Canada Law Journal.

OL LI.

TORONTO, JUNE, 1915

53

No. 7

THE SINKING OF THE "LUSITANIA."

War has been aptly defined as "an effort by a bell grant to bend its enemy to its will by all means in its power, which do not violate neutral rights or are not ruled out as inhuman."

The sinking of the "Lusitania,' in unarmed passenger vessel, by a German submarine, without warning and without provision or attempt to prevent the appalling loss of life of noncombatant passengers and crew, transgresses the lawful resources of civilized warfare in both respects. It is a flagrant violation of neutral rights in the distruction of neutral lives and property: and unspeakably inhuman. The act is utterly without precedent, and utterly indefensible according to any existing standards of International Law, and may be regarded as the culmination of deliberate acts of terrorism on the part of the German Government in deliberate disregard of fundamental principles of International Law to which that Government has repeatedly expressed its adherence.

It is not a question of blockade, if blockade is to retain any semblance of its accepted meaning and essentials for three generations. The essence of blockade, since the Declaration of Paris of 1856 (to which Prussia is a party), is (1) efficiency of patrol by preponderant naval strength "sufficient really to prevent access to the coastline of the enemy" (Art. 4), and (2) notice, legal and physical notice, to neutrals. The "Lusitania" was an enemy ship, and as such was lawful prize on the high seas. Blockade contemplates neutral, and not enemy, ships. The penalty for breach of blockade is capture and condemnation—not destruction. We do not recall a single instance of the destruction of a blockade runner, but, in any case, misconduct of the ship and protection of life would be indispensable conditions. If the exigencies of the