressing future accord remained characteristic of one-sided peace treaties well into the nineteenth century. In fact, the Peace of Prague, ending the Austro-Prussian War of 1866 entirely in the favor of the Prussians after the ruin of the Austrian forces at the Battle of Königgrätz, began with the old phrases. "His Majesty the King of Prussia and His Majesty the Emperor of Austria, urged by the desire to return the benefits of peace to their lands, have decided to remodel the preliminaries signed at Nikolsburg on July 26, 1866 into a definitive peace treaty."[13]

Yet it is to be noted that the Treaties of Versailles and Frankfurt that ended the Franco–Prussian War in 1871 did not begin with the customary praise of peace to come, but went directly to what France must sacrifice to end the war.[14] When the Treaty of Frankfurt did use the word surrender (*se rendra*), it did so only about the need for the French to give up specific territory, and neither "victory" nor "defeat" appears in the treaties. Nonetheless, it was clearly the result of French military and political de facto surrender.

1.2.4 Armistices

Technically, as stipulated in the Hague Conventions of 1899 and 1907: "An armistice *suspends* military operations by mutual agreement between the belligerent parties"[15] (italics mine). In other words, it is simply a break in the fighting, with the parties being entitled to resume combat after the armistice expires, based on the time limit set in the armistice. A particularly enduring armistice of this type ended combat during the Korean War in July 1953. Because this armistice prescribed that it would remain in force, "until a final peaceful settlement is achieved," and since

[13] For the Peace of Prague, August 26, 1866, see Augustus Oakes, R. B. Mowat, and H. Erle Richards, *The Great European Treaties of the Nineteenth Century* (Oxford: Clarendon, 1918), p. 251, https://www.google.com/books/edition/The_Great_European_Treaties_of_the_Ninet/S64rAAAAMAAJ?hl=en&gbpv=1&dq=The+great+European+treaties+of+the+nineteenth+century&. The kind words of Article 1, "In the future, an everlasting peace and friendship shall reign between His Majesty the King of Prussia and His Majesty the Emperor of Austria, as well their heirs and successors to the respective states and subjects," did not allay Austrian resentment against the Prussians.

[14] For the Treaties of Versailles and Frankfurt see http://gander.chez.com/traite-de-francfort.htm.

[15] See ch. V, article 36 in each convention at http://avalon.law.yale.edu/19th_century/hague02.asp#art36 and http://avalon.law.yale.edu/20th_century/hague04.asp#art36.