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THE NEUTRAL INVESTIGATION

of the

CAUSES OF WARS

An Essay concerning the politics
of War of the Great Powers and
the policy of Right of Small Nations

by

HERMAN HARRIS AALL

Ph. D., J. D.

1931 2509

How is it that ye know not how to
interpret this time? And why even of
yourselves judge ye not what is right?

St. Luke XII. 56—57.

Published by the author
Kristiania, 1923.

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Prologue.

The author of this essay is not a member of the Central Commission for Neutral Investigation of the Causes of the World War. The said Commission has no knowledge whatever of it.

Herman Harris Aall.



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1923.

Contents.

Prologue.

Chapter.	Page.
1. Introduction.	5.
2. Attacks on the Commission.	6.
3. Divergent interests of the Great and Small Powers in foreign politics.	8.
4. History of the Commission.	11.
5. Germany's request for the organisation of a neutral Commission.	13.
6. Demand of Common justice that the responsibility for the War be investigated.	14.
7. The attitude of the victorious powers towards a judgement of the War from a judicial standpoint.	16.
8. Judicial trial and determination of the responsibility for the War.	22.
9. Decision of the Versailles Commission 25 Jan. 1919 — 29 March 1919	23.
10. Paragraph 231 of the Treaty of Versailles	31.
11. The Decisions of the Victors and law and equity in the countries of the Victors themselves	35.
12. The Versailles Commission and the World Court.	40.
13. Judgement of prominent persons of the victorious countries.	44.
14. Material reasons for a revision of the Versailles Commission's decision.	50.
Enclosure: Falsifications in the Blue Book.	
15. Objections to the Neutral Investigation.	68.
16. The political significance of the Neutral Investigation.	76—114.
1. Introduction.	76.
2. The war aims of the victors.	77.
3. The defence of the right of small neutral states by the Entente.	81.
The protection of neutrals by the Entente:	
The Freedom of the Seas.	84.
(1) The Entente Domination of industrial life: Coal bunkers etc.	87.
(2) The Entente control of neutral posts and cables.	87.
(3) The Entente control over the Navies of neutral countries.	88.

Chapter.	Page.
(4) The Entente control over the imports and exports of Neutrals: Rationings and agreements.	90.
(5) Entente control over the Domestic Commerce of Neutrals: The blacklists.	92.
(6) The Entente Control over the private property of Neutrals.	95.
(7) The Entente control over the production of Neutrals: Forced exports to the Entente	96.
(8) The Entente control over the merchant marines of Neutrals: Requisitioning.	97.
(9) Entente motives for endeavouring to secure control over the Neutrals.	99.
(10) The selfprotection of the Entente behind the protected Neutrals.	101.
(11) Entente Control over Neutrals: The compulsory participation of Neutrals in illegal acts	101.
(12) Entente control over Neutrals: Taxation.	103.
(13) Entente control over the politics of Neutrals.	106.
17. Resumé: The nullification of the independence of neutral states.	114.
18. The political significance of the Neutral Investigation.	120-124.
1. Retrospect.	120.
2. The motives for idealistic programmes of the Entente.	121.
3. The consequences to Neutrals if the verdict of Versailles be permitted to stand.	124.
19. The Effects of the Neutral Investigation on the victorious peoples.	129.
20. The politics of War of great powers and the policy of Right of small nations.	131.
21. Tributes of the Great Powers to the policy of Right.	135.
22. The social significance of the Neutral Investigation.	138.
23. The Neutrals.	140.
24. Legal decisions and scientific investigations.	146.
25. War use of Peace Ideals.	151.
26. Conclusion. The judicial farce of Versailles.	157.
Appendix 1. Bibliography.	
2. History of the Neutral Commission.	
3. Personalities.	
4. Printing Mistakes.	

1. INTRODUCTION.

The Neutral, Scientific Commission

Which was organized in Kristiania, Norway, on the 28 of December, 1921, has been the object of very real interest in many countries. This is an emphatic indication of the fact that people in all parts of the world feel a need of a non-partisan, reliable investigation and consideration of the events and circumstances which have brought such extraordinary misfortunes to the world.

This feeling has been inevitable. It is only by means of such an investigation that we may eliminate the horrors of war. All human experience and all science agree that there is no other means of eliminating evils that afflict us than by discovering their causes, origins. We have no reason to assume that the evils of war are an exception to this principle. It is indeed the business of science to investigate these causes; and it is in this faith that the present movement has its basis. If it should appear that wars are an exception to the general rule, that they are unavoidable, or not to be overcome by a knowledge of what causes them, then this fact must be recognized and determined. But even this conclusion is possible only by means of scientific investigation. —

This does not mean that we may not well, in any case, approve of efforts made by noble-minded

thinking men and women to have us forget past enmities and endeavor to arrange the future on a pacific base. But such efforts do not render this scientific investigation superfluous. For thousands of years such endeavors have found sympathy in the minds of men; but their aim has not yet been attained. They may never be fully reached. However, if peace is to be attained, this will not be without first having discovered the causes of war. — This acknowledgement is certainly fundamental in the interest which the present undertaking has called forth.

2. ATTACKS ON THE COMMISSION.

[A]ttacks have also been made, however, from several sources, on the idea of the Commission. These have as a rule implied that the Commission did not in actual fact have the objects it professed, — an objective, scientific investigation of the causes of the World War; — and that it lacked the unpartisan character which it claimed, and was in reality merely a more or less disguised German enterprise. This must mean either that the undertaking has been initiated by German interests, or that it is led or supported by such interests or that its purpose is to further such interests. Such a suspicion seems to be the basis, for example, of an article by Mr. Poincaré in the *Revue Des Deux Mondes*, January, 1922, in which he refers to the Commission (p. 231) with the remark, „German propaganda hesitates at nothing,“ and continues in part as follows (p. 232): „That this enterprise is the result of spontaneous effort (on the part of neutrals) we do not at all believe What are

the Allies doing to meet this German campaign? They were in accord in 1919 before the signing of the Treaty of Peace not only with reference to the issuing of a complete exposé of the responsibility of Germany, but also in demanding an express admission on the part of the conquered enemy of his culpability. Shall they then today admit that certain personages of neutral countries have a right to assume the role of a court of appeals or review in order to nullify article 231 of the Treaty? Are all the free nations that came, one after another, to the struggle against German domination today in a humor to permit themselves to be judged by people who, in the hour of peril, stood with crossed arms? France certainly has no fear of the verdict of history. It were pleasing indeed that at the instigation of Germany the Entente should be placed in the position of an accused before an areopagus, the members of which condemn in advance the very principles of the Peace. The idea is grotesque."

A similar point of view is presented in *Le Temps* of 13 of February 1922, in an article entitled "Enemy Propaganda" (No. 22107), furthermore in *The Washington Post* and *The New York Sun* both of February 20, 1922, which remarks in part that the interests of France, England, Italy and the United States have thus been attacked.

It seems as if certain circles feel annoyed by the demand for the truth. But it goes without saying that no one who has a good conscience can object to an exposition of the truth. Mr. Poincaré also expressly declares that "France has no fear of the verdict of history".

When the Neutral Commission has been attacked as "pro-German propaganda", such attacks seem to have been inspired by a fear that the investigation as planned will not lead us nearer to the

truth, but merely serve as an agency of German interests.

These attacks, however, are based on a doubly incorrect presumption. The motives inspiring the formation of the Commission are based as little on the desire to support any defeated state as on the wish to profit by adherence to the victors. If the motive had been actual or prospective benefits the members of the Commission could certainly not have regarded alleged support of the conquered as advantageous. The assumption that the Commission is a propaganda agency for any party to the World War is moreover in conflict with definite historical facts, which shall be presented in the following pages.

It seems necessary, therefore, to give immediate publicity to the grounds on which the establishment of the Commission rests, the aims it has in view, and the historical circumstances pertinent thereto, in such a manner that the truth shall not be obscured, unless wilfully. Such an exposition will relieve the anxieties of such persons as have been inspired by a love of the truth in their attacks on the Commission. —

3. DIVERGENT INTERESTS OF THE GREAT AND SMALL POWERS IN FOREIGN POLITICS.

Contrasts in conceptions relating to the most important international questions of a political nature are of long standing as between citizens of minor nations and great powers. In each group we find national consciousness, love of country,

the desire for liberty, the craving for independence. There can hardly be any basis for believing that a citizen of Norway, Sweden, Holland or Switzerland is less devoted to his country than a citizen of England, France, Germany or Italy to his. International tendencies or forces tending to weaken national consciousness are certainly just as strong in the greater as in the smaller states. Nevertheless, there exists an essential divergence of aims in international political affairs as between the citizens of great powers and minor states. For ages the citizens and subjects of great powers have been accustomed to associate their feelings of nationalism **with imperial dreams and imperial efforts**. Citizens of small states do not have similar feelings or ambitions, — at least not in the states concerned in this discussion. While the citizen of the minor power finds the ultimate aim of his international political thinking in **freedom**, citizens of great powers regularly find their aim of corresponding nature in **empire**.

As there is this difference in **aims**, there exists a similar difference in **means**. He who knows that he is in possession of power is irresistibly impelled in emergencies, in all conflicts, **to rely on power to attain his ends**. But he glides easily, even imperceptibly, from the conception that might must be supported by right to the conception that might may justly usurp the place of right. It is not difficult to find historical examples of this point of view or manner of thinking even in our own times among the great powers.

Such conceptions are remote from the minds of citizens of small states, at least from the small European Germanic powers. They have long been accustomed to the necessity of recognizing the fact that they cannot defend themselves against the

great powers by force of arms. Their final refuge has then been in *Right*.

The attacks made on the Neutral Commission charging it with being German in its sympathies are due to misapprehensions. This conception is not devoid of a certain naiveté. During the war the excited combatants seemed to believe that their interests must be the most important for all and that neutrals ought not at all to be judges of their own national interests or international interests as a whole from any other point of view than that of the one or the other of the contending belligerents. Even if this conception were pardonable during the war it is difficult to find excuses for it now that the war is ended. It is now high time that politicians of the recently belligerent nations begin to appreciate the invalidity of this point of view and to cease interpreting the attitude of neutrals from such an ego-centric standpoint with reference to international affairs. There is a presumption involved therein, which can hardly be made consistent with the principles avowed by the successful belligerents as their aims during the war: respect for the independent interests of smaller states. For the sake of clarity it should be said without any circumlocution that opinion in neutral countries has certainly been determined, among the masses, by the propaganda of the belligerents and the psychological laws determining this. But intellectual groups came to conclusions according to their conceptions concerning which of the belligerent groups had the right on its side, and regardless of sympathies or antipathies for any of the parties. The reasons for this attitude on the part of neutrals are to be found not in abstract principles of right, but in the consciousness that their own foreign political interests demand that

right be maintained and entrenched as a compulsory norm in the relations of one state to another.

Their standpoint is determined neither by pro Entente nor by pro German influence, but because they have their own special interests and independence to defend.

It is surely unnecessary to enquire to what extent minor states have a right to defend their interests as compared with great powers. For in the first place, the one group of recent belligerents carried on the war avowedly in part on behalf of small states and democratic principles, which was tantamount to a recognition of the equality of small and great states as such. Inasmuch as the belligerent group which most emphatically avowed these principles is more victorious, it may be assumed, logically at all events, that this democratic principle has acquired international validity.

We shall examine those political circumstances which, nevertheless, have inspired neutrals now to devote themselves to this cause in a separate chapter.

4. HISTORY OF THE COMMISSION.

The first steps to organize an impartial, scientific investigation of the causes of the War were taken by Norwegian scholars in the spring of 1918. This was at a time when that group of powers which later met defeat was at the height of its military power and successes with bright prospects of further advance toward victory. The fact that the idea did not at once receive greater encouragement is to be explained by a variety of circumstances. In the first place, the passions aroused

by the War did not then seem to permit any calm consideration of the question. It was feared that an investigation of causes would prove fruitless as long as the attention of the world was devoted to the War itself. These who were actively interested concluded then that it would be best to await the end of the conflict. And, again, it was felt that it would be futile to attempt such an investigation as long as the documentary evidence available was of insufficient size and character to permit a conclusive study of causes to be revealed in part by such documents. But after the opening of the German archives, the plan received renewed attention in Sweden and Norway. In the spring of 1920 scholars in Switzerland and Holland associated themselves with the idea. During the summer of 1920 requests of a formal character, signed by statesmen, scholars, authors of seven of the countries recently at war came to neutral scholars, urging them to undertake such an inquiry. These requests originated in England through E. D. Morel, Arthur Ponsonby and associates, and support was found in France, Italy, Checko-Slovakia, Germany, Austria and Bulgaria.

It is then clearly in conflict with the historical facts involved to assume that German interests have been the inspiration of this undertaking. The plan and the idea did not originate in Germany, nor is the enterprise supported from Germany or by German citizens. And the organization is not supported, as implied by Mr. Poincaré, by German capital by way of the United States. In the autumn of 1920 the matter was taken up in the United States and a considerable amount of money was subscribed for its support. Not one farthing received by the Commission has its source in Germany. Nor was the preliminary work supported from such

sources. The not inconsiderable financial outlays necessary in the initial stages of the work have been borne by neutrals only. A more complete exposition of the commission's history will be found in an appendix.

5. GERMANY'S REQUEST FOR THE ORGANIZATION OF A NEUTRAL COMMISSION.

On the 29 November, 1918, the press announced that the German government had requested the Entente to have the matter of the responsibility for the war investigated by a neutral commission. This request appeared about half a year after efforts by neutrals in the same direction had been under way. But it came at a most inopportune time for the success of these efforts. It soon became clear to the neutrals most actively working for such an enterprise that the German proposal would not be accepted, and that it on the other hand was serving to place the efforts of neutrals in a wrong light. Since the general public was not then even aware of the movement among neutral scholars — except perhaps through some slight rumors — it might readily assume that these scholars had received their idea from the German government or other German sources. The German proposal, however, did in reality perform a service in supplying evidence that there was no connection whatsoever between the two parallel movements, — the neutral and the German political one.

6. DEMAND OF COMMON JUSTICE THAT THE RESPONSIBILITY FOR THE WAR BE INVESTIGATED.

International Law has long contained rules covering the forms under which a war might be conducted, and has thus applied legal principles to the conduct of military conflicts. But the question whether a war should be really undertaken or not remained a political one to be answered by the individual state in conformity with its own supposed interests. A sharp line was drawn between politics and right in the foreign relations of a state. Where collisions between political considerations and motives of justice occurred, political considerations have been determining. With regard to these judgments of political interests as a law superior to the law of right, theory has long maintained reservations. Distinctions between *bellum justum* and *injustum*, wars of defence and offence, have been made, and it has been insisted that the general principles of justice should be applied to political problems in foreign affairs also. This conception of international ethics has gained ground steadily within the last hundred years in the general consciousness and conscience of mankind. The relative position of political and moral interests has been reversed in accordance with demands of civilized mankind. —

The problem as indicated is a natural expression of the thought and feeling characteristic of our prevailing culture. But its importance was conclusively demonstrated by the character and unique extent of the last war. Its unparalleled brutality placed war in sharpest contrast to the conscience of cultured peoples, and gave it a semblance of a

reversion to the barbarities of past ages. Its vast extent caused grave anxieties among leading thinkers lest civilization receive a death-blow and lest all the blessings inherited from the past should disappear in the carnage, without gains which might not better have been made by other means. The peoples who were forced to give their lives demanded, therefore, of their representatives and rulers that they should feel their responsibility, discover means of escaping from the calamity, and of insuring mankind against repetitions of the suffering endured. In this case, the pains of the war would not have proved in vain.

The question of responsibility for the war could not then be ignored, even though the German request was dismissed. Just as governed societies provide for the discovery and punishment of crimes, in order to prevent new ones, so it seemed here to be a fair assumption that some one was „guilty“ of the catastrophe, and should be punished, while provision should be made against a recurrence of similar crimes in the future. This conception rests on the hypothesis that there exists a general consciousness of justice or what is „right“ which is essentially always identical, at least as far as civilized communities are concerned. And, proceeding from this assumption, the conclusion has been reached that principles, the validity of which is recognized within civilized communities, must needs be valid as between such communities or states. In other words, it has been maintained that those legal principles which regulate the municipal conduct of citizens among themselves must not be nullified when they become citizens of other states nor regarded as invalid as between states. Otherwise, we should soon discover that the conception of the state itself had become a hindrance to legal

order among men, that the state was an enemy of „law and order“. Such, approximately, has been the contention.

7. THE ATTITUDE OF THE VICTORIOUS POWERS TOWARDS A JUDGMENT OF THE WAR FROM A JUDICIAL STANDPOINT.

This view of the significance of Right in international politics had a very important effect on popular sympathies in neutral countries during the war, and was largely effective in determining the attitude of neutral citizens for or against the belligerent groups. The war was a struggle between great powers; all of the European neutrals belonged either to the small or less important powers, and feelings in all of these neutral states were determined by the same circumstance: to the extent that one of the belligerents was able to impress on neutrals that he was the representative of right as against violations of international law, to the same extent he was able to win public neutral opinion for his side. — Thinking so, the small states did not attribute political principles to the one group of powers which that group did not itself profess to support. Just as certainly as one group of belligerents called forth dismay on the part of neutrals by the invasion of Belgium, because this invasion seemed to be an open violation of international law, so the opposing group won sympathy by professing to be the guardian of international law, the champion of the sanctity of treaties, the protector of small states against the aggressions of the powerful, — in fine, as the representative of

the validity of right in international affairs. It can hardly be necessary to remind the reader of this by means of extended documentary evidence. It is sufficient to recall a few examples as for instance, the British Government's offer of 4 August, 1914, on behalf of itself, France and Russia to Belgium, Holland and Norway „to guarantee their independence and integrity, and of an alliance or the purpose of maintaining their neutrality“ (Belgian Grey Book, No. 37); President Poincaré's message to the French people on the same date, in which he stated: „In the war which we are now beginning, France will have right on her side, right whose eternal might no nation or individual may with impunity disregard. Already messages of sympathy and good will from all parts of the civilized world are pouring into France. For today, once again, this state stands as the guardian of freedom, right and reason“. (French Yellow Book, No. 158.) The British Prime Minister declared, in his address to Parliament on 6 August, 1914, that „if I am asked what we are fighting for I can reply in two sentences. In the first place, to fulfill a solemn international obligation — an obligation which, if it had been entered into between private persons in the ordinary concerns of private life, would have been regarded as an obligation not only of law, but of honor, which no self-respecting man could possibly have repudiated. (Cheers.) I say, secondly, we are fighting to vindicate the principle which, in these days when material force sometimes seems to be the dominant influence and factor in the development of mankind, that small nationalities are not to be crushed, in defiance of international good faith, by the arbitrary will of a strong and overmastering Power. (Cheers.) I do not believe that any nation ever entered into a great contro-

versy — and this is one of the greatest history will ever know — with a clearer conscience and stronger conviction that it is fighting not for aggression, but for the maintenance of which is vital to the civilization of the world, and with the full conviction, not only of wisdom and justice, but of the obligations which lay upon us to challenge this great issue. (Loud cheers.)" (The Times, 7 August, 1914, p. 8). In an address of Lloyd George under the caption of „A Holy War“, delivered on 28 February, 1915, he stated that, if Germany should win the war, „we shall be vassals — — to a Germany that would quench every spark of freedom either in its own land or any other in rivers of blood. I make no apology on a day consecrated to the greatest sacrifice for coming here to preach a holy war against that.“ In an address delivered on 14 December, 1917, Mr. Lloyd George said further that „there is no security in any land without certainty of punishment. There is no protection for life, property, or money in a state where the criminal is more powerful than the law. The law of nations is no exception, and until it is vindicated the peace of the world will always be at the mercy of any nation whose professors have assiduously taught it to believe that no crime is wrong so long as it leads to the aggrandizement and enrichment of the country to which they owe allegiance.“ (The Times, 15 December, 1917). Reference may also be made to President Wilson's speech to Congress on 2 April, 1917, in which he recommended a declaration of war against Germany: „Our object now, as then, is to vindicate the principles of peace and justice in the life of the world as against selfish and autocratic power and to set up amongst the really free and self-governed peoples of the world such

a concert of purpose and action as will henceforth insure the observance of those principles. — — — We are at the beginning of an age in which it will be insisted that the same standards of conduct and of responsibility for wrong done shall be observed among nations and their governments that are observed among the individual citizens of civilized states." (Woodrow Wilson: Why we are at war p. 50). And in a speech at Tacoma 15 Septbr. 1919 he repeated that the United States pledged itself to fight for the liberty of small nations and to establish a concert of powers to preserve peace.

These declarations by the leading statesmen of France, England and the United States concerning the War's motives are sufficient to indicate that the programs with which it was carried to a conclusion implied the maintenance of the **principle of right**. On this basis too they secured the good will of neutral small states.

The *victorious* Allies shared this point of view, as above indicated. They too condemned the War as a crime. They condemned those regarded as guilty in the sharpest terms, and demanded that they be punished. This conception of the War as a crime and this demand that the persons guilty of bringing it on had to be looked upon as criminals and be punished, found countless expressions in the speeches and notes of leading statesmen. In addition to the addresses of Asquith (6 August, 1914), of Lloyd George (14 Dezember, 1917), and of Wilson (2 February, 1917), cited above, and delivered during the course of the War, reference may be made to the declaration of the French minister Millerand on 28 May, 1920: „It were an injustice and a scandal if those who were responsible for the war were not made to shoulder the debts they have brought on themselves.“ L.

Bourgeois stated on 25 May, 1920, that „the Reparation Commission will be guided solely by justice, right and good will.“ Clemenceau stated on the following day (Gaulois, 26 May, 1920) that „it is known that there was a controversy for three weeks at the Peace Conference on the ‚crime‘. The English-American theory was from the beginning that (German) guilt should be accepted.“ In „Le Temps“ Poincaré declared (27 December, 1920) that the fact of German guilt was the legal basis of the Versailles and Paris decisions.“ Lloyd George stated on 3 March, 1921 (to the German minister Simons): „For the Allies German responsibility is decisive; it is the foundation on which the structure of the Treaty of Peace has been reared. If recognition of this fact be refused or regarded as invalid, the Treaty itself falls. We desire therefore once for all and to all to declare quite clearly that Germany's responsibility for the War is to be treated as a cause jugée.“ This point of view is exposed with even greater emphasis in Clemenceau's note to Brockdorf-Rantzau on 16 June, 1919: „According to the view of the Allied and Associated Powers the war which opened in August, 1914, is the greatest crime committed against humanity and the nations which a nation which pretends to be civilized ever deliberately committed.“ — And in an address on 17 September, 1918 he said: „What do we wish? To fight continuously and victoriously until the moment the enemy understands that there exists no compromise between such a crime and justice.“

When the Central Powers had broken down as a result of hunger and propaganda and had agreed to an armistice, the whole world was looking forward to the victors proving the sincerity of their war aims, that they had fought for humanity

and civilization, the Times (28 Nov., 1918) reported that „the Allies had no intention whatever of surrendering their most effective weapon — the blockade — lest they give up their guarantee of a just peace and the enforcement of the conditions of the same.“ The defeated were compelled still to starve. Justice clearly lay near to the hearts of the politicians dominating allied politics. —

On the 7 July, 1922, Mr. Poincaré again declared, that the Peace of Versailles was not based on Germany's defeat but on Germany's responsibility for the war. And on the 22 Sept., 1922, the French Government through its agent in the League of Nations at Geneva, Senator de Jouvenel, gave assurances of France's innocence of all war-guilt and protested against doubts reflected in public opinion, — which was in fact an attempt on the part of French politics to vindicate itself and to throw again the sole onus of responsibility on Germany.

There can then remain no doubt whatever that the victorious belligerents as well as neutrals have accepted the conception that the war be judged from a judicial point of view, — that political interests should be subordinated to ethical-legal principles. In agreement with this conception they have characterized the war as a crime, called for a placing of responsibility and punishment of the guilty.

It is of no moment in this connection whether representative statesmen as spokesmen of belligerent aims and ideals spoke as they did because their words were expressions of personal conviction or because they echoed public opinion with which they felt obliged to reckon. Their arguments and programs obligated themselves to their respective countries, which had offered up their best lives to the demon of war, and to neutrals, whose support

and benevolent neutrality were courted by the contending belligerents, and who were drawn so harshly into the war's current. We may say then that these opinions and conceptions of the World War were in accord with the general attitude toward right and justice, and that opinion and feeling were fundamentally the same at Christmas time in 1918, when rumor had it that the victors intended to provide for an investigation of the responsibility for the War. These rumors were, therefore, greeted with the greatest satisfaction and the highest hopes.

8. JUDICIAL TRIAL AND DETERMINATION OF THE RESPONSIBILITY FOR THE WAR.

Neutrals agree with the victorious as well as with the defeated powers regarding the misfortunes caused by the War. But they are in agreement with neither concerning the question of responsibility for the evils of the war. They have no interests whatever in the question of the extent of guilt, which may be proved, resting on the one or the other party to the conflict. On the other hand, they are most intensely interested in seeing that the principles of justice which the two parties so freely acclaimed, and in varying measure proclaimed, be not violated now or in the future under the guise of maintaining them. In this consciousness the more judicially minded and thinking citizens of neutral countries received news of the methods used to determine the responsibility for the war with the greatest disappointment.

The hopes of Christmastide of 1918 led

them to believe that the victors intended to have an investigation according to principles recognized as valid undertaken, and they ceased their own efforts therefore for a time. When, however, the form of the investigation the victors accepted was published, the conclusion was reached, probably by all, that that investigation was to be a violation of the humanity's consciousness of right and not its supporter. This made a neutral investigation not superfluous but doubly necessary.

9. DECISION OF THE VERSAILLES
COMMISSION, 25 JAN., 1919 —
29 MARCH. 1919.

On the 25 of January, 1919, the victors decided, according to public documents, to appoint a „commission to determine the responsibility for the beginning of the War and punishments therefor.“ This commission was, in other words, to have an authority corresponding to that of a judicial tribunal or court. Its mandate opens with the declaration that „the preliminary peace commission has at its plenary session on 25 Jan., 1919, (Protocol No, 2) decided to appoint a commission of fifteen members to investigate the responsibility for the War.“ It received instructions to investigate five special points and to report thereon to the Conference. Of these the first point refers to the responsibility of the originators of the War, the second to violations of international law and customs in the conduct of the War committed by the troops of the German Empire and its allies on land, at sea or in the air. The third point provides

for an investigation of the degree to which members of enemy forces were responsible for outrages and crimes. The commission was here to have the character and authority of a criminal court. — The commission was appointed on 27 January, 1919, and submitted its report two months thereafter, namely on 29 March, 1919, and it partakes of the form of a judicial opinion with judicial conclusions, as follows:

„The War was planned with deliberation by the Central Powers and their allies, Turkey and Bulgaria, and is the result of acts committed with a purpose to make war inevitable.

„In understanding with Austria-Hungary Germany deliberately sought to avoid the many mediatory efforts and recommendations and to weaken the repeated efforts of the Entente Powers to prevent war.“

This investigation was undertaken then with avowed claims to authority as an objective, legal analysis of facts and on this basis its purpose was to reach decisions of a just character as a judicial tribunal.

It was so regarded at that time, and it is still so regarded. We have the highest authority for this, namely, the President of the country under whose auspices the commission was formed, Poincaré, who declares in the article cited above in the „Revue des deux Mondes“ (January, 1922) that „the Allies were not only in agreement in formulating a complete exposition of Germany's responsibility (for the War) before the Treaty of Peace was signed, but also with regard to compelling Germany to make an express admission of its guilt.“ The report of the commission is therefore to be regarded as „a complete exposition of responsibility“ for the crime (of the War), — something

which is the accepted prerogative of courts of justice only.

Humanity, which had been drawn into the sufferings of war as a consequence of the struggle between the Great Powers, had then the right to demand that, once the investigation was undertaken, the conclusion, with regard to the responsibility for the War, should follow the lines of recognized judicial principles which have attained validity in all legally ordered societies throughout the world. — Nobody is infallible in his own person. No order of law knows a dogma of infallibility, not even for the chairman of a supreme court. The most honorable man may make mistakes, particularly when he is laboring under foregone conclusions. But the consciousness of right finds no crime so abhorrent as that which parades under the mask of justice as a means of committing a wrong. To insure itself against judicial crimes society has provided in its judicial systems certain fundamental rules concerning who may or may not act as a judge in disputes, as well as concerning the methods of investigation in order to give assurance against mistakes and to make more certain that the truth will be ascertained and the subsequent verdict just.

