

## IOWA AND THE LEAGUE OF NATIONS

By CHARLES ROLLIN KEYES<sup>1</sup>

In these closing days of the great European war<sup>2</sup> and the speedy humiliation of the German nation, the question of a league of nations will again become a burning topic throughout the world. In this connection it is meet that attention should be directed to the circumstance that once upon a time our fellow Iowan, the late John A. Kasson, then U. S. Minister to Germany, once devised a working plan for such a league which received the sanction of all civilized countries of the earth, except France and the United States. The United States and France refused to become signatories to the compact. Had we but signed it the present upheaval in Europe would have been made impossible.

In a diary of William II, published not so very long ago, dated in exile at Doorn, in Holland, and appearing in the newspapers in March, 1921, the late Ex-Kaiser takes upon himself full credit for proposing some years previously a league of nations, for maintaining the peace of the world. However, that may be, the Kaiser's league was not the first organization of the kind. More than three hundred years ago Henry IV of France and Elizabeth of England formulated a league for the peace of Europe. In our own time an American minister devised a covenant for a league of nations which received the adhesion of no less than thirteen Great Powers. This was at the Congo Conference in 1884. It may possibly have been inspired by Teutonic mind, but a New World Saxon mind executed

<sup>1</sup>Charles Rollin Keyes, of Des Moines, died May 18, 1942. This article which he had prepared for publication some time before, was handed to the THE ANNALS Editor just as Mr. Keyes was leaving for Arizona, where he died soon after. His conclusions perhaps were not out of harmony with thinking prevalent at that time, though strangely dissimilar with subsequent developments. Professor Keyes was engaged in the preparation of other articles, especially relating to the work of John A. Kasson, to whom he had been attracted while a college student, when the great American diplomat was delivering a course of lectures at John Hopkins university on diplomacy. This article is particularly valuable, as well as having interest, because of its including Mr. Kasson's superb presentation of the merits of the rejected Congo Conference treaty.

<sup>2</sup>Reference is to an anticipated early ending of World War II, although it continued several years after the death of Mr. Keyes.

it. Be that as it may, it was long before the late Ex-Kaiser came upon the political stage.

To our United States the Congo Conference of 1884-5 was the most momentous event that had transpired since the Declaration of Independence. For the first time in the first century of her existence America deliberately abandoned her time-honored foreign policy and meddled with European political affairs. It was our very first step into world politics. For with world politics the conference certainly was highly charged.

Called together by special invitation and under the presidency of Bismarck, fifteen nations took part in the international conclave. By it the destinies of the Dark Continent were to be settled for all time. Finding in our American Minister Plenipotentiary at Berlin a strong admirer of everything Teutonic and a willing supporter of German aggrandizement outside of the New World, our country's representative was easily inveigled into favoring a radical departure from its life-long traditions and its resolution not to partake of forbidden fruits.

If the African Conference was a special creation of the Iron Chancellor to forestall England and France in their colonization projects, and to guard against American commercial aggression, it was also portentous of great consequences the world-wide bearings of which not even the master minds of Europe had the foresight to grasp. Out of that conference grew principles of international arbitration, the germ of a practical League of Nations, and the birth of a new World Power such as Germany never anticipated even for herself. The Arbiter of Europe put our Iowan in the forefront of *Weltpolitik*.

Representatives of our Government to the Congo Conference were John A. Kasson, of Iowa, then U. S. Minister Plenipotentiary to Germany, and special commissioner, General Henry S. Sanford, of Florida. A more antithetical pair would be hard to find. A subtle, suave, silent

and discreet minister was Mr. Kasson, with a turn for precise, almost pedantic delivery of his thoughts, and a fine talent at once for eliciting a secret, or baffling an interviewer; a man of refined and cultured presence, too, with an aristocratic tincture of French, or Huguenot, descent about him; but a man also of rather delicate health, which compelled him to live very carefully, and to be circumspect in the choice of his boon companions—a very great contrast to his big, bluff, almost blustering colleague.

#### FIRST AGREEMENT BY BIG POWERS

At the Congo Conference, be it remembered, was the first general agreement recorded in history among powerful, independent, and alien nationalities looking to the adjustment of all future differences by the peaceful intervention of third parties. It was our Kasson who originated, proposed, and obtained the adoption of this proposition. This was the first foundation-stone of that League of Nations for enforcing universal peace that was the basis of settlement of the great World war, thirty years afterwards. Many years ahead of his time was our Iowan with a practical plan for international arbitration.

It seems strange that such a pretentious scheme should be made so simple, and, having been formulated, should originate so far from the sea, on the broad prairies, in the very heart of the continent. Yet that state comes into world prominence mainly through the labors of an illustrious group of thinkers to whom civilization is as deeply indebted for certain broad views and far-reaching generalizations which in spirit and expression recall the wide expanse and clear atmosphere in which they worked, where the sun courses its path unbroken from verge to verge of the world, and where nightly myriad stars give impulse to the thoughts of men.

Mighty consequences for good or for evil often result from what appears at the time to be trivial occurrences in the evolution of nations. These, then, seem to be of

such small importance that they pass almost unnoticed, and those manipulating affairs have no control over them. Yet one path leads to empire, and the other to extinction. In view of the later developments and the peace policies of the World war these earliest considerations on international arbitration bear careful analysis.

