

esies war between the two countries in the event of a diplomatic break, and it indicates the only sure method of avoiding war. We must force Great Britain to allow us to place at least a part of our resources at the disposal of Germany. A grim alternative, but a real one: Either participation in a hideous war which involves so many exclusively European issues and which might place on future American industry burdens heavy enough to compromise our domestic stability; or a threat of coercion hurled at the mistress of the seas whose fleet has long been our protection, whose merchant marine carries our commerce, whose Canadian citizens are our most immediate neighbors, best customers and our closest associates, and whose army is fighting to free France and Belgium from the consequences of an aggressive attack.

The German threat should be answered by pushing forward rather than withdrawing. The United States should abandon a hypocritical neutrality which falsifies its proper relation to the European War and which prevents its effectively asserting neutral rights and international interests. The German note places the American government in precisely the situation anticipated by *THE NEW REPUBLIC* when in our issue of April 22nd we appealed to the President to abandon the pretense of being neutral. Germany asks us to choose between herself and the Allies. Formally the American government is asked to enforce international law. Actually it is asked to assist the Central Powers in winning the war. The choice should not be evaded. The American government should seek to vindicate international law, but not by becoming the accomplice of the Power which violated Belgium, deliberately planned the killing of so many innocent Americans on the Lusitania, and is now trying to profit by the results of successful military aggression. What international law needs is a sanction. If we announce to Germany that we shall not only break off diplomatic relations but actually aid her enemies unless she agrees to abandon submarine warfare against commerce, evacuate Belgium, France and Serbia, pay an indemnity to Belgium and accept the principle that in the future the resources of all the nations may be used against any nation against whom aggression can be clearly proved, we shall be taking the essential step towards the vindication of international right. The immediate victims would be Germany and Austria, but only in so far as they are aggressors. Ultimately the vindication of international right would tend to provide for them as well as for all nations, small and great, the kind of security which they rightly crave and which in so far as obtained as a consequence of superior military preparations is a threat to the security of their neighbors.

American public opinion will regard the proposed intervention as dangerously adventurous. It prefers to pay the certain cost of a military preparation necessitated by the absence of an authoritative international system rather than pay the contingent cost of an attempt to bring such a system into existence. It is ready to participate in any attempt at permanent pacification after the war is over; but it will do nothing to prepare the way for pacification by making the power of the United States count immediately in favor of an equitable international adjustment. It is hoping in this way to avoid the risk and expense of intervention; and if the war is brought to a quick end it may succeed. But in that case our country will have missed a unique opportunity to mould the terms of a treaty of peace in a desirable direction, and it will have earned the justifiable enmity of Germany without arranging for the support of France and Great Britain. The poor but probable consolation is that the war will not end quickly. If the war lasts another year or more the alternative presented by the German note will be pressed home. We shall be continuing to damage Germany and refusing to damage Great Britain until Germany finds it worth while to break loose, which will be at some extremely inconvenient time for the political welfare of the Wilson administration. Then we shall probably drift into the war handicapped, it may be, by a maximum of internal friction and without the guidance of a constructive policy calculated to promote our own security and wellbeing or that of other nations.

Commercial Independence for the Philippines

THE Philippines are to remain American possessions. This is the will of the majority in Congress. It is the will, in all probability, of a still more decisive majority of the American people. Now, what are we hoping to gain from this remote colony? A profitable market? The net profits from our trade with the Philippines will never pay the cost of maintaining an army and navy sufficient to defend them. Are we cherishing desires for profitable concessions? It is undoubtedly the wish of most Americans that concessions in the Philippines shall be so carefully drawn that no extraordinary profits will remain for the grantees. Are we actuated by the sentimental dogma that where the American flag has been raised it shall never come down, by the mania of bigness, the mirage of the map? Such schoolboy motives may once have had a hold upon us. They have none now. We are holding the Philippines for the sake of a dream.

It is the dream of a new, free nation, fit member of the world's family, launched upon its historical course by our efforts. We want the Philippines to be—naturally in their appropriately lesser measure—what Japan has become, a modern nation strong and orderly, to give the lie to the myth that good government is a west-European monopoly.