The commission which was appointed at Versailles on 27 January, 1919, to investigate the responsibility for the World War violated those fundamental rules which may furnish assurance of the discovery of truth and a righteous verdict. —

Among the fundamental rules to which reference has been made is one which insists that 1) no one shall act as judge in his own case, if the verdict is to be regarded as tenable; that 2) no one shall be condemned without a hearing, so that every complaint may be presented to the

defendant in such a manner that he may have an opportunity of defending himself, explain misunderstandings, and present evidence indicating his innocence. It is also 3) a fundamental principle that there must be no discrimination as between several guilty or possibly guilty persons, but that all shall be treated alike by the tribunal. It is a rule 4) that the procedure must be public, so that no one be condemned by secret process, but all members of society interested may have opportunity to form an opinion concerning the guilt of the accused and the fairness of the trial. Finally 5), it is a rule that the judge may not also function as a legislator, but must act in accordance with legal regulations determined by others.

The Versailles Commission violated not one, but all of these safeguarding principles in its methods and conclusions.

(1) It was made to consist of two members from each of the five victorious great powers, the United States, England, France, Italy and Japan, and one from each of the victorious minor powers, Belgium, Greece, Poland, Rumania and Serbia. These fifteen representatives of the one side of the conflict were to determine who was guilty of originating the war in which they had been participants. — While judges in the domestic cases of a country are ineligible to act as such where their own interests or those of their immediate families are involved, and the capacity to serve as judge is determined only after careful investigation of the question in dispute, — the Versailles judicial Commission did not contain a single man among its fifteen members whose national interests were not most intimately involved in the result of such a trial. Those considerations, which have led men in their consciousness of justice to

set up certain fundamental rules governing tribunals concerned with the citizens of a country regulated by law, are in essence of even greater importance in tribunals that assume to judge as between societies, nations. For, every legally ordered society has as a matter of course relatively clear and definite provisions of a constitutional or statutory sort which a judge, even if he be a party to a case in some sense, cannot ignore without violating the principles of justice. But in that case the complainant has the possibility of an appeal to a higher court for a revision of the verdict so rendered. But between societies or states such provisions of law are lacking to a large extent, and their validity in any events is contingent upon political considerations.

This is a matter of special importance when the question is the following: When may a state be considered to be justly entitled to engage in war? But it was just this question which was the leading problem before the Commission. — The uncertainty which the question inevitably involves has led to the in practice so generally accepted dictum, „right or wrong, my country;“ — which means, in effect, that national political interests are above law and justice. On account of this confusion in legal regulations and the generally recognized duties of the citizen to his country, it is natural that a judge who acts in cases in which his own country's interests are involved, is inevitably inclined and even compelled to let these very interests determine his judicial conclusions. But the ordinary citizen is even more dependent on or affected by his national bias or interest than a judge in cases in which he or his dependents are privately interested. The judge in a municipal case, as distinguished from one of an

international nature, will know that he is depriving himself of a possible advantage, if he decides a case against himself or interests with which he is associated, but nobody else. He does not have any responsibility towards others then. But a citizen acting as a judge in a case in which his fatherland is involved will run the risk of the most serious personal danger, if he should venture to decide against his own country. Would it have been possible, to take an example, for the fifteen judges of the Versailles Commission to declare that the responsibility for the War lay with the United States, England, France, etc., without ruining their careers and futures in their home-lands? Whatever the situation might have been, if both of the contending parties had had representatives in the Commission concerned, — there can hardly exist any doubt that, when only one of the parties possessed the judicial authority, a decision by such a commission against the countries represented by it would be regarded as treason, a surrendering of the rights of these countries to an enemy. This probability, which amounts really to a certainty, would itself determine the decision of the tribunal, the cause would in fact be judged in advance of the legal process. It may then be maintained that national feelings displace feelings of justice, and that a citizen of a country is even more unfitted to act as a judge in a case involving his own and another country than in a private case in which his own personal interests are in dispute; that the principle, „no one may act as a judge in his own case,“ has at least as great validity and justification when the case concerns his country as when it affects private affairs.

(2) The Versailles Commission's investigation is no less violatory of judicial principles when it

condemns a party without a hearing. The commission undertook its investigation of the rights and wrongs involved in the War without calling on a single witness for the accused, and even without informing him of what he was accused, without producing evidence, without allowing the accused a chance to offer any defence or explanation or contra-evidence. Even the verdict was not published. The verdict was to serve as the basis of the Treaty of Peace, but it was not announced to the condemned party. In a note of 20 May, 1919, Mr. Clemenceau declared that the „allied and associated powers regard the reports of the commissions appointed by the Peace Conference as documents of an internal nature which cannot be submitted to you“, that is to the German peace commissioners.

(3) It is also an elementary principle of legal procedure that charges be made against **all** who may be guilty without discrimination. Justice permits no one to be exempted on account of personal influence. But the tribunal of Versailles discriminated amongst those who might have been responsible; only the politics of the Central Powers was subjected to scrutiny. Excuses for their politics were not even considered, and facts which might have created some doubt as to the responsibility of the other party (represented by the commission) were deliberately ignored.

(4) The principle of publicity — public hearings — was also violated. The proceedings and the reasons for the severe judgment of the Versailles Commission were kept from an intensely interested world's control and criticism within carefully closed doors. It was only by accident that the peoples became aware of it.

(5) But even this was not enough: Since there

are no rules of international law concerning several of the questions treated by the Commission, as well several of its assumptions, — as for example what reasons shall be regarded as valid for declaring war, — the most important question of what should be regarded, as basic in determining the accused's guilt, was left to the arbitrary discretion of the Commission. One party of the case appointed himself first as legislator, then as accuser and finally as court and jury. The Versailles Commission assumes in the face of the world to act as the protector of right against the world's greatest crime, the War. But it violates at the same time elementary principles having to do with the protection of rights and one may fairly enquire whether the Commission's presumption is in itself not essentially criminal. —

It is manifest therefore that the Versailles verdict has the validity of might only and cannot in any sense be regarded as one justly determined.

It is conceivable that those who were responsible for this form of trial might object that the Versailles Commission is not to be regarded as a judicial tribunal. In that event it is still more difficult to understand on what basis the matter of war-guilt can be regarded as a „cause jugée“ by the leading responsible politicians of the allies and decided as stated specifically by Lloyd George on 3 March, 1921. There has been, as far as is known, no other trial to which reference might thus be made. If, however, this point of view be incorrect, it must follow that the question of war-guilt is still an open one. —

In that event it is high time that an investigation in accordance with objective principles be undertaken, and that the question no longer be

treated as if it had already been answered in such a manner.

The conception that question of war-guilt is a „cause jugée“ — determined in an assuring fashion — rests on the results of the Versailles Commission. Its conclusions may in fact be right. But, as it arrived at its conclusions in the manner above explained, it can not satisfy the consciousness of right of fair-minded men, and it is not what one must expect in such cases.

This conception of war-guilt is supported, moreover, by another conclusion or decision. The establishment of the Versailles Commission was a decision by the victors. But the conception of guilt rests also on the confession of the defeated party itself.

10. PARAGRAPH 231 OF THE TREATY OF VERSAILLES.

Paragraph 231 of the Treaty of Peace at Versailles states that „The allied and associated powers declare, and Germany acknowledges, that Germany and its allies are guilty of having caused all losses and damages which the allied and associated governments and their peoples suffered in consequence of the War, and which was forced upon them by Germany and its allies.“

We have here another formal decision concerning a matter that is to have **political** validity as between the contending parties,

A victor can, with the right which power gives, demand compensations of the defeated party for

the costs of a war, even though the victor were also the aggressor. Under the circumstances it is of no consequence which of the parties was morally right; the victor demands damages quite as when a highwayman demands the valuables of his victim. To be in a position where one must pay reparations or ransoms does not of itself constitute proof of guilt or of responsibility for a war. There is nothing divine about victory or defeat. Paragraph 231 is, as a matter of fact, in form a contract, — that is to say, two mutual declarations of will. As such it is of no greater interest than numerous other agreements concerning indemnities or ransoms given to bandits perforce which have a place in national histories or personal experiences. —

But this paragraph or article 231 is also something more. It makes definite declarations concerning certain objective historical facts. And in this the paragraph departs from the region of politics as such, namely, something involving human wills merely, and enters another, namely that of science, that is of truth. But this attempt is an impossible one. Historical facts are as independent of opinions or agreements as are the forces of nature. No victor can change what has taken place, no more than he can alter the movements of the planets; and he can not do this even by agreements with the conquered or by dictations. A formal declaration by a defeated party or an agreement between parties involved are both really without the least scientific significance. In order to make a defeated party's confession of guilt of value in reality, not simply politically but from the point of view of justice, it were necessary to have the certainty that the confession of guilt was also an acknowledgment of guilt and that the acknowledgment was consistent with the facts of the case.

In questions of crime confession by one's self is not decisive. In many instances confessions are in conflict with reality, even if the confessor of guilt himself believes himself to be guilty. But the reasonableness of doubts is greater when there exists a possibility that the confession does not convey or is not an expression of what the accused confessor acknowledges to himself. No civilized legal arrangement therefore accepts a confession as, in itself, a proof of guilt. —

This then applies to paragraph 231 of the Treaty of Peace of Versailles as well as in all other instances. But doubt becomes doubly strong when one recalls how the Peace Treaty came into being.

By a note of 7 May, 1919, the vanquished party was compelled by the victors to sign the peace treaty and its paragraph 231. With regard to this the chairman of the German delegates, Count Brockdorff-Rantzau, declared on the same day: „It is claimed that we acknowledge that we are the only party guilty of this war. Such an acknowledgment would in my mouth be a lie.“ The Assembly in Weimar took a similar stand. When despite this the negotiations concluded with an acceptance of the Peace Treaty and its paragraph 231 the reason was that the victors forced this acknowledgment by a blockade which — according to communications in the newspapers of those days — was killing eight hundred persons a day, and regarding which the German chairman in the same speech declared that „hundreds of thousands who had perished since 11. November 1918 on account of the blockade were killed deliberately, our adversary having already secured victory.“ In December, 1918, the number of German citizens, killed by the blockade, amounted to 763,000, more than three quarters of a million persons. (Cfr. Schaedigung der

deutschen Volkskraft durch die feindliche Blockade 1918, Denkschrift des Reichsgesundheitsamtes Dec., 1918, p. 16, and Denkschrift ueber die gesundheitlichen Verhaeltnisse des deutschen Volkes 1920—1921).

The blockade was continued until the acknowledgment was made and in order to force this; — as is also indicated in the quotation from the British Government's informal declaration of 28 Nov., 1918 (London Times).

It is of no consequence here whether such a blockade was based on international law or not. What is of interest here is only the question whether or not the confession of guilt contained in paragraph 231 of the Peace Treaty was made to liberate the German people from the death-dealing blockade and not because the confessor knew he was guilty. That this was so may be seen from the account of the meeting of the Assembly, where it was resolved to order the delegation at Paris to sign the treaty. The representatives of Germany were obliged to confess the guilt of their country against their own solemn conviction in order to save their countrymen from starvation, even if the means were a forced lie. — Evidently then the question of war-guilt from a scientific point of view remains open despite paragraph 231 of the Peace Treaty. Objectively viewed, this confession is worth no more than one obtained by „third degree“ methods of torture.

A third basis for the decisions of the Treaty and of the Versailles Commission has, it is claimed, been found in connection with the ultimatum addressed to the German delegates on 16 June, 1919. This is the contention, for example, of Professor Headlam-Morley in his polemics with Professor Hans Delbrueck. However, this conception is in such clear opposition to other facts that it scarcely

deserves any discussion. The ultimatum does indeed contain statements of the guilt of the Central Powers, but no proofs, and the ultimatum cannot therefore be regarded as if it had presented such proofs. It is, on the contrary, based on the arbitrary conclusions of the Versailles Commission.

11. THE DECISIONS OF THE VICTORS AND LAW AND EQUITY IN THE COUNTRIES OF THE VICTORS THEMSELVES.

If the judges of the Versailles Commission had proceeded in municipal cases in their respective homelands as they did at Versailles, each and every one of them would have been removed from office and found guilty of malfeasance and severely punished.

We propose here briefly to review legislation of the three leading countries represented in the Commission, bearing on the question; namely, of England, France and the United States. This should be sufficient, inasmuch as these countries were the leading and deciding ones in all matters of an international sort at the Peace Congress of Versailles; and they have in their legislation provided the models of judicial procedure and the like for other countries affected by Latin or Anglo-Saxon tradition, which were participant in the Versailles Commission.

As already pointed out all modern legislation relating to criminal processes demands:

1. Oral, public proceedings;
2. The right of the accused to defence, — he must not be condemned unheard;

- 3, That judges must not act as legislators, but in conformity with the existing laws;
4. That judges must show no favor to any suspected person, but investigate the circumstances affecting all such persons;
5. That no one may act as a judge in a case of which he is one of the parties concerned.

(1) *French Law.*

(a) The verdict of the Versailles Commission. If a judge violates the principles by which justice is to be secured, he makes himself guilty of „for-failure“, — violation of his oath of office (Code Pénal, art. 166). Article 183 of the Penal Code declares that any judge or administrative official who shows partiality to one side in a case before him or animosity to another, is guilty of malfeasance and is to be punished by a loss of his civic status (cf. Code Pénal, art. 167) which involves removal from office. The famous commentaries on criminal law by E. Garscon state that, in cases or investigations of this nature, article 183 provides for the punishing of a judge who, even though not bribed, has already taken a position whether as a matter of favoritism or animosity and has thus made himself a partisan, violating justice and duty for personal reasons, p. 443, E. Garscon, *Le Code Pénal Annoté*, Paris, 1901—1906.)

(b) Paragraph 231 of the Treaty.

Compulsion, as expressed in paragraph 231 of the Treaty of Versailles, is punishable in accordance with the Penal Code's article 186. This article affects „every public official who, without legal basis, and in the performance of his functions or in consequence of them, exercises or permits others to exercise violence against any one.“ The punishment would be at least a loss of civic status and office (cf. art. 167), for it is provided that the

extent of the punishment shall depend on the nature and extent of the damages caused by the violence. This, however, is incommensurable.

(2) *English Law.*

(a) The verdict of the Versailles Commission. J. F. Stephen in his Digest of Criminal Law (London, 1877, p. 71) states in connection with crimes of the kind under discussion that they are considered as „oppression“ and denials of justice; and he declares that any public official, empowered with authority to perform the duties of his office and required to perform these, is guilty of a crime if in the performance of his functions or under the guise of performing these he permits himself to be influenced by ulterior motives which are exposed by his acts or in the conduct of a case, and he commits an illegal act and abuses his prerogatives supplied to him by law. The crime makes the official involved subject to impeachment by Parliament. The punishment is practically always, except where the matter itself has been relatively insignificant, loss of office and imprisonment.

(b) Paragraph 231 of the Treaty.

„Tyranical partiality“ is in English law treated in accordance with the provisions of criminal law dealing with „oppression“, as an illegal suppression of the means of justice. The punishment is then as indicated in the above section. English judges would make themselves liable to severe punishments in their own land for such procedure as characterized the formulation of the Treaty's paragraph 231, involving certainly removal from office and probable imprisonment.

(3) *American Law.*

(a) The verdict of the Versailles Commission. According to F. Warton (a Treatise on the Criminal Law of the United States vol. II, § 2519, pp.

756—7, Philadelphia, 1874) the general situation is as in England. However, „extortion“ seems to be regarded as more important than „oppression.“ There are many special provisions for punishment in the codes of the several states. The state of New York has thus a number of provisions covering the present problem in general. Section 117 of the New York code declares that: „A public officer, or person holding a public trust or employment, upon whom any duty is enjoined by law, who wilfully neglects to perform his duty, is guilty of a misdemeanor.“

Section 15 provides as punishment in such a case imprisonment up to one year or a fine up to 1500 dollars, or both fine and imprisonment. Section 471 provides a punishment of up to two years' imprisonment for an official who deliberately violates a law governing the conduct of his office. Section 128 declares, that a person is guilty of a misdemeanor when he maliciously practices any deceit or fraud, or uses any threat, menace or violence, with intent to prevent any party to an action or proceeding from obtaining or producing therein any book, paper, or other thing which might be evidence, or from procuring the attendance or testimony of any witness therein, or with intent to prevent any person having in his possession any book, paper, or other thing which might be evidence in such suit or proceeding, or to prevent any person being cognizant of any fact material thereto, from producing or disclosing the same.“

This summary of crimes might almost have been formulated with the procedure of the Versailles Commission and paragraph 231 of the Treaty in mind: Those who were accused, condemned and compelled to make a confession were not permitted to discuss their declared guilt.

In a note of 20 May, 1919, Clemenceau stated „It is now too late to attempt to deny Germany's guilt.“

An American judge who acted in a corresponding manner at home would by New York's criminal code suffer imprisonment as a felon, and be deprived of office and his civil rights.

(b) Paragraph 231 of the Treaty.

Punishment for coercion similar to that of paragraph 231 of the Treaty of Versailles is provided by section 556 of the New York code. A public official or a person who pretends to be such and who under pretext of public authority illegally and maliciously commits an act which violates another's freedom or property rights is guilty of coercion or of a violation of law. The punishment in such instances is also imprisonment, removal from office, and loss of civil rights (sections 15 and 707).

Recent regulations and enactments are in agreement with the above, but extend and make the earlier legislation more specific.

The difference between the acts for which these laws provide punishments and the acts here under discussion is this: these laws relate to acts committed by private persons against private persons, while acts at Versailles had an international character. At Versailles the violence done to judicial ethics affected and extended to millions of individuals; it was committed by a coalition of the world's great powers against a race of over a hundred million human beings. —

12. THE VERSAILLES COMMISSION AND THE WORLD COURT.

The fifteen judges at Versailles violated grossly the criminal laws of their own countries in the manner of arriving at their verdict. However, some one might contend that the customary rules of judicial procedure are not applicable to the fields of politics and international law. But such a view is, nevertheless, erroneous, and one that no competent jurist would accept. It is, of course, another question whether the acts and activities involved and condemned were of such a nature that they could be tried in accordance with usually accepted legal principles. We shall not consider this matter here. But *if* it be decided to subject them to judicial scrutiny, then there can be no doubt but that the procedure must follow those legal forms which are valid in the laws of civilized states. The only aim of these forms is to assure all concerned that a case in hand will be made as clear as possible, and that the subsequent verdict will be as just as possible. Presumably the same aim is to be sought in international affairs of a corresponding nature. If it be possible to ignore judicial methods here, the reason must be that one is convinced that the case may be made clear and justice attained by other means than those customarily accepted. The reason cannot be that one does not imply a desire to unveil the truth and arrive at a just verdict. — But no better means of discovering the truth in a case are known than the means of judicial process. Moreover, no one has ventured to assert that the process-forms of the Versailles Commission were adopted in order the better to discover the truth and to assure a

more just verdict than might have been the case if recognized judicial methods had been employed; nor that the forms chosen did this. There was then no reason, as far as the Versailles Commission was concerned, for departing from the legal and judicial forms of procedure; nor was there anything in the material of the case before it which justified such a departure. It can scarcely be less desirable to arrive at a just and judicial verdict in international controversies that concern millions of people than in the ordinary affairs of private citizens.

This view received not long ago a conclusive confirmation.

On 13 December, 1920, the League of Nations assembled adopted regulations governing the establishment of a permanent court of an international legal character, and on the 16 December the members of the League by their representatives signed a protocol covering the nature of this court. Among these regulations is one (article 36) determining which disputes may be brought before the tribunal. These include a) questions concerning the interpretation of treaties, b) questions relating to conditions which, if present, signify a violation of some international obligation, c) questions relating to the nature and extent of reparation to be made in such instances of violation. — These objects include just those that were treated by the Versailles Commission. Moreover, it is quite certain that just as certain questions in dispute may be submitted to an international court for adjudication in accordance with recognized judicial practice, so also might the matters in dispute before the Versailles Commission have been tried.

The regulations determine further (article 38) what legal bases shall serve as guides for the court.

Finally the protocol establishes the *forms* the world court is to adopt in the handling of disputes:

- a) The proceedings — sessions of the court — shall be *public* unless the court otherwise decides or both parties request otherwise (article 46).
- b) That there shall be no discrimination, between the parties concerned, by the court (article 35). This is guaranteed as follows:

- (1) Each member of the court must before he enters upon the duties of his position, give a solemn assurance in public meeting that he will perform his duties conscientiously and without partisanship (article 20).

- (2) The persons who are chosen as judges shall together represent the leading forms of civilization and the most important legal systems of the world. It is not sufficient that each judge separately complies with the prescribed conditions (article 9).

- (3) The members of the court must not occupy other political or administrative positions, nor accept powers of attorney, nor act as counsellors or advocates in any case of an international character, nor participate in the adjudication of any case in which they previously have acted as advocates or attorneys (articles 16 and 17).

- (4) Each party to a dispute may demand that one of the judges sitting in connection therewith shall be of his own nationality, and may nominate such a one if there is not already such a member of the court (article 31).

- (5) The court itself shall, if circumstances make this expedient, recommend tentative regulations for the assurance of justice to both parties, and these regulations shall be communicated immediately to the parties and the Council of the League of Nations (article 41).

(6) The parties shall have the right to make use of counsellors and attorneys (article 42).

(7) Each party is entitled to know everything which is submitted by his opponent to the court, to be present at all proceedings, etc., and to present his evidence in person (article 44). All questions shall be submitted to the witnesses of both parties and experts in accordance with the same rules (article 51), and the court shall make such arrangements as appear necessary to give security to the process (article 48).

c) If one party does not appear or neglects to present his case, the opposing party may request the court to render a decision in accordance with his contentions. The judges must then in their decision give their reasons therefor (article 53, 56, 57).

These rules governing the mode of judicial procedure of a world court have been accepted by the powers that appointed the Versailles Commission. They are in essentials identical with the municipal (judicial) regulations of all civilized countries. They indicate then that:

1. The customary basic rules of judicial procedure may be applied in international relations as well as between private citizens; and that

2. These rules *must* be observed if the truth is to be revealed and the demands of justice met.

But the Versailles Commission acted in contravention of all of these rules, which their own sponsors have found necessary if the ends of truth and justice are to be served.

It is impossible here to neglect to call attention to the contradictions in the contentions of Mr. Poincaré and his associates, when they demand the severest objectivity on the part of neutral investigators, — as their attacks indicate, — without

previously having found such objectivity necessary as far as the Versailles Commission is concerned. If you wish to contend, M. le Ministre, that the verdict of the Versailles Commission is reliable, in spite of the fact that it was determined by but one party to a controversy, by what right do you assume to condemn us? Do you mean to imply that neutral scholars from the four countries at present associated with the Neutral Commission, who are in positions of independence, are more partisan in matters concerning the recent belligerents than the belligerents themselves? It can hardly be regarded as a presumption if we hope for a reply from you with regard thereto, and if we look forward to your nullifying the impression which your attacks on this Commission have created. To be specific, this impression is, namely, that there is nothing you fear more than objectivity. —

The rules or by-laws governing the world court also contain a decision to the effect that a new trial-process may be demanded if it later be shown that new evidence of a character that might alter the original verdict may be presented to the court (article 61).

Has no new evidence appeared, have no facts been revealed, since the verdict of the Versailles Commission was declared, which supply ground for a new trial of moral and juridical validity?

13. JUDGMENTS OF PROMINENT PERSONS OF THE VICTORIOUS COUNTRIES.

The misgivings which have been discussed with reference to the Versailles Commission and paragraph 231 of the Treaty of Versailles are not

confined to neutral countries, A considerable literature concerning these very matters has appeared in the countries that were victorious. When one bears in mind the strong motives a citizen of such a country has not to take a stand against the dominant political forces thereof, and how every people endeavors to regard its military victories as moral triumphs, partaking even of the character of divine justice, these opinions (of Allied citizens) assume a very special significance. They have in fact a deeper significance than the corresponding confessions of guilt on the part of citizens of defeated countries. In these latter countries it may be — and often is — of advantage to confess the wrongs of which they may or not have been guilty. The defeated are always inclined to see the hand of fate in their downfall, and behind fate to see a divine will, and behind all to see their own sin. The most ardent to admit his defeated country's faults takes on something of the halo of the prophet who chastises his own people, the penitant servant of the powerful. But it can be to his advantage. Even where the prophet confessing his country's sins has no *arrière pensée* of attracting the victor's attention to himself, he feels instinctively that he will become a *persona grata* to the victor thereby. It is also a fact known to social psychology that the weak spirits of a defeated people hasten to lay the blame for its misfortunes on itself and to absolve the victor of all responsibility.

To accuse the conqueror is, however, quite different. He who dares to criticize his own people in spite of the decision which providence itself, in the popular mind, seems to have willed in granting it success, — he has no opportunity of posing as a prophet in his own land but runs a considerable risk of being branded as a traitor. Just as advant-

ageous as penitance is for the citizen of a defeated country is it dangerous for the citizen of a victorious state to criticize his own country. There is no gain to be had by becoming *persona grata* to a crushed and defeated state.

With this in mind the list of representative critics of what has been or has become the situation since this war began is submitted in an appendix. Their expressions of opinion and conclusions are, though not identical in detail, based essentially on the facts as they have been exposed, and are largely the result of information made available since the signing of the Treaty of Versailles. There is, as far as the writer knows, no monograph covering the Versailles Commission and paragraph 231 of the Treaty in which the situation is formally reviewed from a judicial and legal standpoint. (There is, however, a German work by Integer entitled „Ist die Schuldfrage voelkerrechtlich entschieden?“ It considers only paragraph 231 and was published by the Dr. A. v. Berg, Kulturliga Verlag, Berlin.) But the following list is nevertheless in effect an attack also on the *formal* treatment of the question of responsibility and on the politicians who were responsible for the formal decisions of Versailles and Paris. These statesmen must have been aware of the essential facts which later have become publicly available. When they, in spite of this, created the scenes in which the decisions of the Versailles Commission and paragraph 231 were made in such a manner as they did, one is inevitably forced to doubt the integrity of their motives. The charge against them of arriving at an unjust verdict affects doubly the arrangements which such statesmen made to cover actually faulty decisions with the mantle of righteousness and legality. Since it is admitted that those forms which serve to

guarantee society against legal stultification are as applicable in international affairs as in private cases, the ignoring of these cannot be explained by a regard for the cause of right as such. The reason must lie in the fact that certain definite persons — **the supreme Council of the Entente — did not desire to use those forms which best guaranteed the exposure of the truth.** What the motives for the real desires were has so far not been revealed. The world is waiting for an answer. —

In the above mentioned list of documents and works — far from complete — one will find points of view and information in absolute contradiction to the verdict of the Versailles Commission. To which of these two groups shall one give credence? A doubt is at all events scientifically justified under the circumstances. The science of our day does not acknowledge the authority of dogmas as such.

This legitimate doubt has recently been greatly strengthened. Not only have leading scholars and thinkers of the victorious countries attacked the verdict of prime or sole guilt on the part of the defeated countries, but even some of the *statesmen* of the victorious group have denied its validity. On 22 December, 1920, Lloyd George declared publicly: „The more one reads memoirs and books written in the various countries of what happened before the first of August, 1914, the more one realizes that no one at the head of affairs quite meant war at that stage. It was something into which they glided, or rather staggered and stumbled, perhaps through folly; and a discussion, I have no doubt, would have averted it.“

And on the 14 Oct., 1922, he said (according to cabled reports) that he had often been reproached for not working according to established diplo-

matic rules: This, he said, was probably true, and added: „So much the worse for the old diplomacy. It was this which led to the most terrible war the world has ever seen.“ We have here once more a direct accusation, by the Premier of Great Britain, to the effect that his own country's diplomacy was responsible for the world war. —

Furthermore:

On 5 Sept., 1919, Witson stated in a speech delivered at St. Louis according to a report in the „New York Times“ of 6 Sept., 1919, that „this war was a commercial and industrial war“, and urged the United States to understand this and to profit by the advantages victory had brought to it! — Inasmuch as the commercial and industrial competitor had been conquered, there was no longer any necessity of concealing the truth, namely, that the War had not been occasioned by the Germans but was an Anglo-Saxon war against a dangerous competitor. —

Lloyd George is cautious enough not to say more than what is useful for public consumption. But in the dispute between England and France English opinion is supporting him when he is telling something of the truth. — The Italian Premier Fr. Nitti speaks more sincerely. He says: („Peaceless Europe“ p. 33) „When our countries were engaged in the struggle, and we were at grips with a dangerous enemy, it was our duty to keep up the morale of our people and to paint our adversaries in the darkest colours, laying on their shoulders all the blame and responsibility of the War. But after the great world conflict, now that Imperial Germany has fallen, it would be absurd to maintain that the responsibility for the War is solely and wholly attributable to Germany and that earlier than 1914 in Europe there had

not developed a state of things fatally destined to culminate in a war."

