

## Law and War

(Continued from page 1.)

and strengthened; in other words, that if another war came the civil population would not be objects of attack in an unrestricted manner. The defeat of Germany was believed to imply a general overhauling of the rules of war, and the observance of the revised rules in future. What was overlooked was that the old rules were obsolete and that new rules based on the same ideas must necessarily become rapidly obsolete also.

The point I wish to stress is that since the war no attempt has been made by the League of Nations to draw up amended rules to meet the changes

caused by modern scientific invention and the latest developments in warfare.

The League has not moved in the matter because it is known that any attempt to preserve the civilian population from military attack, by the mere adoption of rules or laws, would be unsuccessful. The League has concentrated upon the prevention of war, not its regulation, once it has broken out. There are weighty reasons why, in a future war, it will be impracticable to distinguish between civilian and soldier. A war in the present year would differ from the wars of the past in many important respects.

For instance, the general use of conscription and the organisation of the whole nation, so as to release as many able-bodied men as possible for the fighting front. General Ludendorff said

that the army and the nation are one. He was right in this, because if one now helps an enemy civilian one indirectly helps an enemy combatant. We now think of a whole nation in arms—every man, woman, and child is but a unit in a great organised nation, and an injury to one is an injury to all.

We can no longer distinguish between the troops in the trenches, the women in the munition factories, or the workers in the fields. Take the interesting example of a shipment of condensed milk to Germany during the war. One would suppose that the cargo of condensed milk would chiefly be of use to the German babies in arms. But the fats in the condensed milk could be used by scientific processes be turned into explosives, and the empty tins came in useful for making hand grenades. Consequently we could not permit the export of condensed milk to an enemy for fear of its being diverted to warlike uses.

Lipsticks can be converted to their original glycerine and so become explosives. In Germany during the war they requisitioned for war purposes such articles as name-plates, door-knobs, curtain-rods and coat-hangers. I quote these instances from a pamphlet issued by the League of Nations, which proves that no distinction can be made between goods and food for civil uses and for military uses. To starve the enemy's army, to deprive men of munitions of war, you must starve his women and children and deprive them of all imports.

We now have the recognised use of economic pressure by crippling the industries of the enemy and ruining his financial structure. In this way it is lawful to destroy the savings of the civilian population, to strike at the widows and the aged, and condemn them to lives of want.

### Aeroplanes and Poison Gas.

CONSIDER also the use of bombing planes for night attacks upon factories, bridges, railway stations, and the like. Such attacks can only result in the death of civilians, and gas would be used. Where a whole nation is organised for the prosecution of a war it is just as important to destroy the industrial centres of population as to destroy the army in the field. The great advance in aviation and the preparation of poison gas has meant that no country can afford to neglect these inventions, and the air forces of all the Powers are to-day provided with gas bombs, though the use of poison gas was, prior to the Great War, definitely forbidden by agreement among the Powers.

It is significant that the League of Nations has made no attempt to draw up rules restricting the use of poison gas or restricting the bombardment of industrial centres and large cities. This is because it is known that rules of this nature, if agreed upon, would inevitably be thrown aside as the strain of war became intense.

The successful use of aeroplanes requires that attacks be made by night and an aviator flying over comparatively unknown territory and over darkened cities must destroy large numbers of men, women and children by aerial attack. The destruction will be the greater because large populations are always found in the centres of industry.

It is impossible to regulate aerial attack so as to spare the civilian population—unless aerial attack were renounced for ever by the Powers. But none would forego so valuable a

weapon and hence the impossibility of dealing with the problem.

### Q Ships and Submarines.

A USEFUL example is furnished from submarine warfare. The laws of war prohibited the sinking of passenger vessels and other unarmed ships, unless the passengers and crews were removed to safety before sinking the vessel. But the nature of submarine warfare soon caused the breakdown of the rules. The use of "mystery ships" and the improved methods for the detection and destruction of submarines, forced submarine commanders to take no chances in a matter which meant life or death to the submarine crews. It became too dangerous for the submarine commander to spend valuable time in ascertaining the nature of the vessel he proposed to attack. He was in many cases forced to adopt the course of discharging his torpedoes first and making inquiries later. Similarly, the aviator flying over hostile territory will be compelled by the instinct of self-preservation, not to risk his life by attempting to make quite sure of the nature of his target. The chance will have to be taken by the city populations, not the aviator flying high above them.

Rules to regulate submarine warfare are useless, and rules to protect cities from aerial attack are useless also. The only way to deal with the submarine is to abolish its use altogether, and similarly with aircraft flying over hostile territory at night time.

The problem of the international lawyers prior to the Great War was to regulate the violence of war and to protect, as far as possible, innocent people from destruction. The problem has now changed. No attempts to regulate the conduct of war will ever be successful—it is recognised that the task is to prevent war from ever breaking out. The elaborate machinery of the League of Nations is directed to the prevention of the outbreak of wars, and this has been supplemented by the Kellogg Pact for the renunciation of war.

My address was entitled "Problems of Law and War," and I should like you to remember three things, about which I hope I have now convinced you. Firstly, that any future war must be even more terrible than the last war, because women and children will be objects of attack; secondly, that international law will be powerless to regulate the violence of war, once it has commenced; and thirdly, that all efforts must be devoted to the prevention of war, if civilised life is to continue to exist.

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