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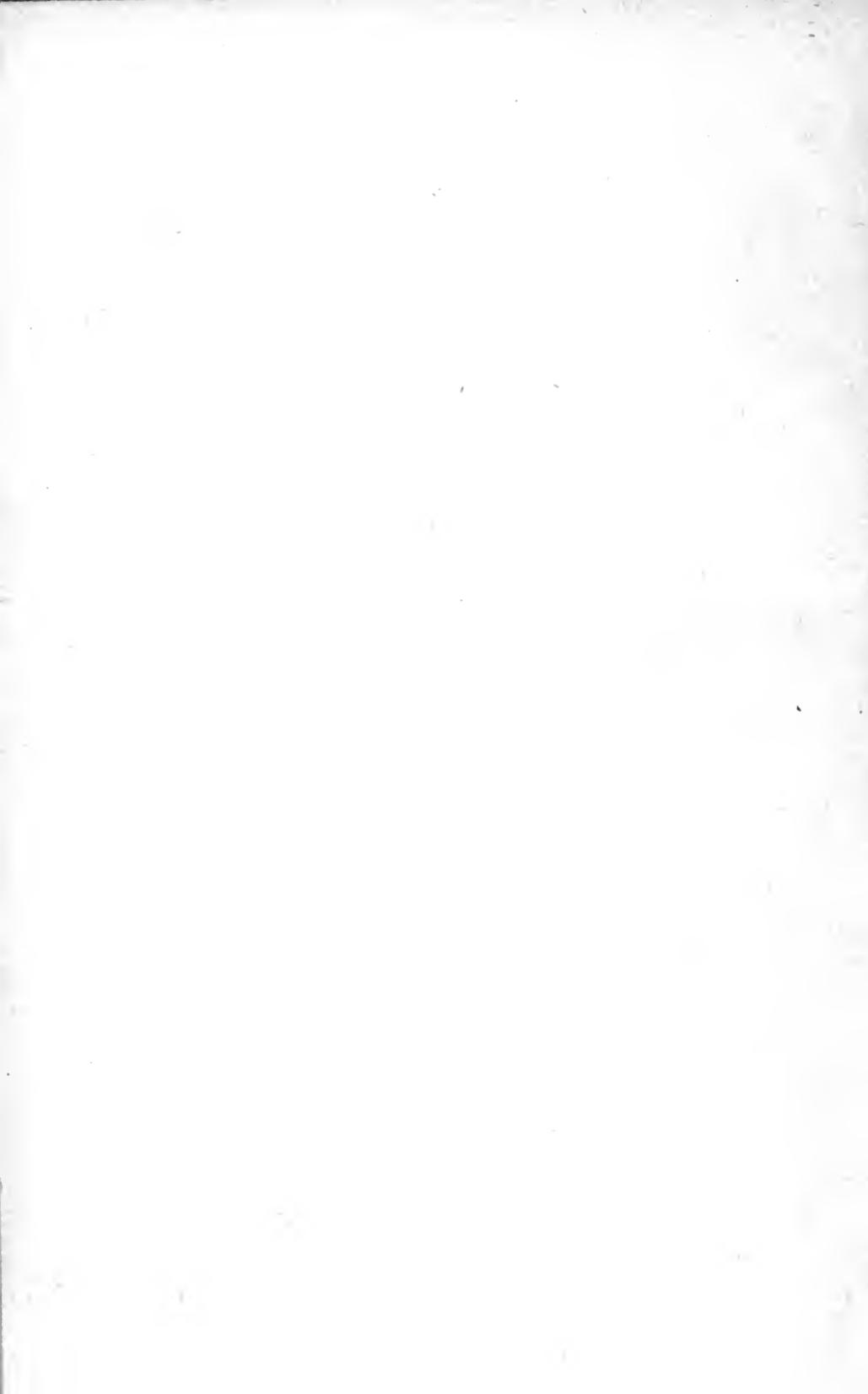
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FREEDOM OF THE SEAS







A 100-LB. PHOSPHORUS BOMB STRIKING THE FIGHTING-TOP OF  
U.S.S. ALABAMA

*(Official photograph of U.S. Army Air Corps.)*

82971



# FREEDOM OF THE SEAS

82971

*By*

LIEUT.-COMMANDER

THE HON. J. M. KENWORTHY, M.P. *Lord Strathclyde*

AUTHOR OF "WILL CIVILIZATION CRASH?"

AND

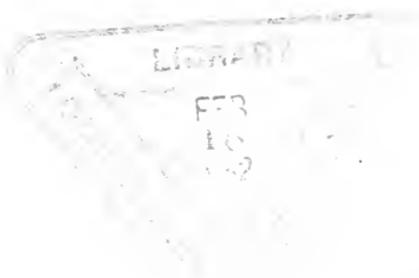
GEORGE YOUNG

AUTHOR OF "DIPLOMACY OLD AND NEW," "CONSTANTINOPLE,"  
"EGYPT," ETC.



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## AUTHORS' PREFACE

**T**HIS book has been written for a particular purpose. There are some revolutions that reveal at once to every eye their effects on the changes and chances of this mortal life. There are others that, silently and all unseen, change the foundations of life without challenging it to its face.

We have, since the war, been living through two revolutions—possibly more—but two at least of the first importance. The one is a revolution in social policy. Started by the seismic catastrophe of the war and from the region where the eruption most completely broke up the strata of society—Russia—this eruption set up a tidal wave of revolution south, west, and east, that threatened to submerge and subvert our political and social structures. At its approach most of us banded together to build dykes to shut it out and to save our property—some few of us set to work building dams to shut it in and use its power. But all of us have been so preoccupied with this tidal wave of revolution from the East that we have overlooked a rising tide of revolution that has been flooding in on us steadily and ever more strongly from the West.

The revolution in sea power, of which the sanction is the American Navy, is really far more of a menace to the existing order in our points of view and policies than is the revolution in social policy. But it is even less a menace to our peace and prosperity and even more a means to recover our position and progress provided we realize how to accommodate our old ideals to it and how to adapt it to our real interests. Yet we can do nothing until we recognize the new factors it has introduced into our old problems and the new forms in which it has recast them. The purpose of this book is to present a picture of these new forms and factors so that this unseen revolution may be realized.

Anyone can present a terrifying picture of a "tidal wave"

revolution, and any danger there may have been in England and America from any spectacular eruption of Russian revolution is long past. But it is a far more difficult matter to present a picture of the progress of a revolution by gradual and, for the most part, unperceived, stages ; and to provide plans as to using it for the development of peace. One of the authors remembers as a boy a day's back-breaking building of dykes on the bank of a flooding river to save a farm. Returning with the farmer and his hands in the evening they found the flood had risen through the gravel and had drowned most of the stock. A study of the subsoil and levels would have saved the farmer his labour and his live stock. But all he had seen was the obvious menace from the main stream that mattered little. So readers will have in the following pages to face some study of the subsoil of the subject, and some records of the levels of forgotten floods.

In presenting their picture of this unseen revolution in sea power the authors wish to acknowledge how much it owes any impression it may make to certain of the illustrations for which they are indebted to General Groves, C.B., C.M.G., D.S.O., Secretary-General of the Air League of the British Empire, who first brought them to public notice in England. It seems to them that a glance at these latest types of floating fortress will convince the reader that the battleship has reached that extreme of complexity and that extravagance of cost that is the last phase of an engine of war. And that another glance at the destruction, in a few minutes, of these mechanical monsters that cost millions upon millions of pounds and that carry thousands of the most skilled maritime workers, will convince the reader as to the revolution in sea war that has accompanied the re-alignment of sea power brought about by man's conquest of the air.

This book has been written for no party purpose. The authors are pacifists ; but no more so than most of their countrymen and many professional sailors and soldiers. Their point of view looks at the future in the light of the present rather than of the past ; but is realist rather than radical. In their proposals they have followed the policies of the present British and American Governments wherever they seemed to them sound. Both their argument and their appeal aims at a re-orientation and re-inspiration of the policy of the

British people as to sea power that far transcend the restricted region of party politics.

But they believe that just as the war between the British and German peoples might have been avoided but for mistaken points of view and policies in the ruling classes of both nations and principally of the German rulers—so if war between British and Americans is to be avoided, mistakes will have to be corrected on both sides and principally in the points of view and policies of the British ruling class. They know that in taking this view they are inviting the indictment that they are the sort of critics who always condemn their own country. But "My country right or wrong" has never been an article of the British creed. And "My cabinet right or wrong" is not even partisanship—still less patriotism. Rather we prefer that larger patriotism of Lowell :

"Our true country is bounded on the north and the south, on the east and the west, by Justice, and when she oversteps that invisible boundary line by so much as a hair's breadth she ceases to be our Mother."

As the authors assume at times in the following pages an air of authority in naval affairs and in Anglo-American relations and as they hope to include among their readers Americans who may not be aware of or able to check such claims as they may have to such authority, it has seemed advisable to add a brief review of their record in this respect.

The one is a professional sailor. He served for seventeen years in the Royal Navy, including the war period. During the War he was for a short but critical period in the Plans Division of the Admiralty War Staff. He left for an appointment in the Mediterranean which enabled him to see the latest developments of war on sea-borne commerce at close quarters. He returned to the Grand Fleet in time to be present at the final surrender of German sea power. He resigned from the Navy to enter Parliament where he has for nine years represented the shipping, fishing, and manufacturing port of Hull. Having entered political life as a Liberal he joined the Labour Party in 1926, resigned his seat, and was re-elected, having carried his constituency with him.

During his service at the Admiralty he assisted the co-operation between the British and American fleets. Since the war he has visited America, and maintains contact with the pacifist movements and naval authorities there.

The other comes of a family that has for many generations been represented in the Navy and which was founded by an Admiral who played a large part in the eighteenth-century wars that established the Empire. He served for twenty years in H.M. Diplomatic Service, being three years in Washington under Lord Pauncefote, when British and Americans first adopted arbitration in their relations, and four years under Lord Bryce, when by arbitration they "cleaned their slate." During the war, being over-age, he served first in the Admiralty Intelligence Department and then volunteered in the ranks and was commissioned in the Royal Marines. Since the war he has worked for the Labour Party on their Foreign Affairs Committee, in various crises abroad, and as candidate for his home division. He was until lately a Professor of London University and is a Fellow of the Royal Historical Society.

It is in the character of admirers of the traditions of the British Navy that the authors have written. They hope they may not live to see their country sink to the position of a secondary sea power subjected at sea by hopeless competition or desperate conflict to a more powerful and peaceable State. They hope they may live to see British Command of the Seas find a worthier end in peacefully founding that Freedom of the Seas for which it so often fought.

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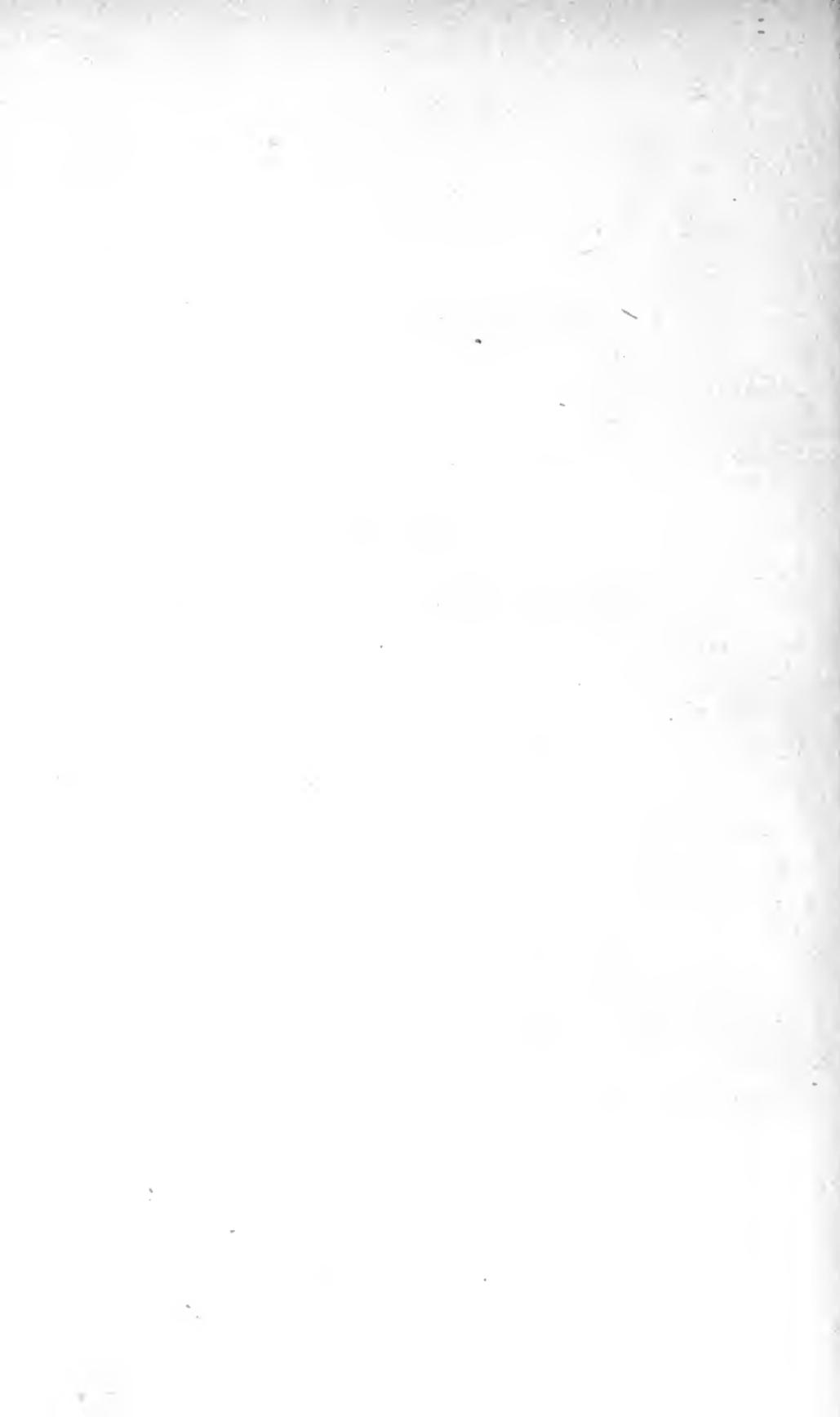
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# FREEDOM OF THE SEAS

## CHAPTER I

### FREEDOM OF THE SEAS BEFORE THE WAR

**F**REEDOM of the Seas is the converse of Command of the Seas—though it is also, as we shall show, its complement. Command of the Seas has been the Palladium of the British since the institution of the United Kingdom. Freedom of the Seas has been the Palladium of the Americans since the independence of the United States. In defence of these principles the two peoples have gone to war with one another and may do so again. “International Law” distinguishes between these doctrines as being the rights of belligerents *v.* the rights of neutrals—a distinction that seems as fundamental a difference as that between war and peace. Yet we shall not have much difficulty in shewing that these two policies do not fundamentally conflict (Chap. I)—that Americans and British fought side by side at sea for a new joint policy in the Great War (Chap. II), that this new joint policy has been taking shape during the decade of peace (Chap. III), and that the time has come when it can be expressed in principle as “International Law” and practically enforced (Chap. IV). For the fact is—and our object in this book is to substitute an acceptance of facts for an allegiance to fictions—that the relations of these two peoples in respect to sea power and the realities of sea power itself have been so materially modified that such a joint policy is now not only possible for them but is imposed on them. Such a policy could equally well be called an Anglo-American Freedom of the Seas or an Anglo-American Command of the Seas. We shall—

to avoid antagonising anyone—call it an Anglo-American Armed Neutrality, and the fundamental principle and purpose of such a policy is pacification by sea power.

#### SEA POWER *v.* LAND POWER

“Sea power” or Command of the Seas has always been so imperative in its action—so imperial in its authority—so imperious in its attitude—that it has only been tolerated when asserted and accepted as “sea police” or Freedom of the Seas. In the earliest historical times when the world was still confined to the Narrow Seas and the High Seas were only an encircling River of Ocean, sea power could be exercised by Land Power in command of Narrow Seas or navigable straits. The present conflict between lesser sea powers fighting for Freedom of the Seas and major sea powers enforcing their Command was then only beginning. The fight then often was, as it sometimes is still, the effort of the Sea Power in command of the open sea to prevent a Land Power or lesser Sea Power from closing a narrow sea.

For example, in the Trojan War the real cause of war seems to have been the pressure of Greek sea power to free the Straits from the control of their Trojan kindred. In Helen, the daughter of the Swan Goddess carried off from her home in the Ægean to the Hellespont, we can see a poetic presentation of a challenge to Greek sea power. In the League of the Suitors to resist any rape of the fair Sovereign of the Seas from her lawful husband we have the first example of an “armed neutrality” against the piratical raiding of a lesser Sea Power challenging an established Command of the Seas. We had, indeed, much the same issue fought in much the same way at much the same place when the Allied Sea Power, again based on Lemnos, besieged Turco-German Land Power at Gallipoli. And if in modern war propaganda the ugliness of the Hun replaced the beauty of Helen as a cause of crusade, and official histories replaced the Homeric Epic, these are only differences of detail due to the advantages of civilization and the advance of culture.

Though the World has grown, geographically at least, since then and the High Seas are now more important as a field for sea power

than the Narrow Seas, conflicts are still possible in the Narrow Seas between Sea Power and Land Power, between Command of the Seas and Freedom of the Seas. Such a conflict might still arise, for example, at these same Straits over the Treaty of Lausanne.

It very nearly did arise in 1922 when the British fleet was occupying Constantinople in the interests of international trade and the victorious Turkish forces were pushing in between and behind the outposts of the British covering troops. It would have then arisen but for a division in the Coalition Cabinet between, on the one hand, Mr. Lloyd George and Mr. Churchill pursuing the pro-Greek policy of the Foreign Office, and the pro-Turk party of Conservatives backed by the War Office. The decisive factor was the failure of Mr. Churchill's cable to the Dominions in evoking any support from them for saving that commercial centre at Constantinople for which they had sacrificed so many colonial lives in the Homeric battles of Gallipoli.

Such a conflict might also have arisen on the Great Lakes, in spite of the Rush-Bagot agreement, when the *Caroline* was sent blazing over Niagara Falls. It might have arisen again when we used the Suez Canal to crush Egyptian Nationalism under Arabi—or when Congress tried to exempt from tolls American vessels in the Panama Canal on the ground that they were coasting trade, and were only stopped by President Wilson enforcing the moral obligations of the Hay-Pauncefote Treaty. Wherefore the possibility of such conflicts in the Narrow Seas will have to be provided against in these pages.

#### SEA POWER AND SEA POLICE

But the main issue we have in view concerns not the Narrow Seas but the High Seas. And the High Sea first appears in our political history as the Mediterranean. Until the entry of America into world economics a command of the Mediterranean carried control of the world's commerce. And to such a sovereignty of the High Seas the peoples of the world would only pay toll on terms—that is, in return for the Sea Power providing an adequate and advantageous sea police. In other words, people will let power tax them if it gives them peace—which is the social contract underlying

all sovereignty. It is only when such Sovereignty of the Seas is exploited by one interest or institution, to its own advantage without exercising any service in return, that the doctrine of Freedom of the Seas finds a champion, and becomes a challenge to Command of the Seas. Thus, the supremacy at sea of the Romans was accepted because the service of Rome to commerce and civilisation in suppressing pirates was greater than its disservice in suppressing the world commerce of its rival sea power, Carthage. "I am the Lord of the World and the Law of the Seas," declared the Emperor Antoninus Pius (A.D. 138-161), and the sea world assented; though Marcianus, Celsus and Ulpian had already formulated a doctrine of Freedom of the Seas. Pompey was accepted as "the Great" because of his service to civilization, when, armed with the extraordinary powers of the Lex Gabinia and the whole naval power of Rome, he cleared the Mediterranean of piracy. But when in Rome's decline the Greek Emperor became principal shareholder in a piratical Company, not all the Byzantine galleys manned by Turco-poul marines and Gasmoul mariners, and armed with the latest device in Greek flame-throwers, could keep the Command of the Seas for the Empire. When the sea supremacy of the Empire broke up, Sovereignty of the Seas was exercised, if at all, by associations of maritime and mercantile interests agreeing and applying conventional or customary codes, like the Laws of Oléron; and we then get the first appearance of an international sea-law under conditions somewhat similar to those that face us to-day with the approaching end of British sea supremacy. For what is wanted to-day is just such an association of independent interests in sea trade and traffic for the formation of an armed neutrality to frame and enforce a corpus of sea law.

Side by side with these codes of sea law, that secured the police of the High Seas, went claims to special Commands of the Narrow Seas for their policing. The "Sanction" in the first case was the joint naval force of an "armed neutrality" concerned with Freedom of the Seas—in the second case, that of the national fleet that was claiming Command of the Sea in question. Both were acceptable in an age when not only commerce but civilization itself was imperilled by piracy. Mediæval piracy is looked on by us in the light of our own nationalized civilization as the last challenge of

Eastern barbarism to European civilization. But it was much more than that. Piracy was an international institution. The so-called "Turkish Corsairs" and "Barbary rovers" who ravaged our commerce and coasts were only too often European adventurers. You can read the account by an eye-witness of the gallant defence of the English trader *Dolphin* in 1617 against five "Turkish pirates"—but the names of the pirate leaders were Walsingham, Kelly, and Sampson. One of the present writers, investigating some newly discovered archives of the Levant Company, found that the whole crew of the most successful Levantine pirate craft in this golden age of Elizabeth were Scots. Such were the "Turks" or "Rovers" who in 1625 captured 1000 British seamen, and in 1631 sacked Baltimore and enslaved 231 men, women, and children.

It was to eradicate this cancer from civilization that Charles I levied ship money and Oliver Cromwell built up a national sea power and a naval sea police. But as late as 1656 the Dunkirkers instructed released captives to tell the Protector that—

"while he fetches gold from the West Indies they will fetch his coals from Newcastle,"

and piracy long survived in Southern seas. The walled hill-cities of the Riviera, which British and American tourists find so pleasing and French and Italian hotel-keepers so profitable, the Scandinavian population of East Anglia to which Americans owe their Pilgrim Fathers and the British owe their pioneers of rural reform, are both the compensations of Providence for centuries of death and desolation during which no vessel could sail the seas in safety and no coast village could sleep safe without walls and watch-towers.

#### SEA POLICE AND SEA SOVEREIGNTY

This early sea power was thus very closely and clearly bound up with sea police. For this reason the claims of Venice to sovereignty over the Adriatic—of Genoa over the Ligurian Gulf—of Sweden and Denmark over the Baltic—of Saxon and Norman Kings of England over the Channel, were not contested. In 1320, Flemish envoys prayed Edward II, as "head of the sea," to "cause right to be done against the pirates." But, even so, direct toll-taking of

foreign shipping for police services was soon renounced by prudent princes, and we find that in 1420 a recommendation by Parliament that toll be taken from foreign shipping was rejected by the King. Later with the decline of piracy these claims degenerated into ceremonial, like the marriage of the Doges to the Adriatic or the lowering of topsails and striking of colours to British warships in the Channel. This latter, a vestigial survival of stoppage for search and seizure, maintained for prestige, became a fruitful source of trouble before it was dropped in the seventeenth century. Sea power, thus degenerated into sea prestige, inflicted a personal insult that in the end had to be wiped out in war when an English Admiral fired on Philip of Spain for flying the Spanish flag in the Channel on his way to marry the Queen of England. Again, that adroit diplomatist, Charles II, persuaded the British that "the honour of the flag" compelled them to go to war with the Dutch—though these were their racial and religious allies in the fight against French sea power—because the whole Dutch fleet had not lowered its topsails and flags to an Admiralty yacht carrying an ambassadress. Happily, international law now regulates ceremonial to the prevention of such follies. Ambassadors are no longer a public danger even while at sea.

#### COMMAND *v.* FREEDOM OF THE SEAS

As the civilized world distributed itself into National States, distinct regionally, racially, and religiously, rivals in commerce and culture, and resentful of the least restriction on their sovereign status either on land or at sea, Command of the Seas by the dominant naval power was contested as soon as it became offensively self-interested and not obviously serviceable. And as these new nations of the modern world expanded to the limits of their land frontiers and launched out into overseas exploration and exploitation the competition for commerce and colonies caused any claim to sea power and sea police to be challenged, even when it was in the interests of the peace or police of the seas. When the Papal Authority, the successor of the the Roman Super-state, in the interests of peace divided the discoveries in African waters by the "Donation" of Calixtus and Sextus IV, the arrangement was

apparently accepted, much as was the international partition of Africa in the Berlin Act. But when Pope Alexander VI—a Spaniard—by the “Bull of Demarcation” divided the lately traversed Atlantic and the newly discovered America between Spain and Portugal—the leading Catholic sea powers—as mandatories of the ecclesiastical Super-state, thereby giving them a monopoly of these new markets, the Protestant sea powers—England and Holland—successfully asserted the Freedom of the Seas against this Papal partition by an unrestricted sea warfare little short of piracy. And it was in defence of these somewhat piratical procedures that Grotius later wrote his famous treatise that formulated the doctrine of Freedom of the Seas. His *Mare Liberum*, by evoking the *Mare Clausum* of Selden, first started the controversy between Freedom of the Seas and Command of the Seas in the character of two conflicting doctrines. And this duel of juristic dialecticians, by drawing a distinction when there is no real difference, has, as is the way of war, badly fogged and bogged the road to peace.

#### BRITISH SEA POWER IN PEACE

It will be our object here to clear away the fog of this controversy and to get back to the facts. And these are that sea power will be accepted when it is sea police and will make for peace, but will be rejected when it is sea profiteering and will make for war. When, for example, the British in the eighteenth century, in the interests of their own commerce, tried simultaneously to capture the colonies of rival peoples and to crush the revolt of their own in America, their sea power was challenged by the First Armed Neutrality. They lost command of the seas and therewith the rebellious colonies, as they deserved. But when later, in the interests of Nationalism against Napoleonism, they again made an extreme use of sea power and were challenged, first by the second armed neutrality and later by the Americans, they lost little or nothing thereby. And when, in the long period of peace that followed, the British used their sea power for sea police in the interests of civilization against the slave trade and arms traffic, there was again a general acceptance of their international mandate. The British Command of the Seas that had resulted from their successful competition with the Portuguese,

Spanish, French, and Dutch was accepted down to the present day because, though the piracy of the buccaneer, the corsair and, finally, the slaver declined and disappeared, its function of sea police was replaced by one of sea pilotage. Brigandage being suppressed, the British sea police became peaceful but no less useful regulators of traffic. The writ of British Sea Power ran wherever flat-bottomed gunboats could float, not because the British war fleet could challenge any two others, but because it was the only Authority for ruling the waves.

The British regulations for the prevention of collisions at sea (Merchant Shipping Acts 1862-1873) as revised and recommended by the Washington Conference (1889) are now the Law of the High Seas. So is the British Commercial Code of Signals (1857 revised 1900). The British Marine Survey, a branch of the Navy, provides the whole *materia technica* of the science of navigation. The four thousand Admiralty charts and seventy-six volumes of sailing directions are used by all mercantile marines but are owed to the British Navy. The meridian of Greenwich and the Nautical Almanac have become international institutions; and, if Gibraltar is no longer wanted as a bulwark of civilization against the Barbary pirates, Greenwich does the work of an international bureau for the scientific safeguarding of navigation.

But nowadays it must be admitted that in time of peace there is little use for national sea power as international sea police. As to sea pilotage, such work as is now wanted could easily be done by an international authority with no real naval force. Consequently, however much a national navy like that of the British may claim to be still of international service in providing Freedom of the Seas in peace, such a claim is likely to be considered as mere camouflage for preparing a Command of the Seas in war. If pressed it is likely to provoke rather than prevent naval competition on the part of Great Britain's commercial and colonial competitors. That is evident from the attitude of Germans before the war—and of Americans after it.

Thus, at the Washington Five-Power Naval Conference in 1921 and the Geneva Three-Power Naval Conference in 1927, the British protagonists of sea domination adopted a pose which, if taken literally, means that only the British Empire has an interest in the

Command of the Seas for its commerce and that no other nation's maritime interests are of any account. In the third decade of the twentieth century this posture is untenable. The answer is seen in the French submarine building programme, the greatest embarked upon by any nation, and in the Naval Appropriations presented to the United States Congress for a shipbuilding programme greater than any yet envisaged by a naval power. In short, to-day, however loudly the British Lion may roar that Britannia rules the waves—

“Yet have I heard upon a distant shore  
Another Lion give a louder roar,  
And the first one thought the last—a bore.”

What was the effect, for example, on the minds of America, when a *Times* leading article (30th Jan., 1928) in defence of the naval policy of the Conservative Government, declared that

“The difference between the ‘parity’ that means an effective equality in British and American naval strength and the ‘mathematical parity’ that would put an American Navy in a position to threaten the *internal communications* of the British Empire has yet to be fully explained both to the British and American peoples.”

Whereas, when you come to think of it, these so-called “internal communications of the Empire” are the international commerce routes of the world! Is it not absurd to assume that because these two functions correspond, therefore these routes can be compared with the overland railway lines of America and Europe as being the exclusive domestic concern of the British Empire? A country overburdened with debt and borne down with taxation, with vulnerable land frontiers in Asia, Africa, and America and even in future in Europe, cannot bear also the task of policing and guarding the sea routes of the world. Nor will other nations, almost as vitally interested in these routes, endure much longer the sea supremacy of one Sovereign Power. Such peace service as Greenwich or Gibraltar can still render is in no way commensurate with the price to be paid by accepting the arbitrary power of commercial blockade in War.

Freedom of the Seas in peace time is therefore not here in question, except in so far as claims to Command of the Sea in the interests of

civilization and commerce conduce immediately to naval competition and ultimately to naval conflict. Such claims would, in fact, not be asserted were the Freedom of the Seas in war time adequately assured. It is with the possibilities of such assurance that the following pages are concerned. And if Freedom of the Seas in peace time is not now challenged it is to be noticed that the Freedom of the Air in peace time is still in cause. Certain nations are claiming sole sovereignty of the air over their territories, just as at the beginning of the flying era certain landlords claimed, incidentally with strict legality, the right to prosecute, as trespassers, aeroplanes flying over their estates. And though an examination of this subject would take us too far off our course, yet it must be remembered that this matter also requires international regulation. That Persia, for example, for diplomatic reasons should refuse to ratify the Convention she had signed which allows passage over Persia to British commercial aeroplanes *en route* between England and Australia, via Baghdad and India, is as ridiculous as if the Americans used the Monroe doctrine to prevent foreign merchant vessels from passing through the Panama Canal. The friendly relations between two peoples and the future peace of the world should not be imperilled by placing any such air power in the hands of a Government for use in diplomatic deals. Air power in peace, like sea power, must be under international authority.

#### COMMAND OF THE SEAS IN WAR

That the British derived from command of the seas in war not only their Colonial Empire in the eighteenth century, but also their commercial expansion in the nineteenth—and that, in this twentieth century, while at war, they have been dependent on sea power for their existence as food consumers and as factory producers is accepted. And it is an American—Admiral Mahan—who has given the clearest and most complete exposition of what sea power in war has meant to the British. That such security by sea power required in the past a supremacy in naval force over any probable or even possible enemy, and involved a restriction and even a repudiation of Freedom of the Seas in war is also agreed. But it must also be admitted that the British owed the general acceptance

by other peoples in the past of their Command of the Seas to the fact that they therewith offered such peoples the greatest common measure possible at the moment of Freedom of the Seas. And to show how that measure can now be extended and better established is one of the objects of this book.

On the other hand, that Americans in their belligerent genesis derived their independence from the momentary Freedom of the Seas obtained by the first Armed Neutrality and that, as a geographical neutral, they have always discerned their interest in extending and establishing that Freedom is also to be accepted. That they can now secure it if they like by themselves claiming command of the seas is also agreed. But they also generously admit that they inherited their early immunity from their colonial status and that they owe the insularity which inspires their later relations with Europe to British Command of the Seas.

It will, therefore, be argued in the following pages that the whole position of both countries in respect of sea power in war has now changed in almost every conceivable circumstance; and that their future interests lie not in efforts to claim or compete for a command of the seas in war but in the opposite policy of combining in Command of the Seas to secure a new Freedom of the Seas as complete in war as in peace.

#### INTERNATIONAL LAW OF THE SEA

Freedom of the Seas in war has been considered in the past as the converse of Command of the Seas in war. This has caused international law to become a regulation of naval warfare making to the advantage of the weaker combatant both at sea and on shore—and a restriction of naval warfare to the advantage of neutrals. Both these objects of sea law can be justified on humanitarian grounds. The regulation and restriction of the more extreme expressions of war appeals to the moral instincts of mankind—and the objection, that the more odious and onerous war becomes the more opposed to it men will be, has been discredited by recent experience. Indeed, the frightfulness of modern weapons breeds that fear of each other which is to-day the most fruitful cause of war between arming nations. There has consequently been a strong tendency to invest

such regulations and restrictions of sea warfare with the sanctity of a "Law of Nations," and to invent for such international law "sanctions" such as could, in fact, only be supplied by a sovereign or sacrosanct Super-state; for example, by a Holy See fulminating papal interdicts or by a divine Cæsar furrowing the sea with triremes.

A student of textbooks on "international law" or of treatises on international arbitration, or a jurist, who has lived in a realm of common law and codes, might easily be tempted to assume that there really was a valid corpus of international law—and that it was only necessary now to supply it with codes and courts so as to substitute a judicial arbitration for the arbitrament of war and the security of a Super Prize Court for that of Sea Power. And the experience of this last great war and of every previous great war in sweeping away all such restrictions and regulations such a man of law would explain away as extraordinary and exceptional. But here we wish to be concerned with hard facts—not with legal fictions however pious, or with legal formulæ however positive. In an enquiry into conditions that vitally affect not only our Empire on the High Seas but the necessities of life in our native land, we must look at things as they are. In a later chapter we shall enquire whether and to what extent a future League of Nations and International Tribunals, expressing a *consensus gentium*, and exercising the combined force of neutrals, could be trusted with our security and with control of the sea in war and in peace. In this chapter will be shown that the history of British sea power suggests that regulation and restriction of war at sea has not been secured by the sanctity or sanctions of any codified, conventional, customary, or case law, or even by a *consensus gentium*. But that it has been conditioned purely by the policy of the principal sea powers. That moral considerations only count in so far as they affect that policy by a general disapproval of the inhumanities of belligerents or an approval of their ideals. That the responsibilities of belligerents and the rights of neutrals cannot be deferred in reality to a corpus of jurisprudence—to a common law of nations—still less to international codes—but that they vary with the vicissitudes of the occasion and never represent more than the nett balance of power and of public opinion.

## SEA LAW=NAVAL POLICY

For this purpose it will not be necessary to review the history of the question more remotely than the beginnings of our colonial and commercial supremacy in the eighteenth century—not that evidence to the same effect cannot be exhibited from earlier times. For whenever the pinch has come British sea power has made short work of rights of neutrals or responsibilities of belligerents.

The legally minded Mr. Asquith in announcing to the House of Commons the “reprisals,” that were, in effect, an illegal blockade, said (1st March, 1915, *Hansard*, 5th Ser. LXX, 600)—

“we are not going to allow our efforts to be strangled in a network of juridical niceties . . . under existing conditions there is no form of economic pressure to which we do not consider ourselves entitled to resort.”

He thereby merely repeated what, under very similar conditions, the diplomatically minded Queen Elizabeth had said to the Polish Ambassador in 1597 :

“For your part you seem indeed to us to have read many books but yet to have little understanding of politics, for when you so often make mention of the Law of Nations you must know that in time of war betwixt Kings it is lawful for the one party to intercept aids and succours to the other and to care that no damage accrue to himself.”

“Inter arma leges silent,” and when it is a real war it at once becomes all too clear that such regulations and restrictions are not real laws. It is easy “to read many books” and to have all the less “understanding of politics.”

When we come to examine what was the condition of “international law” in respect of sea warfare, in order to expose the conditions of its development for a century and to explain how it must be dealt with to-day, it is very difficult to avoid the assumption underlying all authorities on the subject that these compromises between conflicting interests have a “legal” sanctity and an

“international” sanction. The authors, being all jurists and nearly all pacifists, have naturally tended to assimilate these international agreements to the “social contracts” of internal sovereignty and to assume for them a basis of “jus” or at least of “consensus”; whereas the sanctities and sanctions of such conventional and customary rules are entirely different from those of either Common or Statute Law. Nevertheless, this assumption has had great moral value as peace propaganda and has made a profound impression on public opinion among the more legally minded peoples. Of these, the Americans are the most extreme example. This may be partly because in their own Federal Constitution the Judicature, with its power of interpreting a written Constitution, is a more essential element than elsewhere, partly because litigation plays a more important part in business competition and lawyers take a more important place in public life than elsewhere. Wherefore in the American polity the Common Law is only second to the Constitution, and the result has been a “legalism” in the American aspect of, and attitude to, international issues that is based on an assumption of an absolute and abstract international Law. Whereas, the British, for reasons that cannot here be developed, have remained in allegiance to the early and more concrete conception of Law as emanating from the Crown or from Custom. Instead of a Constitution the British believe in that super-Royal Commission—Parliament. They see the future Super-State not as an international Court but as an international Committee. And this conflict in ideas between the “legalism” of Americans and the “Leaguism” of the British will become of importance when considering solutions in the final chapter. Here it is of interest in explaining to some extent their respective reactions to the claims of “international law” in the course of the century and a half of their independent relations.

“International law” in respect of sea warfare was in the eighteenth century much what it had been since the rise of independent sovereign States. The early codes of mediæval sea sovereignties were represented by the rules of the *Consolato del Mare*, which formulated the procedures of sea power in the Mediterranean in the fourteenth century. These rules exempted from capture private property at sea, whether ship or cargo, if neutrally owned. But

this liberal provision did not represent a previous general custom nor was it generally accepted thereafter, though it forms the basis of many treaties in the fourteenth and fifteenth centuries. In the ever more grasping and more general competition for the new colonial and commercial prizes of sea power in the sixteenth century belligerents came to claim as prize of war both neutral ships carrying enemy goods and neutral goods carried on enemy ships (e.g. French ordinances of 1543 and 1583). And it would be easy to show how in each war the policy of each State corresponded to its sea power, and how the general principles of these rules corresponded to the balance of power between belligerents and neutrals. But it will be enough to take one example. At the end of the seventeenth century France was in pursuit of world supremacy by conquest. The enterprise of Colbert seemed on the point of winning for the French the New World that the servility of Charles II seemed likely to lose for the English. Therefore, France asserted the extreme belligerent claim. The British, partly a colonial—that is, a belligerent power, and partly a commercial—that is, a neutral power, and in either case less self-supporting than France, adhered to the more liberal rule of the “*Consolato*” which gave their commercial and carrying and catering requirements a better chance. While the Dutch—a peaceable people, a commercial power, and the world’s carriers, secured by treaty wherever possible a clause making enemy goods in neutral and Dutch ships exempt, but neutral goods on enemy ships seizable. Moreover, unregulated privateering and unrestricted blockades made this confusion worse confounded.

Nevertheless, we find all the main conceptions of international relations at sea in war time already clearly formulated as “*international law*.” Conditional contraband, continuous voyage, non-neutral service and other technicalities were already familiar to the jurists who were busy formulating the theories that might be supposed to underlie the actions of heavy-handed Admirals or the assertions of hard-pressed Governments. And these theories of the reciprocal responsibilities of belligerents and neutrals were coloured by the controversy between those jurisconsults, who saw all belligerent rights as derogations of a divine right of Freedom of the Seas, which should exempt all private property at sea—and those others who saw all neutral rights as a denial of a divine right of sea power

and sea police for the protection of public and private property alike.

It is interesting to note that already in 1758 Vattel finds it necessary to modify Bynkershoek's definition of neutrality as complete non-intervention, by allowing neutrals to favour one belligerent against another who has in their opinion an unjust cause. And we here have the germ-cell of an "Armed Neutrality," or a "League of Peace" against "wars of aggression." The latest growth from this germ is Senator Capper's resolution calling on Congress not to support American Nationals trading with an "aggressor" nation in a war in which the United States of America is neutral.

#### FREEDOM *v.* COMMAND AND UNITED STATES *v.* UNITED KINGDOM

The first relations of the United Kingdom with the United States in this connection were conditioned not by the *Consolato del Mare*, nor by the doctrines of Grotius, but by the circumstances of the War of Independence. The mercantilist system, which made the commerce with colonies in raw materials in return for manufactures a monopoly of the Mother Country, was itself a denial of the Freedom of the Seas, just as sovereignty over colonies was itself a derivative of sea power.

The American colonists therefore first appear as belligerents claiming and employing every belligerent procedure for freeing their soil and seas from British sea power. And their best means for this purpose was in allying themselves with the rival sea power of France and in allowing themselves those belligerencies on the "border-line" of legality that are the usual weapons of an inferior sea power. Such a border-line belligerency in those days was privateering; and France, which, through Beaumarchais and a sham corporation, "Hortalez et Cie," was supplying the colonists with arms and munitions, in return exacted a permanent "commercial" treaty allowing French warships and privateers permanent use of American ports as a base in war. The only possible hostile action at sea was commerce and coast raiding, like that of Paul Jones; and such privateering was only differentiated from piracy by certain customary rules such as bringing prizes into port for adjudication, not making war on open coast towns, etc. But these

rules had to be disregarded by Paul Jones as completely as by any German submarine or sea raider—though this American unrestricted warfare avoided the German inhumanities by its system of ransoming captives. Indeed, Paul Jones was quite a polite “pirate,” and when he raided Lord Selkirk’s country house he very civilly restored the plate robbed by his crew. But no doubt the British were as right under international law in classing his operations as piracy as were the Spaniards in similarly condemning those of Drake. Yet Paul Jones is quite as rightly a national American hero as is his earlier piratical protagonist of the Freedom of the Seas a hero of the British.

The United States owed the rapid acquisition and ready acceptance of their independence to a strategic failure and a tactical false move of British sea power. British belligerency had as usual asserted the fullest preventives and prohibitions of trade with the colonies. Under the “Rule of 1756,” by which British sea power successfully prohibited any new trade under war conditions that had been prescribed by the Mercantilist System under peace conditions—all open direct trade was seizable under “International Law.” But in this duel between the Mother Country and its Colonists there was a majority of neutral Powers who were ready to supply manufactures—to say nothing of munitions—to the new State and who were resentful of the capture of neutral vessels by British privateers. The Franco-American Treaty of 1778 had proclaimed a Freedom of the Seas policy to the effect that “Free ships make Free Goods”; and this policy inspired the “Armed Alliance” of 1780, initiated by Russia, which forced the English to accept for a time not only “Free ships—Free goods,” but also a prohibition of paper blockades and a restriction of privateering.

#### FIRST ARMED NEUTRALITY AND WAR OF INDEPENDENCE

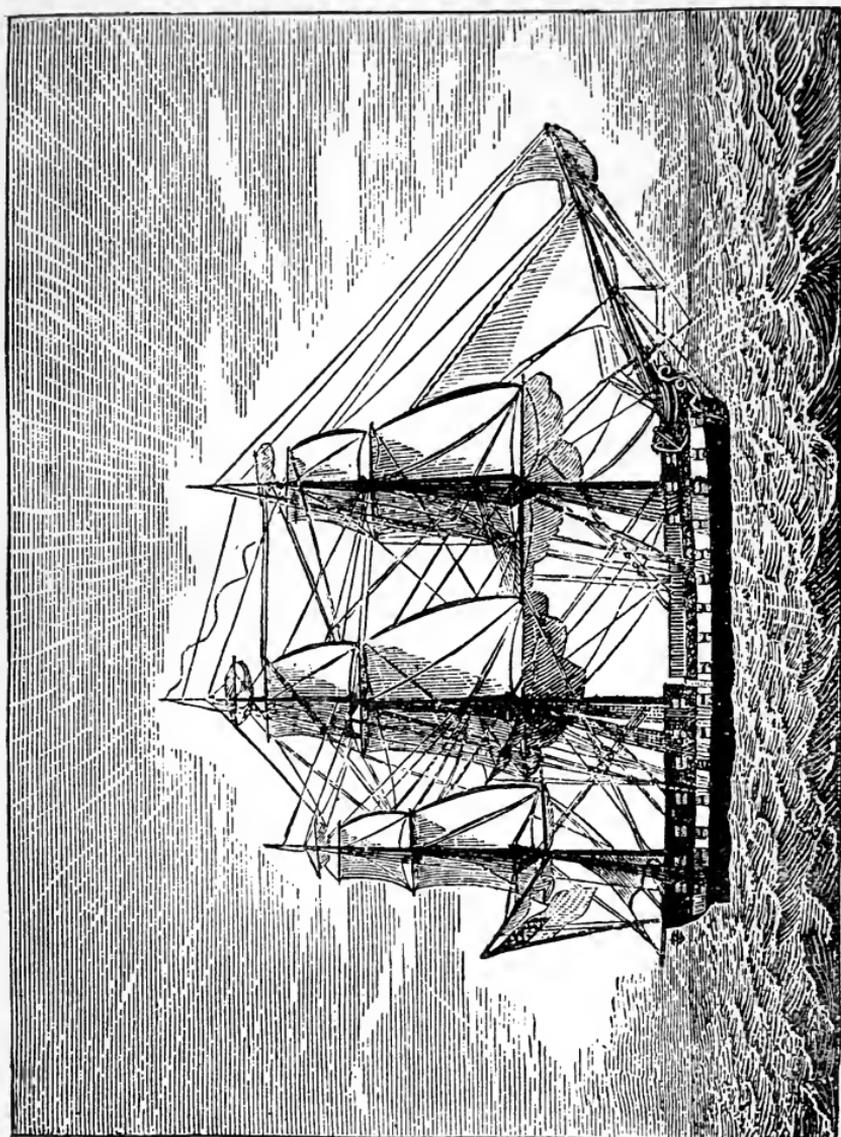
At the time of the proclamation issued by Catherine II (2nd February, 1780) the procedure of the United States of America as to neutral rights was assimilated to that of the United Kingdom. France and Spain joined the armed neutrality, and after some hesitation (case of the *Flora*) Congress accepted the liberal rules of the armed neutrality (5th October, 1780), but could not become a

party to the armed neutrality because it was a belligerent and because the Empress refused to recognize the rebellious colonies. After peace in 1783, Congress had lost interest in the armed neutrality and was not anxious to be entangled in armed guarantees for the enforcement of rules which were rejected by Great Britain. And all the members of the armed neutrality abandoned its liberal rules on their next belligerency.

The tactical failure of the British sea power was even more fatal than this diplomatic defeat. It was occasioned by the Dutch having developed their island, St. Eustacius, as an entrepôt for an enormously lucrative trade in manufactures and munitions with the Colonies. These goods could safely cross the ocean in Dutch vessels and thence be run by American coasters through the British blockade. As the Dutch had long abandoned the Mercantilist System there was no cause of complaint under International Law. But it was obviously intolerable to the British that their trade rivals should make 100 per cent. profits out of providing the means of rebellion. On the pretext of a draft agreement for a Dutch loan to the Colonists which was captured at sea, Rodney was sent to capture the port of St. Eustacius and confiscate the property there in complete violation of International Law. But while Rodney was plundering St. Eustacius, de Grasse took command of the sea and brought about the capitulation of Cornwallis and the collapse of the War of Independence. The "Armed Alliance" and its Freedom of the Seas had thus prolonged the War of Independence until a temporary French superiority in sea power ended the British attempts to put back the colonial clock.

As in this Anglo-American duel the balance of power was with an Armed Neutrality, although the issue was of vital importance to the interests of the belligerents and one of these was the dominant sea power, the net result was a move towards Freedom of the Seas. And the entry of a new neutral, the United States, into the balance was in the end to prove far more important to that cause than this ephemeral "First Armed Neutrality."

The next great conflict—that of the wars of the French Revolution and of the Napoleonic régime—was under very different conditions and had very different consequences. On the outbreak of war the French envoy to the United States, Citizen Genêt, proceeded to act



UNITED STATES FRIGATE CONSTITUTION (OLD IRONSIDES)  
First Wrecking of the American Navy.



under the Treaty of 1778 by equipping French privateers in the Southern States. Washington at once wisely decided that the United States must preserve neutrality, and that the Treaty being "defensive" and these operations "offensive," the United States were not bound to enter the war as the ally of France. We have, in fact, here the first example of the United States as a natural neutral vainly trying to keep clear of a European war in which its immediate interests were not involved and its sympathies were opposed to its self-interest. In the early struggle between the *ancien régimes* of Europe and the French Revolution, American sympathies were naturally with France. This idealism was soon modified by interest. The excesses of the Terror alarmed Anglo-Saxon America, while war profiteering brought fabulous fortunes to the farms and factories of the infant State. Wherefore the British right of search and seizure was ruthlessly used for the discouragement of America's neutral trade and the Jay Treaty (1784), though it settled some outstanding disputes, in no way relieved the situation at sea. The first direct blow at neutral trade was that the British made grain contraband. There were good precedents, but Jefferson had grounds for his protest. The next blow was the prohibition of neutral transport of goods from the French Colonies to France under the Rule of 1756. France had abolished its mercantilist monopoly, so the prohibition was quite arbitrary. But all the same, the American protest only secured such a modification of the British Order in Council (6th November, 1793) as allowed Americans to trade with the French Colonies but not between them and France. American shippers then began transporting French colonial produce to France after transshipment at an American port. This was allowed at first by the British Vice-Admiralty Court (Sir W. Scott, *The Polly*, 1800), but later British warships seized all American vessels they could convict of thus evading the Rule of 1756; and this was confirmed by British prize courts on the ground that logical facts were stronger than legal fictions. (Sir W. Scott, *The Immanuel*, 1799.) The French action was even more arbitrary. Genêt was using ports in the pro-French Southern States as bases for privateering in spite of Washington's repudiation of the Treaty of 1778, and a French decree (9th May, 1793) made British goods seizable on neutral ships though the

British were respecting the more liberal rule of the Consolato. Monroe, a pro-French Jeffersonian, was sent to Paris; but his persistent efforts to bring America into the war as an ally of France on sentimental grounds only resulted in his recall by Washington, whose attitude was very similar to that of his successor Wilson a century later. A rupture of relations followed and American ships were seized, but there was no formal declaration of war, and for two years American warships fought with French "very informally" but none the less heartily. Finally a settlement was reached between President Adams and Napoleon—the American liability for the breach of treaty obligations being traded against that of France for breaches of international law.

#### WASHINGTON AND WILSON

It is interesting to compare the aims and achievements of Washington and Wilson in situations which, though over a century apart, were sufficiently similar to allow of a comparison. Washington, the soldier and owner of estates commanding and developing a nationalist movement, had the more limited objective and the more immediate success. As long as he was in command he kept America out of the Napoleonic cataclysm by a strength of character greater than Wilson's. He died "first in peace, first in war and first in the hearts of his countrymen." Wilson had set a far higher aim for himself—a far nobler ambition for his country. A student and a statesman, he found himself giving a voice and a lead to a world-wide movement to save civilization from war. He failed in war, for he could not keep his country out of it, he failed in peace because his country would not support him, and he failed to find a place in the hearts of his countrymen because they saw only his failures. But if Washington is suitably commemorated in the National Capital of the United States of America—Wilson will some day have for memorial the international capital of the United States of the World. The tragic figure of the great Peace-President will some day be the first in the hearts of his fellow-countrymen of all nations.

## SECOND ARMED NEUTRALITY AND WAR OF 1812

When Washington left the wheel the American Ship of State no longer held so straight a course. It was not long before British sea power had evoked a second Armed Neutrality (1800) initiated by Russia and Scandinavia, that led to an interesting interlude in the Maritime Convention (1801-1807). But Nelson crushed the Scandinavians at Copenhagen (2nd April, 1801) and the revival of war between England and Russia (1807) renewed the old conflict between the British rules and those of the Armed Neutrality. But the leader of the Armed Neutrality, Russia, after proclaiming (1807) that it would defend the Armed Neutrality rules to the death, immediately violated them by seizing British goods in neutral ships (Ukase, 1st August, 1809). So ended the second Armed Neutrality because these armed neutrals had no real political solidarity among themselves nor any sufficient naval sanction against others.

Meantime the war of the French revolution ended with the peace of Amiens and broke out again (1803) as a war against Napoleonic imperialism expressing itself in a war of ruthless reprisals at sea. Trafalgar (1805) had made the British fleet supreme, and so by taking advantage of the doctrine of "Continuous Voyage" the American trade with France and its colonies via American ports was declared illegal (Sir W. Grant, *The William*, 1806) and the American shippers, now deeply engaged in this lucrative trade, were heavily hit. Then, as Napoleon controlled all European ports, a general blockade of North Sea and Channel ports was declared against him (6th April, 1806). Napoleon retaliated with the "Berlin Decree" blockading English ports (21st November, 1806). The British countered with another order (11th November, 1807) blockading every European port under French control.

This repudiation of all rights of neutrals by the usual crescendo of reprisals was, of course, destructive of American interests, as it was intended to be. American trade in 1807 dropped by four-fifths; nor had America any effective retaliation. The United States were still deeply divided between the agricultural south and the industrial north. The interests of the northern merchants and manufacturers

had maintained neutrality under Washington and Adams. But now the pro-French Jefferson was President and the southern ruling class in control. So the Jeffersonian non-importation Act, disastrous as it was for the north, was decided on by the south as a reprisal that would penalize British exporters. In further reprisal for British illegalities in impressing seamen from American ships and for an attack on an American warship (*Leopard v. Chesapeake*) Jefferson proclaimed an "embargo" (11th November, 1807) stopping all trade with Europe. The object of this was to bring England and France to terms—which it did not do. Its internal economic effects were far-reaching but do not concern us.

As a substitute for war the embargo was a failure. Napoleon extended his reprisals to American shipping in French ports, which he captured under the Bayonne Decree (17th April, 1808) and confiscated under the Rambouillet Decree (23rd March, 1810). President Madison's diplomatic efforts to get a withdrawal of the "Continental system" by the French and of the Orders in Council by the British failed, and by 1812 British warships and French privateers were detaining and destroying American shipping without regard to any rules at all. Madison then threatened war, and as Napoleon announced he would withdraw his decrees (1810) though he did not do so, and as the British dropped the Orders in Council, but did not formally announce the fact in time, the United States went to war with the United Kingdom (1812).

This war of 1812, with its illegalities such as the American instructions to cruisers to destroy prizes and its odious reprisals such as the burning of Newark by the Americans or the burning of the White House by the British, should serve as a warning as to how easily these two kindred peoples can be worked up into war with one another over a rivalry in sea power remote from their real relationship and vital interests. Indeed, there was really nothing at all to fight about. For by 1812 the blockade and embargo had converted Americans from a mercantile into a manufacturing people, already almost independent of English and European trades. Moreover, the British blockade had been already abandoned as damaging to our interests before the war of 1812 was declared.

The fact that the Americans in 1812 formally went to war with

the British, instead of with the French who had damaged them much more, is an excellent proof of the proposition that war is a matter of psychology rather than of policy. The *casus belli* against the British was their imprisonment of American seamen, which though improper and even inhuman inflicted no national damage on the American people. The real cause of war was the senile arrogance of the English ruling class of that day—the county families, and the childish aggressiveness of the American ruling class—the Southern War Hawks.

French privateering on the other hand had done more than anything else to kill American trade, and against it the British fleet was the only protection at first. As soon as America had equipped war vessels they fought the French privateers in bloody battles for two years. But there was no declaration of war against France because the American ruling class were in sympathy with that nation.

And if we compare this with the American attitude in the Great War we find that their action against Germany in 1917 rather than against Great Britain was actuated by the same sort of sentiment in the ruling class. The British blockade, though conducted with careful consideration for American sensibilities, was doing American business interests much more damage than the submarines. But the American ruling class were on the whole pro-British in sentiment, and the Germans alienated the sympathies of multitudes who might have been their supporters on grounds of traditional policy. The business interest of America was to remain neutral—its political interest was to support Germany for Freedom of the Seas and Balance of Sea Power. That is to say, the last war between British and Americans was a war of sentiment—as the next will be should the two peoples be mad enough to fight.

This summary review of the relations of the United Kingdom and the United States in the world war of a century ago conduces to conclusions that are confirmed by our relations in the world war of this century. They are—firstly, that when there is an “all-in” and “all-out” fight between Sea Powers for Command of the Sea—the extent of respect paid to neutral rights at sea depends not on rules of “international law,” but on the risk of neutral intervention. And secondly, that the United States as a neutral sea power will

be drawn into armed intervention, not against that sea power which most injures its business interests, but against that sea power which most infringes its moral instincts. The conclusion is that it is a real question of national honour and vital interest both for Americans and British to make and maintain a workable system and a working sanction of sea law.

Unfortunately there was a complete failure of the British and Americans to get together for the reconstruction of sea law out of the ruins of its structure left by the Napoleonic sea warfare of reprisals. This was due to the raw left in the relationship between the two peoples by the War of Independence and the War of 1812. The Anglo-American peace (Treaty of Ghent, 1814) made no attempt to restore or revise the régime of sea law. The European Peace (the Treaty of Vienna) was, of course, not, in the circumstances, concerned with it. The British maintained all their belligerent claims which had been the *casus belli* with Americans—conscription of seamen, commercial blockade, Rule of 1756, and continuous voyage, etc.

#### NEW WORLD SEA POWER AND OLD WORLD PIRACY

But all the same, a new factor had appeared in the balance of sea power that at once produced two practical new departures of the first interest and importance—which are generally overlooked and always under-estimated by jurists and historians. The new factor was an efficient American fleet. The first new departure was the use of that fleet for eliminating from the European High Seas the last mediæval menace to Freedom of the Seas in time of peace. It is one of the most serious and most significant reproaches to the national organization of civilization that the separatism and self-seeking of Sovereign States had allowed the Barbary coast to remain, right into the nineteenth century, a citadel of that systematized piracy that had devastated the coasts of civilized Europe and destroyed its commerce since before the rise of modern civilization. It is almost inconceivable to-day that powerful sea-peoples like the British and French should have gone on suffering their ships to be seized and their subjects enslaved under the very guns of Gibraltar and Toulon. Worse still—that they actually paid tribute—or

rather blackmail—to these sea-pirates and slave-traders, instead of exercising that sea police against them which was the excuse for their sea power.

A departure was made by the new American Navy that has not been sufficiently recognized by Europe. The United States not only refused to further subsidize these pests but resolved to suppress them. An American Squadron challenged and chased back into the Middle Ages the evil spell these pirate strongholds had imposed on the far more powerful and more responsible fleets of Europe. One of the most valued possessions of one of the authors of these pages are the decanters that Admiral Preble took with him on his Tripoli expedition in the famous frigate *Constitution*—"Old Ironsides." He drinks from them nightly to the American Navy and Freedom of the Seas, and considers them a considerable asset in compensating the balance of transatlantic trade in historic relics that is now so heavily in favour of America. He hopes it is some consolation to Americans for their loss that their practical use in their own country is now so much less than in his.

#### FIRST ANGLO-AMERICAN NAVAL DISARMAMENT

And the second new departure caused by the creation of an American fleet is of even greater service to civilization. For it was not, like the former, putting the coping stone to the Freedom of the Seas in peace, but a laying of the corner stone of the Freedom of the Seas in war. The American Navy on the High Seas a century ago could do no more than give a dashing lead to Europe in a new departure long overdue. But the American Navy in the Great Lakes had a century ago built and fought itself a place on that basis of parity with the leading sea power, Great Britain, that it is now reaching to-day on the High Seas. And what was the result?—that, after the few years necessary to allow war passions to die down, an arrangement was come to between these two Sea Powers as to "neutralizing" the Great Lakes, which might well be extended to-day to cover those Narrow Seas of Europe in which the British and American Navies are—or soon will be—on a parity.

