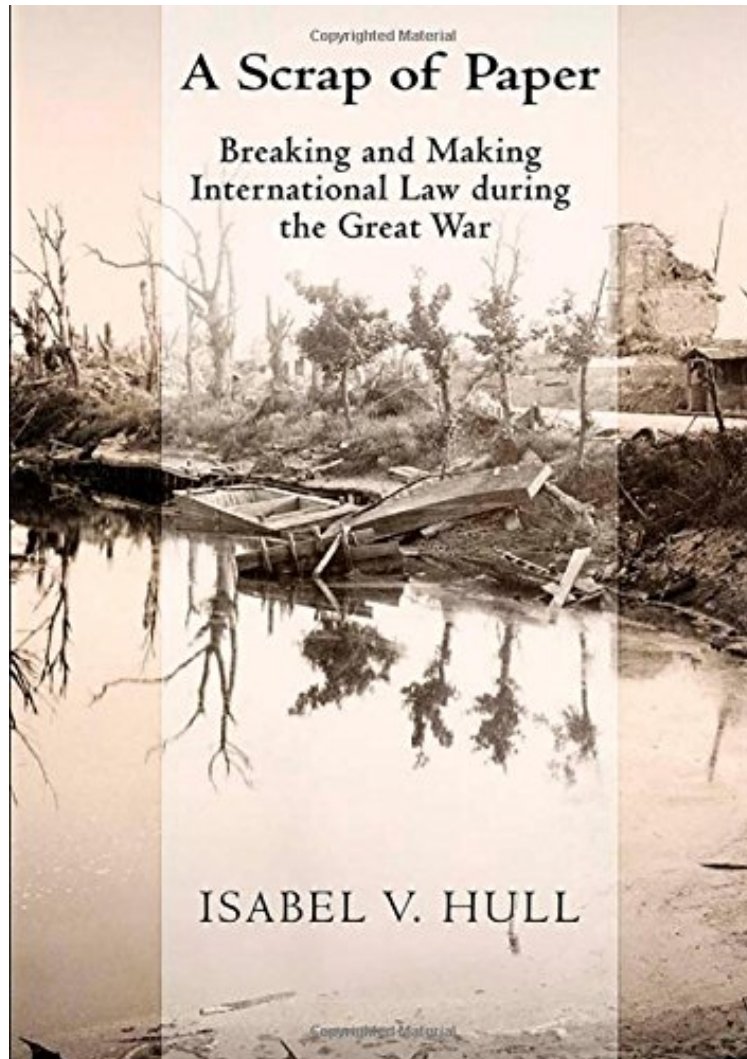


(Free and download) A Scrap of Paper: Breaking and Making International Law during the Great War

# A Scrap of Paper: Breaking and Making International Law during the Great War

*Isabel V. Hull*

*audiobook / \*ebooks / Download PDF / ePub / DOC*



[Download](#)

[Read Online](#)

#1415495 in Books Ingramcontent 2014-05-13Original language:EnglishPDF # 1 9.75 x 7.50 x 1.501, 1.68  
#File Name: 0801452732384 pagesA Scrap of Paper Breaking and Making International Law During the  
Great War | File size: 19.Mb

**Isabel V. Hull : A Scrap of Paper: Breaking and Making International Law during the Great War** before purchasing it in order to gage whether or not it would be worth my time, and all praised A Scrap of Paper: Breaking and Making International Law during the Great War:

8 of 10 people found the following review helpful. Seminal but difficult - not for casual readers.By C. Perelli-MinettiThis is a seminal work which examines closely important questions involved under the conduct of the First World War. The author exhibits great command of the primary sources - both the strength and greatest weakness of

