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# THE GERMAN WAR CODE

Contrasted with  
The War Manuals of the United States, Great  
Britain, and France



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The German War Code

Many good loyal Americans have hesitated to believe the charges of wholesale brutality and ruthlessness made against the German authorities. That there have been individual instances of outrage by the Germans is quite believable. That such things occur in every war is well known. They are a part of the inevitable horrors of war. We tend to excuse them as naturally incident to the brutality of mind into which some soldiers seem to fall when surrounded by carnage.

Evidence of  
Frightfulness.

The difficult thing to believe is that the responsible authorities of a highly civilized country should command their officers and troops to commit fiendish outrages.

The facts here set forth are not new. They have been known for years to those whose business it is to be informed on such matters. They are, however, unknown to the general public. We ask you to read them and then consider whether the brutality, ruthlessness, terrorism, and violence of the German forces have not been cold-bloodedly programmed for years by the German authorities.

The statements advanced here are easily verified. They cannot be refuted or belittled. They help to show what we and the Allies are fighting for.

There are certain standards of human intercourse that are absolutely vital to the very existence of civilized society. We kept out of this awful war until it was certain beyond all question of doubt that those standards were about to be crushed unless we took up the fight.

It was the wholesale violation by Germany of the most sacred standards of human society that caused our Government to enter the war, coupled with the belief that Germany was about to triumph largely through the advantages accruing to her from violating the humanitarian restrictions that had gradually, through centuries, been built up to prevent mankind from lapsing into primitive savagery.

Ours is a truly defensive war, though on the face of it no country ever went to war where the danger of actual physical harm seemed so remote. However victorious we may be, not

a single American expects to see his country obtain the slightest *material* gain.

It is the practice of every civilized country to place in the hands of its army and of its naval officers, and of students who are preparing for such careers, a book known as the manual of military instructions. This manual defines what are the rights and duties of their armed forces when engaged in hostilities and dealings with the enemy. This book is to the military man what the Bible is to the Christian. It is the highest law he knows.

In 1902 Germany issued a new manual entitled *Kriegsbrauch im Landkriege*. This was done apparently in compliance with the injunction of the Hague treaties of 1899 to which Germany, along with most other countries of the world, had solemnly agreed. It would seem, however, from the way in which most of the Hague provisions are denounced, ridiculed, and sneered at in the manual, that the real reason for issuing the revised instructions was to counteract any influence which these provisions might have been expected to have upon German military officers through Germany's having ratified the Hague treaties.

At the very outset the *Kriegsbrauch* repudiates one of the most fundamental principles ever agreed upon by States to govern their relations as enemies. This principle is embodied in what is known as the Declaration of St. Petersburg of 1868, which declared that war is a contest between armies rather than peoples, and that the only legitimate object of war is to weaken the *military forces* of its enemy. Prussia agreed to this international treaty. It was later incorporated in the Hague treaties and again agreed to by Germany.

Notwithstanding this, the *Kriegsbrauch* declares that war is not to be regarded as a contest between armed forces, but that its purpose is to destroy the spiritual and material power of the enemy country.

The *Kriegsbrauch* next declares that the laws and customs of war (*Kriegsmannier*) must yield to the law of military necessity (*Kriegsraison*) whenever the observance of the law would prevent or hinder the attainment of the object of the war. Therefore, declares Germany in its war manual, it is permissible to destroy private property, to devastate systematically evacuated regions, to terrorize the civil population of invaded districts, to deport them for compulsory service in the enemy country, thereby releasing its own men for the army, to compel them to aid the enemy in the construction of fortifications, to dig trenches, to serve as guides, and even to furnish information regarding their own army. It is permissible to seize

prominent civilians of the occupied district and place them on railway trains in order to insure the trains against derailment by the civil population or by the armed forces of the enemy—this notwithstanding the fact that “every writer outside Germany,” as the German General Staff readily admits, “has declared this measure to be contrary to the law of nations and as unjustified toward the inhabitants of the country.” This expedient was resorted to by the Germans in France in 1870-71, and although they themselves regarded it as “harsh and cruel,” says the *Kriegsbrauch*, it was a justifiable measure *because it was effective*.

