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FOR OFFICERS**

FOREWORD

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IRAN

A lecture delivered by
Mr. Edwin M. Wright
at the Naval War College
January 18, 1949

Iran, formerly called Persia by the West, is a large area of 628,000 square miles consisting mostly of rugged mountain ranges higher than any in Europe and comparable to our western Rocky Mountains in height, length and breadth. Similar to Utah, Nevada, Idaho and Wyoming in appearance, it suffers from excessive aridity in most areas. While the great central desert plateau has an elevation of three to four thousand feet, it receives only three to four inches of annual rainfall and is therefore exceedingly sparsely populated. The chains of mountains on the west and north catch the moisture of rising currents of air and so are blessed with some 20 inches of rain per year while on the slopes of the Elburz, facing the moisture laden winds crossing the Caspian Sea, a total of 60-80 inches of rainfall affords life to a mass of tall and tangled jungle growth. On the steamy Caspian Sea coast, these jungles have been cut down and intensive rice cultivation has been introduced, thus supplying livelihood to the most concentrated population in the country.

Geography has had an important role to play in the history of Iran. The jagged mountain barriers have tended to isolate the people from the Arabs to the west, the Slavic hordes to the north, and the Indic masses to the east. Yet natural passes through the mountains have tended to make Iran a bridge of communications for great migrations and trade. Since antiquity, the great silk route from China to the shores of the Mediterranean traversed Iran,

Mr. Wright was born in Iran and is at present with the State Department as Special Assistant to the Director of Near Eastern and African Affairs.

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witnessing invasions of Indo-Iranian tribes as early as the XII Century B. C., to be followed by Parthians, Greeks, Huns, Turks, Arabs and Mongols. While the gates of the Caucasus successfully held off the pressures of the Slav for centuries, they finally were captured in the early Nineteenth Century by Russia, exposing Iran also to infiltration from the north. So, while the almost impassible mountains have helped to preserve a definite Iranian culture and people, the great highways and Iran's strategical position have invited numerous incursions, thus creating strong racial, linguistic and cultural cleavages. The 14 to 16 million people can be classified several ways: as mountain tribesmen, agricultural peasants or town dwellers. Linguistically, one finds the major languages are: Persian, Kurdish and Turkish, with emphatic dialectical differentiations such as Luri, Gilaki and Bakhtivari in each group. In addition, Arabic, Syriac and Armenian are native languages spoken by minority communities. Economically, there is a small privileged land holding aristocracy, a small artisan town class and a large share-cropping agricultural peasantry. Education is limited to a few in the cities and towns and most of the population is illiterate. With all this deep and ancient diversification of patterns, there is a basic Iranian unity of character that has survived.

The Iranian is usually hospitable and courteous but, because of centuries of conquests, he is also suspicious of strangers. He is conscientious regarding the welfare of his family and helping his friends, but he lacks broader social responsibility. He works hard for meager returns. Ages of poverty have dulled his sensitiveness to general human suffering. Herodotus, in the IV Century BC, remarked that, of all nations, the Persians were the quickest to adopt foreign traditions. This adjustability has had both good and bad effects on Iranian character. While at times they have superficially borrowed the outward forms of a strange culture, they have failed to grasp its inner values. Yet in other cases they have seized the kernel of a foreign idea, synthesized it with the genius of their own

and created a new and richer culture. Borrowing the art forms of the Assyrians, they made them more graceful and vital in their own distinctive Persian developments. In their religious contributions they permanently enriched both Judaism and Christianity. In military tactics, they evolved both positional warfare by building heavy stone castles a thousand years before they appeared in Europe, and by the Second Century A. D. they created the heavily armed Kataphracti or armored Knight, who dominated military tactics during the middle ages in Europe. Taken all in all, the Iranian contribution to the west is impressive both in quantity and quality.

Up to the beginning of the sixteenth century Iran occupied a central position in the world's stage and both received and radiated influences to regions ranging as far as from China to the Atlantic. However, the revolution in geography that came about as a result of the discovery of the western world and the circumnavigation of the globe, dislocated Iran's world orientation, disrupted her trade and radically reduced her importance. An era of internal stagnation made Iran an easy prey to prowling imperial forces. Russia launched a series of aggressive wars, detaching province after province from the north, while Great Britain in the Nineteenth Century, anxious to create a buffer state between Russia and India, assisted in splitting off the eastern provinces to form the puppet state of Afghanistan.

