My reflections have convinced me that the ordinary inception of the League of Nations is not a fruitful one, nor is it the right one, and that a radical transformation of it is necessary. If the League is ever to be a success it will have to occupy a much greater position, and perform many other functions besides those ordinarily assigned to it. Peace and War are results of many complex forces, and those forces will have to be gripped at an earlier stage of their growth, if peace is to be effectively maintained. To enable it to do so, the League will have to occupy the great position which has been rendered vacant by the destruction of so many of the old European Empires, and the passing away of the old European order. The League should be put into the very forefront of the programme of the Peace Conference, and be made the point of departure for the solution of many of the grave problems with which it will be confronted."

J. C. SMUTS, P.C.
THE LEAGUE OF NATIONS
THE LEAGUE
OF NATIONS
A PRACTICAL
SUGGESTION

BY

HODDER AND STOUGHTON
LONDON TORONTO NEW YORK
MCMXVIII
FOREWORD

ALTHOUGH I have had to give the subject of the League of Nations a good deal of consideration, this short sketch of it has been hastily written at the last moment, and amid other pressing duties, in view of the early meeting of the Peace Conference. My object in writing it has been threefold.

In the first place, I wish to help in the formation of public opinion on what will undoubtedly be the most important and far-reaching of all the matters which the Conference will have to consider.

In the second place, the discussion of the League of Nations has proceeded far too much on general or academic lines; and this, combined with the inherent difficulties of the subject, has helped to create the impression which is unhappily prevalent, that the League is not really a matter of practical politics. To combat this impression I have drawn in rough outline what appears to me a practical, workable scheme.

In the third place, my reflections have convinced me that the ordinary conception of the League of Nations is not a fruitful one nor is it the right one, and that a radical transformation of it is necessary. If the League is ever to be a success, it will have to occupy a much greater position and perform many other functions besides those ordinarily assigned to
it. Peace and War are resultants of many complex forces, and those forces will have to be gripped at an earlier stage of their growth if peace is to be effectively maintained. To enable it to do so, the League will have to occupy the great position which has been rendered vacant by the destruction of so many of the old European Empires and the passing away of the old European order. And the League should be put into the very forefront of the programme of the Peace Conference, and be made the point of departure for the solution of many of the grave problems with which it will be confronted.

To my mind the world is ripe for the greatest step forward ever made in the government of man. And I hope this brief account of the League will assist the public to realise how great an advance is possible to-day as a direct result of the immeasurable sacrifices of this war.

If that advance is not made, this war will, from the most essential point of view, have been fought in vain. And greater calamities will follow.

J. C. S.

16th December, 1918.
A.—THE POSITION AND POWERS OF THE LEAGUE

During this war a great deal of attention has been given to the idea of a League of Nations as a means of preventing future wars. The discussion of the subject has proceeded almost entirely from that one point of view, and as most people are rather sceptical of the possibility of preventing wars altogether the League has only too often been looked upon as Utopian, as an impracticable ideal not likely to be realised while human nature remains what it is. Quite recently the practice of the Allies in controlling and rationing food, shipping, coal, munitions, etc., for common purposes through the machinery of Inter-Allied Councils has led to the idea that in future a League of Nations might be similarly used for the common economic needs of the nations belonging to the League—at any rate for the control of articles of food or raw materials or transport in respect of which there will be a shortage. In other words the economic functions of the League would not be confined to the prevention of wars or the punishment of an unauthorised belligerent, but would be extended to the domain of ordinary peace-
ful intercourse between the members of the League. And it was especially argued that during the period of economic reconstruction following the war, when there would be a shortage of several essential articles, the League would be the proper authority for rationing States in respect of such articles. That, generally speaking, was the utmost extent to which the idea of the League of Nations was thought to be applicable.

An attempt will be made in this sketch to give an essential extension to the functions of the League; indeed to look upon the League from a very different point of view, to view it not only as a possible means for preventing future wars, but much more as a great organ of the ordinary peaceful life of civilisation, as the foundation of the new international system which will be erected on the ruins of this war, and as the starting-point from which the peace arrangements of the forthcoming Conference should be made. Such an orientation of the idea seems to me necessary if the League is to become a permanent part of our international machinery. "It is not sufficient for the League merely to be a sort of deus ex machina, called in in very grave emergencies when the spectre of war appears; if it is to last, it must be much more. It must become part and parcel of the common international life of States, it must be an ever visible, living, working organ of the polity of civilisation. It must function so strongly in the ordinary peaceful intercourse of States that it becomes irresistible in their disputes; its peace activity must be the foundation and guarantee of its war power. How would it be possible to build the League so closely into the fabric of our international system?"
I would put the position broadly as follows: The process of civilisation has always been towards the League of Nations. The grouping or fusion of tribes into a national State is not a case in point. But the political movement has often gone beyond that. The national State has too often been the exception. Nations in their march to power tend to pass the purely national bounds; hence arise the Empires which embrace various nations, sometimes related in blood and institutions, sometimes again different in race and hostile in temperament. In a rudimentary way all such composite Empires of the past were leagues of nations, keeping the peace among the constituent nations, but unfortunately doing so not on the basis of freedom but of repression. Usually one dominant nation in the group overcame, coerced, and kept the rest under. The principle of nationality became over-strained and over-developed, and nourished itself by exploiting other weaker nationalities. Nationality over-grown became Imperialism, and the Empire led a troubled existence on the ruin of the freedom of its constituent nations. That was the evil of the system; but with however much friction and oppression the peace was usually kept among the nations falling within the Empire. These empires have all broken down, and to-day the British Commonwealth of Nations remains the only embryo league of nations because it is based on the true principles of national freedom and political decentralisation.

Such was the political system of modern Europe right up to the early decades of the twentieth century. The nations of Continental Europe were mostly grouped into certain Empires which were small
leagues of nations, keeping the peace among their constituents and incidentally robbing them of their liberties. Leaving aside France and Italy as national States, Russia, Austria, and Turkey were composite Empires, embracing the most heterogeneous races and peoples, while the German Empire was predominantly national with certain minor accretions from other races. The war has wrought a fundamental change and re-cast the political map of Europe. Three of these Empires have already disappeared, while Germany, even if she survives the storms of the coming days, will certainly lose her subject races of non-German blood.

The attempt to form empires or leagues of nations on the basis of inequality and the bondage and oppression of the smaller national units has failed, and the work has to be done all over again on a new basis and an enormous scale. The vast elemental forces liberated by this war, even more than the war itself, have been responsible for this great change. In the place of the great Empires we find the map of Europe now dotted with small nations, embryo states, derelict territories. Europe has been reduced to its original atoms. For the moment its political structure, the costly result of so many centuries of effort, has disappeared. But that state of affairs must be looked upon as temporary. The creative process in the political movement of humanity cannot be paralysed; the materials lie ready for a new reconstructive task, to which, let us hope, the courage and genius of Western civilisation will prove equal. Adapting the great lines of Browning, one may describe Europe as lapsing to
"That sad, obscure, anarchic state
Where God unmakes but to re-make the world
He else made first in vain, which must not be."

The question is, what new political form shall be given to these elements of our European civilisation? On the answer to that question depends the future of Europe and of the world. My broad contention is that the smaller, embryonic, unsuccessful leagues of nations have been swept away, not to leave an empty house for national individualism or anarchy, but for a larger and better League of Nations. Europe is being liquidated, and the League of Nations must be the heir to this great estate. The peoples left behind by the decomposition of Russia, Austria, and Turkey are mostly untrained politically; many of them are either incapable of or deficient in power of self-government; they are mostly destitute and will require much nursing towards economic and political independence. If there is going to be a scramble among the victors for this loot, the future of Europe must indeed be despaired of. The application of the spoils system at this most solemn juncture in the history of the world, a repartition of Europe at a moment when Europe is bleeding at every pore as a result of partitions less than half a century old, would indeed be incorrigible madness on the part of rulers, and enough to drive the torn and broken peoples of the world to that despair of the State which is the motive power behind Russian Bolshevism. Surely the only statesmanlike course is to make the League of Nations the reversionary in the broadest sense of these Empires. In this débâcle of the old Europe the League of Nations is no longer an outsider or stranger, but the natural
master of the house. It becomes naturally and obviously the solvent for a problem which no other means will solve.

As a programme for the forthcoming Peace Conference I would therefore begin by making two recommendations:

(1) That in the vast multiplicity of territorial, economic and other problems with which the Conference will find itself confronted it should look upon the setting up of a League of Nations as its primary and basic task, and as supplying the necessary organ by means of which most of those problems can find their only stable solution. Indeed, the Conference should regard itself as the first or preliminary meeting of the League, intended to work out its organisation, functions, and programme.

(2) That, so far at any rate as the peoples and territories formerly belonging to Russia, Austria-Hungary and Turkey are concerned, the League of Nations should be considered as the reversionary in the most general sense and as clothed with the right of ultimate disposal in accordance with certain fundamental principles. Reversion to the League of Nations should be substituted for any policy of national annexation.

