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Naval War College

LECTURE

DELIVERED BY

Admiral SIR RICHARD WEBB, K.C.M.G., C.B.

In the University of London
Wednesday, 22nd May, 1929

ON

"The Freedom of the Seas"

The Navy League,
13, Victoria Street,
London, S.W. 1.

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THE FREEDOM OF THE SEAS

IN approaching the question of the Freedom of the Seas it is necessary first of all to ask ourselves what exactly is implied by that expression as generally used to-day. Does it mean complete non-interference with merchant shipping? If not, how far, and in what circumstances is control to be exercised?

In trying to find an answer to these questions, no useful purpose can be served by going back to far distant times, but during the Middle Ages the variations in the practice of belligerents in their dealings with Neutrals made the need felt for some common code of Sea Law. This brought about the *Consolato del Mare* of the Fourteenth Century, before which time little consideration had been shown to neutrals by belligerents. Probably it was thought that a sea voyage was a hazardous venture at best, and, amid so many perils, what did one more matter? A successful voyage amply repaid many losses.

The *Consolato del Mare*, which had its origin in Barcelona, while allowing seizure of enemy goods carried in neutral ships, enjoined that both neutral ships and neutral goods found in enemy ships must be returned to their owners. This was generally accepted by us, and came to be known as the English Rule.

In 1753 a Memorial to King George II., drawn up by the greatest legal authorities of the day, including the famous Lord Mansfield, laid it down that :—

> "When two Powers are at War, they have a right to make prizes of the ships, goods and effects of each other upon the High Seas. Whatever is the property of the enemy may be acquired by capture at sea, but the property of a friend cannot be taken, provided he observes his neutrality."

Hence the Law of Nations has established :

> "That the goods of an enemy on board the ship of a friend may be taken.
>
> "That the lawful goods of a friend on board the ship of an enemy ought to be restored.
>
> "That contrabund goods, going to the enemy, though the property of a friend, may be taken as prize, because supplying the enemy with what enables him better to carry on the War is a departure from neutrality."

Again, in 1856, we find the American Secretary of State laying it down that :

> "Humanity and justice demand that the calamities incident to war should be strictly limited to the belligerents themselves and to those who voluntarily take part with them ; but neutrals abstaining in good faith from such complicity ought to be left to pursue their ordinary trade with either belligerent."

He also insisted that :

> "Nations which preserve the relations of peace should not be injuriously affected in their commercial intercourse by those which choose to involve themselves in war, provided the citizens of such peaceful nations do not compromise their character as neutrals by direct interference with the Military operations of the belligerents."

And when the question arose of the United States adhering to the Declaration of Paris the President insisted as a condition of that adherence on the inclusion of the following words :

> "And that the private property of the subjects or citizens of a belligerent on the high seas shall be exempted from seizure by public armed vessels of the other belligerent except it be contraband."

This free conduct for enemy goods could not be agreed to by the other signatory Powers and so, as we all know, that Declaration to which the United States is not an adherent, lays down that Neutral flag covers enemy merchandise and Neutral merchandise is not capturable in any enemy ship unless in each case it be contraband of war. With the ethics of the Declaration of Paris we are not immediately concerned to-day, nor with the circumstances which brought it about, strange though they were. That it has been a grave check on us as belligerents, however, there can be no question. Lord Salisbury said :

> "Before the Declaration of Paris, the English Fleet had been a powerful weapon in subduing Napoleon. But why? We had then the power of declaring a general blockade and of searching neutral ships for enemy goods. In your reckless Utopianism you have flung those weapons away . . . . . I believe that since the Declaration of Paris the Fleet, valuable as it is for preventing an invasion of these shores, is almost valueless for any other purpose."

From this Declaration, then, seems to emerge the meaning of Freedom of the Seas, or rather the Law of the Sea as generally accepted up to the end of the Nineteenth Century, namely, that the Sea was free to all Neutral Trade save and except Contraband to the enemy.

And it must be recognised that the reservation with regard to Contraband is the strain which runs through all these statements and Declarations and is, in fact, the key-note of the matter ; it is essential to a real distinction between a state of belligerency and a state of neutrality. No belligerent could be expected to watch supplies necessary for the military operations of his enemy passing under his very nose which he was able, by his own powers, to prevent. And no neutral State, which does not itself take steps to prevent its nationals from supplying the needs of either belligerent, can, with justice, object to the other belligerent himself taking steps to prevent them.

