and to improve the physical condition of the railway could not be of any benefit to China.

If any general conclusion can be drawn from such a case as this, it might be stated briefly as follows: Ordinarily Americans ought to be left free from interference by their Government to invest their money in anything they please. Interference by the Government should occur only in cases in which obviously the investment would be contrary to the interests of the United States—as it would be obviously for the purpose of aiding a foreign government planning hostile action against the United States. In some cases, doubtless, the susceptibilities of other peoples must be taken into consideration in planning a loan; but such susceptibilities should not govern if they run counter to the real welfare of the peoples mainly concerned. Trade, commerce, and other transactions between peoples are means of uniting peoples, and of also dividing them from one another. We cannot have the benefit of the union without the danger of division. Some of those who urge most strongly that nations should trade freely with one another, each contributing what it has in abundance to what the other needs, are the very people who are most likely to protest against the international loans and finances without which international trade is impossible. After all, in all such matters the prime requisite is that what is done should be done openly, honestly, and in the spirit of fair dealing.

The League Forestalls a War

WHEN a war starts nowadays, it is impossible to say how far it may spread; 1914 proved that. And the League of Nations has just shown how valuable, in a time of interrelated national interests, is a permanent agency for dealing with conflicts before they become uncontrollable.

Two states that did not exist before the World War—Poland and Lithuania—have been endangering the peace of Europe. Yet the Allied Powers, without whose recognition the existence of these states would have had no sure sanction, could not with propriety interfere directly. The Powers could, and did, make suggestions to them, but had to treat them with all the consideration due to sovereign states, even though their sovereignty is comparatively far less secure. But there was the League of Nations at Geneva, of which both quarreling nations are members, and they could be, and were, induced to submit their differences for full discussion before its Council. Both Premier Waldemaras, of Lithuania, and Marshal Pilsudski, of Poland—each a dictator in his own land—attended the sessions, and Pilsudski actually precipitated the peace settlement by threatening to go home and talk war.

The trouble arose over Poland's annexation, seven years ago, of the city of Vilna, which Lithuania claimed as her capital. A technical state of war has existed ever since, and has led to mutual bickerings over the way that Poland has treated Lithuanians within her borders and, similarly, the way that Lithuania has treated Poles. Russia and Germany, their neighbors, have been concerned over recurrent threats of Lithuanian-Polish conflict, and France and Great Britain have watched the danger zone with anxiety. Now the two antagonists have accepted a declaration by the League Council that the state of war is at an end and have consented to settle the issues between them diplomatically. True, the question of Vilna remains to be adjusted, and a League Commission is to look into that matter and also the treatment of minorities. But the main thing is that the outcome of League action was preservation of peace.

We in America do not see our way to accepting the obligations of League membership, but we can recognize accomplishments like these and their practical value for the maintenance of world order.

The Smith-Vare Case

IN excluding Frank L. Smith, of Illinois, and William S. Vare, of Pennsylvania, from the seats for which they brought credentials from the Governors of their respective States, the United States Senate has confirmed the precedent which, by excluding Mr. Smith from an unexpired term, it established last January.

Of the power of the Senate to exclude any one who presents himself for admission to its membership there is no question. There are those who declare that it has not only the power but the right to do so. They point to that provision in the United States Constitution which declares that each house of Congress "shall be the judge of the elections, returns, and qualifications of its own members." The Senate has itself interpreted this to mean that it can decide, not only who among claimants for membership are qualified under the Constitution, by virtue of age, residence, and the like, but who is qualified according to its own standards. This power rests not merely upon the Constitutional provision but upon ancient parliamentary practice. In the sense that there is no authority in government that can challenge it successfully, this power is arbitrary. Against the exercise of it there is no possibility of appeal.

Because it has the power to expel any member by a two-thirds vote or to exclude a claimant to membership by a simple majority without any review by any power except that of public opinion, a parliamentary body like the Senate has an extraordinarily grave responsibility. Every time it excludes a claimant it establishes a precedent which under other circumstances may prove dangerous to the rights of a minority, and even to the proper maintenance of representative government. It must be assumed that in the cases of Messrs. Vare and Smith those who voted for exclusion considered, not only whether these men were desirable members of the Senate, or whether the use of money in the primaries by which they were nominated was corrupting, but also whether the decision as to their fitness to sit in the Senate should be taken from the States which sent them and assumed by the Senate itself.

Parliamentary bodies have exercised this arbitrary power arbitrarily. The New York Legislature, for example, excluded Socialists from membership because of utterances of which the majority disapproved. That action set a precedent that well might become dangerous. And yet the danger of limiting the power of a legislative assembly in such a case as that is greater than the danger created by its arbitrary exercise.

In the case of Messrs. Vare and Smith it cannot be said that the Senate has exercised its power arbitrarily. It has, it is true, deprived two States of their equal representation in the Senate; but it has done so not without cause. The charges of illegal use of money in the primaries which nominated them are clearly concerned with the preservation of true representative government. In this case it is not only the excluded claimants who are on trial, but also the judgment of the Senate. Having decided that there was greater danger in appearing to condone corruption than in appearing to exercise its power without full warrant, the Senate must prove that it acted without partisanship and with foresight. After all, popular government rests upon the ability of the people to choose representatives whose judgment can be trusted.