What are these fundamental principles which must guide the League in its territorial policy as the general heir or successor of the defunct Empires? They have been summed up for the last two years in the general formula of "No annexations, and the self-determination of nations." There is no doubt
that behind them is a profound feeling throughout the masses of the European peoples, and any violation of them will meet with stern retribution. It is for the statesmen of Europe to give political form and expression to this deep feeling. I know that these statesmen will be confronted in their colossal task with conflicting considerations. On the one hand they will be greatly tempted to use their unique opportunity for the aggrandisement of their own peoples and countries. Have they not fought and suffered on an unparalleled scale? And must they quixotically throw away the fruits of victory now that the great opportunity has come? They are now in the position to mould the world closer to their heart’s desire; why miss the chance which may never come again in history? That is the voice of the Tempter pointing to a fair prospect. On the other hand that prospect lies beyond a very deep abyss, and only the most callous and foolhardy political gambler will be prepared for the jump. The horrors and sufferings of this war have produced a temper in the peoples which must be reckoned with as the fundamental fact of the political situation in Europe to-day. The feeling of grief, bitterness, disillusion, despair goes very deep; even in the victorious Entente countries that feeling goes much deeper than the more superficial feeling of joy at the final result. How could it be otherwise? The prolonged horror through which all have passed is a far more real, abiding and fundamental experience than the momentary joy at the end. What has reconciled our Entente peoples to the burdens they were enduring? It was their consciousness of right and their vague hope of a better, fairer world to come
which would justify their sacrifices. But if that prospect is rudely blotted out; if the peace really comes, not in the settlement of universal human principles and the dawning of a better order, but in a return of the old policy of grab and greed and partitions, then the bitterness of the disillusion would indeed be complete. Our victory would then become bitterer than Dead Sea fruit. The German battle-front collapsed all the more readily before Foch because the scandalous Brest-Litovsk Treaty had thoroughly disillusioned and demoralised the German home-front. Let Entente statesmen beware of similarly wounding the spirit of their peoples by a peace which gives the final death-blow to their hopes of a better world. For the common people in all lands this war has, however vaguely and dimly, been a war of ideals, a spiritual war. Let not that faith be shattered at the peace. Let the peace be founded in human ideals, in principles of freedom and equality, and in institutions which will for the future guarantee those principles against wanton assault. Only such a peace would be statesmanlike and assure lasting victory. Any other might open the fountains of the deep and overwhelm victor and vanquished alike in the coming flood.

So far I have referred only to territories and peoples split off from Russia, Austria and Turkey. The case of Germany stands on a different footing which is clearly distinguishable in principle. In the first place, if Alsace-Lorraine is annexed to France, that would be a case of disannexation, as it has been put; that is to say, it is a case of restoring to France what was violently and wrongfully taken from her in 1871, against the protests not only of
France, but of the population of Alsace-Lorraine speaking through their elected representatives. It is a *restitutio in integrum* on moral and legal grounds, and only in a secondary or consequential sense a territorial annexation. Its restitution to France would therefore satisfy, instead of violating, the moral sense of the world.

In the second place, the German colonies in the Pacific and Africa are inhabited by barbarians, who not only cannot possibly govern themselves, but to whom it would be impracticable to apply any ideas of political self-determination in the European sense. They might be consulted as to whether they want their German masters back, but the result would be so much a foregone conclusion that the consultation would be quite superfluous. The disposal of these Colonies should be decided on the principles which President Wilson has laid down in the fifth of his celebrated Fourteen Points. It is admitted that, like Alsace-Lorraine, this is a special case falling outside the scope of the principles applicable to the European and Asiatic communities we are here discussing. For these reasons I restrict the following general recommendation to the peoples and territories formerly belonging to Russia, Austria and Turkey:

(3) These principles are: firstly, that there shall be no annexation of any of these territories to any of the victorious Powers, and secondly, that in the future government of these territories and peoples the rule of self-determination, or the consent of the governed to their form of government, shall be fairly and reasonably applied.
When these territories and peoples come to be considered individually it will be found that their conditions for self-determination, autonomy, or self-government vary very considerably. Take, in the first place, the cases of Finland, Poland, Czecho-Slovakia and Jugo-Slavia as instances. They will probably be found sufficiently capable of statehood to be recognised as independent States of the usual type from the beginning. Take again, in the second place, the Transcaucasian or Transcaspian provinces of Russia. It will probably be found that they are as yet deficient in the qualities of statehood and that, whereas they are perhaps capable of internal autonomy, they will in one degree or another require the guiding hand of some external authority to steady their administration. In all these cases the peoples concerned are perhaps sufficiently homogeneous and developed to govern themselves subject to some degree or other of external assistance and control. This will probably be found to be the case also of Upper and Lower Mesopotamia, Lebanon and Syria. Although I mention these ex-Turkish territories together as capable of autonomy but not of complete statehood, it must be clearly understood that there is a great deal of variation among them in this respect. At the one end a territory may be found barely capable of autonomy, at the other end the approach to complete statehood is very close. Mesopotamia would probably be a case of the former kind; Syria of the latter.

In the third place, there will be found cases where, owing chiefly to the heterogeneous character of the population and their incapacity for administrative co-operation, autonomy in any real sense would be
out of the question, and the administration would have to be undertaken to a very large extent by some external authority. This would be the case, at any rate for some time to come, in Palestine, where the administrative co-operation of the Jewish minority and Arab majority would not be forthcoming; and in the Armenian Vilayets, where Armenian, Turkish and Kurdish populations co-exist in historic enmity, and even the policing of the country would have to be undertaken by some external authority.

In all the above and similar cases where the assistance and control of an external authority is necessary to supplement the local autonomy of the territories in question, that external authority should be the League of Nations in accordance with the second proposition above. No State should make use of the helpless or weak condition of any of these territories in order to exploit them for its own purposes or acquire rights over them in the manner which has hitherto been a fruitful source of trouble and war. This may be summed up in the following recommendation:

(4) That any authority, control, or administration which may be necessary in respect of these territories and peoples, other than their own self-determined autonomy, shall be the exclusive function of and shall be vested in the League of Nations and exercised by or on behalf of it.

How is the League to provide this authority or administration? It will itself be a conference consisting of representatives of States. Any authority
or administration directly exercised by it will, therefore, be of a joint international character.

Now, joint international administration, in so far as it has been applied to territories or peoples, has been found wanting wherever it has been tried. It has worked fairly well in international business arrangements of a limited scope, such as postal arrangements, the Danube Commission, and similar cases. But in those few cases where it has been tried in respect of peoples or territories it has not been a success. The administering personnel taken from different nations do not work smoothly or loyally together; the inhabitants of the territory administered are either confused, or, if they are sufficiently developed, make use of these differences by playing one set of nationals off against the other. In any case the result is paralysis tempered by intrigue. It may be safely asserted that if the League of Nations attempts too soon to administer any people or territory directly through an international personnel, it will run a very serious risk of discrediting itself. It will have to gain much more experience in its novel functions and will have to train big staffs to look at things from a large human instead of a national point of view; it will have to train its officials taken from various nationalities to work loyally together irrespective of their national interests; it will have to do these and many other things before it could successfully undertake a task requiring fundamental unity of aims, methods, and spirit, such as the administration of an undeveloped or partly developed people. The League may make experiments in some more or less favourable cases in order to gain experience, but further I would not
advise it to go at the beginning. The only successful administration of undeveloped or subject peoples has been carried on by States with long experience for the purpose and staffs whose training and singleness of mind fit them for so difficult and special a task. If serious mistakes are to be prevented and the League is to avoid discrediting itself before public opinion, it will have to begin its novel administrative task by making use of the administrative organisation of individual States for the purpose. That is to say, where an autonomous people or territory requires a measure of administrative assistance, advice or control, the League should as a rule meet the case not by the direct appointment of international officials but by nominating a particular State to act for and on behalf of it in the matter, so that, subject to the supervision and ultimate control of the League, the appointment of the necessary officials and the carrying on of the necessary administration should be done by this mandatory State.

Here, too, the principle of self-determination should be applied as far as possible. No mandatory State ought to be appointed by the League in respect of a people or territory without the consultation of the latter in such ways as the League may consider fair and reasonable. It will be for such people or territory not only to determine generally on the form of its internal self-government, but also on the State from which it will receive such external assistance as may be necessary in its government. The Republic of Georgia, for instance, will as an autonomous State not only settle on its own form of government, but will also indicate to the League from what outside sources it wants additional assistance,
and the League will see in how far it is possible to comply with its wishes. In no case ought it to thrust on Georgia or any other territory the outside help of any mandatory unwelcome to it. It is possible that Georgia may after a trial of some mandatory become dissatisfied with the latter for reasons which the League may consider good and sufficient, and in such a case it may consider the appointment of some more suitable mandatory if one could be found.

In practice it will probably happen that in most cases the mandatory State in respect of any people or territory will be chosen by the latter on historic grounds. In the case of most peoples not yet risen to complete statehood there is some Power which has in the past taken an active interest in their affairs and development. Where such interest has been not merely of a selfish character, old ties of acquaintance or friendship will largely determine the new connection under the regime of the League. Where, on the other hand, the Power has rendered itself obnoxious or odious by its behaviour in the past it could scarcely expect to be nominated as the mandatory State. In such cases, too, the only safe and sound principle for the League to hold on to is that of the self-determination of the autonomous State.

There will however be cases, such as Palestine and Armenia, where for reasons above referred to an autonomous regime cannot be adopted at the start, and where the consultation of the country on the question of its mandatory State is therefore not formally possible. Even in such cases the League will, as far as possible, follow the trend of
popular wishes, and not attempt to foist on the population an unwelcome mandatory.

I sum up this discussion in the following recommendation:

(5) That it shall be lawful for the League of Nations to delegate its authority, control, or administration in respect of any people or territory to some other State whom it may appoint as its agent or mandatory, but that wherever possible the agent or mandatory so appointed shall be nominated or approved by the autonomous people or territory.