(p. 82) „An honest and thorough examination of all the diplomatic documents, all the agreements and relations of pre-war days, compels me to declare solemnly that the responsibility for the War does not lie solely on the defeated countries."

(p. 68—87) „The European War was the consequence of a long series of movements, aspirations, agitations. It cannot be denied, and it is recognized by clear thinking men like Lloyd George, that France and England too have by their actions taken on themselves their part in the serious responsibility. To say that in the past they had never thought of war is to say a thing not true. And there is no doubt that all the diplomatic documents published before and during the War show in Russia, above all, a situation which inevitably would soon lead to war. In the Balkans, especially in Serbia, Russia was pursuing a cynical and shameless policy of corruption, nourishing and exciting every ferment of revolt against Austria-Hungary. Russian policy in Serbia was really criminal. Everyone in Germany was convinced that Russia was preparing for war. The Tsar's pacifist ideas were of no importance whatever."

Here we have then leading politicians of three of the Allied group's four most important countries denying the justice of the verdict of the Versailles Commission: That the War was a result of the efforts of the Central Powers and their allies to bring on the War. The decisions of the Versailles Commission and of the Treaty have thus been reversed in their fundamentals by their founders.

14. MATERIAL REASONS FOR A REVISION OF THE VERSAILLES COMMISSION'S DECISION.

The exposition that is given here is not an effort to attack the decision of the Versailles Commission and the dictum of paragraph 231 of the Treaty as such. It attacks the forms and methods by which the Commission and the Peace Commissioners arrived at their verdicts. These verdicts may be right in themselves; — if so, this can be proved. But in their forms they must remain wrong forever. Nothing can confirm the validity of the methods employed.

The whole world knows this, and the consciousness of right demands therefore that these verdicts be subjected to revision. If the victors continue to ignore this demand they place themselves, on account of arrogance of power or of cowardice, *beyond the pale of the world's conscience*. They should be impelled to revise their earlier conclusions in accordance with the criminal laws of their own and all civilized countries, with the principles basic for the recently established World Court, and in recognition of the requests to seek a real righteousness contained in the admissions and contentions of worthy citizens of the countries of the victorious coalition who insist that the Versailles Commission maintained the appearance of right but violated its spirit.

But there are also real material reasons why these requests should be granted. A verdict is wrong and should be revised when

- (1) The alleged facts on which it was based are shown to have been errors;
- (2) New evidence throws a new light on oth-

erwise admitted facts, and changes the meaning of these.

(3) Recently exposed facts leave the responsibility divided. — These considerations are present in all of these instances.

1. The premises of the Versailles Commission are false. Two illustrations may be submitted:

Two reports played essential roles in the decision of the Versailles Commission (as well as in the formulation of paragraph 231): the alleged Crown Council at Potsdam on 5 July, 1914, and von Lerchenfeld's communication of 18 July, 1914, to the Bavarian government, — that is, the Eisner Publications. As far as the latter are concerned, the Versailles Commission emphasizes that they have not been officially denied. These two circumstances are supposed to prove the resolution of the Central Powers to begin a World War. They are basic for the entire judgment of the Versailles Commission. —

In the meantime, however, the alleged facts in both instances have been entirely disproved. Kautsky's collection entitled „Die deutschen Dokumente zum Kriegsausbruch“, voll. I, pp. XIII-XVI proves that no such Crown-Council took place. The American historian, Professor Sidney B. Fay, certainly not an apologist for the Central Powers, declares outright that „we must reject the whole story of a Crown-Council on July 5 as a legend“ (The American Historical Review, July, 1920, p. 629). The second report (concerning von Lerchenfeld) has later been officially denied (2 August, 1919) by the author, and falsifications in connection therewith have been proved in court proceedings. This is confirmed again by twelve foreign experts, among them by the French historian Professor Edouard Dujardin of the Sorbonne in the following

words: „This person has not falsified by changing some words, but in the far more serious manner of changing the thought of certain testimony by omitting essential parts of the whole. In brief it is my conviction that the text which the Bayrische Staatszeitung has published is one of the most ambiguous and unscrupulous forgeries in history.“

2. New Proofs.

New evidence of such a volume has appeared that scarcely a single alleged fact on which the Versailles Commission erected its verdict stands in the sense alleged when the verdict was announced. Mention may be made of Russian, German, Austrian and Serbian documents published in the interval. When the Central Powers opened their archives most politicians and historians were surely astonished to note how completely plans of world domination were outside of discussions of German policy, to say nothing of plans to begin a war for the purpose of attaining to such a position of world dominion. Many must have had Kautsky's experience — felt surprised and compelled to acknowledge that German politics was not one of war, but rather of nervous dread, not greed.

This Tschecke makes on p. 37 of his work, *Delbrueck und Wilhelm II*, the following declaration: I can here make the confession that there was a time when I did the former German Government injustice. — I was surprised when I had access to the documents. My original impression proved to be untenable. Germany did not work deliberately to provoke the world war. She tried finally to avert it.“ —

3. Falsifications in the official War Books of the Victors: Facts relating to Actual Responsibility.

The Versailles Commission, as already indicated, did not for a moment occupy itself with the

question of the possible culpability of any of the Allies. Nevertheless, there were grounds for having done just this.

In judicial processes it is generally regarded as a proof of one party's lack of innocence, and indication that there is „something rotten“ in his case, when he resorts to falsifications in order to procure evidence in his favor. A poor conscience seeks refuge in semblances rather than in truth.

If one bears this in mind, one is forced to have doubts concerning certain alleged facts relating to the three leading powers that first entered the War as the Entente.

In accordance with English political custom, no official protocols are written concerning certain important political meetings of the British Ministry. It is probable that similar customs have been common among other Allied Powers in their cabinet discussions and understandings, more particularly with reference to matters of general Entente interest. It were then naive to expect to find completely informative reports of discussions which have been basic as far as Allied resolutions and understandings are concerned. This suggests the natural discretion of ministers.

But even the recorded correspondence between a foreign office and other leading officials of a government with its ministers and ambassadors is frequently very misleading.

The officially democratic great powers employ in diplomatic affairs a form of „doubl-entry“ book-keeping, as it were. There are two sets of notes exchanged between diplomatic officials. The one set is suitable on occasion for publication or presentation to a national assembly or parliamentary committee, and is so worded that this eventuality can do no harm. This set contains,

for example, regular conventional expressions of the good will of the country concerned and its anxiety to avoid war; though of course indiscretions may slip into such notes. The other set is formally a private matter between the same group of persons, but provides the receiver with a real key to understanding. More discreet diplomats send private letters to their foreign ministers or to friends in the foreign office which supplementary private letters serve as a corrective of the official correspondence, — especially in particularly delicate matters. President Wilson elaborated this system, as is well known, through the unofficial services of his personal friend Colonel House. — These private letters are not subjected to the light of publicity and are in fact removed from such risk, as a rule; and they are destroyed as a sort of personal incriminating evidence. — Just as world politics are conducted largely on the basis of secret treaties (gentlemen's agreements, understandings, etc.) and to a lesser degree of public and legally ratified treaties, so also diplomats have to interpret their instructions not according to their verbal contents, but on the basis of the private letters received from practically identical sources, which letters are indeed a special diplomatic and uncontrollable code. — Diplomats occasionally forget what they have said in private and official communications in wish or careless or hurried moments; and we obtain thereby glimpses into actualities. We find an example of this in an official note from Isvolskij to Sassonow on 5 Dec., 1912 (Un livre noir, p. 362): „In reality, if a worldcrisis is to occur — *which God forbid*, — a decision will be made by the three strong personalities of Poincaré, Millerand and Delcassé, who are at head of the cabinet; and it is *our good fortune* that we

have to do with just these three personalities". — The Russian documents were also prepared with a view to their possible publication, because public opinion in both France and England had to be manipulated so as to be favorable to war. Poincaré had informed Isvolskij (op. cit.) that „public opinion in France is extremely pacific, and he was constantly obliged to bear this in mind“. The same was true of England. It was necessary that Russia should be able to appear in the rôle of victim of an attack in which event public opinion could be steered into channels favorable to war in aid of Russia, — civilization, democracy, etc. However, this made it necessary eventually to be able to publish diplomatic documents giving „conclusive proof“ of the harmless and pacific unpreparedness of Russia as well as of her coadjutors in western Europe. We have, therefore, the saving clause of virtue, — „which God forbid,“ — in combination with the solace that „it is our good fortune that we have to do“ not with the peaceful but the bellicose Poincaré and his amiable associates. —

Moreover, up to the present time, no one of these powers has yet considered advisable to open its archives, as the opposing group has done. This is in itself not conducive to credence in the innocence of these powers. They can not conceivably be unaware of the fact that their very secretiveness must create a suspicion that there are certain facts which they desire to conceal, for the reason that these facts, if exposed, would compromise their politicians even more than secrecy with regard thereto already has done. —

This suspicion may not be ignored with impunity. It is quite true that the powers involved have, in their several propagandas as well as by means of the court which they as victors set up,

expressed the severest condemnation of those who were responsible for beginning the War. They have even characterized it as „the world's greatest crime“. This condemnation of the war's iniquity cannot, however, be regarded as proof positive of their (the Allies') innocence. It is now apparent that the three powers under discussion, the leading ones in declaring the culpability of the defeated countries, had secured the supporting opinion of their respective nationals as well as of many neutrals and arrogated to themselves the appearance of innocence and thrown the mantle of guilt over their enemies in part by means of *falsified documents*. —

As far as *Russia* is concerned, these falsifications have been proved by the publications of the Soviet government, and in particular by the complete issue of diplomatic notes exchanged between Russia and France as arranged by Minister G. von Rhomberg under the title „The Falsifications of the Russian Orange Book“ (Die Fälschungen des russischen Orangebuchs. Der wahre Telegrammwechsel Paris-Petersburg bei Kriegsausbruch. — Vereinigung wissenschaftlicher Verleger, Walter de Gruyter & Co., Berlin-Leipzig, 1922).

As far as *France* is concerned, the same publication indicates corresponding falsifications in the French Yellow Book. But the French Gouvernement is also directly responsible for several significant falsifications. It is not practical to present a complete list of these here. We shall call attention only to a few. The very telling interchange of nos. 117 and 118 in the Yellow Book was a most flagrant falsification, inasmuch as by this means The French government led its own people falsely to believe that the Russian mobilization was occasioned by that of the Central

Powers, and not the reverse. Attention may also be called to the protest made by the French League of Human Rights on 3 Nov., 1922, and sent to the French parliament, a protest against the falsifications of the Yellow Book, notably in no. 102 of the same. This League demanded the publication of diplomatic documents by a commission of expert scholars, as had been done in Germany. Falsifications are to be found also in the French translation of the English Blue Book No. 6 and the German White Book No. 5.

In the case of *England* we also find several instances of falsification. We shall also not here attempt to present a complete exposé, but merely call attention to a few falsifications still apparent in the British Blue Book, with special reference to a single instance in which later editions have attempted to cover a falsification of the first, and which therefore runs the risk of being forgotten. The falsification in no. 6 is still easily apparent. In the register of documents there is a brief resumé of their contents, and with reference to no. 6 we read, for example: — „Sir G. Buchanan. Telegraphic Juli 24, 1914: Conversation with Russian Minister for Foreign affairs respecting results of M. Poincaré's visit to St. Petersburg. — —“

But in the text itself there is not one word relating to this part of the conversation and the result of Mr. Poincaré's visit at St. Petersburg. This has been deleted, and still just this should have had a special importance, — to have known something of the details of the conversation, even if one may fairly draw conclusions as to their „peaceful“ tone from the circumstance that the resumé of the register states that Russian Minister and the French Ambassador endeavored to force

a declaration of solidarity from the British Minister. —

Another example may be given, taken from No. 28 of the Blue Book. The censor has operated more discreetly here, having retained the number while erasing the contents in the text as well as in the register resumé.

The most significant falsification, however, is that to be found in no. 105, a falsification which those interested have sought to conceal by supplementary falsifications in later editions.

On the 11 Juni, 1914, Sir Edward Grey had repeated his own and the prime Minister's declarations in Parliament to the effect that there existed no understanding or agreement whatever between England and France relating to the contingency of war. — On the 22 and 23 Nov., 1912, Grey had reached an agreement with the French Ambassador, Paul Cambon, that the British and French governments should enter into discussions relating to the possibility of mutual military aid in the event of either party's having strong reasons for fearing an „unprovoked attack“ by a third power, with the understanding that such should not be — regarded as an agreement. The third power was, of course, Germany. This agreement to conclude an agreement which nevertheless should not be regarded as an agreement was to be placed before Parliament on 6 Aug., 1914. It was important to prove —

(1) that a third power (Germany) had made such an unprovoked attack on France; and

(2) that England could therefore not decline to take part in the War on the side of France.

Grey does this by presenting the notes with addenda that he ostensibly had exchanged with his Ambassador in Paris, Sir F. Bertie.

These notes had the following form in their first publication (reproduced herewith in fac-simile, facing this page).

As will be seen these two notes are clearly impossible. The event to which Grey refers in his note to Bertie must in agreement with its date have been known in London on 30 July, 1914. But the information to which Grey repeatedly refers and on which his note is based, *was sent*, according to its own dating, in French as well as in English, from Paris *the day after* it is pretended that it arrived in London — and thence referred back to Paris! — One might imagine that this inconsequence was due to a clerical mistake, but the main communication contains an unmistakable indication of the date of its despatch, namely a cabinet meeting on the following morning: this actually took place on the morning of 31 July (1914).

The English Blue Book was completed on 4 August and was to have been delivered by the printer and presented to Parliament by 6 August. There was then very little time in which to discover evidences of careless falsification, and this did in fact escape attention until after the document had been distributed. At the Foreign Office, however, the telling inconsistency was soon discovered and arrangements were hurriedly made to issue a new edition of this collection of documents; and in this an effort was made to conceal the mistake by the simple omission of the dating, „Paris, 31 July, 1914“. The book also changed its color from white to blue. But in the nervous haste of the time the Foreign Office neglected to reread the inculpatory document, apparently. We read, as will be noted, that „The German army had its advance posts on our frontier yesterday (Friday),“ — in French, „vendredi (hier)“. Now, it happens that Friday was

exactly, 31 July, 1914; and „hier vendredi“, and „yesterday Friday“, mean then that the information which Grey pretends to have sent from London to Paris on 30 July, 1914, had not left Paris and come to London before 1 August. The inconsistency of the Document was still apparent and a new edition was required. The edition which the Foreign Office then published with a (French) translation is not identical with the foregoing. — There exist, in fine, five different versions of this famous document.

This is not the place to investigate in detail the violation of right inherent in the document, nor the motives therefor, nor the question of responsibility therefor. We have here but to determine and state the facts of the matter, which are clearly of such a nature as to call for investigation. These facts involve, in addition to clear violations of right, which the document unmistakably reveals, the document in its entirety: The British Government has an Ambassador at Paris partly for the purpose of receiving from the French Gouvernement such information as may be of interest to Great Britain, and the relations between these Powers were, as is known, rather excessively confidential. Nevertheless, according to the document, Grey in London sent to the British Ambassador in Paris information concerning events in France which this Ambassador was required to supply Grey!

The event which is of concern here, as thus reported, was of greater moment than any other detailed in the British Blue Book. It states that „a third Power (Germany) has committed an unprovoked attack“ on its neighbor (France) at a time when these were in peaceful relations with one another, which was in turn to prove to the British people that they must needs engage in

Sir,

Foreign Office, July 30, 1914.

M. CAMBON reminded me to-day of the letter I had written to him two years ago, in which we agreed that, if the peace of Europe was seriously threatened, we would discuss what we were prepared to do. I enclose for convenience of reference copies of the letter in question and of M. Cambon's reply. He said that the peace of Europe was never more seriously threatened than it was now. He did not wish to ask me to say directly that we would intervene, but he would like me to say what we should do if certain circumstances arose. The particular hypothesis he had in mind was an aggression by Germany on France. He gave me a paper, of which a copy is also enclosed, showing that the German military preparations were more advanced and more on the offensive upon the frontier than anything France had yet done. He anticipated that the aggression would take the form of either a demand that France should cease her preparations, or a demand that she should engage to remain neutral if there was war between Germany and Russia. Neither of these things could France admit.

~~I said~~ that the Cabinet was to meet to-morrow morning, and I would see him again to-morrow afternoon.

I am, &c.

E. GREY.

Enclosure 1 in No. 105.

Sir Edward Grey to M. Cambon, French Ambassador in London.

My Dear Ambassador,

Foreign Office, November 22, 1912.

FROM time to time in recent years the French and British naval and military experts have consulted together. It has always been understood that such consultation does not restrict the freedom of either Government to decide at any future time whether or not to assist the other by armed force. We have agreed that consultation between experts is not, and ought not to be regarded as, an engagement that commits either Government to action in a contingency that has not arisen and may never arise. The disposition, for instance, of the French and British fleets respectively at the present moment is not based upon an engagement to co-operate in war.

You have, however, pointed out that, if either Government had grave reason to expect an unprovoked attack by a third Power, it might become essential to know whether it could in that event depend upon the armed assistance of the other.

I agree that, if either Government had grave reason to expect an unprovoked attack by a third Power, or something that threatened the general peace, it should immediately discuss with the other whether both Governments should act together to prevent aggression and to preserve peace, and, if so, what measures they would be prepared to take in common. If these measures involved action, the plans of the General Staffs would at once be taken into consideration, and the Governments would then decide what effect should be given to them.

Yours, &c.,

E. GREY.

Enclosure 2 in No. 105.

M. Cambon, French Ambassador in London, to Sir Edward Grey.

L'Ambassade de France,

(Translation.)

Londres, ce 23 novembre, 1912.

French Embassy, London, November 23, 1912.

Cher Sir Edward,

Dear Sir Edward,

The letter confirms in essentials the letter from Sir Edward Grey and makes some further remarks as to the idea.

Votre sincèrement dévoué,
PAUL CAMBON.

Enclosure 3 in No. 105.

French Minister for Foreign Affairs to M. Cambon.

(Translation.)

L'ARMÉE allemande a ses avant-postes sur nos bornes-frontières, hier vendredi ; par deux fois des patrouilles allemandes ont pénétré sur notre territoire. Nos avant-postes sont en retraite à 10 kilom. en arrière de la frontière. Les populations ainsi abandonnées à l'attaque de l'armée adverse protestent ; mais le Gouvernement tient à montrer à l'opinion publique et au Gouvernement britannique que l'agresseur ne sera en aucun cas la France. Tout le 16^e Corps de Metz renforcé par une partie du 8^e venu de Trèves et de Cologne occupe la frontière de Metz au Luxembourg. Le 15^e Corps d'Armée de Strasbourg a serré sur la frontière. Sous menace d'être fusillés les Alsaciens-Lorrains des pays annexés ne peuvent pas passer la frontière ; des réservistes par dizaines de milliers sont rappelés en Allemagne ; c'est le dernier stade avant la mobilisation : or, nous n'avons rappelé aucun réserviste.

Comme vous le voyez, l'Allemagne l'a fait. J'ajoute que toutes nos informations concordent pour montrer que les préparatifs allemands ont commencé samedi, le jour même de la remise de la note autrichienne.

Ces éléments, ajoutés à ceux contenus dans mon télégramme d'hier, vous permettent de faire la preuve au Gouvernement britannique de la volonté pacifique de l'un et des intentions agressives de l'autre.

Paris, le 31 juillet, 1914.

THE German army had its advance-posts on our frontiers yesterday (Friday). German patrols twice penetrated on to our territory. Our advance-posts are withdrawn to a distance of 10 kilom. from the frontier. The local population is protesting against being thus abandoned to the attack of the enemy's army, but the Government wishes to make it clear to public opinion and to the British Government that in no case will France be the aggressor. The whole 16th corps from Metz, reinforced by a part of the 8th from Treves and Cologne, is occupying the frontier at Metz on the Luxemburg side. The 15th army corps from Strassburg has closed up on the frontier. The inhabitants of Alsace-Lorraine are prevented by the threat of being shot from crossing the frontier. Reservists have been called back to Germany by tens of thousands. This is the last stage before mobilisation, whereas we have not called out a single reservist.

As you see, Germany has done it. I would add that all my information goes to show that the German preparations began on Saturday, the very day on which the Austrian note was handed in.

These facts, added to those contained in my telegram of yesterday, will enable you to prove to the British Government the pacific intentions of the one party and the aggressive intentions of the other.

Paris, July 31, 1914.

combat with this third power, drunk with lust for aggression, and which, once France had been conquered, might be expected to try to secure domination over England. (Such was in effect Grey's argument in Parliament in urging England's immediate participation in the impending war.) But the event concerned is fictitious, the documents purposing to prove it, are false, and the falsification bears the signature of the British Minister for foreign affairs, Sir Edward Grey.

The general opinion of the world, or public opinion, which the cultural progress of mankind has called into existence, condemns the World War as a crime. The same opinion has in large measure placed the responsibility for this crime on the shoulders of the defeated group of powers on the basis of the propaganda and the verdict of the victors. But the proofs of the victors' innocence and of the culpability of the defeated have been falsified.

It is not saying too much when we assert that these matters have not yet been subjected sufficiently to the light of truth, and that it is still the province of science (scholarship) to enlighten the world.

4. The secret of the Entente.

It is then apparent that the victors are seeking to conceal something. What is it?

Not their peaceful intentions. We know these from countless declarations. It must then be something in conflict therewith.

The immediate occasion of the war was the murder of Serajevo. This had been most uncannily prepared. What rôle had Entente powers played in these preparations?

We know that Serbian politics were dominated and guided by Russia's, — that Russia knew,

supported and led organizations in Serbia with secret branches in the Dual Monarchy, — whose aim was the destruction of the economic-political structure known as Austria-Hungary. We know that France was Russia's ally, and that England stood in such intimate relations to France and Russia that these relations went under the name of an alliance or „Entente“, and were so regarded by politicians. We know also that all three of the Entente powers anticipated that a World War would begin in 1914 and that the Balkans were regarded as the certain originating field of such a war. How much did the Entente Powers know with reference to proposed murder of Archduke Ferdinand and the coincident blow to Austria-Hungary, and so also concerning the beginning of the World War?

This question is of very real importance in any investigation of the war's immediate causes. So far, however, insufficient light has been thrown on it. — There were many reasons to suspect that Russia was well informed about the whole plan as also the hearings of the murderers later proved. But other informations, which may have been forgotten in the tumult of later events and which may not have come to the attention of the public generally are available. We shall indicate the substance of this briefly here.

Immediately after the murder there was by chance a so-called „sokol festival“ at Lemberg. On 1 July, 1914, the Kronen Zeitung of Vienna received a dispatch from Lemberg stating that Russian Participants reported that Odessa papers had several times given warnings of the coming assassinations of the Archduke Francis Ferdinand. —

On 30 June, 1914, the Neues Wiener Journal contained the following special telegram: „Peters-

burg, 29 June, 1914: We learn from a well informed source that in certain circles of the Tsar's court the plan to murder the Austrian heir apparent and the machinations connected therewith were known as much as six months ago".

The same paper and Deutsches Volksblatt (also of Vienna) for 30 June, 1914, contained a telegram from London to the effect that Prince George of Serbia had been in London recently, and when the murder was reported attention was called to his strange behavior, revealing the hatred felt by certain Belgrade circles for Francis Ferdinand.

The character of his alleged remarks is suggested by publications in a British sheet of wide circulation and notority, „John Bull“, 11 July, 1914, and later dates. The paper claims in fine to have come into possession of a receipt, half burnt, dated 5 April, 1914, containing the seal of the Serbian Legation, which it produced in facsimile. The wording reads as follows (in English translation):

„For the total elimination of F. F. the sum of 2000 Pounds Sterling paid as follows: 1000 Pounds Sterling on your arrival in Belgrade by the hands of Mr. G. and the rest 1000 Pounds, on finishing the work paid as above. The sum of 200 Pounds Sterling for expenses and to pay agents, etc. — before you leave here. Your arrangement do not“ — —

It is true that „John Bull“ was a notorious sheet, but that does not in itself made superfluous the attention given to the report quoted in it. The paper continues, that „the Austrian Government was doubtless aware, as we are, that Serbia about eight months ago instituted a secret Service Bureau at their London Legation at 40 Pont Street, afterwards at the Belgrave Mansions Hotel, and then at Queens Gate, for the purpose of causing every possible harm and discredit to the Austrian Empire.

Although of course, we must not, without evidence, implicate the staff of the Legation proper, we do assert that the Serbian secret service were actively at work at the Legation plotting the foul deed. („See also American Monthly, June, 1922, p. 103) On the 11 of July, the Serbian Legation in London published the statement that it was about to begin legal proceedings against „John Bull“; but for reasons which were apparently good the Serbian Legation did not carry out its virtuous intentions.

As will be seen the time mentioned in the „John Bull“ article referring to the establishment of the secret Serbian bureau in London corresponds approximately with the time of similar reports in Russia with reference to the planned murder. —

To what extent responsible politicians in Russia, France and England were informed regarding this nefarious plan is not clear. The secret services of these countries must of course have been fully informed. It is well known that politics of a far reaching sort does not disdain making use of murders to attain its Macchiavelian ends; — in France, for example, in the murder of one of its noblest sons, Jaurés; in England, in the attempts against Casement and Chattopadhyaya (in the first instance the agent acted in the name of the British Government). The Russia of the ancient regime was known as „a despotism tempered by assassinations“. The possibility indicated above does then come within the limits of the morality practised by these three powers. Nor can we regard it as probable that the politics of any one of these countries was a sealed book, in such details, to the other two. According to the British Blue book, No. 12, Sir Edvard Grey stated to the British Minister at Belgrade that he had no desire to

express an opinion as to the political attitude Serbia ought to take with respect to the murder without knowing the opinion of the French and Russian Governments, and requested the British Minister therefore to confer with the representations of these Governments at Belgrade before he could advise Serbia to give Austria full satisfaction for what had been done, — in the case of course that it should be clear that Serbian authorities were implicated in the murder.

The understandings of these powers was thus of the best and in essentials complete with regard to Serbian affairs. The alleged facts that Russian court circles were cognizant of plans to murder Francis Ferdinand and that the central bureau of these plans had been in London for seven months, — without the knowledge of the British and French Governments, — are matters calling for definite proof or conclusive denial. —

The murder itself, however, was not primarily an outrage effecting the archduke, nor was it a revolutionary attempt to undo a dynasty, nor an anarchistic blow at a system: it was a war-like attack on a state.

