

THE TERMS OF PEACE

GERMANY proposes peace. That is the paramount feature of the European situation. A German authority insists that the Empire does not ask peace, but offers it. We need not haggle over that distinction; though it is of unmistakable significance that the first overture comes from the very Power which hitherto has resolutely and unvaryingly declared that it was not its place to make it and that it would not make it. Let that pass. The fact is that the proposal has been made.

We shall not question its sincerity. It may indeed partake of the nature of a shrewd diplomatic device, calculated either to arouse dissension among the Entente Allies or to bring upon them the odium of the world; though we should doubt it, because for either of those purposes it would be foredoomed to failure. But if that were so, we should still believe in its essential sincerity. Reason declares it to be axiomatic that Germany desires peace. So do her allies. So do all the Entente Allies. So do all the other nations of the world; not excepting those which are pecuniarily most greatly profiting from the war. The wish for peace is universal.

The question concerning the reception and disposition of Germany's proposal by the Entente Allies is not, therefore, whether they want peace, but whether a satisfactory basis for peace can yet be found. In making the overture Germany named no specific terms. Yet upon the terms everything depends. All want peace, but none save the small minority of maudlin pacifists want peace at any price. Strongly as peace is desired, it would be just as strongly rejected if it were offered at too high a price. For peace, after all, is not the supreme desideratum. There are other things to be preferred before it.

One is Good Faith. We mean specifically good faith among the belligerent Powers. Precisely what compacts there are among the Central Allies the world has not been informed; but whatever there are, they should be faithfully maintained. The world does know that the Entente Allies are pledged to stand together until the end of the war, and to agree individually to no peace that is not acceptable to all. Thus far they have kept that pledge with splendid loyalty, and it is to be assumed that they will do so to the end,

whether that end be near or far. That they should do so is more important than that peace should be made; not because we want to see them thus hold out for extreme measures against Germany, but because we want to see faith vindicated and pledges proved to be more than mere words or scraps of paper. The world could endure the prolongation of the war for years better than it could endure the destruction of good faith and confidence among the nations.

Another thing superior to peace is Justice. Here we mean not alone general justice, in the abstract, but specifically and concretely justice for Belgium. The world cannot afford to have peace made on any terms which do not provide for the fullest possible righting of the wrongs of that country. They can never be fully atoned. No power can restore murdered lives or ravished virtue, or rebuild Louvain and Ypres as they were. But it is possible for every rood of Belgian soil to be returned to Belgian sovereignty, and for a cash indemnity to be paid which will restore every cent of tribute which has been exacted and will replace the cities which have been razed and the industries which have been destroyed. We may say unhesitatingly that nothing short of this would be creditable to the Entente Allies or satisfactory to the neutral world. And that again is not because we simply want to see Germany compelled to pay roundly for her ravages, nor even because of sympathy with the Belgians in their unutterable woe. It is because it would be an insufferable blow to the moral fiber of the world to let so great an injustice go unavenged. The world could afford unnumbered years of war far better than it could afford to have established the monstrous principle that small nations have no rights which great nations are bound to respect. There is no truer word in international affairs than that of Wordsworth, that "every independent nation is interested in the maintenance of the national independence of every other country." A peace in which the rights of Belgium were ignored would be an affront and a menace to every other nation on the surface of the globe.

A third thing which must be held superior to peace is Law. We mean the vindication of international law, in its written letter, apart from the great principles of justice such as that which we have just been discussing. There is such a thing as international law, just as definite in text as national or municipal law. In this war it has been violated as

never before. On land and on sea it has been violated, in the conduct of the war, in the treatment of the conquered, and in the treatment of non-combatants and neutrals. There can be no peace made that will be satisfactory to the neutral world which does not take those outrages into account and which does not impose a suitable penalty for them, so that law will be vindicated and will emerge from the crash of conflict not shattered and demoralized, but honored and confirmed.

There is still another thing which deserves to be considered above peace, though to some it may not altogether correctly seem to be a matter of expediency rather than of morals. That is Security. We mean security against the recurrence of such a war as this. That is surely demanded by expediency, and by common sense. It would be supremely foolish for the Powers to go through years of this unspeakably costly war, and then to make peace on terms which gave them no guarantee that the next year or the next generation would not see another such war begun. But it would be more than foolish. It would be immoral and criminal to fail to require the utmost measures of security which ingenuity could devise and which resolution could impose and enforce. Any terms of peace which did not give the world such guarantees would be not merely unsatisfactory. They would be offensive and revolting.