The delegation of certain powers to the mandatory State must not, however, be looked upon as in any way impairing the ultimate authority and control of the League, or as conferring on the mandatory general powers of interference over the affairs of the territory affected. For this purpose it is important that in each such case of mandate the League should issue a special Act or Charter, clearly setting forth the policy which the mandatory will have to follow in that territory. This policy must necessarily vary from case to case, according to the development, administrative or police capacity, and homogeneous character of the people concerned. The mandatory State should look upon its position as a great trust and honour, not as an office of profit or a position of private advantage for it or its nationals. And in case of any flagrant and prolonged abuse of this trust the population concerned should be able to appeal for redress to the League, who should in a proper case assert its authority to the full, even to the extent of removing
the mandate, and entrusting it to some other State, if necessary. No pegging-out of claims should be allowed under the guise of the mandate. And by keeping in touch with the affairs of the territories concerned through proper liaison, the League should satisfy itself that its mandates are being carried out fairly and properly. It might also call for periodic reports from the mandatory State. I therefore make the following recommendation:

(6) That the degree of authority, control, or administration exercised by the mandatory State shall in each case be laid down by the League in a special Act or Charter, which shall reserve to it complete power of ultimate control and supervision, as well as the right of appeal to it from the territory or people affected against any gross breach of the mandate by the mandatory State.

It must be part of this suggested scheme of mandatory control that the mandatory shall in no case adopt an economic or military policy which will lead to its special national advantage. In fact, for all territories which are not completely independent States the policy of the open door, or equal economic opportunity for all, must be laid down. In this way a fruitful source of rivalry and friction between the Powers will be removed. Provision must also be made that no military forces shall be formed or trained in such territories beyond what the League should lay down as necessary for purposes of internal police. This will prevent the mandatory State from trying to augment its military resources from the manhood of the territory affected.
And in respect of all such territories the League must be responsible, directly or through the mandatory, for the maintenance of external peace. I sum up as follows:

(7) That the mandatory State shall in each case be bound to maintain the policy of the open door, or equal economic opportunity for all, and shall form no military forces beyond the standard laid down by the League for purposes of internal police.

In fact, I would be prepared to go further, and to submit for consideration that this non-military policy should be applied to all independent States arising from the break-up of the old European system. If we are deliberately deciding in favour of a peaceful regime for the future, it seems to me a fair proposition that all newly-arising States shall conform to the new order of ideas, and shall agree, as a condition of their recognition and admission into the League of Nations, to raise no military forces and collect no armaments beyond what the League may lay down as reasonable in their case. The result will be that militarism will be scotched ab initio in the case of all new States, and a vast impetus will be given to the peace movement all over the world. In such case it will also be much easier for the older States and Powers to adopt a policy of disarmament and reduction of military forces, and the new peaceful policy will become identified with the very constitution of the new order of things. Practically all the independent States arising from the decomposition of Russia, Austria, Turkey, and, perhaps, even Germany,
will then have to adopt the new policy, and thereby help to entrench peace in the new political system of Europe. It is an idea which seems to me well worthy of our consideration, as more likely to preserve peace than more ambitious measures adopted to keep well-armed and militarily equipped States from coming to blows. I therefore recommend:

(8) That no new State arising from the old Empires be recognised or admitted into the League unless on condition that its military forces and armaments shall conform to a standard laid down by the League in respect of it from time to time.

I have said that the Acts or Charters by which mandataries will be appointed should be given by the League of Nations. It must, however, be borne in mind that all the original arrangements of this kind may have to be made by the Peace Conference before the League of Nations is formally constituted. It will, therefore, in all probability be necessary for the Conference itself to issue these first Acts, doing so in its capacity as the preliminary or preparatory session of the League of Nations. And, in general, it may be found necessary for the Conference, as the first session of the League, to lay down the general principles or lines on which the peace settlements are to be effected, and to leave the working out of the details, not to another Peace Conference, but to the League of Nations. In this way the continuity between the Conference and the League will be duly marked.

So far, I have been discussing the cases of territories which will probably require some degree of
internal administrative assistance or control, which it would be difficult for the League to supply at the beginning, and which would have to be made good from the resources of the existing States or Powers. There remains another more general problem to consider. Many of the States which will arise from the break-up of the Empires will be able to look after their own affairs as new independent States, and will not require any administrative assistance or control. Any questions arising out of their origin and existence will be dealt with by the League itself without delegation to individual Powers. A gigantic task will thereby be imposed on the League as the successor of the Empires. The animosities and rivalries among the independent Balkan States in the past, which kept that pot boiling, and occasionally boiling over, will serve to remind us that there is the risk of a similar state of affairs arising on a much larger scale in the new Europe, covered as it will be with small independent States. In the past the Empires kept the peace among their rival nationalities; the League will have to keep the peace among the new States formed from these nationalities. That will impose a task of constant and vigilant supervision on it. The nationalities of Europe are, in many cases, animated by historic hostility to one another, the tendency will be for them to fly at one another's throats on very slight provocation, and we have had sad experience of the danger of a general conflagration which arises from these local outbursts. It is important to bear in mind that but for the active control of the League, the danger of future wars will be actually greater, because of the multi-
tudinous discordant States now arisen or arising. In this and many other respects the League will have a very real role to play as the successor to the Empires. It will have to deal in advance with all the numerous sources of trouble and friction which will continue to exist among the small independent nations. Without unnecessary or undue interference in their internal affairs, it will have to watch over their relations *inter se*, and any internal conditions or situations which will directly affect those relations. I therefore make the following recommendation:

(9) That, as the successor to the Empires, the League of Nations will directly and without power of delegation watch over the relations *inter se* of the new independent States arising from the break-up of those Empires, and will regard as a very special task the duty of conciliating and composing differences between them with a view to the maintenance of good order and general peace.

It is not improbable that this supervision of the new European States will impose the heaviest task of all on the League of Nations, at any rate for this generation. But it will have to be performed efficiently, as there is little doubt that the old historic feuds surviving among the European nationalities may easily become a fruitful source of future danger. If the League is ever to be a reality, it will have to succeed in this great task. And it will succeed, if it takes itself seriously and looks upon itself, not as a merely nominal, but as a real live active heir to the former Empires, and is determined to discharge
the duties of the great beneficent position which has devolved upon it as supreme guardian of the peace interests of humanity.

I have now made a general sketch of the functions which will devolve upon the League of Nations in its capacity as the successor to the defunct Empires, and of the general lines on which it may have to proceed in dealing with the great territorial questions which must arise from the break-up of those Empires. These functions are quite apart from the more difficult question of the maintenance of future world-peace, and seem to me to flow quite naturally and inevitably out of the situation of Europe at the end of the war. An organisation like the League of Nations is imperatively needed to deal with that situation. Europe requires a liquidator or trustee of the bankrupt estate, and only a body like the League could adequately perform that gigantic task.

I am very conscious of the grave defects of the programme for a League of Nations here sketched. But my object is not to produce a complete scheme. That would be a vain and impossible task. My object is to sketch a scheme which will be workable in practice and which, while preventing a scramble among the Powers for loot, will not be so far in advance of the existing political practice of Europe as to make cautious statesmen reject it at once. My object further is to base that scheme on the recognition of the principles which I consider vital. A modest beginning on the right basis and on the right principles will enable the future to give full development of form and substance to the whole system. The vital principles are: the principle of nationality involving the ideas of political free-
dom and equality; the principle of autonomy, which is the principle of nationality extended to peoples not yet capable of complete independent statehood; the principle of political decentralisation, which will prevent the powerful nationality from swallowing the weak autonomy as has so often happened in the now defunct European Empires; and finally an institution like the League of Nations, which will give stability to that decentralisation and thereby guarantee the weak against the strong. The only compromise I make, and make partly to conciliate the great Powers and partly in view of the administrative inexperience of the League at the beginning, is the concession that, subject to the authority and control of the League, which I mean to be real and effective, suitable Powers may be appointed to act as mandataries of the League in the more backward peoples and areas. That compromise will, I hope, prove to be only a temporary expedient.

Any one who is conversant with the political conditions of the areas affected by the war will be able to form some approximate picture of how this system of a League of Nations will work in practice. The European Empires will all have disappeared; Germany will have become a truly federal democratic State from which the non-German subject peoples will have been disannexed and reunited to their parent peoples. New sovereign States, such as Finland, Poland, Bohemia and Greater Serbia, will have arisen under the ægis of the League. A large number of autonomous States will have arisen, no longer oppressed by their neighbours, but befriended, advised, and assisted in varying degree by individual
great States. A smaller number of areas will be directly administered by some or other of the Powers. Over all would be the League as a real live controlling authority, seeing that its mandates or charters are fairly carried out, that there is no oppression of small racial minorities in the larger autonomies or administrations, and that the guarantee of the open economic door and of a peaceful policy in all less developed areas gives no reason for bitterness or rivalry among the great States. I believe such a system is workable, and in its working will remove the most fruitful sources of war and thus in itself prove a guarantee of world-peace, apart from special measures taken to that end.

