

consent." Vattel, more cautious, spoke of "the just regulations which ought to subsist between nations or sovereign states." And with that "ought" we come to the crux of the matter.

On paper it is acknowledged, by all those Powers that are ranked as "civilised," that certain usages and customs of war—decencies of the battle-field, in fact—certain standards of humane behaviour, are to be observed and maintained in the conduct of operations. On the other hand it is agreed—on paper—that there are actions so reprehensible that no civilised Power would permit its troops to be guilty of perpetration. These actions, known as War Crimes, in the British manual on the laws of land warfare are grouped under four headings: (i) Violation of the recognised rules of warfare; (ii) Illegitimate hostilities in arms; (iii) Espionage and war treason; (iv) Marauding. The first includes among its seventeen sub-headings the use of poisonous and prohibited munitions, the killing of wounded and prisoners, abuse of the Red Cross, ill-treatment of inhabitants of occupied territories, and the bombardment of undefended localities. All of these acts stand condemned by the International Conventions at the Hague; they are, in the accepted phrase, illegal. But it is one thing to formulate a law and very other to ensure its observance. Hard words, as the proverb has it, break no bones. Condemnations break no offender. As restraint they are valueless if he wishes to offend, and deems himself strong enough to be able to do so without eventually incurring more material punishment. The vicious circle, in short, ever returns to physical force as the dominant factor in human intercourse; for a legal phrase that has behind it no superior potency carries little weight in the final arbitrament of war, which in its essence is an appeal to strength.

A sovereign head of the Holy Roman Empire, a Papal Pontiff with equal temporal and spiritual powers, could impose his fiat upon jarring nations and determine the forms and ceremonies of war, its licence and its limitations, just so long as he was able to back his decisions with more than wordy threat. Once any