

ing President Wilson as a mediator, his sympathies being, as he thinks, wholly with the *Entente* Powers.

The detached situation of the United States and the composite character of its population, which directs the attention of its public men to very divergent sympathies, certainly equip it especially as an intermediary. Holland and Switzerland which have been suggested, seem too small for adequate weight and too near for adequate independence, in view of the heat and violence of the contest.

This writer is confident that the desire to compel an untimely peace or to dominate its terms is not justly attributed to Mr. Wilson. He would heartily join with the standing committee of the American Bar Association in its report for 1915-16, just filed, in the hope that, freed from any such implication, the good offices of the Government of the United States "may always be open to the nations unhappily involved" for the establishment of the firm and lasting peace "so ardently desired by mankind."

CHARLES NOBLE GREGORY.

CONCERNING PRISONERS OF WAR

The treatment accorded enemy persons, who being unable to resist, have been captured on the field of battle or elsewhere, has undergone slow and definite transformation since earliest recorded times. Widespread consciousness that a prisoner of war is a public rather than a private foe, and one not necessarily chargeable with reprehensible conduct, has served to mitigate the fate that once surely awaited children and women as well as men who fell into the clutches of an enemy. It may be unnecessary to trace the development toward better things.

The Hague Regulations of 1907, adverting to the fact that prisoners of war are in the power of the hostile government rather than of the individuals or corps who capture them, declare that prisoners must be "humanely treated." To that end it is provided that all of their personal belongings, except arms, horses and military papers, shall remain their property.

Events of the European War indicate that from the moment of capture until placed in an internment camp, rather than at any subsequent period of captivity, a prisoner is likely to be subjected to brutal treatment. His helplessness is oftentimes utilized by his captors, to subject him to personal violence or even to deny him quarter, or torture him

with abuse. In the course of transporting the prisoner to a place of internment there still survives a tendency to endeavor to render him by any process despicable in the eyes of the civil population. In order to remedy the evil there is required further international agreement not merely expressing denunciation of inhumane conduct, but rather making appropriate provision which, if observed, shall serve in fact to assure a form of protection that does not exist today.

The reasonableness of the utilization by the captor of the labor of prisoners of war (other than officers) must be proportional to its obligation to maintain them. The regulations impose the duty of maintenance upon the captor, declaring that in the absence of special agreement between the belligerents, prisoners of war shall be treated as regards board, lodging and clothing on the same footing as troops of the government who captured them. The Hague Regulations of 1907 (like the Oxford Rules), fail to take cognizance of the fact that the habitual diets of opposing armies frequently differ as radically as the races or nationalities to which they respectively belong, and that, under such circumstances, for a captor to feed its prisoners on the same scale or according to the same form of diet as is applied to its own troops, may cause great hardship and physical injury to those held in captivity. The health, discipline, and general welfare of prisoners of war depends upon the ability and disposition of the captor to give them food not unlike that to which they have been accustomed. Thus, apart from the matter of expense or quantity of the rations issued, it is of highest importance, when possible, to afford the prisoner the same kind of diet as that on which he has previously been maintained. This might be accomplished in part by permitting prisoners to administer their own commissary department, and by having all food cooked and prepared by prisoners of the same nationality or state as that of those by whom it is to be eaten. Appropriate international agreement, requiring under reasonable conditions observance of such a practice is believed to be desirable.

It is provided that wages earned by prisoners for public or other service rendered "shall go towards improving their position, and the balance shall be paid them on their release, after deducting the cost of their maintenance." It is believed that the wisdom of imposing upon the captor the duty of maintenance may be doubted. A state so burdened will, in proportion to the magnitude of its obligation, be inclined to incur the least possible expenditure, and will seek to accom-

plish that end by the exaction of the maximum of labor and the issuance of cheapest rations, thereby placing upon the prisoner the burden of obtaining by his own excessive labor the plain necessities of life. The departure expressed in the Hague Regulations from the old practice which found expression in Article XXIV of the treaty between the United States and Prussia, of September 10, 1785, placing the burden of maintenance of both officers and men who were taken prisoners on the state to which they belonged, is not believed to have been a step forward.

Assurance of observance of international regulations during long periods of internment requires more than the protestations of the captor state that it is fulfilling its legal obligations. In the course of the present War both Germany and Great Britain acquiesced in a plan permitting the inspection and supervision of relief of prisoners held by each respectively, and that by appropriate American diplomatic and consular officers. In consequence, constant and numerous inspections of prison camps have been made and conditions therein rigidly examined and reported on.

The proven value, if not the necessity, of inspection and relief, through neutral agencies, emphasizes the importance of general international agreement contemplating their use in the event of war, and establishing the right of a belligerent to avail itself thereof. By no other process can inhumane treatment on the part of a captor in any form be so readily detected, or so fairly estimated. From no other source can there emanate criticisms or suggestions better calculated to ameliorate the condition of prisoners, or to abate just causes of complaint.

CHARLES CHENEY HYDE.

PROPOSED AMENDMENTS TO THE NEUTRALITY LAWS OF THE UNITED STATES

In his masterly treatise on international law, the late Mr. W. E. Hall felt himself justified in saying:

The policy of the United States of 1793 constitutes an epoch in the development of the usages of neutrality. There can be no doubt that it was intended and believed to give effect to the obligations then incumbent upon neutrals. But it represented by far the most advanced existing opinions as to what those obligations were; and in some points it even went further than authoritative international custom has up to the present time advanced. In the main however it is identical with the standard of conduct which is now adopted by the community of nations. (Hall's International Law, 4th ed., § 213, p. 616.)