It was stated above that the British Empire was the nearest approach to the League of Nations. It would be interesting to compare the functions here ascribed to the League to the working arrangements of the British Empire. In the first place, in both cases the ultimate authority of common action is a conference of the principal constituent States. In the British Empire the common policy is laid down at conferences of the Imperial Cabinet, representing the United Kingdom, the Dominions and India, while executive action is taken by the individual Governments of the Empire. In the second place, the minor constituents of the Empire, consisting of Crown Colonies, Protectorates and Territories, are not represented directly at the Imperial Cabinet, but are administered or looked after by the individual principal constituent States referred to, just as it is here proposed that the Powers should under the League look after the autonomous undeveloped territories. In the third place, the economic policy
of the open door and the non-military police policy here advocated for these autonomous or undeveloped territories are in vogue in the analogous British Crown Colonies, Protectorates and Territories. It is therefore clear that the broad features of the two systems would closely resemble each other. And it is suggested that where the British Empire has been so eminently successful as a political system, the League, working on somewhat similar lines, could not fail to achieve a reasonable measure of success. The principal difference between the two would be that whereas peace in the British Empire is ensured by a common allegiance, in the League it would have to be elaborately provided for by special arrangements.

B.—THE CONSTITUTION OF THE LEAGUE

So far I have not yet referred to any functions and powers of the League of Nations in respect of the old established States or Powers. I have been concerned with it solely from the point of view of the defunct European Empires. I have advocated the view that the League should occupy the vacant place left by the disappearance of those Empires. The greatest opportunity in history would be met by the greatest step forward in the government of man. On the debris of the old dead world would be built at once the enduring Temple of future world-government. The new creative peace world would come to us, not as a fleeting visitant from some other clime, but out of the very ruins of our own dead past. In that way the most exalted position and the most responsible and beneficent functions would be
entrusted to the new organ of world-government. Its position and its powers would be assured. And there would be a reasonable chance that it would carry out its almost superhuman task of maintaining world peace. The only question is whether it would work, whether it would be successful in its functioning. And that would depend largely on the constitution given to it. I therefore pass on to consider the Constitution of the League.

Now in discussing a problem like the Constitution of the League of Nations we must be careful not to set too much store on past precedents. Our problem is gigantic and entirely novel; its solution will depend, not so much on following precedents never meant for such a novel and complex situation, but in boldly facing that situation and, if need be, creating a new precedent to meet it. The grand success of the British Empire depends not on its having followed any constitutional precedent of the past but on having met a new situation in history with a new creation in law; and as a matter of fact the new constitutional system grew empirically and organically out of the practical necessities of the colonial situation. So it will have to be here. And above all let us avoid cut-and-dried schemes meant as a complete, definitive, and final solution of our problem. Let us remember that we are only asked to make a beginning, so long as that beginning is in the right direction; that great works are not made but grow; and that our Constitution should avoid all rigidity, should be elastic and capable of growth, expansion, and adaptation to the needs which the new organ of government will have to meet in the process of the years. Above all it must be practical
and be so devised as to be a real working organ of government.

And from this point of view let us proceed at once to discard the idea of a super-State which is in the minds of some people. No new super-sovereign is wanted in the new world now arising. States will here be controlled not by compulsion from above but by consent from below. Government by consent of the governed is our formula. The old Empires were ruined by their theories of sovereignty, which meant centralisation, absorption and denationalisation of the weaker national constituents of the population. The great League of Nations, like the lesser league already existing in the British Empire, will have to avoid the old legal concepts of Imperialism in the new world of Freedom. We shall likewise have to abandon all ideas of federation or confederation as inapplicable to the case, and not likely to be agreed to by any of the existing Sovereign States. We are inevitably driven to the Conference system now in vogue in the constitutional practice of the British Empire, although it will necessarily have to be applied with very considerable modifications to the complex world conditions obtaining under the League.

But while we avoid the super-sovereign at the one end, we must be equally careful to avoid the mere ineffective debating society at the other end. The new situation does not call for a new talking shop. We want an instrument of government which, however much talk is put into it at the one end, will grind out decisions at the other end. We want a League which will be real, practical, effective as a system of world-government. The scheme which I
have seen and which brings representatives of all the independent States of the world together in one conference to discuss the most thorny of all subjects and requires that their decisions to be binding must be unanimous is from that point of view not worth discussion. It means that there never will be any decision issuing from the League; that nobody will take the League seriously; that it will not even serve as camouflage; that it will soon be dead and buried, leaving the world worse than it found it.

In endeavouring to find a workable constitution for the League let us, even at the risk of appearing pedantic, begin at the beginning. Government, like thought or mathematics or physical science, rests on certain fundamental unalterable forms, categories, or laws, which any successful scheme must conform to. The division of government into legislation, administration and justice is fundamental in this sense, and should be adhered to by us in devising this new system of world-government. And we proceed to consider what special forms our Legislature, Administration, and Judicature will take under a system where the constituents will not be citizens but States.

We are, in the first place, called upon to decide what we mean by equality in the new system. Will the United States of America count for as much and the same as Guatemala? The question is crucial.

The League will include a few great Powers, a larger number of medium or intermediate States, and a very large number of small States. If in the councils of the League they are all to count and vote as of equal value, the few Powers may be at the mercy of the great majority of small States. It
is quite certain that no great Power will willingly run such a risk by entering a League in which all have equal voting power. Will Great Britain be prepared to put her Fleet at the mercy of a majority vote of all the other States who are members of the League? The question need only be put to see what the answer must necessarily be. The League is therefore in this dilemma, that if its votes have to be unanimous, the League will be unworkable; and if they are decided by a majority, the great Powers will not enter it; and yet if they keep out of it they wreck the whole scheme. Clearly neither unanimity nor mere majority will do. Neither will it do to assess and assign different values to the States who are members of the League. If Guatemala counts as one, what value shall be given to the United States of America? Will it be 5, or 10, or 100, or 1,000? Will the valuation proceed on the basis of wealth or population or territory? And if either of the last two bases is adopted, what about the Powers who have millions of barbarian subjects, or millions of square miles of desert territory? On the basis of population China may be the most influential member of the League; on the basis of wealth the U.S.A. will have first place; while on the basis of territory the British Empire will easily rank first. But clearly there is no good reason to be assigned in favour of any basis of valuation, and the principle of values will not help us at all. We therefore proceed to look for some other solution of our difficulty.

The general outlines of the scheme to be adopted seem fairly clear. There will have to be a General Conference or congress of all the constituent States,
which will partake of the character of a Parliament, in which public debates of general international interest will take place. In this body all the States may be considered equal and should vote as States, whatever the number of representatives a State may, subject to the rules of the Conference, have delegated to that body. Besides the Conference there will have to be a small body called the Council of the League, which will be the executive and carry on the ordinary administration of the League.

The functions of the General Conference will have to be carefully chosen so as to make it a useful body and to prevent it from being looked upon, on the one hand as a futile debating society, and on the other as a dangerous body whose debates are likely to inflame the slumbering passions of the national populations. I would suggest that the initiative for the work of the Conference should be left as much as possible to the Council. That work will consist mostly of the following: (a) General resolutions submitted by the Council for discussion in the Conference which, when passed, will have the effect of recommendations to the national Parliaments, and have no binding legislative character; (b) general measures or codes of an international character dealing with questions like disarmament or world-peace or rules of international law which have been adopted by the Council and which they desire to have publicly discussed in the Conference before being passed on for the approval of the national governments; (c) discussion of the reports of the various international administrative committees or commissions working under the Council to be referred to later. It will be noticed that in all
cases the resolutions of the Conference will only have the force of recommendations. Even so, however, the Conference may be a most useful body and may become a most powerful and influential factor in moulding international public opinion. The League will never be a great success until there is formed as its main support a powerful international public opinion. With that public opinion behind it, it may go confidently forward with its great tasks; deprived of that support all its power for good will be neutralised and nullified. It is therefore essential that it should create a favourable international atmosphere for its work, that an organised public opinion should be formed in favour of the League and its activities. The enlightened public all over the world will have to be taught to think internationally, to look at public affairs, not merely from the sectional national point of view, but also from a broad human international point of view. And the debates periodically taking place in the General Conference might well become of immense importance in this great task of forming and educating a strong body of international opinion behind and in support of the League and its work. For the first time in history people will hear great subjects discussed on an international platform, and the narrow national influence of the local Parliament and still more the local press will gradually be neutralised, and a broader opinion and spirit will be fostered.

The representation of the States on such a Conference should be viewed largely from this point of view of favourably influencing and educating public opinion in all constituent countries. The Powers
should not grudge strong representation to League smaller States as in any case the resolutions should only be in the nature of recommendations to national Parliaments. Both the Governments and Parliaments of the States might send delegates, and perhaps even parties could be represented by the selection of members on the principle of proportional representation.

The resolutions to be brought up for discussion in the Conference should be carefully selected by the Council on the principle of avoiding those contentious issues on which national passions are easily inflamed. If wisely guided, both in the choice of subjects for discussion, and by the participation of great international statesmen in the debates, I see no reason why this Conference may not become a really useful organ of the League, especially in its educative influence on public opinion.

The real work of the League will, however, be done by its Council whose constitution and powers ought therefore to be very carefully considered. This Council would have to be a comparatively small body, as it is not possible to have executive action taken and most difficult contentious administrative work done through a large body. How is its membership to be fixed?

In the first place, the great Powers will have to be permanent members of it. Thus the British Empire, France, Italy, the U.S.A. and Japan will be permanent members, to whom Germany will be added as soon as she has a stable democratic Government. To these permanent members I would suggest that four additional members be added in rotation from two panels, one panel comprising the important
Powers below the rank of great Powers, such as Spain, Hungary, Turkey, Central Russia, Poland, Greater Serbia, etc., and the other panel comprising all the minor States who are members of the League. Each panel will provide two members, who will be selected from it in rotation according to rules to be laid down in the first instance by the permanent members, who will also fix the two original panels. The Council will therefore have nine or ten members according as Germany is or is not a stable democratic great Power in future.