The so-called Rush-Bagot agreement, to the effect that neither Power will keep a naval force on the Great Lakes other than a minimum "parity" in police-craft, has every characteristic of a Common Law of Nations—as distinct from those Napoleonic codes of jurists so alien to the Anglo-Saxon temperament and tradition, and so anomalous in their practical results. It is no carefully worded and cautiously guarded Treaty—fortified by solemn ratifications and falsified by sinister reservations concealing the cunning designs and concocted deals of "experts." It is not even a formal international Convention. But just "a gentleman's agreement" between a Mr. Rush and a Mr. Bagot, not otherwise distinguished, beginning with no invocations of divine authority and ending without any provision for appeals to arbitration or other precautions. It was, like the Washington Disarmament Agreement over a century later, a disarmament by "mathematical parity" in gun calibres, and tonnage capacities. But, unlike the Washington Agreement, there was behind it a complete acceptance of the principle; so that, although the limitations of calibre and capacity were soon obsolete and no longer observed, and although the whole strategic situation of the Great Lakes was changed by their being opened to the ocean, yet the principle was not only respected but stood the strain of war on two occasions. (See Appendix.) Moreover this anomalous agreement, because it had become the common law of the peoples, has outlasted all the contemporary conventional international law. The Declaration of Paris, for example, was, as we shall see, never generally obligatory, and is now obsolete. The Declaration of London was superseded within a decade of its general signature. But the informal Rush-Bagot agreement has banished naval warfare from a thousand mile water frontier. And this open frontier has for a century been, and is to-day, the only real safe sea frontier, because it is the only one protected by an international Freedom of the Seas and not by a national Command of the Seas.

Such longevity in a contract of a class in which the infant mortality of Contracts runs very high—argues a sound constitution. And the principle of the neutralization of Narrow Seas introduced into international law by this agreement is eminently sound. For the agreement secures the Freedom of the Seas, reducing armament to the minimum required for sea police, that sea police being supplied

by the associated armed neutrality on a basis of parity or proportional resources and responsibility. And it also substitutes this associated authority for that of Command of the Seas by a Sovereign Sea Power. Which prevents any power using the pretext of sea police to get the maximum naval force that its fiscal resources can support or its imperial requirements may demand or its naval rivals may tolerate. And it is evident that the importance of such disarmament for the procuring and preserving of peace was more clearly recognized by its signatories than it has been in the subsequent century by its beneficiaries.

For the principle of the Rush-Bagot arrangement as proclaimed by John Quincy Adams to Congress (56th 1st Sess.) is that disarmament is the only practical preventive of war. What Mr. Adams wrote to Lord Castlereagh a century ago as to Anglo-American armed forces on the Great Lakes is equally true to-day of their antagonism on the High Seas :

“ It is evident that if each party augments its forces with a view to obtaining an ascendancy over the other vast expense will be incurred and the danger of a collision correspondingly augmented.”

The Senate in approving the agreement endorsed this principle that disarmament is the only true preliminary to peace. Unfortunately, there was at that time no Anglo-American armed neutrality attainable that might have been capable of carrying this principle from Anglo-American waters into the other Narrow Seas.

But, be it noted, this disarmament depended from day to day for over a century on loyal acceptance of the principle. Had either attempted at any time to sneak or snatch control of those vital inland waterways the moral disarmament which is the basis of material disarmament would have been lost. And a paper disarmament can always be evaded, as Napoleon found with his artificial limitations on the army of the Prussia he had defeated. We shall expose later an example of the collapse of a more formal and general disarmament arrangement because the American public thought naval parity with England had been achieved at Washington in 1921, only to be disillusioned by the strictly legal cruiser building for the British Admiralty in the years 1924 to 1927.

Similarly if, a century ago, a "mathematical parity" disarmament had been enforced on the Great Lakes with political agreement lacking, Americans and Canadians might not have built sailing ships of war, but might to-day legally possess great fleets of fighting aircraft with which to threaten one another.

Is France any less nervous of Germany to-day, despite the disarmament of the latter, her membership of the League of Nations, and the guarantee of Italy and Britain by the pact of Locarno? Yet when passions cool and the memory of the war years fade on either side of the Rhine a revision of the less just clauses of the Treaty of Versailles should enable a real friendship to be established between the two ancient enemies—if no war breaks out before then. For if only two nations can agree on vital matters of common interest and a bond of mutual necessity be established, disarmament on paper will soon become disarmament in fact.

#### ANGLO-AMERICAN AMITY

After the Napoleonic Wars came a period of peace. The nineteenth century was an epoch of economic expansion on both sides of the Atlantic and of minor European wars between Governments for limited objectives and in restricted and generally remote fields. The psychology of the peoples was pacific.

The war fevers worked up by war interests often failed to produce war—even in the most sensitive relations. As late as 1879 the anti-Russian agitation about Constantinople to which we owe the term "Jingo" ended without war in a "peace with honour." And this peace psychology, in spite of sporadic outbreaks of war psychosis, was most marked in Anglo-American relations. Conflicting claims for vast and valuable territories in the American Continent were satisfactorily settled by diplomatic dickerings. When it came out that in the Webster-Ashburton partition of Maine both parties had discovered—and suppressed—maps that established the claim of their opponents—the peoples merely laughed. When the partition of Oregon was negotiated in a clamour of "fifty-four forty or fight" and such-like slogans, neither peoples took the bluffing of their plenipotentiaries and the blustering of their Press very seriously. Both peoples were satisfied to leave the neutrality of the Great Lakes

to be guaranteed by nothing more than the Rush-Bagot Exchange of Notes; and this arrangement stood the strain of 1827 when Americans aided and abetted a Canadian rebellion, when Canadian raiders sent an American vessel—the *Caroline*—over Niagara, when the Americans tried one of them for murder, and the British Government threatened war if he were executed.

## INTERNATIONAL LAW REINSTATED

It was the general prevalence of this peace psychology that rebuilt the international Law of the Seas from the ruins left by the Napoleonic warfare of unrestricted reprisals. It was airily assumed by the jurists that these essential expressions of the war had been just exceptional irregularities and illegalities; and that with peace the principles of international law would be revived unimpaired and unimpeached. Though why war, which voids public compacts and private contracts alike, should avail nothing against these customs and compromises of so-called international law is not clear to the lay mind.

But undoubtedly the imposing corpus of case-law produced by prize-court judgments and other settlements, which was, of course, based on previous principles of "international law," had given these principles a practical reinforcement and recognition. And Sea War was still waged with the old weapons of wooden ships, battering or boarding one another as in the days of the "Consolato del Mare." So the lawyers revived the formulæ of international law as in *statu quo ante bellum* and represented the fundamental facts as exceptions proving the rule, or as "piracies" or "reprisals" according to whether they were committed by foes or friends. While the sailors went on building their "wooden walls" and didn't worry about the steam and steel that was revolutionizing strategy and construction. "Hearts of oak are our ships"—"Jolly tars are our men"—"Ready, aye, ready," sang the patriots of that day. But then, as now, they would have been readier if there had been fewer heads of oak among the jolly tars and their political chiefs.

In these conditions the principal European Sea Powers went to war with one another in 1854 for reasons that are more clear to us

than they were to them. But the Crimean war was an imperial and political war in which the winning of the war did not call for any extreme expression of sea power. The British and French as belligerents were, therefore, able to keep in view their commercial interests as neutrals, and agree to a liberal regulation of their sea warfare. It was consequently easy for sailors and sea-lawyers to include in the peace the provisions of the Declaration of Paris (1856) which promoted to the dignity of "international law" the practices followed in the Crimean war, namely, (1) the abolition of privateering, (2) the exemption of non-contraband neutral goods on enemy ships, (3) the exemption of non-contraband enemy goods on neutral ships, (4) the abolition of "paper" blockades. The first two were concessions by the French, the last two by the British. But the Americans, to whom belligerency then seemed an unlikely contingency and neutrality a natural condition, boldly demanded the exemption of all private property at sea—a provision they had already embodied in a treaty with Prussia (1785) and had pressed on the Sea Powers unsuccessfully in 1823.

The British, still supreme at sea, rejected this reform, and the Americans consequently did not adhere to the Declaration of Paris being in this respect, with some South American States, the only exceptions. An intransigence which a few years later they regretted when their Civil War made them belligerents. However, in the war of 1866, Prussia and Austria exempted private property at sea, this being almost entirely a Land War. In 1870 Germany similarly exempted the French, but exacted the usual less liberal practice when the latter did not reciprocate and destroyed enemy prizes without bringing them before a Prize Court. (*Ludwig and Vorwärts.*) In 1871 Italy included the immunity of private property at sea in its treaty of commerce with the United States. But with the general growth of imperialism and navalism in the last quarter of the century there was a reaction against further development of sea law towards a Freedom of the Seas on these lines. And, at the Second Peace Conference, the British, French, Russians, Japanese, and others all opposed such a Freedom of the Seas on principle.

The assumption generally made by jurists that the Declaration of Paris is "general international law" seems questionable in view of

the fact—that it was not at the time agreeable either to the interests and ideals of progressive opinion or to the interests of pacific neutral peoples in the last century—that it has never been accepted by Americans who may soon be the leading Sea Power—that none of its provisions except that as to privateering, now obsolete, have been observed in actual practice throughout any subsequent sea warfare, i.e. in the American Civil War, in the Japanese-Russian and Franco-German wars, or in the Great War—and that the conditions of sea warfare on which it was based have now been completely revolutionized.

#### AMERICAN CIVIL WAR—THE RÔLES REVERSED

The Paris proceedings, in which America as a potential permanent neutral pressed for reform, and the British, as a recent and fairly regular belligerent, opposed it, were almost immediately followed by the proceedings of the Civil War in which the rôles were reversed. There the U.S.A. was in the position of the dominant sea power fighting for its existence against the destructive "piracies" of the minor Sea Power it was reducing by blockade. The British Government was a neutral whose sympathies were with its old enemies the Southerners, and whose industrial and commercial interests were suffering heavily from the cotton blockade and from the belligerencies of Federal cruisers and Confederate commerce destroyers. So Freedom of the Seas and immunity of private property went off the American Bill of Fare; and Chief Justice Chase applying "continuous voyage" stopped the influx of British goods to the Confederates by way of Cuba and the Bahamas. But the British were by themselves then an "armed neutrality" capable of maintaining their neutral rights to trade with the blockaded belligerent. "We want cotton," Palmerston would growl in reply to the American protests against blockade runners.

That the various acute crises that arose did not cause a war is due not to any formulæ of international law regulating the rights and responsibilities of belligerents and neutrals, still less to any statesmanship of either party, but to the fact that those British neutrals who suffered most—the Lancashire cotton operatives and the London capitalists—were most in sympathy with a war for the

suppression of slavery. We have, in fact, here a good example of the rule that a neutral will assert her rights or accept restrictions on them according to the view taken by her public opinion as to the justice or otherwise of a belligerent's cause and not in accordance with any abstract rule of "international law," or in allegiance to any abstract authority of international institutions. And the recurrent evidence of this fact which, moreover, was recognized by Vattel (III. f. 135) two centuries ago, is a far firmer foundation on which to build a new régime of "international law" than evidence of the revival in long periods of peace of legal formulæ that are regularly repudiated in the straits and under the strains of war. We have here evidence also that apart from this underlying "moral" pressure, the solutions of crises in such conflicts as those of the American civil war are not based on conformity with international law but on compromises of balance of power. The balance being struck between resolution of the belligerent to win a war of vital importance and reluctance to risk an "armed neutrality" or an additional belligerency.

Thus, during the last war, in October 1914 the *Kim* and three other steamers, all of Norwegian or Swedish nationality, laden with lard, meat, and other food products, the property of five American meat-packing concerns, were intercepted at sea *en route* for Copenhagen; their cargoes being consigned "to order." The case was given against the shippers on circumstantial evidence, as for example that during the two previous years only some million and a quarter pounds of lard were imported into Denmark from all quarters, but the quantity in the four ships in question alone mounted to nineteen and a quarter million pounds. The concluding paragraph of the Prize Court judgment was as follows (Sir S. Evans the *Kim*, 1915, Probate):

"We have arrived at the clear conclusion from the facts proved and the reasonable and, indeed, irresistible inferences from them, that the cargoes claimed by the shippers as belonging to them at the time of the seizure were not on their way to Denmark to be incorporated into the common stock of that country for consumption or bona-fide sale or otherwise; but on the contrary, that they were on their way not only to German territory but also to the German Government and their forces, for naval and military use, as their real ultimate destinations. To hold the contrary

would be to allow one's eyes to be filled by the dust of theories and technicalities and to be blind to the realities of the case."

So the dusty "theories and technicalities" of international law were dusted away and the goods were condemned as good prize. Of course the American Government protested, and compensation for the value of the goods amounting to fifteen million dollars was paid to the meat packers. By such construction the jurisprudence of blockade in sea law was developed and by similar concessions its application was mitigated in favour of America, to the discouragement of the British sea blockaders and to the loudly expressed disgust of blockheaded publicists, politicians, and propagandists in London. But this compromise between principle and policy was necessary in order to avoid alienating the sympathies of the plutocracy and public of the most powerful of the neutral peoples.

#### THE CIVIL WAR AND BRITISH SEA POWER

But we must return to the American Civil War. In the first issue that arose—the British recognition of Southern belligerency—the British were logically and legally right, for without such recognition "international law" could not recognize and other powers could not respect the Northern blockade. But undoubtedly a British cabinet and ruling class in sympathy with the Republic could have found a less offensive way out of the difficulty. In the *Trent* affair the Americans were undoubtedly right in arresting the Southern envoys and might quite properly have seized the steamer too. But a Government less anxious to give the British "a dose of their own medicine" would have avoided the issue. And it is very creditable to the American statesmen that in the settlement they remained loyal to the Freedom of the Seas and revered the letter of the law.

In the more serious belligerent act of stopping the use of the British port of Nassau as an entrepôt for blockade runners by seizing neutral goods and shipping passing between British ports and the Bahamas, the Americans could again stew the British in their own juice by taking advantage of the precedent of British action against a similar use by the colonists of the Dutch West Indies in the War of Independence (*v. above*). They thus reinforced the rigour of

blockade by adding the doctrine of "ultimate destination" to that of "broken voyage" and to that of the "rule of 1756"—a serious restriction of the Freedom of the Seas that was, however, in complete conformity with the real requirements of war. (Chief Justice Chase, the *Bermuda*—the *Peterhoff*.) Finally the American claim against the British for liability in respect of the *Alabama* and other commerce destroyers, piratical in that these raiders had to destroy their captures without submission to any Prize Court other than that which they held on their own decks, was settled by an arbitral Tribunal that under judicial forms produced an arbitrary award that under international law had little legal justification. In fact the undistributed millions of the indemnity of \$15,750,000 still presumably in the American Treasury, might well now be used like the Chinese indemnity for the promotion of better relations between the two countries. But the United States had good moral cause for complaint in the case of these Southern raiders, seeing that the responsibility of neutrals for restraining their citizens from acts of war was first clearly recognized by their Foreign enlistment Act (20th April, 1818) which served as basis for the first British Act of 1819, extended by the Act of 1870.

#### SPANISH WAR AND AMERICAN SEA POWER

We now come to the first appearance of the American Navy as a factor in the balance of power—that precarious cantilever which eventually crashed with the weight of its own steel. And it was a whole generation after the Civil War before, in the last years of the century, the Monroe Doctrine and Freedom of the Seas caused war between the United States and a European Sea Power.

Such a war between the United States and Spain was inevitable. For, as already pointed out, both these policies conduce to bring the United States into collision with a European State using its sea power to coerce colonies in the American continents.

The Spanish colony of Cuba was a next-door neighbour of the United States and one in especially close economic relations with them—the principal industry, sugar, having been created and being conducted by American money and management. Besides this interested relationship there was a strong appeal to American



LATEST TYPE OF AMERICAN SUBMARINE—V. 2



idealism in the Cuban independence movement, whose repeated revolts had more than once brought a Spanish-American war within sight, as in the *Virginius* incident, when the Spanish authorities executed some American filibusters.

Cuba had grown stronger as Spain had grown weaker, and the Cuban revolt of the 'nineties soon reached that point at which the Mother Country is reduced to systematic and shocking maltreatment of a revolting daughter in the vain hope of recovering maternal control. The campaign of General Weyler with its deliberate destruction of a prosperous community and with its disease-stricken and starving concentration camps, was rightly considered in the United States as a crime against civilization that called for international intervention. But the mandate for such intervention had long been assumed by the United States under the Monroe doctrine and could only be applied by the American Navy as a sea police.

Nevertheless the Americans are a pacific people and both an insult and an injury were indispensable to carry them into war. The first was supplied by the publication in the New York Press of a private letter written by the Spanish Minister in Washington referring to the President, Mr. McKinley, as a "weak" and a "would-be" politician. There was nothing incorrect in this letter, which, moreover, as the State Department at once pointed out, must have been "criminally obtained"—but it served. And Americans were ready for war when the match was put to the magazine by the blowing up of the *Maine*, an American battleship sent as a naval demonstration, while in Havana Harbour, with a loss of two hundred American lives. Two subsequent examinations of the wreck produced evidence that the explosion was external; but later experience as to the effect of change of climate on high explosives and as to the action of internal explosions suggests that it was accidental. While there is always the probability that, if a crime, it was committed by a Cuban. But it also served. And America, the sovereign Sea Power of the future, tried its new teeth on Spain, the sovereign Sea Power of the past.

## A DIGRESSION INTO "AGRESSION"

This "war of aggression" by America, with its very questionable *casus belli* and its most unquestionable cause for belligerency, is commended to the careful study both of those pacifists who believe in keeping the peace by legal formulæ and of those patriots who believe that the Monroe Doctrine will always be accepted as a principle of international law by other sea powers. For on this occasion it most certainly was not so accepted. Spain had already surrendered on all the points at issue or agreed to submit them to arbitration. Pacific public opinion in Europe considered that the Americans were being carried into a war of aggression by the Sugar Trust's control of politics and of the Press and by underground conspiracies. The attitude of the continental governments was that the United States were intervening in a domestic dispute between Spain and a colony with a view to capturing the colony for themselves. Which formidable combination of public opinion and political interest produced in Washington a combined move of the European Powers towards forcing mediation and moderation on the American Government.

One of the writers was at that time in the Washington Embassy under Lord Pauncefoot—a diplomatist of exceptional character and capacity. By training a lawyer and by temperament a pacifist, he has an honoured place in history as the author of the first General Arbitration Treaty; which though torpedoed by the Senate left floating in official files much material which went to build future Treaties. He at once took the lead in the joint intervention for peace that was being organized in the Washington Diplomatic Corps, at the instigation of continental Governments. His staff, who took the narrow view that Anglo-American relations mattered much more than the cause of arbitration or the preservation of peace, were dismayed. Happily at the eleventh hour and the fifty-ninth minute the British Government took the same less liberal line; which though wrong in its moral principles as these were understood at the time, was right in the more fundamental moral principles that have since been analysed and that underlie the arguments hereinafter advanced. On the very morning of the day (6th April, 1898) on which the

Presidential message that would produce war was to be put before Congress, the Ambassadors of the six Great Powers, including Great Britain, had jointly appealed for peace and caused the postponement of the message. On the same afternoon came cabled instructions, and Sir Julian Pauncefote, as he then was, thereupon altered his course with what his chief, Lord Salisbury, once called an "abrupt curve," and that with such promptitude and prestidigitation that it has never to this day been detected. And he legitimately earned the affection of the American public as a friend who had caused the consequent collapse of the combination against them, and less legitimately the admiration of his colleagues as a *farceur assez fin* who had left them "to carry the baby."

The moral of this "cautionary tale" of Victorian days, told here for the first time, is that the most pacific and politic of public men cannot see through all the millstones of the Mills of God—that an indefeasible definition of a "war of aggression" has still to be drafted—and that an Anglo-American association in world policy and sea police is a sounder and safer security and sanction for peace than any such definition can ever be. For who will question to-day but that the short and sharp cutting out of the cancer of Spanish imperialism from the body politic of America was better for the peace and progress of the world than such a prolonged remedial treatment as was applied, for example, to the Ottoman cancer in Macedonia—a treatment that expressed international intervention formally while leaving its real intentions fundamentally unexecuted.

We have not selected this example in which Uncle Sam appears as an "aggressor" because of his present unpopularity with the British as the Paris who is eloping with their Helen and Command of the Seas. The Spanish-American War was probably inevitable, and it would be easy to find many incidents in comparatively recent history in which it would have been extremely difficult for any one nation and, still more, any group of nations to decide who was the aggressor in the war. One example would be the insurrectionary wars of the Balkans against the perfectly legal sovereignty of the Sultan. From many such examples we will pick out one conspicuous case. On the eve of the outbreak of the Franco-Prussian

War Mr. Gladstone sent the following letter on 15th July, 1870, to Queen Victoria :

“ Mr. Gladstone presents his humble duty to your Majesty, and reports that at the meeting of the House of Commons to-day Mr. Disraeli (leader of the Opposition) made enquiries from the Government respecting the differences between France and Prussia, and in so doing expressed opinions strongly adverse to France as the apparent aggressor. Mr. Gladstone in replying admitted it to be the opinion of the Government that there was no matter known to be in controversy of a nature to warrant a disturbance of the general peace. He said the course of events was not favourable, and the decisive moment must in all likelihood be close at hand.

“ Before four came the telegram which announced the French declaration of war. It is evident that the sentiment of the House on both sides generally condemns the conduct of France.”

The sentence of history, on the other hand, now generally condemns the conduct of Germany and tells us that Bismarck tricked Louis Napoleon into appearing as the “ aggressor.”

#### A FIRST ANGLO-AMERICAN ALLIANCE

Returning across the Atlantic to the Spanish American War we find that once hostilities were begun the Anglo-American association in the war was only restricted by British respect for the more formal requirements of neutrality. The part played, for example, by the British Naval and Military Attachés at Washington after accepting invitations to attend “ very informally ” the consultations of the American Expeditionary Staffs has never been revealed. Though one of the present writers could tell the story, having been present himself at the embarkation of the expedition, he feels it is for Lord Lee to tell it or not, as he pleases. It will be enough for the present purpose to say that the British Naval Attaché was practically Commodore of the fleet of transports, and that his contribution to the successful début of the American Navy was no less than that of his British colleague at Manila with its famous slogan of “ Blood is thicker than water.” It was, of course, all very incorrect—the Naval Attaché of a neutral Embassy navigating the transports that were invading the colony of a friendly State (Spain), or the Admiral

of a neutral fleet (the British) threatening to fire on the fleet of a friendly Power (Germany) unless it stopped covering another friendly fleet (the Spanish) from attack. But if our sailors sailed very near the wind in keeping on the "windy side of the law," they were on the right tack. Mr. Hay, American Ambassador in London at the time, reports :

"I find the drawing-room sentiment altogether with us. If we wanted it we could have the practical assistance of the British Navy."

He had it more than he knew.

The impression made on American feeling by this aid and comfort was profound. It can be compared, indeed, with the effect made on British opinion by the American assistance on a far larger scale and on a far worse crisis twenty years later. For America, though she entered the war with Spain light-heartedly, soon felt nervous about this new experience. For example, when the Spanish pride drove the unfortunate Admiral Cervera and his hastily mobilised squadron out across the Atlantic to certain destruction by the American fleet, the news that the Spanish fleet had put to sea sent the summer boarders flying inland in panic from every Atlantic coastal resort. And the successful voyage of the battleship *Oregon* from the Pacific to the Atlantic was applauded as though rounding the Horn in summer was an unprecedented feat of navigation. The American Navy's feelings towards the co-operation and countenance given it by the British Navy was indeed something like that of an American débutante at her first European Court Ball who finds herself treated as a younger sister by a Dowager Duchess.

Not that the débutante didn't know even then how to stand on her rights. One of the present writers was entrusted with the task of extricating from captivity a British collier, one of those sent out by the Spanish to coal Cervera's fleet. The old Welsh Captain of this *Restormel* had successfully played hide-and-seek with the American cruisers round the West Indian Islands by anticipating many of the dodges for camouflage and concealment afterwards rediscovered in the Great War. But within a few miles of Santiago harbour and safety he was run down by what he described as a "New York skyscraper travelling like the Chicago Limited"—

which was the transatlantic liner *St. Paul* converted into an armed cruiser. Upon which, like a prudent man, he took refuge in the "diplomatic channels."

#### AN ANGLO-AMERICAN ARMED NEUTRALITY

Passing over several "secondary" wars which imposed no severe strain on the precepts of international law, even though these were already falling behind relationship with realities, we come to the great struggle in Eastern Asia between Russians and Japanese. In this struggle British and Americans were neutrals and imposed respect for sea law on the Russian naval commanders who were tempted to resort to commerce destruction in reprisal for the Japanese blockade. The Russians sank five British vessels—the *Knight Commander*, the *Hipsang*, the *St. Kilda*, the *Oldhamia*, and the *Ikhona*. In all these cases the crews, passengers, and mails were taken off. Some persons were killed by gunfire on board the *Hipsang*, but she was attempting to escape and refused to stop after repeated warning shots. The *Oldhamia* was sunk by accident, having been run ashore by her prize crew through faulty navigation. The other three were sunk under the Russian naval prize regulations, which allowed of their destruction for military reasons, stated in this case to be fear of recapture. In every one of these cases, and especially that of the *Knight Commander*, the most vigorous protests were made by the British Government, and the imminence of British intervention in the naval war was quite sufficiently indicated. The Russian Government accordingly receded from its position and gave stringent orders to its naval commanders to avoid a repetition of such incidents.

It would undoubtedly not have done so with such promptitude, and the British might have been involved in the war, had not the United States Government joined in the protests against the destruction of the *Knight Commander*, and had not the Russian Government been officially informed by the State Department (30th July, 1904) that it—

"viewed with the gravest concern the application of similar treatment to American vessels and cargoes." (*U.S. Foreign Relations* 1904, page 734.)

And it was this Anglo-American association in an armed neutrality that preserved the peace when an even more serious crisis arose.

The Russian Baltic Fleet, on its way to the Far East and on passage through the North Sea, came after dark upon the Hull steam fishing-fleet trawling in its usual formation near the Dogger Bank. Some of these Russian warships suddenly opened fire, sank several trawlers with loss of life and hurried on their course. It was supposed that the practice of organized trawler fleets of manœuvring under an "admiral," whose light signals they obeyed, had led the Russians to assume that they had come into contact with a hostile squadron of destroyers secretly purchased by the Japanese in Europe. But even the jovial traditions of the Tzarist naval messes or the temperamental nerves of pre-revolutionary Russians sailing to certain destruction cannot explain such a mistake by sailors.

One of the present writers heard from the best possible source a better explanation that there can be no harm in publishing now for the first time. It was that the Russian secret service had warned the sailors that trawlers had been hired by Japanese agents to tow lines of mines across the course of the fleet. Accordingly when lines of trawlers appeared towing their trawls, the Russians were expecting them and fired incontinently. They thereby sailed into the trap prepared by hostile secret agents who had allowed their Russian colleagues to come into possession of their supposed plots. And in this underground war of espionage the Russians narrowly escaped total discomfiture. For the British fleet was at once mobilized and only prompt apologies and acceptance of enquiry and awards to the sufferers by the Russians prevented war. And the moral is that naval armaments and intelligence services are dangerous weapons that some obscure blunder may make a cause of destruction rather than of defence to the country that pays their costly upkeep. Security by the guarantee of an armed neutrality is at least not exposed to this danger.

#### IMPERIALISM *v.* INTERNATIONALISM

We have now to consider the last effort to give international regulation of war at sea a general system and sanction. This occurred in that last quarter of the nineteenth century, in the course

of which the balance of power at sea on the old basis of battle-ships and naval bases had been raised to its highest expression. This was the age in Great Britain of Two and Three-Power Standards of building programmes and naval panics, of "We want eight and we won't wait." In Germany it was followed by the age of a bid for parity on the seas and for a "place in the sun." The transition from pacifism to militarism is marked in the British peoples by a comparison of the ceremonial of the 1887 Royal Jubilee, which was as civilian in character as the exigencies of costume and colour allow, with the military panoply of the 1897 celebrations. In the German people it was marked by the "sabre rattling" and "shining armour" of the new War Lord as compared with predecessors who represented the *gemutlichkeit* of old Germany. For modern monarchies are democratised to the extent of having to conform in their costumes to a military mood of the ruling class.

On the other hand, the preparations for war evoked a corresponding effort by the peoples to reinforce peace. And it was recognised that the only real way to this was through a reduction of armaments by agreement. Failing this, a substitute was sought by restricting and regulating war, by reinforcing the precepts of "international law" and by recognizing the principle of judicial arbitration. Every fresh evidence that the impending war would be universal and unrestrained by any respect for honour or humanity was met by attempts to pledge Governments to accept all-in arbitration and other preventatives of war. It was magnificent but it was not war. And Europe was infected with war—the war fever that broke out in 1914.

As the practical results of the Hague Peace Conference and of other pacifist proceedings were all either evaded or erased by the Great War within the same generation, it will be enough for our present purpose to review very briefly their more essential and least ephemeral features. The pious resolutions that they produced were necessarily compromises between various international and national ideals and interests. But in the main there were two opposing forces—on the one side a loose association of public movements demanding the prevention of war, expressed through politicians, publicists, and jurists—on the other the political and professional responsibility for warlike preparation, which was expressed through

a close alliance of realist politicians with naval and military experts. The first of these—the pacifist camp, was weakened by having no very general definite programme for war prevention and by having as leaders politicians who were also personally responsible for war preparation. The British pacifists, looking forward to a political horizon on which the storm clouds were already gathering, and ignorant of the automatic *déclanchements* arranged by secret diplomacy, were inclined to concentrate on postponing formal declarations of war by preliminary procedures and on prohibiting the more odious weapons.

The Americans, whose sky was as yet clear, looking back on a century of comparative peace, and ignoring the fact that “international law,” whether customary or conventional, had broken down whenever seriously contrary to the belligerent interest even in secondary wars, considered the time was ripe for raising these customary rules to the status of an international code. As against these pacifist idealists the naval and military realists engaged between themselves in a preliminary warfare for securing that the results of the Conferences should give their own side an advantage in the war for which they were preparing. And the resultant regulations represent the confused compromises created by these latter expert manœuvres for position, rather than any common *consensus gentium* as to what were the general principles and practices of international law.

#### THE HAGUE CONFERENCE

We shall pass over the First Hague Conference (1899), which was almost immediately followed by the South African and Russo-Japanese Wars and did little more than advertise the Anglo-American plan of arbitration as a substitute for war. And, turning to the Second Hague Conference (1907) we find that, so far as the Americans and British were concerned, conditions were very favourable. In America the prestige in the Republican party of that hundred per cent. American, Roosevelt, and of the corporation lawyer, Root, was overcoming the opposition of the Senate reactionaries and of the American ruling class to the principle of judicial arbitration. Moreover, the good seed sown by the Olney-Paunceforte

treaty of the nineties that had fallen on stony ground in the Hague and that had been choked by thorns in the Senate, now bore fruit in the "Root" crop of treaties, followed by the "Bryan" aftermath. In England a Liberal Government pledged to disarmament and peace had swept the country in 1906. The American ruling class was still critical and the British ruling class so cynical that the *Times* could jeer at the Conference as a sham. But the American delegation to the Hague could give expression to pacifist public opinion now thoroughly alarmed at the armed alignments in Europe. And even the British Government was stirred to making eventually a drastic departure from the navalist policy of its predecessors.

Unfortunately discussion of disarmament was vetoed by the Continental Powers as a condition of coming into Conference, and the agenda was accordingly restricted to regulation of war. A regulation of the "Law and Practice of Naval Warfare" was accepted as one of the agenda; and the instructions of the British delegates adopted the pacifist attitude of the day that—

"anything which restrains acts of war is in itself a step towards the abolition of all war, and by diminishing the apprehension of the evils which war would cause, removes one incentive to expenditure on armaments"

—a fallacy no doubt and one that was curiously contradicted in a later paragraph of the same instructions which gave as one of the reasons for rejecting the immunity of private property at sea that—

"it was likely to so limit the prospective liability of war as to remove some of the considerations which would restrain public opinion from contemplating it, and might after the outbreak of war tend to prolong it."

#### IMMUNITY OF PRIVATE PROPERTY

The Americans had again put forward their policy for the immunity of private property at sea with a reservation of the right of effective blockade, and though not ruled out by the British it was rejected on the ground that—

"the British Navy is the only offensive weapon which Great Britain has against Continental Powers"

and that—

“such immunity would deprive it of the full rights of commercial blockade.”

But the increased importance of America appears in the sop that was held out by the assurance—

“that in case of disarmament the British Government might feel that the risks they would run by adhering to such an agreement and the objection to it in principle would be outweighed by the general gain and relief.”

For America by then had quite a respectable navy that counted in calculations of the balance of sea power.

The American proposal was received in much the same spirit of professed open-mindedness, but private obstruction, by eleven other Powers, including France, Russia, and Japan; while twenty-two, including Germany, Austria, and Italy supported it. Germany, indeed, immediately pointed out that the exception in favour of blockade might permit a general evasion of the exemption; while Great Britain saw a similar possibility of evasion in an unrestricted right of declaring contraband. Both of these contentions were true enough; and if the exemption had been generally approved as “law of nations” it would not have prevented or even postponed the unrestricted naval warfare by way of reprisals in the Great War. As it was—by forcing this broad and basic issue of “Freedom of the Seas” to a division that reproduced the two armed camps—by thus associating it in British minds with the policy of the Central Powers in fighting British sea power—and by reserving the right of blockade so as to conciliate British opposition, the Americans gave their traditional cause a set-back.

#### CONTRABAND AND BLOCKADE

The British, then on their side, renewed their very practical proposal for abolishing contraband altogether; which also at first sight seemed a concession to Freedom of the Seas. For contraband, one of the conceptions on which customary “international law in war” was based, and round which most such case-law had been built, had been rendered utterly unreasonable and unrealizable by the developments of modern war.

The gradual inclusion in war making of the whole civil man power and industrial machinery had rendered obsolete the old conception of contraband and the old controversies as to whether this or that food or manufacture should be classified as absolute or conditional contraband. For whether contraband is confined to an insignificant and obsolete prohibition of the supply of swords and saddlery as in the Elizabethan Order in Council (27th July, 1589), or, as in the Orders in Council of the 13th April, 1916, is construed into a prevention of all trade by being made to include foodstuffs and other goods capable of military use sent under continuous voyage through neutral ports, entirely depended on the policy of belligerents and on the power of neutrals. Of this controversy there was and is no solution. A sword is absolute contraband, a reaping-hook non-contraband, a hammer to beat reaping-hooks into swords conditional contraband, and the steel for a reaping-hook to cut wheat for the army is—what? Moreover, the concomitants of contraband had all become equally confused. Search at sea was no longer practicable in view of the size of ships. "Continuous transport" by rail, road, and canal to the enemy from a neutral port had become almost as easy and economical as direct shipment. "Destination to the army" had become meaningless when a whole nation was mobilized. Wherefore the British, who are a practical, if not a logical, race, were prepared to cut loose this whole clutter of mediæval tackle and substitute a system of Consular certificates as to the non-military character of cargoes. The principal anxiety of the British Government of the day was to remove restrictions and annoyances from our neutral commerce. We thought of ourselves still as normally neutral. And the British commercial classes had the liveliest recollections of inconvenience during the Russo-Japanese War.

As neutrals the British, dependent as they were, and are, on foreign food and raw materials, might have had all these interfered with as contraband under continuous transport. While as belligerents they could enforce an economic blockade by such a system of certificates under sanction of sea power. The British, in fact, proposed to abolish contraband and establish a belligerent's right to blockade under regulations in conformity with modern conditions.

Thus Great Britain in her pre-war power and pride boldly made

an attempt single-handed at this second Hague Conference to revise international law; but she failed because the British delegates were not possessed of the information as to modern conditions which the war subsequently provided. The proposal was practical and not unprincipled, though it set free British command of the sea from ancient shackles in the event of a British belligerency. But "the nations not so blessed as she" in sea power had no intention of falling for that particular tyrant. Twenty-six minor States were still prepared to accept a British sea police on its own terms. But the sea-going powers—Germany, France, Russia, and America—opposed. The United States, though not prepared to abolish contraband, were in favour of restricting it to the most obvious military supplies. American interests were, in fact, already the same as British in respect of contraband. For these two nations were the principal sources of supply in munitions and war material to the war makers of the world. But at that time the much smaller American Navy, with the recollections of its recent naval war with Spain, made Americans unwilling to rely solely on blockade. As to the other sea powers, France and Germany, their reasons for opposing were as obvious as their representations for doing so were obscure. But they had on their side the general *consensus gentium* that a neutral should not profit through its private traders by a traffic in arms prohibited to it as a State. The situation suggested an Armed Neutrality in the making and a re-alignment of balance of sea power that would cut right across the armed camps in which land power was already organized.

#### THE DECLARATION OF LONDON

So the project was dropped and the Conference, since contraband was not abolished, clearly had to define it—as without some agreed definition the proposed international prize court certainly could not function. But, as we have seen, a sound—even a sane—definition was impossible, and in view of the chaotic conflict of interests involved, the Conference was forced back on the old formulæ of "absolute" and "conditional" contraband with the addition of a "free list" of absolute non-contraband (Decl. of London, Arts. 22-28).

In the resultant Declaration of London anything except what was on the "free list" might be declared "conditional" and everything "conditional" might be made "absolute." The free list did not include food, but did include cotton, rubber, ores, and other materials of the first importance to war makers in general and Germany in particular. Moreover, as "absolute" contraband was liable to capture only when consigned to an enemy port and "conditional" contraband only when proved to be for consumption by enemy forces, and as "continuous transport" was not applicable to conditional contraband—Germany secured the right of importing food and all conditional contraband through convenient neutral ports in Holland and Sweden. In fact, these articles in the Declaration of London (34 and 35) were adopted bodily from the German draft (Lord Desborough, H. of Lords, 4th March, 1911).

And in its other compromises connected with contraband the Declaration was no less disadvantageous to British and American interests—whether as principal neutrals or belligerents. For example, Art. 48 provided that prizes must not be destroyed at sea—the usual practice of the commerce-destroyer without command of the sea. But the following Art. 49 excepted cases when the security of the commerce-destroyer or the success of her campaign could be imperilled—and when could they not? In short, in this preliminary wordy war of the jurists, Germany secured an advantage so great that it was likely only to be of practical value in war with Great Britain by forcing on the latter a repudiation of the Declaration and a rupture with America.

No wonder the Declaration of London caused so little satisfaction both to those British who were already preparing for a war with Germany, and to those who thought the best insurance against such a war would be an international association for a new Freedom of the Seas. And such an association might have been secured had there been an agreement between the British and Americans as to the abolition of capture of private property at sea and of contraband, subject to a right of blockade.

We have seen that the British in giving up contraband as a bad job relied in future belligerencies on commercial blockade. But the Declaration of London took the edge and point off the blockade weapon. For the expected enemy—Germany—could with little

inconvenience import all she required through Dutch or Swedish ports immune to blockade. Moreover, modern weapons of the minor sea power such as mines, submarines, and aeroplanes, had already made a close blockade impossible ; and it was very questionable whether neutrals would accept as an effective blockade a long distance cordon or a preventive patrol on the High Seas. Nor would even this be effective in most cases except under interpretations of "continuous voyage." An attempt was indeed made at the Naval Conference to impose an artificial limitation on the blockading radius of one thousand miles, but this was rejected. The French formula eventually adopted was that "the question whether a blockade is effective is a question of fact" (Art. 3), which is irrefutable.

On the other hand, Arts. 2 and 18 restricted the blockade rigidly to belligerent ports, and Art. 19 relieved from capture any vessel steering for a neutral port whatever its ultimate destination—which was a repudiation of "continuous voyage." Moreover, there was nothing novel in this—it was a fair codification of the customary law. But under modern conditions of world commerce it undoubtedly deprived sea power of blockade—its most effective weapon for reducing a land power.

We might continue this process through all the clauses of the Declaration of London in restriction of belligerency, but we will only point out one other respect in which this attempt to codify "international law" was doomed to break down under the strain of war.

The prohibition of privateering in the Declaration of Paris is often quoted as a successful example of a prohibition of a weapon of war. But that this weapon (already obsolete) was merely superseded, not suppressed, is shown by the insistence of secondary sea Powers at the Conference on the right to use a mercantile marine for war under the naval flag. Nor were the British successful in getting any regulation, still less any restriction of such conversion. Thus a belligerent might buy ships and armaments from neutrals and combine and convert them into warships at sea as in the *Alabama* case. A more formidable threat to British commerce when neutral, or a more formidable task for British cruisers when belligerent, can scarcely have been conceived. (See Conventions VI

and VII annexed to the Final Act of the Second Peace Conference, 18th October, 1907, and Arts. 55-56 of the Declaration of London.)

Small wonder that the House of Lords rejected the Prize Court Bill based on the Declaration, with general approval from public opinion. And how right was this British attitude was shown when the war broke out. The Foreign Office in the course of the war circulated a Memorandum (7th July, 1916) explaining why the British had to depart from all the rules of the Declaration of London. We will content ourselves by quoting four short paragraphs ; but they are crucial :

“ The manifold developments of naval and military science, the invention of new engines of war, the concentration by the Germanic Powers of the whole body of their resources on military ends has produced conditions altogether different from those prevailing in previous naval wars.”

“ The rules laid down in the Declaration of London could not stand the strain imposed by the test of rapidly changing conditions and tendencies which could not have been foreseen.”

“ The Allied Governments were forced to recognize the situation thus created, and to adapt the rules of the Declaration from time to time to meet these changing conditions.”

“ These successive modifications may perhaps have exposed the purpose of the Allies to misconstruction; they have therefore come to the conclusion that they must confine themselves simply to applying the historic and admitted rules of the law of nations.”

The Declaration of London, that final and most formal instrument of international law, was bound to break down in application, firstly, because it was not in relation with the revolutionary changes in modern blockades ; and, secondly, because there was no “ Armed Neutrality ” behind it.

#### LAW, WAR AND PEACE

The other results of this effort to regulate naval war were in the direction of restricting or restraining belligerents in the use of naval weapons. Pacifists found justification for this on grounds of their



BRITISH SUBMARINE M. 1, MOUNTING 12-INCH GUN  
(Lost with all hands during peace manoeuvres.)



inhumanity—jurists on grounds of their incompatibility with the customs or compromises of an "International Law" that had grown out of the long stabilization of naval warfare—while experts as usual could jockey each other over such prohibitions as well as over any other proposals.

We need not dwell at any length on the incipient efforts to restrict novel naval weapons in the Conventions of the Hague and Naval Conferences. They none of them survived the war, and they all of them belong to a sentimental order of ideas that never was to the point and that is now becoming impracticable. Anyone sufficiently interested can consult these Conventions annexed to the Final Act of the Second Peace Conference. (See Appendix to Oppenheim's Inter. Law.) Convention VIII concerns mines and torpedoes: IX prohibits the bombardment of open towns: X regulates hospital ships: XI restricts interference with mail boats and fishing boats, and requires the release of merchant crews: XII regulates the proposed international Prize Court: XIII regulates the rights and responsibilities of neutrals as to naval warfare in respect of contraband, etc.: and XIV prohibits the dropping of explosives from the air.

Now the *consensus gentium* and international conventions may avail to maintain a system of regulations against some new weapon of especial atrocity such as exploding bullets or poison in wells, that does not alter the general conditions of warfare or give any one Power especial advantage. But international law will not prevent or even postpone a new weapon of destruction that revolutionizes war or re-weights the Balance of Power. Thus gunpowder which revolutionized war, wrecked chivalry and ruined the feudal system, and was as odious in that age as is gas to-day. But gunpowder and the democratization of war, or as it seemed then, its demoralization, was accepted as we shall have to accept gas and its indiscriminate destruction of life. Gunpowder in the end has worked for good, by making war odious. It is our job to see that gas bombs make war "outlawed."

In any case, the cause of "International Law" and Freedom of the Seas cannot be served by using their institutions and ideals to bolster up naval warfare in two dimensions—now that the submarine and aeroplane are rapidly blossoming out into naval warfare in

three. It is all to the good that these "paper blockades" of war are so clearly shown to be ineffective. Those pacifists or jurists who believe that peace will be secured by reviving them would do well to ponder that most practical provision of the Declaration of London: "the question whether a blockade is effective is a question of fact." The Temple of Peace will have to be built on naval facts, not on legal fictions.



## CHAPTER II

### COMMAND OF THE SEAS IN THE WAR

**T**HE Great War was, at sea, a struggle between Great Britain and Germany for command of the Narrow Seas. In this struggle Great Britain kept command of the sea by sheer weight of surface shipping against the challenge of German submarines and mines. The German claim to have had a command of a sort must be allowed. If "Britannia's march was o'er the mountain waves," Germania's "Home was in the deep."

For the fact is that—as Admiral Mahan recognised—a sort of secondary and local command of the sea can be seized on occasion by a secondary sea power. He drew a distinction between such secondary command and the true command which conveys a more or less constant and complete control of High Sea routes and Narrow Sea regions—of oversea bases and on enemy coasts. This latter he called a "working command." The term is not well chosen, because nowadays secondary command "works" as successfully and even more sensationally. Thus the German surface squadrons bombarded our coast towns, while we were unable to retaliate. The German submarine blockade by commerce destruction brought us in weeks to an extremity not much better than that to which our surface blockade of commerce "deviation" had reduced them in years.

Indeed, the difference between these two forms of blockade is to-day rather in their effect on neutrals than in their effectiveness against an enemy. In this neutral aspect they might be distinguished as a "regular" and an "irregular" blockade. But as we shall be considering them here rather in their aspect as a form of belligerency we shall call the more regular blockade of the superior sea power a "cut-and-dried" command of the sea, and that of the inferior sea power which tends to become piratical raiding,

a "cut-and-run" command. The Germans obtained a cut-and-run command of our commercial routes and coast towns, which is ominous for the possibilities of future blockades and bombardments by the submarine and aeroplane.

The war began with the British immediately establishing their "cut-and-dried" command of the sea. German merchant vessels were driven from the seas and German warships reduced to cut-and-run tactics. The British then began to develop a strict cut-and-dried blockade of the Germans by commerce "deviation"—the Germans retaliating with development of a cut-and-run blockade by commerce destruction; in which war of reprisals both parties respected the principles and provisions of international law only in so far as policy required. Policy imposed a respect for the rights of that most powerful neutral and potential belligerent, the United States. And the Germans being able to profess an unqualified allegiance to the principle of Freedom of the Seas and to the provisions of the Declaration of London had, at first, much the stronger position.

#### THE NAVAL WAR AND INTERNATIONAL LAW

On the outbreak of war the Americans asked the belligerents whether the Declaration of London would be observed, recommending that it should. For it was not formally binding, as the Powers, including the United States, had not deposited their ratifications. As to its moral obligation—it had been signed by all the principal Powers and had been proclaimed by Italy in its little war with Turkey (13th October, 1913). On the other hand, the British House of Lords had rejected the Naval Prize Bill which embodied many of its provisions, and that, too, with the full approval of British public opinion. The British Government accordingly replied that it would adopt these rules—

"subject to certain modifications and additions which they judged indispensable to the efficient conduct of their naval operations,"

and their allies replied in similar terms. The German Government and its allies accepted the rules, provided they were applied by other belligerents. But as conditional and partial acceptance was contrary

to Art. 65, the Americans declared (22nd October, 1914) that their neutrality would be regulated by—

“ the existing rules of international law and the Treaties of the United States, irrespective of the Declaration of London.”

And, as the United States had never accepted formally the Declaration of Paris, this left them to assert their rights as neutrals on the basis of their national policy rather than on that of international law.

Much the same situation prevailed in respect to the Hague Conventions regulating Sea Warfare. These had none of them been ratified by all the signatories and were therefore binding on none. With the general result that the rules of international law had little, if any, effect in regulating or restraining the belligerents—though referred to by them with every respect in relations with neutrals. Similarly the Prize Courts recognized them in principle while only applying such provisions as suited their belligerent interests, (e.g. Sir S. Evans, *The Mōwe*).

#### THE WAR OF REPRISALS

As soon as it became evident that a “ knock-out ” on land was unattainable and that a war of exhaustion was inevitable, the attitude of America became all-important. The United States were not only an Armed Neutrality capable of decisive intervention; they were also such a source of supply in manufactures and materials as made them a decisive factor, even without belligerency, in a war of exhaustion. Moreover the attitude of Americans would be decided by their own policy and predilections. Their traditional policy was for Freedom of the Seas in opposition to British Sea Power; while the political activity of the Germans and Irish made the Middle West and Eastern citizens as anti-British as had been the South in 1812. Wherefore the Germans would probably have been better advised if they had “ refused ” their sea-front and had left the Americans to fight for them their battle for Freedom of the Seas against the British blockade. But this the Germans could not do, because they had built a fleet which promised them a secondary cut-and-run command of the sea; and this, again, had put them in the hands of

naval extremists. Also because the rules of international law and the interests of American business allowed America to become a source of war supply to the Allies from which the Germans were excluded ; and the consequent inequity was intolerable to German public opinion.

Germany therefore sought, with German thoroughness, a cut-and-run command of the sea. This the mine and submarine made more than ever effective for commerce destruction, but also more than ever offensive to neutral rights. One of these double-edged weapons they had already grasped as a measure of offensive defence in the first hours of the war. The non-ratification of the Hague Convention VIII and the reservations in its Articles 2 and 3 had left minelaying practically unregulated. But it had condemned floating mines in the open sea, and on the first day of war the minelayer *Königin Louise* was sunk by the British *in flagrante delicto* of having strewn the High Seas with floating mines in anticipation of hostilities. Such minelaying was thereafter continued, even, it was alleged, by fishing boats under neutral flag ; and British warships and neutral merchant vessels were thereby sunk with loss of life. This enabled the British to proclaim (28th September, 1914) a zone in which neutral fishing boats would be suspect of minelaying—sunk if detected—and the crews shot if they resisted. The Dutch protested but without avail. The British then proclaimed (2nd Oct.) certain areas as dangerous for neutral navigation owing to mines ; and further proclaimed (3rd November) the whole North Sea as a military area in which neutral navigation must follow certain routes. Which was the beginning of the British cut-and-dried mine blockade as afterwards extended and established (May 1916 and January 1917), so as to bring under British control all seaborne commerce with northern Europe.

This innovation of a blockade of " deviation " by means of mine-fields was thus in the first instance made possible by the inhumanity of German commerce destruction by floating mines. It was apologetically justified by the British as—

" an exceptional measure appropriate to the novel conditions of the new naval warfare "

and—

" out of regard to the great interests entrusted to the British Navy, to

the safety of peaceful commerce on the High Seas and to the maintenance, within the limits of international law of neutral trade."

Thus although at first sight one might have supposed Great Britain and Germany had embarked on a war of reprisals that would respect no law of God or man in pursuing the destruction of their respective civilian populations and of any neutrals that got in the way, yet professedly they were both fighting for the Freedom of the Seas and of their native lands.

"*Libertas et natale solum.*

Fine words—I wonder where you stole 'em":

the Americans might well say. But after all with their respective Ships of State in such dire peril British and Germans were perhaps entitled to hoist American colours merely as a ruse of war.

Meantime the British were making full use of their right under the Declaration of London to add to the list of contraband so as to develop their commercial blockade. There were in all during the war fifteen proclamations for this purpose alone; extending the list to two hundred and thirty items, until practically all principal importations to Germany were included. But in this first phase prior to the first submarine campaign there were only three proclamations extending the list to include—iron, copper, lead, rubber (29th October, 1914), and sulphur, glycerine—conditional (21st September), and absolute (23rd September). Foodstuffs, fuel, and fabrics could not as yet be touched. An Order in Council (20th August, 1914), tried to evade Arts. 33-35 of the Declaration so as to allow capture of conditional contraband in "continuous transport," but this the United States forced the British to withdraw (O. in C., 29th October, 1914)—a very considerable concession to neutral commerce. This, however, did little good to the Germans, who saw themselves cut off from American war supplies which were fully and freely open to their enemies. Nor had they any legal ground of complaint. They therefore had recourse to cutting at the source of supply in America itself by instigating strikes and various forms of sabotage, a game at which their stalking-horse, the Austrian Ambassador, was caught out and sent home. This was an anticipation in an irregular "cut-and-run" form of the future British cut-and-dried blockade "at

source." And it had the disadvantage of all irregular raiding blockades, of being specially offensive to the neutral.

Germany was by then mobilising not only its whole population but their whole productivity and property. The rationing system and the "Rathenau Plan" made further distinction between the military and civil destination of neutral shipments absurd. The British therefore made food contraband. The Germans thereupon proclaimed (February 1915) a war zone in the Narrow Seas in which all enemy shipping would be sunk at sight.

#### GERMAN SUBMARINE BLOCKADE—FIRST FORM

This first submarine campaign was logical and legal. Logical because if the British were entitled and enabled to starve German women and children the Germans had the right to do the same if they could by British. Legal because the right of submarines to sink at sight under international law could be sustained without stretching any more points than had been strained by the British in making rubber and food contraband. But it was none the less a foolish and a futile move. Futile because British shipping had only to disguise itself as neutral. And foolish because it was especially obnoxious to Americans who had to use British shipping both for passage and freight.

/The British did not retaliate in kind and no neutral ship was ever sunk by a British mine or submarine. There was no need for it and they knew a trick worth two of that. They let a test case go before the Court of public opinion. The *Lusitania* steaming at half-speed straight through the submarine cruising ground on the Irish coast was incontinently sunk (May 1915). Over a hundred Americans were drowned. The warnings given them before sailing, from German sources, and the way the matter was handled by the German Government and Press in no way mitigated the intense indignation of American opinion. After much correspondence the Germans were forced to renounce sinking at sight and therewith lose the "sanction" of commerce destruction as a reprisal, so far as the Narrow Seas were concerned. When three months later the *Arabic* was sunk and American lives lost, the German Government had to repudiate the submarine commander. Austria accepted

responsibility for the sinking of the *Ancona* and had to comply with the conditions imposed on Germany. And the attack on the *Sussex*, a Channel packet, brought war with America so near that Germany had to accept and apply an even more stringent regulation of submarine war without getting any relaxation in return of the British blockade. In fact, one effect of the British blockade was so to irritate Germany into so irritating America that the British could continually screw the vice tighter.

#### BRITISH SUPER-BLOCKADE—FIRST FORMS

Says Mr. Churchill (*The World Crisis*, p. 296) :

“The first German U-boat campaign gave us our greatest assistance. . . . It altered the whole position of our controversies with America. A great relief became immediately apparent.”

And Great Britain lost no time in taking advantage of the relief. The Reprisals Order (11th March, 1915) was in fact a blockade as irregular, though less immediately inhumane than that of the Germans. The material provision of it was Section 3 that allowed “deviation” to a British port of all neutral ships from or to all neutral ports carrying goods owned by or destined for the enemy. Such goods were not confiscated unless contraband, but were to be compensated or continued to their consignee as the Prize Court directed. The distinction between absolute and conditional contraband, disappeared, continuous voyage was again taken into account and the burden of proof thrown on the neutral. (O. in C., 29th October, 1915.) American interests were further invaded by making cotton contraband (20th August, 1915), and a German effort to make an incident of this for propaganda purposes was defeated by using for the first seizure a French warship with the conciliating name of *Lafayette*. But in spite of that the strain on American patience was great. Thus Mr. Secretary Lane writes to Col. House (5th May, 1915) as follows :

“You would be interested, I think, in hearing some of the discussion around the Cabinet table. There isn't a man in the Cabinet who has a drop of German blood in his veins, I guess. Two of us were born under the British flag. I have two cousins in the British Army, and Mrs. Lane

has three. The most of us are Scotch in our ancestry, and yet each day that we meet we boil over somewhat, at the foolish manner in which England acts. Can it be that she is trying to take advantage of the war to hamper our trade? . . ." (*The Intimate Papers of Colonel House* : Vol. I. Page 462.)

One consequence of the irregularity of this blockade was that not only was Prize Law ignored but the Prize Court as an institution was superseded. British judges always have held, and continued during the Great War to hold, that the Prize Court administered the principles of Prize Law and that executive Orders in Council or even Acts of Parliament would not avail as against recognized rules of international law. Decisions as to the destiny of detained vessels and goods were accordingly settled out of Court by the Committee of Blockade set up at the Foreign Office.

This proceeding, while it permitted a diplomatic elasticity in the decisions, deprived the whole blockade of the last shred of international sanction. There was in fact a curious *chassée-croisée* in the functions of the Admiralty and the Foreign Office. For while the Admiralty, owing to its efficient intelligence system and the authority of armed force, usurped the functions of the Office in foreign affairs, the latter undertook the supervision of the blockade which had become the dominant feature in our relations with neutrals. We could have no better evidence of the profound effect on international relations of an attempt to impose an economic blockade under modern conditions of commerce.

At first sight the British blockade would seem to be a pretty complete and quite coercive control of commerce between neutrals and the enemy. But the necessity of conciliating American interests was still imposing so much restraint, and the difficulty of proving the real destination under modern trading conditions was so great, that this first British deviation blockade was little more effective than the first German destruction blockade. Under it the American exports to Scandinavia and Holland trebled or quadrupled, whilst the exports from these neutrals to Germany were even more swollen with the addition of their home produce. (Misc., 1916, No. 15.) Huge shipments of foodstuffs were consigned to small tradesmen or even dock labourers in neutral ports. Yet only one in twenty of the ships deviated could even be sent before a prize court. The British

Press clamoured for the proclamation and prosecution of a "real blockade" against Germany. Such formal and old-fashioned blockades were as a matter of fact declared in African waters, in the Ægean and Adriatic; but they would have been utterly useless in the North Sea. The British blockade, though it was not called a blockade, was already far more effective than a formal and legal blockade would have been.

Consequently the conclusion suggested by the relations of the two belligerents with the United States in this first phase of the war is that neither the sea power with cut-and-dried command of the Sea, nor the sea power with a cut-and-run command can make so rigorous a deviation blockade in the first case, or so ruthless a destruction blockade in the second case as effectively to strangle and starve an enemy, so long as there is an armed neutrality with important interests involved whose intervention would win the war. And this conclusion is of importance for the argument hereinafter advanced that the future both of British belligerency and of British neutrality, of British Command of the Seas and of American Freedom of the Seas—of international sea law and of international world-warfare all depend on the establishment or not of an all-in Armed Neutrality.

#### BRITISH SUPER BLOCKADE—LATER FORMS

We now come to the second phase of the sea war—that in which belligerent necessity was the mother of further blockade inventions and in which German "frightfulness" in the case of the *Sussex*, and in conspiracies within the borders of the United States, brought the American people into a phase of benevolent neutrality that permitted further screwing up of the blockade. For, by the autumn of 1916, America had been brought into a benevolent neutrality towards the British blockade that was comparable to that of Portugal at the outbreak of war, and was more than half-way towards belligerency.

As the real difficulty between the British and American governments was that of reconciling the requirements of a war of exhaustion with the rights of private neutrals to trade with the enemy under domestic and international law, the remedy obviously was for the belligerent public authority to substitute contractual arrangements with the private neutral interests for those customary rights which

were no longer in line with the conditions of modern war. These contracts for mutual convenience were not concluded between the belligerent and neutral governments but between the blockading authorities and associations *ad hoc* of neutral traders. The belligerent Government could base such an interference with trade on no principle of international law, while the neutral government could enforce them by no provision of domestic law. The sanction under which they were established and the penalty under which they were enforced was an unrecognized but none the less rigorous blockade. These arrangements belong, in fact, juristically to the same class as the German notices not to embark in the *Lusitania*, or their notifications to firms to stop shipping contraband on pain of strikes or sabotages. If the Americans accepted the one and were highly angered by the other, it is because public opinion is a sounder and a saner source and sanction for international law than historic precedent and juristic principle.

These agreements were therefore not legitimate—they were not born of a holy matrimony between diplomats and jurists, solemnized in an international conference and registered in an international code. Like all living law and Topsy, they “just grewed.” They are none the less—indeed all the more—a most important innovation in international law. For international law is a common law, not a code, and it grows out of the stern tests of war, not out of juristic textbooks.

