

BELGIUM'S CASE; A JUDICIAL ENQUIRY

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Belgium's case; a judicial enquiry by Ch. de Visscher & E. F. Jourdain & J. van den Heuvel

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CH. DE VISSCHER & E. F. JOURDAIN & J. VAN DEN HEUVEL

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A JURIDICAL ENQUIRY

BY

CH. DE VISSCHER

PROFESSOR OF LAW IN THE UNIVERSITY OF GHEENT

TRANSLATED FROM THE FRENCH BY

E. F. JOURDAIN

PRINCIPAL OF ST. HUGH'S COLLEGE, OXFORD

WITH A PREFACE BY

J. VAN DEN HEUVEL

MINISTER OF STATE; BELGIAN MINISTER TO THE HOLY SEE

UNIV OF
CALIFORNIA

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Consul

TO: VINE
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PREFACE

IN the beginning of August, 1914, when on the verge of the terrible war which put Europe to fire and sword, both Germany and Belgium had to take up a position in regard to problems of a similar type and of supreme importance.

Germany had to decide whether she would respect the neutrality of Belgium which had been guaranteed by her, or whether she would violate it. Her duty was to respect it. On the other hand, her military interest seemed to counsel violation. She did not hesitate, but presented an ultimatum to Belgium—and within two days her troops had invaded Belgian territory.

Belgium, on her part, had to decide whether she would faithfully observe the neutrality to which she was solemnly bound, or whether she would allow German troops to pass through her country. Her duty was to resist. Her political interest was then a

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matter of doubt. She did not hesitate. She refused with scorn to allow her territory to be violated by Germany, and within two days her guns replied to the German artillery.

In proportion as facts take on a certain perspective, and events succeed one another, the determining factors in these two decisions become clearly distinguished, and the world can judge more fairly of the position taken up by the two countries.

At the present time Germany's guilt is universally recognised, even by the neutrals who were most favourably inclined to her. It becomes more and more evident that her government has violated law, that it has miscalculated events, and has prepared for its own defeat.

The honourable action of Belgium is universally acclaimed. From day to day it becomes more clear that the path upon which her government entered was not only the path of honour, but one which most surely led to the future security of her country.

Germany had no sooner invaded Belgium

than she tried to diminish in the eyes of the world the gravity of her action, and to justify it from a political and moral point of view. The ground had been most carefully prepared. Diplomats had set to work : they had arranged two lines of argument for their defence. First they intended to call attention to what they considered to be the imminent danger of a French attack through Belgium. Next they would represent the strategical necessity of making a short cut through Belgium to be a matter of life or death to Germany. Alas for their hopes ! When the day came for public criticism of the facts, the futility of the two lines of argument became evident. It was then that the academic jurists took up the task and flocked to support the cause. These attempted to destroy the juridical value of the treaties. They searched, too, in Belgian archives, and seized upon some written phrases there to support their assertion that Belgium ought to be finally condemned as the actual guilty party. A deluge of pamphlets appeared, a torrent of subtle arguments was let loose.

With great patience Monsieur de Visscher has collected these multitudinous pleas. He has analysed them with care, and refuted them step by step, with equal learning and logic, with equal calmness and good sense.

His work is captivating to the reader : it is a masterly and learned treatise, inspired by a love of Justice. But a most painful impression is produced on reading in it the long list of German jurists, men of real ability, who have eagerly pressed forward one after the other in the attempt to carry out the ungrateful task of justifying what could not be justified. It is grievous to realise the baleful influence which the dream of a new Holy Roman Empire has exercised on their minds, and to trace in their actual working the errors produced by the blind worship of military force.

But turn your eyes from these confused attempts at special pleading, and try to realise the results in actual fact of the violation of Belgian neutrality, and you will then see that far from benefiting by her crime, Germany has been punished appropriately to her sin.