The advantage of this constitution is that the great Powers obtain a majority—although only a bare majority—representation on the Council and could not therefore complain that their interests run the risk of being swamped by the multiplicity of small States. On the other hand the intermediate and minor States receive a very substantial representation on the League, and could not complain that they are at the mercy of the great Powers.

It is also well worthy of consideration whether permanent representation should not be given to large groups of small States formed for the purpose. Thus all the important States of South America might desire to form a group for purposes of representation on the Council. Or a similar group might be formed by all the Balkan and South Slav States, or another by the small States of Northern Europe. The group would always have a representative on the Council, but the representation would go in rotation among a panel of important members of the group to be settled by the Council. The size of the Council would then become somewhat larger, but the advantages of such group representation
may in the long run further the ends of the League very much, and the groups might become useful for other purposes besides representation. The subject of such groups could be discussed by the General Conference and settled subject to the concurrence of the Council. As a further safeguard for the great Powers and small States alike, it might be laid down that no resolution of the Council will be valid if a minority of three or more members vote against it; in other words, more than a two-thirds majority will be required to pass any resolution in the Council. This limitation will prevent the Council from passing a resolution against which there is a strong feeling while it will not, I hope, substantially impair the working efficiency of the Council. Should a step considered necessary by the majority be vetoed by a minority of three or more, nothing will be left but for the Powers to negotiate among themselves in regard to the removal of the deadlock, and with a certain amount of goodwill a way out will generally be found.

The Powers represented on the Council should send to it representatives of the highest standing and authority. These representatives should be the Prime Ministers or Foreign Secretaries, who, however, should have the right of appointing *locum tenentes*. The constitution of the Council is that of a conference of governments, each preserving its own independence and responsible for its own people. As far as possible the working arrangements should follow the practice so successfully inaugurated at the Versailles Conferences of Prime Ministers in connection with the Supreme War Council. And for the successful working of the
Council government representatives of the highest standing and authority will be necessary. On really important occasions either the Prime Ministers or the Foreign Secretaries should, whenever possible, attend personally. And, in any case, they should attend one annual meeting at which there should be a free and frank interchange of views and a review of the general policies of the Council. It should also be the invariable practice to call in to consultation any State not represented on the Council whose interests are directly affected by any decision proposed to be taken by the Council. If the most important leaders in the Governments of the Powers attend the sittings of the Council as often as possible, and proper consultation of others interested takes place, the Council cannot fail to command the highest prestige and authority, and to become the Executive Committee of the whole body of Sovereign States in their international relations and activities. The more confidence it commands, the less will be the inclination among the Powers to enter into private intrigues or understandings apart from the regular machinery of the Council, and the smoother will become the working of the new system of world-government.

It would be most important to secure as much publicity for the work of the Council as possible, and to this end it would be advisable to issue official statements of its proceedings and resolutions, and any other information which is not of a confidential nature. Secret diplomacy should as much as possible be avoided, as one of the causes of wars. The publication of the voting in the Council on matters involving the peace of the world might
operate as a most salutary check on the clandestine ambitions of statesmen, and might, by exposing their game before the world, assist to mobilise public opinion even in their own countries against them.

In its business arrangements the Council will follow largely the precedent of the Versailles Council of Prime Ministers. It will institute a permanent Secretariat and Staff, which will keep the minutes and records of the Council, conduct all correspondence of the Council, and make all necessary arrangements in the intervals between the meetings of the Council. It will create the machinery necessary to carry out the functions which have been assigned to the League in Section A. Joint Committees will have to study the conditions in those countries which are committed to the charge of the League as successor to the defunct Empires. Close liaison will have to be maintained with the Foreign Offices of all the constituent countries, as well as with the mandatory States who act for the League in controlled or administered areas. Without any undue or irritating interference in the affairs of States, the Council will have to keep in touch with developing conditions in all countries under its charge, and to be in a position from first-hand information to make up its mind on those matters which require executive action by the League. It will have to pay special regard to those situations all over the world which may develop differences and troubles of a serious character between States. In fact, the Head Office organisation will have to be like that of a General Staff which studies and watches closely all conditions anywhere developing which might call for action or counsel on the part of the League.
International administrative bodies, now performing international functions in accordance with treaty arrangements, should in future be placed under the management and control of the Council. Such subjects as: Post, telegraphs, and cables (including wireless telegraphy); air traffic; extradition; copyright, patents, and trade marks; trade and sanitary regulations; statistics; weights and measures; monetary matters; navigation of rivers; private international laws; liquor traffic; slave trade; fisheries; white slave traffic—all these have been dealt with by Conferences in the past, but they can in future be better dealt with by the League, and its permanent Staff should make and control the necessary administrative arrangements.

After peace there will be a new and most important group of matters calling for the study or control of the permanent Staff. Thus the due execution of the provisions of the Peace Treaty will have to be carefully watched. New conditions of free transit by land, water, and air will become necessary, and require regulation and control by the League. Again, President Wilson has raised the two far-reaching issues of the Freedom of the Seas and the establishment of equality of trade conditions by the removal of economic barriers between members of the League. These are matters of the most complex character and ramifying deep into the existing systems of law and trade. If assented to by the other Powers their assent could at the most be only to the general principles. Both subjects will require the most careful study and detailed consideration, especially in their application to the circumstances of various countries.
No body could be better fitted for this investigation by its authority and the resources for study which it will command than the permanent Staff of the Council. Then, again, there is the vast subject of industrial conditions, involving international labour conditions, which will call for expert inquiry and statesmanlike handling by the League. All these thorny subjects will call for the appointment of expert committees or commissions on the Staff of the League which could prepare the material for a final expression of opinion by the League.

Let no one be alarmed at this formidable list of first-class difficulties which I am lavishly scattering in the path of the League. All these matters, and many more, are rapidly, unavoidably becoming subjects for international handling. Questions of industry, trade, finance, labour, transit and communications, and many others, are bursting through the national bounds and are clamouring for international solution. Water-tight compartments and partition walls between the nations and the continents have been knocked through, and the new situation calls for world-government. If the League of Nations refuses to function, some other machinery will have to be created to deal with the new problems which transcend all national limits. The task is there; all that is required is a carefully thought out form of government by which that task could be undertaken. It is a unique problem, both in its magnitude and in the benefits for the world which a successful solution will secure. We can only proceed tentatively and hope for very partial success. In that spirit the above scheme is suggested.

So far I have dealt with the first two branches
of the constitution of the League—the General Conference and the Council. There remains for consideration the third branch or Judicature. It will, however, be found more convenient to deal with that topic in the next section in connection with the preservation of future world-peace.

I would sum up the arguments of this section in the following recommendations as to the Constitution and functions of the League:

(10) The Constitution of the League will be that of a permanent Conference between the Governments of the constituent States for the purpose of joint international action in certain defined respects, and will not derogate from the independence of those States. It will consist of a General Conference, a Council, and Courts of Arbitration and Conciliation.

(11) The General Conference, in which all constituent States will have equal voting power, will meet periodically to discuss matters submitted to it by the Council. These matters will be general measures of international law or arrangements or general proposals for limitation of armaments or for securing world-peace, or any other general resolutions, the discussion of which by the Conference is desired by the Council before they are forwarded for the approval of the constituent Governments. Any resolutions passed by the Conference will have the effect of recommendations to the national Governments and Parliaments.

(12) The Council will be the executive committee of the League, and will consist of the
Prime Ministers or Foreign Secretaries or other authoritative representatives of the Great Powers, together with the representatives drawn in rotation from two panels of the Middle Powers and the Minor States respectively, in such a way that the Great Powers have a bare majority. A minority of three or more can veto any action or resolution of the Council.

(13) The Council will meet periodically, and will, in addition, hold an annual meeting of Prime Ministers or Foreign Secretaries for general interchange of views, and for a review of the general policies of the League. It will appoint a permanent Secretariat and Staff, and will appoint joint committees for the study and co-ordination of the international questions with which the Council deals, or questions likely to lead to international disputes. It will also take the necessary steps for keeping up proper liaison, not only with the Foreign Offices of the constituent Governments, but also with the authorities acting on behalf of the League in various parts of the world.

(14) Its functions will be:

(a) To take executive action or control in regard to the matters set forth in Section A or under any international arrangements or conventions;

(b) To administer and control any property of an international character, such as international waterways, rivers, straits, railways, fortifications, air stations, &c.

(c) To formulate for the approval of the Governments general measures of inter-
national law, or arrangements for limitation of armaments or promotion of world-peace.

(Its remaining functions in regard to world-peace are dealt with in the following Section C.)

C.—THE LEAGUE AND WORLD-PEACE

We come now to that part of our subject which has received most consideration and discussion during the war. The stupendous character of this tragedy has forced to the front, as the most important and vital issue before the civilised world, the question whether an end cannot be made to war, whether the resources of civilisation are not adequate to the prevention of similar calamities overwhelming and perhaps finally engulfing mankind in future. A great literature has sprung up round this question, and in this section I do not propose to do more than summarising what seems to me sound and fruitful in this literature, and especially in emphasising certain points of view which appear to me to be of capital importance.