In the general amelioration of war possibilities which characterized the nineteenth century, the government of the United States, by its judicial course, its diplomacy, and its naval policy leads the way. There is, however, a further advance in international civilization for which our Republic has attempted to blaze the path through a dense and dark forest of difficulties. It is to establish a method by which differences between nations, which the usual diplomatic agencies fail to adjust, may be honorably settled without resorting to brute force. In this effort it was the good fortune of our fellow Iowan to take first decisive steps of real advancement. When Mr. Kasson once was conversing with the noble-minded Frederick of Germany and alluded to his brilliant experiences in three wars, the latter quietly responded that he hoped he would never see another battle. Perhaps his aggressive son later became of much the same mind.

It was Mr. Kasson's conviction, from his survey of modern history, and his familiarity with existing conditions of international relations, that a practical scheme of arbitration could not include all nations, or all the subjects of contention between nations. A World war had not yet been fought. However, here is a summary of his main thoughts on this topic, so far as they are preserved.

#### CLEVELAND DISCERNED THE CONSEQUENCES

The treaty signed at the conclusion of the Congo Conference required on part of the United States the ratification by the Senate. Were it not in the closing days of the Harrison administration that might have been done quickly. In the meanwhile the opposition party came into

power and the matter had to lie over for a new congress. The one man in America to see the momentous consequences of the African covenant, to clearly discern the fundamental departure from time-honored policies of our government, and to envision our initial plunge into European politics, was President Cleveland. In a message to the Senate he pointed out the grave consequences of such a step and recommended that such an agreement be not sanctioned.

Kasson was our first great imperialist. His European experiences brought him into direct contact with the grandeur of the theme. Congo was first step in a bitter contest which was soon to be waged between our two political parties. It was the casting off of the nation's swaddling clothes. It was the initial advance in our inevitable career of national expansion. The Spanish war was made easy. On that fateful day our destiny was fixed for our ready entrance into the World war. Our emergence therefrom as the First World Power was merely a necessary consequence.

The outcome of the Congo Conference was really a great diplomatic triumph for Germany. Its results were far beyond the fondest hopes of the Iron Chancellor. The latter had worked through an American minister and won. Checkmated in colonial expansion were both England and France. That these nations should so quickly try to undo the accomplishments of the conference by playing upon the fears of the new American administration is not strange. Urging rejection of the agreement by the United States senate was easy, and best corresponded to American traditions. Secretary Bayard evidently fell before his own fancied patriotism.

Small wonder was it that even the astute Cleveland should be made to view with alarm such radicalism as would change our foreign policies.

Mr. Kasson could not help taking exception to the President's reflections upon his then recent achievement,

which he naturally regarded as his *chef d'oeuvre*, an accomplished effort of the ages. In a public statement conspicuous for its calm dignity, sound logic, and legal perspicacity Mr. Kasson answered the President's objections. It was, indeed, a masterly defense.

#### KASSON'S MASTERLY PRESENTATION

The main features of the reply appeared in the newspapers and in the *North American Review*, for February, 1886. The more extended original notes in manuscript substantially as Mr. Kasson wrote, were as follows:

The conditions under which commerce should be conducted with central Africa for all future time, and the securities to be afforded to the persons and institutions of Christian civilization established there were deemed by fourteen foremost nations of the earth to be of sufficient importance to justify an international consultation on the subject. The resolutions of this assembly were believed by thirteen governments to be so useful as to merit approval. It seems that our government, or rather its executive officer, holds them of so little importance as not to deserve the consideration of the American senate. So it appears from the following extract from the President's message:

The action taken by this government last year in being the first to recognize the flag of the International Association of the Congo has been followed by formal recognition of the new nationality which succeeds to its sovereign powers.

The conference of delegates of the principal commercial nations was held in Berlin last winter to discuss methods whereby the Congo basin might be kept open to the world's trade. Delegates attended on behalf of the United States on the understanding that their part should be merely deliberative, without imparting to the results any binding character, so far as the United States was concerned. This reserve was due to the indisposition of this government to share in any disposal, by the international congress of jurisdictional question, in remote foreign territories. The results of the conference were embodied in a formal act of the nature of an international convention, which laid down certain obligations purporting to be binding upon the signatories, subject to ratification within one year. Notwithstanding the reservation under which the delegates of the United States attended, their signatures were attached to the general act in the same manner as those of the plenipotentiaries of other governments, thus making the United States appear, without reserve, or qualification, as signatories to a joint international engagement imposing on the signers the conservation of the territorial integrity of distant regions where we have no established interests or control.

The government does not, however, regard its reservation of liberty of action in the premises as at all impaired; and holding

that no engagement to share in the obligation of enforcing neutrality in the remote valley of the Congo would be an alliance whose responsibilities we are not in a position to assume, I abstain from asking the sanction of the Senate to that general act.

The correspondence will be laid before you, and the instructive and interesting report of the agent sent by this Government to the Congo country, and his recommendations for the establishment of commercial agencies on the African coast are also submitted for your consideration.

Are these official observations justified? Or, has the President been ill-advised, and his message been made the vehicle of wholly erroneous statements?

A slight inquiry by the Secretary of State into diplomatic law, or into the text of the document, would have assured him that his implication that the United States delegates had surpassed their instructions in certifying by their signatures the final acts of the conference was wholly gratuitous. That signature did not make the United States appear as signatories "without reserve or qualification". Not only was the reserve and qualification . . . . that the whole was subject to approval by the Home Government . . . . contained in the acceptance of the invitation itself, but it was embodied in the text of the final act which, provides that it shall only take effect for each power when that power shall have ratified it. (*Il entrera en vigueur pour chaque Puissance a partir de la date ou elle l'aura ratifie.*) Even without this express reserve, by general diplomatic usage the conclusion of an international conference can never be binding on governments until ratified. Their signatures gave it no "binding character". It is to be regretted that the President has thus seemed to ignore both the text of the document, and international usage.