Men of easy social philosophy do indeed assure us that the Filipinos will never be capable of self-government. They haven't political instinct. Perhaps there is such a thing as political instinct, and perhaps the Filipinos haven't it. So much we know: very diverse stocks have attained to political stability under good constitutional arrangements and in progressive economic circumstances. We also know that excellent racial stocks have lived chaotically under bad constitutional arrangements—witness Germany and Italy before union was effected—and excellent constitutions have failed to produce good government in archaic economic circumstances—witness Mexico. Our duty to the Philippines is to work out a satisfactory political constitution for them, something that is relatively easy, and to set them on their way toward an independent economic development, something that is extremely difficult. What this involves is an increased production of wealth, in order that public burdens may be supported with ease; a great intensification of inter-island commercial relations, in order that tribal and racial differences may be ironed out under a common economic interest; and the relaxation of the commercial bonds that tie the Philippines too closely to one foreign nation, the United States, and the establishment of closer relations than now obtain with other foreign nations. The Philippines belong by nature in the oriental trading system. They ought to trade largely with Japan, China, Indo-China, India. Their relations with the Occident ought to be distributed, with a fair degree of impartiality, between the United States, England, Germany and France. It is such a multiplicity of relations that produces commercial independence, that stimulates variety of production, that develops the best energies of the population. What is the Democratic party, champion of Philippine independence, doing to create such commercial independence? Nothing. It is still employing the Republican colonial policy under which we strive, and strive successfully, to monopolize the trade of the colony. Our Philippine commercial policy is nothing other than the ancient policy of colonial trade exploitation. It is practically identical with the French policy of tariff assimilation, adopted by the ultra-protectionists of 1892 and applied to Madagascar and Indo-China to the distress of those colonies and the disgust of the more liberal world.

We admit Philippine products free to our pro-

tested markets; the Philippines admit our products free, practically, to theirs. Is not this a fair trade? It is not denied that the Philippines have profited from our open markets. But the object of the arrangement is our profit, not that of the colony. It is intended to make of the Philippines a commercial dependency of the United States, and this is in fact the result. Philippine trade with us, which by nature should be only a minor branch, has been forced to exceed the Philippine trade with all the rest of the world together.

Our Philippine commercial policy is anomalous. It does not square with our intentions to prepare the Philippines for independence. And if our colonial experience is not sufficiently extensive to provide us with suggestions as to a better policy, we can borrow such a policy ready made from the colonial reformers of our sister democracy, France. What the French colonial reformers have proposed—and but for the war their proposals might well have been enacted in law—is that the great dependencies, Madagascar and Indo-China, whose situation is strictly analogous to that of the Philippines, shall have tariff systems designed with special reference to their needs and not to the cupidities of nationalistic traders.

We ought to create for the Philippines an expert commission with power to elaborate an independent tariff, against us as well as against the rest of the world, capable of encouraging industrial development and stimulating inter-island trade. We ought to negotiate for the Philippines commercial treaties with foreign nations by which, in return for suitable concessions, the trade with the Philippines would be thrown open on terms equivalent to those we enjoy. We ought gradually to withdraw our special trade concessions to the Philippines until they are placed on merely a most-favored-nation footing—the footing on which we should stand ourselves in the Philippines.

Under this system we should at first lose a certain amount of trade to our foreign competitors, and we should never again command so large a proportion of the Philippine trade as now. But the aggregate trade of the Philippines at present is insignificant as compared with the colony's potential trading capacity, and it might very well be that under the stimulus of relations with the whole world, the aggregate trade of the islands would develop so rapidly that in a short time our absolute volume would be greater than before. For many years the trade of France with her open-door colonies has developed more rapidly than her trade with colonies monopolized as we monopolize the Philippines. But granted that we lose trade, and never fully recover it, we are retaining the Philippines not for the sake of our trade but for the sake of our

dream of a new nation launched. It is in our power to establish the new nation in so far as commercial relations are concerned. We shall do this, if our dream is more than a bit of vulgar imperialistic hypocrisy.

