

CIVIL AFFAIRS STAFF CENTRE

CA/9/468

SYLLABUS OF LECTURES ON CONTEMPORARY GERMANY

Précis of 2nd Lecture by E.J. PASSANT M.A.

The Weimar Experiment and its failure (1919-1933)

1. The Versailles Treaty and its meaning to GERMANY:

The defeat of Deutschland:

- (a) Break-up of Austro-Hungarian Empire: prohibition of German-Austrian union.
- (b) Victory of Slavs - POLAND, CZECHO-SLOVAKIA, YUGO-SLAVIA.
- (c) Triumph of the West: FRANCE and ALSACE; BRITAIN and colonies and fleet, democratic principle of government accepted.

2. The Weimar System: outline of main provisions of constitution.

3. Failure to solve the problems of internal disunity outlined in Lecture 1.

- (a) Multi-party governments, no stable majorities.
- (b) Alliance of 'international' parties (Centre and Social-Democrats) especially in PRUSSIA.
- (c) Ambiguous position of States (Laender).
- (d) Dissatisfaction of both Left and Right.

4. The system in practice

- (a) Alliance of Social-Democrats and army to secure order: 'bourgeois' character of Social-Democrats: split between Socialists and Communists.
- (b) Rapid decline of left-liberals.
- (c) Recovery of conservative forces.
- (d) The inflation and its effects on the middle classes.
- (e) Success and failure of Stresemann's foreign policy.
- (f) The great slump - 1929 onwards.

5. National-socialism as solution of both internal and external problems.

May 4/4
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SUMMARY OF LECTURE ONTHE VALUE OF LAWS OF WAR

CA/9/467

By Prof. J.L. BRIERLY.

1. The laws of war are one part of international law, and some notion of what international law as a whole counts for in the relations of states is desirable by way of introduction to them. For several reasons the facts about this are not generally known, and most people only hear of international law when it is broken. Hence they fail to realise that habitually it is observed. On the other hand its weakness is that it has never been able to control the major issues of international politics, especially the issue between peace and war, and consequently in relation to war its function has come to be limited to attempting to regulate the way in which it is carried on.
2. But is this a practicable aim? Only provided the rules of the law do not attempt to run counter to the essential nature of war, which is a contest for victory. The Hague Regulations point to this inevitable limitation when they are expressed to be inspired "by the desire to diminish the evils of war, as far as military requirements permit". There is ample evidence in the history of war that when these limits are exceeded laws of war are not observed.
3. Modern developments in the art of war have tended further to restrict the field within which laws of war are likely to be effective. And a further difficulty arises from the fact that methods of waging war are constantly changing, so that though the basic principle may be the same its application necessarily varies in different ages. But there remains none the less some scope for a principle which limits the permissible infliction of injury on the enemy to that which has a military value. The occupation of enemy territory is one of the occasions in war which best illustrates how such a principle can be applied.
4. But even if within these limits there is nothing logically absurd about laws of war, they still have to contend with the emotional obstacles that war generates, and if a nation adopts mere "frightfulness" as its policy in waging war law can do little to mitigate its barbarities. For the whole system of international law, including the laws of war, is based on the assumption that nations have certain standards of behaviour in common; if that assumption breaks down, the system is bound to break down with it. But we should remember that it is not only international law that Nazism has repudiated; it has repudiated law as such in the sense in which peoples of European civilisation have hitherto understood it.
5. The means which exist for the enforcement of the laws of war are the right to punish war criminals, and the right to take reprisals. But neither of these is an effective form of sanction so long as war is in process of being fought.
6. That part of the laws of war which deals with the relations between belligerents and neutrals raises considerations which have not been discussed in this lecture, which has been concerned only with the relations between the belligerents.