

FARRER JAMES ANSON

MILITARY MANNERS AND
CUSTOMS

James Farrer

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Military Manners and Customs / J. Farrer — «Public Domain»,

Содержание

PREFACE	5
CHAPTER I.	6
CHAPTER II.	17
CHAPTER III.	30
Конец ознакомительного фрагмента.	32

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PREFACE

In the present volume I have attempted within the limits of the historical period and of our European civilisation, and without recognising any hard and fast line between ancient and modern, Christian and Pagan, to allude, in the places that seemed most appropriate, to all points in the history of war that appeared to be either of special interest or of essential importance. As examples of such points I may refer to the treatment of prisoners of war, or of surrendered garrisons; the rules about spies and surprises; the introduction of, and feeling about, new weapons; the meaning of parts of military dress; the origin of peculiar customs like the old one of kissing the earth before a charge; the prevalent rules of honour, as displayed in notions of justice in regard to reprisals, or of fairness in stratagems and deception. The necessity of observing in so vast a field the laws of proportion has enforced resort to such condensation, that on subjects which deserve or possess their tomes upon tomes, I have in many cases been unable to spend more than a page or a chapter. It is easier, however, to err on the side of length than of brevity, but on whichever side I have exceeded, I can only hope that others, who may feel the same interest with myself in the subject without having the same time to give to it, may derive a tithe of the pleasure from reading the following nine chapters that I have found in putting them together.

The study, of course, is no new one, but there can be no objection to calling it by the new name of Bellology – a convenient term, quite capable of holding its own with Sociology or its congeners. The only novelty I have aimed at is one of treatment, and consists in never losing sight of the fact that to all military customs there is a moral and human side which has been only too generally ignored in this connection. To read books like Grose's 'Military Antiquities,' one would think their writers were dealing with the manners, not of men but of ninepins, so utterly do they divest themselves of all human interest or moral feeling, in reference to the customs they describe with so laudable but toneless an accuracy.

The starting-point of modern bellological studies will, undoubtedly, always be the Parliamentary Blue Book, containing the reports (less full than one might wish) of the Military International Conference that met at Brussels in 1874, to discuss the existing laws and customs of war, and to consider whether any modification of them were either possible or desirable. Most of the representatives appointed to attend by the several Powers were military men, so that we are carried by their conversation into the actual realities of modern warfare, with an authority and sense of truth that one is conscious of in no other military book. It is to be regretted that such a work, instructive as it is beyond any other on the subject, has never been printed in a form more popular than its official dress. It was from it that I first conceived the idea of the following pages, and in the sequel frequent reference will be made to it, as the source of the most trustworthy military information we possess, and as certain to be for some time to come the standard work on all the actual laws and customs of contemporary warfare.

CHAPTER I. THE LAWS OF WAR

Ce sont des lois de la guerre. Il faut estre bien cruel bien souvent pour venir au bout de son ennemi; Dieu doit estre bien miséricordieux en nostre endroict, qui faisons tant de maux. – Marshal Montluc.

The prohibition of explosive bullets in war – The importance of the Declaration of St. Petersburg of 1868 – The ultimate triumph of more destructive methods – Illustrated by history of the cross-bow or the musket; or of cannons, torpedoes, red-hot shot, or the bayonet – Numbers slain in modern and earlier warfare – The laws of war at the Brussels Conference of 1874 – Do the laws of war tend to improve? – A negative answer suggested from reference: (1) to the use of poison in war; (2) to the bombardment of towns; (3) to the destruction of public buildings; (4) to the destruction of crops and fruit trees; (5) to the murder of prisoners or the wounded; (6) to the murder of surrendered garrisons; (7) to the destruction of fishing boats; (8) to the disuse of the declaration of war; (9) to the torture and mutilation of combatants and non-combatants; (10) to the custom of contributions – The futile attempts of Grotius and Vattel to humanise warfare – The rights of war in the time of Grotius – The futility of international law with regard to laws of war – The employment of barbarian troops – The taking of towns by assault – The laws of war contrasted with the practice – War easier to abolish than to humanise.

It is impossible to head a chapter 'The Laws of War' without thinking of that famous chapter on Iceland headed 'The Snakes of Iceland,' wherein the writer simply informed his readers that there were none in the country. 'The laws of war' make one think of the snakes of Iceland.

Nevertheless, a summary denial of their existence would deprive the history of the battle-field of one of its most interesting features; for there is surely nothing more surprising to an impartial observer of military manners and customs than to find that even in so just a cause as the defence of your own country limitations should be set to the right of injuring your aggressor in any manner you can.

What, for instance, can be more obvious in such a case than that no suffering you can inflict is needless which is most likely permanently to disable your adversary? Yet, by virtue of the International Declaration of St. Petersburg, in 1868, you may not use explosive bullets against him, because it is held that they would cause him needless suffering. By the logic of war, what can be clearer than that, if the explosive bullet deals worse wounds, and therefore inflicts death more readily than other destructive agencies, it should be used? or else that those too should be excluded from the rules of the game – which might end in putting a stop to the game altogether?

The history of the explosive bullet is worth recalling, for its prohibition is a straw to clutch at in these days of military revival. Like the plague, and perhaps gunpowder, it had an Eastern origin. It was used originally in India against elephants and tigers. In 1863 it was introduced into the Russian army, and subsequently into other European armies, for use against ammunition-waggons. But it was not till 1867 that a slight modification in its construction rendered it available for the destruction of mankind. The world owes it to the humanity of the Russian Minister of War, General Milutine, that at this point a pause was made; and as the Czar, Alexander II., was no less humane than his minister, the result was the famous Declaration, signed in 1868 by all the chief Powers (save the United States), mutually foregoing in their future wars by land or sea the use of projectiles weighing less than 400

grammes (to save their use for artillery), either explosive or filled with inflammable substances. The Court of Berlin wished at the time for some other destructive contrivances to be equally excluded, but the English Government was afraid to go further; as if requiring breathing time after so immense an effort to diminish human suffering, before proceeding in so perilous a direction.

The Declaration of St. Petersburg, inasmuch as it is capable of indefinite expansion, is a somewhat awkward precedent for those who in their hearts love war and shield its continuance with apologetic platitudes. How, they ask, can you enforce agreements between nations? But this argument begins to totter when we remember that there is absolutely no superior power or tribunal in existence which can enforce the observance of the St. Petersburg Declaration beyond the conscience of the signatory Powers. It follows, therefore, that if international agreements are of value, there is no need to stop short at this or that bullet: which makes the arbitration-tribunal loom in the distance perceptibly nearer than it did before.

At first sight, this agreement excluding the use of explosive bullets would seem to favour the theory of those who see in every increase in the peril of war the best hope of its ultimate cessation. A famous American statesman is reported to have said, and actually to have appealed to the invention of gunpowder in support of his statement, that every discovery in the art of war has, from this point of view, a life-saving and peace-promoting influence.¹ But it is difficult to conceive a greater delusion. The whole history of war is against it; for what has that history been but the steady increase of the pains and perils of war, as more effective weapons of destruction have succeeded one another? The delusion cannot be better dispelled than by consideration of the facts that follow.

It has often seemed as if humanity were about to get the better of the logical tendency of the military art. The Lateran Council of 1139 (a sort of European congress in its day) not only condemned Arnold of Brescia to be burnt for heresy, but anathematised the cross-bow for its inhumanity. It forbade its use in Christian warfare as alike hateful to God and destructive of mankind.² Several brave princes disdained to employ cross-bow shooters, and Innocent III. confirmed the prohibition on the ground that it was not fair to inflict on an enemy more than the least possible injury.³ The long-bow consequently came into greater use. But Richard I., in spite of Popes or Councils or Chivalry, revived the use of the cross-bow in Europe; nor, though his death by one himself was regarded as a judgment from Heaven, did its use from that time decline till the arquebus and then the musket took its place.

Cannons and bombs were at first called diabolical, because they suggested the malice of the enemy of mankind, or serpentes, because they seemed worse than the poison of serpents.⁴ But even cannons were at first only used against fortified walls, and there is a tradition of the first occasion when they were directed against men.⁵ And torpedoes, now used without scruple, were called infamous and infernal when, under the name of American Turtles, they were first tried by the American Colonies against the ships of their mother country.

In the sixteenth century, that knight 'without fear or reproach,' the Chevalier Bayard, ordered all musketeers who fell into his hands to be slain without mercy, because he held the introduction of fire-arms to be an unfair innovation on the rules of lawful war. So red-hot shot (or balls made red hot before insertion in the cannon) were at first objected to, or only considered fair for purposes of defence, not of attack. Yet, what do we find? – that Louis XIV. fired some 12,000 of them into Brussels in 1694; that the Austrians fired them into Lille in 1792; and that the English batteries

¹ Halleck's *International Law*, ii. 21. Yet within three weeks of the beginning of the war with France 60,000 Prussians were *hors de combat*.

² 'Artem illam *mortiferam et Deo odibilem* balistariorum et sagittariorum adversus Christianos et Catholicos exerceri de cætero sub anathemate prohibemus.'

³ Fauchet's *Origines des Chevaliers*, &c. &c., ii. 56; Grose's *Military Antiquities*, i. 142; and Demmin's *Encyclopédie d'Armurerie*, 57, 496.

⁴ Fauchet, ii. 57. 'Lequel engin, pour le mal qu'il faisait (pire que le venin des serpens), fut nommé serpentine,' &c.

⁵ Grose, ii. 331.

fired them at the ships in Sebastopol harbour, which formed part of the Russian defences. Chain-shot and bar-shot were also disapproved of at first, or excluded from use by conventions applying only to particular wars; now there exists no agreement precluding their use, for they soon became common in battles at sea.

The invention of the bayonet supplies another illustration. The accounts of its origin are little better than legends: that it was invented so long ago as 1323 by a woman of Bayonne in defence of the ramparts of that city against the English; or by Puséygur, of Bayonne, about 1650; or borrowed by the Dutch from the natives of Madagascar; or connected with a place called the Redoute de la Baïonnette in the Eastern Pyrenees, where the Basques, having exhausted their ammunition against the Spaniards, are said to have inserted their knives into the muzzles of their guns. But it is certain that as soon as the idea was perfected by fixing the blade by rings outside the muzzle (in the latter quarter of the seventeenth century), battles became more murderous than ever, though the destruction of infantry by cavalry was diminished. The battle of Neerwinden in 1693, in which the French general, Luxembourg, defeated the Prince of Orange, is said to have been the first battle that was decided by a charge with a bayonet, and the losses were enormous on both sides.⁶

History, in fact, is full of such cases, in which the victory has uniformly lain ultimately with the legitimacy of the weapon or method that was at first rejected as inhumane. For the moment, the law of nations forbids the use of certain methods of destruction, such as bullets filled with glass or nails, or chemical compounds like kakodyl, which could convert in a moment the atmosphere round an army into one of deadly poison;⁷ yet we have nothing like certainty – we have not even historical probability – that these forbidden means, or worse means, will not be resorted to in the wars of the future, or that reluctance to meet such forms of death will in the least degree affect either their frequency or their duration.

