

# Winged Warfare and the League of Nations

## World Federation Necessary to Enforce Regulations for Air Fleets, Neutral and Belligerent, in Time of War---"Freedom of the Seas" Involved

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IN most of the discussions as to the necessity of a League of Peace or a League of Nations, such a league has been advocated, or attacked, by arguments based on conditions of warfare and on relations of nations as they have existed in the past or as they now exist. One may, however, grant the proposition that a League of Nations may not be necessary to deal with a world constituted as it was in 1914 and warring with the weapons of 1914; and at the same time one may consistently urge the absolute necessity of a League of Nations to cope with the international conditions of the future. Wise regulation of the future, and not merely present, conditions is the proper aim of all law making and of all efforts toward social and political adjustment.

If, in August, 1914, the international law of the sea had been framed (and military and naval measures had been planned) with a view to meet and deal with the newly appearing war weapon—the submarine—how different might the history of the last four years have been!

Now, however, the most urgent question before the nations is not what shall be the future law of the sea? but rather what laws and measures shall be framed to deal with still newer weapons now developing—the airplane, the aerial torpedo, the aerial discharge of gas bombs, the employment of wireless for detonation of enemy explosives and for other hostile purposes?

These new weapons must inevitably produce a fundamental change in the methods and conditions of future warfare. Yet little attention has thus far been paid in public discussion to their possible effect upon the international problems now to be settled, and upon the future relations of the nations.

Owing to the peculiar nature of the science of international law, the minds of international jurists inevitably tend to become past-enwrapped rather than projective. The quality of progressive legal imagination, of legal vision, is often lacking.

In view of the fact that the most serious form of military and naval attack in the future is likely to come from the air, how futile is much of the present prolonged discussions as to the past meaning and future scope of old-time phrases like "freedom of the seas," "effective sea blockade," "right of search," "right of destruction of contraband-carrying ships," "duty of removal of passengers and crews," and the like?

Suppose that the nations shall agree to forbid attack by submarine on merchant ships; is such a rule to apply to attack by airplane? How can an airplane identify a merchant ship? How can it exercise the right of search? How can it provide for safety of passengers and crew? How is a sea blockade to be enforced against airplanes? What effect

is the ease and speed with which air attacks can be launched to have on the rules as to initiation and declaration of war? What actual protection can neutral territory have against aerial passage?

How is the law as to the bombardment of cities to be framed with reference to air attacks? Is a city containing munition works, barracks, camps, &c., or surrounded by forts, to be immune from such attacks? If not, what are to be the restrictions on the scope of such attacks? If such a city is to be immune, what is to be its right to refuse to surrender on demand of the attacking air force? Are the laws as to sea transportation of contraband by neutrals to apply to neutral airplanes transporting contraband in the air over the land? What are the rights of enemy airplanes flying over the sea coast territorial waters of neutrals? These are only a few of the questions to be considered.

belligerency, of national isolation and international co-operation.

No one will doubt that, either at the Peace Conference or in some subsequent international conference, aerial warfare must be specifically regulated and a code of law applicable to it must be framed. Equally, without doubt, the degree of its regulation may occasion differences of opinion. There are some who believe that the best way to lessen the chance of future wars is to abandon the totally illogical theory of trying to make war humane, and that the more horribly destructive of property and life war can be made, both among the military and civil population of a country, the less frequently will free peoples decide to engage in war. To this end unrestricted aerial warfare, in view of the comparative cheapness with which it may be employed to occasion speedy, far-reaching, and costly destruction, may unquestionably prove the greatest possible discour-

will be tremendously enhanced. The advantages to be gained by an infraction of law in the employment of aircraft, gas, &c., might be ten thousand fold those which can now be gained by a violation of law relating to land or naval operations. And with the increase of advantages to be so gained, the impelling motives to disregard the law will be correspondingly more potent.