More important questions relate to the conclusions themselves, of the conference, and their importance to American interests, present and future. The President admits the need of regulated relations with that region, by submitting recommendations for commercial agencies there, and by having formally recognized its principal nationality, although it occupies only about one-third of the country affected. With this nation, as with nearly all the rest of the region, we have no diplomatic, or consular, arrangements or securities, unless those adopted by the conference are accepted. Certainly, then, it is worth while the trouble to inquire what the delegates of so many nations did actually recommend for the common interest of all in their future relations with one-third of a great continent.

#### SOLE PURPOSE OF PROMOTING PEACE

A meeting of the principal governments of the world for the sole purpose of promoting the peace of nations, the interests of international commerce, and the progress of Christian civilization is an

event so unusual that it deserves more than superficial attention. History records many such meetings of powers in order to restrain or ratify war-like aggressions, to regulate the balance of continental power, to define political jurisdiction, or to divide the fruits of conquest. In late years, however, and at the primary invitation of the United States, they have repeatedly assembled for the regulation of postal communications between themselves, and for an agreement on scientific questions. Once they did meet to capitalize and apportion the payment of the Scheldt dues, which were a burden upon international commerce, and in the issue of which our government participated. An examination of the record of the Berlin Conference of 1884, will show a meeting on a still higher plane, suggested by the discoveries of an American citizen, and by the political action of the United States in recognizing a new-born state.

Within the two last decades travellers had forced their way up the Nile, and from Mazambique westward until the great lakes of central Africa and the thickly populated country around them had been discovered and partially explored, and a great river found whose destination and commercial utility were unknown. To the task of solving this doubt an American devoted himself with rare sagacity, intrepidity, and pluck. Undeterred by savage nature and more savage man, he, during nine hundred and ninety-nine days, traversed a continent which had been dark during all historic ages, and displayed a flag of the newest great nation of time to the most unknown people of the earth. From a line less than one hundred miles from the eastern coast of Africa, until he saw the rise and fall of the Atlantic tides in the Lower Congo, Stanley saw neither fortress, nor flag of any civilized nation, save that of the United States, which he carried along the arterial water-course of a region inhabited by a people estimated at more than forty millions in number.

Thus was opened up a vast field for operations of Christianity, of civilization, and of commerce. The American government claimed nothing from the right of discovery. The enlightened king of the Belgians, mourning the loss of an only heir to his throne, resolved to dedicate a royal fortune to the founding of a free and progressive state in the newly discovered center of a populous continent. Routes were opened, stations established, officers appointed, and the work begun. The first appeal for recognition and for moral support was naturally and justly made to the government whose flag was first carried across the region. The president and the senate responded favorably to the appeal and recognized the occupation as lawful, being founded on treaties having the consent of the native authority, and promising equal and just treatment to all American interests.

European, as well as American, commercial interests were involved. European consent was needed. Europe embraced all the colonizing powers. Two of them were already pushing forward their colonial claims to this region. Both of these governments had, for generations, adopted the policy of colonial monopolies, excluding other commercial nations from access to their colonies except on terms of great inequality. Should this region fall under such control, not only the trade and influence of the country which claimed its discovery, but of all other non-occupying governments, would be practically excluded from its benefits.

All these nations had a common interest in establishing there the liberty and equality of trade, and in the contribution of civilizing influences. The missionaries of the United States churches were there. Some American manufacturers were making their way there. Six millions of the African races now in America might yet contribute a useful emigration in aid of its civilization.

We were already the principal consumers of one of its chief products. In much less time than our own Mississippi valley was opened up and settled after discovery we might expect the opening of a profitable trade with the Congo valley and the lake region of central Africa, if we could have free access to it from the east and west. The first steps are always doubtful, sluggish, expensive. Later, modern nations march with rapidity and security. How should the United States and other non-possessory nations obtain their equal rights of intercourse with this vast region? How should they be treated among its present and future rival occupants? And how should it be known which colonial power really and rightfully controlled the oceanic gate-ways to this region?

These comprehensive international questions presented themselves to the far-seeing mind of Germany's great statesman—not only Germany's but the world's foremost living statesman. They must be settled before indefinite claims had crystallized into rights of unquestioned possession and before the old regime of colonial exclusiveness should be established, never to be uprooted. France was already pushing her colonial adventures to the northern bank of the Congo. Portugal was claiming the south bank and indefinitely eastward, claiming, indeed, both banks, by right, or prior discovery, of only the mouth of this great river. Other European powers were founding establishments and interests there.

#### FREEDOM OF CONGO BASIN PROPOSED

The German chancellor decided to invite a Conference of the commercial nations to consider the questions of: First, liberty of trade in the Congo basin; second, freedom of navigation on the Congo and Niger rivers on the basis of that established on the Danube and

other international streams; and, third, what formalities should be observed in order to future effective occupations of territory on the African coasts.

In connection with the Government of the French Republic, invitations were issued to and accepted by twelve national governments which with inviting powers constituted a conference of fourteen nations in which the minor countries, like Denmark and Holland, had a voice and veto equal to that of the Great Powers. All questions of forms of government and of territorial right or jurisdiction were excluded from the consideration of the Conference. No dynastic question could be considered.

