# BOARD OF EDITORS OF THE AMERICAN JOURNAL OF INTERNATIONAL LAW

CHANDLER P. ANDERSON, New York, N. Y. CHARLES NOBLE GREGORY, Washington, D.C. AMOS S. HERSHEY, Indiana University.
CHARLES CHENEY HYDE, Northwestern University.
GEORGE W. KIRCHWEY, Columbia University.
ROBERT LANSING, Washington, D. C.
JOHN BASSETT MOORE, Columbia University.
GEORGE G. WILSON, Harvard University.
THEODORE S. WOOLSEY, Yale University.

# Editor in Chief

James Brown Scott, Carnegie Endowment for International Peace, Washington, D. C.

Secretary of the Board of Editors and Business Manager of the Journal George A. Finch, 2 Jackson Place, Washington, D. C.

## EDITORIAL COMMENT

### THE WAR IN EUROPE

The great European conflagration which has been predicted for a number of years, and as to the causes, results and conduct of which volumes have been written, has at last come upon the world with amazing rapidity, when it was apparently least expected, and with inexpressible fury. Within less than two weeks from the time when it was first known that a possible casus belli existed between Austria and Servia, growing out of or induced by the assassination of the Archduke Francis Ferdinand and his wife at Serajevo on June 28th last, not only were those two nations involved in armed conflict but they had brought into the maelstrom of war four other great Powers and two lesser ones. Within a few more days a fifth Power had indicated its purpose to take

853

part in this great tragedy of modern times and the "dramatis persona" may not yet be complete. Arrayed against the Dual Alliance, composed of the Teutonic empires of Germany and Austria, are the members of the powerful Triple Entente, Russia, France, and Great Britain with her powerful colonial dominions and her Far Eastern ally, Japan, and the small kingdoms of Servia and Montenegro. Fighting side by side with them are the Belgians, brought unwillingly and involuntarily into the conflict. The Triple Alliance has probably passed into history, for the Italian Government has declared its neutrality and is reported to have taken the position that it is not bound by the alliance to take part in the war because it is one of aggression and not of defense.

What is the cause of the war, and why are the various nations involved? For the real reasons we must no doubt look to the underlying rivalries and jealousies of the peoples affected, and to the clash of their racial ambitions and national interests. On paper, Austria-Hungary, believing that the integrity of their empire was threatened by Servian ambitions and propaganda, delivered, on July 23, 1914, an ultimatum to Servia the conditions of which it could not reasonably be expected would be unconditionally complied with. Upon the failure of Servia to comply unconditionally within the time-limit set in the ultimatum, Austria declared war on July 28, 1914. Russia declined to stand by and quietly allow a further increase of Austrian influence in the Slav countries by a repetition of the events of 1908 when Bosnia and Herzegovina were annexed, or by the reduction of Servia to a state of vassalage, and took steps which unmistakably indicated its purpose of forcibly intervening to protect Servia. Germany, pressed diplomatically by the other great Powers of Europe to stay the precipitate action of her ally, assumed the attitude that the dispute between Austria and Servia was a matter solely for those two countries to settle between themselves, that no other nation, therefore, had a right to interfere, and that she was ready to back her ally in the proposed punitive measures against Servia. She regarded the mobilization of the Russian army, which was begun when the relations between Austria and Servia became threatening, as a menace not only to Austria but to the safety of her own empire, and demanded that the mobilization be discontinued. This demand was ignored by Russia and Germany declared war on August 1, 1914. A simultaneous demand was made upon France, Russia's ally, for a declaration of neutrality in the war with Russia. Upon the failure of France to give such an assurance, diplomatic relations were severed and

France was attacked at several points, including an invasion by the German army through Belgium and Luxemburg. Great Britain, as a party to the treaty guaranteeing the neutrality of Belgium, demanded that Germany respect the guarantees of that treaty, to which she was also a party. Germany declined to comply with this demand and Great Britain on August 4th declared war. Later Japan, the ally of Great Britain in the Far East, demanded that Germany relinquish her possessions there and remove her fleets from Far Eastern waters. Upon the failure of Germany to comply with this demand, Japan, on August 23rd, declared war. In order that there might be no technical hitch in the conduct of the war operations, the different belligerents who had not declared war upon all the belligerents on the other side, took occasion at opportune times formally and officially to do so.

Since its outbreak the war has been pushed with unsurpassed vigor and determination on both sides. The numbers of men and the power and equipment of the armies reported to be engaged seem beyond ordinary comprehension. The details from the battle fields which are allowed to leak through the strict censorship do not seem actually to fall short of the awful carnage and destruction, horrors and suffering described by writers of fiction within the last few years in their predictions of a great catastrophic struggle, which enlightened people everywhere hoped would remain a figment of the imagination. Humanity seems at last to have been dealt a staggering blow in a vital place.

Upon whom rests the grave responsibility for the outbreak of the war and its inevitable results? It is not for the Journal to attempt to say. We refer our readers without comment to the official communications which preceded the opening of hostilities, published by Great Britain and Germany and reprinted in the Supplement to this issue. In them will be found the official views as to the causes of the war and the reasons for and the facts upon which those views are based. Each reader may peruse them and draw his own conclusion.