A good detailed description of the forms and functionings of these agreements can be found in the British official statement (C.D. 8145 Misc. II. 1916). They grew gradually in extent and effectiveness; but at this period began to assume a primary importance. Very varied in character they fall broadly into three groups: (1) Agreements with neutral importers and consignees under deposit of a guarantee that the goods will not be passed on to the enemy. The first of these was made with the Netherlands Overseas Trust, an organization of neutral traders; and others were later made with similar Trusts in Sweden, Norway, Denmark, and Switzerland. (2) Agreements with Shipping Companies not to carry “black” goods nor deliver them to “black-listed” consignees. Such ships then became “white ships” and were free from interference. (3) Arrangements such as the “Skinner Scheme” under which neutral

supporters obtained a " Letter of Assurance " from the Contraband Committee in London, which would relieve Shipping Companies of risk in respect of such goods. Finally (4), a " rationing " of supplies for neutral States on a basis of their normal necessities. This last—which was a governmental action fundamentally, though not formally, as it was not the subject of diplomatic negotiation and acceptance—was the most effective and drastic of the lot. And when we find that the working of this system was supervised by an immense intelligence machine that checked and counter-checked it at every point, so that for a factory to be " black-listed " by the British was even more damaging to it than to be blown up by the Germans, we recognize a new form of blockade.

" Blockade in the form in which it has been sanctioned in the past by international law has ceased to exist." (Sir E. Richards, *Some Problems of the War*," p. 10.)

This new form of blockade at source has taken its place in all future wars of an all-in and all-out character. Sea power and air power will be important in future not as in themselves setting up the blockade, but as supplying the sanction for it.

#### THE NEW NAVAL WARFARE CAUSES AMERICAN MEDIATION

This transformation of a blockade from a cordon of warships to a system of contracts, in which the penalty, namely, deviation or destruction, is only the principal sanction, has greatly reduced the ancient advantage of the superior sea power in being able to assert a cut-and-dried command of the sea. Because, as the sanction for a blockade at source, a cut-and-run command is as good—nay better. Seeing that ruthless destruction of ship, cargo, and crew by a raiding submarine or aeroplane is more a deterrent than deviation to a port and prize court. And this conclusion is of importance to the argument hereafter advanced that we can renounce now without real loss our previous power of enforcing a cut-and-dried blockade at will.

The extraordinary effectiveness under modern conditions of a cut-and-run blockade as a means of pressure had not escaped the Germans. A modern war that is fought by the whole people is lost

by moral discomfitures and discontents quite as much as by material defeats. For achieving moral discomfiture economic blockade is now a far more deadly weapon than it was a century ago when, as Admiral Mahan tells us, it broke Napoleonism. Its defect is that unless carried out with modern weapons, such as submarines and aeroplanes and without moral restrictions, it is so cumbrous and costly that it pretty nearly broke us before, as its advocates assume it broke Kaiserism. In this winter of 1916-1917 Germany was having the best of it in the field but was certainly having a bad time in keeping the home fires burning. Germany was only drawing 10 per cent. of her necessaries from overseas. But the food shortage was already so severe that only the docility and discipline of her people and the break-through into fresh overland supplies from Roumania and Russia saved the situation for another two years of war. And it seems likely that any continental State will similarly succeed in breaking the ring of economic blockade before being reduced by it to surrender. An island State like Great Britain runs greater risks from it. In this emergency Germany informed the United States (October 1916) that unrestricted submarine warfare would have to be renewed unless Great Britain made peace. This was followed up by a German peace "offensive" (December 1916). And it seems likely that the Germans were on this occasion using their "sanction" of cut-and-run command of the sea and commerce destruction, not so much to induce America to enforce the Freedom of the Seas as against the British blockade, but rather to induce America to mediate a negotiated peace. On their side the American government and the bulk of the people were still as anxious to remain at peace themselves as to restore it in Europe. President Wilson accordingly asked the belligerents to state their war aims. The Allies replied, frankly enough, that theirs were the defeat of Germany. The German reply was much less intransigent, but no more instructive.

As mediation was impossible in these conditions, President Wilson tried to mobilize popular movements for peace by a proposal (Senate message, 22nd January, 1917) for a—"Peace League" under American auspices which should make and maintain "a peace without victory," on a basis of free peoples and free seas. He thus opened up what was the first and last opportunity of ending the

war with a real peace. For America was still pacific and impartial ; besides being more powerful than ever as against war-wasted, war-wearied and war-weakened Europe.

#### GERMAN SUBMARINE BLOCKADE AND AMERICA

But unhappily for mankind, the British and Prussian war machines had by then taken charge. The German navalists interpreted the President's movements as the vacillation of a visionary ; and, long before they could have any effect on public opinion, unrestricted submarine warfare was resumed by proclamation (January 1917). American transatlantic traffic was to be restricted to one steamer a week painted all the colours of the rainbow for identification. Seeing the difficulty the British had had to reconcile flag-proud America little by little to their " white ships " and " black lists," we can understand how this German harlequinade was taken as an insult added to injury by the Americans.

#### BRITISH WIRELESS BLOCKADE AND AMERICA

Moreover the British Admiralty had a shot in its locker which it now fired with deadly effect. The British had extended the Intelligence Service of their blockade to the ether—a curious development with which one of the authors of these pages was personally connected. The blockade did not at once cut off Germany from all uncensored and uncoded communication with the outside world by courier or cable. German commercial messages continued to pour over the British controlled and tapped cables for many months and provided useful evidence for the Prize Courts. But political and military instructions and information had to be sent by wireless and Britannia ruled the wireless waves. Their interception proved of the utmost importance when Germany proceeded to use the upper air much as she used the under waters for ruthless warfare.

Conspiracies of every sort in Asia, Africa, and America were concocted and conducted by wireless correspondence. This was, of course, concealed in the most scientific cyphers which concealed again the most scientific codes. Despising the intelligence of an

enemy known to be normally uninterested in such intellectual exercises, the Germans filled the ether with their most secret schemes. But to be inexperienced is not necessarily to be inexpert, and the interception and interruption of this correspondence was an opportunity for that intelligent improvisation that is a peculiar faculty of the British.

The German wireless messages to the official and unofficial agents abroad were soon being read in Whitehall more quickly and correctly than in the Wilhelmstrasse. More than once the scratch staff of British amateurs followed with amusement the wireless wranglings of the German cypher experts trying to disentangle the knots in which some urgent message had got tied by their complicated devices—knots which the English had at once cut by the technical methods and machines they had invented *à l'improviste*.

To these enjoyments the wireless blockaders added harrowing excitements. For example, a German wireless correspondence with the Secret Head of a great organization for raising a national revolt in Persia was unravelled daily until the outbreak was clearly imminent, when it disappeared behind an impenetrable cypher. Frantically the Whitehall eavesdropper worked day and night to reopen the keyhole. At last a happy guess based on a knowledge of German psychology and Persian geography disclosed the fresh cypher and the final plans. It was a matter of hours, but the counter mine was prepared and sprung in time. The chief conspirator, a well-known military attaché, shot himself, and Persia remained, "for the duration," an Anglo-Russian dependency.

The same hard fate from the same hidden foe befell the Irish rebellion. It was the ether blockade not the water blockade that intercepted Casement's submarine and the *Aude's* cargo of arms. And so, too, with the Moroccan risings and the Indian conspiracies. While much that is obscure in the relations of the British government to the last phase of Tsarism would become obvious if the wireless blockade files of the German intrigues with the Tsarist ministers were published.

This ether blockade had moreover its picturesque personal adventures. A diplomat fretting in a sinecure at Lisbon and repeatedly refused leave for active service, left incontinently in disgust at the secret treaties. Applying for a naval commission he was appointed by



SAILING SHIP TORPEDOED BY SUBMARINE  
*(Imperial War Museum photo. Copyright reserved.)*



the Admiralty one of the original organizers of this wireless blockade. His previous chiefs demanded his dismissal, for the tin gods are jealous gods. But England was by then indeed the "seat of Mars," and in 1915, what Mars wanted "went" in Olympus. So within a few weeks he was daily delivering to his former chief the secret correspondence of his former German colleagues. The sailors had certainly wiped the eye of the secretaries at their own job. For instead of helplessly reporting the conspiracies to take Portugal out of the war after they had come off, he now revealed them as they came on. As the skill and scope of the wireless blockades increased, this scientific war of wits became as apparently miraculous in its feats, as it was certainly momentous in its results. For example, a series of numerals, daily extracted from the ether of Macedonia without further indication of their source or system, were disclosed as the instructions of the Bulgar General Staff, in Bulgar words, coded into casual number groups, these latter transformed by a cypher, which changed daily. And the expert who solved the series of riddles had absolutely no adventitious assistance—no "Rosetta stone" or clue of any sort. In fact only one form of cypher-code proved insoluble, and what that was the writer has no intention of divulging. Every Foreign Office will be confident it is theirs, probably to their own eventual confusion.

But enough—perhaps too much—has been said on this subject in order to show in the first place that the British are capable of developing their blockade under stress of war into forms more scientific and *zweckmässig* than a cordon of warships to catch cargo steamers; and to prove, in the second place, that secret diplomacy will never be sound diplomacy. If it must be kept secret it is sure not to be sound; and it is all the more unsound that it can't be kept secret. Which brings us back to the American situation, and one of the most conspicuous cases that prove this last maxim. For in the files of the wireless blockade was an intercepted official invitation from the German Foreign Office to Mexico to ally herself with Germany and "reconquer the lost territories of New Mexico, Texas, and Arizona." This was made known to the American public in the crisis of the resumption of unrestricted submarine warfare.

The simultaneous and sinister stroke at the two pillars of American national policy—Freedom of the Seas and the Monroe doctrine—was decisive. America came into the war against Germany. And we have made this revelation not only because it is essential to our whole argument, but because we think that the credit of this great service to civilization should be ascribed now—where it belongs—to the Admiralty Intelligence Service and its amateur assistants. We pay this tribute to the efficiency of the Admiralty in this region of foreign relations all the more readily that we shall now have to say hard things of their inertia in their own special responsibility for the conduct of naval operations.

#### AMERICA ENTERS THE WAR

America's entry into the world-war found the fortunes of the Western allies at their lowest ebb. On the Western land front the opposing armies had reached a deadlock of immobile trench warfare. The attempted allied break-through at the Dardanelles, in order to open up the Black Sea, had failed. The subsequent attempt at a flank attack from Salonica was futile. A Russian Fleet based on the Crimea controlled the Black Sea unchallenged, for the German battle-cruiser *Goeben* was too valuable to risk, and the small Turkish navy was mostly obsolete. But the whole of this vital sea area was denied to the Allies by Turkey's closing of the Straits. Munitions could not be imported into Russia through the southern ice-free ports; nor could the urgently required Russian food and fuel supplies be exported.

But though deadlock appeared to have been reached on the Western land front and Eastern sea front, the position on the Eastern land front and Western sea front was far different. The Central Powers were breaking through the blockade on the East, over-running Russia and Roumania, and penetrating Central Asia. Their warships were breaking through the watch and ward in the North Sea and raiding British coast towns. Yet these alarms and excursions, though embarrassing, were unimportant in comparison with the cut-and-run command of the narrow seas obtained by German submarines in the return to unrestricted commerce destruction.

## THE SUCCESS OF THE SUBMARINE BLOCKADE

Owing to the assumed necessity for concealing the truth from the general public the full extent of the danger from the German submarines has never been fully realized. For, during the war, the public mind was fed only with poppy-cock and propaganda: while to-day the ordinary man in the street, and his wife, are so dismayed by the horrors of the war, so disillusioned as to its aims and so disappointed in its results, that they desire to hear no more of it. And as, to-morrow, we shall have a generation grown up that was in the nursery when the great struggle raged, that only remembers it as an interesting change in nursery diet, and that is already looking back on its romantic or spectacular side rather than on its filthiness and its failures, it would be as well to remind our fellow countrymen of the dire peril to which they were brought by relying on their own independent command of the sea under the new conditions of modern naval warfare.

This is especially necessary at the present time when the post-war reaction to an ancient but antiquated "divine right" to "Command of the Seas" is causing the British governing class to revert to the national naval policy pursued during the previous three hundred years. These blue-blood and blue-water Bourbons, who have learnt nothing and forgotten nothing, assume that during the Great War the British Navy was strong enough to exercise sufficient Command of the Seas to enforce the British blockade and ensure British security and supplies. Whereas in real fact our security was impaired and our supplies imperilled by German cut-and-run raids and commerce destruction.

## THE SUBMARINE SURPRISE

Though the submarine had long been invented and successfully used, its real potentialities were unknown at the outbreak of war to any naval staff in the world. The use of the submarine against merchant shipping on a great scale had never been contemplated. The earlier German efforts were in the nature of experiments. Undeterred by the risks to non-combatant and neutral persons and

property, and undisturbed by any scruples as to experimenting on the merchant shipping of enemies and friends alike, the German Naval Staff eventually found in its hand a weapon of greater potency than all the Big Battalions and Big Berthas and other devilments of modern war. If the German Naval Staff had realized the offensive potentialities of their new weapon instead of relying on the defensive power of an outnumbered surface "Fleet in Being," and if the German High Command and Foreign Office had allowed the Naval Staff to concentrate from the beginning on the development of unrestricted submarine commerce destruction, supplying the necessary support and materials, Germany would have won the war either before it had provoked the United States to the point of entering it, or before the United States could bring their latent strength to bear.

But the submarine was a new-fangled notion, as unpopular with the Sea Lords in Germany as in Great Britain. Only a few unheeded prophets, usually from amongst the younger naval officers, who argued from close day-to-day experience with this new weapon and were aided by the priceless asset of imagination, could challenge the service routine and the respect due to seniors and foresee what could be made of this weapon.

The first revelation was the distance at which the original submarines built before the war could operate. Fortunately for us the Germans did not know this any more than the British did. Otherwise British naval superiority might well have been wiped out by one swoop on one of the many occasions during the opening weeks of the war when the whole Grand Fleet stopped engines at sea in clear daylight to receive and despatch private mail. The Grand Fleet, on which the whole success of the Allied Cause depended, might again and again have met the same fate, owing to the same failure in precaution, as did the flying squadron of armoured cruisers *Cressy*, *Hope* and *Aboukir*.

As soon as this disquieting development was realized the channels of the inland sea of Scapa Flow in the Orkneys, where was the northern base of the Grand Fleet, were hurriedly blocked with the sunken hulls of valuable and afterwards invaluable merchant ships—the first indirect victims of the German submarines and of the British horse-marines. Thereafter the Grand Fleet only emerged on carefully policed and patrolled promenades that gave them

a more spectacular but less spirited command of the North Sea than that of the German cruisers and submarines.

Few had realized the possibilities of the submarine as a mine-layer until ships began to be sunk on the mine-fields laid by submarines. The tactical possibilities open to submarines mounting a gun for surface operations had not been dreamt of, until German U-boats had shot merchant ships and, in one case, an armed sloop-of-war, to pieces, and until a British submarine with a 6-inch gun on an improvised mounting, had bombarded Turkish railway bridges from the Sea of Marmora.

The final revelation was the immense distances of open ocean over which a specially constructed submarine commerce destroyer or blockade runner could operate. For example, the Germans sent five submarines to American waters, which sank a minelayer, damaged a battleship and destroyed fifty merchant vessels there. What may submarines not do in this way of blowing up stereotyped strategic ideas in unexpected regions during another naval war?

#### THE SUBMARINE TAKES THE OFFENSIVE

Great Britain and the Allies were thus early forced on to the defensive by the German submarine campaign and, what was worse, they were always a move behind. The initiative during the first two and a half years of the war was with the U-boats. Their whole campaign, indeed, was a surprise. And, if it was a surprise because it was never expected that the law of nations at sea would be broken in such a ruthless manner, there was some excuse for this lack of foresight. For, since sailing-ships replaced slave-galleys, a common feeling among sailors had created a common law for sea war with certain rough rules of humane conduct, respected by the seamen of all nations, men-of-war-men and privateers alike. During all the wars of the seventeenth and eighteenth centuries attacks on commerce had been conducted under certain well-recognized restrictions—the principal of which was that the normal method of taking prize was to search and, if necessary, seize vessels; then send them with prize crew or escort into a home port to be regularly tried before a Prize Court. If in exceptional circumstances a captured merchant vessel had to be destroyed, her crew, and especially her passengers,

both recognized normally as non-combatants, had first to be removed to a place of safety. But owing to technical difficulties this proved to be impossible for a submarine, which can neither provide men for a prize crew nor room for captives. It was therefore too readily assumed by the Allies that submarines could not be used for commerce destruction. But the mistake being due to over-reliance on others' respect for the regulations is not discreditable, and it is easy to be wise after the event.

As for the neutrals, they could not have anticipated that no less than seventeen hundred neutral merchant vessels would be sunk during the course of the campaign by submarines and more than two thousand of their sailors drowned or killed by explosions. For in the history of naval war up to the twentieth century not a single instance occurred of a neutral ship being destroyed on the High Seas. There is no record of the destruction of a neutral ship at sea during the Crimean War, the American Civil War, the Franco-Prussian War, the Spanish-American War, or any of the minor wars of the last century. We have mentioned the first occasion of such an offence as occurring in the Russo-Japanese War. The German prize code itself contained stringent regulations against the destruction even of enemy prizes before condemnation by a Prize Court, except on the ground of dire military necessity. Nor was Germany originally contemplating any such campaign of destruction against neutral commerce. As evidence of this we may note that at the beginning of the war Germany had only twenty-eight submarines, of which ten were modern and might be considered suitable for long sea voyages.

#### THE SUBMARINE AND NEUTRALS

The sufferings of the neutrals were indeed severe. Spain was, on the whole, friendly to Germany; but by June 1917 one-seventh of the entire Spanish Mercantile Marine had been destroyed by German submarines. By August 1918 one-fifth of the Spanish Marine had been destroyed and more than one hundred Spanish sailors killed. In answer to repeated Spanish protests, the German Government offered safe conducts to selected Spanish ships; on the condition that they were not engaged in any trade that might help the

Allied cause. Whereupon the French Minister of Marine at once issued an order that any Spanish ship sailing under such a permit would be deemed as being in the service of Germany and liable to capture.

Little Denmark never threatened Germany, nor was capable of threatening her ; and until the new methods of blockade were imposed on neutrals and the Danish imports were rationed under the modern interpretation of the doctrine of continuous voyage, the Danish ports were of immense value to Germany for the supply of many vital commodities. Yet by March 1918 the German submarines had sunk 216 Danish ships and killed 234 Danish sailors ; and many Danish ships were torpedoed while voyaging from Denmark to the Danish dependency, Iceland, and therefore outside the war zone.

Norway suffered most from this new cut-and-run control of the seas. At the outbreak of hostilities the Norwegian Mercantile Marine ranked third of any country of Europe, and fourth in the world. One-fifth of the population of this little country was dependent upon the shipping industry. By the end of the war Norway had lost 929 ships of a total tonnage of 1,240,000 and more than 1000 Norwegian sailors had been killed.

Two cases of what the new cut-and-run command of the sea may mean to neutrals will be cited. On 23rd June, 1918, a German submarine sunk in mid-ocean the Norwegian steamer *Augvoldon*. Sixteen of her crew were never seen again. The remainder were picked up after drifting about at sea in small lifeboats for eleven days, by which time they had been reduced to eating seaweed and their only drink was the rain-water they caught in their caps. In August 1918 a submarine destroyed the Norwegian barque *Eglinton* by gunfire without warning. The lifeboats in which the crew endeavoured to escape were fired on and only one man survived. Ten years after the war the Germans agreed to pay 6,600,000 gold marks (£330,000) as compensation for the loss of life and earning power of these 1000 Norwegian seamen—£350 per man !

Now let us take the case of Sweden. Not only were the Swedes not hostile to the German cause, but an immense trade was carried on between Sweden and Germany throughout the war, especially

in foodstuffs and iron ore. For the British war vessels were unable to exercise effective control in the Baltic. But by September 1917 120 Swedish ships had been sunk and 8 others captured or confiscated, a total of 12 per cent. of the entire Swedish Mercantile Marine. It would be as well if those who speak of neutrals profiteering by their trade during the late war remembered these facts.

The total losses of neutral merchant vessels by German submarines or mines are as follows (Garner, *International Law and the World War*, Vol. II, p. 278):

Norway . . . . .	929	Denmark . . . . .	172
Sweden . . . . .	124	Holland . . . . .	328
Spain . . . . .	83	United States . . . . .	20
Greece . . . . .	60		
		Total	1716

#### THE SUBMARINE BLOCKADE—ITS RESULTS

Even so it must be remembered that the full effect of German control of the sea by "cut-and-run" tactics was not only impeded and postponed again and again by political difficulties, but was prejudiced right through the campaign by serious geographical disabilities. All Germany's overseas bases had been reduced or masked at the very beginning of the war. And the British Islands, lying like a great breakwater across the North Sea, commanded the only exits of Germany to the ocean. This geographical situation when fully exploited by mine-fields, as will be described later, placed Germany at a fatal disadvantage in a campaign of commerce destruction.

In any future war neither Britain nor her ally of the late war, America, can count on similar advantages as against any eventual enemy. The menace of cruisers either relying upon their disguises, upon their speed, or upon their scouting aeroplanes, plus the menace of ocean-going submarines with immense powers of endurance operating from overseas bases, plus the menace of aeroplanes and flying-boats with an ever-increasing range of action, will combine to make a massacre of merchant shipping, belligerent or neutral, far surpassing anything experienced in the years 1914-1918. Provided, of

course, the military advantages of disregarding the old rules of blockade are held to outweigh the political disadvantages.

The Germans also saw good reasons for respecting, at first, the regulations of sea law. For six months of 1915 they had held their hands for political reasons as already related, and it was not until October of the same year that Germany resumed active operations. The sinking of Allied and neutral ships promptly rose to 276,000 tons a month. As more submarines were placed in commission the figure of Allied and neutral losses of merchant tonnage increased steadily from 181 ships sunk in the month of January 1917, representing a total tonnage of 298,000—to 259 vessels in February with a tonnage of 468,000, then to 325 ships in March with a tonnage of 500,000, and so to the record sinkings of April of 423 Allied and neutral merchant ships of a total tonnage of 849,000. And with that the Allied fortunes of war reached the low-water mark of their lowest ebb.

By that time only six million tons of shipping was available for the whole of the trade and supplies of the United Kingdom. The remainder of Britain's merchant fleet of ships, the greatest in the world, had been commandeered as auxiliary cruisers, or were employed as transports and on miscellaneous naval and military service, or had been sunk and damaged, or were carrying on essential trades in distant waters. The German Staff had reckoned that if British and neutral shipping could be sunk at the rate of 600,000 tons a month Germany would win the war. Nor was this an illusion, like so many of the calculations of these all too logical war-lords.

Owing to the reduction of the available merchant shipping, Allied and neutral, the Germans—using at any one time only 30 submarines out of a total number of U-boats in active commission of only 140, when at their highest (October 1917)—more nearly reduced the Allies by sea than ever they did by land. Had any of their land offensives occupied Paris the war would have gone on. Could it have gone on if their sea offensive had invested London? And these facts, though they may not be known to the general public, have not escaped the notice of naval experts all over the world.

From first to last German submarines sank 11,153,506 tons of Allied merchant shipping and nearly paralysed the whole Allied

war effort. They cost Great Britain 40 per cent. of her mercantile marine. The entry of America into the war that removed all diplomatic restrictions from the British cut-and-dried blockade removed all humanitarian restraint from the German cut-and-run blockade. Nor was this submarine commerce destruction mere blind brutality. Once the neutrals were rationed, once the new methods of sea control by bunkering restrictions, black lists, permits, etc., had been put into force, every ton of merchant shipping sunk was a German bullet that found its billet. Though more recklessly inhuman the German blockade was no more ruthlessly inhumane than the British.

“The important thing,” says General Ludendorff, “was to sink as much shipping as possible” (*War Memories*, p. 223). For every ship sunk, enemy or neutral, was a direct loss to the Allied cause and weakened the advantage of the cut-and-dried command of the sea. No matter that the crews of German submarines perished inevitably after a few voyages—187 were lost altogether—and that the civilian crews of their victims perished even more inhumanly—many thousands in all. No attempt could be made to ensure the safety of passengers and peaceful merchant seamen; nor was it attempted. Ships were sunk hundreds of miles from land in heavy weather and their passengers and crews, women, children, aged, sick, wounded, nurses, clergy, and other non-combatants, were left to take their chance in open boats.

It may be said that these deeds can never be repeated. But the history of war shows that no new weapon that has proved its success can be permanently prohibited. Poison gas, the bombardment of unfortified towns, the dropping of bombs from the air on non-combatants, have all been prohibited from time to time by international law. Not only were poison gas and aeroplane bombs used in the late war, but every Great Power to-day—with the exception of Germany, which is still in a penalised position—is preparing to use them again if required.

That flower of chivalry, Bayard, in his day, gave a lead to the civilized conscience of his world by declaring firearms to be barbarous weapons. The man who used gunpowder was to Bayard a criminal and beyond the pale. He allowed no quarter to be given to captured musketeers, though most chivalrous in his treatment

of the armoured knights and bowmen who fell into his hands. But in a later age we find Shakespeare laughing at these scruples in his gallant who vowed—

“That it was great pity, so it was,  
This villanous saltpetre should be digged  
From out the bowels of the innocent earth,  
Which many a good tall fellow had destroyed  
So cowardly;—and but for these vile guns  
He would himself have been a soldier.”

*Henry IV, Act i. sc. 3.*

War is war, and from age to age it gets worse and worse in its weapons. What should we have thought of an American for example if he had said that but for these vile aeroplanes or submarines he would himself have been a soldier? Fortunately the Americans took a different view of their responsibilities to the human race. The inhumanity of submarine warfare brought them into the war—so that such crimes might the sooner cease.

#### AMERICA AS AN ALLY—WHY IT BEGAN

Every unbiased observer of the history of America's intervention will agree that America did not enter the war until its international ideals were involved as deeply as its national interests. For by March 1917 thirteen American ships had been attacked by German submarines, of which twelve had been destroyed. Merchant ships sunk by mines brought the United States losses up to twenty before the date of intervention.

If we compare this with Great Britain's experience during the Russo-Japanese war, already reviewed in Chapter I, we must conclude that the British, if they had been suffering as neutrals to the extent the Americans were, would not so long have tolerated such interference with their trade and traditions. Nor will the Americans when they have an independent command of the sea be so patient either of a British cut-and-dried blockade or of the “cut-and-run” blockade of a secondary naval power.

President Wilson was able adequately to voice the view of the average American that he was going to war to make peace, and that the American army was to “police” Europe—first by beating the

Central Powers and then by restoring the social order and the organization of civilization in Europe. For this high purpose Americans gave their men, their minds and their money generously to the war. And if the vile infection of war afterwards vitiated their idealist view and obscured their international vision by the usual vulgarities and vices of nationalism in war fever, this disease never affected the moral instinct of the people as a whole as drastically and deeply as it did the British—a people that had seen three more years of war and suffered thirty times greater losses.

By 1918, the American reinforcements were being safely transported in thousands across the Atlantic by British sea-power through the submarine blockade. French ports and railways to the front were being converted into American, and became a land extension of the Anglo-American sea lines of communication.

America had to entrust her sons by the hundred thousand to British transports protected by British warships against the insidious peril of the submarine. America had to entrust her warships to the strategic dispositions and the tactical disposal of British admirals.

The British, on their side, had to make material sacrifices to secure these American reinforcements. During the year August 1916–August 1917 the British had lost over three million tons of merchant shipping, and had to provide a similar amount for the sole use of their allies, thus leaving only 38 per cent. of their remaining tonnage for their own use. In order to ship and supply the half-million American troops transported to France, a million tons of imports into England had to be renounced. This meant that in 1918 the imports of cereals were reduced by a third. Food Control was the contribution of the British public to the American campaign in France. But the British tightened their belts without a murmur. The Americans put themselves under the orders of the British without a moment's hesitation. So close was the confidence and co-operation between these two peoples in pursuit of their high purpose.

That high purpose—the establishment of peace—is not yet achieved. Cannot the confidence and co-operation be in some measure restored?

## AMERICA AS AN ALLY—WHAT IT MEANT

There is a tendency to-day to measure America's contribution to the Allied cause by the military contribution to the Land front and the financial assistance to the Allies. This is erroneous. While not belittling in any way the effect of the American barrage of dollars and dough-boys it must be remembered that they did no more than close up gaps in the Allied Fronts, counterbalance the defection of Russia and compensate the diminution of British resources. The land fronts might have been held, with some serious withdrawals, even without the American reinforcements. But the sea front could not have been held indefinitely in the unequal war of surface shipping against submarines. If the submarine campaign had not been counteracted the Allies could not have forced a decision on land before the German blockade had, possibly decisively, reduced the British power of resistance.

As it was, instead of Germany blockading Great Britain into defeat, the reinforcement of American sea power and the removal of American restrictions on the blockade enabled Great Britain to blockade Germany effectively for more than a year before American troops took their place on the land front. America threw herself into the gaps she had kept open in the blockade and closed them with an embargo and other belligerent measures. The world war was won by American sea power associating itself with British sea power. Peace for the world can be won in the same way.

## AMERICA AS AN ALLY—HOW IT WORKED

This association, close as it was, never became an "entangling alliance." Indeed, it was almost too informal and unformulated. Though it had been in prospect for some months no preliminary preparation for it was made. One of the present writers found that he had a part to play in such preparation.

Mr. Lloyd George showed certain valuable qualities during the war. Not the least of these was his distrust of the expert advice of Admirals, Generals and other highly placed professional war-makers. The hold that Mr. Lloyd George still has on the hearts of his

countrymen is due to their instinctive appreciation that the war might not have been won if the initiative of amateurs like him had not overcome the inertia of the military and naval authorities. The "Frocks", so bitterly abused by professional soldiers of the type of Field-Marshal Sir Henry Wilson, were the leaders of the New armies. And allied with these New army and navy men were the younger professional soldiers and sailors.

Mr. Lloyd George took every opportunity of picking up "pointers" from any of these amateurs or their professional allies. Addressing himself to one of the younger British naval officers, whose suggestions and ideas for a more vigorous counter-offensive against the German submarines, fleet, and naval bases had rendered him thoroughly unpopular with the Board of Admiralty, he asked for some acid test that could be applied to the supposedly voluminous and carefully prepared plans for every possible contingency that he was told existed in the pigeon-holes of the British Admiralty. And this was not from any doubts of his own. For all the British professionals at the War Office seemed to be afraid that at the rate we were going the Admirals would lose the war before the Generals could.

The amateur "Admiral" in reply suggested that the Prime Minister should as a test case call for the plans for the co-operation of the American Navy in the long-expected event of American intervention on the side of the Allies.

None existed.

Nor did the Board of Admiralty and the so-called War Staff, immersed in the day-to-day routine of the war, prepare any such plan until Mr. Lloyd George's probe had proved their non-existence. But thereafter, American intervention being imminent, a special division of the war staff was formed. A small group of the more rebellious of the sea-going critics were ensconced by day in bedrooms of the Admiralty that were being used at night by the Sea Lords for much-needed repose. This section was first named the "Offensive Division of Operations"; and with America's entry into the war Admiral Sims' staff made contact with this new division. One of the junior colleagues of the chief American naval liaison officer was asked by the Washington Navy Department why it was called the "Offensive Division." He said the reason undoubtedly was

that it was so offensive to the senior Admirals. When the latter had become reconciled, the Department came to be called the Plans Division, because its job was to make plans for the future, and also because it was hoped the German General Staff, when they heard of it in due course, would confuse it with the harmless hydrogeographical or chart-making section.

The Plans Division differed from every other Department of the Admiralty in that it had no concern with immediate events. Its function was to think at least a month ahead and, if possible, six months or more ahead. And students of war will recognize in this little division the first beginnings of a real Naval General Staff on modern lines.

The coming of the first few American officers to London instilled a new vitality into the naval campaign. Fresh minds, with new ideas and with a different outlook, were of far greater value than the reinforcing American battleships which, owing to new weapons and ways of naval warfare, never fired a gun in action. The American Navy had watched the war from a revealing perspective and, as onlookers, had seen more of the game than those scuffling in the scrum. They showed great tact—but lost no time—in pointing out the proper moves. Furthermore, the brains of the American naval experts in the planning of a campaign were not measured by the gold lace round their caps. And it was far easier to suppress a valuable new idea voiced by a British Admiral than by an American Lieutenant.

An example may be useful. One of the most successful weapons used against the submarine was the depth charge. This is another form of the water-bomb, now at the disposal of the conquering aeroplane. Released from a swiftly moving surface vessel over the supposed position of a submerged U-boat it exploded at a certain depth; and if it did not shake the submarine to pieces, certainly shattered the nerves of her crew. Consequently a destroyer convoying merchant ships in the Western Channel, where the bulk of the sinkings took place, was really doing more vital work than a whole division of soldiers in Europe. But these swift little craft at first only carried four depth charges. They would escort important merchant ships three days out and then rendezvous with eastern-bound vessels from the United States and bring them in. If on the

first or second of every six days at sea a submarine showed herself, the commander would hesitate to drop all his four depth charges and thus render himself comparatively helpless for the remainder of the expedition.

The destroyer captains themselves suggested that the after torpedo-tubes should be removed and thirty or more depth charges carried instead, just as the mine-laying destroyers carried their mines. The Board of Admiralty, obsessed with the fixed idea of another battle-fleet action, and with the illusion that the destroyers in the Western Channel could be made available for a sea battle in the North Sea ; and oblivious to the fact that only twenty-four hours would be required to replace the extra depth charges with the original torpedo-tubes, officially rejected the plan. This setback was made known to the first Americans to arrive in London. They immediately cabled Washington and an instant decision was taken to provide all the American destroyers preparing to reinforce the British destroyers in the Western Channel with extra depth charges as proposed. And they were thoughtful enough to telegraph this decision back to the Admiralty. The official decision of the British Board was reversed.

The first contribution of this collaboration between British and Americans was the despatch of their destroyers to assist in convoying ships in the Western approaches to the Channel. First based on Queenstown they came under the orders of the late Admiral Sir Lewis Bayly. Gradually increasing in numbers the American flotillas, working from Queenstown and Plymouth, fitted into their places in the naval British dispositions as if they had been part of the Royal Navy. At Gibraltar there were twice as many American men-of-war controlling the Western Mediterranean and its Atlantic approaches as British.

At Gibraltar, at Queenstown and with the Grand Fleet, where an American battleship division formed an insurance against any possible risk in any future fleet action against the German High Sea Fleet, the Americans everywhere were under British command. Though the third Navy in the world and the second in the Allied cause, the American fleet assumed, voluntarily, a subordinate position, and acted under British orders with an absence of friction, jealousy, or any other kind of ill-feeling. What this means



THE END  
(See previous illustration)  
(Imperial War Museum photo. Copyright reserved.)



in war time can only be realized by those who suffered from less unselfish comrades, as who did not ; and the self-abnegation of the Americans will never be forgotten by all those who served with them.

Throughout the remainder of the war the American and British seamen revived the spirit of the sea-captains whom Nelson called his Band of Brothers. Every American naval secret, all the American resources, mental and material, were placed unreservedly at the disposal of the British Admiralty. We on our part disclosed our most cherished technical inventions to the Americans. The confidence between the two navies was only equalled by their co-operation.

Further advantages to the sea campaign from America's intervention were scarcely less important. The United States harbours became available, not only for Allied warships, but for the assembly of the convoys. The American engineers produced, with great rapidity, immense quantities of efficient mines.

In the great mine-field laid out between the Orkneys and the Norwegian coast, the American navy, showing a proper sailorly superiority to the out-of-date regulations of war of which it had lately been the defence, itself laid fifty-seven thousand moored mines. The British contribution was only thirteen thousand mines. And though this great mine-field, stretching across the North Sea, was scarcely completed before the Armistice, yet the preliminary sowings had a double effect. They undoubtedly made it more difficult for either submarines, swift destroyers and light cruisers, or disguised, heavily-armed raiders to escape from the German harbours into the Atlantic. And by rigidly restricting neutral merchant shipping to certain well-defined and narrow channels they made the control of the sea-routes to Germany absolute.

From that time forward, no neutral merchant ship, even if she escaped bunker control, black lists, export restrictions and search in harbours could, without an Allied permit, hope to reach a port in a rationed neutral country. Which final denial of all neutral rights at sea was another contribution of America. And if America could thus throw overboard her whole traditional policy of Freedom of the Sea and her favourite formulæ of sea law in order to prosecute peace by a belligerent alliance with Great Britain, is it too much to

hope that America may now be willing to prosecute peace, in pursuit of her traditional policy, by an armed neutrality with Great Britain ?

Allies in wartime usually quarrel during the campaign. The quarrels of these two allied peoples in arms only commenced long after it was over. Cannot these differences now be dispelled as a first step towards the peace both peoples desire ? For if Anglo-American association was a decisive factor in the war, in peace it would be an even more determining factor.

#### AMERICA AS AN ALLY—HOW IT WAS WASTED

On the immediate political and military results it is unnecessary to dilate in this book. But it is impossible to overestimate the effects of this complete control of all the seas of the world, outside the Baltic and the Black Sea, exercised by the British and American Navies in combination.

The entry of America into the war could have restored the offensive at sea ; for, with a few notable exceptions, the British, French, and Italian Navies had been early thrown on the defensive. At the commencement, owing to a false conception of modern navy strategy, they had voluntarily adopted this rôle and maintained it till the end. The two exceptions were the daring raid on the German submarine bases at Zeebrugge and Ostend, and the determined offensive to force the Dardanelles by combined military and naval action. The late Admiral-of-the-Fleet Lord Fisher, when called to the Admiralty, had indeed set to work single-handed, as was his way, to plan a British naval offensive into the Baltic, which was to concentrate against points on the coast of Pomerania in combination with Russian troops. Unfortunately the Dardanelles campaign used up both the military resources and the naval reserves destined for this service in the Baltic. And when, consequently, Lord Fisher resigned, he took with him in his head his Baltic plans. His avenue of attack on Germany was never even explored.

The allied action against the submarines was purely and passively defensive. It relied on makeshifts and sheer mass. The German submarine service absorbed some ten thousand men and some thirty submarines at sea at a time ; against which, by the end of the war, nearly four thousand surface vessels, great and small, from

convoy cruisers to mine-sweepers and including old and new torpedo-boat destroyers, armed trawlers, yachts, motor-launches, fishing drifters, disguised and armed merchant vessels, known as "Q" ships, and the like—employing perhaps one million men, were engaged in passive defence. There were in addition the immobile defences—mine-fields, nets, shore batteries of cannon, booms on the rivers with electric apparatus—all of which required constant surface supervision.

The convoys of merchant ships, escorted by armed vessels, the merchant vessels themselves defensively armed, the mine-layers, even the British submarines lying in wait submerged for a chance to fire a torpedo at an unsuspecting U-boat recharging her accumulators on the surface—all were forced into hated inactivity waiting for the blow to fall in order to deliver the counter-stroke.

The Germans lost in all 187 submarines in action or by accident. Those lost in action were accounted for as follows: by mines and nets, 42; by depth charges, 35; by gunfire, 24; by submarines, 20; by ramming 18; by air attacks, 7. From which it is evident that, even in the last war, the fleets and flotillas of surface shipping aided by systematic air scouting accounted for little more than did the submarines and mines. And when the tonnage and cost of the surface defence is compared with that of the mine, submarine, and aeroplane defence, its comparative ineffectiveness becomes glaringly apparent.

Mine and net defence was considerably developed in the later phases of the war. For its passivity appealed to authorities who had by then lost most of their initiative and had never had much imagination. But its offensive defensive possibilities were never properly explored.

With great skill and gallantry, under cover of darkness or in fog, hundreds of mines were laid in the Heligoland Bight itself in an attempt to prevent the Germans from putting to sea at all. But the suggested strategy of holding the mine-fields with surface ships in superior force and preventing the German mine-sweeper from clearing the way for the exit of the U-boat was never followed up.

The great barrage across the Straits of Dover, lighted at night, and strongly patrolled was at the end effective. But even this was a passive defence. If one complete mine-field had

been laid across the Heligoland Bight and another across the entrance to the Baltic, and both had been held by our superior force, surface and submarine, conditions of fighting similar to those of trench warfare on land would have resulted. There would have been heavy losses; but the German surface warships would have been brought to action and the German submarine campaign brought to nought.

Nor were even the possibilities of novel surface craft fully explored. For example, small coastal motor-boats, their propellers driven by aeroplane engines, giving them a speed of forty miles an hour as they half rose out of the water, and able to launch and run torpedoes, were designed, built, and successfully experimented with. Their special purpose was to run over the sandbanks at the entrance to the Jade River at high water and attack and destroy the "Ready" squadron of the German Fleet lying there at its moorings. But they were never allowed to be used; so, after some months, the Germans, getting wind of them, prevented the exploit for ever by driving stakes and sinking concrete blocks across the shallow water channels they had trustingly left open.

Erskine Childers, executed as a rebel by the Irish Free State Government, was the heart and soul of this projected enterprise. He would have led it, for he had, before the war, sailed his cutter through the "Sands" and channels among the Frisian Isles, during the war had scouted them from aeroplanes, and had the answers to their riddles. Had he been allowed to strike this blow for the "Freedom of the Lesser Nations," including his beloved Ireland, his name would be on the roll of our national naval heroes. One of the present writers, knowing of these facts and of Childers' other services to a common Empire, had the honour of raising a solitary voice in the British Parliament in praise of a brave gentleman and in vain entreaty to his Government to claim his life from the firing squad.

Yet another novel idea for an offensive failed to penetrate the defences of authority. With the stimulus of Admiral Fisher's short régime at the Admiralty great steel and concrete towers were ordered. Floating and capable of being towed, they could, by the flooding of tanks, be sunk on sandbanks, leaving exposed a heavily armoured turret, with a powerful gun, and searchlights. The

intention was to place these fixed forts at convenient spots in the Heligoland Bight, there to harass and annoy any ship leaving or entering the German naval ports. With their outlying pickets of submarines and supporting mine-fields, they could only have been reduced by a regular expedition ; which in turn would have brought on a destroyer, cruiser, and finally, a battleship action. But so inert became the strategy of the passive defence that their final destination was to reinforce, with electrical apparatus in their interior, the barrage across the English Channel in order to prevent destroyer raids from Zeebrugge or German submarines making the passage through the Straits of Dover. Fortunately the Armistice came in time to prevent an occupation of the Narrow Seas by these land fortresses that might have set up so many Maltas and Gibaltars in the Narrow Seas between England and France.

Again, if use had been made of aircraft to bomb the shipyards where the German submarines were being built, the war would have been taken into the enemy's camp. Raids with landing parties on the hostile coasts, the disembarkation places defended by simultaneously laid parallel mine-fields, would have kept all Germany "on the jump." These and many other "offensive" plans were considered, argued, shown to be realizable—and rejected. Only the Zeebrugge raid, planned in one of the "offensive" bedrooms referred to above, was carried through. The effect on the enemy was only equalled by the encouragement it gave to ourselves. But orthodox naval opinion was not reconciled to it by its sensational success and showed that it was not. One way it showed it was by all the more resolutely rejecting plans for similar exploits.

There was some excuse for refusing such plans before the entry of America. But with American intervention the naval force available became so overwhelming that some risk might have been run and some opportunity of naval distinction offered to our American associates in order to shorten a war that by its very length was causing illimitable losses to ourselves and Europe. Losses from which the world is only now slowly and painfully recovering.

To its credit it must be said that the American Higher Command was perfectly willing to play its part in the offensive operations which all the sailors of all the allied and associated navies were eager to undertake. But the over-cautious conduct of the naval

war and the over-centralized control which hampered the use of the British Navy from the beginning of the war spread like a blight over all the sailors at sea. Not even American audacity and aggressiveness could avail against it. Consequently so far as the sea war was concerned full advantage was not taken of the welcome addition of strength from America ; and no American man-of-war was able to fire a shot against an enemy other than a submarine.

#### THE NEW NAVAL WARFARE AND THE OLD

The last war was muddled through to victory. If it were the last war this would be a matter only of interest to the historian. But the continued expenditure on armaments by all the great nations of the world, other than Germany—which is fortunate in being forcibly disarmed by the Peace Treaty—makes it necessary that the lessons of the last war be learned by the man in the street as well as by the man in the study. For the street is going to be as unsafe as the study in the next war. And the trenches may be safer than street or study.

What is, then, the lesson of this last war that we think should be learnt? Just this. That as the weapons of naval warfare have changed so must we change the principles of our naval policy.

The British doctrine of command of the seas by cruisers is a legacy from the days of sail. In the Napoleonic Continental Wars, before them, in the Colonial Wars against France, before them again, in the fight for command of the sea with Holland and Spain, the British pursued the same strategy as in the Great War—but in the Great War it failed to work. A cruiser fleet of sailing frigates, with command of the sea, could ensure the safety of the commerce of its nationals and of neutrals, and still respect the old rules of belligerency and neutrality. The opposing frigates and privateers, it is true, did what they could to interfere with the sea-borne trade ; but commerce and communications in sailing cargo ships could be successfully maintained, once command of the sea was secured. Because, as there were no mines, torpedoes, submarines or aeroplanes to prevent a close blockade of hostile ports, these ports could not only be closed up for mercantile purposes, but could be closed down as bases from which frigates and privateers could prosecute commerce destruction

on the trade routes. Moreover the volume of sea-borne trade itself was far less and commerce raiders were restricted to cruises of about six weeks at sea by their water supply.

In those days commerce destroying sailing frigates or privateers had only a few knots' excess of speed over the merchant ship. So a chase was a long business. Nightfall, thick weather, a slant of wind, often meant the escape of the quarry. Furthermore, the sailing ships driven by the winds and currents were scattered over the vast surface of the sea, and a raiding frigate or privateer operating on the trade routes might not sight a prize during her whole cruise. Should she wish to make sure of a prize she would have to hover in certain narrow areas of the sea through which trade had to pass. Vessels crossing the great oceans were compelled to make certain land falls; and here, or in those other areas known as the "nodal points," was where the commerce destroyers could expect to reap a harvest. Examples are the Straits of Dover and Gibraltar, the Skagerrack commanding the entrance to the Baltic, the Cape of Good Hope, the Horn, the "Soundings" in the western part of the English Channel, Cape St. Vincent, Cape San Roque in Brazil, Point de Galle in Ceylon, the Straits of Malacca, the Windward and other passages in the West Indies giving access to the Caribbean Sea, and so on. The British frigates, cruising in these waters, supported where necessary by ships-of-the-line, could visit and search all merchant ships, capture the prizes to which they were entitled, and deny such areas of advantage to their opponents.

But steam and other modern inventions greatly modified this state of affairs and submarines with aeroplanes have revolutionised it. Nowadays a merchant vessel sighted by a steam cruiser has no chance of escape unless succoured by a friendly warship. The average merchant vessel carrying the bulk of the trade to-day, has a sea speed of nine to twelve knots. The fastest liners at full speed can only cover twenty-five sea miles in an hour. The modern cruiser or destroyer has a speed of thirty to thirty-five knots. Moreover, the cruiser can now carry an aeroplane to scout at one hundred miles an hour and detect, detain or destroy merchant shipping, communicating with her mother ship by radio. At night the warship has powerful searchlights and its guns can engage with success at a range of seven miles. The old privateer, after slowly

overhauling an intended prize, could only begin shooting at ranges up to a mile.

Furthermore, there was not very much difference in construction between a stout merchant ship and a frigate. Some of the sailing East Indiamen were so powerfully armed as to be enabled to stand up in open fight to a frigate ; and on occasions did so with success. No ordinary merchant ship can fly from or fight with even a small modern cruiser, for her thin plates and wooden superstructures are very vulnerable to gunfire, while her frames are so light that even the largest liner cannot carry a heavier gun than one of 6-inch calibre.

#### COMMERCE DESTRUCTION BY GERMAN CRUISERS

At the beginning of the last war, Germany had four small cruisers, armed with 4-inch guns actually engaged in commerce destruction on the trade routes. The German China squadron under Admiral Count von Spee, consisting of two heavy cruisers and some lighter vessels, was kept together as a tactical unit and trade attack was for it only of secondary importance. But these four independent light cruisers sank two hundred thousand tons of British shipping and thirty thousand tons of allied shipping before they were accounted for. And they did this at a time when the British Navy List showed one hundred and thirty cruisers, other than the battle cruisers. There were also a number of Japanese, French and Russian cruisers available for the defence of trade. Not counting cruisers with the battle fleets, there were operating on the trade routes at the beginning of the war, or shortly afterwards, one hundred and four allied cruisers. At one time seventy warships were engaged in searching for the *Emden* alone, or patrolling certain areas where she might appear. As the war went on the disproportion between surface cut-and-dried defensive and cut-and-run offensive increased. A few British cruisers were lost in action or by submarine mines, but forty new ones were added to the British Fleet before the Armistice. Seventy-five large British passenger liners were commissioned as warships, armed and used as cruisers. This immense preponderance of naval force was all available to control the trade routes in order to deny their use to the enemy for his commerce and to prevent raids upon our own.

With the clever trapping of the squadron under Admiral von Spee and the hunting down of the other German regular warships outside European waters, the Allies supposed that their troubles were at an end ; but they were soon disillusioned. The submarine war on commerce was not the only surprise.

Three German disguised cruisers escaped into the Atlantic, through gaps in the water and wireless blockade. They sank two hundred and fifty thousand tons of British shipping and thirty-nine thousand tons of Allied shipping. An even more astonishing and alarming feat was that all succeeded in returning to German ports. One of them, the *Wolf*, laid mines off Bombay and off Australian ports, in addition to acting as a commerce destroyer on the high seas.

As this method of attacking trade will certainly be used again until superseded by something more serious, it is worth while describing briefly the *Wolf* and her operations. She may be taken as the present-day successor of the privateer. The old-style privateer was a fast sailing ship, specially armed and equipped, and often a former merchant ship to whom letters of marque were issued by her Government. She was not a corsair originally, but a sort of special constable for sea police duties. Her operations were legal, and she was bound by the same rules of war as the regularly commissioned naval ships. The difference between the French privateer of the Napoleonic wars and the German commerce destroyer of the Great War was that the privateer cruised for profit and was commissioned as a business venture.

The *Wolf*, and her sister ships, were, to outward appearance, peaceable neutral tramp steamers, but they carried hidden guns of heavy calibre which could be unmasked when required. The *Wolf* kept the seas for fifteen months, touching no port or inhabited shore. She cruised in the Atlantic, Indian, and Pacific Oceans. During her operations she captured a Spanish steamer, the *Ignotz Mendi*, with a cargo of coal. She kept her as a collier, replenishing her own bunkers from the captured coal in sheltered waters among uninhabited islands or coral reefs ; and to her she transferred a number of the prisoners taken, keeping others on board herself. She endeavoured to bring this ship, with her unhappy captives, including the Spanish captain and crew, to Germany. Fortunately for the prisoners, the captured

ship ran ashore at Skager in Denmark, during thick weather, almost within sight of Germany. The Danes interned the ship and her crew and released the prisoners. The *Wolf* herself returned to Kiel in safety. She carried a seaplane which she used to warn her of hostile war vessels and as a scout to find prizes. She sank directly seven steamships and seven sailing ships, as well as those blown up by her mines, and she spread general alarm and uneasiness all over the seas. She came out and went back again through a Narrow Sea closed with mines and cordoned with cruisers.

#### CAN CRUISERS PROTECT COMMERCE

How can it be maintained in view of all the above facts, and of the very favourable strategical conditions for the British blockade in the last war, that in a future war, even leaving submarines and aeroplanes out of account, the seventy-one cruisers demanded by the British Admiralty at Geneva in 1927 as a minimum defence of British commerce, will in fact suffice against a Power disposing of an efficient Navy and naval bases? For even these seventy-one cruisers would not all be available for the trade routes. Under the Washington Agreement of 1921, sixteen capital ships are allowed to each of the Navies, American and British. For every three battleships five cruisers are needed and this ratio has been mutually agreed upon by the British, American, and Japanese naval staffs. It is certain to be the minimum the battle fleets will require. Just as Nelson called ever for more frigates and Jellicoe for more cruisers, so the cry for such craft will go up from the flag-officers commanding the battle fleets of to-morrow.

This leaves forty-six cruisers for the defence of trade and the duty of controlling neutral commerce and capturing belligerent merchant ships. At least fifteen of these must be in harbour, in turn, all the time, resting, refitting, boiler cleaning, etc., in order to maintain efficiency. For guarding all the sea-borne trade of the British Empire there will be available thirty-one cruisers actually at sea. Is it supposed that they can hunt down even every *Emden*, to say nothing of a *Wolf*, with a scouting aeroplane, through all the North and South Atlantic Oceans, the Pacific Oceans, the Mediterranean, and the Indian Oceans? And their actual task will be far more

difficult against a navy of even approximately equal powers and with less commerce than ourselves to protect.

Furthermore, the cruisers of ten thousand net tonnage, as limited in size at Washington in 1921, and the six to seven thousand ton ships for which the British Admiralty pleaded at Geneva, will be all as useless against submarines as—well, as battleships, and as helpless against aircraft as butter-tubs. The present writers hope that their very brief excursion into naval strategy and naval history will suffice to satisfy their readers that technical changes in naval and aerial warfare have created a new balance of power between offensive and defensive and between commerce defence and commerce destruction, which requires a correspondingly complete revision of British naval policy.

#### THE SUBMARINE MENACE

Such then were the naval campaigns and the novel weapons with which Germany nearly won the war. And any nation hard pressed in the future may be expected to use such weapons or even more frightful ones. The indiscriminate sowing of the high seas with fixed and floating mines, commerce destruction by unrestricted submarine warfare and by surface cruisers or commerce destroyers in disguise are already accepted evils. Improved modern ocean-going submarines will not only be armed with torpedoes but with 12-inch guns, the primary weapon of many of the pre-war Dreadnoughts, and with poison gas cylinders for use against coast towns or merchant ships.

The greatest potency of the submarine is against merchant shipping. Is it to be supposed that they will never again be so used? Those who believe it live in a fool's paradise. Already a scholarly defence of the German submarine campaign has been published in France, written by a brilliant French naval officer. The considerable fleets of submarines under construction, or in commission, in the British, American, Japanese and Italian Navies, speak for themselves. The French Navy alone is constructing more submarines than Germany ever had under construction at any time before the war. France had on the stocks at the end of 1927 forty-three of these vessels, including several mine-layers and others of the

long-distance cruising type for oceanic operations. In 1928 it is proposed to lay down for the French Navy one cruiser submarine, three mine-laying submarines, and twenty others. This is a terrific programme.

Since the end of the "war to end war" the five principal naval powers have between them built or commenced one hundred and eighty of these atrocious weapons. France alone has authorized the strengthening of the French Fleet by 91 submarines, not including the 1928 programme. The corresponding figures for Japan are 61, for Italy, 18.

The United States have 30, not including the 32 large submarines proposed in the new programme at a cost stated, unofficially, of £30,000,000, but later dropped out. In 1927 the British Empire had building 9 submarines and 18 more were projected. The submarines actually built and ready for use in the five principal navies were at the end of 1927 :

British Empire . . . . .	55
Japan . . . . .	58
France . . . . .	44
United States . . . . .	31
Italy . . . . .	42

Meanwhile we have been ploughing the sand of fruitless fuss and friction about the number of cruisers to be allowed to Great Britain and America and what their tonnage is to be and whether they should carry 8-inch or 6-inch guns. The ominous submarine construction of the maritime powers has not been brought to the notice of the general public for various reasons. There will be a rude awakening if ever the peace of the world is broken.

#### THE AEROPLANE MENACE

And now to the menace of the submarine must be added the new danger of attack from the air. A few merchant ships were destroyed in the late war by the rudimentary aircraft then in use. Merchant ships at sea were attacked by Zeppelins. One was actually held up by a German dirigible, forced to surrender, and navigated into port by a prize crew supplied by the Zeppelin. This was near the German coasts where a local command of the sea could be exercised.

The commandeered ex-German collier *Franz Fischer* was the first merchant ship sunk from the air. This was in the area most closely controlled by the British fleet and under the very muzzles of our guns. Flying the British flag, she was on a voyage from Hartlepool to Cowes on February 1st, 1916. Night having fallen the master was warned by a British patrol boat that an unswept mine field had been discovered ahead of him and he decided to anchor for the night, with other vessels, off the Kentish Knock. A German Zeppelin, on her way back from an airship raid on London, having reconnoitred the anchored vessels dropped one bomb in the sea alongside the steamer. Exploding under water, the incompressible fluid element acted as a great hammer driving in her hull. She was sunk, indeed, just as the *Virginia* and the *Ostfriesland* were sunk by water-bombs dropped from American aeroplanes in the famous experiments seven years later. She sank so rapidly that the crew had not even time to cut away a boat; and of the sixteen sailors on board only three were picked up by a lifeboat sent by a friendly Belgian steamer anchored near.

Torpedoes carried by British aeroplanes had sunk Turkish steamers, including a transport full of soldiers, in the Sea of Marmora in broad daylight during the Dardanelles operation. The bulk of the German Air Force was needed on the Western front, where the German military commanders still hoped for victory. But if sufficient aeroplanes had been available for use against merchant ships, even in the stage of development then reached, one more surprise could have been sprung by an altogether novel method of attacking sea-borne trade.

#### AIR-BLOCKADE AND COMMERCE DESTRUCTION

With present improvements in aircraft we may expect, under similar circumstances, a ruthless campaign from the air against merchant vessels. The convoy system, which when developed in the later months of 1917 reduced the danger from submarines, would only increase the opportunities for air attack. Aeroplanes can act against merchant ships in only one way—by sinking at sight—until command of the air over the sea has been established. Once this has been done, merchant shipping could be ordered by aircraft

to proceed into the ports of the belligerent for examination. And such a "cut-and-run" command of the air would be even more irresistible and inhumane in its effects than the "cut-and-run" command of the sea by submarines in the late war.

In the Great War under-water warfare reached a fairly full, though by no means a final, form. But the other and more important form of three dimensional war—air warfare—only entered its first phase. Aircraft were only used for scouting and raiding, except in the few cases already mentioned. There was no attempt to set up an air blockade. But aircraft are undoubtedly the future weapons for destruction of commerce and demoralisation of the civilian population. And as aircraft are, in their operation, as unamenable to the old two dimensional international law as submarines, we can, from the experience of this last war, forecast at least the first phase of the next.

The defence of the British cut-and-dried surface blockade against the German cut-and-run submarine blockade had, as we have shown, a certain measure of success, though we were clearly fighting a losing battle against a novel form of warfare. The defensive can only effectively and economically keep pace with new offensives when these are on the same plane, so to say, and are not revolutionary. In the case of aircraft the only defence in any future that can be foreseen will be a counter-offensive. And there is an accumulation of authority to the effect that counter-attack is at present, and long will be, the only defence in air war. Said Brigadier-General Groves, former Director of Air Operations (Royal Institute, 29th March, 1927) :

"No adequate means of protection against aircraft attack are yet in view . . . the only effective deterrent to aerial aggression is the threat of reprisals."

Brigadier-General Lord Thompson, ex-Secretary for Air, says (*Air Facts and Problems*) :

"It is a misuse of words to speak of a bombing 'plane as a defensive weapon . . . its use is chiefly for reprisals."

Which is confirmed by experience in the war—as in the German attack at Whitsun, 1918, with thirty-three machines, of which only

six were lost against a defence of a hundred British aeroplanes, four hundred searchlights, eight hundred guns, and about a division of troops.

But a war of reprisals, as we know, means a war that respects nothing. And reprisals can now be made with aeroplanes travelling at three hundred miles per hour, undetectable by sound, carrying gas bombs that can depopulate London. The French to-day can drop in one raid a hundred and twenty tons of bombs, just about ten times the war maximum in weight, that weight being in explosives with ten times more destructive force. Major-General Seeley, ex-Secretary for Air, estimates the possible casualties, at present, as ten thousand daily. And though no doubt these experts are deliberately making our flesh creep, yet experience suggests that they do not exaggerate. The principal weapon to be used by a nation running "amok" in air war would be the water bomb and gliding bomb. And far lighter bombs would be sufficient against even the largest merchant ships or passenger liners in comparison with those needed against warships built to withstand such attacks or the explosions of torpedoes and shells. In addition aircraft can carry, and launch to run with great accuracy, the motive torpedo. They can drop highly incendiary bombs of small size and weight charged with such substances as thermite.

