

the substance of its provisions should ultimately be embodied in the Covenant itself. The Protocol, meanwhile, is intended to be consistent with the text as it stands, and must be read in conjunction with it.

For this reason, though not for this reason alone, it is well to call attention to certain elementary points about the Covenant before considering the relations of the Protocol to it.

The framers of the Peace Treaties and the Covenant did not expect to make war wholly impossible even among civilised States. How, indeed, can a new police of nations be required to accomplish more than the long established power of the most highly organised Governments has been able to perform within their domestic jurisdictions? Local and occasional breaches of the peace occur in spite of all we can do. Probably they are not unknown at The Hague, or at Amsterdam; but if the League and the Court of International Justice can do as well for the peace of nations as the courts and magistrates of the Netherlands have done and still do for their own people, reasonable men will be pretty well satisfied.

The aim of the Covenant is to promote peace and restrain war in several ways. First, to multiply and strengthen the means of doing justice or obtaining an agreed settlement in genuine disputes between Sovereign Powers, so that the excuse of war being the only remedy may no longer be plausible except in the extremity of urgent self-defence. Next, to make wars of aggression and especially surprise attacks, too dangerous to be attempted by any rulers who have not forsaken common prudence. On this point it must be remembered that the school of unscrupulous militarists, who do not conceal their contempt for the most solemn treaties, is not yet extinct. Last, and in my judgment not least, to foster and extend the peaceful co-operation of national Governments in matters of common interest to civilised mankind. But such work as that of the International Labour Office, not being of a showy kind, is very little known to the world at large. Perhaps it is all the more efficient for being left to itself. However, it is outside the present subject, and I can only exhort my reader, who has listened to the nonsense too often talked about the League doing nothing, to visit that office at Geneva and see what is being done there in perfect accord by men and women of many lands and kindreds.

Now the Covenant (as I fear some of us already forget) was not, like modern written Constitutions, the fruit of prolonged and mature discussion. Ideas were there, but the form of expressing them had to be settled in a time very short for the purpose. Therefore, it was possible only to lay down the broad principles, leaving much detail to be worked out by experience. It is well also to remember, though it does not immediately concern us here, that while the text of the Covenant is embodied in the Peace Treaties, the League was not intended to be an instrument for executing the treaties in general, apart from certain supervisory functions which are the matter of certain special

provisions. But, in point of fact, the Council of the League was called in to settle more than one troublesome problem arising under the treaties after all other means had failed.

The Voluntary Principle.

One important principle that does belong to the present subject is that neither the Council nor the Assembly, nor both together, have any power to issue executive commands to any member of the League, or in any way to add to the obligations undertaken by the contracting parties in the Covenant itself. Every one who has followed the proceedings of the League must be aware that, to say nothing of the Great Powers, very few (if any) of the Powers represented in the Assembly would be willing to create any such authority. The Council is bound in some cases to advise on executive measures and its advice, expressing the unanimous mind of the most powerful Members of the League, would have, and is doubtless expected to have, great weight. But this is not compulsion; such a persuasive authority is no more compulsory than that general consent of undefined public opinion on which the law of nations, as it existed down to 1900 and later, ultimately rested. The risk of a British Fleet or a French Army, not to speak of contingents from the Dominions, being ordered about under some foreign command is fabulous, and not less so because the fable has been accepted by some persons who ought to have known better. We shall see that the Protocol is careful to observe this fundamental denial of any quasi federal executive power in the Council. The Members of the League are bound to co-operate, according to their situation and means, against aggressors, but they remain free to do so in their own way. Still, they are bound; the League is an alliance, though not much like former alliances, and if we are not willing to back up our allies at need, we have no business there at all. That, indeed, is what some people think. It is open to them to denounce the Covenant as wholly wrong (and with it all the Peace Treaties, of which it is an integral part), but not to throw all the fault on the Protocol.

No notice will be taken here of extreme views, militarist on the one hand and pacifist on the other, which are not consistent with the first postulates of the League of Nations. This paper is not an apology for the existence of the League. There are militarists who refuse to believe that war can be restrained at all, though the League has already done it several times. There are pacifists who refuse to believe that an effective community of nations must have means of self-preservation analogous if not similar to those which all political communities find needful. I do not understand how they stop short (when they do) of going all the way with Tolstoy and wholly repudiating laws, government and compulsory justice. For my part I am of the old-fashioned opinion that, in this imperfect world, we need magistrates and that the magistrate beareth not the sword in vain.

Checks on War.

There are two quite different ways in which war can be checked or prevented. One

is the repression of unlawful force by a greater lawful force. The other is the removal of a cause of quarrel by judicial or other peaceable settlement of the dispute. In the former case prompt action is essential to success, and if it is prompt enough the manifest readiness of an adequate power to compel obedience may suffice with little or no actual use of it. In the latter, on the contrary, not only haste is undesirable, but every gain of time is useful. It is much if excited disputants can be brought to discuss their controversies in cold blood before an impartial judge or mediator; and it may well happen that in the course of such discussion the matter in dispute will come to lose much of its original importance, and the decision to be of little general interest. Both kinds of remedy, immediate action and deliberate judgment or settlement, are contemplated and in outline provided for by the Covenant of the League. The Protocol endeavours to fill in the outlines, always in accordance with the original design. Check aggression? a doubter may ask. Can you make sure who is an aggressor, and, then, are you sure of your instruments? for the notice may be short. Good, says the Protocol, we offer particulars on both points: not a statutory definition of offences and not a constable in the League's uniform, which would be to make the League a Super-State, but such particulars as the nature of the League admits. Settlement, again says the doubter. You can put Governments in a way of settling their disputes, but can you keep them in it? Well, says the Protocol, there is already a wide choice of methods which ought to suffice in most cases if used in good faith; and experience has shown that, once fairly begun, the process of settlement, in whatever form, seldom fails of its end; but we will do our best to enlarge the scope of both judgment and conciliation, and leave no decent excuse for breaking off at any stage. If our supplemental procedure appears dilatory that is just what it is intended to be.

Points Reinforced.

(1.—Defence Against Aggression.)

We may now proceed to examine the relevant Articles of the Covenant and see how the Protocol strengthens them. It is not possible within my limits to set out the text in full, but the reader will do well to have it before him if he can. The full explanatory report made to the Assembly by the draftsmen of the Protocol, M. Benes and M. Politis, is a most important and instructive document, in print but not yet easily accessible: serious students will not repent of taking some trouble to become acquainted with it.

By Article X the Members of the League undertake to defend one another against external aggression; and it is the duty of the Council, at need, to "advise upon the means by which this obligation shall be fulfilled." The Council would obviously need some technical information, and could for that purpose make use of the standing Commission created by Article IX; this, however, is a matter of detail having very little if any political significance, and I must resist the temptation of adding anything to what I