Even if the neutral State did itself take such steps, there could be no certainty that the belligerents would accept those steps as fully adequate to the circumstances, and would therefore consent to abstain from themselves verifying that the prevention was real and complete. In short, it was always admitted that a neutral State's title to enjoyment of the rights of neutrality must be subject to the rights of belligerents to prevent traffic in contraband of war.

Up to the Nineteenth Century the question of what articles were or were not contraband of war was not one of much complexity. Disputes, of course, arose from time to time on the subject between belligerents and neutrals, but the right of belligerents to stop contraband may be said to have been so well established that it was not called in question in the earlier attempts to codify International Law.

It was not until the Conference of London in 1908 that a general attempt at the regulation of the matter was undertaken. That Conference produced the Declaration of London of 1909, a Code which purported to cover the whole range of the question.

The efficacy of this Code was soon put to the most practical of all tests. Although unratified it was adopted by the Allies in 1914. It failed to pass the test.

By an Order in Council of 20th August, 1914, immunity from capture of conditional contraband consigned to a Neutral Port, but with an enemy destination, generally called "Continuous Voyage," was cancelled. Various other Orders in Council whittled the Declaration down still further until finally in a joint Memorandum, dated 7th July, 1916, England and France notified the Neutral Powers that whereas they had adopted the Declaration of London because it seemed to present in its main lines a statement of the rights and the duties of the belligerents based on the experience of previous Naval wars, nevertheless, as the World-War developed, it became clear that its rules, while not in all respects improving the safeguards afforded to Neutrals, did not provide belligerents with the most effective means of exercising their admitted rights. 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, produced conditions altogether different from those prevailing in previous Naval wars. These Rules, they argued, could not stand the strain imposed by the test of rapidly changing conditions and tendencies which could not have been foreseen.

Now, what were the "tendencies which could not be foreseen" that imposed this unbearable strain ? They are to be found in the "democratisation" of War. Wars are no longer caused by the personal whims of Sovereigns or conducted by small professional armed forces, while the mass of populations take little note of whether a war is in progress or not. They do

not come about unless whole peoples are so deeply stirred as to demand them, and when they do come about they are affairs of peoples, and not merely of Governments or Princes. Moreover, the progress of science has pressed almost every activity of industry into the service of war, and practically the entire population is engaged in war-work of one kind or another. Modern war, that is to say, gathers into its service every individual and every activity of the nation that wages it, so that practically every import that continues to enter after the outbreak of war is needed either directly or indirectly for the conduct of the war, and is, therefore, in a sense, contraband.

Now, the whole grievance of the Neutrals lies in the vexatious delays and losses caused to the innocent trader by the processes of visits, search, detention, prize-court proceedings and so forth, which is the machinery by which contraband trade is detected and prevented : and also to the resultant loss of markets.

As that great exponent of England's Rights at Sea, the late Sir Francis Piggott, so clearly puts it :

> "The mainspring of all neutral action which crosses the field of war is profit: the right of which we hear so much, the right of a neutral to trade with a belligerent resolves itself into a right to reap the enormous profits which result from war : there is in this nothing *per se* wrong, for no trade with a belligerent, not even in that ill-defined class of goods, contraband of war, is forbidden, only it is carried by way of the sea subject to the risk of being seized by either belligerent."

In the late war there can be no question but that the determined resistance and opposition by neutrals to our endeavours to cut off enemy supplies helped largely in prolonging the war and thus adding to the appalling misery and loss of life and money, and to the distress in Europe generally, including the Russian disaster . . . that chaos, the full consequences of which no man can foresee ; and which would never have come about if it had not been for the doctrine that the right of the neutral to his profits was a higher one than the right of the belligerent in fighting for his life and liberty. It was only after the entry of the United States into the War that we were able to make the Economic Blockade a real stranglehold on the enemy.

Similarly, Mahan, writing of the American Civil War and what would have happened if neutral trade had proceeded unchecked, says :

> "The Cotton of the Confederacy, innocent private property, would have gone freely. Commerce, the sources of national wealth, would have flourished in full vigour. Supplies, except contraband, would have flowed unmolested. And all this at the price merely of killing some hundred thousands more men, with proportionate expenditure of money, in the effort to maintain the Union, which would probably have failed, to the immeasurable loss of both sections."