It was such a plan of such an attack of which, as we may fairly assume, the Entente Powers must have been aware, — on account of the activities of the Serbian agency in London and the information of court circles in St. Petersburg, from about the beginning of 1914. — A fairly complete presentation of this situation has been given by the English woman Miss E. Durham in her book „Twenty Years Balkan Tangle“ (p. 229), where she reports that the Russian agent in Cetinje, Zugurieff had declared to her as early as 1912, that it was Russia's purpose to have war with Austria-Hungary by the autumn of 1914, and that it deserved and

would have completed its preparations for such a war by that time. Miss Durham reports further, in an article in *Foreign Affairs*, that the south Slavic nationalities openly discussed the coming great war which Russia was to carry on against the Dual Monarchy, but admitted that some pretext would be necessary. — In 1913 a Montenegrin minister told her that everything was ready; „we shall march to Sarajevo, while the Serbs proceed to Vienna. The Russians are with us. We shall take what we will. We shall begin in Bosnia“. — In June (1913) a Serbian officer at Ochrida had boasted to her, that all was ready for the Serbian occupation of the Adrian littoral. Serbian officers discussed little except the war with Austria. Miss Durham had felt so certain that the War would come toward the end of 1914 that she had already, before the Sarajevo murder, made arrangements with her publishers with a view to this eventuality. „When the Archduke was murdered“, she adds, „I understood what the statement: ‚We shall begin in Bosnia‘, meant.“ — But she was „not prepared for England’s giving aid to the murderers,“ and remarks: „If England had supported Austria in those days, war would not have broken out“. — The Serbian police did nothing to apprehend the murderers; but immediately after the signing of the peace Serbian authorities hurried to Vienna and demanded with great energy that all documents in the trial of the murderers be surrendered to them, in the purpose to destroy the proofs of Serbian complicity in this immediate cause of the war. —

It seems almost impossible that an English-woman of reputation could write so frankly about such a matter. —

What forces were then instrumental in preventing

the Entente Powers from seeking to avoid war? **Did the western powers support Russia in spite of the fact that they knew Russian politicians were working for war? Did they themselves desire war?**

5. War lies.

There cannot now exist any intelligent person with a knowledge of public affairs who does not acknowledge that the responsibility for the War has been enshrouded in a cloud of lies. It should be sufficient merely to refer to such proofs of those that have been presented by such well-known publicists as Philip Francis in „The Poison in America's Cup“ (Mr. Francis was the foreign editor of the New York American during the War), Upton Sinclair in „The Brass Check“, Sir Campbell Stewart in „The Secrets of Crewe House“, and John K. Turner in „Shall it Be Again?“. Furthermore to the newspapers of La Follette and to E. D. Morel's Foreign Affairs. — The propagandist methods which the London Times in its issue of 4 July, 1919, after the conclusion of the peace, reveals, add unconscious testimony to our contention and reveal a finesse in the choosing of means by which public opinion might be moved that is appalling in its arrogant disregard of truthful presentation. The reader may find it convenient to refer to an article in the New York American of 25 May, 1922, in this connection, the article being entitled „March of Events“.

There is no one who, openly, will assert that he desires not truth but falsehood, not right but injustice. Why then can any one oppose a scientific investigation of the causes and origins of the War by a Neutral Commission? Or do such opponents lie when they assert that it is truth and not falsehood that they desire?

15. OBJECTIONS TO THE NEUTRAL INVESTIGATION.

A number of objections are made, the validity of which we shall here consider.

(1) It is said that the truth can not be revealed because many archives remain closed. This is a remarkable objection, but as groundless as it is incorrect.

In a dispute the one party can not prevent an exposé of the truth merely by refusing to reply to questions. If this were a fact all criminals would be in a simple and pleasant position. Every one must have the opportunity to reply to accusations, but must, himself, be responsible if he does not use such opportunity. If an unrighteous verdict follows, one may rectify this by presenting what one theretofore has kept concealed. This is a rule of judicial procedure in private as well as in international disputes, — now also made definite by the pact creating the World Court (paragraphs 53, 56, 57.). It follows then that only those parties who have opened their archives are justified in protesting against investigations of their differences with other powers, until the latter have opened their archives. But in this case the parties in question have made no objection to investigations.

The contention is also incorrect. It is probably difficult in any case to get at the absolute truth in all details. In life as it is we must be satisfied if we approximate the truth as nearly as possible. The problem is then not whether a scientific investigation can reveal the absolute truth at all points, but if it can bring us *nearer to the truth than we now are.*

A scientific investigation of a state's opened archives will give:

- a) a reliable picture of what plans the power concerned may have had. It will give truthful information concerning the will, whether evil or good, which has inspired its acts. But this is sufficient to form a basis for judging its subjective or moral guilt, its „criminal responsibility“.
- b) It will show, moreover, how the opposing party has acted with reference to it, — that is, how the matter has appeared to the party that opened its archives.
- c) It will indicate that the opposing party must have known how the party concerned (whose archives are open) viewed certain problems.
- d) *It will compel the bringing forth of more information.* The logic of facts will in itself speak the language of truth. — In international politics relating to war complete information from the one party necessarily reveals the reply of the opponent, so that silence as well as closed archives are in themselves so eloquent that words become superfluous.

(2) It has been objected that this is not an opportune time for such an investigation, partly because feelings are still in an excitable stage. So reason those who believe that the politician should be merely a sounding board, reflecting sentiments which are already popularly supported, — and not lead the people to accept points of view of whose soundness he himself is convinced. The difference is that between the weather cock and the political leader, between a Lloyd George and a Bismarck, between the parliamentarian and the statesman.

With the same basis, and quite as justly, no individual protested when the mob once upon a time roared „crucify him!“ Let wrong flourish and ripen until those who suffer are the stronger and it is of advantage to protest against tyrannizing over them! — That is a possible point of view. But may one take for granted that right will always win at last, even if nobody „dares“ to maintain it against odds? This would mean that wrong could never really take place in such a world, that right was never on the scaffold. Such metaphysics is pleasant but lacking the verification of experience.

We must presume that, if anything good and worth while is to meet with success over evil forces, there must be some who are willing to struggle for what is worthy and right. Good of itself does not overcome evil. The sooner the struggle is entered upon, and the more unreservedly this is done, the sooner will wrong be overthrown. He who neglects to participate in the struggle for right becomes an accessory cause of the persistency of the evil which is, and which he might have aided in removing earlier than is otherwise possible. This applies also to the matter before us.

As long as one party believes that he is quite guiltless and regards his opponent as an unmitigated criminal, he will inevitably be led to make inordinate demands which in themselves add to the opponent's aggravation. As long as the opponent considers himself misunderstood and wronged, he will feel dissatisfied and seek some vindication and relief from his sufferings. — A clarification of the questions in dispute will have a quieting effect, and make possible a final disposition of a case. The contrasting condition can serve only as a soil in which animosities grow. In one of the countries involved in the situation crea-

ted by the World War, bitterness on account of alleged injustices and the demand for revenge persisted for forty-four years, until they found objective expression in the late war. Does the world face with complaisance a similar period of waiting and a similar calamity? If not, *when* may we hope that the times will be meet for such an investigation as that of the Neutral Commission?

(3) It is objected again that one must not touch this question of the War's causes because it will only serve to add fuel to the dying flames and benefit no one.

This objection involves an ignoring of the fact that mutual recrimination has been continued, particularly in the part of the victors, for the purpose of assuring themselves a moral basis for the advantages of the victory; while the vanquished react correspondingly, resisting what they regard as wrong.

What is the situation? A very violent agitation took place in the recently belligerent countries for the purpose of developing a will to war in the minds of the peoples and, in the neutral countries, for the purpose of securing the sympathy of other peoples. The means employed were in part facts, but these were presented in most inciting forms. Where facts were unavailable, stories were made up out of whole cloth, — the end justified the means. The result was mutual fears, suspicions, accusations and hatreds among peoples. This result, or condition, has not disappeared with the end of the War. The world seethes with just such impulses, even today: Passions once inflamed persist long after their cause has vanished.

The condition which now prevails in the world has become, therefore, a fertile soil for new dangers of war.

It is this condition which places on scholarship

the obligation of entering the field with such light as it may. Its function is also to expose all untruths and to explain the truth without passion, so that the facts themselves appeal to reason, not to feelings. It has then a purpose quite the contrary to that of war propaganda, — namely, to free men's minds from the distorting effects of such agitation so that reconciliation may be possible.

(4) Again it is objected that if the aim of such a Commission be to throw light on the causes of wars in general, an investigation of the causes of the World War is too special. The explanation here is that scholarship must rely on facts, proved empirically. It must endeavor to solve problems confronting them by research of concrete historical facts and not by means of abstract speculation. The World War presents the greatest possibilities ever available to scholarship in this field for obtaining an insight into those forces which lead to war. In the first place this war was incomparably more inclusive than earlier wars, so that we may with some assurance assume that most factors favorable to war were actually present. In the second place, we may take for granted, with some safety, that the very forces which were recently loosed upon the world are pregnant with dangerous threats for the immediate future, and that it is therefore of supreme importance to expose them now. Finally, the events concerned lie so near to us that there is greater reason to hope that obscure points may be elucidated than can be the case with reference to any earlier war. If then, as an important possible incident of such an investigation, the Commission find itself in a position to throw more light on the question of the responsibility for the recent World War, no innocent person or party can reasonably or honestly object thereto. The obscurity which

still hangs over many important pertinent points gives the contending parties occasion for mutual recrimination, suspicion and hatred, with the really evil consequences of these. Moreover, as long as individual politicians of any particular state can depend on locks and keys to conceal motives and deeds relating to the origin of the War for which they may have been in part or entirely responsible, and closed archives and extra-protocol conventions and diplomatic denials, to give them added assurance, there is no guarantee that they will not abuse their position and mislead their fellow-nationals and others. The public remains in outer darkness. On the other hand, the consciousness that such deeds may be subjected to critical review and scientific scrutiny will serve as a very real deterrent to any one who might otherwise be tempted to misuse his authority.

(5) The above will no doubt be admitted; but a new objection is raised: why should not such an investigation be conducted by a committee of scholars from the belligerent countries? It is because national feelings affect scholars as well as others, and tend to confuse them as objective students. Though the dictum „Right or wrong, my country“ is not generally recognized as valid even by scholars of the great powers, still the pronouncements and resolutions published by representative scientists of the belligerent countries and the attitude of many scientific institutions and societies in these countries show that scholars are quite as impossible as others in cases to which they are parties. If an investigation be undertaken it must be as reliable and complete as possible. There is no more certain way of attaining this end than by scholars who are impartial and neutral, — and only in this case can reliance fairly be placed on the validity

of their conclusions and their presentation of the truth. Such an investigation will inevitably cause politicians to entertain greater fears than if their nationally likeminded fellow countrymen presented an ostensibly critical study. The creation of the Neutral Commission establishes a precedent in history which will in itself serve to deter men from belligerent efforts hereafter.

Should the neutrals be denied the right to undertake to throw light on this problem when they are in fact the only ones in a position so to do, and the conjuncture of historical circumstances calls them to the task?

(6) The attacks upon the Neutral Commission made by Mr. Poincaré and likeminded associates bear the stamp of the view that such an investigation as is now being carried on is in essence a presumption on the part of neutrals and a challenge to the victors. These politicians would hardly have judged the Commission so uncharitably if, instead of insisting on an impartial point of view, it had taken upon itself the task of proving the judicial validity of the verdict of the Versailles Commission and of justifying the Treaty of Peace of Versailles.

It may not be out of place to remind these politicians of the fact that one of the Entente's specially ardent friends, the Russian Professor Milljukof, has disagreed with them. Mr. Milljukof travelled about in neutral countries and was an active propagandist for the Allies during the War. When the diplomats of the Entente at Petrograd had been successful in aiding Russian revolutionary forces to overthrow the Tsarist regime in the winter of 1917, for the reason that it desired to sign a separate peace with Germany in Russia's interest, these same diplomats were active in using their

influence to have Mr. Milljukof play an important rôle in the new government. In this they were successful, — he became the Russian Minister for Foreign Affairs under Kerensky. It is then fair to assume that Allied politicians will not view his conception as one of slight importance. —

According to telegrams from St. Petersburg on 15 March, 1914, Professor Milljukof, as a member of the Russian group of the Interparliamentary society „Zguro“, recommended the creation of a special neutral commission during times of war for the purpose of being on guard against violations of international law. According to Mr. Milljukof's plan such a commission was to be officially chosen and to be recognized by the Hague Court of Arbitration, and to have the same privileges and immunities as a diplomatic corps. This proposal was to have been discussed at the Interparliamentary Conference in Stockholm during the summer of 1914. The war prevented this. — This was an admission of the contention that the principles of international law and respect for these principles are of special concern in the actual organisation of a Neutral Commission. Professor Milljukof surely believed that not only neutral but belligerent interests would be best served by such a commission. And in this he could hardly have been mistaken.

(7) But we meet subsidiary objections at this point. It is asserted that neutrals should wait until both contending parties request them to serve as a scholarly tribunal of investigation. It is said that people for whom a case — a case of belligerency — has been so serious that they have risked their lives for it cannot permit „outsiders“, who have been willing to make no sacrifices, to step in and judge with reference to anything in the case or its

origin. Neutrals could have no right to such a position unless they themselves (the neutrals) had had interests to guard and which had been endangered by those directly involved in the struggle.

Before we undertake to consider the validity of these objections, we wish to make it clear that the question is then this: Have neutrals any independent political reasons for desiring to have the causes of the War revealed? Which is to say: Did the War have disturbing effects on the rights of neutrals, quite regardless of what powers or belligerents were to blame for such effects or what was the cause of the disturbances?

16. THE POLITICAL SIGNIFICANCE OF THE NEUTRAL INVESTIGATION.

(1) Introduction.

The Premier of the French Republic has declared that France has no need to fear the verdict of history, but he fears that this scientific investigation is inspired by German sympathies. Inasmuch as neutrals have hitherto been so acquiescent in the decisions of the Entente, it is fair to assume that he believes that their (the neutrals') sympathies have been with the Entente.

Well — we do admire Englishmen, let us say, as types of the finest manhood we know, Frenchmen as the curators of the most advanced estheticism, Germans as the representatives of the richest and most human character, Russians as the most developed representative of emotional life, Turks as the most honest people, Chinese as the most resigned, Hindus as the noblest, etc. But it is

appalling that an old politician like Mr. Poincaré should believe that neutrals are guided in serious matters by any such sympathies for or admirations of other peoples. In politics, Mr. Minister, you have apparently very rarely been moved by any feeling of sympathy. In politics he, who can, furthers his own interests. We all struggle, for example, for the daily bread of our tables. Thoughts of peace are not present in the banqueters' toasts until the banquet itself is assured. As you yourself well know, Mr. Poincaré. To believe that we would support or oppose the Entente on account of hatred or love of Germany, is, Mr. Minister, so puerile that it is foreign to Northern minds. We are accustomed to regard the struggle for existence more coldly.

(2) The War Aims of the Victors.

The Entente Governments secured support for their war aims in their own countries and among neutrals; they won the dominant public opinion of the world. The explanation of this general support given to the Entente lay in the war aims and programs as presented by the responsible statesmen of the Entente countries, — and the effective propaganda and publicity agencies they had for the dissemination of the statements of such aims. It is then to the point to give a brief resumé of these aims here, with some comment on their significance throughout the world and more especially in neutral countries.

It has now long been known that it was within the power of the Western Powers (the Entente) to determine whether there should be any war or not. Germany's ultimatum to Russia demanded that the Russian mobilisation be countermanded and made it clear that war would be the consequence other-

wise. Russian mobilised for the deliberate purpose of causing just such an ultimatum and thereby the War. But Russia did not venture to mobilise until she had secured the promises of England and France to support her in the event of such a war. These facts have been exposed by the Entente side itself. (See, for example, the communication of the Belgian Minister Mr. l'Escailles to his foreign office, dated 30 July, 1914; and the Westminster Gazette of 29 July, 1914, where we read, „it is said that the Tsar holds the fate of Europe in his hand. This is true, but we hold the Tsar in ours.“)

When Germany inquired of France and England whether they would remain neutral, she received a negative reply (Yellow-Book, 116—118; Blue Book, 123). If these countries (France and England) had replied in the affirmative, there would have been no war. Russia alone would not have risked a war with the Central Powers; and, even as it was, she did not go into the War without hesitation. — There must then have existed very strong reasons why the western powers gave Russia the promise of aid which they did and which they knew meant war. These reasons have been stated in their war aims which have already been considered in Chapter 7; but we call attention to them again here for the sake of greater completeness. In addition to the speeches of British and French ministers in their parliaments urging neutral adherence to the war (as supporters of the Allies), as in the offer made by the British Government to Norway, Holland and Belgium, for the sake of guaranteeing their independence and integrity in an alliance protecting their neutrality (Belgian Grey Book, no. 37), we have also Wilson's address to Congress on 2 April, 1917, in which he urges Congress to declare war on Germany. His thought

and the phrasing of it were the result of conferences with the Entente Ambassadors and in harmony with the expressions of their governments. Wilson's words may then be regarded as a reflexion of these aims. He said that „our object is to vindicate the principles of peace and justice in the life of the world as against selfish and autocratic power.“

And after the War had ended President Wilson declared in a speech at Tacoma on 15 Sept., 1919, with reference to the war aims, that „America went into the War to fight for the freedom of small nations and to establish a league of nations for the maintenance of peace.“ Nearly all of the leading Entente politicians had made declarations of similar purport in explanation of their countries' war aims. (Cfr. also „Wilson und der Rechtsfriede,“ Linden-Druckerei und Verlag Berlin, 1919.)

We know then from the mouths of leading Entente politicians that the reason why they declined to agree to the proposals of neutrality made them by the Central powers was these high ideals which could only be guaranteed by a World War, which ideals involved ultimate World Peace, the principles of democracy, the sanctity of treaties, the defense of civilization, and first and last the inviolable independence of small nations. By means of such a program the Entente acquired the reputation of a defender of the principles of international law, and as the pathfinder of a happier future for mankind. To support the Entente was then to be tantamount to furthering such ideals: It was a „holy war,“ as the strongest of the Entente leaders, Lloyd George, declared.

It is clear that such a noble program must have been seductive with its promises of such a future. Who does not long for celestial bliss even

here in this world? Even if the Entente program could give no absolute assurance of such happiness, it could and did lead vast multitudes naively to believe that they were on the frontiers of the Millennial Kingdom, — the dream of prophets and saints, the promised land of the good. But even practical politicians, — pacifists, socialists, inter-parliamentarians of diverse political tendencies, — bound their hopes to these alluring promises. This they did, though no doubt with some uneasy appreciation of the partiality and self-righteousness of such professions. Having such hopes, they were able to submit to the horrors and struggles of the intervening period, which seemed, as it were, the travail inevitable in the birth of the happy state of the future.

It is said that the world likes to be deceived. Tradition has it that two well-known Americans, albeit of very different types, Barnum and Lincoln, made similar statements; but in Lincoln's observation there was the saving clause that „you cannot fool all of the people all the time.“ However, every politician has this practical philosophy in mind, and he is not unmindful of the significant reservation made by America's martyred president.

We neutrals, like the rest of the world, received very elaborate presentations of the noble ideals which inspired those great powers, in whose hands peace lay, to declare war. The inspiration we find among ourselves; it was on our account that they so acted, they tell us.

We desire now to consider to what extent the deeds of these powers have been in accord with their professions.

We shall confine ourselves to a review of the relations between the neutral countries and the Entente. Our reason for thus limiting our discus-

sion does not lie in the fact that the relations of neutrals to the Central Powers are not worth considering, but in the primary fact that no protest has been made by the Central Powers against the investigation of the Neutral Commission, and in the subsidiary fact that the professions of the Central Powers did not in an equal degree contain such promises as those made by the Entente.

We shall rely chiefly on data affecting the relations of Norway with the Entente. The motive of this delimitation lies partly in the fact that Norway in a certain sense, — as the leading neutral sea-fearing nation, — played a not unimportant rôle during the war. The motive finds its inspiration also in the fact that Norway was probably that neutral country which was the most „pro-Entente“ of all of the European neutrals. It might be supposed then that this country would risk less inconsiderate treatment and fewer injuries from those who were conducting the War for the protection of the rights of small nations and who now pretend that neutrals have no right to investigate the causes of the War, than would other neutral countries. But other neutral states had essentially similar experiences.

(3) The Defense of the Rights of small Neutral States by the Entente

The status of neutral states in matters of international law had two phases during the World War, — the relations of the belligerents to neutrals and of neutrals to the belligerents. The former are essentially related to the Paris conventions of 1856. According to these, neutral states have the right to carry on commerce during a war with all of the belligerents: the neutral flag covers an enemy cargo. The exception to this rule is contraband goods,

which in turn are stated to be absolute contraband (that is, goods for one of the belligerents and for use in war operations; „articles of war“, as, for example, arms and ammunitions) and conditional contraband. A belligerent was to be entitled to seize absolute contraband goods on a neutral ship when their destination was his enemy. Conditional contraband goods were such as had an enemy destination, but which were not articles of war. Such goods might also be seized if they were destined for the enemy's army or fleet, or for other official authorities with the purpose of using the goods for war purposes. If such goods were ultimately destined for the nonbelligerent part of the enemy population, they could not be seized, if the immediate destination and address was a neutral port. Neutral flags covered enemy cargoes except absolute contraband; and a neutral country covered also conditional contraband. These were the essential points in the Paris agreement of 1856. The intent was that neutrals should not support war, but peace; that they should not aid in the process of extermination of belligerents. It goes without saying that commerce among neutrals as such was of no concern to the belligerents; to engage in such trade was not requested, it did not concern the belligerents and they made no enquiries relative thereto. This principle's acceptance lay in the acceptance of the principle of sovereignty itself. A belligerent might seize enemy merchant ships —, the private property of belligerents enjoyed no such immunity on the seas as on land. All efforts to obtain a general recognition of the sanctity of private property have stranded on British opposition thereto. On the other hand neutral goods have been regarded as immune even when on an enemy ship. The Paris conventions were, however, signed by all of

the Entente powers. The articles to which we have referred were also confirmed in the London declaration (chapter II, particularly articles 30 and 33.)

The already recognized principles relating to the rights of neutrals with reference to blockades were also confirmed in article 18 of the Declaration of London. A belligerent who wishes to blockade his enemy's ports may not close the entrance routes leading to coasts or ports of neutrals in order to attain his ends. Belligerents must not by the measures they adopt force neutrals into a war. They must not, for example, make use of a neutral flag in order to cover their merchant ships and thereafter make use of these ships as men of war. German Prize Regulations of 22 June, 1914, state that every armed merchant ship which may attack a German or a neutral ship shall be regarded as a pirate; and the English Order in Council, Prize Court Rules No. 1, order no. 1, of 5 August, 1914, declared that by war-ships are to be understood armed ships (that is to say, also armed merchantmen).

With reference to the relations of neutrals to belligerents the Hague Convention and the London Declaration declared that their (the neutrals') treatment of belligerents must be equal and impartial. (Hague Convention, Agreement V, articles 9, 14, 17; Agreement XIII, articles 1, 2, 9, 25 and 26; The Declaration of London, chapt. III, articles 45, 46 and 70 in particular). Agreement XIII of the Hague Convention declares in its preamble that „It is the recognized duty of neutrals to apply such rules as they regard as unpartisan for both belligerents equally“. And in Agreement V, article 5, we read that neutrals must maintain these rules (duties), and must not permit any one to disregard them. All belligerents must respect these prohibitions

relating to the violations of neutral rights (Agreement XIII, article 1), and neutral protests against such violations may not be regarded as unfriendly acts (Agreement V, article 5, and Agreement XIII, article 26).

How then have the defenders of the rights of neutral states conducted their defence of such rights, which they so nobly professed?

We shall take the liberty of reminding the reader of a few of the most important pertinent facts.

a) The Protection of Neutrals by the Entente:
The Freedom of the Seas.

On 2 Nov., 1914, England declared the whole North Sea to be within the war area and closed it by mines extending from Jutland to the Hebrides and threatened to sink any neutral vessel that sought to ignore this zone and to refuse to go to a British port for visitation. The alleged reason for such action by the British was that German ships under neutral flags had spread mines out in the open seas. The German Government immediately declared (7 Novbr., 1914), however, that both insinuations were mere inventions, that it had never placed mines as asserted, and urged England to prove the contrary, for the last time on 11 Jan., 1917. The proofs of the German denial are available, and facts themselves contradict the British contention. On 22 Nov., 1914, it was reported from Holland that over one hundred mines had drifted ashore along its coasts. Of these not one was German. In Norway the situation was similar, though the writer has not been able to secure exact data relative thereto. The first Norwegian ship reported torpedoed by a German U-boat, the *Regin*, proved to have been destroyed by an English mine.

The closing of the North Sea by mines was in several ways in conflict with recognized international law. In the first place, such law was violated by the spreading of mines over the high seas. According to Agreement VIII, article i, of the Hague Conference, anchored mines were permissible only in case they were so constructed that they became harmless not more than an hour after they had drifted from their anchorages. The North Sea barrage ignored this agreement. The very use of such mines was then in conflict with international law.

Moreover, the blockade was not effective. Ships were continually passing undiscovered over the high seas. For this reason, too, the blockade was illegal according to the Declaration of London, chapter I, articles 2 and 3; and still the allies demanded that it be respected. — Finally, it was a violation of international law with respect to neutrals to establish a blockade which directly affected them (articles 1 and 18, *op. cit.*).

The result of these violations of international law by that group of powers which was ultimately victorious was that all of the Scandinavian countries suffered considerable losses of lives as well as of property on account of the World War. In the case of Norway 1162 persons lost their lives by mines and torpedoes, which means about 2 per mille. Comparing this with belligerent losses at sea, we find that the losses of England were not greater, relatively. The Norwegian merchant marine suffered a loss of about 1,240,000 gross tons. At the beginning of the War Norway's total tonnage was 2,627,700 gross tons. The losses then aggregated about one-half (or, to be exact, 47,05 per cent; cf. Marine Office — Sjöfartskontorets Officielle Oversigts Tabeller, vol. 5, introduction and p. 96). It will thus be seen that neutral Norway was

actually, on account of a war between others, drawn into the maelstrom of the misfortunes it caused, even as if she had also been a belligerent. Even if losses of other neutrals were smaller, since they had smaller merchant marines, still they have all considerable losses of citizens and property to record. — The purpose of The North Sea barrage was not merely to blockade Germany, so that the suffering of neutrals was purely incidental. The purpose was directly to embarrass the North Sea neutrals, so as to bring them within the domination of the Entente.

On 1 and 11 March, 1915, British Orders in Council were issued in accordance with which „the British and the French Government“, „in full conformity with the demands of humanity“, found themselves compelled to prevent the shipment of all goods to or from Germany. The two governments, therefore, reserved the right to stop (that is, to seize) every neutral ship suspected of carrying goods from the enemy or to him, or of carrying goods of enemy origin.

On 22 Dec., 1914, 11 Mar., 27 May, and 14 Oct., 1915, 27 Jan., and 13 Apr., 1916, changes were also made in the British contraband lists, so that many articles which according to the Declaration of London were not contraband, were nevertheless declared such. The significance of this was that the goods added to the contraband list could be confiscated without compensation, and the ship carrying them likewise, in case such goods either in weight, in cargo, space, value or freight charges constituted as much as half of the whole cargo. On 13 April, 1916, the British Government even expressly declared that it recognized no difference between conditional and unconditional contraband.

These interferences with the internationally

legal trade of neutrals were soon followed by worse encroachments.

(1) The Entente Domination of Industrial Life:
Coal Bunkers, etc.

On 18 April, 1916, The British Government sent a „warning“ to neutral shipowners against the use of German coal, even if for a ship's own use only (bunkers), stating that ships ignoring this „warning“ would be stopped and seized quite as if they were carrying other goods forbidden by the order of 11 March, 1915. Neutral shippers were compelled to secure certificates from British Consuls, stating that their bunkers had been obtained with the permission of such consuls in bunkering ports.

On 4 March, 1917, this development reached its climax: British Orders in Council then decided that neutral ships might not obtain coal from any other country than Great Britain; as for example not even from the United States.

(2) The Entente Control of Neutral Posts
and Cables.

The Hague Convention (XI, article 1) stated that mails from neither neutrals nor belligerents might be seized, regardless of whether they be of private or public nature.

On 23 Sept., 1915, the British Government declared that it would seize parcels posts, and on 23 Dec., 1915, it had letter mail on the S. S. „Chr. Michelsen“ at the Downs, arrived from New York en route to Rotterdam, seized; and declared in a note of 6 Jan., 1916, that the Allied Governments had an undoubted right to search and censor correspondence on ships within their territories (to which such ships were compelled by the Allies

to go). On 3 April, 1916, The Allies declared that they would stop and confiscate parcels and goods in letter posts.

As a consequence, all neutral commerce with or transport for the one of the belligerents were denied, and regardless of the character of the goods carried, in absolute contradiction to the Paris Convention and other „sacred“ treaties supplementary thereto. A complete review of the forms and methods by which such domination was made effective can not be given here. Let it suffice to remind the reader that the British ministry for trade stopped commercial correspondence and telegrams between neutrals, retained these, and made use of the information thus obtained for the benefit of its own business classes. It is worth noting in this connection that even all telegrams from the United States to the rest of the world had to be referred in writing to agencies of the British Embassy in Washington, where they were held for twenty-four hours before being returned to the owner. (See Congressional Hearings and the British Ambassadors' declaration on 10 Jan., 1921.)

