State than a superficially trained Bar, if such mastery is wielded by men who identify the advancement of individual interest, be it that of powerful clients or their own antiquated notions of "freedom", into the public function of the law. If it be true, and it is true, that the law, more than any other profession, "moulds the economic life and the government of the country," then the Bar must be equipped by the quality of its intellectual outlook, its humility, its insight and its ideals to guide the country into ways which make the good life possible. Law schools and curricula may do much. But above all the leadership of the Bar must dedicate itself to those public duties which it professes.

Conference As a Method of International Legislation

IT is an open secret that in proposing a European Congress in which Germany and Russia would sit as equals among equals, the British Premier was very much influenced by the example and the lessons of the Washington gathering. The performance at Washington confirmed his conviction as to the value and necessity of conference in bringing about international adjustments. For centuries governments had, of course, used conferences as the indispensable method of framing treaties of peace at the end of wars, but in these instances the deciding influence in dictating the terms of the treaty was not a free negotiation among the conferees which ended in general conviction and consent, but the comparative military strength of the several belligerents at the end of the war. The conference translated into political terms the achievements of force. The Washington Conference, on the other hand, was not in a position to register a verdict previously rendered by military victory or stalemate. President Harding called it in order to remove by negotiation causes of international friction which might subsequently develop into war. Its authors hoped to accomplish by public discussion and agreement among the governments with interests in the Far East the kind of political change which had usually needed war for its accomplishment. They attained a measure of success, and their success fired Mr. Lloyd George with the desire to emulate their example. Europe like the Far East was busily accumulating a snarl of animosities, misunderstandings, quarrels and convictions of mutual incompatability which unless they were disentangled by agreement were certain to provoke a renewed war. Could not Great Britain accomplish in Europe by the method of conference the measure of political readjustment which the American government had begun to accomplish in the Far East?

Considerations of this kind, we have sound reason for believing, persuaded Mr. Lloyd George to propose the Genoa Conference. It was a brave and perhaps a salutary idea; but he encountered one serious difficulty in carrying it out. The American government was in a stronger position to bestow upon a Far Eastern Conference the kind of reality which might enable it to accomplish by discussion and agreement really fruitful political changes than the British government was with respect to Europe. If legislation about the Far Eastern disagreements were left to the verdict of war, victory or defeat would depend upon a preponderance of naval power. The American government occupied with respect to naval power a position more advantageous than either Japan or Great Britain combined, and it had a good chance, if it had preferred and insisted, of dictating by force or by a combination of force or diplomacy the kind of legislation which its rulers preferred. It adopted precisely the opposite course. It not only submitted the disagreements to the verdict of a conference, but it began the conference by renouncing its potential superiority of naval power and by proposing a limitation of naval armaments which prohibited any one member of the naval triumvirate from forcing its will upon the other. This act of military self-denial gave the necessary vitality to the conference as a conference. It extinguished the possibility of obtaining a settlement in the Far East favorable to America as the result of war.

But in the case of the European snarl Great Britain does not occupy a sufficiently strong position to follow the American example with respect to the Far East. Whenever war again overtakes Europe, the most immediately dangerous, if not the ultimately decisive, weapon of vctory will be a preponderant army rather than a preponderant navy, and France rather than Great Britain possesses the preponderant army. The British government can not, consequently, begin a European conference with an act of renunciation as edifying as the American prologue to the Washington Conference. It was only France which could start the proceedings at Genoa with an overture of peace, and the French government did not have the remotest intention of surrendering the political preponderance on the European continent which it exercised by virtue of its military supremacy.

French foreign policy did not and, unless it were radically changed, could not win confirmation by the free consent of other European nations. It is as much the creature of an apparently irresistible army as was German foreign policy from 1873 until 1914. During those years Germany exercised a power which she had won by military victory and her rulers adapted their political policy to their expectation that they could, if necessary, overcome opposition to their designs. At the Hague Conference her government frankly defended war and armies as agencies of international legislation and its militarism prevented those conferences from moving in the direction of disarmament. France assumes a similarly aggressive attitude in the existing tableau of Europe. Unless she relaxes, the Genoa Conference will fail as a substitute for war as completely as the Hague Conferences. As long as France by virtue of her military superiority flourishes a foreign policy to which other nations would not submit if it were not for her military superiority, Mr. Lloyd George cannot substitute conference for war as a method of bringing about political readjustments in Europe.

We are calling attention to this characteristic of conference as an agency of international adjustment because, if it is not understood, its prestige as a method which as the only possible substitute for war and revolution it is important to preserve, may suffer from its ill-advised and careless use. Conference is government by unanimous consent. It constitutes, as Mr. Hughes pointed out in his speech at the last plenary session of the Conference, the kind of tribunal in which the dissenting minority opinion prevails. The power which it confers on a minority of insisting on being consulted is its peculiar virtue, but it is a virtue which in the present state of international public opinion brings with it a corresponding weakness. For at present the necessity of unanimity confers more power upon an unscrupulous, self-centred and powerful minority than it does on one which is scrupulous and disinterested. A conference assembles usually under somewhat critical conditions. Decisions are necessary. Every member of the conference exposes himself to moral pressure by the majority not to insist on his own policy at the expense of breaking up the conference. In so far as the conference is composed of members who are honestly seeking a fair adjustment by general consent, such pressure is desirable and useful, but in so far as its less scrupulous members may use it to coerce a reluctant associate to consent to unprincipled decisions, then it becomes a dubious tribunal for a disinterested nation to join. It was a predicament of this kind in which President Wilson found himself in Paris. He was the dissenting minority, but if he pushed his dissent to the point of breaking up the conference, he would expose himself in a weak position to the attack of his American enemies and could be accused with plausibility of instigating European revolution and postponing the much needed peace. His motives for agreeing to decisions of which he did not approve were more powerful than those of his associates, and they naturally took advantage of his weakness. The result was his signature of the unprincipled bargain of the Treaty of Versailles.

