

be organized is that of a qualified national sovereignty for both large states and small. If small and weak nations are to be immune from all interference, even though they repudiate their obligations to other nations, large and powerful nations can also claim immunity from interference even though in the exercise of their sovereign discretion they override the rights and interests of their smaller neighbors. A community of absolute sovereigns is a contradiction in terms. So far as they believe themselves to exist, there would be warfare among them, not international government and coöperation. If the smaller nations want the benefit of security, purchased at the expense of their more powerful associates, they must be willing to submit to certain essential minimum standards of good behavior. It is standards of this kind which Mexico has fallen far below. The United States, as the neighbor-protector and the honest friend of Mexico, is justified, in the absence of any recognized source of international authority, to interfere in Mexican internal affairs sufficiently to restore to that country some measure of actual domestic independence and of recognition and confidence from other nations.

Mexican sovereignty is not a sacred legal abstraction; it is a living political instrument which must be justified by its fruits. At present it is working badly because it has not the military, economic or moral resources with which to meet its necessary obligations. Because it is working badly it does not deserve to be suppressed; but it has forfeited its right of complete immunity. If it is to do its work better it must have some assistance, and this assistance must be rendered with Mexican consent if possible, but if not, in spite of Mexican opposition. One of the tasks which the Mexican government is unable to accomplish is that of restoring order in the northern states. An American army has occupied territory in these Mexican border states in order to protect American citizens from murderous assault. There they should remain. The northern states are easier to police from the United States than from southern Mexico. The American government should assume this work, and should not withdraw the American troops until the country is pacified and until a similarly efficient Mexican police force can be substituted for them. Now that the troops are in Mexico they should be used partly for police work in that country and partly to bring pressure upon the Mexican government to accept American advice and assistance. Without such advice and assistance Mexico must remain for an indefinite period helpless and distracted, no matter how proudly Carranza flourishes the legal emblem of Mexican sovereignty, and no matter how much South American diplomats would like to have it reverently saluted.

The Close of the Brandeis Case

THE Brandeis case is closed. The country has been spared humiliation, and the authority of the Court has been immeasurably strengthened. Mr. Brandeis brings with him not only his native gifts, but the renewed confidence of liberal people and humble people throughout the United States. The issue which his nomination represented was one that reached to the depth of American life. It touched the sources of power. It uncovered an aggressive class feeling as threatening to American unity as the attempts of hyphenated politicians. It showed great numbers of well intentioned and respectable men retailing gossip and malicious rumor and losing in the end all sense of fair play and the essentials of decent controversy.

Almost everyone will want to forget all this and let bygones be bygones. For the moment it is better not to forget it, but to look at the situation squarely. Now that liberalism has won the day there are a few things to be said which could not be said while the fight was on. It would have looked as if the supporters of Mr. Brandeis were afraid to meet the attack. They have met it successfully and thwarted it with quiet dignity, and no one can say they have done a thing which the most scrupulous respecter of the Court's tradition can impugn. They have fought in an irritating battle with perfect self-control.

Had Mr. Brandeis's supporters wanted to use the case in all its possibilities they could have developed an agitation of almost unparalleled bitterness. They needed only to pursue the methods of the opposition. If in fighting an appointment of this sort the rich and the powerful hire attorneys, influence newspapers, organize a nation-wide propaganda, and employ elusive slander and insinuation, the counter to it is a blaze of publicity. That means that the Supreme Court is to be in politics with a vengeance. It means that a most dangerous precedent has been established, and that the next time a contested appointment is made we may expect press agents, campaign funds, mass meetings, oratory and political jobbery.

Mr. Brandeis's enemies have done more to drag the Supreme Court into politics than the most extreme radical. They have shown themselves completely obtuse to that restraint with which the American people have always wished to surround their highest tribunal. For the first time to our knowledge an appointment to the Supreme Court has been dealt with through the ordinary methods of agitation. The precedent has been created by the very men to whom the Court is alleged to be sacrosanct, by the very men who are popularly supposed to be the sources of dignity.

