

# PROBLEM OF PEACE.

## INTERNATIONAL LEGAL ASPECTS.

### A LEADING ADELAIDE PROFESSOR TALKS.

#### "AMERICA MISUNDERSTOOD."

"The criticism against the United States for not participating in the war has been due in a part to a confusion of political and legal or quasi-legal issues," remarked Professor Jethro Brown to a "Mail" reporter in regard to America's neutrality.

Professor of Law in the University of Adelaide since 1906, this gentleman, a native of South Australia, has devoted particular attention to the constitutional aspect of that great branch of study. The Dublin University conferred on him the degree of D.Litt. in recognition of his literary work as author of "The New Democracy." Among his other publications may be mentioned "Why Federate?" "The Study of the Law," "The Austinian Theory of Law," "The Underlying Principles of Modern Legislation," and "The Control of Monopolies."

has taught the world that something more than treaties and conventions are necessary. Many conditions have been most shamefully violated by the Germans, and I believe that those violations will be visited eventually by the penalties they deserve. Why is Italy in? Firstly, because she holds that the war was one of aggression, and that Austria had violated the treaty in regard to Serbia; and, secondly, because of the growing public indignation against Germany because of her continued violation of the rules of war as defined by the conventions. Conventions cannot, therefore, be called futile. Why are the United States at loggerheads with Germany? Because Germany has violated the rules relating to the treatment of enemy merchant ships. If Germany had followed the usual proce-





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"There are about 40 signatories to the Hague Convention," continued Professor Brown. "They bind the States which they represented to observe certain rules. They did not, by their signature, bind any State to officiate as an international policeman, or even moral censor. No doubt in the interests of humanity it would have been well had the American statesmen indicated their emphatic disapproval of Germany's conduct, but they are not bound to do so by the terms of the Hague Convention. If America were one of the belligerents she would be obliged by the Convention to observe it, and would be entitled by what means she could to see that the conventions were not broken. As a neutral she has acted quite within her rights in not seeking to compel obedience to the convention by the belligerent parties. Most people appear to believe that because nations sign a convention they have not only to observe it but also to insist that other Powers do the same thing. That is not the case at all. The nature of the obligations of the Hague Convention, speaking generally, is simply to observe certain rules, but not necessarily to see that everybody else observes them."

"Can you imagine Great Britain in a position analogous to that of the Americans?"

"Supposing, prior to this great conflict, Argentine and Chili, two of the signatories to the Hague Convention, had declared war against each other. If one of those nations had acted in the grossly illegal way Germany has, would Great Britain have been under an obligation to intervene and to insist on the conventions being observed? I think Great Britain would not have thought so."

## Hague Conventions.

"What specific subjects were dealt with at the Hague Conventions?"

"There were conventions of 1864 and 1907. Speaking of the latter period, Convention I. formulates the rules relating to the opening of hostilities. The second considers the laws and customs of war on land. The third deals with the rights of neutral Powers in a war on land. An official note indicates that this convention does not apply except between contracting parties, and then only if both the belligerents are parties to the convention. The fourth determines the status of merchant ships at the outbreak of hostilities. The fifth relates to the conversion of merchant ships into warships. The sixth concerns mines at sea; the seventh with bombardments by naval forces. The eighth convention adapts the Geneva Convention. The ninth lays down certain restrictions on the exercise of the right of capture in maritime war. The tenth formulates rules governing the establishment of international prize courts. The eleventh decides the rights and duties of neutral Powers in maritime war."

## Are Conventions Adequate?

"Does not Germany's conduct prove the futility of Hague Conventions and peace proposals?"

"It does not. Because four burglaries are committed in a particular suburb that does not indicate that the law against burglary is useless. It does not follow from the fact that Germany has violated the Hague Conventions that those conventions are futile. Great Britain is in the war in order to help to punish a burglar and to justify the law. Still the war