No neutral State, without compromising its neutrality, can profess sympathy with the detected contrabandist, for he must be presumed to have entered the trade fully alive to its risks. If contraband trade were clearly distinguishable from innocent trade then indeed it might be possible to some extent to avoid inconvenience to the innocent neutral trader, as the Conference of London aimed at doing, and the Freedom of the Seas would take on a new form.

But since contraband has now virtually swallowed up all trade in war, belligerents can only avoid inflicting the inconveniences of which neutrals complain by giving up altogether the principle of contraband and the right of blockade.

The proposal that they should do so, has, in the past, been made on more than one occasion. And, side by side with this proposal, was one which we have already referred to as having been made in 1856 by the American Secretary of State, *viz.*, that all private property, even of belligerent ownership, as well as neutral, should be exempt from seizure in time of war at sea as on land.

The motive underlying these proposals would appear to be the desire to extend to the methods of war at sea the application of humanitarian ideas, which have long banished sack and pillage from the practice of land warfare and have substituted requisition on payment for confiscation.

But since the decision whether or not to adopt them must be taken on the question of their practicability rather than on the motive that prompted them, an examination into their efficacy is necessary.

Belligerent private property liable to seizure at sea consists of ships and goods. The seizure of ships has always been defended on the ground that they are potential weapons of war, as much nowadays as in the days of privateers. The case for seizure of goods has been well stated by Admiral Mahan, when he said :

> "Property belonging to private individuals, but embarked in that process of transportation and exchange which we call Commerce, is like money in circulation. It is the life-blood of national prosperity, upon which war depends : and as such is national in its employment, and only in ownership private. To stop such circulation is to sap national prosperity, and to sap prosperity on which war depends for its energy is a measure as truly military as is the killing of the men whose arms maintain war in the field."

Moreover, the reservation as to contraband has nearly always been included in proposals for the immunity of belligerent private property, as we saw in the American Secretary of State's Note.

Even if immunity from capture of belligerent-owned private property had been in force in 1914, the reservation as to contraband would have nullified its practical effect as it did that of the neutral privileges intended to be granted by the Declaration of London.

Hence the question of the immunity of belligerent owned private property is on all-fours with the question of freedom of neutral trade with one belligerent from interference by the other, by reason of its dependence for practical efficacy on the total abandonment by belligerents of the principle of contraband and the right of blockade.

These two questions would appear to have been the underlying reason for the second of President Wilson's famous Fourteen Points, announced by him on 8th January, 1918, when he asked for :—

"Absolute freedom of Navigation upon the Seas outside territorial waters alike in peace and in war except" . . and the exception is significant as the foreword of an entirely new state of things—"as the Seas may be closed in whole or in part by International action for the enforcement of International covenants."

No definite explanation, then or later, was forthcoming as to the President's actual meaning, and consequently the post-War rendering of the expression "Freedom of the Seas" has received almost as many definitions as there are disputants. But a careful study of the various speeches and writings of eminent men would lead one to suppose that what was in President Wilson's mind in drawing up his Fourteen Points and what the advocates of the American doctrine mean by the expression, is Absolute immunity from capture on the High Seas for all goods, whether belligerent or neutral, whether contraband or non-contraband, except by international action and agreement.

The question we now have to consider is whether the Freedom of the Seas, as here defined, is desirable at the present time : and, if desirable, whether it is practicable.

Many of the arguments urged in its favour have already been indicated. A close examination of them to determine the basis from which they proceed leads to the conclusion that wars are inevitable, and that the most that can be done for the advancement of mankind is to mitigate the calamities incident to them. It is pertinent, therefore, to enquire whether wars are really inevitable and whether the measure proposed will, in fact, mitigate the calamities incident to them.

Nobody at the present day is likely seriously to maintain that mankind has yet succeeded in abolishing the danger of future wars. Practically the whole World, however, the United States as well as members of the League of Nations, is turning its attention more than ever before towards solving the problem of the prevention of future wars.

"In the World of yesterday," says Mr. Davis, an eminent American Diplomat and Statesman, "the dominant thought was National security against all comers. If the Covenant of the League, the Locarno Treaties, the Four Power Pacific Treaty and the Kellogg-Briand Pact are anything more than idle words the controlling idea to-day is World-wide peace against all disturbers."