We have been the most ardent advocates of the principle of the open door. We wrought manfully for the open door in Korea, in Manchuria; we are still intensely occupied with the maintenance of the open door in China. With what face did we insist upon the open door in dependencies and spheres of influence of other powers when at our first opportunity we clapped the door to in ours? Commercial independence for the Philippines means the open door. Such a policy would give to our diplomatic representations on the open door a moral validity that candor compels us to admit they have hitherto lacked.

Saving the Supreme Court

IF the gentlemen who oppose Mr. Brandeis had to explain their reasons to their God, they would want to say, we believe, that they have worked to protect the Supreme Court of the United States, that their highest consideration, and their only one, was to conserve a great institution. They would resent the suggestion that Mr. Brandeis has won the enemies he has because he lowered the price of gas in Boston, because he created popular insurance, because without fee and at great personal sacrifice he criticized a great monopoly, because he prophesied with terrible accuracy a rottenness in railroad management, because he fought the great rate cases, because he revealed a conspiracy on the part of President Taft and two members of his cabinet to deceive the American public, because he raised the class struggle in an anarchic industry to the plane of civilized adjustment, because he invented a new and compelling method of arguing constitutional cases, because he criticized the concentration of credit, because he resisted industrially wasteful methods of combination through banker management and the interlocking directorate, because he recognized the value of trade unionism. The gentlemen who oppose Mr. Brandeis will tell you it is not because of these things that they oppose him. True, these activities of his have often "hit them where they live," but no selfish interest, no class feeling, no caste feeling has for one moment clouded their impartial judgment. It is merely a question of professional integrity with them. They are not against Mr. Brandeis because he is, as Mr. Arthur Hill said, "a radical, an outsider and a Jew." Not for a moment. Such thoughts have never stained their minds. They are against him

for the reason stated in Mr. Austen Fox's brief.

They have discovered that for some unaccountable reason Mr. Brandeis has a mania for betrayal. It is unaccountable because this mania runs against all the usual motives for betrayal. We are acquainted with the man who sells out his client or deserts a cause in order to make money or gain social prestige. But here is a madman who sacrifices his best clients, who faces ostracism, who accepts relentless enmities, who yields money, power, place, just because he has a lunatic desire to betray his clients. Here is a man who gives up big fees to work for small ones, who gives up large retainers in order to work gratis, who gives up endless opportunity in order to spend twenty-five thousand dollars of his own money to expose the New Haven Railroad. Clearly this man is not only dishonest, he is mad, and the Supreme Court must be protected against him.

Unhappily the mass of the American people would draw a different conclusion from the defeat of Mr. Brandeis. They would not feel that the Court had been protected. They would feel and they would say that the agitators are right, that a liberal who has faced the music cannot be appointed to the Court. All those who have believed in the recall of judges would say that here is proof positive of what they have asserted. They would read into it a demonstration that only the tried friend of wealth and power can reach that Court, they would say with that human crudity which is so deplorable, that Mr. Brandeis was beaten because he is the greatest living American engaged in curbing the rich and the powerful.

So in a sense the Court would not be protected, the confidence of the people would be shaken to the depths. Their confidence in it would be less than it has ever been since the Dred Scott decision. These gentlemen opposing Mr. Brandeis, from the highest motives, would if they succeeded inflict irreparable damage on the prestige of the institution they wish to protect. If only they had some vision they would see that the charges against him have recoiled upon them by the sheer excess of overstatement, that even the Republican minority has turned away in disgust from that brief of Mr. Fox's, which is so obviously actuated by a will to believe the worst. They would see that the organized propaganda, the veiled insinuations, the malicious gossip are proof of their prejudice against him. If they had any vision, they would know that the presence of Mr. Brandeis on the Supreme Court would instantly restore popular confidence in it, would instantly silence those who regard it as a bulwark against democracy, would give the lie to those who say that the humblest are not represented in the highest tribunal.