

dertakes to float a popular loan in their behalf—a Slavery loan, shall we call it?

For while the nations in our debt mean to pay, if we insist on it, the payment will entail sacrifices that are incompatible with any other status than that of slavery. We except England from this case. What she borrowed from us—a little under four and a quarter billions, since increased by over half a billion through deferred interest—would not crush a nation of England's productive power and commercial position. And she has as offsetting credits some nine billions loaned to her allies, much of which to be sure will never be repaid, and a problematic share in the German indemnity.

The position of France is much worse. She borrowed two and three-quarter billions of us and two and a half of England, sums to be increased by one-eighth on account of deferred interest. She loaned a billion and three-quarters, of which about two-thirds may be written off as loss. She hopes to get considerable sums out of Germany, but there is no prospect in sight of indemnity payments greatly exceeding the cost of collection. Her domestic debt, relatively three or four times as heavy a burden as our national debt, absorbs and will continue to absorb whatever revenues she has above the cost of running the government. Therefore, with all due respect to French financial ingenuity and integrity, we doubt that France will ever have any surplus to apply to her debts to England and America. Italy's case is worst of all. She owes America and England four billion dollars, and has apparently no chance even of balancing her domestic budget within a decade. As for Poland, Yugoslavia, Czechoslovakia, Tsarist Russia and the rest of our debtors, the less we think about our claims on them the richer we shall feel.

It was because we clung to this very dubious mass of paper that we threw away our opportunity a year ago to effect a general scaling down of inter-Allied debts and a common sense handling of the indemnity question. We wanted to see Europe at peace and back at work. But we wished to attain this end through the proffer of advice that cost nothing. Not even the most ardent champions of internationalism were willing to face the fact that America can not advance the cause of peace by proffering advice while she puts pressure on England to squeeze money out of France and Italy, money to be squeezed in turn out of Germany and Austria. Idealistic talk and foreclosure proceedings do not go well together.

Woodrow Wilson knew well enough that most of these debts could not be paid and ought to be cancelled. He knew that an offer to cancel them would have won more support for a decent peace and a workable League than all the concessions he

made of other nations' rights, like Shantung, the southern Tyrol, the Saar valley. But he judged that American public sentiment would rather pay the price for League support in other nations' rights than in American cash claims. President Harding and Secretary Mellon know that we will never collect on the better part of these debts, and that we could put the whole world on a better footing by remitting them. But neither does the Harding administration dare to propose the remission of the debts. They are afraid to tweak the money nerve of the American people.

What puzzles us is this: On what grounds have both administrations assumed that the American people will hear of no policy, however salutary to the world, that would cost them money, even if the money were as certain to be paid as it is in fact uncertain? Might not the American people at least be given a chance to choose between the problematic value of our claims on Europe and the certain value of the economic revival that would come from the remission of the claims? For our part we have no doubt as to which value is the greater. Nor do we doubt that the American people is competent to choose the greater value rather than the lesser.

Mr. Chief Justice Taft

IF Mr. Taft had been named Chief Justice of the Supreme Court in 1913, is there any doubt that an outburst of liberal criticism would have greeted the appointment? The very Progressivism which President Taft provoked would uncompromisingly have resented Chief Justice Taft. This Progressive opposition would not have been a mere partisan expression, but the manifestation of a sound political instinct, namely, that the forces, conscious or unconscious, which make a man either a conservative or a liberal in the White House, are fundamentally the same forces which determine his decisions on the Supreme Court. To the Progressives of 1913, the William Howard Taft, with his lack of liberal convictions as to conservation, would have been the same William Howard Taft at the other end of Pennsylvania Avenue.

Today this opposition seems to have melted away. The press greets Mr. Taft's appointment with almost universal acclaim. Only the N. Y. Herald speaks out,—possibly a hang-over of Mr. Munsey's Progressive days with George W. Perkins. The Senate confirms the nomination pell-mell, in its eagerness to testify to the general approval. Of the Progressive group only Borah, Johnson and La Follette recall the ancient days and frankly challenge Mr. Taft's fitness. The rest is silence.