Regardless of the reasons or responsibility for the war, it has already raised questions of the gravest concern to those interested in the maintenance and progressive development of sound principles and practices of international law. Other questions, important, but of less concern, some of them to be decided for the first time, have also come up for solution. It is the purpose of the Journal, to supply its readers from time to time with articles or editorial comments by competent writers on the different questions raised by or growing out of the war.

The attitude of the United States Government is one of strict and impartial neutrality. Proclamations of neutrality between the various belligerents were promptly issued by President Wilson. In addition, he has let it be known that the Federal Government would look with disfavor upon loans made by Americans to any of the warring nations which might enable them to carry on or prolong the hostilities. He has also issued a statement to the American people asking them individually to remain neutral in words as well as in actions. This statement, which is printed below, besides being published in the daily press throughout the country, has been posted in 60,000 post offices in the United States, in the English, German, Italian, Polish and French languages:

### MY FELLOW COUNTRYMEN:

I suppose that every thoughtful man in America has asked himself, during these last troubled weeks, what influence the European war may exert upon the United States, and I take the liberty of addressing a few words to you in order to point out that it is entirely within our own choice what its effects upon us will be and to urge very earnestly upon you the sort of speech and conduct which will best safeguard the nation against distress and disaster.

The effect of the war upon the United States will depend upon what American citizens say and do. Every man who really loves America will act and speak in the true spirit of neutrality, which is the spirit of impartiality and fairness and friendliness to all concerned. The spirit of the nation in this critical matter will be determined largely by what individuals and society and those gathered in public meetings do and say, upon what newspapers and magazines contain, upon what ministers utter in their pulpits, and men proclaim as their opinions on the street.

The people of the United States are drawn from many nations, and chiefly from the nations now at war. It is natural and inevitable that there should be the utmost variety of sympathy and desire among them with regard to the issues and circumstances of the conflict. Some will wish one nation, others another, to succeed in the momentous struggle. It will be easy to excite passion and difficult to allay it. Those responsible for exciting it will assume a heavy responsibility, responsibility for no less a thing than that the people of the United States, whose love of their country and whose loyalty to its government should unite them as Americans all, bound in honor and affection to think first of her and her interests, may be divided in camps of hostile opinion, hot against each other, involved in the war itself in impulse and opinion if not in action.

Such divisions among us would be fatal to our peace of mind and might seriously stand in the way of the proper performance of our duty as the one great nation at peace, the one people holding itself ready to play a part of impartial mediation and speak the counsels of peace and accommodation, not as a partisan, but as a friend.

I venture, therefore, my fellow countrymen, to speak a solemn word of warning to you against that deepest, most subtle, most essential breach of neutrality which may spring out of partisanship, out of passionately taking sides. The United States

must be neutral in fact as well as in name during these days that are to try men's souls. We must be impartial in thought as well as in action, must put a curb upon our sentiments as well as upon every transaction that might be construed as a preference of one party to the struggle before another.

My thought is of America. I am speaking, I feel sure, the earnest wish and purpose of every thoughtful American that this great country of ours, which is, of course, the first in our thoughts and in our hearts, should show herself in this time of peculiar trial a nation fit beyond others to exhibit the fine poise of undisturbed judgment, the dignity of self-control, the efficiency of dispassionate action; a nation that neither sits in judgment upon others nor is disturbed in her own counsels and which keeps herself fit and free to do what is honest and disinterested and truly serviceable for the peace of the world.

Shall we not resolve to put upon ourselves the restraints which will bring to our people the happiness and the great and lasting influence for peace we covet for them?

If the accounts from the scene of conflict, of violations of the rules of international law, of brutalities committed in contempt of the laws of civilized warfare, and of atrocities perpetrated in disregard of the rights of humanity seem to make it difficult to conform to the President's admonition, let us bear in mind his reply to the protest of the German Kaiser:

I received your Imperial Majesty's important communication of the 7th and have read it with the gravest interest and concern. I am honored that you should have turned to me for an impartial judgment as the representative of a people truly disinterested as respects the present war and truly desirous of knowing and accepting the truth.

You will, I am sure, not expect me to say more. Presently, I pray God very soon, this war will be over. The day of accounting will then come when I take it for granted the nations of Europe will assemble to determine a settlement. Where wrongs have been committed, their consequences and the relative responsibility involved will be assessed.

The nations of the world have fortunately by agreement made a plan for such a reckoning and settlement. What such a plan cannot compass the opinion of mankind, the final arbiter in all such matters, will supply. It would be unwise, it would be premature, for a single government, however fortunately separated from the present struggle, it would even be inconsistent with the neutral position of any nation which like this has no part in the contest, to form or express a final judgment.

I speak thus frankly because I know that you will expect and wish me to do so as one friend speaks to another, and because I feel sure that such a reservation of judgment until the end of the war, when all its events and circumstances can be seen in their entirety and in their true relations, will commend itself to you as a true expression of sincere neutrality.