We know that we survived the German submarine menace not so much by our resourcefulness as by our resources—not so much by our retaliations on the enemy as by our capacity for standing punishment ourselves. It was not our improvised defences of convoys, flotillas, "Q" ships, nets, air-scouts, etc., that saved us, but our reserves of tonnage. We had so much merchant tonnage and the Germans so few submarines that, deadly as the weapon was, it was not decisive in the time. But will the punishment that we should incur and inflict through air reprisals in another war to save civilization leave at the end any civilization to save? The only Power that can save civilization from such a catastrophe is that of an Armed Neutrality guaranteeing a law of nations. As a leading advocate of air power says :

"Vessels flying the flag of a powerful neutral State are unlikely to be attacked. The belligerent would be insane who bombed British or American ships, they being neutral." (Spaight: *Aircraft in War*, p. 331.)

He would soon be a certificated lunatic, put where he could do no more homicides, if the British and American navies were an associated sea police.

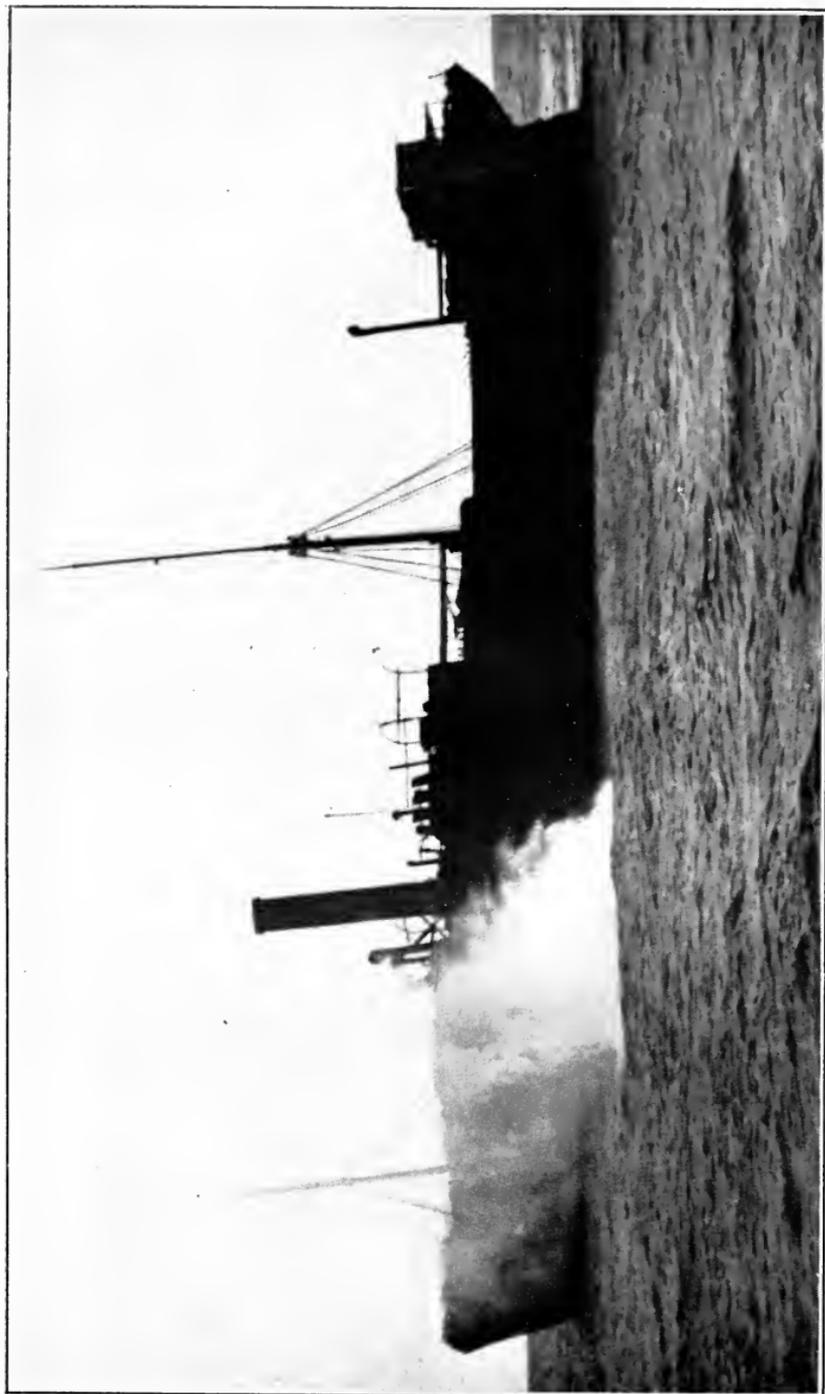
#### AIR AND A GAS BLOCKADE

But aeroplanes have a still more nerve-shaking shot in their locker. For aeroplanes working in conjunction, can spread a wide area of sea with chemical smoke clouds. Brigadier-General Groves is responsible for the statement that it has been demonstrated by experiments that a hundred modern aeroplanes in ten minutes can lay a smoke cloud ten miles square to lie on the surface of the water to a thickness of fifty to a hundred feet. And instead of smoke clouds they could lay a poison gas cloud of the same area and depth. A large convoy of, say, fifty merchant ships, with its escorting men-of-war, could thus be obliterated by simple suffocation of the ships' crews. Just as the poison gas attack from the air will probably be the greatest menace against the civilian population on land in any future war, so merchant shipping at sea will probably suffer more than the war fleets.

That the use of gas at sea on a large scale is no mere nightmare, is the opinion of both the British and American Naval Staffs. Very careful experiments have been carried out in the British and American Navies, and as effective steps as possible are being taken to minimize the gas danger for warships. Thus, in October 1927, extracts from the ship's newspaper of the U.S. battleship *California* found their way into the lay Press. The following selection from these extracts is self-explanatory :

“GAS MASK INSTRUCTION: During our stay in the yard those men, at least, who have not previously been through it, will be given gas mask instruction at the gas chamber, which will be filled with a concentration of C.N. tear gas.

“Gas warfare defense is being considered more and more seriously in the navy. While it has never before had a place in naval warfare, there is no doubt that in the 'next war' chemical agents may be expected in the shells of big guns, in aircraft bombs and smoke clouds. Proper defense against them will be vitally necessary, more so than in the army. On land gas attacks do not and cannot last long. The worst they can do



CARGO STEAMER TORPEDED BY GERMAN SUBMARINE U. 35, APRIL 1917  
(Imperial War Museum photo. Copyright reserved.)



is cause troops to move out of the infested area. If our floating fortress is permeated with poison fumes we can't very well move out. And there are gases, like mustard, which sprayed into a closed compartment in their natural liquid state will give off deadly fumes for weeks, months.

"There are others of which one or two good whiffs will cause a man to forget he has a gas mask, and everything else from then on.

"A perfect fitting mask is necessary, as is the ability to adjust it accurately and fast. The tear gas used for instruction is not poisonous, but a few seconds exposed to it without a mask will show that it can put a man out of action quite effectively. If you can't see you can't shoot!"

Such precautions and protective measures strike one at first sight as being even more inferior and ineffective to the terrific new weapon than were the makeshifts against the far less formidable submarine menace. For example, in the late war merchant ships were fitted with a defensive armament against submarines, and often fought off the enemy. It may be argued that they could also mount anti-aircraft guns. But anti-aircraft fire is inaccurate and uncertain at the best of times from fixed shore mountings, and is even more ineffective from the moving platform of a ship at sea. Such pea-shooting at mosquitoes looks even less practical when we remember that a modern aeroplane covers a mile in thirty seconds and that the shell from an anti-aircraft gun takes thirty seconds to reach twelve hundred feet, which is not an abnormal height in modern flying. So that between the time the gun is fired and the time when the shell reaches the point aimed at, the aeroplane can have moved a mile laterally or several hundred feet vertically; while an aeroplane flying low down at modern speeds is a difficult target to lay on. On the other hand, the slow moving merchant ship with her unprotected crew is simply a "sitter" for the aeroplane's bombs and machine-guns.

Again, the gun's crews on board ship can be blinded by smoke clouds or by the fumes of phosphorescent bombs before the main air attack. In a word, for a "cut-and-run" command of the sea, the aeroplane is so potent a weapon for commerce destruction that *no sea law* will avail to prohibit its use, and no surface vessel will avail to prevent or even impede it. The sea power wishing to win command of the sea for the defence of its own communications and the denial of its enemy's commerce must win and keep command

of the air also. And any future European war will begin with a struggle for command of the air over sea routes.

#### AN ANGLO-AMERICAN AIR WAR

So much for European wars. In an Anglo-American war, which must be considered for the purposes of this book, aircraft, based on our insular possessions in the Western hemisphere, may well play as important a part. And if Canada, or the whole British Empire is involved, as is at least probable, Canada will become the cockpit of air fighting. Until the Americans occupied and controlled the whole of Canada and Newfoundland and all the West Indies, British aircraft in command of the air would be able to destroy many cities of the United States. Or, if the war is not reduced by process of reprisals to this abyss of atrocity, aircraft will be able to prevent the use of American ports on either seaboard or on the Great Lakes, and the despatch of military forces across the Caribbean or the Canadian frontier.

It is sometimes assumed that air power and sea power are antagonistic. This is not so. They are complementary. And, for the present, surface vessels, submarines, and aeroplanes must co-operate in carrying out a new strategy and tactics in three dimensions instead of two, in a cube above and below the water-line instead of on a plane at it. Already command of the air will permit the stronger power to deny the air to an opponent's aircraft, to defend surface shipping from "cut-and-run" raids, to drive the enemy merchant marine from the seas, and to induce all but the most powerful of neutrals to enter into the special arrangements and contracts which will be the leading feature of any future economic "blockade."

No nation, as yet, has acquired such supremacy in aircraft, or such superiority in their use, as to be able to claim command of the air. It may be that, just as, in the past, sea power redressed the balance of power on the land, so in the future air power may redress the balance of sea power—to the disadvantage of the stronger maritime nations. But if in a remoter period air power, with its threat of destruction to every centre of population and source of production, replaces sea power with its more limited threat to

coastal cities and sea-borne commerce, that is all the more reason why the British and Americans to-day should get together in an agreed neutrality to preserve peace and provide an international police of national forces.

#### THE WARSHIP AN OBSOLETE WEAPON

It seems probable that if in the next war an early decision is not forced by air bombardment it will be sought by air blockade. This will mean a war of exhaustion in which the superior air power will make all productive activity, other possibly than simple agriculture, impossible in the enemy land. In such air warfare sea power and surface warships would scarcely count at all. For the present they may have a function as aircraft carriers and commerce protectors in the remoter seas. But the armoured ship-of-war is as obsolete to-day in reality as was the armoured horse man-of-war after the introduction of gunpowder. In the experiments carried out by the American Government it was demonstrated conclusively that air craft can in a few minutes sink or disable the most powerful warships, however well protected against ordinary attack by gunfire or torpedoes.

Following the experiments in which submarines, battleships, and cruisers were successfully attacked by aircraft, Major-General Mason Patrick, recently in command of the American Army Air Corps, with a pretty irony, stated that—

“ The air service itself does not for a moment assume to say that battleships, or any other component parts of a naval establishment, are obsolete. We merely rest on the conclusions of the Joint Board that under proper conditions we can put out of commission or sink any naval craft which floats.”

The *Ostfriesland* and the *Virginia* battleships were sunk in a few minutes by air bombs. And the American Joint Board reports (Art. 18) :

“ It will be difficult if not impossible to build any type of vessel of sufficient strength to withstand the destructive force obtainable with the largest bombs that aeroplanes now carry.”

Wherefore if the most scientifically constructed and heavily protected super-dreadnoughts can be sunk by bombs launched by

aeroplanes, obviously merchant ships can be far more easily destroyed. If, nevertheless, the British, and still more the Americans, continue to build these costly white elephants of surface warships, it must be for more obscure reasons of politics—of prestige—or of profit.

In post-war naval discussions little attention has been given to the development of the strategic possibilities of air power as distinct from its tactical uses. Thus both in Washington and in Whitehall it seems to be taken for granted that a sufficient number of cruisers and other warships will ensure the safety of American or British sea-borne trade whether America and Britain are belligerents or neutrals. The British Admiralty in its propaganda repeats *ad nauseam* that a complete blockade of every British port for six weeks would reduce the country to starvation.

Wherefore, the British Admiralty argues, parity is impossible with America unless America is prepared to build the kind of cruisers the British Admiralty thinks that it needs. Whereas the American Navy Department thinks no less strongly that it needs a different type of cruiser. And thus the peace between the two premier sea powers is imperilled by a technical difference of opinion as to a tactical weapon that is losing, or has lost, its military importance. For strategic thinkers of insight and imagination already see that air power will soon transfer the whole problem to under-water or overhead regions in which the old tactics on one plane no longer apply.

#### AIR-BLOCKADE THE FUTURE WEAPON

In these tactical plans of naval experts on either side aircraft are only, as yet, considered as an adjunct of surface ships or of submarines. Naval strategists cannot, or dare not, think of aircraft as in any other capacity than that in which they were mainly used during the last war—namely, as scouts for surface warships. So both countries are involving themselves in an absurd competition as to the capacity and cruising radius of aircraft carriers, or of cruisers and battleships carrying aeroplanes. The largest of these aircraft carriers can carry perhaps eighty comparatively small seaplanes or aeroplanes fitted with floats. These, however, are only

to be used for scouting at sea, or for torpedo attacks on opposing warships, for assisting the long range artillery fire and like purposes. Such aircraft carried in ships will, in fact, be tied down to fleet uses, which is the most expensive and least effective way of operating aircraft. The cheaper and more efficient way is to operate aeroplanes from the shore. And there is no such limit to the size of aircraft so employed as there is on aeroplanes operated from ships.

In a future European war between mobilized maritime peoples, fighting "all out," aeroplanes flying and fighting from shore bases will be an untried, but none the less terrible, menace to a mercantile marine. In a future war of Continental States, or of nations with territory near the sea trade routes against Great Britain, such attack on the showing of the British Admiralty would be decisive unless, within six or eight weeks, command of the air has been won by Britain.

On the other hand, if Great Britain had this command of the air, we would not only be secured against cut-and-run blockades by commerce destruction, but could impose a new cut-and-dried blockade by air. For the risk of being "deviated" to a British port under aircraft escort imposes such sanctions against neutral shipping that they would be forced to enter into the special agreements and contracts not to trade with the enemy that were such a feature of the irregular blockade of the late war. And this blockade at source under sanction of the risk of deviation and detention was in the last war, and will be in the next, the only blockade really effective against an enemy.

Nothing but the extreme conservatism created by an excessive burden of responsibility can explain the dangerous indifference of naval and military authorities to this radical revolutionising of naval war by aircraft. For such experts are, of course, in possession of the striking evidence as to the potency and potentialities of aeroplanes in attacks on surface vessels.

#### NAVAL WAR REVOLUTIONIZED

In thus considering the effect novel weapons of war will have on future warfare as foreshadowed by their effect in the Great War, we have to calculate also what prospect there is that, in sea warfare

at least, these innovations will make possible a revision of sea law and a restriction of the more extreme expressions of sea warfare to exceptional emergencies in which every exercise of mediation and moderation has been in vain exhausted.

The first difficulty in this is getting the expert to apply the lessons of experience and admit that these new weapons have passed the experimental stage. The Great War gives us illuminating indications of what future cut-and-dried blockades and future cut-and-run blockades will be like under these new weapons. For though Great Britain and Germany both relied still on the use of surface vessels and their Admiralties were as conservative as such authorities usually are, yet the stress of war compelled the development of new weapons that entirely changed its character.

The mine, the submarine, and the torpedo became the basic weapons for enforcing both the regular blockade by deviation and the irregular blockade by destruction. And the strategy of sea war was thereby extended from a warfare on a plane to warfare in a space. And the whole system of international law framed for warfare in two dimensions will have to be reconstituted to fit this new warfare in three dimensions. It is the same sort of revolution—as yet only dimly suspected by the public and only clearly seen by a few experts—that Einstein has introduced into the larger world of thought.

It is obviously as hard for a naval strategist or an international jurist to make his mind work in three dimensions as it is for a geometrician or a mathematician to make his mind work in four. So they don't do it—until the storm and stress of war makes them. And the result is that those States in which sea power and its priests are politically potent tend to lag behind in preparedness. This has happened with every revolutionary change of weapon since the days when bows, the longbow and grey-goose shaft, were sentimentally cried up as being the national naval weapon and when guns were condemned as inhuman and unsportsmanlike.

And the same with our "wooden walls." The first iron steamer went from London to Paris in 1820; but the first ironclad was not launched until forty years later; and meantime we had fought two wars at sea. In 1900, Mr. Arnold Forster, M.P., called attention to the building of submarines abroad, but without effect (*Hansard* 86,

cols. 322-332). Five years later a Royal Commission, appointed in response to further agitation, reported "there was likely to be no material diminution in food supply during war." Yet ten years later submarine operations had so materially diminished British food supply that we were within a few weeks of extremity. "What we are facing is the defeat of Great Britain," then wrote Mr. Page. Nor is this unpreparedness peculiar to sea war. Sailors are less conservative than soldiers. The British still spend over a million annually on obviously obsolete weapons like cavalry. Aeroplanes, which are already replacing artillery, are still treated as scouts. Tanks, which are replacing infantry, are treated as horse artillery. We keep steadily a stage behind in all new weapons. Until war and the devil take the hindmost.

In peace time the tendency of the professional soldier or sailor is to doubt the importance of the innovation and to dispute its implications. The more hard-shelled professionals will even join in with soft-hearted pacifists in arranging international prohibitions of the hated new-fangled weapons as inhuman. And though such prohibitions always have some "joker" in them that makes them innocuous, and some Haiti or Liberia can always make them inoperative by refusing to ratify, yet public opinion is misled into thinking the new weapon is outlawed and negligible. Thus this unholy alliance between professional "tough-minded" and pacifist "tender-minded" is doubly dangerous. It puts us behind in a military sense, and it puts us under obligations that may endanger our warfare if observed, and, if not, will certainly exacerbate that of our enemies.

Such an obligation was the attempt to prohibit commercial blockade by mine-laying as pressed at the Hague Naval Conference (1907). It broke down because Germany, then the minor sea power and therefore the most in favour of new weapons, would not consent. And it was the use of this weapon by Germany that, as we have seen, started the war of reprisals and irregular blockades.

The fourth International Congress on International Law at Monaco, in 1921, like the first Congress at Frankfurt in 1913, drew particular attention in its report to the absence of any provisions in international law for the regulation of the use of aircraft in time of

war. The convention on aerial navigation which met in October 1919, made no attempt to deal with this matter, and there is an absence of any rules applicable to all States as to liability for damage caused by airmen to private property. Aerial warfare at sea in the future will start, therefore, without even such restrictions as restricted—or rather did not restrict—the use of submarines against sea-borne commerce in the last war. And the next war will relapse as quickly into unrestricted reprisals, and the world will rattle even more swiftly into barbarism unless it is made known beforehand that the two most powerful nations in the world, the United States of America and the British Empire, are determined to prevent new barbarities at sea made possible by man's conquest of the upper air and the under-water.

#### BRITISH POLICY MUST BE REVISED

As matters now stand, therefore, there is no real restraint in international law, whether conventional or customary, on the operations of submarines or aeroplanes for commerce deviation or destruction. Which means that in a future war, as things are, our shipping and supplies will have to run the gauntlet, not only of mines and submarines, but also of aeroplanes. The only defence seems to be the use of convoy and escort by aeroplane carriers and anti-submarine surface craft. And neither our experiences of naval war nor our naval experts encourage us to think that the defence would be enough to secure such a measure of safety as would save us from the risk. While our enemy might be strong enough to impose restrictive agreements on our supplies.

For the British Empire the problem indeed is insoluble if the British people under present naval conditions are to depend only on the old "wooden walls" translated into terms of steel. No surface ships, however costly, however we may crowd the seas with them, will again be a "sure shield and buckler" as in the good old days of the sailing man-of-war.

We have no very great hopes that British professional and public opinion will recognize this revolution and revise their policy accordingly. We rely rather on American professional and public

opinion to whom command of the sea with surface ships has not yet become a creed. It is interesting to-day to refer to the considered conservatism of naval opinion in the critical years when a naval war with Germany was daily drawing nearer. At the beginning of these years of preparation some apprehension was voiced by the British Chamber of Shipping and other big business interests as to the security of sea-borne trade in the event of war.

Accordingly there was set up in April 1903, the Royal Commission on the Supply of Food and Raw Material in time of War already referred to. It was manned by the best available naval and mercantile experts. Every assistance was given by the Admiralty and all available witnesses were closely examined. The report is too lengthy to quote in full; but it will suffice to notice that the confident opinion expressed was that the attack on commerce would be more difficult than in the sailing-ship days and its defence easier! For example, after referring to the regular arteries of trade at sea and the wide distribution of the ships carrying food and raw materials to the United Kingdom, the Commission found that—

“these facts, especially when taken in conjunction with the power afforded by steam of following the routes according to the necessity of any given period, make the condition of the chief trade routes an extremely favourable one for successful defence.”

All possibility of effective blockade of the United Kingdom was dismissed. Dealing with the modern commerce raiders the Commission stated the following:

“No doubt a considerable number of ships might be required to effect the actual capture of a single hostile commerce destroyer, so long at least as her coal lasted; but it has been explained to us by Admiral Sir Cyprian Bridge that, if only one of our cruisers were in pursuit, it could be made too dangerous for a hostile cruiser to remain on or about a trade route. Obviously under these circumstances her freedom of action would be much hampered and the damage she would be able to inflict would be limited.”

Compare this expert opinion as to what would happen with what did happen in the cases, for example, of the *Emden* and of the disguised raiders *Möwe* and *Wolf*.

In answer to certain doubts expressed by a minority of members of this Commission the Admiralty published a special memorandum,

in which they stated that, while it was impossible to guarantee that *no* captures of British merchant ships would be made by an active enemy, the Board believed there would be no material diminution in the supplies reaching the United Kingdom; and, be it noted, what was then in contemplation was a war between the British, Empire single-handed and Germany single-handed.

At the time the Commission was reporting in 1905 the submarine boat was at much the same stage of its development as is the aeroplane to-day. The Report consequently, when it came to a discussion of the "new weapons," was mainly concerned with the possibility of torpedo-boats and destroyers being used for commerce destruction. After describing the limitations of such craft, very similar to those of submarines, as, for example, the inability to spare prize crews or to accommodate prisoners, the Commission reported their opinion as follows:

"If, therefore, such craft are employed against commerce, for which they were never intended, they could only compel merchant ships to follow them into port under threat of being torpedoed. Moreover these craft can only operate within a comparatively short distance of their shore bases."

Yet, as a matter of fact, it was these small craft that largely carried out the patrol duties of the British deviation-blockade in the Great War. Which means that in 1905 British expert authority, while preparing for naval war, overlooked the blockade uses of destroyers and small surface craft. Ten years later, while actually prosecuting naval war, they overlooked the blockade uses of submarines. To-day, ten years later, they are overlooking the blockade uses of aeroplanes.

It is conceivable that the largest ocean-going types of submarines could act as cruisers in accordance with the laws of nations and humanity, even if command of the sea was still being disputed in certain areas. And in one or two cases they did so act in the last war. As soon as command has been won the stronger Navy will not require to use submarines for commerce "deviation" and the weaker will only be able to use them as Germany used them for commerce destruction.

But it is useless to expect that aeroplanes and seaplanes of the modern swift fighting type could examine merchant ships before

destroying them or provide for the safety of their passengers and crews; and no attempt appears to have been made either at the Washington Conference of 1921 or the Geneva Conference of 1927 to draw up rules for the use of aircraft at sea in regulation of, or attack on, commerce, while it would be extremely rash to suppose that they will not be so used should the opportunity occur.

Moreover, modern aircraft are comparatively cheap. The largest flying boats yet constructed for the defence of the British Empire only cost £17,000 each and are capable of very long flights. They can fire at merchant ships with their machine-guns or torpedoes and drive in the sides of their hulls under water with time-bombs. Modern inventions in the air have made the attack on merchant shipping so much easier and its defence so much more difficult that it is hard to see how any one nation can hope to achieve such supremacy in the sea and the air as can be called a Command of the Seas.

Command of the sea means the nearly complete defence of sea commerce and communications for allies and neutrals and a nearly complete denial of them to the enemy. Such a command of the sea ensures final victory, and Great Britain can only in the future exercise such command, whether of the sea or the air, in association with, or by the approval of, the United States. The British Navy *by itself* cannot ensure the safety of British commerce against submarines and aeroplanes either with seventy or with seven hundred cruisers. America and Great Britain could secure supremacy so far as surface vessels can now secure it.

But if the British cannot by themselves keep Command of the Seas, Americans cannot of themselves get Freedom of the Seas. The British will, as a secondary naval power, be able to challenge American supremacy in the Eastern Atlantic, in the Mediterranean, in the Indian Ocean and even in the Western and Southern Pacific. Whereas together the two Navies can ensure such freedom for the nationals of both and for those of all other States, whether the British Navy is supported by the other members of the League of Nations or not. Failing such American association the new Freedom of the Seas will be to seek. Wherefore if neither the British nor American peoples alone and apart can expect to be able in the future, by the

old cut-and-dried command of the seas, to ensure their own commerce, what sense is there in their adhering to the now obsolete weapon of blockade?

#### NAVAL BLOCKADES OBSOLESCE

There is in Whitehall, in Westminster and in Pall Mall still an influential Round Table of "blue water" Bayards who are ready to risk the heart of our Empire being bled white and its backbone broken by the engines of modern war, in the hope that we may again be able to bash the head of our private enemy with the battle-axe of an old-fashioned blockade. The power of interrupting the commerce of a private enemy is still regarded by Blue Water Buccaneers as a valuable asset in international affairs. They quote the successful stranglehold of the British Fleet on Napoleonism, and affect to believe that British naval action alone defeated Kaiserism. In arguments on the Committee of Imperial Defence, in Parliament, in the Press and on the public platform, and before the Cabinet, these professors emeritus of the good old blue water school claim the indispensability of an "invincible" British Fleet. But they with professional obtuseness ignore, on the one hand the coming of the submarine and aeroplane, and on the other hand the Covenant of the League of Nations. Their case is that a war may still be waged in a vacuum between the British Empire and some other belligerent.

Thus Admiral-of-the-Fleet Lord Wester Wemyss, formerly First Sea Lord, in a Debate in the House of Peers, initiated by himself, used these exact arguments (*Parliamentary Debates, House of Lords*, Vol. LXIX, No. 69, 10th November, 1927). He advocated, with a missionary fervour, the renunciation of all restrictions on the saving grace of surface sea power, including the Declaration of Paris. He argued, quite correctly, that during the last war we had had to depart from them all. And he demanded that we should announce to the world our intention in the event of war of using our naval power to the utmost for the capture of an enemy's property wherever found and for the cutting off of all his sea-borne trade. Viscount Haldane, ex-Minister of War and ex-Lord Chancellor, with full knowledge of the inner working of the Committee of Imperial Defence, of the will of the Admiralty and of British "authority"

in general, admitted in the same debate that Lord Wester Wemyss was undoubtedly speaking for the Admiralty. Which, indeed, is common knowledge.

Now let us suppose, only for the sake of the argument, a war between England and France. All the resources of the Council of the League of Nations are used in vain, both nations refuse the award of arbitration, neither is adjudged an aggressor, and civilization stands aside with hands folded while these two Great Powers, after the statutory delay of three months under the Covenant, proceed to ruin and raid each other in a so-called private war. We have only taken France as an example that will not be misunderstood, as the relations between France and Great Britain suggest at present no such risk.

This would be the same kind of war that was contemplated between England and Germany in the years before 1914. For while both British and German dispositions and plans contemplated a war between two groups of allies, they also considered the case of a duel between England and Germany, no other nation intervening. Indeed, at one period of the pre-war naval competition a not inconsiderable body of opinion in Britain held that it would be in our highest interests, and, of course, in the interests of humanity, civilization and justice, if a descent were made upon Germany before that Navy had received the proposed accessions of strength.

We will leave aside the fact that such a war between England and France would probably be decided in the air; and we will not consider the kind of "cut-and-run" command of the sea and the air that France would attempt to win by means of aeroplanes, submarines, mines, cruisers and commerce destroyers. Though it is to be noted that the French Colonies are numerous, well distributed, dispose of strong land armaments, and that they provide admirable cruiser bases for the support of commerce raiders on the surface, below it, and in the air above. We will only examine the probable workings of the British blockade on France.

It is true that, with the command of the sea which we may anticipate in these circumstances for the British Navy, the French Mercantile Marine would disappear for the time being. French communications with the Colonies would be cut off. But France might lose every one of these Colonies and still remain undefeated. The

theory of the ancient mariners of the blue water school is that the stranglehold of the British blockade would make France surrender within a measurable time, through the cutting off of French commerce and of colonial resources in materials and man-power. And they cite the defeat of Napoleonism by the British Navy and claim, correctly enough, that the cutting off of maritime trade from France in those days did inflict a very real injury. But this was because the carriage of goods overland was at that time tedious and expensive. Whereas in these days Europe has a network of overland communications—the railway system is highly developed—the canal system, with the power-hauled or driven barges, is efficient—and excellent motor roads exist all over the Continent which carry an immense goods traffic by motor lorry and an immense passenger traffic by motor-car. It would therefore be impossible to prevent goods reaching France from Belgium, Germany, Switzerland, Italy and Spain, almost as cheaply as before.

If to prevent this trade we strained the doctrine of continuous voyage to the utmost, we should have to interfere with the commerce of all these countries to an intolerable extent. Indeed, if France was prudent enough not to use submarines, aeroplanes and other raiders against sea-borne commerce and was careful of neutral interests, a British blockade would be either quite ineffective as a means of economic pressure, or only too effective as a means of raising an armed neutrality against us—or even additional enemies.

Supposing that an old-fashioned close blockade of the French Atlantic, Channel and Mediterranean ports was practically possible—which it is not. Then American vessels attempting to enter such ports or to leave them would be stopped, searched, seized and taken into British harbours for adjudication by the British Prize Court, there to be tried and condemned, ships and cargoes being confiscated. By the Law of Nations American merchants and shipowners so mulcted would have no just grounds of complaint. But, provided there were no greater grounds of complaint against inconvenience and loss inflicted on them by French submarines, aeroplanes or cruisers, what would be the American attitude?

The same difficulties would arise for Britain were Germany or Italy or any other great European Power her adversary. Russia, which at present is our most probable private enemy, cannot be

mortally or even seriously injured by a blockade, as very recent history has proved.

The only other major country against which it could be effectively employed would be Japan. And for this purpose there would be needed a far stronger Navy than the British Empire can possibly afford for some generations to come. Even Singapore and Hong Kong could scarcely serve as bases for a close blockade of the Japanese archipelago. And only a close blockade, which is impracticable in face of the submarine and the aeroplane, would prevent Japan from treating with, and drawing on the resources of, China, Korea, and Asiatic Russia.

Private war may be abolished—but there is no doubt that “close blockade” is as obsolete as the “wooden walls” with which it was built up. It could only be considered as a practical possibility in a secondary war confined to naval operations; and even in such a war it would cost more than it would be worth.

The Blue Water Buccaneers also confuse the case by claiming that it was the British blockade that defeated Kaiserism. No legal blockade was ever established against Germany, not even after the entry of America into the war. The entirely novel methods of applying blockade pressure to Germany were undertaken not under the rules of blockade but under the Reprisals Orders in Council.

Between 4th August, 1914, and 1st March, 1915, neutral ships could, in theory, visit German ports with non-contraband goods. Except by way of reprisals, justified by German breaches of the law of nations and of humanity, there was no legal means of stopping goods coming from Germany or of non-contraband goods from going in.

In practice what was done, as we have seen, was to extend the contraband list to cover nearly all articles of commerce. Even so, 99 per cent. of this contraband, conditional or absolute, was captured as being in “continuous transport,” that is to say while in transit to neutral ports on the supposition that it was to be transferred overland to Germany. Moreover, under the first Reprisals Order in Council all goods of enemy origin, destination, or ownership became liable to seizure. This was an exceptional measure of retaliation outside ordinary naval law which could not have been put into

force legally, at any rate, had it not been for the prior infringements by Germany.

In the kind of private war in vacuum that we are considering and the possibility of which is the main argument for retaining our remaining rights at sea, we shall either have to establish a legal blockade, very difficult in view of modern developments of weapons of war ; or under the Declaration of Paris of 1856 we must rely on capturing goods going to our enemy in neutral ships as contraband. And we can only indefinitely extend the contraband lists with the goodwill of the neutrals concerned ; which means that their sympathy must be with us.

Under modern conditions it will be important to stop the export of enemy goods to neutral countries overseas. For the successful export of such goods will support the enemy's credit in foreign countries with which he can purchase supplies, carry on propaganda and the like. An example in the late war will be of service.

In the early part of 1916 the British Government, under the Reprisals Orders, began seizing securities and scrip of enemy origin found in the mails carried in neutral ships, mostly consigned by Dutch bankers in Holland to banks in the United States or South America. We had seized nearly a million pounds' worth of such sinews of war before the Germans, hearing of our action, stopped the traffic altogether. This established a new precedent in naval warfare, but one such precedent does not make international law. Such goods could only be seized in the event of a legal blockade being established with a neutral benevolence amounting to un-neutral service or at the risk of making a neutral belligerent.

#### NAVAL BLOCKADES BLOCKED

There would seem to be only two ways of dealing with the difficulties of blockade to-day, using the word as a generic term. The first is to regard blockade in the future not as applying to a line of enemy coast, but as a blockade of trade routes and lines of communication by sea and land alike. This will require a complete revision of international law, which can only be effected with the co-operation of natural neutrals like the United States and will be dealt with in the following chapter.



U.S.S. ILLINOIS TORPEDOED AND SINKING  
(Imperial War Museum photo. Copyright reserved.)



The second is to give notice to the world, as the gallant Admiral proposed in the House of Lords, and many other gallant admirals have proposed elsewhere, that we intend no longer to be bound by the Declaration of Paris but to revert to our old original practice of seizing enemy goods in wartime wherever found.

The Declaration of Paris may or may not be "international law" and inviolable. It is usually assumed that it is; and it has been generally respected until the Great War. The point is, however, are we prepared and are we in a position to denounce it now, except in agreement with the other principal sea powers. Would these sea powers, and especially America, allow us to return to the methods of exercising sea power practised by us a hundred years ago in entirely different circumstances and in a world in which our command of the sea was absolute? British Governments can be very reactionary. But it is difficult to imagine the most reactionary Government behaving so rashly and romantically as this.

The British will, as things go and as we shall later show, be on a parity in surface sea power with the Americans in about five years, and will then have lost the power they have hitherto held of imposing a private "cut-and-dried" surface blockade as against any probable combinations of belligerents and neutrals. This power was the real purpose of the British two-power and three-power standards before the war. After the war the destruction of the German war fleet left them supreme in this sense until the advent of American sea power.

But what about the new three-dimensional warfare with submarine and aeroplane? The rival of the British here is not America but France. There is no strategic object in building submarines against France for commerce destruction. What about aircraft? We can of course outbuild France in the air. It would cost comparatively little and we are the wealthier country. But if we did we should not thereby get such a command of the air as we have hitherto had of the sea surface. Our air command could never be converted into a cut-and-dried blockade of communications and commerce with France. An air war between British and French would be a war of cut-and-run raids on either side, destructive not only of commerce but of all civilization.

## NAVAL BLOCKADE MUST BE ABANDONED

Are we prepared to face these facts? If so, then we are at once confronted by this conclusion: that so far from it being in our interest to return to a private right of blockade as it was previous to the Declaration of Paris, it is no longer in our interest as a belligerent to resist a further restriction of the present private right of blockade—and it never was and is less than ever now in our interest as a neutral to resist such further restriction. We have seen how the unrestricted right of cut-and-run blockade by submarines nearly cost us the victory in the last war. We have suggested that a similar right of aeroplanes may cost us the next war. We have shown how the attempts hitherto made to restrict these new weapons by international authority and agreement have been worse than useless. We have submitted on good authority of experts and of experience that the only effective restraint on these weapons is the fear of reprisals by the belligerent or the fear of retaliation by neutrals. Which all brings us to the question whether this fear of retaliation and reprisal can be so organized as to save the British Empire from the risk of defeat and European civilization from the risk of destruction in the next war. If it can, then it will certainly be worth while for us British to surrender in return our unrestricted right of blockade, as we have already surrendered the unrestricted right of building battleships on which blockade once was based. And just as that step was taken in association with America, so must the next step be taken by a new agreement between the United States and the United Kingdom.

## CHAPTER III

### FREEDOM OF THE SEAS AFTER THE WAR

**I**N this chapter we have to consider how a settlement of the Law of the Sea came to be omitted from the peace terms, though it was included in the War aims of both the American and Germans.

The situation towards the end of the War was thus described by a Norwegian neutral (Michael H. Lie: "Freedom of the Seas," *Recueil de Rapports*, Vol. 2, page 175) :

"In the present economic war blockade plays by far the most important part. The extremity on both sides has led to a system of arrangements—declarations of blockades without directly debarring certain coasts, special war zones and mines in the High Seas—all outside international law. The blockade is moreover principally directed against neutral commerce. The principles of international law have become uncertain. It would be useless to claim in the coming peace negotiations that the great maritime powers should desist from the right of commercial blockade. . . . One might as well propose the abolition of naval warfare."

It is interesting to observe that had America taken sides with Germany against the British supremacy at sea there would have been a peace which would have provided a new sea law based on Freedom of the Seas under an international régime and regulation. As it was, American public opinion and policy became concentrated on aiding the British to establish a complete command of the seas. While German policy and public opinion changed its ground and lost its grip on the situation as the tide of war set against it.

#### FREEDOM OF THE SEAS—GERMAN VERSION

The Freedom of the Seas was for Germany a mere war slogan, like our "Liberties of the Lesser Nations." There is nothing to show that they meant anything more than that they were fighting the

British sea power, that had given us a long start in commercial competition before the war and that was strangling and starving them in the conflict itself.

Before the Great War Germany's policy as to Freedom of the Seas was ambiguous. She claimed that she was building a fleet to ensure Freedom of the Seas as against British Command of the Seas ; but what were the principles and procedures held to constitute Freedom of the Seas was left undefined. And when opportunities for such definition offered, as at the Hague in 1907, the German Government was no more liberal in its attitude than the British. It was due to the German Government that the abolition of contraband, and even the immunity of private property at sea, found no place in the Declaration of London. And the absence of any real German naval policy in this respect was reflected in the disagreement of their doctors. Some German jurists preached immunity of private property (Maurer, Schucking, Weyberg)—some the *status quo* (Triepel, Stiersomlo)—some unrestricted sea war (Niemayer, Perols).

The German claim to be contending for Freedom of the Seas was, before the war, little more than camouflage for the navalism of which the Kaiser made himself the "loud speaker." "The trident must be in our hands"—"Our future lies on the water"—were not principles of a new international sea law. And this attitude of self-help and self-sufficiency continued into the war. Reventlow (18th February, 1916) called for "A Freedom of the Seas founded on steel not on paper." Ballin repeated his slogan—"Come out of the wet Triangle."

But as the war went on it became clear that the escapades of the German Fleet in cut-and-run raids and commerce destruction, and its still more surprising evasion of destruction in pitched battle, were not going to affect the main issue. Gradually the German policy became one of a Freedom of the Seas sanctioned by international agreement rather than by national armaments. It was this phase that was given some international authority by the Pope in his peace message (1st August, 1917), which made an appeal for the recognition of the principle of Freedom of the Seas. But this did the principle little good ; for the peace movements were not prepared to accept the Pope's arbitration, and the War propagandists could

denounce it as a German "Peace Trap." At last, with German defeat in the field, came the final phase in which Freedom of the Seas was exploited as a means of evading peace penalties. In the German draft of the Constitution for a League of Nations drawn up by Erzberger we find Freedom of the Seas secured by a new sea law including neutralization of Narrow Seas, immunity of private property, transfer of the right of economic blockade to the League, and most-favoured-nation navigation treaties for all members. A similar definition was given by the Foreign Minister, Count Brockdorf-Rantzau at Weimar (14th February, 1919); and, as the menace of penalties grew more imminent, Freedom of the Seas was extended to include an international régime for regulation of commerce, colonies, and communications (Dernburg, Erzberger, Maurer). By that time "the Devil a Saint would be." But by that time, also the allies were assuring one another "Courage, mon ami, le diable est mort"—and were busy partitioning Hell.

#### FREEDOM OF THE SEAS—NEUTRAL VERSION

Nor was there any much clearer or more combined opinion among European neutrals as to the régime of Freedom of the Seas and its relation to the post-war reconstruction of international relations. There was little more than a vague "*Vœu pieux*." And the first form in which Continental proposals for a peace league took shape was that of an "Armed Neutrality." The complete suppression or suspension of the rights of neutrals in international law by the continuation of the blockade of the belligerents on either side, naturally suggested that the proper remedy was an association of geographic neutrals like the Scandinavian States, or "guaranteed" neutrals like Belgium and Switzerland to which the other powers would accede after the peace. This association would then introduce a new system of international law and impose "sanctions" for its enforcement.

We find this idea well formulated even before the war by Barclay (*Institut de Droit International*, 1904, page 35):

"La neutralité n'est plus une solution passive. Les intérêts des neutres sont aujourd'hui les intérêts de la majorité, par conséquent les plus

puissants. Le temps viendra et peut-être bientôt, où les neutres se coaliseront contre les belligerents et cerneront les deux partis par un cordon sanitaire comme on enraie les pestes et les incendies."<sup>1</sup>

During the war it was developed by neutrals (for example Bornhak, "Wandel des Volkerrechts," 1916, and Burckhardt, "Recht der Neutralen," *Pol. Jahrbuch*, 6th, 1915; Nippold, "Das Volkerrecht im Krieg," *Pol. Jahrbuch*, 1914). Also by the less nationally minded publicists of the belligerents. Thus Lammasch ("Beruf der Neutralen," *Int. Rundschau*, June 1915):

"Wenn die Staaten, die, die ernste Absicht haben, sich in kunftigen Kriegen neutral zu halten sich zu einem standigen Bunde zusammenschliessen, wenn sie gemeinsam ihre Vermittlung anbieten und ebenso gemeinsam jene Konsequenzen der Ablehnung ihres Anerbietens androhen, wurde dieser Bund eine Macht repräsentieren auf deren Gegnerschaft es selbst die Machtigsten nicht gerne ankommen liessen."<sup>2</sup>

It was such a collective guarantee of neutrals as to their own responsibilities and rights that was in principle the origin of the League of Nations. Such armed neutrality, even though not formally expressed in an association, is still in fact the real guarantee of the post-war League, as it was the real guarantee of the pre-war International Law.

It would be easy to trace the development of this idea of an armed neutrality into the Peace League, but it is only dwelt on here for a double and a special purpose. In the first place, to bring back the mind of the reader to the real basis of the League, underlying the tangle of technicalities as to sanctions and security pacts. In the second place, to show the point to which we must return in order to get together British and American public opinion for the real move towards naval disarmament and peace.

<sup>1</sup> "Neutrality is no longer a passive solution. The interests of neutrals are to-day the interests of the majority, and therefore of the most powerful. The time will come, perhaps soon, when neutrals will coalesce against belligerents and will enclose both parties with a sanitary cordon as one checks plagues and fires."

<sup>2</sup> "If the States that really intend to remain neutral in future wars would associate in a permanent alliance, if they would jointly offer their mediation and as jointly threaten the consequences that would follow a refusal of that offer, then their alliance would represent a Power that the strongest Power would not willingly challenge."

## FREEDOM OF THE SEAS—BRITISH VERSION

As for the British, their reactions to peace terms, including Freedom of the Seas, were no more than a reflection of the American pressure. And American pressure against British blockade was at first not unaffected by German representations. In one of its notes to the American Government Germany demanded—

“definite rules and safeguards, limitations of armaments, and Freedom of the High Seas.”

The Austrian Government demanded that the Seas be “freed from paramountcy.” These appeals were not without effect at first as is evident from the American note to the British Government (21st July, 1915), which observed ominously that “Germany and ourselves are both contending for Freedom of the Seas.” While a note to Germany of the same date declared that the United States would stand for Freedom of the Seas, no matter which side attacked it, without compromising and at any cost. This incipient German-American association for Freedom of the Seas produced so profound an effect on our Foreign Office, as it well might, that in spite of the growing indignation in America, caused by German submarine warfare, we find Sir Edward Grey (15th November, 1915, *Pall Mall Gazette*), accepting the immunity of private property at sea as a possible peace term. The acceptance of Freedom of the Seas as a matter for the peace settlement was, however, obviously due to the American attitude and was bound to be annulled should America abandon neutrality.

This remarkable change in the policy of the British had been thus brought about. In the Spring of 1915, Colonel House, unofficially representing President Wilson, was in Europe exploring the military and political situation to find some means of ending the War by American mediation. The struggle had not then become an embittered War of exhaustion and it looked as though a basis could be found. The British and French Governments demanded the evacuation of occupied territories, including Belgium. The Germans demanded territorial compensations for war costs and for future security.

We shall quote the Colonel's own account of his action in his letter to the President from Berlin on March 27th, 1915 (*The Intimate Papers of Colonel House*, Vol. I, p. 414) :

" It occurred to me to-day to suggest to the Chancellor that, through the good offices of the United States, England might be brought to concede at the final settlement the Freedom of the Seas, and to the extent I have indicated to you. I told him that the United States would be justified in bringing pressure upon England in this direction, for our people had a common interest with Germany in that question.

" He, like the others I have talked to, was surprised when I told him the idea was to go far beyond the Declaration of Paris or the proposed Declaration of London. I said that someone would have to throw across the chasm the first thread, so that the bridge might have its beginning, and that I knew of no suggestion that was better fitted for that purpose than this : That if England would consent, this Government (the German) could say to the people that Belgium was no longer needed as a base for German naval activity, since England was being brought to terms."

In his preliminary conversations with the British prior to his visit to Berlin (10th February, 1915), Colonel House had found Sir Edward Grey and Sir William Tyrell (Permanent head of the Foreign Office), not unfavourable to Freedom of the Seas.

" Sir Edward . . . thought Great Britain would be willing to agree that all merchant shipping of whatever nature, belligerent or neutral, would be immune."

The following day Sir William Tyrell stated that :

" Great Britain recognised that the submarine had changed the status of maritime warfare, and in the future Great Britain would be better protected by such a policy (absolute freedom of merchantmen of all nations to sail the seas in time of war unmolested) than she has been in the past by maintaining an overwhelming navy." (*ibid.*, page 376.)

Unfortunately the Germans with their usual stupidity, instead of waiting until peace was in prospect, published at once a declaration in the terms of the Colonel's conversation. So, of course, when he returned to London he found that British suspicions were aroused and the Freedom of the Seas was being regarded as a German peace-trap. When Colonel House talked to Lord Bryce about it (22nd May, 1915), the latter—

" did not seem in favour of it, saying he had heard that Dernburg very much desired it. I replied that I was the instigator of it in Germany.

and the Germans were merely echoing the thought I had given them. He laughed and said he felt better, for, if we were doing it, he was quite sure it was not a bad thing, and that in the future he would look at it with more friendly eyes." (*ibid.*, page 467.)

We accordingly find Freedom of the Seas relegated from being the avenue of approach to an immediate peace to being an accessory advantage to be gained in an ultimate peace. Thus Sir Edward Grey writes to Colonel House (10th August, 1915) :

"The pearl of great price, if it can be found, would be some League of Nations that could be relied on to insist that disputes between any two nations must be settled by the arbitration, mediation, or conference of others. International Law has hitherto had no sanction. The lesson of this war is that the Powers must bind themselves to give it a sanction. If that can be secured, freedom of the seas and many other things will become easy. But it is not a fair proposition that there should be a guarantee of the freedom of the seas while Germany claims to recognize no law but her own on land, and to have the right to make war at will. . . ." (*ibid.* Vol. II, p. 87.)

If this conversion of the British when *in extremis* to Freedom of the Seas was proved later to have been diplomatic, there is no reason to believe that the German conformity was any less a death-bed conversion. Or, that if they had dictated peace, they would have done any more for reforming and restoring a Law of the Seas than we did. Their doctrine of Freedom of the Seas was in fact not international in its inspiration, but national, and based on the hope of a balance of sea power.

#### FREEDOM OF THE SEAS—AMERICAN VERSION

But what really matters was not what Freedom of the Seas meant to Germany when already beaten, nor even what it meant to Great Britain when already blinded to her best interests by victory, but what it meant to an America that was bound by her ideals and her interests to force peace on the world—and to force it first on the Germans, and then, if necessary, on British and French. Taking President Wilson as the spokesman of American public opinion we find him first combining the American idea of Freedom of the Seas and the ideal of a Peace League in an address to the American League to enforce Peace (27th May, 1916). He there advocates—

" an universal association of the nations to maintain the inviolate security of the Highway of the Seas for the common and unhindered use of all the nations of the world and to prevent any war, etc."

At this time the United States were still rigidly neutral. Said President Wilson in the same speech: " We are in no sense or degree parties to the present quarrel." He was therefore basing this League on the only firm footing on which America can associate in European affairs—the Sea. Later, just before entering the war, he built further on this basic idea in an address to the Senate (22nd January, 1917). He then wrote :

" The paths of the sea must alike in law and in fact be free. The Freedom of the Seas is the *sine qua non* of peace, equality and co-operation. No doubt a somewhat radical reconsideration of many of the rules of international practice hitherto thought to be established may be necessary in order to make the seas indeed free and common in practically all circumstances for the use of mankind, but the motive for such changes is convincing and compelling. There can be no trust or intimacy between the peoples of the world without them. The free, constant, unthreatened intercourse of nations is an essential part of the process of peace and of development. It need not be difficult either to define or to secure the freedom of the seas if the Governments of the world sincerely desire to come to an agreement concerning it. It is a problem closely connected with the limitation of naval armaments and the co-operation of the navies of the world in keeping the seas at once free and safe."

#### FREEDOM OF THE SEAS IS DROPPED

As America became belligerent and joined in the British blockade, Freedom of the Seas, from being the basis of American policy, gradually drops into the background. In the second of the Fourteen Points (address to Congress, 8th January, 1918), Freedom of the Seas appears as only one of America's war aims, though it is still obviously an essential element in the whole programme of peace proposals. But neither in the " Four Principles " (11th February, 1918), nor in the " Four Objects " (4th July, 1918), nor in the " Five Conditions " (27th September, 1918), does it again specifically appear. The President had had, in fact, to make his first concession to the force of circumstances. And he could do this without danger to his whole structure of peace once the United States had entered the war.

With a real instinct of statesmanship he had already recognized that America being neutral, the Sea was the best possible basis for its association with Europe. But now that American armies were to invade Europe to impose peace, the United States had a firm footing on land for intervention.

Moreover, American opinion was soon more interested in backing up the British blockade to beat the Germans than in the traditional rights of American traders. Also there was now the British ally to be considered. And surrender, not only of sea supremacy, but of sea "self-help" in the matter of blockades and other belligerencies did not much appeal to a Great Britain that had just emerged from a life-and-death struggle at sea to a position of sea supremacy never before achieved.

Nor was it a recommendation that such a surrender would serve to introduce a super-sovereign authority that would regulate international relations. The Allies were international dictators and were not attracted by an international democracy. The fact that Freedom of the Seas had become the base of a League of Nations, was no recommendation. For the League, though it appealed to the peoples and the pacifists, was looked on askance by patriots and politicians of the Right.

The American claim to Freedom of the Seas had been attacked throughout the war by our propagandists and patriots. Even internationalists like Professor Gilbert Murray and historians like Professor Ramsay Muir, joined the chorus of condemnation. The general line of attack was that (*a*) Freedom of the Seas had no real meaning or (*b*) that it meant surrender of the sea power by which the British lived. Then (*a*) that it was German war propaganda or (*b*) that it was an American peace trap. Or (*a*) that it was to be the basis of a Holy Alliance such as that against whose oppression America had declared the Monroe doctrine or (*b*) that it was the vain approach to a visionary Utopia. Finally (*a*) that the difficulties were insuperable and (*b*) that it was too dangerous to touch.

Therefore, when the Germans offered to surrender on the terms of the Fourteen Points there was much anxiety in London lest this might enable the President to force Point II—the Freedom of the Seas—on the Allies. And the attitude of British statesmen and the atmosphere in which they dispose of the destinies of the world is

worth reproducing from the *Diary of Field-Marshal Sir Henry Wilson*. (Vol. II, p. 135) :

“ Then we discussed President Wilson’s answer to Prince Max. Clemenceau and Pichon were for taking no notice. They said they had no official cognizance, so could take none. Lloyd George pressed that an answer, not for publication, be sent, pointing out that if the Boches accepted the 14 points we should be in a difficult position, as we could not agree to Point 2, ‘Freedom of the Seas,’ and that therefore we should tell Wilson plainly that evacuation of occupied territory was a necessary preliminary to any exchange of views about an Armistice, which would then be a matter for the Military to settle.”

This entry was on 13th October, and the next day he continues :

“ I saw in the paper this morning that the Boches have accepted my Cousin’s offer (President Wilson, no relation), viz. evacuation of all occupied territories and 14 points. Milner telephoned to say I had to go down to Hassocks to Lloyd George for lunch. I found there Lloyd George, A.J.B. (Lord Balfour), Bonar Law, Milner, Winston (Churchill), Reading, Wemyss (Deputy First Sea Lord), Hankey (Secretary, War Cabinet), Philip Kerr (Prime Minister’s Secretary). We discussed : 1. What we were to say to President Wilson. 2. What we were to say to the Press.

“ As regards Wilson, we agreed that we would wire to say that he must make it clear to the Boches that his 14 points (with which we do not agree) were not a basis for an armistice, which is what the Boches pretend they are. As regards the Press, we agreed that they should be told that Wilson is acting on his own, that the War is *not* over, that the 14 points are *not* an armistice, and that an armistice is *not* a peace. It was a very interesting afternoon. Everyone angry and contemptuous of Wilson.”

Certainly a comparison of the characters of this British militarist with that of his great pacifist namesake and a consideration of the political influence acquired by this bigoted and arrogant though able soldier will make us angry and contemptuous to-day ; though not with the American Wilson. Unfortunately the personal and professional influence in politics of Generals and Admirals still prevails only too often and still produces disastrous mistakes in our foreign relations with friendly peoples.

But, in the light of the above extracts, we can understand how it came about that, when President Wilson later formally submitted the Armistice terms to the British, these reserved themselves complete freedom as to the Second Point. And in this they easily

secured the support of their allies. Which, however, would not have precluded or prevented the President from pressing it at the Conference had this been otherwise possible. But the British opposition to any revision of Sea Law was strongly supported by the other Allies. For it was well worth while for France, Italy, and the others to get British support for their territorial claims at the cost of accepting a British command of the seas that would be the best guarantee for securing and safeguarding a settlement in opposition to national ethics and international economics. Against this unholy Alliance of the Armies and Navies of Europe, led by the diplomats and demagogues, President Wilson could not even count on a solid support from his own countrymen for his peace policy. Not only was public opinion in America in a fever of war psychosis against Germany and all Germany's war aims, including Freedom of the Seas, but it was fascinated by the glory and glamour of the Great War, and its grimness and grossness had not had time to force itself on Americans as it had on Europeans. Owing to the homogeneous character of the people and the insularity of their continent, Americans have a capacity for concentrating on one point of view which is as dangerous to themselves in peace as to their enemies in war. The end of the war came while their nationalist navalism was at its height, consequently the anti-navalist internationalism of the President was as noxious to these patriots as to the British.

For this and other reasons a further handicap came to be imposed on the President. The elections for the Senate (November 1918), gave a majority to the Republicans; and in March 1919, Senator Lodge, the most bitter opponent of Wilsonism, became Chairman of the Senate Committee on Foreign Relations. It is true that the Republicans only got their majority with the help of Senator La Follette, an independent, and of Senator Newberry, who had been sentenced to imprisonment under the Federal Corrupt Practices Act, and was only saved to vote by the Supreme Court declaring the Act unconstitutional. But so mysterious are the dispensations of providence that to the escape of the Senator for Michigan is probably due the exclusion of a naval settlement from the peace and the present collision between British and American Sea Power. For, on President Wilson's sailing on his second journey to Versailles, Senator Lodge was in a position to inform him that his project of a

Peace League must be dropped. The President was not the man to be dictated to by the Senate; but thereafter he was in that position of an Executive in conflict with the Senate which he himself had described as the curse of the American Constitution. (*Congressional Government*, 1885, pages 50 to 52).

By accepting various Senate amendments to the League Covenant the President had avoided an open rupture with Congress and returned to Versailles to deal with the diplomats and demagogues there, who, in his absence, had dropped the principle of a peace settlement by the League and had been busy reconstructing Europe in accordance with the "Secret Treaties." One of these amendments established as international law one of the American principles of policy by including in the Covenant recognition of the Monroe doctrine. (Art. XXI.) But the other more truly international principle, that of Freedom of the Seas, was dropped, and disappeared. The President had to lighten his load, and that he should have forced the League on the Conference is, in the circumstances, a feat that puts him in the front rank of the world's workers for the peace of nations.

#### PRESIDENT WILSON'S DEFEAT

Having thus explained how it happened that the foundation stone upon which he framed his Temple of Peace came to be left out of the final structure, we are not concerned with the story of his other struggles with the powers of darkness. It is quite the most tragic story of the many tragedies of great Statesmen. We see him arriving in Europe, a last hope of all the honourable men and women who had been suffering for years under the horrors of the new warfare and the worst dishonours of the old diplomacies. We see him in the Council of Four opposing an—"I stand for the right" to the sinister secret intrigues of his colleagues. "This man talks like Jesus Christ," sneered the "Tiger." We see him back on the American platform appealing for his mutilated Peace League, his malversated Points, and his misappropriated principles, to fellow countrymen who could not recognize his difficulties but realized his defeat. And we see him struck dumb in the crisis of disaster. Yet he had achieved more, in spite of all his mistakes, than could have been expected from any man. And if his disciples now can finish

his task by bringing British and Americans together for disarmament, peace, and Freedom of the Seas, it is only because he did not wholly fail.

Wilson looked on the League as a means of rectifying the wrongs of the Peace Treaties and of reconstructing the régime of international relations on a peace footing. But the "Tiger" school looked on it as a means of prolonging the War Alliances and of imposing the penalties of the Treaty. It is a question indeed whether on balance the results of Versailles are better than those of Vienna in the settlement of a century earlier. The Vienna peace terms were more equitable and stable than those of Versailles, while the League of Nations has more capabilities for good and less for evil than the Holy Alliance. The difference in favour of the League is due partly to the more democratic character of the leading constituent nations, and partly to the more resolute character of Wilson as compared with that of the Tsar Alexander, the founder of the Holy Alliance.

#### WHY AMERICA BUILDS A BIG NAVY

Some volumes of original documents of the Peace Conference were published three years after it had ended (*Woodrow Wilson and the World Settlement*). The third volume contains the confidential memoranda to President Wilson written by the United States Naval Advisory Staff under Rear-Admiral W. S. Benson. These are State documents of the highest importance whose publication has not received the attention it deserves in British circles. They give an admirable insight into the true American standpoint on naval and many other questions, and they set out very fully and fairly the reasons why the United States should have a Navy as large as that of Great Britain. For example (Extract No. 22, 14th March, 1919, Vol. III) :

"The League of Nations," wrote the Advisory Staff (which at that time was working on the basis of a League), "must be strong enough to restrain, if necessary, its strongest member. No international Navy made up of ships of heterogeneous types, training, language, custom and command could hope to cope with the British Fleet. There must exist in such an international force a single unit of the same nationality of equal strength to the navy of Great Britain. Such a unit with the assistance of the forces of the League would be able to enforce the mandates of the League against any power. The United States has its

ambitions satisfied and can be relied upon to support loyally the League of Nations. The nations of the world know this and have faith in us. Should we ever fail in our international obligations there would exist the forces of the League with the fleet of Great Britain to apply the remedy."

