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VERY fittingly comes the approval of the Brandeis appointment from nine out of the eleven members of the faculty of Harvard Law School: only one opposed, the other having been too long out of the country to be willing to express an opinion. Among the nine three have lived in the community for over a quarter of a century and have participated in the professional life of Boston. One of them is Roscoe Pound, undoubtedly the most important figure to-day in the field of jurisprudence, a scholar of international reputation, a man of wide experience both as practitioner and judge, an expert in valuing professional and judicial fitness and capacity. Professor Pound speaks as one who has been thrown much in contact with Mr. Brandeis during the five years of his service with the Harvard Law School. But the real significance of the testimony of the Harvard professors is to be derived from the important part that Louis D. Brandeis has played in the life of the Law School during the last thirty years. Ever since his graduation, with the most brilliant record ever attained in the school's history, he has been cherished

as one of its ablest and most eminent sons. At one time he was called to its faculty, and he counted as a valued adviser of its three great deans, Langdell, Ames and Thayer. He has had, moreover, an important official connection with the school. The board of Overseers of Harvard University appoints annually a committee to visit the Law School, whose duty it is to supervise the work, to report on the activities of faculty and students, and whose function is important in establishing and guiding the standards of the school. From 1889 until the present year Mr. Brandeis has annually been appointed a member of this visiting committee, with such distinguished associates as Charles C. Beaman, Judge Jeremiah Smith, the late James C. Carter, Attorney-General Bonaparte, Judge Grant, Justice Loring, Chief-Justice Mitchell, Justice Swayzie, Mr. Justice Hughes, and ex-Secretary Stimson. The Overseers themselves who year after year appointed Mr. Brandeis have included such irreproachable Bostonians as Senator Lodge, Governor Wolcott, Moorfield Storey, Judge Lowell, Judge Grant, Senator Hoar, Governor Long, Justice Loring, Lieutenant Governor Frothingham and Frederick Fish. If Mr. Brandeis is flagrantly unworthy to be a Justice of the Supreme Court he could not have been wholly worthy of the support of such an immaculate body for so responsible a work.

CRITICISM of the Root speech by the Democrats has concentrated upon two points. If Mr. Root and the Republicans believe that the American government should have protested against the violation of Belgium, why didn't they say so at the time? This retort has a great deal of force. Mr. Roosevelt was the only American political leader who did advocate a protest soon after the violation took place. Even he did not publish his plea until the war had been going on for three months. Mr. Roosevelt's lead was followed by politically prominent Republicans only after the campaign started and the party needed an issue. Individual Republicans may believe that a great op-

portunity was lost when the protest was not made; but they will be embarrassed in making party capital out of the failure, and are scarcely entitled to do so. The other criticism is less true but even more effective. It is that the Roosevelt or the Root policy would have meant war with Germany and with Mexico. This is probably false, yet inasmuch as Mr. Wilson's critics are advocating a more vigorous assertion of American grievances, and as Mr. Wilson has actually kept the peace in accordance with the wishes of an overwhelming majority of his fellow countrymen, it can be made to look very plausible. But the argument is as dangerous as it is effective. Any policy in relation to Germany and Mexico involved and still involves the danger of war. Mr. Wilson has been on the verge of war with Germany a number of times, and he actually engaged in a war with Mexico. He may have avoided serious hostilities, but he did so by also avoiding the grave difficulties which bring the danger of war with them. He cannot risk the popularity of his administration on his success in avoiding war without compromising his policy in the future by making a political necessity out of inaction and drift.

IT is still too early to decide whether the attempt made by Mr. Root to sharpen an issue with the Democrats over the foreign policy of the Wilson administration may succeed, but it seems doomed to failure. The Republicans of the Ohio, Mississippi and Missouri valleys have greeted it with ominous silence or frank disapproval. The Democrats have welcomed it with joy. The repetition by Republican orators and platforms of the New York Idea would be peculiarly effective in uniting the Democrats and dividing the Republicans. In that event Mr. Bryan and his pacifist followers could not fail to rally to Mr. Wilson, while the large acreage of agrarian Republicanism west of the Alleghenies, which regards all foreign entanglements and responsibilities with suspicion, would tend to fall away from the party. The Republican politicians will never consent to such an assumption of risk in the beginning of a campaign whose prospects look so prosperous. They expect to win the election practically by default, that is, as a consequence of Mr. Wilson's unpopularity; and any attempt to sharpen the issue and to arouse a real discussion might win them credit, but would lose them votes. This analysis looks sound. There is only one candidate who would have a chance of success as the incarnation of the New York Idea—Theodore Roosevelt. It is his idea, and he might induce a lot of people to vote for it who did not really believe in it, just as he did with the Progressive platform in 1912. It needs the kind of propagation which he alone can give to it.

The Root speech cannot survive except as the prophecy of a Roosevelt candidacy. When Mr. Root allowed Mr. Barnes to edit Mr. Roosevelt's name out of the text, he accepted a revision which took the political reality out of his strong phrases. Yet Mr. Roosevelt's candidacy based upon such an issue would, like Mr. Root's, be certain to split the party, which, it is needless to say, would provide almost a decisive argument for Mr. Roosevelt's opponents.