He would be a pessimist indeed who would assert that there is no hope of that aim ever being achieved, for, if that assertion were really justified, responsible Statesmen throughout the World would not be devoting their time and energies to the pursuit.

It is obvious that success in the efforts now being made throughout the World to remove the possibility of future wars would render superfluous the movement in favour of measures designed to mitigate the calamities incident to war.

That, of course, is no reason for discontinuing advocacy of that movement at the present day, or at any time until success is certain : but it does add point to the second enquiry, whether the particular measure proposed ("The Freedom of the Seas") would really help to mitigate the calamities.

The Measure, if in force and faithfully and universally observed, would reduce war at sea to a sort of gladiatorial combat, by which nobody, belligerent or neutral, need be affected in the slightest degree unless they choose to venture into the immediate vicinity of the gladiators (*i.e.* the opposing navies) so as to be endangered by their blows at one another. In fact, sea warfare would become a species of luxury only to be indulged in by those Nations who had provided themselves with a fleet. No nation, however warlike, except those that are peculiarly vulnerable to an invasion by sea on a scale greater than they can repel by land forces, and this exception is one of the gravest moment for the British Empire, would be one whit the worse off if they neglected altogether to provide themselves with Naval Force. Thus, the measure would be very unequal in its effects on various nations. Many would be relieved from the necessity of any Naval expenditure, a relief which would be by no means shared by all.

Moreover, it is worthy of note that the measure does nothing to mitigate the calamities of war on land, greater nowadays than ever before : nor, as Admiral Richmond has pointed out, the perils to neutral vessels and the crews of those vessels from aerial or other bombardment when lying in enemy ports.

If we divide the calamities incident to war into horrors and inconveniencies, we see that it is to the prevention of inconveniences to neutrals that the measure is directed, leaving the horrors to belligerents untouched. That is to say, those who support it from humanitarian motives would seem to have started at the wrong end.

But what chiefly concerns us is, would the measure, the so-called Freedom of the Seas, really be efficacious, that is to say, would it be observed in practice ?

We have to remember that Nations which are earnestly seeking means for the prevention of all wars, as are the civilised Nations of to-day, do not go to war lightly. They only make war when they are so deeply stirred that they feel themselves to be struggling for existence, or —a more likely cause nowadays—for the preservation of civilisation and right. Is any Nation— or group of Nations—which goes to war in such conditions likely to observe artificial restrictions that would reduce war to a gladiatorial combat ?

To take as a concrete example the case referred to by Mr. Davis in his article from which I have already quoted.

"Consider," he says, "what we should do if the United States were at war with a Southern neighbour, Cuba or Mexico, for instance, which was planning to raid the Panama Canal, and munitions and supplies were being shipped by neutrals from Halifax to Havana or Vera Cruz. Would we seize their vessels if we could off Cape Ann and bring them in to Boston for search or would we not ?"

The question is a very pertinent one : to refrain from action seems almost too much to expect of an imperfect human nature at the present stage of the evolution of mankind. It seems inevitable that, on the highest grounds, the Freedom of the Seas would be thrown overboard and the principle of Contraband and the Right of Blockade re-asserted.

And who could contest the justification for reversion to the the old principles ?

Certainly not those who admit that there was a justification for engaging in war in the first instance, and hardly those, even, who reprobate all wars and admit justification for none, even in resistance to aggression. For to do so would be to maintain that the horrors of unjustifiable war must be prolonged and exacerbated in order not to curtail the financial profit of neutral traders, who do not receive the countenance even of their own government. That is not a position in which the most fanatical advocate of humanitarian principles will care to find himself. Moreover, the logic of the matter is hard to understand. Ships on the high seas are to be immune just because they are on the high seas. Those ships may be carrying all kinds of war material to the enemy which the enemy in due time will use to kill his adversary, but his adversary must stand aside and let them pass. The enemy, on the other hand, may invade his adversary's country and bomb his cities. His army may stop all trade, neutral and otherwise, of a port, if he occupies or invests that port ; or his aircraft may bomb a port, destroy shipping and wharves and so stop all business. The only thing that is not permissible is to stop the trade at sea.