It is easy to explain this law of history. The soldier's courage, as he faces the mitrailleuse with the same indifference with which he would face snow-balls or bread-pellets, is a miracle of which discipline is the simple explanation; for whether the soldier be hired or coerced to face death, it is all one to him against what kind of bullet he rushes, so long as discipline remains – as Helvetius the French philosopher once defined it, the art of making soldiers more afraid of their own officers than of their enemy.⁸ To Clearchus, the Lacedæmonian, is attributed the saying that a soldier should always fear his own general more than the enemy: a mental state easily produced in every system of military mechanism. Whatever form of death be in front of a man, it is less certain than that in his rear. The Ashantees as they march to battle sing a song which is the soldier's philosophy all the world over: 'If I go on, I shall die; if I stay behind I shall be killed; it is better to go on.'⁹

How often is it said, in extenuation of modern warfare, that it is infinitely less destructive than that of ancient or even mediæval times; and that the actual loss of life in battle has not kept pace with the development of new and more effective life-taking implements! Yet it is difficult to imagine a stranger paradox, or a proposition that, if true, would reflect greater discredit on our mechanical science. If our Gatling guns, or Nordenfeldt 5-barrels capable of firing 600 rounds a minute, are less effective to destroy an enemy than all the paraphernalia of a mediæval army, why not in that case return to weapons that by the hypothesis better fulfilled the purposes of war? This question is a *reductio ad absurdum* of this soothing delusion; but as a matter of fact, there is no comparison in destructiveness between our modern warfare and that of our ancestors. The apparent difference in our favour arises from a practice alluded to by Philip de Commines, which throws a flood of light upon the subject: 'There were slain in this battle about 6,000 men, which, to people that are unwilling

⁶ Dyer, *Modern Europe*, iii. 158.

⁷ Scoffern's *Projectile Weapons*, &c., 66.

⁸ Sur l'Esprit, i. 562.

⁹ Reade, *Ashantee Campaign*, 52.

to lie, may seem very much; but in my time I have been in several actions, where for one man that was really slain they have reported a hundred, thinking by such an account to please their masters; and they sometimes deceive them with their lies.' That is to say, as a rule the number of the slain should be divided by a hundred.

This remark applies even to battles like Crecy or Agincourt, where the numbers slain were unusually high, and where they are said to have been accurately ascertained by counting after the victory. When Froissart on such authority quotes 1,291 as the total number of warriors of knightly or higher rank slain at Crecy, it is possible of course that he is not the victim of deception; but what of the 30,000 common soldiers for whose death he also vouches? A monk of St. Albans, also a contemporary, speaks only of an unknown number (*et vulgus cuius numerus ignoratur*); which in the account of the Abbot Hugo was put definitely at more than 100,000. It is evident from this that the greatest laxity prevailed in reference to chronicling the numbers of the slain; so that if we take 3,000 instead of 30,000 as the sum total of common soldiers slain at Crecy, it is probable that we shall be nearer the truth than if we implicitly accept Froissart's statement.

The same scepticism will of course hold good of the battles of the ancient world. Is it likely, for instance, that in a battle in which the Romans are said only to have lost 100 men, the Macedonians should have lost 20,000?¹⁰ Or again, is it possible, considering the difficulty of the commissariat of a large army, even in our own days of trains and telegraphs and improved agriculture, that Marius in one battle can have slain 200,000 Teutons, and taken 90,000 prisoners? But whilst no conclusion is possible but that the figures of the older histories are altogether too untrustworthy to afford any basis for comparison, the calculation rests on something more like fair evidence, that in the fortnight between August 4, 1870, the date of the battle of Wissembourg, and August 18, that of Gravelotte, including the battles of Woerth and Forbach on August 6, of Courcelles on the 14th, and of Vionville on the 16th more than 100,000 French and Germans met their death on the battle-field, to say nothing of those who perished afterwards in agonies in the hospitals. Recent wars have been undoubtedly shorter than they often were in olden times, but their brevity is founded on no reason that can ensure its recurrence: nor, if 100,000 are to be miserably cast out of existence, is the gain so very great, if the task, instead of being spread over a number of years, requires only a fortnight for its accomplishment.

For the nearest approach to a statement of what the laws of war in our own time really are, we must turn to the Brussels Conference, which met in 1874 at the summons of the same great Russian to whom the world owes the St. Petersburg Declaration, and which constituted a genuine attempt to mitigate the evils of war by an international agreement and definition of their limits. The idea of such a plan was originally suggested by the Instructions published in 1863 by President Lincoln for the government of the armies of the United States in the civil war.¹¹ The project for such an international agreement, originally submitted by the Russian Government for discussion, was very much modified before even a compromise of opinion could be arrived at on the several points it contained. And the project so modified, as a preliminary basis for future agreement, owing to the timid refusal of the English Government to take further part in the matter, never, unfortunately, reached its final stage of a definite code;¹² but it remains nevertheless the most authoritative utterance extant of the laws generally thought to be binding in modern warfare on the practices and passions of the combatants. The following articles from the project as finally modified are undoubtedly the most important: —

Art. 12. The laws of war do not allow to belligerents an unlimited power as to the choice of means of injuring the enemy.

Art. 13. According to this principle are strictly forbidden —

¹⁰ Livy, xliv. 42.

¹¹ These Instructions are published in Halleck's *International Law*, ii. 36-51; and at the end of Edwards's *Germans in France*.

¹² 'It would have been desirable,' said the Russian Government, 'that the voice of a great nation like England should have been heard at an inquiry of which the object would appear to have met with its sympathies.'

- a. The use of poison or poisoned weapons.
- b. Murder by treachery of individuals belonging to the hostile nation or army.
- c. Murder of an antagonist who, having laid down his arms, or having no longer the means of defending himself, has surrendered at discretion.
- d. The declaration that no quarter will be given.
- e. The use of arms, projectiles, or substances which may cause unnecessary suffering, as well as of those prohibited by the Declaration of St. Petersburg in 1868.
- f. Abuse of the flag of truce, the national flag, or the military insignia or uniform of the enemy, as well as the distinctive badges of the Geneva Convention.
- g. All destruction or seizure of the enemy's property which is not imperatively required by the necessity of war.

Art. 15. Fortified places are alone liable to be besieged. Towns, agglomerations of houses or villages which are open or undefended, cannot be attacked or bombarded.

Art. 17. ... All necessary steps should be taken to spare as far as possible buildings devoted to religion, arts, sciences, and charity, hospitals and places where sick and wounded are collected, on condition that they are not used at the same time for military purposes.

Art. 18. A town taken by storm shall not be given up to the victorious troops for plunder.

Art. 23. Prisoners of war ... should be treated with humanity... All their personal effects except their arms are to be considered their own property.

Arts. 36, 37. The population of an occupied territory cannot be compelled to take part in military operations against their own country, nor to swear allegiance to the enemy's power.

Art. 38. The honour and rights of the family, the life and property of individuals, as well as their religious convictions and the exercise of their religion, should be respected.

Private property cannot be confiscated.

Art. 39. Pillage is expressly forbidden.

There is at first sight a pleasing ring of humanity in all this, though, as yet, it only represents the better military spirit, which is always far in advance of actual military practice. In the monotonous history of war there are always commanders who wage it with less ferocity than others, and writers who plead for the mitigation of its cruelties. As in modern history a Marlborough, a Wellington, or a Villars forms a pleasant contrast to a Feuquières, a Belleisle, or a Blücher, so in ancient history a Marcellus or a Lucullus helps us to forget a Marius or an Alexander; and the sentiments of a Cicero or Tacitus were as far in advance of their time as those of a Grotius or Vattel were of theirs. According to the accident of the existence of such men, the laws of war fluctuate from age to age; but, the question arises, Do they become perceptibly milder? do they ever permanently improve?

It will be said that they do, because it will be said that they have; and that the annals of modern wars present nothing to resemble the atrocities that may be collected from ancient or mediæval history. Yet such statements carry no conviction. Deterioration seems as likely as improvement; and unless the custom is checked altogether, the wars of the twentieth century may be expected to exceed in barbarity anything of which we have any conception. A very brief inquiry will suffice to dispel the common assurances of improvement and progress.

Poison is forbidden in war, says the Berlin Conference; but so it always was, even in the Institutes of Menu, and with perhaps less difference of opinion in ancient than in modern times. Grotius and Vattel and most of their followers disallow it, but two publicists of grave authority defend it, Bynkershoeck and Wolff. The latter published his 'Jus Gentium' as late as 1749, and his argument is worth translating, since it can only be met by arguments which equally apply to other modes of military slaughter. 'Naturally it is lawful to kill an enemy by poison; for as long as he is our enemy, he resists the reparation of our right, so that we may exercise against his person whatever suffices to avert his power from ourselves or our possessions. Therefore it is not unfair to get rid of him. But, since it

comes to the same thing whether you get rid of him by the sword or by poison (which is self-evident, because in either case you get rid of him, and he can no longer resist or injure you), it is naturally lawful to kill an enemy by poison.’ And so, he argues with equal force, of poisoned weapons.¹³ That poison is not in use in our day we do not therefore owe to our international lawyers, but to the accident of tradition. In Roman history the theory appears to have been unanimous against it. ‘Such conduct,’ says the Roman writer Florus of a general who poisoned some springs in order to bring some cities in Asia to a speedier surrender, ‘although it hastened his victory, rendered it infamous, since it was done not only against divine law, but against ancestral customs.’¹⁴ Our statesman Fox refused indignantly to avail himself of an offer to poison Napoleon, but so did the Roman consuls refuse a similar proposal with regard to Pyrrhus; and Tiberius and the Roman senate replied to a plan for poisoning Arminius, that the Roman people punished their enemies not by fraud or in secret, but openly and in arms

The history of bombarding towns affords an instance of something like actual deterioration in the usages of modern warfare. Regular and simple bombardment, that is, of a town indiscriminately and not merely its fortresses, has now become the established practice. Yet, what did Vattel say in the middle of the last century? ‘At present we generally content ourselves with battering the ramparts and defences of a place. To destroy a town with bombs and red-hot balls is an extremity to which we do not proceed without cogent reasons.’ What said Vauban still earlier? ‘The fire must be directed simply at the defences and batteries of a place ... and not against the houses.’ Then what of the English bombardment of Copenhagen in 1807, when the cathedral and some 300 houses were destroyed; what of the German bombardment of Strasburg in 1870, where rifled mortars were used for the first time,¹⁵ and the famous library and picture gallery destroyed; and what lastly of the German bombardment of Paris, about which, strangely enough, even the military conscience of the Germans was struck, so that in the highest circles doubts about the propriety of such a proceeding at one time prevailed from a moral no less than from a military point of view?¹⁶

With respect again to sacred or public buildings, warfare tends to become increasingly destructive. It was the rule in Greek warfare to spare sacred buildings, and the Romans frequently spared sacred and other buildings, as Marcellus, for instance, at Syracuse.¹⁷ Yet when the French ravaged the Palatinate in 1689 they not only set fire to the cathedrals, but sacked the tombs of the ancient Emperors at Spiers. Frederick II. destroyed some of the finest buildings at Dresden and Prague. In 1814 the English forces destroyed the Capitol at Washington, the President’s house, and other public buildings;¹⁸ and in 1815 the Prussian general, Blücher, was with difficulty restrained from blowing up the Bridge of Jena at Paris and the Pillar of Austerlitz. Military men have always the excuse of reprisals or accident for these acts of Vandalism. Yet Vattel had said (in language which but repeated the language of Polybius and Cicero): ‘We ought to spare those edifices which do honour to human society, and do not contribute to the enemy’s strength, such as temples, tombs, public buildings, and all works of remarkable beauty.’

