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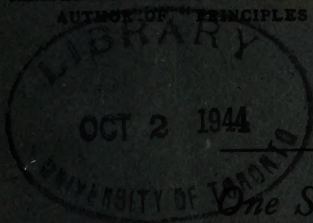
THE LEAGUE  
OF  
NATIONS

DELIVERED IN THE UNIVERSITY OF BRISTOL

BY

T. J. LAWRENCE, M.A., LL.D.

MEMBER OF THE INSTITUTE OF INTERNATIONAL LAW;  
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LECTURES ON  
THE LEAGUE OF NATIONS







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*Lectures on*  
*The League of Nations*

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T. J. LAWRENCE, M.A., LL.D.

*Member of the Institute of International Law; Honorary Fellow of  
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1919





## PREFACE

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THESE four lectures were delivered in the Council Chamber of the University of Bristol during February and March, 1919. They make no pretence to being a complete account of the great project which seems likely to alter the whole course of human history. It would have been impossible to attempt anything of the sort in the time at my disposal. I have contented myself with the much more modest aim of first trying to make my hearers understand the crying need there is of organising the Society of Nations for peace, and then explaining the Constitution or Covenant of the League of Nations as set forth in the Report presented to the full Peace Conference at Paris on February 14th, 1919. Nothing but a great wave of spiritual enthusiasm can carry this project into effect, and nothing but the fixed determination of the civilised peoples can keep it, when once started, in continuous action.

If anything I have said helps to rouse men to the greatness of the opportunity before them, and the



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sacredness of the obligation to use it to the uttermost, I shall be more than content.

The plan before the world now is, of course, by no means perfect. Before it is finally adopted, it may be altered and developed in several directions. But it is the work of practical statesmen who know what is possible, and will be able with strong popular backing to inaugurate the rule of reason and right in the place of organised destruction.

T. J. LAWRENCE.

UPTON LOVEL RECTORY,

WILTS, *March*, 1919.

Lectures on  
The League of Nations

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LECTURE I

*(Given on Thursday, February 13th, 1919)*

ON Saturday, January 25th, 1919, one of the greatest events in history took place quietly and unostentatiously in the famous Clock Room of the Foreign Office at Paris. On that day the representatives of by far the larger and most powerful part of civilised humanity came together and voted with absolute unanimity that—

“It is essential to the maintenance of the world settlement, which the Associated Nations are now met to establish, that a League of Nations be created to promote international co-operation, to ensure the fulfilment of accepted international obligations, and to provide safeguards against war.”

Never before had an International Conference presumed to speak of a world settlement as the



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object of its labours. Never before had the fulfilment of all international obligations, and the provision of safeguards against war in general been put forward as the concern of the foremost peoples of the human race. Never before had a League been contemplated which, as another resolution declared, "should be open to every civilised nation which can be relied on to promote its objects." And yet on that short winter's afternoon a body of the most capable of the world's rulers, hardened and disciplined by the most terrible of the world's wars, placed on record, without a dissentient voice, its determination to work for them.

Those of you who did me the honour to attend the lectures I delivered here in the autumn of 1917, on "The Society of Nations," will, I hope, remember that after sketching the growth of international society from its earliest germs to the outbreak of the world war in 1914, I pointed out that then the generally accepted rules for the conduct of states in their mutual relations were steadily increasing both in number and clearness, and certain organs, such as a rudimentary legislature and rudimentary courts, were beginning to appear. But I was obliged to add that the growing society was deficient in means of securing the observance of its rules. It was the business of no state or body of states to see that they were enforced. What was called International Law was a collection of customary precepts and express agreements which every state



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was expected to observe, and scrupulous states did on the whole observe. But no state was bound to enforce them on law-breaking neighbours in the ordinary course of events, though it might do so if its interests were deeply involved, and ought to do so if it had given beforehand a guarantee which covered the particular case involved, such, for instance, as the guarantee of the independence and territorial integrity of Belgium, given by us in 1839 and acted on in 1914.

That was how things stood with the Society of Nations when Germany commenced the great struggle by declaring war on Russia and France. Now we look out on a very different scene. Instead of hesitation on all sides to accept responsibility, there is a desire to make it general. In less than five years from the outbreak of the storm the leaders of mankind are engaged in a great concerted effort "to ensure the fulfilment of accepted international obligations." In other words, they are attempting to place the wrongdoer in the Society of Nations on the same footing as the wrongdoer in the Society of Individuals. He is to be restrained, and if need be punished, by some public authority, backed up in the last resort by the united force of the whole community. A vast transformation lies hidden in these few phrases. The more we examine the matter the more startling will the proposed change prove to be in itself, and the more numerous and important the consequential changes. Taken

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together, they mean nothing less than a complete revolution in the life of mankind on this planet. Before we discuss them in detail we must consider what it was that moved the nations to attempt the gigantic task to which they have set their hands.

The causes were two-fold—material and spiritual. But, as is usually the case, these two elements were so inextricably interwoven that it is impossible to separate them. The prodigal son in the parable returned, begging forgiveness, to his father's house, partly because of the pangs of unsatisfied hunger, and partly because of the consciousness of sin. Will anyone venture to say in what proportions bodily pain and spiritual remorse entered into the fabric of his penitence? All we know is that the suffering brought about by dissipation drove him first to the realisation of eternal truths, and then to their practical application in his own life. So it is with the nations. Whatever might be professed, and in some cases honestly professed, by those who spoke for them, they were generally actuated in their mutual dealings by selfishness, sometimes naked and unashamed, and sometimes clothed with a few exiguous wrappings of a more or less altruistic character. The real trust of most of the rulers of mankind was in craft and power. Their real strength, so they believed, lay in material wealth and the armaments on which they lavished it. This spirit of evil was poured out in fullest

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measure on Germany. She received it with eager acceptance, and devoted herself to its apostolate with tireless energy and unflinching zeal. For a time her mission was crowned with success. Then the world revolted against the lengths to which she carried it, and took up arms to stop her. In a moment the things wherein she had trusted most were turned into instruments for her castigation. The great war, so long prepared for under the hypocritical mask of devotion to peace, burst forth with a force which dismayed even its authors, and wrought destruction to an extent that horrified the most callous. In little more than four years humanity lost something like half its material resources. This may seem an exaggerated estimate. But we know that the direct cost of the war has amounted to something like forty thousand millions of pounds sterling. If we add to this the loss caused by the widespread damage and desolation wrought on land and sea, the diversion of an enormous mass of productive power to destructive purposes, and the disorganisation of commerce and finance throughout the world, the total can hardly be less than sixty thousand millions; and I doubt whether the whole wealth of the world comes to more than double that sum. But bad as this is, there is worse behind. The loss of human life, the increase of human suffering, the waste of human energy, has been appalling. At least six million men have perished on the battlefield, and about three million



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more have been permanently incapacitated, while we can only guess at the number of civilians, most of them tender women and helpless children, who have been done to death by cold, fatigue, starvation, and disease, to say nothing of direct acts of wilful devilry. And among the millions who can in some degree take up again the work of peaceful life, a vast host whom no man can number, are suffering from partial disablement, or going about their daily tasks with the bitter pangs of bereavement gnawing at their hearts. What promised an earthly paradise, at least to the strong and the astute, has brought to all, victors and vanquished alike, the pangs of an earthly hell.

And now from out of the furnace of affliction cries of confession are ascending to the heavenly powers so recently scorned or ignored. Mankind the prodigal has become mankind the penitent. Even Germany is taking part in the chorus, though in a somewhat half-hearted and grudging manner. But most of the nations of the civilised world are at least so far sincere as to be willing to try whether the adoption of the principles they have hitherto set aside will not give them the peace and happiness they have so conspicuously failed to obtain by the contrary course of action. And the attempt is all the more earnest because the far-seeing statesmen who are making it are fully awake to the direful consequences of failure. In that case they see before mankind a long vista of progressive horror. Terrible

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as were the means of destruction brought into the field at the commencement of the war, they were far more terrible at the end. The artillery that strove in vain to turn back the German rush on Mons in the summer of 1914, though far superior to anything of the kind that had ever left our shores, was weak and small compared with the artillery that won back the ancient town in the autumn of 1918. The bombs that spread desolation in London in 1915 were but toys in comparison with the bombs which were to have shattered Berlin on the twelfth of November last, had not the armistice been signed on the eleventh. This is only a slight foretaste of what is destined to follow unless a halt is called in time. The application of modern science to the arts of destruction is in its infancy at present, and in the graphic phrase of Mr. Asquith "is still lisping the alphabet of annihilation." By and by it will grow up and speak in the deep organ-tones of vigorous maturity. And then, Heaven help poor humanity! Like the panoplied knights of the fifteenth century it will perish under the weight of its own armour. When the sky is black with aeroplanes, and the sea thick with submarines, when liquid fire burns men's bodies, and poisonous gas projected from an enormous distance slays them amid terrible torments, when engines of destruction far more powerful than our biggest guns command vast tracts of land and sea, and are guided at will by foes hidden in far distant shelters, when the

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atmosphere itself is turned into a source of munitions of war, when the distinction between combatant and non-combatant has vanished, and there is no security to be found in earth or air or sea, then will the human race either perish from off the earth, or sink back into utter barbarism, rendered brutal by the scenes of slaughter through which it constantly passes. I say again, as I have said on several occasions before, either civilisation must destroy war or war will destroy civilisation. Well may the rulers of mankind urge it to escape such a self-inflicted fate by making a supreme effort to organise the world in which it lives for peace and not for war! Well may they suggest, orthodox and unorthodox alike, believers and unbelievers, that Christ's law of brotherhood and service should at least be tried in the intercourse of states!

Accordingly there is at the present moment a very widespread determination to put in the forefront of the work of the great Peace Conference a serious attempt to establish a League of Nations for the purpose of reducing wars to a minimum at once, and in time abolishing them altogether. But there is also much opposition. Only a few outspoken Admirals and Generals voice openly their disbelief in aught but force, and talk of "humanitarian nonsense" and "old women's sewing circles." Only a few of those extraordinarily ill-informed and blatant adventurers, who sometimes float for a moment, like scum, on the troubled surface of



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political waters, rage against the project without understanding it, and vent their ignorant spite upon its chief upholders. But a large amount of covert spade work is being done with the object of discrediting the whole project, under the *camouflage* of a liberal payment of homage to the "exalted purposes" and "lofty ideals" of its champions. Everything connected with it is belittled, except the difficulties, and they are exaggerated beyond measure. The members of the Peace Conference, we are told, ought to have taken it in hand last, not first. They ought never to have touched it at all, but instead they should have summoned another Conference to deal with it. The difficulties in its way are proving much greater than was anticipated, and are being relegated to other and less weighty gatherings. The decisions of the central authorities of the League can seldom be enforced, and will be little more than advice which ill-disposed powers are certain to ignore. Thus all high expectations of a new and better era will probably be disappointed, and it will be best to tone down hopes accordingly, and fall back on the old defence of scientific frontiers and material guarantees against the machinations of ever-watchful enemies. Who of us has not read statements such as these again and again during the last few weeks? And surely most of us must see in them a design to destroy by a flanking movement what cannot be swept away by direct attack. Blur the vision, damp the enthusiasm, drag down the

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lofty anticipations of the stricken peoples, and by and by the scheme will fail for lack of the driving power that alone can bring it to a successful issue.

In truth, the forces arrayed against it are enormously strong; though at present the great wave of spiritual ardour that is sweeping through the nations is so irresistible as to make it inexpedient for its foes to come out into the open and attempt to thrust it back. Roughly speaking, they consist of all the sinister interests that fatten on war, all the ardent souls that see nothing in it but heroism and chivalry, and all the timorous folk who fear to disturb the existing order, and are convinced that any change must needs be a change for the worse. We may be certain that as soon as the plan of the Peace Conference is settled and published to the world it will be violently assailed.<sup>1</sup> A new Armageddon, spiritual in character, will take the place of the material Armageddon just concluded. And the forces on either side will not be in all respects the same as they were before. In the ranks of the Associated armies there were believers in force and intrigue as the only arbiters of the destinies of the world, though they wished to turn them against Germany on this occasion; and among the supporters of Germany in the struggle were some who honestly believed the great Hohenzollern legend that the

<sup>1</sup> This prediction, made the day before the publication, has been amply justified since.

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Fatherland was fighting for her life against a vast conspiracy of jealous neighbours and treacherous friends. We must not, therefore, assume that as the decision of arms has been in favour of the Allies, the decision of the conflict of principle and argument must incline to the same side.