The only non-commercial question before them, if indeed this were not also one, was that which affected the governments intending hereafter to occupy parts of the African coasts. To them was addressed the inquiry, what will you agree to do to make certain your occupation of any part of the coast? Every government represented was left absolutely free to agree or disagree to the results of the conference.

The United States very wisely participated in its deliberation for the protection of its own commercial interests, present and future, against colonial exclusiveness, and for the promotion of those views which had already induced the president and senate to recognize the first free governments established in central Africa. The assembled delegates naturally divided themselves into two groups: Those whose governments had colonized, or intended to colonize, that region, and would therefore like to control its trade, like France and Portugal; and those who, like the United States, only wished for their people liberty of access and equal rights of trade and the free exercise of their religion and civilizing influences in that newly discovered country.

The only essential differences arose from this conflict of interests, which at one time threatened to be serious. Under the wise guidance of the German delegates, and with the aid of discreet and temperate diplomatists like those representing Italy, England and Belgium, accord was finally established. It would be an agreeable task, and not without public interest, to give a sketch of all the accomplished ambassadors and ministers, representing the civilized world, whose wisdom and moderation contributed to this result. But that description must give place here to the more important definition of their work.

#### THE CONGO CONFERENCE DECLARATIONS

The first of the declarations of the conference relates to the "liberty of commerce in the basin of the Congo, its embouchures,

and neighboring countries, together with certain dispositions connected therewith".

This declaration constitutes an agreement on the part of all the governments adhering to it that the commerce of each of the nations shall enjoy complete liberty in all of the region drained by the Congo and its affluents, including therewith Lake Tanganyika and its eastern tributaries; also in the Atlantic zone, lying on both sides of the Congo basin proper, between latitude 2° 30' south, and the River Loge, prolonging these lines eastward from the Atlantic until they reach the Congo basin; also; in the zone lying eastward of the Congo basin; and situate between the fifth degree of north latitude and the River Zambesi, to the south, and extending to the Indian ocean on the east. But it was expressly understood that the provisions should only apply to the territories of any independent power in this eastward zone (like Zanzibar), after such government should give its assent; and the conference powers agreed to use their influence to obtain this consent.

It was also agreed that all flags, without distinction of nationality, shall have free access to all the shores of the above territories; to all their rivers flowing into the sea; to all the waters of the Congo and its affluents, and to the lakes, and all connecting canals which shall be made, and to all the ports on their borders, with liberty of coasting trade and boating by sea and river. No other taxes should be imposed than as an equivalent for the expenses incurred for the benefit of commerce itself. Every sort of differential treatment of ships and merchandise is prohibited. All kinds of commercial monopoly and exceptional privilege are agreed to be forbidden. Absolute equality among nations is established and their commercial rights are to be the same as those of the possessory government. Strangers shall have the same personal rights as the ellegant for pursuing their professions, for acquiring and transmitting property, both personal and real, and generally shall enjoy the same protection and the same treatment.

Not only do the possessory powers agree to all this; they further pledge themselves to care for the preservation of the native races and for the amelioration of their moral and material condition, and to strive for the suppression of slavery and especially of the slave trade, they pledge themselves to protect and favor, without distinction of nationality or form of worship and all religious, scientific, and charitable enterprises tending to the instruction and civilization of the natives. The possessory powers further guarantee liberty of conscience and religious toleration to natives, and strangers, and citizens, together with the right of all to erect places of worship and to organize missions without any restriction.

To what of all of these provisions does the Secretary of State object? What is there in them that is not wholly acceptable to the American people? Is it not the very substance of the American Constitution extended to the heart of Africa?

The region to be covered by the declaration of the conference contain the great fields from which the odious slave-trade is recruited, and where its horrors continue and its routes are marked by human bones and blood. The governments represented, therefore, recognizing this horrible traffic and the operations by which slaves were furnished for it, as interdicted by the law of nations, on the demand of the British Ambassador, excluded it from the commerce to which liberty was to be secured. Further, on the demand of the American minister, who reminded the conference of six millions of emancipated blacks in the United States, the possessory powers pledged themselves that their territories should afford neither routes of transit for the slave-trade, nor markets for it; and that they would employ all the means in their power to put an end to this commerce and to punish those engaged in it. This was a most important step forward in the progress of humanity.

Does Mr. Bayard object to this second declaration? Is he unwilling to receive this engagement made by the African powers? Do not the American people approve it?

"In order," says the Third declaration of the conference, "to give new guaranty of security to commerce and industry, and by the maintenance of peace to favor the development of civilization in the countries mentioned in the first article, and placed under the regime of commercial liberty, the high signatory parties of the present act and those who shall hereafter adhere to it, engage themselves to respect the neutrality ( . . . *s'engagent a respecter la neutralite*) of the territories depending upon the said countries, including therein the territorial waters, so long as the powers who exercise, or shall exercise, sovereignty or protectorate over these territories, making use of their option to proclaim themselves neutral shall fulfill the duties which belong to neutrality."

#### SECRETARY OF STATE CHALLENGED

This is the precise translation of the declaration on which Mr. Bayard seems to rest the objection of the president to even present the conclusions of the conference to the Senate. In the message he calls it—for there is absolutely nothing else in the whole act of the conference to which the wildest imagination could apply his phrasology—he calls it this: "A joint international engagement imposing on the signers the conservation of the territorial integrity of distant regions where we have no established interests or control."