It will, therefore, be seen that there is very grave doubt on general grounds, whether the Freedom of the Seas, if agreed to in time of peace, would be observed in time of war by those nations, if any, which were neutral, and that opens up the very much larger question of whether there would or should be any neutrals, a question to which we shall return later.

So much for a general consideration of the case. Now let us turn to the problem as it presents itself to us to-day.

Recent events, while in no way affecting or altering the situation in regard to neutrals, have brought about a different aspect as to the status of neutrals themselves.

The two chief factors, among several, are the Covenant of the League of Nations and the recent Kellogg-Briand Agreement, or, as it is now generally called, the Pact of Paris.

The weapon which the League of Nations relies upon for dealing with a recalcitrant nation is the very negation of the Freedom of the Seas. It proposes, and the members of it undertake on its behalf and in its service, to assert, not only against a recalcitrant nation but also against all neutrals, whether members of the League or not, belligerent rights more drastic than any that have been admitted in the past, or than that have been urged by the most ardent advocate of Naval rights.

Article XI lays down that any war or threat of war whether immediately affecting any of the members of the League or not is hereby declared a matter of concern to the whole League, and Article XVI of the Covenant lays down that :

> "Should any member of the League resort to war in disregard of its Covenants . . 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 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."

No mention is made of Contraband : *all* trade is severed. The measure amounts to a complete blockade by sea and land, though since the expression "blockade" is replaced by "prevention of intercourse" presumably even the limitation as to effective force, imposed by Article IV of the Declaration of Paris, may not be operative. And, furthermore, it does away with all neutrals, save and except those nations which are not members of the League.

The first two Articles of the Paris Pact are as follows :

> "Article I. The High Contracting Parties solemnly declare in the names of their respective peoples that they condemn recourse to war for the solution of international controversies, and renounce it as an instrument of National policy in their relations with one another."
>
> "Article 2. The High Contracting Parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be which may arise among them, shall never be sought except by pacific means."

As is, of course, well known, the United States have not subscribed to the Covenant, but have accepted the Pact of Paris.

It would be difficult to imagine two documents of greater import to the peace of the World than those which I have just read, and volumes might be spoken and written on them, but our object this afternoon is to see how they affect the subject which we are considering.

As arising from these two Covenants we now have two quite distinct kinds of war : what have been called Public or Police Wars and Private or Defensive Wars. The Public Wars are those undertaken by international authority against a peace-breaker. In such wars all the Nations would, in accordance with Article XVI of the Covenant, act together as a form of Police to use force against the offender. Even the most ardent advocate of peaceful measures must agree that it is impossible to abolish force altogether in the present condition of human society, and we find such a pacifist as President Wilson saying there was only one way to insure the world of peace, and that was by making it so dangerous to break the peace that no other Nation would have the audacity to attempt it. But in this case the force would be exercised by or on behalf of the whole community of Nations for the peace of the World, and not only by a single State.

And when you have a community of nations enforcing peace it is impossible to tie their hands by admitting the existence of neutral rights : they must, as Article XVI emphasises, be free to exercise their utmost power : that is to say, all trade would be severed, and consequently, no question of the Freedom of the Seas or Neutral Rights in any form would arise.

But this naturally brings up the very grave question : Suppose the League of Nations enforces its will on a Peace-Breaker and cuts off her trade with, let us say, the United States, which is not a member of the League. Is the United States going to remain neutral ? This is a question which has been continually brought up since 1919 and it is one which only the United States herself can answer. But it has to be borne in mind.

A great American authority, Mr. David Hunter Miller, in writing about the Covenant, says, "The facts are plain. If the League goes on, we come in."

And Professor Gerould, of Princetown University, speaking of Article XI of the Covenant, says "If we (U.S.) attempt to maintain our rights in a public war we shall either break the blockade laid down by the League, in which case we become the ally of the Power which has broken its agreement, and which the League is attempting to discipline, or we shall be forced to make common cause with the League. The dilemma is unescapable."

Private Wars are generally understood to mean wars which the machinery of the League, though employed to the full, has failed to prevent. The possibility exists that a nation, member of the League, may find itself involved in a war in which it is convinced it is struggling for existence or for the preservation of civilisation, but from which the League stands aside and takes no part, possibly because the Council has failed to come to a unanimous decision as to who is the aggressor. Is it reasonable to expect that, in such a war, the Nation so involved would renounce for abstract reasons the weapon that it has undertaken to wield in other circumstances on behalf of the League? If we reflect that the weapon of blockade and contraband has for centuries been recognised as legitimate and is recognised to-day in its most stringent form by the League of Nations as the legitimate weapon of civilisation and right, the unhesitating answer must be "No!"