Of as little avail has been the same writer’s observation that those who tear up vines and cut down fruit trees are to be looked upon as savage. The Fijian islanders were barbarians enough, but even they used as a rule to spare their enemies’ fruit trees; so did the ancient Indians; and the Koran forbids the wanton destruction of fruit trees, palm trees, corn and cattle. Then what shall we think of the armies of Louis XIV. in the Palatinate not only burning castles, country-houses, and villages, but

¹³ Jus Gentium, art. 887, 878.

¹⁴ Florus, ii. 20.

¹⁵ Edwards’s *Germans in France*, 164.

¹⁶ This remarkable fact is certified by Mr. Russell, in his *Diary in the last Great War*, 398, 399.

¹⁷ Cicero, *In Verrem*, iv. 54.

¹⁸ See even the *Annual Register*, lvi. 184, for a denunciation of this proceeding.

ruthlessly destroying crops, vines, and fruit trees?¹⁹ or of the Prussian warrior, Blücher, destroying the ornamental trees at Paris in 1815?

It is said that the Germans refused to let the women and children leave Strasburg before they began to bombard it in 1870.²⁰ Yet Vattel himself tells us how Titus, at the siege of Jerusalem, suffered the women and children to depart, and how Henri IV., besieging Paris, had the humanity to let them pass through his lines.

It was in a campaign of this century, 1815, that General Roquet collected the French officers, and bade them tell the grenadiers that the first man who should bring him in a Prussian prisoner should be shot; and it was in reprisals for this that a few days later the Prussians killed the French wounded at Genappe.²¹

Grotius, after quoting the fact that a decree of the Amphictyons forbade the destruction of any Greek city in war, asserts the existence of a stronger bond between the nations of Christendom than between the states of ancient Greece. And then we remember how the Prussians bombarded the Danish town of Sønderborg, and almost utterly destroyed it, though it lay beyond the possibility of their possession; and we think of Peronne in France reduced to ruins, with the greater part of its fine cathedral, in 1870; and of the German shells directed against the French fire-engines that endeavoured to save the Strasburg Library from the flames that consumed it; and we wonder that so great a jurist could have been capable of so grievous a delusion.

To murder a garrison that had made an obstinate defence, or in order to terrorise others from doing the same, was a right of modern war disputed by Grotius, but admitted by Vattel not to be totally exploded a century later. Yet they both quote cases which prove that to murder enemies who had made a gallant defence was regarded in ancient times as a violation of the laws of war.

To murder enemies who had surrendered was as contrary to Greek or Roman as it ever was to Christian warfare. The general Greek and Roman practice was to allow quarter to an enemy who surrendered, and to redeem or exchange their prisoners.²² There was indeed, by the laws of war, a right to slay or enslave them, and though both rights were sometimes exercised with great barbarity, the extent to which the former right was exercised has been very much exaggerated. Otherwise, why should Diodorus Siculus, in the century preceding our era, have spoken of mercy to prisoners as the common law (τὰ κοινὰ νόμιμα), and of the violation of such law as an act of exceptional barbarity?²³ It may be fairly doubted whether the French prisoners in the English hulks during the war with Napoleon suffered less than the Athenian prisoners in the mines of Syracuse; and as to quarter, what of the French volunteers or Franc-tireurs who in 1870 fell into the hands of the Germans, or of the French peasants, who, though levied and armed by the local authorities under the proclamation of Napoleon, were, if taken, put to death by the Allies in 1814?

Some other illustrations tend further to show that there is no real progress in war, and that many of the fancied mitigations of it are merely accidental and ephemeral features.

The French and English in olden time used to spare one another's fishing boats and their crews. 'Fishermen,' said Froissart, 'though there may be war between France and England, never injure one another; they remain friends, and assist each other in case of need, and buy and sell their fish whenever one has a larger quantity than the other, for if they were to fight we should have no fresh fish.'²⁴ Yet in the Crimean war, the English fleets in the Baltic seized or burnt the fishing boats of the Finns,

¹⁹ Sismondi's *Hist. des Français*, xxv.

²⁰ Edwards's *Germans in France*, 171.

²¹ Lieut-Col. Charras, *La Campagne de 1815*, i. 211, ii. 88.

²² Woolsey's *International Law*, p. 223.

²³ Cf. lib. xii. 81, and xiii. 25, 26; quoted by Grotius, iii. xi. xiii.

²⁴ iii. 41.

and destroyed the cargoes of fish on which, having been salted in the summer months, they were dependent for their subsistence during the winter.²⁵

Polybius informs us that the Ætolians were regarded as the common outlaws of Greece, because they did not scruple to make war without declaring it. Invasions of that sort were regarded as robberies, not as lawful wars. Yet declarations of war may now be dispensed with, the first precedent for doing so having been set by Gustavus Adolphus.

Gustavus Adolphus, in 1627, issued some humane Articles of War, which forbade, among other things, injuries to old men, women, and children. Yet within a few years the Swedish soldiery, like other troops of their time, made the gratuitous torture and mutilation of combatants or non-combatants a common episode of their military proceedings.²⁶

When Henry V. of England invaded France, early in the fifteenth century, he forbade in his General Orders the wanton injury of property, insults to women, or gratuitous bloodshed. Yet four centuries later the character of war had so little changed that we find the Duke of Wellington, when invading the same country, lamenting in a General Order that, 'according to all the information which the Commander of the Forces had received, outrages of all descriptions' had been committed by his troops, 'in presence even of their officers, who took no pains whatever to prevent them.'²⁷

The French complain that their last war with Germany was not war, but robbery; as if pillage and war had ever been distinct in fact or were distinguishable in thought. There appears to have been very little limit to the robbery that was committed under the name of contributions; yet Vattel tells us that, though in his time the practice had died out, the belligerent sovereigns, in the wars of Louis XIV., used to regulate by treaty the extent of hostile territory in which each might levy contributions, together with the amount which might be levied, and the manner in which the levying parties were to conduct themselves.²⁸

Is it not proved then by the above facts, that the laws of war rather fluctuate from age to age within somewhat narrow limits than permanently improve, and that they are apt to lose in one direction whatever they gain in another? Humanity in warfare now, as in antiquity, remains the exception, not the rule; and may be found now, as at all times, in books or in the finer imaginations of a few, far more often than in the real life of the battle-field. The plea of shortening the horrors of war is always the plea for carrying them to an extreme; as by Louvois for devastating the Palatinate, or by Suchet, the French general, for driving the helpless women and children into the citadel of Lerida, and for then shelling them all night with the humane object of bringing the governor to a speedier surrender.²⁹

Writers on the Law of Nations have in fact led us into a Fool's Paradise about war (which has done more than anything else to keep the custom in existence), by representing it as something quite mild and almost refined in modern times. Vattel, the Swiss jurist, set the example. He published his work on the rights of nations two years after the Seven Years' War had begun, and he speaks of the European nations in his time as waging their wars 'with great moderation and generosity,' the very year before Marshal Belleisle gave orders to make Westphalia a desert. Vattel too it was who first appealed to the amenities that occasionally interrupt hostilities in support of his theory of the generosity of modern warfare.

But what after all does it come to, if rival generals address each other in terms of civility or interchange acceptable gifts? At Sebastopol, the English Sir Edmond Lyons sent the Russian Admiral Machinoff the present of a fat buck, the latter acknowledging the compliment with the return of a hard

²⁵ *Cambridge Essays*, 1855, 'Limitations to Severity in War,' by C. Buxton.

²⁶ See Raumer's *Geschichte Europa's*, iii. 509-603, if any doubt is felt about the fact.

²⁷ General Order of October 9, 1813. Compare those of May 29, 1809, March 25, 1810, June 10, 1812, and July 9, 1813.

²⁸ Vattel, iii. ix. 165.

²⁹ Sir W. Napier (*Peninsular War*, ii. 322) says of the proceeding that it was 'politic indeed, yet scarcely to be admitted within the pale of civilised warfare.' It occurred in May 1810.

Dutch cheese. At Gibraltar, when the men of Elliot's garrison were suffering severely from scurvy, Crillon sent them a cartload of carrots. These things have always occurred even in the fiercest times of military barbarism. At the siege of Orleans (1429) the Earl of Suffolk sent the French commander Dunois a present of dessert, consisting of figs, dates, and raisins; and Dunois in return sent Suffolk some fur for his cloak; yet there was little limit in those days to the ferocity shown in war by the French and English to one another. A ransom was extorted even for the bodies of the slain. The occasional gleams of humanity in the history of war count for nothing in the general picture of its savagery.

The jurists in this way have helped to give a totally false colour to the real nature of war; and scarcely a day passes in a modern campaign that does not give the lie to the rules laid down in the ponderous tomes of the international-law writers. It is said that Gustavus Adolphus always had with him in camp a copy of 'Grotius,' as Alexander is said to have slept over Homer. The improbability of finding a copy of 'Grotius' in a modern camp may be taken as an illustration of the neglect that has long since fallen on the restraints with which our publicists have sought to fetter our generals, and of the futility of all such endeavours.

All honour to Grotius for having sought to make warfare a few degrees less atrocious than he found it; but let us not therefore deceive ourselves into an extravagant belief in the efficacy of his labours. Kant, who lived later, and had the same problem to face, cherished no such delusion as to the possibility of humanising warfare, but went straight to the point of trying to stop it altogether; and Kant was in every point the better reasoner. Either would doubtless have regarded the other's reasoning on the subject as Utopian; but which with the better reason?

Grotius took the course of first stating what the extreme rights of war were, as proved by precedent and usage, and of then pleading for their mitigation on the ground of religion and humanity. In either case he appealed to precedent, and only set the better against the worse; leaving thereby the rights of war in utter confusion, and quite devoid of any principle of measurement.

Let us take as an illustration of his method the question of the slaughter of women and children. This he began with admitting to be a strict right of war. Profane history supplied him with several instances of such massacres, and so more especially did Biblical history. He refrained, he expressly tells us, from adducing the slaying of the women and children of Heshbon by the Hebrews, or the command given to them to deal in the same way with the people of Canaan, for these were the works of God, whose rights over mankind were far greater than those of man over beasts. He preferred, as coming nearer to the practice of his own time, the testimony of that verse in the Psalms which says, 'Blessed shall he be who shall dash thy children against a stone.' Subsequently he withdrew this right of war, by reference to the better precedents of ancient times. It does not appear to have occurred to him that the precedents of history, if we go to them for our rules of war, will prove anything, according to the character of the actions we select. Camillus (in Livy) speaks of childhood as inviolable even in stormed cities; the Emperor Severus, on the other hand, ordered his soldiers to put all persons in Britain to the sword indiscriminately, and in his turn appealed to precedent, the order, namely, of Agamemnon, that of the Trojans not even children in their mothers' womb should be spared from destruction. The children of Israel were forbidden in their wars to cut down fruit trees; yet when they warred against the Moabites, 'they stopped all the wells of water and felled all the good trees.' It was only possible in this way to distinguish the better custom from the worse, not the right from the wrong; either being equally justifiable on a mere appeal to historical instances.

The rules of war which prevailed in the time of Grotius – the early time of the Thirty Years' War – may be briefly summarised from his work as follows. The rights of war extended to *all* persons within the hostile boundaries, the declaration of war being essentially directed against every individual of a belligerent nation. Any person of a hostile nation, therefore, might be slain wherever found, provided it were not on neutral territory. Women and children might be lawfully slain (as it will be shown that they were also liable to be in the best days of chivalry); and so might prisoners of war, suppliants for their lives, or those who surrendered unconditionally. It was lawful to assassinate

an enemy, provided it involved no violation of a tacit or express agreement; but it was unlawful to use poison in any form, though fountains, if not poisoned, might be made undrinkable. Anything belonging to an enemy might be destroyed: his crops, his houses, his flocks, his trees, even his sacred edifices, or his places of burial.