He further uses, with special referment to the neutrality clause, the following language: "Holding that an engagement to share in the obligation of enforcing neutrality in the remote valley of the Congo would be an alliance whose responsibilities we are not in a position to assume, I abstain from asking the sanction of the Senate to that general act."

The state department should really invoke the forbearing judgment of our countrymen. There are really people enjoying salaries in the state department, who, if sufficient time had been allowed, could have translated the words: *s'engagent a respecter la neutralite*, and an alliance whose responsibility we are not in a position to assume. Surely the secretary of state is not ignorant of the fact that by international law we are always bound to "respect the neutrality" of another independent country which itself performs the duties of a neutral towards us. So far, therefore, as the Congo Free State is concerned the declaration was only a promise by each government for itself to observe the existing law of nations. There were included in this broad zone dedicated to free commerce, colonies or parts of colonies of European powers, where might be many more to come as well as commercial establishments without colonies.

These powers might be at war in Europe on merely European questions. If such alien wars were carried into this part of Africa and among their barbarian subjects, they would revive all savage instincts with the lusts of rapine and slaughter. Thus, in a few months, would be ruined the commercial enterprises, the religious institutions, and the civilizing influences of many years. The American minister reminded the conference of this danger and referred to the bloody massacres in American colonies at the time of the French-English wars preceding the Revolution. France, which already had colonies here, at first objected to any agreement limiting her option to make war from, or carry war into, the colonial regions where the conference had already agreed to the dominant principles of commercial liberty and Christian civilization.

The proposition was finally agreed to in the conditional form above quoted. Even France accepted it as a partial concession to the future peace and good order of this vast barbaric region. Thus each government engaged itself to respect the neutrality of all this region, even while war raged between the possessory powers elsewhere, provided the duties of neutrality were observed in this region itself. Thus came the recognition of a rule of existing law to be applied to an African colony of a belligerent, provided the colony was proclaimed neutral, and should take no part in the war, and it was so applied in the interest of the neutrals themselves,

such as the United States are and are likely to remain. All this could have been learned, and more fully, by a single reading of the protocols. But how should they be read at the state department when even the principal text was not read?

In this spirit of peace and progress, as well is in the line of our own treaty agreements with England, to the encouragement of peace by arbitration, the conference advanced a further step. In another clause of this declaration it is said: "If a power exercising sovereignty or protectorate in these regions of free commercial liberty should be involved in war, the governments agreeing to the resolutions of the conference promise 'their good offices' that the territories of such power, situate in this free zone, may be, with consent of both belligerents, placed for the duration of such war under the regime of neutrality, and considered as belonging to a non-belligerent state; the belligerents may thenceforth renounce the extension of hostilities to these territories, as well as renouncing the use of them as a base for the operation of war."

In case of serious dissension on the subject of, or within, the limits of these free territories, should arise between the powers agreeing to the acts of the conference, these dissentient powers, before appealing to arms, promise to have recourse to the mediation of one or more friendly powers; or may take their option to refer the difference to arbitration.

Where in all these arrangements for the peace and good order of this region does the secretary find "a joint international engagement imposing on the signers the conservation of the territorial integrity of distant regions"? Where does he find "the obligation of enforcing neutrality in the remote valley of the Congo"? Can a secretary of state for foreign affairs find no distinction between a simple promise of a government to respect an existing neutrality and an alliance to enforce neutrality on a warring state?

#### PRESIDENT ACCUSED OF BLUNDERING

The blunder put into the President's mouth is so stupendous as to be incredible to all those who have the original text before them. Thirteen governments of the world will read the misstatements of the message with amazement. In no other country could such an error in so high a document pass without surprise on the part of the people, and regret on the part of the authorities responsible for it. The error is less excusable because the protocols show how many clauses were changed on the suggestion of the American minister, to avoid even appearance of joint liability, or joint guaranty, or any other like obligation on the part of the United States. The obligations of this government is for itself to respect the principle to which it agrees.

I challenge the secretary of state after the closest scrutiny of the act to quote a single clause in the entire text of the general act of the conference, which imposes any obligation whatever on the United States to employ a soldier or a sailor, or to expend a penny, to enforce neutrality, or territorial integrity, or any other condition or action, on any other government or territory whatever. I further invite him to quote a single phrase in that text which creates an alliance with any other government on earth, or against any other nation or territory in the world. Until such article of the text is shown, the American people may well believe that their minister at the conference, whose experience in public affairs has been contemporaneous with that of the secretary of state, and whose fidelity to American principles and traditions of policy is certainly equal to his, has faithfully guarded against these principles and traditions throughout the action of the conference. So marked was the acceptance of the conference of the views presented on the part of the United States that Herr Von Bunsen, reviewing the action of the conference, assigns, after Germany, the first place of influence in the conference to the United States.

The fourth and fifth of the resolutions of the conference establish an agreement that the two greatest commercial rivers of Western Africa, the Niger and the Congo, as well as all artificial waterways, or railroads connecting their waters respectively, shall forever remain open to the navigation and commercial use of all nations, on terms of perfect equality. No embarrassing, or discriminating regulations shall be applied, and other national interests shall have the same liberty and rights on these rivers as those of the possessory powers. No nation may create a monopoly on either river. This navigation is to remain forever free and open to neutral commerce even in time of war.

