

(2) METHODS PROHIBITED AS BARBAROUS.

The law of nations proscribes all cruelty, and needless violence or severity.

Thus an enemy who surrenders should never be struck, wounded, nor killed. From the moment he ceases to resist he becomes a prisoner of war; but in order to prevent his attempt to escape, or resist again, he may be disarmed, guarded, and effectually prevented from causing injury. If the chances of battle place him again at liberty, and he commences to fight, he thereby incurs no forfeiture; should he be again captured he cannot be punished for having resumed the fight. He will only be in fault and liable to punishment, if he had promised not to do so: respect for the promise sworn to the enemy is the rule.

It is thus a strict obligation to spare an enemy who submits, or who has no longer any means of defending himself. Consequently, under no circumstances, neither as a means of intimidation, nor for hatred, nor for vengeance, should it be declared in advance that quarter will not be given. . . . It is not only persons, but also property, that the laws of war protect against useless or excessive severity.

The belligerents should abstain from all destruction which is not absolutely necessary.

From this point of view civilization has imposed restrictions which were unknown in former years. Now-a-days no General would be excused who would order the destruction or the pillage of a considerable portion of the enemy's territory or of the lasting productions of the soil.

The use of coal oil as a means of destruction is not in itself contrary to the laws of war, if the act of destruction is lawful; but its use for acts of vengeance or intimidation is prohibited.

The employment of weapons, projectiles, or substances calculated to inflict needless suffering is prohibited as barbarous.

In accordance with this rule combatants abstain from using as projectiles, broken glass, jagged bullets, metal shot, slugs, barbed arrows, bullets containing glass and lime, and in general, all weapons which, without exercising a direct influence upon the issue of the struggle, have only the effect of producing more painful wounds. This rule applies more especially to organized combatants, who are provided with regular arms and ammunition; but no one could blame improvised combatants, who, in default of bullets or bayonets, loaded their guns with shot, or improvised a weapon out of the first implement which came to their hands. This con-