By the beginning of this century, it looked as though Iran had come to the end of her long and remarkable national life. Internal decay had almost paralyzed all phases of national life. In the early 1900's the mounting tensions in Europe, associated with the rise of Germany, stimulated Great Britain to find a potential ally in Russia. So, in 1905 the British sent Sir Arthur Nicholson as Ambassador to St. Petersburg with instructions to sound out Russian desires. Russia eventually replied that she would favor an

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agreement with Great Britain, thus isolating Germany, if Great Britain would recognize primary Russian interests in certain parts of the Far East, Tibet and in Iran. Here Russia touched a tender spot in the British strategy of defending her Empire, for Iran controls the land approaches to both the Suez Canal and India and also would afford Russia free access to the seven seas. Yet the necessity of weaning Russia away from Germany was so great that by 1907 Great Britain and Russia signed a secret partition of Iran, by which Russia was granted a large area in the north for "a special sphere of interest" while Great Britain retained a broad strip controlling the Persian Gulf. Iran was not consulted. Dramatic events soon followed in both spheres. The Russians soon found excuse to intervene in a military way and occupy northern Iran, while in the south the British struck oil in deposits so rich that there soon followed an international scramble for the rights and control of this fabulous discovery of wealth and power. The events of 1907 were epochal for Iran inasmuch as they brought that almost forgotten country once more under the focus of world interest. Russian penetration and oil remain the keys to understanding the theme of subsequent history in Iran. Let me belabor these two points for a few moments. First that of Russian penetration.

As early as 1906, the Czars had indicated that they desired all of Iran as the price of entering an entente with Great Britain. The introduction of Russian troops in all northern Iran in 1909 had only half realized the Russian goal, but this aroused a nascent nationalism in Iran which resulted in an appeal to the United States for help. In order to strengthen Iranian independence, the United States recommended a financial adviser, Mr. Morgan Shuster, to assist Iran. But soon after his arrival in 1910, he ran afoul Russian intrigues and under pressure of Russian threats, he was expelled from Iran. His book "The Strangling of Persia" became a classic study of the tactics of encroachment by a great power.

During World War I, Iran became a battlefield. Russian forces used Iran as a corridor through which to outflank Turkey. Germany organized a Fifth Column with which to attack the oil wells while the British introduced forces to protect them. Iran was impoverished and all central authority crushed by these events but a strong resentment toward Europe had developed—a xenophobia that was to mould Iranian foreign policy for the next generation. Iran wanted no vestige of foreign influence to remain but there was no internal power to implement this desire. However, chaos gave birth to a rampant nationalism which was seized upon by a clever, stubborn but uneducated army officer called Riza Khan. By a series of *coup d'etats*, he took hold of the reins of authority, injected some discipline in the army and rapidly promoted himself through successive steps to Prime Minister. In 1925, he exiled the inept, worthless, degenerate monarch, Ahmed Shah, and followed this the next year by crowning himself King. Having gained supreme authority, Riza Shah launched Iran on a program of reforms and development, totalling a capital investment of nearly \$250,000,000 by 1939, which amazed everyone. Iranian life underwent drastic adjustments in an effort to make Iran self-sufficient and to cut loose from all foreign penetration. The plan borrowed many details from that promulgated by Mustafa Kemal of Turkey but it had glaring defects. Riza Shah developed a megalomania, a vindictiveness and greed which sabotaged much of the good at which his reforms were aimed. So, while outwardly great strides were made in security, education, health, transportation and centralization of authority, an excessive price was paid in the growth of graft and in depressing the purchasing power of the peasantry. However, the period 1925-39 was one of outward splendor and independence.

The U. S. S. R. had officially kept a proper attitude toward Iran but with the sign of an international war appearing in 1936 when Italy attacked Ethiopia and the Spanish Civil War broke out,

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large groups of Soviet trained Iranian revolutionaries were secretly sent to Iran to penetrate and capture the immature laboring groups and idealistic intelligentsia. They were unusually successful in spite of police raids and vigilance, so that by 1939, there was a substantial and competent Soviet Fifth Column prepared to operate. Then in the fateful Nazi-Soviet Pacts of 1940, the USSR insisted "that its territorial aspirations center south of the national territory of the Soviet Union in the direction of the Indian Ocean." Thus Iran lay directly athwart the path of Soviet expansion. Assured by Germany of a free hand, the USSR began to look for a pretext for intervention. It came from an unexpected quarter a year later, three months after Hitler had violated his pact and attacked the Soviet Union from the west.