Such „regulations“, however, extended still further. They involved the trade of neutrals among themselves, and indeed even of neutral countries and their outlying colonies, at last also the business of neutrals of one country among themselves.

(3) The Entente Control over the Navies of Neutral Countries.

In the history of earlier wars also investigation reveals the necessity neutrals have been under of defending themselves against the encroachments of belligerents (see, for example, the works of the

Danish professor Holm relating to Britain and Neutrals during the Napoleonic wars, where the parallelism is so striking that almost only dates and names need be changed to make descriptions fit the circumstances of recent years). International law provides rules concerning just such situations. When a neutral merchantman is escorted by a man-of-war of its own nationality, it is under the protection of such warship and the warships of no other country have any right to examine it for contraband, even if they suspect such merchantman of carrying contraband. Only the commanding officer of the neutral man-of-war possesses the right to undertake any examination (Declaration of London, chapter VII, articles 61—62). In agreement with this international law, the Northern States decided to discuss a neutral convoying of their merchantmen in order to protect them against treatment violatory of such law; and they held a conference at Copenhagen on 20 February, 1915. The Norwegian Minister for Foreign Affairs reports (in an „Oversikt“, p. 22) that the conference did not lead to any tangible results. This was soon apparent to the ordinary citizen also. The Norwegian Foreign Office, however, does not inform the public why such was the outcome of the conference. The Blue (Grey) Book, however, is enlightening; according to it, the British Government refused to respect such convoys (see Göteborgs Handels och Sjöfartstidning, 24 Jan., 1916). Neutral nations discovered then that they could not make use of their warships in defense of their neutral rights, in accordance with international law, because the British Government was now unwilling to recognize this.

(4) The Entente Control over The Imports and Exports of Neutrals: Rationing and Agreements.

The British Government demanded, immediately after the beginning of the War, that the Dutch government should provide guarantees that goods arbitrarily styled contraband by the Entente should be consumed in a neutral country. This Holland declined to do, inasmuch as the demand was in conflict with both international law and treaties. On 7 Nov., 1914, the so-called Dutch „Not“ (Nederlandsche Overseer Trustmaatschappij) was formed for the purpose of receiving and distributing all goods imported to Holland. The company was a private one, but dominated by Englishmen.

This company guaranteed, in agreement with the British Government, that no goods consigned to it should reach the enemies of England, and those who received such goods were obliged to provide bonding guaranties. The presentation of the actual situation issued by the Norwegian Foreign Office in its „Oversikt“ of 1916, p. 40, is misleading (see *Nieuwe Rotterdamsche Courant* 13 Mar., 1917).

In Switzerland a similar corresponding arrangement was made. In November, 1915, a Danish agreement of the same sort was made with Great Britain, but it created dissatisfaction in England; and another arrangement was demanded with reference to Norway, which was engaged in the same sort of negotiations, such arrangement to include the so-called „branch agreements“: Norwegian industrial companies were required to make agreements with the British authorities to the effect that such companies or corporations should receive all goods destined for Norway and guarantee that no part of these reached England's enemies. The British Government was to have the right at all

times to investigate the books of said companies through its authorized agents. The companies were required to supply the British Foreign Office with data concerning all guarantee declarations and the quantities of goods desired.

By means of such „central“ and „branch“ agreements (in the Norway there were 19 of the latter established from 1915 to 1919) the imports of neutral countries for their own consumption were dependent on a foreign power's grace and subject to its continuous control. The western powers went even further. Their protection of the freedom of neutrals became a despotism on controlling their every act. If any one ever had occasion to beseech Providence to protect him from his friends, the small neutrals were in such a position in their relations with the Entente as the benign protectors of neutral liberties. The Entente did not merely decide that neutrals should not have the right to engage in trade with others in accordance with international law, but the Entente determined, arbitrarily, to what extent neutrals should be permitted to import goods needed for their own consumption. The limitations prescribed by this superiors power (the Entente) were always in accord with what the Entente considered that neutrals required. It is not impossible that the great powers concerned were not oblivious to their own pecuniary interests in arriving at decisive conclusions. The branch agreements were made for periods of three months and were constantly controlled by the British minister or his representatives. These agreements involved obligations of the signer to the British Government, so that if he wished to buy a certain quantity of coffee, for example, the British agent might check up all that he might have on hand, regardless of its source, whether this were

within his own country or from another neutral country.

(5) The Entente control over the Domestic Commerce of Neutrals: The „Black-Lists“.

This limitation of the citizens of neutral states in their ability to buy the goods they needed from other countries was accompanied by similar limitations affecting their freedom in domestic commerce.

The Entente prepared lists of those neutral persons whom certain Entente officials or their associates did not like. These included especially those who ventured to express independent opinions relative to international law and humanity in conflict with Entente practices: as, for example, insistence on a regard for the rules of international law insofar as these affected neutrals and their rights in accordance with the Paris Convention, to which the Entente countries had sworn support and which they were now ostensibly fighting to maintain. Such persons were then „black-listed“. All business men who desired to carry on commerce in imported goods were required to register at the branch office of their (British controlled) association. When the Entente placed any one on its „black list“, this meant that every other member of the association („company“ or „corporation“) was forbidden to sell or deliver, directly or indirectly, any of the articles mentioned in the branch association (compulsory) agreements, to such black-listed person or firm, or to assist him directly or indirectly in the procuring of the goods he needed. A violation of this regulation meant that the trespasser would be barred from the association with corresponding effects on himself, — for then he too was blacklisted. Those who were eligible to membership in the

association were determined by British authorities. Application for membership, or action relative to exclusion or suspension, was something within the British Minister's discretion in the country concerned. He entered places of business (by proxy, of course), and demanded that persons disliked by the British Government be dismissed; if this did not occur, the firm involved was itself placed on the black-list. The present writer himself has seen communications from the British Minister in Kristiania in which the Minister states that „he can be of no service in explaining the British Government's (unfavorable) action with regard to the firm“ in question. Parallel cases are known. Even when cargoes had been unloaded and accepted by some „undesirable native“, the British authorities retained their power to confiscate the same and even to have them relegated to a British prize court's judgment.

By means of such import regulations and black-lists neutrals were forced to submit to „rationing“. The imports of neutrals, or even imports from Entente nationals, from other neutral countries, bought and paid for by neutral capital, transported on neutral ships with neutral crews, to be of use to neutral citizens, were stopped, controlled, permitted or forbidden by a third and foreign power. As a consequence, there existed in neutral countries often absolute want. In Sweden, for example, a pressing and harmful lack of fat-stuffs occurred towards the last years of the war. In all of the neutral countries there was a lack of fodder, so that the number of cattle, etc. sank by the hundred thousands and far below normal and what was needed for the well-being of their peoples. The Norwegian Minister Prytz resigned from his position as minister of the interior on 1 Juli, 1918,

giving as his reason that Norway had been „blockaded from imports“, adding that, „when imports are made so difficult and a rational distribution is prevented, I can no longer accept responsibility for the effects thereof“ (see Report of Industriforsynings-departementets virksomhet, prepared by Gudvar Rasmussen, 1922). The regulating of imports to neutral countries was repeated in minute details in the black-list system as far as individual citizens were concerned. The blackened neutral citizens were still, however, permitted by England to purchase goods „in small quantities for their own consumption“; but they might not eat according to their needs. During the winter of 1917 the British authorities informed Norwegian detail dealers that they were not to ignore the fact that certain persons were black-listed nor to sell them more than was absolutely necessary for them.

On the other hand, particularly complacent firms, as far as England's Domination was concerned, received even an overabundance of goods, though the Norwegian Government had no means of exercising any actual influence on the distribution of the same among its nationals (see Staatsraad Prytz, Industridepartementets beretning, p. 55, I).

In order that a neutral country might receive an adequate importation of the most needed goods even from other neutrals, its government was thus compelled to permit British authorities to exercise all the control they demanded with reference to limiting or forbidding certain imports and exports and the distribution of the same, in accordance with agreements insisted upon by such authorities with individual firms in return for import permits. The neutral's government was compelled, in fact, to provide punishments for non-conformity with

British demands (see the Norwegian laws of 11 June, 1915, and 23 June, 1916).

(6) The Entente Control over the Private Property of Neutrals.

In connection herewith, it is desirable to call attention to the confiscations of goods by the Entente, confiscations which in degree and kind are quite beyond the pale of international law. It had been a violation of international law to compel neutral merchantmen to „visit“ British ports. Visitations may, according to international law, take place on the high seas, but this right of a belligerent involves no duty on the part of a neutral ship to alter its course. The purpose behind the closing of the North Sea, however, was to compel neutrals to bring their goods to England where they were then collected. „There are great stores of Norwegian goods collected in England, goods that have been bought and paid for, and partly such as are suitable for Norwegian use and not for any other. But we do not receive them.“ (Prytz's letter of resignation, 1 July, 1918, published in *Provianterings departementets Beretning*, p. 54). An excuse for detaining such goods was always available in the assumption that they might reach or serve an enemy. Such a fear was then sufficient according to British „international law“ to make the goods „contraband“. In these cases, and in the course an time, such goods were sold at auctions at which practically only the agents of the British government were present, and the prices received were below the market. Many neutrals were ruined by such means employed by England, but Great Britain found that it was „good business“.

(7) The Entente Control over the Production of Neutral Countries: Forced Exports to the Entente.

The Orders in Council of 1 and 11 March, 1915, to which reference has been made, forbade neutrals, under pain of confiscation, to sell or ship any foreign goods to the opponents of the Entente. The exportation of their own products was, however, still open to the neutrals. This possibility was nullified by putting neutrals on „rations“. The Entente refused to permit neutrals to import more raw material than was required for their own absolute consumption, so that many of their industries, having no export fields, were obliged to cease operations. The black-lists were used effectively here, of course; but there were also direct „voluntary“ agreements made with neutral citizens and, later, neutral governments, specifying in particular cases just how much and what might be exported to the Central Powers. In the case of Norway a result of this was the notorious „fish agreement“ of 18 (5) Aug., 1916. The United States demanded also that Norway stop all exports to one of its normal and large customers, Germany. This demand was not indeed forced through in its original unconditional form, but so many conditions relating to imports from America were laid down that the result was in fact the same. On 25 Oct., 1917, telegrams from the United States revealed that any one who engaged in commerce with any citizen of a country with which the United States was at war would also be regarded as an enemy of the United States or as an ally of the enemy. The Norwegian Government, was, moreover, compelled to acquiesce (a) in the Entente demand that Norwegian importers give guarantees against re-export; and (b) that monthly reports concerning

all exports as well as all imports be rendered to it (the Entente), such reports to specify the trade name, kind, quantity and the countries of origin and destination of the goods.

The productive (industrial) life of neutrals was thus perforce placed entirely and practically under the control and supervision of foreign great powers and made dependent on the arbitrary acts of these. Neutral countries were forced in this way and to a large extent to become war industry serving the Entente.

Quite independent of all this, the branch agreements, discussed in an earlier section, remained in force.

Supplementary to all the above, it was forbidden the Norwegian Government so to dispose of goods used in industries working directly or indirectly for the Entente that the factories concerned should feel at all hampered; this, however, with the exception of food supplies. By means of such control the Entente was able to stop practically all import and export business from neutrals to the Central Powers, and force the product into its own channels or to become so much waste matter: Considerable quantities of food stuffs were confiscated by Entente authorities, even in neutral countries, and it was forbidden either to use or to export such goods, and quantities decayed and had to be thrown away.

(8) The Entente Control over the Merchant
Marines of Neutrals: Requisitioning.

The closing of the North Sea on 5 Nov., 1914, by the Entente was answered on 4 Feb., 1915, by the Central Powers in the declaration of a war zone surrounding the Entente countries, particularly England, and in the U-boat war beginning 18 Feb.,

1915. The American secretary of state Bryan recommended to the Entente that the North Sea barrage be suspended on condition that the Central Powers cease their U-boat warfare. The Central Powers accepted the recommendation of Mr. Bryan on 28 Feb., 1915. The Entente declined. The consequent losses of Entente ships caused the Entente to force neutral ships into its service. The situation became thus: First the Entente compelled neutral merchantmen to submit to the closing of the North Sea, and the British Orders in Council compelled them to enter Entente ports; and finally (4 Mar., 1917) the British authorities forbade neutrals to purchase coal in any other than English ports. When then neutral ships, in compliance with the inevitable, entered British ports they were compelled to sail on „duty trips“ for the Entente and to enter under obligations to return to Entente ports. In this manner the Entente continually secured additional tonnage for its war needs. When, however, the neutrals sought to escape such compulsion and preferred to have their ships, which had not been sunk by U-boats or Entente mines, lie idle, the Entente demanded neutral fleets as a whole, almost, — seized neutral ships in its ports and demanded of neutrals that they submit even their home tonnage to it. In February and March, 1918, tonnage of about two million tons was thus forced from north European neutrals into Entente control, under the threat that if they refused they would be compelled to submit by starvation and their ships would be taken by force. The demand involved an arrogance far beyond ordinary violations of international law. The use of such neutral fleets by compulsion was likewise a violation: Such ships were in part obliged to transport troops and war material, particularly from

American ports, and for this purpose to be armed (see London Declaration, 45, 1).

(9) Entente Motives for endeavouring to secure
Control over the Neutrals.

The motives for such arrangements as have been indicated were, as is well known, the ostensible protection of neutral rights made possible thereby. Other motives have, however, also become apparent. These methods which the Entente used in Northern Europe it employed also in Southern Europe, against Greece, which likewise desired to remain neutral. The British legation in Athens sent a communication to the Foreign Office in London in Dec., 1915, which was seized in the Mediterranean Sea by a German man-of-war and published on 6 Jan., 1916, in the *Norddeutsche Allgemeine Zeitung*. This communication informs us that the underlying motive of the British in „rationning“ neutral countries lay in the possibility thereby presented „of putting pressure to bear at any time“ on such countries and of thus compelling them to serve Entente interests; — the hungry dog is more easily persuaded in the presence of a good bone.

(10) The self-protection of the Entente behind
the protected Neutrals.

As will have been noted, it is difficult indeed to point to any act whatever performed by the Entente in order to defend neutral interests. But it is easy to show how it has sought for neutral protection and got it. As early as 31 Jan., 1915, the British Admiralty issued secret orders to the effect that English (merchant) ships might make use of neutral flags in order to avoid capture. It had moreover, given the commanding officers

of such ships secret orders to arm them, and also secretly to attack the enemy's men-of-war (U-boats) by craftily pretending to be peaceful. (See, for examples, Stockholm papers of 26 June, 1917, and the famous „Fryat“ case as well as many others; also the author's Submarine Warfare and World Despotism, pp. 60 et seq.) A matter of equally serious import was the use of neutral ships as mine sweepers along the British coast, or as decoys to determine whether any German U-boats were in the fareways, while British and Allied boats were kept in safe retirement. The Northern Ship-Owners Association (Nordisk Skibsreder Forening) stated in a circular of the beginning of 1917: a Norwegian ship-owner had reported that one of his captains had stated that it frequently happened in England that the authorities forbade English and Allied ships to go to sea because German U-boats had been observed in the vicinity, while Norwegian ships on time-charters were compelled by the same authorities to depart under threats that their charters would otherwise be cancelled at once. The captain had inquired of the ship-owner whether he was obliged to go to sea under conditions when British boats were forbidden so to do (see Morgenbladet, Kristiania. 2 Feb., 1917).

The Norwegian ship „Elsa“ is a typical case. It had bought its cargo in Dutch Java for Norwegian money and had submitted to the required control by the British consul at the port of departure and received the British certificate permitting it to go directly to Norway. It was nevertheless stopped by British war-ships and ordered into the port of Frintown, Africa, thence to Dakar, and finally to Falmouth, England. In England the ship was ordered to proceed from Falmouth to Bristol

and to return thence to Falmouth, and then again back to Bristol. At Bristol it was finally compelled to discharge 1700 tons of its Norwegian cargo of sugar, in spite of the original British certificate from Java giving it free passage. — Ordered back and forth in such ways in the war zone it was finally sunk on 24 Jan., 1918. The loss to Norway amounted to about 20 million Kroner, — quite aside from the privation Norwegians in need of sugar were thus caused. One may feel some surprise at the actions of British authorities in not making use of at least a less valuable ship as a decoy in the mine fields and for U-boats, if not at the lack of ordinary decency and their disregard for international law and ethics. — That the Entente made use of neutral ships for traversing the most dangerous areas and for mine sweeping in order to save its own ships may explain in part why British losses were not larger. On 20 Feb., 1917, England published statistics regarding the losses which the German U-boat campaign had cost her in ships calling at British ports in the first half of February. It was stated that these losses amounted but 1 percent, of the total tonnage involved. A more careful examination of the figures, however, reveals the fact that the losses of Norwegian tonnage covered by the statistics amounted to 7 percent, while the British losses by themselves were less than $\frac{1}{2}$ of 1 percent. — It is apparent that the great power concerned found it quite as superfluous to have a regard for its moral prestige as for the rights of protected small states.

(11) Entente Control over Neutrals:
The Compulsory Participation of Neutrals
in Illegal Acts.

The control, which the Entente had thus gradu-

ally changed from an alleged protection of neutrals to an open domination for its own purposes, it now so extended that neutrals were compelled to participate in its blockades of the Central Powers in violation of international law. Such participation was forced upon neutrals not only during the War but after the armistice.

It was not until 25 April, 1919, in other words a half year after the end of the War as such, that the rationing of the neutrals by the Entente was suspended. On 29 April, 1919, the black-lists were formally cancelled, and the control of the parcels posts of neutrals ceased on 1 May, 1919. The neutrals, however, were still denied the liberty of re-exporting. The Norwegian Government was even required to guarantee that such exports would not occur as late as 5 June, 1919. It was only after the preliminary ratification of the peace that the American and the branch agreements were dropped, — on 12 and 14 July, 1919, respectively, three fourths of a year after the armistice.

The blockade of which the Entente was responsible will now no doubt be admitted by most honest thinkers to have been of a doubtful character. If „civilisation“ can be maintained only by the starvation of women and children, the aged and infirm, and by the laming of one of the world's leading centers of culture, one can hardly fail seriously to inquire whether „civilisation“ itself has not gone astray, and whether a little less of such so-called civilisation and a little more humanity were not better.

Nor will neutrals be able to escape a feeling of shame on account of the realization that they permitted themselves to be cowed to participate in such treatment of nations with whom they were on as friendly footing as with the hunger-blockading nations themselves.

The explanation of the blockade as well as of the control over neutrals is, of course, to be found in the fact of war itself, though this is not a justification.

(12) Entente Control over the Neutrals: Taxation.

The reason of **war**, however, does not apply to those arrangements made by the allied Great Powers during the War for the purpose of retaining a certain control over neutrals for years **after the peace**. The British Government made an agreement with a number of smaller countries by which British interests were to have the exclusive right to purchase some of the most important products of these countries not only for the period of the War, but for two years thereafter. These „agreements“ were in reality forced contracts. By means of its fleet the British Government had secured such a control over the „freedom of the seas“ that it could stop entirely any single neutral's commerce, and thereby compel it to accept such treaties as Great Britain might desire. This British arrangement has now in reality become a form of taxation (indirect), which became possible indeed by means of the War, but which finds no other basis on which it may stand.

Let us take, as an example, the wool trade. Among the greatest wool producing countries are South Africa and Australia, and, in Europe, Iceland. England secured an exclusive right to the production of these countries for the period of the War and, furthermore, **for two years thereafter**. Though the Treaty of Peace was ratified in July, 1919, England continued its monopoly control for about three years after the War. The wool (woolen goods and yarns) which Norway imports annually amounts to about four pounds (2 Kilo-

grams) per person (in 1919, 7 804 000; in 1920, 5 121 000; in 1920, 5 121 000; in 1921, 8 469 000 Kilo-grams. See Statistisk Aarbok for Kongeriket Norge, 1921, pp. 98—101). By means of its monopoly England was able to increase the price by say 10 shillings above the average paid by England to the producer, and above the price which consumers otherwise would have paid. The Norwegian people have thus been obliged to pay a tribute to a monopoly control, forced by the British Government, of about 150 million Kroner (about 30 million dollars) for the three years. We may fairly assume that the other northern Countries, including Holland, have imported approximately proportionate quantities of wool, inasmuch as Norway is not only an importer but a producer of this commodity. In that case, we come to the conclusion that these four neutral countries (Holland, Sweden, Denmark and Norway) with a total population of about 18 millions have been forced by this means to pay a tribute, in effect an indirect tax, to Great Britain of about 70 million dollars annually since the War or about 200 million dollars for the about three years covered. This applies only to the woolen trade; but the British Government made similar „free“ contracts to the extent that proved feasible also in other lines. It does not seem an exaggeration then to state that these neutrals have paid a sort of tariff to Great Britain, in the period following the War, which would double the wool estimate. The business of war did not then come to end with the Armistice or the Treaty of Peace.

British financial politics have had a useful effect in British exchange. The pound sterling stands far better today than the money of any of the other European belligerents; it is not far below that of the United States, and is apparently better

than that of any of the neutrals with the exception of Sweden and the Netherlands. On the other hand the profits made by neutrals during the War, and which tempted them to ignore many of their better feelings, have disappeared with tremendous speed and left a trail of bankruptcies, economic stagnation and ruin, — and bitter reflections as after a period of debauch. It was then with good reason that the British Premier declared in a speech at Leeds on 22 Oct. 1922, in his rather peculiar style, that „England can look the American dollar in the eye and on an equal footing, and it is in a good way to reconquer the world's money market.“ — „Business is war,“ and the War became thus a good business. —

The British Government has, presumably, believed that its arrangements — those discussed above — would redound to the benefit of mankind and civilization and not only serve its own interests. It is nevertheless necessary to consider all aspects of such a presumption, and for us as neutrals to weigh the effects on our interests. The indirect British taxation was not only effective during the War but for years following it. This enforced tribute (taxation in effect) was taken without the real consent of those taxed, and is in some respects a parallel of that to which American colonists of revolutionary days objected, — „taxation without representation“. Such taxation is of course violatory of the cardinal democratic principle that the voting of taxes in any form is an inviolable right of democratic citizenship. This principle must be of as great moral importance in the relations of states as in those of individual citizens, though practice is still admittedly at variance with this, — as we know in this instance as also quite generally: The exploitation of weaker peoples is a part of the practical world politics of our day of national in-

dependence and democratic self determination. It would have seemed, however, that countries like England, which make such loud professions of regard for the rights and interests of small countries, would have shown some slight hesitancy in deliberately flouting these very professions.

(13) Entente Control over the Politics of Neutrals.

a) The politics of states is determined today, as we know, by „public opinion“, which in turn is controlled or guided in various ways as Walter Lippmann has shown in his book of that title. Long before the War many of the most important centers and media for influencing or creating opinion such as newspapers and news bureaus were controlled or led by the agents of Entente politics. During the War many more media of this sort came into existence (see, for examples, F. F. Schrader, „1683—1920“, pp. 185—191 and the literature referred to above, chapt. 14, sec. 5). The methods employed were in part direct, and partly indirect economic pressure. If a news agency of any sort showed signs of not being in full accord with Entente interests, energetic efforts were put forth to control or purchase it, as in cases of *Morgenbladet* (Kristiania) and *svenska Telegram byraaen* (Stockholm). Such agencies for the formation of opinion were, however, as a rule loyal to Entente interests, even though they might not have been bought: Newspapers are dependent on their advertisers. Business men soon discovered that it was poor policy to advertise in certain papers, and withdrew from them if such papers continued to attack Entente politics. It was difficult for a neutral business man to secure „concessions“ in the way of imported materials sufficient for his enterprise, and to avoid the blacklist, even if the Entente could

not accuse him of supporting by advertisements a paper opposed to it. Thus it became in time practically impossible to publish articles critical of the Entente in Neutral newspapers, even when the purpose of such articles was solely to maintain the neutrals' interests.

b) It is unnecessary to discuss the effects of this. We shall refer to but one detail: Even the political administration of neutral countries succumbed gradually to the same influences. This is not the place for presenting an extended discussion of this matter. We shall for many reasons only refer to notorious facts. The student of affairs will recall the manoeuvres made in Greece to place the government in the hands of the Ententist Venizelos, to remove Gunaris, and to exile the popular but neutral King. It will surely be remembered that matters went so far that an ostensibly insane man attempted to assassinate the King, and that, when this attempt proved unsuccessful, an ape enlisted in the services of Entente interests with a poisonous bite. By such facts neutral Greece was forced to abandon the position dictated by its own interests and supported by its people, — namely, of remaining out of the War. The consequences of thus having permitted itself to become the plaything of Entente politics we see in full fruition today.

Italy too really preferred to remain neutral. At all events *Avanti* declared repeatedly, during the winter of 1915, that the overwhelming majority of the national assembly was opposed to Italy's receding from its position of neutrality. This paper finally announced, however, that the Entente had convinced a sufficient number of politicians of the impropriety of neutrality with the help of 300 million lire (then about 60 million dollars.) The acknowledgement of the new war attitude also was accompanied, so

it is reported, by threats of painful consequences of a contrary attitude. The group of powers concerned seemed to have forgotten that it had entered the War in defense of the sanctity of treaties, and had continued it to maintain the principle of democracy and the independence of states: Italy was compelled to break its treaty with the Central Powers and to shed its blood — in behalf of the sanctity of treaties. — We have exemplifications of such political control also in Northern Europe. In Sweden Hammarskiöld was forced into retirement with the aid of Entente interests and persons more agreeable to the Entente succeeded him. The history of other countries, as for example, Finland's, reveals many a trick played and secret pressure exerted for the purpose, often successful, of forcing such countries to depart from their national interests and their rights in international law and to become subservient instruments of great powers. —

Nor need we forget the arts by which neutral countries after the War were pressed to join the so-called „League of Nations.“ — Having in mind these experiences of neutral, it may not be out of place to remind the reader of the revolution in Russia, which leading politicians of the western powers supported when it became apparent that the Russian government desired to negotiate a separate peace. The murder of the Tsar and his family were some of the consequences hereof. Of course, Russia was one of the Allies and that no doubt accounts for the quality of Friendship shown it. But the temptation to exchange a status of benevolent neutrality for that of an alliance is not augmented, for small states, by a consideration of such painful examples.

c) We may call attention to following experiences which illustrate the methods employed to secure a favorable public opinion among neutrals.

E. D. Morel had published his „Tsardom's part in the War“ and sent a copy of the book to a friend in Paris. He had gone to Switzerland, and the book was forwarded to his Swiss address. Morel received a sentence of 6 months imprisonment as a consequence. Why? Did the book contain untruth for the publication of which, and for the sake of civilization, etc., the British Government found it necessary to punish the author? Or did the book contain matter inciting to more bloodshed, so that the same authorities in their war for the Peace, for Democracy etc., felt obliged to stop the pen of the dangerous author? Oh, not at all! There were many Newspapers in England, working for the dissemination of bellicose aims and in league with the Prince of Liars, which escaped all punishment. Editors of certain papers of this species were rewarded for such work by being promoted from the ranks of mere commoners and decorated with titles of nobility — by the defender of democratic principles. And even when a „Neutral“ editor proved to be sufficiently complacent and useful in spreading calumnies regarding neutral countrymen and others who were against the prevalent orgy of lies and hate and suppression, such an editor was rewarded for his services for the sake of War — not Peace — with a „Sir.“ No; it was not thus that the British guardians of civilization conscientiously punished untruth and rewarded truth. The opposite was the fact: Morel's book contained only pure truth, the book could not be attacked, from that point of view, at home or in other Entente countries. These countries were of course fighting for the highest human ideals, and among these truth must needs have been one. The criminal part of Morel's conduct consisted in his having, though

in this case unwittingly, caused some truth by means of his book to permeate neutral soil. If Morel had only been discreet enough to publish untruth à la The Times for the benefit of us neutrals, he might perchance have been a Lord today. The programme of ideal war aims professed by the world power concerned certainly included the right of small states, — but nothing about their right to know the truth. This world power exercised a far-reaching censorship here and was careful to protect neutrals from truth that would not be good for them — or perhaps not useful for itself — and such truths were therefore thoughtfully placed on its Index. So one of the truly leading men of our times had to pay a price for his love of truth — 6 month in prisonment — since he caused truth to escape to a neutral land.

d) How neutral America was forced into the War representative Calloway tells us according to Congressional Record of Febr. 9, 1917.

