Introduction

Wartime Imprisonment in the Twentieth Century

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John Horne

Some subjects can be studied in two senses, for what they are and for what they say about the forces and circumstances that produce them. One of these is imprisonment in a time of war. Even though it has taken time for the theme to become established as a subject of research and scholarly reflection, imprisonment lies at the heart of the experience of war in the twentieth century, with 8.5 million prisoners of war (POWs) during the Great War and up to 35 million in the Second World War (Moore and Fedorowich 1996: 1; Rachamimov 2002: 4–5). Study of the question of wartime imprisonment also allows a reading against the grain, seeing it as a marker that allows us to measure the development of violence over time, gradually determining the nature of the experience of various different imprisonments. I use the plural 'imprisonments' deliberately here because although the figure of the military war prisoner – from whatever branch of the armed services – represents the focal point in this volume, the identity of captives can vary widely and includes civilians. It is appropriate to use the plural 'wars': although the two world conflicts remain the dominant point of reference, the question of imprisonment during other wars is also with us – for example in Kenya, Algeria or Vietnam – in addition to civilians taken hostage during asymmetrical warfare and the terrorist style of conflicts that have raged since the 1970s. The main purpose of this book is to focus on different kinds of war and different sorts of captivity. Both of them, war and captivity, are firmly in the plural.

Practices of Detention in Warfare and International Law

The Third Geneva Convention of 1949 (with the additional protocols of 1977) has shown remarkable stability in terms of the norms it sets out concerning the treatment of POWs in the course of the twentieth century. The principles that were presented in a rudimentary manner at the Hague Convention (IV) of 1907 and, in a more developed form, at the Geneva Convention of 1929 are here reiterated and reinforced. This applies particularly to the regime of protection, which is the prisoner's right and the provision of which is, correspondingly, the responsibility of the country that holds him; the same applies in relation to limits on the work that he can be required to perform by the nation that holds him prisoner. We thus find a reaffirmation of the exemption of officers and the ban on employing soldiers in work that could directly benefit the war economy of a detaining state. The standards of prisoners' medical care and diet are intended to be equal to the provision for the detaining power's soldiers. The same conditions apply to the prisoner's religious practice and contact with his home country (Reisman and Antoniou 1994). In comparison to the earlier texts, the significant difference emerging after 1945 concerns the definition of the combatant. In 1949, this was extended to take in 'organized resistance movements' and, in the 1977 protocol to anti-colonial wars, reflecting in this respect the nature of the wars that had preceded these updates in international law relating to prisoners.

The durability of these principles, which provide the captive soldier with a legal identity and constitution, contrast strongly with other areas of international law relating to the conduct of war. Limitations on new weapons, crimes against humanity and genocide are among the themes and concepts struggling to at least contain – if not master – types of violence that were unleashed in the two world wars. In the case of prisoners of war, on the other hand, a tradition going back to the seventeenth century has established a basic distinction between the soldier and the state of which he is a subject or the citizen, the latter being the juridical person who conducts the war (Overmans 1999; Scheipers 2010). Once he has laid down his arms, the soldier is no longer the enemy and becomes the responsibility of the state that has captured him which, following a principle of reciprocity, is under a duty to provide humanitarian treatment. The recognition in the late eighteenth century of the wounded soldier's right to care marks the foundation of international law governing the soldier's wartime status, in addition to the humanitarian practice embodied in the ICRC (International Committee of the Red Cross), founded in 1864 by Henri Dunant (Moorehead 1998: 1–22).

Within the reality of twentieth-century wars, the gulf that opened up between these humanitarian and legal norms regarding war prisoners was often large, sometimes flagrant, extending to total ignorance. Relatively stable norms can thus represent something like a historical standard against which different treatments can be measured, while at the same time, depending on circumstances, the efficacy of international law and control (or lack of it) in this context can be measured. A simplistic conclusion would be that the absence of international agreements on the treatment of POWs corresponds to less acceptable treatment than when norms are at least recognized, if not applied. The reasons explaining such an absence can vary: the Soviet refusal to sign the Geneva Convention of 1929 was meant as an ideological rejection of 'bourgeois' law, while the absence of agreements governing the wars of decolonization (Kenya, Algeria) stemmed from a refusal by colonial powers to recognize the conflicts as wars. But even in the absence of appropriate conventions, humanitarian norms can be invoked and help from the ICRC requested. Further, simple calculations of utility can have their own influence on the treatment of captured enemy soldiers. Hence the crucial imperative of having a sufficient workforce for economic mobilization: the Battle of Stalingrad pushed Nazi Germany to exploit Soviet war prisoners rather than exterminate them – something naturally contributing to a lowering of their mortality rate (which nonetheless remained extremely high). And in contexts where humanitarian law is supposedly in force, rules can be transgressed and treatment varied. This was particularly the case for POWs during the Great War, at a time when nearly all the major powers had signed the Hague Convention. This diversity of practice needs to be explained.