All our moral ardour and all our intellectual strength will be required before we stand victorious to welcome the advent of a purged and regenerated world. It is a soldiers' battle. The public opinion of civilised humanity must decide it. Our views form part of that opinion, and our knowledge and zeal in supporting them will help to mould the views of others. We must first be clear that our cause is a holy cause, and that its triumph would be a long step forward on the march of humanity towards the City of God. We must be prepared to show that the alternative to a League of Nations in the sense that we propose is not the old, bad, pre-war condition of conscripted millions, armed nations, increased wealth ear-marked for ever-increasing warlike preparations, incessant intrigue, and occasional orgies of devastation and slaughter, but something far worse—the whole energies of mankind concentrated on mutual destruction with the aid of all the resources which modern science puts at the disposal of conscienceless inventiveness. And lastly, we must drive home the obvious truth that, though no human scheme is perfect, especially in its initial stages, all reforms are to be welcomed



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that bid fair to change the face of society for the better at once, and contain within themselves the germs of further improvement. Then, with all this done, we may venture to invoke the authority of the royal speech at the opening of the present Parliament—the Parliament of Reconstruction—and each one say with our King and his Cabinet: “I rejoice particularly that the Powers assembled in the Conference have agreed to accept the principle of a League of Nations; for it is by progress along that road that I see the only hope of saving mankind from a recurrence of the scourge of war.”

The more holy the cause the more it is incumbent on its supporters to see clearly and meet fairly the difficulties that hinder its progress. In the particular case of the League of Nations there are difficulties of principle and difficulties of detail. The former I will consider at once, before we attempt to deal with the scope and extent of the scheme. The latter I will reserve for separate treatment, as we take up proposal after proposal.

Two great fundamental objections have been raised. They are nearly related, and if either of them could be sustained the whole fabric of the League would collapse. The first is concerned with the willingness of states to undertake the duty of securing the fulfilment of obligations accruing to other states as members of the Society of Nations and subjects of International Law. Without such willingness there can be no mutual insurance, and

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no security that the force of all will be used to prevent or punish the wronging of any. If we will not sometimes risk the lower life of prosperity and material gain, we shall lose the higher life of peace, and joy in a quiet conscience, and happiness in the service of others. And yet how easy it is for a state to say, "I have no interest in this distant quarrel. My own affairs demand all my energy. Why should I bind myself beforehand to spend time and money, and perhaps the lives of many of my citizens, in dealing with a question which does not concern me?" But rulers who feel disposed to take up this position should reflect that it is fatal to the idea of any real, and well-knit, and efficient Society of Nations, and tends to reduce International Law to the level of mere advice. Some day their country will need the protection and support of social bonds. Times without number it will want to appeal to rules of the *Jus Gentium* as authoritative directions governing the practice of states in their mutual relations. No doubt in the infancy of those societies of individuals which we call states powerful chiefs and great warriors often took up a similar position. By the might of their own hands, they proudly cried, they protected themselves and robbed others. No man dare say them nay. What need had they, what need indeed had anyone, of these new-fangled courts! A freeman's sword was his best protection, and if he could not wield it effectually he did not deserve to be protected at all.

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We count this as barbarism when we meet it now. After the experience of centuries of mutual protection, with its apparatus of Judges and Courts, and in the last resort organised force, the strongest individualist among us has no desire to go back to the old days of blood feuds. International society is in much the same condition as was tribal society in the Europe of twelve to fifteen centuries ago. The dangers it incurs thereby have been revealed with terrible vividness in the late war. States have found that they cannot live alone. They have learned by bitter experience that if one member suffers all the others suffer with it. They have discovered that modern war is destructive of neutral interests and even neutral life, as well as of the life and property of belligerents. The only remedy is to establish some central authority which can settle disputes by peaceful means, and this is not possible unless all will covenant to support its decisions. It need not mean that all shall be burdened equally, any more than the administration of justice in a state means that all citizens pay equally to the public funds set apart for its upkeep. The amount of our police levy varies according to our means. Yet in one way or another we all contribute, just as we all reap the benefit. In the League of Nations we hope to form each must covenant to take up its share of the common burden. But that share can be made to bear a fair proportion to its resources, and it will soon find that what it gives is small in



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comparison with the peace and security it obtains. If on the other hand any appreciable number of important states decline in short-sighted selfishness to enter into a covenant which binds them to interest themselves in the mutual relations of others, and spend some portion of their strength in securing the just and peaceful regulation of international intercourse, they will prevent the foundation of any true League of Nations, and destroy the most favourable chance mankind has ever possessed of inaugurating a reign of righteousness on earth. Nay, more! In these matters it is impossible to stand still. If we do not advance, we must go back; and to go back now is to rush like the Gadarene swine into the abyss, and perish in the deep waters of barbarism.

The second of our two fundamental objections centres round the conception of sovereignty. Sovereignty may best be described as an attribute of fully independent states. It exists when the state does not render habitual obedience to any other earthly authority. This is a way of putting the matter which looks at it from the point of view of the state in question, but when the same thing is looked upon from the point of view of other states it is called independence. Thus when we are speaking of international society, we say that it is made up of independent states; but when we are discussing the nature of the organism called *The State*, we put sovereignty in a prominent place among its characteristics, meaning thereby that it is a body which has

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no master among similar bodies, but lives its own life in its own way without being at the beck and call of any superior. It is self-determined in all things relating to the sphere of government, whether they belong to internal administration or external dealings with other similar bodies. When this is the case we have before us a fully sovereign or completely independent state. There are, of course, degrees in this sovereignty and independence. But we are dealing now with complete specimens of the genus *state*, not with rare and abnormal varieties. They exist, but it would only complicate matters to discuss them here. For the sake of clearness we will ignore them.

It has been argued that a League of Nations must derogate from the independence and sovereignty of the states which compose it. Undoubtedly, each of its members would lose the right of deciding on the spur of the moment whether it would resort to war when a dispute in which it was engaged failed to yield to diplomatic means of settlement. It would instead be obliged to submit the case to some Arbitral Tribunal or Committee of Conciliation. But would this limitation of its activities amount to a surrender of sovereignty? Assuredly not, seeing that the restriction is the result of a pact freely entered into in pursuance of its own right of self-limitation. It may indeed be held that for a state to bind itself in advance to do, or not to do, certain things in certain circumstances deprives it of its freedom of action,

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and makes it a mere satellite of others instead of an independent member of the international system. But this view lands its adherents in palpable absurdity. It leads straight to the conclusion that there does not exist in the whole world a single state which is sovereign and independent, because there can nowhere be found one that has not agreed beforehand to perform, or refrain from performing, certain acts in certain contingencies.

When in 1908 the powers whose coast lines touched the Baltic Sea signed a convention for the maintenance of the territorial *status quo* in those regions, what was it but a pledge to refrain from disturbing the existing frontiers along the shores to which the convention applied? That is to say, the powers in question agreed to refrain in future from doing certain acts which otherwise they were free to do. As a matter of fact, the world is full of such restrictive agreements. They are one of the commonest features of international intercourse, and are often entered into by the greatest and most powerful of states in connection with matters of the utmost importance. For instance, Great Britain and the United States were bound from 1850 to 1901 by what was called the Clayton-Bulwer Treaty. Under it they mutually pledged themselves not to make acquisitions of territory in Central America. And at the present time all the leading states of the world are parties to a great international convention negotiated at Brussels in 1890. By it they submit to the search,



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and under certain conditions the capture, of their merchantmen by the cruisers of the other signatory powers, if they are engaged in the slave trade in a well-defined maritime zone off the East Coast of Africa. When we remember how jealously states guard their exclusive jurisdiction over their own merchantmen on the high seas, and how uncompromisingly they deny to others any right of search except for the purpose of enforcing belligerent rights and putting down piracy, we realise the greatness of this concession. Yet it has been made in order to help on concerted action against a great wrong, and the states that made it have gained rather than lost in consequence thereby. To deny independence and sovereignty to Great Britain, the United States, Italy, and the other leading powers of the civilised world would be an act of supreme folly. And yet they are not independent, if the voluntary renunciation of full freedom of action for a special and limited purpose deprives the states who make it of complete sovereignty, which is, you will remember, the argument relied on by those who maintain that membership in a League of Nations is detrimental to national independence.

Indeed, we may go further, and say that quite apart from special stipulations, no civilised state can live its life in the world without constant deference to the wishes of other states and constant adjustment of its own volition to theirs. We see at once how true this is of individuals. We are all influenced by

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the general opinion of our class, our profession, our trade, our Club or Union. It often makes us do what we otherwise should not do, or refrain from doing, what otherwise we should do. And our wives and daughters are no exception to this rule. They do not dress exactly as they would if they stood alone in the world, with all the wares of all the drapers' shops in it at their disposal. They are guided more or less by fashion, which is the prevalent opinion of the moment in the matter of clothing. Yet no one seriously argues that they have ceased to be free. Then neither have states lost their independence when they allow their course of action to be determined largely by the opinion of the Society of Nations to which they belong. Restraint is part of the price both men and states pay for social life. Unrestricted liberty spells absolute savagery. Sovereignty and independence are quite compatible with self-imposed law.

The principle that restraints voluntarily accepted do not destroy independence, as long as they do not involve complete and permanent surrender of individual initiative, may be illustrated by a story which will come home to our Chairman. Years ago the Vice-Chancellor and I rowed in the same College eight at Cambridge. There each College has its own Boat Club, except Trinity, the largest, which has two ; and at Oxford a similar state of affairs prevails. Each College Boat Club is a self-governing unit. It makes its own rules, elects its own officers,

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organises its own practices, and manages its own races. But, for the two purposes of controlling the races between the various Colleges, and regulating everything concerned with the annual boat race in London between Oxford and Cambridge, another organisation called the University Boat Club exists. It is controlled by the Captains of the various College Boat Clubs, who meet together from time to time to elect its President and Secretary, make its rules, and decide disputes between the College boats as to matters that arise in the course of the inter-collegiate races and the practices for them. Thus it has both executive, legislative, and judicial functions. But all its power rests in the last resort on the counsel and consent of the College Boat Clubs, given through their Captains. Accordingly no College ever complains that its Club has lost its position of independence, or been despoiled of its birthright of self-determination. I remember that once, when our Downing eight was practising for the Lent Races, it ran into and sank the eight of another College similarly engaged, and steered by no less a person than the Senior Proctor. Of course, each crew declared that the other was in the wrong ; but after the case had been heard by the proper authorities of the University Boat Club, we were fined a guinea for carelessness. Instead of complaining that our College sovereignty and independence were infringed, we paid the money promptly, and congratulated ourselves on having purchased at so cheap a rate the supreme satisfaction



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of bedaubing a great University official with Cam mud.

But though both history and reasoning demonstrate that the self-imposed restrictions on its members contemplated by the League of Nations do not amount to interference with national sovereignty, still less to the creation of a great over-mastering super-state, it cannot be denied that some of the earliest and most zealous supporters of the League project have suggested the formation of such a gigantic and all-embracing body-politic to rule the world. In America, for instance, there is quite a little pamphlet literature which endeavours to show that as thirteen of the British colonies along the Western sea-board of the Atlantic Ocean coalesced soon after obtaining their independence into a new realm called the United States of America, so the various realms into which civilised humanity is divided should coalesce into one great World Power, within the bosom of which war would be impossible. But the analogy is hopelessly forced, and the notion utterly impracticable. From Maine to Georgia the settlers in the colonies of Great Britain on the Eastern side of the American Continent were generally of British parentage. They spoke, in the vast majority of cases, the English tongue. They looked upon self-government after the English fashion of local election as their birthright. They were reared in reverence for the British Common Law, which their forefathers had taken with them

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when they crossed the ocean to find homes in the New World. Moreover, in most cases their religion was Christianity of a distinctly British type. Nothing like this, nothing even remotely approaching it, can be said of the states of Continental Europe and the rest of the world. Their languages and institutions are diverse, their blood derived from separate founts, their religions not only different but often hostile, and their outlook on the history of the past and the prospects of the future most divergent. All these things stamp the idea of binding them together forthwith into one great Federal State as fantastic and impossible. No one can tell what may happen centuries hence; but it is safe to say that for the present, and for many generations to come, the United States of the World are, and must remain, the baseless fabric of a dream. No one of any standing in politics endorses the project. Most of the leading statesmen of the leading countries of the earth are in favour of a League of Nations, but none give countenance to this travesty of it.

But for all this, we are by no means secure against its use as a bogie to frighten weak, though patriotic, citizens. The world contains a vast number of people who are by nature averse to change, and disposed to see nothing but danger in any projected improvement. They are feeble folk, and their tremors will be unscrupulously exploited by those who feel instinctively that the proposed new international order must interfere with practices

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of their own out of which they suck no small advantage without regard to their evil effects on humanity at large. There are a few states who might wish to follow the example of Prussia, and make of war a profitable national industry. There are many individuals whose natures have been thoroughly Prussianised—the arrogant, the masterful, the contempters of the Christ-like spirit, the multitude of those who find in war and preparations for war the means of gaining great positions and large fortunes. All these will raise the cry of National Sovereignty in Danger; and the timid folk who shrink constitutionally from any alteration in the accustomed order will believe it. And they will not stand alone, They will be joined by the fanatics of pacifism, who would rather mankind were crucified on a cross of steel than delivered by armed force or a threat of it, and the blind partisans of equality, who would cheerfully see justice wandering dethroned among the nations if the alternative were the recognition by International Law of the differences in wealth and power which subsist between them. The united forces of these various contingents will put up a tremendous fight. Clearly as we may demonstrate the falsity of their battle-cry, they will nevertheless march in dense battalions to the polls under the inspiration of its ringing words. Those of us who stand for justice, peace and mutual service, in the intercourse of states, must meet them with the counter-cry of Civilisation in Danger. There must



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be no shrinking from the conflict, but instead great joy. We must advance to it full of high hopes and trustful confidence. There can be no holier privilege than to take part in it ; and those who help to win the spiritual Armageddon will deserve as well of humanity as those who struck stout blows in the material Armageddon which preceded it.