Iran desperately clung to the hope that she could remain neutral but the presence of a small German colony added to the need for opening a route by which supplies could reach the Soviet Union and prompted the USSR and Great Britain to send in troops on August 25, 1941. Resistance collapsed in four days, while in the wake of the Red Army there appeared a well trained cadre of agitators, labor organizers and terrorists, who at once began to infiltrate the army, the government, labor groups and political organizations. This process was slowed because of the presence of British and U. S. troops who were handling Lend Lease shipments across Iran, and because President Roosevelt and Mr. Churchill at the Teheran Conference in December 1943 persuaded Mr. Stalin to sign the agreement declaring a common desire to protect the integrity of Iran. But as World War II came to a close in Europe and Asia, the machinery of rebellion was placed in motion and under the protection of Red guns, an autonomous government was established in Azarbaijan, Iran's richest province adjoining the Soviet border. Then after all other foreign troops had left, and in violation of treaty agreements, the Red Army remained in Iran until the Kremlin felt

that it had established firmly the puppet government of Azarbaijan and, through obtaining a joint Soviet-Iranian oil agreement, had guaranteed future domination of all northern Iran. This activity led to a heated clash at the United Nations when Iran complained of Soviet interference in her internal affairs and the United States took the lead in challenging Soviet activity. By March 1946 the East-West clash was obvious and Iran had been the first issue to expose it.

During the past three years the Soviet Union has pulled out every stop except that of open military invasion, to try to break down the will of Iran to resist. Diplomatic threats, military demonstrations across the border, radio blasts, fomenting of strikes and accusations of plotting aggression against the USSR; all these have failed to bend Iran to submission. Increasing royalties from oil production and advice from U. S. military missions have aided Iran during this period of tension. And, although temporarily frustrated, the USSR still considers Iran the center of her territorial aspirations, because the Soviet leaders know that, with Iran in their grasp, all land communications between Asia and Europe would be disrupted and new continents exposed to the march of revolution.

Iran was the goal of many a conqueror because of her valuable position as related to communication. But to this prize of Iran has been added that of vast oil resources discovered, as I mentioned, in 1907. Although the estimates of oil reserves is quoted at four billion barrels, less than one-sixth of the country has been explored. The Anglo-Iranian Oil Company holding the concession is fifty-five percent a British Government investment. The peculiar geology of the oil domes makes it possible to extract immense quantities of oil with a small investment. From about sixty-five wells, a total of 500,000 barrels a day is being produced. One well at Gaj Saran, brought in in 1913, is still producing nearly 7,000 barrels per day without being put to the pump. Its total production

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in thirty-five years has totalled nearly 90,000,000 barrels, and it seems capable of continuing this indefinitely. The average well in the U. S. A. brings in twelve barrels per day. This valuable asset was of vital importance during the past war. Iranian oil was the main source of power for the British Eighth, Ninth and Tenth Armies, the U. S. Ninth Air Force while stationed in Egypt and Chennault's Tigers in China. It supplied these needs in addition to the civilian demands of the Near East and India as well as West Africa. Last year U. S. marketers, such as Socony Vacuum and Standard Oil of New Jersey, negotiated for a purchase of \$250,000,000 of Iranian oil with which to supply their European markets.

Oil has thus become a dramatic element in Iranian life. It makes possible those economic developments which will end the age old poverty under which Iran has suffered. It contributes to the development of Europe and to safeguarding our own oil resources. But these very factors make it a danger to the survival of Iran as an independent state. While the Soviet Union is on the prowl and hoping to seize Iran both for its central strategic position and its petroleum wealth, Iran finds itself under heavy strain to survive. It has one more chance. If it can develop responsible leadership, utilize its resources honestly and develop a social conscience, then class and regional separatism will decrease and a healthy nation will face its tasks with high hopes of a national future. Again the United States will be called upon for help. About 600 Iranian students are now being educated in graduate and post graduate courses in the U. S. A. American engineers are advising on a large seven year economic development plan. U. S. dollars will be asked to supply a part of the machinery essential for economic exploitation of Iran's wealth.

So the turning wheel of fate has brought these two countries, Iran and the U. S. A., one of the world's oldest and one of the newest, into close and intimate association. Each one needs the con-

tribution of the other toward building a healthy and stable world society. And while we still represent the greatest warehouse and arsenal of democracy, Iran holds a position on the front line combating totalitarianism and aggression. In spite of all her weaknesses and defects, Iran has shown a will to survive. Only *there* was the iron curtain pushed back by the determination of its own people. And where such a will to be independent exists, it deserves our encouragement and cooperation.