The harm done cannot well be undone. There is no use shirking the facts. The Court has been dragged into politics, and if at some future time an appointment is made which is as conspicuously conservative as that of Mr. Brandeis was conspicuously liberal, it will not be surprising if the liberals, throwing off the self-restraint they have shown this time, should follow the wretched example set by Mr. Brandeis's conservative enemies.

Philippine Independence

THE Philippines are not to be granted independence at once, nor is a date for their independence to be definitely determined. Such is the decision of Congress and the American people. And we shall probably go on talking in our old way about setting the Philippines free when they are fit for freedom. It is an offensive formula. It derives from Kipling's hypothesis of the oriental peoples as "half devil and half child." So long as we parrot this formula, the whole intellectual class in the Philippines will be forced into an attitude of hostility towards us, yet it is through this class that we must work if we are to foster the spirit of nationalism without which independence would be nothing more than an interlude between foreign aggressions.

But the formula is not merely arrogant, offensive. It is misleading, hypocritical. No matter how well fitted for self-government the Filipinos may be today, it would be a disgraceful repudiation of international obligations to cast them off. They do not relish the dominion of the United States. Well, would they rather become possessions of some other great Power? An idle question; even the Filipinos who like us least would be revolted by our baseness if we should transfer them to another Power. Yet that is what the grant of immediate independence would amount to. The Philippines are rich in natural resources, afflicted with wild tribes, capable of committing acts creating international complications, and as yet without means of self-defense. And the taste for colonial expansion is still alive among nations. Say that we abandon the Philippines. Who would seize them? Japan, of course.

True, the Japanese spokesmen in this country say that Japan does not want the Philippines, and there is no doubting the sincerity of the assertion. Japan has use for all her energies nearer home. The Philippines in our possession are no menace to her security. We could not possibly use them as a base for operations against Japan. Indeed, they represent more than anything else a pledge of our good behavior. But suppose that we set them up as an independent state. Japan is keenly alive to the fact that when the present war is over—and it can't last

forever—Germany will hover around the East like an eagle whose nest has been robbed. Japan cannot afford to let Germany have the Philippines, nor would she be strengthened if one of her present allies, England or France or Italy, became established there. With the Philippines independent and unable to defend themselves, Japan would have to take them whether she wanted them or not, just as we should have to extend our control over the Danish West Indies if Denmark set them free. We don't want them, but this fact is entirely irrelevant.

In the light of these considerations, what date shall we set for our definite withdrawal from the Philippines? When they have become sufficiently populous and wealthy to maintain an adequate defensive organization, or when the world has become wearied of imperialistic yearnings, we shall be able to withdraw with honor. A prophet alone could tell us when the time will be ripe. In the meantime it would be more seemly to talk less about Philippine independence and work more to create the conditions in which the grant of independence will be more than a vain and hypocritical gesture.

It is the international situation alone that justifies and demands our retention of the Philippines. We owe it to the Filipinos and to ourselves to keep a strict guard against the designs of foreign exploiters with flags tucked away under their coats. We owe it to the world to see that life and property are secure in the Philippines. It is part of our duty to see that no foreign nation has just ground for complaint of commercial discriminations even in our favor. These are the principal occasions of imperialistic intervention. So far as matters of a purely domestic character are concerned, on the other hand, we have, by right, nothing to say. The Philippines for the Filipinos. If they take kindly to Chinese immigration, let us not press on them our own exclusion laws. If they keep alive social customs displeasing to us, let us limit ourselves to deploring the fact. Time, and the development that is fostered by peace and toleration, will make of Philippine culture a contribution to the world's stock of values all the more important because it does not start with just the same premises as ours.

We ought to keep resolutely in our own hands control over the international relations of the Philippines, and such domestic powers—and no more—as are essential to the fulfillment of our international obligations. The Filipinos are a sensitive and spirited people, but the most sensitive and spirited of them could not take umbrage over our retention of powers they are not yet able to wield, not because they are politically incompetent or inexperienced, but because they are unarmed in a world of bullies. There is no dishonor in the status of a small nation.