That these extreme rights of war were literally enforced in the seventeenth century admits of no doubt; nor if any of them have at all been mitigated, can we attribute it so much to the humane attempt of Grotius and his followers to set restrictions on the rightful exercise of predominant force, as to the accidental influence of individual commanders. It has been well remarked that the right of non-combatants to be unmolested in war was recognised by generals before it was ever proclaimed by the publicists.³⁰ And the same truth applies to many other changes in warfare, which have been oftener the result of a temporary military fashion, or of new ideas of military expediency, than of obedience to Grotius or Vattel. They set themselves to as futile a task as the proverbial impossibility of whitening the negro; with this result – that the destructiveness of war, its crimes, and its cruelties, are something new even to a world that cannot lose the recollection of the sack of Magdeburg in 1631, or the devastation of the Palatinate in 1689.³¹

The publicists have but recognised and reflected the floating sentiments of their time, without giving us any definite principle by which to separate the permissible from the non-permissible practice in war. We have seen how much they are at issue on the use of poison. They are equally at issue as to the right of employing assassination; as to the extent of the legitimate use of fraud; as to the right of beginning a war without declaration; as to the limits of the invader's rights of robbery; as to the right of the invaded to rise against his invader; or as to whether individuals so rising are to be treated as prisoners of war or hanged as assassins. Let us consider what they have done for us with regard to the right of using savages for allies, or with regard to the rights of the conqueror over the town he has taken by assault.

The right to use barbarian troops on the Christian battle-field is unanimously denied by all the modern text-writers. Lord Chatham's indignation against England's employment of them against her revolted colonies in America availed as little. Towards the end of the Crimean war Russia prepared to arm some savage races within her empire, and brought Circassians into Hungary in 1848.³² France employed African Turcos both against Austria in 1859 and against Prussia in 1870; and it is within the recollection of the youngest what came of the employment by Turkey of Bashi-Bazouks. Are they likely not to be used in future because Bluntschli, Heffter, or Wheaton prohibits them?

To take a town by assault is the worst danger a soldier can have to face. The theory therefore had a show of reason, that without the reward of unlimited licence he could never be brought to the breach. Tilly is said to have replied, when he was entreated by some of his officers to check the rapine and bloodshed that has immortalised the sack of Magdeburg in 1631: 'Three hours' plundering is the shortest rule of war. The soldier must have something for his toil and trouble.'³³ It is on such occasions, therefore, that war shows itself in its true character, and that M. Girardin's remark, '*La guerre c'est l'assassinat, la guerre c'est le vol,*' reads like a revelation. The scene never varies from age to age; and the storming of Badajoz and San Sebastian by the English forces in the Peninsular War, or of Constantine in Algeria by the French in 1837, teaches us what we may expect to see in Europe when next a town is taken by assault, as Strasburg might have been in 1870. 'No age, no nation,' says Sir W. Napier, 'ever sent forth braver troops to battle than those who stormed Badajoz' (April 1812). Yet for two days and nights there reigned in its streets, says the same writer, 'shameless rapacity,

³⁰ Bluntschli's *Modernes Völkerrecht*, art. 573.

³¹ For the character of modern war see the account of the Franco-German war in the *Quarterly Review* for April 1871.

³² Halleck, ii. 22.

³³ Vehse's *Austria*, i. 369. Yet, as usual on such occasions, the excesses were committed in the teeth of Tilly's efforts to oppose them. 'Imperavit Tillius a devictorum cædibus et corporum castimonia abstinere, quod imperium a quibusdam furentibus male servatum annales aliqui fuere conquesti.' – Adlzreiter's *Annales Boicæ Gentis*, Part iii. l. 16, c. 38.

brutal intemperance, savage lust, cruelty, and murder.³⁴ And what says he of San Sebastian not a year and a half later? A thunderstorm that broke out ‘seemed to be a signal from hell for the perpetration of villany which would have shamed the most ferocious barbarians of antiquity.’ ... ‘The direst, the most revolting cruelty was added to the catalogue of crime: one atrocity ... staggers the mind by its enormous, incredible, indescribable barbarity.’³⁵ If officers lost their lives in trying to prevent such deeds – whose very atrocity, as some one has said, preserves them from our full execration, because it makes it impossible to describe them – is it likely that the gallant soldiers who crowned their bravery with such devilry would have been one whit restrained by the consideration that in refusing quarter, or in murdering, torturing, or mutilating non-combatants, they were acting contrary to the rules of modern warfare?

If, then, we temper theory with practice, and desert our books for the facts of the battle-field (so far as they are ever told in full), we may perhaps lay down the following as the most important laws of modern warfare:

1. You may not use explosive bullets; but you may use conical-shaped ones, which inflict far more mutilation than round ones, and even explosive bullets if they do not fall below a certain magnitude.
2. You may not poison your enemy, because you thus take from him the chance of self-defence: but you may blow him up with a fougass or dynamite, from which he is equally incapable of defending himself.
3. You may not poison your enemy’s drinking-water; but you may infect it with dead bodies or otherwise, because that is only equivalent to turning the stream.
4. You may not kill helpless old men, women, or children with the sword or bayonet; but as much as you please with your Congreve rockets, howitzers, or mortars.
5. You may not make war on the peaceable occupants of a country; but you may burn their houses if they resist your claims to rob them of their uttermost farthing.
6. You may not refuse quarter to an enemy; but you may if he be not equipped in a particular outfit.
7. You may not kill your prisoners of war; but you may order your soldiers not to take any.
8. You may not ask a ransom for your prisoners; but you may more than cover their cost in the lump sum you exact for the expenses of the war.
9. You may not purposely destroy churches, hospitals, museums, or libraries; but ‘military exigencies’ will cover your doing so, as they will almost anything else you choose to do in breach of any other restrictions on your conduct.

And it is into these absurdities that the reasonings of Grotius and his followers have led us. The real dreamers, it appears, have been, not those who, like Henri IV., Sully, St. Pierre, or Kant, have dreamed of a world without wars, but those who have dreamed of wars waged without lawlessness, passion, or crime. On them be thrown back the taunts of Utopianism which they have showered so long on the only view of the matter which is really logical and consistent. On them, at least, rests the shadow, and must rest the reproach, of an egregious failure, unless recent wars are of no account and teach no lesson. And if their failure be real and signal, what remains for those who wish for better things, and for some check on deeds that threaten our civilisation, but to turn their backs on the instructors they once trusted; to light their fires rather than to load their shelves with Grotius, Vattel, and the rest; and to throw in their lot for the future with the opinion, hitherto despised, though it was Kant’s, and the endeavour hitherto discredited, though it was Henry the Great’s, Sully’s, and Elizabeth’s – the opinion, that is, that it were easier to abolish war than to humanise it, and that only in the growth of a spirit of international confidence lies any possible hope of its ultimate extinction?

³⁴ *Battles in the Peninsular War*, 181, 182.

³⁵ *Ibid.* 396.

CHAPTER II.

WARFARE IN CHIVALROUS TIMES

Voi m'avete fatto tornare quest'arte del soldo quasi che nulla, ed io ne l'aveva presupposta la più eccellente e la più onorevole che si facesse. – Machiavelli, Dell'Arte della Guerra.

Delusion about character of war in days of chivalry – The common slaughter of women and children – The Earl of Derby's sack of Poitiers – The massacres of Grammont and Gravelines – The old poem of the Vow of the Heron – The massacre of Limoges by Edward the Black Prince – The imprisonment of ladies for ransom – Prisoners of war starved to death; or massacred, if no prospect of ransom; or blinded or otherwise mutilated – The meaning of a surrender at discretion, as illustrated by Edward III. at Calais; and by several instances in the same and the next century – The practice of burning in aid of war; and of destroying sacred buildings – The practice of poisoning the air – The use of barbarous weapons – The influence of religion on war – The Church in vain on the side of peace – Curious vows of the knights – The slight personal danger incurred in war by them – The explanation of their magnificent costume – Field-sports in war-time – The desire of gain the chief motive to war – The identity of soldiers and brigands – The career and character of the Black Prince – The place of money in the history of chivalry – Its influence as a war-motive between England and France – General low character of chivalrous warfare.

For an impartial estimate of the custom of war, the best preparation is a study of its leading features in the days of chivalry. Not only are most of our modern military usages directly descended from that period, though many claim a far remoter ancestry, and go back to the days of primitive savagery, but it is the tradition of chivalry that chiefly keeps alive the delusion that it is possible for warfare to be conducted with humanity, generosity, and courtesy.

Hallam, for instance, observes that in the wars of our Edward III., 'the spirit of honourable as well as courteous behaviour towards the foe seems to have arrived at its highest point;' and he refers especially to the custom of ransoming a prisoner on his parole, and to the generous treatment by the Black Prince of the French king taken captive at Poitiers.

In order to demonstrate the extreme exaggeration of this view, and to show that with war, as with the greater crimes, moral greatness is only connected accidentally, occasionally, or in romance, it is necessary to examine somewhat closely the warfare of the fourteenth century. Chivalry, according to certain historians, was during that century in process of decline; but the decline, if any, was rather in the nature of its forms and ceremonies than of its spirit or essence. It was the century of the most illustrious names in chivalry, in France of Bertrand du Guesclin, in England of the Black Prince, Sir Walter Manny, Sir John Chandos. It was the century of the battles of Crecy, Poitiers, Avray, and Navarette. It was the century of the Order of the Star in France, of the Garter and the Bath in England. Above all, it was the century of Froissart, who painted its manners and thoughts with a vividness so surpassing that to read his pages is almost to live in his time. So that the fourteenth century may fairly be taken as the period in which chivalry reached its highest perfection, and in which the military type of life and character attained its noblest development. It is the century of which we instinctively think when we would imagine a time when the rivalry of brave deeds gave birth to heroism, and the rivalry of military generosity invested even the cruelties of the battle-field with the halo of romance.

Imagination, however, plays us false here as elsewhere. Froissart himself, who described wars and battles and noble feats of arms with a candour equal to his honest delight in them, is alone proof enough that there seldom was a period when war was more ferociously conducted; when the laws in restraint of it, imposed by the voice of morality or religion, were less felt; when the motives for it as well as the incentives of personal courage, were more mercenary; or when the demoralisation consequent upon it were more widely or more fatally spread. The facts that follow in support of this conclusion come, in default of any other special reference, solely from that charming chronicler; allusions to other sources being only necessary to prove the existence of a common usage, and to leave no room for the theory that the cases gathered from Froissart were but occasional or accidental occurrences.

Even savage tribes, like the Zulus, spare the lives of women and children in war, and such a restraint is the first test of any warfare claiming to rank above the most barbarous. But in the fourteenth century such indiscriminate slaughter was the commonest episode of war: a fact not among the least surprising when we remember that the protection of women and the defenceless was one of the special clauses of the oath taken by knights at the ceremony of investiture. Five days after the death of Edward III., and actually during negotiations between France and England, the admirals of France and Spain, at the command of the King of France, sailed for Rye, which they burnt, slaying the inhabitants, whether men or women (1377); and it is a reasonable supposition that the same conduct marked their further progress of pillage and incendiarism in the Isle of Wight.