## LECTURE II

*(Given on Thursday, February 20th, 1919)*

LAST week we saw that a large number of states had agreed to establish a League of Nations for the purpose of enforcing international obligations, and providing safeguards against war. These were the chief objects of the League, as set forth in the resolution moved by the President of the United States at the plenary session of the Peace Conference on January 25th, 1919. But it is significant that the resolution spoke in addition of the promotion of international co-operation, and laid down that the Members of the League should meet from time to time in Conferences. Moreover, the League was to be open "to every civilised nation which can be relied on to promote its objects." These statements point to a feeling that the proposed organisation must be more than a piece of machinery destined to come into action now and then in some great emergency. It must indeed deal with attempts to set at naught important obligations, or serious quarrels leading straight to war. But this is not all. Continuous activities rather than spasmodic efforts seem to be contemplated. Moreover, the mention of periodical

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conferences points towards legislative as well as judicial functions. Undoubtedly these surmises are correct. The able jurists and statesmen who lead the Conference saw from the beginning that war on war, and the enthronement of right and justice in disputes between states, involve a new international order. They were well aware that no attempt to keep the world at peace for the future can succeed unless it deals not only with war, but with the causes of war. Yet, though this was apparent from the early days of the conflict, I doubt whether they realised all that is implied by it, till, with victory in sight at the close of last autumn, they set about the task of finding practical solutions for the questions that confronted them. These were many in number and full of complications, some of them being tangled to a most extraordinary degree. A constantly-increasing number of peoples desired a separate national life of their own. In other cases provinces demanded to be cut adrift from a state of which they had previously formed a part, and linked on forthwith to another and different body politic. Then there were questions of colonies peopled wholly or in part by barbarous or semi-civilised races. In attempting to decide their fate it would be necessary to settle how far, if at all, what is called the principle of self-determination should be applied. Obviously a tribe of primitive savages would be no more capable of choosing the form of government best adapted to advance their highest welfare than a group of young



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children in a nursery would be able to plan their meals or keep order at their games. Such matters must be determined for them. But by whom? On the one hand, the natives must not be exploited. On the other hand, the reasonable security and honourable interests of civilised states must not be endangered. Above all things, war must be avoided; and in order to solve these and other problems without it, the world-order must be largely modified. It was not merely a case of providing an efficacious remedy for an occasional ill, but of building up a healthy constitution. To do the former properly the latter must be done also. If civilisation was to be saved from destruction by war, its daily life must be made sane and healthful.

This is how the matter presents itself to me. But I am bound to add that it appears in a somewhat different light to one of the greatest of the great men who are now engaged in evolving a new international order from the ruins of the old. General Smuts, the warrior, jurist, and statesman who has been turned by the magic of free institutions from a rebel to a pillar of our state and empire, puts first and foremost the complete reorganisation of the ordinary life of states in their mutual relations, and declares that out of this must arise the measures to be taken for the prevention of war. I will give his views in his own words, taken from the pamphlet on *The League of Nations* he published in the December of last year. He says on page 8:—

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“An attempt will be made in this sketch to give an essential extension to the functions of the League ; indeed, to look upon the League from a very different point of view, to view it not only as a possible means for preventing future wars, but much more as a great organ of the ordinary peaceful life of civilisation, as the foundation of the new international system which will be erected on the ruins of this war, and as the starting-point from which the peace arrangements of the forthcoming Conference should be made. Such an orientation of the idea seems to me necessary if the League is to become a permanent part of our international machinery. It is not sufficient for the League merely to be a sort of *Deus ex machina*, called in on very grave emergencies when the spectre of war appears ; if it is to last it must be much more. It must become part and parcel of the common international life of states, it must be an ever visible, living, working organ of the polity of civilisation. It must function so strongly in the ordinary peaceful intercourse of states that it becomes irresistible in their disputes ; its peace activity must be the foundation and guarantee of its war power.”

Here we have the very frank assertion that out of a new state-system co-extensive, if possible, with the civilised world, must come the means of checking, and in time abolishing war. You will note that I reverse the process, and argue that out of the measures taken for preventing war must come a new organisation of the Society of Nations. But please

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remember that I desire this new organisation as earnestly as General Smuts or even President Wilson, and am fully convinced that it must come if the practical abolition of war, which is to me the primary object of the League of Nations, is to be striven for with any measure of success. In fact, I do not believe that this primary object can be attained without it, nor do I think with a great English authority on International Law,<sup>1</sup> that the establishment of the Hague Peace Conference as a permanent institution would be sufficient for a beginning of it. We want something more constant in its activity, more in evidence at ordinary times, and more helpful in the daily intercourse of states.

Why then, it may be said, do you not adopt the phraseology of General Smuts, seeing that you believe his main idea to be sound? The answer is that I fear he puts it in such a way as to give the enemy occasion to blaspheme. We saw last week that there was already much opposition to the project of a League of Nations, and that more was to be expected as the idea took concrete form. Some of it would be sinister and interested; but some would be perfectly honest, and would arise partly from a sense of the dangerous and burdensome nature of the general obligation to share the responsibility of enforcing due observance of the League's covenants, and partly from a fear lest national sovereignty should be unduly limited, if not destroyed altogether, by the authority

<sup>1</sup> Professor Oppenheim, *The League of Nations*, pp. 34-36.



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given to the League over all its members. On the other hand, the great driving power behind the artificers of the League was the almost universal realisation of the horrors of war and its futility as an instrument of justice, joined with a common perception of the terrible fact that its area of destruction was certain to grow larger and its toll of human misery more awful, if it was allowed to continue. Mankind had begun to see that the alternative before them was, Live peaceably or cease to live at all. In these circumstances common prudence dictates that as little stress as possible should be laid on the development of new organs in the Society of Nations and the assignment to them of functions that must result in some curtailment of the free initiative of its individual members, and as much stress as possible on the means of escape from one of the worst of the evils that now oppress humanity. Convince men that such a League as we contemplate affords them the only prospect of deliverance from deep and ever-deepening misery, and they will gladly submit to the necessary restraints. Lay stress on the restraints, magnify the new authorities, and it is quite possible they may decline to call them into being.

Everyone knows how first impressions are affected by different points of outlook and angles of vision, and what different ideas arise in consequence. This is well illustrated by a story from Helvetius quoted by Sir William Hamilton in the fourth of his *Lectures*

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*on Metaphysics.* It is concerned with a clergyman and a lady. "They had both heard that the moon was peopled—believed it—and telescope in hand were attempting to discover the inhabitants. 'If I am not mistaken,' says the lady, who looked first, 'I perceive two shadows; they bend towards each other, and, I have no doubt, are two happy lovers.' 'Lovers, madam,' says the divine, who looked second, 'Oh, fie! the two shadows you saw are the two steeples of a cathedral.' This story is the history of man. In general we perceive in things only what we are desirous of finding. On the earth, as in the moon, various prepossessions make us always recognise either lovers or cathedrals." In the case before us I will not venture to choose between the cathedral and the lovers. I will content myself with insisting on the vast importance of getting the right point of view. We realise that in business affairs and in love affairs it often happens that all depends on the way the object of attention is approached, and surely it is just the same in matters of high international politics, with this one difference, that the welfare of the whole human race and not of a few individuals only is at stake.

It cannot be too clearly emphasised that the leading states of the world will have to give up much—I do not say more than they gain—when they become members of the projected League of Nations. All of them increase their commitments when they agree beforehand to enforce its covenants with their full

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strength. All of them decrease their freedom of action when they solemnly promise that they will refer to Arbitral Tribunals and Committees of Conciliation all disputes they cannot settle by amicable negotiation. It is quite true that by giving they gain, by surrendering much for the good of humanity they obtain increased influence in the affairs of the world, and a full share for themselves of the security and happiness they confer on the race at large. But the fact remains that they do give, that they are called on to surrender much, and that sometimes the sacrifice will affect not only the immediate and selfish interest of the moment, but matters of national policy and national sentiment consecrated for them by noble deeds and historic memories.

I am thinking now of the United States especially, though it would be easy to bring illustrations from other quarters as well. In the infancy of the great American Republic its people more than once almost broke the heart of George Washington by rejecting his advice and curtailing his authority. Now they cherish his memory and revere his precepts with a whole-hearted loyalty which can conceive of no limit to his all-embracing wisdom, and find no flaw in anything that he did. He would be a brave man who would dare to question among them the applicability for all time of every statement that he made. We have to remember that Washington left as part of his political testament advice which was afterwards



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paraphrased by Jefferson in the famous words, "Peace, commerce and honest friendship with all nations—entangling alliances with none." On this basis the Republic built up a foreign policy of isolation from the affairs of Europe, which was developed and applied by President after President, and became in the minds of the American people a sort of political creed which it would be rank heresy to question. In time it was followed and completed by the Monroe Doctrine, which asserted that the United States would consider any attempt on the part of European powers to extend to the American Continent their state-system with its alliances and counter alliances, its Balance of Power and its interventions, as "dangerous to our peace and safety." Thus Washington warned America off from Europe, and Monroe warned Europe off from America. Yet now the American people are invited to enter into a great World League, and give guarantees which would bind them under certain untoward circumstances to welcome joint action by European powers along with themselves in matters connected with American states, and to join with European and other states in dealing with matters arising in the Old World.

It is much to ask of them. In order to grant the request they must be convinced that matters have so changed since the time of Washington that, were he alive now, he would be the first to abandon his policy of absolute non-interference in European

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affairs, in deference to the great principles of right and justice which ever actuated him, whether he dealt with matters between man and man or between state and state. In his time the country he had made free was comparatively weak and powerless. Its influence in the world was small, and its most efficacious protection was its distance from the welter of conflicting ambitions and dynastic claims called the state-system of Europe. The best contribution the young Republic could make to the welfare of mankind was to build up her own strength by honest toil, to secure the liberties of her citizens by their brotherly co-operation, to make herself a refuge for the oppressed, and by careful abstention from interference in the affairs of the Old World despotisms to give them no excuse for interference in hers. Now America is the most powerful, the most populous and the richest of all the great states of the world. Her actual influence is strong, and her potential influence much stronger. Power brings with it responsibility. The isolation which was prudent in the last decade of the eighteenth century would now be selfish. The Europe of to-day, instead of being the helpless victim of despotic rulers, is struggling vehemently towards ordered liberty, and groping about to find the means of throwing off the yoke of militarism. To mock at its woes and refuse to help it in getting rid of them; to enjoy political freedom and decline to give assistance in spreading it over the earth; to revel in material prosperity and lift no finger to destroy the

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cult of force which is its greatest enemy—these are unlovely things which the mind and conscience of mankind declines to associate with the great name of George Washington. A President worthy to sit in his chair now appeals to his countrymen, in the name of the principles which were the mainspring of his policy, to modify it by applying them to the altered circumstances of the day. And at the same time he asks them to extend the famous doctrine of Monroe, and in conjunction with the other free nations warn off from both hemispheres the forces of absolutism, militarism, and unscrupulous state-craft. In spite of indications to the contrary, I cannot believe that Woodrow Wilson will entreat in vain. America was the refuge of liberty; she will become its champion. She was the upholder of justice; she will become its dispenser. She was the warder of a Continent; she will become the leader of a World.

But the effort on her part will be costly. Much that she once valued will have to go as being no longer precious. And she will not be the only power of which this must be said. We, too, shall have to offer our sacrifice of cherished notions and historical memories; and so will all the leading states, and many of the smaller ones also. Great advances are never made, great causes never won, without effort and without devotion. And surely no greater cause ever fired with enthusiasm the indomitable soul of man than the redemption of the world from the curse

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of militarism, and the enthronement in its place of justice and righteousness.

For that Brute Force is from its saddle hurled,  
And that the sword no more can rule the world ;  
For growth of wisdom in this mire of war,  
Which leaves Thee more than ever Conqueror ;  
For that the world has found its soul again,  
And set its heel upon this curse of Cain ;  
For that Thy Justice is again restored,  
And War as arbiter henceforth abhorred ;—  
For that the dear lives were not given in vain,  
Despite the anguish of our loss and pain,—

We thank Thee, thank Thee, thank Thee, Lord !