The secretary must remember numerous negotiations on our part, in the past, in order to secure less complete privileges in other great international rivers, opening from the sea to the interior of continents. Never before have the principles of anti-monopoly been so largely applied and so sweeping, as in the General Act of this conference. Is there nothing of value in these permanent concessions made by England and France on the Niger, where regular lines of steam navigation now exist? And by all the nations on the Congo, also now occupied by steamers? Or, does the secretary think so poorly of the spirit and enterprise of Americans as to believe we shall never more have ships and ocean trade? The late administration looked to an early time when American enterprise should again display the American flag on all Atlantic waters, covering both vessel and cargo with its protection; and they deemed it a duty to prepare the way for the restoration of its prosperity.

Has the present government no such hope; no such desire? Will not the American people gladly accept these concessions, freely made and made forever?

The sixth and last of the conference declarations of policy chiefly concern the possessory powers. It requires them, if they make new occupations on the coast of Africa, to notify the other governments of the fact, that they may be in a position to make reclamation if required. They also recognize the obligation to assume, in such territories occupied by them on the coast, an authority sufficient to make acquired rights respected, as well as the liberty of commerce and of transit where that is stipulated. So far as this interests non-occupying governments it adds a new security for the commerce and enterprise of their people on the coasts of Africa.

Finally, in all the act under review, there is not a clause touching "the conservation of territorial integrity", or "enforcing neutrality". There never was a "jurisdictional question" presented for consideration. The reserve touching the "binding character" of the act was the same on the part of all the governments. None were bound until the reserved ratification was affected. The department of state should have remembered that the same act was signed by Belgium, itself a neutralized state, under protection. It certainly would not, by a possible pledge of war, expose itself to a loss of its neutral advantages.

#### UNANIMOUS ACCEPTANCE OF ACT

The signatures in the act were the same as to the protocols of each of our deliberations, which certified to the several declarations successively adopted. They simply certified the ensemble of the conclusions to which the conference had unanimously come. Different ministers made reserves throughout the conference. All the delegates, however, signed the final instrument, which set forth only the resolutions which were finally unanimously accepted, and this was styled "A General Act".

Had the state department taken the precaution to read the General Act before intimating that the United States minister had, in signing, exceeded his authority, it would have found in the very opening language that the act was a simple certification of the proposition which the delegates "have successively discussed and adopted: *Ont successivement discute et adopte,*" the precise recital of the text.

It further certified that they thought it useful to assemble their declarations in one instrument which they styled "The General Act". Every separate declaration had been promptly reported to the American government; not one had been disapproved. A neutrality

proposition going still further had been specially approved by the administration then in office. The form of this act was adopted by the conference instead of the form of the treaty, expressly to meet the objections made to the latter form by the American minister, and in order to obviate all just scruples touching the mere form of the instrument. The conference was expressly notified that we would undertake no joint obligation of any kind. It went further at our request, and provided that powers not signing "adhere to its disposition by a separate act". The General Act was thus certified to be correct by the signatures of the delegates on the 20th of February last, and before the accession to office of the present administration.

With great personal respect for the present secretary of state, I hold it a duty, not only to myself and to the government whose agent I was, but to the truth of history itself, to correct the misinformation touching this international instrument which has found place in so solemn a document as an annual message of a President of the United States.

#### WHAT COULD HAVE BEEN GAINED

There remains only the question, What do we gain by this act of the conference?

We secure freedom and security for our vessels and our commerce in all time and through all progressive developments of same in an area broader than the United States and extending from the Atlantic to the Indian ocean, together with all its interior waters, and over the canals and railroads connecting them. We secure the abolition of all monopolies, private and corporate. This is to continue, whatever the present sovereign jurisdiction, or the changes of governments to come; and whether they be independent states or colonial dependencies, and whether in time of war as well as peace. We secure freedom and equal protection for the persons of Americans to be traveling or resident there, for the American missionaries, churches, and schools, now or hereafter established, and absolute liberty of commerce and freedom of worship. We gain pledges for the extinction of the hateful slave trade. In a word, we gain everything which we would gain by owning the country, except the expense of governing it. What we gain here by adhering to this act is what elsewhere we have been for a hundred years unable to gain by special negotiations with each individual government, from whose colonial possessions we are, until this day, either excluded or only admitted upon ruinous terms of discrimination.

On the other hand, What do we yield in exchange for this? Neither land, nor soldiers; neither money nor liability to expenditure;

neither jurisdiction nor revenue. We simply agree to recognize in other nations the same rights in central Africa which are conceded to us; and we agree to use our "good offices" with the governments on the eastern coast to obtain their consent to apply the liberal provisions of the act to their territories, in other words, to further our own interests. We further agree to lend our "good offices", *bons offices*, says the text and only that, to persuade a belligerent having possession in this free zone, and with the consent of both belligerents, to adopt neutrality for these possessions during any war. These are the engagements, and the only engagements for action, which we assume towards other governments. But this pledge of our "good offices" is hardly startling enough to shock the timidity of an administration which represents the spirit of the American people.

The only grounds upon which the President is made to rest his objections to the work of the conference do not exist. If they existed the work ought not to be and would not be ratified by the senate. Being non-existent the act should be approved by both President and senate, in justice to the present and future interests of the United States, and in the interests of civilization itself. If too late to adopt it by simple ratification it should be accepted by a separate act, for which specific provision is made.

#### MR. KASSON'S INSPIRING IDEAL

In further extenuation of the desirability of international activities Mr. Kasson goes on to relate, on another occasion, that the idea of extending the judicial system, by which all differences between the nations of earth, and so abolish all the savagery and waste of war, is so captivating by its greatness and beauty that we are indeed sorry to be made sensible of the obstacles in the way of its realization. Obstacles of the most serious nature do exist; and the means for their removal, or for overcoming them, require deliberation more than enthusiasm.