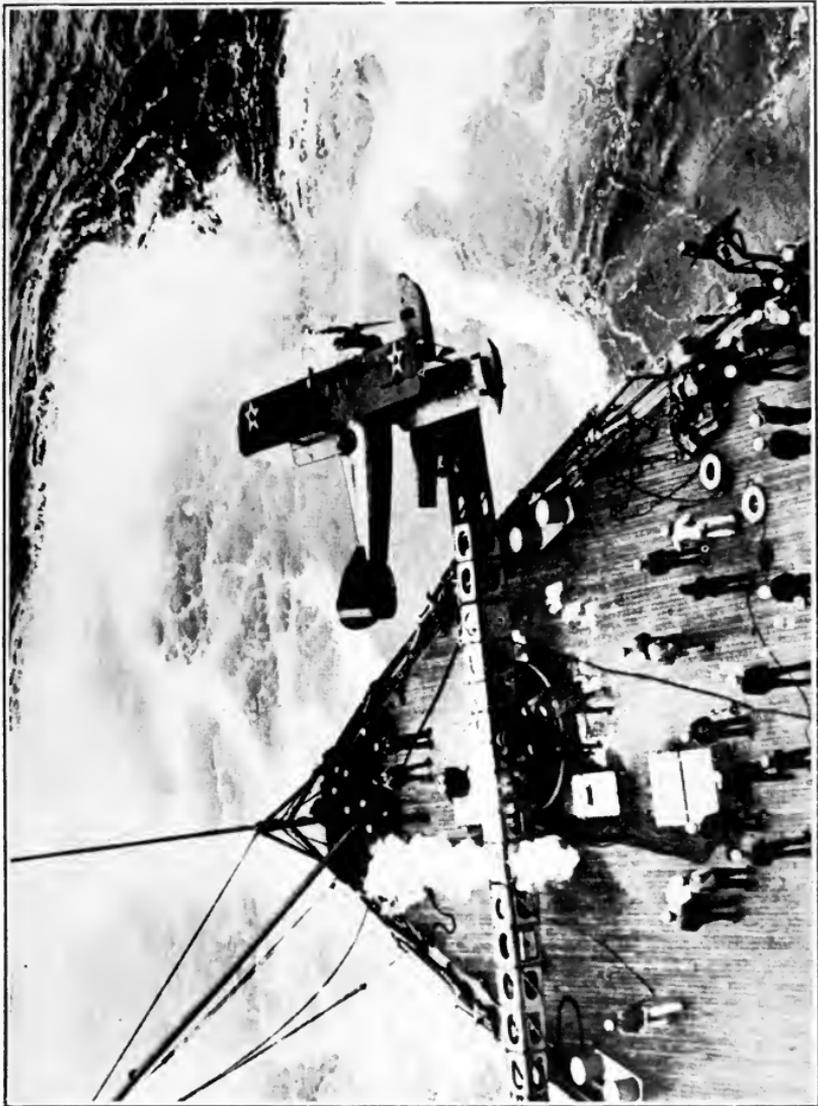
Although America is not a member of the League of Nations every word of these arguments applies to-day. For this policy contemplates a community of naval interests in international law that would offer a security and sanction of a different order from paper protocols.

Again :

" There are in the world but two great Powers whose existence depends on naval strength. These are Great Britain and Japan. In the past Great Britain built with the exclusive idea of keeping a safe superiority over the German fleet. In the future her sole naval rival will be the United States, and every ship built or acquired by Great Britain can have in mind only the American fleet. Japan has no rival in the Pacific except America. Every ship built or acquired by Japan can have in mind only opposition to American naval strength in the Pacific. The United States, in their desire to maintain the peace of the world and to help all nations, must not forget the necessity of national safety. Any reduction in our relative naval strength will weaken our influence in the world and will limit our ability to serve the League of Nations."

These arguments may suggest that the naval writers were still basing themselves on Balance of Power. But a closer reading will reveal that it was not the old Balance of Sea Power, in which each Navy was competing for sea supremacy; but a new balance in which the navies should combine to establish the joint minimum necessary for sea police and the individual maximum to be contributed by any State. This was the principle afterwards partially applied at Washington. And, in balancing the American Fleet as an international sanction against the British Fleet, concerned only with its own national security, the authors were facing the very fact which subsequently has checked further progress in pursuit of disarmament. The view held by the American Government of that day undoubtedly represents American opinion then and now; and may be summarized as follows :

" A stable League of Nations, or any other stable system of Sea Law and Security, requires two equally great navies. In the case of the League,



SEAPLANE LAUNCHED BY CATAPULT IN U.S.S. TENNESSEE



with one dominant naval power, namely Great Britain, the most powerful non-member, namely America, must have a fleet equal to that strongest Navy in the League."

In the case of an Anglo-American association, however, the joint navies need be no larger than would dominate any other possible association. America, whether in the League of Nations or outside, must accept the burden of a Navy equal to Great Britain's. These documents can be of such service to a real understanding of position that we will give another extract (Adm. Benson to Pres. Wilson, 7th April, 1919) :

"Every great change in world conditions makes it incumbent on each of the several States of the world to re-examine its special situation, and to determine from this examination the policies that will enable it best to fulfil its duties to the world and to itself. Such a change in world conditions has come and such a duty now falls upon us as Americans. There are many interrelated external policies which America must determine, but this paper deals with naval policy only. Naval policy is a means to an end, a means designed to assist the State in the attainment of its international mission. This mission for the United States is two-fold—a duty to itself and a duty to the world.

- I. To promote and guard the interests of the United States in every way consonant with justice.
- II. To assist in promoting the welfare of the world.

"We can make no progress in promoting our international interests, or in promoting the welfare of the world, except through international relations. Whenever we enter into such relations we meet with other national aims, with other national desires for the advancement of the interests of other nations."

After arguments showing that nations seek their advantages by negotiations with force as a sanction and that real negotiation in international affairs can only take place between equals in power, the memorandum continues :

". . . When we examine our own world situation in the new order of things, we realize that all of our important international relations and all of our important international questions hinge upon matters relating to the sea and sea communications. We cannot advance our external interests, nor can we influence world policy, except by way of the sea. Practically all of our great commerce is sea commerce. If any foreign State desires to bring military pressure to bear upon us, it must be a

pressure based upon possible operations by way of the sea. The attack of our Colonies, of our commerce, of our frontiers, depends first of all upon what happens at sea. Conversely if we desire to retaliate or to exert opposing military pressure, we must base our efforts upon our sea power.

"In the past our naval position has derived great strength from the potential hostility of the British and German Fleets. Neither the German nor the British Fleet could venture abroad without grave risk that the other would seize the opportunity thus presented to crush a rival. This condition gave to America a position of special strength both in council and in decision, because her navy was so strong that no other navy could neglect its influence. All that is now changed. The German fleet has ceased to exist, with the result that we suddenly find the British navy in a position of unparalleled strength. No navy is left in Europe capable of offering any real resistance to the British Navy.

"Under present conditions the British Navy, with its world-wide supporting organization, is strong enough to dominate the seas in whatever quarter of the globe that domination may be required. We do not consider this a condition calculated to advance either our own just interests or the welfare of the world. A power so absolute that it may disregard other powers with impunity, is less apt to act with justice than if there be a balancing influence of force as well as of world opinion to oppose it. This is true within a League of Nations as well as without a League of Nations.

"Even when force is not applied, the knowledge of its readiness is always an asset in negotiation. The smooth and leisurely phrases of diplomacy derive their pungency from a vision of the force in readiness that lies behind them. Governments are influenced less by words than by material facts. We are conscious of this in every phase of the proceedings of the Peace Conference now in progress. Everyone, except ourselves, looks to British Naval Representatives for suggestions in naval matters, and to French Military Representatives for suggestions in military matters. This phenomenon is the unavoidable tendency of the strong to dominate, and of the weak to accept domination."

It is interesting to speculate as to whether what now follows was brought to the notice of the British Cabinet before the meeting of the Coolidge Naval Conference at Geneva or was studied by the British delegates at that ill-fated meeting :

"Since we are considering naval policy as affecting American interests, and since the British Navy is the only navy in existence that can threaten the American Navy, British policies have a peculiar interest for us. Every great commercial rival of the British Empire has eventually found

itself at war with Great Britain—and has been defeated. Every such defeat has strengthened the commercial position of Great Britain.

“The constant effort of Great Britain through centuries has been to acquire control of the foci of the sea commerce of the world.

“A present governing policy of Great Britain is the control and monopoly so far as possible of international communications. These include :

Submarine Telegraph Cables,  
Radio Systems,  
Commercial Aircraft,  
Merchant Shipping,  
Fuelling Facilities,  
Fuel Deposits.

“The British negotiations at the Peace Conference are conducted with these objects frankly in view. Their attainment is possible largely through British strength at sea. No one can contend that such monopolies represent the promotion of interests that are just to all the world.

“The possibility of future war is never absent from the minds of statesmen, so we see in the British negotiations a very careful attention to the preservation of their present military domination of the sea.”

And again, in the same memorandum the members of the Naval Mission refer to the British desire for the most liberal interpretation of belligerent rights on the High Seas. On this the following comment is made :

“Very few people realize how reluctant the British are to codify maritime international law. They naturally prefer the absence of law in order that during war their Navy may have complete freedom of action. The absence of maritime law during the present war has led to an expansion of so-called belligerent rights that certainly would never be accepted by an International Congress.

And be it noted that in these memoranda, written in 1919, there is no reaching out after hegemony or domination at sea. All the Americans were asking was for a Navy equal to the most powerful Fleet in the world. Later in the same memorandum (No. 23) the following argument is used ; and it underlines one of the principal contentions put forward in these pages :

“It is not believed, however, that any competition in armaments is necessary. Once the principle of two equal naval Powers . . . is made clear to our own people and to the British public, a means will be found to maintain a parity of the two fleets with the minimum of burden to the taxpayer.”

If the reader will examine the arguments used in these memoranda written at the end of a Great War and never intended for the public eye, least of all for the foreign eye, he will see in them a high devotion to public service and a true conception of peace on the part of citizens of a warlike and wealthy nation. They leave the way open for Englishmen who can rise to the same heights to join with that nation in ensuring the interests of the world.

#### AMERICAN DISGUST AT PEACE TREATIES

The death of President Wilson, the rejection of the Peace Treaty by Congress, and the repudiation of a partial and partisan League by American opinion, left the settlement of the issue between British Command of the Seas and American Freedom of the Seas to a future agreement between these two Sea Powers. For the League, owing to British supremacy and American suspicion, had become as unacceptable an arbiter as had been the Papacy between England and Spain in 1498, or between Great Britain and Germany in 1917. In order to give an idea how insuperable this American suspicion is and how insoluble at present are all equations including Washington and Geneva as factors, we shall quote what was said of the League by Senator Norris in the debate on the Treaty. He hits hard, but his homeliness has the ring of truth and is racy of the real opinion of Americans.

"I started this thing in good faith. No man had more honest and beautiful intentions than I had when the peace conference met at Versailles. No man in the world was more anxious than I to have permanent peace. I believed that our allies were honest and honourable. I thought they were square; I thought they were fair; and when the league of nations part of the treaty was first given to the world, while I disliked some of it, I was on the point of swallowing it. But when I discovered that these same men who had talked eloquently here to us had in their pockets secret treaties when they did it; when I discovered that they pulled out those secret treaties at the peace table in contravention of and in contradiction to every agreement they had made when we entered the peace conference; when I saw that they were demanding that those secret treaties be legalized, and more than all, when I saw our President lie down and give in and submit to the disgrace, the dishonour, the crime and the sin of that treaty, then I said, 'Great God!

I don't believe I want to have any dealing with you people. You are dishonest! You have concluded to act here just the same as you were acting in barbarous days, after proclaiming to us, and after we believed you were in earnest and fighting for democracy to build a peace, and a world peace, a league of nations that would bring peace and happiness forever to a suffering people." (*History of the Foreign Policy of the United States*. Adams. Pages 410, 411.)

This quotation is given as representing what we believe to be still the real opinion of a majority of Americans. This was the frame of mind in which Congress rejected the Treaty and accession to the League. And the Democratic Party responsible for them was heavily defeated in the election of 1920 which made Mr. Harding President. Though the election of 1920 was not fought mainly on the League issue, though many prominent public men—Root, Taft, Hughes, Hoover, Lowell, etc.—signed a manifesto that they were voting Republican as the best way of bringing the United States into the League, though Hughes was made Secretary of State, and though a plank was introduced into the Republican platform "to straddle the League," yet once the election was over there was no doubt as to the policy of the new President and of the old partisans. President Harding in his opening address to Congress (12th April, 1921), declared—

"In the existing League of Nations, world governing with its super powers, this Republic will have no part."

And public and galleries, until then uninterested, burst into applause. It was no encouragement to believers in the League that the President went on to adumbrate his ambition of starting a "new association of nations"—"conceived in peace and dedicated to peace." The comment of the Senator for Missouri—"What he says of the League suits me, I don't know what the rest means"—probably expressed the mass of American opinion.

Of all the counts in the long indictment that history will bring against the Peace Conference the most serious will be the severance of the League from its source in American pacifist idealism and its subornation into an instrument of secret diplomacy. For, as a result, we find that the United States, which at the end of the war were not only the most pacific but the most powerful of the nations, were left to pursue their own interests and ideals independently of

Europe. As their relationship with the allies was thus ruptured and that with the former enemy powers not yet fully resumed, the United States were isolated and could only make their influence felt by pressure. Realizing that their war making had failed in its object of bringing peace to Europe, owing to the reaction that victory had caused in the Allied peoples, the Americans set about forcing peace on Europe by pressure. Europe had refused to be led to peace by Wilson : it should be driven by Harding.

#### AMERICAN POLICY OF PRESSURE

Americans have two great advantages over other peoples as peace-makers. They have in the first place public men who are not afraid to make a moral appeal on popular lines, irrespective of plutocratic interests or political influences ; and they have a public opinion that will make a hundred millions respond almost as one man to the right *motif* struck at the right moment. No other civilized people, except the Soviet Union, can move as one mass with such momentum.

In the second place the United States are not only the wealthiest in resources of men, money, materials, and mechanisms, but have also accumulated during the war the savings of Europe spent on war supplies. They are able to add money power to moral appeal. On the other hand, Europe was left by the war a welter of victors in reaction, of vanquished in revolution, and of new nations still in renaissance, all alike impoverished and all preparing another war. For example, in 1912, two years before the Great War, France spent £40,000,000 on war preparations—in 1920, two years after it, the bill for war preparations was over £200,000,000.

The Americans, their moral appeal having failed, turned to money pressure. Their exaction of the war debts which has been so much resented in Europe and in England on moral grounds, has a perfectly good moral justification. A creditor is justified as a good citizen in enforcing the conditions of his contract against a debtor who is imperilling the peace by spending the money, not on developing his business, but on buying weapons to fight his rivals. Put down your swords and daggers or pay up your debts—was a perfectly sound policy in the interests of humanity.

With this policy of enforcing debt payments we are not directly concerned, but only with a development of it.

“We Americans can't stop you all in Europe from further ruining yourselves with expenditure on armaments and their inevitable result in further wars, but we can check you by making you pay your debts to us. Further, we will ourselves use your money for so outbuilding you in armaments that we shall have not only our present financial hold over the situation but also a naval supremacy. That financial and naval supremacy, with the power of political pressure it gives us, we shall use for making a peace and maintaining a police in the world.”

That is the argument. The attitude is not unlike that which we British assumed during the past century when we were in a somewhat similar position of power.

That policy has been pursued with much persistence, and the financial basis of it is now laid in the various funding agreements under which European peoples now pay, or don't pay, an annual tribute, proportional to their means, for the support of an American naval police. It must be admitted that this payment is no more popular than was the ship-money levied by Charles I for a fleet to fight pirates. It must also be admitted that the practical security for peace thereby procured is preferable to that which they would get by their subscriptions to the League. For the Americans did not wait for the receipts of this “education rate,” or the settlements of disputes as to its assessment, to begin providing a police force that could give pause to any private national fleet. In the years after the war American battleships were built of a class and at a cost with which not even the British could compete. A programme of twelve battleships and six battle cruisers, in addition to construction on the same scale in other classes, was enough to put American command of the sea in a class by itself within a very few years. For the British had had to reduce their swollen war fleet to a peace footing for reasons of economy. In the years after the war the British practically stopped construction and scrapped about 1,800,000 tons of warships. But in 1921, in reply to the American programme, they started building four super-*Hoods*. In 1920 Japan had started a programme of battleships for completion in 1928. An armaments competition between an Anglo-Japanese allied fleet and the American fleet was thus launched to the

distress of the British democracy and the dismay of the British Dominions.

But the Americans did not press the competition to its logical conclusion. Because in the first place, as has been shown in Chapter II, the battleship as the prime factor of naval power was already obsolete. Though its extravagant cost in comparison with its effective value made it very suitable for a game of beggar my neighbour. The obvious procedure therefore was to force an agreement on disarmament with Great Britain by building battleships ; but not to press this beyond the very first point at which the required effect had been produced. The American version of our " Jingo " war chant would be :

" We don't want to fight, but by Monroe if *you* do,  
We'll have the ships, we'll have the men, we'll have your  
money too."

#### WASHINGTON CONFERENCE CONVENED

Now this power makes the American move for disarmament a very different thing from that of any previous move in history for this purpose. Benevolent monarchs have often made disarmament proposals at the end of a period of war. Thus the progressive Austrian Emperor Joseph, after the Seven Years' War, proposed a reduction of armaments to Frederick the Great. The cynical King of Prussia attributed this to the weakness either of the Austrian Prince or of the Austrian purse. The Tsar Alexander took the same line at Vienna after the Napoleonic wars. His successor in 1898 succeeded in getting the first Hague Conference of 1899 with as little result. But all these moves failed, as did President Wilson's, because there was behind them no sanction of money power or of military power.

President Harding was nothing like so great a man as President Wilson ; but he succeeded where Wilson failed because a material pressure was more suitable to the circumstances than a moral appeal. Also President Wilson had prepared a procedure for him and had perhaps premeditated this policy as a second string. For President Wilson seems to have foreseen that the general peace might not include a settlement of the sea as he had hoped. In the Naval

Appropriation Act (29th August, 1916, *United States Statute*, vol. 39, page 618) after outlining American Naval Policy, and observing—

“that without a common agreement every considerable power must maintain a relative standing in strength”

the Act authorized the President to construct a very considerable new navy within three years, namely, ten battleships, six battle cruisers, and smaller vessels to correspond. It further authorized him on the close of the war to call a Conference to consider disarmament. Here, therefore, we have the beginning of the “stick and carrot” alternative subsequently pursued. The war ended officially for the United States under the Treaties of 1921, whereupon President Harding acted on this mandate on the motion of Senator Borah.

In his procedure he avoided the three main mistakes of his predecessor. He entrusted the conduct of the affair to able lieutenants, his Secretary of State, Mr. Hughes, the ex-Secretary of State, Mr. Root, and the Chairman of the Senate Committee, Senator Lodge; and he also included a Democratic representative of the opposition party, Senator Underwood. This, coupled with his advantage that there was a Republican majority in both Houses, kept the country solid behind him. Then, having called the Conference at Washington, with the Atlantic breezes between it and the fogs of Versailles, he conducted it on the lines of open diplomacy and kept clear of the “conclave” behind locked doors and the consultation-in-a-corner procedure that gives intrigue its best openings.

The aims of the Washington Conference (1st November, 1921) were stated in the invitation in wording that had not the popular appeal of Wilson's pronouncements. There was no need for it. We have here a bank president expounding his policy to clients dependent on his credits, not a prophet proclaiming a gospel of peace. For example:

“The enormous disbursements in the rivalries of armaments manifestly constitute the greater part of the encumbrance upon enterprise and national prosperity, and avoidable or extravagant expense of this nature is not only without economic justification but is a constant menace to the peace of the world rather than an assurance of its preservation.”

Which is the Big Business way of saying that warships mean waste to-day and war to-morrow.

The agenda showed a very practical grasp of what had to be done to get peace. It may be divided into two main methods; one, disarmament by reciprocal reduction and the other demilitarisation by regional restrictions. The first was a general aim and concerned chiefly the British Command of the Atlantic; the second had a more special aim and concerned the Japanese Command of the Pacific. The agenda was divided under two heads:

I. Limitation of armaments sub-divided into:

- (1) Limitation of naval armaments.
- (2) Restriction of new weapons.
- (3) Limitation of land armaments.

II. Pacific questions sub-divided into:

- (1) China.
- (2) Siberia.
- (3) Mandated Islands.

WASHINGTON CONFERENCE CONVERTED

The Conference was convened for Armistice Day, 1921. The ceremonial at the grave of the Unknown Soldier in Arlington had made an impressive and emotional appeal, and President Harding's opening address had been an almost impassioned asseveration of the same note. With relief after so much emotional emphasis the delegates settled down to what was expected to be a formal introductory speech by the Chairman. Lord Balfour stretched his legs, Lord Beatty closed his eyes, and Admiral Kato looked more than ever like a benign Buddha.

But after the first few sentences Lord Balfour was gripping the arm of his colleague and Lord Beatty gazing stonily at the ceiling to conceal his stupefaction. What was this the Secretary of State was saying? He was, just by way of opening the proceedings, proposing a 5-5-3 scale, that is, a parity in "capital ships" as between the United States and United Kingdom and three-fifths of that strength for Japan with 1.75 for France and Italy—a scrapping of existing capital ships on a large scale—and a ten-year

scratching of construction programmes. The "replacement tonnage" in capital ships was fixed at 525,000 tons for the United States and the United Kingdom, 315,000 tons for Japan, and 175,000 for France and Italy. He was sinking in a few sentences more tonnage in battleships than all the battles of the world had sunk in a century.

The British, after they had recovered breath and got their bearings, rose to the occasion. After all, the Americans were themselves scrapping more new tonnage than anyone and offering Great Britain parity when supremacy was within their grasp. Besides, battleships had been a good deal blown on as a weapon of war, and a competition with America in these illimitable leviathans was out of the question. So after consultation with the Dominions Mr. Balfour announced that he accepted the principle of parity and the Conference began on that basis.

Japan and France, however, fought hard for an improved position in the scale, Japan demanding a ratio of 7-10 instead of 3-5. The French Delegation in putting forward a claim for 350,000 tons of capital ships and no less than 90,000 tons of submarines caused the one breeze that ruffled the smooth course of the Conference. For Lord Balfour pointed out that such an armada of submarines could only be aimed against Great Britain. This "Tigerish" intractability, combined with the coincident raid into the Ruhr, sacrificed much that was left of America's sentiment for France. *The World* cartooned France trying on the spiked helmet of old Prussia.

But the American position was too strong, and both the 5-5-3 scale and the proposed scrapping and scratching of construction was accepted with some modifications. The Japanese were allowed to keep their darling *Mutsu* for whose construction patriotic Japanese ladies had sacrificed their jewels. The British were allowed to build their *Rodney* and *Nelson*, the most powerful warships the world has ever seen—or it is to be hoped ever will see. The total replacement tonnage in capital ships was fixed by the Treaty (Article 4) as proposed. The size of each new capital ship was limited to 35,000 tons and the gun calibre to 16-inch. Though no restriction of total tonnage or numbers could be agreed as to cruisers and auxiliaries, yet their size was limited to 10,000 tons and their calibre to 8-inch.

## WASHINGTON CONFERENCE—POLITICAL CONSEQUENCES

The nascent naval rivalry between Great Britain and America was thus checked—for the time being. But at the moment this rivalry was scarcely realized; whereas that between America and Japan was already recognized as a serious risk. For the war had left Japan dominant on land in the Far East, and her demand for naval bases and "mandates" in the Pacific centering round the possession of Yap had caused great friction and much war talk. The Anglo-Japanese Alliance, by which British supremacy at sea gave Japan a sort of naval mandate in the Pacific, was a real stumbling-block to Anglo-American relations and had become a stone of offence to the Dominions. The Japanese had, during the war, exploited British support and the absorption of other powers by war, to establish their hegemony over Siberia and China. "The Twenty-one Demands" made China a Japanese protectorate, and at the end of the war Siberia, Shantung, and even the Yangtze Valley, the British sphere, were in Japanese military or naval occupation. The United States had not only been forced into a tacit desertion of the "open door" and "integrity of China" policy, but had had to accept a definite derogation from it in the Lansing-Ishii agreement (2nd November, 1917) which recognized Japan's "special interests" in China.

This very undesirable development of Anglo-Japanese Sea Power in the Pacific was now destroyed by the Washington Conference. The reasons why both British and Japanese accepted an association with the United States in the Pacific and the American policy of "open door" and "integrity" and abandoned their policy of Two-Power supremacy in the Pacific and of occupations and interventions in China do not concern us. What does concern us is that the Conference substituted, in the Pacific and Far East, American Internationalism for Anglo-Japanese Imperialism. On that basis disarmament became possible; a disarmament in this case of insular naval bases which were springing up all over the Pacific and were even more dangerous to peace than battleships.

We have, in fact, in the Treaty for the Limitation of Naval Armaments (Article XIX) a partial demilitarization of the Pacific by

establishing a sort of neutral zone for the Islands of the Open Ocean comparable to that established for the Aaland Islands. Fortifications or naval bases in the Pacific Islands were renounced ; and the Anglo-Japanese Alliance, which had secured Japan in command of the Eastern Seas, was converted into a Four-Power Pact between Americans, British, Japanese, and French, guaranteeing the Pacific *status quo* for ten years.

In other words, the Sea Powers partially disarmed, the Pacific Seas were partially demilitarized, and, last but not least, an international security pact was accepted, in part, instead of national sea power. Diplomatic and domestic considerations, among the latter being the constitutional powers of the Senate, restricted the sanction of these guarantees to—

“ a joint conference for consideration and adjustment ” (Article I)—  
in case of dispute between the signatories and to—

“ communicating with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken either jointly or separately ” (Article II)—

in case of aggression by another. Moreover, to satisfy the Senate, then more intransigently isolationist than ever, a reservation had to be added to the effect that—

“ the preamble and provisions of the Treaty were to imply no commitment to armed force, no alliance, no obligation to join in any defence.”

Yet there seems to have been no criticism that this was an insufficient compensation for the material securities surrendered.

Moreover, such was the impetus of this American initiative for peace that it carried a settlement whose sanction was sea power and whose system was naval disarmament, right into a land settlement of the Far East. The Nine-Power Pact, which restored the “ open door ” in China and Siberia and ended the military occupation there, only interests us as showing how far a Sea Settlement and an Armed Neutrality at sea can second or even supplement the pacification of a League of Land Powers. We shall have, a little later, evidence of the limitation of Sea Power in this respect.

Now, this formation by the Republican President of a Peace League for the Far East with naval sanctions was a feat which

ranks with the formation by his Democratic Predecessor of a Peace League of Europe with military sanctions. But Mr. Harding and his advisers had not formed so clear-cut and complete a plan as did Mr. Wilson. After their first bold gesture they felt, indeed fumbled, their way; and, like their predecessor, they over-shot their objective and came into collision with the Senate, thereby compromising much that had been secured. But their line of advance to peace was even more sound and the effect as profound. They had given effect to "the spirit of moral disarmament," to use M. Briand's phrase. They established "a landmark in human civilization," to use Lord Balfour's. Even Lord Beatty generously granted that they had "made idealism a practical proposition." And Lord Lee, that protagonist of Anglo-German naval competition, rejoiced that they had "changed the prospect of naval war into a promise of naval peace."

The Washington Treaties, with their half moral half naval guarantees, take their place, then, somewhere between the League Covenant and the Locarno Conventions. In respect of disarmament they are as general in their scope as the Covenant, and have succeeded in parts where the Covenant has failed. In respect of security they are regional like the Conventions and have been better carried out to the satisfaction of all parties, save for some technical *tracasseries*. For the dissatisfaction of Japan as to the establishment of the Singapore naval base is less justified than that of Germany as to the non-evacuation of the Rhine provinces.

#### WASHINGTON CONFERENCE—NAVAL CONSEQUENCES

But there is no doubt that, grave as are the military responsibilities that the British undertook in the League Covenant and the Locarno Conventions, they are less serious than the naval renunciations involved in the results of the Washington Conference. British naval armaments had, up till then, secured the British not only the safety of their sea communications in the Western hemisphere, but also a certain suzerainty over all Sovereign States with sea coasts and sea-borne commerce. The Anglo-Japanese Alliance, in which the British were predominant partners, had extended this supremacy

of the British policy into the seas of the Eastern hemisphere. This supremacy the British now resigned in principle by substituting an Anglo-American partnership—on a basis of parity, with Japan and other sea Powers as secondary associates—for their previous predominance.

That the principle of what the British had done was not recognized at the time by them appears later from their recoil when the proposal arose to extend the principle from capital ships to cruisers. For neither the British nor the Americans are lucid or logical thinkers. But the fact remains that the Washington Conference made a new departure from which there can be, in the circumstances, no drawing back. The same force of circumstances that obliged the British to accept disarmament in capital ships and a parity partnership with Americans instead of a predominant partnership with Japanese—namely, the sea power of America and the sense of racial solidarity, especially in the Dominions—will compel a similar response to every fresh American initiative in this direction. The only alternative being that of a competition in armaments with America—which is absurd.

#### WASHINGTON CONFERENCE COUNTER-ATTACKED

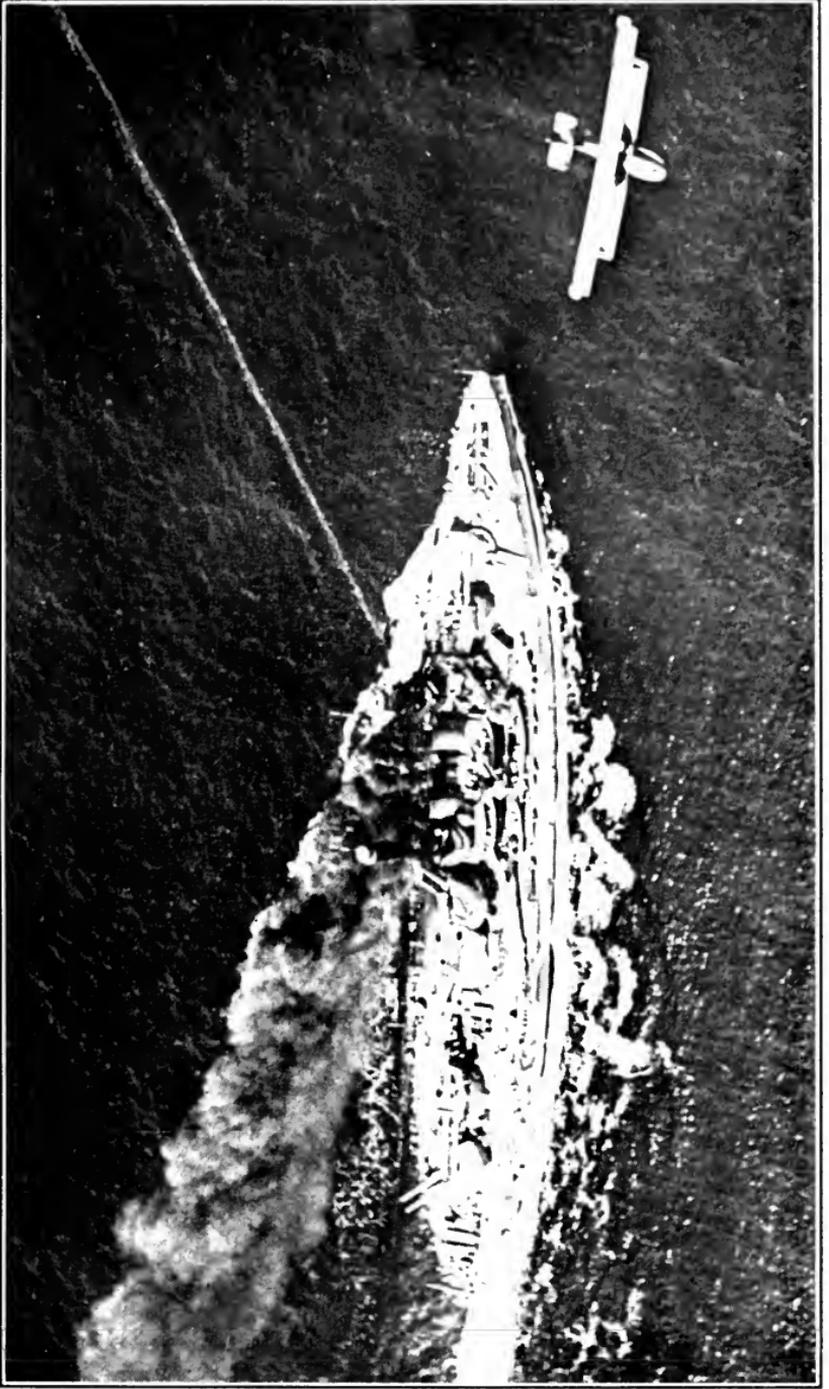
But if the British did not clearly realize at Washington what they had let themselves in for, the Americans showed as little realization of their limitations. They could force naval disarmament—in an uneconomic weapon like capital ships—on the British, by first showing that they would be outbuilt and then offering them parity and security. The grim menace of the grandiose American warships on the slips and the generous gesture of scrapping them in the interests of peace was a *coup* that could, coming as a surprise, carry all before it. There was no similar carrot and stick for use against the French land armaments. M. Briand had been expected to repeat the gesture of the Americans. The emotional eloquence of his speech in his own language was appreciated with loud applause, which was followed by a no less eloquent silence when, on translation, it was found that he had been giving a very candid exposition of French militarism. He pointed out that there was no security for France in Anglo-American sea power, and that the security sought

by France in the special Treaty signed by President Wilson, and in the Sanctions of the League, had been refused by Congress. So nothing was done for land disarmament and the Americans were reminded that sea power has its limitations.

This rebuff reacted on regions that were properly within the scope of sea power. For, as has been exposed in Chapter II, the attempts at Washington to regulate the use of novel and noxious weapons of sea war, submarines and aeroplanes, failed as against the interests of secondary sea powers in retaining the right of independent commerce destruction. The new American sea power was a strong enough lever to bring about disarmament in semi-obsolete weapons like capital ships; but not to bring it about in respect of effective novel weapons of under-water and overhead warfare. The British delegation at Washington pressed for the total prohibition of submarine construction. This was, of course, opposed by the French, a secondary Sea Power, who relied on commerce destruction. It was not then supported by the Americans who assumed the British initiative had interested and belligerent inspiration. So the proposal failed, and the restriction on the use of submarines in the Treaty is of little real value or validity as it has not been ratified by France.

After this check to the American pacifists the militarist forces at the Conference rallied; and when President Harding addressed it with the suggestion that the Conference should meet annually with a view to forming an "association of nations," he jeopardized the good work that had been done. If he had proposed forming an "armed neutrality" of sea powers for the security of Freedom of the Seas and as a sanction for Sea Law, he would have been within his rights and hard to refuse. But the attempt to set up a rival to the League that his predecessor had founded and that he had repudiated, found no response either with politicians or peoples. So the Conference that had opened with an initial impetus that might have carried it through to a real re-settlement of sea power on international lines, lost its popular appeal. And its prestige was still further impaired by a difference between the President and the American delegates as to the interpretation of the Four-Power Pact.

This failure of the Americans to realize what they were doing and



BATTLESHIP ARKANSAS TORPEDED BY AEROPLANE



what was still to be done had evil results. By trying to go beyond what was essentially a sea settlement into other regions they failed to establish and extend the sea settlement itself. At once difficulties and disputes in its execution arose because the original impetus had been lost and no permanent procedure for enforcement was provided. Disarmament agreements by reciprocal reductions are especially exposed to expert manipulation such as will soon destroy all the mutual confidence on which they are based. The complaints of American experts that their British rivals were stealing an advantage over gun elevations seems to have been unfounded. But the suspicions of treason and trickery have done their deadly work. On the other hand, the complaints of the Japanese that the construction of the Singapore naval dock just outside the demilitarised zone of the Pacific was sharp practice, seem to some of us well founded. It may be that our experts got the zone so drawn as to allow of this naval base being made ; but a breach of the spirit of a settlement is none the less a breach if committed during negotiations.

#### DISARMAMENT MUST BE COERCIVE

One lesson painfully learned during the ten years that have passed since the end of the last war is that disarmament must be in a measure coercive, because no Government will take the responsibility of disarming except to avoid some risk that is worse. The only real disarmament, naval and military, has been that of Germany and of the other enemy Powers, which was purely coercive. And although this entailed a solemn moral obligation on the victorious signatories of the Treaty to disarm, this obligation has not been observed. For the demobilization of the British war fleets and the demolition of obsolete or obsolescent vessels was not disarmament. We accordingly find a partial naval disarmament in capital ships only, achieved by the menace of an American armament with which no other Power could compete. From this we may fairly argue that complete naval disarmament, with which alone we are here concerned, will only be achieved by the coercion of an Anglo-American associated armament with which no other Power can compete. A mere removal of the risk against which the

armament is built up is obviously not sufficient. Indeed, by removing a coercion and a sanction it reduces the chance of a reciprocal reduction even when that is required by treaty obligation. Germany was the second most formidable naval Power in the world ; but her total removal as a naval Power merely made it less likely that other Sea Powers would disarm as they were bound to do under the Treaty of Versailles. Germany to-day is undoubtedly pacific and progressive. Yet the failure of the other signatories of the Treaty of Versailles to disarm in accordance with their pledges has led to a serious agitation in Germany for permission to increase her own armaments.

The Washington Treaty of 1921 did lead to a substantial limitation of armaments ; it checked the further building of battleships and battle cruisers ; and it set a limit to the number of aeroplane-carriers and the size of cruisers. Why was this ? Simply because the United States had under construction a very powerful Dreadnought battleship fleet. If these great battleships had been completed the American people would have possessed the strongest navy, at any rate on paper, in the world. The risk of inevitably incurring and possibly encountering this American supremacy at sea was greater than that of resigning battleship tonnage. So the British and Japanese consented to partial disarmament, scrapping twelve magnificent ships. The blow to their pride and prestige being alleviated by the generous gesture of America in scrapping and surrendering her supremacy at sea. But though America's generosity made partial disarmament easier to the other parties, it gravely imperilled completion of the process. For the coercion, which, as we have said, is the only means of compelling disarmament is now lacking, and at once the " experts " began to seek means of evasion from the moral obligation. For the risk of disarmament was represented as now being greater than the risk of not disarming.

#### BRITISH SEEK CRUISER COMMAND

The belief of the man-in-the-street, especially in America, was that the principle of parity had been established and that equal navies in all respects would be maintained as between Britain and America, with a smaller ratio for France and Japan. It had soon to be

recognized that Great Britain would construe this Treaty strictly and would observe its provisions rather than its principles. The British were prepared to accept parity in capital ships because competition with America was hopeless owing to the tremendous cost of these leviathans, £7,000,000 to £9,000,000 each. It was useless in the view of many British naval experts, including some high naval authorities, on the ground that the day of the great battleship was over. As to the submarines the British, whether of the new or old school, had no use for a weapon whose principle use was commerce destruction, and whose secondary use against surface warships threatened to put them out of business altogether.

The British experts were, however, arguing to themselves thus : the battleship is too blown upon to be worth bothering about, and we can't compete in them on account of cost—let us therefore accept parity there. The submarine and aeroplane are new-fangled noxious weapons that knock the bottom out of our strategy and tactics—let us prohibit them, or at least prevent their use as far as possible. But in cruisers we can compete. In that weapon we enjoy the accumulative expertize and experience of two centuries of sea supremacy. And our commerce and coast protection require that we should retain that supremacy. By the grace of God and President Harding Britannia may still rule the waves. So when it came to cruisers the British representatives had insisted at Washington, with success, on no limit being placed to the number that could be built. The Americans consented, considering that parity was accepted in the primary weapon—battleships—and in principle ; but they imposed limitation in size and gun-power of cruisers.

As soon as ever the naval architects were ready with the designs of a new type of cruiser, directed to developing the maximum fighting force compatible with the Washington limitations of tonnage,<sup>1</sup> the British Admiralty embarked on a very extensive building programme of these ships. And in this they had the support of traditional British policy and of a large section of public opinion.

For many generations the British have been taught to believe that their whole national existence and prosperity depends on sea power. Not realizing either the revolution effected by the war in

<sup>1</sup> The Washington measurement is a departure from previous naval practice. On the old measurements the tonnage is nearer 13,000 than 10,000 tons.

naval weapons, or the redistribution of sea power due to the creation of a supreme American navy, or the recourse open to them of substituting an international naval security for a national naval security, they were ready to resort to the obvious and only weapon left to them—that of cruisers. Thus the British Admiralty in agitating for this very cruiser programme, which they forced upon successive reluctant British Governments, Labour and Conservative alike, were acting for an important section of the British public.

The mistake was in the British Admiralty not having realised the new factors in the problem of naval command of the seas, and in the British Government not having given the public any education as to the essential changes in the problem of sea power and sea protection. Under these conditions, it was easy for an Admiralty, anxious as to its responsibilities for national security and only alive to the problem in its old terms of sea power and surface vessels, to force an ambitious cruiser programme alike on Conservative economists and Labourite pacifists.

The first Labour Government took office in the early part of 1924 and found the Defence Estimates laid before them as left by their predecessors, the first Conservative Government of Mr. Baldwin, with a programme of eight cruisers, of which five cruisers of the new type would be laid down in the year 1924. Mr. Macdonald and his Government made a fight for it ; but they were outnumbered in the House of Commons, they were outmatched in the Press, and they were outmanœuvred by their advisers in the Committee of Imperial Defence. Moreover they simply could not risk running counter to what had been the creed of the British Public for centuries.

Five of these new large type cruisers, carefully designed to combine the greatest possible offensive power compatible with the Washington Conference, were accordingly laid down by Mr. Macdonald's Government. If that Government had remained in office a full and detailed enquiry into the matter would have been instituted and the necessary education of public opinion initiated. That Government, however, fell in the following October.

The Conservative Government that followed it, with a large independent majority in Parliament, fought hard against the Admiralty purely in the interests of economy. But economy is too negative an appeal to effect so drastic a new departure in national policy ; and

in the end the pacific Mr. Baldwin and his powerful Chancellor of the Exchequer, Mr. Winston Churchill, were beaten by the Admiralty and by that "authority" to which Mr. Ponsonby, ex-Under Secretary for Foreign Affairs, rightly ascribes the responsibility for all wars. The "Birkenhead" programme of 1925 provided for nine 10,000-ton cruisers and seven 8000-tonners, four in the first year and three in each following year, so by the beginning of 1927 the British had on the stocks twelve large post-Washington cruisers, while the Japanese and French had four, and the Americans only had provision for two of the eight authorized.

This building programme in cruisers allayed the anxieties of those who had begun to realize that British sea supremacy had been surrendered at Washington, but alarmed and angered the American Press and public. The public opinion of America supposed that parity in all types of naval vessels had been agreed upon at Washington six years previously. It now suspected that, though Britain might be sticking to the strict letter of the Washington Treaty, she was straining the spirit, as she had done in the case of the Singapore Dock. In June 1927 the Americans signed contracts for the remaining six of their authorized eight 10,000-tonners.

Was there any justification for this suspicion? At first sight one might say that there was very little. The statistics published by the American State Department on the eve of the Geneva Conference (March 1927) show little cause for alarm.

	American	British	Japanese
Cruisers—			
Built—modern . . . . .	10	50	32
„ twenty years old . . . . .	22	—	—
Total tonnage . . . . .	254,000	249,000	193,000
Building . . . . .	2	14	6
Total tonnage . . . . .	20,000	138,000	54,209
Destroyers and Leaders—			
Built . . . . .	309	184	92
Tonnage . . . . .	357,658	221,425	96,390
Building . . . . .	0	0	10
Submarines—			
Built . . . . .	121	61	59
Tonnage . . . . .	85,016	48,143	47,803
Building . . . . .	3	3	2

On this showing the British superiority in cruiser tonnage is only in tonnage under construction, and is counterbalanced by a great inferiority in destroyer and submarine tonnage. But what was a spur to public opinion in America and the trump card of the Big Navy agitation was the fact that the British cruisers were nearly all modern, the American nearly all ancient. So that a comparison of modern ships built gave the British fifty to the American fifteen, and the fourteen British building were more formidable in type than the two American 10,000-tonners.

That the British had, in fact, practically profited under the Washington Treaty is, however, not contested by them. Take, for example, the following extract from a communication of the *Times* Washington correspondent (4th July, 1927).

“It is important to remember that Americans, without exception, consider equality at sea with Great Britain to have been conceded at Washington in everything save a written instrument. This meant the abandonment by Great Britain of the supremacy she had held for a century, but, equally, it represented an engagement by the United States not to use her vast wealth and resources to challenge that supremacy—an example of mutual wisdom and forbearance. The last five years, however, have seen Great Britain, justifiably, of course, so far as legal right is concerned, and understandably when her strategic and political situation is concerned, increase her sea power to a point which American seamen declare to be of decisive preponderance. Pressure upon the United States Government to build up to the new figure, or even to exceed it, will unquestionably be too strong to resist, unless without further delay what is believed to have been the understanding of Washington should become a definite agreement.”

“We have scrapped,” said the Americans, “about three hundred millions of dollars’ worth of the most modern capital ships under the Washington Treaty, five times as much tonnage as the British and fifty times as much as the Japanese. The British were allowed to build their *Nelson* and *Rodney*, the most powerful ships in the world, the Japanese their *Mutsu*. We have been generous. They seem to be greedy to sneak an advantage in the very type of vessels which could be used in some future war to hamper our American commerce, whether we are neutral or belligerent.”

Which feeling was loudly voiced by the members of the Big Navy school in America, until their pressure for an answering building programme placed President Coolidge in a difficulty. Wedded to

economy, he nevertheless had to flirt with the demands for parity with Britain in all types of vessels. This American demand for parity is represented as emanating from a mere desire for prestige ; but it will be found that the real cause of the trouble has been the differing views of belligerent rights at sea between the British and American peoples.

## GENEVA CONFERENCE "MAL VU"

In the next move for naval disarmament the United States again took the lead. President Coolidge was finding difficulty in restraining the Big Navy movement. More than once he had had to protest that his actions and announcements in respect to naval matters were not to be interpreted as authorizing a naval competition with the British. But so generally was this rivalry being assumed on both sides of the Atlantic, that delay in extending limitation to the auxiliary vessels was becoming daily more dangerous.

Accordingly invitations were issued (10th February, 1927) to Great Britain, France, Italy and Japan to confer for the further reduction of naval armaments by the extension of the Washington ratio for capital ships of 5-5-3 to all auxiliary war vessels.

The reception given to this invitation was somewhat invidious. The European pacifists, who would have been its natural supporters, were mostly organized in support of the League and looked on the proposal as another American attempt to compete with the League. Competition with the League is in the eyes of pacifists as culpable, as conflict with the Admiralty in the eyes of 100 per cent. patriots. It made no difference to them that the Preparatory Commission on Disarmament of the League had just failed, as President Coolidge had predicted in his February message that it would. It failed because it had not recognized the fundamental distinction between the European question of land disarmament and the World question of sea disarmament—a distinction which this book is largely directed to defining. But even if it had been recognized there would have been trouble in reconciling "Leaguers" to an American independent initiative where the League had failed.

The British Conservative Government also should have welcomed the opportunity of completing the Anglo-American association in

sea power begun in 1922. But its policy had changed with the relief from the financial stringency then prevailing, and with the realization that it had renounced in principle British predominance at sea. Mr. Bridgeman had let rather a large cat out of the bag in 1926 when he said (*Manchester Guardian*, 4th June, 1927): "We should like to feel superior in cruisers." And the Navy League were simply provocative. This is their attitude during the Conference.

"We cannot say that it (War between Great Britain and the United States) is not to be considered, as it is doubtful how many inhabitants of the United States are of the same opinion. The desire of the so-called Big Navy Party in the United States for a predominant navy—for equality in cruisers technically would tend to have such a result—can only be because they do give the subject of war some consideration." (Letter of Navy League to *Times*, July 5th, 1927.)

The British Government, though it did nothing to check these extravagances, did not dare decline the invitation. Not so, however, the French and Italians, whose Governments had no intention of disarming at all, least of all in submarines and auxiliary commerce-destroying vessels, which, being secondary sea Powers, they considered especially valuable. Their official reasons for declining are not worth reproducing; for the fact is, that under present political conditions in these countries, naval disarmament will only be effected under pressure from a powerful armed neutrality of the principal sea Powers. Their absence from this Three-Power Conference of the United States, the British Empire and Japan was, therefore, no great loss, even though the French did their best to embarrass its proceedings and prevent its success.

#### GENEVA CONFERENCE MISMANAGED

But in other respects the Conference put itself at a disadvantage as compared with its predecessor at Washington. In the first place, it was convened not at Washington but at Geneva. It even used the offices and officials of the League. For Americans do not yet seem to have learnt how important atmosphere is for the proper producing of their diplomacy by popular appeal. This new diplomacy of theirs with a good producer, the "star" parts well filled

and featured, and the "stunts" carefully staged, will beat the old diplomacy all the time. But all diplomats know that off their own ground, in unfamiliar surroundings, Americans lose confidence in their own ways of playing the diplomatic game and are likely to copy the ways of Europe with disastrous results to themselves. And Geneva, where this Conference was convened, has become an international Kurort for the old diplomacy, where that decrepit roué has taken a new and, it is to be feared, a long lease of life. It was as appropriate a place for the purpose of American policy as would have been Monte Carlo for an international conference on the suppression of gambling.

If the staging was bad, the "starring" was worse. The main subject was big enough, the sums involved large enough, the loss and liability from failure serious enough to justify leading statesmen on either side in giving their time. Sir Austen Chamberlain was, indeed, in Geneva at the opening of the Conference, attending a Council of the League, and his attendance at the Naval Conference with the Locarno laurels round his brow and the Locarno Garter ribbon across his breast, would have helped. For the public has never realized that Locarno was only the cashing of credits on the Continent accumulated by the Labour Government and that Sir Austen, on coming into office, had drawn his cheque on those credits so clumsily that it was "returned to drawer" and had had to be presented again before it was accepted. But Sir Austen had other troubles—in China, Russia, Persia and Egypt. Nor has he ever acquired the appreciation of the importance of America, realized by his father late in his life and when the new American star was only rising over the Western horizon.

So this presumably minor matter of a few cruisers and a fussy American President was left to the First Lord of the Admiralty. Though even Mr. Baldwin himself would have been none too big a man for the business and Mr. Bridgeman was certainly not big enough.

Mr. Bridgeman, the First Lord of the Admiralty, and head of the British delegation, had been the prospective candidate for the Diehard Premiership against Mr. Baldwin when the latter had come under suspicion, altogether unfounded, of being a statesman above purely party points of view in relations with British Labour. Mr.

Bridgeman is a country gentleman whose public position has no other base than long Parliamentary experience and an easy, cheery personality very suitable to post-war British politics. He is in fact a politician of the same type as Mr. Baldwin, and he was runner-up against him for the Premiership. And it is noteworthy that both these typically English politicians have met their most serious setbacks at American hands. Mr. Baldwin with his success in arriving at a financial settlement ; Mr. Bridgeman with his failure in arriving at a naval one. It is evident that cheery optimism and a chaste orthodoxy are insufficient weapons with which to meet the power of American money backed by both patriotic and pacifist public opinion.

With Mr. Bridgeman was associated another member of the Cabinet, the Chancellor of the Duchy of Lancaster, Lord Cecil of Chelwood. The Chancellor of the Duchy has come to be the Minister of the Cabinet competent in all League affairs and therefore indirectly concerned in this Conference ; but Lord Cecil's inclusion in the British Commission was an afterthought of the Prime Minister—the Opposition having protested in Parliament against entrusting a naval disarmament Conference solely to Admirals or their political representatives. But, besides these two, the Delegation consisted of naval officers, and among the Dominion delegates was Admiral Lord Jellicoe. The Dominions had not been included in the original invitation, and the British insistence on their inclusion brought about an invitation to the Irish Free State which alone paid the Conference the compliment of being represented by its Minister for Foreign Affairs.

On their side the Americans were represented by their ambassador at Brussels, who presided, and by Admirals. The Japanese by an ex-Secretary of the Navy, Viscount Saito, by another ambassador and by Admirals. Wherefore of the members of the Conference Lord Cecil alone could claim to be a statesman of international standing and international standpoint. And he found himself relegated to the background and eventually resigned from the Government as a result of his experiences. In short, so far as concerned the atmosphere of its proceedings, the attitude of its personnel and the popular appeal it made to public opinion the Geneva Three-Power Disarmament Conference might have been a

sub-committee of naval experts in any one of the intricate and interminable pourparlers to propose a procedure for preparing a protocol to provide a protection that must precede any project for preparing disarmament—which is the way they have at Geneva.

#### GENEVA CONFERENCE DEADLOCKS

As we have seen, the Washington Conference succeeded because it opened with an impetus that carried it to its first objective—limitation in capital ships—though it failed to get further. In this second offensive for limitation in cruisers there was no such preliminary barrage of Big Guns to break up the wire entanglements of the experts ; and no initial impetus.

The opening proposal of President Coolidge was, as anticipated and as in principle already agreed, that competitive building should be for ever eliminated by extending the ratios of the Washington Agreement to all other classes of vessels. But no one who had followed the course of cruiser construction and the campaigns of the Navy Leagues since the Washington Conference can have supposed that the application of this agreed principle could be safely left to naval officers whose public duty and private delight it would be to score a technical trick or two for their country and to scale up, not down, the real power of their navies.

It accordingly soon became clear that the Conference was at a standstill ; though why it should have stuck in so simple a task was anything but clear. Nor is the public clear about it to this day. Though anyone who takes the trouble to penetrate the technical entanglements of the experts and behind them the national entrenchments of the delegations, and analyse the real aims of either party, will soon see that the failure of the Conference was caused not only by the character of the representatives on either side, which made them concentrate on conflicting policies and not on the common purpose, but also by the absence of any coercion such as was supplied at Washington by the American capital ships. The Geneva Conference not only lost direction, but lacked driving power.

We will first briefly summarize the proposals of the parties and then examine what was behind them. The Americans applied the

agreed principle by extending the Washington ratio to auxiliary classes thus defined and delimited :—

	In thousand tons
Cruisers to be restricted	from 250 to 300 for British and Americans
„ „	from 150 to 180 for Japanese
Destroyers „	from 200 to 250 for British and Americans
„ „	from 120 to 150 for Japanese
Submarines „	from 60 to 90 for British and Americans
„ „	from 36 to 54 for Japanese

No limitation was imposed on the number or size of vessels within the total tonnage limitation.

The British proposals were very technical, but may be summarized thus :—

*For capital ships—*

A reduction of size and armament with an extension of life for those already built from twenty to twenty-six years.<sup>1</sup>

*For auxiliary ships—*

A restriction of size and armament and an extension of life for all classes to twenty-four years for light cruisers—twenty years for destroyers—and fifteen years for submarines.

An application of the 5-5-3. ratio to 10,000-ton cruisers carrying 8-inch guns with a limitation of their number.

A restriction of " police " cruisers to 7,500 tons with 6-inch guns *but without limitation of numbers by ratio.*

A division of submarines into an offensive class of 1600 tons and a defensive class of 600 tons, each with 5-inch guns, the number to be limited as might be agreed. Total abolition was still favoured ; but was considered impracticable.

A classification of other types with a view to their limitation by classes.

The Japanese proposals broadly speaking stereotyped the *status quo* ; further disarmament being derived from the disappearance of tonnage on reaching the age limit.

These proposals were dissected and discussed all July and a provisional agreement was reached as to flotilla leaders, destroyers, and submarines. No agreement could be attained between the differing position and policies of British and Americans as to cruisers. The Americans remained rigidly by their right to use their total for

<sup>1</sup> This was practically the same proposal as that made by Lord Cushenden, on behalf of the British Government, for capital ships only, during the meeting of the Preparatory Disarmament Conference at Geneva in March, 1928.

large cruisers. The British revolved round their requirement of an unlimited or at least very large number of small cruisers.

The British did once succeed in manoeuvring Mr. Gibson into a concession that if the British and Japanese agreed the Americans might accede. And the Japanese were brought to a sort of acceptance of a British plan in the nature of a very complicated compromise. But as thereunder large cruisers over 10,000 tons were to be limited to twelve in number and the smaller were left practically *ad lib.* the Americans refused to agree.

The Americans clung to their "simple arithmetical ratio" and refused resolutely to be drawn into explorations of the British proposals which had been worked out in respect of every kind of warship from battleship to submarine, with careful estimates of distance, range and objective (*Times*, 6th July, 1927). The Americans probably felt that in navigating through these technicalities the British were their masters. And the very care with which the British proposals had evidently been prepared was a cause of suspicion.

#### GENEVA CONFERENCE—BRITISH CASE

On examination of the respective pleadings put forward for public consumption, we see at once that the British had a case. They could plead that they had demobilized and destroyed nearly two million tons of war fleets, that they had 130,000 miles of sea commercial communications to police, that their supplies were wholly dependent on these communications as were those of no other State; that they had surrendered supremacy in all warships of first and second-class fighting power; and that the third class of 7500-ton cruisers were no menace to peace.

The British case did not only express the ambitions of admirals but also the very genuine apprehensions of the British people. These fears are well summarized in the speech of Mr. Bridgeman, a typical Englishman both in his line of thought and in his limitations (*Third Plen. Sess.*, Document cmd. 2964, 1927) as follows:

"We have stated that the geographical position of our Mother Country and of the Dominions must be borne in mind. We said so in accepting President Coolidge's invitation and we have frequently repeated that a

number of small cruisers are of vital necessity to an Empire whose widely scattered parts are divided from each other by seas and oceans and whose most populous parts are dependent for their daily bread on sea-borne trade, and would perish if we failed to protect it. No doubt it is not easy for countries differently placed fully to realise our feelings in this matter. But no Briton who was at home during the war, at its most anxious time, will forget the feeling that the situation brought home to us. Month by month we found our rations of bread, meat and sugar and other articles being lowered, and we could see the spectre of starvation slowly approaching. Is it to be wondered at that every one of us feels that it is a duty to make what provision we can to protect ourselves and our children against a recurrence of such a danger."

#### GENEVA CONFERENCE—AMERICAN COUNTER-CASE

On the other hand the American delegate, Admiral Jones, could claim that the domestic ocean-going trade of the United States is half as much again as the whole foreign trade of Great Britain (Fourth of July Speech, Geneva). But, on the whole, the American counter-case was not so convincing; namely, that America must have large cruisers of wide radius of action owing to her comparative scarcity of naval bases.

#### GENEVA CONFERENCE—THE REAL CONFLICT

It seemed at first sight indeed unreasonable that America should dictate to the British what the size and strength of their cruisers should be. But, if we look a little deeper into the meaning of Mr. Bridgeman's proposals, we find that there was some excuse for the American suspicion that this simple country gentleman, with his twinkling blue eyes and genial air, could stack the cards in his own favour and slip in a Joker with the best of them. His smile was disarming; but his disarming went no deeper than his smile.

The proposals he put forward accepted the principle of parity—for capital ships—and indeed went beyond the Conference agenda in proposing a further disarmament in them by extending their life and reducing their size and guns. But it was for the obvious reasons that the British had already the two most powerful capital ships afloat, *Rodney* and *Nelson*, and could not afford to build any more of these costly contraptions. His proposals only extended the

principle of parity and limitation to large cruisers, in which the British were in a similar position. And having accepted this agreed principle in respect of large vessels, in which the British were at a hopeless disadvantage in a future free building competition; and having made all the play possible with this concession as an economy of £50,000,000 to future British budgets and an extension of the Washington Treaty, the British proposals unobtrusively reserved the right of unrestricted building in the weapon of most advantage to themselves—light cruisers. For in this craft man-power—in which the British are still first—was all-important; and money-power—in which they are now second—mattered less. And this military consideration lies behind the controversy over gun calibres. For the 6-inch gun is the largest calibre that can be man-handled. The 8-inch gun requires an expensive mechanism.

