

those rights in what should be a well-justified confidence that their lives will not be endangered by acts done in clear violation of universally acknowledged international obligations and certainly in the confidence that their own Government will sustain them in the exercise of their rights.' Then he presses home Germany's obligation, as a matter of principle and consistency, to now recognise those rights. 'Long acquainted as this Government has been with the character of the Imperial Government and the high principles of equity with which they have in the past been actuated and guided, the Government of the United States cannot believe that the commanders of the vessels which committed these acts of lawlessness did so except under misapprehension of the orders issued by the Imperial German naval authorities. It takes it for granted that, at least within the practical possibilities of every such case, the commanders even of submarines were expected to do nothing that would involve the lives of non-combatants or the safety of neutral ships *even at the cost of failing of their object of capture or destruction.* It confidently expects, therefore, that the Imperial German Government will disavow the acts of which the United States complains, that they will make reparation as far as reparation is possible for injuries which are without measure, and that they will take immediate steps to prevent the recurrence of anything so obviously subversive of the principles of warfare for which the Imperial German Government in the past so wisely and so firmly contended. The Government and people of the United States look to the Imperial German Government for just, prompt, and enlightened action in this vital matter with greater confidence because the United States and Germany are bound together not only by special ties of friendship but also by the explicit stipulations of the Treaty of 1828 between the United States and the Kingdom of Prussia.' There is, moreover, in the present Note an element of firmness which has been conspicuously wanting in some of President Wilson's previous utterances. Expressions of regret and offers of reparation in the case of the destruction of neutral ships sunk by mistake, while they may satisfy international obligations if no loss of life results, cannot justify or excuse a practice the natural necessary effect of which is to subject neutral nations or neutral persons to new and immeasurable risks. The Imperial German Government will not expect the Government of the United States to omit any word or any act necessary to the performance of its sacred duty of maintaining the rights of the United States and its citizens, and of safeguarding their free exercise and enjoyment.

The American Note effectively disposes of Germany's apology for its procedure in the *Lusitania* case. The German defence is that as a submarine cannot hold up a merchant liner until her passengers shall have opportunity of escape, it is justified in destroying her without warning. The Note admits the fact as to the practical inability of the submarine to follow the procedure prescribed by the law of nations, but roundly and logically declares that, for nations that are governed by the recognised principles of humanity, that constitutes a conclusive reason why the submarine should let merchantmen alone. The Government of the United States therefore desires to call the attention of the Imperial German Government with the utmost earnestness to the fact that the objection to their present method of attack against the trade of their enemies lies in the practical impossibility of employing submarines in the destruction of commerce without disregarding those rules of fairness, reason, justice, and humanity which all modern opinion regards as imperative. It is practically impossible for officers of submarines to visit a merchantman at sea and examine her papers and cargo. It is practically impossible for them to make a prize of her, and if they cannot put a prize crew on board they cannot sink her without leaving her crew and all on board her to the mercy of the sea in her small boats. . . . These facts, it is understood, the Imperial German Government frankly admits. We are informed that in the instances of

which we have spoken time enough for even that poor measure of safety was not given, and in at least two of the cases cited not so much as a warning was received. Manifestly, submarines cannot be used against merchantmen, as the last few weeks have shown, without an inevitable violation of many sacred principles of justice and humanity.' The Note makes it perfectly plain also that America cannot recognise the so-called warning to passengers—consisting of an advertisement in American papers—as a justification for the destruction of the vessel. 'This Government has already taken occasion to inform the Imperial German Government that it cannot admit the adoption of such measures or such a warning of danger to operate as in any degree in abbreviation of the rights of American shipmasters or American citizens bound on lawful errands as passengers in merchant ships of belligerent nationality, and that it must hold the Imperial German Government to strict accountability for any infringement of those rights, whether intentional or incidental.' Finally, the Note condemns, without qualification or reserve, the whole principle of the method of naval warfare adopted by Germany in such cases, as being in flagrant and unmistakable contravention of the recognised canons of international law. 'Recalling the humane and enlightened attitude hitherto assumed by the Imperial German Government in matters of international right, particularly with regard to the freedom of the seas; having learned to recognise German views and German influence in the field of international obligations as always engaged upon the side of justice and humanity; and having understood the instructions of the Imperial German Government to its naval commanders to be upon the same plane of human action as those prescribed by the naval codes of other nations, the Government of the United States is loth to believe—it cannot now bring itself to believe—that these acts, so absolutely contrary to the rules and practices and spirit of modern warfare, could have the countenance or sanction of that great Government. . . . It does not understand the Imperial German Government to question those rights, but assumes on the contrary that the Imperial Government accept as a matter of course the rule that the lives of non-combatants, whether they be of neutral citizenship or citizens of one of the nations at war, cannot lawfully or rightfully be put in jeopardy by the capture or destruction of unarmed merchantmen, and recognise also, as all other nations do, the obligation to take the usual precaution of visit and search to ascertain whether a suspected merchantman is in fact of belligerent nationality or is in fact carrying contraband under a neutral flag.'

It would be too much to hope that this document, firm and uncompromising and in every way admirable in tone though it is, will effect any practical result, for Germany is only too well aware that there is neither armed force nor a strong personality behind it. It is, however, something to have on record so strong a protest against German methods, and so clear and definite a declaration, from the greatest of the neutral Powers, of those principles of justice and humanity which it is the interest of the whole civilised world to proclaim and maintain.

Notes

That 'Strafe' Prayer

The German prayer invoking punishment upon England is treated as a subject for general joke by the British public, and of course even more so by the 'Tommies.' The drollest application of the 'strafe' petition which we have seen is that chronicled by the Editor of the *Jarsity*. 'I have just received,' he says, 'from a member of the London Scottish the following note: "We are at a depôt now, a very dull life! Reveille at 5 a.m.; Swedish exercises till noon. Gott strafe Sweden!!"'