The *Kriegsbrauch* cynically states that, “However much it may ruffle human feelings to compel a man to do harm to his country, and indirectly fight his own troops, nevertheless no army operating in an enemy’s country will altogether renounce this expedient.”

What is this so-called law of necessity which overrides the laws of war when it conflicts with them, and in whom rests the “Necessity” power and discretion to apply it? The rules absolutely of war are always restrictive. They forbid the Abolishes all use of poison and treachery as a means of de- War Law. feating the enemy. They are never permissive except in the sense that they lay down no positive prohibition to the doing of a particular thing.

Germany is the only country whose great military leaders and writers on international law have erected into a general principle the exceptional rule that military necessity justifies the abrogation of *war law*. Their doctrine is that the law must give way whenever its observance would defeat or hinder the achievement of military success.

Surely the purpose of human law is to control man’s primitive impulse to harm his fellows for his own personal gain. The German authorities well know that the word law has two widely different meanings. For them to declare that military necessity is ever of itself law looks like the practice of deliberate sophistry to deceive the public; an attempt to obscure the real meaning of human laws (addressed, as these always are, to man’s conscience) with that law which at most describes the natural action of our primitive human impulses toward one another, just as the law of gravitation describes the natural action of things toward the earth.

Were the German militarists quite frank in their manual of war law they would instruct their officers and troops in this wise: “Succeed, where possible, by an honest observance of war law; but where such in your judgment is not possible, then succeed. You are free, so far as the Imperial German Government is concerned, to do anything to the enemy which you may decide at the time is necessary in order to win.”

In the application of this doctrine of necessity to specific cases, the *Kriegsbrauch* goes on to nullify in more or less explicit language nearly every important rule of warfare. It repudiates the Hague rule that supplies taken by requisition from the enemy country should be paid for. The Hague rule that the quantity of supplies requisitioned, or money demanded, under the form of "Contributions" from the inhabitants of occupied territory should bear a just relation to the resources of the country is cynically dismissed with the statement that its justice will be "willingly recognized in theory, but scarcely ever observed in practice." In short, "*War is War*," and the last mouthful of food, the last horse or cow, the last bushel of grain may be taken from the country, and the non-combatant population—men, women and children—left to starve, if the need of the occupying army requires it. So the *Kriegsbrauch* enjoins German officers and troops that "it is well to remember that in the changing and stormy course of war, observance of the orderly conduct of peaceful times is, with the best will, impossible."

Community fines, German officers are told, are among the most effective measures for insuring the good conduct of the civil population of enemy territory occupied by their forces. No reference whatever is made to the Hague rule, which is also the unanimous opinion of international law writers outside of Germany, that community fines can be laid only when the wrongful act for which they are imposed is one for which the population as a whole is responsible; that is, one in which the entire population were actively or passively accomplices.

The fining of a distant French commune merely because the perpetrator of the wrongful act originally came from there; the threat of Graf Renard to shoot a number of French civilians in case certain laborers who had been requisitioned by the German authorities should fail to report for duty the following day; these are examples of vicarious punishments inflicted on French communities in 1870 which the *Kriegsbrauch* brazenly defends, although these acts have been universally condemned outside of Germany as well as by some of their own publicists.

The Hague treaty of 1907 respecting the laws and customs of war on land (Art. II), declares in plain language that the inhabitants of an invaded district may, upon the approach of the enemy, take up arms and resist him, and if they have not had time to organize and provide themselves with military uniforms they shall nevertheless be treated as lawful combatants, provided only that they carry their arms openly and respect the laws and customs of war. The German manual, however, refuses to admit this inalienable right of defense guaranteed by

What German  
Officers are  
Commanded to  
do to the Enemy.

nearly every important rule of warfare. It repudiates the Hague rule that supplies taken by requisition from the enemy country should be paid for. The Hague rule that the quantity of supplies requisitioned, or money demanded, under the form of "Contributions" from the inhabitants of occupied territory should bear a just relation to the resources of the country is cynically dismissed with the statement that its justice will be "willingly recognized in theory, but scarcely ever observed in practice." In short, "*War is War*," and the last mouthful of food, the last horse or cow, the last bushel of grain may be taken from the country, and the non-combatant population—men, women and children—left to starve, if the need of the occupying army requires it. So the *Kriegsbrauch* enjoins German officers and troops that "it is well to remember that in the changing and stormy course of war, observance of the orderly conduct of peaceful times is, with the best will, impossible."

