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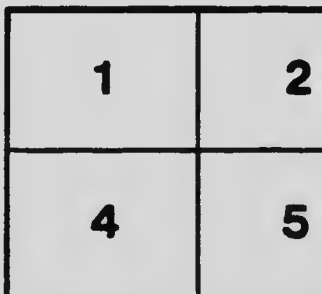
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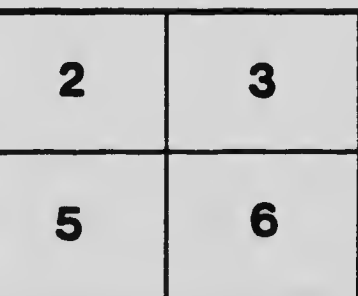
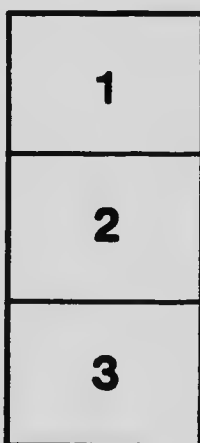
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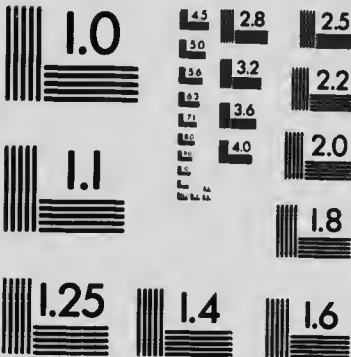
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## THE FREEDOM OF THE SEAS

BY

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The Freedom of the Seas is a phrase which has been much used by Germans for the purpose of injuring the British Empire. Freedom is a word which we all love, and the phrase seems to denote something which is admirable, which we should establish if we do not possess it now; and by saying that they were fighting for it the Germans suggested the idea that it does not exist now. In addition to the Germans, who talked of it because they wished to injure Great Britain, some Americans and a few English people have declared themselves supporters of "The Freedom of the Seas."

But what does the Freedom of the Seas mean when we turn it from a set of words to a definite idea? A country has the right under International Law to control the waters close to its shores, usually termed territorial waters. Outside of territorial waters the oceans and seas are the special property of no one Power, and ships can move across the open sea subject only to the control of the State to which they belong. The ships of any State may navigate the ocean, transport men, carry goods; fishing is open to all. A Power, for instance, can oblige its own ships to conform to certain regulations—say as to load-line, number of crew, or wireless equipment—but it cannot insist upon the ships of other States conforming to these regulations. That is what most of us understand by the term Freedom of the Seas. But the phrase during the late War was interpreted in other and widely different senses.

For the most part the Germans demanded "The Freedom of the Seas" without saying very precisely what they meant by it. A few of them, however, did go into particulars. Thus, in 1917 Professor Heinrich Triepel, in a book entitled *Die Freiheit der Meere un der Künftige Friedensschluss*, said: "There is, however, another 'Freedom of the Seas' which consists of something very different from paper stipulations. It is the freedom of the seas from the tyranny of England.

Let it be our business to acquire sea-power; then we shall have a free sea also. Let it be our business that this war makes England smaller and ourselves bigger. Let it be our business to gain naval bases overseas." Count zu Reventlow, early in 1918, wrote much to the same purpose in the Berlin *Deutsche Tageszeitung*: "What we understand today by this doctrine is that Germany should possess such maritime territories and such naval bases that, at the outbreak of war, we should be able, with our Navy ready, reasonably to guarantee ourselves the command of the seas."

For Count zu Renventlow and Professor Triepel the Freedom of the Seas meant simply the command of the seas—by Germany. According to them, the "Freedom of the Seas" existed already—the British Empire having it and Germany coveting it. According to them, only one nation at a time could have the "Freedom of the Seas." If that is correct, Americans should prefer to have the sort of Freedom of the Seas which the British Empire guarantees rather than that aimed at by Germany. Some of the confusion in this connection lies in the fact that on the seas conditions are exceedingly different in war and in peace. In one age such a phrase would refer to conditions in peace time; in another age it suggests war conditions.

Let us look at the history of trading at sea. Originally, trading at sea was a sort of piracy. Ships went armed on their voyages; when they visited the harbours of strong countries, they bought and sold; when they found weak settlements, or met smaller ships, they plundered. There was little or no law at sea. Gradually this state of affairs improved. But when a particular country was strong enough to control a particular portion of the sea, a tendency often appeared to forbid the ships of other countries to trade in it at all, under penalty of being attacked and captured. In the Middle Ages the Hanse Towns were the great traders of Northern Europe. They were a group of German cities and towns, such as Dantzic, Lubeck, Hambourg, etc. They were organized as a kind of State, they possessed strong fleets, and they had command of the sea in the Baltic and North Seas. At that time the Baltic was an exceedingly important sea for European merchants, as it was a great source of supply in goods they much needed. Dantzic was a particularly important city as through it the goods which Russia produced were sent to Western Europe. English merchants were eager to trade in the Baltic, and with Russia. The Hanse people or Germans, however, forbade English ships to trade with Russia, and sought to prevent English (and other) ships from entering the Baltic at all.

When America and the route around the Cape of Good Hope were discovered, the Spaniards and Portuguese, who had led in exploration, set up the claim that they alone should benefit, and the ships of other nations were warned to keep out of the new seas which had been opened. If an English, or a French, or a Dutch ship were found by the Spaniards near the West Indies, or in the Indian Ocean, it forthwith was to be attacked and captured; and this even if Spain, or Portugal were at peace with England, or France, or Holland. In time the Dutch established a mastery of the region now known as the Dutch East Indies—Java, Sumatra, etc.—and they in turn forbade foreign ships to trade there. Against all these attempts to mark off whole seas as the special property of one nation the English consistently fought, and in the end the idea was abandoned. If the men of those days had heard

the term "Freedom of the Seas," they would have understood by it the right of merchant ships to trade in peace-time on any ocean. That right for a time was denied by Germans, Spaniards, Portuguese and Dutch. It was the English who established it.

After the attempt to earmark whole oceans for one nation failed another sort of restriction was practised. Nations reserved the right of trade between their ports and their colonies for their own ships. Thus Great Britain allowed none but ships flying the British flag to trade between England and her North American colonies, or let us say, between Boston and Jamaica; French, Dutch, or other ships might not legally carry cargoes on such routes. While Canada was French, none but French ships were allowed to trade between France and Quebec. These restrictions were universal; the laws which imposed them in the British Empire were the famous Navigation Acts. As time went on English opinion turned against this policy and about the middle of the nineteenth century these Acts were repealed.

Long before August, 1914, any ship of any nation was free to trade between any part of the British Empire. German ships competed with British ships for trade between England and India, England and Australia, and on many similar routes. They used British ports under the same conditions as those imposed on British ships. Other countries did not follow the British example; for example traffic between the continental portion of the United States, and Hawaii and the Philippines was and is reserved for ships under the American flag, and a British ship is not allowed to carry a cargo from Manila to San Francisco. Thus Freedom of the Seas might now be construed to mean the removal of these American restrictions!

Now let us look at war conditions on the sea. The fleet of a powerful maritime nation in time of war hitherto has sought to do three things: (1) To fight enemy warships whenever and wherever they can be brought to action with advantage; (2) to attack and capture enemy trading ships, and thereby prevent the foe from trading across the sea; (3) to prevent neutral ships from carrying cargoes for the enemy. As to these points and the atrocious nature of Germany's land war methods, why should not sea warfare be so conducted as to exert pressure on the civilian population of the enemy? It can do so only by preventing trade, thereby causing enemy merchants to lose money, and the enemy country to run short of munitions of war, necessary articles and food. In land warfare trade and intercourse is and has to be prevented wherever possible. In 1914 there doubtless were French reservists in Denmark and Holland, and German reservists in Spain; we did not see trains laden with French soldiers peacefully steaming across Germany, or trains filled with German soldiers proceeding across France. No trains crossed the frontier of the two countries at all. In peace, trade is



carried on overland between Holland and Denmark with France; the Germans, interposed as they were between France and these two countries, allowed no such trade in war. The Germans further put an utter stop to all traffic between the occupied districts in France, and the part of France held by the Allies. Nay, more, when they found themselves in occupation of a part of France they made the fullest possible use of the private property they found there. Yet they, and their friends elsewhere, argued that it was wrong for Allied fleets to seize German property at sea?

Finally, there was the argument that, even if it were right to stop enemy merchant ships and seize them on the high seas, it was wrong to interfere with neutral ships or declare that certain enemy ports, or portions of the enemy coastline, were "blockaded"; that is action by a belligerent preventing any merchant ships whatever from resorting to those ports, or that coast. Take the case of a neutral ship—say a Norwegian carrying leather contraband—from the Argentine, a neutral country, to Holland, another neutral country; with clear knowledge that as soon as the leather was landed in Holland it would be put on a train and sent into Germany. Was that breaking the blockade? Yes, said the British, just as the Americans had said in their Civil War fifty years before. Can, therefore, a neutral state demand that a belligerent shall abstain from interference with his sea-trade? In its fullest form this doctrine would make war at sea impossible. The main point, however, is that land warfare imposed exactly the same limitations upon neutral trade as did sea-warfare under Britain's interpretation. Germany did not allow Denmark to send goods to France by land; why should not England prevent Spain from sending goods to Germany by sea?

Such were the general outlines of the problem indicated by this exceedingly vague phrase. The practice of the British Empire was as follows: (1) In peace, let all seas and all British ports be open to the ships of all the world, freely, generously, without discrimination; (2) in war, let part of the pressure upon the enemy be the stoppage of his trade upon the sea, whether open or under cover of neutrals. It was a policy of which Britons need not be ashamed, which we need not hesitate to avow or defend, which was no more lacking in humanity than land-warfare; and by virtue of it justice and righteousness finally triumphed in the World War.

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