Now it seems to me that some people expect too much from the new machinery of international Arbitration and Conciliation which emerges as the chief proposal for preventing future wars. War is a symptom of deep-seated evils: it is a disease or growth out of social and political conditions. While these conditions remain unaltered, it is vain to expect any good from new institutions superimposed on those conditions. Hence it is that I have argued
all through this discussion for an inner transformation of international conditions and institutions. If the League of Nations merely meant some new wheel to the coach, I do not think the addition worth making, nor do I think the vehicle would carry us any farther. The League must be such as to mean much more than new Councils to provide for Arbitration and Conciliation in future troubles. The new institution of peace must not be something additional, something external, superimposed on the pre-existing structure. It must be an organic change; it must be woven into the very texture of our political system. The new motif of peace must in future operate internally, constantly, inevitably from the very heart of our political organisation, and must, so to speak, flow from the nature of things political. Then, and not till then, will the impulse to war atrophy and shrivel up, and war itself stand stripped in all its horrible nakedness, and lose all the association of romance, all the atmosphere of honour, which has proved so intoxicating and irresistible in the past. That is why I am pleading for a more fundamental conception of the League, for a League whose task will not be to stem the on-coming tide with a broom, but for one which will prevent the tide from flowing at all. I hope I have shown the way to such a conception of the League; and if at this unique juncture in the fortunes of Christendom that conception, or something similar, could be translated into a real living institution, this war, with all its untold miseries for the world, will not have been in vain. I believe this war has ripened public opinion for a far-reaching change. As has been well said in an official survey of this subject:
"The experience of the present war has brought all thinking people to see that the intricate development of commercial and financial relations between all the States of the world has given to all nations a common life, and that war between any two Great Powers produces reactions more widespread and violent than anything realised before the present conflict. No war has hitherto involved so many countries at once; inflicted so many casualties upon combatants or losses on civilians; caused such devastation of land and destruction of property; imposed such comprehensive hardship on the world at large. Such limitations of space, time, and destructive energies as once restricted the evils of war have been swept away; and the magnitude of our present calamity may be expected to provoke a corresponding effort to avert its repetition and aggravation, all the more as this war has shown that there is no real palliative short of prevention. Schemes to civilise warfare, to mitigate its cruelty, to restrict its effect, have failed to achieve their purpose, even where they were not deliberately set aside, and the unbounded possibilities of modern science have been enlisted frankly on the side of force and might, uninfluenced by any consideration of the moral law. The position of neutrals has been only less unhappy than that of belligerents; never before has it been so difficult for them to maintain their neutrality or to eke out a bare subsistence amid the universal shortage which war has created. Nor is there the old and somewhat cold comfort that war affects only a group of nations, a single continent, or one hemisphere. Even the Old and the New World have become one, and the United States of America have been constrained to intervene in a European quarrel for the sake of the peace of mankind. These conditions have brought home the actual realities and horrors of war to men and women outnumbering many times those personally affected by military or naval campaigns of former years."

The psychological and political effects of this tragedy have been very far-reaching. The spirits of nations have broken under this accumulated
strain. The old institutions on which militarism and autocracy flourished lie crumbled in the dust; a great wave of advanced Democracy is sweeping blindly over Europe; and the deepest longing has taken possession of the great masses of the people that this horror shall never be repeated. The psychological and moral conditions are ripe for a great change. The moment has come for one of the great creative acts of history.

The question is: Can we plant the institutions of peace in the very heart of the European political system? I have already suggested in section A that the anti-militarist regime should be applied, not only in autonomous territories in future coming under the jurisdiction of the League, but also in all new States arising in Europe and claiming admission into the League. But ought we not to go further and apply the system of peace also to the already existing States and to the great Powers?

Three proposals have been put forward for general disarmament and have already received a great deal of public attention. They are:—

(a) The abolition of Conscription and of Conscript armies.
(b) The limitation of armaments; and
(c) The nationalisation of munitions production.

All three points bristle with difficulties. Let us take them in order.

If conscription or compulsory military service is abolished in the Peace Treaty what will be the defensive system of States in future? Will it be
voluntaryism? And will any limit be fixed to the volunteer armies which the States will be allowed to raise? Or will the new system be a militia on the Swiss model, which gives the population primary military training without creating a great military machine that could be suddenly and unexpectedly used for offensive purposes? All these points involve a great deal of complexity and difficulty in detail; and it is quite clear that no cut-and-dried formulae could be adopted or applied in practice. And yet those difficulties ought not to deter the Peace Conference from giving the subject the most earnest and anxious consideration. I would go so far as to say that while the Great Powers are allowed to raise conscript armies without hindrance or limit, it would be vain to expect the lasting preservation of world-peace. If the instrument is ready for use the occasion will arrive and the men will arise to use it. I look upon conscription as the taproot of militarism; unless that is cut, all our labours will eventually be in vain.

In addition to that danger there is the question of expense to consider. The destruction of capital and the impoverishment of Europe during the war has been immense; the burdens of taxation which the peoples will have to bear in respect of all this deadweight debt will be such as to leave little margin for expenditure on necessary schemes of social betterment. If this small margin has to be encroached upon in order to provide the funds required for raising, equipping, and maintaining huge conscript forces, the situation will become intolerable; people simply will not stand it, and the menace of the great anti-State movement now finding expression in
Bolshevism will become as great a danger as war itself.

In view of this double danger, I would plead most earnestly for the abolition of conscription at the Peace Conference. Let the drunkard sign the pledge, even if we have to look round for some other less dangerous narcotic to soothe him in his troubles. For I admit that it will not be prudent to leave States without the necessary means of self-defence against both internal and external dangers which may threaten their existence. These, however, are matters of detail to be most carefully inquired into and regulated by the League.

In most countries a simple militia system on a scale of numbers and service agreed upon by the League will probably be the best alternative. By periodical reports from the States in regard to the working of the new system, as well as direct liaison between the Permanent Staff of the League and the military departments of the States, the Council of the League could satisfy itself that all goes well and take the necessary precautions against any abuses or evasions which may be disclosed. As the Council will represent the States themselves, it is sure to keep a jealous eye on all military developments.

In some countries, however, a voluntary system will be most in accord with past practice and traditions as well as with the geographical situation. This will probably be the case of the United States of America and certainly of Great Britain, for whose overseas possessions an army recruited on a voluntary long-term basis is essential. In the Dominions different systems prevail and will no doubt continue to prevail. Thus Canada and India follow the
voluntary system, while the other Dominions have a compulsory militia system on the Swiss model. In these cases, too, the Council of the League will after due inquiry lay down the scale of the defensive system, and will in doing so have to be partly guided by the consideration that, with due regard to all the circumstances, the voluntary standing army authorised by it will have no greater offensive power for the purpose of foreign aggression than the militia authorised in other cases. Nice questions will arise and no doubt give ample employment to the gentlemen on the Permanent Staff; but I see nothing inherently insoluble in the problems presented, so long as States are bona fide willing to make the new system workable.

Of the three proposals for disarmament, the abolition of conscription is by far the most important, and it is also the one behind which there will be the greatest volume of public opinion. The feelings against war engendered by the casualties and miseries of this war will tell most strongly in favour of this fundamental reform; and if carried it will set free a mass of productive labour for purposes of reconstruction, which otherwise would have gone to waste in camps and barracks. It is the most important, the most far-reaching in its effects on the peace regime, and the one probably most easy to carry in view of popular feeling. I hope, therefore, that every effort will be made at the Peace Conference to have it adopted in the Peace Treaty.

Coming now to the second proposal, viz.: the limitation of armaments, I frankly admit that it presents very grave difficulties as a general principle. Two conundrums are at once presented:
(a) What are armaments; and
(b) On what principle can one weapon of destruction be valued as against another of a different kind?

Both questions are at first sight unanswerable. The weapons of war are no longer limited in range and use as in former wars. It is practically impossible, after our experience of this war, to say what things could be excluded from the list of armaments in the broad sense. The war was fought throughout and ultimately won, not only by the usual military weapons in the narrower sense, but by the whole economic, industrial, and financial systems of the belligerent Powers. Food, shipping, metals and raw materials, credit, transport, industries and factories of all kinds played just as important a part as guns, rifles, aeroplanes, tanks, explosives and gas, warships and submarines.

Even if a compromise is suggested here, and the list of armaments selected for limitation is confined to direct instruments of war such as those last enumerated, then the second question arises how one instrument is to be valued against another? How is an aeroplane valued as against a tank, a Zeppelin against a submarine, a machine gun against a field gun, or a Stokes gun, or a can of poison gas? Unless a whole system of comparative values is settled, the armaments of one State may exceed in striking power those fixed for another State of equal military standing. And new inventions may at any moment upset the apple cart with all its precious table of values. Is there any way out of these perplexities? In despair of finding a general solu-
tion for our question, it may be that the Peace Conference or the League is driven to consider partial remedies, such as the limitation of the use of the submarine and aerial bombing, the prohibition of poison gas and disease germs, and similar abominations. Such reforms will not, however, touch the main issues, which is not the humanising of war, but the general limitation of armaments with a view to rendering war difficult, and, in the end, impossible.

The only suggestion I can make is that, if Conscription is abolished and militia or volunteer forces authorised for the future defence of States, the scale of direct armament and equipment on a fair basis for such forces should be determined after the inquiry by the Council, and that, once such scale is determined, it should not be exceeded by any State without permission of the Council. The effect will be that a State, say, with an authorised army of 100,000 men will not be allowed to have guns and machine guns and other direct war weapons for an army of 500,000, and so be in a position, by rapid expansion of its army after the outbreak of war, to arm and equip the expanded army to the full. Such a provision seems almost a necessary corollary to the abolition of Conscription and the limitation of volunteer or militia forces to definite numbers. Nor does it appear impracticable. Limitation of armaments in this narrower sense is eminently a subject for the experts of the League to thrash out, and it ought not to be beyond their powers to produce a workable scheme for such limitation.