LEGAL FOUNDATIONS OF INTERNATIONAL RELATIONS

A lecture delivered by
Judge Manley O. Hudson
at the Naval War College
December 15, 1948

In his introduction to the latest Blue Book published by the Naval War College, Admiral Spruance quoted what he termed "a prophetic utterance" made in 1889 by William Edward Hall. Hall's treatise on International Law was a standard exposition of the British point of view over a whole generation. This was his statement which was quoted by Admiral Spruance:

"It is a matter of experience that times, in which international law has been seriously disregarded, have been followed by periods in which the European conscience has done penance by putting itself under straiter obligations than those which it had before acknowledged. There is no necessity to suppose that things will be otherwise in the future. I therefore look forward with much misgiving to the manner in which the next great war will be waged, but with no misgiving at all as to the character of the rules which will be acknowledged ten years after its termination, by comparison with the rules now considered to exist."

We live today in a decade following a great war. I wish I might tell you that because of the penance which the world's conscience has suffered, great changes are in progress such as Hall foresaw. I would find it difficult to make such a statement, however, and perhaps we shall be on safer ground if we confine our attention today to the international law which has grown up in the past, even though in some respects it has been seriously disregarded in recent years.

Judge Hudson since 1923 has held the Bemis Professorship of International Law at Harvard Law School. He has written several books on International Law, and served for a number of years on The Hague Court of Arbitration and the Permanent Court of International Justice.

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Our system of international law has been developed over a period of more than three centuries. It is distinctly Western and European in origin. In tracing its growth, we usually refer to the Spanish jurist-theologians of the sixteenth century, but we ascribe first place to Hugo Grotius whose great book on "The Law of War and Peace" was first published in 1625. For a long period, international law was conceived to be not only European, but also Christian, and its application was limited to Christian States. In the course of the nineteenth century, however, we broke ourselves free from such limitations, and in the words of the World Court the principles of international law "are in force between all independent nations" and "apply equally" to all of them.

Fundamental in our thinking on international law is the conception of a community of States. All States are necessarily members of this community. There is no room in the modern world for a hermit State living outside of the community—even Nepal has recently come to a realization of this fact, and has brought itself into relations with other States.

If you ask me the number of States forming this international community, I cannot give a simple answer and I think you and I might have some differences of opinion. There are fifty-eight "States" which are members of the United Nations—at least they are all called "States" in the Charter, though some of them do not deserve the compliment. A considerable number of States are not members of the United Nations. However; if we attempted to list them, we should probably be able to agree on fifteen; but we might run into differences of opinion concerning an additional eight or ten, for the status of some political communities is always in doubt. New States have come upon the horizon, and some of those we listed a decade ago have disappeared.

We start basically, then, with the fact that some seventy-

five or eighty States exist in the world—they are more interdependent than independent—and with the conception that these States form a community. This community must have a law to regulate the relations of its members. That is the fundamental fact underlying international law.

This community has suffered greatly in the past from lack of organization. In the early part of the last century, what was known as the Concert of Europe assumed a general direction of European affairs in times of crisis; but organization for regulating ordinary peace-time relations was wholly lacking. Soon after the middle of the century, as the progress of inventions began to draw peoples nearer together, we began to get some permanent organizations. An International Telegraphic Union, formed in 1865, still exists as the International Telecommunications Union; and the Universal Postal Union, formed in 1874, is still functioning smoothly.

Such successes led quite naturally to attempts to form international organization of a more general character. The series of Peace Conferences held at The Hague in 1899 and 1907—the Conference projected for 1914 never met—represented a feeble effort in this direction. Far more ambitious was the League of Nations which began to function in 1920. In the course of twenty years, it laid many useful foundations. Looking back on the period, its failures can easily be exaggerated—in some part they were due to the abstention of our own country. Yet the successes were notable, and they paved the way for a new effort to be undertaken when a disastrous World War had intervened.

The United Nations follows in the footsteps of the League of Nations. Indeed, its Charter is in a sense a revised version of the Covenant. I am not disposed to overstate the prospect created by such a world organization. It still lacks universality. It is crippled by limitations, some of them formalized in its Charter, some of

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them due to divisions among peoples which the Charter cannot erase. Of course failures are to be expected—that is true also of the Government of the United States, though it is one of the most stable and successful governments in the world. Yet failure does not always denote the unwisdom of initial effort, and if the United Nations can be kept functioning its successes may far outbalance its failures. A prospect exists, therefore, for a greatly strengthened international law to serve the interests of a community of States, more integrated than it has ever been in the past.