„In March, 1915, the J. P. Morgan interests, the steel, shipbuilding and power interests and their subsidiary organizations, got thogether 12 men high up in the newspaper world and employed them to select the most influential newspapers in the United States and sufficient number of them to control generally the policy of the daily press of the United States.

„These 12 men worked the problem out by selecting 179 newspapers, and then began, by an elimination process, to retain only those necessary for the purpose of controlling the general policy of the daily press throughout the country. They found it was only necessary to purchase the control of 25 of the greatest papers. The 25 papers were agreed upon; emissaries were sent to purchase the policy, national and international, of these papers;

an agreement was reached; the policy of the papers was bought, to be paid for by the month; an editor was furnished to each paper to properly supervise and edit information regarding the questions of preparedness, militarism, financial policies and international nature considered vital to the interests of the purchasers.

„This contract is in existence at the present time, and it accounts for the news columns of the daily press of the country being filled with all sorts of preparedness arguments and misrepresentations as to the present condition of the United States army and navy and the possibility and probability of the United States being attacked by foreign foes.

„This policy also includes the suppression of everything in opposition to the wishes of the interests served. The effectiveness of this scheme has been conclusively demonstrated by the character of stuff carried in the daily press throughout the country since March, 1915. They have resorted to anything necessary, to commercialize public sentiment and sandbag the National Congress into making extravagant and wasteful appropriations for the army and navy under the false pretense that it was necessary. Their stock argument is that it is 'patriotism.' They are playing on every prejudice and passion of the American people.“ — (Quoted from F. F. Schrader, 1683—1920, pp. 190—191.)

e) Two examples will indicate how neutral citizens were treated when they tried to keep their native lands out of the War in spite of such efforts by the Entente. These involve two leading citizens of the United States. It should be remarked that the political preventing regulations, of which they were but two of a multitude of victims, received their inspiration from that group of powers which

had placed a regard for the rights of neutral states specifically on its list of war aims. Such regulations are at all events due to influences exerted by such powers on neutral countries.

The famous sozialist leader, the candidate of his party against Wilson in 1916, Eugene V. Debs, had consistent labored for America's neutrality and against war. He was condemned to prison for ten years, and was released only after having served three years of his term, by Wilson's successor, President Harding.

When the War began Dr. W. Bayard Hale was residing in London. The British Government made overtures to him through the late Lord Northcliffe to obtain his services as the leader of British propaganda in the United States. Being a highly esteemed scholar and celebrated as a master of linguistic style his service would be of greatest use for English politics. Dr. Hale convinced himself that such propaganda had one primary aim, namely that of involving his native land in the War. Its was his conviction that this was contrary to the real interests of his country, and would mean the premature death of many of his fellow countrymen. He was, moreover, in principle, against the War as a whole. He could not, therefore, in conscience take upon himself an agitation for it, and declined the proffered position. Some time thereafter he received a corresponding offer from the German Government. He convinced himself that Germany's purpose was to have America remain neutral. This was in accord with his own convictions and conception of his country's welfare. He therefore accepted without hesitation the leadership of this work for some time in the United States for the purpose of keeping his country at peace and accelerate a common peace.

As is well-known, the Entente propaganda and the interests of large capitalist groups in the United States above mentioned eventually brought about the brainless policy which made this country one of those at war with Germany. But when the War was finally won in some military sense for and by America, it was already lost morally. A victorious people has probably never felt so disappointed. In November 1916, the American people elected Woodrow Wilson President on a platform of peace; he „had kept us out of war,“ it was said and that was in harmony with the desires of the people. In 1920, after the War had come to its victorious conclusion, this same people rebuked the false leader with an overwhelming and unprecedented majority, and bade him disappear. Furthermore the people of the country hastened, as soon as its constitutional arrangements permitted, to disavow their own participation in the War by refusing to have anything to do with the consequences thereof. They washed their hands of and withdrew as far as they could from the tortured fields of Europe's misfortunes for the condition of which they were in such large measure responsible. There are today, probably, not many thinking Americans who do not acknowledge that their participation on the War was a mistake.

But those who protested against the threatening misfortune and foresaw its sad consequences were one after another subjected to a Promethean fate. Not one honest and loyal American but hundreds of Americans, who had tried to save America and the world from the added pain of America's belligerency, were persecuted or ruined. Dr. Hale was subjected to legal and extra-legal prosecution. As a result of certain formal proceedings, however, it was proved that

there was nothing with which to reproach him, unless to be a spokesman for peace and neutrality were a crime. He was nevertheless subjected to a most severe police surveillance and a treatment which was tantamount to a species of internment, from the beginning of America's participation in the war until time and the American people's disgust relieved the United States of a president whose vanity were fatally akin to imbecility. Dr. Hale was defamed by the slanders of a part of the press and stigmatized as „pro-German“. — And still, even after time has exposed the errors of the frantic masses, there is no official redress for most of those who fearlessly spoke for peace and sanity. The Noble Peace Prize was awarded to the *War* President, Woodrow Wilson, and not to the champion of *peace*, Dr. Bayard Hale. —

17. RESUMÉ: THE NULLIFICATION OF THE INDEPENDENCE OF NEUTRAL STATES.

(1)

The World War was carried on by the victorious thereof partly for the purpose of „maintaining the principle that small nations must not be subjected to destruction by any superious power and in conflict with international honor“ as well as for the vindication of „those principles which are vital for the civilisation of the world“ (see the British Premier's speech on 6 Aug., 1914). It was for this reason that the other socalled Anglo-Saxon Great Power, the United Staates, went into the War, — „to fight for the liberties of small nations and to create a

coalition of Powers to maintain the peace" (Wilson, 15 Sept., 1919). This was then their programme.

The principles of international law for which so much was sacrificed, partly implicated the sanctity of treaties, and partly were not specified in international law itself, for the reason that it was regarded as a matter of course so that no nation would violate them.

Victory was obtained by violations of exactly those principles of international law which the victors had professed to honor, by violations of the most important rights of neutrals and small states to an extent hitherto unknown among civilized peoples. The convictions of free men were starved into silence. Personal friendships were placed under bans, capable leaders and their assistants in neutral countries were retired from office at the behest of a foreign power. Rights regarded as every citizen's undoubted inheritance before the War, in every civilized country, were made of no effect on the mere suggestion of a belligerent power and the authorities in neutral states were forced into positions of silent acquiescence. A „free press“ was kept under observation and controlled through its advertising clientage, which in turn was controlled by a foreign belligerent power. Even the freedom of thought was limited: suspicions directed against a neutral citizen's possible disapproval of the dominating foreign power's policies were sufficient to place him in a category that made life and making a living doubly difficult. As the despot of old maintained his power by an unlimited ability to strike down whom he pleased without any accounting for his act, so the modern tyranny also acted reacted, allbut in less unveiled forms. We have been thrown back into that medieval condition of despotisme in which a superior extra-

nious force issued commands and decrees concerning what men might believe and how they must live. The field covered is no longer largely religious but is that known by the sinister phrase, „international politics.“

During the World War one of the groups of great powers thus planfully and effectively deprived free neutral states of the — essentials of the sovereignty. The minor European States, which during the War were mainly neutral in intent if not in fact — Sweden, Norway, Denmark, Holland, Switzerland, Greece, and the more important Spain — have ceased to be independent. They are today allowed a modicum of liberty, but retain this by grace and only so long as that Great Power which dominates the seas has no interest in limiting or withdrawing such liberty and independence. From that moment they knew that they are to be vassals again, and that knowledge inspires them even today with the potential vassal's fear. The commercial, social, economic liberty of neutrals, including indeed and specially the independence of their press, no longer exists except as a present hypothesis limited by fears of future retaliations for present non-conformities.

The change of neutral countries from independent nations to the de facto status of vassals and politico-economic provinces is due to that same group of great powers which during the War, and especially at its inception, so warmly espoused the cause of the relatively weak minor powers, and which secured by such professions the sympathies of masses of honest but naive citizens: Their deed play a parody on their words.

(2)

This domination by a world power and the loss of their rights by neutrals has now been formulated in international law by a so-called League of Nations, of powerless nations in league with the dominant world powers. It means that a repetition of the evils and abuses, briefly reviewed above, may occur at any time. The very name „League of Nations“ is reminiscent of the other seductive professions and arrangements of professed noble altruism with which we became so familiar as we were subjected to the enlightening and seductive propagandas of the saviors of democracy, propagandas so akin to our hopes, that we would fain believe them. The League of Nations, according to Mr. Lansing, who played for a time his painful and doubtful rôle as the American minister for foreign affairs, was constructed so as to serve the special interests of the allied Great Powers (see Bullitt hearings, Washington, 15. Sept., 1919). The League of nations is a league of the victors and their vassals. The extra-ordinary inconveniences and sufferings which the War of the great powers caused minor states have thereby become a permanent threat and may have effects on every loyal citizen's national and human heritage. The problem is no longer one merely of actual violations of rights the validity of which have been recognized in the basis of principle, but which at critical junctures may have been „forgotten“, with subsequent protests by the party wronged and formal apologies by the violator — after his purposes have been accomplished. The new arrangement created by the League is a condition similar in fact to that partly constructed by the Entente during the War, but now elevated in a position of „normalcy“ and sanctified by treaties.

Minor states may no longer remain non-participant or neutral in the struggles of great powers. *The invasion of a neutral country which the Allies proclaimed to the heavens and the world as an intolerable crime, has become by means of the so-called League of Nations* (with the exclusion of the desirable United States and the objectionable Russia and Germany), — article 17 — *a legitimate possibility threatening any state within or outside of the League.* No state may forbid another's troops the right of passing over its territories. No state may refuse to join in an economic war against the peaceful population of another. We have here then a breaking with those principles which before the War in some measure were a guarantee of compliance with international law and customary legal ethics. This new situation can hardly fail to produce the most serious conflicts of conscience. The starvation to which so many peaceful and helpless people were subjected during the War and which caused such endless misery was in conflict with the conscience of very many people. *Such a violation of conscientious feelings has become, by means of the Pact of the League, a political duty.*

We do not doubt, of course, that leaders of the powers now dominant believe to be acting in conformity with ideals they have proclaimed. Nor do we doubt that if it were expedient to profess loyalty to still more ideals these leaders would find accommodations for them too in their programmes as basis for their political motive. Nevertheless, it is possible for neutrals to entertain conceptions that are not in accordance with such programmes, as, for example, in the refusal of certain great powers to remain neutral in the black week at the end of July and the beginning of August, 1914; and to doubt whether civilization may best be upheld by starvation

blockades as in the World War; and whether the liberties of small countries are best maintained by the reducing of such countries to the position of vassals. It is to be expected that „free“ nations will desire to be consulted, regardless of where the supreme leadership of the world may be, with reference to principles by which they are to be bound and as to the extent of tribute in the form of indirect taxation they are to pay such supreme and beneficent leadership.

We maintain that such problems must be solved in bases quite different from those prevalent during the War and now confirmed in that alliance of war which lies in disguise behind the League of Nations.

As long as the international order of peoples rests on untruths, hypocritical idealism, and masked despotism, no sound foundation of peace is possible. If a soil be afflicted with a disease the grain will not be good. If the basis of the now order created by the peace of Versailles is unjust, injustice will gradually undermine everything constructed on that basis, and break out ultimately in deadly social epidemics and new wars, in new revolutions, and in crimes which will be as scourges for unborn generations of men.

We do not believe that the history of mankind can proceed indefinitely on a groundwork of injustice, though the injustice be labelled justice. No matter what the origin of such iniquities may be, history will reveal them. If the demons of wrong are not exposed, they do not expire before they have propagated their own vicious offspring.

18. THE POLITICAL SIGNIFICANCE OF THE NEUTRAL INVESTIGATION.

(1) Retrospect.

The Neutral Investigation of the causes of the World War is the child of such considerations. It owes its genesis to the desire of peoples to discover and to reveal the falsehoods of the World War, its criminality and insanity, for the purpose of aiding in the establishment of a more just and humane world order that mankind may avoid such calamities hereafter. This is in essence its political significance. In the truth-seeking researches of scholarship it hopes to find a means of rescue.

It has been said that the Neutral Investigation may have no political object, that it must be strictly scientific. We believe that its members will hold fast to this standpoint. The danger is not that it be tempted by feelings of pity to take the part of the powerless and defeated. Human sympathy is rarely so great that one permits oneself to be diverted from practical considerations. The danger is of an opposite nature: The human mind is so constructed that it does not require an accounting to the weak but to the powerful, those who are of actual importance. That is to say, when the Commission must prove its objectivity, it will inevitably have a feeling of responsibility primarily toward the victors but not toward the unsuccessful in the same degree. Under the psychological pressure of this feeling the Commission may easily be tempted to forget that its purpose is not political, but of conscientious and fearless objectivity. — Its purpose is not an exhibition of diplomatic ingenuity, but the exposure of diplomatic evils.

But we who are standing behind the Commission and waiting for the completion of its work have a political aim. Our aim is not to serve the interests of one group of powers nor to hamper the interests of another. Our purpose is the maintenance of the conscience of right as the most effective and the strongest factor in political life, including international politics. We hope thereby to be of benefit to the peoples of the victorious as well as of the defeated countries and to neutrals.

(2) The motives for the Idealistic programmes of the Entente.

Facts clearly exposed by the carnage of the War taught us neutrals that that group of powers which so insistently professed political idealism as basis of its war aims has not acted in conformity with its noble professions. The mantle of ideals was not its own in honesty but served other reasons.

It is not difficult to discern these other reasons. The great powers that declared they were fighting for the protection of small nations were in sore need of the protection of these thus professionally protected. The fact that small nations inevitably appeal to right as their defense in that brutal struggle euphemistically styled World Politics, — this fact itself compelled great powers to deal with the conception of right as a political factor. It was necessary to pay this tribute to the opinion of small nationalities in order to obtain the advantage which their benevolent support, if not belligerent support, meant. Certain powers then competed loudly in making seductive professions of faith in pure justice and in attributing all conceivable negations of such faith to the enemies,

who were pictured as villains by intention and barbarious in acts. Both parties, however, contended that right was on their side, while the other was the criminal aggressor. There is quite sufficient evidence to prove that motives here briefly sketched were responsible for the construction of the ideal professions with which peoples were beguiled during the War.

The two great powers, respectively to the east and west of the Scandinavian countries, have for centuries consistently pursued a policy of keeping these countries divided. (See the writer's: *The Fate of the North — „Nordens Skjebne“* — p. 32 et seqq.) The advantages of such politics were no less when these two powers (Great Britain and Russia) became allies. On 4 July, 1917, Lord Lansdowne, the former British Minister for Foreign Affairs, declared in the House of Lords that „During the War's earliest phases nothing could have been more unfortunate than for us to have driven the neutrals to have made common cause against the Allies. There were times when such coalition was imminent. — America would probably not have associated herself with the Allies if her feelings had been seriously trampled upon in the beginning by inconsiderate treatment.“ The Minister for the blockade, Cecil, spoke in the same sense on 31 Jan., 1918. On 10 Febr., 1919, telegrams from Paris reported that Albert Thomas, in an article referring to the Aaland Islands, had stated: *„I know that our diplomacy has discreetly opposed everything that might serve to develop a Scandinavian union.“* We have the truth unveiled here without hesitation. France, England and Russia have done all they could to keep the Northern peoples apart. —

Such were then their actual aims. It was useful

for the War politics of these powers so to present their case that they seemed to be the guardians of peace and neutral interests, the protectors of small countries, and to be carrying on the War on their behalf. — If such a presentation were sufficiently believed the sympathies of neutrals were secured; and to the extent that neutral sympathies were thus controlled, neutrals would feel less called upon to protect their rights themselves as against such great and benevolent powers. The final utility of the professed war was thus vindicated. By means of ingenious tactics neutral states then were made suspicious of one another, in order that they might remain advantageously divided. (see f. i. the author's op. cit., pp. 44—47.)

Critics are inclined to judge political actions according to ethical standards. This may of course be done. But politics does not judge its own actions so. When a fisherman places a bit of bait on a hook he is not worried by the fact that he thereby may deceive a fish. When a politician puts an ideal in his programme he is likewise unannoyed by conscientious scruples.

It is another matter, however, when people who are interested in the compliance of the promises made by politicians demand the fulfillment of the same and endeavour to compel those who have so obligated themselves to adhere to their professions. It is such an interest that is characteristic of minor states.

One may object that the motives of the minor states are then not better than those of the great powers. We shall then be obliged to remember that the decisive factor in the struggle for existence is not whether the point in question is reasonable or unreasonable, moral or immoral, right or wrong,

etc. The decisive element is the will back of any argument. This applies to politics even more than to private life, and to foreign more than to domestic politics. It is the stronger will that dominates the weaker; for a strong will is the greatest force in the world.

(3) The consequences to Neutrals of the Verdict of Versailles be permitted to stand.

According to the verdict of the Versailles Commission and § 231, of the Treaty of Peace, Germany and Austria-Hungary had imperialistic purposes whose ultimate aim was even to establish a hegemony on the whole world, and that they therefore began the War. According to these verdicts this was an outrage, „the greatest crime against humanity and the freedom of nations of which any nation which calls itself civilized had ever been guilty“, (see Clemenceau's note of 16 June, 1919.)

Such an attack on the freedom of the nations is of course of interests to every nation, and particularly to the less powerfull ones. Every such nation has therefore the right, as a matter of course, to inquire concerning the crimes which have threatened or still threaten its independance and freedom. Clemenceau, Wilson, Lloyd George etc., would enter into a hearty competition to acknowledge this.

Even if the verdict of Versailles relating to Germany and Austria-Hungary had been just in form as well as in fact, there would still remain two very serious considerations for small nations. In the first place, the condemnation of the Central Powers is not necessary tantamount to a declaration of the innocence of the other parties. We have then to inquire: Have no other Great Powers than the Central Powers been guilty of

this „greatest crime against humanity and the freedom of nations“, in efforts and aims to obtain a hegemony involving at least several smaller countries? Are England, France, Italy and the United States absolutely innocent of such aspirations? May we neutrals, now that the Central Powers have been reduced to helplessness, be so secure that we need have no such fears in the future?

This question was not even discussed at Versailles. But it is nevertheless of vital concern to have this matter investigated with the greatest possible thoroughness. This is particularly to the point inasmuch as one of the statesmen of the Allied countries, whose distinction from the others is his unusual honesty, the former Italian Prime Minister Nitti, has stated in his „Peaceless Europe“ (p. 83) (to repeat in part what has already been said): „It is not true that the War was imperialistic only as far as Germany was concerned, and that the Entente countries entered the War with no desires of conquests. Even if we ignore that which any one now may read in treaties that have been published — — —. Every country in Europe had its share of responsibility, Italy not excepted (p. 85). An honest and thorough investigation of all diplomatic documents, agreements and conditions precedent to the War compels me to declare most solemnly that the responsibility for the War does not lie with the defeated alone. — — — Nor is it true that the military expenditures in ten years preceding the War were greater in the Central Powers than in those countries which formed the European Entente (pp. 82—83). — After the Allies had won, the microbes of hatred developed and took the form of special cultures whose essence was national selfglorification, imperialism and a mania for conquests and expansion“ (p. 17).

What dangers are implied by plans involving „the greatest crime against the freedom of the nations“ when such plans are harbored by others then the Central Powers? —

Another point is of no less importance. If such war-plans are correctly characterized as „the greatest crime“, etc., then this must mean that there really are certain principles of right, certain considerations of justice, which are common for all humanity and all nations, and which may then be violated by such „greatest criminals“. It is important therefore to make clear and to acknowledge such principles. It is of greater interest to the smaller countries than to nations that can rely on their own might to protect their rights. Are such principles of right and considerations of justice in consonance with the Versailles Commission and Peace and maintained by them? This is of very deep concern to small countries. So far they have reasons to doubt that such is the case. There are, for example, the following facts which justify their doubts: At Versailles a new political reorganization of Europe was to be undertaken, and in connection therewith questions relating to what should be basic therefor and with it the questions relating to principles of justice, proclaimed during the War, arose; the new peace, it had been said, was to be just to all, including the defeated, even Germany. Only so might a permanent peace and an orderly Europe be the outcome. In connection herewith the leader of Versailles politics, the venerable Clemenceau, presented a note (29 Mar.. 1919) in which he stated that „viewing German mentality as it is, it is doubtful whether the Germany conception of justice is the same as that of the Allies“.

The doubt which Clemenceau here put into words remains one which may in undiminished

degree affect other people, including small neutrals: What guarantee have we that victorious great powers have the same conceptions of justice as we?

These great powers have stigmatized the acts of one nation as „the greatest crime against humanity and the freedom of nations“, for the reason that this nation is said to have aspired to a hegemony of other states, while the facts of the case prove that the accusing and victorious powers have all had purposes of just the same kind as those alleged to have been characteristic of the defeated powers only. This has indeed been frankly acknowledged by their own leading statesmen. But one of them confesses that a conception of the principles of justice which makes such actions „the greatest crime“ in the case of the opponent may not be so in his own camp. It seems possible that the conception, held by such guiltmen of the victorious powers, support this inconsistency as one of the highest justice, since the hegemony aimed at by his own country has been secured. This was his country's aim, apparently, and it seems as if he therefore has found it a crime crying to the heaven to oppose such an aim. —

Every neutral citizen who is politically informed will therefore find himself obliged to consider these questions to the extent that he feels a love for his country and possesses a sense of honor:

Is it not conceivable that a group of states may find it advantageous to form an alliance against certain others? Undoubtedly. The continental system is an illustration thereof. Is it conceivable that some thing may be won thereby? Certainly. Europe against France in 1815 is an example. Might such a situation not recur? Undoubtedly. It is not very long since it happened

last time. — May the victors then not find to their profit to have a verdict declaring them innocent and their enemies guilty published to the world? Undoubtedly, in our own days. Public opinion will grant the victor the right of demanding that the guilty opponent be punished and, in particular, that such an opponent pay indemnities; but public opinion would protest against an innocent's being held up for ransom as it were by successful freebooters. Public opinion has become a factor in the politics of the times, and no politician will ignore it, though all will try to manipulate and control it. Might the victor then not find it convenient to appoint himself judge in a controversy of which he has been a part? Most undoubtedly! In no other way may he be more certain of securing a verdict after his own heart and in accordance with his material interests. —

We come then to a leading question, particular for the citizens of small neutral countries: what guarantee has a state, which was neutral during the late war, against aggressions by more powerful states, coveting its possessions, forcing it into war, conquering it, arrogating to themselves the position of judges and declaring such a defeated state guilty of having caused the war and compelling it to confess the guilt thus declared?

If the Versailles Commissions verdict be allowed to stand as a worthy precedent, and if § 231 of the Treaty be regarded as an ethical expression of international politics, what assurance has such a neutral that his country may not be subjected to a similar process with similar results? — **None whatever.**

The verdict of the Commission and the dictum of the Treaty will have become merely agreeable precedents for the imitation of future conquerors.

Have neutrals then no reason for doing anything to ward off such possibly impending dangers?

19. THE EFFECTS OF THE NEUFRAL INVESTIGATION ON THE VICTORIOUS PEOPLES.

The reader will remember, that during the War the group of powers which became victorious insisted on innumerable occasions that it represented the principle of democracy and that they were obliged to carry the War to a successful conclusion in order that this principle might survive in the world. Indeed, Mr. Wilson declared in his war speech of 2 April, 1917, that it was a leading aim of the United States to free the German people from the shackles of Prussian autocracy. This made it especially necessary to **act openly**, „so that no one be denied information.“ The right to demand information is thus by the very declarations of the victors a leading feature of their democratic principles.

It were then ungracious not to make the widest possible use of this right in view of the fact, that its victorious maintenance has cost so many millions of human lives. We shall then, in the spirit of Mr. Wilson's declaration, respectfully ask a few questions. We are happy to feel that in this we have the sympathy of all Entente-circles, and particularly inasmuch as the Norwegian Nobel Peace Committee found Mr. Wilson's war speech so pregnant with peaceful ideals that it awarded the Peace Prize therefor.

If the government of a state has been guilty

of working for war with other states, are the people of the state concerned best served by the concealment of the truth relative thereto? The inquiry is not whether the government (administration) is served thereby, but whether the people, the nation, is so served. With remarkable unanimity, when the inquiry has related to the German government, we read the reply: — such facts, the truth in fine, must not be concealed from the German people and the World. There was great spiritual fervor in these unselfish declarations with reference to Germany's good. Every newspaperreader had the right of being a judge of the old German government. Editors, telegraph bureaus and propaganda ministries were zealous in their efforts to give the layman information which would prevent his coming to undesired conclusions. Moreover, an unusual sympathy for the down-broken German people existed, a sympathy for the people in its suffering under the incomparably vicious system of the old regime.

Might it not be within the limits of ethical propriety to consider, with sympathy, also the English and the French peoples, and perhaps even the American people? If there should prove to be something or other in which the governments of these people had been at fault, or at least not quite ideal, — should these peoples be kept in satisfied ignorance of the truth? Should they not be liberated from the tyranny of harmful governments? Should for example, the falsifications of the British and French „blue books“ not be made clear to these peoples, and the falsifiers be held to account? Is the American people fully informed concerning the corruption to which its press was subjected by British interests and which was easily tolerated by the Wilson administration? (The reader will get a glimpse of this in the Congressio-

nal record of 9 Feb., 1917.) The democratic principle is unequivocal; it demands that the principles of justice shall dominate also in international politics.

20. THE POLITICS OF WAR OF GREAT POWERS AND THE POLICY OF RIGHT OF SMALL NATIONS.

Citizens of the smaller states can clearly not admit that the great powers have any prerogative to determine the basis of international politics. It is, on the contrary, probable that the great powers as such never will be able to establish any permanent world-order.

The effecting of a lasting arrangement must be based on politics the character of which does not cause the deepest human feelings to rise in revolt. Such politics are possible only when founded on the principles of recognized right. Like rights for like interests, is still the only visible valid solution of conflicts between human demands and is claimed by the human consciousness of what is right, between the groups as well as the individuals.

In ordinary social relations it is the weak who are wronged and history therefore has elected the weak for the mission to claim and protect justice against violation. So it is also in the politics of the world. The situation created by the World War and which similar wars hereafter will copy, is intolerable to every citizen of a small nation, humiliating to his national pride, wounding his sense of human dignity, and a threat to every humane hope of a more rational fate for mankind. The war of

the great powers had the effects least of all of hastening the sympathetic support of those now directly involved — though the politicians of the one group of powers seem to take the opposite for granted. There are, of course, in every people individuals of servile instincts; who crawl before those who wield a big stick and feel happy to be rewarded for services to them. Aside from such persons, the effect of the War of the powers was to cause neutrals to realize most acutely how their interests were disregarded and their rights violated.

Since the so-called League of Nations deprives smaller neutral states of the possibility of real neutrality they hereafter are forced to regard the situation involving the divergence between their own views and the politics of the great powers with the utmost frankness and to endeavour to secure the acceptance of their own viewpoint as to international politics. Our view is as follows:

We do not admit that the great powers have a more legitimate basis for extending their *power* than smaller states have to maintain their *freedom*. We do not admit great powers prerogatives involved in their politics of *war* which are more valid than the policies of *right* of small states. —

And still more: this status is just as great a curse for the citizens of the great powers themselves as for small nations. Or is there a single soul who does not think that the present situation is a curse for the whole mankind? Has this situation not come into existence through the politics of the great powers? Is the great War not the result of this politics?

When small nations claim that international relations shall be arranged not according to the politics of the great powers as hitherto, but to principles of right, they are not moved only by

selfish reasons: The reasons are just as valid for large as for small nations.

The violence of war offers now even less than in the past a solution of any problem. Violence sacrifices the goods which justice would protect to the chances of force. Such a surrender of justice is in conflict with that culturel consciousness which for over a hundred years has dominated the conceptions of the small states of Germanic origin, particularly of northern Europe. None of them has been engaged in war with any of the others for that period. Even such a serious conflict as that between Norway and Sweden in 1905 was adjusted peacefully on the basis of national discussions and mutual regard. Such countries can but regret that the great powers have been unable to bring forth statesmen who might lead their peoples to a standpoint which the small states of Northern Europe accept as a matter of course.