It is therefore fairly clear that this question of a so-called Private or Defensive War is the most serious one that confronts the peace of the World to-day, and it is admittedly the weak point in the Pact of Paris.

Such a war would, undoubtedly, be undertaken ostensibly under the plea of self-defence, and at present each Nation is, by common consent, the final judge of what constitutes self-defence. It is bound to put its own security in the foreground. If it found itself involved in war it would naturally claim that it was undertaken in self-defence and that therefore it was entitled to the full belligerent rights laid down by the Covenant. Neutrals would equally naturally take their own view of the case and act accordingly. The rights of the belligerents and their enforcement on neutrals would therefore depend very largely on the strength of the belligerents, a situation fraught with all the old evils and difficulty.

Hence it is of the first importance for the League to be able definitely to decide who is the aggressor in any such war. It has been claimed that Article II of the Pact of Paris—which orders that the solution of disputes shall never be sought except by pacific means—gives in itself by implication the test of aggression, since that State is the aggressor which goes to war having definitely refused pacific settlement.

To enforce any decision in regard to the aggressor there must be some International authority. As Mr. Philip Kerr has said, if the Peace Pact is to be effective, *i.e.*, if the weak point is to be eliminated, it will have to be followed up by something more. We shall have to develop a system for the pacific settlement of International disputes which will be an adequate alternative to war. And he points out that we shall have to make a clear differentiation between war and the legitimate use of force for police purposes—in other words, between what are now called Private Wars and Public Wars.

The natural corollary to all this is the abolition of Private Wars: either they must be declared illegal, in which case the aggressor would become the peace-breaker against whom Article XVI of the Covenant is directed, thus bringing about a Public War to suppress this disturbing of peace or some other means of prevention must be found.

That is a question for the future and becomes the ultimate aim of all responsible Statesmen and citizens to-day, namely, to close that hole in the Kellogg Pact and to devise a lasting peace and security for all Nations.

But, until that time comes, it is our duty as British subjects to consider how the Empire stands to-day if, having accepted the Freedom of the Seas, it finds itself involved in a Private War. The supporters of the proposal in this Country argue that we are more dependent than any other Nation on the maintenance of its supplies from overseas. If commerce were inviolable in war, we could never be starved out. Added to that advantage, the necessity would disappear for maintaining a Navy sufficiently numerous to protect our Mercantile shipping, to prevent these islands being blockaded and to exercise blockade upon our enemies. The Navy's responsibilities would be reduced to the protection of our territories, our vast territories, from invasion—and to that extent, no very great one I might say, our financial burden would be lightened. Our difficulties with neutrals would be reduced, since the principal cause of friction, that cause which contributed in large measure to bringing in the United States against us in 1812 and threatened to do so in 1915, would be removed. Our expenditure in peace would be reduced, and a very real step towards international disarmament would have been taken. In short, the British advocates of the Freedom of the Seas claim that it would enable us in common with other Nations to reduce our Navy.

Let us see what that implies.

It is true that this country is more dependent than any other upon the maintenance of its supplies from overseas. Hitherto we have secured them by adequate Naval provision. Now we are to depend for their maintenance on our opponents in a Private War observing the sanctity of an international agreement or guarantee. The question arises whether in the present state of international agreements, we can afford to do so. It is argued that if other Nations can, surely we can also : but that argument rather ignores our unique position in this respect.

This country is the only Great Power in the World to which the stoppage of its seaborne supplies would be definitely fatal in a few weeks. As Admiral Mahan puts it, "Her (Great Britain's) dependence upon it (Naval strength) is vital and cannot by her be neglected."* Other Powers in the same period would be inconvenienced to varying degrees by such stoppage, but we shall be immediately reduced to starvation, as I tried to show in a Lecture at this University last year.

The risk of the repudiation of a universal guarantee may be considered small by some : its consequences in the eyes and action of the World at large is still a matter of negotiation : but in any case it is a risk which is immeasurably greater to us, who risk immediate defeat, than to others who risk—or may risk—only immediate inconvenience.