the book. It's not for the faint-hearted: it is heavily-footnoted (many of which are fascinating!) and would be very difficult to get much out of without a tremendous amount of background about the development of the various legal conventions, the various Powers' interpretations of them, and the conduct of the War generally. By a curious combination of circumstances and background, the issues involved in the British conduct of the War at sea, and the entire run up to it from the failure of the various German and British attempts to form an alliance that were finally scotched by Wilhelm's decision to build a serious battle fleet on through the naval rivalry and the several dramatic events at sea early in the War, have been of special interest to me since the '60s. So, when I read Hull's discussion of what various British, neutral, and German governments, particular officials and officers are doing and saying, I've already (though 40 years ago and more) read a fair number of her sources and others she does not cite and have a solid knowledge (and I hope understanding) of the context in which this all took place. I'm also knowledgeable about the Declaration of Paris, the difficulties in the application of those blockade rules in the American Civil War and British punctillo about neutral rights when it was the neutral power. More, I am very much aware of the philosophical differences in the philosophy of law generally between the Continental powers and the Common Law powers. As a lawyer, I read Hull's discussion of the legal issues with that perspective as well. One of my history graduate research seminars focused on the naval rivalry and I feel as if I know most of the important players well. It is with all of this in mind that I find Hull's discussion on the naval issues unsatisfying and lacking context, though erudite and fascinating. As an example of a lack of context, while Hull discusses the (perfectly legal) sinking of British warships by submarine shortly after the outbreak of the war, the (probably legal) sinking of the dreadnought battleship Audacious by a mine in October 1914, and the (more questionable) raid on Yarmouth (where the port was shelled briefly during an interrupted minelaying expedition) in early November, she does not note that decisions about the non-blockade in the fall of 1914 were also being made in the context of the failure to catch the Goeben in the Mediterranean in August (no questionable German behavior) and the panic about perfectly legal German cruiser warfare in the South Pacific, Spee's perfectly legal, but shocking, complete victory at Coronel off the coast of Chile on November 1 and the haste to dispatch Sturdee with a battle cruiser squadron to the South Atlantic. All important to understand what was in the British government's mind. Does her selective discussion reflect predisposition to see the Germans in a bad light? Less understanding of the larger naval context in which the Admiralty was in a panic in 1914 beyond home waters? Who knows - but Hull ignores many of the perfectly legal German actions that reflected badly on the Royal Navy and about which the British could hardly complain of German conduct. The historian with whom I worked in the specific area, the late A M Gollin, specialized in precisely this period (his dissertation was JL Garvin and the London Observer - for those unfamiliar, Garvin and the Observer were pivotal players in supporting the Liberal government's rearmament program). No greater Anglophile than he, and one who pretty much agreed with the larger German culpability for the War, but even he was clear the British non-blockade blockade was illegal and hypocritically (in view of their positions during the American Civil War) trampled neutral rights. To this I add my own reading of the American record of non-neutral neutrality visible in the contemporary documents and sources such as House's Intimate Papers (of which I once had, and read, a set). Much of the land war conduct materials Hull provides were indeed new to me, and fascinating. But, as interesting as this is, my sense is that Hull comes to her subject with her conclusion already formed. In the area I know, her conclusions go beyond what I think the evidence will support. I suspect this does not represent intentional bias, but unquestioned (probably unconscious) metaphysical assumptions about the nature and desirability of international law and about the superiority of Anglo-American thought generally. I actually share some of her assumptions, but I am enough of an intellectual historian to be aware of them and to at least try to keep them from making my historical judgments beyond the whole of the evidence. What makes this impression more than doubly interesting is that Hull is primarily a German historian and academically my contemporary (though I left academia and she stayed). Given that, her mastery of the German sources and context in a way I don't find in her handling of the British and American makes more sense. I think also - despite Hull's decades of work in the German sources - the weight she gives to the style of the arguments the British made does not adequately discount for the very different ways Common law and Continental lawyers think and express arguments. Even when we speak or write in each other's languages, we often talk past one another; our assumptions are really very different. Hull notes that French positions are often closer to the Germans than the British on various points, but doesn't seem to really understand how deep the English Channel is with regards to how English speakers and Europeans think. I suspect that may account for the sense she conveys that she sees more of a fundamental 'rightness' in British thought and ways of thinking. 1 of 4 people found the following review helpful. Five Stars By Michael Skadden Splendid examination of the actions of the UK, Germany and France concerning international law during World War I. 4 of 5 people found the following review helpful. poorly argued By Mark bennett This is strangely argued book. The author attempts to both make a case for a very utopian view of international law before 1914 and for German exceptionalism in the breaking of international law during the first world war. Her thinking is somewhat a reactionary throwback to the immediate aftermath of the first world war. Near the end of the book, she asserts that the postwar treaties were harsh because no word of any German could be believed and that Germans had no concept of a sense of honor. Even if the imperial government Kaiser was overthrown and replaced, the problem was apparently with something about "Germans" as a whole. She entirely