Nor were such acts only the incidents of maritime warfare, and perpetrated merely by the pirates of either country; for they occurred as frequently in hostilities by land, and in connection with the noblest names of Christendom. At Taillebourg, in Saintonge, the Earl of Derby had all the inhabitants put to the sword, in reprisals for the death of one knight, who during the assault on the town had met with his death. So it fared during the same campaign with three other places in Poitou, the chronicler giving us more details with reference to the fate of Poitiers. There were no knights in the town accustomed to war and capable of organising a defence; and it was only people of the poorer sort who offered a brave but futile resistance to the army. When the town was won, 700 people were massacred; 'for the Earl's people put every one to the sword, men, women, and little children.' The Earl of Derby took no steps to stop the slaughter, but after many churches and houses had been destroyed, he forbade under pain of death any further incendiarism, apparently for no other reason than that he wished to stay there for ten or twelve days. A few years later, when the French had recovered Poitiers, the English knights, who had been there, marched away to Niort, which, on the refusal of the inhabitants to admit them, they forthwith attacked and speedily won, owing to the absence, as at Poitiers, of any knights to direct the defence. The male and female inhabitants alike were put to the sword. All these instances occur in one short chapter of Froissart.

Sometimes this promiscuous slaughter even raised its perpetrators to higher esteem. An episode of this sort occurred in the famous war between the citizens of Ghent and the Earl of Flanders. The Lord d'Enguien, with 4,000 cavaliers and a large force of foot, besieged the town of Grammont, which was attached to Ghent. About four o'clock one fine Sunday in June, the besiegers gained the town, and the slaughter, says Froissart, was very great of men, women, and children, for to none was mercy shown. Upwards of 500 of the inhabitants were killed; numbers of old people and women were burnt in their beds; and the town being then set on fire in more than two hundred places, was speedily reduced to ashes. 'Fair son,' said the Earl of Flanders, greeting his returning relative, 'you are a valiant man, and if it please God will be a gallant knight, for you have made a handsome beginning.' History, however, may rejoice that so promising a career was checked in the bud; for the young nobleman's death in a skirmish within a few days made his first feat of arms also his last.

A similar story is connected with the memory of the fighting Bishop of Norwich, famous in those days. Having been authorised by Pope Urban VI. to make war on Pope Clement VII., he went and besieged the town of Gravelines with shot and wild-fire, 'till in the end our men entered the town

with their Bishop, when they at his commandment destroying both man, woman, and child, left not one alive of all those who remained in the town.³⁶ This was in 1383; and it will be observed how then, just as in later days, the excuse of superior orders served as an excuse for the perpetration of any crime, provided only it were committed in war.

It would be an error to suppose that these things were the mere accident of war, due to the passion of the moment, or to the feeble control of leaders over their men. In a very curious old French poem, called 'The Vow of the Heron,' indisputable evidence exists that the slaughter of women and children was not only often premeditated before the opening of hostilities, but that an oath binding a man to it was sometimes given and accepted as a token of commendable bravery. The poem in question deals with historical events and persons; and if not to be taken as literal history, undoubtedly keeps within the limits of probability, as proved by other testimony of the manners of those times. Robert, Count of Artois, exiled from France, comes to England, and bringing a roasted heron before Edward III. and his court, prays them to make vows by it before eating of it (in accordance with the custom which attached to such oaths peculiar sanctity) concerning the deeds of war they would undertake against the kingdom of France. Edward III., the Earl of Salisbury, Sir Walter Manny, the Earl of Derby, Lord Suffolk, having all sworn according to the Count's wishes, Sir Fauquemont, striving to outdo them in the profession of military zeal, swore that if the king would cross the sea to invade France, he would always appear in the van of his troops, carrying devastation and fire and slaughter, and sparing not altars, nor relations, nor friends, neither helpless women nor children.³⁷

Let the reader reflect that these things occurred in war, not of Christians against infidels, but of Christians with one another, and in a period commonly belauded for its advance in chivalrous humanity. The incidents related were of too common occurrence to call for special remark by their chronicler; but the peculiar atrocities of the famous sack of Limoges, by the express orders of Edward the Black Prince, were too much even for Froissart. It is best to let him tell his own story from the moment of the entry of the besieging force: 'The Prince, the Duke of Lancaster, the Earls of Cambridge and of Pembroke, Sir Guiscard d'Angle, and the others, with their men, rushed into the town. You would then have seen pillagers active to do mischief, running through the town, slaying men, women, and children, according to their commands. It was a most melancholy business, for all ranks, ages, and sexes cast themselves on their knees before the Prince, begging for mercy; but he was so inflamed with passion and revenge that he listened to none, but all were put to the sword, wherever they could be found, even those who were not guilty; for, I know not why, the poor were not spared, who could not have had any part in this treason; but they suffered for it, and indeed more than those who had been the leaders of the treachery. There was not that day in the city of Limoges any heart so hardened or that had any sense of religion, who did not deeply bewail the unfortunate events passing before their eyes; for upwards of 3,000 men, women, and children were put to death that day. God have mercy on their souls, for they were veritable martyrs.' Yet the man whose memory is stained with this crime, among the blackest in history, was he whom not his own country alone, but the Europe of his day, dubbed the Mirror of Knighthood; and those who blindly but (according to the still prevalent sophistry of militarism) rightly carried out his orders counted among them at least three of the noblest names in England.

The absence in chivalry of any feeling strong enough to save the lives of women from the sword of the warrior renders improbable *à priori* any keen scruples against making them prisoners of war. In France such scruples were stronger than in England. The soldiers of the Black Prince took captive the Duchess of Bourbon, mother to the King of France, and imprisoned her in the castle of Belleperche; whence she was afterwards conducted into Guyenne, and ransom exacted for her liberty. Similar facts mark the whole period from the twelfth to the fifteenth century. When the Crusaders

³⁶ Foxe's Actes and Monuments, iii. 52.

³⁷ Saint-Palaye, Mémoires sur la Chevalerie, iii. 10, 133.

under Richard I. took Messina by assault, they carried off with their other lawful spoils all the noblest women belonging to the Sicilians.³⁸ Edward I. made prisoners of the queen of Robert Bruce and her ladies, and of the Countess of Buchan, who had crowned Bruce. The latter, he said, as she had not used the sword, should not perish by it; but for her lawless conspiracy she should be shut up in a chamber of stone and iron, circular as the crown she gave; and at Berwick she should be suspended in the open air, a spectacle to travellers, and for her everlasting infamy. Accordingly, a turret was fitted up for her with a strong cage of lattice-work, made of strong posts and bars of iron.³⁹ In the fifteenth century, the English, in their war upon the French frontier, according to Monstrelet, 'made many prisoners, and even carried off women, as well noble as not, whom they kept in close confinement until they ransomed themselves.'⁴⁰ The notion, therefore, that in those times any special courtesy was shown in war to the weaker sex must be received with extreme latitude. In 1194, Henry, Emperor of the Romans, having taken Salerno in Apulia by storm, actually put up for auction to his troops the wives and children of the chief citizens whom he had slain and exiled.

To pass to the treatment of prisoners of war, who, be it remembered, were only those who could promise ransom. The old historian Hoveden, speaking of a battle that was fought in 1173, says that there fell in it more than 10,000 Flemings; the remainder, who were taken captive, being thrown into prison in irons, and there starved to death. There is no evidence whether, or for how long, starving remained in vogue; but the iron chains were habitual, down even to the fourteenth century or later, among the Germans and Spaniards, the extortion of a heavier ransom being the motive for increasing the weight of chain and the general discomfort of prison. To let a prisoner go at large on parole for his ransom was an advance initiated by the French, that sprang naturally out of a state of hostilities in which most of the combatants became personally acquainted, but it was still conduct so exceptional that Froissart always speaks of it in terms of high eulogy. It was also an advance that often sprang out of the plainest necessities of the case, as when, after the battle of Poitiers, the English found their prisoners to be double their own numbers, wherefore in consideration of the risk they ran, they either received ransom from them on the spot or gave them their liberty in exchange for a promise to bring their ransom-money at Christmas to Bordeaux. Bertrand du Guesclin did the same by the English knights after their defeat at Pontvalin; and it was in reference to this last occasion that Froissart calls attention to the superiority of the French over the Germans in not shackling their prisoners with a view to a heavier ransom. 'Curses on them for it,' he exclaims of the Germans; 'they are a people without pity or honour, and they ought never to receive quarter. The French entertained their prisoners well and ransomed them courteously, without being too hard upon them.'

Nevertheless we must suspect that this sort of courtesy was rather occasional than habitual. Of this same Du Guesclin, whom St. – Palaye calls the flower of chivalry,⁴¹ two stories are told that throw a different but curious light on the manners of those times. Having on one occasion defeated the English and taken many of them prisoners, Du Guesclin tried to observe the rules of distributive justice in the partition of the captives, but failing of success and unable to discover to whom the prisoners really belonged, he and Clisson (who were brothers in arms) in order to terminate the differences which the victorious French had with one another on the subject, conceived that the only fair solution was to have them all massacred, and accordingly more than 500 Englishmen were put to death in cold blood outside the gates of Bressière.⁴² So, on a second occasion, such a quantity of English were taken that 'there was not, down to the commonest soldier, anyone who had not some prisoner of whom he counted to win a good ransom; but as there was a dispute between the French to

³⁸ Vinsauf's Itinerary of Richard I., ii. 16.

³⁹ Matthew of Westminster, 460; Grose, ii. 348.

⁴⁰ Monstrelet, ii. 115.

⁴¹ Mémoires sur la Chevalerie, i. 322.

⁴² Petitot, v. 102; and Ménard, Vie de B. du Guesclin, 440.

know to whom each prisoner belonged, Du Guesclin, to put them all on a level, ordered them to put all to the sword, and only the English chiefs were spared.⁴³ This ferocious warrior, the product and pride of his time, and the favourite hero of French chivalry, was hideous in face and figure; and if we think of him, with his round brown face, his flat nose, his green eyes, his crisp hair, his short neck, his broad shoulders, his long arms, short body, and badly made legs, we have evidently one of the worst specimens of that type which was for so long the curse of humanity, the warrior of mediæval Europe.

In respect, therefore, of Hallam's statement that the courtesy of chivalry gradually introduced an indulgent treatment of prisoners which was almost unknown to antiquity, it is clear that it would be unwise to press too closely the comparison on this head between pre-Christian and post-Christian warfare. At the siege of Toledo, the Besque de Vilaines, a fellow-soldier of Du Guesclin in the Spanish war, in order to intimidate the besieged into a surrender, had as many gallows erected in front of the city as he had taken prisoners, and actually had more than two dozen hung by the executioner with that object. In the pages of Livy or Thucydides there may be many a bad deed recorded, but at least there is nothing worse than the deeds of the Besque de Vilaines, or of Du Guesclin, Constable of France, or of Edward the Black Prince of England.