A Treaty or Guarantee may be denounced in a few moments. An adequate Navy, the only thing that can save this country if this particular guarantee should be denounced in war, cannot be created under a term of years. Much, very much, might be said on this subject of reliance on guarantees, but time does not permit of developing it fully. But history has shown

* "Naval Strategy," page 332.

on many occasions how unwise such reliance would be and how cogent are the arguments which may be brought in support of their repudiation. Holland in the Eighteenth Century, Italy in 1914 and Greece when called to the support of Serbia are only a few instances. The point has been very fully developed by Admiral Richmond in recent discussions and articles.

It is true that the inconvenience caused by the stoppage of seaborne trade, which is the worst to which Nations other than Great Britain would be subjected at the outset of a Private War, grows with the passage of time, and with the exercise of strict control at sea into a strangle-hold that finally ensures defeat, as of France under Napoleon, and of Germany in the late War. "In the last analysis," says Mahan, "every great war is won by the Power that controls the sea."

But the effects of the economic pressure of sea power, as applied under existing Sea Laws, and even under Article XVI of the Convention, are slow to produce decisive results on any country which is self-supporting to any considerable degree, or which possesses land frontiers bordering on Neutral States, should any such exist : on any Great Power, in fact, except Great Britain.

Lack of Sea Power will mean to other Powers eventual defeat, if the war lasts long enough and they have not succeeded in winning it by other means in the meanwhile. But they always have the hope of so winning it and the respite which gives the opportunity for victory. Great Britain can have no such hope. She has no other forces beyond the minimum necessary for bare defence, and the stoppage of her overseas supplies would be immediately fatal.

Great Britain's concurrence in the proposal for the Freedom of the Seas would thus expose her to dangers greater than those that threaten any other country from the same cause. It would also compromise her position in the world in another way. This Country and Empire has always relied for her defence and resistance to aggression of any kind, including invasion of her vast territories, on Naval Power rather than on that of Armies, until she was dragged into land operations on the Continental scale in the late war. To-day her armaments are back to the scale of 1914, and could not be restored to that of 1918, even under the stimulus of war, in less time than it took to create armies then, that is two or three years.

Ships cannot conquer or occupy territory. As Nelson pointed out, the fate of Great Empires cannot be decided at sea. In other words, a Sea Power without Allies cannot crush a Land Power to-day any more than it could in Nelson's time.

Hence, Great Britain's armaments constitute no threat of aggression to anyone in the world. But they do, however, constitute a threat to any aggressor, for it is only against an aggressor that they will be brought into action in the future, as they have been in the last two centuries. In short, they always have been used and always will be used, in the words of our Chairman, for our great National object, which is Security—"Security for every questioned right, every threatened interest and the State itself, including its political system and territory." There is certainly no hint of aggression there.

Mr. Davis well summed up the British point of view, while not necessarily agreeing with it, when he said :—

"Their Naval strength and the rules (or absence of them) by which they give it the utmost effectiveness in time of war, seem to them no more than a natural protection to give to that great traditional enterprise the British Empire or the British Commonwealth of Nations, whose security they identify with World Peace."

Great Britain's power in the world, that is to say, which we believe to be a power of right and the advancement of mankind, depends upon her Navy.

It has been pointed out by Mahan and Corbett in arguments to which there is little to be added to this day, that, in the words of the latter :

"The reason why Naval Officers urge with heart and soul the retention of the old right of capture is because they know not how to make war without it, nor can any man tell them."

And Admiral of the Fleet Lord Wester Wemyss has said much the same in the House of Lords.

To adopt the Freedom of the Seas is for this country to renounce the power to make war, with the weight in the World which that power gives, while leaving untouched the same power in the hands of those Powers which maintain armies.

Whether or not that renunciation should be made is a question for the decision of the country and her responsible Statesmen, not of Naval Officers.

Whether or not shackles are to be rivetted on the arms of the Navy is a question for the decision of Statesmen, not of Naval Officers.

But since it is upon the Navy that Statesmen, in the last resort, rely for the execution of their policy, it is the duty of Naval Officers to point out how much and how little they can do if they are shackled.

THE NAVY LEAGUE is the only Organisation whose **sole object** is to watch the interests of the Navy. All patriotic citizens should, therefore, give it their moral and financial support. It is absolutely free from **party politics.** . . .

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