



MR. PEPYS IN THE WEST

As to International Law and Outlawing War--What the League of Nations Will Have to Do

as a legalized institution, it is hard to see how such arrangements as it was sought to make by the creation of The Hague Tribunal can result in much more than the increasing of the preliminary ceremonies which would have to be gone through before the benediction of legality would descend upon war."

Law and Order vs. Anarchy

We agreed, after we had smoked many pipes over the question, that the outlawing of war is manifestly the primary essential condition under which the League of Nations for the enforcement of peace can be made effective. If war is to remain lawful, the preparations for war are legitimate and necessary; if war is made criminal, some internationally provided forces, both military and naval, will be required to do the necessary police duty, for its prevention and punishment. For a law without power behind it to compel its enforcement is an absurdity.

The progress of human civilization has primarily meant for the individual that he has had to learn that law is better than anarchy to settle his relation with other individuals in his own community. He has had to learn that it is to his advantage to live by law. Only thus has it been possible for civilized communities to be formed. The nations of the world must likewise learn that law is better than the anarchy of war, to settle their relations with one another. Only thus can a truly civilized world be formed. This is, as I understand it, the idea of the League of Nations.

The Only Way

There have been wars in the past which were begun with the purpose of preventing certain other wars from taking place. This is the first war in all history in connection with which the idea has arisen that it must be fought to the end, in order to abolish war in the world, and truly to bring to pass what Shakespeare's King Henry V. says—

To reap the harvest of perpetual peace
By this one bloody trial of sharp war,
—so far as it is humanly possible to make this a world of perpetual peace.

Germany, which for half a century has lived in the belief expressed by the bullying braggart in that same play of Shakespeare, who says, "The world's mine oyster, which I with sword will open!" can be made to see the League of Nations in its true light only by being brought by force to see that the German militarist ideal of placing might higher than right is a disastrous one

for Germany. The Allies must needs continue fighting until this has been thoroughly demonstrated to the German people.

There is no other way to demonstrate it to them than by force—as President Wilson has expressed it, "by force, and more force, and yet more force"—exercised upon them to make them understand that peace can never be made secure in the world by domination of one country, or a group of countries, waxing fat upon the submission and disadvantage of other. The German people must be taught that the ideal of world peace secured by German militarism is impracticable as well as unjust and abhorrent to people of right mind—as intolerable and impossible in the world as despotism would be here in Canada.

Purposes of the Free Peoples

Never before in all history have the forces and influences throughout the world that are for justice and progress and the advancement of human welfare been drawn together as they are drawn together now. President Wilson has well and truly said:—

It is the peculiarity of this great war that while statesmen have seemed to cast about for definitions of their purpose and have sometimes seemed to shift their ground and their point of view, the thought of the mass of men, whom statesmen are supposed to instruct and lead, has grown more and more unclouded, more and more certain of what it is that they are fighting for.

The conscience and the common sense of all right-minded people in the world demand that conscience and common sense shall rule hereafter in international relations. Again to quote from President Wilson:—

The counsels of plain men have become on all hands more simple and straightforward and more unified than the counsels of sophisticated men of affairs, who still retain the impression that they are playing a game of power and playing for high stakes. That is why I have said that this is a people's war, not a statesman's. Statesmen must follow the clarified common thought or be broken.

War and Duelling

To return, however, to Snagsby and Bafferton. Snagsby had much to say about the parallel between the course of international war until now with regard to war and the old code which used to regulate duelling between gentlemen, on what used to be called "the field of honor."

Long after the establishment of a right to a trial (with the hearing of evidence) before a court many centuries ago, private murderous combats continued, under the guise of "affairs of honor." In fact, there were two classes

of disputes between private individuals; one, about proprietary rights, and, therefore, capable of being settled, after the hearing of evidence, by a court, the other affecting the "honor" of the parties, and, therefore, only to be settled by a duel.

Both ways were lawful; and thus it was open to any skilful bully, which he chose, to turn his back upon the courts, declare that his "honor" was assailed, and challenge the party of the other part to a duel.

"The duelling code," said Snagsby, "assumed that in 'affairs of honor' it was the obligation, as well as the right, of a gentleman to resort to the shedding of blood—just as international law (which, by the way, has been almost altogether concerned with war) has proceeded on the assumption that war was a legal and proper resort to the 'field of honor,' once the war was begun."

What the World-League Must Do

"The nations will have to get together," said Snagsby, "and outlaw war! Make it a crime like any of the other forms of outrage and murder!"

"Exactly," said I. "And there must be arrangements for the power necessary to execute the decrees of the international tribunal. It would be absurd for the League of Nations, after ordaining that the nations must submit their differences to arbitration, to be without the adequate force to execute the decision of the international tribunal against any nation violating that ordinance by beginning a war according to the German General Staff's methods!"

"Well," exclaimed Bafferton, "won't the League of Nations, in such a case, be like the hotelkeeper who jumped in to stop a fight, shouting that he would allow no fighting on his premises? He said he would show the two men who were fighting that he meant it—even if he had to smash in both their faces!"

"Quite so, indeed!" quoth Snagsby.

And the end of all our talk was that there would have to be what Snagsby called a naval and military League of Nations police force. War, though made illegal, might still conceivably occur, as murder occurs; but the world will have to be organized to deal with it, as murder is dealt with.

"The world has had enough of international laws of war!" said Snagsby. "What is needed now is not laws of war, but laws against war, like the laws against murder. War has simply got to be made a crime, and any criminal that attempts to start it must be run in by the League of Nations police force!"

And with that we all three knocked the ashes out of our pipes; and so made an end of our talking.

W. J. H.



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