The idea is inspiring, like Constantine's beaming cross in the sky; the means of realization must often be a Constantine's imperial authority, and the discipline and force of his organized armies. That is to say, the Christian governments of our day, however earnest for the preservation of peace, must still be strong enough to enforce and to resist, or some warlike and ambitious power

will strangle our peaceful offspring before its maturity.

It is most fortunate that the close of our century finds the United States, England, and France, three of the most powerful nations of the world, most prominent in civilization, and most competent in war, leading in the consideration of the means for the more constant preservation of peace by some system of arbitration or mediation. If the movement were entrusted to impractical theorists, clamorous against armies and navies, or if it were urged only by weak and unwarlike nations, it would be wholly ineffective. The effort would simply invite the attention of the strong and grasping to their neighbor's weakness. It would be the hornless lamb walking into the herd of lions to remonstrate against their going about with such sharp teeth and cruel claws. The world has not yet reached a point of Christian civilization where a national lamb, without horns, can assure itself of peace anywhere among the lion herd, except inside the lion. Witness Halstein and Hanover, witness Egypt, witness Madagascar, witness South Africa, and Central and Southern Asia, events that have occurred before our eyes.

Americans must still believe the declaration of the Father of our Country, that in order to assure peace we must be prepared for war. A nation resolute for peace must be ready to enforce it. It must merit the eulogium which Mark Twain's hero bestowed upon the mayor of a rough mining town in the Sierra Nevada: "He was a great man for peace, he would have peace, even if he had to fight for it". Europe owes the continuation of its peace during the last twenty-five years to that strongly armed mid-European League which was devised by the great statesman whose policy was named as "Iron and Blood". A mournful burden is this costly preparation for war, but surely not so mournful as the dreadful visitation of war itself.

## ARMAMENTS AND ARMIES TO ASSURE PEACE

In the present conditions of international morality, we must approve the defensive armaments and armies of peace-loving nations, and justify their gallant sailors and their ships of war for the maintenance of the peaceful and the just against the warlike and unjust. Both, in the state of affairs now existing, exercise the useful functions of a strong international police. They can only be abolished when international crime ceases; just as our civic police, with their clubs and pistols, can be disbanded only when the criminals become righteous and peaceful.

There are some professional advocates of peace at all hazards, and at any price, who unhesitatingly ignore history as well as present national conditions. They broadly condemn all wars as acts contrary to the traditions of our religion. They forget that their own liberty to profess and practice their faith, was secured to them by long continuous wars on land and many bloody victories at sea. They should remember that neither the God whom we worship, nor the Christ who gave the later Divine Word to the world condemned the army or the soldier. The former, according to the prophets, raised up armies, and commanded them to war. The latter, instead of rebuking the military service of the Roman centurion, commended him for his faith, and gave him his blessing; and he only commanded the private soldiers to be contented with their wages, and to avoid violence to individuals and false accusations. Instead of assailing military institutions needful in those times as they are in ours, he warned military men against their misuse, and so marked out the proper course of action for us.

Whether this be the true religious view of the military question or not, the paramount and controlling fact remains that it is the view of all the Christian governments with which we have to deal. If we proceed upon the opposite view we shall speak to deaf ears. It is folly to ignore the lessons of history. Hitherto God has wrought

out the conditions of advancement in Christian civilization chiefly by the aid of armies and navies.

Remember the Roman Republic and Empire which opened up military roads and the world for the spread of Christianity; the military dominions of Constantine and Charlemagne by which it was protected; the military establishment of the Reformation, and of the rights of conscience and personal worship, by the heroic fighting of North Germany, and of Holland and England by land and sea. Attest, also, the American Revolution in behalf of liberty; and our great war in the overthrow of slavery; and even the terrifying overthrow of European despotism in church and state by the exploding forces of the French Revolution.

In the evolution and advancement of the soul and mind of man and his civilization we have the correlative illustration of the successive creations and progress of the physical world. As the Almighty in the latter exceptionally employed the volcano, the earthquake, the tornado and the thunderbolt, acting outside the scope of ordinary and peaceful forces, so does He in crises of human progress make use of the violent forces in man to forbid the destruction of human right and to establish justice. When this round earth of ours is completed, earthquake and volcano will cease. When man's development is perfected, armies and navies need exist no more.

Our function, therefore, does not seem to be to encourage a crusade against armies and navies, against soldiers and sailors; it is rather to diminish so far as possible the occasions for employing them in actual war. This is a practical and practicable duty in which we are assured of our accord with the Divine will, and in which we shall have the sympathy of most governments and the respect of all.

In what way can this good and Christian work be most wisely conducted? What is it best to do, and best to avoid doing?

It is decidedly unwise to attempt, in the beginning, to include too many nations in the same convention. Some of them have uncompleted national purposes, partly just, partly unjust, but which can only be accomplished by the free military arm. Russia, whether right or wrong, will have an open port within the Korean or Chinese territory, and an open course to the Mediterranean sea. Austria and Italy and Greece will assert their claims to part of the European territory of Turkey upon the break-up of that empire. France will not relinquish her right to war for the territory recovery of her lost departments nor for her colonial expansion in Africa. Germany will not arbitrate her right to colonial conquests to existing provinces won in her late wars. England will not arbitrate her right to colonial conquests, nor (for the present) her duration of her occupation of Egypt. The United States will not submit to any tribunal their policy initiated by President Monroe.