I think one can safely speak today of a growing body of constitutional international law. Even since 1945, great progress has been made in this direction. The Charter of the United Nations is more than an ordinary international treaty. Some of its provisions expressly envisage States which are not parties to it. And under the Charter a number of specialized agencies have been brought into relations with the over-all Organization—a feat which was never achieved by the League of Nations despite the anticipation put down in Article 24 of the Covenant.

One can also speak today of a great volume of international legislation which orders our international intercourse. It is true that we do not have an international parliament exercising legislative functions analogous to those of the Congress of the United States or of the Parliament at Westminster. Yet it would be a mistake to draw from this fact the deduction that we have no legislation operating across national frontiers. Over almost a hundred years, a clear-cut legislative process has been developed; after preparations which are frequently very protracted, representatives of many States assemble in an international conference, and they often succeed in reaching agreement on legislative texts which later become operative in consequence of their ratification. International legislation is like national legislation

in that there is no requirement that it be universally applicable, or that it should bind those who do not assent to it.

Thanks to this international legislative process, we have today a great volume of world law, some of it accumulated over a period of many years. Unfortunately, it is little known. Even writers on international law often ignore it, so that we cannot be too severe in our reproof of those lay writers and speakers who advocate the creation of a vague "world law" without taking account of what we have already. In a series of fat volumes entitled "International Legislation," I have attempted to collect the legislative texts of the past thirty years; these volumes are in the Library of the Naval War College, and if you will glance at them I think you will be impressed with the extent of the achievement.

During the past hundred years, progress can also be noted in the field of international adjudication. Here, too, we have suffered from lack of organization in the past. Yet in the course of a century, scores of *ad hoc* international tribunals have been created for the judicial application of international law, and with but few exceptions they have functioned with remarkable success. The fact inspired a robust movement for creating a permanent tribunal to which States might take their differences for adjudication according to law. The Permanent Court of Arbitration, created in 1899, as a consequence of this movement, was indeed a feeble step; yet for a quarter of a century, it yielded some results. If it is now somewhat moribund, it still exists with the support of more than forty States. The Central American Court of Justice, created under a Convention of 1907, had a checkered career and expired at the end of a decade.

A more important step for strengthening international law was taken in 1920 when the Permanent Court of International Justice was created. For almost twenty years before the recent

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war, it functioned actively to the general satisfaction of the world. As I was for ten years a judge of this Court, it was a happy day for me when the Conference at San Francisco decided to take the Court over as an organ of the United Nations, and to annex its Statute, slightly refurbished, to the Charter. It was rechristened the International Court of Justice, but the chain of continuity was not broken. This Court is now in session at The Hague, dealing with the *Corfu Channel Case* between the United Kingdom and Albania—a case of great interest to naval officers. I am now engaged in writing the story of its activities during its twenty-seventh year.

I do not minimize the difficulty of persuading States to confer on the World Court jurisdiction over their legal disputes. In 1945, as in 1920, a determined effort was made to write into its Statute provisions which would have invested the Court with what we call “compulsory jurisdiction”—i. e., jurisdiction independent of States’ consent given at the time. While that effort failed, provisions were adopted to enable States desiring to do so to confer such jurisdiction on the Court as between themselves, and thirty-two States are now bound by declarations which have this effect. It is to me a matter for regret that the declaration made by the United States in 1946 was narrowed by two frustrating reservations, one of which would disable the Court from exercising jurisdiction over a dispute to which the United States is a party if the United States declares the dispute to relate to a domestic matter. Fortunately, this American example has not been followed by many other States. Despite such difficulties one can only conclude that very considerable progress has been made in this matter.

More encouraging, perhaps, is the fact that general agreement now exists in the world on the basic features of international adjudication. Opinion is unanimous as to the nature of the judicial function, and as to the essential elements of the procedure to be followed. Nor is there disagreement concerning the obligation of

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States to comply with a judgment of an international tribunal. As a matter of history, the record of such compliance over the years is quite remarkable. If there have been a few cases in which losing States have refused to carry out international judgments, they are the exception and not the rule. Not once has any State defied the World Court by declining to abide by its judgment declaring the applicable law.

I have spoken of the growth of a constitutional international law for the community of States, of the development of a fecund process of international legislation, and of the reassuring record of international tribunals. Let me now say a word concerning the vast number of bipartite treaties by which States have sought to regulate their conduct.