ON its face the Nicaragua treaty seems a good bargain for both parties. Our huge capital in the Panama Canal is worth safeguarding against the possible competition of an alternative route, and our national interests in the Caribbean are protected by the acquisition of control of naval bases on the Nicaraguan coast. Nicaragua obtains in return a sum equivalent to a year's total revenue, with which she may relieve her budget by extinguishing one-third of her national debt, or may increase her revenues through a much needed policy of internal improvements. Her sovereignty is impaired only to the extent that we retain the right to approve or reject projects for spending the \$3,000,000 on internal development. In this respect the treaty that has just been ratified by the Senate is wholly different from the one originally proposed by the State Department, which established the exercise by the United States of the same kind of protection and control over Nicaragua as that provided by the pending treaty with Haiti. The alterations were dictated by the Senate in the interest of the "sovereignty" of Nicaragua, but they alter the words rather than the facts. The facts themselves are both grim and disquieting. It is notorious that the existing government of Nicaragua has been supported for some time by a body of American marines. If they were withdrawn the government would almost certainly succumb to a revolution. We are making, that is, a treaty with a government which depends on American support, and in that treaty we are carefully refraining from doing violence to Nicaragua "sovereignty." It is this hypocrisy that is both sinister and disgusting; sinister because it makes the United States partly responsible for the acts of a dubious government which it does not control, disquieting because we are neither doing all that we ought to do nor refraining from what we pretend not to do.

IF clergymen only felt free to take their texts from uninspired writers, how abundant their material would be! Mr. Shonts, for example, president of the New York Interborough and an uninspired writer, has lately achieved a perfect text. "As far as I am concerned," he says, "I have but one rule in life, and that is that every obligation I

made and every commitment I made was on the basis of quality and price being equal before I recognized a friend." He did not say, brethren, that he had but one rule in life so far as all men were concerned. No. He said, "as far as I am concerned." He did not say this was a rule of his life. He said it was his only rule. He had no other. He needed no other. This thought might lead him through the world's dark room, content though blind, had he no other guide. But, brethren, he is not blind. Under the bright light of equality in quality and price he surveys the bidders, recognizes a friend, picks and chooses him, forsaking all others cleaves only unto him, feeds him with generous obligations and rich commitments. Here is a friendship so fixed, so immovable, that it won't even start until quality and price are equal. Greater love have other men than this, but no man hath a love more blameless.

BOMBS from aircraft, as experience has abundantly shown, are chiefly effective as a means of murdering civilians and destroying innocent property. After over eighteen months of war not a single instance of important military ends secured through aerial bombardments stands established, while the killing and maiming of inoffensive persons, mainly women and children, has been a uniform result. Practically the only defense either belligerent has to offer for such barbarities is the right of reprisal. One of the great needs of international law is the rigid restriction and definition of this right. Neutrals cannot admit that if the military authorities of one country sully their honor by ordering wanton murder, the military authorities of another country have a sufficient excuse for issuing a similar order without soiling their own honor. There must be a vast though inchoate body of opinion in Germany opposed to Zeppelin raids, as there is certainly a large body of opinion in France and England opposed to bomb-dropping from aeroplanes. Here would appear to be an opportunity for neutral opinion, properly organized, to make representations with a view to the elimination of this most futile of the atrocities of war.

IF it was ever true in the past that capital made wars for labor to pay for, it is not likely to be true in future. The European war is making clear that in time of crisis the whole capital of the nation will be regarded as a public resource, to be drawn upon in whatever measure the national military policies may require. Slowly but irresistibly Great Britain is proceeding with her plans of conscripting private property for the support of the war. Foreign securities happen to be the category of property that can best be drawn upon at present; they occupy a

position in the national interest analogous to that of the unmarried men. And just as progressive phases of pressure were employed to secure the voluntary enlistment of unmarried men, to prepare the way for conscription, so progressive phases of pressure are being applied to the holders of foreign securities to force them to place their property at the disposition of the government. First there was patriotic exhortation from unofficial spokesmen of the government; then an official but merely hortatory plan for the mobilization of securities. If the war continues for two years or more there can be little doubt that practically all British holders of American securities will be compelled to relinquish them to the government on such terms as the government chooses to fix. Other foreign securities, chiefly colonial, will follow, and the constitution of British wealth will become far more national, far more subject to fiscal control, than it has been in the past. This implies a serious weakening of the position of the British capitalist class. War will be very unpopular with capitalists hereafter.