Why Prisoners of  
War may be  
Killed by German  
Troops.

tants of an invaded district may, upon the approach of the enemy, take up arms and resist him, and if they have not had time to organize and provide themselves with military uniforms

international treaty, and affirms the principle upon which the Germans acted in 1870-71 and again in 1914, that detachments of persons not under the command of responsible leaders, and not clothed in uniform, may summarily be shot as *franc-tireurs*.

Another application of the German doctrine of necessity where success hangs in the balance relates to the case of prisoners of war: When their presence is a danger to their German captors they may be put to death.

The German Government further declares in its manual of war law that "all measures" which conduce to the attainment of the object of the war are permissible, and these "may be summarized in the two ideas of violence and cunning," which, it adds, may be formulated in the following proposition: "*What is permissible includes every means of war without which the object of the war cannot be attained; what is reprehensible, on the other hand, includes every act of violence and destruction which is not demanded by the object of the war. . . . All means which modern invention affords, including the fullest, most dangerous, and most massive means of destruction, may be utilized—the latter just because they contribute to the attainment of the object of the war as quickly as possible, are for that reason to be regarded as indispensable and, when closely considered, the most humane.*" The usages of war, however, we are told, condemn certain instruments and forms of violence because the object of the war may be attained by milder means. Such are the use of poison, soft-nosed bullets, assassination, and the like; nevertheless, it is not reprehensible to hire third parties to rob, burn, or assassinate the enemy. To be sure, "considerations of chivalry, generosity, and honor" may condemn as indecent and dishonorable the utilization of the services of others for such purposes, but the law, which is "less touchy," permits it, and a belligerent should not allow an opportunity to use such an advantage to slip away from him.

The well accepted rule of war, also embodied in the Hague regulations, that "the officer in command of an attacking force must, before commencing a bombardment (except in cases of assault), do all in his power to warn the authorities," is emphatically rejected by the German Government as "completely inconsistent with war and must be repudiated by soldiers," and in practice German commanders have flagrantly disregarded this humane rule during the present war.

Such are some of the astounding provisions decreed by Germany in 1902—twelve years before the outbreak of the Great War—as the law of war which its military officers were commanded to apply in dealing with the enemies of Germany.

Throughout, it is evident, this manual proceeds upon the assumption that the territory of Germany is not likely to be invaded by an enemy. Conscious of the superior strength of her tremendous armies, the German militarists foresaw that in a war with her neighbors Germany would occupy their territories. It would seem as if the responsible authorities of Germany who in 1902 drafted and published this manual of war had in mind the time when, as conqueror, Germany should rule the subjugated peoples of other countries with "blood and iron." To harden her officers and troops against any appeals of humanity, she has educated them for years on a war code that ridicules and scorns the rules of war dictated by chivalry, honor, and generosity to the enemy, as sickly sentimentality unworthy of a real soldier.

What such a systematic training produces in the way of cold blooded military inhumanity is aptly illustrated by the following conversation reported by Mr. F. C. Walcott of the Belgium Relief Committee:

Von Bissing as an Example.

"I went to Belgium to investigate conditions, and while there I had opportunity . . . to talk one day with Governor General von Bissing, who died three or four weeks ago, a man 72 or 73 years old, a man steeped in the 'system,' born and bred to the hardening of the heart which that philosophy develops. There ought to be some new word coined for the process that a man's heart undergoes when it becomes steeped in that system.

"I said to him, 'Governor, what are you going to do if England and France stop giving these people money to purchase food?'

"He said, 'We have got that all worked out and have had it worked out for weeks, because we have expected this system to break down at any time.'

"He went on to say, 'Starvation will grip these people in 30 to 60 days. Starvation is a compelling force, and we would use that force to compel the Belgian workingmen, many of them very skilled, to go into Germany to replace the Germans, so that they could go to the front and fight against the English and the French.'

"'As fast as our railway transportation could carry them, we would transport thousands of others that would be fit for agricultural work, across Europe down into southeastern Europe, into Mesopotamia, where we have huge, splendid irrigation works. All that land needs is water and it will blossom like the rose.'

"'The weak remaining, the old and the young, we would

concentrate opposite the firing line, and put firing squads back of them, and force them through that line, so that the English and French could take care of their own people.'