Whence the change from Taft, the target of the Progressives, to Taft, their acclaimed? Surely it's the same Mr. Taft. True, during the war there was discernible in him a slight interlude, due partly to the general wooing of Labor, and partly to Mr. Taft's genial submissiveness to the constant stimulus of Frank Walsh. But it was only an interlude. The same stand-pat pieties and timidity which led Mr. Taft to denounce Roosevelt for "laying the axe at the root of the tree" and "profaning the Ark of the Covenant" have inevitably made him an easy prey to post-war fears and hysteria. When Mitchell Palmer was running amuck and law-officers and courts were indulging in tyrannous and lawless conduct, Secretary Hughes and Senator Beveridge spoke out bravely in behalf of the Constitution which Mr. Taft professes to revere; but never a word from Mr. Taft. And while in the abstract favoring trade-unionism as a social necessity, he has joined the prevalent denunciation of Labor and supported the present majority view of the Supreme Court in making the courts partisans in the economic struggle.

Why, then, the change of attitude toward Mr. Taft,—this silencing of opposition? There are many reasons. Mr. Taft's personality accounts for much. He was a bad President, but a good sport. His customary geniality arouses a pervasively lazy good nature towards him. There is also a widespread assumption as to his judicial competence. Partly, he is the beneficiary of an unconscious law of compensation; he was very bad as President, therefore he must be great as a judge. From a slight foundation in fact, reiteration and this law of compensation have gradually built up Mr. Taft's judicial competence into a myth of judicial greatness. He was a good judge; one of the good judges of a Court—the Sixth Circuit—of rigorous traditions. But, surely, informed professional opinion would not think of him in the same class with such judges as Baker, Cardozo or Learned Hand. Moreover, such aptitudes and judicial habits as Mr. Taft had, had been unused for twenty years. During all his years as professor of law at Yale, Mr. Taft contributed practically nothing to legal thought; when he has written on legal matters it has been largely in the lay press, in a spirit of partisanship and with irresponsible inaccuracy.

Two causes deeper than Mr. Taft's personality make for acquiescence in his appointment. First, the recurring failure on the part of the public to grasp the real significance of the Supreme Court in the political life of the nation, to appreciate that when members of the Court decide the Hitchman case or the Duplex case, they move in the field of statesmanship. In such cases,—and it is cases like

these which matter in the work of the Court—the justices are not merely passive interpreters of ready-made law; they adjust conflicting interests, and by so doing enforce, consciously or unconsciously, varying conceptions of public policy. The New York Tribune expresses the naive hope that "With Justice Taft as moderator, it is probable that not a few asperities that mar the harmony of the celestial chamber, the consulting room, will be softened and that not quite so often in the future will the court divide five and four." Such simple-mindedness as this betrays a complete ignorance of the Court's history. Divisions in the Court are not attributable to want of "tact and good humor" in the "moderator," nor will they be effaced by smiles. A gentler spirit, a more twinkling humor and a more accommodating mind probably never presided over the Supreme Court than during the period of Chief Justice Fuller. Yet divided opinions on crucial public questions were plentiful during his time, as they were during the time of Chief Justice White, and as they will be during the time of Chief Justice Taft. The reason is that divided opinions are the result of real differences of opinion as to policy, or a different grasp of facts underlying policy, and not mere differences in interpreting fixed rules of "law."

But the greatest significance of the widespread popular approval of Mr. Taft's appointment lies in the fact that it measures the present temporary triumph of reaction. Labor is cowed, liberalism is confused, and the country's thinking generally is done in the storm-cellar. The New Republic does not begrudge Mr. Taft this outpour of goodwill. But the Chief Justiceship of the Supreme Court is not a subject for mere good-nature. The moment of jubilation will quickly pass for years of litigation on fundamental issues. Cases involving the social control allowed the states under the fourteenth amendment, or the exercise of federal power for police purposes, such as the Child Labor law, will soon again call forth a clash of differing conceptions of policy and of the proper scope of the Court's ultimate veto power. Mr. Taft, even before he was one of its members, has been rather obsessed by the notion that the Supreme Court is a sacred priesthood immune from profane criticism. He is not likely to be more hospitable to criticism as the presiding Justice of the Court. But the New Republic cannot emphasize too often that the only safeguard against the terrible powers vested in the Supreme Court lies in continuous, informed and responsible criticism of the work of the Court. Only thus will it be able to function as a living organ of the national will and not as an obstructive force of scholastic legalism.

