

**WAR AND THE PRIVATE  
CITIZEN; STUDIES IN  
INTERNATIONAL LAW**

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War and the private citizen; studies in international law by A. Pearce Higgins

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**A. PEARCE HIGGINS**

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**STUDIES IN ECONOMICS AND POLITICAL SCIENCE.**

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WAR AND THE PRIVATE  
CITIZEN

# WAR AND THE PRIVATE CITIZEN

Studies in International Law

By

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AND THE ROYAL NAVAL WAR COLLEGE; AUTHOR OF  
"THE HAGUE PEACE CONFERENCES," ETC.

With

INTRODUCTORY NOTE

by

THE RIGHT HONOURABLE ARTHUR COHEN, K.C

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## INTRODUCTORY NOTE

BY

THE RIGHT HONOURABLE ARTHUR  
COHEN, K.C.

DR. A. PEARCE HIGGINS is the author of what is, in my opinion, by far the most instructive and valuable work that has been written on the Hague Conferences and the London Naval Conference of 1909. His account of these conferences is equally clear and accurate, and his criticism of the work achieved by them is remarkable for its great ability and perfect impartiality. He does not belong to those writers who eulogize everything done at the Hague or in London; on the contrary he proves in several cases that the terms of the Conventions are so vague and uncertain and contain so many conditions and qualifications, that they will be found to be of little or no value. But whilst he does not allow his judgment to be blinded by the humanitarian principles so profusely expressed in the recitals and preambles of the Conventions and in the



speeches of the Delegates, Dr. Higgins does not fail to recognize the valuable results which have been actually attained.

In explaining the result of the second Peace Conference at the Hague, Dr. Higgins said: "The Conference was not a failure, it was disappointing, but it is not discouraging. The work of future Conferences will be greatly assisted if more careful preparation is made of the questions to be brought forward."

It is therefore of great importance that the many important questions of International Law which are left undecided should be carefully studied and investigated before the meeting of the next Hague Conference, and one main object of these studies to which I am writing this introductory note, is to examine some of these questions and to set forth the arguments on both sides.

In the first chapter the author treats of the effect of war on the private citizen as distinguished from the armed forces of the belligerent state, and he proves how the usual statement that a war is a contest between the armed forces of belligerent states is a most imperfect and inaccurate definition, inasmuch as it conceals the important fact that every war must necessarily to some extent affect a non-combatant citizen of the belligerent state, whether he be on land or in a merchant ship at sea, and may

in many cases most seriously injure him both as regard person and property.

In the second chapter the author explains those rules of International Law which relate to hospital ships and the carriage of passengers and crews of destroyed prizes.

The third chapter deals in a very careful and interesting manner with the novel and difficult questions which have arisen and are likely to arise as to the rights and responsibilities of newspaper correspondents in naval warfare, especially in connexion with the modern system of wireless telegraphy.

The fourth and fifth chapters have for their subject matter the conversion of merchant ships into ships of war, and the opening by belligerents to neutrals of trade closed in time of peace. These two questions were discussed both at the Hague Conference and at the Naval Conference in London, but it was found impossible to arrive at any agreement, and under the Declaration of London they were left to be determined by the International Prize Court according to justice, equity, and good conscience. It is on this point that the Declaration of London seems to me open to the gravest objection, for these two most important questions should not have been left for the decision of such

an International Prize Court as was established by the Hague Conference, but ought to have been expressly reserved by the British Government. These two questions are fully discussed by Dr. Higgins with the same ability and impartiality that characterized his earlier and larger work, and his arguments and observations undoubtedly deserve serious consideration. It would be improper for me to enter upon a discussion of the topics with which Dr. Higgins deals in his five chapters, for to do so would be to swell an introductory note into a treatise, and I will content myself with saying that if these chapters be carefully studied we shall, to use the words of Dr. Higgins, "be saved from many of the rash assertions and deceptive half truths which have characterized some of the recent discussions of questions of International Law."

ARTHUR COHEN.