avoids the question of how Friedrich Ebert and the Social Democratic Party could be seen in 1919 in the aftermath of revolution as being a continuation of the Kaiser's wartime government and policies. Her view of pre-1914 international law varies from utopian to almost delusional. Most of the time, international law amounted to agreements that generally served the interests of those who made them. For example, the 1839 treaty on Belgium was not a gesture to guard the rights or independence of small countries. The purpose of the treaty was to protect historic British interests in the area. Interests that the British had been going to war over for hundreds of years. One other matter of great interest is that immediately after the war, the Belgian government itself declared the 1839 treaty a scrap of paper and then made their own territorial claims on the Netherlands in violation of the treaty. The author claims that German violations of international law were greater than those of the other powers. Further, that the German violations were part of an attempt to destroy the entire system of international law. She doesn't do very well in making the case for this. Comparative examples are necessary but she draws them in an extremely narrow fashion. She offers a defense of the British blockade of Europe during the war that makes not much sense. Even though the British were openly breaking the law, they were morally superior because they took the laws they were breaking very seriously. The legal discussions of the clerks in the British foreign office about the laws being broken somehow make the British violations of the law better. What she really misses is that the British attitude toward international law was often about creating effective propaganda for international consumption. If one looked, one could find endless examples in the century before of the British doing clearly outrageous things (especially overseas) behind a veil of very cynical legalism. One could break the law but one had to pretend that one's actions were actually consistent with the law. A particularly ugly can of worms she avoids opening is with regard to the Boer War. Supposed British love of the rights of small states under international law, as per Belgium, didn't seem to matter so much in the context of the Jameson Raid. The extraterritorial rights of British subjects in another country was apparently under Hull's utopian international law sufficient grounds for war and annexation. One would also wonder what Hull would make of the British war on the civilian population (detention camps and scorched earth) under the clockwork system of international law. Perhaps she could adopt Niall Ferguson's view that the fates of women and children in detention camps are no different than that of the wounded soldiers of the enemy on a battlefield after a battle. ("Kitchener no more desired the deaths of women and children in the camps than of the wounded Dervishes after Omdurman") The best example of the British attitude toward international law can be found in the cynical ways the League of Nations was used to put a legal stamp of approval on what amounted to a series of negotiated land-grabs. The cynical treaties carving up the middle east between Britain and France became League of Nations "mandates". What was in reality a strictly imperial land-grab negotiated during the war was presented to the world as a series of treaties and league agreements for the betterment of the peoples of the world. In fact, by carefully constraining all her wartime examples concerning international law to well-known examples in Europe, she dodges most of the true comparative examples with German behavior. German forced labor in Belgium matters. But forced labor on the other side in Africa or Asia doesn't matter in the least. Belgium's neutrality matters. But the French/British policies that first occupied and then tore Greece to pieces don't matter. Then there is the occupation of Persia (Iran). One wonders about the legal reasoning associated with the British forming their own Iranian army in Iran during the war and the legal basis of the various "interventions" on the territory of Russia after the revolution. Worse for Hull's case, the international legal system created after the war was a cynical betrayal of all the principles of international law which these powers supposedly championed. The league simply became another false legal framework which gave the participants the cover to do what they intended to do anyway. Rather than simply annexing territory, they called the annexations "mandates". In the name of self-determination, they created countries like Yugoslavia and Czechoslovakia which it wasn't clear that most of the peoples involved even wanted. What she accomplishes in the book is to highlight various German abuses carried out during wartime including some (forced labor) which are often not talked about. But what she fails to do is create an effective distinction between the German violations of international law and other violations. The notion that talking more about law when breaking it is morally superior to just breaking it doesn't really make a good argument. She claims in the preface that part of her motivation for writing the book was the "lawlessness" of her own country in "the war on terror". But she gets that wrong too. Nearly every action in the "war on terror" has been justified by a legal opinion, no matter how flawed, of one sort or another. The war on terror is carried out very much along the lines of the British legal model in World War One rather than the German one. Ultimately I can't find much of a moral difference between creative one-sided interpretations of laws and treaties to break them versus just breaking them. The problem with international law is that it's more in the form of self-enforced contracts between parties (nations) rather than statutory law enforced by a legal system. The laws are only ever as good as the consequences that countries face in breaking them.

A century after the outbreak of the Great War, we have forgotten the central role that international law and the dramatically different interpretations of it played in the conflict's origins and conduct. In *A Scrap of Paper*, Isabel V. Hull compares wartime decision making in Germany, Great Britain, and France, weighing the impact of legal considerations in each. Throughout, she emphasizes the profound tension between international law and military necessity in time of war, and demonstrates how differences in state structures and legal traditions shaped the way in

which each of the three belligerents fought the war. Hull focuses on seven cases in which each government's response was shaped by its understanding of and respect for the law: Belgian neutrality, the land war in the west, the occupation of enemy territory, the blockade, unrestricted submarine warfare, the introduction of new weaponry (including poison gas and the zeppelin), and reprisals. Drawing on voluminous research in German, British, and French archives, the author reconstructs the debates over military decision making and clarifies the role played by law where it constrained action, where it was manipulated to serve military need, where it was simply ignored, and how it developed in the crucible of combat. She concludes that Germany did not speak the same legal language as the two liberal democracies, with disastrous and far-reaching consequences. The first book on international law and the Great War published since 1920, *A Scrap of Paper* is a passionate defense of the role that the law must play to govern interstate relations in both peace and war.

"*A Scrap of Paper* is a strong demonstration of the worth of international law and the laws of war in particular, and vindicates Ms. Hull's standing as one of our greatest historians of modern European politics." Samuel Moyn, *The Wall Street Journal* (June 6, 2014) "Cornell University history professor Isabel V. Hull gives a thorough and thoughtful investigation into one of the war's trigger points, the legal issues surrounding Germany's invasion of Belgium. The assault widened the war by drawing in Britain, committed by treaty to protecting Belgian neutrality. Germany was a signatory to that same treaty, but its army command believed that "military necessity" trumped international agreements and, as Hull finds, Germany's military seldom coordinated its planning with the country's civilian leaders. *A Scrap of Paper* is a luminous account of war and international law with implications for recent and ongoing world conflicts." David Luhrssen, *Shepherd Express* (August 2014) "*A Scrap of Paper* should be required reading for scholars of World War I and of the laws of war. It raises outstanding questions, such as why World War I is the exception to the rule that major wars tend to be followed by new laws of war. It also should have a wide readership among international relations scholars." Tanisha M. Fazal, *Political Science Quarterly* (Winter 2014-2015) "[*A Scrap of Paper*] is an impressive analysis, by a remarkable historian, of specific international laws (both customary and treaty-based) that were historically regarded as important by the protagonists at the outset of World War I, the Great War of 1914-18. The book's author, Isabel Hull, a professor of history at Cornell University, contends that breaches of these rules were at the heart of the perceived need to have recourse to war. . . . This splendid publication does not in any general sense determine where responsibility lay for World War I. Many books have recently addressed this topic. But that is not the author's intention. Rather she intends and totally succeeds to show that World War I cannot be understood without an appreciation of where the Great Powers stood on the momentous international law issues of the day. Thus she reveals through prodigious scholarship, eschewing the broad sweep and examining in this fashion every relevant international law controversy before and during the war. And through this indirect means (ideally with the help of recently written important histories of World War I), the reader will also have a better sense of Germany's relentless advance towards hegemony. And the reader whose field is international law will have seen deployed in these pages an understanding of various possible interpretations of critical elements of law. Ideas relating to military necessity, self-defense, neutrality, reprisals, 'new weapons,' and constraints in submarine warfare are unfolded here as never before because the historical context in which they were formulated and invoked is so marvelously explained. *A Scrap of Paper* is an outstanding book and a work of exceptional scholarship." Rosalyn Higgins, *American Journal of International Law* (July 2015) "This book will be of interest to serious students of World War I. It explores important, long-forgotten decision making that influenced some of the best known and far-reaching operations in military history. *A Scrap of Paper* is also a source of unusual case studies for practitioners who need to understand how diplomacy, operational design, and strategic communications shape, and are shaped, by international law. This book illuminates challenges facing practitioners today as much as those facing their predecessors a century ago." Michael H. Hoffman, *Military* (July-August 2015) "This book should not get lost in the rather large volume of new studies published as we mark the centennial of the First World War. It makes a distinct contribution not only to the best historiography of the war, but also to the developing body of literature on the intersection of law and international conflict." Peter Price, *Canadian Military History* (23, November 2015) "Over the last decade, with wars in Iraq and Afghanistan, the laws of armed conflict have become matters of popular and public interest. Despite the growth of international humanitarian law, much of the law with which we still operate dates from the fifteen years just before the First World War and was applied within it. *A Scrap of Paper* is the first book to pay sustained attention to the subject of international law in the First World War since 1920. It is not only a timely book, it is an overdue one, and its impact on the study of the war will be important and game-changing. Isabel V. Hull has the linguistic range and scholarly tools to tackle the subject in the truly comparative fashion that its complexity demands." Sir Hew Strachan, *All Souls College, University of Oxford*, author of *The First World War: To Arms* "Isabel V. Hull's passionate narrative of the role of international law in the decision-making processes in Berlin and London during the First World War opens a strikingly original perspective on the consciousness of the wartime actors. This was a war waged also by legal arguments. In the end, the inability and unwillingness of Imperial Germany to defend its case in legal terms crucially undermined its war effort. This is not only superb history, but also the most powerful defense of the role of law in

international crisis that I have read, and as such is of obvious contemporary relevance." Martti Koskenniemi, Academy Professor, University of Helsinki, author of *The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870-1960*. About the Author Isabel V. Hull is John Stambaugh Professor of History at Cornell University. She is the author of *A Scrap of Paper: Breaking and Making International Law during the Great War*, *Absolute Destruction*, and *Sexuality, State and Civil Society in Germany, 1700-1815*, all from Cornell.