The nationalisation of armament factories has been advocated, on the ground that as long as the
production of munitions of war remains a private commercial undertaking, huge vested interests grow up around it which influence public opinion through the Press and otherwise in the direction of war. There is no doubt that the influence of Krupps has been harmful to the great peace interests of the world, and, in a less degree, the same could probably be said of most other similar undertakings. The very success of that sort of business depends on the stimulation of the war atmosphere among the peoples. The Press, influenced by the large profits and advertising enterprise of the armament firms, whip up public opinion on every imaginable occasion; small foreign incidents are written up and magnified into grave international situations affecting the pacific relations of States; and the war temperature is artificially raised and kept up.

This proposal is, in my opinion, a sound one, and should be adopted by the Conference or the League. Of course, difficulties have been urged against it. Where are the small States, who are dependent for supplies on the private munition factories in the countries of the Great Powers, going to get their armaments in future? I am not much impressed with this sort of argument. To keep up the high temperature of the war atmosphere over the world for the sake of indulging the small Balkan and other States in their special form of sport will not appeal to the great democracies of the world. It will materially assist the peace policy of the League to cut off the supply of arms and munitions from these small States, whose little fits of temper are too costly to the world, and whose security could be more safely entrusted to the League.
In order to enable the Council of the League to keep in touch with the production and movements of arms and munitions, the Council should have full rights of inspection of all such national factories, and should, besides, be furnished periodically with returns of the imports and exports of arms and munitions into and from the territories of the members of the League.

It must be borne in mind that, even with this information before it, the Council will not be in possession of the full facts. The important question remains, how soon other private factories engaged in other industries could be converted to the production of munitions, and to what extent the official or State production could thus be increased? I am afraid that, unless inquisitorial powers are given to the League, it could not follow up this important aspect of the matter. In all its calculations, however, the Council will have to bear in mind that there is this vast reserve capacity of production in the background, a capacity which will be specially great for the next decade because of the great number of munition factories which will now be converted to other uses, and could, in case of necessity, be reconverted to the production of munitions.

This discussion may be summed up in the following three recommendations:

(15) That all the States represented at the Peace Conference shall agree to the abolition of Conscription or compulsory military service; and that their future defence forces shall consist of militia or volunteers, whose numbers and training shall, after expert inquiry, be fixed by the Council of the League.
(16) That while the limitation of armaments in the general sense is impracticable, the Council of the League shall determine what direct military equipment and armament is fair and reasonable in respect of the scale of forces laid down under paragraph (15), and that the limits fixed by the Council shall not be exceeded without its permission.

(17) That all factories for the manufacture of direct weapons of war shall be nationalised and their production shall be subject to the inspection of the officers of the Council; and that the Council shall be furnished periodically with returns of imports and exports of munitions of war into or from the territories of its members, and as far as possible into or from other countries.

I now proceed to deal briefly with the specific proposals which have been put forward for the purpose of preventing international disputes from developing into wars. The actual scope of most of these proposals is not to prevent wars altogether, but the more limited one of compelling disputants not to go to war before their dispute has been inquired into and either decided or reported upon by an impartial outside authority. This is the furthest limit that most writers have been prepared to go. As long as members of the League submit their disputes for inquiry and report or recommendation or decision by some outside authority, their obligation to the League will be satisfied, and thereafter they will be free to take any action they like, and even to go to war.

This may appear a weak position to take up; and
yet it is not deemed expedient to go farther. The utmost that it seems possible to achieve in the present conditions of international opinion and practice is to provide for a breathing space before the disputants are free to go to war; to create a binding moratorium or period of delay, during which the parties to the dispute agree not to proceed to extremes but to await the results of the inquiry or hearing to which their case has been referred. The general opinion is that States will not be prepared to bind themselves further; and even if they do, the risk of their breaking their engagement is so great as to make the engagement not worth while and indeed positively dangerous. The common view is that, if such a period of deliberation and delay is established, there will be time for extreme war passions to cool down, and for public opinion to be aroused and organised on the side of peace. And in view of the enormous force which public opinion would exert in such a case, the general expectation is that it will prove effective, and that the delay, and the opportunity thus given for further reflection and the expression of public opinion, will in most cases prevent the parties from going to war. Thus, although the engagement of the disputants is only to delay action pending the inquiry into or hearing of their case and the issue of a decision or report, the actual effect of the delay will in most cases be more far-reaching, and the threatened war may be prevented altogether.

The moratorium must extend not only for the period of the inquiry and until a decision or report has been rendered, but for a reasonable time after such rendering, in order that the disputants may
have an opportunity to consider whether compliance with it is possible. This will also give the Council an opportunity for a final effort to secure the adhesion of the disputants to the decision or report. What is a reasonable time for this purpose is a matter of detail which could be left to be settled by the League.

I have assumed that the Council will in any case be able to render a report or make recommendations about the dispute. But as a minority of three or more may veto any resolution of the Council, the possibility has to be faced that in exceptional cases the Council, in spite of all its efforts, may be unable to make a report or recommendation. However regrettable this may be, the delay would have given time for the passions of the disputants to cool and thus have served a useful purpose.

Should States be forbidden to make warlike preparations during the moratorium? On the whole the answer should be in the negative, not only because it is practically impossible to say what warlike preparations are, but also because it may conceivably be in the interest of the innocent party, whose military preparations are behindhand, to use the interval of the moratorium to improve his defences and thus give his aggressive opponent additional food for reflection and caution.

While it is free to a State to go to war after the report or recommendation of the League has been given, it would be monstrous to permit this as against a State which obeys and carries out the recommendation of the League. If such a State is notwithstanding attacked by an unscrupulous opponent, the latter should be dealt with by the
League, which could not possibly sit still and have its authority so flagrantly flouted. To sum up this discussion I make the following recommendation:

(18) That the Peace Treaty shall provide that the members of the League bind themselves jointly and severally not to go to war with one another—

(a) without previously submitting the matter in dispute to arbitration, or to inquiry by the Council of the League; and

(b) until there has been an award, or a report by the Council; and

(c) not even then, as against a member which complies with the award, or with the recommendation (if any) made by the Council in its report.

What are the penalties incurred by any party which breaks this covenant to observe the *moratorium*? This is the most important question of all in regard to the preservation of world-peace. Without an effective sanction for the keeping of the *moratorium* the League will remain a pious aspiration or a dead letter. The forces of public opinion which would be mobilised during the *moratorium* will in most cases be strong enough to restrain the parties from going to war, but to achieve that object the opportunity of a *moratorium* must be guaranteed with all the force which is behind the League. The breaker of the *moratorium* and generally of the covenant in paragraph (18) should therefore become *ipso facto* at war with all the other members of the League, great and small alike, which will sever all
relations of trade and finance with the law-breaker, and prohibit all intercourse with its subjects, and also prevent as far as possible all commercial and financial intercourse between the subjects of the law-breaker and those of any other State, whether a member of the League or not. No declaration of war should be necessary, as the state of war arises automatically on the law-breaker proceeding to hostilities, and the boycott follows automatically from the obligation of the League without further resolutions or formalities on the part of the League.

The effect of such a complete automatic trade and financial boycott will necessarily be enormous. The experience of this war has shown how such a boycott, effectively maintained chiefly through sea power, has in the end availed to break completely the most powerful military Power that the world has ever seen; and the lesson is not likely to be lost on future intending evildoers. It is because of this power of the economic and financial weapons that many writers are of opinion that the obligation for action by members of the League should not go beyond the use of these weapons. My view, however, is that they will not be enough if unsupported by military and naval action. A powerful military State may think that a sudden military blow will achieve its object in spite of boycotts, provided that no greater military reaction from the rest of the League need be feared. This fear may under certain circumstances be a more effective deterrent than even the boycott; and I do not think the League is likely to prove a success unless in the last resort the maintenance of the *moratorium* is guaranteed by force. The obliga-
tion on the members of the League to use force for this purpose should therefore be absolute, but the amount of the force and the contribution from the members should be left to the recommendation of the Council to the respective Governments in each case. It will probably be found convenient, and even advisable, to absolve the small members of the League from the duty of contributing military and naval forces and to be satisfied with their participation in the boycott. The obligation to take these measures of force should be joint and several, so that while all the members are bound to act, one or more who are better prepared for action or in greater danger than the rest may proceed ahead of the others.

In order to secure world-peace I would pile up the dangers and risks in front of an intending breaker of the moratorium. Should the rigours of maritime warfare be mitigated at the peace and a measure of freedom be restored to the seas in the direction contended for by President Wilson, I would advocate the power of full revival of all these rigours as against such a law-breaker. Not only the right of visit and search, but also of complete naval blockade should be exercisable against such a State. And the question requires careful consideration whether such a State should be accorded the status of legalised war, and whether it should not be outlawed and treated as the common criminal that it is. This would be a matter for the experts of the League to consider more fully in all its bearings. But in any case I would advocate a provision that any breaker of the moratorium should after the resulting war be subject to perpetual disarmament, that its forces
should be reduced to a minimum basis, and that it should be subjected to a peaceful regime in the same way as new independent States recognised after this war in accordance with paragraph (8). The prospect of what will in effect be a permanent degradation and reduction in status as a Power will probably act as a strong deterrent to the intending evildoer. I therefore recommend:

(19) That the Peace Treaty shall provide that if any member of the League breaks its covenant under paragraph (18), it shall ipso facto become at war with all the other members of the League, which shall subject it to complete economic and financial boycott, including the severance of all trade and financial relations and the prohibition of all intercourse between their subjects and the subjects of the covenant-breaking State, and the prevention, as far as possible, of the subjects of the covenant-breaking State from having any commercial or financial intercourse with the subjects of any other State, whether a member of the League or not.