In short, the principle underlying the British proposal for the further reduction in capital ships; for the division of cruisers into an "offensive" class of large cruisers, to be limited in parity, and a "defensive" class of small cruisers of which as many as necessary were to be built; for the similar subdivision of submarines and for the smaller gun calibre, was in all cases the same, namely, to counteract the superior money-power of the Americans and to continue commanding the sea.

Therefore, in these "police" cruisers of 7500 tons with 6-inch guns the British at first allowed no limitation of numbers; though later, to meet American protest, a total figure of seventy-one for all classes of cruisers was suggested and a total limitation of 580,000 tons. It was in this almost unlimited fleet of effective fighting ships that the Americans saw a nigger in the wood pile. For certainly these vessels would control the trade routes in a future war; and, with the larger cruisers limited in numbers, the greatest possible advantage would be reaped from the overwhelming number of fast British liners which, at a pinch, could also be armed with 6-inch guns and used in the further oceans,

It was not likely that this would escape the Americans. But, in these Conferences, the game of an obstructive opposition is to manœuvre so that if agreement is reached they still have a concealed advantage that can be disclosed and credited to them, and so that if an agreement is not reached the moral responsibility for

failure will be thrown on the other side. Thus they stand to win either way. Also this is a game in which British politicians and their professional advisers are still champions of the world in the Geneva tournaments.

When we look into the meaning of the American adherence to their position we realize that they too were playing a game—but a bigger one. They realized quite well that the sanction of the whole Conference—the driving power that alone could effect disarmament—was the potential sea supremacy of a new American navy. They realized that, in allowing at Washington an agreement as to capital ships alone, the Americans had surrendered the greater part of the bargaining power given them by their financial superiority, and that, if an agreement for limitation on a basis of parity was now accepted for large cruisers, leaving out cruisers of fighting efficiency, their bargaining power would be lost altogether. They also realized that, given parity and limitation in capital ships and large cruisers only, the British would be as well prepared in money-power and better provided in man-power for a naval competition in light cruisers. They also realized that the British had them at a disadvantage and were holding them under menace of a complete failure of the Conference which the Americans had called, but that if they did accept an agreement that might, in the end, be worse for disarmament than failure.

This realization, combined with the excessive realization of responsibility felt by professional representatives with no political leader, explains the take-it-or-leave-it attitude of the Americans, as well as their rather rigid adherence to their primary position. This was attributed by our Press to their entourage of American correspondents, whose reports were generally tail twisting and sometimes truth twisting, as well as to the Big Navy ambitions of their Admirals. But a certain stiffness is essential when you have your back to the wall and will be stood against it by your chiefs if you give away too much.

When the eleventh-hour showdown came it would seem that the American Delegation was not unreasonable, that agreement was reached as to a liberal allowance of 7500-ton cruisers, and that the only point unsettled was whether they should carry 6-inch or 8-inch guns.



TWO AEROPLANES MAKING A SMOKE CLOUD AT AN ALTITUDE OF SEVERAL THOUSAND FEET

*(Official photograph, U.S. Army Air Corps.)*



## GENEVA CONFERENCE—HOW IT COLLAPSED

It was at this point that the British Delegation were recalled to confer with the Cabinet.

Lord Cecil protested; but the Delegation was none the less recalled and remained ten days in London, while their colleagues cooled their heels in a heat-wave at Geneva.

The proposal that the British put forward on their return was for a maximum of no less than 590,000 tons new construction, plus 25 per cent. of existing tonnage, of which 120,000 tons should be in twelve large cruisers. This provoked an American enquiry as to why the British, who were ready at Washington to accept, through Lord Balfour, 450,000 tons for all auxiliary craft, now asked for 647,000 tons more. Lord Balfour afterwards explained that his acceptance referred to "vessels auxiliary and necessary to the Battle Fleet." But the British contention that the Washington Treaty and parity covered only the battle fleets, and not the navies as a whole, is one of the points that most excite American annoyance.

None the less, negotiations proceeded, and the conflict over the calibre of the cruiser guns could have been closed very sensibly by compromising on a 7-inch gun. But this was disallowed by the British Government

And there still remained a more serious difference.

The British global maximum for all auxiliaries was unacceptable to the Americans, not only because it seemed to them excessive, but because it was not classified as to ships. That is, the British might have spent on small cruisers what they saved on large cruisers and on submarines. The British, on the other hand, would not accept the American global maximum for cruisers because it was not classified as to size. That is, the Americans might have used the whole for ten thousand tonners which would dominate the British. So the Americans now proposed a procedure that gave the British a power of releasing themselves should the Americans take such action. But this also was refused by the British Government.

The Americans thereupon made up their minds that the British were not meaning business. When the Japanese tried to save the situation at the eleventh hour with a proposal for an agreement as to

“ a naval holiday ” until the expiration of the Washington Treaty “ moratorium ” in 1931, this was refused by them. And it might well have been misinterpreted as merely a manœuvre to keep them in a position with which they were not satisfied and to prevent them using their money power to get out of it.

So the Conference was closed by the Americans with a formal statement of the President summarizing its differences in a very fair and clear statement of how the Conference broke up ; which, however, tells us little as to why it broke down. For that we must look behind the controversies in the Conference and get an insight into a conflict that had arisen in the British Cabinet.

#### GENEVA CONFERENCE—WHY IT COLLAPSED

The revolt of the Admiralty and of authoritative opinion in the ruling class against the principle of parity had been carried into the Conservative Cabinet. The Chancellor of the Exchequer, Mr. Churchill, was recognized as a recruit to this revolt when, in a speech at the Mansion House (12th July, 1927), he said, at a critical stage of the Conference :

“ I should regard it as the paramount duty of the British Exchequer, in priority to all other considerations, to find any money that was really needed to safeguard those sea-borne food supplies without which neither the life nor the independence of the British nation could continue.”

He thus cut the ground from under the Conference by putting the power of the Purse on the side of naval expenditure instead of on that of naval economy. The significance of this did not escape the Americans, who had long suspected that the British did not mean, and never had meant, to accept parity in sea power ; but only parity in the more costly mechanical weapons in which they could not compete with the Americans. They accordingly issued the following warning through the *Times* correspondent (5th July, 1927) :

“ It is felt strongly in responsible quarters here that a good purpose will be served by the publication abroad of the following authoritative statement : ‘ The United States cannot, and will not, accept anything short of parity with Great Britain in all classes of ships.’ The words, of course, are those of the man best entitled to speak from Washington for

the United States Government, and they reflect, as they are intended to reflect, the surprise and displeasure—I am faithfully reporting what has been made known to me in the last two days—which what is considered here the apparent unwillingness of the British Government to concede full equality at sea with the United States has caused.

“I am given to understand that, if the necessity should arise, the United States Government would be prepared to remind the Powers assembled at Geneva of what occurred at the second Plenary Session of the Washington Conference on November 15th, 1921. The proposals before that session did not refer to battleships and aeroplane carriers alone, but were all-inclusive. Of them Lord Balfour, for Great Britain, said :

“‘We think that the proportion between the various countries is acceptable ; we think the limitation of amounts is reasonable ; we think it should be accepted ; we firmly believe that it will be accepted.’

“Following him came Admiral Baron Kato, for Japan, ‘gladly accepting the proposal in principle.’ It is earnestly hoped at Washington that it may not later be found desirable to ask what, if any, change has come about in the relations of the principal naval Powers or in naval technique which would invalidate in 1927 the assurances of 1921.”

In response, Sir Austen Chamberlain, in the House of Commons, formally repudiated any intention of renouncing the principle of parity (28th July, 1927). But all the same it was not maintained. Mr. Churchill is a stronger man than Sir Austen ; and as this reversion of policy led to the resignation of Lord Cecil, we have a revelation of what happened in the Cabinet.

We will let the British delegate, Lord Cecil, tell the story in his own words, as he told it to Parliament :

“Before we set out there was a discussion in the Committee of Imperial Defence as to the case that we were to lay before the Conference. In the course of that discussion the question was raised whether we were to admit that the Americans were entitled to equality in cruisers on the same model as that which had been conceded to them in battleships. I certainly understood—I may have been wrong—that influential members of the Committee expressed the view that unless we conceded this it was no use going to Geneva.”

After criticizing the want of preparations he continues :

“The Americans attached great importance to what they called ‘parity’—that is to say, equality of auxiliary craft on the same lines as the equality of battleships agreed upon at Washington. The first Lord

of the Admiralty and his advisers at Geneva saw no great objection to accepting the American contention on this point, and after a few days he made it quite clear that, though we doubted whether the American need for cruisers was as great as ours, we had no objection to their building up to our limit if they wished to do so. It was, of course, understood that this should be part of the agreement that we were then negotiating. Unfortunately this decision caused great anxiety to some of our colleagues, though we had in fact received express authority from the Cabinet to agree to it. The Chancellor of the Exchequer, for instance, has since the breakdown of the Conference stated specifically :

“‘Therefore we are not able now—and I hope at no future time—to embody in a solemn international agreement any words which would bind us to the principle of mathematical parity in naval strength. Though I do not in the least agree with him, I am quite sure that my right hon. friend is convinced that this warning is essential to the safety of this country. I am equally sure that, if persisted in, it bangs, bolts and bars the door against any hope of a further agreement with the United States on naval armaments.’

“My right hon. friend is a very forceful personality and I have no doubt that from the moment that he realised that we had at Geneva agreed to what he calls the principle of mathematical parity—that is to say, that we had extended to cruisers the standard accepted for battleships—he began to press on his colleagues the necessity of avoiding the consequences of what he regarded as a disastrous concession.

“Accordingly we began to receive telegrams which seemed to indicate that the Cabinet were dissatisfied. At last they culminated in a request to us to return home for consultation. We pointed out that such a proceeding would be very bad for the success of the negotiations, and for the time being we were allowed to remain.”

He then reviews the negotiations as to cruisers and guns and continues :

“I was very much disturbed. Agreement seemed to me to be in sight, and I felt that if there were to be an adjournment for some days it was only too likely that the opportunity would pass. However, the wording of the summons left us no alternative but to obey. When we got home we found, as I have already intimated, that certain members of the Cabinet strongly took the view afterwards expressed in public by the Chancellor of the Exchequer. They thought that it would be most dangerous to have stated in the Treaty that the Americans were entitled to mathematical parity in auxiliary vessels. These Ministers clearly intimated that they preferred no agreement to one embodying that principle.

“It was to meet these views that the Cabinet decided, against my

opinion, to make the statement read in both Houses of Parliament reserving, in effect, full liberty of action to this country on the question of parity at the end of any period for which an agreement might be made. I objected on the ground that it was unnecessary and likely to increase the difficulties of negotiations. Beyond that the Cabinet decided that we were to continue the negotiations broadly on the lines theretofore adopted.

" There was a second meeting of the Cabinet to complete our instructions, and it was at this meeting that the question of whether we should insist on the 6-inch gun came up for decision. Between the two meetings of the Cabinet telegrams had come from America indicating that the United States attached vital importance to the retention of the right to put 8-inch guns in any cruiser. I confess that the American attitude on this question seemed to me to be entirely wrong and the reasons advanced for it quite unconvincing. But it also seemed to me madness to allow the negotiations to break down on such a point. It was therefore with amazement that I heard the majority of my colleagues decide to insist on a 6-inch gun, even if it meant the breakdown of the negotiations. It was evident to me that such a decision could only be come to by men who took a very different view of the importance of an agreement with the United States on this matter from that which I did. Accordingly I immediately suggested to my colleagues that they should send someone else to Geneva in my place. When it was pointed out that such a change in the middle of negotiations would remove the last chance of success, I told them that I would return with Mr. Bridgeman, but that if the negotiations failed on this point about the guns, as I felt sure they would, I must reserve my full liberty to resign, or words to that effect.

" We returned to Geneva. As soon as we arrived there it became clear that without a compromise on the 8-inch gun question there was no hope of agreement, and I personally so informed the Cabinet. At the same time we suggested, as a possible way out of the difficulty, the adoption of a 7-inch gun. In reply we received a telegram rejecting this suggestion and telling us in so many words that we were not to offer any compromise on the 8-inch gun. A day or two later the Americans put forward the suggestion that, if any party so utilised its rights under the Treaty as to cause anxiety to another party, a conference might be held and, if no agreement were come to, the Treaty should terminate. We were anxious to reply by giving to this suggestion a more specific reference to the 8-inch gun. The effect would have been to postpone the decision of the question until the Americans actually decided to arm the secondary cruisers with 8-inch guns. This also the Government rejected. The Conference consequently broke down." (*Hansard*, Vol. 69, No. 71, pp. 91-94.)

The villain of the piece was, therefore, Mr. Winston Churchill. As Chancellor of the Exchequer he was pre-eminently responsible for economy ; and, as poacher turned gamekeeper, he has not been unsuccessful. But two years in the heavy gold embroidered robes of the Chancellor have not quelled his ebullient military enthusiasms. He can still play at being a Napoleon or a Nelson and he is still, at the most awkward moments, the *enfant terrible* who can imagine his nursery table is the world, only that now he imagines the world is his nursery table.

Here we have an example of that myopic meglomania peculiar to crowned heads and Conservative henchmen who have lived all their lives in the exercise of arbitrary authority. We see it, for example, in the attitude of George III towards the American colonists in those private letters and memoranda just published by Sir John Fortescue. The same complete concentration on a narrow and naif point of view ; patriotic, no doubt, though hopelessly prejudiced. But George was half a German. There is less excuse for Mr. Churchill, who is half an American. He could be the man of the moment if only he would devote his great capacities and strong character to a restoration of relations between the two peoples, and to a reconstruction of British policy more in relation to the requirements of the present day. But so far he has been about as enlightened in this matter as one of the " King's Friends " of the eighteenth century.

Because that point of view was in power the British in the eighteenth century lost their association with Americans within one Imperial Federation. If that point of view persists much longer it will ruin any chance in this twentieth century of an association between Britain and America in any international confederation.

If Mr. Churchill was the villain—the victim was Lord Cecil ; and close on the collapse of the Conference there followed the resignation from the Conservative Government of its " Minister for International Affairs," and the statement as to the reason for this resignation reproduced above. Its punctilious phraseology cannot conceal the indignation of this most clear-sighted and cool-headed of Conservatives.

Lord Cecil has given his whole time and great talents to the League. But he is too good a statesman not to see that the interest

of his country and of civilization can be sought at sea in an association with the United States that is in no way competitive with the League and may be made co-operative with it. Yet, even the ex-Minister of Blockade apparently still fails to see the real significance of the events in which he played so prominent a part. The Noble Lord tries to lay all the blame on the Big Navy advocates in both countries and their political and industrial supporters. The inner history of the Geneva Conference has only been exposed in part as the result of his resignation. And what the British and American publics and the rest of the world are told is that the reason for the breakdown was this demand of the Admiralty for seventy-one cruisers, and the American insistence on arming their quota of ships with 8-inch guns instead of 6-inch guns.

#### GENEVA CONFERENCE—WHERE IT COLLAPSED

Yet this bickering about the calibre of guns and the number of minor war vessels is not the real cause of the trouble. Nor is it even the insistence of the Americans on a "mathematical parity," and our British insistence on what we will call a "metaphysical parity." We have to find something more fundamental to account for the war clouds that have darkened the sky, ever since, on both sides of the Atlantic.

That fundamental cause of failure will be found, we suggest, in these two facts; that Great Britain, realizing that she had lost command of the sea at Washington in terms of battleships, was trying to recover it in terms of cruisers; and that America, realizing that she had lost Freedom of the Seas at Versailles by a deficiency in moral power, was trying to restore it to the peace terms by a dominance of money-power. Great Britain, unfortunately failing to see that the two aims were not antagonistic, frustrated the American effort for the second time. President Coolidge thus reported in his message to Congress (6th December, 1927)—

"We were granted much co-operation by Japan—but we were unable to come to an agreement with Great Britain."

And if co-operation between British and Americans had thus failed, it was we British who broke it down and we British who must build it up again.

It is to be hoped, however, that the next American President will try again before the fatal date of 1931 when the progress "pegged" by the Washington Treaty will be again put in question. And it is to be hoped that there will then be a British Government who will loyally co-operate with America in making a peace of the seas. Both sides are sadder and wiser for the Geneva failure. One lesson, let us hope, is at least learnt for good and all. Clemenceau, at a crisis of the war, is reported as saying: "This war is too serious to be left to the Generals." Let Washington and London on the next occasion of a naval disarmament Conference say—"This peace is too serious to be left to the Admirals."

#### PROPOSAL FOR PROHIBITING SUBMARINES

Since the Geneva Conference the Americans have made one more move that need not be opposed by even the bluest of the Blue-water School that has made Whitehall its quarter-deck. For Mr. Secretary Kellogg in February 1928, announced that the—

"United States Government would be prepared to sign a Treaty with all the powers of the world, prohibiting the use of submarines entirely."

And this might possibly be made a step towards that much larger disarmament between England and America that we have in mind.

For the position now is that the two leading naval and commercial powers are agreed that, in the interests of humanity and peace, the submarine should be declared illegal.

Submarines are not only horrible in war—in the last they drowned thousands of non-combatants—but they occasionally horrify us all in peace by cruelly drowning their crews. And as commerce destroyers they are the worst menace to Freedom of the Seas. A half-hearted attempt was made by the British Delegation at the Paris Peace Conference to extend the inhibition on building submarines, imposed on Germany, to the rest of the world. Unsuccessful then, it was renewed again by the British delegates at the Washington Conference of 1921, when they proposed "the total and final abolition of the submarine." But, after two days' debate, Lord Balfour found that the British proposal would not then get American support. A compromise was all that could be got; and in the annex to the Washington Treaty the five signatory Powers

recognized the inherent barbarity of the submarine as a commerce destroyer. The following Art. IV of Chapter III of the miscellaneous provisions of the Treaty was signed by France's representatives, with the delegates of the other four naval Powers, but never ratified by the French Government.

“The Signatory Powers recognise the practical impossibility of using submarines as commerce destroyers without violating, as they were violated in the recent war of 1914-1918, the requirements universally accepted by civilised nations for the protection of the lives of neutrals and non-combatants, and to the end that the prohibition of the use of submarines as commerce destroyers shall be universally accepted as a part of the law of nations, they now accept that prohibition as henceforth binding as between themselves and they invite all other nations to adhere thereto.”

This is simply a return to and re-statement of the old rules regulating the rights of belligerents in sailing-ship days—namely, that a merchant vessel must be summoned to stop and searched or sent to port before she could be seized, that she must not be attacked unless refusing or resisting, and that she must not be sunk until the passengers and crew had been placed in safety. These rules, if rigorously respected by a belligerent, would practically prevent their submarines from acting as cruisers for the control of commerce. This the Germans found out very soon in the last war, and Admiral von Scheer refused even to allow the submarines under his command to act against merchant ships when, in deference to American pressure, they were ordered to observe these rules by the German High Command. The proposed rules only come into force when ratified by all the signatories, and France has never ratified them; so that they are not worth the paper they are written on. Furthermore, they have been strongly attacked in the French press and by French jurists and naval experts.

France and Italy as secondary sea Powers were then, and still are, obstinately opposed to a renunciation or even to any restriction of submarine warfare. In this they would be supported by other minor sea powers; and any regulation of the submarine through any organization of the League is consequently most improbable.

The British interest both as a naval and as a neutral Power is to restrict or remove this menace to Freedom of the Seas as far as is

practically possible. The British policy was stated by the First Lord of the Admiralty, Mr. Bridgeman, in his opening speech at the Geneva Conference :

“Great Britain has not changed her mind since the Washington Conference of 1921, when her delegates expressed their willingness to agree to the discontinuance of submarines in warfare, but they recognise that Powers which possess fewer of the larger vessels of war regard the possession of submarines as a valuable weapon of defence.”

He then went on to propose a compromise such as might be calculated to conciliate French opposition, or at least, to counteract to some extent the menace of French submarine construction—namely, an artificial restriction of the size of submarines in the future and their division into a “defensive” class to be permitted, and an “offensive” class to be prohibited. But this sort of diplomatizing will never achieve a reform that requires the directness and driving power of a popular appeal.

Mr. Kellogg is right in going for straight prohibition. The alliance between humanitarian pacifism and professional sailors of the old school, both equally disliking this novel and cruel weapon, would create a strong body of public opinion. If the prohibition were adopted by the three leading Sea Powers, it might be practically imposed on the secondary Sea Powers, much as the prohibition of privateering was imposed on them.

There is, of course, a difference. Privateering was obsolete when it was prohibited ; and in its modern form—the employment of merchant steamers as auxiliary cruisers under commission—it still survives. Submarines are a novel weapon of great power and potentiality that have revolutionized sea warfare. The prohibition of revolutions of any sort is unsound, wherefore it would be inadvisable to make this prohibition a principle of a new international law of the sea. For principles of law must not run counter to progress, even when progress is unpleasant. But policy is a different thing ; and policy as we have shown, is the basis of international law, rather than principle. Such a policy would have moreover the same moral basis as the prohibition of privateering. Privateering was odious to the mercantile communities, like the British, because it arose out of reprisals and easily relapsed into piracy. Submarine commerce destruction also arises out of reprisals and has all the

inhuman features of piracy. It is now associated in the public mind with that age-long enemy of Freedom of the Seas. And it is for this reason that Germany is more resigned to this restriction of the Peace Treaty than to any other.

An agreement of Americans and British to prohibit the use of the submarine might well be a first step towards their association for Freedom of the Seas. If supported, as is probable, by the Japanese it might even be possible to secure the adhesion of secondary sea Powers who now rely on the submarine as their principal naval weapon. And even if such adhesion were withheld, the command of the seas enjoyed by the "Armed Neutrality" of the British and American navies would ensure the Freedom of the Seas from destruction of neutral commerce by belligerent submarines.

If, on the other hand, Britain and America remain apart, not only can nothing be done to restrict submarines as we wish, but, as American sea power becomes superior to British, the British will compete, not in cruisers, already a semi-obsolete weapon, but in submarines, the weapon of the poorer power. And that is a prospect which will appeal as little to British sailors as it will to American shippers.

#### PROPOSAL FOR PROHIBITING AEROPLANES

We have pointed out that the use of aeroplanes against merchant ships in some future war may be as great a surprise as was the use of submarines in the last war—a danger that appears to have been too much overlooked. At the Washington Naval Conference an exhaustive examination was made of the air strengths of the Five Powers invited, and a highly expert committee, including Major-General Mason Patrick of the United States Air Service and Air Vice-Marshal Higgins of the Royal Air Force, was set up.

The proposal made at Washington by the Italian delegate that some limit might be agreed upon as to the number of pilots in the permanent military establishments was a practical proposal.

But the Committee very sensibly decided that it would be impracticable to set effective limits on the air strength of the five Powers or of other nations. For this can only be done by limiting the growth and development of civil aviation which would be both

reactionary and unrealizable. The submarine has at present mainly a military purpose. But the aeroplane has civil and commercial possibilities closely bound up with the progress of civilization. Restrictions based on the non-subsidization of commercial aviation companies by governments, the limitation of the appropriations for air weapons in the national budgets of the countries concerned, and the like, could be easily evaded and would be, in any case, useless.

The German Air Force is rigidly proscribed under the Treaty of Versailles. But the impossibility of prohibiting civil aviation in Germany was recognized, and that country leads the world to-day in civil aviation and could lead it to-morrow in military aviation. For it is recognized by every military general staff in the world that Germany, with a great number of trained pilots, and artificers, with the national "air sense" of her people, and with well-found and flourishing aircraft factories, could rearm in the air in a very short time.

There is, therefore, no possibility or purpose in prohibiting or restricting the construction or operations of military aeroplanes as a principle of international law. But again, as in the case of the submarine, policy is a different matter. There is nothing to prevent Great Britain and America enlarging their declaration with regard to the use of submarines against merchant shipping to aeroplanes, seaplanes, dirigible balloons and other flying machines; and solemnly agreeing neither to use their aircraft against mercantile shipping when belligerent, nor to allow of their being used against their own when neutral.

#### GENEVA FAILURE—BRITISH ATTITUDE

The full gravity of the failure of the Geneva Conference was not at the time, and still is not, realized by the British governing class. With some exceptions, the Civil Service, the City, the Clubs, the Foreign office and Admiralty, the coteries and cliques, all regarded it as merely one more disarmament pow-wow for the benefit of party politics that had come to its proper and preordained conclusion. For, almost every year, and sometimes twice in a twelve-month, there assembles in the finest Swiss scenery and in the most comfortable of continental cities some Committee or Commission or Council

of the League for the discussion of disarmament. In these peaceful surroundings the experts bicker about security and sanctions, entangle themselves endlessly in technicalities as to military and naval armaments, and try to trick each other in negotiations that are seeking, not disarmament, but military advantage. Nothing is ever done, nothing is ever even said, of serious consequence ; except when some Russian envoy, whose presence is regarded with mixed curiosity and resentment, has the bad taste to talk as though disarmament were really under discussion. These discussions serve no more useful purpose than in providing perorations for speeches showing how peace is being prosecuted on the most patriotic lines, or pretexts for an expenditure on armaments greater (in present day values) than before the war.

And this Geneva Naval Conference was confused, naturally enough, by British opinion with one of those pleasant little conversaziones of the League. The Labour Press and Party protested at British policy and pointed out the probable consequences. But the ruling class are either indifferent to or ignorant of Labour opinion ; and the British public has not yet realized the meaning of the shift in sea power since the war. Nevertheless British public opinion was, for the moment, distressed at the failure of the Conference. Even the Nationalist *Daily Mail* wrote :

“ Men and women who realise the paramount importance of maintaining peace are beginning to look to other political leaders for the initiative and guidance which the present Conservative Government has so signally failed to supply.”

“ The Moving Finger writes ; and, having writ,  
Moves on. Nor all thy Piety nor Wit  
Shall lure it back to cancel half a line,  
Nor all thy tears wash out a word of it.”

Certainly no shedding of tears, nor even the dropping of three light cruisers has been able as yet to restore the British relations with Americans. But the writing on the wall of the most moving finger of the hidden hand may possibly portend the end of a decadent dynasty.

## GENEVA FAILURE—AMERICAN ACTION

In America the effect was very different. There, the failure of the Conference made many previous pacifists rally to the ranks of the Big Navy movement. For it looked as though agreement with the British was hopeless and as if the best guarantee of peace was a powerful American fleet.

We are now faced with a set purpose in America to deprive us of our naval command of the sea ; and we cannot prevent it. But we are also faced with the prospect that America will set about the far more difficult task of depriving us of our carrying trade. The building up of a mercantile marine in competition with the British is a costly and difficult undertaking. But the Germans did it before the Great War ; so did the Americans before the Civil War ; and both were crowding us seriously when their competition was ended by war. The present handicap on American carrying competition is artificial and can be ended if the country wishes. That it may so wish is evident from the following statement as to a Bill for making a mercantile marine by a "Democratic Leader" and Senator "devoted to the cause of Anglo-American friendship." (*Times*, 2nd February, 1928) :

"For me (said this Senator), the passage of this measure is ultimately and inseparably connected with the failure of Great Britain and the United States to reach a naval agreement at Geneva.

"I believe supremacy at sea should be held neither by Great Britain nor by ourselves—either would be too provocative and too dangerous. I believe there should be, and still hope there will be, an agreement embodying reasonable and effective naval equality, but I know it will never be reached while we leave the arrangement of it to debating teams rather than negotiators.

"I am one of those who believe with old John Randolph of Roanoke that the American is a land animal. It still seems to me that if he is to have a merchant marine he will have to secure it by deliberate manufacture, and not by the operation of normal processes. Personally, I do not like this manufacture, but it seems to me that Great Britain is leaving us no choice. Unless the two countries can get together, the United States must have not only a Navy fully equal to the British but a merchant

marine capable of carrying every ton of American goods. A sufficient proportion of such ships, moreover, should be speedy vessels able to carry 6-inch guns."

And if responsible and friendly statesmen thus expressed themselves, the popular press in American did not mince matters. Indeed, on Navy Day (28th October, 1927) there was what appeared to be a concerted outburst in a number of leading American papers in support of the proposed new Armada. We will give extracts from two of these. The *Washington Post* expressed itself editorially as follows :

"The United States is entitled to an absolutely free field for foreign commerce. When foreign Powers are at war the United States has a right to remain neutral and carry on neutral commerce without interference. It must have a Navy sufficiently strong to enforce its neutral rights. Its flag becomes a despised rag, if its people do not keep it inviolable upon every sea."

And later :

"War between Great Britain and other foreign Powers under modern conditions would either compel the United States to enter the war on one side or see its neutral commerce swept away."

The *New York Herald-Tribune*, after making out a case for the building of sufficient 10,000-ton cruisers to bring the American Navy up to numerical parity with the British Navy, summed up the case as follows :

"We need a Navy competent to protect our enormous commerce, our merchant marine and our sea communications. We have no such Navy now. But we can have it if we want it. We are free to build it. And we are certainly rich enough to do it."

If the Big Navy boosters can blow their trumpet like any Roland, the British Navy League can give them an Oliver. We need only cite and shall not quote that Navy League pamphlet—

"Nelson gave us the command of the Sea over a century ago. Are we going to keep it ?"

## AMERICAN BIG NAVY BUILDING

The trouble is that we shall have to pay for it. No one is going to give it us gratis. The American naval estimates for 1928 as first introduced, provided for an expenditure of £145,000,000 for a cruiser fleet of forty-three vessels, and for over seventy new warships in all, the same number asked for by our admiralty at Geneva. As Mr. Wilbur said (11th January, 1928): "America needs a first-class Navy," and he went on to explain that these forty-three cruisers would consist of twenty-five 10,000 tonners, with 8-inch guns, in addition to the eight already provided, and ten 7500-ton cruisers. Five new aircraft carriers were also included and a total cruiser tonnage of 600,000 tons was contemplated, just double the maximum proposed at Geneva. He concluded:

"This programme of twenty-five cruisers, five aircraft carriers, nine destroyer leaders and thirty-two submarines is in no way competitive, but is based on the needs of the United States Navy as determined by technical advice."

Which contrasts painfully with the statement of Mr. French, Chairman of the House Naval Committee, only a year earlier, but before the Geneva Conference, on presenting the previous naval estimates.

"The people of Great Britain depend, and must depend, on the outside world. Their dependency is for food, clothing, structural material, fuel and fuel oil. Great Britain must maintain open to its ships the lanes of the sea. To do this Great Britain must have naval bases; and, more than the United States, is in need of types of ships such as cruisers."

## NAVAL COMPETITION—A CHECK AND A CHANCE

The difference between these two positions is the measure of the distance that the two people diverged in those disastrous weeks at Geneva. Happily, some of that distance has now been retraced. The British Government, by dropping the construction of two cruisers, and then a third, made the first move to make good



A VERTICAL SMOKE SCREEN BEING LAID BY A SINGLE AEROPLANE  
Note U.S. battleship in middle distance. Instead of smoke, poison gas cloud could be laid.  
(Official photograph. U.S. Army Air Corps.)



the damage it had done. The Americans have now responded, as we may always rely on them to respond to any generous gesture.

The tremendous construction programme outlined above, and the insistence of the Naval Affairs Committee that this construction should be undertaken to a time limit, had rallied economist and pacifist opinion in America to the support of President Coolidge. The war dope in the Press had, for once, been overdone and the public stomach rejected it. The Secretary of the Navy put up a spirited fight. He pointed out that the total cost was only half the annual expenditure of American women on cosmetics. "There are times," he said, "when gunpowder is worth more than face powder." But nowadays men and women find face-powder on the whole less disfiguring. For, after heated debates in the Naval Affairs Committee of the House and much hard lobbying, the Moderates won a signal success (23rd February, 1928). The programme, as it will be reported out, and as it will probably be passed by the House, has been considerably cut down. The ten-thousand ton cruisers are reduced from twenty-five to fifteen, and the aircraft carriers from five to one; the destroyers are left at the twelve authorized under the 1916 programme, and all but two submarines are dropped. The total expenditure is reduced from £145,000,000 to £54,000,000. The new vessels are to be laid down in three years (aircraft carriers in two) and completed in six. But an even more promising provision is that that Bill, as ultimately reported to Congress, will contain a provision as follows:

"In the event of an agreement for the further limitation of naval armament by an international conference to which the United States is a signatory, the President is hereby authorized and empowered to suspend, in whole or in part, any of the naval construction authorized in this Act."

It will be observed that this discretionary power is allowed to the President only if a limitation agreement is reached; not, as originally suggested, at the mere calling of a conference. This represents a compromise between those who would have placed no bounds on the Executive's discretion and those who believed that power to suspend building should be reserved to Congress. It will be attacked both in the House and in the Senate, but there is little

reason to doubt it will be passed in a form substantially as given above.<sup>1</sup>

So there we have the response to our overture and an opening for a further reconciliation. No one can say that the British Government have not got good value for the cruisers dropped. But it is a drop in the Atlantic ocean compared to the value they could get if they followed up the policy of co-operation outlined in the next chapter.

#### ANGLO-AMERICAN ALIENATION

One of the causes of the naval differences that we have described between the English and American peoples, and of their political divergence, is the lack of understanding of each other's points of view. This is particularly the case with England where, as has always been the case, notably in the Civil War, there is a totally false conception of the mental make-up of America among the British governing class. The explanation is easy. Many more Americans visit England than English people visit America. For though English business men perforce go to the United States, though a few diplomats and journalists are perfunctorily employed at

<sup>1</sup> The American Naval Estimates for 1929 amount to over £74,000,000 as reported to Congress, with the observation that "all indications point to an appreciable and immediate upward trend."

The vessels in commission in 1929 are given in the Estimates as follows:—

##### *First Line.*

Battleships, 16; light cruisers, 10; aircraft carriers, 2; destroyers, 103; submarines, 46; fleet submarines, 5.

##### *Second Line.*

Cruisers, 2; light cruisers, 3; aircraft carriers, 1; mine-layers, 2; submarines, 29.

To this must be added 6 light mine-layers, 19 patrol vessels, and 74 auxiliaries, making a grand total of 318 vessels. The strength of the needed *personnel* is estimated as: Active officers (line, staff and warrant), 8,745; midshipmen, 1,746; retired officers, 1,690; enlisted men, 83,250; enlisted men retired, 1,498; nurses, 525—a total of 97,454.

As to aircraft, a five year programme was approved in June, 1926, intended by annual increments to provide the Navy with 1,000 "useful aeroplanes". At that time the Navy possessed 351 craft. The progress made is as follows: July 1st, 1926, aeroplanes, 468; July 1st, 1927, 705 aeroplanes; July 1st, 1928, 750 aeroplanes; while the number for July 1st, 1929, is estimated at 783.

Two more airships are planned each two and a half times the size of the Los Angeles, with a maximum cruising radius of 11,200 nautical miles, 782 ft. long and 132 ft. deep, designed to carry a crew of 16 officers and 45 men, and a maximum speed of 75 knots.

Washington; though there is a profitable pilgrim's progress of academic lecturers and Anglo-American propagandists whose pulpit or postprandial oratory probably does more harm than good, and though American public and private hospitality to British visitors is unbounded—yet there is in America nothing that makes the same sort of appeal to the British that England makes to Americans.

The English are great travellers; but they have an extensive Empire, and most of those who go abroad for a living make their way to the Dominions or to Asiatic and African dependencies. The British who go to the United States go there to become citizens of that country. The middle-class British families who holiday abroad rarely go to America. In Switzerland, France, Belgium, Italy, and North Africa they are patrons; in America they would be little better than paupers.

Very few British politicians of Cabinet rank visit America. Lord Balfour has gone there on diplomatic business more than once with the happiest results—the last occasion being the Washington Conference. The present Prime Minister paid a short visit to America in connection with the debt settlement, with less happy results. Two ex-Prime Ministers, Mr. Lloyd George and Mr. Ramsay MacDonald, have paid short visits. Whereas, on the other hand, there is a continual coming and going between England and Europe of politicians, diplomatists and journalists in connection with the League Councils and Committees, international conferences or national ceremonies. There is far more contact between British statesmen and Germans, or Frenchmen than there is between British statesmen and Americans.

#### ANGLO-AMERICAN AMICABILITY—A SUGGESTION

And the consequences have been as inevitable as invidious. They affect not only the democratic relationship between the two peoples in the region of public opinion, but even the diplomatic relations between the two Governments. Twice in referring in Parliament to the unfortunate breakdown of the Geneva Naval Conference the British Foreign Secretary, who is in the best position to judge, has admitted, frankly enough, that there was not enough

of what he called diplomatic preparation beforehand. Yet an American Admiral had specially visited London before the Conference, and the ordinary diplomatic machinery was working with more than usual efficiency. Which suggests that there is now a new diplomatic channel and democratic contract in the Canadian diplomatic representative and his staff at Washington. The Canadians are close to the Americans geographically and cannot fail to understand their point of view. Canada is a bond for peace between Britain and America, and her mission in Washington might become a bridge to political confidence and co-operation. We might indeed do worse than persuade the Canadian Government to release an important citizen of that Dominion to represent England and the Empire at Washington when next there is a vacancy at the British Embassy and to let the Foreign Office be represented by an official who would be junior to the Canadian representative.

The proposal may seem a revolution in the British Diplomatic Service. But there are political regions in which moral revolutions are required ; and though the Canadian envoy might lack somewhat in diplomatic experience, he would have a certain esoteric election for dealing with "domestic matters" and the Monroe doctrine. But no machinery, special or ordinary, can replace a "liaison" between two countries. It cannot create a real link between two peoples, or give them a real lead into closer co-operation and mutual confidence. And this lead has been lacking owing to a want of personal contact between American and British public men and to a lack of courage and candour among politicians on both sides, but especially on this side.

#### BRITISH ATTITUDE TO AMERICA—A CRITICISM

The public pronouncements of British statesmen are only too often verbose concealments of their real views. To get at what they really thought and wanted we have to wait for the publication of personal memoirs and diaries ; unless such a cataclysm as the late war brings to the surface buried treasures of truth in colourful eruption of White Books, Yellow Books, Red Books, and Green Books.

For example, the Diary of the late Field-Marshal Sir Henry

Wilson, published in 1927, stands for what is, we fear, the typical British official view of the late President Wilson and the policy he stood for at the Peace Conference and before it. Compare this candid soldier's posthumous private diary and what his personal friends and—unfortunately enough—his political followers in the British Cabinet were publically saying in Parliament and at the Peace Conference on the same subject.

The British people and their governing class consequently have never really understood the American attitude towards naval and maritime matters.

Thus, despite Sir Austen Chamberlain's doubts about our capabilities to assist in applying League of Nations sanctions, we have the British clinging, for their own purposes, to their weapon of economic pressure exercised at sea which served them in such good stead in the Napoleonic and Colonial wars, and which all but a few believe was their great stand-by in the last war—oblivious of the fact that the economic pressure on Germany and her Allies was only made possible by unusual circumstances and through the large number of powerful nations engaged as belligerents and the weakness of the few neutrals.

After a Command of the Seas for three centuries, that has brought them not only security but supremacy, the British people can scarcely be expected without education in the new factors to accept, after less than a decade, the theoretical safeguards of the Covenant of the League of Nations as a substitute for that sea power; while the Americans equally cannot be expected to give up without concession that Freedom of the Seas which is now within their grasp at a cost that is of little consideration in comparison to the cause at stake.

It is childish for the British Government to suppose for an instant that America will not in the end build to secure cruiser-command because two light cruisers were dropped out of the British programme last year and one cruiser this year when fifteen cruisers of the new type have been already built, or laid down.

Leaving out the ships that will become obsolete and be scrapped by 1934, and supposing that the new and revised American programme is put in hand by then, and that the British programme continues at the same rate as during the previous seven or eight

years, the British and American fleets will then be about equal in strength.<sup>1</sup> If relations between the two countries were as they were in the days of comradeship and confidence of 1917-18, or even if they were still as they were before the War when the American fleet did not enter into the war plans and calculations of the British Cabinet and naval staff, there would be no cause for alarm and agitation.

#### UNCLE SAM—THE BOGEY-MAN

Unfortunately British public opinion has been schooled into looking upon one or other neighbouring nation as the bogey-man. And when this propaganda has gone on for some time and the batteries of war are sufficiently charged with electricity, some trivial incident like the throwing of a cargo of tea into Boston Harbour or the shooting of an Austrian Prince in a Balkan town, short-circuits the diplomatic wires and electrocutes some thousands or millions of mankind. America is now replacing Russia as the Britishers' bogey-man. One man may steal our horse with

#### <sup>1</sup> COMPARATIVE POST-WASHINGTON PROGRAMMES OF CRUISER CONSTRUCTION.

The following table shows the totals of cruisers built, building, and projected for the two countries during the coming seven years, so far as can be ascertained from the present programmes and plans on either side :

Year.	UNITED STATES.			GREAT BRITAIN.		
	Built.	Building.	Projected.	Built.	Building.	Projected.
1928	0	8	5	5	9	1
1929	2	11	5	11	4	2
1930	5	13	5	14	3	3
1931	8	15	—	15	5	—
1932	13	10	—	17	3	—
1933	18	5	—	20	—	—
1934	23	—	—	20	—	—

From the above, it will be seen how the position may be altered by whatever is done in the year 1931 in Great Britain. If the three ships recently postponed were put in hand then, and no addition had meanwhile been made to the American programme, each Power would have 23 post-Washington vessels ready for service. Numerically, this would be parity, but actually the United States would have a superiority, as about six of the British cruisers would be of the smaller 8,400-ton type, although armed with 8-inch guns.

In classes built or designed during the War, Great Britain has a surplus in numbers which is rapidly diminishing owing to obsolescence, and will all but have disappeared by the time the programme summarized above has materialized.

impunity ; but if the bogey-man looks over the hedge we at once shout " stop thief."

Let us take one example. For some years the British Press has contained interesting and detailed accounts of the gradual mechanisation of the British Army. There is nothing in this mechanisation except the growing dawn-light in the military mind that for modern warfare petrol and steel are more effective than horse-flesh. Spur-jingling, sabre-rattling generals have long ridden in motor-cars ; and they are at last learning that infantry, guns, and even cavalry can be moved by motor quicker than by marching or by mules. Some three years after an entire Division of the British Army had been mechanised the small United States Army proposed to follow suit. And look at the effect produced on an important section of the British Press, already made jumpy by the American shipbuilding programme. The most powerful group of newspapers in England is that owned by the Brothers Berry, and its power is explained by its success in expressing a popular and non-partisan point of view. Yet as soon as this unimportant piece of news had crossed the Atlantic the leading Sunday newspaper of the Berry group came out with the following glaring headlines :

**MECHANICAL SOLDIERS TRAINED TO KILL :  
ROBOT ARMY FOR U.S.A.**

**FIRE POWERS MULTIPLIED BY THREE HUNDRED PER CENT.**

**SHOCK TO EUROPE :**

**DRAMATIC BRITISH REPLY**

This was illustrated by an excellent photograph of British Tommies, complete with steel helmets, practising with Maxim guns. Then came the following extracts from this " big story " of the week :

" Sweeping changes are to be made in the United States Army which is to be mechanised at once. This decision, following her big warship programme, is likely to cause a diplomatic sensation.

There followed some details, which no soldier would find in any way extraordinary or significant, and then this :

" **BRITISH REPLY.** Our own military authorities are alive to these changes. *Both infantry and cavalry of the British Army are to strengthen their machine-gun sections this year.*"

Can you beat it? as our American friends say—and we hope they won't try.

Anyone with any military knowledge at all knows perfectly well that the present American Army, like the present British Army, is a professional army, purely and simply for use as an internal or imperial police at home or abroad. No organization for an American Expeditionary Force is in existence; and even the small British Expeditionary Force, organized with such a dubious secrecy and such doubtful strategy and for the purpose of fighting on the left wing of the French armies in the last war, has been broken up. The possibility of the present British or American armies fighting each other, or indeed affecting the strategical position as between England and America, does not exist. If the two countries contemplate a conflict they must organize a mass mobilization of the resources of the Empire and of the Union and strategic schemes for war in two hemispheres. Of course, they have not done so and will not do so. Yet to such a dangerous pass have the two peoples been brought that the decision of the United States Army authorities to supply extra machine-guns to their meagre battalions and squadrons is referred to as a *diplomatic sensation!*

Nor is the Press to blame. The Press cultivates the mood of the moment rather than creates it. It is the subtle and sinister influence of naval, military, and air force reviews, pageants, displays and tattoos, all deliberately aimed at showing an imaginary romantic surface of war and at hiding its miseries and bestialities that gives most cause for complaint.

The present British Government is directly associated in making thirty-two "feature" films all designed, more or less, to glorify war and armaments. Loans of warships, soldiers, artillery, tanks, aeroplanes, have been made by the military departments, at the very time when they are crying out that they have not enough money to carry out the necessary trainings, drills, and practices.

#### BRITISH ATTITUDE—A COUNSEL

The Press and public opinion of a country look on their neighbours as friends or foes just as their rulers and ruling class may ordain. They can be made to change front with remarkable rapidity. In the

lifetime of most of us we can remember many such reorientations. Early in the century France and Russia were the enemy. The British built to the Two-Power standard; and mobilized the fleet against France over the Fashoda incident and against Russia over the Dogger Bank accident. The first British destroyers were built as an answer to the French torpedo-boat flotillas and the super-cruisers of the day were built to counter the Russian *Ruriks*. Then came the change of front that allied us with France and Russia against the German naval challenge.

The *Dreadnought* stole a march in construction on the Germans and the Admiralty pigeon-holed its plans for fighting France and Russia and prepared the secret plans for the Great War. The Press preached war with Germany, the professionals prepared for it, and the politicians prevaricated about it. We mobilized partially over the "Panther-spring" at Agadir and plunged into war over the Serajevo assassination. Germany smashed with the help of America, the British made Russia again the bogey-man, and the Bolshevik is still the First Murderer, with America a villain "of milder mood" but none the less "determined to be a villain" and to challenge our Command of the Sea.<sup>1</sup> We are already, in fact, whatever we say, building with an eye on the American fleet, and we may soon be mobilizing against it over some trumpery incident or twopenny interest.

One object of this book is to suggest to the minds of any members of the British ruling class that may read it, that the reorientation of British policy in 1922 was right and that the reaction to the policy of 1912 is wrong. That the old policy of maintaining a naval balance of power by throwing the British Navy from one scale to another may have been right when France, Russia, Germany, or Japan were concerned. But that it is wrong where America is concerned. And finally, that it is high time for the fire control in the top to shift the batteries of the Press on to another target—or even to cease fire altogether.

We have to face the facts. The *actual* naval rivalry between the two English-speaking peoples has already embittered their relation-

<sup>1</sup> Secretary Hughes has stated that more money is being spent on the naval air arm alone than on the whole American Navy in any year prior to the War with Spain.

ship and weakened their individual and united influence for peace in the world. Yet, if only the substance of sea security by agreement could be boldly grasped instead of this blind groping for the shadow of sea supremacy, these two mighty fleets with their growing air arms backed by scientific, economic, and financial supremacy, would ensure the Freedom of the Seas and security for the coasts and commerce of the world without let or hindrance for all time. Whereas nowadays a claim to Command of the Seas by any one nation is a shadow that flees ever before each competitor in the armaments race as he hurries towards the darkening horizon of war.

## CHAPTER IV

### COMMAND OF THE SEAS AND THE PEACE

**W**E are now ready to face the facts of the present, having reviewed, as far as might be, the facts of the past. Thus we have shown (Chapter I) that Freedom of the Seas and Command of the Seas in war cannot be referred for regulation to any system or sanction of "International Law," and that the rules as to the rights and responsibilities of neutrals and belligerents are, in fact, makeshift compromises conforming to every shift in the balance of sea power. We have seen (Chapter II) how the war swept all these legal fictions away, and set up a new naval warfare in three dimensions that requires a radical revision of rules made for naval warfare in two. We have suggested (Chapter III) that as, first the general peace and then special Conferences failed to satisfy American requirements for such a revision in the interest of Freedom of the Seas the United States are challenging our Command of the Sea and our claim as an imperial sea Power to exercise an international sea police.

When we come to the present day we find ourselves, therefore, faced with this alternative: that either the United Kingdom must engage with the United States in an armaments competition for Command of the Seas or the two of us must combine in that command for guaranteeing the Freedom of the Seas.

In the first case—that of a competition for Command of the Seas—either we must let ourselves be peaceably outbuilt and outbid by the wealthier Americans as we outbuilt and outbid the Dutch, or we shall only let ourselves be ousted after a fight.

#### ANOTHER ANGLO-AMERICAN WAR APPROACHING?

It may shock some that we should begin this chapter by coldly—it may seem cynically—weighing the chances of another

Anglo-American war for sea power. But we must face the facts of the past and the facts of the present. The first fact is that our only war with the United States, as an independent State, was on this issue in a far less vital form. The second is that in the last war the United States only fought for their traditional policy of Freedom of the Seas on our side and not against us, because German commerce destruction was more disagreeable to them and more derogatory to it than the commerce diversion of the British. The third fact is that this temporary alliance against German sea-piracy ended with the Armistice, and that we are now far advanced in a competition for sea power between the United Kingdom and the United States. And a fourth fact is that we are to-day no further off from war with America than we were from war with Germany when the Haldane negotiations for the limitation of Anglo-German naval armaments broke down just as Anglo-American disarmament has done.

Indeed, the present situation is even more serious. Germany, our neighbour across the North Sea, our natural ally and associate, and our kin in race with a common culture, was challenging our supremacy in sea power and our superiority as carriers, colonisers, and capitalists. But Germany was not even aspiring to anything more than equality in economic competition and was accepting inferiority in naval strength. Whereas America will, in ten years, have equality in naval strength and already has superiority as a capitalist. America is our neighbour across the Atlantic, our natural ally and associate, and our racial first cousin, and shares with us not only a culture but also a literature and a language. On both sides of the Atlantic hands would be held up in horror at the idea of war. But then so they would have been twenty years ago on both sides of the North Sea at the idea of an Anglo-German war. And when a British statesman protests that war between England and America is "unthinkable," while making no exertions to clear up misunderstandings between the two peoples, methinks this gentleman doth protest too much. For the late Prince Lichnowsky has described (*Auf dem Wege zum Abgrund*) his last interview with the then Prime Minister of England, in which Mr. Asquith spoke of a war with Germany as "quite unthinkable." War was then on the point of breaking out.

## ANGLO-AMERICAN POLITICAL ANTAGONISM

What prospect is there that, when it comes to be generally realized that we are being ousted from that Command of the Seas which we have always been taught was a matter of life and death to us, we shall let it go without a struggle ?

Shall we rather not look on Uncle Sam as—

“ A cutpurse of the Empire and the rule,  
That from the shelf the precious diadem stole,  
And put it in his pocket.”

It is useless for the American Government to protest that in its naval programme now before Congress there is no intention of competing with us. The United States Government have reduced their naval programme in response to our Government's suspension of the British cruisers, but the Press on both sides has a sound sense of the situation. Says their *World* :

“ This programme challenges in an unmistakable fashion the ancient prerogative of British sea-power. . . . To-day, both nations are drifting aimlessly in dangerous waters. Both are without political leaders whose imagination is competent to regulate this difficulty before it becomes unmanageable.”

And if the American is bruising our heel of Achilles we are treading on his tenderest toe. His claim to supremacy over the two Americas has no better justification to-day than our claim to rule the two Atlantics. A century ago, when European Empires were all a-blowing and a-growing in the Americas, the Monroe doctrine had a basis and was a bargain. “ We keep out of Europe, you keep out of America.” “ Trespassers will be prosecuted.” But to-day American capital and commerce are even more in control of Europe than of South America. And the imperialistic implications of the Monroe doctrine are as vast and vague as those of our Sea Power. At the moment, the United States is penetrating or policing Nicaragua just as we are China. And that not against a European Empire but against a local popular movement backed by a rival Mexico ; just as our intervention is against the same sort of movement backed by a rival—Russia. The only European Empire that still has a

footing in the Americas is ours, and we are next door neighbours in Canada and the West Indies. The Americans have, in turn, ejected all other European States—the French, the Russians, and quite lately the Spanish, in this last case by war. They have skirmished with the Canadians more than once and it was only the combination of British sea supremacy and Anglo-Saxon solidarity that has kept the two peoples at peace for a century. If these two links go, Canada and the West Indies will go too, in so far as our imperial sovereignty is concerned, either by war or by some transaction. For the history of Canada shows a recent rapid development towards independence, and the history of the West Indies shows a no less rapid divergence of these communities into the American economic system.

It is useless for us to claim that Sea Power is vital to us and transatlantic supremacy not so to the Americans—that our maritime dominance is not imperialistic and their Monroe doctrine is. The American rulers are Anglo-Saxons like ourselves with the same capacity for sentimental self-hubbug and for cynical self-help.

#### ANGLO-AMERICAN BUSINESS RIVALRY

Moreover, besides these vital issues and national ideals, there are to-day as many rivalries between British and American "interests" as there were between British and German before the war. Take only one example—that burning question of oil. The oil supply of the world, outside the Soviet sources, is now organized in two combines, one British, the other American. Their competition has now come to a crisis in their dispute for the Soviet surplus, and the recent success of the Americans has secured them supremacy in the Asiatic markets, including India. The influence of these combines over governmental policy on both sides of the Atlantic is as obvious as it is obscure. And if this influence contributed, as seems probable, to the recent rupture of British official relations with the Soviet Union it may well under the conditions now developing contribute to a rupture of relations with the United States.

If the Americans still have the advantage over the British in oil, the boot is on the other leg in regard to rubber—also a key

commodity, essential both to the American producer and consumer. And the British have long had another hold over American industries in respect of tin. For the American canning industries are dependent on tin from the British Empire. And all these various commodities, which should be so many bonds of common interest between the two peoples, and control of which would give them in combination a command of the world for peace, will become more and more causes of ill-feeling so long as they are in rivalry with one another. For example, the British restriction on the output of rubber, and the consequent maintenance of rubber prices, has caused as much business resentment in America as American competition for Asiatic oil has caused in England. To which might be added, were there space, many other Anglo-American business rivalries that are making to-day the same sort of bad feeling that preceded and prepared our war with Germany. One more example only will be given. Our mercantile marine has had hitherto a monopoly of the carrying trade between India and America. This monopoly the United States Shipping Board are now challenging by running their subsidized vessels on this route at unremunerative rates. American State trading is thus attacking the shipping interests that hold our Empire together. Which British business thinks unfair. And though competition is no doubt desirable against these oil and shipping combines, yet it is no wonder that American business competitors are already more a bugbear to our ruling class than ever Germans were.

Nor is this surprising when we reflect that, in charging us a war debt annuity averaging about thirty-five millions, our American allies are not only making us pay for having driven the German cruisers and carriers off the sea on their behalf, but also for driving our own off the sea at their behest. This effect of the debt settlement is as yet clearly realized only by a few, and those few are mostly of the political party responsible for that settlement. But a silent resentment is spreading through the British ruling class, all the more dangerous that it is as yet confined to the City, the Clubs, the *petits comités*, the Civil Service, the expert Committees—in short, to the extra-constitutional regions in which our British foreign policy is framed before Parliament and public opinion are seized of it. And it is in this region of "authority" that all our wars have begun.

## PACIFIST PROTEST AND WAR PROPAGANDA

No doubt when the danger became imminent the real relationship between the two people would be expressed by the British workers even to the point of a passive resistance that would cost the rank and file their employment and their leaders imprisonment under the new Trades Union Penal Act. For they would go farther and faster to stop a war with America than they went in 1919 to stop a war with Russia. Such a war would also possibly be resisted by the American intellectuals of the Eastern States under peril of their persons and property from hundred per cent compatriots. But what would such protests avail against a Press propaganda on either side driving the ordinary public into war passion and panic? For both sides would have much more material for an Anglo-American war—"hetze" than there was for the working up of the Anglo-German war fever. Take the following "Points for Speakers" representing the two points of view as an idea of how such propaganda might run.

## POSSIBLE BRITISH WAR-PROPAGANDA.

1. *The Peace Trap.*

"The Yanks plotting to rob us of that Command of the Seas that is the Bond of our Empire, the Bulwark of our liberties, and the basis of our economic existence, tried to take advantage of our straits in our War for Civilization to drive us into the Boche peace trap of a Freedom of the Seas. Foiled in this they proceeded to secure Sea Supremacy for themselves. They restored the German mercantile marine by financial assistance so as to restore the balance of power; and they evaded entry into the League established by their own President so as to keep a free hand. Under pretext of naval disarmament on a basis of parity they demanded large cruisers—useless except for destroying our commerce—while denying us the small cruisers indispensable for its defence. They thereby forced on us a competition in naval armaments, and proceeded with their own ambitious programme even after we had suspended our modest three cruisers. They thereby prevented an economy of over fifty millions to our Budget and produced a conflict between the two peoples.

"Meantime as a mask of their policy and a manœuvre for position they advertized a pacifist propaganda for the 'Outlawry of War' and for



BATTLESHIP ALABAMA STRUCK BY 300-LB. AEROPLANE BOMB  
*(Official photograph, U.S. Army Air Corps.)*



judicial settlements under arbitration treaties. But whenever taken at their word, either their Senate threw out the treaty, as in 1897 and 1912, or some imperialist formula of 'national honour' as in 1908 or of 'Monroe Doctrine' as in 1927 was inserted, which left them full power to fight on an imperialist issue. Indeed, in this latter case at the very moment when they were proposing treaties to 'outlaw war' they were invading Nicaragua at the cost of several thousand lives in order to impose their imperialism on the international sea-route across the isthmus and encircle the Workers' Republic of Mexico. Freedom of the Lesser Nations and Freedom of the Seas are both bunkum, coming from the most powerful people in the world that has in recent times attacked all—and that has annexed many of its weaker neighbours and that has asserted such maritime claims as that the North Pacific Ocean was an American 'Mare Clausum.' Moreover, the liberties and the Law of Nations are menaced by a State that illegally excludes its own coloured citizens from the suffrage—where wealth can make private war on its own workers—and where the Courts have scandalized the civilized world by their suppression of freedom of speech and of thought. Even in such a judicial arbitration as that of the Behring Sea, employing the highest legal luminaries, the Americans relied on a forged document. Even for the imprisonment of a prominent Labour leader they have resorted to a police frame-up. As against the supremacy of such a State the British Navy is the only security for Peace and Progress.

### 2. *The Debt Trick.*

"The Yanks kept out of the war until they had made all the money they could out of both sides. Then when the hard fighting was over and all belligerents bled white and bankrupt they came in to dictate the peace. Even then they refused all responsibilities under the Peace settlement, such as participation in the League or acceptance of a mandate for Western Asia Minor that would have avoided the Greco-Turkish War, while they claimed all the rights under that settlement by their special peace with Germany. They then exacted as much of the war debts as they could extract from each State under pressure of their dominant financial position; although this debt had been contracted for a common cause with them and at a cost of life and livelihood that they themselves had avoided. And this, although they had repudiated the debts of their own Southern States and had insisted on excluding them from arbitration. The money thus wrung from Europe went to establishing an American financial control over the national economics of European peoples that has entailed a command of their policy. In our case this debt annuity pays for building the foreign navy that is to deprive us of the command of the seas essential to our existence.

“Against a financial and naval tyranny like this it is the duty of every patriot to fight to the death.”

Now let us outline a possible American war propaganda against the British.