AMERICANS of the more self-respecting classes, it is frequently urged, will not enlist as privates; therefore an adequate army based on the voluntary system is impossible. Higher pay will not mend matters; what repels the independent American is the tyranny of the officers. Now without doubt there are brutes and tyrants among our army officers, as among any other body of men clothed with power. There are also enlisted men whose conduct tends to bring out whatever brutality there is in the officer. The army is traditional-minded and is apt to retain many of the methods of keeping inferiors under that were once common in civil life but are now obsolete. Nor will this condition change so long as we rely upon romantic appeals to enlist men, and the penitentiary to keep them in the service. Give us a two-year term of active service and pay enough to attract men of the better types, and we shall proceed rapidly to eliminate the bully in shoulder-straps. Each year will return 100,000 young men to civil life, to praise their officers or to curse them, to facilitate enlistment or to make it more difficult. Under such conditions the corps of officers will be more keenly alive to the necessity of purging itself of the occasional petty tyrant who discredits it.

MR. JACOB WERTHEIM, president of the Tobacco Merchants' Association of the United States, is annoyed by "the widespread and fraudulent sale of so-called tobacco cures." He says some tobacco merchants have not realized "the extremely detrimental effect of these quack nostrums upon the smokers themselves, who otherwise have

no scruples at all concerning their habit." So he rouses these torpid merchants by reminding them that "you cannot spread statements in the press, as these quacks selling fraudulent nostrums have done daily, without producing exactly the desired psychological effect upon many minds." Mr. Wertheim, if we catch his drift, objects to the advertisement and sale of fake tobacco cures because these cures, judged by their influence on smokers, are not fakes. It is moved and seconded that Mr. Wertheim be elected to membership in the I. C. I., or Innocent Captains of Industry. The qualification for membership is authorship of anything which makes people wonder how the author ever attained the rank of Captain.

GENERAL JUDENICH'S victory at Erzerum should soon affect the position of the Turkish armies in Persia and Mesopotamia. Small Russian forces have for some time been operating south of Lake Van, and there is now a possibility of clearing the mountainous country between Bitlis and Mosul. If this latter town is taken or even seriously threatened, it will be necessary for General von der Goltz to withdraw the Turkish Mesopotamian army entirely from the lower Tigris Valley. A retreat of this order will be extremely precarious, especially since the Arabs of the Desert are certain to harry the convoys of a defeated army. It would seem the part of military safety for von der Goltz to begin his withdrawal at once, defending Mosul with strong forces in the meantime; but so valuable is the Mesopotamian territory both to Germany and to the Ottoman Empire, that it is more likely that von der Goltz will remain there, try to hold the Diarbekr-Mosul-Bagdad line, and endeavor to bring up reinforcements from Sivas and Aleppo. The Turks have no railways in the Caucasus nearer than Angora, and it begins to look as if railways were to play the decisive part. The prospects for a Russo-British occupation of Armenia and Mesopotamia are becoming bright. Such a victory would neutralize the success of the Germans in the Balkans, and deprive them of their richest and most desired prize of war.

AT the outbreak of the war it was a favorite assertion of German spokesmen that the combination against Germany was engineered by England through motives of commercial jealousy. The whole non-German world, neutral as well as belligerent, repudiated the charge as absurd. In recent months Englishmen of prominence have been doing their best to give it color. They talk about past dangers of German "peaceful penetration" into Russia and Italy, and even into France and England, and promise drastic measures to make impossible a similar development in the future. Germany is to be

commercially outlawed. The parties to the Entente are to bind themselves together by treaties of commerce discriminating against Germany, and join efforts to oust German trade from neutral territory. Of course if the Entente succeeds in crushing Germany by force of arms it will be entirely safe to carry out this program of economic strangulation, but in such event it would hardly be necessary to do so. If Germany comes out of the struggle wearied but unsubdued, a continuance of the economic war will be a disastrous policy. To confine German economic interests within the national boundaries would be the surest way to create in the German breast a desire to try conclusions once more with her enemies, who may not forever remain so numerous. At present the Entente holds the world market, but it can make this fact count in the negotiations for peace only if it is prepared to admit Germany to her old commercial privileges in return for suitable concessions.

Trade and the Flag

IN an article on page 94 Commissioner of Immigration Frederic C. Howe formulates three principles which he believes ought to be worked into any program of preparedness. The first is that the cost of armament should be paid for out of direct taxation graded to throw the chief burden on the well-to-do and very rich. Differences of detail aside, this has been the contention of THE NEW REPUBLIC since an increase of military forces became a practical political issue. Commissioner Howe's second postulate is that "there should be no profit from war." This is an impossible ideal, short of complete communism; but if Commissioner Howe means that the chief munitions should be made in government plants, that prices of other munitions should be regulated, and that special war profits should be reached by drastic taxation, then we can heartily agree.

The third point is by far the most interesting because there has been so little discussion of it. It is that the greatest source of diplomatic friction in the modern world centers about finance in backward countries. Commissioner Howe argues against the acceptance by the United States of the doctrine that the flag follows the investment of the citizen, that armed force should ever be used either to secure concessions, to protect them, or to collect debts. As we understand him, he wishes the government to wash its hands of responsibility for American investors and traders in backward countries.

To see what this means consider the case of Mexico. There are large American investments in that country. During the revolution they have de-