JOHN OXENHAM, *The Later Te Deums.*

The best way to thank God for so great a hope is to strive with all our might for its fulfilment. And just because of its greatness, no precaution should be neglected to excite as little feeling as possible against the means that must be taken to compass its realisation. Therefore it is that I would put in the forefront of the proposals connected with it, not the reorganisation of international society, but the settlement of international disputes without war. It is no doubt a matter of tactics only ; but sometimes tactics are supremely important. On this occasion it seems to me that they may win or lose the battle. With regard to other questions I find myself for the most part in cordial agreement with General Smuts. On nearly all the points he discusses I have learnt much from him, and profess myself his humble disciple. There can be no doubt that his pamphlet has had a



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great effect on the Peace Conference, and well deserves the commendations it has received from many leading statesmen, including Mr. Asquith and Mr. Lloyd George. I have used it constantly in the preparation of these lectures. What I propose to do now is to show how department after department of useful activity for a League of Nations unfolds itself from the attempt to provide means for the fulfilment of its primary purpose, the prevention of war. Two fundamentals, as I tried to prove last week, are essential—a willingness on the part of states to cooperate in enforcing the performance of accepted international obligations, and a determination to pay no heed to those who see in every self-imposed limitation of state-action a blow to national sovereignty. Given these, the rest follows naturally, if not necessarily, from the effort to provide safeguards against war. Thus envisaged, the activities of a League of Nations develop themselves in something like the following order:—

1. To reduce at once to a minimum the causes and occasions of war, and in time to abolish war entirely.
2. To develop and improve the existing organisation of the Society of Nations, so that it may be able to provide itself with the Courts and Councils that will be necessary for the just and peaceful settlement of international disputes, the periodical Assemblies that must

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be held to revise and develop International Law, and the Executive Body which will superintend the working of the new order and see to its efficiency.

3. To control, and if needful coerce, those states who set at naught the decisions of the Courts and Councils, or endeavour to upset the international order, or strive to prevent or obstruct its improvement.
4. To limit the armed forces of states to what is necessary for the maintenance of internal order and external security, and to abolish the private manufacture of arms and munitions of war, and the trade in them by private persons.
5. To see that conditions in the economic sphere are such as to prevent states from seeking to crush one another's trade and industry.
6. To undertake the guardianship of backward races, and superintend their progress towards freedom and civilisation.
7. To preserve the right of all to the free passage of the seas when about their lawful business.

In developing these points one after the other, I shall constantly refer to various plans and suggestions which have been made in influential quarters, and especially to the great League of Nations Covenant which was presented on Friday, February 14th, to

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the full Peace Conference at Paris by the Commission appointed by it to draw up a Constitution for the League. The Commission consisted of two representatives from each of the five Great Powers who are leading the Conference, namely Great Britain, the United States of America, France, Italy, and Japan, and five representatives elected by the other powers who are members thereof. Appointed on January 25th, the Commission presented its report on February 14th, a fact which should dispose completely of the accusations of delay which are so often brought against the Conference. Doubtless there are people who are quite prepared to remodel before breakfast the whole Society of Nations and draw up after dinner a written constitution for the civilised world. But men of sense would do well to disregard their effusions. Assuredly there would be no need to pray with regard to them the prayer of the National Anthem :—

“ Confound their politics ; ”

for any plan they might produce would come into the world already confounded. Most of us, I think, will be prepared to maintain that a Commission which was able in three weeks to agree with absolute unanimity upon a scheme for organising a League of all civilised states and creating within it organs capable of directing and managing in just and peaceful fashion the common affairs of humanity, must have worked hard, and well, and quickly. They deserve gratitude, not reproach. It is more

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reasonable to marvel at their rapidity than to accuse them of dilatoriness, especially when we discover that the document they have produced is carefully thought out in all its parts, and bears no traces of hurry and confusion. The achievement would, of course, have been impossible, but for the long and earnest discussion the idea of a League of Nations had received among statesmen, jurists and publicists in all civilised countries. We will now proceed to a consideration of details.

### I.

First among them I placed as the great object of the League what we may call in the words of its founders the provision of "safeguards against war." Every member is pledged never to resort to war with any other member without submitting the dispute either to an Arbitral Court, or to the Executive Council of the League sitting as a Committee of Conciliation. Nor must it take up arms till three months after the decision on the case has been given, and not even then against a member which complies with it. Moreover, it is provided that the Executive Council shall give its decision within six months of the submission of the case to it, and the Arbitral Court within a reasonable time. (Draft Constitution of the League, Art. 12.) In addition to these precise and direct pledges, there are more general duties, which can be found in the preamble



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of the Constitution. These are "the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organised peoples with one another," "the firm establishment of the understandings of International Law as the actual rule of conduct among governments," the maintenance of "open, just and honourable relations between nations," "the promotion of international co-operation," and "the acceptance of obligations not to resort to war," except for the purpose of enforcing upon lawless and criminal states obedience to law and respect for the behests of the League. It is obvious that for the realisation of all these ideals and aspirations it will be necessary to provide a great deal of organisation. They involve the performance of executive, legislative, and judicial functions, for which purpose existing organs must be strengthened and developed, and fresh ones created. If we are to put an end to wars, we must provide other means of settling international disputes, and this involves the establishment of tribunals. If we are to make International Law always and in all circumstances "the actual rule of conduct among governments," this involves some legislative body to reform it and add to it. If we are "to promote international co-operation," this involves an executive staff to superintend and control numerous activities and start others. We are thus brought naturally to the second of the points I have marked for discussion.

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### II.

To develop and improve the existing organisation of the Society of Nations. It is a mistake to suppose that it has at present no organs. There are Hague Conferences, Hague Courts, Hague Commissions, the Hague International Bureau, and the Permanent Administrative Council at the Hague. But these are rudimentary and imperfect, and therefore require to be developed, such process amounting in some cases to complete transformation. Hence we find that the Commission of the Peace Conference proposes in its draft Constitution of the League of Nations the creation of—

I. *A Body of Delegates* consisting of representatives of all the states that are Members of the League. Each member may send three representatives, but may not have more than one vote. The Delegates are to meet at stated intervals "for the purpose of dealing with matters within the sphere of action of the League." These meetings are no doubt intended to be the legislative organ of the League. You will note that the principle of equality is recognised in their constitution, for all the powers, great and small, are to have equal representation and an equal voice. The functions of the Body of Delegates when assembled are left somewhat vague, I suspect of set purpose; for it was the avowed aim of the drafters of the scheme to create institutions capable of development in order to meet needs which may arise

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in future. From this point of view one of the rights given to the legislative or quasi-legislative body may turn out to be supremely important. I refer to the provision contained in Article 24 that it may from time to time move Members of the League to revise Treaties which have become inapplicable, and international conditions which endanger the general peace. No treaty, no world-order can stand for ever. The provision of peaceful means of adapting them to changed conditions is essential if vast upheavals and bitter struggles are to be prevented in future. As to origin, the Body of Delegates seems to be a development and improvement of the Hague Conference. It may be called the Parliament of the League.

2. *An Executive Council*, consisting of representatives of the United States of America, the British Empire, France, Italy, and Japan, reinforced by four representatives of the other Member-States of the League, to be elected by "the Body of Delegates on such principles and in such manner as they think fit." (Art. 3.) Meetings of the Council are to be held from time to time, but it is expressly stated "at more frequent intervals" than those of the Body of Delegates. It will, in fact, be the Cabinet of the League, and the mainspring of its activities. Many will see in it an entirely new authority, and in a sense so it is; for such an institution has never yet been officially and legally created, with definite functions and definite rules of action. But it appears to me that its germ may be found in the old

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concert of Europe and the short-lived World concert which grew out of it. These were bodies of what were called Great Powers, who by tacit consent, and in virtue of their power and greatness, exercised a vague and indeterminate authority over international affairs first in Europe and then outside its boundaries. The idea of utilising this part of the old order for the purpose of turning it in an improved form into an authority for the settlement of such international disputes as are not predominantly legal in character occurred to me in 1915. I put it forth in a paper I read in the spring of that year before a society in London, and published afterwards in the organ of the British Group of the World Alliance of Churches for International Friendship. My suggestion was that the smaller civilised states should elect four representatives, and that these should sit along with a Delegate from each of the Great Powers, then eight in number, as a Council of Conciliation to deal with cases such as I have just referred to (*Goodwill* for July 29th, 1915, pp. 147, 148). In the discussion which followed the reading of the paper no one had a good word for the idea, and when it appeared in print it certainly did not set the world on fire. You may imagine with what satisfaction I discovered on Saturday last that it had been worked up into a practical proposal of the great international Commission which has drafted a constitution for the proposed League of Nations. I do not for a moment suppose that they took their notion from me; and



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they have certainly given a much wider scope to the activities of the Council than I ever dared to contemplate. It is, however, pleasant to find that one's private ideas have run on the same lines as the considered proposals of one of the strongest and most important bodies of statesmen which ever came together in the history of the world. In the course of our further consideration of their plan we shall have to make ourselves familiar with the functions they have assigned to the Executive Council, and shall find that it is the most important of all the bodies they wish to call into existence. They expressly state (Art. 3) that "any matter within the sphere of action of the League, or affecting the peace of the world, may be dealt with at its meetings."

3. *A Permanent International Secretariat.* This is to be a staff of secretaries and clerks under the general direction and control of a Secretary-General of the League, who is to be chosen by the Executive Council. He will be an official of the utmost importance. The threads of most delicate negotiations will be in his hands; and to him must be entrusted the task of working out the details of vast plans. He will probably be a jurist or publicist of world-wide reputation, and may become the most influential of all the men of the new epoch. (Arts 1, 5).

4. *A Permanent Court of International Justice,* which is to be "competent to hear and determine any matter which the parties recognise as suitable for

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submission to it for Arbitration." Such litigants have also by Article 13 the liberty to use a Court of Arbitration agreed upon between themselves at the time, or stipulated for in any Convention that may subsist between them. But no doubt the calculation is that the new Permanent Court will gradually attract to itself all Arbitral business. Its decisions will in time amount to a body of international case-law, and play an important part in the development of the *Jus Gentium* of the future. The Court itself is not created directly by the proposed constitution ; but Article 14 provides that the Executive Council shall "formulate plans" for its establishment. This is one proof among many that the scheme of the Commission is meant to be a real constitution, that is to say, an outline of the most important features in a system of government, leaving details and less important matters to be dealt with by other and less exalted bodies of law.

We have now been through the chief institutions proposed to be created within the League of Nations. Their scope and their methods of working, together with criticisms and suggestions, must be reserved for the next lecture.

### LECTURE III

*(Given on Thursday, February 27th, 1919)*

IN the last lecture I endeavoured to make a list of the functions which an effective League of Nations must attempt to perform. You will remember that I placed first as the great and all-embracing goal of its efforts the provision of safeguards against war, and then set forth that as a means towards the attainment of this primary object it must strive to do certain other things also. Foremost in my enumeration of these things I put the reorganisation of international society by the development of existing organs or the creation of new ones ; and just at the end of the lecture I described such of the institutions created by the draft Constitution of February 14th as are essential to the performance of the first duties of the League. These institutions are the Body of Delegates, the Executive Council, and the Secretariat. We have already seen how they were to be composed ; and it will help towards the better understanding of what follows if before I go any further I extract from the text of the Constitution their functions as defined in it. It is obvious that the list is not exhaustive. No doubt the framers of

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the League contemplated further activities from the first, and great developments in future.

Beginning then with the awkwardly-named *Body of Delegates*, we find that it was called into being :—

(a) To deal with “ matters within the sphere of action of the League ” (Art. 2).

(b) To select the four minor Member-States whose representatives are to sit on the Executive Council (Art. 3).

(c) To regulate by a majority vote all matters of procedure at its own meetings (Art. 4).

(d) To admit into the League by a two-thirds majority applicants who are “ fully self-governing countries,” and were “ not signatories to the covenant and not named in the protocol hereto as states to be invited to adhere to the covenant ” (Art. 7).

(e) To deal with disputes between Members of the League when referred to it by the Executive Council, in which case it shall have all the powers of the latter (Art. 15).

(f) To advise Member-States from time to time to reconsider such of their treaties as have become inapplicable, and such international conditions as may endanger the peace of the world (Art. 24).

(g) To ratify by a three-fourths majority “ amendments to this covenant ” (Art. 26).

The *Executive Council* will be to the League what the Cabinet or Ministerial Council is to an ordinary



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self-governing state. It will shape policy and control administration as the following list of its functions shows. It will be expected :—

(a) To meet at least once a year, and deal with “any matter within the sphere of action of the League or affecting the peace of the world” (Art. 3).

(b) To regulate by a majority vote all matters of procedure at its own meetings (Art. 4).

(c) To choose the Secretary-General, and confirm his choice of his subordinates (Art. 5).

(d) To formulate plans for the limitation of national armaments, and advise how best to prevent the evil effects attendant upon the manufacture of arms and munitions privately (Art. 8).

(e) To advise upon the means whereby “the territorial integrity and existing political independence” of all the Member-States may best be preserved against external aggression (Art. 10).

(f) To deal with international disputes submitted to it and make recommendations within six months, and also to propose means of giving effect to the decision of any Arbitral Court whose award is not being properly carried out (Arts. 12, 13).

(g) To formulate plans for the establishment of a Permanent Court of International Justice (Art. 14).

(h) To be the authority for the settlement of such disputes between Member States as are not referred

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to Arbitration. If its unanimous decision in such cases are not complied with, it is to propose the measures necessary to give effect to them. If the Executive Council's report is not unanimous, it may submit the case to the Body of Delegates, and must do so at the request of either of the parties (Art. 15).

(i) To recommend what share each Member-State shall contribute to the armed forces to be used by the League against any Member who breaks or disregards its covenants for peaceful settlement of disputes with other Members (Art. 16).

