

HARPER'S WEEKLY

february 27, 1915

Around the Capitol



The Lusitania Incident

THE American people are beginning to learn by experience some of the principles of international law; but it would be well not to depend upon partisan publications lest they be led astray. For example, there is no rule of international law which forbids the use by a belligerent of the flag of another nation, though there are regulations for the use of the flag by armored vessels, such as that no hostile shot shall be fired from any vessel not using the flag of its own nation. The ruse by which the *Lusitania* escaped the possible danger of submarines, the use of the American flag, has been resorted to over and over again in modern naval wars. It is true that embarrassment may result to a neutral nation, but not if the other rules of warfare are observed. One of the most singular perversions of international law is the contention, first raised by Ex-President Roosevelt and dutifully repeated in the *Outlook*, that it was the duty of the United States under the Hague Convention, to protest against the violation of the neutrality of Belgium, just as Great Britain protested. But the fact is that Great Britain, Germany and France were bound by an ancient treaty, which was adhered to in the war of 1870, to preserve the neutrality of Belgium specifically; while the Hague Convention merely lays down the

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principle that a neutral nation shall not be invaded by a belligerent. Other principles of the Hague Convention are as follows: "A neutral power is not bound to punish acts in violation of neutrality, unless those acts have been committed on its own territory" . . . "The provisions of the present Convention do not apply except between contracting powers and only if all belligerents are parties to the Convention." Great Britain was not a signatory power to the Convention forbidding the invasion of a neutral nation; and although Great Britain did not declare war until a few hours after Germany had invaded Belgium, this is a mere technicality. Serbia and Austria, the ally of Germany, were at war and Serbia was not a signatory power. The fact is that the failure of the European nations at war to become parties to the Hague Convention has practically nullified those Conventions by their own terms. To suppose that the United States should regard itself as the censor of morals for the belligerent nations of Europe is an absurdity on the face of it, and to have made protests against every alleged violation of the Conventions on *ex-parte* testimony, and then to have backed up the protests with force would have meant that by this time the United States would have been at war with Japan in the Orient and with both sides of the great conflict in Europe. It may very well be that out of this conflict as one of the fruits of peace there shall come such a code of international law as shall be agreed to by all the powers. But even in that case the United States will probably insist upon preserving its historic position of supremacy on this continent and of non-interference with the affairs of Europe so long as they do not concern us directly.