The Doctor Looks at Companionate Marriage

By JOSEPH COLLINS, M.D.

THERE are a few truths about marriage that are universally admitted. That it is venerable, honorable, vulnerable, are some of them. Perhaps it would be no exaggeration to say that nearly every one who marries wishes, at one time or another, that he had not. This regret may be fleeting, or it may lead to the divorce court. The number of married persons who are seized with the permanent variety of dissatisfaction grows greater every year in this country. One out of every eight marriages is now dissolved by the courts. In the past fifty years the divorce rate has increased nearly three hundred and fifty per cent.

The Church of every stripe and label is alarmed; organizations devoted to man's welfare are concerned; and individuals jealous of their country's reputation are worried. Men and women who feel it a privilege and a duty to live harmoniously with the conventions and institutions that civilization, culture, and enlightenment have erected and found good see in this rapid increase of divorce the heralds of National decline. They think something must be done about it; otherwise, the foundations of our social structure will be undermined and the supporting pillars of society razed. They maintain that there are no elements of perpetuity to guarantee the preservation of a nation if moral law be violated. Divorce violates it in the vast majority of instances. About one-half of all divorces are granted for desertion, and in the majority of them it is fraudulent and collusive.

Society is ill, desperately ill. Many doctors have been summoned and more have volunteered their service. Among the latter there is none so sure that he has a remedy, or more insistent that it be tried, than Ben B. Lindsey, one time judge in the Juvenile and Family Court of Denver. He calls it "companionate marriage," and he defines it as legal marriage, with legalized birth control and right to divorce by mutual consent for childless couples, usually without payment of alimony. The moment a companionate marriage is no longer childless it becomes a family marriage. He fears it may be thought that companionate marriage is a revised edition of trial marriage. He denies any analogy save those that trial marriage has with every kind of marriage. No one can predict with certainty the outcome of any union. Trial marriage, however, implies something which is openly tentative, provisional, and experimental. It differs little from unmarried unions save that it takes the name marriage. Its whole psychology rests on uncertainty and hesitation. In companionate marriage there is none of that. It is a legal marriage. Every childless marriage wherein by mutual agreement the parties can obtain a divorce is a companionate. He thinks that under this sort of marriage, with legalized birth control, most persons would marry, as they do now, with the firm belief that their union would be permanent.

A MARRIAGE that can be dissolved by mutual consent is at least an excellent imitation of a trial marriage. The difference between them is that some one in authority has said to the companionates, "I now pronounce you man and wife," and if any one throws bricks at them he can be haled before the law. The Judge will have difficulty in convincing even the most credulous that some, perhaps most, of those who contract this variety of marriage are not testing matrimony, its privileges and entailments. It makes matrimony akin to trying on hats. One keeps on trying until a lid is found that fits and is becoming and comfortable. Those that have been pressed down upon the head and then discarded have not been injured in their market value; others buy them with readiness and satisfaction. It should be called "experimental marriage," for that is what it really is. Judge Lindsey maintains that companionate marriage is already an established social fact in this country and that it ought to be conventionally respectable. He means, it is to be supposed, that birth control is being practiced by some married couples until they find out whether or not they like one another well enough to go on living together, or until one of them finds some one with whom he would rather live. When they make this discovery, they frame a conspiracy, hire a lawyer, and get a divorce. He believes that this is becoming so universal among the educated that soon we shall be a nation of hypocrites, the best people evil-doers, and every mouth speaking folly.

THE ignorant and the poor, he thinks, are spared the hypocrisy, for they

EXTREME variety and divergence of views have been disclosed by the discussion of marriage aroused first by emphasis on individualistic views of the subject and more recently by Judge Lindsey's book on the Companionate Marriage. In that book Judge Lindsey proposes legislation, first, to enable childless couples to secure divorce by mutual consent; second, practically to abolish in such cases alimony, except with reference to the economic position of each party; and, third, permitting physicians and scientific boards to give scientific information to enable couples to remain childless if they wish. He regards the Companionate Marriage as normally leading to the Family Marriage, with children, in which case divorce would be granted only for grave cause. This article, by one of the well-known physicians in New York, deals with Companionate Marriage mainly from a medical point of view. There are other aspects of marriage; and other papers dealing with other aspects will follow. Much of the confusion in the discussion of marriage arises from failure of those who think of it as a relationship between two individuals to recognize the concern of society, and, conversely, the failure of those who think of marriage as the concern of society to recognize the rights of the individual; and much of this confusion arises also from the failure to distinguish between the legal and the ethical aspects. In inviting to our columns the following article and other articles in later issues from other points of view, we hope to stimulate and clarify thought on this most important subject. We reserve the expression of our own opinion in order that this discussion may be free.

THE EDITORS.