Nevertheless, throughout the wars of the twentieth century, captivity concerned more than the combatants alone. The 'totalizing' logic of that century's national and ideological wars tended to mean the loss of a distinction between 'combatant' and 'non-combatant', and the consideration of the population as a whole – men, women, even children and old people – as the enemy, either by association or by a form of mobilization (military, economic or political) that tended to become total in itself. With the outbreak of the 1914 war, many civilians living in an enemy country became 'enemy aliens' and were confined in internment camps. The goal was twofold: on the one hand to remove from society an element seen as an 'internal enemy' and, correspondingly, a danger to national security; on the other hand to prevent the repatriation of combat-aged men, who were considered to some extent – both through anticipation and as a preventive measure – as prisoners of war. This logic is open to modification by means of exchanges between enemy states, but only when these are clearly

possible and offer reciprocal advantage. This was the case for POWs who were gravely wounded and civilians without value for the enemy's war effort, who were exchanged with the help of Swiss and Swedish mediation during both the Great War and, to lesser extent, the Second World War. The fate of Japanese immigrants in the United States, who were sometimes American citizens but were isolated in internment camps located in remote areas of America's west from 1942 until the end of the Second World War, attests to a reflex that defined the national body by exclusion, confinement or expulsion in wartime.[1]

Even if it results in a type of captivity similar to that imposed on enemy aliens, the imprisonment of civilians in invaded or occupied countries is different because of its military logic. In general terms of course, occupied populations exist under a measure of confinement;[2] but given that the occupier can hardly incarcerate the entire population it becomes common practice to detain those elements seen as posing a particular danger. During the invasion of Belgium in August and October 1914 the German forces were wrongly convinced that they were facing an uprising by the civilian population. They had recourse to the deportation of civilians under suspicion to internment camps in Germany – a practice that was part of the occupation of north-eastern France and Belgium throughout the war (Horne and Kramer 2005: 257–58). During the Second World War, this (sometimes anticipatory) logic of repression of an occupied population presumed to be hostile was integrated into the Nazi concentration-camp universe; and the Japanese took the same approach to captured European civilians after conquering British, French and Dutch colonies in Southeast Asia (Yap 2012: 317–46).

The legal status of civilian captives was however entirely contrary to that of military prisoners. The Hague Convention IV of 1907 had little to say on the topic, and the ICRC's efforts in the interwar period did not result in a convention equivalent to that of 1929 for military prisoners (Best 1980: 232–33); the protection of civilians in wartime would only be addressed in 1949, in Geneva Convention IV.[3] Although the detention of civilians as a means of supervision and control was not called into question, the transgressions, excesses and extreme violence that had occurred in the Second World War underlined the need to establish protection through judicial regulation of the detention of civilians; Convention IV thus calls for humane treatment in the case of the captivity of civilians for security reasons (Articles 37 and 42) and formally forbids the deportation of inhabitants from an occupied territory to that of the occupying power (Article 49). None the less, civilian detention in wartime continued as a means of control. It only became a directly judicial topic in the wake of the frenzy of violence associated with it during the Balkan war in the 1990s.

This was when, in international opinion, the civilian captive won a degree of visibility that was equal, if not superior, to that of military prisoners.

Military and Civilian Captivities:
Revealing the Nature of War

Examination of the varieties of wartime captivity enables us to understand how war was transformed in the course of the twentieth century – developments that profoundly influenced the experience of the captives themselves, most often despite the moral and legal norms that were in force. I would now like to offer a brief review of four such developments, which emerge throughout this book.

The first development involved the nineteenth century reinforcement of a sense of national affiliation. The laws of nationality, the efforts to control currents of migration, the formalization of resident alien status and the universalization of both education and male military service were all factors that reinforced divisions between different national communities. The stage was set for the emergence of quasi-existential enmities once war had broken out – a phenomenon that occurred overnight in August 1914. The concept of national affiliation as the origin of indestructible loyalty was the basis for the introduction in 1914 of the internment of enemy civilians in what were termed 'concentration camps' (Farcy 1995; Stibbe 2008) (the term 'enemy aliens' was established in the British law of 1905 on immigration control). This followed the same principle as that which operated to protect both civilians in occupied countries and war prisoners from the obligation to work on behalf of the enemy's war effort and against their own national interest; and in the relative indulgence stipulated for military prisoners who tried to escape, an action stemming 'naturally' from their national status.[4] In general, while nationalist logic has led to the maltreatment of prisoners existentially endowed with 'enemy' status, the fact that the nation states are multiple and equal under national law has an inverse effect. Following a logic of reciprocal interest, it has prompted each camp to grant protected status to prisoners in the other camp. Despite the many exceptions that can be identified, this logic underpins the different successive conventions.

Matters were very different with the ideologies of class and race that emerged from the crucible of the Great War, which had the effect of suppressing such reciprocal recognition in favour of a hierarchal vision of humanity that might go so far as the extermination of a designated portion of its members. More than any commentary, the Soviet refusal to sign the 1929 Geneva Convention (in addition to the maltreatment of cap-

tured German soldiers stemming from it, with a mortality rate of 36 per cent) illustrates clearly the treatment according to racial criteria, which was meted out to Soviet POWs in Germany – with a mortality rate of 57 per cent. This did not prevent the maintenance of a regime of mutual national recognition for Western prisoners in German hands, founded on international law. Only 3.5 per cent of British POWs in Nazi Germany died in detention (Ferguson 2004: 148–92). The management of captivity in the Third Reich responded to a range of logics and systems, with varying degrees of treatment bordering on straightforward inhumanity, inflicted not only on racial and political enemies of the regime but also on resisters in Nazi-occupied countries, in other words on individuals who under the convention of 1949 would have been accorded POW status. Jewish war prisoners from Western countries were relatively well treated (while other European Jews were being exterminated) and the Allied governments were extremely concerned at the possibility that their captured soldiers could be used as hostages in reprisal for massive aerial bombardment of German cities, considered illegal in Nazi eyes. In a world confronted with all degrees of brutality, the fragility of accords and internal principles underlying such differences in treatment is clearly illustrated.

The third development in the transformation of war that can be observed through analysis of twentieth-century war imprisonment concerns different types of work in a logic of totalization of economic production. The POWs attested to this; starting in 1915, they were used in different ways to support the enemy war effort, often in contempt of the restrictions stipulated by the Hague Convention IV of 1907. Each of the powers engaged on the Western Front in 1914–1918 used considerable numbers of enemy prisoners for work behind the front and sometimes under fire from their own armies. In fact, what was manifest here resembled other types of forced labour, notably those of colonial and Chinese workers for the Allies and civilians in the regions occupied in the German case. Both during and after the Second World War, this same logic led to the large-scale employment of POWs as a workforce, usually, again, in violation of international law. As a reminder that work dominates the experience of both military prisoners – and frequently of civilian captives – we need only think of the manner in which the Japanese (who were not signatories to the 1929 Geneva Convention) made Allied war prisoners work on war projects; or the Soviet use of German POW labour in a camp system parallel to the Gulag. The Second World War thus produced a world of forced labour of different kinds and under varying conditions but where both military prisoners and civil internees were involved at all levels.

Finally, a fourth development that left its traces in various forms of war captivity was the emergence of guerrilla warfare and armed resistance,

allowed by the pre-1949 conventions only in the case of invasion and under certain conditions, but broadly recognized since then. In effect, the lines of demarcation between regular soldiers and irregulars were continually shifting and being redefined throughout the twentieth century, the speed of change accelerating after 1945. The definition here has major consequences for wartime captivity. As indicated, in 1914 the German army was already justifying the arrest and detention of supposed 'guerrillas'. The question of an army's confrontation with irregular forces is an old one; it was already being urgently posed during the American Civil War. Indeed, it was one source of the Lieber Code, a first attempt to distinguish legally between combatants and non-combatants.[5] During the Second World War this became a major theme for the Wehrmacht, who refused to acknowledge any legitimacy for the armed resistance in Western Europe (except in rare cases where the logic of reciprocity prevailed), with an even more absolutist stance vis-à-vis the Soviet partisans. Later, despite the 1949 convention, which drew lessons from the anti-Fascist and anti-Nazi resistance in granting legal status to combatants in this category, the refusal by the colonial powers to identify the decolonizing struggles as wars effectively prevented irregular forces from benefiting from any legal protection.

Nevertheless, within the paroxysm of these wars of decolonization – in Malaysia, Kenya and Algeria – certain forms of 'war imprisonment', long practised in the colonial domain, were perfected. In particular, this involved the internment of insurrection leaders in camps, a practice tried out by the British for the first time in Ireland, during the country's independence struggle, 1916-1921, together with the displacement of a large portion of the 'civilian' population and its 'concentration' in zones surrounded and controlled by the colonial power (Townshend 1975). The logic of this second step consists of cutting the guerrilla campaign off from support that it is presumed to be receiving from the civilian population. In the 1950s these two practices became generalized in a context of anti-colonial struggle, with the colonial forces at the same time remaining reluctant to grant war status to what they considered a rebellion (Thénault 2005: 102–7).[6] Parallel to political internment (and the use of torture), 'concentration' of the civilian population was applied to a million individuals in Kenya and 2.3 million in Algeria, amounting to a quarter of the Muslim population (Townshend 1986; Elkins 2005; Klose 2009). Despite appeals to the ICRC in the case of Algeria, these undeclared wars against an unacknowledged enemy created extraordinary forms of captivity. The wars in Afghanistan and Iraq (with the cases of Abu Ghraib prison in Baghdad and the Guantanamo Bay detention camp in Cuba), together with the abduction of hostages by 'terrorist' movements, expose the continued explosive topicality of war imprisonment outside international-judicial norms.[7]

In this manner, moving beyond the position of the classic POW in the light of international law, which lies at the heart of this book, we begin to perceive a more nuanced picture of 'captivities of war' in all their civilian, military, legally recognized or clandestine diversity. The question immediately arises of the porosity of these categories; above all when we examine the reality beyond the legal and normative dimension.

Stakes and Experiences

The nature of the captivities at stake here thus offers exceptional opportunities to assessment of the twentieth-century transformation of war. If we reverse the scale of reference to measure these same captivities against war's violence, we can identify a number of questions regarding the stakes relating to captivity and the experiences of the captives.

The camp lies at the centre of all military captivity. But what does the camp consist of? A simple adaptation of barracks emptied by armies that have gone off to war? A model of detention resembling Bentham's 'panopticon'[8] for the incarceration of civilians in the rationalist nineteenth century? Or a relative of the 'concentration camp'?

Camp internment thus incorporates different modalities and objectives, but it has its origins in the nineteenth century, in a wish to isolate an anticolonial resistance from its presumed base. Two episodes that come to mind here are the Spanish repression of the popular Cuban uprising in 1898 and the British effort to end Boer resistance in the Southern African war between 1899 and 1902. The aims of these internment camps were of course different from those in operation in respect of war prisoners and civilian internees starting with the Great War. Nevertheless, consideration of the various forms of internment (wooden barrack buildings, barbed wire, watchtowers) certainly reveals a potential circulation of models and common practices and the birth of a world of collective incarceration with no relation to nineteenth-century practices.

Because camps for military detainees and civilian internees function as a world apart in the midst of a war, in an original form they constitute a locus for the expression of what is at stake nationally and ideologically. Here, the enemy is disarmed and deprived of his potential for action, but in principle – and in the best of cases – finds himself granted certain rights that demonstrate respect for his national affiliation and cultural autonomy (for example: the right to religious practice; contact with his homeland; regulation of the measures taken in response to attempts to escape). Such a situation poses many questions: Do the camp's occupants demobilize or remain mobilized in relation to the war? In the latter case, escape would

take on all its symbolic value as a form of displaced combat. Is there a difference between officers – who, as we recall, are not to be used as workers – and private soldiers? What margins of autonomy are available to the prisoners to build their own cultural and political life? Creativity, ritual and entertainment are constituent aspects of every community, however ill-balanced it may be. But at what point does simple survival take precedence over every other consideration? And in the case of internal splits within the captive population (for example, ideological opposition in a group of Italian or German prisoners in the Second World War), is the detaining power in a position to turn a portion of the prisoners against the regime in power in their own country or even against their fellow POWs? (Fedorowich 1995: 119–47). The richness of the present collection owes much to its illumination of the identity stakes at work in the twentieth-century camps, approached in all the variety and complexity of that topic.

Nevertheless, in the light of the importance attached to labour in the different forms of military imprisonment, we should perhaps revise our perception of the camp as their main framework – or at least pose the question. To be sure, the two elements of camp and labour are not mutually exclusive, for labour units are often located in camps. But the military prisoner or civilian detainee can equally find himself assigned to external residence, thus becoming subject to a considerable range of experiences and treatment. He can then establish various relationships with other types of workers, including other military captives, and with the civil society surrounding him; in a factory at Krefeld, Germany in 1942, for example, we find Agnès Humbert, who was condemned as a member of the Musée de l'homme (Museum of Mankind) resistance group in France, enduring forced labour alongside common German criminals, deported Russian workers, and POWs (Humbert 2008: 116–48). Although the officers were free from of any obligation to work, as would be reiterated in the 1949 convention – a reflection of the tenacious endurance of class distinctions and the military hierarchy – did this group nevertheless emerge as being particularly well suited to embody a certain vision of both the POW and camp spirit as a nucleus of an enemy national culture and setting for resistance? The distinction between social classes clearly has its place in the wartime universe of imprisonment and detention.

In placing normal life in parentheses, sometimes for decades, the various forms of military captivity also place the sexual aspect of existence under particular pressure and give a central status to gender. As an almost exclusively masculine locus of sociability, the camp necessarily becomes a site of compensation and re-equilibrium of sexual identity in a world that has to be self-sufficient emotionally – with the share of hopes and memories that this entails. Dressing up and drag shows, theatre, friend-

ships – the resources are multiple but are determined, here too, by living conditions and the detention regime. For military prisoners, the fact of being removed from a combat that most often is proceeding without them places the modalities of a fighter's masculinity in question, with different reactions. But the same question is in play for camps for civilian internees, whether mixed or strictly reserved for one sex. The case of Henri Pirenne comes to mind here – retaining his dignity as both a man and a patriot, he organized talks on Belgian history for his compatriots detained in Germany's Holzminden camp during the Great War. In his view, they were the most receptive listeners in his entire life as a teacher (Lyon 1974: 247).

It thus seems equally important to give the questions of gender and work equal attention. In contrast to the sort of work excluding consideration of anything except survival, there is another type: allowing prisoners to be employed far from the camp, sometimes accommodated in the intimacy of a house or farm and thus enabling relationships to develop that are marked by respect, and indeed by friendship and even love, for 'enemy' individuals. The resulting cases of paternity, numerous in the context of both French prisoners working in Germany during the Second World War and German prisoners detained in France afterwards, show eloquently that at least in certain cases captivity can offer an exit from war (Théofilakis 2008: 203–19; Virgili 2009).

Finally, the question of the prisoners' experience leads us back to our starting point – the moral norms and international law governing the treatment of war captives. What do the sources tell us about their real impact? Wherever there is a legal agreement founded on shared values and supported by a feeling of reciprocal interest, we might expect to find the fullest possible realization of humanitarian treatment and most efficient regime of international inspection. And there can be no doubt that in many cases humanitarian control exercised by the Red Cross and Red Crescent has proved capable of improving conditions of detention and saving lives. Nevertheless, even in the case of the European powers who were signatories to the relevant conventions during the Great War, the fate of military prisoners was sometimes fragile and subject to the conflict's vagaries: the intensity of battlefield violence, the degree of hatred felt for the enemy, economic imperatives, the need to exploit a captive workforce (Jones 2011: 151–251). If one of the belligerents changes its attitude towards the prisoners it is holding, the other will be tempted to punish its own detainees in return. And it is clearly the case that reprisals (or the threat of them) are often more efficient in limiting violence against war prisoners than the simple invocation of international agreements – all the more so when such accords have not been signed (ideological conflicts and civil wars or wars of decolonization).

It is of course the prisoner who pays the price in his body and spirit. In addition, even after peace has been arranged, he remains a bone of contention between formerly hostile countries. For despite the intent declared in international conventions to see him returned as quickly as possible to his own country, in reality the military captive from a defeated state will very often find himself retained as a hostage or for the value of his labour long after the end of hostilities, indeed even after the signing of a peace treaty. The last German prisoners from the Great War remained in France until the early 1920s, and even longer in the Soviet Union. The last POWs from the Wehrmacht did not leave France until 1948 and the Soviet Union until the 1950s – returning as phantoms in the country of the economic miracle (Moore and Hately-Broad 2005; Jones 2011: 296–312).

Once repatriated, the POW is not necessarily free from an experience that has already consumed an important part of his life. Even without the physical and mental effects of his odyssey, he may take years to achieve rehabilitation in his community of origin. An incontestable hero if he was an Allied aviator in the Second World War, suspect in the eyes of the Italian or Austro-Hungarian authorities during the Great War, even more so for Stalinist Russia after Germany's defeat, the former war prisoner remains a man whose status and experiences are absorbed into society's collective memory, over the longer term, in a manner that varies according to circumstances. As for civilian captives, they risk double marginalization in respect to a memory of war tending to privilege the military dimension.

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Whether focused on the military transformations that shaped captivity during twentieth-century conflicts or on the experiences of the captives themselves, this book offers a broad range of analyses, information and documentation. It does not claim to be definitive or exhaustive, but the extent of the period covered, the variety of the experiences treated, the discussion of archival material, and the contribution of a range of scholarly disciplines cast fresh light on a condition and experience that hold a central place in the history of the last century and that, unfortunately, continues to have great relevance today.

Notes

Translated from the French by Helen McPhail.

1. For an eye-witness portrait, see Alistair Cooke (2006: 145–48).
2. For the Great War see chapter on 'Les souffrances des civils occupés' in Annette Becker (1998: 27–88); see also Becker (2010).
3. Convention (IV) relative to the Protection of Civilian Persons in Time of War, Geneva, 12 August 1949, https://www.icrc.org/applic/ihl/ihl.nsf/ (consulted 9 July 2012).
4. Article 120 of Geneva Convention (IV) of 1949 stipulates that punishment in case of attempts to escape is to be only disciplinary, non-cumulative in case of repeated attempts, and inapplicable in case of a successful escape followed at some point by a new capture.
5. See Sibylle Scheipers (2011: 394–409) (esp. 400–3).
6. On the intervention of the ICRC in Algeria, see Caroline Moorehead (1998: 588–92).
7. See Alia Brahimi (2011: 184–201) (esp. 186–92).
8. In his *Panopticon in the Inspection House: containing the idea of a new principle of Containment applicable to any sort of establishment in which persons of any description are to be kept under Inspection* (1787) the British philosopher Bentham imagines a prison structure enabling detainees as a group to be observed and controlled from a single point, creating a 'feeling of invisible omniscience'.

John Horne is Professor of Modern European History and Director of the Centre for War Studies at Trinity College Dublin. He is a Fellow of the Royal Irish Academy and member of the International Research Centre of the Historial de la Grande Guerre, Péronne. He is the author and editor of a number of books and over eighty chapters and articles, many relating to the history of the Great War. Among these are: (with Alan Kramer), *German Atrocities, 1914. A History of Denial* (Yale, 2001), translated into German (2003) and French (2005); (ed.) *A Companion to World War One* (Blackwell-Wiley, 2010); (ed.) *Vers la guerre totale: le tournant de 1914–1915* (Tallandier, 2010); and (with Robert Gerwarth) (ed.) *War in Peace: Paramilitary Violence in Europe after the Great War* (Oxford University Press, 2012). He also edited *Our War: Ireland and the Great War* (Royal Irish Academy, 2008), and (with Edward Madigan), *Towards Commemoration: Ireland in the Decade of the Great War, 1912–1923* (Royal Irish Academy, 2013).