I suspect that most of us do not appreciate the number of treaties in force in the world at any given time. Some twenty years ago, a colleague of mine estimated that not less than fifteen thousand treaties were then in force. I believe his estimate today would go beyond that figure, though the precise status of some treaties may be in doubt. The Department of State is now issuing an excellent publication entitled *United States Treaties and Other International Acts Series*. If you will leaf through the recent numbers of that Series, I think you may be surprised at the extent of your *American* treaty law. Such bipartite treaties are followed and applied in every-day life as a matter of course. Rarely, in time of peace at any rate, does any State refuse to meet its treaty obligations as it understands them to be. No country wishes to have the reputation of violating its pledged word.

Two facts are outstanding from this review: *first*, that judgments of international tribunals are as a rule always complied with; and *second*, that treaty obligations are habitually met.

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There remains another field in which international law has been and continues to be developed—the field of customary law. When over a considerable period of time we find that a number of States have followed a course of action in the belief that they were acting in accordance with what the law ordains, we can say that a customary rule of law has come into being. Such a situation must be appreciated, of course, and the appreciation must be made by men trained in legal technique. I do not wish to exaggerate the extent to which existing international law is based on practice evidencing custom, but within limits this must be recognized as one of the ways by which law accumulates.

Perhaps, I should illustrate this point. Over a course of many years, numerous States asserted jurisdiction over a part of the seas bathing their coasts; gradually, the range of cannon-shot was taken as the limit of such jurisdiction, and in the nineteenth century this range came to be measured in terms of leagues or miles. The States of the world are not agreed on the number of miles—some take three, some take more; but there is now a rule of customary law that the marginal sea forms part of the territory of a littoral State, subject only to the innocent passage of the vessels—at least the merchant vessels—of other States.

What I have said may be summarized in a statement concerning the sources of International Law. Basing myself on Article 38 of the Statute of the International Court of Justice, I must put first “international conventions, whether general or particular, establishing rules recognized by the States concerned.” Then a second source is “international custom, as evidence of a general practice accepted as law”; these are the words of the Statute, but I should prefer to say “international practice, as evidence of a general custom accepted as law.” Then the Statute lists “the general principles of law recognized by civilized nations”—this seems to mean that the Court may apply principles of national law; as all

nations are "civilized," though not in one mould, perhaps the limitation in the Statute is a bit invidious.

Fourth and fifth sources are put down in the Statute as "judicial decisions and the teachings of the most highly qualified publicists of the various nations"; but these are referred to as only "subsidiary means for the determination of rules of law." International judicial decisions do not narrow down from precedent to precedent as do the decisions of national courts in our common law. A case seldom involves a situation precisely analogous to that of a previous case, and precedent plays less of a role in international adjudications than in the work of national courts.

As to the teachings of publicists, I would suggest that one must be on his guard. Few are writers whose works can be used without careful attention to their nationality, the date and place of their writing, and the circumstances which inspired it. Writers, even dead ones, seldom deserve the compliment paid in calling them "authorities." In this country, the treatise published by Wheaton a century ago is outstanding—it has gone through many editions, and has been widely published in translations—and yet I should hesitate to consider it authoritative.

If you wish to have at hand a useful readable treatise which is not too bulky for following the development of international law, I can suggest two such small volumes to you: "The Law of Nations," by my Oxford colleague Professor J. L. Brierly—now in its third edition; and "International Law" by my friend Charles G. Fenwick, of the Pan American Union—also now in its third edition. I can also suggest two periodicals which you may wish to have at hand: the weekly *Bulletin of the Department of State*, and the quarterly *American Journal of International Law*, over the past forty-two years.

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My lecture today is of an introductory character. I have sought to give you only a general account of the legal foundations of international relations, without going into the substantive content of our existing law. In our future work we shall have occasion to muster some of its precepts and principles, and to relate them to the concrete situations with which a naval officer is frequently faced.

BOMBER OFFENSIVE

An article by
Air Commodore L. MacLean

★ ★ ★

Smooth the descent and easy is the way:
The gates of hell stand open night and day
But to return, and view the cheerful skies,
In this the task and mighty labour lies.

★ ★ ★

—*Dryden*

“You can stand in any one of a thousand places in the larger cities of Germany and as far as the eye can see there is nothing but ruin. Many of those areas will not be rebuilt for generations—if they are rebuilt at all.” Those are the opening words of an article entitled “Thoughts on the Devastation of the German Cities,” by Leo A. Codd, Editor of the American magazine *Ordnance*. He continues: “Words and photographs are inadequate to describe the degree of damage that has been done to European culture in all the countries where total war from the air was waged.”