We have mentioned these four principles as fundamentally essential to satisfactory peace, because they are things which concern us as much as they do the belligerents themselves. There are many terms of peace to be settled which do not directly concern us. We are not entitled to dictate or to advise concerning the indemnities which are to be paid, save in such a case as that of Belgium. It is not for us to say whether France shall regain Alsace and Lorraine, and Italy Italia Irredenta; or what shall become of Albania; or who shall possess Constantinople. The disposition of the former German colonies in Africa is of no concern to us. The belligerents may settle these matters among themselves as it pleases them to do; excepting in so far as their settlement of them may affect the general international principles which we have enumerated.

But in Faith, and Justice, and Law, and Security, we are directly and vitally concerned, and we have a right—indeed, the duty—to insist that those questions shall be disposed of

with due regard for our interests and for the interests of the whole world. No other war that ever was fought touched world-wide humanity at so many points as this, and in no other peacemaking was the whole world so imperatively entitled to be heard and to be considered as in that which will come at the end of this war.

It will be obvious, moreover, that this fact has a very direct, practical and important application to the policy of this nation at the present time, and during all the period which shall elapse between the first proposal and the final complete conclusion of peace. That is, that the United States, as a neutral Power, cannot exercise any mediatorial functions nor countenance any negotiations which contemplate the making of peace on any other terms than those which alone would be satisfactory to our interests. The general and indefinite proposal for peace negotiations which was entrusted to us by the German Government last month could of course very fittingly be received and transmitted by us to the Powers for which it was intended. So could a correspondingly general reply from the Entente Allies. If the rejoinder were the suggestion of specific terms of peace of a character satisfactory to our interests as a neutral, it would be appropriate and agreeable for us to exercise to the utmost our good offices for the favorable expedition of negotiations on such a basis. But it would be self-stultifying and worse for this country to lend itself in any way to the negotiation of a peace which would condone bad faith, injustice, lawlessness or neglect of guarantees of continued peace. If it were possible—we do not believe it is—for the now warring Powers to come together upon so evil a platform, America should be not even an indirect and remote participant in the infamy, nor give it even the slightest suspicion of moral or diplomatic countenance. On the contrary, it would be our duty to ourselves and to the world to protest against it in the strongest possible manner.

Happily there is, we believe, no danger of such a situation. We do not know what either side will claim as a maximum, or will be content to accept as a minimum in order that the much-desired peace may be made. But we have an abiding and serene confidence that there will be somewhere in the proceedings a resolute, persistent and triumphant insistence upon terms of peace which will be satisfactory to the world's sense of good faith, of justice, of law, and of rational

security against a recurrence of the present unexampled catastrophe. Let us have peace, but let us have it at a price that will make it worth the having.

IS THERE INTERNATIONAL LAW?

THE question may seriously be asked: Does international law still effectively exist? We trust that we shall be able to demonstrate an affirmative reply. To do otherwise would be to deny hope for the world. Yet the question must be asked, and there must frankly be recognized an appalling array of active and aggressive denials of law's existence. For if some of the most definite and valid parts of the law are destroyed, what shall become of the lesser parts? If the written letter is disregarded, how shall nations be held to the unwritten principle?

We must have respect for Grotius and Puffendorf, for Wolff and Vattel, and for all those who have spun fine theories and made benevolent pronouncements of what, in their opinion, nations should and should not do. Yet they do not all agree among themselves, and the nations have never accepted all their formulas and propositions as infallibly binding upon them. Their codes, if indeed codes they can be called, are thus certainly not as binding and as potent as are the explicit pledges which nations have made in signed and sealed treaties. It is one thing, and morally perhaps a pretty serious thing, for a government to do something which Vattel declared, generations ago, it ought not to do. It is another thing, and a very different and immeasurably more serious thing, for it to do something which in a formal treaty it only a few years ago pledged itself not to do.

This latter, however, is precisely what has been done, and is still being done, to an extent and with a flagrancy never before approximated in our history. Let us consider, as a single example, what has been done with the second Treaty of the Hague, or group of treaties, negotiated as recently as 1907. The first of those treaties, in its first two articles, declares that—

With a view to obviating as far as possible recourse to force in the relations between states, the Contracting Powers agree *to use their best efforts* to ensure the pacific settlement of international differences. In case of serious disagreement or dispute, before an