The great difference in principle as between great and small nations may then be expressed as follows:

While the politics of the great powers relies for its ultimate reality on might to enforce alleged rights (or further their special interests), the politics of justice, of right as might or power, have perforce become the only protection and gurantee of the continued existence of small states as national entities. A necessary and natural consequence of this has been that the purpose of nationals of small states to preserve their fatherland, maintain their independence and their liberty, is reflected in the means to the end, — namely, the emphasis and development of justice as the dominant factor in international politics. Justice has become their weapon against oppression. By fighting for the principles of right they are fighting for their national independence.

They know that their cherished national inheritances may be secured only by peace. They know too that peace is possible only by means of justice.

If the statesmen of the great powers desire to understand the political thoughts and motives actuating citizens of small states, they must look upon these points of view through glasses that permit no distortions. These mentioned facts have been decisive in the determination of neutral citizens to undertake an investigation of the causes and origins of the World War. The War is ended and it is not within the power of neutrals to remedy the evils consequent thereon. It is also something not within their intentions, their programme. It does not aim at weighing the ideals of right as political factors as between the parties to the War, but as factors that should become dominant in international political affairs and relations in general. It has not arisen out of consideration for any great power as such, but on account of the interests of all. It is not dictated by considerations of the past, but with a view to the future.

As historical examples of the importance that the conception of right has had for small states in their foreign politics, one need but recall the Norwegian Storting's addresses to the states with regard to compulsory arbitration in 1892 and 1897 (cf. *Stortings-Forhandlinger*, 1892, part 2 b, *Stortings Proposition No. 67*; and *Stortings-Forhandlinger* 1897, part 6 a. — *Indst. s. XXVIII*), as well as Sweden's contribution to international peace through the Nobel Peace Prizes, and what Holland and Switzerland have done to further the development of international law.

21. TRIBUTES OF THE GREAT POWERS TO THE POLICY OF RIGHT.

That group of powers from which objections have come with reference to a neutral investigation has itself both admitted that right must have precedence before might in its politics, and acknowledged that neutrals are entitled to come to their own conclusions in such matters.

The Entente Powers have made by their Spokesmen a whole series of declarations, some of which have been cited above. There exists hardly a single speech by leading politicians of these powers relating to the War that does not include an insistence on the fact that the objects of their countries are pure justice. The reader may refer to one of the most recent statements of this kind by Mr. Poincaré on 10 Nov., 1922.

They have also by **a formal act** accepted this standpoint, — an act which is perhaps the most important in the history of the world since the beginning of the War.

When the victors established a Commission or court for the trial of the defeated, and constructed the peace on the assumption that the defeated were responsible for the War, as a peace of punishment, they denied their own highest authority and accepted a higher one, viz, right, as supreme over themselves as well as over the defeated. Inasmuch as the principles of Right are not determined by any dictum of force but the conscience of men, the victors thus have surrendered their power to decide what the peace should be, have surrendered their freedom to let it be decided on the basis of force. *They have, on the other hand, subordinated themselves to another authority, and have obligated*

themselves to recognize decisions based on right rather than on might.

It means that the victors themselves had formally dethroned force and placed right in the position of the determining factor also in political questions. — This should be clear once and for all. Every other explanation of the Versailles Commission and of § 231 of the Treaty reveals these simply as mountebankery and an attempt to delude the world. The victors did this compelled as they were to pay tribute to the strength of world opinion. But they did so and must take the consequence thereof.

Both parties have also subordinated themselves to a decision by the neutrals, as they argued their cases for the neutrals during the ardent war agitation, each of them as the representative of right in contrast with the other's criminality,

Were these confessions of faith in the purest principles of right, — were they not sincere? Of course! But if they had not been so, no one can put forth a claim to securing advantages on the basis of admitted dishonesty. By their war propaganda among neutrals both parties appealed to neutrals as judges of the righteousness of their cause and bound themselves to abide by the verdict of neutrals. —

In every matter concerning which men have a right to form an opinion, they have also the right to learn to know the truth. Neither have neutrals the duty to tolerate lies, nor to accept views which others would force on them. Humanity knows of no region between the celestial and infernal, inclusive, access to which is forbidden by the sign: „Truth must not enter here!“ Science has not been held in leash by worshipped divinities, and it can not be dominated by any great power, no matter how super-

human it be, and frightened into acquiescence or silence.

It is, however, a misapprehension to believe that neutral scholars would arrogate to themselves the character of a criminal court. They assume no parts as judges between the contending parties in a criminal case, but as investigators of all facts pertinent to the struggle between those parties, which involved all the rest of the world. They are in fact a tribunal for *truth*. — This is a right of which no one can deprive them. The distinction between judicial procedure and scientific investigation does not seem to have been clear to those who have attacked the neutral investigation.

There seems still to remain some misunderstanding also concerning the reasons for the founding of this neutral enterprise. The presentation given by Mr. Poincaré in the *Revue des deux Mondes* is not in accord with the truth. The fact is that a verdict already has been rendered and published to the world, which verdict declares the defeated belligerents guilty of the greatest crimes. On this basis a peace of punishment, and not of reconciliation, was made, and the present world order rests uneasily on this basis today. After all of the neutral states of Europe and others were drawn into an association or league with the victors on this same basis, these neutrals have been in fact obliged to recognize and defend the order of punishment, created on the foundation of the verdict, declaring the defeated alone guilty. The neutrals have thereby ceased to be persons unconcerned in this matter. In accordance with the pact of the League of Nations they have taken on themselves the obligation of defending the order created by the Peace of Versailles. —

This they cannot do in conscience without first

having assured themselves of the justice of the punishment basic in the new structure. It is not as if neutral scholars of and by themselves formed a court or tribunal for a case that had not been tried. These scholars are engaging in researches relative to the justice of a verdict already rendered and which so far is binding themselves and all. When neutrals then are forced, in fact, to partake in the execution of such a verdict, they become ipso facto involved in the matter itself. When reputable representative scholars of neutral countries then are compelled by an unpartisan review of what was done to declare that the judgment as rendered was, in its *forms*, of such a character that the sense of justice of mankind is forced to revolt; and was, in its *content*, in conflict with facts since revealed, and which would as a matter of course have brought the case before a higher court of appeals in all civilized countries; the position and conscience, as well as the scholarship, of such men make it their duty to tell this truth. Questions of justice are the concern of all.— The matter as it stands then is this: that politicians of certain great powers have endeavoured, in their own political interests, to exercise compulsion over the consciences of men. This Neutral Investigation is a defence of the consciences of honest men against the tyranny of those great powers.

22. THE SOCIAL SIGNIFICANCE OF THE NEUTRAL INVESTIGATION.

The historical situation of our time is perhaps more confused than ever before. A social order or system built up through thousands of years is

torn asunder by the most violent resolutions in the minds of men, and to a degree by actual revolutions, and this disaffection is supported by a potentially mighty state and an extensive organization backed by a most determined will. The great danger consists, however, not only in the lack of confidence in the existing political-legal (and economic) systems on which the present order rests, but also in the lack of confidence in the *maintaining* of the principles for these systems. This lack of confidence is not explicable by the fact that better conceptions have conquered the older ideals. It is difficult to specify any new idea in the light of which present revolutionary currents may be explained. No thought, for example, corresponding to the religious liberation of the Reformation or the political liberation from the English-American and French government once, is the guiding spirit of the Russian Bolschevic revolution. Its social ideals are borrowed goods. That for which it is still fighting is not an idea but a change of system, a reorganization of the seat of power within society. — However, it is hardly probable that such ideas as freedom, truth, justice, which men have heretofore regarded as of supreme worth, have become outworn garments of the human spirit. Nor is it the value of these ideals and principles that revolutionists deny. They accuse the existing order of using such professed ideals as masks for rascality and the egoistic plans of high finance and imperialism.

If these revolutionary attacks are to lose their force citizens adhering to the existing order must maintain in deeds those principles of right which they profess in words.

If they neglect to do so they become guilty of treachery to the order, in which they profess to

find their ideals, and serve the cause of revolution as effectively as communists and others who serve it openly and honestly. They open the flood-gates of threatening revolution and surrender their arms in advance.

23. THE NEUTRALS.

Nur der verdient die Freiheit wie das Leben,
der täglich sie erobern muss. —

Goethe.

(1)

Life's struggle has two primary phases, — the struggle for power and the struggle for right. The struggle for power concerns only the two who are engaged in it. Third parties may remain outside, be neutral. In the struggle for right and justice, however, no one may be free from concern. There is no neutrality. Right declares the principles which are binding for all; these concern all then, as does the very struggle for right. In some countries the opportunity to decide what laws should be adopted has been the prerogative of a relatively few individuals. Such despotic or aristocratic systems are characterized as tyranny on the part of the rulers and feudalism or slavery on the part of the governed. They violate the first commandment in the political credo of our time, which insists that men should possess the liberty to make their own laws, directly or otherwise.

There exists the same creed with reference to peoples as to individuals. If any great power is to have the exclusive right — as a sort of despotism admitted in international legality — or if

any group of powers as a sort of aristocracy is to possess the right of determining what rules shall be binding as between peoples, what principles shall be elevated to the dignity of international law, — then the others without determining voices have been relegated to the status of vassals, to the position of serfs in the society of nations.

If a people will be free, it cannot then permit other peoples or states to assume a position superior to its own in determining what laws shall be valid as between nations. To tolerate that wrong occurs in such instances, is to surrender one's liberty. Liberty must not only be won but defended. If a people has no conception of what ought to be considered right as between nations, it has no claim to a seat in the councils of nations. Freedom and right are objects which must be struggled for if they are not to be lost. Even if the neglect to struggle is due to fear, the essential situation is not altered; even if the fear is of losing other goods which one prizes more highly than freedom and right.

(2)

The World War was a trial of strength between two groups of the great powers, and it was possible on account of that ancient international political system in which force is the *ultima ratio* and finally decisive as between peoples. That such a system persisted was a matter of concern to all states and is so still.

The other (non-belligerent) states could remain neutral in the struggle for power by the contending groups, but they could not remain indifferent to the question of this system itself, — whether disputes ought to be decided by means of force.

These other states had then extraordinarily

strong reasons for urging the validity of their own conception of what legal principles should prevail in the settlement of international disputes. — This conception was strengthened by the humane considerations which the horrors of the War inevitably emphasized, — religious, moral and cultural.

The struggle continued for four full years, and during most of this period the outcome was uncertain. Victory seemed to favor first the one, then the other. If neutrals had presented a united front and presented to both parties their conception of how the dispute between the nations should be settled, and declared that they would as a united group give their support to that belligerent coalition which accepted their conception, the dispute would have been decided thereby. Neither of the belligerent sides was so strong that it could have continued the War also against a united North Europe, even if the United States had remained technically non-belligerent. With Switzerland, Holland, Denmark, Sweden and Norway in the enemy's camp, the scales of force and power would have weighed decisively, and the War would not have lasted four years, possibly not one year.

The same thought is, however, even more to the point as far as the United States is concerned. A proposal made by it to the North European (neutral) states must have had effect. There was then not only reason why the neutral states should have thrown their united influence into the scales as against force and for the purpose of finally realizing their ideal of a legal order in the world; but there was a unique opportunity. In the history of the world minor powers have never had such an opportunity of insisting on their view of world politics and they will hardly ever have it again.

(3)

What then? — The neutrals did nothing. Their reason not to do anything was clear: They had no ideal. The legal programme they had urged was without the impelling force of the ideals they professed. It was only a means of protection on which they fell back in their weakness.

It was not a case in which neutrals had doubts concerning what really was international law. They protested against violations thereof inflicted on them by the one of the belligerent parties in order the more easily to strike the other, as, for example, in the notes of the Northern countries of the 7 and the 13 Nov., 1914, protesting against the closing of the North Sea, in the Note of the United States of 26 Dec., 1914 and 30 March, 1915, and of Holland of 30 March, 1918. They were co-signatories of the Hague Conventions No. 13 to the effect that „it is the admitted duty of neutrals to apply rules, accepted by them, impartially with reference to all belligerents“. Neutrals had even expressly declared that they could not tolerate violations against which they protested without themselves becoming guilty of violating their duties. The Northern States declared this in the note of 13 Nov., 1914, after the closing of the North Sea: „One finds among the belligerent a tendency to exercise control over the commerce of neutral countries inconsistent with neutral rights and, indeed, with neutral duties“. In the American note of 30 March., 1915, addressed to England, we read that „to tolerate this were tantamount to unneutral acts toward Great Britain's enemies, clearly in conflict with our solemn obligations“. The Dutch note of 30 March, 1918, states that „if Holland permits her ships to pass through the danger zones this will lead to violations of

neutrality", — i. e. to violations of her duties as a neutral state.

Neutrals might have formed a coalition on 28 Feb., 1915, when the Central Powers accepted the proposal of the United States that the Entente should cease its closing of the North Sea on condition that the Central Powers stop their U-boat warfare. In this event some of the most important principles of international law would have been upheld, and some of the most barbarous crimes of history, as the hunger blockade, have been avoided, and neutral governments have saved the lives of thousands of their nationals whose lives were lost on account of British mines and German U-boats and which now weigh heavily on the consciences of Statesmen involved.

But the foreign politics they conducted, and which had their real interest, consisted in exploiting the wholesale murder going on as effectively as possible for their commercial and economic advantage. And these eager commercial interests occupied so much of the attention of neutrals that they ignored such unpractical ideals as stopping the starving of women and children and the murder of myriads of men by means of the existing legal order of force, even of their own fellow-country men. The material and immediate advantages of the War left no room for higher and more permanent objectives.

The neutrals lost thereby the possibility they had had of insuring their own freedom against the risks of future wars. They became vassals of one of the groups of contending powers. The profits they had made reverted eventually to the same group which seduced them from their calling by means of deceiving ideals and alluring profits. Now hardly one of the neutrals has retained any of

the blood profits of the war's business „boom“. The greatest of the original neutrals ultimately changed its status without stating the conditions for its support and passage from neutrality to belligerency before it decided to sacrifice many thousands of its citizens' lives and a corresponding number of the war-worn citizens of the Central Powers. It was so anxious to guarantee the milliards it had loaned to the one group of belligerents. The consequence of this insane policy was inevitably that while the United States might, as an assistant, in advance have dictated such a peace as it willed, it was later compelled to accept the conditions which its belligerent associates chose to make. The world Peace was abandoned to that parody of international legality which parades under the hypocritical name of the „League of Nations“. The only relieving feature of the politics of the United States in this matter has been that, ultimately, the swindle became so coarse that they withdrew from the results of their own participation in the war. —

(4)

The Neutrals met their reward: In fact they supported their tyrants to maintain the tyranny over themselves. Afterwards these tyrants have taxed the small kind helpers in return for their assistance. — The neutrals did not recognize their hour of visitation when it came, the time when they might have created a world peace on the basis of international right as between free and equal states. Millions of men paid the price of this neutral neglect or incapacity with their lives. —

Fate has, however, offered the neutrals one more chance to perform a good deed — or to risk once again the responsibility for neglect.

24. LEGAL DECISIONS AND SCIENTIFIC INVESTIGATIONS.

(1)

When the victors first decided to submit the question of guilt to judicial process, it was fair to assume that they intended to do this in accordance with valid forms. They might have known that they ran the risk some time of being caught in irregularities. Experience has shown, however, that there is a certain disharmony between the political professions and the performances of the victors. To live up to one's professed ideals is not easy. Nor is it surprising to any one acquainted with social psychology: one of its fundamental theses is that noble principles pass through a stage of hypocrisy before they acquire binding force over actions.

It is, however, an other question whether the assumption itself of the view that the War might be judged from a judicial standpoint, is legitimate. Before a judicial verdict is possible, the judicial principles on the basis of which one is to arrive at a verdict must be clearly established. But there exist no definite judicial principles concerning the conditions which led to the outbreak of the War. Under such circumstances no court can have jurisdiction. If the contrary were the case, the judges of the court concerned would arrogate to themselves the capacity of legislators. This is in conflict with the legal principles which regulate courts in civilized countries; — the judicial and legislative functions are separate and distinct. To refuse to admit this involves one in the risk of an arbitrary use of power. Judges may not concern themselves with other bases than those previously given to them by civil and customary (common) law. This

applies particularly to questions relating to punishments, as in the instance which has here been under discussion.

(2)

The popular and traditional conception assumes that pain is always an evil, and that an evil is always the consequence of malevolence, and that therefore every pain or tort caused one by another, should rightly be punished and preferably severely punished. This psychological conception is a relic of bygone days. Modern civilization does not accept such an easy hypothesis. It is possible that the War was due to a criminal divergence from moral principles, — this we must accept for want of legal rules covering the matter. But occasionally morality itself may demand war. In any case wars of liberation and of defense, and indeed also revolutions, have been regarded as justified. Inasmuch as at least two parties are necessary for a war, war is presumably always morally justified on the part of the one if the opponent has been guilty of a „crime“, a wrong. Or how much must the innocent party submit to, suffer, for the sake of sweet peace? Is it justified in declaring war against a country that begs for peace and desires neutrality? Grey and Wilson would make this contention. Or is it just to continue a war in spite of the fact that one of the belligerent wishes to have peace? The whole Entente group of statesmen contended so. If malevolence is one of the causes of the War, it is not evident to what extent it rests with the several parties to it. Even if it were positively proved that one party was guilty of an evil will (intentions), this itself does not supply proof that the other party was not equally malevolent. *Or both parties may have been bona fide.*

It is then possible that other factors than evil intentions were causes of the War, that the fault is inherent in the existing system of things, the lack of adequate connections between peoples, mutual misunderstandings, justified and unjustified fears, etc. It is also, finally, possible that other legal principles should govern as between states than in their domestic affairs, in certain respects. Very few, for example, have dared to deny the right of the white races to establish colonies, though these lead to wars for „civilization.“ There exists no corresponding view of right within a single state's boundaries. If one accepts such a right of the white races, we are confronted with the question of graduations of domination among nations. The question of responsibility for the War cannot therefore be taken for granted, but it must needs be investigated.

But even if one assumes that one party alone is guilty and one wishes to apply the ordinary principles of civilized jurisprudence against the guilty, it is legitimate to inquire whether these principles were applied at Versailles. They were not.

And even if it is not certain that such principles are applicable to international affairs, it is still beyond all doubt that one cannot appeal to such principles and act in contradiction to them. That would be a distortion of justice and a violation of laws which stand superiour to the legislation of all states, — conscience, logic and ethics.

(3)

To judge human actions according to law means a trial of them on the basis of certain standard principles, which governing authorities (however chosen) have laid down. A legal judgment is then

an evaluation of actions. But actions may like other facts be investigated without regard to their worthiness; that is to say, they may be explored and determined in their relations to realities, their degrees of probability, their possibility or impossibility. That is the function of historical science.

The object of this science is thus to establish the truth relative to facts. It is possible that there is no ultimate absolute truth, only relative, or that we cannot at all discover the truth, or that we can find it only with reference to certain questions or at certain times. But even such a limitation discovered becomes a truth established by scientific investigation.

It is possible that truth is fatal, that it must therefore be crucified when found, because it is a danger to certain values of life, that it must be placed on an index as a forbidden ware, or that it at all events must not be permitted to permeate the masses of people, but be exposed only to a few elect; that humans can endure the truth only in small doses, as it were, and generally live more happily on lies; that the world in consequence of a healthy instinct of selfpreservation prefers to be deceived, and that the greatest deceivers become therefore the greatest benefactors. — All this is possible. But if so it concerns politics only, not science. Science investigates the most killing truths with the same nonchalance and interest as when concerned life-giving matters. It presents a diabolical truth with the same inexorability that it kills a divine illusion. It knows no difference between good and evil, but stands beyond the living and the dead and all the values of life and death. It has to do with the real and the apparent. It has to do with laws and explains what interrelations and contradictions there are in life and in environ-

ment, regardless of whether these be of utility for some or harmful to all. If the result is useful, so much the better. But utility as such is not its aim. Its aim is in itself, not outside. Its aim is only to expose the truth.

(4)

The aim of law or justice is not that of science: justice is to evaluate, estimate, determine whether an action is harmful to accepted values or protects such values, and on this basis to characterize an action as good or evil, legal or criminal.

But before a court weighs the quality of the action in question, it must know all the circumstances and the values which are appreciated or depreciated by the action. Such knowledge it can obtain in no other way than by an investigation pursued in a manner quite similar to that of which science makes use. If a court errs with reference to the facts, it will judge unjustly. A judge must therefore always solemnly declare that he will follow the truth, the full truth and nothing but the truth. The way to justice is only through truth, just as certainly as the way to peace is only through justice. — *Science is a means for justice.*

Science has here then a most useful function. It has been said that to understand all is to forgive all. It is possible that this is not correct. But, on the other hand, it is not easy to forgive without understanding. Just as the incomprehensible arouses prejudice and censoriousness, so the truth tends to liberate and to soften one's judgments. Therefore, too, the more significant scientific discoveries have been as mile-posts in the life-struggle of humanity. When medical science discovered the causes of certain diseases in infectious matter, one of the leading sources of the

belief in being „possessed“ by some evil spirit disappeared, and incidentally also the habit of burning witches. When iron was shown to be a conductor of electricity, lightning was removed from the hand of some deity, and forces which hitherto had expended themselves in fruitless prayers were devoted to the fruitful occupation of providing protective means against such electrical phenomena.

It may be that, also with regard to questions of belligerency, scientific work must precede a court's verdict; that the task that history has assigned to us is to search for and explain the causes of wars, but not to judge with reference to the criminality of men as such. Such work might corroborate the many lessons of history that men are prone to decorate the results of superior power — of „heaviest battalions“ — with the attributes of divinity, — as, for example, with the assistance of a juridical comedy, because the masses of men like to be fooled, and will not tolerate the truth. —

25. WAR USE OF PEACE IDEALS.

Neutrals will perhaps again be referred to the noble ideals associated with Mr. Wilson's name, in connection with the famous „fourteen points“, particularly, The Armistice was concluded in their basis, and they were to be the future decalogue of a better world in the field of international politics. It will be said that though these ideals could not be realized immediately, nevertheless they were inspired by a spirit which will ultimately cause a political reformation.

It may not be out of place then to call atten-

tion to the character of this spirit and the methods by which it acquired vitality.

As is well known one group of belligerents (the Entente) declined repeatedly to consider the peace-overtures of the other (the Central Powers); as for example, the proposals for a peace on 12 Dec., 1916, 30 Mar., 1917, 25 Dec., 1917. The refusing group declared that for the sake of civilization it was under obligations to continue the carnage until it had won a decisive victory. This aim was, however, not easy of attainment. Neither on the seas nor on land could it record any brilliant military accomplishments. Then gradually, the future victors developed a plan of utilizing methods which had proved so effective with neutrals, now to be applied to their opponents. Might it not be possible to imbue the troops of the enemy with a belief in the transcendental idealism of the Entente, and thus deprive the troops of confidence in the justice and worthiness of their cause? Their morale would thereby be weakened and they might make a revolution against their leaders. If this plan proved successful, the situation for the Entente would soon become brighter from a naval as well as from a military point of view.

Mr. Wilson appointed, as is known, a certain George Creel to take charge of American war propaganda on the basis of this „leitmotiv“. Mr. Creel's representative in Russia was one Edgar Sisson. Sisson was assisted by an American committee to influence the public opinion of Russia. On 3 Jan., 1918, Sisson telegraphed to his chief in Washington, in effect, as follows:

„Will the President again state Americas anti-militaristic aims and democratic peace aims in a thousand words or less, for example, in the form of paragraphs suitable for posters, in short sen-

tences? I can have these translated into German and sent to Germany in great quantities. Great benefits may accrue therefrom in the German army and every where else. Excerpts from previous declarations will be useless. If real results are to be obtained it is absolutely necessary that the President have the ordinary Russian and German in mind, and the prevailing conditions which they face, and address them as if he were speaking to them individually. I can arrange for the German translation and printing“.

Exactly five days later Mr. Wilson gave his message with the „fourteen points“ to Congress, — a programme for a new order in world politics. Five days later again Sisson telegraphed to Creel:

„Posters with the President's speech were this morning placed on Petrograd walls. There will be a hundred thousand up within three days. In five days we shall have distributed three hundred thousand. The distribution in Moscow at the end of the week will be just as large. S. M. C. A. has agreed to have one million copies of the speech distributed in the Russian and German armies. Other channels to Germany are open“. —

The inspiration of Wilsons fourteen points was then not a conviction of what was necessary for a better and peaceful future for the World. The inspirer was a *war* propagandist, Egdar Sisson, whose services had been bought and paid for and whose claim to fame or notoriety rests on a series of false documents bearing his name. The fourteen theses were a „ruse de guerre“ to serve the Entente in its strictly *belligerent* plans, to furnish its agitators with a material which would deceive the Central Powers, weaken their defensive efforts and secure the benefits of victory for the Allied

and Associated Powers. This was the intention of the agitator who ordered the „points“ from Mr. Wilson, just as the artillery officer orders ammunition from a war factory. — Nor were the contents of the „points“ spontaneous expressions. The contents were already on hand in the War and State departments at Washington. The essential features thereof had already been formulated by the Union for Democratic Control in England, under the leadership of E. D. Morel, Ramsay Macdonald, Charles Trevelyan and Norman Angell, in four points. These four were later extended to five with the cooperation of Arthur Possonby. This occurred four years before the Wilson salvos struck the walls of Petrograd and felt among German troops. The ideals used by Messrs. Wilson, Creel and Sisson had been developed in essential details in that great English organ of progress, „Foreign Affairs“, long before these Americans found them more effective than quantities of ammunition of a more usual sort. — This matter has been discussed more extensively by „The League of Free Nations' Association“ (Harcourt, Brace and Howe, New York, 1920), as well as in the New York „Globe“ of 5 June, 1920, and in „Sammlung von Dokumenten, welche die Beziehungen zwischen der Regierung der Vereinigten Staaten und den mannigfaltigen Tatsachen aufhellen, die seit der Revolution von März 1917 in Russland vorfielen“, Berlin.

The aim of the fourteen points was then to supply the need for propaganda material to aid in carrying on the War to a successful military conclusion. *Once this aim had been attained, their practical significance ceased.* They disappeared completely in the Treaty of Peace, for which they had professedly been formulated. This dis-

appearance was so absolute that a Swedish journal of humor ventured to propose that Mr. Wilson be awarded the Nobel Prize in Mathematics, since he had solved the remarkable problem of making $14=0$. However, the Nobel Institute of Stockholm apparently understood the situation. It was the Nobel Institute for Peace in Kristiania which solemnly tendered Woodrow Wilson the Peace Prize. Mr. Wilson's responsibility for a peace that passeth the understanding of the world and of the Norwegian Nobel Committee was primary.

The former Italian Premier Nitti, in discussing the relation between these principles, avowedly accepted by the Allies and the United States as the basis of the Peace, and the Treaty's actual contents, says („Peaceless Europe“):

(p. 50) „Now these treaties constitute new fact, and no one can affirm that the Treaty of Versailles derives even remotely from the declarations of the Entente and from Wilson's solemn pledges uttered in the name of those who took part in the War.“

(p. 125) „There is one thing that cannot be denied or disputed, and that is that the treaties are the negation of the principles for which the United States and Italy, without any obligation on them, entered the War; they are a perversion of all the Entente had repeatedly proclaimed; they break into pieces President Wilson's fourteen points which were a solemn pledge for the American people.“

(p. 58) „It is therefore obvious that the most solemn pledges on which peace was based have not been maintained; the noble declarations made by the Entente during the War have been forgotten; forgotten all the solemn collective pledges; forgotten and disregarded Wilson's proclamations

which, without being real contracts or treaties, were something far more solemn and binding, a pledge taken before the whole world in its most tragic hour to give the enemy a guarantee of justice."

(p. 35) „President Wilson's messages have done as much as famine and cruel losses in the field to break the stubborn resistance of the German people."

(p. 64) „The Treaty of Frankfort is a humanitarian act compared with the Treaty of Versailles."