(j) To fix the conditions under which temporary membership of the League for the purpose of adjusting disputes should be offered to non-Members, and to enquire into the merits of such disputes and recommend action. In the case of a refusal of the invitation by non-Members, the Executive Council is to take action to prevent hostilities and secure settlement (Art. 17).

(k) To ratify by a unanimous vote "amendments to this covenant" (Art. 26).

The functions of the *Secretariat* are indicated by its name. As set forth in the draft Constitution, they are :—

(a) To keep all records, procure information, and communicate with the parties to cases (Art. 15).

(b) To register and publish every treaty or international engagement entered hereafter into by

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any Member of the League, no such treaty or engagement to be valid until it has been so published (Art. 23).

We are now in a position to investigate the procedure which is to take place under the Constitution of the League, should any dispute arise which seems likely to lead to war. But before we start on this quest I will attempt a reply to a very important enquiry which was put to me last week. I was asked whether civil strife came within the sphere of the League's activity, or whether the disputes and wars it contemplated were those between states only. The question is difficult, and the answer must be somewhat doubtful. On the one hand, the phrases constantly used in the draft Constitution are "The High Contracting Parties," and "States members of the League;" and these point to separate and independent states. On the other hand, Article 3 gives the Executive Council the right to deal with matters "affecting the peace of the world," and Article II asserts that "any war or threat of war, whether immediately affecting the High Contracting Parties or not, is hereby declared a matter of concern to the League," and these statements are wide enough to cover a civil war. The wording of the scheme seems to me to leave the question doubtful; and if we turn from verbal hair-splitting to argument on the merits of the case, I am not at all sure that the doubt vanishes. When a League of Nations has been created as an instrument for keeping the peace, it

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seems strange to withdraw from its cognisance a gigantic struggle, like the four years' conflict between North and South in the United States, merely because it happens to be fought out between two parts of a state instead of between two states. Yet the League was certainly not intended to deprive countries of that power of dealing with their own domestic disputes which is one of the marks of full sovereignty. We must not, however, forget that sometimes internal unrest becomes chronic because of outrageous tyranny, and endangers the peace and comfort of other powers by the constant ferment it engenders. Perhaps an acceptable compromise between the two views might be found by allowing the League to deal with cases of civil strife only when they had been discussed by the Body of Delegates, and found by it to involve the well-being of civilisation, or to arise because of greivous injustice and oppression.

We will now assume that the League of Nations is established, and finds itself confronted by a dangerous quarrel which the parties are quite unable to settle for themselves. How is it to proceed under the scheme before us? In order to answer this question clearly we must divide disputes into those between Members of the League, those between Members of League and external states, and those between two or more external states. We must treat the first class separately; the second and third can be taken together. We begin, then, with—



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### DISPUTES BETWEEN MEMBERS OF THE LEAGUE.

Each Member-State pledges itself, as such, not to resort to war "without previously submitting the questions and matters involved either to Arbitration or to enquiry by the Executive Council (Art. 12). But nowhere does it distinguish between those which should go before the one and those which should be referred to the other. All it does is to declare in Article 15 that when a dispute which may lead to a rupture is not submitted to Arbitration "the High Contracting Parties agree that they will refer the matter to the Executive Council." We get therefore the not very informing distinction that the disputes which are to go to the Council are the disputes which are not to go to an Arbitral Tribunal, and the disputes which are to go to an Arbitral Tribunal are disputes which are not to go to the Council. Let us hope further enlightenment will be granted to us before the scheme receives its final shape from the Peace Conference. Meanwhile we must fall back upon a principle of division that has emerged from the discussions on the matter which have gone on constantly among jurists during the last few years. The means of settling disputes without war have been debated recently by experts to a far greater extent than the general public realises ; and the result has been that Arbitral Tribunals have gradually become closely analogous to Courts of Law, and proceedings before them have borne an ever-increasing resemblance to legal trials. For a legal trial there is

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needed a known body of law, and a tribunal consisting of learned, impartial and able judges. For a long time past much of the intercourse between states has been regulated by that rapidly-increasing code of rules arising from custom and treaty which we call International Law. There then is the law. Qualified Judges are not hard to find. Disputes are frequent. And those among them which turn on the interpretation of a treaty, or the application of rules of International Law, or the clearing up by testimony of some question of fact, are pre-eminently fit for decision by a bench of impartial authorities. These form an Arbitral Tribunal, and when the matter is sent to them for settlement it is said to be referred to Arbitration. Disputes about matters of this kind are called justiciable ; and it is generally agreed by those competent to judge that all justiciable questions are fitting subjects for Arbitral proceedings. But they do not by any means include all the quarrels that arise between states, any more than matters that can be settled by the law of the land include all the quarrels which arise between individuals. My neighbour and I disagree as to the interpretation of a deed of partnership or the amount I ought to pay him because my motor-car ran too quickly round a sharp corner and smashed up his milk-cart. It is a pity ; but if we can't decide these matters for ourselves, the law can decide them for us. But what is to happen if he, after professing devoted friendship for years, comes out against me and beats me in a

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contested election, or his daughter, fresh from school, shamelessly sets her cap at a most eligible curate, and carries him off from my daughter to whom he was almost engaged? These things will rankle far worse than the others, and there is no law or law court to settle them, though possibly a prudent, justice-loving and tactful friend might. Similarly in the intercourse of states matters sometimes arise which no legal tribunal can touch. They are above and beyond law. Often they do not spring from a desire to utilise an existing order and abide by the rules that govern it, but rather from an attempt to destroy it, and substitute for it a new order, held to be more righteous and beneficial. Some of the root causes of the late war were of this kind. It is no offence against International Law to work for the spread of *Kultur* over the world, or to desire the overthrow of political freedom. But nevertheless the world at large deeply resented Germany's attempt to do these things by force of arms. The quarrel could not have been tried by a Court, for there was no accepted law it could administer. But it is just possible that a small body of the leading statesmen of the civilised world might have brought about a tolerable settlement, had Germany agreed to put the matter in their hands. We see then that there is a very deep-seated distinction between justiciable and non-justiciable disputes in the intercourse of states. And further, we see that the former are capable of satisfactory settlement by Arbitral Tribunals,

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whereas the latter must be sent to a Committee of Conciliation which will act according to the equities of the case and its bearing on the general welfare of the world. Accordingly we must read into the Constitution of the League of Nations, what I think must have been in the minds of those who drew it up, that disputes capable of legal or quasi-legal settlement are to be referred to Arbitration, while disputes of a political or semi-political character are to go before the Executive Council.

Let us now take a dispute of the ordinary justiciable kind, and assume, as would assuredly be the case, that it was referred to an Arbitral Tribunal under the obligation undertaken by all the Members of the League to settle their quarrels by peaceful means (Art. 12). We must then investigate the nature and constitution of the Tribunal. According to Articles 13 and 14 it may be "the Court agreed on by the parties," or the Court "stipulated in any Convention existing between them," or the "Permanent Court of International Justice." The parties would, I suppose, generally agree to refer their case to the Permanent Court of Arbitration established in 1899 by the first Hague Conference and improved in 1907 by the second. It is called permanent, but in reality it is nothing of the kind. Its popular name of The Hague Tribunal describes it far better. A long list of possible judges nominated by the powers is kept, and from this list the parties choose four who themselves select a fifth. These five form the Court.



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They try the particular case that brought them into being, and when they have given their Award their existence as a Court comes to an end. The system has succeeded wonderfully, though the absence of the traditions that cluster round a distinguished and enduring tribunal, and the lack of the continuity they secure, are felt to be drawbacks. Still something like a dozen cases, some of them full of danger to the peace of the world, have been satisfactorily decided under it. Litigant powers, who are determined to resort to Arbitration but do not wish to make use of the so-called Permanent Court, may vary its constitution by agreement between themselves, or create a special court for the occasion. Sometimes it happens that they have previously negotiated a Convention binding themselves to refer disputes with one another to a tribunal, the powers and constitution of which are defined in the Convention itself. There are at least 150 of these Conventions in existence, and the signature of Great Britain stands at the foot of about 30 of them. Any of the Courts just described may be used by the Members of the League, and they also have liberty to take their Arbitration cases to the Permanent Court of International Justice, which does not yet exist, but the establishment of which the Executive Council of the League is charged by Article 14 to plan. The great position it will probably occupy was explained at the end of the previous lecture. All Arbitral awards are to be made "within a reasonable time;" and the parties bind themselves

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not to resort to war until three months after they have been given, and not even then "as against a Member of the League which complies with the award of the arbitrators" (Art. 12). What is to happen in case these solemn covenants are disregarded will be described when we come later on to deal with what are called Sanctions.

It is now time to consider the procedure in cases which have been referred to the Executive Council of the League. These, it must be noted, will probably be fewer, but more difficult and more bitterly fought out, than those tried before Arbitral Tribunals. The first step to take is for the parties to place their cases, through the agency of the Secretary-General, before the Council, which must give its decision within six months. If a settlement is reached well and good. If not, the Council must publish a report containing the recommendations it made. Should the report be unanimous, it will be the duty of the Council to propose measures for giving effect to its recommendations. If no such unanimous report can be made, the majority must issue a statement containing what they believe to be the facts of the case, and setting forth their recommendations thereon. The minority may issue a similar statement from their point of view, if they please. Further, the Executive Council may pass on to the Body of Delegates for settlement any of the disputes between Members of the League that have been originally referred to it, and must do so at

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the request of either party to the dispute (Arts 12, 15). Our next step must be a consideration of—

### DISPUTES BETWEEN MEMBERS AND NON-MEMBERS, AND BETWEEN TWO OR MORE NON-MEMBERS.

In its capacity as guardian of the world's peace the League does not propose to confine its activities to disputes between its own members. When quarrels that cannot be settled by diplomatic means arise between non-Members, or between Members and non-Members, the States concerned who are not Members are to be invited to accept the obligations of membership for the purpose of arriving at a settlement. Should the invitation be given, the Executive Council is to enquire into the merits of the case, and recommend such action as it deems best. In the event of a refusal of the invitation coupled with an attack upon a member, the coercive means which will soon be described under the head of *Sanctions* are to be put in force against the refractory state. When both parties to the quarrel are non-Members, and both refuse the invitation to temporary membership, the Executive Council is to take action for the prevention of hostilities between them and the settlement of the dispute (Art. 17).

### III.

We must pass on now to the third of the heads into which I divided the activities of the League as they are naturally developed out of the main object of

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preventing war. You may remember that I defined it in the second lecture as the taking of measures to control, and if needful coerce, those states who set at naught the decisions of the Courts and Councils, or endeavour to upset the existing international order, or strive to prevent or obstruct its improvement.

This introduces the subject of what are called *Sanctions*, by which is meant the evils of various kinds inflicted because of a breach of accepted rules of conduct, in order that people may be induced to obey by fear of the suffering which will follow from disobedience. The law says, Respect life or perish, and budding criminals generally keep clear of murder. Society says, Play fair at cards or be expelled from all decent clubs, and most clubmen refrain from cheating. Undergraduate opinion at Oxford and Cambridge says, Don't wear cap and gown at sports on pain of being cut and laughed at, and no one sees academic dress on the river or the running path. Now when the League of Nations says, Obey the decisions of Arbitral Courts and Executive Councils, we want to know what will happen to any Member of the League which snaps his fingers at them; for we are sagacious enough to suspect that if no foreordained harm is to follow on disobedience, the states which need restraining most will be the least restrained, and our whole apparatus of covenants, and tribunals, and righteous judgments will quickly topple into ruin. This danger has been constantly present



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to the minds of prominent advocates of the League, and nowhere have I seen a better attempt to meet it than in the plan presented to M. Clemenceau, the French Premier, by Baron d'Estournelles and M. Léon Bourgeois, and afterwards explained by the former in an interview with the Associated Press, which was published in the *New York Times* of December 20th, 1918. The Baron strongly advocated the application of sanctions for making effective the regulations and decisions of the League of Nations; and went on to say of such sanctions, They are fourfold.

First.—Diplomatic Sanction. The Society of Nations shall break diplomatic relations with any recalcitrant nation, and give his passport to the Ambassador or Minister representing that nation.

Second.—Judicial Sanction, whereby the Courts of all countries shall be closed to a recalcitrant nation. It will thus be practically quarantined and placed outside the pale of civilised states.

Third.—Economic Sanction, whereby the economic means of all nations shall be directed against any recalcitrant state. This economic weapon of the united nations will be a great power in isolating any offending nation, and cutting off its foodstuffs and raw materials, when it acts in defiance of the Society of Nations.

Fourth.—Military Sanction. . . . This . . . . is the most difficult and delicate of all the questions

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involved in creating the Society of Nations. There will be different views concerning the military enforcement of peace. . . . One view is for a small international military force, or the nucleus of an international fleet. Others regard this as unnecessary, and prefer to rely on the moral force of the united nations. Some may wish to give up compulsory military service but retain the navy. These divergent views must be reconciled.