In his speech of January 21st Mr. Lloyd George declared with entire truth that the only possible escape from the existing European snarl was conference, and he characterized conference as a method of "bringing the nations to the test of reason and not of force." These assertions are to our mind emphatically and entirely true, but they imply on the part of conference as a method of bringing reason rather than force to bear on international dissensions an infirmity against which the more disinterested nations must guard. If the majority of the members of a conference are seeking an agreement by consent and only one exceptionally powerful nation opposes the general disposition, it is important that conference should provide some expedient to deal with this predicament. Unless conferences are to be blackmailed by intractable and unscrupulous minorities, their members must face the necessity of inventing and sometimes using a non-physical weapon for overcoming the resistance of the offender.

The most available weapon is obviously political and moral isolation. That is the only appropriate and sufficient penalty which a pacific society of nations can inflict on its unscrupulously egotistic and aggressive members. The penalty of isolation, like all other penalties, is liable to abuse. Germany abused it when after the Franco-Prussian war she tried and for many years succeeded in isolating France. But France escaped finally from isolation because not even the political and military preponderance of Germany in Europe was sufficient permanently to deny to France the honorable and important place to which she was entitled in European counsels. France is now trying in turn to isolate Germany and Russia, and the object of the Genoa Conference is fundamentally to bring this deplorable isolation to an end. The Poincaré government opposes a conference which by restoring Germany and Russia to an equality with other nations in the counsels of Europe is bound to jeopardize the Treaty of Versailles which was framed

without consulting them. If the French government persists in this attitude, there is only one sufficient answer which is to inflict on France the penalty which she wishes to fasten indefinitely on Germany.

Inasmuch as its infliction may provoke the French government into some desperate tour de force of national self-assertion such as the occupation of the Ruhr Bassin, isolation is a dangerous weapon. Yet it is a weapon which will, we think, have to be used in the end if the neighbors and associates of France are to root out the militarism and power politics which are destroying the integrity of Europe. They must recognize that the isolation of France is a dangerous penalty to inflict just because it is a terrible penalty. It is tantamount to the outlawing of French national policy at the bar of public opinion. It is the modern equivalent of mediaeval excommunication and its authority will depend upon its employment only on rare occasions and for unexceptional causes. It is, of course, easy enough to invoke isolation against a beaten enemy, as France was in 1871 or Germany in 1918, but wars will continue until the society of nations dare to employ it also against an offender powerful enough to be dangerous and successful enough to blind men's eyes. To use the dangerousness of French militarism as an excuse for buying it off and placating it is only to confirm its authority and to increase its vitality. Public opinion must dare to oppose it and to oppose it not by any counter demonstration of force but by moral coercion: The isolation of France may result in some years of further disorder, but if the disintegration is to continue it will be salutary in the long run not to confuse the responsibility for it but to place it squarely on the shoulders of M. Poincaré & Co. So far as we can see there is no other way of qualifying conference, as the agency of consent and reason and as the enemy of force, to assume the function of legislating for the society of nations.

Paying the Piper

> The struggle will be bitter and violent, for it will present itself to each of the contesting interests as an affair of life and death. The most powerful influences and motives of self interest and self preservation will be engaged. Conflicting conceptions of the end and nature of Society will be ranged in conflict. *Keynes, A Revision of the Treaty, p. 86.*

THAT this forecast is sound, applied as Mr. Keynes applies it, to Germany, needs no arguing. A colossal burden of taxation impends: for the indemnity charges, for the internal debt, and for reconstruction. No really serious attempt has yet been made to distribute the whole of this burden definitely among the several economic and social classes. The government raises what taxes it can and makes up its budgetary deficits—invariably huge ones—by additional issues of paper money. But this is only to postpone the evil day when the government must decide in what proportions the several classes shall take up their burdens. We need not blame the government too severely because it has not yet solved the problem. Party lines have already been drawn with reference to it. Party passions have been raised to white heat. Erzberger attempted last summer to put through a measure making wealth pay more than the men of wealth regarded as their share. He was assassinated. His fate may explain the reluctance of other moderate political leaders to father vigorous taxation measures.

Lay the taxes on wealth, and the furious hatred of the rich will be aroused. Lay them on the poor, in the form of heavy consumption taxes, and an epidemic of strikes and rioting will break out. Such is the situation the German government must face. "Conflicting conceptions of the end and nature of society," have already emerged, at this early stage in the German taxation struggle. At one extreme is the conception of the Stinnes group, of a state restricted to the narrowest police function, with combined business determining all the vital issues of social life—a dream of the logical consummation of modern capitalism. At the other extreme is the communistic conception of a state in which the government is controlling partner in every enterprise and all surplus above earned income is appropriated to public uses. Majority opinion lies between the extremes, but it remains to be seen whether it will develop sufficient consistency to mediate a compromise, or whether it will polarize about the extremes and make solution impossible except by the revolutionary method.

Well, Germany danced; let her pay the piper as best she can, our unregenerate war propagandists will observe complacently. Germany danced, and so did all the other nations that maintained groups of traditional minded statesmen who regarded war as a useful and legitimate instrument of policy. Germany maintained the Kaiser and the architects of the Berlin to Bagdad project. Our side maintained Sazonoff and Panslavism, Poincaré and the revanche, Winston Churchill and cannier statesmen who thought that England might fish profitably in troubled waters. History will probably find that the dance was an international affair. But whether that is to be the verdict of history or not, there is no doubt that paying the piper is to be a