### 1. *The Peace Trap.*

“The Britishers plotting to rob us of the Freedom of the Seas to which we owe the foundation of our independence—for which we have fought throughout our history—and which we can now at last enforce, involved us in war with Germany by driving Germany into illegalities and inhumanities through pressure of their Sea Power. Having accepted our assistance and armistice on terms, they broke faith in the Peace settlement both with us and with the Germans. President Wilson’s demand for Freedom of the Seas was denied, and his Peace League was deformed into an instrument of imperialism. Having betrayed their own democracy, that believed itself to be fighting for new liberties of the lesser nations and a new Law of Nations, by the cynical imperialisms of the Secret Treaties, British diplomacy tried to bribe the Americans into sharing in the plunder. The President refused, and restored in the Peace settlements some respect for self-determination. But the German colonies were appropriated and lesser nations partitioned by the British under the cloak of ‘mandates,’ while the Supreme Council was perpetuated under cover of the League Council.

“America rejected this ‘peace’ and retired from the League. But under cover of Arbitration approaches and other side doors, the Britishers tried to get us to walk into their Geneva parlour. Both the Anglo-American arbitration treaties of 1897 and of 1912 were immediately followed by a British war of imperialism, and it was fortunate that these were rejected by the Senate. Their last approach to Anglo-American arbitration was actually simultaneous with their invasion of China for the maintenance of British imperialism there against the Chinese national renaissance.

“America, having decided to secure to the world Freedom of the Seas by building a fleet equal to that of the British, offered the latter a mutual disarmament on the basis of parity. These disarmament conferences were used by the British experts to win tricks at our expense, just as their diplomats did in the Peace Conference. After accepting the principle of parity they evaded it in practice and, then, when challenged, repudiated the principle as well and took refuge in sophistries. The liberties of lesser peoples and the Law of Nations are menaced by a State whose foreign policy is still in terms of secret diplomacy, of Balance of Power, of Naval Empire, and of colonial exploitation. There is not one important movement for self-determination since the War that the British

have not attacked in arms—Irish, Russian, Turkish, Afghan, Chinese, Arab, Egyptian. The world is not safe for democracy under the supremacy of such a government, or of one that can deceive its own electorate with a forged diplomatic document and that tried to convert the General Strike into a civil war. As against John Bull, gunman and gold brick man, the American Navy is the only security for Liberty and Law.

### 2. *The Indemnity Trick.*

“The Britishers, under cover of a War for Civilization, crushed their business rival. Having then obstructed the American reconstruction of Europe and regulation of the Seas, they hoped to oust America from Europe while they reduced the Germans to indefinite economic slavery by their immoral indemnity. But America retrieved Germany and Europe from the ruin and revolution caused by the British blockade, and they succeeded in imposing some measure of peace on the extravagant imperialisms of the British and the no less extravagant nationalisms of their Continental protégés by calling in the war debts of the victors and by cutting down the war indemnity of the vanquished in the Dawes scheme.

“The Britishers and their allies have tried hard to get America to write off the war-debts as against the war indemnities so as to free their finances for more imperialist wars. But the money power and sea power of America are the only real securities for peace and progress in Europe.

“Against British imperialism in Europe, Asia, and Africa, and above all on the seas, it is the duty of every good American to fight, as his forefathers fought against it in America.”

That is the sort of thing that might be said on both sides, and all these things have already been said and that, too, by responsible people or papers. Not that the “Mad Mullah” proclaiming his jihad or Peter the Hermit preaching his crusade cares much about arguments. But there is enough truth in either indictment to make difficult the task of peace-makers and passive resisters. Nor would the advent of a British Labour Government avail *of itself* to conjure the danger. A Conservative Government may have less resources for a popular appeal, but it has far more power over the organs of public opinion. Whatsoever party is in power at Westminster the same difficulty will have to be faced—and the difficulty can probably be dealt with by Conservatives even better than by Progressives. It is, put shortly, that unless we mean to resign Command of the Sea

without an effort, or unless we mean to face a fight which would probably end in our losing that and also our carrying trade and colonies, we must combine with the Americans in a common naval policy.

#### ANGLO-AMERICAN ASSOCIATION THE ONLY SECURITY

The preceding pages have shown that this is not difficult so far as principle is concerned. For, so far from there being any real difference in principle between Command of the Seas and Freedom of the Seas, the former is the only material "sanction" for the latter, and the latter the only moral sanction for the former. The line between the two, as has been said, shifts with the political situation. Under a balance of Sea Power in a period of peace it shifts in favour of Freedom of the Seas and international Law. Under a supremacy of Sea Power and in a phase of general war it shifts in favour of Command of the Seas. But the only security and sanction for an international Law of the Seas is still one or more national navies.

There is not yet, and there may never be, a supremacy of Sea Power so complete that it can administer a Sovereignty of the Seas as did the Roman Empire. The moral authority of a League of Nations, which will be something between that of the mediæval Papacy and that of an international Prize Court, will not offer sufficient security to a people like ourselves, dependent on the sea for food, fuel, and every form of activity. Those who visualize a League disposing of a naval force are Leaguist visionaries who do a disservice to the cause of peace and who expose their country to disaster in war. Those, on the other hand, who would "scrap the navy" and accept in return "scraps of paper" such as all-in-judicial arbitration treaties, an international Prize Court, and a Declaration of London, are little better than legalist voluptuaries. All these institutions have, no doubt, an importance for establishing and elaborating a judicature and jurisprudence of the Seas. But the only sanction is and must remain Sea Power.

The Americans from their remoter perspective see this more clearly than do Europeans. We British, especially, are blinded by our belief in the League and inclined to blink its real character. We are reluctant to recognize that the very term "League of

Nations" is a misnomer. For, as at present constituted, it is a League of Governments, and is wholly guided in its policy by the greatest common factor in the policies of the Governments composing it, particularly of those countries permanently constituting the Council. It does not yet, and in our time may not, represent the international public opinion of the peoples of the world. It represents the mean of the national policies of the parties each people puts into power. A real League of Nations would offer some real security and be a safe repository for sanctions. The present one does not and is not. For a conjuncture on the Council of delegates representing reactionary or revolutionary Governments might make the League a militarist, rather than a mediatory, influence. Neither against conflicts arising on the old Balance-of-Power political "fronts" or on the new Bourgeois-Bolshevist social "fronts" is the League, as yet, a guarantee for the preservation of peace and for the Freedom of the Seas.

The only security for peace that we British could accept, other than that of our own command of the seas, is that of an Anglo-American Agreement to maintain on the High Seas navies of equal strength which in combination could cope with any other possible combination—in short, an "Armed Neutrality." And that secured we could then accept agreements with other States for the Neutralization of the Narrow Seas that would enable them to reduce their armaments—in short, "Rush-Bagot" agreements.

The principle of the Rush-Bagot arrangement as proclaimed by John Quincy Adams to Congress (56th 1st Sess.) and approved by the Senate is that disarmament is the only practical preventive of war. What Mr. Adams wrote to Lord Castlereagh a century ago as to Anglo-American armed forces on the Great Lakes is equally true to-day of their antagonism on the High Seas.

"It is evident that if each party augments its forces with a view to obtaining an ascendancy over the other, vast expense will be incurred and the danger of a collision correspondingly augmented."

There are plenty of historic precedents for such a policy in the Naval Leagues and other Armed Neutralities of the past. But practical considerations weigh more with us on both sides of the Atlantic than arguments of principle or precedent. Indeed, it may

better illustrate the idea to compare the present international situation with the national situation when the British put the office of Lord High Admiral into commission. Just as this was found to be too onerous a position and too objectionable a power to be held by one personage in the British commonwealth, so now it has become too onerous and objectionable a responsibility to be left with one Power in the fast growing Commonwealth of Nations.

#### ANGLO-AMERICAN ASSOCIATION ADVISABLE FOR BOTH PARTIES

This then is the only possible policy for us British as an alternative to further drifting into war or being further driven off the seas. It is the only possible policy for Americans as an alternative to enormous expenditure on armaments and a repetition of the war of 1812 with the rôles reversed. It is not a policy that should appeal to pacifists alone. It is one that offers 100 per cent patriots on both sides an escape from experiences very trying to the naval prestige and national pride of their country. For trying as it would be for British sailors and citizens to sink tamely into being a subordinate Sea Power, it might be even more trying for Americans if they had to fight us for supremacy. The experience and expertize of British seamen and shipbuilders will make up for a considerable inferiority in number and strength of ships. The British as the vastly superior naval power in 1812 and 1914 had some eye-opening experiences in naval actions. The frigate duels of 1812 showed how much success an inferior navy can have without being able to fight a general action at all. Jutland showed that an inferior fleet can inflict heavier loss than it incurs in a general action. Moreover, the complete revolutionizing of naval warfare by submarine and mine and aeroplane makes the sum-total of Sea Power no longer a simple addition in money-power, armament-power and man-power, but a complicated equation of unknown quantities in which imponderables play a prominent part. The one thing that seems certain is that the next war will not necessarily be won either by big battalions or by big battleships or even by big banks. And in most other respects the United Kingdom could compete with the United States.

Of course, too much must not be made of this assumption that the British are superior in naval man-power. Lord Lee, who as First

Lord of the Admiralty attended the Washington Conference and welcomed its conclusions, did not improve the prospects of the Geneva Conference when at its most critical stage he wrote a letter to the *Times*, from which this is an extract :—

“ Apart from this, there are practical reasons why a great programme of shipbuilding is not likely to find expression in America. It is one thing to have the money, but quite another to find the men. Scarcity of *personnel* has always been an embarrassment to the American Navy Department, and to man even the existing fleet is a constant tax upon its ingenuity.”

Counting chickens before they are hatched is a mistake, but counting that they can't be hatched is worse. The men can be found all right from the 110,000,000 inhabitants of the United States, if the British furnish the motives for their mobilization. We made the same mistake of thinking that the Germans would never make sailors. The Germans made the mistake of supposing that, first England, and then America could never find soldiers enough for fighting on the modern scale.

#### AMERICANS CAN'T DO WITHOUT BRITISH

On the other hand, Freedom of the Seas in any form—revision of international law, naval disarmament, neutralization of Narrow Seas, etc.—cannot be achieved by America alone, no matter how many billions Americans may expend on armaments or how many millions may enlist in their army and navy. That Americans can achieve “ mathematical superiority ” over the British or any other navy is admitted. But Sea Power is not merely a matter of gun calibres and tonnage capacities. It is not even a matter only of courage and skill. London is still the financial centre of the world, and the capital, the credit and the commerce of the British are regaining much of the ground lost during the last war. The British army, navy and air force will always be at least the second in the world. The British mercantile marine will probably always be the first. The strategical advantages of the Empire are unrivalled, and its naval bases not only give it control of the main trade routes of the world, but would enable it, even as a secondary naval power, to set up a cut-and-run blockade of the American coast. The British

Navy could always probably defy American attack in its own waters and deny the use of the sea to American commerce, not only in the oceans but on the American coasts themselves. For the last war has shown that the superiority of the cut-and-dried blockade of the superior navy over the cut-and-run blockade of the secondary navy has been greatly reduced, if not altogether removed, by the introduction of submarine and aeroplane operations.

Even if outbuilt by the United States in battleships, cruisers, submarines and aircraft, the British could, if the worst came to the worst, deny a great part of the Atlantic, all the Mediterranean, the Red Sea, the Indian Ocean and great areas of the Western and Southern Pacific to American merchant shipping or to neutral merchant shipping engaged in carrying goods for American exporters and merchants. The Cape route would also be denied to America and, indeed, all the African trade; and the British could command in part even the southern and western Atlantic so long as their bases in the Falkland Islands, Guiana, the West Indies, Halifax and Bermuda held out.

Nor, in the present state of world opinion, need the British look in vain for alliances on the Continent of Europe. With a measure of secret diplomacy and demagogic subtlety, by no means beyond British plenipotentiaries and politicians, the British Empire could to-day exploit the prejudice in Europe against "Uncle Sam, the Shylock." The British might even exploit prejudices among Central and South American peoples by no means enamoured of—or intimidated by—their big American neighbour and his Big Stick. We need only refer to the recent declaration (29th February, 1928) by the Argentine Delegate at Geneva that the South American States do not recognize the Monroe doctrine and repudiate its inclusion in the Covenant, in order to realize how easy it would be to drive diplomatic wedges into Pan-Americanism.

Any such intrigue would, as in the case of the "Zimmerman Letter," be infallibly revealed to and bitterly resented by American public opinion. But it is just such risks of "revelations" and of ruptures, and of the consequent appeals to war passions and war panics, that must be avoided. These can best be avoided by arrangements for co-operation as to the seas which are the common heritage of the two peoples.

Therefore, however large an Armada the United States prepares the United Kingdom will retain, until heavily defeated in war, a strong secondary position, and, as regards the Old World, a supreme position.

Thus, while "Uncle Sam" can prevent "John Bull" commanding the seas he cannot effectively control them himself so as to guarantee their freedom in peace and war without "John Bull's" consent. "John Bull," on the other hand, now that he has to surrender sea supremacy, cannot safeguard his own commerce or secure his own coasts without "Uncle Sam's" co-operation.

#### NO TIME TO LOSE

Assuming then that a naval agreement with America must come sooner or later as the necessary result of the common sense of the two peoples and of the conditions in which they now find themselves, what is to be done?

In the first place, if we are going to secure an agreement on a basis of equal naval strength, there is no time to be lost. The present phase in which the Americans offer us parity will not last long. It is the result of a balance of power in America between, on the one side, an economist plutocracy and a pacifist public opinion and, on the other side, navalist ideals and imperialist interests. The latter are still immature, but are steadily getting stronger. If once they secure supremacy in Sea Power they will not again surrender it. Patriotic sentiment, to which Americans are even more susceptible than ourselves, will then cause a demand for Command of the Seas for the establishment and enforcement of Freedom of the Seas. The American Navy will then be praying as does the British to-day that—

"they may be a security for all such as pass on the Seas upon their lawful occasions,"

but as to the legality of those occasions the Judge will be the President, not King George.

As for us British our present though tardy readiness to accept equality in naval power with America is a phase not a permanence. Our public opinion is prepared at the moment to approach the question under the realization that our supremacy at sea is costing

more than it is worth ; that it is a heavy enough burden on the English to have to carry the cost of the sea forces of an Empire, composed of independent States scattered over all the Seven Seas, each with its own interests and issues in foreign relations ; and that it would be too much if to this were added the provision of naval "sanctions" for the League (*vide* Sir A. Chamberlain, Chap. III). But once let an issue arise that really puts in question the security of our supplies by sea or the sovereignty of our overseas possessions, and there is no British Government, whether Tory-economist or Little England-socialist that would not be forced into competitive building against America. And, until we have a general agreement with America in the nature of a Sea-security and Disarmament pact, such an issue might at any time arise.

#### SHOULD WE WAIT FOR A LABOUR GOVERNMENT

There is a disposition among British Progressives to postpone action in this matter until the advent to power of a Liberal or Labour Government, and to assume that such a change in the point of view of the party in power will almost automatically alter the attitude of the peoples towards one another. But this is a very great mistake. For we have seen (in Chapter III) how powerful an influence is exercised over British government by the Board of Admiralty backed by the "authority" of the ruling class. This influence persists, no matter what party is in power ; and progressive Governments are particularly subject to it owing to professional and even public apprehension lest their pacifism might be possibly superior to their patriotism. It is an influence, moreover, that effects complete changes of policy by successive technical proposals and propositions of detail very difficult to traverse or to treat as departures from an approved policy. We have seen how a mere replacement of cruisers, when the first Labour Government was in power, was carried against the wishes of the Cabinet and came to be considered in America a reversal of policy. Yet it is hard to see how, in the circumstances, the Labour Government could have acted otherwise than it did and refused to build new ships, more powerful than any predecessors of their class, in view of the Admiralty assurances that they were required in the national interest. Nevertheless, at the

time the British Navy was relatively stronger in this class of vessels than in any other.

In like manner it has been easy for the Admiralty and armament interests to work up an agitation about building programmes in Japan, France, Italy and America. It mattered nothing that these programmes were on paper, and would probably remain only on paper unless the British provided the incentive to appropriate moneys for them. Professional authority has learnt how to control Parliament and public opinion by platform and Press agitations.

A Labour Government, whose Ministers in the service departments might be men "moving with vague misgiving in worlds half realized"—which had a small majority in the Commons and a very small minority in the Lords—which had practically the whole Press and most of articulate and authoritative public opinion against it—and which had no definite programme beyond pious and pacific principles, would be in a very weak position for imposing on professional and Parliamentary opposition, on the Press and on public opinion, a departure from our traditional policy of independent Command of the Seas. It would almost certainly either fail, through compromising itself with compromises, or fall in a collision with the political Admirals and its professional advisers.

No doubt a strong Socialist Government with a carefully prepared programme, or a Liberal-Labour Coalition with dominant public personalities, might get such a grip of British opinion, and might so win American opinion by bold gestures, as to put through, in one term of office, such proposals as are hereafter outlined. By uniting the younger school of soldiers and sailors with the Leaguist and Labourite pacifists for such a radical reduction and reconstruction of armaments as would combine the greatest possible efficiency and economy, such a Government might be able to retain public confidence in the security of the country and in the sincerity of the Cabinet. But such a Government would also have so much else on hand that it is more than likely that it would not be able to undertake that vigorous offensive in this region that would be its defence against an opposition. An opposition that would not fail to profit by any promising opening for an indictment as to neglect of the indispensable defences of the State.

There is possibly a better prospect of improvement in this region

from a moderate Conservative Government. It was Conservative leaders who made the long step towards naval disarmament and association with America at Washington. True, the Admiralty, by detaching Mr. Churchill and some Tory intransigents, reversed this policy as far as was possible at Geneva. But a Conservative Government might see the opportunity offered to acquire merit by a "sea Locarno" that would bring not merely Germany, but America, back into association with us. And such a Government would be able to control public opinion through its Press, its professional advisers and its patriots of the ruling class. So weak a Prime Minister or so wayward a Chancellor as those of the present Government are not common features even of British post-war politics.

The proposals that follow have therefore been prepared with an eye to their application rather by a Conservative than by a Progressive British Government. The difference being, that a strong Progressive Government must begin by getting as far as it can with the initial impetus of the popular mandate that has put it into power, knowing that the farther it goes and the longer it lasts the more it will lose driving power and direction. Whereas a Conservative Government will move slowly along a line of least resistance and gradually gather momentum from its own movement.

#### WHAT ARE THE PROSPECTS OF AGREEMENT ?

Assuming, then, that future British Governments will be either Conservative-Progressive or Progressive-Conservative and that future American Governments will lie within the range between those of Wilson and Coolidge, what prospect is there of getting an agreement for an Anglo-American Armed Neutrality that would secure the British a fair insurance in command of the seas and the Americans a fair assurance of Freedom of the Seas? The answer seems to be that the principal difficulties of such an agreement in the past are now disappearing. British insistence on naval superiority has had to yield to hard facts. American objections to such arrangements as "entangling alliances" or "undesirable commitments" are yielding to force of circumstances. Moreover, such an agreement with us would be only a preliminary to a general agreement for that revision of sea law that is a canon of American policy. And the

guarantee to be given to that new law would be confined to waters accessible to American warships and would carry no commitments to European affairs. Nor is there any infringement of the Senate's constitutional prerogatives in agreements to reduce armaments or arrangements for the revision of international law. Any legislation that might be required would be in line with the Outlawry of War movement and would be left to Congress. And if an atmosphere of confidence could be substituted for the too angular Anglo-Saxon attitudes hitherto affected on either side, neither Republicans nor Democrats, Conservatives nor Labourites would have much difficulty with partisan opposition or public opinion,

#### SENTIMENTAL DIFFICULTIES

But there would none the less be difficulties of sentiment. The British would have, in the first place, to realize fully that their naval supremacy is gone and recognize frankly that "parity" with America gives them all the security required, whether as belligerents or neutrals. As yet our Admirals represent too large a body of British opinion when they write (*Times*, 6th July, 1927) :

"We insist on that number of cruisers. If America insists on building to parity that is her affair. But it would not be an act of goodwill."

Americans on their side must realize that their new Command of the Seas will make it even more impossible for them to keep out of European wars in the future. As it is, they have been forced into every general European war since their independence, and their best chance of keeping out of the next is to overcome their secular suspicion of us and to associate with us in an armed neutrality that can keep the peace. But at present their mayors represent too large a body of American opinion when they talk of "making King George keep his snoot out of Chicago." And, apart from the mollification of such giants, there are still difficulties of sentiment.

On the British side there is still a strong prejudice against revival of this second of the President's Fourteen Points, and on the American side a strong prejudice against any approach to the League. Now this Second Point was the first pillar of the President's Temple of Peace. Which means that the British will have to envisage now the eventual renunciation of the right of independent blockade instead

of, as now, tacitly recognizing that in future it will be impossible to enforce it without American approval. While the Americans will have to envisage now, eventually recognizing, that Freedom of the Seas and Sea Law cannot be guaranteed without an Anglo-American Convention which will have to be brought into relation with the Covenant of the League.

#### AGREEMENT MUST PRECEDE DISARMAMENT

This change of atmosphere and of attitude must precede any real naval disarmament. Instead of politicians protesting that an Anglo-American war is unthinkable while their professional advisers are bound to think of nothing else ; instead of Peace Conferences like that of The Hague in 1907, which exclude naval disarmament—the real road to peace—or Naval Disarmament Conferences like that of 1927 at Geneva, which are exploited by experts for juggling over cruiser tonnages and gun elevations or for jockeyings with Singapore docks and building programmes as at Washington, there might be a real disarmament for a real reason as there was of the British war-fleet after the defeat of Germany.

The basic principle of such a disarmament might then be an Anglo-American parity, not of tonnage, but of annual expenditure, leaving each party to expend its quota as it pleased, which would eliminate the experts. If one party to such an agreement used its quota in such a way that another party considered itself menaced, there would be several courses open to the aggrieved party. It could use its own quota wholly as a reply to the menace, it could notify the other parties that it must incur extra expenditure unless the construction complained of ceased, or it could give notice to terminate the agreement in six months—all of which measures have been taken at different times under the Rush-Bagot agreement without in any way weakening its principle (See Appendix). It is difficult to see how, with so liberal an arrangement and with so much liberty of action, there could be any real risk even for a Power so vitally interested in its sea communications as is the British Empire. In fact, under such an arrangement, it would probably be possible to stop such building of submarines by neighbouring Powers as is now causing the British serious alarm and against which they have now no real remedy.

The disarmed frontier along the Great Lakes has never been any cause of alarm to either the American or the Canadian peoples, simply because they have always been led to look upon it as safe. The highly armed water frontier between the British and French peoples has been, and is, a constant cause of alarm, simply because the larger the armaments the less those people are led to look upon it as safe. The "Blue-water School" often, for reasons of its own, behaves as a Blue-funk School. For long after the British had disarmed the Germans, destroyed their Fleet, and denied them submarines, their Admiralty went on maintaining naval defences and naval bases on the North Sea coast of no use except for an Anglo-German naval war.

But the fears of to-day become the jests of to-morrow. For some years after the signing of the Rush-Bagot agreement stores of arms were secreted on both sides of the border. They are now valued as heirlooms or valuable as curios.

The Great Lakes have been converted by ship canals into ocean inlets and are no longer, as they were a century ago, inland waters. Yet the agreement has been honourably maintained under these new conditions. There seems no reason to fear that such an arrangement neutralizing Narrow Seas, like the Caribbean channels or Alaskan inlets, would not survive any similar sudden change of strategic conditions. And as other Powers acceded to the arrangement and similar arrangements were extended to other Narrow Seas further disarmament would become possible. Until, eventually, navies were reduced to revenue and police craft as they are to-day in the Great Lakes. A Joint Naval Board, responsible for and reporting on the administration of these arrangements, might be conducive to public confidence. And we would cite as an encouraging example of what such Joint Boards can do in preventing national issues from disturbing international interests the good work done by various permanent American-Canadian Commissions on this same water frontier.

#### NEUTRALIZATION OF NARROW SEAS

If this first step be taken of neutralizing, or at least demilitarizing, the Narrow Seas in which British and Americans are especially concerned; and if this step be accompanied by a reciprocal reduction

of the British and American Navies, then the next step will be an extension of these arrangements to other Sea Powers. Obviously a neutralization of the Baltic, Southern North Sea, Channel, Adriatic, Ægean and Black Sea, would enable several minor navies to disarm at once altogether—provided an adequate “armed neutrality” guaranteed the neutralization.

A first step in this direction of disarmament by demilitarization was taken at the Washington Conference (see Chapter III). It was the partial demilitarization of a zone in the Pacific which made possible the partial demilitarization of the Japanese Navy and the dissolution of the Anglo-Japanese armed alliance.

Compare with this another cause of demilitarization—that of the Aaland Islands, which was under the auspices of the League and was unaccompanied by any disarmament. Because the Sea Power most interested, the Soviet Union, was not included. The history of this, very shortly, is that Russia violated the Treaty of Paris (Art. 33) on the outbreak of war and occupied these islands which command the Gulf of Bothnia and the Gulf of Finland. They were as advantageous to Russian naval strategy as Belgium to the German military strategists. Nevertheless, it was decided after the war (Report of Jurists Commission) that the Convention of Paris being still in force as International Law, the international and neutralized status of the islands had survived Russian and Swedish occupation. By a treaty of 24th July, 1921, these islands, or rather a demarcated area of the Baltic containing them, was declared a “neutral zone” and demilitarized.

The best known example of neutralization in modern times, that of the Black Sea in the Treaty of Paris, was of a different character and a cause not of disarmament but of armament. For this was a penal disarmament of a defeated enemy, Russia, like the present disarmament of Germany in the North Sea and Baltic. This penal disarmament was naturally and necessarily denounced and discarded at the first opportunity by Russia. And the first opportunity was obviously the first rupture—the Franco-Prussian war between the Sea Powers that were guaranteeing the neutralization. Applying this lesson to the present proposition for neutralizing the Black Sea and North Sea-Baltic, we must recognize that if these were to be imposed as a penalty on Russia and Germany respectively, they



U.S.S. VIRGINIA AFTER FUSILLADE OF BOMBS FROM AEROPLANES  
*Official photograph, U.S. Army Air Corps.*



would only last until the supremacy in sea power that was guaranteeing them was ended by a rupture between the Sea Powers. And this guarantee would in fact hold good so long as the Anglo-American solidarity held good. But if, as would be the case, it were not imposed as a penalty but for the mutual protection and profit of all the associated Powers there would always be a sufficient sea police—an authoritative Armed Neutrality—for the maintenance of any such neutralization.

#### NEUTRALIZATION, GERMANY AND RUSSIA

Such a neutralization, accompanied by naval disarmament, would be a long step towards restoring the confidence of a penally disarmed Germany in the present constitution of Europe. And, without such confidence there can be no peace. It would be a still longer step towards restoring Russian co-operation in the present constitution of Europe, and without such co-operation there will sooner or later be war. For this proposal is in line with the disarmament proposals made by the Russians themselves at Geneva, which contemplate with characteristic comprehensiveness a division of the seas into a number of zones to be policed by specified Sea Powers with 3000-ton patrol boats, carrying light guns and crews armed with pistols. In short, a regular Russian-Bagoting of all navies.

Now, therefore, is the time to negotiate treaties in which America and Britain would offer Freedom of the Seas to Russia, Germany and the other States concerned by means of a demilitarizing of the North Sea, the Baltic and the Black Sea. Because Germany is, for the time being, disarmed; while Russia is, for the time being, diverted from naval enterprise and has a foreign policy and foreign relationships which have a more modern sanction than sea power. On the other hand, British sea power is at present a serious menace to the Soviet system. For though it cannot, as has been proved, overthrow the new institutions, yet it can penetrate and perturb the circle of subsidiary States with which Soviet Socialism has surrounded and secured its political innovations and its economic experiments.

The Baltic States—Finland for example—could be cajoled or coerced into becoming a subsidized satellite of British sea power in

the Baltic. The same applies to Turkey, Roumania and even the Caucasian Sovietist States in the Black Sea. We have evidence of the use that can be made of sea power in the disintegration of the Chinese Nationalist movement by a British military intervention at Shanghai. Whether this intervention will prove to have been an advantage to the nation concerned and the world in general, any more than were the interventions of British sea power against Russian Nationalist Socialism in the Baltic and Black Seas, or against Turkish Nationalism in the Straits, does not concern us. The point is that they were all undertaken by the British Navy acting as a sea police, with the partial approval of America and other Sea Powers. Without that approval they would have been impossible. And that approval will not in future be obtainable so easily as when the British Navy was supreme at sea, and the object of intervention was a revolutionized Russia or a China discredited by Communism and disintegrated by civil war.

#### NEUTRALIZATION AND THE BRITISH

Since the war the British are too suspect of interested aims and imperialist ambitions to be able to assert their old arbitrary authority as sea police. If the reader could have seen, as one of the present writers did, the crisis at Constantinople when the Turkish Nationalist armies came up against the British garrison, he would have realized that the international mandate for the preservation of peace was being exercised in the Bosphorus, not by the British but by the American Navy. Admiral Bristol was the American successor of that long line of British Admirals who, in so many crises, had imposed peace on conflicting nationalist and imperialist navies in the Mediterranean. And admirably did he discharge his responsibilities. His position and powers can be compared indeed to that of British Admirals in the previous century when intervening between the imperial Ottoman Navy and the Greek National Navy in one of their many disputes for Crete.

Therefore the renunciation of independent British intervention against Nationalist or Socialist movements that would be involved in a neutralization of the Narrow Seas—the Baltic and Black Sea—would be no great sacrifice; quite apart from any question as to

whether such interventions are sound policy. And the formal acceptance of American association as a *sine qua non* of any further sea policing would be a reinforcement of our influence in view of the unfortunate fact that it is the American, and not the British, Navy that now enjoys the confidence of the countries concerned.

But will the British agree to a neutralization of the Channel and Southern North Sea over which until two centuries ago they claimed sole sovereignty and where they are still to-day supreme? In this case it is not merely a question of the British renouncing the pride and privileges of Sea Power and the pressure of its policy on overseas peoples. The British have to face the more practical question as whether they would be safe in entrusting the protection of their Channel and North Sea coast and the commercial highways to Newcastle, Hull, London and Southampton, to such an Armed Neutrality? This is a point calling for the most careful consideration. In the first place, as we found in the war, the British fleet of battle-ships can no longer draw an impenetrable cordon round the British Isles. Owing to the under-water menace of submarine and floating mine it cannot even prevent enemy cruisers from coastal raids as was shown in the last war. While the aeroplane has made the Channel as a line of defence as obsolete as a mediæval moat.

“ This precious stone set in a silver sea  
Which serves it in the office of a wall  
Or as a moat defensive to a house ”

—can keep its moat as a picturesque “ period ” feature but will find a police force a more useful protection. Mediæval Lords of the Manor felt, no doubt, more comfortable behind a moat for many generations after cannon and the constabulary had made them unnecessary nuisances.

The British would therefore lose nothing and would only be giving a logical expression and extension to the strategy of the last war if they transferred their naval bases from the Channel and North Sea to the Atlantic Ports as a transition towards a more complete disarmament. For in the event of these waters being threatened with use as a field of hostilities the armed neutrality would in the last resort simply close them with minefields, excepting channels under its supervision, as was done by the belligerents in the last war.

But an armed neutrality, based on such an Anglo-American naval association as won the last war, is essential to the British if they are to accept an international guarantee instead of a naval guard for their coast.

#### NEUTRALIZATION AND THE AMERICAN SENATE

An association of the American Navy in any guarantee for the neutralization or demilitarization of the Narrow Seas is indispensable, if any real naval disarmament is to be obtained thereby on the part of countries with coasts and commerce to protect. And although no sea law can have any real sanction without the support of an American Navy, and though such new sea law as this would be, is, in effect, that Freedom of the Seas for which the American Navy has been built, yet the question arises all the same as to whether the Americans will agree to give such a guarantee.

Let us first consider the American Senate. Because their competition with the Executive for control over Foreign Affairs has caused the collapse of many peace moves and will cause the collapse of many more. The Senate approved the Rush-Bagot demilitarization and disarmament—they have a large majority that would support progressive peace policy—and they could find in this proposal no encroachment of their constitutional prerogative. We have, however, to face the fact that the Senate represent that Conservative element in American public opinion that favours isolation and fears entanglement. It was the Senate who prevented the United States from undertaking those responsibilities in Europe pressed on them by President Wilson. But the responsibility here proposed does not lie in Europe, but on those seas which are as much the heritage of Americans as of any other people.

Lord Salisbury once silenced soft-hearted and soft-headed British altruists who wanted armed intervention for the protection of Armenia with the objection that "the British Fleet cannot cross the Taurus." With an equally sound sense of their limitations the Americans rejected President Wilson's proposal for American mandates in Asia Minor, to the great loss of the rest of civilization. But the American Fleet can cross the Atlantic. It did so a century ago, as we have seen in the first chapter, and imposed Freedom of the Seas on the pirates of the Narrow Seas of the Mediterranean.

It can now impose Freedom of the Seas from "private war" in those and other seas. And if they can be made to understand this the Americans will be ready to undertake it.

#### NEUTRALIZATION AND THE AMERICAN PEOPLE

What chance is there then of getting from the American people as a whole such a guarantee of Freedom of the Seas as will secure the British and Europeans in disarming navally? A bilateral Anglo-American offensive—or even defensive, alliance is, of course, out of the question. Even a general guarantee, like that of Art. X in the Covenant, is hopeless in view of the constitutional powers of the Senate, and the probability that a sufficient minority of the Foreign Affairs Committee will express the popular antipathy to continental commitments in general and to entangling alliances with the British in particular.

But there are two sentiments of almost equal strength in the mental make-up of every individual American or Englishman. One is the instinct for segregation and for the assertion of rights, and the other is the instinct for service and for the assumption of responsibilities. In Americans the first has expressed itself in the Monroe doctrine and isolation. The second has expressed itself in Freedom of the Seas and co-operation in the cause of peace. Between these two national instincts—isolation and co-operation—there is a constant oscillation. Isolation is at present dominant; but it is, and always has been, curiously intertwined with co-operation, both in American personalities and in American policies. For example, George Washington, to whose Farewell Address this policy of isolation is generally referred, obviously considered isolation a provisional policy, not a permanent principle. He not only sanctioned "temporary alliances" for "extraordinary emergencies" but assumed that "when our institutions are firmly consolidated and working with complete success, we might safely and beneficially take part in the consultations of Foreign States for the good of Nations." The process he anticipated has taken place. In the century 1784–1884 the United States Government took part in only two international Conferences. In the following three decades, up to the Great War, it took part in twenty-eight of which it ratified the results.

This emergence from isolation was mainly effected by President Roosevelt who made the United States, not only participant but predominant, in two peace settlements of primary importance; that which settled the Far East after the Russo-Japanese War and that of Algeciras (1906), which prevented a European war about Morocco. It is now forgotten that it was the American President who convoked the Conference, drew up the agenda, and, when it deadlocked, decided the settlement and induced the recalcitrant Kaiser to accept it. Yet, in this very year (1906) the Senate by resolution reaffirmed—

“the traditional foreign policy which forbids participation by the United States in the settlement of political questions which are entirely European in their scope.”

And this is the most authoritative definition to-day of the isolationist principle, framed as it is by the body which has considered itself especially responsible for enforcing it.

But even the Senate with its eye on its own constitutional control of Foreign Affairs, can be carried a certain way into co-operation by the right man and the right methods at the right moment. The outbreak of the Great War produced almost a passion for segregation and isolation in America. But, as realization grew that Europe could not make peace and might destroy civilization unless America intervened, and that, in any case America was practically involved however much it might isolate itself politically, this changed to the contrary sentiment. And the call for co-operation found its prophet in Wilson. But not in Wilson only. His opponent, Mr. Roosevelt, preached in 1915 (America and the World War) “A world League for a Peace of Righteousness” in which the United States should take the lead. A “League to enforce Peace” was proposed (1915) by a Society of leading Republicans like ex-President Taft, this League to use military sanctions against aggressors. And with this went a general silencing of the “entangling alliances” slogan.

President Wilson, in a speech on Memorial Day (30th May, 1916), said :

“General Washington warned us against entangling alliances. I shall never myself consent to an entangling alliance. But I would gladly assent to a disentangling alliance that would disentangle the peoples of

the world from these combinations in which they seek their separate interests and unite them to preserve the peace. There is freedom, not entanglement."

He later repeated this point in his address to the Senate (22nd January, 1917), when he said, "there is no entangling alliance in a Concert of Power." While his bitter opponent, Senator Lodge, who was later to voice American withdrawal from the League on isolationist grounds, echoed this (1916):

"I do not believe that when Washington warned us against entangling alliances he meant for one moment that we should not join with other civilized nations to diminish war and encourage peace."

Thereafter the disillusionments of Versailles brought, as we have seen, a reaction against co-operation that still endures. And, in view both of the worsening of relations since the failure of Geneva and of the way that the negotiations for a new arbitration Treaty are being handled, we can hope for nothing better at present than to get America to accept such an association with the British as it offered in the Washington Agreement in 1923. It will be some time before we get America to combine with the British in such naval co-operation as followed their entry into the war. But there seems to be no reason why we should not now get together to secure a Peace for the Seas—of Freedom of the Seas—by Command of the Seas.

One serious difficulty remains. That the peace movements of the two countries are pursuing different policies from distinct points of view.

The Americans are getting more and more into the Outlawry of War movement. The British more and more into the League movement. And we have now to show that, like the antagonism between Freedom of the Seas and Command of the Seas, the antagonism between the Peace League and Outlawry of War is an antagonism only of aspects and attitudes and not necessarily of principle or even of policy.

#### AMERICAN "OUTLAWERS" AND BRITISH "LEAGUERS"

Let us analyse "outlawry" therefore, and see first how it can be brought into line with British peace policy, and then how it does not

necessarily conflict or compete with the League. The authoritative formulation of "outlawry" is contained in various resolutions brought before Congress and included in the Appendix. But here we shall only deal with the principles underlying them all, and not with their very considerable differences of detail.

The controversy as to whether war can ever be justifiable is as old as war itself. In the early days of international war, when police wars against pirates, religious wars against heretics, and civil wars against rebels were common and important, the regulators of war, like Grotius, had the better of repudiators of war, like Erasmus. Then, as Machiavelli and Hobbes developed their political theories and national States arose, the assumptions that war was the proper prerogative and protection of Princes and peoples, became predominant. "The King can do no wrong" in its modern form of "My country, right or wrong" became a sufficient justification.

The "outlawry of war" movement is a refreshing reaction against this. And, naturally enough, it concentrates its attack on individual rather than on collective responsibility. For it is inequitable and inexpedient to penalize a people. Thus almost every great war has produced an "outlawry of war" reaction for the penalizing of individual war-makers. The Congress of Vienna branded Napoleon as—

"an enemy of the peace of the world . . . liable to public vengeance" and the Treaty of Versailles (Art. 227) "publicly arraigns" the Kaiser for—

"a supreme offence against international morality and the sanctity of treaties."

This led logically to the prosecuting of "war criminals," and the Treaty also provided for the prosecution of enemy persons who violated the laws and customs of war. But this, which is an after-effect of war fever, cannot be sustained. Napoleon was imprisoned and the result was a Napoleonic restoration a generation later. Moderate opinion approved Holland's refusal to extradite the Kaiser for trial, as well as Germany's decision to herself try the "war criminals" at Leipsig with the result that some were sentenced. And when the Treaty went so far as to indict Germany as a whole

for "war guilt," public opinion now begins to see that a mistake was made.

The "outlawry of war" movement for penalizing war-making is on firmer footing than these penalties in that it looks forward and not backward. Senator Borah's resolution (*see Appendix*) proposes that—

"Every nation should be encouraged by solemn agreement or treaty to indict and punish its own international war breeders and war profiteers under powers similar to those conferred on Congress under Art. 1, Sec. 8, of the Federal Constitution, which clothes Congress with powers to define and punish offences against the Law of Nations."

Moreover, similar powers are conferred by the new German Constitution. We have here, in fact, a practicable proposal for reinforcing respect for international law by domestic penal legislation. States being already responsible to one another for violations of international law, it is only necessary to define that law clearly in order to make them protect themselves by penal legislation. And some legislation of this sort is already in force, namely the Foreign Enlistment Acts.

Outlawry of War, therefore, in looking to internal legislation as a sanction for a revised and extended international law, including Freedom of the Seas, is not only sound in principle but produces satisfactory precedents on which to build. And good use can be made of this proposal of the Outlawry movement in providing a sanction for Freedom of the Seas and in permitting a more rational regulation of the rights of neutrals in respect of Contraband.

In another respect the Outlawry of War movement has given a lead that should be followed up by British pacifists without difficulty. That is, in its demand for a revision and reinforcement of international law in general and of sea law in particular. Attempts have already been made in this direction by Conferences and Committees of jurists working, on the one side, for pan-American organizations, on the other side, for European organizations such as the League. All have achieved just nothing at all. Nor will anything be achieved until British and Americans get together on the job, working on an agreed principle, namely Freedom of the Seas, and with an associated sanction, namely their joint Command of the Seas.

## REVISION OF SEA LAW—CONTRABAND

Before Freedom of the Seas can be secured under an Anglo-American Command of the Seas existing international law must be brought up to date in two respects which at present regulate Command of the Sea by any one sea power: namely Contraband and Blockade.

The whole condition of the law of contraband is chaotic. It is as confused in principle as in practice. As to the principle the jurists of no one sea power have as yet agreed as to whether commerce in contraband is illegal or illicit or the opposite. Judge Story called it "illicit" (*Carrington v. Insurance Co.*, 1834)—Chief Justice Chase called it "unlawful" ("Peterhoff," 1866). While Chancellor Keat considered it lawful (*Seton v. Low*, 1799). The position would appear to be that it is to a large extent still legal under national legislation, but illicit in international law. To quote Lord Loreburn (*Capture at Sea*, p. 124):

"A neutral power may not itself export materials of war"—but "need not prevent its subjects or citizens from selling or exporting materials of war. Yet it is bound to prevent them arming and exporting a ship intended for war."

Moreover, supply of one belligerent is not an "unneutral service" provided it is open to the other belligerent to get supplies too; even though he manifestly can't and materially never could. Could anything be more absurd and anomalous?

Nor is the practical regulation of contraband any more satisfactory. We have seen (Chapter II) how the old distinction of absolute and conditional contraband was maintained in the Declaration of London with the addition of the "Free List." These classifications consisted of specific lists of goods based on no principle, but each subjected to very different treatment. And we saw how all this artificial and antiquated raffle of regulations was swept away in the war. We saw how naval warfare passed rapidly from its primitive procedure—the prevention of commerce in contraband by close blockade of the enemy's coast to the present-day procedure of preventing all commerce with the enemy even in neutral ships between neutral ports, by cordoning the high seas with cruisers and mines

or by countermining them with submarines. And how it passed thereafter into a third procedure—the blockade of the future—the stoppage of enemy commerce at source by restrictive agreements. Which latest form of blockade was in the last war mainly a matter of private arrangement with neutral trading organizations of national scope. If it were to be made generally a matter of agreement between Governments as it had already become before the end of the war in the case of the " Rationing Agreements," it would render obsolete the belligerent right of seizure and search with all their difficulties and dangers. And this new relationship between belligerent navies and neutral trade must be the basis of any new regulation of naval and neutral rights under international law.

#### PROHIBITION OF TRADE IN MUNITIONS

The future revision of international law will have therefore to follow the lead given by Great Britain in 1907 and abolish the absurdity of contraband ; and it will have to follow the line taken by the British in the war and base itself on the complete control by neutral governments of their commerce with belligerents. Such control, either partial as in Foreign Enlistment Acts or complete as in embargoes, has in practice been exercised by neutral Governments in war. It has only to be recognized in principle in order to become the basis of a revised international law. For Governments would then be in a position to give expression by legislation to the public opinion—the *consensus gentium* that profiteering by private traders in the supply of arms to either or both belligerents is not only a breach of neutrality but a crime against civilization. And this is the principal proposal of the outlawry of war movement.

The future revision of international law should therefore be based on an Anglo-American agreement either to prohibit the private manufacture of munitions of war, or to extend existing legislation so as to make a State responsible for prohibiting the export of munitions to a belligerent, as it is now responsible for preventing the export of warships. The British and American Foreign Enlistment Acts restrain their citizens from interventions in war to which they are entitled in international law. Enlistment in the armies of a belligerent—equipment of a belligerent fleet outside territorial waters—sale

of ships for conversion into cruisers, are none of them breaches of neutrality. But it is a breach of neutrality for a Government to discriminate as between belligerents in allowing its citizens to supply munitions; and it would be a short step to make it a breach of neutrality to supply them at all.

American legislation has gone a long way in this direction already. Acts of Congress (14th March, 1912 and 21st January, 1922), have embargoed the export of arms to neighbouring States "in condition of domestic violence." There have also been general international regulations stopping the supply of arms to savage races or disturbed regions, and what belligerent is not, when at war, "a savage race" and "in a condition of domestic violence"? Nor has the League been backward. The draft Treaty on the Arms Trade was a long step in the right direction and was moreover acceptable to the United States.<sup>1</sup> So that we have here a line of advance in which both the British and American peace movements can combine in order to substitute for the principle of contraband an extension of recent national legislation and of international law—which is easy of establishment and of enforcement. For the enforcement of neutrality would thereby be transferred from an international to a national sanction and from the prize courts of the belligerent to the police courts of the neutral—a great gain in itself to the comity of nations and to the outlawry of war. Contraband would thereby become for the first time really *contra bannum*—an outlawed traffic banned by the laws of the nation and by the Law of Nations.

One advantage of this solution, and that not a small one, would be that it would prevent the negotiations for the revision of international law from offering, as they have always hitherto done, opportunities for intrigues between the national delegations to secure changes of the law in their own national interests. The result being either that nothing is done; or else that something is done that someone has no intention of accepting, which is much the same.

#### REVISION OF SEA LAW—BLOCKADE

Contraband thus dealt with there remains blockade. And the crux of a future revision of sea law will be the regulation of the

<sup>1</sup> The Convention for the Supervision of the International Trade in Arms was signed in 1925 but has not yet been ratified.

independent right of economic blockade—as gradually developed in the last war, and as traditionally demanded by Great Britain. The principle on which such a regulation should be based as well as the object which it should have in view would be the fullest and most forcible application possible of the Wilsonian principle, quoted above, so that the more intensive the blockade imposed, the more international should be its authority and aim. But there are obvious difficulties to be dealt with. Blockade is, as we have seen, a most comprehensive and coercive weapon of sea war—in fact all other naval weapons are only important in their relation to it. This has already been recognized in international law by subjecting blockade to formalities not required for other naval operations. Blockade was declared as early as the eighteenth century (“Henrik and Maria,” 1799), to be an act of “High Sovereignty,” not at the discretion of a mere naval commander but requiring a declaration by the belligerent government and an official notification to neutral governments. This is as established a rule of international law as any. And it would seem that the time has now come when it could be further developed. That too, without any real loss to Sea Powers like the British who rely on naval operations and therefore on blockade as their main weapon. For a modern commercial blockade which, to be at all effective, must subject all neutral commerce to belligerent control, not only on the high seas but “at source” within the territories of the neutral, obviously cannot be applied without the support of the neutral governments and the sympathy of the neutral peoples.

If then the British now frankly and fully accepted the application of the Wilsonian principle how would they stand? They would lose the *arbitrary* power they have enjoyed of initiating and imposing an economic blockade for slowly starving and strangling their enemy. This power enabled them, we will assume, to defeat Napoleonism and Kaiserism in the interest, we will assume, of the world at large. But this power they have, in fact, already lost. The arbitrary assertion of it against Napoleonism cost them a war with America and made America a naval Power. The arbitrary assertion of it against Kaiserism was throughout controlled in its application by America and made America a rival sea Power. It only became really effective when exercised in conjunction with America after

its entry into war. The future exercise of it, except in association with America, or with American approval, will be impossible. Why not then now associate with America and remove the risk of a naval competition that would probably end in naval conflict ?

Moreover, there is another consideration. Blockade is the weapon of a long war of attrition and it looks as though any future war of "all-in" or "all-out" character will be a short war of abolition. Secondary and localized wars, such as may—and possibly must—continue for some time yet, can be left under the old-fashioned rules requiring close blockade and other out-of-date restrictions. But it looks as though in any future "all-in" and "all-out" war, naval blockade will in the first stage be rendered obsolete by air and underwater blockade ; and as though, in the second stage, all blockade will be made obsolete by air bombardment.

Even if this is considered as looking too far ahead, there is an objection to economic blockade which has been made very obvious to the British by its results in the Great War. Namely, that though it undoubtedly in time reduces their enemy to ruin and revolution, yet it thereby recoils almost as heavily on themselves as merchants and middlemen by destroying the markets for their manufacturers and making their customers self-supporting. It was the blockade of the Napoleonic wars that made foreign countries the competitors of the British in industries they might otherwise have monopolized for many years.

Above and beyond all other advantages to the British in resigning the right of extreme economic blockade to an Anglo-American association would be that they would gain immunity for their commerce as a neutral against belligerent interference without the present enormous expenditure on a fleet as a "war insurance."

#### AMERICAN "LEGALISM" AND "ANTI-LEAGUISM"

So far then, the British and American peace movements can combine for a common revision of sea law, and for the common regulation of Freedom of the Seas. There is, however, one feature in the American "outlawry" resolution—a feature clearly inspired by American "legalism" and "anti-Leaguism"—that is not, in the opinion of the writers, sound, and that certainly cannot easily

be seconded by British peace movements. That feature is the proposal to set up a new international jurisdiction and tribunals in substitution for those of the Hague and of the League. Thus, the Borah resolution (*see* Appendix) cites the Federal Supreme Court as a precedent and as a pattern for a new international Court of Justice. Whereas the Supreme Court interprets a written constitution and has behind it the sanction of a Federal force—and whereas a resort to force to execute judgments of that jurisdiction did, in fact, lead to one of the bloodiest of civil wars. A closer precedent would be the Central American Court of Justice, set up in 1907 in much the same way as a counterblast to the Hague, which had compulsory jurisdiction but no sanctions; and which has been a complete failure. Apart from the risk of setting up rival judicatures with a general jurisdiction, there is the consideration that judicial arbitration and international litigation is of a strictly limited utility as a preventive of war. It is a procedure of great value when there is a definite acceptance of jurisdiction and a distinct judicial issue. But it is a fallacy to assume that law Courts and Arbitral Tribunals will prevent war between countries in the international relationship any more than they prevent civil wars, or class wars, in the internal relationships.

The "outlawry of war" movement has therefore nothing to gain in the cause of peace by not pressing at present these "legalist" proposals for Courts and Tribunals, in competition with those of the Hague and the League, on the acceptance of European peoples. That there should continue to be international Courts for the arbitration of pan-American affairs is, on the other hand, desirable. And such Courts would have a place in any regionally organized League as hereafter proposed.

#### WAR—"AGGRESSION" AND "RENUNCIATION"

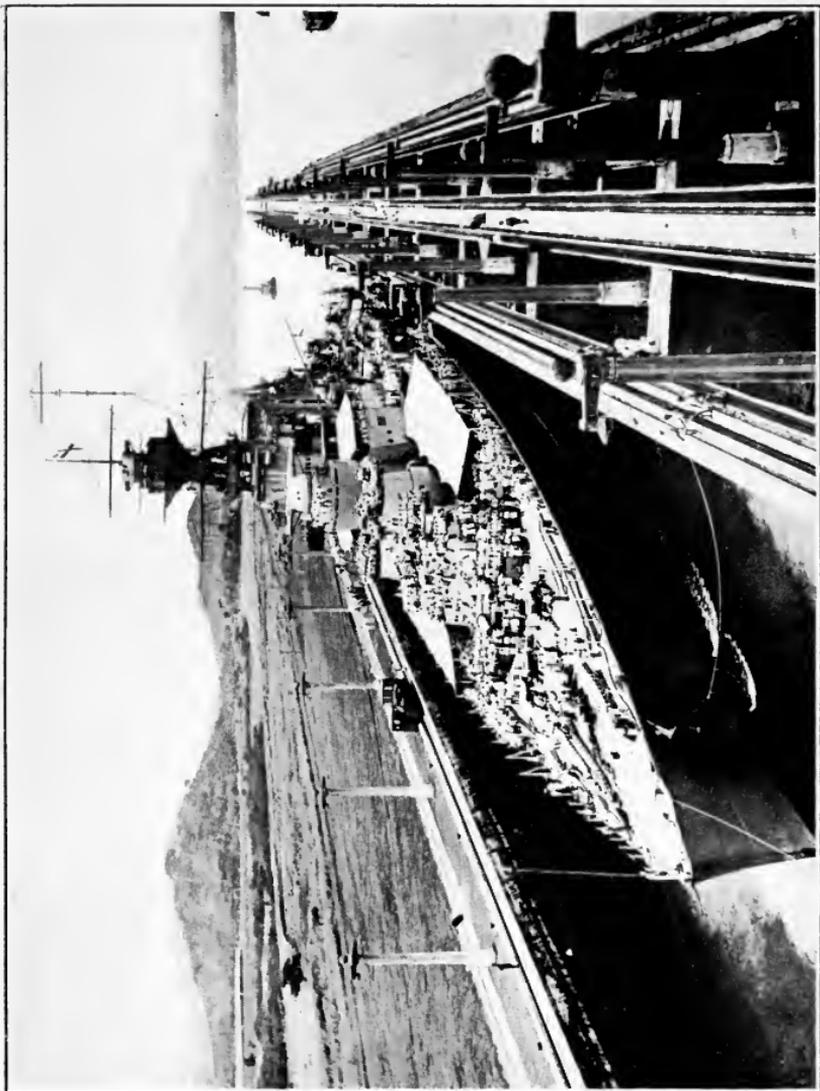
There remains one other difficulty to clear out of the way before Americans and British—before "legalists" of the "outlawry" movement and "Leaguists" of the "all-in arbitration" movement—can get together. Both wish to outlaw war and to enthrone peace. But you cannot renounce war until you know what you mean by war. And both parties have at present different definitions

of war and will not accept one another's. And both are right. Because neither definition is practical—and probably no definition is possible.

The Americans have now adopted the French formula of renouncing "war as an instrument of national policy." The British prefer the formula of renouncing "wars of aggression" and further, define "aggression" as refusal to arbitrate, a definition adopted also by the "Capper" resolution (*see* Appendix). Either definition is equally dangerous. The first means nothing at all. The second may mean too much. We have already given one example—the Spanish-American war—when it would have been disastrous. We could easily give half a dozen others.

War is, in fact, too complex a condition to be penalized under any treaty formula. And each renunciation of war for which each modern State is at present prepared is far too limited and local in character to be expressed in any general obligation. For example, France and Italy would now be prepared to renounce war in their relations with distant Powers like the United States, but not so in relations with their close neighbours. The United States and Soviet Union would be prepared to make a general renunciation of war, naturally in good faith, but also necessarily with various tacit reservations. The British Empire on the other hand is so conscientious in considering every contingency, that it is apparently prepared to make an all-in treaty of arbitration with Uruguay but not with Switzerland. In short, nothing more can be got on these lines than a *voeu pieux* in a preamble, that means little more than the old-fashioned invocation to Divine Providence which used to prelude all treaties of military alliance for aggression.

But it does not follow that nothing can be done to "outlaw war" provided that the nature of the disease be studied and the prophylactics properly adapted to it. There was a time in the history of medicine when half a dozen quite distinct diseases were all lumped together as "inflammation of the bowels," and another score at least as "putrid fever"; Medicine never got beyond nostrums and panaceas until it had distinguished the different diseases and discerned their different causes. Medical prescriptions still begin with a pious formula meaning "Oh, Jupiter, aid us"; but no great reliance is placed on this pagan invocation by the patient.



H.M.S. HOOD, LARGEST WARSHIP IN THE WORLD, IN PANAMA CANAL



The formulæ hitherto advanced, and any that are at all likely to be accepted, do not, be it observed, exclude war in the shape of armed action for police purposes. The British, like other members of the League, cannot bind themselves not to take armed action in support of League sanctions that might become a major offensive operation. The Americans would certainly require to be free to take similar police action under the Monroe doctrine. Provision will also have to be made for minor police operations like the British expedition to China or the American expedition to Nicaragua, even though these may look to British and American Progressives very like private wars of aggression for imperialist aims. Or it might be considered necessary to have a pacific blockade and economic boycott that would not, under the old system of international law, have counted as war like the "sanitary cordon" against Russia. Or it might be a bitter war of extermination against some racial or religious minority that similarly would not have counted as war because of the sovereignty claimed by the ruling race—a claim that was itself the cause of trouble. Or it might be a war of liberation to recover one of the many national irredenta created by the peace treaties which would, of course, be conducted under cover of supporting a rising or revolt in the area coveted. All these we have seen since the war and shall see many more in spite of "obligatory" arbitration, treaties, and "outlawry of war" movements.

But war can be outlawed in a sense, and the American peace movement is on sounder lines in approaching war from this point of view than is the British movement in trying to legalize it by League sanctions and Locarno pacts. But if the British movement has gone rather too far in making concessions to facts, the American movement has not yet gone far enough in this process. For war can only be outlawed progressively and practically, that is, by dealing not merely with the entry into war but with the exercise of it. Otherwise there is a danger that denunciation of war will become, like the declaration of war, merely a paper formula. The controversy between those who would denounce "wars of aggression" and those who would renounce "war as an instrument of policy" is really as academic as the controversy between Freedom and Command of the Seas.

## WAR MUST BE STOPPED AT EACH STAGE

War, and more especially naval war, cannot be abolished by a stroke of the pen—the sword is mightier than the pen in its own sphere. All that the pen can do as yet is to restrict the use of the sword and so regulate its lunges and parries—that the least damage may be done in a duel that cannot yet be suppressed.

The fears of navalists lest their freedom in war be hampered, and the fears of pacifists lest any sort of war be given any sort of acceptance, have diverted the attention of reformers from making use of what is one of the most helpful facts for peacemakers—namely, that war is not as jurists represent it—a status differentiated from peace by a deadline that has to be crossed formally and finally.

This legal fiction has its use for popular pacifist propaganda no doubt. Because, just as in war propaganda, the first step is to distinguish between the enemy and yourself, and represent him as an inhuman Boche or Bolshy or Borjoy, and yourself as a crusader and a patriot, so in peace propaganda a caricature of war must be clearly outlined in order that war may be "outlawed" in public opinion. But this fiction is not fact. The fact is that war as a disease is a phase of crowd psychology—a failure in the structure of civilization—a fever in the body politic of humanity, that grows gradually unless checked. War, as an act of sovereignty, is a police measure for the protection of a community that may become a danger to civilization as a whole. War as an international institution is merely a rough and ready recognition of the fact that, beyond a certain point, a change of regulation becomes necessary and certain regulations respected in peace become unrealizable. The crossing of this line, like the crossing of a frontier, is rightly made a Rubicon so that a final and fatal step may be a matter for reflection. But just as the crossing of frontiers by armed forces is to-day no longer a sufficient evidence of the first recourse to war by a nation, so the frontier in international law between war and peace is no longer sufficient as a criterion. The time has come when instead of one line between war and peace there might be several, at each of which the moderation of the more pacific nationals and the mediation of the peaceable neutrals might be given a procedure for expression

and effort, and the war machines and war momentums might be given pause.

Such a classification of war is no concession to the disease. On the contrary, it is a contradiction of the now prevailing concession that after a certain very early phase of the disease further prophylactics against more fatal paroxysms are useless. War conditions are as much more complicated and comprehensive now than in the past as peace conditions are. There is to-day not a peace relationship above the line and a war relationship below it, each governed by a different set of human and divine laws. That is legal theory and latitudinarian theology. And with these we have no concern here. But a more sound and sane view of war is that of a descending curve of common sympathies and common sense in the relations between two communities. This leads at first slowly then swiftly as warlike interests and ideals become respectively profitable and passionate through a whole series of war phases. Some of these phases of war, such as a pacific blockade or an economic boycott, have already been classified by international lawyers and considered as transitional. Others still "above the line" are rupture of diplomatic relations like that which we have to-day with Russia, closing of the frontier such as Lithuania has to-day with Poland, or a police occupation such as that of the British in China or of the Americans in Nicaragua. All of these last entail loss of life, the use of armed force, and have all the features and effects of war. But they are all of them already recognized as not necessarily transforming the relationship of the countries concerned on to a war footing.