On this question of sanctions, as on other matters the Peace Conference and its Commission for drawing up the constitution of a League of Nations received advice from many quarters. In the end it adopted all the sanctions just indicated though in a somewhat different form, except in the one case of lack of unanimity in the decisions of the Executive Council or the Body of Delegates acting as a tribunal. Should this occur no provision is made for the coercion of any party to the dispute which may decline to accept the findings of the majority. But with this exception, if any Member of the League breaks his covenant as such, the other Member-States are "to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking state, and the prevention of all financial, commercial, or personal intercourse between the nationals of the covenant-breaking state and the nationals of any other state, whether a Member of the League or not" (Art. 16). A people

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thus isolated and sent into Coventry would soon be utterly ruined ; and lest it should be tempted to try a quick military stroke against its castigators, and overwhelm them before their measures could come into full effect, the Constitution of the League provides that the Executive Council should be beforehand with it, and recommend what effective military or naval force the Members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League. Further, it contains a promise that the members will mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking state, and will afford passage through their territory to the forces of fellow-members marching against the offender (Art. 16). And these stringent disciplinary measures are not to be confined to the League's own Members, but extended to all non-Members who in a dispute with a Member-State decline to make use of the League's machinery for peaceful settlement and take action instead against their adversary (Art. 17). When we reflect that in addition to all this the High Contracting Parties "undertake to . . . preserve as against external aggression the territorial integrity and existing political independence of all states Members of the League" (Art. 10), and note that they "assume supervision of the trade in arms and ammunition with the countries in which control of this traffic is necessary in the common interest" (Art. 18), we may

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feel assured, in spite of the reservation of decisions resting on anything short of a unanimous vote of the Executive Council, that the League of Nations does not intend to be trifled with, and will without hesitation use force in the last resort.

In truth the usual antithesis between force and right conceals a great fallacy. Force may be moral as well as immoral. Its ethical quality depends on what is done with it. In itself and by itself it has none. But if it is used to combat oppression, and stop the unwholesome activity of pledge-breakers, it becomes the handmaid of justice and the protector of right, and should share with them in praise and honour. Thus moralised it is a most valuable weapon in the arsenal of goodness, and I rejoice to find that the League of Nations intends to use it. The feeling that bloodshed must be wicked in any case makes little appeal to me. I cannot understand the tenderness that has no objection to the misery and slow starvation caused by an economic boycott, but is horrified by shocks and wounds. As long as there are in the world evil persons and evil nations, force must sometimes be used against them, because, if it were not, they would use it themselves for their own wicked purposes. By itself it will not reform them, but it may put them into such a frame of mind that they may be reformed by other influences. I am, therefore, heartily glad to find the military sanction among the means adopted to enforce the covenants of the League of Nations, and at least



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equally glad to see that it is to be used only when all other means fail. I note that no attempt is to be made to create an army and navy belonging to the League. Instead it reserves the right to call upon its Members for military and naval contingents. Doubtless they will be made proportionate to the resources of the states sending them. There are tremendous difficulties of organisation and control to be overcome before permanent forces always under the authority of the League can come into being. But the advantage of having an efficient army and navy ready for action at any moment under officers known and trusted by their men are so great, that I hope the difficulties will in the end be surmounted. Meanwhile the plan of calling up contingents from the forces of the Member-States as and when the need arises is probably the best that could be adopted at the present time.

### IV.

The next duty of the League, according to the list I gave you in the previous lecture, is--

To limit the armed forces of states to what is necessary for the maintenance of internal order and external security, and to abolish the private manufacture of arms and munitions of war and the trade in them by private persons.

This follows naturally from what has gone before ; for it would be impossible to secure the working of a

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system of Courts and Councils for the peaceful settlement of international disputes, if any state which chose was free to arm itself to the teeth and let loose overwhelming forces upon a neighbour in defiance of Arbitral Awards or the advice of Committees of Conciliation. It would be a very good thing to prohibit conscription altogether. States which deem themselves unsafe without it should remember that under the new international order their integrity and independence will be protected by the entire authority and force of the League. In any case the individual Members of the League of Nations must submit to having their armaments limited by its authority, and such limitation must be carried out on some system of proportion, so as to be adjusted to the needs of each and at the same time fair between them all. It would obviously be wrong to allow Great Britain with an enormous sea-borne commerce and an Empire scattered all over the world no bigger fleet than China with her small foreign trade and huge mass of contiguous land territories. All these considerations have been recognised explicitly or by implication in the Constitution drawn up for the League of Nations. It declares that "the maintenance of peace will require the reduction of national armaments to the lowest point consistent with national safety," and lays upon the Executive Council the duty of formulating plans for effecting such reduction, and determining what military equipment is fair and reasonable in proportion to the scale of forces laid

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down in the programme of disarmament" (Art. 8). This is a formidable task ; but its performance will be greatly facilitated by the terrific financial burdens the war has laid upon all the combatant states and many of the neutrals. It will be hard enough in the immediate future to provide for the ordinary business of civilised government, to say nothing of the schemes of social betterment that are demanded, and rightly demanded, by the masses of the people. All these must be abandoned if the race of competitive armaments is to continue. I do not envy the statesman who has to stand up before his countrymen and tell them that they must give up hope of any improvement in the conditions of life because all that can be extracted from them by taxation is required to keep them from ruin and obliteration in a world armed to the teeth. The thing is unthinkable. The difficulties of proportional disarmament, great as they are, are nothing to the difficulties of refusing to disarm. Given a reasonable amount of goodwill, the Executive Council will be able to produce a tolerable scheme, and in addition to deal with the troublesome problems of private manufacture of arms and munitions of war and private trade in them. This, too, is part of their duty under the proposed Constitution of the League (Art. 8). They will be sorely tried in the performance of their double task. But on the whole I think it will be more difficult not to do it than to do it ; and in time to come it will be lightened by the wise provision that future candidates for

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admission into the League are not to be allowed to become members unless they "conform to such principles as may be prescribed by the League" in regard to their naval and military forces and armaments (Art. 7).

### V.

The fifth of the duties assigned in our list to the projected League of Nations is--

To see that conditions in the economic sphere are such as to prevent states from seeking to crush one another's trade and industry.

Few except those who have given special attention to the subject realise how greatly states have become inter-dependent in modern times. This is seen not merely in official transactions between governments, but also in the realm of voluntary association. It has been computed by M. Paul Otley that in the first ten years of the present century there were no less than 1,070 international gatherings and reunions of various societies. Up to the outbreak of the world war the number was rapidly increasing, whereas in the period from 1840 to 1850 there were but 9 such assemblies. This shows that the drawing together of people of various nationalities for a common purpose is a new fact as well as a fact of great magnitude. We live to-day in an era of international co-operation, though we sometimes try to forget it and act as if the contrary were true. Yet even our



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anti-social activities bear witness to its existence. What chance would any state that stood alone have had in the present war? If we are compelled to co-operate in destruction, it stands to reason that we must join for constructive purposes. No doubt the long list of hundreds upon hundreds of international gatherings includes a good proportion of those meetings dear to cranks and faddists, where a few fanatics come together to encourage one another and denounce the rest of the world. But it includes also important political organisations like the Inter-parliamentary Union, important religious organisations like the World Missionary Conference or the Eucharistic Congress, and important humanitarian organisations like the International Red Cross Association or the International Council of Nurses. Indeed as the eye runs down M. Otley's catalogue it meets on every page the names of Unions and Societies which take the highest rank among organisations for increasing the knowledge and promoting the welfare of mankind. All of them transcend the boundaries of states, and bind together men of diverse nations in a common cause and for a common work. The movement is the result of the extension of social, commercial and financial intercourse. The ever-growing community of ideas on science and literature, art and politics, and most of all perhaps on religious and social questions, give it force and driving power, and are themselves immensely strengthened by it. It is felt in the sphere of

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government and diplomacy, as well as in that of private intercourse; and it has made as rapid progress in the first as in the second. We are familiar with International Copyright and International Postal Conventions. But it may surprise you to know that in February, 1914, our own Imperial Entomological Bureau obtained the help of other European governments ruling over tropical territories in its warfare against the nimble mosquito; while three years before we signed an Agreement with Germany whereby each country covenanted to assist the other in a variety of ways in order to deal effectively with "the sleeping sickness" in certain of their African possessions.

But it must not be supposed that this international co-operation is confined to questions of medical science. It covers a much wider field, including communications, and public morality and humanity, as when in 1912 twenty-nine powers signed in London a great Convention for the regulation of wireless telegraphy, and in 1904 twelve powers signed in Paris an Agreement to take measures for putting down the awful iniquity known as the White Slave Trade. It has recently been extended so as to deal with labour questions. Progressive states insisted on improved conditions of labour at home, and then found that goods made under them were driven from the market by cheaper goods made abroad under the old, bad system. They thus discovered the need of international effort to induce all the states concerned

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to legislate simultaneously and in the same direction. One of the first results was the Phosphorus Convention of 1906, which has practically abolished the trade in matches poisonous to those who made them. Another and most significant case, illustrating the need of international effort, and affecting consumption and trade as well as production, arose out of the efforts made to prevent the spread of the opium habit among the natives of the Philippine Islands after the United States took them over in 1899. Total prohibition of the sale of the drug failed owing to extensive smuggling from the neighbouring British possessions. Bishop Brent, the head of the Protestant Episcopal Church in the Islands, therefore suggested a Conference preceded by an International Commission of Enquiry. He was warmly supported by President Roosevelt and Viscount Grey of Falloden, then our Foreign Secretary, and the result was a wise and comprehensive Convention, signed in 1912 by Great Britain, the United States, China, France, Germany, Italy, Japan, Holland, Russia, Portugal, Persia, and Siam. It was, however, evident that a combination of twelve powers only could not do a work which required the co-operation of the civilised world. Accordingly two more Conferences were held, and the time intervening between them was taken up by negotiations almost world-wide in their scope. When the third Opium Conference rose in the early summer of 1914, the only states which still refused to adhere to the great

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Opium Convention were Turkey and Servia. Then the world war broke out, and the hands of the clock of progress suddenly stopped. But surely if a League of Nations is brought into being as a result of the labours of the Peace Conference, few matters more worthy of its attention can be found than the restraining within righteous limits of a trade which unrestrained must be a great curse to mankind.

I trust that what has just been said will have convinced you of the possibility of international co-operation, and the crying need of it if we are to raise the level of human life, and do away with the terrible sense of wrong and injury which is at the bottom of social unrest. The efforts at amelioration have hitherto advanced with faltering steps and slow; but half the difficulties would vanish were the work entrusted to such a League of Nations as we have been considering. We must surely realise that there lurks in the present international order almost unlimited opportunities for wrecking human happiness. Not only is it easy for ambitious and unscrupulous states to let loose war with all its horrors on the world; but one power may injure others gravely by selfish commercial and industrial legislation, or even by abstaining from legislation against practices detrimental to human well-being.

It is therefore necessary that in the Society of Nations measures should be taken to level up industrial conditions and prevent the snatching of unfair commercial advantages. The suggested



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scheme endeavours to secure this object by providing that the High Contracting Parties shall "secure and maintain fair conditions of labour for men, women and children, both in their own countries and in all countries to which their commercial and industrial relations extend, and to that end agree to establish, as part of the organisation of the League a Permanent Bureau of Labour (Art. 20). Further, when dealing with the difficult subject of colonies inhabited chiefly by backward peoples, it lays down that "equal opportunities for trade and commerce" should be secured in them for all the Members of the League (Art. 19). These stipulations form a foundation on which a fair superstructure may be built if the powers are in earnest; and we may, I think, feel sure that the Labour Parties in most states will endeavour to keep them up to the mark. With regard to the Members in their general commercial relations with one another, it is difficult to see where the line can be drawn between preventing manifest unfairness and interfering unduly with domestic legislation. Let us hope that the heavily-burdened Executive Council may prove equal to the task of drawing it with the needful discrimination.

## LECTURE IV

*(Given on Thursday, March 6th, 1919)*

OUR first task this afternoon is to finish the consideration of the heads which we have classed what may be called the necessary activities of the League of Nations. At the end of the last lecture we had reached the sixth, which was, you will remember--

### VI.

To undertake the guardianship of backward races, and superintend their progress towards freedom and civilisation.

Many of the great colonising states have done noble work in keeping the peace between rival tribes, and laying in the wilderness the foundations of secure and happy existence. But on the other hand there is not one of them than can fail to find in the record of its dealings with aboriginal races pages it would fain expunge. Spain enslaved its Indians in spite of the scruples of Isabella and the protests of Las Casas. Great Britain hunted natives of Tasmania like wild beasts. France smoked and burned Algerian warriors out of their mountain strongholds. Blots such as these are to be found on tolerably fair

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escutcheons. But there are others that are tarnished from top to bottom. The aptitude of the Germans for scientific brutality was never more conspicuously displayed than in their colonial enterprises. Witness the extermination of the unfortunate Herreros in those South-West African lands which, thank God, are German no longer. These incidents, and others like them, show that the possession of almost unlimited power over others brings with it strong temptations to exploit and injure them. It is necessary in order to check this tendency to keep ever before our eyes the sound doctrine that all government is for the benefit of the governed. The only moral justification for rule over backward races is that it helps them to advance out of barbarism into juster and happier conditions.