While all members of the League are obliged to take the above measures, it is left to the Council to recommend what effective naval or military force the members shall contribute, and, if advisable, to absolve the smaller members of the League from making such contribution.

The covenant-breaking State shall after the restoration of peace be subject to perpetual disarmament and to the peaceful regime established for new States under paragraph (8).

The actual treatment of the matter in dispute during the moratorium depends upon the classifica-
tion of disputes into the two classes of justiciable and other disputes. Justiciable disputes are those which concern matters of fact or law which are capable of a legal or judicial handling. They involve mostly the interpretation of treaties or some other question of international law; or questions of fact, such as the situation of boundaries, or the amount of damage done by any breach of the law. The inquiry into such questions is exactly the province of courts of law, and disputes of this kind can therefore conveniently be referred to courts or arbitration tribunals of a judicial character, if they cannot be otherwise disposed of by negotiation. This treatment of international disputes has met with remarkable success in recent years, and has thus served to nip many a threatened war in the bud. Indeed, it may be said that the reference of justiciable cases to the decision of arbitral tribunals has become the common international practice. And the award of such tribunals has in almost all cases been carried out by the States against whom the decision was given, the exceptions being mostly confined to cases where the tribunal was accused of having exceeded its jurisdiction or admitted wrong evidence, or of other mistakes in procedure.

The real difficulty with regard to arbitration tribunals is to secure impartial arbitrators. The proposal has been made to create a permanent international tribunal or court, to which all justiciable cases may be referred by the Council of the League. But the objection to this is that, as the judges on such a tribunal will be nationals of States, a State who appears as a litigant before the tribunal may feel
aggrieved because a national of the opposing State may happen to be sitting in the case, and may be suspected of bias. On the whole, the most workable procedure seems to be to have a panel of arbitrators, to be prepared periodically by the Council of the League, from which the litigants will select their respective arbitrators, and that if the arbitrators cannot agree as to the umpire, the nomination of the latter from the panel shall be left to the Council, or to some other impartial authority indicated by the Council for the purpose. I recommend:

(20) That the Peace Treaty shall further provide that if a dispute should arise between any members of the League as to the interpretation of a treaty, or as to any question of international law, or as to any fact which if established would constitute a breach of any international obligation, or as to any damage alleged and the nature and measure of the reparation to be made therefor, and if such dispute cannot be settled by negotiation, the members bind themselves to submit the dispute to arbitration and to carry out any award or decision which may be rendered.

It may, however, be that the circumstances of the dispute are not of a justiciable nature. It may be that the Council of the League, when they are appealed to to intervene in the matter, may be unable to decide whether it is a proper case for reference to an arbitration tribunal, or the minority may veto the appointment of an umpire about whom there cannot be an agreement otherwise, or
for some reason or other a reference to arbitration may prove impracticable. In fact, we are here in the region of the most dangerous and intractable causes of war, where passions run high, not only among the disputants but also their partisans among other States. The issues are generally vague and intangible, and spring from special grounds of national psychology. They involve large questions of policy, of so-called vital interests, and of national honour. It is round these issues and questions that national and international passions gather like storm-clouds, until the thunder of war alone can clear the air again. They cannot be disposed of on judicial lines, and require entirely different treatment. They do, indeed, require careful inquiry into facts and allegations by the Council and its expert committees; but, above all, they require that tactful diplomatic negotiation and conciliation between the disputants which great statesmen know best how to bring to bear on delicate and dangerous situations. Unlike arbitration on definite issues of fact or law, the object in these cases is not to arrive at a definite decision, but to mediate between the parties with a view to an amicable or peaceful settlement of the dispute; and if that fails, then to prepare recommendations and statements which will inform and guide public opinion correctly as to the dispute and so enable it to mobilise its forces on the side of peace.

In all such cases, it ought to be free to either party to the dispute to appeal to the Council of the League to take the matter of the dispute into consideration. In threatening cases it ought to be free to the Council to intervene in the dispute
on its own motion, without waiting for an application by one or other of the disputants. If applied to by one of the disputants the Council will forthwith give notice of the application to the other disputant, and proceed to make the necessary arrangements for the hearing of the dispute. It may appoint expert committees to inquire into allegations of fact or law, the determination of which may assist in the settlement of the dispute. It should be the duty of all members of the League to place at the disposal of the Council, or any committee appointed by it, to the fullest extent compatible with their interests, the information in their possession which bears upon the dispute. The functions of the Council in connection with the dispute shall be two-fold: Firstly, to ascertain the facts with regard to the dispute, and to make recommendations based on the merits of the case, and calculated to ensure a just and lasting settlement; and, secondly, to mediate and conciliate between the disputants with a view to inducing them to accept such recommendations.

The recommendations arrived at by the Council will not have the force of decisions, and it will be free to either disputant to refuse to accept them and to go to war. It is even possible that the minority in the Council is large enough to prevent any recommendations from being arrived at at all. If either party threatens to go to war in spite of the recommendations of the Council, the latter will publish its recommendations in order to inform and guide public opinion in regard to the issues of the dispute. If, again, the Council fails to agree on any recommendations it will be even more necessary.
to place the public in a position to judge impartially of the questions at issue. In such a case it ought to be free both to the majority and the minority on the Council to publish statements of their views of the dispute and the recommendations they favoured but failed to pass in the Council; and the publication of such statements should not be regarded as an unfriendly act by either of the disputants. The publication of these statements may, however, lead to such a crystallisation of public opinion that even at the eleventh hour the parties are restrained from going to war. I therefore recommend:

(21) That if on any ground it proves impracticable to refer such dispute to arbitration, either party to the dispute may apply to the Council to take the matter of the dispute into consideration. The Council shall give notice of the application to the other party, and make the necessary arrangements for the hearing of the dispute. The Council shall ascertain the facts with regard to the dispute and make recommendations based on the merits, and calculated to secure a just and lasting settlement. Other members of the League shall place at the disposal of the Council all information in their possession which bears on the dispute. The Council shall do its utmost by mediation and conciliation to induce the disputants to agree to a peaceful settlement. The recommendations shall be addressed to the disputants and shall not have the force of decisions. If either party threatens to go to war in spite of the recommendations, the Council
shall publish its recommendations. If the Council fails to arrive at recommendations, both the majority and the minority on the Council may publish statements of the respective recommendations they favour, and such publication shall not be regarded as an unfriendly act by either of the disputants.

There remains for final consideration the case of a dispute in which one or both of the disputants happen to be outside the League. The treatment of such a dispute, however, will follow the lines above laid down. If one of the disputants is a member of the League it may apply to the Council either for arbitration or a hearing, as the case may be. The Council may then call on the outside State to submit its case; if it does so, the matter will proceed in accordance with the foregoing recommendations. If it fails to submit its case, the Council may proceed to inquire into the dispute ex parte, and make recommendations in the same way as if both parties were present. If the disputant which is a member of the League is attacked during the moratorium or notwithstanding its compliance with the recommendations of the Council by the outside State, the situation arising will be the same as if the attack had been made by a member of the League in the same circumstances, that is to say, the members of the League will become ipso facto at war with the outside State, against which the economic and financial boycott will be set in operation, and the Council will proceed to organise the necessary military and naval forces.

In the case of a dispute between States, neither
of which is a member of the League, any of the members may bring the matter before the Council with a view to the Council using its good offices to prevent war.

Any State which is not an original member of the League may apply to the Council for admission. The Council will give the application favourable consideration, and decide whether it should be granted, and whether it is necessary to impose any terms.

I have now come to the end of this short sketch of the League of Nations. Whatever its imperfections, I hope it has shown that the project is not only workable, but necessary as an organ of the new world order now arising. If the future peace of the world is to be maintained, it will not be sufficient merely to erect an institution for the purpose of settling international disputes after they have arisen; it will be necessary to devise an instrument of government which will deal with the causes and sources of disputes. The need is there, and the end of the great war has brought an unequalled opportunity for dealing with it. For not only are men's minds prepared for the new peaceful order, but the sweeping away of the Imperial systems of Europe leaves the space vacant which the new institution must occupy. The need, political and psychological, is imperative; the opportunity is unique; and only the blindness of statesmen could now prevent the coming of the new institution, which will, more than anything else, reconcile the peoples to the sufferings they have endured in this war. It will be the only fitting monument to our heroic dead. It will be the great response to the
age-long cry from the human heart for "Peace on earth, Goodwill among men." It will nobly embody and express the universal spirit which must heal the deep, self-inflicted wounds of humanity. And it must be the wise regulator, the steadying influence in the forward movement now set going among the nations of the earth.

For there is no doubt that mankind is once more on the move. The very foundations have been shaken and loosened, and things are again fluid. The tents have been struck, and the great caravan of humanity is once more on the march. Vast social and industrial changes are coming, perhaps upheavals which may, in their magnitude and effects, be comparable to war itself. A steadying, controlling, regulating influence will be required to give stability to progress, and to remove that wasteful friction which has dissipated so much social force in the past, and in this war more than ever before. These great functions could only be adequately fulfilled by the League of Nations. Responding to such vital needs and coming at such a unique opportunity in history, it may well be destined to mark a new era in the Government of Man, and become to the peoples the guarantee of Peace, to the workers of all races the great International, and to all the embodiment and living expression of the moral and spiritual unity of the human race.