From the spiritual he descends to the material and quotes statistics: “To appraise the cost to ourselves in material and in effort ponder these figures: there were more than 1,440,000 bomber sorties and 2,680,000 fighter sorties flown against the enemy. The cost in dollars to the United States for its part in the Air War in Europe was more than \$43,000,000,000.” His figures are taken from the United States Strategic Bombing Survey and are therefore authoritative.

This article is reprinted from the British Magazine, “Fighting Forces.” The opinions expressed are those of the author. Its publication here-in reflects neither the approval nor disapproval of the U. S. Navy or the Naval War College. It is presented merely to acquaint officers with one point of view.

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The cost of the British share, extending as it did over a much longer period, cannot have been less. We thus reach a combined total, expressed in sterling, for the whole air war in Europe, of the order of 21,000,000,000 pounds, a figure at which comprehension boggles. It would be well indeed to ponder on the return for this prodigious outlay since the success or failure of a war, like any other form of the business of life, can only be judged on the basis of results accruing in relation to energy expended. Materially this country is now bankrupt. Spiritually—"What shall it profit a man if he shall gain the whole world and lose his own soul?"

War is essentially an affair of ethics as well as economics and, though the economical aspect presses heavily on the people of the world today, the ethical aspect has continuously occupied the thoughts of mankind in an unceasing endeavour to diminish war's inevitable horrors, and to limit and localize its effects. The advocates of "air power", in urging their claim for precedence, took a firm stand, with a foot planted squarely on each of these bases. In comparison with war waged by military or sea power, air warfare, they maintained, would prove not only more humane but incomparably cheaper. Humane, they argued, because aerial bombardment would not be directed towards the wholesale destruction of humanity, but focussed on those few centres vital to national life, would, through a dislocation of governmental control and the routine of living, undermine public morale, destroy the will to fight and cause a collapse at the centre regardless of the outcome of naval or military action. Cheaper—because cheapness is, of course, inherent in a short war waged by a small air force whose attacks would be so precisely focussed.

Such was the Air Staff's gospel of war, propagated assiduously throughout some twenty years from 1919 onwards; and the people of this country began the war deluded into the belief that it was well founded and practicable. About this let there be no

mistake or evasive thinking. The simple summary above is the essence and substance of what was fed to the public and is essentially and substantially what the man in the street believes today. The protagonists of this gospel were acclaimed, not because of their powers of logical deduction from past events but because, presumably by divine inspiration, they could, despite the lessons from those events, prophesy a new era.

By 1925 the separatist Air Staff doctrine, purely conjectural, had been crystallized and was officially enunciated by the Commandant of the R. A. F. Staff College as follows:

“If the Government had decided that the main effort towards winning the war was to be made by its air power, the object of the Air Force will be to dislocate the national life of the enemy people: and the vital centres would then be—the seat of government, transport and communication systems and the water, light and food supply.”

That the Government did decide, at an early date in hostilities, that the main effort towards winning the war was to be made by air power, is easily ascertained by reference to the utterances of such public authorities as Mr. Churchill and Sir Arthur Harris. Sir Arthur Harris—a Marshall of the Royal Air Force—in his book “Bomber Offensive” writes on page 53:

“It is worth while remarking that no other country in the world had at that time* conceived the possibility of using an air force in this way to fight a war by itself and, within certain limits, win a war outright.”

On page 54:

“Winning a war by bombing as at that time** we were proposing to do.”

* 1940

** 1941

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And, finally on page 76 :

The general idea at this time*** on what civil servants always call a high level, was that the main and almost the only purpose of bombing was to attack the morale of the industrial workers."

Similarly, Mr. Churchill, in a number of speeches, left little doubt on the point, but in particular, in an address to Congress in Washington on 19th May, 1943, he said :

"Opinion, Mr. President, is divided as to whether the use of air power by itself will bring about a collapse of Germany or Italy. The experiment is well worth trying."

It is unnecessary further to labour the point. We have from these two supreme authorities that it was the policy of the Government, accepted by the Air Staff, that the Air Force should attempt the task of fighting and winning a war by an unprecedented process employing an entirely new technique—the process of striking direct at the vital centres in the enemy's economy, using a technique of selective obliteration by means of bombs from the air, to bring about a collapse of public morale and the surrender of the enemy government through popular pressure.