"It was a perfectly simple, direct, frank reasoning. It meant that the German Government would use any force in the destruction of any people not its own to further its own ends." (Frederic C. Walcott, in *The National Geographic Magazine*, May, 1917.)

The German war code abounds in evidences of unfairness and gross partisanship and appears to have been intended to inculcate hatred in the hearts of the German army against their enemies. Charges against the French for violating certain of the laws of war in 1870—charges which had long before been proved to be absolutely false—are again revived and given currency, for no other purpose than to justify their own indefensible acts and to furnish alleged precedents for the doctrines enunciated in their own code.

Wherever a shockingly cruel case has occurred in previous wars it is seized upon and exploited for the purpose of proving that the practices sanctioned by the *Kriegsbrauch* have been common in the past.

The only German writers on international law cited as authorities in this war manual are those who hold the most extreme militaristic views, such as Dahn, Hartmann, Loening, and Leuder; the more modern and liberal jurists such as Geffcken, von Bar, von Liszt, Wehberg, and others are never mentioned. As for foreign publicists, their opinions are never invoked as authority in support of doctrines laid down in the German manual. The reason is obvious: they had all practically condemned these laws and practices before they were incorporated in the *Kriegsbrauch*.

As has been said, the scant references to the Hague regulations are made either cynically to say that such laws will never in fact be observed by armies in the field, or deservingly to characterize them as theoretical and impracticable. The enlightened and humane purposes that actuated the calling of the great international conferences, to mitigate so far as possible the evils of war by subjecting its conduct to restrictive rules, are again and again referred to in a slighting manner. German army officers are warned against being misled by the excessive humanitarianism of the present age, which the German manual says has too often degenerated into "sentimentality and flabby emotion." (*Sentimentalität und Gefühlsschwärmerei*.)

German Manual  
Teaches Hatred.

Humanitarianism  
Sneered at as  
"Flabby Emo-  
tion."



When we turn to the war manuals of the United States, Great Britain, and France, and compare their rules with those of the German code, we are struck by a refreshing contrast.

**United States  
War Manual.**

The United States manual, which was the first prepared and issued to its armies by any country, was drafted by Francis Lieber, a distinguished German jurist, who came to this country somewhat earlier than Carl Schurz and for the same reasons, namely to escape the oppression of their own country. This handbook was promulgated by President Lincoln in 1863 under the title *Instructions for the Government of the U. S. Armies in the Field*. It was superseded by a new manual in 1914, which is mainly a revision of Lieber's code.

To appreciate the striking differences between our war law and that of Germany, one should compare Articles 3, 7, 11, 13, 16, 22, 24, 28, 30, 33, 44, 51, 68, 173, 334, 345, 351 (as numbered in the United States manual of 1914) with corresponding provisions in the German manual. The American manual at the outset imposes a very important restriction on its officers and troops in respect to *military necessity*; it lays down the rule that only such measures may be adopted against the enemy as "are lawful according to the modern laws and customs of war." One may search in vain for any such restriction in the German code. There, military necessity negatives all war law, thus making it proper for German officers to employ, as they have done in the present war, poisonous gases, to poison wells in Southwest Africa, to drop bombs in the streets and plazas of undefended towns, to bombard coast towns where not a battery or soldier was to be found, to torpedo merchant vessels on sight without the slightest attempt to save their passengers and crews, and to employ every instrument or method calculated to contribute to the attainment of military success. Such a systematic application of scientific inhumanity has never been known or tolerated before, even amid the horrors of war. The American rules conform strictly to those laid down in all the great international treaties relating to the conduct of war, and in no case are those rules repudiated or sneeringly referred to as "impracticable" or "unlikely to be observed in fact."

Equally striking is the contrast between the British manual and the German *Kriegsbrauch*. At the very outset the British manual adopts by direct reference all the great international conventions beginning with the declaration of St. Petersburg of 1868. As to all points on which they speak, Great Britain declares them the law for the British army. On points that may arise not covered by these conventions, the British officers shall be governed by the customs and usages of civilized warfare. The provisions of the Hague, and other like conventions, are nowhere repudiated or derided

**British War-Law  
Manual.**

as excessively humane and impracticable, nor are they cynically dismissed with the statement that they are unlikely to be observed in actual warfare.