The „League of Nations" being the mainpoint of all fourteen points, proves upon the whole a means for the victorious party to enforce their interests upon smaller or defeated nations under the pretext of maintaining justice and peace in the world. The reader may refer to the utterance of Lansing quoted above (of Bullitt's hearings in the Senate of the Congress Septbr., 15, 1919). This has recently been stated in a most affirmative manner by L. George. In his second response to Mr. Poincaré, he communicates a proposal from Mr. Tardieu, who was a leading Minister of the Cabinet of Clemenceau and worked together with him on the formulating of the proposal to the Versailles peace treaty. Tardieu's proposal reads as follows: „To secure the common interests of peace and effectively carry out the most essential regulation of the League of Nations pact the Western frontier of Germany must be the Rhine". (Daily Chronicle Decbr. 17, 1922, quoted from a translation). It thus is admitted that as to France the mainpoint of the pact is that the Rhine becomes Germany's western limit. L. George shows that this proposal was the leading thought of the French politics, also in accordance with Poincaré's wish, and that Clemenceau did not succeed to be elected president

of France 1920, because he, in contrast to Poincaré, had dropped this plan on account of American and English pressure. —

26. CONCLUSION.

THE JUDICIAL FARCE OF VERSAILLES.

(1)

History reveals many tragedies on its dusty pages; but it happens not infrequently that a mephistophelian grimace seems to permeate the course of events and to supply a diversion of a sort, paralleling somewhat the mirror of life in the Greek dramatic trilogy which had to end in a satyrical comedy: — The World War ended with the juridical comedy of Versailles. —

The epoch in which this insanity held sway was characterized by the lack of any great personality. Perhaps no other epoch has been so poor in this respect. In a military sense the one party did, it is true, do wonders, perhaps more than the history of war is elsewhere able to record. But politically the so-called leaders of the world politics have been lilliputians in contrast with the needs of the time: small, hateful fanatics, petty lying parliamentarians, little vain fools, insignificant and scrupulous office-holders, a brilliant little politician here and there, but not one statesman. Each and every one of them are the objects of the inquiry of the Nazarene: How is it that ye know not how to interpret this thime? And why even of yourselves judge ye not what is right? (St. Luke XII 56, 57.)

There is at the present time hardly a competent scholar in the world who does not acknowledge that

the verdict of the Versailles Commission was incorrect. The accusation that the Central Powers with deliberate purpose sought to bring about war and to make impossible the efforts of the Entente to maintain peace is doubly false: Facts, which are available, do not prove that the Central Powers endeavoured to cause war, nor do they prove that the Entente made honest efforts to maintain peace. If assertions to contrary are to stand other proofs than we have now must be offered.

Until such proofs are presented the verdict of the Versailles commission and the dictum of the Treaty of Versailles must rank as the greatest miscarriage of justice known to history.

But nobody cries it out with such authority and mightiness, that the walls fall. —

The low level of political capacity or maturity of our day might seem to be a riddle. It is easier to comprehend, however, when one recalls the simple truth, that every thing that happens is based on its antecedent preparations. So too with regard to that totality of human efforts and omissions which we call politics: in a critical situation, when a man must act, he reveals how his mind has been prepared for an emergency, how large or small are the demands he has made of himself, in the light of what ideals he has matured, and whether he will act in accordance with a real conscience tried by permanent ideals.

In an age of parliamentarism the applause of so-called public opinion supersedes the sanction of such ideals as a motive-force, and this in itself easily degrades character, and causes it to sink to the level of narrow partisanship.

But the conscience of man clings still to reminiscences of that which is greater than egoistic untruth. It is this conscience in reminiscence

whose small voice is now beginning to be heard around the world. It finds involuntary expression in the confessions of politicians, an indiscreet declaration on the part of some demagogue taken unawares, the boasting of some subordinate official, the cool propositions of financiers, the sick conscience of a president, the growling of those who are contending for the spoils. It is heard in the murmur of low voices whispering one word: **Swindle!**

The swindle of the outbreak of the War, which could have been prevented, if any one of the original leaders among the victors who entered the War in the beginning had declared that he would not participate; the swindle of the ideals for the sake of which the mightiest group proclaimed itself compelled to fight and to continue the carnage — until it could obtain the profit of victory; the swindle of the war propaganda with „the love of small nations“; the swindle of the armistice with its „14 points“; the swindle of the Versailles farce; the swindle of the mandates; the swindle of the occupation troops, who are to assure the victors control over the territory of the defeated; the swindle of the pretension that the disarmed and defeated party may be guilty of aggression, so that an enormous army of the conquerors is necessary to hold the defeated in bounds; the swindle of pretending that a Neutral Investigation might not be sufficiently objective, a pretence made by partisans of the party which at Versailles sat as a judge in its own case and enforced paragraph 231 with the means of starvation, a hunger blockade, of the defeated: it is these swindling fanatical partisans who do not hesitate to inveigh against the lack of objectivity on the part of neutral scholars in their intention to study and to review the

causes of the War: It is an incredible swindle of which hundreds of millions of human beings are the victims, an abuse of all human idealism.

Never did any belligerents proclaim higher ideals as the aims of their war than did the Entente. Never did history offer any victors greater possibility of creating a rational order of mankind than it offered the same group of powers. Never did any victors more completely betray the ideals, which they professed to fight for, than the victorious Entente has done. Never was the disappointment of mankind deeper and harsher than that which is aroused by the name of the Versailles Peace treaty.

It is true that the victors have profited by forcibly taking the countries, the colonies, the industries, the vessels, the capital, and the markets of the defeated. But it seems impossible to point to a single one of the many ideals which the victors, as belligerents, professed as the aim for their business „to kill Germans“, and which they did not betray as soon as they had unhampered opportunity to carry them out.

Such is the common feeling. The voice of E. D. Morel to-day is the voice of the world. —

It is said that when the four small men met at Versailles on 28 June, 1919, to receive the most mean treaty of peace of history that had been signed, and the defeated had been forced by torture of starvation to confess themselves guilty against their conviction, so that civilization might be saved, Clemenceau looked at his three colleagues and said, quoting: „Caesar was in the habit of wondering how one priest could meet another without laughing“; and all of the four small men joined in an embarrassed laughter. —

It is the profession of a scholar to seek the

truth. I plead with all that men cherish as sacred in directing a question to each individual human being. I plead with the individual not as one of a mass, not as one into whom ideas are injected by force, after a various journalism with psychological ingenuity has prepared his mind for such an operation, not when one is thinking of the troublesome questions of his living, his party, his career, — but the individual as such, when he is quite alone and has for a while been considering that he is destined to vanish, and that grass will cover his grave and he will soon be forgotten, and unknown laws which he only feels shall call him to account. At such a moment let him be confronted with this question:

When two unite against one and defeat him in a struggle, does your conscience allow the victor to act as a judge of his own actions in the struggle with the overwhelmed opponent, to declare him guilty and to force him to confess himself guilty? *If this be right, what is the difference then between a band of robbers or pirates and a group of great powers?* Was not even Jesus Christ condemned by a civil as well as an ecclesiastical court?

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Appendix 2.

HISTORY OF THE NEUTRAL INVESTIGATION.

The appeal which has obtained support in neutral countries and United States ran as follows:

"We, the undersigned citizens of countries which remained neutral during the World War, express hereby the desire that the most important questions relating to war guilt be investigated in ways which are unchallengeable and in accordance with the fundamental principles of the scientific study of history and objective justice.

We are of opinion that such an investigation can be conducted only by an impartial commission of scholars from neutral countries."

This appeal was signed by the six bishops of Norway, the Archbishop and most of the other bishops of Sweden, Nobel-prize-winners, generals and premiers and many other prominent citizens of the four countries represented namely, Norway, Sweden, Switzerland and the Netherlands.

According to this appeal the Objects for investigation were stated as follows:

1. To what extent was the declaration of war made by Austria-Hungary to Serbia justified according to international law and the historic situation?

2. What were the causes of the extension of the war between Austria-Hungary and Serbia from a local war to a World War, and who is responsible for this?

II

3. What were the causes that made the War last so long and end with a peace of violence rather than of understanding and conciliation, and who is responsible for this?

4. To what extent was the War conducted according to international law among the belligerents and towards the neutrals?

If it was not so conducted who is responsible for this?

5. To what extent did the neutral nations act conformably with international law during the War?

6. Has any ring in any country been working for war? If so, which means were employed and what were the motives for such propaganda?

During the summer 1920 an appeal was made to citizens of the said 4 countries by prominent citizens of 7 of the countries which participated in the World War to undertake an investigation as quoted above. The last words of this appeal ran: „We hereby call upon like-minded citizens of neutral countries to undertake this task.“ — This call was headed by the distinguished scholars and authors E. D. Morel of London, editor of the „Foreign Affairs“, and Arthur Ponsonby. The 7 countries were: England, France, Italy, Bulgaria, Checko-Slovakia, Austria and Germany. Among the signers in England, France and Italy were the following distinguished persons:

SOME NAMES FROM THE ENGLISH LIST.

Lord Parmoor.

Lady Courtney of Penwith.

G. P. Gooch.

Miss Maude Royden.

Charles Trevelyan, M. P.

III

Professor Gilbert Murray.

Robert Smillie.

H. W. Massingham.

F. W. Hirst.

Mrs. Ethel Snowden.

J. Ramsay Macdonald, M. P.

Ben Spoor, M. P.

Brig. Gen. C. B. Thomson.

E. D. Morel, M. P.

Georges Lansbury.

Arthur Ponsonby, M. P.

SOME SIGNATURES FROM FRANCE.

Georges Demartial, Officier of the Legion of Honour,
Member of the „Société d'Etudes Documentaires et Critiques sur la Guerre“, Author of
„Patriotism, Truth and War Guilt“.

Mathias Morhardt, Author and Journalist.

Madame Severine, Author and writer and leading
literary French-woman.

Marquis de Villeneuve (brother-in-law of prince
Bonaparte.)

Lucien le Foyer, ex-Deputy for Paris, Prominent
Member of the French peace societies.

Oscar Bloch, distinguished member of the Left
Wing of French Socialism, D. L. and barrister
on the Court of Appeals of Paris. Member
of the Société d'Etudes Documentaires et
Critiques sur la Guerre.

Henri Barbusse, Famous author.

Gustave Dupin, Author of the book, „La Guerre
Infernale“, Journalist.

A. Prenant, Member of the Academy of Medicine.

Madame M. de Sairy-Priz, Daughter of M. Loubet,
ex-President of the French Republic.

F. Gorgos, Solicitor, President of Federation of sections of the League of the Rights of Man, in Paris.
Romain Roland.

SOME ITALIAN SIGNATURES.

Claudio Treves, Deputato al parlamento.
Emanuele Modigliani, Deputato al parlamento.
Luigo Canzi, Senatore.
Gerino Gerini, Senatore.
Battiste Grazzi, Senatore.
Guglielme Lucidi, Author.
Roberte Palmarocchi, Author,

— and others.

Members of parliament are among the signers in all of the countries concerned.

In agreement with these calls committees were formed in the four neutral countries mentioned in order to organize the enterprise, the result of which was that representatives were elected for such a commission. Delegates from other countries have been assured.

The enterprise is financed by neutrals and American citizens. No contribution, directly or indirectly, has been accepted from citizens from any vanquished country. —

The Austrian

appeal was argued with such words:

The World-War of 1914—18 was the greatest disaster which has befallen mankind in many generations. Millions of the best and bravest in all countries fell in battle or were maimed for life. Other millions, including women and children, were killed by air-raids or starved to death or left destitute. Those surviving are barely able to sustain

themselves. Vast tracts of country have been devastated; billions worth of goods have been sunk; the wealth of the belligerent nations has been wasted on purposes of destruction, and even the efficiency of work is impaired to an extent that recovery is slow and uncertain. No wonder that citizens of all countries execrate the crime, as which they justly regard the War, and vent their indignation in mutual hatred and recriminations. The fictitious war-time arguments continue to rend humanity in hostile camps, and the uncertainty as to the responsibility for the War is the main obstacle to reconciliation.

To all those who regard the world as their home and mankind as one family, who see in human progress not a result of universal strife but of mutual aid and co-operation, to all lovers of truth and friends of international peace and understanding, it must therefore seem a matter of the highest importance that the question of the causes of the War shall be thoroughly gone into and clarified in a definite and conclusive way.

Such an investigation, in order to be entirely unbiassed, must be made under the direction of a neutral jury, composed of men of high standing in Scandinavia, Holland, Spain, and Switzerland, in whose integrity and impartiality all nations concerned can place implicit faith. It must be conducted on principles of strict historical criticism and justice, so that the facts established and the conclusions arrived at shall be absolutely unsailable.

In order to be able to examine all the documentary and other evidence bearing on the subject, the Committee appointed by the neutral States should in the first place approach all the Governments concerned with a view to securing their

assistance and every facility in carrying outh their enquête. Should any one Government refuse to render the assistance required, this fact should not prevent the Committee from examining the materials available and summarizing the results obtained.

We, the undersigned citizens of the Austrian Republic, urge upon the citizens of neutral States, who share our views in this matter, to take the initiative and launch the proposal submitted above.

Dr. Carl Brockhausen, Professor of Administration Law in the University of Viennes.

Dr. Otto Dungern, Professor of Constitutional Law in the University of Graz.

Dr. Wilhelm Exner, President of the Technological Institute.

Dr. Karl Grünberg, Professor of Political Economy in the University of Vienna.

Marianne Hainisch, President of the Austrian Council of Women, Vice-President of the International Council of Women.

Anton Höfer, Major-General, former Minister of Food Administration.

Josef Hoffmann, Architect, Professor in the School for Applied Art.

Leopold Jedina, Vice-Admiral.

Dr. Adolf Lorenz, Professor of Orthopaedy in the University of Vienna.

Dr. Eduard Leisching, Director of the Austrian Museum of Art and Industry.

Dr. Clemens Pirquet, Professor in the University and Director of the Children's Hospital of Vienna.

Dr. Alfred Francis Przibram, Professor of Modern History in the University of Vienna.

VII

- Dr. Josef Redlich, former Minister of Finance, Professor of Constitutional Law in the University of Vienna.
- Dr. Oswald Redlich, President of the Academy of Science, Professor of History in the University of Vienna.
- Dr. A. Rosthorn, former Envoy Extraordinary and Minister Plenipotentiary to China.
- Prelate Dr. Ignatz Seipel, former Minister of Social Administration, member of the National Assembly.
- Dr. Leo Srisower, Professor of International Law in the University of Vienna.
- Dr. Adolf Vetter, President of the Administration of State Theatres.
- Dr. Friedrich Wieser, former Minister of Commerce, Professor of National Economy.
- Dr. Friedrich Wiesner, former Envoy Extraordinary and Minister Plenipotentiary in the Foreign Office, Vienna.

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The Neutral Commission held its constituent meeting in the hall of the *Nobel Institute* — rented for the occasion — in Kristiania, Norway. The Norwegian national committee had already held most of its preparatory sessions in this hall, and it found a special satisfaction in thus meeting at a place where the ideal of a peaceful and legal order among men was symbolized by the Great Swedish founder's name. After the opening meeting on 28 December, 1921, the Commission continued its sessions on the estate of Mrs. *Inga Gjems*, Gruset near Kongsvinger, to which she, a daughter of the famous Norwegian General Hakon Hansen, had cordially invited the members of the Commission and the secretaries as her guests.

VIII

The next meeting of the Commission took place in Copenhagen at Easter time, 1922, while the third meeting occurred in Stockholm in June. In Stockholm the Commission was accorded the use of the magnificent old Hall of the Knights (*Riddarhuset*). The last (fourth) meeting took place in the Zürich University, from the 4th to the 7th of January, 1923.

The first president of the Commission was the principal librarian of the University (National) Library of Norway, Mr. A. C. Drolsum. Mr. Drolsum retired as president at the meeting in Stockholm and was succeeded by Dr. C. A. Reuterskiöld, professor of international law in the University of Upsala. At this meeting Dr. N. Japikse, the Director of the Dutch Board of Historical Publications, was chosen vice-president. The other members of the Commission are Dr. Hjalmar Christensen, of Norway, succeeded by Mr. C. J. Hambro, editor and Member of the Norwegian Parliament. Dr. Helge Almquist, professor of history in the University of Gothenburg. W. H. van Tarwisga, Lieutenant-General, formerly Commander of the Dutch field army. Dr. Herman Bächtold, professor of history, University of Basel. G. Immenhauser, colonel of the Staff of the Swiss army. — The first Secretary General of the Commission was Dr. Charles E. Stangeland. He retired in the Spring of 1922 and was succeeded by Mr. Georg Fastling, who after some months went to America and was succeeded by Mr. Jan J. Bruna of the Hague. —

The Commission has so far published a few communiques and three Bulletins. These Bulletins were in the English language, and following Bulletins, to be issued at intervals, will be in English.

The first Communique of the Commission ran as follows:

CENTRAL COMMISSION FOR NEUTRAL
INVESTIGATION OF THE CAUSES OF THE
WORLD WAR.

On the 28 of December, 1921, an international neutral scientific Commission was constituted, its purpose being an objective investigation of the causes of the World War. In thus organizing the Commission found itself in accord with eminent citizens of England, France, Italy, the United States and other countries who had already expressed a desire that such an investigation be undertaken by neutrals.

The Commission consists of representative scholars of neutral countries who are interested in the proposed aims. At the constituent meeting delegates from Holland, Norway and Sweden were present, but representatives from other neutral countries are already arranging to join the original Commission.

The Commission regards its task as of exceptional importance and imposed on neutrals by the existing world situation.

The circumstance that even to-day, so long after the establishment of peace, the forces of dissension and national hatred are busy and prevent a real peace of peoples indicates the importance of the undertaking for all mankind.

The question of the responsibility for the World War must be withdrawn from the field of political polemics and find its solution in an unpartisan, scientific investigation.

The Commission is fully cognizant of the fact that the inaccessibility of most archives renders the investigation more difficult than it might otherwise be. But certain archives have already made much important material available. Memoirs of influen-

tial personages have been published, indiscretions have occurred, and non-diplomatic historical material is extensively accessible, including much that is of very real significance. Even if the absolute truth may not yet be ascertained, still the Commission considers it as a duty to permit no obstacle to delay it in seeking to expose available truth with all means possible as nearly and as soon as possible.

The financial independence of the Commission is for the time guaranteed by citizens of neutral countries as well as of one of the victorious belligerents who thus make the investigation possible without in any way influencing it.

The investigation will consider the purely political problems as well as matters relating to economies and international law, and will go as far into the past as in each case seems necessary, covering, for example, Franco-German relations after the peace of Frankfort in 1871.

In order to facilitate its efforts, the Central Commission urges all who may be in possession of facts which may have significance for the investigation to place themselves in communication with the Central Commission for Neutral Investigation of the Causes of the World War. —

Appendix 3.

PERSONALITIES.

I cannot finish this presentation without paying my respectful tribute to two men, whose unselfish working has been of fundamental value to the idea presented in this book, — Dr. William Bayard Hale and Bishop Jens Tandberg.

I do not know whether people out of Anglo-Saxon world possess sufficient knowledge of the first mentioned scholar and philosopher, Dr. of Law and Theology, one of the leading stylists in English language. Among his works I take the liberty to emphasize his „American Rights and British Pretensions on the Seas“, New York, 1915, as a source book of such importance that it was forbidden when America entered the War. Of very special value is his report of the Congressional debates from 17 February, 1916 to 8 March, 1916, bearing the title „Peace or War“, 1916. His „Dispatches from the West Front“, 1916, are probably the best war despatches written during that period. Few have been able to view events from so many angles, and fewer still have been able to record them with such fine appreciation and feeling. Not less remarkable is his book entitled „The Story of a Style, a psychoanalytic study of Woodrow Wilson“, in which he exposed the spiritual weakness of Mr. Wilson on the basis of the latter's literary style. Dr. Hale did this before any one else really understood what the explanation or the situation were. In this book he has opened up a new path for psychoanalytic studies.

When Dr. Hale became acquainted with the plan of a neutral investigation of the causes of the World War, he took the matter up in America with his wellknown enthusiasme for noble causes and gave it the benefit of his eminent wisdom. Such efforts were not financially profitable; great personal economic sacrifices were made by Dr. Hale himself and he gave his time and energy in working during years to this cause, the worthyness and importance of which he at once appreciated.

There are personalities on the heighties of intellectual life who are able to see the needs and signs of the times as ordinary men do not. After the struggle of the belligerents in the World War had ended, — a struggle to determine who should win power, — there remained the possibility of a struggle between the recent belligerents concerning who was to have a claim to right, regardless of power. — Dr. Hale saw that now for the first time in history such a struggle might hopefully be undertaken, and that this might mark the beginning of a new era. He saw all this probably with greater clarity of vision than others. His wisdom and support made the investigation possible. Whether it become a reality in the sense of his vision will depend on the Commission's own work. If history shall have a place on its scrolls for the Neutral Investigation, his name next the names of Mr. Drolsum and Mr. Tandberg will not be separable from it.

During the time the Neutral Commission was being formed the late primate of the Norwegian church, Bishop Jens Tandberg, rendered the greatest service to the idea. With the freedom from prejudice of a great heart and a highly cultivated personality, he considered it the aim of religion to lift the human mind above the quarrels of ephe-

meral life to the ideal of Jesus: Love your enemies! — To him it was evident that a peaceful political order would not be possible unless religion entered the hearts of men; but he realized that the road to peace only leads through justice, and the road to justice only through truth. Therefore with him the religion of love became inseparable from the religion of truth. And therefore, also, his heart was with science as the servant of truth. — Thus he became one of the founders of the Neutral Commission. —

Shortly after the formation of the Commission, he died, on the 23 of March, 1922.

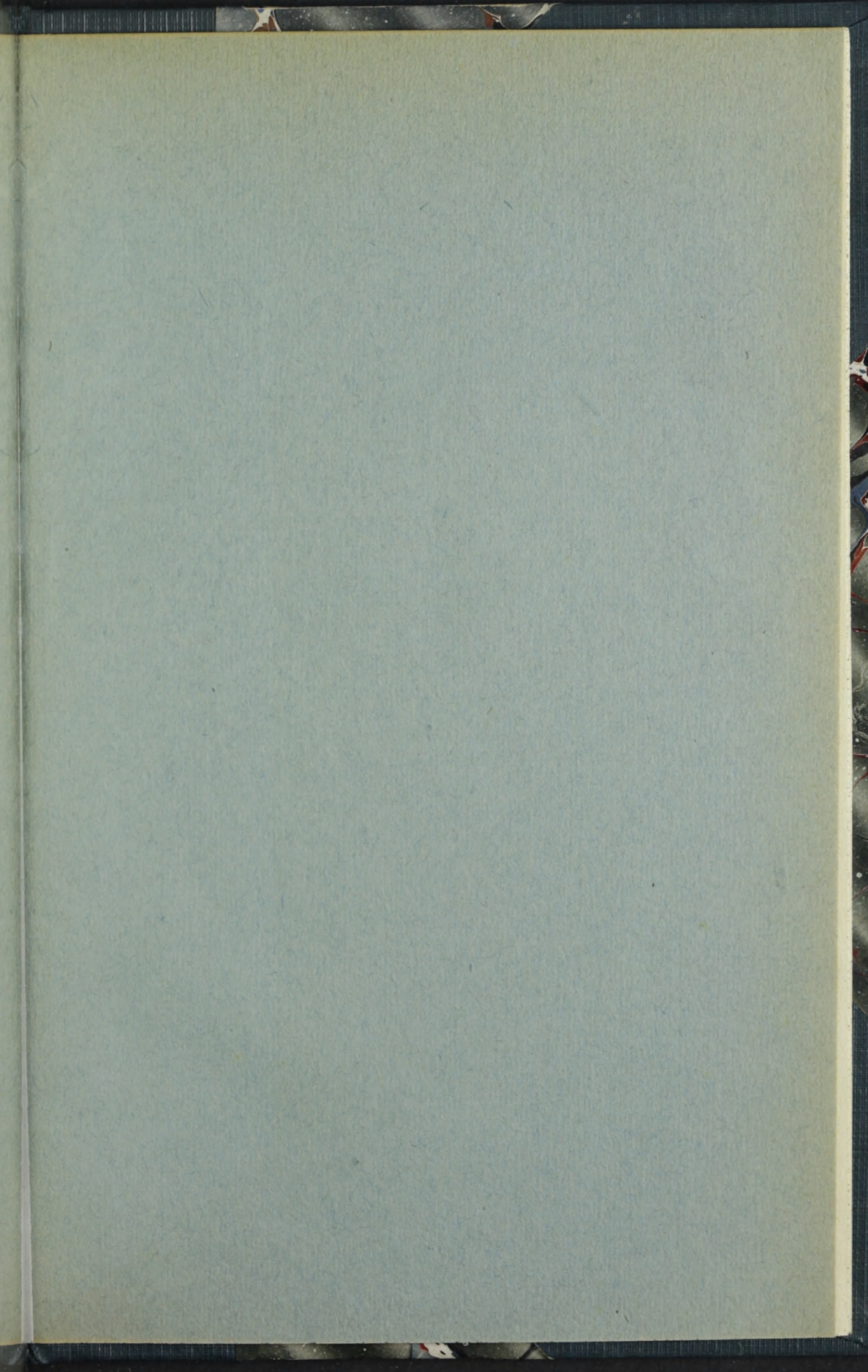
Table of errata.

Page 49, ultimately, the following lines ought to have been added: As a conclusion from such facts the English Labour Party passed a very important resolution at its annual conference at Brighton on June 24th, 1921: „This Conference hereby resolves that the British Labour Movement dissociates itself in advance from any obligation towards foreign states which the British Government may have contracted, or may contract in treaties, conventions, arrangements, or understandings of whatever nature, or for whatever purpose, which have not been submitted to and approved by Parliament.

We further recommend that the Parliamentary Labour Party shall at once bring forward and press to a division a resolution providing that treaties, conventions, arrangements, or understandings of whatever nature, and for whatever purpose, with foreign states shall in future be valid only after they have been approved by Parliament; and that any minister acting in opposition to this principle shall be deemed guilty of treason against the State.“

The Resolution was carried unanimously.

Page 78, lines 10 to 13, instead of Westminster Gazette of 29 July, 1914, had to be quoted **Daily News of 1st of August, 1914**. The quotation is cited from „Der große Betrug“, Süddeutsche Monatshefte, 3rd edit., p. 40: „Die Entscheidung über Krieg und Frieden, über das Glück und Leben von Millionen liegt jetzt in der Hand eines Mannes, des Zaren! . . . Tatsächlich hält der Zar die Wage in der Hand. *Aber wir halten unsererseits den Zaren in der Hand.* Daher hängt es schließlich von uns ab, ob Europa von Blut überfließen soll . . . Wenn England jetzt sagt: ‚Nein! Läßt Du die Wagschale sinken, so tust Du das auf eigene Gefahr!‘ dann wird er die Hand von der Wagschale lassen . . . Wir können den Frieden erhalten, wenn wir den Zaren wissen lassen, daß er seine Schlachten allein schlagen und die Folgen selber tragen muß. Wenn die englische Regierung das tut, würde sie der Menschheit den größten Dienst erweisen, den die Geschichte kennt. Wenn sie es nicht tut, wird sie den schwersten Fluch der Menschheit auf sich laden, und wenn das Jüngste unter uns längst gestorben ist, wird unser Volk noch an den Verbrechen zu tragen haben.“



The **author** of this essay has previously published the following books about the war problems:

Faren for Skandinavien. Jacob Dybwad, Kristiania 1915.

Nordens Skjebne, 2, edit 1917. 328 pp. J. Parmann, Kristiania 1917. (Translated into Swedish, Dutch and German. The German title is: Das Schicksal des Nordens, eine europäische Frage. Kiepenheuer, Weimar 1917).

Mot Avgrunden. J. Parmann. 1917. 48 pp.

Undervandskrigen og Verdensdespotiet. J. Parmann. Kristiania. 1918. 264 pp.

Furthermore the following political, juridical, philosophical or poetic works:

Mere Klarhet i samfundsspørsmaal, Kristiania 1908.

Politikens Komædie. Kristiania 1908.

Gesandten Drama. Kristiania 1917.

Interessen som normativ idé. I, II, and III, Kristiania Videnskapsselskaps skrifter 1913 and 1920.