#### REJECTS IDEA OF UNITED NATIONS

Strong nations are as fond of their freedom of action as in emergencies as is the individual man in his personal relations. There are some nations and more questions which can not, for many years to come, be brought within the scope of international arbitration. We must abandon, as only a lovely dream, of the far future possibility, all idea of a universal system of arbitration, whether universal in respect to nations, or universal in respect to the questions to be submitted to arbitration.

The difficulties, it may almost be said the impossibility, of embracing many nations in the same scheme were made apparent in the Pan-American Conference of 1880, the story of which is well worthy of remembrance in this connection. There were eighteen governments represented in the conference at Washington by accredited delegates. Every one of the eighteen continental and independent American governments was represented, with addition

of the insular Government of Hayti. Only one of the nations was Anglo-Saxon in origin, one was Franco-African, one Portuguese, and fifteen Spanish. Consequently it was necessary to reconcile many different hereditary opinions, political tendencies, and varied intellectual training.

One of the principal questions submitted to the conference was that of a general system of international arbitration embracing the eighteen governments. The project of such a convention was indeed normally adopted by the representatives of fifteen states; but the two most powerful and intelligent states refused their assent to it. They would have approved of the rule of arbitration in the majority of cases, but demanded that questions of independence and of national dignity and honor should be excluded from the compulsion of the act. With that condition they were willing to make mediation before war compulsory for all other cases. The opposing delegates were headstrong, and the project draft was adopted by a majority only, without the sanction of Mexico or Chili.

The second article of this Pan-American Convention made arbitration obligatory for a specific list of differences. The third article made it equally compulsory for all other disputes, saving only by the fourth article, a controversy which a government may regard as imperiling its independence. Thus it was sought to bind the independent action of each sovereignty throughout all the unknown and unknowable conditions of the future, saving only this one right reserved by each to judge whether its independence was endangered.

From a practical statesman's point of view, it is not surprising that only the weaker governments afterward ratified an agreement so reckless of future contingencies. The majority declined all further action upon it. The United States government itself never approved it, nor submitted it to the senate for ratification. In compliance with a vote of the conference our state department transmitted the project to European governments, by whom

it was at once committed to their dusty files, in memoriam, by whom in some cases it was without even acknowledgment of its receipt.

#### SEES WORLD ARBITRATION AN ILLUSION

These facts are recited as indicating that all attempts to establish an universal system of arbitration by a single contract including many nations, will be fruitless, and a vain expenditure of labor. Experienced statesmen will have nothing to do with sweeping generalities binding their nations for an unlimited time and unknown future. Nations cannot be brought to such an absolute agreement by large groups. Their interests, hopes, and ambitions are too diverse to be covered by identical provisions. Two nations, only masters of the knowledge of their past, present and probable future relations and disagreements can be expected to provide permanently for submission of their differences to arbitration. Even in that case there is doubt if they will ever agree to submit all differences without reserve. There must be a specific list of those which shall be submitted, not a specific list of those excepted. That was a fundamental mistake in the project of the American conference. Had they limited compulsory submission to certain agreed points, treaties between each of them and the United States might now be in existence.

Nor is it probable that for many years to come governments will see with sufficient clearness the character of the differences likely to arise between them to accept the ideal of a permanent court of arbitration. Among the objections to be offered to that theory is the need, in many cases, of technical knowledge which requires a special selection of arbitrators with reference to the points in dispute; the differing views of law and justice in which the lawyers are trained in the various countries from which members of such a court must be chosen; and the dependence of such judge in several countries upon political direction. Such a tribunal might be more wisely appointed,

at the beginning, for the purpose of preparing a code which should give definiteness and precision to the rules which should govern a court of arbitration. After the ratification of such a code the trial court might be safely established.

Often in the course of the world's weary history have men turned their attention from devastating war to the Christian prophecy of "Peace on Earth, good will to man". Authors and statesmen, both powerful and powerless, have conceived various devices for the introduction of this hopeful era. But no such device has been self-executing; physical force has always been arrayed behind it. The often quoted precedent of the Amphictyonic Confederation of ancient Greece appears to have suggested most of these plans. But that institution was as much administrative as judicial. The limits of its power are not now definitely known. It interposed between the twelve small kindred states composing it, and seems to have engaged at times in composing the troubles of individual cities. It certainly mediated between them, gave decisions, and enforced them by fines, by expulsion from the confederacy, and even by war. It is not, therefore, a model for the proposed system of arbitration between states of our civilization. We propose no scheme which requires the use of force, or any other form of physical punishment. Our only compulsion will be that of morality and honor, and the national shame which follows their violation. These are positive and recognized forces in Christendom, as they were among the Greeks.

#### HOW HENRY IV WOULD HAVE DONE IT

Nor can the scheme of Henry IV of France and Elizabeth of England, furnish a model of any utility for our times and purposes. The most important part of their scheme was aimed at the dismemberment and humiliation of the powerful house of Austria, the spoils of which were to be distributed among the princes and republics to purchase their adhesion to this project. When, by such bribery, followed by the contemplated war, they should have

united with the rest of Europe, and compelled the assent of Austria and Spain to the proposed reorganization of nations and new disposition of territory, then and only then, was what he was pleased to call the great Christian Republic of nations to be called into existence.

The apportioned delegates of the associated governments, were to meet in common council for the regulation of any dissensions which might thereafter arise between them. