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WAR (O. Eng. *werre*, Fr. *guerre*, of Teutonic origin; cf. O.H.G. *werran*, to confound), the armed conflict of states, in which each seeks to impose its will upon the other by force. War is the opposite of Peace (*q.v.*), and is the subject of the military art. In separate sections below the general principles of the art of war are discussed, and the laws which have gradually become accepted among civilized peoples for the regulation of its conditions. The details concerning the history of individual wars, and the various weapons and instruments of war, are given in separate articles.

See ARMY, NAVY, CONSCRIPTION, STRATEGY, TACTICS, INFANTRY, CAVALRY, ARTILLERY, ENGINEERS, FORTIFICATION, COAST DEFENCE, OFFICERS, STAFF, GUARDS, SUPPLY AND TRANSPORT, UNIFORMS, ARMS AND ARMOUR, GUN, RIFLE, PISTOL, SWORD, LANCE, ORDNANCE, MACHINE GUNS, SUBMARINE MINES, TORPEDO, &c. The important wars are dealt with under the names commonly given to them; *e.g.* AMERICAN CIVIL WAR, AMERICAN WAR OF INDEPENDENCE, AMERICAN WAR OF 1812, CRIMEAN WAR, DUTCH WARS, FRANCO-GERMAN WAR, FRENCH REVOLUTIONARY WARS, GREAT REBELLION, GREEK WAR OF INDEPENDENCE, ITALIAN WARS, NAPOLEONIC CAMPAIGNS, PELOPONNESIAN WAR, PENINSULAR WAR, PUNIC WARS, RUSSO-JAPANESE WAR, RUSSO-TURKISH WARS, SERVO-BULGARIAN WAR, SEVEN WEEKS' WAR, SEVEN YEARS' WAR, SPANISH-AMERICAN WAR, SPANISH SUCCESSION WAR, THIRTY YEARS' WAR. Important campaigns and battles are also separately treated (*e.g.* WATERLOO, TRAFALGAR, SHENANDOAH VALLEY, WILDERNESS, METZ, &c.).

I. GENERAL PRINCIPLES

It is not easy to determine whether industrial progress, improved organization, the spread of education or mechanical inventions have wrought the greater change in the military art. War is first and foremost a matter of movement; and as such it has been considerably affected by the multiplication of good roads, the introduction of steam transport, and by the ease with which draught animals can be collected. In the second place, war is a matter of supply; and the large area of cultivation, the increase of live-stock, the vast trade in provisions, pouring the food-stuffs of one continent into another, have done much to lighten the inevitable difficulties of a campaign. In the third place, war is a matter of destruction; and while the weapons of armies have become more perfect and more durable, the modern substitutes for gunpowder have added largely to their destructive capacity. Fourthly, war is not merely a blind struggle between mobs of individuals, without guidance or coherence, but a conflict of well-organized masses, moving with a view to intelligent co-operation, acting under the impulse of a single will and directed against a definite objective. These masses, however, are seldom so closely concentrated that the impulse which sets them in motion can be promptly and easily communicated to each, nor can the right objective be selected without some knowledge of the enemy's strength and dispositions. Means of intercommunication, therefore, as well as methods of observation, are of great importance; and with the telegraph, the telephone, visual signalling, balloons,

Modern conditions.

airships and improved field-glasses, the armies of to-day, so far as regards the maintenance of connexion between different bodies of troops, and the diffusion, if not the acquiring, of information, are at a great advantage compared with those of the middle of the 19th century.

War, then, in some respects has been made much simpler. Armies are easier to move, to feed and to manœuvre. But in other respects this very simplicity has made the conduct of a campaign more difficult. Not only is the weapon wielded by the general less clumsy and more deadly than heretofore, less fragile and better balanced, but it acts with greater rapidity and has a far wider scope. In a strong and skilful hand it may be irresistible; in the grasp of a novice it is worse than useless. In former times, when war was a much slower process, and armies were less highly trained, mistakes at the outset were not necessarily fatal. Under modern conditions, the inexperienced commander will not be granted time in which to correct his deficiencies and give himself and his troops the needful practice. The idea of forging generals and soldiers under the hammer of war disappeared with the advent of “the nation in arms.” Military organization has become a science, studied both by statesmen and soldiers. The lessons of history have not been neglected. Previous to 1870, in one kingdom only was it recognized that intellect and education play a more prominent part in war than stamina and courage. Taught by the disasters of 1806, Prussia set herself to discover the surest means of escaping humiliation for the future. The

shrewdest of her sons undertook the task. The nature of war was analysed until the secrets of success and failure were laid bare; and on these investigations a system of organization and of training was built up which, not only from a military, but from a political, and even an economical point of view, is the most striking product of the 19th century. The keynote of this system is that the best brains in the state shall be at the service of the war lord. None, therefore, but thoroughly competent soldiers are entrusted with the responsibility of command; and the education of the officer is as thorough, as systematic and as uniform as the education of the lawyer, the diplomatist and the doctor. In all ages the power of intellect has asserted itself in war. It was not courage and experience only that made Hannibal, Alexander and Caesar the greatest names of antiquity. Napoleon, Wellington and the Archduke Charles were certainly the best-educated soldiers of their time; while Lee, Jackson and Sherman probably knew more of war, before they made it, than any one else in the United States. But it was not until 1866 and 1870 that the preponderating influence of the trained mind was made manifest. Other wars had shown the value of an educated general; these showed the value of an educated army. It is true that Moltke, in mental power and in knowledge, was in no wise inferior to the great captains who preceded him; but the remarkable point of his campaigns is that so many capable generals had never before been gathered together under one flag. No campaigns have been submitted to such searching criticism. Never have mistakes been more

sedulously sought for or more frankly exposed. And yet, compared with the mistakes of other campaigns, even with that of 1815, where hardly a superior officer on either side had not seen more battles than Moltke and his comrades had seen field-days, they were astonishingly few. It is not to be denied that the foes of Prussia were hardly worthy of her steel. Yet it may be doubted whether either Austria or France ever put two finer armies into the field than the army of Bohemia in 1866 and the army of the Rhine in 1870. Even their generals of divisions and brigades had more actual experience than those who led the German army corps. Compared with the German rank and file, a great part of their non-commissioned officers and men were veterans, and veterans who had seen much service. Their chief officers were practically familiar with the methods of moving, supplying and manœuvring large masses of troops; their marshals were valiant and successful soldiers. And yet the history of modern warfare records no defeats so swift and so complete as those of Königgratz and Sedan. The great host of Austria was shattered to fragments in seven weeks; the French Imperial army was destroyed in seven weeks and three days; and to all intent and purpose the resistance they had offered was not much more effective than that of a respectable militia. But both the Austrian and the French armies were organized and trained under the old system. Courage, experience and professional pride they possessed in abundance. Man for man, in all virile qualities, neither officers nor men were inferior to their foes. But one thing their generals lacked, and that was education for war.

Strategy was almost a sealed book to them; organization a matter of secondary importance. It was no part of their duty, they declared, to train the judgment of their subordinates; they were soldiers, and not pedagogues. Knowledge of foreign armies and their methods they considered useless; and of war prepared and conducted on "business principles" they had never even dreamt.

Statesmen and war.

The popular idea that war is a mere matter of brute force, redeemed only by valour and discipline, is responsible for a greater evil than the complacency of the amateur. It blinds both the people and its representatives to their bounden duties. War is something more than a mere outgrowth of politics. It is a political act, initiated and controlled by the government, and it is an act of which the issues are far more momentous than any other. No branch of political science requires more careful study. It is not pretended that if military history were thoroughly studied all statesmen would become Moltkes, or that every citizen would be competent to set squadrons in the field. War is above all a practical art, and the application of theory to practice is not to be taught at a university or to be learned by those who have never rubbed shoulders with the men in the ranks. But if war were more generally and more thoroughly studied, the importance of organization, of training, of education and of readiness would be more generally appreciated; abuses would no longer be regarded with lazy tolerance; efficiency would be something more than a political catchword, and soldiers would be given

ample opportunities of becoming masters of every detail of their profession. Nor is this all. A nation that understood something about war would hardly suffer the fantastic tricks which have been played so often by the best-meaning statesmen. And statesmen themselves would realize that when war is afoot their interference is worse than useless; that preparation for defence, whether by the multiplication of roads, the construction of railways, of arsenals, dockyards, fortresses, is not the smallest of their duties; and lastly, that so far as possible diplomacy and strategy should keep step. Each one of these is of far greater importance than in the past. In the wars of the 18th century, English cabinets and Dutch deputies could direct strategical operations without bringing ruin on their respective countries. The armies of Austria in 1792-1795, controlled as they were by the Aulic Councils, were more formidable in the field than those of the French Republic. In the campaigns of 1854 and 1859 the plans of Newcastle and Napoleon III. worked out to a successful issue; and if Lincoln and Stanton, his Secretary of War, imperilled the Union in 1862, they saw the downfall of the Southern Confederacy in 1865. But in every case amateur was pitted against amateur. The Dutch deputies were hardly less incapable of planning or approving a sound plan of campaign than Louis XIV. The Aulic Council was not more of a marplot than the Committee of Public Safety. Newcastle was not a worse strategist than the tsar Nicholas I. Napoleon III. and his advisers were quite a match for the courtier generals at Vienna; while Lincoln and Stanton were

not much more ignorant than Jefferson Davis. The amateur, however, can no longer expect the good fortune to be pitted against foes of a capacity no higher than his own. The operations of Continental armies will be directed by soldiers of experience whose training for war has been incessant, and who will have at their command troops in the highest state of efficiency and preparation. It is not difficult to imagine, under such conditions, with what condign punishment mistakes will be visited. Napoleon III. in 1859 committed as many blunders as he did in 1870. But the Austrians had no Moltke to direct them; their army corps were commanded by men who knew less of generalship than a Prussian major, and their armament was inferior. Had they been the Austrians of to-day, it is probable that the French and the allies would have been utterly defeated. And to come to more recent campaigns, while American officers have not hesitated to declare that if the Spaniards at Santiago had been Germans or French, the invasion would have ended in disastrous failure, it is impossible to doubt that had the Boers of 1899 possessed a staff of trained strategists, they would have shaken the British Empire to its foundations. The true test of direction of war is the number of mistakes. If they were numerous, although the enemy may not have been skilful enough to take advantage of them, the outlook for the future under the same direction, but against a more practised enemy, is anything but bright.

As regards preparation for defence, history supplies us with numerous illustrations. The most conspicuous, perhaps, is

Preparation for defence.

the elaborate series of fortifications which were constructed by Vauban for the defence of France; and there can be no question that Louis XIV., in erecting this mighty barrier against invasion, gave proof of statesmanlike foresight of no mean order. An instance less familiar, perhaps, but even more creditable to the brain which conceived it, was Wellington's preparation of Portugal in 1809-1811. Not only did the impregnable stronghold of Torres Vedras, covering Lisbon, and securing for the sea-power an open door to the continent of Europe, rise as if by magic from the earth, but the whole theatre of war was so dealt with that the defending army could operate wherever opportunity might offer. No less than twenty supply depots were established on different lines of the advance. Fortifications protected the principal magazines. Bridges were restored and roads improved. Waterways were opened up, and flotillas organized; and three auxiliary bases were formed on the shores of the Atlantic. Again, the famous “quadrilaterals” of Lombardy and Rumelia have more than fulfilled the purpose for which they were constructed; and both Austria and Turkey owe much to the fortresses which so long protected their vulnerable points. Nor has the neglect of preparation failed to exert a powerful effect. Moltke has told us that the railway system of Germany before 1870 had been developed without regard to strategical considerations. Yet the fact remains that it was far better adapted both for offence and defence than those of Austria and France; and, at the same time, it can hardly be denied that the

unprovided state of the great French fortresses exercised an evil influence on French strategy. Both Metz and Strassburg were so far from forming strong pivots of manœuvres, and thus aiding the operations of the field armies, that they required those armies for their protection; and the retreat on Metz, which removed Bazaine's army from the direct road to Paris and placed it out of touch with its supports, was mainly due to the unfinished outworks and deficient armament of the virgin city. Since 1870 it has been recognized that preparation of the theatre of war is one of the first duties of a government. Every frontier of continental Europe is covered by a chain of entrenched camps. The great arsenals are amply fortified and strongly garrisoned. Strategy has as much to say to new railways as trade; and the lines of communication, whether by water or by land, are adequately protected from all hostile enterprises.

Concert between diplomacy and strategy.

We now come to the importance of close concert between strategy and diplomacy. On the continent of Europe they can easily keep pace, for the theatre of war is always within easy reach. But when the ocean intervenes between two hostile states it is undoubtedly difficult to time an ultimatum so that a sufficient armed force shall be at hand to enforce it, and it has been said in high places that it is practically impossible. The expedition to Copenhagen in 1807, when the British ultimatum was presented by an army of 27,000 men carried on 300 transports, would appear to

traverse this statement. But at the beginning of the 20th century an army and a fleet of such magnitude could neither be assembled nor dispatched without the whole world being cognizant. It is thus perfectly true that an appreciable period of time must elapse between the breaking off of negotiations and the appearance on the scene of an invading army. Events may march so fast that the statesman's hand may be forced before the army has embarked. But because a powerful blow cannot at once be struck, it by no means follows that the delivery or the receipt of an ultimatum should at once produce a dangerous situation. Dewey's brilliant victory at Manila lost the greater part of its effect because the United States Government was unable to follow up the blow by landing a sufficient force. Exactly the same thing occurred in Egypt in 1882. The only results of the bombardment of Alexandria were the destruction of the city, the massacre of the Christian inhabitants, the encouragement of the rebels, who, when the ships drew off, came to the natural conclusion that Great Britain was powerless on land. Again, in 1899 the invading Boers found the frontiers unfortified and their march opposed by an inadequate force. It is essential, then, that when hostilities across the sea are to be apprehended, the most careful precautions should be taken to ward off the chance of an initial disaster. And such precautions are always possible. It is hardly conceivable, for instance, that a great maritime power, with Cyprus as a *place d'armes*, could not have placed enough transports behind the fleet to hold a sufficient garrison for Alexandria, and thus have saved the

city from destruction. Nor in the case of a distant province being threatened is there the smallest reason that the garrison of the province should be exposed to the risk of a reverse before it is reinforced. It may even be necessary to abandon territory. It will certainly be necessary to construct strong places, to secure the lines of communication, to establish ample magazines, to organize local forces, to assemble a fleet of transports, and to keep a large body of troops ready to embark at a moment's notice. But there is no reason, except expense, that all this should not be done directly it becomes clear that war is probable, and that it should not be done without attracting public attention. In this way strategy may easily keep pace with diplomacy; and all that is wanted is the exercise of ordinary foresight, a careful study of the theatre of war, a knowledge of the enemy's resources and a resolute determination, despite some temporary inconvenience and the outcry of a thoughtless public, to give the enemy no chance of claiming first blood. The Franco-German War supplies a striking example. Moltke's original intention was to assemble the German armies on the western frontier. The French, he thought, inferior in numbers and but half prepared, would probably assemble as far back as the Moselle. But, as so often happens in war, the enemy did what he was least expected to do. Hastily leaving their garrisons, the French regiments rushed forward to the Saar. The excitement in Germany was great; and even soldiers of repute, although the mobilization of the army was still unfinished, demanded that such troops as were available should be hurried forward

to protect the rich provinces which lie between the Saar and Rhine. But the chief of the staff became as deaf as he was silent. Not a single company was dispatched to reinforce the slender garrisons of the frontier towns; and those garrisons were ordered to retire, destroying railways and removing rolling-stock, directly the enemy should cross the boundary. Moltke's foresight had embraced every possible contingency. The action of the French, improbable as it was deemed, had still been provided against; and, in accordance with time-tables drawn up long beforehand, the German army was disentrained on the Rhine instead of on the Saar. Ninety miles of German territory were thus laid open to the enemy; but the temporary surrender of the border provinces, in the opinion of the great strategist, was a very minor evil compared with the disasters, military and political, that would have resulted from an attempt to hold them.

Duties of the War Minister.

It is hardly necessary to observe that no civilian minister, however deeply he might have studied the art of war, could be expected to solve for himself the strategic problems which come before him. In default of practical knowledge, it would be as impossible for him to decide where garrisons should be stationed, what fortifications were necessary, what roads should be constructed, or how the lines of communication should be protected, as to frame a plan of campaign for the invasion of a hostile state. His foresight, his prevision of the accidents inevitable in war, would necessarily be far inferior to those of men who had spent their lives in

applying strategical principles to concrete cases; and it is exceedingly unlikely that he would be as prolific of strategical expedients as those familiar with their employment. Nevertheless, a minister of war cannot divest himself of his responsibility for the conduct of military operations. In the first place, he is directly responsible that plans of campaign to meet every possible contingency are worked out in time of peace. In the second place, he is directly responsible that the advice on which he acts should be the best procurable. It is essential, therefore, that he should be capable of forming an independent opinion on the merits of the military projects which may be submitted to him, and also on the merits of those who have to execute them. Pitt knew enough of war and men to select Wolfe for the command in Canada. Canning and Castlereagh, in spite of the opposition of the king, sent Wellington, one of the youngest of the lieutenant-generals, to hold Portugal against the French. The French Directory had sufficient sense to accept Napoleon's project for the campaign of Italy in 1796. In the third place, strategy cannot move altogether untrammelled by politics and finance. But political and financial considerations may not present themselves in quite the same light to the soldier as to the statesman, and the latter is bound to make certain that they have received due attention. If, however, modifications are necessary, they should be made before the plan of campaign is finally approved; and in any case the purely military considerations should be most carefully weighed. It should be remembered that an unfavourable political situation is best redeemed by

a decisive victory, while a reverse will do more to shake confidence in the Government than even the temporary surrender of some portion of the national domains. “Be sure before striking” and *Reculer pour mieux sauter* are both admirable maxims; but their practical application requires a thorough appreciation of the true principles of war, and a very large degree of moral courage, both in the soldier who suggests and in the statesman who approves. If, however, the soldier and the statesman are supported by an enlightened public, sufficiently acquainted with war to realize that patience is to be preferred to precipitation, that retreat, though inglorious, is not necessarily humiliating, their task is very considerably lightened. Nothing is more significant than a comparison between the Paris press in 1870 and the American Confederate press in 1864. In the one case, even after the disastrous results of the first encounters had proved the superior strength and readiness of the enemy, the French people, with all the heat of presumptuous ignorance, cried out for more battles, for an immediate offensive, for a desperate defence of the frontier provinces. So fierce was their clamour that both the generals and the government hesitated, until it was too late, to advise the retreat of Bazaine’s army; and when that army had been cut off at Metz, the pressure of public opinion was so great that the last reserve of France was dispatched to Sedan on one of the maddest enterprises ever undertaken by a civilized state. In 1864, on the other hand, while Lee in Virginia and Johnston in the west were retreating from position to position, and the huge hosts of the Union were

gradually converging on the very heart of the Confederacy, the Southern press, aware that every backward step made the Federal task more difficult, had nothing but praise for the caution which controlled the movements of their armies. But the Southern press, in three crowded years of conflict, had learned something of war. In 1866 and 1870 the German press was so carefully muzzled that even had there been occasion it could have done nothing to prejudice public opinion. Thus both the sovereign and the generals were backed by the popular support that they so richly merited; but it may be remarked that the relations between the army and the government were characterized by a harmony which has been seldom seen. The old king, in his dual capacity as head of the state and commander-in-chief, had the last word to say, not only in the selection of the superior officers, but in approving every important operation. With an adviser like Moltke at his elbow, it might appear that these were mere matters of form. Moltke, however, assures us that the king was by no means a figurehead. Although most careful not to assert his authority in a way that would embarrass his chief of staff, and always ready to yield his own judgment to sound reasons, he expressed, nevertheless, a perfectly independent opinion on every proposal placed before him, and on very many occasions made most useful suggestions. And at the same time, while systematically refraining from all interference after military operations had once begun, he never permitted military considerations to override the demands of policy. In 1866, when it was manifestly of the first

importance, from a military point of view, that the Prussian army should be concentrated in a position which would enable it to cross the border immediately war was declared, the political situation was so strained that it was even more important to prevent the enemy from setting foot at any single point on Prussian territory. The army, in consequence, was dispersed instead of being concentrated, and the ultimate offensive became a difficult and hazardous operation. It is true that the king was an able and experienced soldier. Nevertheless, the wise restraint he displayed in the course of two great campaigns, as well as the skill with which he adjusted conflicting factors, are an admirable example of judicious statesmanship.

Moral effect of fire.

The duration of a campaign is largely affected by the deadly properties of modern firearms. It is true that the losses in battle are relatively less than in the days of Brown Bess and the smooth-bore cannon, and almost insignificant when compared with the fearful carnage wrought by sword and spear. The reason is simple. A battlefield in the old days, except at close quarters, was a comparatively safe locality, and the greater part of the troops engaged were seldom exposed for a long time together to a hot and continuous fire. To-day death has a far wider range, and the strain on the nerves is consequently far more severe. Demoralization, therefore, sets in at an earlier period, and it is more complete. When troops once realize their inferiority, they can no longer be depended on. It is not the losses they have actually suffered,

but those that they expect to suffer, that affect them. Unless discipline and national spirit are of superior quality, unless the soldier is animated by something higher than the mere habit of mechanical obedience, panic, shirking and wholesale surrender will be the ordinary features of a campaign. These phenomena made themselves apparent, though in a less degree, as long ago as the American Civil War, when the weapon of the infantry was the muzzle-loading rifle, firing at most two rounds a minute, and when the projectiles of the artillery were hardly more destructive than the stone shot of Mons Meg. With the magazine rifle, machine guns, shrapnel and high explosives they have become more pronounced than even at Vionville or Plevna. “The retreat of the 38th (Prussian) Brigade,” writes Captain Hoenig, an eye-witness of the former battle, “forms the most awful drama of the great war. It had lost 53% of its strength, and the proportion of killed to wounded was as 3 to 4. Strong men collapsed inanimate. … I saw men cry like children, others fell prone without a sound; in most the need of water thrust forth all other instincts; the body demanded its rights. ‘Water, water,’ was the only intelligible cry that broke from those moving phantoms. The enemy's lead poured like hail upon the wretched remnant of the brigade; yet they moved only slowly to the rear, their heads bent in utter weariness; their features distorted under the thick dust that had gathered on faces dripping with sweat. The strain was beyond endurance. The soldier was no longer a receptive being; he was oblivious of everything, great or small. His comrades or his superiors he no longer

recognized; and yet he was the same man who but a short time before had marched across the battlefield shouting his marching chorus. A few active squadrons, and not a man would have escaped ! Only he who had seen men in such circumstances, and observed their bearing, knows the dreadful imprint that their features leave upon the memory. Madness is there, the madness that arises from bodily exhaustion combined with the most abject terror. … I do not shrink," he adds, "from confessing that the fire of Mars-la-Tour affected my nerves for months."

If such are the results of ill-success, a whole army might be reduced to the condition of the 38th Brigade in the first month of the campaign, and it is thus perfectly clear that some small mistake in conduct, some trifling deficiency in preparation, an ill-conceived order or a few hours' delay in bringing up a reinforcement may have the most terrible consequences.

Naval and military force.

The importance, nay the necessity, that the people, as a governing body, should keep as watchful an eye on its armed forces and the national defences as on diplomacy or legislation is fully realized naturally enough, only by those nations whose instincts of self-preservation, by reason of the configuration of their frontiers or their political situation, are strongly developed. Yet even to maritime empires, to Great Britain or indeed to the United States, an efficient army is of the first necessity. Their land frontiers are vulnerable.

They may have to deal with rebellion, and a navy is not all-powerful, even for the defence of coasts and commerce. It can protect, but it cannot destroy. Without the help of an army, it can neither complete the ruin of the enemy's fleet nor prevent its resuscitation. Without the help of an army it can hardly force a hostile power to ask for terms. Exhaustion is the object of its warfare; but exhaustion, unless accelerated by crushing blows, is an exceedingly slow process. In the spring of 1861 the blockade was established in American waters along the coasts of the Southern Confederacy, and maintained with increasing stringency from month to month. Yet it was not till the spring of 1865 that the colours of the Union floated from the capitol of Richmond, and it was the army which placed them there. A state, then, which should rely on naval strength alone, could look forward to no other than a protracted war, and a protracted war between two great powers is antagonistic to the interests of the civilized world. With the nations armed to the teeth, and dominated to a greater or smaller extent by a militant spirit; with commerce and finance dependent for health and security on universal peace, foreign intervention is a mere question of time. Nor would public opinion, either in Great Britain or America, be content with a purely defensive policy, even if such policy were practicable. Putting aside the tedium and the dangers of an interminable campaign, the national pride would never be brought to confess that it was incapable of the same resolute effort as much smaller communities. “An army, and a strong army,” would be the general cry. Nor

would such an army be difficult to create. Enormous numbers would not be needed. An army supported by an invincible navy possesses a strength which is out of all proportion to its size. Even to those who rely on the big battalions and huge fortresses, the amphibious power of a great maritime state, if intelligently directed, may be a most formidable menace; while to the state itself it is an extraordinary security. The history of Great Britain is one long illustration. Captain Mahan points out that there are always dominant positions, outside the frontiers of a maritime state, which, in the interests of commerce, as well as of supremacy at sea, should never be allowed to pass into the possession of a powerful neighbour. Great Britain, always dependent for her prosperity on narrow seas, has long been familiar with the importance of the positions that command these waterways. In one respect at least her policy has been consistent. She has spared no effort to secure such positions for herself, or, if that has been impracticable, at least to draw their teeth. Gibraltar, Malta, St Lucia, Aden, Egypt, Cyprus are conspicuous instances; but above all stands Antwerp. In perhaps the most original passage of Alison's monumental work the constant influence of Antwerp on the destinies of the United Kingdom is vividly portrayed. “Nature has framed the Scheldt to be the rival of the Thames. Flowing through a country excelling even the midland counties of England in wealth and resources, adjoining cities equal to any in Europe in arts and commerce; the artery at once of Flanders and Holland, of Brabant and Luxemburg, it is fitted to be

the great organ of communication between the fertile fields and rich manufacturing towns of the Low Countries and other maritime states of the world." Antwerp, moreover, the key of the great estuary, is eminently adapted for the establishment of a vast naval arsenal, such as it became under Philip II. of Spain and again under the first Napoleon. "It is the point," continues the historian, "from which in every age the independence of these kingdoms has been seriously menaced. Sensible of her danger, it had been the fixed policy of Great Britain for centuries to prevent this formidable outwork from falling into the hands of her enemies, and the best days of her history are chiefly occupied with the struggle to ward off such a disaster." In ascribing, however, every great war in which Great Britain has been engaged to this cause alone he has gone too far. The security of India has been a motive of equal strength. Nevertheless, it was to protect Antwerp from the French that Charles II. sided with the Dutch in 1670; that Anne declared war on Louis XIV. in 1704; that Chatham supported Prussia in 1742; that Pitt, fifty years later, took up arms against the Revolution.

Interactions of naval and military operations.

The trophies of the British army in the great war with France were characteristic of the amphibious power. The troops took more battleships than colours, and almost as many actions of naval arsenals as land fortresses. Many were the blows they struck at the maritime strength of France and her allies; but had the expedition which landed

on the Isle of Walcheren in 1809 been as vigorously conducted as it was wisely conceived, it would have hit Napoleon far harder than even the seizure of the Danish fleet at Copenhagen. The great dockyard that the emperor had constructed on the Scheldt held the nucleus of a powerful fleet. Eight line-of-battle ships and ten frigates lay in mid-channel. Twenty vessels of different classes were on the slips, and in the magazines and storehouses had been accumulated sufficient material to equip all these and twenty more. The destruction of Antwerp—and for a full week it was at Lord Chatham's mercy—would have freed scores of British frigates to protect British commerce; Wellington, in his great campaign of 1813, could not have had to complain that, for the first time, the communication by sea of a British army was insecure; the Americans, in the war which broke out in 1812, would have been more vigorously opposed; and Napoleon, who, while Antwerp was his, never altogether abandoned hope of overmastering Great Britain on her own element, might, on his own confession, have relinquished the useless struggle with the great sea power. The expedition failed, and failed disastrously. But for all that, fulfilling as it did the great maxim that the naval strength of the enemy should be the first objective of the forces of the maritime power, both by land and sea, it was a strategical stroke of the highest order.

The predominant part played by the army under Wellington in Spain and Belgium has tended to obscure the principle that governed its employment in the war of 1793-1815. The

army, in the opinion of the country, was first and foremost the auxiliary of the fleet; and only when the naval strength of the enemy had been destroyed was it used in the ordinary manner, *i.e.* in the invasion of the hostile territory and in lending aid to the forces of confederate powers. Events proved that these principles were absolutely sound. It was not in the narrow seas alone that the army rendered good service to the navy. Depriving France of her colonies, occupying her ports in foreign waters, ousting her from commanding posts along the trade routes, it contributed not only to her exhaustion, but to the protection of British commerce and to the permanent establishment of maritime supremacy. Few of these operations are of sufficient magnitude to attract much notice from the ordinary historian, yet it is impossible to overrate their effect. To the possession of the dominant positions that were captured by the army, Great Britain, in no small degree, is indebted for the present security of her vast dominions. The keynote of the fierce struggle with the French Empire was the possession of India. Before he became First Consul, Napoleon had realized that India was the throne of Asia; that whoever should sit on that throne, master of the commerce of the East, of the richest and most natural market for the products of the West, and of the hardiest and most enlightened nations of the golden hemisphere, would be master of more than half the globe. But his prescience was not surer than the instinct of the British people. Vague and shadowy indeed were their dreams of empire, yet the presentiment of future greatness, based on the foothold they

had already gained in Hindustan, seems always to have controlled the national policy. They knew as well as Napoleon that Malta and Egypt, to use his own phrase, were merely the outworks of their stronghold in the East; and that if those outworks fell into the hands of France, a great army of warlike Mahommedans, led by French generals, stiffened by a French army corps, and gathering impetus from the accession of every tribe it passed through, might march unopposed across the Indus. So, from first to last, the least threat against Egypt and Malta sufficed to awaken their apprehensions; and in their knowledge that India was the ultimate objective of all his schemes is to be found the explanation of the stubbornness with which they fought Napoleon. It is not to be denied that in thwarting the ambition of their mighty rival, or perhaps in furthering their own, the navy was the chief instrument; but in thrusting the French from Egypt, in adding Ceylon, Mauritius and Cape Colony to the outworks, the army, small as it was then, compared with the great hosts of the Continent, did much both for the making and the security of the British Empire.

But the scope of the military operations of a maritime stale is by no means limited to the capture of colonies, naval arsenals and coaling-stations. Timely diversions, by attracting a large portion of the enemy's fighting strength on the mainland, may give valuable aid to the armies of an ally. The Peninsular War is a conspicuous example. According to Napoleon, the necessity of maintaining his grip on Spain deprived him of 180,000 good soldiers during the disastrous

campaign of 1813; and those soldiers, who would have made Dresden a decisive instead of a barren victory, were held fast by Wellington. Again, it was the news of Vittoria that made it useless for the emperor to propose terms of peace, and so escape from the coils that strangled him at Leipzig.

Nor is the reinforcement supplied by a small army based upon the sea to be despised. In 1793 a British contingent under the duke of York formed part of the allied forces which, had the British government forborne to interfere, would in all probability have captured Paris. Twenty-two years later, under wiser auspices, another contingent, although numbering no more than 30,000 men, took a decisive part in the war of nations, and the blunders of the older generation were more than repaired at Waterloo. Nevertheless, the strength of the amphibious power has been more effectively displayed than in the campaign of 1815. Intervention at the most critical period of a war has produced greater results than the provision of a contingent at the outset. In 1781 the disembarkation of a French army at Yorktown, Virginia, rendered certain the independence of the United States; and in 1878, when the Russian invaders were already in sight of Constantinople, the arrival of the British fleet in the Dardanelles, following the mobilization of an expeditionary force, at once arrested their further progress. Had the British Cabinet of 1807 realized the preponderating strength which even a small army, if rightly used, draws from the command of the sea, the campaign of

Eylau would in all probability have been as disastrous to Napoleon as that of Leipzig. The presence of 20,000 men at the great battle would have surely turned the scale in favour of the allies. Yet, although the men were available, although a few months later 27,000 were assembled in the Baltic for the coercion of Denmark, his Majesty's ministers, forgetful of Marlborough's glories, were so imbued with the idea that the British army was too insignificant to take part in a Continental war, that the opportunity was let slip. It is a sufficiently remarkable fact that the successive governments of that era, although they realized very clearly that the first duty of the army was to support the operations and complete the triumph of the navy, never seemed to have grasped the principles which should have controlled its use when the command of the sea had been attained. The march of the Allies on Paris in 1793 was brought to a standstill because the British Cabinet considered that the contingent would be better employed in besieging Dunkirk. After the failure of the expedition under Sir John Moore to achieve the impossible, and in conjunction with the Spaniards drive the French from the Peninsula, the ministry abandoned all idea of intervention on the main theatre, although, as we have seen, had such intervention been well timed, it might easily have changed the current of events. It is true that when the main theatre is occupied by huge armies, as was the case during the whole of the Napoleonic conflict, the value of a comparatively small force, however sudden its appearance, is by no means easily realized. For instance, it would seem at first sight that a British contingent of

100,000 men would be almost lost amid the millions that would take part in the decisive conflicts of a European war. It is remembered, however, that with enormous masses of men the difficulties of supply are very great. Steam has done much to lighten them, and the numbers at the point of collision will be far greater than it was possible to assemble in the days of Napoleon. Nevertheless, the lines of communication, especially railways, will require more men to guard them than heretofore, for they are far more vulnerable. The longer, therefore, the lines of communication, the smaller the numbers on the field of battle. Moreover, the great hosts of the Continent, not only for convenience of supply, but for convenience of manœuvre, will deploy several armies on a broad front. At some one point, then, a reinforcement of even one or two army corps might turn the scale.

Weakness of allied armies.

The objections, however, to intervention of this character are numerous. Between allied armies, especially if one is far larger than the other, there is certain to be friction. as was the case in the Crimea; and the question of supply is not easily settled. If, however, the decisive point is near the coast, as in the campaign of Eylau, the army of the maritime power, possessing its own base, can render effective aid without embarrassment either to itself or its ally. But, under all other conditions, independent operations of a secondary nature are distinctly to be preferred. Such was clearly the opinion of the British ministries during the

war with France. They recognized that by giving vitality and backbone to popular risings even a small army might create useful diversions. But their idea of a diversion was a series of isolated efforts, made at far-distant points; and even so late as 1813 they were oblivious of the self-evident facts that for a diversion to be really effective it must be made in such strength as to constitute a serious threat, and that it should be directed against some vital point. Fortunately for Europe, Wellington foresaw that the permanent occupation of Portugal, and the presence of a British army in close proximity to the southern frontier of France, would be a menace which it would be impossible for Napoleon to disregard. Yet with what difficulty he induced the government to adopt his views, and how lukewarm was their support, is exposed in the many volumes of his dispatches. In all history there are few more glaring instances of incompetent statesmanship than the proposal of the cabinet of 1813, at the moment Wellington was contemplating the campaign that was to expel the French from Spain, and was asking for more men, more money and more material, to detach a large force in the vague hope of exciting a revolution in southern Italy. Whether the improvement in communications, as well as the increase in the size of armies, have not greatly weakened the value of diversions on the mainland, it is difficult to say. Railways may enable the defender to concentrate his forces so rapidly that even the landing may be opposed, and with the enormous numbers at his command he may well be able to spare a considerable force

from the main theatre. It is possible to conceive that a small army, even if it completed its embarkation, might find itself shut up in an entrenched position by a force little larger than itself. If, however, the diversion were made at a crisis of the campaign, the sudden appearance of a new army might be decisive of the war. Otherwise, the army would probably do more good if it refrained from landing and confined itself to threats. So long as it was hidden by the horizon, it would be invested with the terrors of the unknown. The enemy's knowledge that at any moment a well-equipped force, supported by a powerful fleet, might suddenly descend upon some prosperous port or important arsenal, would compel him to maintain large garrisons along the whole seaboard. The strength of these garrisons, in all probability, would be much larger in the aggregate than the force which menaced them, and the latter would thus exercise a far greater disintegrating effect on the enemy's armed strength than by adding a few thousand men to the hosts of its ally. On theatres of war which are only thinly populated or half civilized, a descent from the sea might easily produce a complete change in the situation. The occupation of Plevna, in close proximity to the Russian line of communications and to the single bridge across the Danube, brought the Russian advance through Bulgaria to a sudden stop, and relieved all pressure on Turkey proper. The deadlock which ensued is suggestive. Let us suppose that the invaders line of communications had been a railway, and Plevna situated near the coast. Supplied from the sea, with unlimited facilities for reinforcement, Osman's ring of earthworks

would have been absolutely impregnable; and had the ring been pushed so far inland as to secure scope for offensive action, the Russians, in all human probability, would never have crossed the Balkans. It is perfectly possible, then, that if an army lands within reach of a precarious line of communications it may compel the enemy, although far superior in numbers, to renounce all enterprises against distant points.

Railways.

Railways in war are good servants, but bad masters. In some respects they are far superior to a network of highroads. Two trains will supply the daily needs of 100,000 men several hundred miles distant from their base. But the road-bed is easily destroyed; the convoy system is impracticable, and the regular course of traffic is susceptible to the slightest threat. So, when railways become the principal factors, as when an army finds itself dependent on a long and exposed line, a powerful aggressive combination becomes a matter of the utmost difficulty. The whole attention of the commander will be given to the security of his supplies, and even if he is not thrown on the defensive by the enemy's activity, his liberty of action will be exceedingly circumscribed. The relative values of the different kinds of communications have a most important bearing on the art of war. A great waterway, such as the Nile, the Mississippi, the Danube or the Ganges, is safer and surer than a railway. But railways are far more numerous than navigable rivers, and a series of parallel lines is thus a better means of supplying a

The sea as a line of operation.

large army. But neither railways nor waterways as lines of supply or of operation are to be compared with the sea. Before the war of 1870, for instance, a study of the French railway system enabled Moltke to forecast, with absolute accuracy, the direction of Napoleon's advance, the distribution of his forces, and the extent of front that they would occupy. In a war, therefore, between two Continental powers, the staff on either side would have no difficulty in determining the line of attack; the locality for concentration would be at once made clear; and as the carrying capacity of all railways is well known, the numbers that would be encountered at any one point along the front might be easily calculated. But if the enemy's army, supported by a powerful fleet, were to advance across blue water, the case would be very different. Its movements would be veiled in the most complete secrecy. It would be impossible to do more than guess at its objective. It might strike at any point along hundreds of miles of coast, or it might shift from one point to another, perhaps far distant, in absolute security; it could bewilder the enemy with feints, and cause him to disperse his forces over the whole seaboard. Surprise and freedom of movement are pre-eminently the weapons of the power that commands the sea. Witness the War of Secession. McClellan, in 1862, by the adroit transfer of 120,000 men down the reaches of Chesapeake to the Virginia Peninsula, had Richmond at his mercy. Grant in 1864, by continually changing his line of communication from one river to another, made more progress in a month

than his predecessors had done in two years. Sherman's great march across Georgia would have been impossible had not a Federal fleet been ready to receive him when he reached the Atlantic; and, throughout the war, the knowledge that at any moment a vast fleet of transports might appear off any one of the ports on their enormous seaboard prevented the Confederates, notwithstanding that the garrisons were reduced to a most dangerous extent, from massing their full strength for a decisive effort.

Amphibious power.

The power of striking like "a bolt from the blue" is of the very greatest value in war. Surprise was the foundation of almost all the grand strategical combinations of the past, as it will be of those to come. The first thought and the last of the great general is to outwit his adversary, and to strike where he is least expected. And the measures he adopts to accomplish his purpose are not easily divined. What soldier in Europe anticipated Marlborough's march to the Danube and Blenheim field? What other brain besides Napoleon's dreamt of the passage of the Alps before Marengo? Was there a single general of Prussia before Jena who foresaw that the French would march north from the Bavarian frontier, uncovering the roads to the Rhine, and risking utter destruction in case of defeat? Who believed, in the early June of 1815, that an army 130,000 strong would dare to invade a country defended by two armies that mustered together over 200,000 unbeaten soldiers? To what Federal soldier did it occur, on the morning of Chancellorsville, that

Lee, confronted by 90,000 Northerners, would detach the half of his own small force of 50,000 to attack his enemy in flank and rear? The very course which appeared to ordinary minds so beset by difficulties and dangers as to be outside the pale of practical strategy has, over and over again, been that which led to decisive victory; and if there is one lesson more valuable than another as regards national defence, it is that preparation cannot be too careful or precautions overdone. Overwhelming numbers, adequately trained, commanded and equipped, are the only means of ensuring absolute security. But a numerical preponderance, either by land or sea, over all possible hostile combinations, is unattainable, and in default the only sound policy is to take timely and ample precautions against all enterprises which are even remotely possible. There is nothing more to be dreaded in war than the combined labours of a thoroughly well-trained general staff, except the intellect and audacity of a great strategist. The ordinary mind, even if it does not shrink from great danger, sees no way of surmounting great difficulties; and any operation which involves both vast dangers and vast difficulties it scoffs at as chimerical. The heaven-born strategist, on the other hand, "takes no counsel of his fears." Knowing that success is seldom to be won without incurring risks, he is always greatly daring; and by the skill with which he overcomes all obstacles, and even uses them, as Hannibal and Napoleon did the Alps, and as some great captain of the future may use the sea, to further his purpose and surprise his adversary, he shows his superiority to the

Importance of strategy.

common herd. It is repeated *ad nauseam* that in consequence of the vastly improved means of transmitting information, surprise on a large scale is no longer to be feared. It is to be remembered, however, that the means of concentrating troops and ships are far speedier than of old; that false information can be far more readily distributed; and also, that if there is one thing more certain than another, it is that the great strategist, surprise being still the most deadly of all weapons, will devote the whole force of his intellect to the problem of bringing it about.

Nor is it to be disguised that amphibious power is a far more terrible weapon than even in the days when it crushed Napoleon. Commerce has increased by leaps and bounds, and it is no longer confined within territorial limits. The arteries vital to the existence of civilized communities stretch over every ocean. States which in 1800 rated their maritime traffic at a few hundred thousand pounds sterling, value it now at many millions. Others, whose flags, fifty years ago, were almost unknown on the high seas, possess to-day great fleets of merchantmen; and those who fifty years ago were self-dependent, rely in great part, for the maintenance of their prosperity, on their intercourse with distant continents. There is no great power, and few small ones, to whom the loss of its sea-borne trade would be other than a most deadly blow; and there is no great power that is not far more vulnerable than when Great Britain, single-handed, held her own against a European coalition. Colonies, commercial ports, dockyards, coaling-stations are

so many hostages to fortune. Year by year they become more numerous. Year by year, as commercial rivalry grows more acute, they become more intimately bound up with the prosperity and prestige of their mother-countries. And to what end? To exist as pledges of peace, *auspicia melioris aevi*, or to fall an easy prey to the power that is supreme at sea and can strike hard on land?

Value of unprofessional troops.

Even the baldest and briefest discussion of the vast subject of war would be incomplete without some reference to the relative merits of professional and unprofessional soldiers. Voluntary service still holds its ground in the Anglo-Saxon states; and both the United Kingdom and America will have to a great extent to rely, in case of conflicts which tax all their resources, on troops who have neither the practice nor the discipline of their standing armies. What will be the value of these amateurs when pitied against regulars? Putting the question of *moral* aside, as leading us too far afield, it is clear that the individual amateur must depend upon his training. If, like the majority of the Boers, he is a good shot, a good scout, a good skirmisher and, if mounted, a good horseman and horse master, he is undeniably a most useful soldier. But whether amateurs *en masse*, that is, when organized into battalions and brigades, are thoroughly trustworthy, depends on the quality of their officers. With good officers, and a certain amount of previous training, there is no reason why bodies of infantry, artillery or mounted infantry, composed entirely of unprofessional

soldiers, should not do excellent service in the field. Where they are likely to fail is in discipline; and it would appear that at the beginning of a campaign they are more liable to panic, less resolute in attack, less enduring under heavy losses and great hardships, and much slower in manœuvre than the professionals. To a certain extent this is inevitable; and it has a most important bearing on the value of the citizen soldier, for the beginning of a campaign is a most critical phase. In short, troops who are only half-trained or have been hastily raised may be a positive danger to the army to which they belong; and the shelter of stout earthworks is the only place for them. Yet the presence of a certain number of experienced fighting men in the ranks may make all the difference; and, in any case, it is probable that battalions composed of unprofessional soldiers, the free citizens of a free and prosperous state, are little if at all inferior, as fighting units, to battalions composed of conscripts. But it is to be understood that the men possess the qualifications referred to above, that the officers are accustomed to command and have a good practical knowledge of their duties in the field. A mob, however patriotic, carrying small-bore rifles is no more likely to hold its own to-day against well-led regulars than did the mob carrying pikes and flint-locks in the past. A small body of resolute civilians, well armed and skilful marksmen, might easily on their own ground defeat the same number of trained soldiers, especially if the latter were badly led. But in a war of masses, the power of combination, of rapid and

orderly movement, and of tactical manœuvring is bound to tell. (G. F. R. H.)

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II. LAWS OF WAR

Civil war as distinguished from rebellion.

The law of war, in strict usage, does not apply to all armed conflicts, but only to such conflicts as, by the usage of states, constitute war. War exists when the organized armed forces of one state are opposed to the organized armed forces of another state. War also exists within the bounds of a single state when organized armed forces, of sufficient power to make the issue doubtful, place themselves in opposition to the armed forces of the existing government. If the disaffected forces are in a state of flagrant inferiority in comparison with those of the existing government there is not a state of war but of rebellion. The combatants in civil

war are entitled to treatment in accordance with the law of war. Rebels, as outlaws, have no rights. In the South African campaign (1899-1902) the question arose whether the manifest inferiority of the Boer forces, the possession by the British forces of the seats of government, and their practical occupation of the whole country, did not put an end to the state of war and constitute the Boer fighting forces rebels against a new existing government which had proclaimed annexation of the conquered states. The action of the British commanders is a precedent in favour of the view that the fighting forces of an invaded state are entitled to belligerent rights, though in a state of hopeless inferiority, so long as they remain in the field in organized bands. In this, as in many cases which have formed international usage, the danger of reprisals more than the logic of principles has dictated a different line of conduct from that which the strict principles of law suggested. A somewhat similar, but more complicated situation, arose out of the cession by Spain to the United States of the Philippine Islands. The insurgents being in possession of them at the time, Spain ceded what she did not in fact possess. Thus it has been contended that the position of the insurgents became that of belligerents defending their country against conquest by invading forces.

Neutral interest.

Wars have been classed in different ways—wars of intervention, wars of conquest, wars of defence, wars of independence, just wars, unjust wars, and so on; but the law of war applies to

them all without distinction. States do not sit as judges over each other, but treat war, subject to their own interest, as a fact. Interest, however, with the increasing development of international relations is becoming a more important factor in the determination of the attitude of the neutral onlooker (see NEUTRALITY).

War with barbarous peoples.

In the Chino-Japanese War (1894-95) the Japanese had to decide whether the Chinese were entitled to treatment under the European law of war. Japan had acceded to the Geneva Convention (see below) in 1886, and to the Declaration of Paris (see below) in 1887. China was a party to neither, and observed the provisions of neither. Japan, nevertheless, as related by her learned judicial advisers, Professors Ariga and Takahashi, observed towards the Chinese forces, combatant and non-combatant, all the rules of European International Law without resorting to the reprisals to which Chinese barbarities provoked her.

Neutral position towards insurgents.

The position of neutral governments towards insurgent forces is always a delicate one. If they are not recognized as belligerents by the state against which they are arrayed, the state in question theoretically accepts responsibility for the consequences of their acts in respect of neutral states. A neutral state may be satisfied with this responsibility, or it may recognize the belligerent character of the insurgents. If, however, it does not, the insurgent forces cannot exercise

rights of war against neutral property without exposing themselves to treatment as outlaws and pirates. A case of such treatment occurred in September 1902 in connexion with a then pending revolution in Hayti. A German cruiser, the “Panther,” treated an insurgent gunboat, the “Crête-à-Pierrot,” as a pirate vessel,[1] and sank her for having stopped and confiscated arms and ammunition found among the cargo of the German steamer “Markomannia” on the ground that they were contraband destined for the armed forces of the existing Haytian government. The “Crête-à-Pierrot” had for some years formed part of the Haytian navy, and was commanded by Admiral Killick, who had been an admiral of that navy. There had been no recognition of the belligerency of the insurgents. No state seems to have made any observations on the incident, which may be taken to be in accordance with current international usage.

British recognition of the Confederates.

A well-known instance of a neutral government recognizing insurgent forces as belligerent, in spite of the denial of that character to them by the state against which they are carrying on hostilities, occurred in the North American Civil War. The right asserted by Great Britain to recognize the belligerency of the Confederate forces was based on the contention that British commercial interests were very largely affected by the blockade of the Southern ports. It is agreed, however, among jurists that, where the interests of neighbouring states are not affected, the recognition of an insurgent's belligerency is needless interference.[2]

The recognition of belligerency does not entail recognition of the belligerent as a sovereign state. It goes no farther than its immediate purpose. The belligerent armies are lawful combatants, not bandits. Supplies taken from invaded territory are requisitions, not robbery. The belligerent ships of war are lawful cruisers, not pirates; and their captures, made in accordance with maritime law, are good prize; and their blockades, if effectual, must be respected by neutrals. But this does not suffice to invest the belligerent with the attributes of independent sovereignty for such objects as negotiation of treaties, and the accrediting of diplomatic and consular agents. This was the attitude of Great Britain and France towards the Confederates in the American Civil War.

Effect of recognition of belligerency.

The position of a vassal state or a colony carrying on foreign war without the consent of the suzerain or parent state might involve still more complicated issues.[3]

Civilized warfare, the textbooks tell us, is confined, as far as possible, to disablement of the armed forces of the enemy; otherwise war would continue till one of the parties was exterminated. "It is with good reason," observes Vattel, "that this practice has grown into a custom with the nations of Europe, at least with those that keep up regular standing armies or bodies of militia. The troops alone carry on war, while the rest of the nation remain in peace" (*Law*

Regular forces and civilians.

of Nations, iii. 226). Modern notions of patriotism do not, however, view this total and unconditional abstention of the civilian population as any longer possible. They have found, to some extent, expression in the following Articles of the Hague War-Regulations:—

"Art. 1. The laws, rights and duties of war apply not only to an army, but also to militia and volunteer corps fulfilling the following conditions: (*a*) To be commanded by a person responsible for his subordinates; (*b*) to have a fixed distinctive emblem recognizable at a distance; (*c*) to carry arms openly; and (*d*) to conduct their operations in accordance with the laws and customs of war. In countries where militia or volunteer corps constitute the army, or form part of it, they are included under the denomination 'army.'

"Art. 2. The population of a territory not under occupation, who, on the enemy's approach, spontaneously take up arms to resist the invading troops without having had time to organize themselves in accordance with Article 1, shall be regarded as belligerent if they *carry arms openly, and if they* respect the laws and customs of war."[4]

The only alteration made by the revised Convention of Nov. 27th, 1907, as compared with that of 1899 is the insertion in Art. 2 of the words in italics.

By these provisions, irregular combatants whom both the government of the United States in the American Civil War and the German government in the Franco-German War refused to regard as legitimate belligerents, are now made legally so.[5]

Connected with the position of private persons in time of war is that of their property in invaded territory, a subject

which has often been misunderstood. Assertions as to its immunity from capture in warfare on land have been made which are historically inaccurate and are not borne out by contemporary usage. No doubt contemporary usage is an improvement on older usage. An invading army, before the practice of war became more refined, lived by foraging and pillage in the invaded country; pillage, in fact, being one of the inducements held out to the adventurers who formed part of the fighting forces either as officers or as common soldiers, and this continued down to comparatively recent times. Attenuations followed from the rise of standing and regular armies, and the consequent more marked distinction between soldier and civilian. They have now taken the form of systematic requisitions and contributions, the confining of the right of levying these to generals and commanders-in-chief, the institution of quittance's or bills drawn by the belligerent invader on the invaded power and handed in payment to the private persons whose movable belongings have been appropriated or used, and of war indemnities. These are methods of lessening the hardships of war as regards the private property on land of the subjects of belligerent states. Their object and effect have by no means been to arrive at immunity, but to develop an organized system by which damage and losses to individuals, whom the fortune of war has brought into immediate contact with the enemy, are spread over the whole community. There is thus no immunity of private property in warfare on land, and the

Enemy property on invaded territory.

Hague War-Regulations, far from declaring the contrary, have ratified the right of appropriation of private property in the following Article:—

"Neither requisitions in kind nor services can be demanded from communes or inhabitants except for the necessities of the army of occupation. They must be in proportion to the resources of the country, and of such a nature as not to involve the population in the obligation of taking part in military operations against their country.

"These requisitions and services shall only be demanded on the authority of the Commander in the locality occupied.

"The contributions in kind shall, as far as possible, be paid for in ready money; if not, their receipt shall be acknowledged and the payment of the amounts due shall be made as soon as possible" (Article 52).

In another Article provision, moreover, is made for the utilization of property in kind belonging to private persons:—

"An army of occupation can only take possession of the cash, funds and property liable to requisition belonging strictly to the state, depots of arms, means of transport, stores and supplies, and, generally, all movable property of the state which may be used for military operations.

"All appliances, whether on land, at sea, or in the air adapted for the transmission of news, or for the transport of persons or things, exclusive of cases governed by naval law, depots of arms, and generally, all kinds of ammunition of war, may be seized, even if they belong to private individuals, but must be restored and compensation fixed when peace is made."

Utilizable neutral rolling-stock is not excepted. Article 19 of the Convention on the rights and duties of neutral powers

and persons in war on land only providing that—

"The plant of railways coming from neutral states, whether the property of those states, or of companies, or of private persons, and recognizable as such, shall be sent back as soon as possible to the country of origin."

Enemy property at sea.

Enemy property at sea is subject to different rules from those which govern it on land. It is liable to capture and confiscation wherever found on the high seas or in enemy waters. The United States has made strenuous efforts to get this rule of maritime warfare altered, and immunity from capture accepted as the law of the sea. It has even made this a condition of its accession to the Declaration of Paris (see NEUTRALITY). But thus far other powers have shown no disposition to agree to any alteration. At the Hague Conferences the United States raised the question again, but thus far all that has been done has been to ratify existing exemptions. The considerations which have led mankind to systematize the practice of war in regard to private property on land do not arise in the same form in connexion with private property at sea. Here there is no question of seizing the live stock, or the bedding, or the food, or the utensils of the private citizen. If ship and cargo are captured, it may be hard upon the merchant, but such captures do not directly deprive him of the necessaries of life. Yet, as in the case of war on land, its hardships have been attenuated, and progress has been made by developing a more systematic procedure of capture of private property at sea. Thus

exemption from capture is now allowed by belligerents to enemy merchant ships which, at the outbreak of war, are on the way to one of their ports, and they also allow enemy merchantmen in their ports at its outbreak a certain time to leave them. This is confirmed by the Hague Convention of 1907 on the status of enemy ships on the outbreak of hostilities. A somewhat, similar practice exists as regards pursuit of merchant ships which happen to be in a neutral port at the same time with an enemy cruiser. Under the Hague Convention of 1907 respecting the rights and duties of neutral powers in naval war (Art. 16), this, too, is confirmed. Lastly, there has grown up, on grounds similar to those which have led to the indulgence shown to private property on land, a now generally recognized immunity from capture of small vessels engaged in the coast fisheries, provided they are in no wise made to serve the purposes of war, which also has been duly confirmed in the Hague Conventions of 1907 by Art. 3 of the convention relative to certain restrictions on the exercise of the right of capture in maritime war. This has all been done with the object of making the operations of war systematic, and enabling the private citizen to estimate his risks and take the necessary precautions to avoid capture, and of restricting acts of war to the purpose of bringing it to a speedy conclusion.

We have seen that the only immunity of private property yet known to the laws of war is a limited one at sea. War, by its very nature, seems to prevent the growth of any such immunity. The tendency in war on land has been to spread

its effects over the whole community, to keep a faithful record on both sides of all confiscations, appropriations and services enforced against private citizens; beyond this, protection has not yet been extended. There is good reason for this. The object of each belligerent being to break the enemy's power and force him to sue for peace, it may not be enough to defeat him in the open field; it may be necessary to prevent him from repairing his loss both in men and in the munitions of war. This may imply crippling his material resources, trade and manufactures. It has been contended that “to capture at sea raw materials used in the manufacturing industry of a belligerent state, or products on the sale of which its prosperity, and therefore its taxable sources depend, is necessarily one of the objects, and one of the least cruel, which the belligerents pursue. To capture the merchant vessels which carry these goods, and even to keep the seamen navigating them prisoners, is to prevent the employment of the ships by the enemy as transports or cruisers, and the repairing from among the seamen of the mercantile marine of losses of men in the official navy.”[6]

The question of reform of the existing practice would naturally be viewed in different countries according to their respective interests. The United States has obviously an interest in the exemption of its merchant vessels and cargoes from capture, a small official navy being sufficient for the assertion of its ascendancy on the American continent. It may also be presumed to be in the interest of

Italy, who, in a treaty with the United States in 1871, provided for mutual recognition of the exemption.

In the Austro-Prussian war of 1866 the principle of inviolability was adhered to by both parties. Germany proclaimed the same principle in 1870, but afterwards abandoned it.

There is a strong movement in Great Britain in favour of the general adoption of i nun unity. Whether it may now be expedient for her to agree to such immunity is an open question. It is quite conceivable, however, that different considerations would weigh with her in a war with the United States from those which would arise in a war with France or Germany. In the case of the United States it might be in the interest of both parties to localize the operations of war, and to interfere as little as possible, perhaps for the joint exclusion of neutral vessels, with the traffic across the Atlantic. In the case of a war with France or Germany, Great Britain might consider that the closing of the high sea to all traffic by the merchantmen of the enemy would be very much in her own interest.

Enemy subjects—their property on hostile territory.

The converse subject of the treatment of subjects of the one belligerent who remain in the country of the other belligerent also was not dealt with at the Hague. British practice in this matter has always been indulgent, the protection to the persons and property of non-combatant

enemies on British soil dating back to Magna Carta (s. 48), and this is still the law of England. The practice on the continent of Europe varies according to circumstances, to which no doubt, in the event of the invasion of Great Britain. British practice would also have to adapt itself.

Prisoners of war.

The Hague War-Regulations deal fully with the treatment of prisoners, and though they add nothing to existing practice, such treatment is no longer in the discretion of the signatory Powers, but is binding on them. They provide as follows:—

Prisoners of war are in the power of the hostile government, but not in that of the individuals or corps who captured them. They must be humanely treated. All their personal belongings, except arms, horses and military papers, remain their property (Article 4). Prisoners of war may be interned in a town, fortress, camp or any other locality, and bound not to go beyond certain fixed limits; but they can only be confined as an indispensable measure of safety, and only so long as circumstances necessitating this measure shall endure (Article 5). The state may utilize the labour of prisoners of war according to their rank and aptitude, with the exception of officers. Their tasks shall not be excessive, and shall have nothing to do with the military operations. Prisoners may be authorized to work for the public service, for private persons, or on their own account. Work done for the state shall be paid for according to the tariffs in force for soldiers of the national army employed on similar tasks, or if there are none in force, then according to a tariff suitable to the work executed. When the work is for other branches of the public service or for private persons, the conditions shall be settled in agreement with the military authorities. The wages of the prisoners shall go towards improving their position, and the balance shall be paid them at the time of their release, after deducting the cost of their maintenance (Article 6). The government into whose hands prisoners of war have fallen is bound to maintain them. Failing a special agreement between the belligerents, prisoners of war shall be treated, as regards food, quarters and

clothing, on the same footing as the troops of the government which has captured them (Article 7). Prisoners of war shall be subject to the laws, regulations and orders in force in the army of the state into whose hands they have fallen. Any act of insubordination warrants the adoption, as regards them, of such measures of severity as may be necessary. Escaped prisoners, recaptured before they have succeeded in rejoining their army, or before quitting the territory occupied by the army that captured them, are liable to disciplinary punishment. Prisoners who, after succeeding in escaping, are again taken prisoners, are not liable to any punishment for the previous flight (Article 8). Every prisoner of war, if questioned, is bound to declare his true name and rank, and if he disregards this rule, he is liable to a curtailment of the advantages accorded to the prisoners of war of his class (Article 9). Prisoners of war may be set at liberty on parole if the laws of their country authorize it, and, in such a case, they are bound, on their personal honour, scrupulously to fulfil, both as regards their own government and the government by whom they were made prisoners, the engagements they have contracted. In such cases, their own government shall not require of nor accept from them any service incompatible with the parole given (Article 10). A prisoner of war cannot be forced to accept his liberty on parole; similarly the hostile government is not obliged to assent to the prisoner's request to be set at liberty on parole (Article 11). Any prisoner of war who is liberated on parole and recaptured, bearing arms against the government to whom he had pledged his honour or against the allies of that government, forfeits his right to be treated as a prisoner of war, and can be brought before the courts (Article 12).

Journalists.

An interesting provision in the Regulations assimilates individuals who, following an army without directly belonging to it, such as newspaper correspondents and reporters, sutlers, contractors, fall into the enemy's hands, to prisoners of war, provided they can produce a certificate from the military authorities of the army they were accompanying.

A new departure is made by clauses providing for the institution of a bureau for information relative to prisoners of war. This is to be created at the commencement of hostilities, in each of the belligerent states and, when necessary, in the neutral countries on whose territory belligerents have been received. It is intended to answer all inquiries about prisoners of war, and is to be furnished by the various services concerned with all the necessary information to enable it to keep an individual return for each prisoner of war. It is to be kept informed of internments and changes, liberation's on parole, evasions, admissions into hospital, deaths, &c. It is also the duty of the bureau to receive and collect all objects of personal use, valuables, letters, &c., found on the battlefields or left by prisoners who have died in hospital or ambulance, and to transmit them to those interested. Letters, money orders and valuables, as well as postal parcels destined for the prisoners of war or dispatched by them, are to be free of all postal duties both in the countries of origin and destination, as well as in those they pass through. Gifts and relief in kind for prisoners of war are to be admitted free of all duties of entry, as well as of payments for carriage by the government railways.

Information office as to prisoners.

Furthermore, relief societies for prisoners of war, regularly constituted with the object of charity, are to receive every facility, within the bounds of military requirements and administrative

Relief societies.

regulations, for the effective accomplishment of their task. Delegates of these societies are to be admitted to the places of internment for the distribution of relief, as also to the halting-places of repatriated prisoners, "if furnished with a personal permit by the military authorities, and on giving an engagement in writing to comply with all their regulations for order and police."

Sick and wounded.

The obligations of belligerents with regard to sick and wounded in war on land are now governed by the Geneva Convention of July 6th, 1906. By this Convention ambulances and military hospitals, their medical and administrative staff and chaplains are "respected and protected under all circumstances," and the use of a uniform flag and arm-badge bearing a red cross are required as a distinguishing mark of their character. A Convention, accepted at the Peace Conferences, has now adapted the principles of the Geneva Convention to maritime warfare. This new Convention provides that—

Military hospital-ships, that is to say, ships constructed or assigned by states specially and solely for the purpose of assisting the wounded, sick or shipwrecked, and the names of which have been communicated to the belligerent powers at the commencement or during the course of hostilities, and in any case before they are employed, are to be respected and cannot be captured while hostilities last.

As regards hospital-ships equipped wholly or in part at the cost of private individuals or officially recognized relief societies, they likewise are to be respected and exempt from capture, provided the belligerent or neutral power to

which they belong shall have given them an official commission and notified their names to the hostile power at the commencement of or during hostilities, and in any case before they are employed.

The belligerents have the right to control and visit them; they can refuse to help them, order them off, make them take a certain course, and put a commissioner on board; they can even detain them, if important circumstances require it.

The religious, medical or hospital staff of any captured ship is inviolable, and its members cannot be made prisoners of war.

Lastly, neutral merchantmen, yachts or vessels, having, or taking on board, sick, wounded or shipwrecked of the belligerents, cannot be captured for so doing.

The following prohibitions are also placed by the Hague Regulations on the means of injuring the enemy:—

To employ poison or poisoned arms.

To kill or wound treacherously individuals belonging to the hostile nation or army.

Injuring enemy, siege, bombardments.

To kill or wound an enemy who, having laid down arms or having no longer means of defence, has surrendered at discretion.

To declare that no quarter will be given.

To employ arms, projectiles or material of a nature to cause superfluous injury.

To make improper use of a flag of truce, the national flag or military ensigns and the enemy's uniform, as well as the distinctive badges of the Geneva Convention.

To destroy or seize the enemy's property, unless such destruction or seizure be imperatively demanded by the necessities of war; to attack or bombard towns, villages, habitations or buildings which are not defended.

Ruses of war.

To pillage a town or place, even when taken by assault.

Ruses of war and the employment of methods necessary to obtain information about the enemy and the country, on the contrary, are considered allowable.

Spies.

A spy is one who, acting clandestinely, or on false pretences, obtains, or seeks to obtain, information in the zone of operations of a belligerent, with the intention of communicating it to the hostile party (the Hague War-Regulations, Art. 29). Thus, soldiers not in disguise who have penetrated into the zone of operations of a hostile army to obtain information are not considered spies. Similarly, the following are not considered spies: soldiers or civilians, carrying out their mission openly, charged with the delivery of dispatches destined either for their own army or for that of the enemy. To this class belong likewise individuals sent in balloons to deliver dispatches, and generally to maintain communication between the various parts of an army or a territory (*ib.*). A spy taken in the act cannot be punished without previous trial, and a spy who, after rejoining the army to which he belongs, is subsequently captured by the enemy, is a prisoner of war, and not punishable for his previous acts of espionage.[7]

In sieges and bombardments all necessary steps are to be taken to spare as far as possible buildings devoted to religion, art, science and charity, hospitals and places where the sick and wounded are collected, provided they are not used at the same time for military purposes; but the besieged are to indicate these buildings or places by some particular and visible signs and notify them to the assailants.

A new Convention respecting bombardments by naval forces was adopted by the Hague Conference of 1907, forbidding the bombardment of undefended “ports, towns, villages, dwellings or buildings,” unless after a formal summons the local authorities decline to comply with requisitions for provisions or supplies necessary for the immediate use of the naval force before the place in

question. But they may not be bombarded on account of failure to pay money contributions. On the other hand, the prohibition does not apply to military works, depots of arms, &c., or ships of war in a harbour.

Another new Convention adopted at the Hague in 1907 dealt with the laying of automatic submarine contact mines. Its main provisions are as follows:—

It is forbidden:

1. To lay unanchored automatic contact mines, except when they are so constructed as to become harmless one hour at most after the person who laid them ceases to control them;

2. To lay anchored automatic contact mines which do not become harmless as soon as they have broken loose from their moorings;

3. To use torpedoes which do not become harmless when they have missed their mark (Art. 1).

It is forbidden to lay automatic contact mines off the coast and ports of the enemy, with the sole object of intercepting commercial shipping (Art. 2).

When anchored automatic contact mines are employed, every possible precaution must be taken for the security of peaceful shipping.

The belligerents undertake to do their utmost to render these mines harmless within a limited time, and, should they cease to be under surveillance, to notify the danger zones as soon as military exigencies permit, by a notice addressed to shipowners, which must also be communicated to the Governments through the diplomatic channel. (Art. 3.)

Neutral Powers which lay automatic contact mines off their coasts must observe the same rules and take the same precautions as are imposed on belligerents.

The neutral Power must inform shipowners, by a notice issued in advance, where automatic contact mines have been laid. This notice must be communicated at once to the Governments through the diplomatic channel. (Art. 4.)

At the close of the war the Contracting Powers undertake to do their utmost to remove the mines which they have laid, each Power removing its own mines.

As regards anchored automatic contact mines laid by one of the belligerents off the coast of the other, their position must be notified to the other party by the Power which laid them, and each Power must proceed with the least possible delay to remove the mines in its own waters. (Art. 5.)

The Contracting Powers which do not at present own perfected mines of the pattern contemplated in the present Convention, and which, consequently, could not at present carry out the rules laid down in Articles 1 and 3, undertake to convert the *matériel* of their mines as soon as possible so as to bring it into conformity with the foregoing requirements. (Art. 6.)

Occupation of hostile territory.

Territory is considered as occupied when it is actually under the authority of the hostile army. The authority having passed into the hands of the occupant, the latter takes all possible steps to re-establish public order and safety. Compulsion of the population of occupied territory to take part in military operations against their own country, or even give information respecting the army of the other belligerent and pressure to take the oath to the hostile power are prohibited. Private property must be respected, save in case of military necessity (Arts. 46 and 52). The property of religious, charitable and educational institutions, and of art and science, even when state property, are assimilated to private property, and all seizure of, and destruction or

intentional damage done to such institutions, to historical monuments, works of art or science is prohibited (Art. 56).

Declaration of war.

Practice as regards declarations of war has hitherto varied. The Franco-Prussian War of 1870 was preceded by a deliberate declaration. In the war between Japan and China there was no declaration. (See Ariga, *La Guerre sino-japonaise*, Paris, 1896). The delivery of an ultimatum specifying those terms, the compliance with which is demanded within a specified time, is practically a conditional declaration of war which becomes absolute in case of non-compliance. Thus the note communicated by the United States to Spain on 20th April 1898 demanded the "immediate withdrawal of all the land and sea forces from Cuba," and gave Spain three days to accept these terms. On the evening of 22nd April the United States seized several Spanish vessels, and hostilities were thus opened. In the case of the Transvaal War, the declaration also took the form of an ultimatum. A special Hague convention adopted at the Conference of 1907 now provides that hostilities "must not commence without previous and explicit warning in the form of a reasoned declaration of war or of an ultimatum with conditional declaration of war." It also provides that the existence of a state of war must be notified to the neutral powers and shall not take effect in regard to them until after the receipt of the notification which may be given by telegraph. Most of the good effect of the provision, however, is negatived by the

Modern practice.

qualification that neutral powers cannot rely on the absence of notification if it is clearly established that they were in fact aware of the existence of a state of war.

Too much confidence must not be placed in regulations concerning the conduct of war. Military necessity, the heat of action, the violence of the feelings which come into play will always at times defeat the most skilfully combined rules diplomacy can devise. Still, such rules are a sign of conditions of public opinion which serve as a restraint upon the commission of barbarities among civilized peoples. The European operations in China consequent on the "Boxer" rising showed how distance from European criticism tends to loosen that restraint. On the other hand, it was significant that both the United States and Spain, who were not parties to the Declaration of Paris, found themselves, in a war confined to them, under the necessity of observing provisions which the majority of civilized states have agreed to respect. (T. BA.)

Future of law of war.

1. ↑ *The Times* (9th September 1902).
2. ↑ It is also agreed that, as the existence of belligerency imposes burdens and liabilities upon neutral subjects, a state engaged in civil war has no right, in endeavouring to effect its warlike objects, to employ measures against foreign vessels, which, though sanctioned in time of peace, are not recognized in time of war. In other words, it cannot enjoy at one and the

same moment the rights of both peace and war. Thus, in 1861, when the government of New Granada, during a civil war, announced that certain ports would be closed, not by blockade, but by order, Lord John Russell said that “it was perfectly competent to the government of a country in a state of tranquillity to say which ports should be open to trade, and which should be closed; but in the event of insurrection, or civil war in that country, it was not competent for its government to close ports which were *de facto* in the hands of the insurgents; and that such a proceeding would be an invasion of international law relating to blockade” (*Hansard*, clxiii., 1846). Subsequently the government of the United States proposed to adopt the same measure against the ports of the Southern States, upon which Lord John Russell wrote to Lord Lyons that “Her Majesty's government entirely concur with the French government in the opinion that a decree closing the Southern ports would be entirely illegal, and would be an evasion of that recognized maxim of the law of nations that the ports of a belligerent can only be closed by an effective blockade” (*State Papers*, North America, No. 1, 1862). In neither case was the order carried out. When in 1885 the President of Colombia, during the existence of civil war, declared several ports to be closed without instituting a blockade, Mr T. F. Bayard, Secretary of State of the United States, in a despatch of 24th April of that year,

fully acknowledged the principle of this contention by refusing to acknowledge the closure.

3. ↑ In the Servo-Bulgarian War of 1885 the Sultan, though suzerain of Bulgaria, was unmoved by the invasion of his vassal's dominions.
4. ↑ The preamble of the Convention refers specially to Articles 1 and 2 in the following terms: “In the view of the High Contracting Parties, these provisions, the drafting of which has been inspired by the desire to diminish the evils of war so far as military necessities permit, are destined to serve as general rules of conduct for belligerents in their relations with each other and with populations;

   “It has not, however, been possible to agree forthwith on provisions embracing all the circumstances which occur in practice;

   “On the other hand, it could not be intended by the High Contracting Parties that the cases not provided for should, for want of a written provision, be left to the arbitrary judgment of the military commanders;

   “Until a more complete code of the laws of war is issued, the High Contracting Parties think it expedient to declare that in cases not included in the Regulations adopted by them, populations and belligerents remain under the protection and empire of the principles of international law, as they result from the usages

established among civilized nations, from the laws of humanity, and the requirements of the public conscience;

"They declare that it is in this sense especially that Articles 1 and 2 of the regulations adopted must be understood."

5. ↑ The instructions for the government of armies of the United States in the field, issued in 1863, provided:—

"Men or squads of men who commit hostilities, whether by fighting or inroads for destruction or plunder, or by raids of any kind, without commission, without being part and portion of the organized hostile army, and without sharing continuously in the war, but who do so with intermitting returns to their homes and avocation, or with the occasional assumption of the semblance of peaceful pursuits, divesting themselves of the character or appearance of soldiers—such men or squads of men are not public enemies, and therefore, if captured, are not entitled to the privilege of prisoners of war, but shall be treated summarily as highway robbers or pirates."

Germany seven years later declined to recognize the regular bands of *francs-tireurs* unless each individual member of them had been personally called out by

legal authority, and wore a uniform or badge, irremovable and sufficient to distinguish him at a distance. The older publicists were, on the whole, strongly opposed to the legalization of irregular troops. Hallock settles the question in a summary way by calling those who engage in partisan warfare, robbers and murderers, and declaring that when captured they are to be treated as criminals (*International Law*, chap. xviii. s. 8). It is easy to understand the unfavourable opinion of partisan bands usually expressed by the military authorities when the enormous power for damage of modern arms is considered. At the Brussels Conference of 1874 the representatives of the great military Powers of the Continent naturally desired to keep spontaneous movements within the narrowest possible bounds, while the delegates from the secondary states, who have to rely for their defence chiefly upon the patriotism of their people, endeavoured to widen the right of resistance to an invader. Finally the Conference adopted the provisions which were later formally recognized at the Hague Conference (see *British State Papers Miscellaneous*, No. 1, 1875, pp. 252-257). It is noteworthy that both at the Brussels and the Hague Conferences the British delegate ranged himself on the side of the smaller states in favour of the recognition of guerrilla bands. At the Hague Conference Sir John Ardagh gave notice of his intention to propose an additional Article, to the effect that nothing in the Regulations should “be

considered as tending to diminish or suppress the right which belongs to the population of an invaded country patriotically to oppose the most energetic resistance by every legitimate means." The upshot of this notice was to cause the insertion of a proviso in the preamble of the Convention denying the right of military commanders to act according to their own arbitrary judgment (*Parliamentary Papers*, No. 1, 1899, c. 9534).

6. ↑ Barclay, "Proposed Immunity of Private Property at Sea from Capture by Enemy," *Law Quarterly Review* (January 1900).
7. ↑ See, as to *Flags of Truce*, Art. 32 of the Hague Regulations.

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