In the domain of thought the recognition of these great truths is not difficult, but in practice their application is hindered by many obstacles. There is the spiritual difficulty of getting ordinary people to feel that what they would unhesitatingly condemn in other nations is wrong when done by their own compatriots, and the material difficulty arising from distance, which makes it necessary to act by means of agents on the spot unrestrained by a healthy public opinion round about them. In these circumstances ill-feeling between colonising states may easily arise. Unsparing condemnation on one side is often met by fierce resentment on the other. And thus what starts by being a danger to the welfare of savage tribes

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soon becomes a menace to the Society of Nations. Meanwhile whatever wrong there may be at the bottom of the trouble is in no way mitigated, but may quite possibly grow worse and worse because of the blundering efforts made to remove it.

Thus care for the peace of the world, which is the main function of the League of Nations, seems to bring with it a call to supervision and direction in matters concerned with the government of barbarous races inhabiting territories belonging to civilised powers. We find a statement to this effect in the programme of the British Labour Party. But it soon appeared that so wide a demand was incapable of realisation. Great and powerful states were not likely to surrender authority they had executed for a long time, and in some cases with the happiest results. International government has not been a very conspicuous success where it has been tried. As a rule the populations concerned had no experience of it, and no desire for it, and where, as in Macedonia and a few other parts of the Balkan peninsula, they possessed first-hand knowledge, they either loathed it or laughed at it. Moreover, there was nowhere to be found an international staff of trained administrators accustomed to working together, who could have taken over the daily work of government. For these and other reasons it was clearly impossible to pool all the backward peoples of all the colonising powers, and place them for training in the arts of peace and self-government under the authority of a



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League, even if that League did contain all the most civilised and advanced nations of the earth. If anything was to be done, a much more modest plan must be tried. And so we find that when the Commission appointed by the Peace Conference came to deal with the matter they produced a scheme which applied only to the colonies taken from Germany and the provinces of which it is intended to deprive the Turkish Empire, or, in their own words "to those colonies and territories which, as a consequence of the late war, have ceased to be under the sovereignty of the state which formerly governed them, and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world." As to these they adopted the principle that "the well-being and development of such peoples form a sacred trust of civilisation," and added that "securities for the performance of this trust should be embodied in the Constitution of the League" (Art. 19). This is a remarkable pronouncement. It sets the seal of civilised humanity on the Christian doctrine that we are all our brothers' keepers, kick and fret and fume against it as we may. Being members one of another, we are bound to help each other, states as well as individuals; for if "one member suffer all the members suffer with it, and if one member be honoured all the others rejoice with it." This is the very opposite of the short-sighted political selfishness which is so ardently preached in some quarters now.

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The world has taken many centuries to grasp its truth. Let us hope that, having once been recognised, it may never be forgotten.

But to give mental adhesion to a doctrine is one thing, to act on it another. Let us see how the architects of the League's Constitution endeavoured to perform this second and more difficult portion of their task. They do not propose that the League should take over the conquered territories and administer them directly. The practical impossibility of doing anything of the kind is recognised. Neither on the other hand is it suggested that the districts and peoples in question should be divided up among the chief states of the League, each one taking over his share in full sovereignty. They have cleverly hit upon a third course, coming between the alternatives we have described and free from the objections which can be urged against them. They suggest that the tutelage of the peoples we are referring to "should be entrusted to advanced nations, who by reason of their resources, their experience, or their geographical position, can best undertake this responsibility, and that this tutelage should be exercised by them as Mandatories of the League" (Art. 19).

Here we have the legal doctrine of Mandate pressed into the service, and it behoves us to see what it is. We must search for it in the old law of Imperial Rome. There we find that Mandate was one of those contracts which was made merely by the consent of the parties. It arose when one man

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induced another to transact for him some piece of business, such as buying a house or managing an estate. Consent having once been given, the person charged with the Mandate, who is called the Mandatory, was bound to use the utmost care in doing what he had agreed to do, while the person who gave the Mandate, called the Mandator, was bound to pay him back all his expenses and indemnify him for all loss. But the service itself must be rendered gratuitously.

According to Article 19 of the Constitution before us, the League of Nations is the Mandator, the Mandatory is one of its Members to whom it has given the care of some particular piece of territory, and the Mandate is the charge given along with it. Obviously this may vary with the circumstances of the case, and the resultant elasticity is the great charm of the plan. It enables the authorities of the League to adopt the methods they enjoin and the powers they confer to the needs of the inhabitants in whose interests they are acting. "The character of the Mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions, and other similar circumstances." (Art. 19.) Those who drafted the Constitution evidently contemplated three varieties of Mandatory charges, corresponding to the needs of three varieties of peoples. They speak first of "certain communities formerly belonging to the Turkish Empire," which they say

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“have reached a stage of development when their existence as independent nations can be provisionally recognised.” In their case the charge given to the Mandatory power will be that it shall “render administrative advice and assistance until such time as they are able to stand alone.” When we read these words we seem to see between the lines such names as Palestine with Great Britain as the Mandatory power, and Syria with France.

The second kind of community, and the nature of the Mandate to be given in its case, are thus described by the drafting Commission: “Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of the territory, subject to conditions which will guarantee freedom of conscience or religion, subject only to the maintenance of public order and morals. the prohibition of abuses, such as the slave trade, the arms traffic, and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases, and of military training of the natives for other than police purposes and the defence of the territory, and will also secure equal opportunities for the trade and commerce of other Members of the League.” (Art. 19.) In the first class of cases the Mandatory was to be little more than an official adviser. Here he is an administrator, but subject to stringent conditions laid down in the interest of the natives and of his fellow Members.



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We now come to the third kind of community, and here we shall see that the difference between the position of the Mandatory and that of a sovereign is not great. He may be described as the ruler of the population, to distinguish him from the administrator in the second case and the adviser in the first. His position, and the kind of people he has to care for, are described in the Constitution in the following words: "There are territories, such as South-West Africa, and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilisation, or their geographical contiguity to the Mandatory State and other circumstances, can be best administered under the laws of the Mandatory State as integral portions thereof, subject to the safeguards above mentioned in the interests of the indigenous population." (Art. 19.) Assuredly we might interpolate here the words New Guinea and Australia without being blest or afflicted with a very fervid imagination; and our Australian brothers may rest assured that the control reserved to the League in the last resort will sleep in peace as long as they do not wake it up by turning themselves into a militaristic and oppressive state.

The degree of authority, control, or administration to be entrusted to the Mandatory State is to be carefully defined in each case. Either the High Contracting Parties are to agree upon it beforehand, or

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the Executive Council of the League is to set it forth in a Special Act or Charter. Every year the League is to receive from each Mandatory State "a report in reference to the territory committed to its charge." Further, a Mandatory Commission is to be established "to receive and examine the annual reports of the Mandatory powers, and to assist the League in ensuring the observance of the terms of all Mandates." (Art. 19.)

The whole plan seems to me to be full of political wisdom, and of that sane and persistent humanity which is content to advance step by step, as long as it is always advancing and never loses sight of the final goal. The Mandatory Charters can be varied indefinitely to suit changing circumstances; and, seeing that each Mandatory State must agree to the position assigned to it, the most delicate susceptibilities ought not to be wounded.

We have now to deal with the seventh and last of those activities which I enumerated in the second lecture as springing naturally from the main object of organising the Society of Nations for peace rather than for war. As I phrased it, you may remember it was—

### VII.

To preserve the right of all to the free passage of the seas when about their lawful business.

On this two comments may perhaps be made.

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I might be asked why I do not adopt the wider words of President Wilson in the second of his famous fourteen points. They ran thus:—  
“Absolute freedom of navigation upon the seas outside territorial waters, alike in peace and in war, except as the seas may be closed in whole or in part by international action for the enforcement of international covenants.” On the other hand, it might be said that I speak only of preserving a right already in existence, whereas the Peace Conference is attempting to outline a great plan of future improvements. I will admit at once that I refer to preservation not alteration. But nevertheless what I suggest is a great and most necessary reform. For the right of passage I desire to safeguard was set at naught to a terrible extent in the world war, and by none more than Germany, the belligerent which endeavoured to represent itself as the champion of freedom. In asking that means be taken to preserve “the right of all to the free passage of the seas when about their lawful business,” I ask for something that is at once perfectly definite and in great need of protection. But President Wilson’s phraseology was made indefinite of set purpose, and, as we shall soon see, might include certain great changes in the rules of maritime capture which would be dangerous to the welfare of the world unless they were accompanied by a drastic modification of the laws of war on land.

About three hundred years ago a great inter-

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national controversy came gradually to an end by the victory all along the line of the advocates of what was called *mare apertum*, the open sea. They held that the ocean was the common highway of all mankind, and therefore free to all for passage and commerce. The seas of the world were absolutely exempt from the dominion of any state or group of states, except as regards marginal waters, that is to say all narrow bays, indentations and estuaries. For obvious reasons of safety these were under the control of the power which owned their shores, as also was a strip of water three marine miles wide along the ordinary coast line. The salt waters of the globe outside these limits were free from territorial sovereignty. Each state had jurisdiction over its own vessels when traversing them; but they came under the local jurisdiction when in the ports and marginal waters of other countries. Vessels crossing the ocean on their lawful occasions were, of course, under obligation to respect the corresponding rights of others; and pirates as enemies of the human race, could be captured and punished by any who were strong enough to seize them. The operations of war were reckoned among the "lawful occasions" for which the open sea might be used, but no belligerent could permanently occupy its waters for his warlike purposes, just as no trading state could fence off a portion of them for its traffic alone. The doctrine that the high seas of the world are open to all in war as well as in peace has stood firm



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for nearly three centuries on the rock of universal consent.

This is what is meant properly speaking by the freedom of the seas. And I venture to say that no power has accepted it more completely or carried it into practice more thoroughly than Great Britain. We clung, it is true, for a long while to the ceremonial honours our flag once received in the seas our mediæval kings called parts of their dominions, and we pitched our claims to territorial waters very high at first. But on the other hand we used our naval power, as it grew, for the benefit of all who in the scriptural phrase occupy their business in great waters. We charted most of the seas of the world. We cleared them of pirates, and protected in them the navigators and traders of all nations. The creeks of the farthest Pacific islands, the shores of the bleakest Polar regions, bear witness to the skill of our sailors and the enterprise and courage of our explorers. And where we went and made safe the way, the rest of the world was free to follow. We sought for ourselves no exclusive advantages. What our blood, our treasure, our technical skill gained we freely shared with all comers. Wherever on the seas the British flag flew there was protection and security for all who followed it on lawful errands. So clear is this that German writers have not ventured to impugn it, though they have of course put it down to interested motives. "The freedom of the seas," says Karl Emil, "was never called in question in

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peace times ; mercantile navigation was not hampered by any restrictions, and the English were the last people in the world to think of imposing any." Even Count Reventlow, the bitterest of the whole band, was constrained to declare that "in peace freedom of the seas is something which has gone without saying ever since the cessation of piracy." But he did not add, as he might, that the world owed this happy state of things mainly to the unselfish efforts of Great Britain. And all the time we were using our splendid sea-power in the service of humanity Germany was doing nothing, though her traders and sailors benefited by our endeavours. I do not say this in any spirit of blame. The Fatherland had no state navy till very recent times, and she could not send what she did not possess on missions of general usefulness. Her attempt to become a great sea-power began with Kaiser Wilhelm II., and so far as a war-fleet is concerned seems likely to end with him. But the fact that she took no part in a beneficent work largely due to our efforts should serve to put some check on the vituperative abilities of her writers. The freedom of the seas as understood in its historic sense is due more to England than to any other power.

But it is in grievous danger now ; for as soon as Germany became possessed of a great navy she used it, not for the protection, but for the destruction of this old freedom of the seas. Quite at the beginning of the war, if not a few hours before it began, she

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commenced to sow the open waters of the North Sea with floating mines in complete disregard of the provisions of the Hague Convention on the subject. We held our hand for some time, and then resorted to anchored mines, which we were free to do according to the terms of the Convention. The next step on the part of Germany was the marking off of certain wide areas of sea around the British Isles, and the declaration that all British and Allied vessels and all neutral merchantmen also, when found within those areas would be liable to destruction by her submarines. As the struggle went on the Central Powers extended their War Zones till at last they protruded far out into the Atlantic, and covered in addition a large portion of the Mediterranean. Meanwhile Great Britain was increasing her mine-fields till they covered a considerable portion of the North Sea. It is true she took great pains to keep neutral vessels safe, and provided them with guidance through channels she left free ; but nevertheless their freedom of navigation was severely curtailed. Germany, on the other hand, deliberately tried to destroy them in order to stop communication with the foe she dreaded most.