The Indian Revolution

THE revolution in India is destined to force itself on the attention of a world weary of revolutions. First, the magnitude of a movement initiated among a population of 350,000,000 must give it a place in history. Again, the vast issues which are bound up with it, the fate of the British empire, of the Moslem faith, and of all Asia, will make it memorable. But that which most immediately strikes the imagination of the world is the fact that the Indian revolution is proceeding under the direction of Mr. M. K. Gandhi by the primitive method, Christian as well as Buddhist, of passive resistance. When Mr. Gandhi calls on his followers to renounce the social order which the British Raj has imposed on India, to give up titles and offices, to refrain from courts, to withdraw their children from government schools, and above all to abstain from violence, "to hold every English life and the life of every officer serving the government as sacred as those of our own dear ones," he is following more closely the method of Jesus than any leader since Saint Francis.

The present revolutionary movement in India took form in consequence of the repressive policy of the government toward unrest in India as the result of the war. Certain disturbances in the Punjab were suppressed with insult and violence, culminating in the massacre of Amritsar where a thousand unarmed men, women and children at a forbidden gathering were shot down without preliminary warning and in cold blood by order of General Dyer. The Rowlatt act was passed, which suspended all civil rights and left every Indian at the mercy of star chamber proceedings. Then followed the complete subjection of the Moslem world to the Christian by the treaty of Sèvres. This last event drove Mussalman and Hindu into union. The two questions of the Punjab atrocities and the Khilafat became inextricably associated, and Gandhi launched his non-cooperation or Satyagraha movement in which the two aggressive leaders of the Mohammedans, the brothers Ali, became his lieutenants. But behind the questions of Punjab and Khilafat is a greater and all embracing one—that of national wrong and shame to which every Indian is sensitive. "The Khilafat movement," said Mr. Gandhi in August 1920, "will become an irresistible force when every Mussalman treats the peace terms as an individual wrong." And of the Punjab atrocities he said in the same month: "Inasmuch as a single Punjabi was made to crawl on his belly in the famous street of Amritsar, I hold that the whole of India was made to crawl on its belly. . . . And if we want to

stand erect before the whole world it is impossible for a single child, man or woman in India to rest until fullest reparation has been done for the Punjab wrong."

The British Raj has endeavored to meet the situation, but with noticeable embarrassment. Nine months after the Amritsar massacre it was made the subject of inquiry in the House of Commons, and General Dyer, who had been whitewashed, commended and promoted, was at length recalled,—with the gift of £21,000 subscribed by the Anglo-Indian community to solace his wounded pride. Mr. Montague, Secretary of State for India, has addressed to the Moslem Indian delegation a letter in which he declares that "there is every reason to hope that Turkey will be as free and independent as she was before the war," except for limitation of armament and the internationalization of the Straits, that Adrianople will be autonomous, that the Hedjaz and Mesopotamia will be independent, that the holy places will remain in Moslem control, and that he has made representations to the Foreign Office in regard to the behavior of the Greeks in Smyrna. Meanwhile the so-called Montague-Chelmsford reforms have been put into some sort of working order. It is characteristic of the pre-occupations of an imperial government that this plan of setting up a council with limited powers composed of Indian and British representatives was drawn up by Mr. Lionel Curtis, the editor of the Round Table, and accepted by the Viceroy and Secretary whose names it bears. The Council was opened at Delhi by the Duke of Connaught and his words about Amritsar bear striking similarity to those of King George at Belfast. "As an old friend of India I appeal to you all—British and Indians—to bury along with the dead past the mistakes and misunderstandings of the past, to forgive where you have to forgive and to join hands and to work together to realize the hopes that arise from today." Discussion of the Punjab atrocities in this controlled group was very guarded, but Sir Godfrey Fell made an earnest attempt to convince his hearers of the exemplary severity of General Dyer's punishment by dismissal—with £21,000.

Lord Reading, who succeeded Lord Chelmsford as Viceroy, has followed the Duke of Connaught on the theme of conciliation, and his speeches since his accession show how serious the situation is. "Pursued," as he said, "by the shadow of Amritsar" he promised that more generous grants of money should be made to the sufferers from the events in the Punjab, and particularly that the disproportion in the scale of payments to Indians and British should be corrected. He has recently held conversations with Mr. Gandhi, and it is represent-