

and even if reciprocated, it is not the beginning of hostilities necessarily, not even the equivalent of a non-intercourse act or reprisals. Treaties between A and B are operative, commerce is unchecked, communication other than diplomatic unhindered. There is a background of what is conveniently called "strained relations," which may doubtless grow into hostilities but which equally well may melt away in the warmth of returning good-will or be allayed by reparation. The stoppage of direct diplomatic intercourse may last for a considerable time with no hostile sequel, as in the case of Great Britain and Venezuela with their boundary dispute, for ten years.

So likewise Italy recalled her minister at Washington in 1891 to mark her displeasure at the slowness of redress for the New Orleans lynching. And, breaking relations at its own end, France refused to receive Pinckney in 1796, to show its resentment at Jay's Treaty. Similar pressure was put by the United States upon France in 1834 to enforce the Spoliation Claims, and upon Mexico in 1858 to prevent discrimination against our citizens. None of these instances resulted in actual war.

T. S. WOOLSEY.

THE SEIZURE OF ENEMY SUBJECTS UPON NEUTRAL VESSELS UPON  
THE HIGH SEAS

In the *Journal Officiel* of the French Republic for November 3, 1914, there appears the following brief but very important paragraph:

By reason of measures taken by the German military authorities in Belgium, and especially in France, regarding persons susceptible of being called to the colors, and whom the said authorities have taken as prisoners of war or have held for further action, the Government of the Republic has given instructions that all enemy subjects of the same category as the above and found on board neutral vessels shall be made prisoners of war.

There are several points of view from which this paragraph of a single sentence should be considered. In the first place, German subjects susceptible of military duty are not to be taken from German control, which would be proper enough to do if the French Republic were able to capture them and to remove them from German jurisdiction; the German subjects belonging to this category are those found, not in German territory or in territory subject to German control, nor upon German vessels upon the high seas, from which they could properly be taken, but upon neutral vessels, and such persons are to be made prisoners of war. That is to say, the French authorities are to visit

and search neutral vessels upon the high seas, not neutral vessels which have subjected themselves to French jurisdiction by entering a French port, and the German subjects not actually incorporated in the army, but capable of being so incorporated, are to be removed from the neutral vessels upon the high seas and made prisoners of war.

Now, the reason for this is, not that neutrals have committed any crime for which they are to be punished, but the reason, or pretext, is that German authorities in Belgium and in France have made prisoners of war, or have otherwise held French citizens and Belgian subjects fit for military service. This action of the German authorities is regarded as wrong, and neutral vessels carrying German subjects of the class specified are to suffer for alleged misconduct of German authorities in Belgium and in France.

Retaliation is at best an ugly word, and leads easily to reprehensible acts which people regret and would rather have undone when it is too late. But retaliation upon the enemy which affects only, or principally, neutrals who have committed no wrong is indefensible, and the nation doing so makes the justification of its course very difficult and alienates the sympathy of the neutrals of which the belligerents of to-day stand so sorely in need.

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#### SOME POPULAR MISCONCEPTIONS OF NEUTRALITY

There seems to be considerable popular misconception of the rights and obligations involved in a proper idea of neutrality.

In the first place, it should be observed that the popular idea of neutrality seems to differ widely from its juristic conception or content. In the eyes of the international jurist neutrality is a status or condition, and consists in the observance of the *law of neutrality*. This law consists of certain fairly well-defined rules and regulations which are, historically speaking, for the most part the results of precedents and of a series of compromises between the opposing interests of neutrals and belligerents.

Neutrality has been well defined as "the condition of those states which in time of war take no part in the contest, but continue pacific intercourse with the belligerents." States choosing a neutral status during war enjoy certain legal rights, such as the inviolability from belligerent activities of their own territory and the free use of the high seas,