I do not want to dwell now on the inhumanity of this action. Nor will I do more than say in passing that the right of a belligerent against all merchantmen of his enemy, and such neutral merchantmen as offend against the laws of war by carrying contraband or in other ways, is capture, not destruction, the

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latter being allowed only in a few exceptional cases. But I feel bound to declare with all the emphasis I can command that the conduct of Germany in this particular is fatal to what has been regarded for three centuries as one of the fundamental rights of civilised mankind. What becomes of the time-honoured doctrine that the open seas of the world are free for all to traverse on their lawful occasions, if any belligerent which can make a vast area of them dangerous is allowed to reserve it as a sort of sea-province of her own, and warn neutrals off on pain of death? A more manifest usurpation it is impossible to conceive. And where is it to end? If neutrals submit to it, they must be content in future to navigate the ocean by the gracious permission of the warring states. Their old right becomes a privilege granted or withheld at the will of others. War is installed as Lord Paramount of the world, and Peace stands humbly in the background, ready to pick up with cringing gratitude such morsels as the real master of God's earth may throw to her. Not the least of the services which the United States have done to mankind during their national existence was rendered when they threw down the gage of battle to a power whose monstrous War Zones robbed civilisation of one of its most essential means of existence. Now that the war has been won, they and we and the nations allied with us must see that the Peace Conference not only re-enacts the old right in the plainest terms, but provides by means of the



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machinery of the League of Nations means for enforcing it promptly against all gainsayers. Already the Constitution of the League provides in Article 21 that "the High Contracting Parties agree that provision should be made through the instrumentality of the League to secure and maintain freedom of transit." This is good as far as it goes, but we want something more definite, worked out into plain and far reaching rules.

We must not, however, demand too much all at once. In the first place, the Covenant is, as I have said before, a Constitution in the strict sense of the word. It outlines great fundamental arrangements which cannot be altered without special and difficult formalities, and leaves details to be filled in by means of the ordinary processes of legislation. In the second place, it is at present a draft only, and can be enlarged as well as altered by subsequent debate. And in the third place, public discussion has now revealed to the world what experts knew from the first, namely the difficulties and ambiguities that lurk in the attractive phrase, "The freedom of the seas." It is understood to enshrine the American doctrine, put forward at the two Hague Conferences, with steadily increasing support but yet without final success, that the right of belligerents to capture the private property of their enemies found at sea in enemy merchantmen shall be forthwith abolished except as regards contraband of war and goods destined for a blockaded port? In that case the

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events of the war now coming to a conclusion have been such a revelation that many who were before in favour of the change have had their opinion greatly shaken. They see that to introduce it under present circumstances would enable an unscrupulous belligerent strong on land to carry plunder and destruction over the territories of an enemy, while its own oversea's trade went on unharmed, though its adversary possessed a navy of overwhelming power. And this line of argument becomes stronger still when we remember that the German interpretation of freedom of the seas seems to have included the abolition of the right of blockade on anything like a large scale, and the cutting down to very small limits of the right of a belligerent to regard as contraband of war all goods useful for military purposes. If this view prevailed, while Germany was free to introduce into land warfare poison-gas, flame-throwing, unlimited devastation, merciless plunder, shameful treatment of captured prisoners, virtual enslavement of civilians in occupied territory, nameless outrages on women and children, and all the rest of the devilries she so freely committed whenever she imagined the occasion called for them, it is easy to see what a great advantage she would have over an adversary whose chief weapon was a fleet unable to touch her commerce.

But we cannot, even if we would, dismiss the matter by allowing things to remain as they are. Sea warfare as well as land warfare, cries aloud for

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reforms based on justice and humanity. And though we hope that war itself will be rendered more and more rare as a result of the formation of a League of Nations, we must provide for the possibility of occasional failure to bring about a peaceful solution of international difficulties. And in addition we must recognise that when the League has to dictate a settlement, it may be compelled to use force in the last resort, which is only an euphemistic way of saying that it will carry on war against any recalcitrant state. It is, therefore, necessary to reform the laws of war in any case, and I am quite sure that we cannot deal with the rules of land warfare while we leave sea warfare alone. Indeed, neutral states would never allow such an omission; for we must always remember that they suffer from blockade, and contraband, and even ordinary belligerent capture, as well as the belligerent who is subjected to them. Obviously it is not just that a people who have kept the peace should be ruined in order that peoples who have gone to war should be free to belabour one another without let or hindrance. It will not be easy to find solutions for all these difficulties; but the united wisdom of civilised humanity should not fail the race.

Meanwhile we must note that President Wilson in the second of his fourteen points qualified his demand for "absolute freedom of navigation upon the seas outside territorial waters, alike in peace and in war" by the addition of the words, "except as the seas

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may be closed in whole or in part by international action for the enforcement of international covenants." This seems to hint at the use of the old methods in maritime warfare, when it is carried on under the authority of the League of Nations, but the prohibition of them in other circumstances. Such a device might possibly be acceptable, if some of the severities of war on land were treated in the same way. A League armed with the right to put far more pressure on commerce than was allowed to an ordinary belligerent might find the powers far more ready to accept its decisions than to meet an ordinary adversary half-way. But the principle must not be applied to maritime hostilities only. Further, whatever rules may be hidden in the obscurity of the demand for the freedom of the seas, it is necessary to ask what meaning is to be put on the phrase "outside territorial waters" when used to limit the claim to "absolute freedom of navigation alike in peace or in war." No power can want its merchant ships to spend time and fuel in roving aimlessly about the world. They go to sea in order that they may enter ports. In other words, freedom outside territorial waters is useless without freedom to enter them and transact within all lawful business. Of this President Wilson says nothing; but it is obvious that freedom to enter ports must be added to freedom to travel from port to port, before anything like the full freedom of the seas can be established. A strong Committee is needed to investigate the whole



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question, and report to the Peace Conference or the League of Nations.

Here we finish our consideration of the chief necessary activities of the League. We have seen how they all arise out of its primary object, the prevention of war, and to what extent they are provided for in the draft Constitution now before the world. In this way we have already passed in review most of the contents of that epoch-making document. There are, however, a few matters contained in it which hitherto have been either touched on very lightly or else omitted altogether. Of these I must now say a few words.

As we have already seen, a Permanent Court of International Justice is to be called into being by the Executive Council. In addition the formation of three other bodies is decreed, though it is not specified what organ of the League will create them. There is to be a Permanent Commission to advise on military and naval questions (Art. 9), a Mandatory Commission to receive and examine the annual reports of the Mandatory Powers (Art. 19), and a Permanent Bureau of Labour to secure for it fair and humane conditions (Art. 20). Probably these Commissions and Boards will be multiplied in future as the League obtains experience of its work. Already there are rumours of the formation of a Financial Commission and one or two others. It is further stipulated that all the inter-

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national bureaux already established by general treaties are to be placed under the control of the League, if the parties to such treaties consent, and that all similar bureaux created hereafter shall at once be placed under the same control (Art. 22). On the other hand, all obligations between the High Contracting Parties which are inconsistent with the terms of the Constitutional Pact are to be *ipso facto* abolished, and no such engagements are to be entered into in future (Art. 25).

The important question of admission into the League is dealt with in Article 7, which lays down that it is to be "limited to fully self-governing countries, including Dominions and Colonies," and contemplates what we may call an original membership of signatories to the Covenant and states specially invited to adhere to it. Those who are outside this body and apply for membership have to be elected by a two-thirds majority of "the states represented in the Body of Delegates," and must give effective guarantees of their sincere intention to observe their international obligations, and conform to what the League may prescribe "in regard to its naval forces and armaments." Once in the League a state seems destined to remain there as far as the provisions of the Covenant are concerned. No means of retirement are provided in the draft Constitution. They may have been omitted of set purpose on the ground that the temporary caprice of one power must not be allowed to disturb the

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organisation on which the peace and happiness of the civilised world depends. On the other hand, the omission may be the result of oversight, in which case it can be remedied after further discussion by the Peace Conference. But whatever may be finally decided as to retirement from the League there can be no doubt that alterations in its constitution are contemplated. Any constitutional amendment is to come before the Executive Council and the Body of Delegates, and will not be adopted until it has obtained ratification from both of them. The former must be unanimous, and three-fourths of the states whose representatives comprise the latter must concur. There is therefore no fear of changes lightly made by a chance majority. Finally, it is contemplated that there should be a "Seat of the League" (Art. I), but no place is named in the Constitution.

It is impossible here to deal at any length with the attacks upon the scheme I have endeavoured to outline in these lectures. What I have called the great fundamental objections were answered early in the course. Many of the others spring from ignorance, and are best refuted by an exposition of the text of the Covenant. It looks, for instance, a formidable difficulty, when we are told that no great and powerful state can be obliged to obey, and even assist in carrying out, a decision it regards dangerous to its position in the world. But the difficulty vanishes when we note the provision that decisions of the Executive Council sitting as a Committee of

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Conciliation cannot be carried out by force unless they are unanimous, and reflect further that each Great Power has its representative on the Council (Art. 3, 15). Under the Constitution of the League there is more likelihood of failure to settle a question for lack of unanimity than of the promulgation of a dangerous decision. Moreover, it is expressly provided in Article 3 that "Invitations shall be sent to any power to attend a meeting of the Council at which matters directly affecting its interests are to be discussed, and no decision taken at any meeting will be binding on such power unless so invited."

Besides the objections due to want of knowledge there are others which spring from impatience. Some people want to have all their ideas embodied at once in any scheme of reform presented to them, and turn against it if it does not come up to their desires at all points. In the matters before us, if they are extreme pacifists they blame the draft Constitution of the League because it contemplates the use of force as a last resort in many cases, while if they are strong believers in the big stick, they object to it because it does not use force in every case. Extreme democrats are hostile because the principle of direct representation of the people is not recognised in the composition of the various bodies brought into being by the League, and extreme supporters of the old order are hostile because the new requires all things to be done under the eye of the people and with



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constant dependence on the votes of popular assemblies. To the notice of each and all of these I should like to commend the old proverb, "Rome was not built in a day." The League of Nations, if established on the lines now proposed, will contain within itself the germs of great developments in the future. There is only one thing quite certain about it, and that is that it will not long remain exactly as it appears at the time when it commences its existence. The peoples of the civilised world will in the end determine the direction in which it develops; and surely the right course for reformers of all kinds to follow is to accept what is offered them to-day, and devote their energies to modifying it to-morrow according to their own ideas.

To objections that spring from ignorance and objections that spring from impatience we must add objections that spring from either folly or bad faith. There are a good many people who fail to take a good thing, when offered to them because they dread vague and almost impossible evils to come from the possession of it. They are like the attractive girl who has no sort of objection to marriage, but nevertheless refuses lover after lover, all of them honourable and good-living men, because she sees in none the perfect husband of her dreams. There are others who from sinister motives hate the notion of ending war, and with it all the chances of wealth and indulgence it brings to them. Both kinds alike conjure up all sorts of highly improbable possibilities,

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and bid the multitudes beware of the dreadful pitfalls into which in their innocence they are being led. What is to happen, they say, if the League splits up into parties ; if none of its members will obey its behests ; if some deadly invention kept absolutely secret is suddenly used by the power which possesses it to destroy the resistance of all other powers and make itself supreme ; if Bolshevik masses from China and Russia march on Western Europe under the command of German officers ? My reply would be, What is to happen if all the directors of all the Companies in London bolt in one day with the funds of all their shareholders ; if all the ministers of all the Churches turn infidels simultaneously ; if all the disbanded soldiers seize rifles and rob promiscuously at the point of the bayonet ; if all mothers neglect their children instead of tending them ? Imagine general folly and wickedness, and it can easily be proved that the most wise and beneficent institutions must be disastrous failures. What would marriage be if the world was determined to wallow in promiscuity ? What would become of contracts if it was impossible to trust the word of any human creature ? These of course are ridiculously extreme cases ; but they make plain the folly of condemning proposals for improvement on preposterous suppositions that assume almost impossible conditions, and are carefully guarded against in the schemes themselves. The League of Nations, like any other human institution,

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will fail if the very people who have elected to live under it not only decline to perform its duties, but also work actively against it. But surely it is not likely that the bulk of civilised mankind will destroy to-morrow what they ardently welcome to-day. Its fate depends on them. The problem of its existence is at bottom moral and spiritual.

Whatever may happen in the immediate future, the world will never be the same as it was before this project of an organisation of the nations for peace was worked out in a practical form. A standard has been set up among the peoples. There rises before their eyes a vision of justice enthroned on high, righteousness acclaimed as the guide of international life, and force harnessed to the chariot of law. One glimpse of this must alter the whole current of human thought. Later, if not sooner, the multitudes will stretch forth their hands to turn the dream into reality. God grant it may be sooner. Delay means larger armies, weapons more destructive, cruelty fouler, misery deeper. The world cannot stand still. If we will not make it better it will rapidly grow worse. And our fate will be that of those who have seen the light and turned away their faces from it. The peace we all hope soon to reach will not be worth ten years' purchase without a League of Nations to secure that its provisions are duly carried out and its promises duly honoured. If, because we dread the responsibility of helping to safeguard the general welfare and taking our share in the development of

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the backward peoples, we wrap ourselves up in our own selfishness, and spend our strength on nothing but national and personal advancement, we shall lose the most valuable of all things, our national and individual souls, and by and by rush headlong to material ruin. Even now there sounds in our ears the fateful words of the old Hebrew lawgiver, "I call heaven and earth to record this day against you, that I have set before you life and death, blessing and cursing." Let us respond at once to his final appeal, "Therefore choose life, that thou and thy seed may live."



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