

Great Britain, the former laid mines in the North Sea, in waters open to the traffic of all the nations of the world, and, in particular, waters in which thousands of fishermen of all the northern States of Europe earn their livelihood, and from which they provide food for millions of their fellow countrymen.

But I prefer to deal first with the violation of International Law, which is admitted by the highest official of the German Empire, and to examine the excuse which he offers for it. The defence is necessity.

The German doctrine of Necessity put forward by Dr. von Bethmann-Hollweg is no new doctrine; it is to be found in the writings of several German international lawyers and is a military maxim they have adopted. It is worth while spending a little time in examining the principle which, by making necessity a rule instead of an exception, would, if accepted, result in an annihilation of the laws of war, written and unwritten. This doctrine is stated by one German writer in the following terms: 'A violation of the laws of war must be regarded as not having taken place if the military operation is necessary for the preservation of the troops or the averting of a danger that threatens them and cannot be averted in any other way, or even if it is advantageous either for the effectual carrying out of a military enterprise not inadmissible in itself or the securing of its success.'<sup>1</sup> 'The laws of war cease to be binding,' says another authority, Lueder, 'when the circumstances are such that the attainment of the object of the war and the escape from extreme danger would be hindered by observing the limitations imposed by the laws of war.'<sup>2</sup> These views are in accordance with

<sup>1</sup> Meurer, cited by H. Wehberg, *Capture in War*, p. 4.

<sup>2</sup> Lueder, in *Holtzendorff's Handbuch*, p. 255.