There is another point besides the fettering of prisoners in which attention is drawn in Froissart to the exceptional barbarity of the Spaniards; and in no estimate of the military type of life in the palmiest days of chivalry would it be reasonable to omit all consideration of Spain. In the war between Castile and Portugal, the forces under Don John of Castile laid siege to Lisbon, closely investing it; and if any Portuguese were taken prisoners in a skirmish or otherwise, their eyes were put out, their legs, arms, or other members torn off, and in such plight they were sent back to Lisbon with the message that when the town was taken mercy would be shown to none. Such was the story told by the Portuguese ambassador to the Duke of Lancaster, and repeated on his authority by Froissart. For the credit of humanity, to say nothing of chivalry, one would fain disbelieve the tale altogether, or regard it as an episode that stood by itself and apart from the general practice of the age, since it is the only one of the kind related by Froissart. But the frequency as much as the rarity of a practice may account for the silence of an annalist, and there is little doubt that mutilation of the kind described was common in the chivalrous period, even if obsolete or nearly so in the fourteenth century. Blinding and castration were not only punishments inflicted for offences against the forest laws of the Norman kings of England, but were the common fate of captive enemies in arms throughout Europe in the eleventh and twelfth centuries. This, for instance, was the treatment of their Welsh prisoners by the Earls of Shrewsbury and Chester in 1098; as also of William III., King of Sicily, at the hands of Henry, Emperor of the Romans, in 1194. At the close of the twelfth century, in the war between Richard I. of England and Philip Augustus of France, blinding was resorted to on both sides; for Hoveden expressly says: 'The King of France had the eyes put out of many of the English king's subjects whom he had made prisoners, and this provoked the King of England, unwilling as he was, to similar acts of impiety.' And to take a last instance, in 1225, the Milanese having taken prisoners 500 Genoese crossbowmen, deprived each of them of an eye and an arm, in revenge for the injury done by their bows.⁴⁴ So that it would be interesting, if possible, to learn from some historian the date and cause of the cessation of customs so profoundly barbarous and brutal.

By the rules, again, of chivalrous warfare all persons found within a town taken by assault were liable, and all the male adults likely, to be killed. Bertrand du Guesclin made it a maxim before attacking a place to threaten its commander with the alternative of surrender or death; a military custom perhaps as old as war itself, and one that has descended unchanged to our own times. Only by a timely surrender could the besieged cherish any hope for their lives or fortunes; and even the offer of a surrender might be refused, and an unconditional surrender be insisted upon instead. This

⁴³ Petitot, v. 134.

⁴⁴ Meyrick, *Ancient Armour*, ii. 5.

is proved by the well-known story of Edward III. at the siege of Calais, a story sometimes called in doubt merely for resting solely on the authority of Froissart. The governor of Calais offered to surrender the town and all things in it, in return for a simple permission to leave it in safety. Sir Walter Manny replied that the king was resolved that they should surrender themselves solely to his will, to ransom or kill them as he pleased. The Frenchman retorted that they would suffer the direst extremities rather than submit to the smallest boy in Calais faring worse than the rest. The king obstinately refused to change his mind, till Sir Walter Manny, pressing upon him the reluctance of his officers to garrison his castles with the prospect of reprisals which such an exercise of his war-right would render probable, Edward so far relented as to insist on having six citizens of Calais left to the absolute disposal of his revenge. When the six who offered themselves as a sacrifice for the rest of their fellow-citizens reached the presence of the king, the latter, though all the knights around him were moved even to tears, gave instant orders to behead them. All who were present pleaded for them, and above all, Sir Walter Manny, in accordance with his promise to the French governor; but it was all in vain, and but for the entreaties of the queen, those six citizens would have fallen victims to the savage wrath of the pitiless Edward.

Two facts support the probable truth of the above narrative from Froissart. In the first place, it is in perfect keeping with the conduct of the same warrior at the taking of Caen. When the king heard what mischief the inhabitants had inflicted on his army by their vigorous defence, he gave orders that all the rest of the inhabitants should be slain and the town burnt;⁴⁵ and had it not been for the remonstrances of Sir Godfrey de Harcourt, there is little reason to doubt but that he would thus have glutted, as he craved to do, the intense native savagery of his soul. In the second place, the story is in perfect keeping with the common war-rule of that and later times, by virtue of which a conqueror might always avail himself of the distress of his enemy to insist upon a surrender at discretion, which of course was equivalent to a surrender to death or anything else.

How commonly death was inflicted in such cases may be shown from some narratives of capitulations given by Monstrelet. When Meaux surrendered to Henry V., six of the defenders were reserved by name to be delivered up to justice (such was the common expression), and four were shortly after beheaded at Paris.⁴⁶ When Meulan surrendered to the regent, the Duke of Bedford, numbers were specially excepted from those to whom the Duke granted their lives, 'to remain at the disposal of the lord regent.'⁴⁷ When some French soldiers having taken refuge in a fort were so closely besieged by the Earl Marshal of England as to be obliged to surrender at discretion, many of them were hanged.⁴⁸ When the garrison of Guise capitulated to Sir John de Luxembourg, a general pardon was granted to all, except to certain who were to be delivered up to justice.⁴⁹ When the same captain, with about one thousand men, besieged the castle of Guetron, wherein were some sixty or eighty Frenchmen, the latter proposed to surrender on condition of the safety of their lives and fortunes; 'they were told they must surrender at discretion. In the end, however, it was agreed to by the governor that from four to six of his men should be spared by Sir John. When this agreement had been settled and pledges given for its performance, the governor re-entered the castle, and was careful not to tell his companions the whole that had passed at the conference, giving them to understand in general that they were to march away in safety; but when the castle was surrendered all within it were made prisoners. On the morrow, by the orders of Sir John de Luxembourg, they were all strangled and hung on trees hard by, except the four or six before mentioned – one of their companions serving

⁴⁵ i. 123.

⁴⁶ Monstrelet, i. 259.

⁴⁷ ii. 5.

⁴⁸ ii. 11.

⁴⁹ ii. 22, compare ii. 56.

for the executioner.⁵⁰ One more of these black acts, so common among the warriors of chivalry, and this point perhaps will be accepted as proved. The French had gained possession of the castle of Rouen, but after twelve days were obliged to surrender at discretion to the English; 'they were all made prisoners, and put under a good guard; and shortly after, one hundred and fifty were beheaded at Rouen.'⁵¹

Let us pass next from the animate to the inanimate world as affected by warfare. The setting on fire of Grammont in more than two hundred places is a fair sample of the normal use of arson as a military weapon in the chivalrous period. To burn an undefended town or village was accounted no meanness; and was as frequent as the destruction of crops, fruit trees, or other sources of human subsistence. The custom of tearing up vines or fruit trees contrasts strongly with the command of Xerxes to his forces to spare the groves of trees upon their march; and any reader of ancient history will acknowledge the vast deterioration from the pagan laws of war which every page of the history of Christian chivalry reveals and exposes.

But little as was the forbearance displayed in war towards defenceless women and children, or to the crops and houses that gave them food and shelter, it might perhaps have been expected that, at a time when no serious dissent had come to divide Christianity, and when the defence of religion and religious ceremonies were among the professed duties of knighthood, churches and sacred buildings should have enjoyed especial immunity from the ravages of war. Even in pagan warfare the temples of the enemy as a rule were spared; such an act as the destruction of the sacred edifices of the Marsi by the Romans under Germanicus being contrary to the better traditions of Roman military precedent.

Permissible as it was by the rules of war, says Polybius, to destroy an enemy's garrisons, cities, or crops, or anything else by which his power might be weakened, it was the part of mere rage and madness to destroy such things as their statues or temples, by which no benefit or injury accrued to one side or the other; nor are allusions to violations of this rule numerous in pre-Christian warfare.⁵² The practice of the Romans and Macedonians to meet peaceably together in time of war on the island of Delos, on account of its sanctity as the reputed birthplace of Apollo,⁵³ has no parallel in the history of war among the nations of Christendom. The most that can be said for the fourteenth century in this respect is that slightly stronger scruples protected churches and monasteries than the lives of women and children. This is implied in Froissart's account of the storming of Guerrande: 'Men, women, and children were put to the sword, and fine churches sacrilegiously burnt; at which the Lord Lewis was so much enraged, that he immediately ordered twenty-four of the most active to be hanged on the spot.'

But the slightest embitterment of feeling removed all scruples in favour of sacred buildings. Richard II., having with his army crossed the Tweed, took up his quarters in the beautiful abbey of Melrose; after which the monastery, though spared in all previous wars with Scotland, was burnt, because the English had determined, says Froissart, to ruin everything in Scotland before returning home, in revenge for the recent alliance entered into by that country with France. The abbey of Dunfermline, where the Scotch kings used to be buried, was also burnt in the same campaign; and so it fared with all other parts of Scotland that the English overran; for they 'spared neither monasteries nor churches, but put all to fire and flame.'

Neither did any greater degree of chivalry display itself in the matter of the modes and weapons of warfare. Although reason can urge no valid objection against the means of destruction resorted to by hostile forces, whether poisoned arrows, explosive bullets, or dynamite, yet certain things have been generally excluded from the category of fair military practices, as for example the poisoning of an enemy's water. But the warriors of the fourteenth century, even if they stand acquitted of poisoning

⁵⁰ Monstrelet, ii. 111.

⁵¹ ii. 113.

⁵² See for some, Livy, xxix. 8, xxxi. 26, 30, xxxvii. 21, xliii. 7, xlv. 29.

⁵³ Livy, xlv. 29.

rivers and wells, had no scruples about poisoning the air: which perhaps is nearly equivalent. The great engines they called Sows or Muttons, like that one, 120 feet wide and 40 feet long, from which Philip von Artefeld and the men of Ghent cast heavy stones, beams of wood, or bars of hot copper into Oudenarde, must have made life inside such a place unpleasant enough; but worse things could be injected than copper bars or missiles of wood. The Duke of Normandy, besieging the English garrison at Thin-l'Evêque, had dead horses and other carrion flung into the castle, to poison the garrison by the smell; and since the air was hot as in midsummer, it is small wonder that the dictates of reason soon triumphed over the spirit of resistance. And at the siege of Grave the chivalry of Brabant made a similar use of carrion to empoison the garrison into a surrender.

Even in weapons different degrees of barbarity are clearly discernible, according as they are intended to effect a disabling wound, or a wound that will cause needless laceration and pain by the difficulty of their removal. A barbed arrow or spear betokens of course the latter object, and it is worth visiting the multi-barbed weapons in Kensington Museum from different parts of the world, to learn to what lengths military ingenuity may go in this direction. The spear heads of the Crusaders were barbed;⁵⁴ and so were the arrows used at Crecy and elsewhere, as may be seen on reference to the manuscript pictures, the object being to make it impossible to extract them without laceration of the flesh. The sarbacane or long hollow tube was in use for shooting poisoned arrows at the enemy;⁵⁵ and pictures remain of the vials of combustibles that were often attached to the end of arrows and lances.⁵⁶

The above facts clearly show the manner and spirit with which our ancestors waged war in the days of what Hallam calls chivalrous virtue: one of the most stupendous historical impostures that has ever become an accepted article of popular belief. The military usages of the Greeks and Romans were mild and polished, compared to the immeasurable savagery which marked those of the Christians of Froissart's day. As for the redeeming features, the rare generosity or courtesy to a foe, they might be cited in almost equal abundance from the warfare of the Red Indians; but what sheds a peculiar stain on that of the Chevaliers is the ostentatious connection of religion with the atrocities of those blood-seeking marauders. The Church by a peculiar religious service blessed and sanctified both the knight and his sword; and the most solemn rite of the Christian faith was profaned to the level of a preliminary of battle. At Easter and Christmas, the great religious festivals of a professedly peace-loving worship, the Psalm that was deemed most appropriate to be sung in the chapels of the Pope and the King of France was that beginning, 'Benedictus Dominus Deus meus, qui docet manus meas ad bellum et digitos meos ad proelia.'