The British manual declares unequivocally that the means which its army may use to overcome the resistance of its enemies are restricted by the Hague and other international agreements, by the customary rules of warfare, and also by the dictates of religion, civilization, and chivalry. In amplification of this principle the British code goes on to condemn assassination under all circumstances, and to reject the rule of the German code that a prisoner can be put to death whenever his presence is a handicap to his captors in their military operations. It recognizes the right to take hostages, but declares that they must be treated as prisoners of war and cannot therefore be put to death, as has been done again and again by the Germans during the present war. It even protests against the placing of hostages on railway trains to insure the latter against destruction by the enemy's army or by its civilian population, although this had been done by the British army in the Boer War.

One will read the 510 sections of the British war manual in vain to find a single one which is in conflict with the Hague regulations or out of accord with the more humane **British War-Law** and liberal practices heretofore observed in modern warfare. **Accords with** British officers must give warning before beginning a bombardment. They are forbidden to compel the inhabitants of occupied territory to perform work which would involve participation in the military operations of their own country. They are forbidden to take private property of the enemy except under form of requisition and contribution. Requisitions must be in proportion to the resources of the enemy country, and paid for in cash or as soon as possible. Contributions can be levied on the enemy only for the actual needs of the occupying army; they must not be excessive or laid for the psychological purpose of breaking the spirit of the enemy and inducing him to seek for peace.

British officers are forbidden to impose community punishments on the enemy except where the community can be shown to have been responsible, either actively or passively, for the wrongful act in question. The right of the inhabitants of a district invaded by the British army to take up arms and resist the approach of the enemy without having a perfected organization or a military uniform, a right expressly affirmed by the Hague treaty, is recognized. Such inhabitants when taken as prisoners are not to be shot as *francs-tireurs*, as the German manual provides, but rather treated as prisoners of war, provided only that they carry their arms openly and respect the laws and customs of war. On the obligation to give warning before

beginning a bombardment of the enemy, the British manual uses the identical language of the Hague treaty.

The French war manual forms an equally striking contrast to that of Germany. It reproduces textually the Hague and other international treaties relating to the conduct of war. These are frequently accompanied with a commentary in which their provisions are approved and given a liberal interpretation. France imposes the usual enlightened restrictions upon its army as to the means which may be employed in overcoming the resistance of the enemy, and also as to the kinds of compulsory services that may be exacted from the inhabitants of occupied territory. The rules laid down in respect to the treatment of the inhabitants of occupied territory, in levying requisitions and contributions upon them, and in taking hostages conform to the best standards. In the French, as in the American and British manuals, there is no denunciation or derision of the Hague regulations, nor are their restrictions characterized as impracticable, over-humane, and unlikely to be observed in practice.

Enough provisions of these manuals have been pointed out to show that the American, British and French manuals are the very opposite of the German in the law which their Governments have laid down for their armies to observe in their dealings with the enemy. The probable effects of these respective manuals upon the attitude of mind of officers and troops toward an enemy is very evident to any fair-minded man upon a moment's reflection. The German officers and troops today are the victims of a military education that has sneered at chivalry and systematically held up the basest practices in warfare as those which any army will resort to in order to achieve military success. To one who knows the kindliness of the German people, it is preposterous to assume that if they were acting under the instructions laid down by other countries for the treatment of an enemy, the German army would be any less chivalrous or humane to its enemy than are Americans, British, French and others. The responsibility for their excesses rests upon the Government and military authorities who have made the rules and directed their enforcement.

A word may be said about the practices of the German navy in this war and the failure of the German Government to enforce the law laid down in its naval code, first issued in 1909 and reissued in revised form in 1914, for the guidance of its naval officers. In conformity with the Hague Convention, the unratified Declaration of London, and the customs of naval warfare, this manual declares that, "before

**French War-Law Manual.**

**Effect on Minds of Officers and Troops.**

**German Naval-Law Manual.**

proceeding to the destruction of a merchant vessel, the safety of all persons on board, and so far as possible their effects, is to be provided for." The whole world knows the faithlessness with which Germany has observed this rule. The German law respecting visit and search, blockade, the immunity of hospital ships and small fishing boats, has likewise been deliberately violated on a scale that proves beyond all manner of doubt that the German authorities of today hold in contempt all the standards of warfare between civilized peoples.

Mad in their ambition to win, they have forgotten that the German nation must live and do business with the other peoples of the world after this war is over. Though international law lacks the administrative means to judge and punish violations of its better established rules, it is, like all human laws and customs, supported by a public opinion which never fails to manifest, in numerous ways, its detestation and horror for those who flagrantly misconduct themselves. For years to come the German Government and individual Germans in their intercourse with foreign peoples will be made to feel the suspicion and distrust in which they are held. This is bound to be a tremendous handicap. It is the penalty which mankind will inevitably exact from those who, while sneering at chivalry, and characterizing the humanitarian tendencies of modern times as "flabby emotion," have carried on a system of terrorism that knows no bounds. Millions of foreign peoples are filled with dread of Germany. For they have seen the German spy system penetrate their own countries and carry on political and social machinations on such a huge scale as to feel for the time being an utter helplessness to overcome it. Our own country is not yet rid of this menace. We are at war with a country that openly stands for the employment of hired assassins if necessary to overcome its enemy.

The question that naturally comes to the mind of one in comparing the German war law manual with those of other countries is: Who in Germany was responsible for drafting and decreeing it? In answering this question we shall answer a further question: Does the distinction which President Wilson has made between the German Government and the German people exist in fact?

A fate has befallen the German people which might have come upon any people. The German people as a whole have never had any active share in determining the political policies of their country. It is not a case, as sometimes stated, of their having been *deprived* of their liberties. The fact is, as the Kaiser has often

**Detestation and Horror of German Conduct.**

**Who Drafted and Decreed the German War Manual?**

**German People Dominated by the Junkers.**

told them, whatever civil liberty they enjoy has come largely through the establishment of an orderly government by the Hohenzollerns and the grant, under royal leadership, of civil rights and safeguards to the masses of Germany. Gradually the totality of governmental power has come to be centralized in the hands of a large reactionary group of the well-to-do and those of a more or less aristocratic lineage. In many respects the world has never known a group politically organized who were at once so intelligent, ambitious, and determined as this fairly well defined junker class who have been ruling Germany for the past forty years.

Under the leadership of one of the most ambitious monarchs in history, these junkers, as they are usually called, set about making the economic and social conditions within Germany such that every man, woman, and child counted for something in the national strength. Strictly as a business proposition, without sentimentality for the sick and poverty-stricken, Germany, under their leadership, established institutions to prevent the wastage of human energy such as inevitably occurs where every individual is left to look out for himself. With an attention to detail that is amazing, and with a sustained and earnest effort no less amazing, the autocracy of Germany patiently organized the human power of their country into living institutions, and then so coordinated these that the State moved practically as a single force—one of the most marvelous social phenomena the world has ever witnessed.

Along with these political and social preparations within the Empire went the most systematic and foresighted preparations of a military and naval character. Prussia's three wars—in 1864 against Denmark, in 1866 against Austria, and in 1870 against France—had been amazingly successful. Each entailed little national sacrifice, was over within a few short weeks, and brought most gratifying returns in the way of territorial annexations, money indemnities, and increased prestige. Encouraged by such results in the past, it was but natural (having in mind the frailties of human nature) that the ambitious leaders of Germany should stake their all upon a trial of force in an effort to seize what they coveted from the peoples outside of Germany. Their designs contemplate the acquisition of Holland and the Flemish part of Belgium, possibly Denmark, Sweden and Norway, Austria and the German parts of Russia, in addition to a vast colonial empire. For years the autocracy of Germany, under the leadership of the Kaiser, cherished the conviction that Germany must expand territorially.\*

\*See *Conquest and Kultur* (published by the Committee on Public Information), especially chapters vii-xi, xviii: Germany the Ruler of Middle Europe, Expansion in the Southeast, Subordination of France, Sea Power and Colonial Expansion, The Lost Teutonic Tribes, The Program of Annexations.

