

GERMANY MUST BE BEATEN

PUBLICISTS and orators who are interesting themselves in the subject of peace, whether it be a peace which looks to the immediate end of the present hostilities or a permanent world peace at the normal conclusion of the war predicated upon an international court with sufficient power to enforce its decrees, would do well if they grew more specific and considered some few of the numerous essential and underlying difficulties which beset this question. It would be well if they limited their proposals to things within the possible range of concrete achievement instead of painting for us beautiful pictures of a world such as there is no justified hope of seeing this side of death.

Let us begin by giving an example. If we are to have an immediate end of the present war as the result of negotiations between the belligerents, such peace must be based upon a treaty, which is a contract between nations instead of individuals. Now when two individuals enter into a contract, they do so with the expectation that the contract will be kept and they base their expectation on the reputation and the antecedent behaviour of the parties thereto. No wise business man ordinarily makes a contract with a competitor who has shown in the past that he will not keep a contract when made or respect the law which supports it. Yet our friends who propose a negotiated peace at the present time are asking the Allies to make a new contract with Germany when Germany started this war by a breach of existing contracts, which breach the Imperial Chancellor in the Reichstag publicly acknowledged in the damning phrase, "Wir haben das Voelkerrecht verletzt," and when she has followed this act by so many other violations of the law of nations that her general contempt for international law is now accepted as axiomatic by most Americans.

Is a new contract to be made with Germany before she has shown remorse for her infamous breach of her late contract to respect Belgium? Is a fresh contract to be signed with this Teutonic Power so long as she shows no sense of shame for having treated as a scrap of paper a contract as solemn as any she ever entered upon; when she has, within the month, again shown that in her eyes might makes right and laws exist to be broken or at least to be evaded on the flimsiest of pretexts? For here she is compelling the Poles to fight under her colours and against their own countrymen, and her excuse is that she has declared Poland to be an independent (!) Kingdom, though without a king, and a new Country, though without a boundary, by which subterfuge she affects to believe she has avoided those provisions of basic law which forbid a conqueror during the continuance of war to impress the conquered into his own armies, on the theory that Poland being now independent (sic) is no longer conquered territory. The next thing on the cards will be for Germany to declare, on paper, that Belgium is free, although Germany alone is enslaving her, and to use this as a sufficient ground to force the Belgians into German trenches. Before publicists go into details as to the terms of possible treaties upon which peace might be based, it will be well for them to tell us how the Allies can make any treaty of any sort with Germany until she shows some realization of the fact that treaties are made to be kept and international law is made to be respected and not to be broken or interpreted by sophistry and equivocation; and that those nations which break treaties and violate laws and seek to circumvent them by artifice and evasion are guilty of such gross outrages upon the rights of mankind that new treaties may not be made with them until they either repent of their immoralities or at least discharge the rulers who were guilty of the crimes.

WE are told, however, though in a vague and general way, that the world is about to create some new instrumentality by and under which all future treaties may be enforced. We may easily find reams of speculation upon this subject, yet what we cannot do is to get details, and these are precisely what should interest us. But again let us try to fix ideas by way of concrete example. If, with all the knowledge we have gained in the last two years, we can suggest no world organization, no supreme body, no powerful combination of military apparatus by which the present war could have been stopped before it was started, will any one ask us to trust such instru-

The Opinion of a Neutral *The time to force Germany to terms is—Now!* *We have our International Police now in the field. If we wait for the Keeping of Agreements it will be too late*

By GUSTAV BISSING

Editor's Note: Owing to the Christmas holiday it has been impossible to get Mr. Sidney Coryn's copy through in time for the press. The accompanying article by another neutral takes the place of the war summary this week. The writer is a well-known New York lawyer of German extraction.

mentality, whatever be its nature, to stop the next war? Surely not.

Now what possible collection of armed forces could have prevented Germany which, during the closing week of July, 1914, had assumed a more or less innocent air of detachment in the Russo-Austrian differences, from suddenly sending her ultimatum to Russia on the very day on which Russia and Austria had resumed negotiations in an attempt to secure a peaceful settlement, from thereupon immediately mobilizing her armies and then instantly striking with all her might? Germany started this war with such speed that no conceivable aggregation of military forces in the nature of a police, which would or could normally be maintained by the world at large, could have been expected to have exercised a forcible restraint upon her.

But it may be suggested that under the new arrangement a nation which springs to arms before the International Police can be brought into operation will be subsequently punished. If this suggestion be made, the complete answer is that this is precisely what the Allies are trying to do to Germany at the present writing. In other words, the Allies are trying to do to-day what the assumed International Police, under the plan proposed, is intended to do to a nation which has violated its contracts, broken its treaties and suddenly precipitated a war upon the world. What is more, there is every reason to believe that the Allies have a far greater chance of success than would an International Police. If we of the United States wish to round out what is already, in effect, a great International Police which is seeking to re-establish order on this sphere, we have merely to join the Allied armies in the present war. Then we shall have, as nearly as we may ever hope to reach it in this imperfect world, a practical embodiment of a strong armed instrumentality constituted by practically all the great nations of the earth, bent upon preserving, as against an outlaw nation, the very foundations of law and morality upon which civilization must rest. So much for the proposed International Police force, at least in this discussion.