Suppose that in August, 1914, Germany had suddenly launched a fleet of 1,000 airplanes instead of an army of 1,000,000 men; what might have been the result to Paris, to the coast towns, to London? Suppose that France and Russia had possessed similar airplane forces, what might have been the result to the Rhine towns and Berlin? The attack could have been made in a few hours, instead of a few weeks. It could have been made on the English and French fleets, or upon the German fleet, as well as upon the land forces and the cities.

Is it not possible that the results of such initial attacks might have gone far toward settling the war before an actual extensive movement of troops could be begun? Is it not possible that the speedy, tremendous destruction, the burning of cities, and the killing and gassing of civilians might give an initial impulse to one side or the other which no amount of subsequent victories on land or sea could repair?

While those nations which respect their honor will observe the sanctity of treaties and of compacts which they have signed, it is practically certain, deplorable as the fact may be, that the enormous advantage to be

gained from unlawful employment of aerial forces, the speed and degree of loss and destruction to be inflicted thereby upon an adversary, out of all proportion to the chance of loss on its own side, will lead a nation which ignores national honor to employ such a weapon to its fullest extent, regardless of restriction. It is folly to argue that any mere rule of international law or any treaty having a mere moral binding force will prevent such an outlaw nation from seizing the enhanced opportunity which the new form of warfare will present.

We are brought, therefore, to the inevitable conclusion that unless some method is devised of compelling a nation to comply with any future code of international law as to air craft, the framing of such a code will prove even more futile than The Hague treaties and the established doctrines of courts and jurists have proved to be in the past four years. And in view of the above mentioned tremendous temptations to violate such future aircraft law, it would seem that there will be but one possible factor which might deter a nation from yielding to such temptation—namely, the existence of a combined world force, a League of Nations who shall agree to array themselves at once against any nation so violating the international compact and to bring overwhelming retribution upon the offender.



Formation Flight as Seen from One of the Airplanes in the Squadron—A New Photograph Which Is Regarded as the Best One in the Picture Records of the Department of Military Aeronautics at Washington.

To what extent is the value of the maintenance of a great fleet by a naval power likely to be modified by the increased danger of attack upon it from the air? How far should this increased danger modify the right of a naval power to insist on the necessity of framing doctrines of international law in the interests of naval belligerents and adverse to the interests of neutral nations? How far will the possession of an adequate air force by a weaker land power neutralize the advantage heretofore held by a stronger land power possessing large armies?

If possession of adequate air forces by all the nations shall tend to lessen the influence of navalism and militarism, and to neutralize the advantages now held by those nations having the largest armies and fleets, how will this condition affect the arguments against disarmament?

All these problems must be met and settled in the near future. Any treaty of peace, which shall be framed now, on the basis merely of the problems presented by land and sea warfare as hitherto known, will be a treaty which will have a very insecure tenure of life. For no adjustment of the relations of nations can now be made without taking into consideration the probable effect of future aerial possibilities upon questions of peace and war, of neutrality and

ager of war itself. But if the opposite theory is to prevail and aerial warfare is to be strictly regulated so as to reduce its capacity for causing destruction to life and property, then a most formidable question is presented, How are these restrictive regulations to be enforced?

Unfortunately, it has been clearly proved, during the past four years, that it is impossible, under present international conditions, to cause belligerents to adhere to the rules of international law as applied to sea craft of the old types, and to land forces, and even less possible as applied to submarines. During this war, belligerents on both sides (with the exception of the United States) have violated international law, in instances when they have believed that compliance with such law would endanger their own safety. Yet, how much more difficult will it be to compel adherence to any new code of international law which shall be framed to govern aircraft! For, owing to the ease with which the air weapon may be wielded, the lesser expenditure of money and men with which it can be provided, equipped, and used, the swiftness of its operation, its capacity for tremendous destruction, the terror of destruction which it can hold out over populous cities—the temptation to any nation to make unrestricted use of this great power, regardless of rules of law,