Since the collapse of neither Italy nor Germany did occur until, in the first case American and British armies had overrun the country, and in the second American, British and Russian armies had, foot by foot, fought their way to a convergence from all sides on to Germany's capital with her armies hemmed in and immovable, it is unnecessary to labour the failure of this air-power experiment—the most costly in history.

*** 1942

Despite this failure, the old soothsayers—unabashed, unashamed and active—are still making the same prophecies and the bomber doctrine is still booming. It is therefore more than ever necessary to extricate from the morass of propaganda the few pieces of substance and truth.

In previous articles I have indicated the oblique consequences, on naval and military operations, of the separatist doctrine. In this article I intend to trace the course of the central bomber offensive, not with a view to emphasizing its self-evident failure but in order to reach some estimate of how much or how little it contributed towards, or even retarded, victory.

The indispensable foundation, to bring the experiment even into the realms of feasibility, is the ability on the part of the bombing force to hit a preselected target of known importance in the enemy's economic system. The questions demanding an answer are: Did the bomber force in fact possess the required skill? If not, to what extent was this skill lacking and were the Air Staff aware of its absence before war began?

The first lesson, learned at a desperate price, was that daylight bombing was out of the question. Both Lord Tedder and Sir Arthur Harris leave little doubt about that. Tedder, in the course of a lecture at Cambridge on 18th February, 1947, stated:

“Our operations against the German fleet showed up one respect in which we had been wrong. It had been thought that, though the bomber could not by its very nature be as fast as the fighter, yet it could cope with the fighter provided it had sufficient speed and effective defensive armament. The heavy casualties suffered by the raids off Kiel and Wilhelmshaven showed that this was not the case and from that time on till late in the war the great bulk of our bomber operations over Germany were at night.”

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Harris, less circumlocutory, on page 73 of "Bomber Offensive," states.

"The German defenses were so strong that it was impossible to operate regularly or with any sizeable force by day, so that all our main operations were confined to the hours of darkness."

On page 80:

"Our attacks on the German naval units during the phoney war had shown that we could not operate by day over Germany without completely prohibitive casualties for day fighters and we at once began to prepare and train for bombing at night."

Moreover, on page 39 he demolishes the implication by Tedder that reasonable care had been devoted to ensuring that our bombers were adequately fast and armed. He states:

"The Hampden was cold meat for any determined fighter in daylight as I knew it would be and we got one or two pretty serious knocks. The Hampden was then a most feebly armed aircraft with a single gun on top and a single one underneath manned by a gunner in a hopelessly cramped position, together with a gun firing forward which, as it was fixed, was of no value at all."

Wing Commander Guy Gibson, V. C., describes, in "Enemy Coast Ahead," one of the serious knocks which Harris mentions. He writes, on page 67:

"When, however, these Hampden squadrons were given their chance and did get to Norway in daylight it was pretty fierce slaughter. Their orders were to fly in a very tight box so as to bring as much defensive armament as possible to bear on oncoming fighters, but the Germans were no fools; they had found a weak spot in the Hampdens, for at that time there was a blind area on

either side and the Huns made the best of their knowledge..... Their mode of attack was to fly in formation with the Hampdens perhaps fifty yards out and slightly to the front, and pick off the outside men with their one gun aiming with a no-deflection shot at the pilot. The bomber boys could do nothing about it; they just had to sit there and wait to be shot down. If they broke away they were immediately pounced on by three Messerschmitt 109's waiting in the background. If they stayed the pilot received a machine-gun serenade in his face. One by one they were hacked down from the wing man inwards. Watts said it was a terrible sight to see them burst into flames at about twenty feet, then cartwheel one wing into the cold sea. First B Beer went; that was poor old Peter. Who was next? There was H Harry on the outside. The German gunner carefully took aim, then a few minutes later H Harry disappeared beneath the flaming waves. That was poor old Charles. One pilot made the hopeless gesture of pulling back his hood and firing his revolver at the enemy gunner, but it was no good and his brave act was the last thing he did on this earth. At last low cloud was reached and four out of the twelve managed to scrape home."

This kind of slaughter was not peculiar to the Hampdens. Wing Commander Asher Lee, in his book "The German Air Force," describes the fate of the Battle and Blenheim squadrons in 1940. He writes on page 55:

"The same relative impotence characterized the daylight attacks by British Blenheims and Battles on German troops and communications in the battle area. Flying mostly without escort and in small numbers, they were engaged in operations which were at best hazardous and in the main suicidal."

By the time that it had been decided to resort to night bombing as the panacea against slaughter, the bomber force had