To advance this as a program became the great policy of Germany's leaders. The influence of this policy was supreme in every direction, both domestic and foreign. On a huge scale the industrial and social life within Germany was adjusted to it; the railroads and canals were located for their strategic military value; and the teaching in the schools and universities, and the publicity of the press, were skillfully and craftily gauged to prepare the national mind for The Great Adventure. Externally, the subtle penetration of German commercial and social life was carried forward into the very vitals of the business and political life of foreign countries. With a singleness and fixity of purpose never before seen, with a resourcefulness for the utilization of all the materials and forces at hand, and with a capacity for organization on a national scale unparalleled in history the German nation went forward within and without their country, led by the Kaiser and the great autocracy, to prepare for *Der Tag*, the day when Germany should *take* what she needed for the glory of the Fatherland.

Looked at objectively, no one can deny that this presents a truly impressive spectacle. But when we think what it means to the rest of the world, we shrink in horror before the spectacle and rise in arms. For we have seen the Poles, the Alsatians, the Lorrainese, and natives of German Africa subjected for years to a most harrowing and cruel persecution by the military bureaucrats sent from Berlin. The German autocracy has never shown the slightest capacity to govern foreign peoples. That harshness bristling in the German war law manual has dictated everywhere the temper for the governing of subjected peoples. The milk of human kindness is foreign to the heart of the German officer commissioned to deal governmentally with dependents. He thinks only in terms of "blood and iron."

Another question which comes to mind in this study of the German war manual is: Why did not the Foreign Offices, whose business it is to protect their countries, protest Germany's Neighbors against the German war manual? The answer is plain. The manual was a matter of the internal policy of Germany, at least so it seemed in times of peace. Germany would certainly have resented the raising of such a question; its Foreign Office would have refused to discuss the matter, as would that of any other country. Such, indeed, are the limits imposed by the canons of diplomatic intercourse. For years before the present war, the neighbors of Germany, appreciating her confident strength and aggressive policy, avoided raising questions of an irritating nature, especially where it seemed likely that their discussion would lead to no satisfactory results.

At the second Hague Conference, in 1907, when the German

delegation got wind that the conflict between their *Kriegsbrauch* and the Hague treaty regulations was likely to come up for discussion, Baron Marschall von Bieberstein, head of the delegation, adroitly forestalled the move by proposing the following: "A belligerent which violates the provisions of the said regulations shall, if the case demands, be liable to make compensation. It shall be responsible for all acts committed by persons forming part of its armed forces." This was adopted. So it might be possible, when Germany is conquered in this war, to fix upon her the payment of very heavy fines.

Isolated as we are here from European politics, and engrossed in our own affairs, Americans have failed to realize that for the past dozen years Germany has had her neighbors overawed, for Germany moved always in a manner to brook no trifling.

Every country has its junkers, men of great ability and determination, whose successes in getting what they have sought has made them intolerant of interference by those whom they feel confident they can shove aside. They are, in their own estimation, the supermen of Nietzsche. Their philosophy is *Machtpolitik* wherever they live. What happened in Germany was that these men obtained complete control of the forces of a great body politic, and, working in unusual harmony, perfected a marvelous organization to conquer the world if need be in order to give Germany her "place in the sun."\*

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\*The reader is urged to examine for himself the *Kriegsbrauch im Landkriege*, which is Part 31 of a volume entitled *Kriegsgeschichtliche Einzelschriften*, published in 1902 by E. S. Mittler and Son, Berlin. It has been translated into English by Professor J. H. Morgan and published in New York (in 1915) under the title, *The War Book of the German General Staff*. The German naval law manual, *Die Prisenerordnung*, was translated by a former professor of law at Stanford University, C. H. Huberich, and published in New York in 1915. The American *Rules of Land Warfare* was published in 1914 by the Government Printing Office, Washington, D. C. The British *Manual of Land Warfare* was published by the British War Office in 1914. The French, *Les Lois de la Guerre Continentale* was published in Paris in 1913; there is no English translation. To appreciate how the war manual of Germany is the product of her great military leaders, historians and publicists, one should read von Clausewitz' work *Vom Kriege* (published in 1832; translated into English, 3 vol., London, 1916); also the writings and views of von Hartmann, von Moltke, von der Goltz, von Bernhardt, von Hindenburg, von Bissing, von Treitschke, Leuder, Dahn, Loening and others. Extracts from these writings will be found in *German War Practices*, edited by Professor Dana C. Munro, and *War Cyclopedia, a Handbook for Ready Reference*, both published by the Committee on Public Information, Washington, D. C.

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