It was a curious feature of this religion of war that, when Edward III.'s forces invaded France, so strict was the superstition that led them to observe the fast of Lent, that among other things conveyed into the country were vessels and boats of leather wherewith to obtain supplies of fish from the lakes and ponds of the enemy.

It is indeed passing strange that Christianity, which could command so strict an observance of its ordinances as is implied in the transport of boats to catch fish for Lent, should have been powerless to place any check whatever on the ferocious militarism of the time; and the very little that was ever done by the Church to check or humanise warfare is an eternal reflection on the so-called conversion of Europe to Christianity. Nevertheless the Church, to do her justice, used what influence she possessed on the side of peace in a manner she has long since lost sight of; nor was the Papacy in its most distracted days ever so indifferent to the evils of war as the Protestant Church has been since, and is still. Clement VI. succeeded in making peace between France and England, just as Alexander III. averted a war between the two countries in 1161. Innocent VI. tried to do the same; and Urban V. returned from Rome to Avignon, hoping to effect the same good object. Gregory XI. was keenly

⁵⁴ Meyrick, i. 41.

⁵⁵ Demmin, *Encyclopédie d'Armurerie*, 490.

⁵⁶ Meyrick, ii. 204.

distressed at the failure of efforts similar to those of his predecessors. The Popes indeed endeavoured to stop wars, as they endeavoured to stop tournaments, or the use of the crossbow; but they were defeated by the intense barbarism of chivalry; nor can it be laid to the charge of the Church of Rome, as it can to that of the Church of the Reformation, that she ever folded her hands in despairful apathy before a custom she admitted to be evil. The cardinals and archbishops of those days were constantly engaged in pacific, nor always futile, embassies. And the prelates would frequently preach to either side arguments of peace: a fact that contrasts badly with the almost universal silence and impotence of the modern pulpit, either to stay a war or to mitigate its barbarities.

But it is true that they knew equally well how to play on the martial as on the pacific chord in their audiences; for the eloquence of an Archbishop of Toulouse turned sixty towns and castles to the interest and rights of the French king in his quarrel with England; and the preaching of prelates and lawyers in Picardy had a similar effect in other large towns. Nor were the English clergy slower than the French to assert the rights of their king and country, for Simon Tibald, Bishop of London, made several long and fine sermons to demonstrate (as always is demonstrated in such cases) that the King of France had acted most unjustly in renewing the war, and that his conduct was at total variance both with equity and reason.

But these appeals to the judgment of their congregations by the clergy are also a proof that in the fourteenth century the opinion of the people did not count for so little as is often supposed in the making of peace and war. Yet the power of the people in this respect was doubtless as insignificant as it still is in our own days: nothing being more remarkable, even in the free government of modern England, than the influence of the people in theory and their influence in fact on the most important question that regards their destinies.

Nor are the moral causes difficult to trace which in those times made wars break out so frequently and last so long, that those who now read of them can only marvel how civilisation ever emerged at all, even to the imperfect degree to which it is given to us to enjoy it. The love of adventure and the hope of fame were of course among the principal motives. The saying of Adam Smith, that the great secret of education is the direction of personal vanity to proper objects, contains the key to all advance that has ever been made in civilisation, and to every shortcoming. The savagery of the middle ages was due to the direction of personal vanity exclusively into military channels, so that the desire for distinction often displayed itself in forms of perfect absurdity, as in the case of the young English knights who went abroad with one eye veiled, binding themselves by a vow to their ladies neither to see with their eyes nor to reply to anything asked of them till they had signalled themselves by the performance of some wondrous deed in France. The gradual opening up in later days of other paths to distinction than that of arms has very much diminished the danger to the public peace involved in the worthless education of our ancestors.

Nor was the personal distinction of the warrior gained at any great risk of personal danger. The personal danger in war decreased in exact ratio with the rank of the combatant, and it was only the lower orders of the social hierarchy who unreservedly risked their lives. In case of defeat they had no ransom to offer for mercy, and appear almost habitually to have been slain without any. If it was a common thing for either side to settle before a battle the names of those on the other who should be admitted to ransom, it was no uncommon thing to determine, as the English did before Crecy, to give no quarter to the enemy at all. But as a rule the battle-field was of little more peril to the knight than the tournament; and though many perished when powerless to avert the long thin dagger, called the *miséricorde*, from the interstices of their armour or the vizor of their helmets, yet the striking fact in Froissart is the great number of battles, skirmishes, and sieges in which the same names occur, proving how seldom their bearers were wounded, disabled, or killed. This of course was due mainly to the marvellous defensive armour they wore, which justifies the wonder not merely how they fought but even how they moved. Whether encased in coats of mail, sewn upon or worn over the gambeson or thick undergarment of cloth or leather, or in plates of solid steel, at first worn over the mail and

then instead of it, and often with the plastron or breastplate of forged iron beneath both hauberk and gambeson, they evidently had little to fear from arrow, sword, or lance, unless when they neglected to let down the vizor of the helmet, as Sir John Chandos did, when he met with his death from a lance wound in the eye (1370). Their chief danger lay in the hammering of battle-axes on their helmets, which stunned or wounded, but seldom killed them. But the foot soldiers and light cavalry, though generally well equipped, were less well protected by armour than the knights, the hauberk or coat of mail being allowed in France only to persons possessed of a certain estate; so that the knights were formidable less to one another than to those who by the conditions of the combat could not be so formidable to themselves.

The surcoat was also a defence to the knight, as indicating the ransom he could pay for his life. Otherwise it is impossible to account for his readiness to go into action with this long robe flowing over his plate of steel and all his other accoutrements. Had Sir John Chandos not been entangled in his long surcoat when he slipped, he might have lived to fight many another battle to the honour of English chivalry. Richness of armour served also the same purpose as the surcoat. At the battle of Nicopoli, when the flower of the French nobility met with so disastrous a defeat at the hands of the Turks, the lords of France were, says Froissart, so richly dressed out in their emblazoned surcoats as to look like little kings, and many for a time owed their lives to the extreme richness of their armour, which led the Saracens to suppose them greater lords than they could really boast to be. So again the elaborate gold necklaces worn by distinguished officers in the seventeenth century were probably rather symbols of the ransom their wearers could pay, than worn merely for ostentation and vanity. It was to carelessness on this score that the Scotch owed their great losses at the battle of Musselborough in 1548: for (to put the words of Patin in modern dress) their 'vileness of port was the cause that so many of the great men and gentlemen were killed and so few saved. The outward show, the semblance and sign whereby a stranger might discern a villain from a gentleman, was not among them to be seen.'

War under these conditions chiefly affected the lives of the great by pleasantly relieving the monotony of peaceful days. In time of peace they had few occupations but hawking, hunting, and tilting, and during hostilities those amusements continued. Field sports, sometimes spoken of by their eulogists as the image of war, were not absent during its reality. Edward III. hunted and fished daily during his campaign in France, having with him thirty falconers on horseback, sixty couples of staghounds, and as many greyhounds. And many of his nobles followed his example in taking their hawks and hounds across the Channel.

But the preceding causes of the frequency of war in the days of chivalry are quite insignificant when compared with that motive which nowadays mainly finds vent in the peaceful channels of commerce – namely, the common desire of gain. The desire for glory had far less to do with it than the desire of lucre; nor is anything from the beginning to the end of Froissart more conspicuously displayed than the merely mercenary motive for war. The ransom of prisoners or of towns, or even ransom for the slain,⁵⁷ afforded a short and royal road to wealth, and was the chief incentive, as it was also the chief reward of bravery. The Chevalier Bayard made by ransoms in the course of his life a sum equal to 4,000*l.*, which in those days must have been a fortune;⁵⁸ and Sir Walter Manny in a single campaign enriched himself by 8,000*l.* in the same way.⁵⁹ So that the story is perfectly credible of the old Scotch knight, who in a year of universal peace prayed, 'Lord, turn the world upside down that gentlemen may make bread of it.' Loot and rapine, the modern attractions of the brigand, were then in fact the main temptations of the knight or soldier; and the distinction between the latter and the brigand was far less than it had been in the pre-Christian period, or than it is in more modern

⁵⁷ Grose, ii. 114.

⁵⁸ Petitot, xvi. 134.

⁵⁹ Grose, ii. 343.

times. Indeed the very word *brigand* meant, originally, merely a foot-soldier who fought in a brigade, in which sense it was used by Froissart; and it was only the constant addiction of the former to the occupations of the highwayman that lent to the word brigand its subsequent evil connotation.

But it was not merely the common soldier to whom the first question in a case of war was the profit to be gained by it; for men of the best families of the aristocracy were no less addicted to the land piracy which then constituted war, as is proved by such names as Calverly, Gournay, Albret, Hawkwood, and Guesclin. The noble who was a soldier in war often continued to fight as a robber after peace was made, nor thought it beneath him to make wretched villagers compound for their lives; and in spite of truces and treaties, pillage and ransom afforded his chief and often his sole source of livelihood. The story of Charles de Beaumont dying of regret for the ransom he had lost, because by mistake he had slain instead of capturing the Duke of Burgundy at the battle of Nancy, is a fair illustration of the dominion then exercised by the lowest mercenary feelings over the nobility of Europe.

This mercenary side of chivalrous warfare has been so lost sight of in the conventional descriptions of it, that it is worth while to bring into prominence how very little the cause of war really concerned those who took part in it, and how unfounded is the idea that men troubled to fight for the weak or the oppressed under fine impulses of chivalry, and not simply in any place or for any object that held out to them the prospect of gain. How otherwise is it possible to account for the conduct of the Black Prince, in fighting to restore Pedro the Cruel to the throne of Castile, from which he had been displaced in favour of Henry of Trastamare not merely by the arms of Du Guesclin and the French freebooters, but by the wishes and consent of the people? Any thought for the people concerned, or of sympathy for their liberation, as little entered into the mind of the Black Prince as if the question had concerned toads or rabbits. Provided it afforded an occasion for fighting, it mattered nothing that Pedro had ruled oppressively; that he had murdered, or at least was believed to have murdered, his wife, the sister of the reigning King of France: nor that he had even been condemned by the Pope as an enemy to the Christian Church. Yet before the battle of Navarette (1367), in which Henry was completely defeated, the Prince did not hesitate in his prayers for victory to assert that he was waging war solely in the interests of justice and reason; and it was for his success in this iniquitous exploit (a success which only awaited his departure from the country to be followed by a rising in favour of the monarch he had deposed) that the Prince won his chief title to fame; that London exhausted itself in shows, triumphs, and festivals in his honour; and that Germans, English, and Flemish with one accord entitled him 'the mirror of knighthood.' The Prince was only thirteen when he fought at Crecy, and he fought with courage: he was only ten years older when he won the battle of Poitiers, and he behaved with courtesy to the captive French king, from whom he looked for an extortionate ransom: but the extravagant eulogies commonly heaped upon him prove how little exalted in reality was the military ideal of his age. His sack of Limoges, famous among military atrocities, has already been spoken of; nor should it be forgotten, as another indication of his character, that when two messengers brought him a summons from the King of France to answer the appeal of the Gascons of Aquitaine, he actually imprisoned them, showing himself however in this superior to his nobles and barons, who actually advised capital punishment as the fittest salary to the envoys for their pains.

The Free Companies, or hordes of robbers, who ravaged Europe through all the period of chivalry and constituted the greatest social difficulty of the time, were simply formed of knights and men-at-arms, who, when a public war no longer justified them in robbing and murdering on behalf of the State, turned robbers and murderers on their own account. After the treaty of Bretigny had put a stop to hostilities between France and England (1360), 12,000 of these men, men of rank and family as well as needy adventurers, and under leaders of every nationality, resolved sooner than lay down their arms to march into Burgundy, there to relieve by the ransoms they might levy the poverty they could not otherwise avert. Many a war had no other justification than the liberation of one people

from their outrages by turning them upon another. Thus Du Guesclin led his White Company into Spain on behalf of Henry the Bastard, less to avenge the cruelties of Pedro than to free France from the curse of her unemployed chivalry; and Henry the Bastard, when by such help he had wrested the kingdom of Castile from his brother Pedro, designed an invasion of Granada simply to divert from his own territories the allies who had placed him in possession of them. This was a constant source of war in those days, just as in our own the existence of large armies leads of necessity to wars for their employment; and even the Crusades derive some explanation from the operation of the motive indicated.

No historical microscope, indeed, will detect any difference between the Free Companies and the regular troops, since not only the latter merged into the former, but both were actuated by the sole pursuit of gain, and equally indifferent to ideas of honour or patriotism. The creed of both was summed up in the following regretful speech, attributed to Aymerigot Marcel, a great captain of the pillaging bands: 'There is no pleasure in the world like that which men such as ourselves enjoyed. How happy were we when, riding out in search of adventures, we met a rich abbot, a merchant, or a string of mules, well laden with draperies, furs, or spices, from Montpellier, Beziers, and other places! All was our own, or ransomed according to our will. Every day we gained money, ... we lived like kings, and when we went abroad the country trembled; everything was ours both in going and returning.'

In the days of chivalry, this desire of gain, however gotten, pervaded and vitiated all classes of men from the lowest to the highest. Charles IV. of France, when his sister Isabella, queen of Edward II., fled to him, promised to help her with gold and silver, but secretly, lest it should bring him into war; and then when messengers from England came with gold and silver and jewels for himself and his ministers, both he and his council became in a short time as cold to the cause of Isabella as they had been warm, the king even going so far as to forbid any of his subjects under pain of banishment to help his sister in her projected return. And again, when Edward III. was about to make war with France, was he not told that his allies were men who loved to gain wealth, and whom it was necessary to pay beforehand? And did he not find that a judicious distribution of florins was as effective in winning over to his interests a duke, a marquis, an archbishop, and the lords of Germany, as the poorer citizens of the towns of Flanders?

Money, therefore, or its equivalent, and not the title to the crown of France, was at the root of the wars waged abroad by the English under Edward III. The question of title simply served as pretext, covering the baser objects of the invasion. No historical fact is clearer, ignored though it has been in the popular histories of England, than that the unpopularity of his successor, Richard II., arose from his marriage with the daughter of the King of France, and from his desire for peace between the two kingdoms, of which the marriage was the proof and the security. When his wish for peace led to the formation of a war and a peace party among the English nobility, Froissart says: 'The poorer knights and archers were of course for war, as their sole livelihood depended upon it.'⁶⁰ They had learnt idleness and looked to war as a means of support.' In reference to the great peace conference held at Amiens in 1391, he observes: 'Many persons will not readily believe what I am about to say, though it is strictly true, that the English are fonder of war than of peace. During the reign of Edward, of happy memory, and in the lifetime of his son the Prince of Wales, they made such grand conquests in France, and by their victories and ransoms of towns, castles, and men gained such wealth, that the poorest knights became rich; and those who were not gentlemen by birth, by gallantly hazarding themselves in these wars, were ennobled by their valour and worth. Those who came after them were desirous of following the same road... Even the Duke of Gloucester, son of King Edward, inclined to the opinion of the commons, as did many other knights and squires who were desirous of war to enable them to support their state.'⁶¹

⁶⁰ iv. 27.

⁶¹ iv. 36.

No other country, indeed, pleased these English brigand knights so well as France for the purpose of military plunder. Hence the English who returned from the expedition to Castile complained bitterly that in the large towns where they expected to find everything, there was nothing but wines, lard, and empty coffers; but that it was quite otherwise in France, where they had often found in the cities taken in war such wealth and riches as astonished them; it was in a war with France therefore that it behoved them to hazard their lives, for it was very profitable, not in a war with Castile or Portugal, where there was nothing but poverty and loss to be suffered.⁶²

With this evidence from Froissart may be compared a passage from Philip de Commines, where he says, in speaking of Louis XI. towards the end of the following century: 'Our master was well aware that the nobility, clergy, and commons of England are always ready to enter upon a war with France, not only on account of their old title to its crown, but by the desire of gain, for it pleased God to permit their predecessors to win several memorable battles in this kingdom, and to remain in possession of Normandy and Guienne for the space of 350 years, ... during which time they carried over enormous booty into England. Not only in plunder which they had taken in the several towns, but in the richness and quality of their prisoners, who were most of them great princes and lords, and paid them vast ransoms for their liberty; so that every Englishman afterwards hoped to do the same thereby and return home laden with spoils.'⁶³

Such, then, were the antecedents of the evil custom of war which has descended to our own time; and we shall have taken the first step to its abolition when we have thus learnt to read its real descent and place in history, and to reject as pure hallucination the idea that in the warfare of the past any more than of the present there was anything noble or great or glorious. That brave deeds were often done and noble conduct sometimes displayed in it must not blind us to its other and darker features. It was a warfare in which not even women and children were safe from the sword or lance of the knight or soldier; nor sacred buildings exempt from their rage. It was a warfare in which the occasional mercy shown had a mercenary taint; in which the defeated were only spared for their ransom; and in which prisoners were constantly liable to torture, mutilation, and fetters. Above all, it was a warfare in which men fought more from a sordid greed of gain than from any love or attachment to their king or country, so that all sense of loyalty would speedily evaporate if a king like Richard II. chanced to wish to live peaceably with his neighbours.

It is not unimportant to have thus shown the warfare of chivalry in its true light. For it is the delusion with regard to it, which more than anything else keeps alive those romantic notions about war and warriors that are the most fatal hindrance to removing both from the face of the earth. We clearly drive militarism to its last defences, if we deprive it of every period and of almost every name on which it is wont to rely as entitling it to our admiration or esteem.

⁶² iii. 109.

⁶³ *Mémoires*, vi. 1.

CHAPTER III. NAVAL WARFARE

Una et ea vetus causa bellandi est profunda cupido imperii et divitiarum.—Sallust.

Robbery the first object of maritime warfare – The piratical origin of European navies – Merciless character of wars at sea – Fortunes made by privateering in England – Privateers commissioned by the State – Privateers defended by the publicists – Distinction between privateering and piracy – Failure of the State to regulate privateering – Privateering condemned by Lord Nelson – Privateering abolished by the Declaration of Paris in 1856 – Modern feeling against seizure of private property at sea – Naval warfare in days of wooden ships – Unlawful methods of maritime war – The Emperor Leo VI.'s 'Treatise on Tactics' – The use of fire-ships – Death the penalty for serving in fire-ships – Torpedoes originally regarded as 'bad' war – English and French doctrine of rights of neutrals – Enemy's property under neutral flag secured by Treaty of Paris – Shortcomings of the Treaty of Paris with regard to: – (1) A definition of what is contraband; (2) The right of search of vessels under convoy; (3) The practice of embargoes; (4) The *jus angariae*— The International Marine Code of the future.

The first striking difference between military and naval warfare is that, while – in theory, at least – the military forces of a country confine their attacks to the persons and power of their enemy, the naval forces devote themselves primarily to the plunder of his property and commerce. If on land the theory of modern war exempts from spoliation all of an enemy's goods that do not contribute to his military strength, on sea such spoliation is the professed object of maritime warfare. And the difference, we are told, is 'the necessary consequence of the state of war, which places the citizens or subject of the belligerent states in hostility to each other, and prohibits all intercourse between them,'⁶⁴ although the very reason for the immunity of private property on land is that war is a condition of hostility between the military forces of two countries, and not between their respective inhabitants.

Writers on public law have invented many ingenious theories to explain and justify, on rational grounds, so fundamental a difference between the two kinds of warfare. 'To make prize of a merchant ship,' says Dr. Whewell, 'is an obvious way of showing (such a ship) that its own State is unable to protect it at sea, and thus is a mode of attacking the State;'⁶⁵ a reason that would equally justify the slaughter of nonagenarians. According to Hautefeuille, the difference flows naturally from the conditions of hostilities waged on different elements, and especially from the absence at sea of any fear of a rising *en masse* which, as it may be the result of wholesale robbery on land, serves to some extent as a safeguard against it.⁶⁶

A simpler explanation may trace the difference to the maritime Piracy which for many centuries was the normal relation between the English and Continental coasts, and out of which the navies of Europe were gradually evolved. Sir H. Nicolas, describing the naval state of the thirteenth and early part of the fourteenth century, proves by abundant facts the following picture of it: 'During a truce or peace ships were boarded, plundered, and captured by vessels of a friendly Power as if there had been actual war. Even English merchant ships were attacked and robbed as well in port as at sea by English

⁶⁴ Halleck, *International Law*, ii. 154.

⁶⁵ *Elements of Morality*, sec. 1068.

⁶⁶ *Des Droits et Devoirs des Nations neutres*, ii. 321-323.

vessels, and especially by those of the Cinque Ports, which seem to have been nests of robbers; and, judging from the numerous complaints, it would appear that a general system of piracy existed which no government was strong enough to restrain.⁶⁷

The governments of those days were, however, not only not strong enough to restrain, but, as a rule, only too glad to make use of these pirates as auxiliaries in their wars with foreign Powers. Some English ships carrying troops to France having been dispersed by a storm, the sailors of the Cinque Ports were ordered by Henry III., in revenge, to commit every possible injury on the French; a commission undertaken with such zeal on their part that they slew and plundered not only all the foreigners they could catch, but their own countrymen returning from their pilgrimages (1242). During the whole reign of Henry IV. (1399-1413), though there existed a truce between France and England, the ordinary incidents of hostilities continued at sea just as if the countries had been at open war.⁶⁸ The object on either side was plunder and wanton devastation; nor from their landing on each other's coasts, burning each other's towns and crops, and carrying off each other's property, did the country of either derive the least benefit whatever. The monk of St. Denys shows that these pirates were really the mariners on whom the naval service of England chiefly depended in time of war, for he says, in speaking of this period: 'The English pirates, discontented with the truce and unwilling to abandon their profitable pursuits, determined to infest the sea and attack merchant ships. Three thousand of the most skilful sailors of England and Bayonne had confederated for that purpose, and, as was supposed, with the approbation of their king.' It was not till the year 1413 that Henry V. sought to put a stop to the piratical practices of the English marine, and he then did so without requiring a reciprocal endeavour on the part of the other countries of Europe.⁶⁹

Maritime warfare being thus simply an extension of maritime piracy, the usages of the one naturally became the usages of the other; the only difference being that in time of war it was with the licence and pay of the State, and with the help of knights and squires, that the pirates carried on their accustomed programme of incendiarism, massacres, and robberies.

⁶⁷ *History of the Royal Navy*, i. 357.

⁶⁸ Nicolas, ii. 341.

⁶⁹ Nicolas, ii. 405.

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