LET us now come to the International Court or body of men who are to be empowered to decide the various questions upon which the nations themselves cannot agree and who are to control the International Police which is to execute its decrees. We need not point out the difficulties which surround the selection of the membership of such a court, whether the number of judges appointed by each nation is to be in proportion to its population, for instance; nor need we lay stress upon the comparatively small body of recognized basic international law upon which such a court could base its decisions or enumerate other difficulties which it would take volumes to adequately set out and to describe which volumes have been written. One thing is certain. Such a court, if it is not to be more autocratic and absolute than Caesar with an overlordship extending from Pole to Pole, would have to proceed upon the basis that the territorial status quo is to be preserved.

If South America should seek to compel the United States to sell the Panama Canal or at least to give them a share in its operation; if Japan should claim the right to buy Hawaii because of the large number of Japanese there found; if Mexico should insist on her right to keep insurrection alive near our border without let or hindrance from us; if India should ask for its independence from Great Britain, Algiers from France, Tripoli from Italy or Formosa from Japan, the answer would have to be a negative absolute and the nations concerned would certainly refuse to even discuss the questions raised,

just as we should decline to entertain suggestions about parting with Texas or California which we acquired, in effect, by conquest from Mexico or of giving up Alaska which we bought from Russia or of doing without Wisconsin which we took upon our defeat of Black Hawk, or of yielding, against our will, the Philippine Islands which we have so recently conquered and taken from Spain. How similar, in the large, are the histories of Great Britain and the United States in this regard!

It is, therefore, inconceivable that any sets of peoples will ever, within periods with which we are concerned, enter into a general contract to establish a Super-Supreme Court which shall have the power of dismembering them or of taking land from one of them and giving it

to another. It may be a splendid thing to thrust the Turk from Europe, but any tribunal which should have power to do this would, at the same time, have the right to eject the United States from Porto Rico or Alaska. If we are to have an International Super-Supreme Court, its functions will, therefore, clearly have to be restricted by an absolute prohibition in at least one particular, and that is in any attempted exercise of rights to decrease the existing territory of any nation against that nation's consent.

NOW it is interesting to note that, in the last analysis, Germany engaged in this war because she was not satisfied with such progress in the acquisition of territory as she could make on the basis of a peaceful or gradual development of the status quo. Bismarck did not believe in colonies and did but little to acquire them; he preferred to use them as counters by which to set France, Italy and Great Britain by the ears with the result that Italy stuck by his Triple Alliance and France and Great Britain were kept in constant hot water until they signed the entente. Before Bismarck's death, however, the German people got to want colonies and to want them badly, and this at a stage when the good ones were about gone, which was the reason for their cry for a place in the sun. That England, in an attempt to preserve the balance of power was, for a time, not friendly to extensions of Germany's spheres of influence is a fact; but it is equally true that in the years immediately preceding the war Anglo-German relations had been growing increasingly cordial and that England was in the way of consenting to Germany's realization of her wishes in the direction of Bagdad and the Persian Gulf. But the speed of enlargement of its territorial influences by peaceful means was not sufficient to satisfy German aspirations. Her writers insisted that since Great Britain had obtained many of her colonies by what they conceived to be forceful methods, Germany should not suffer for the accident of coming too late upon the scene and be restricted to a peaceful and, therefore, slow and minor enlargement of her territorial interests, especially as she excelled, as she thought, in all the arts of peace and at the same time possessed the most efficient army in the world.

We repeat that an International Court must necessarily proceed upon the basis that the existing and settled territorial distribution of lands among the nations of the globe is beyond its power to change against the objection of any party in interest just as a civil court cannot arbitrarily give property long owned by one man to another. But Germany's writers and thinkers have contended and still contend that this principle is wrong and that a nation which quickly develops great powers both in the arts of peace and of war is entitled to make that power felt in the shape of a larger territorial influence quickly arrived at. It follows that an effective International Court is the very thing which would most seriously interfere with Germany's chief unrealized ambition and the very thing which she could under no circumstances, in the long run, tolerate. Germany does not want arbitration or decisions, such as a court can give, for such methods will withhold from her the very things to which she thinks she is entitled. Her Chancellor a few days ago expressed his lack of faith in such expedients and frankly acknowledged Germany's similar attitude in times past. The entourage of the Kaiser, Prof. Kuno Francke tells us, sees after this war yet another peace based upon military prestige. Nor will it be un instructive to add that though Great Britain has signed an arbitration treaty with us of limited scope and was willing to sign one as broad as that which was recommended