Now the worst of warfare in the future will be that it will tend to pass much more swiftly through these preliminary processes in which it can be kept under control with comparative ease. Arab or Berber tribes may endure having their habitations bombed from the air as a police measure of peaceful penetration in the cause of civilization. This can be done in the name of peace because they are not Sovereign States, because international law takes no cognisance of them, and because they cannot therefore declare war. But it is certain that the first air bomb dropped on a European capital will blow that community straight into the full blast of war psychology and the full blaze of an unrestricted war of reprisals.

It would seem therefore to be the first task of those British concerned with the enthronement of peace, or of those Americans concerned with the outlawry of war, now to extend the classification of hostilities so as to throw as much responsibility as possible on the State that passes from one phase to another and to give pacifist public opinion an opportunity at each phase to call for consideration.

#### THERE ARE WARS AND WARS

That police wars are still indispensable will be admitted by all but the most fanatical pacifists. That idealist wars for national liberties or irredentist wars for native lands are probable will be allowed by all but the most cynical politicians. That even political wars for imperialist interests or ideals are impossible, only the most optimistic Utopists would assert. That in an "all-in" war which includes most of the principal Powers they will fight "all-out" irrespective of restrictions or regulations is also now only too obvious. Wherefore men of good will who seek their promised peace on earth will not best ensue it by enclosing the legal status of peace in a ring fence of international law courts and arbitral tribunals. The Dove of Peace cannot be kept by having a wall built round it as the Wise Men of Gotham tried to keep the cuckoo and the summer.

War is a disease that cannot be exorcised by the spells of wise women or wizard spell-binders. Peacemakers had better begin by clearly defining each step and each stage into war from the first stage of the pacific pressure of one people on another for the common good, down to the last stage of an all-in and all-out Armageddon. Then at each step and at each stage those nationals who retain their patience and prudence, and those neutrals who are in a position to bring pressure to bear, can use whatever machinery for pacific settlement is available and appropriate.

What has to be prevented in the first place is the automatic *déclanchement* of the war machines that gather momentum from their own mobilization until one is shattered or civilization itself is shaken into ruins. What has to be prevented in the second place is the risk lest Powers with large naval and military armaments may independently initiate intervention in the affairs of other

nations claiming that it is a police operation in the interest of civilization ; whereas they really have interested and imperialistic objects in view. An "outlawry of war" procedure to be really effective must guard both these approaches to war.

#### HOW WARS HAVE BEEN STOPPED

Let us look at the symptoms of the war evils before suggesting a treatment. Since the Great War, though all the world wanted peace and "peace" has been nominally maintained, the peoples of both Europe and America have, as a matter of fact, been drifted into police wars and have even been driven into political wars.

Take the British only. Since 1919 they have, without entering into formal war, engaged in all the features of war with Russians Chinese, Arabs, Afghans, Egyptians, and Irish. They have not realized it in some cases ; and in others, when they did realize it, they themselves stopped it. But in the two cases in which war was stopped, those of Russia and Turkey, they could only do so by the threat of an unconstitutional "strike action" in the first case and by almost as severe a strain on their imperial institutions in the second. When the Trades Union Councils of Action brought about peace with Socialist Russia, and the Dominion Governments brought about peace with Nationalist Turkey, they were doing useful work that should have been done by proper machinery without straining as it did the whole political structure. And with a proper classification of war in international law such machinery can be provided internally, imperially, and internationally.

#### HOW WARS SHOULD BE STOPPED BY STAGES

We are only concerned with naval warfare here, and it would be out of place to develop this in too great detail. But as the Anglo-American association, here advocated, will be the sanction of a new system of sea law in war, its first task in framing that system should be to fix new "frontiers" for the various forms of war. These will in turn give more and better opportunities than at present exist for maintaining peace by arbitration and mediation. A

present at the outbreak of war a powerful neutral, or neutrals, enquire of the future belligerents what rules for the regulation of neutral commerce they intend to impose—as did the United States in 1914. And if after an outbreak of war belligerents impose restrictions which neutrals consider excessive the latter protest and prevent this—as did the neutrals in the case of the Italo-Turkish hostilities in the Dardanelles in 1910, and the Americans and British in the Russo-Japanese war at the beginning of the century. What is wanted now is that naval warfare be classified into a few main phases corresponding to the main forms it may now take.

Thus a first phase might be that of a national commercial boycott of the enemy, and a blockade of the enemy naval forces and fortresses only; which would not be allowed to affect neutral commercial interests at all. This phase of war might for the present be left as a legitimate means of pressure which should be still open to any national policy and would not call for any international intervention beyond the usual recognition of belligerency. Though it would, of course, be excluded by any treaty between the two parties which renounced war as an instrument of policy.

The next phase, for which the approval of an Armed Neutrality would have to be obtained under existing international law, would be that of hostilities between the armed forces and a close commercial blockade on the old lines. This would be war as hitherto understood, and the rules of international law as hitherto applied could continue in force for its regulation with modern modifications. For an Armed Neutrality, based on an Anglo-American association, could now give these old rules the development that they had almost attained when the Great War broke out, by establishing the immunity of private property at sea in restriction of the right of blockade.

This would be of great benefit to these two Powers themselves as neutrals in the secondary private wars that are likely to continue for some years yet; while it would be no serious bar to their belligerency in any secondary or police war they might undertake on these old-fashioned lines.

And the third and final phase of naval war would be represented by such an unrestricted economic blockade and sea and air bombardment as developed in the last war and will, unless prevented, destroy

civilization in the next. This is an inhuman innovation in war which calls urgently for innovations in international law. It should be made "illegal" to put any people through this "third degree" of warfare, and those who do so should rightly be regarded as "outlaw." It should therefore be provided that any belligerent who feels it requisite to engage in such extremities of warfare by way of reprisals should have to justify this action to neutrals, whether associated in an Armed Neutrality or in a League of Nations or both, by explaining the enemy act which called for reprisal and by exposing the war aims on account of which the interests of neutrals and the existence of civilization are being imperilled. This was more or less done during the Great War and has also been done, more or less, in previous wars whenever the exercises of belligerency seemed to neutral third parties to be too extreme for the ends in view and too expensive for their own neutral nationals. Such neutral intervention has, in a more civilized or sentimental generation, been made effective on humanitarian grounds alone. For example, when Turkey extended its suppression of the Greek War of Independence to the point of sacking the whole Peloponnese and of selling the population into slavery, an armed neutrality, just a century ago, destroyed the Turco-Egyptian fleet at Navarino. What is now required is not so much to outlaw all formal war, which can be little more than a pious wish, or to outlaw certain forms of war, such as aeroplanes, submarines, gas-bombs, and explosive bullets, which is a matter of policy; but to throw as much onus and odium as possible on recourse to the more onerous and odious weapons of war.

Under such a regulation belligerents will have to weigh the cost before having recourse to these extreme forms of war and will not lightly resort to them by way of reprisals and under cover of international law. It seems safe to assert that had such a gradation of war existed in 1914, and had neutral America had a firm footing in international law for penalizing, with an embargo or with entry into the war, each successive recourse by either belligerent to unrestricted warfare, America need never have entered the war and Europe could by now have established peace. What is now required is a formal obligation to obtain neutral approval at each entry of the war into a more extreme form; so that an Armed Neutrality

and, or, the League of Nations, at each reprisal that sends the war "rattling into barbarism," may have an opportunity and an obligation of enforcing the Wilsonian principle that there must be—

"absolute freedom of navigation upon the seas outside territorial waters alike in peace and in war, except as the seas may be closed in whole or in part by international action for the enforcement of international covenants."

#### AN ANGLO-AMERICAN TREATY AGAINST WAR

So much then as regards the future revision of international law, which can only be dealt with here very broadly and briefly. Now to return to Freedom of the Seas and the Wilsonian principle.

It is, as we have shown, the exclusion of this principle from the peace terms that has, in the course of a few years, caused the present rift in Anglo-American relations and the present risk of a rivalry in naval armaments. How can this principle now be brought back as the foundation for a future world peace in a form acceptable to the different points of view of the British and American pacifist movements and also in a form agreeable to the divergent policies of the professional and political rulers of the two peoples?

The Wilsonian principle will obviously have to be recorded in a Treaty between the two States of which the sanction will be their joint sea power, to which other sea Powers may as soon as possible accede. Therefore a formula must be found that will make a popular appeal by presenting itself as an outlawry of war and that will, at the same time, be acceptable to Governments as a practical appreciation of hard facts. The following is only a suggestion. Such forms of words have their importance, but they can be almost infinitely varied. Whereas, in the opinion of the writers, the general line of action here laid down is, broadly speaking, the only one likely to lead to any satisfactory settlement.

It is suggested, then, that a Treaty might now be concluded between the British Empire and the United States which would—  
 (a) reciprocally renounce war as an instrument of national policy or recourse to war as a settlement of their disputes. Which would—  
 (b) recognize that naval armaments should be reduced by ratio to the force required for an imperial and international police. Which would—  
 (c) resolve that no international police operations

should be undertaken by one party except in conjunction with, or by the consent of, the other. And which should—(d) provide that the parties would concert together for the revision of international law in the regulation of naval warfare.

This would, in other words, impose an obligation not to prepare or prosecute major warfare: to disarm to the lowest limit consistent with the prevention of piratical warfare and the protection of their coasts under the new conditions established by the guarantee of associated Sea Power: last, but not least, to provide a procedure to check either party, or any third party, from passing out of restricted into unrestricted naval warfare. For the first effect of these combined obligations would be that, in order to relieve one Government from having to obtain the consent of the other to each separate and successive act of a police war, these acts would have to be grouped and graduated under the rules of international law as revised.

By thus bringing the forms of international law again into relation with the facts of war we shall get, on the one hand, the means and method for "continuous mediation," the absence of which frustrated America's attempt to end the Great War in the winter of 1916-17 and forced it to enter the war in order to make peace. We shall get, on the other hand, stages and stopping-places where the momentum of the war machines can be braked in their headlong career and the dogs of war checked in their hot pursuit of havoc. The absurdity of the present arrangement by which the forces, neutral or national, in favour of peace are formally debarred from intervention once war is declared will be ended. They will be enabled to develop and use their peace machinery, whatever it may be, as "legally" as the war forces now use their war machines for carrying the war from strength to strength. It is best to recognize that in the present stage of the development of public opinion all wars cannot be stopped all the time; having done that we shall at once realize how all wars can be stopped some of the time and some wars all of the time.

#### VARIOUS CHECKS ON WAR COMPARED

Nor would this continuous check on the exercise of war in any way weaken such other checks on entry into war as have already

been arranged or may later be agreed. These checks on entering into war may be classified broadly as (a) moral checks, (b) moratoriums, and (c) material checks.

The moral check, which involves indicting and, if necessary, penalizing the belligerent for aggression, or some other offence requiring definition, is difficult, and, as we claim to have shown, dangerous. The Americans are, in our opinion, justified in objecting to the sanctions of the Covenant which would have to be applied on such moral grounds, and the British are equally justified in objecting to the American reliance on the moral authority of International Tribunals.

These objections do not apply to the principle of the moratorium or postponement of war pending a joint enquiry, which is the principle of the Bryan Conciliation Treaties, of which the further establishment and extension is favoured by the British Government. (*See later*).

The material checks on war, like disarmament or neutralization of zones and seas, are better still. For aggression in such cases can generally be automatically assigned. There can hardly be any dispute as to which party first arms in defiance of a disarmament agreement, or advances into a zone or sea in defiance of its demilitarization. For example, the responsibility for the violation of Belgian neutrality could not be rejected by Germany. Whereas, responsibility for aggression, as imposed by Art. 231 of the Treaty of Versailles, on general grounds, has been resented and will, at the first opportunity, be repudiated. The Geneva Protocol very properly provided that violation of a demilitarized zone should be equivalent to a recourse to war. The neutralization of Narrow Seas, advocated above, would be a similar material check easily enforceable by sea power.

But the best check on war would be an Armed Neutrality based on Anglo-American sea power, not only stopping entry into war but also the exercise of it at each successive stage. As we have seen (Chaps. I and II) the naval force of neutrals has been hitherto the only real sanction for international law. And as we have also seen (Chap. III) it was at first the obvious and only sanction contemplated for the Peace League that was to restore the régime of international law after the war. It is still, no less obviously, the

only means of bringing the United Kingdom and the United States together for reconstruction and re-establishing international law at sea without running our heads against the objections of the Americans to the present League and its sanctions.

#### HOW CAN BRITISH AND AMERICANS COME TOGETHER

What then, is the line a British Government should take so as to bring British and Americans together? Can this be done without years of education of British and American public opinion? We think it can if the avenues of approach to the better understanding as here outlined be explored by a British Government.

Unfortunately this question is one in which the British people cannot be relied on to react solely to reason. Public opinion generally reacts to sentiment, and there is, in this case, a traditional sentiment that can be only too easily exploited by opposition interests. Indeed, a Liberal or a Labour Government that faced facts and tried to substitute at one sweep anything so abstract and novel as an Anglo-American association at sea for something so consecrated and concrete as British battleships might deserve well of its country but would not get its deserts. And we have already said that the educational powers of a Conservative Government, through its contact with the ruling class and the Press and the reputation that party possesses for putting national before international interests, would enable it to carry out concessions that it could easily make fatal to its opponents if undertaken by them.

A Liberal or Labour Government could best succeed by effecting such a dramatic change of atmosphere on taking office, as would carry its first objective with a rush and get the opposition on the run. In order to recover the confidence of our transatlantic cousins, without risking the confidence of our own countrymen, recourse would have to be had to a certain generosity of gesture.

#### GESTURES AND GIFTS

The world's a stage, and the art of political leadership is the art of playing a lead. All schools of acting now have classes of gestures—

gestures how to come into a room and how to go out, how to shake hands or shake a fist. Politicians have also to learn how to come into office and how to go out, how to join hands across the sea and how to bang a fist on the board.

A gesture in foreign affairs must cost little and yet convey much meaning. Therefore, if it is to get across to the audience, it must appeal to their peculiar point of view. Now the particular vanity of the British is Command of the Seas and that of the Americans is Freedom of the Seas. So that an effective gesture by one party will do well to appeal to the respective "vanity" of the other in the hope of getting a corresponding gesture that will give it some sop for its own many-headed Cerberus.

Let us take first as an illustration a series of moves that graduate from mere gestures into real gifts—that range in fact from a little "hot air" that would just take the chill off the atmosphere to the conversion of stones of offence into corner-stones and foundation-stones of a better relationship. A pure gesture, for example, might make Stratford-on-Avon an international territory under both flags and administered by this English Speaking Union. A further development of the same idea would put the Bahamas, that resort of American millionaires and rum-runners, under joint administration. This would be more effective as a gesture because of its tangible concession to the Monroe doctrine and its tactful consideration for American municipal legislation.

#### A "FREEDOM OF THE SEAS" GESTURE

But a gesture and a gift that would appeal to American "Freedom of the Seas" sentiment would be a clear declaration of policy, preferably in Parliament, by the Prime Minister in the House of Commons and by the Lord Chancellor in the House of Lords, that we are prepared to propose a revision of the Covenant of the League of Nations so as to embody the second of President Wilson's Fourteen Points, thus in effect renouncing the right of a private blockade in a private war.

In return for some such gesture as this the Americans, who are usually ready to outbid us in generosity, might make us some gift that would appeal equally to British sentiment and equally appease

British suspicions. And then "after compliments," as they say in Oriental negotiations, it might be possible to include in a future settlement a deal by which a British concession to the Monroe doctrine would be balanced against an American concession to Command of the Sea. For example, we might let all our West Indian and South American territories be included in a demilitarized zone, and the Americans might concede to our insular position and peculiar ideals some sort of superiority in surface warships of the police cruiser type under the future ratio of navies as reduced to forces for police purposes.

#### A "MONROE DOCTRINE" GESTURE

Or a British Government might give notice to the League of Nations that it would not apply economic sanctions under Art. XVI of the Covenant, by naval action, without the United States' consent, and that it would not take such action against any American State without the United States' co-operation. This would only be formulating what is already the fact: that no League blockade can be at all effective without American approval, and that no such blockade contrary to the Monroe doctrine can be enforced at all.

The more whole-hearted and whole-hogging Leaguers might dislike this as looking like turning down Geneva in order to take up Washington, because they believe that the American outlaws have deep designs against the League and against the Locarno Pact. We shall let Senator Borah, leader of the American outlaws, answer this himself from a recent article (*New York Times*, 5th February, 1928):—

"Is there anything which one can conceive so well calculated to advance the cause of peace and to strengthen the League and Locarno as a pledge among the Great Powers that they will never recognize war as an instrument for the settlement of international disputes and that they will adjust their differences in accordance with the methods provided in the League and Locarno for peaceful adjustment? If the leading Powers make this pledge and keep it, there will indeed be little chance of war. If they do not keep it, neither the League nor Locarno have been destroyed."

Again, our French friends might dislike such a gesture as looking

like cutting them out on the line in which M. Briand gave the lead last year, but which they have been unable to carry to its logical conclusion in their Treaty negotiation. But they have no cause to complain. The British have pledged their last man and last shilling for defence of the French land frontier in the Locarno Pact. The frontier of England is the sea. The framework of the Empire is the sea. The seizure of a British tramp steamer is as serious for the British as the seizure of a French frontier station is to the French. The only safeguard of the British is Command of the Sea, and that is seriously challenged. France has the safeguard of the strongest army and air force in the world, reinforced by the Locarno guarantees and by the garrisons maintained in the Rhineland in disregard of the international interests of Europe. We therefore may, with no injury to French interests and in justice to the interests of ourselves and others, secure our own safety and strengthen the real sanctions for peace by association with America.

The French and every other people stand to gain, not lose, by an association between British and Americans. And, despite some recent Anglo-American *rapprochement* due to reciprocal reductions in cruiser construction, the French and every other people know that these two leading Sea Powers have "parted brass-rags." Though some diplomatic circles indulge in "schadenfreude" over this, the wiser French observers deplore it as a disaster to the League and a danger to the peace.

Mons. Jacques Bainville, writing in the *Action Française*, the organ of the Right (22nd January, 1928), stated that as Great Britain is purely a Naval Power her contributory value to European security or to the *application of League sanctions* is nullified by the United States.

"If England," he says, "refuses to tie her hands or sign a blank cheque it is not merely because of her tradition of splendid isolation nor because of her sacred egoism. The knot of the crucial problem is to be found in the phrase 'Freedom of the Seas.' If the American Senate disavowed President Wilson it was because he had yielded to Mr. Lloyd George on this question. If, after the failure of the Geneva Conference for the limitation of cruisers, President Coolidge announces the construction of an armada, it must be understood as meaning simply this—that one of the greatest Naval Powers in the world intends to declare that

in the future Great Britain must, like any other country, renounce the right of blockade or fight if she means to keep it.

“ Now if the worst came to the worst Great Britain might well fight to preserve this arm of blockade for her personal defence. It is unlikely that she would enter into conflict with the United States in order to use the right of blockade as a sanction on behalf of the League of Nations and for the benefit of other countries.”

We commend this view of an eminent French publicist to those extreme Leaguers who resent constructive criticism of the Council or Covenant as at present constituted. And we, who are both supporters of the League, believe that the Washington Mahomet will not come to the Geneva Mountain as things are, but that the mountain can be moved by faith. We believe that it will have to be moved if the sanctions to which the French attach so much importance are not to be a delusion and a danger.

#### DANGER OF DELAY

We have shown in Chapter III that something has already been done on both sides to retrace the wrong course laid by both countries since the Geneva *débâcle*. But there is no time to be lost in following up the concessions as to warship construction by the British and Americans. For the peace of Europe is not secured and will not be secured until it includes the Freedom of the Seas ; and the danger has actually been increased by the peace machinery set up since the war. For supposing that war between two Great Powers breaks out on the Continent of Europe, despite the efforts of the League. Then, either the League of Nations functions, or it fails finally. If the latter, the struggle will spread and the Great War repeats itself, with America intervening this time, in all probability, against the British. But if the League functions, presumably one Power will be adjudged the aggressor and, under Art. XVI of the Covenant, be blockaded. The blockade of the aggressor will have—in order to be in any way effective—to be enforced against all members and non-members of the League of Nations, amongst the latter being the United States of America. And the naval sanctions for the blockade will be exercised mainly by the British Navy. This again would lead to a conflict between British and American Command

of the Seas. And this is the sort of dangerous dilemma that gives uneasiness to experts and that underlies the panics in the Press. Lord Cecil, for example, tells us, and he should know (House of Lords, 15th February, 1928) :

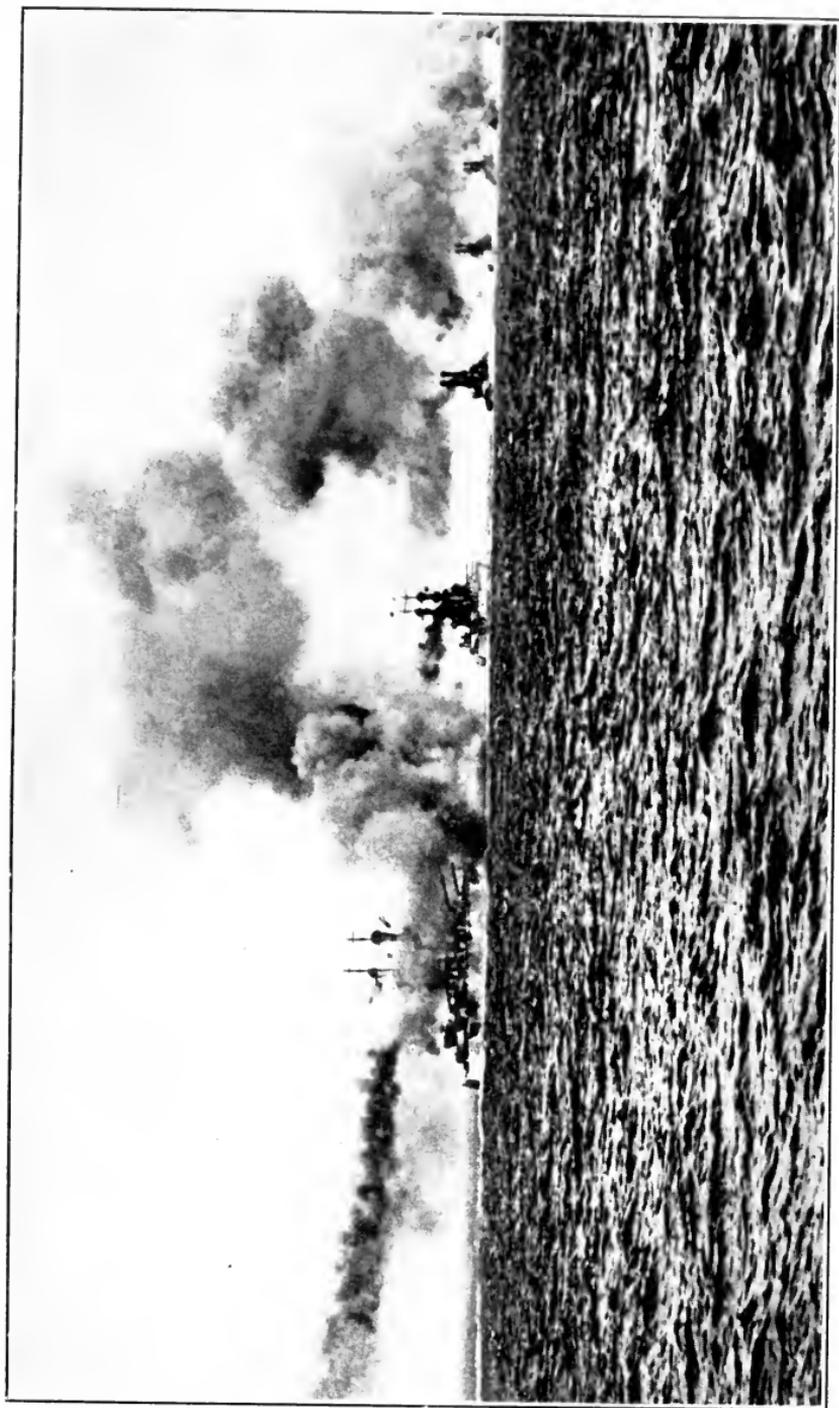
“ . . . I look at the situation (in Europe) as precarious, with no immediate danger threatening, but not likely to be long continued in this condition. I believe that if we are to erect barriers against war, it must be done within the next three or four years—five or six years at the outside. That is the time when we shall have the feeling of the late war to back us and enable us to erect these barriers. If we do not do it then it will not be done at all.”

Sir Austen Chamberlain, in November 1927 last, replying to a vote of censure moved by the Labour Party, which, amongst other things, regretted the slow progress of the League of Nations Commission on Disarmament, spoke as follows :

“ Suppose,” he said—and it is a supposition which we can permit ourselves, in view of what he called our close and affectionate relations with France ; if those relations were not as close and intimate as they are, it is an illustration that none of us would like to use—“ suppose,” he said, “ that France was called an aggressor by the League ; suppose that we were ordered to blockade the French coast and to cut off France from commerce with the outer world ; what consequences might that have for us, and, what Navy should we need, if we were to undertake such obligations as that ? ”

One of the present writers here interrupted the Foreign Secretary to remind him that we have that obligation already under the Covenant, to which he replied :

“ There is an immense difference between our obligations under the Covenant as it stands—onerous as they are, in some respects dangerous as they may be thought to be by reason of the fact that Great Powers have stood outside the League who were expected to form part of it—there is a great difference between the Covenant as it stands and the kind of fresh obligations that the Rt. Hon. gentleman (Mr. Ramsay MacDonald) vaguely thinks we might undertake in order to pool the security of the world. His Majesty’s Government have pursued a more restricted, a more modest policy.” (*Hansard*, November 24th, 1927, col. 2114, Vol. 210, No. 124.)



UNITED STATES BATTLE FLEET IN THE PACIFIC



This suggests that the Foreign Secretary has in his mind the difficulties that might arise with the United States through the application of the existing Covenant of the League, apart from the added obligations proposed under the Protocol.

Yet there is no evidence so far of any official attempt being made, either at Washington or in London, to clarify this difficult situation. And it might become critical at any time through the League of Nations. All that is being done on both sides of the Atlantic is to build warships.

Yet, as the King's Speech at the opening of the 1928 Session tells us, negotiations are proceeding between London and Washington for a new Arbitration Treaty. What an opportunity these negotiations offer for restoring relations of confidence and co-operation by gestures for the outlawry of war or by gifts as to the revision of the League! Why should not a British Government meet half-way the American movement for outlawry of war? Sir Austen Chamberlain has already said in Parliament that war between the British and the Americans is "outlawed in our hearts." Why not then outlaw it over our hand and seal in a solemn treaty?

#### ANGLO-AMERICAN ARBITRATION

Since the first Anglo-American Arbitration Treaty of 1897, arbitration has been an important instrument in assuring amity between the two peoples. It would require a book in itself to review the history of arbitration in Anglo-American relations and to explain its failures and successes. The difficulty of making arbitration treaties has hitherto lain in finding general formulæ that will reserve the constitutional powers of the American Senate in foreign relations, and that will recognize the requirements of American domestic policy as to excluding from arbitration special subjects, some of secondary importance. Failure in these respects has led to rejection by the Senate of two important arbitration treaties, that of 1897 (Olney-Paunceforte) and that of 1912 (Knox-Bryce). But in spite of the special local difficulties of arbitration above referred to, the "legalism" of American public life has made arbitration treaties specially popular with American Governments anxious to placate pacific opinion and "play a lead" in foreign relations. At present

two treaties are in force, one of 1908 (Root-Bryce) and one of 1914 (Bryan-Spring Rice). Both of these form part of a series concluded by the United States with other Powers.

The Root (1908) series are arbitration treaties which refer to the Hague Court all legal disputes and the interpretation of treaties, provided they do not affect "the vital interests," the independence or "honour" of the contracting States and do not concern "third parties." This formula, first found in the Anglo-French Treaty of 1903, of course allows of almost any dispute being excluded. But as, in fact, arbitration cannot be forced on an unwilling Government the formula does not deserve all the condemnation it has received from pacifist publicists. Their ambition to put Governments under constraint to arbitrate by "all-in" obligations has dangers which cannot here be dealt with, but are obvious to all those with any experience of public affairs. It must suffice to point out that public opinion has its phases and that politics has its parties, so that an inevitable and inviolable obligation honestly engaged in, may, under certain circumstances, greatly embarrass and exacerbate a subsequent crisis developed under different conditions. The moral onus of an obligation and the odium of its repudiation are useful pillars of peace, but should not be overloaded.

#### FRANCO-AMERICAN ARBITRATION

The "Root" series of arbitration treaties have come up periodically for renewal in 1913, 1918 and 1923. In view of their renewal and possible revision this spring, France, whose treaty was earliest in point of date (23rd February) submitted (June 1927) a draft of a "Pact of Perpetual Friendship" which should "renounce, war as an instrument of national policy," and resolve that disputes be only settled by "peaceful means." This was a fine gesture—but it failed for reasons that do not here concern us. Mr. Kellogg took six months to think it over. He then proposed (December 1927) a revision of the Root formula by substituting for "National honour" and "vital interest" the forms "domestic matters" and the "Monroe doctrine." And shortly after (5th January, 1928) he proposed not a bi-lateral renunciation of war between France and America, but a general "outlawry of war." He stated that :

“The Government of the United States is prepared, therefore, to concert with the Government of France with a view to the conclusion of a Treaty among the principal Powers of the world, open to signature by all as an instrument of national policy in favour of the pacific settlement of international disputes.”

To this M. Briand replied the following day in a note which concluded as follows :

“I am authorised to inform you that the Government of the Republic is ready to join with the United States Government in submitting for the approval of all nations an agreement which shall be signed beforehand by France and the United States and by the terms of which the high contracting parties shall bind themselves to refrain from any war of aggression and shall declare that they will have recourse, for the settlement of disputes of whatever nature, which may arise between them, to all possible pacific means. The high contracting parties would undertake to bring this agreement to the notice of all other States and to invite them to subscribe to it. . . .”

The introduction of the qualifying “war of aggression” was, practically, because France is not prepared to outlaw war with European neighbours and, professedly, in order to safeguard French obligations to the League. Mr. Kellogg took exception to this, and the final form of the Treaty was consequently that of his original draft plus a preamble “outlawing war.” For the fact is that the Senate looks on any reference to “wars of aggression” both as an illicit recognition of the League, that body having concentrated of late years on definitions of war as a crime, and also as an unlimited reservation of the full renunciation of war.

Now, how does this negotiation affect Anglo-American naval relations? In the first place the negotiations for the new Treaty with Great Britain have begun on the same basis. In the second place this “Kellogg” Treaty is little, if any, advance on the old “Root” Treaty. For even if the new Treaty does not injure the “all-in” scope of the Bryan conciliation Treaties, yet undoubtedly exclusions of “domestic matters” and the “Monroe doctrine” are even more awkward corners to steer arbitration agreements past than the vague “vital interests” and “national honour.” Already Anglo-American arbitrations have taken place on issues that might have been considered as involving “national honour” and “vital

interests." But an allegation that an issue involves the Monroe doctrine or domestic interests is more likely to be fatal in the Senate and may cover as wide a field.

#### ANGLO-AMERICAN CONCILIATION

The fact is that the Root, Kellogg or any arbitration Treaty, with a reference to The Hague Court and reduced to terms likely to pass the Senate, is a much less valuable instrument than the Conciliation Treaties that hold up all disputes of any sort for a year while being judged by a Permanent Conciliation Commission. These Conciliation Treaties of 1914 have not yet been used, and the Permanent Commissions have not been kept at their full complement. But Americans and British can always best settle disputes between themselves by themselves and much better than by reference to the arbitration of third parties. Wherefore, for the purpose of any possible dispute about naval affairs, in which Freedom of the Seas and the Monroe doctrine and naval estimates are involved, the conciliation procedure is a real safeguard and the arbitration procedure is not.

This point is well developed in the British memorandum on security (19th January, 1928), and the present policy of the British Government clearly—and correctly—favours conciliation in preference to arbitration. The memo. runs:—

" 20. In 1922 the Assembly of the League adopted a resolution urging upon all members of the League the advantage of conciliation as a method of solving disputes and inviting them to conclude agreements for setting up conciliation commissions. With this resolution His Britannic Majesty's Government in Great Britain are profoundly in sympathy. The essence of conciliation is that it does not attempt to impose a settlement, but that it frames for the consideration of the parties to the dispute recommendations and terms calculated to compose the conflict of view. It thus brings to bear upon the question at issue the efforts of impartial and qualified statesmen free from the bias which is inevitable among those who are nationals of one of the countries which are parties to the dispute. It has also this further advantage that recommendations made by impartial bodies after profound study of the facts of the dispute are bound to merit the support of public opinion in other countries and will thereby possess the greatest weight

with the States between which the dispute has arisen. 21. The fundamental distinction between justiciable and non-justiciable disputes is one that must be borne in mind in framing any model conciliation agreement. Justiciable disputes should be referred to bodies of men who are accustomed to give binding decisions and who are in consequence accustomed to base their decision on rules of law which are obligatory for the parties. Non-justiciable disputes cannot be solved by the application of any such rules of law. Such disputes should not, therefore, be submitted to bodies of judges accustomed to apply rules of law. Treaties which provide that where the parties do not accept the recommendations of a conciliation commission the dispute should be referred to the Permanent Court of International Justice at The Hague should be discouraged."

#### CONCILIATION AND ARBITRATION COMPARED

Two examples of the truth of this view can be supplied from the personal experience of the writers. First as to Conciliation. The procedure of the Conciliation Treaties has never yet been used between British and Americans. But it is not generally known that its existence exercised a remarkably repressive effect on the controversies between the United States and Great Britain over the blockade. Without this procedure as a possible recourse, the diplomatic channel might not have been able to keep the flood of difficulties caused by the British blockade from sweeping away the bridges between the two countries.

Next as to Arbitration. The Arbitration procedure of reference to The Hague Tribunal was used for the more important issues in the great clearing up of century-old controversies and claims between Great Britain and America before the war. There was then a general agreement between the two Governments that the time had come to "clean the slate" of these old scores and to write off or pay off bad debts against one another that were still making bad blood in the fourth and fifth generation.

One of these controversies concerned a quarrel indirectly connected with the Freedom of the Seas, dating back to the War of Independence. The preliminary processes of the cleaning up were in the hands of two subordinate "scrubs," a British diplomat and an American State Department lawyer. The smaller questions they settled outright by hard haggling, the results being recorded in

Conventions. For the larger, they had to find a procedure that would give the settlement more authority and guard it against attack. In this particular dispute, which was most contentious and complicated, and which incidentally might have been held to concern both the "Monroe doctrine" and "domestic matters," it was evident that the most solemn sacrifices of judicial arbitration would not be superfluous. So the Root Treaty was resorted to and the terms of reference were drawn up by the two officials. The Tribunal was then convened with impressive ceremonial; and for weeks the Law Officers and legal luminaries of the Governments concerned made speeches of immense length and learning for corresponding fees. Then the three neutral and two national arbitrators, all judges or jurists of international standing, met to draw up their judicial award, and at once agreed that one party had won on certain issues and another on others. For, as one said, such an award was already adumbrated in the terms of reference. The two national arbitrators were then very sensibly assigned the drafting of the award, each on the issues in which his side was successful; and, equally sensibly, they turned over the task to their expert advisers—the diplomat and lawyer—who had had themselves attached to the proceedings as silent and insignificant supernumeraries. Which, so far as judicial procedure goes, is much as though the House of Lords had its judgment written by the solicitors' clerks of the two parties. The award was then proclaimed with all due pomp, and published—it occupied a whole sheet of the *Times*—with general approval; and is being applied to this day.

Now this glimpse behind the scenes of possibly the most formal of the great Anglo-American judicial arbitrations has been given, not by way of criticizing—still less of casting suspicion on—judicial arbitration. The procedure followed was not only proper, but very practical. It ensured the necessary authority for a settlement without risking its actuality. The real facts have been revealed for the purpose of proving that British and Americans can "conciliate" their differences between themselves by themselves, if there is a will to settle, as there was before the war. That the actual wording of arbitration Treaties, even the actual working of arbitration machinery, does not much matter except in so far as it may slightly hamper or help diplomacy in doing its job. And therefore

that an international instrument, broad in its wording and bilateral in its working, like the Bryan Conciliation procedure, is, on the whole, better for settling differences in Anglo-American relations than the more guarded wording and more general working of a multi-lateral Arbitration Treaty.

So much, then, in the way of suggestions as to what might be done as the first steps in the first stage of a fresh start towards peace. A start that must be made at once and that must not be allowed to stop until all danger of a further relapse on the expiration of the armaments moratorium under the Washington Treaty in 1931 is removed. We have now to deal very briefly with the possibilities of a later stage.

#### ANGLO-AMERICAN ASSOCIATION AND LEAGUE REVISION

We have above attempted to show how the policies and proposals of American pacifists in the outlawry of war movement can be in the main and at once, accepted and furthered by British supporters of the League so far certainly as naval disarmament and Freedom of the Seas is concerned. We have now to show how, if such an association between the two movements can be arranged for the establishment of a peace at sea, it might lead on to the extension of that peace to the land. This is looking on beyond our immediate objective. But one of our arguments in advocating an Anglo-American association for Freedom of the Seas is that it is a necessary foundation on which to rebuild a real peace out of the ruins left by the Great War. It will already have become clear from the previous pages that one of the principal obstacles, at present, to an Anglo-American association for the restoration of peace in Europe is the League itself. And that the British can get such an association for peace at sea without reconstituting the League provided they recognize and respect American objections to it in its present form. But they cannot get such an association for peace on land without such a radical reconstruction of the League as will remove those objections.

The fundamental American objection to the League is that it is not a democratic institution representing the peoples of the world for the realization of international ideals ; but that it is a diplomatic Institute representing the principal European Powers for the realization of

their imperialist interests. Further, that this metamorphosis is largely due to British diplomacy—that the British have assured themselves a predominant position in the League—and that they, in conjunction with their allies, have used their predominance for their own purposes. Consequently, the more British League propagandists preach the “Divine Right of the League,” the more these American Ironsides and Independents are confirmed in rebellion against it. There is indeed no present prospect whatever of persuading Americans to subject themselves to the sanctions of what the majority of them look upon as a sinister body, or even to support a system that most of them consider mere camouflage for secret diplomacy. There are moreover not a few British supporters of the League who consider that this American opposition is wholesome. For the obvious necessity for securing the adherence to the League of Americans and of Russians is the best guarantee that we shall get in the near future that reorganization and revitalization of the League that most Europeans and many English recognize to be urgently required.

It would be outside the scope of this work to develop in detail a reconstruction of the League and a redrafting of the Covenant that would make possible the accession of America. It must be enough to indicate how an Anglo-American association would render more easy the approach of America to a reconstructed League.

Without an Anglo-American bridge across the Atlantic and with a European League excluding the United States and the Soviet Union the world is not organized in a Confederation of Peace, but rather in three rival continental systems—European, American, and Asiatic; with a fourth, Africa, as an *enfant terrible*. We must remember that the Monroe doctrine was a reaction and revolt against the Holy Alliance—the League of a century ago: that the pan-American and pan-Islamic movements were reactions against the Concert of Europe—the League of a generation ago: and that the present Soviet system, with its pan-Asiatic ramifications and the American “Big Navy” and “War Outlawry” movements are in reaction and in revolt against the League of to-day.

An analysis of the political problems of the present day shows that they group themselves regionally round the four Continents. The problems of Africa are as yet inseparable politically from those

of Europe. Those of Asia are in course of swift separation ; though such separation is retarded by the rivalry between the British Empire and the Soviet Union. Those of America are already separated under the hegemony of the United States. The present constitution of the League ignores this political process. But a practical recognition of it in the constitution of the League would remove most of the fundamental objections that are felt by Americans and Russians. For the United States will not enter the present League for fear of being entangled in European affairs, such as guarantees of the present frontiers. The Soviet Union will not come in for fear of very similar entanglements. Both Americans and Russians are suspicious of Western and Central European intrigues and imperialism. Both feel that they would be in a minority and might be put under *force majeure* in a League under British and French control. Both feel that the present League's organization represents a system which is foreign to their ideals and interests and which they are content should continue to be so.

#### A REGIONAL REVISION OF THE LEAGUE

The remedy, which we need only consider as far as the United States are concerned, though it applies in both cases, would seem to be a further and more formal recognition of the fundamental facts above mentioned, by a regional reconstruction of the League. We say a further and formal recognition advisedly. Because circumstances have been steadily forcing the practical recognition of this regional principle even within the confines of Europe itself. The impossibility of getting guarantees of frontier settlements, or other forms of security, from States geographically distant and politically indifferent, has caused the general guarantee of Art. 10 of the Covenant to be supplemented and even supplanted by regional alliances. This dangerous tendency to substitute security by armed alliances for the security of the League sanction caused an effort to reconstruct the League more in accordance with real conditions. Thus, Lord Cecil, in 1922, suggested to the Council that there should be continental associations to deal with strictly continental systems. The idea was not taken up, but reappeared in 1923 in the recommendation, made in connection with disarmament, that the nations

of each geographic area should make a separate agreement for their mutual security. It reappeared in 1924, in rather more restricted form, in the Protocol. And finally, this regional idea is reproduced in a still more restricted form—that brings it very far away from the original Covenant and very near to an armed alliance—in the Locarno Pact.

It is also the principle underlying the Four-Power Treaty as to the Pacific, negotiated at Washington and altogether outside the League system. We see, therefore, in this tendency towards a regional reconstruction of the League, the road along which America may some day reach it and revitalize it.

As things are, the League only avoids a collision with the United States by a tacit and tactful recognition that American affairs are outside its *de facto* jurisdiction, and by resigning any such issues to the pan-American Union and its Conferences. But, on the other hand, there are many activities of the League in which the United States and other American peoples are as much interested as any European people or Government. For the work of the League easily divides itself into world-wide services, on the one hand, and into the settlement of European affairs, on the other. In the former activities the United States can participate. And so indispensable is such participation in the interests of herself and of others, that she does so participate in spite of the present prejudice against the League. The Senate accurately expressed the American anti-League attitude when, in ratifying the treaties with Germany and Austria (25th August, 1921), it added a reservation—

“ that the United States shall not be represented or participate in any body, agency, or commission, nor shall any person represent the United States as a member of any body, agency, or commission in which the United States is authorised to participate by this Treaty unless and until an act of Congress shall provide for such representation or participation.”

This reproduces one of the reservations originally attached to the unratified Treaty of Versailles and materially modifies Sec. 4 of Art. II of the Treaty which provides that “ while the United States is privileged to participate ” in any such Commissions or agreements, “ it is not bound to participate.” The reservation was criticized by Mr. Wickersham, an ex-Attorney General, as “ an unconstitutional

invasion of the Executive power by the Senate." Nevertheless the reservation has been respected formally by the Executive.

The United States have, however, thought it necessary in the public interest to be represented by an "Advisory Delegation" or "Unofficial Observers" on the Permanent Advisory Committee on opium and by delegations to the Conferences dealing with Public Health, Relief, Traffic in Women and Children, Traffic in Arms, Communications, Customs, and many matters of general interest. As to the status of these delegations, and observers, Mr. Secretary Hughes stated—

"They are unofficial simply in the sense that they are not and cannot properly become members of the League organization. But so far as our Government is concerned they represent it just as completely as those designated by the President always have represented our government."

As for unofficial co-operation, American Societies, like the Society of International Law, the Bureau of Social Hygiene, the United States Chamber of Commerce, etc., co-operate with the League. Also American finance subscribed five million pounds for the League's financial reconstruction of Austria and one million, five hundred thousand for the relief of Hungary. We have, therefore, plenty of evidence of these two facts: that America will take no part in League solutions of political problems in Europe, but will take part in the League's general services to civilization. And this is consonant with the policy of the Senate as above cited and with the point of view of the American people as above indicated. Though it would be advantageous perhaps to make this relationship to the League clearer on the point of principle.

But this ambiguous acceptance of an association with the League has not prevented Americans from pursuing their own pan-American regulation of international issues—political—legal—and social. We have no space to review pan-American organizations or even to report on their position in the world. But it would seem that in spite of lively internal rivalries and a rather meagre record of practical results, pan-Americanism represents a real force. The list of pan-American Conferences covering almost every common interest of the two countries shows great activity and a certain solidarity. Recent suggestions for developing the Washington Governing Board

of the Union into an American League of Nations show a movement that Geneva would do well to meet half-way. President Wilson's proposal, that afterwards became Art. 10 of the Covenant, was first made with reference to American States only. (January 1916). Mr. Taft thus endorsed this proposal—

“A League of Nations in the Western Hemisphere would be a definite and a long step towards a League in both hemispheres.”

It is not our province here to examine how the pan-American Union can be developed into a regional League of Nations for the American Continent. The recent Conference at Havana indicates that in this the Americans have no easy task. Nor shall we here examine how such a regional League would be brought into relations with a reconstructed League for European affairs and a central League organization for the whole world to which these regional Leagues would refer. We would only suggest to Americans that such a regional American League in relation with a central League authority would be a fulfilment of the Monroe doctrine that would work with less friction than a pan-American Union in which the United States were very much the predominant partner. It would in fact meet the desire of the United States to exercise a practical protectorate over the American continent ; while meeting the desire of the South American States for protection in principle by the League. We would also suggest to our fellow countrymen that such a regional reorganization of the League would enable us to retain, for a time at least, our predominance in European affairs without this excluding, as it now does, both Americans and Russians from the League.

Both Americans and British would give up something. Americans would give up the idea that the pan-American Union or any other American association can be made to rival or replace the League. The British would give up the hope of dominating the central authority of the League with the help of the Dominion representatives and European allies. But neither of these aspirations are sound. The pan-American Union and the British Empire would be all the better for not being exploited for these purposes.

In this more complex but far more complete League Federation there will be a place for an Anglo-American armed neutrality guaran-

teeing the peace and police of the seas. In our opinion this Sea League would be so distinct, both fundamentally and functionally, from the continental and regional Leagues above suggested, that it should be in direct relations with the supreme and central authority of the new League Federation of the world. Like the continental Leagues, this Sea League would settle its own maritime and mercantile problems, subject to its solutions being co-ordinated and controlled by the central authority in the interests of the world as a whole.

In short, such an Anglo-American association for sea police and self-protection, with the accession of other sea Powers, will not only make possible an immediate rehabilitation of the international law of the seas, but will also make probable an eventual reorganization of the League.

#### THE SUGGESTIONS SUMMARIZED

Before closing, let us briefly review the line of advance here laid down for the two peoples—for their public authorities—and for their pacifist movements. The successive steps are as follows—

(A) A revision of the "Root" Arbitration Treaty and of the "Bryan" Conciliation Treaty which shall renounce and outlaw war as between the two peoples and impose an obligation to arbitrate all strictly judicial issues so far as the United States Constitution allows. But which shall not attempt to impose arbitration on all issues and shall rather rely on conciliation procedure as a preventive against war.

(B) A naval disarmament agreement which shall leave to either party the indispensable liberty of action for self-protection, subject to financial limitations. This agreement should establish the principle—(1) that naval armaments shall be reduced, by ratio, to the lowest limit required for sea police—(2) that police operations, such as blockade, bombardment, etc., be only undertaken with the association or approval of the other parties—and (3) that the Narrow Seas be neutralized by regional agreements. These arrangements being made as general as possible by the accession of other sea Powers.

(C) A conference for the revision of international law on the basis of the prohibition of the traffic in arms and of the subjection of naval warfare in such extreme forms as economic blockade to general assent.

(D) A conference for the reorganization of the League on such a regional basis as will allow of the accession of the United States and of the Soviet Union to a Federated League.

All these proposals follow fairly obvious lines of least resistance in which bad mistakes are not likely once the first move is made. But where mistakes are probable and where they would be most fatal is in taking these moves in the wrong order. For example, there is talk of calling a conference for the revision of international law—the third move—before the second move—a naval disarmament agreement—is finished. This would only mean another Conference like that of the Hague that would resolve itself into a *mêlée* of experts manœuvring for a national advantage.

#### A LAST APPEAL

In conclusion, the writers wish to add that, though their arguments are adapted to the policies of the rulers and to the points of view of the ruling class of either party, they are addressed to the public opinion of the two peoples. It is to the citizens who pay the taxes, man the fleets, march in the armies, make and unmake the governments, that this appeal is submitted.

Just before the breakdown of the Geneva Conference, a leading British statesman holding high office, said to one of the writers that there was room in the world for two great peoples like Great Britain and America. That is true. But the trouble is that these two peoples have already grown so great that they will be treading on each others toes or heels unless they can agree as to rules of the road for their common pathway to prosperity—the Sea. It has also been said that they are big enough to be able to differ. We would rather submit here that they are big enough to be able to agree.

Will some future historian of their relations by land or sea—some Bryce or Mahan of the next generation—have to record the bluffing and blustering of two armed “gunmen” warily eyeing each other over a poker-game, or the brotherhood of two gendarmes guarding the peace of the world. These two peoples are great enough and generous enough to behave to each other as gentlemen and to spare the world the spectacle of a rivalry between their protectors and their peace-makers that frustrates the efforts of all men of good will for making a better world.

## APPENDIX

### I. TREATIES

#### A. (1) DIPLOMATIC HISTORY OF THE RUSH-BAGOT AGREEMENT

**T**HE first complaint under the Agreement came in 1838 when the American Government called the attention of the British Government to the presence on Lake Erie of vessels hired and armed by the authorities of Upper Canada to prevent incursions of persons promoting rebellion in that province. The British Government undertook that this armament would be "discontinued at the earliest possible period after the causes creating the danger ceased to exist." (25th November, 1838.) In the autumn of 1839 the United States Government asked that this assurance be made good and, owing to rumours of additional armaments, an appropriation for American armament was voted but no such addition was made. . . . The United States Government again called attention to the matter two years later (25th September, 1841) with reference to two steamships of 500 tons, capable of carrying twenty guns, as exceeding the limitations of the agreement, and asked for an assurance that they be only used for the "sole purpose of guarding H.M. provinces from hostile attack." This assurance was given (30th November, 1841) and the incident was closed.

In 1844 the United States Government launched on Lake Erie the *Michigan* of 498 tons with two 8-inch guns and four 32-pound carronnades. The British Government asked for explanations and the United States replied referring to British vessels of larger tonnage than that authorised by the agreement and suggested a revision in view of changed conditions; Nothing was done, and the larger vessels on both sides remained in use; the *Michigan* being under the Navy Department and not a revenue cutter.

In 1864, in order to stop Confederate operations from Canadian territory, the United States Government chartered two screw steamers and gave the requisite six months' notice to terminate the agreement (23rd November, 1864). But, on the collapse of the Confederate cause,

they withdrew the notice (March, 1865). From the ensuing correspondence it seems to have been accepted on both sides that the limitations should no longer apply to revenue vessels. No naval vessels were thereafter employed on either side. The opening of the Great Lakes to the sea changed radically their strategical situation; but the arrangement nevertheless remained in force. Its revision was referred to the Joint High Commission set up for settlement of American and Canadian questions (30th May, 1898), but nothing resulted. The original agreement is therefore morally in force, though materially its limitations are liberally interpreted.

### (2) TEXT OF AGREEMENT

The naval force to be maintained on the American Lakes by His Majesty and the Government of the United States shall henceforth be confined to the following vessels on each side; that is:

On Lake Ontario to one vessel not exceeding 100 tons burden with one 18-pound cannon.

On the Upper Lakes to two vessels not exceeding a like burden, each armed with like force.

On the waters of Lake Champlain to one vessel not exceeding a like burden and armed with like force.

All other armed vessels on these Lakes shall be forthwith dismantled and no other vessels of war shall be there built or armed.

If either party should hereafter be desirous of annulling this stipulation and should give notice to the effect to the other party it shall cease to be binding after the expiration of six months from the date of such notice.

The naval force so to be limited shall be restricted to such services as will in no respect interfere with the proper duties of the armed vessels of the other party.

## B. LEAGUE OF NATIONS COVENANT. (EXTRACTS)

### ARTICLE 10

The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League. In case of any such aggression or in case of any threat or danger of such aggression the Council shall advise upon the means by which this obligation shall be fulfilled.

## ARTICLE 16

Should any Member of the League resort to war in disregard of its covenants under Articles 12, 13 or 15, it shall *ipso facto* be deemed to have committed an act of war against all other Members of the League, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a Member of the League or not.

It shall be the duty of the Council in such case to recommend to the several Governments concerned what effective military, naval or air force the Members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League.

The Members of the League agree, further, that they will mutually support one another in the financial and economic measures which are taken under this Article, in order to minimize the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking State, and that they will take the necessary steps to afford passage through their territory to the forces of any of the Members of the League which are co-operating to protect the covenants of the League.

Any Member of the League which has violated any covenant of the League may be declared to be no longer a Member of the League by a vote of the Council, concurred in by the Representatives of all the other Members of the League represented thereon.

## II. RESOLUTIONS

A. RESOLUTION SUBMITTED TO THE SENATE BY SENATOR BORAH  
(9th December, 1926)

Whereas war is the greatest existing menace to society and has become so expensive and destructive that it not only causes the stupendous burdens of taxation now afflicting our people but threatens to engulf and destroy civilization ; and

Whereas civilization has been marked in its upward trend out of barbarism into its present condition by the development of law and courts to supplant methods of violence and force ; and

Whereas the genius of civilization has discovered but two methods of compelling the settlement of human disputes, namely, law and war, and therefore, in any plan for the compulsory settlement of international controversies, we must choose between war on the one hand and the process of law on the other ; and

Whereas war between nations has always been and still is a lawful institution, so that any nation may, with or without cause, declare war against any other nation and be strictly within its legal rights ; and

Whereas revolutionary war or wars of liberation are illegal and criminal ; to wit, high treason ; whereas under existing international law wars between nations to settle disputes are perfectly lawful ; and

Whereas the overwhelming moral sentiment of civilized people everywhere is against the cruel and destructive institution of war ; and

Whereas all alliances, leagues, or plans which rely upon war as the ultimate power for the enforcement of peace carry the seeds either of their own destruction or of military dominancy to the utter subversion of liberty and justice ; and

Whereas we must recognize the fact that resolutions or treaties outlawing certain methods of killing will not be effective so long as war itself remains lawful ; and that in international relations we must have, not rules and regulations of war but organic laws against war ; and

Whereas in our Constitutional Convention of 1787 it was successfully contended by Madison, Hamilton, and Ellsworth that the use of force when applied to people collectively, that is, to states or nations, was unsound in principle and would be tantamount to a declaration of war ; and

Whereas we have in our Federal Supreme Court a practical and effective model for a real international court, as it has specific jurisdiction to hear and decide controversies between our sovereign States ; and

Whereas our Supreme Court has exercised this jurisdiction without resort to force for one hundred and thirty-seven years, during which time scores of controversies have been judicially and peaceably settled that might otherwise have led to war between the States, and thus furnishes a practical exemplar for the compulsory and pacific settlement of international controversies ; and

Whereas an international arrangement of such judicial character would not shackle the Independence or impair the sovereignty of any nation, and would not involve or affect the right of self-defense against invasion or attack, such right being inherent and ineradicable, but should not be a mere subterfuge for the traditional use of war : Now therefore, be it

*Resolved* : That it is the view of the Senate of the United States that war between nations should be outlawed as an institution or means for the settlement of international controversies by making it a public crime under the law of nations and that every nation should be encouraged by solemn agreement or treaty to bind itself to indict and punish its own international war breeders or instigators and war profiteers under powers similar to those conferred upon our Congress under Article I, Section 8, of our Federal Constitution which clothes the Congress with the power " to define and punish offenses against the law of nations " ; and be it

*Resolved further* : That a code of international law of peace based upon the outlawing of war and on the principle of equality and justice between all nations, amplified and expanded and adapted and brought down to date should be created and adopted.

Second : That, with war outlawed, a judicial substitute for war should be created (or, if existing in part, adapted and adjusted) in the form or nature of an international court, modelled on our Federal Supreme Court in its jurisdiction over controversies between our sovereign States ; such court shall possess affirmative jurisdiction to hear and decide all purely international controversies, as defined by the code or arising under treaties, and its judgments shall not be enforced by war under any name or in any form whatever, but shall have the same power for their enforcement as our Federal Supreme Court, namely, the respect of all enlightened nations for judgments resting upon open and fair investigations and impartial decisions, the agreement of the nations to abide and be bound by such judgments, and the compelling power of enlightened public opinion.

#### B. RESOLUTION SUBMITTED TO THE SENATE BY SENATOR CAPPER

Whereas, the Congress of the United States on August 29th, 1916, solemnly declared it to be " the policy of the United States to adjust and settle its international disputes through mediation or arbitration, to the end that war may be honourably avoided," and

Whereas, Aristide Briand, Minister of Foreign Affairs of the French Republic, on April 6th, 1927, publicly declared to the people of the United States that " France would be willing to subscribe publicly with the United States to any mutual engagement tending to outlaw war, to use an American expression, as between these two countries," and proposed that the two countries enter into an agreement providing for the " renunciation of war as an instrument of national policy " ; and

Whereas, there has been strong expression of opinion from the people

and the press of the United States in favour of suitable action by our Government to give effect to the proposal of Monsieur Briand ; and

Whereas, the present arbitration treaty between the United States and France providing for the submission to arbitration of difficulties of a legal nature arising between them will terminate on February 27th, 1928 ; and

Whereas, the United States being desirous of securing peaceful settlement of international disputes and the general renunciation of war as an instrument of policy should not be under obligation to furnish protection for such of its nationals as aid or abet the breach of similar agreements between other nations ; now, therefore, be it

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled :

That it be declared to be the policy of the United States :

I. By treaty with France and other like-minded nations formally to renounce war as an instrument of public policy and to adjust and settle its international disputes by mediation, arbitration and conciliation ; and

II. By formal declaration to accept the definition of aggressor nation as one which, having agreed to submit international differences to conciliation, arbitration or judicial settlement, begins hostilities without having done so ; and

III. By treaty with France and other like-minded nations to declare that the nationals of the contracting governments should not be protected by their governments in giving aid and comfort to an aggressor nation (later amended to " belligerent nation " ) ; and be it further

Resolved, that the President be requested to enter into negotiations with France and other like-minded nations for the purpose of concluding treaties with such nations, in furtherance of the declared policy of the United States.

#### C. RESOLUTION INTRODUCED BY CONGRESSMAN BURTON

*To prohibit the exportation of arms, munitions, or implements of war to certain foreign countries.*

Resolved, by the Senate and House of Representatives of the United States of America in Congress Assembled :

That it is hereby declared to be the policy of the United States to prohibit the exportation of arms, munitions or implements of war to any

country which engages in aggressive warfare against any other country in violation of a treaty, convention, or other agreement to resort to arbitration or other peaceful means for the settlement of international controversies.

Sec. 2. Whenever the President determines that any country has violated any such treaty, convention, or agreement by engaging in aggressive warfare against any other country, and makes proclamation thereof, it shall be unlawful, until otherwise proclaimed by the President, or provided by act of Congress, to export any arms, munitions or implements of war from any place in the United States or any possession thereof to such country, or to any other country if the ultimate destination of such arms, munitions, or implements of war is the country so violating any such treaty, convention or agreement.

Sec. 3. Whoever exports any arms, munitions, or implements of war in violation of Section 2 of this Resolution, shall, upon conviction thereof, be punished by a fine not exceeding \$10,000, or by imprisonment not exceeding two years, or both. It shall be the duty of the Secretary of the Treasury to report any violation of Section 2 of this Resolution to the United States District Attorney for the district wherein the violation is alleged to have been committed.

D. RESOLUTION ADOPTED BY THE LABOUR PARTY ANNUAL  
CONFERENCE AT BLACKPOOL, OCTOBER, 1927.

“ The Conference calls upon the Government to reopen negotiations with the United States with a view to the settlement of all outstanding political questions between them, including the question of the control of the sea in time of war, the conclusion of a treaty outlawing war between the two peoples, and a drastic reduction of naval armaments.”



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