

**NEUTRALITY AS INFLUENCED BY THE  
UNITED STATES; A DISSERTATION:  
PRESENTED TO THE  
FACULTY OF PRINCETON UNIVERSITY IN  
CANDIDACY FOR THE DEGREE OF  
DOCTOR OF PHILOSOPHY**

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# NEUTRALITY AS INFLUENCED BY THE UNITED STATES

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# NEUTRALITY AS INFLUENCED BY THE UNITED STATES

## CHAPTER I

### HISTORY OF NEUTRALITY DOWN TO 1776 A.D.

#### I. HISTORICAL INTRODUCTION

The history of the law of neutrality has no source in antiquity. The political and hierarchical theories of government in the ancient world left no room for the existence of anything similar to neutrality.

As late as the middle of the 16th century, there was no word exactly corresponding in meaning to the English word 'Neutrality'. Hugo Grotius, 'the father of International Law', termed neutrals, *Medii* (middle men),<sup>1</sup> and Bynkershoek contented himself with the term 'Non-hostes'.<sup>2</sup>

With the decline of the Holy Roman Empire and the Papacy, and with the rise of national states, the desire for some established regulations to govern their relations commenced to express itself in the maritime codes as early as the 11th and 12th centuries. The earliest of these were the Amalfitan Tables which appeared in the latter part of the 11th century, and the laws of Oleron in the latter part of the 12th century.<sup>3</sup> The *Consolato del Mare* was one of the earliest and most famous of all the collections of maritime regulations in force on the Mediterranean coasts.

The earliest impulses toward neutrality were prompted by the growing desire for commercial intercourse and its later development was also largely due to the growth of maritime trade. The Crusaders opened the route for new trade on a large scale between the West and Near East. The fascinating tales of the 'Golden East', told by the Polos and other Portuguese and Italian navigators aroused among Occidental adventurers a desire for the gold and silver of the land of Cathay,

<sup>1</sup> *De Jure Belli ac Pacis*, edited by Whewell, Vol. III, p. 288.

<sup>2</sup> *Quaestiones Juris Publici*, Vol. I, Pt. IX, p. 67. Bynkershoek also says of neutrals "Bello Se Non Interponant". *Ibid.*

<sup>3</sup> John Godolphin's *A View of the Admiral Jurisdiction*, pp. 10-14.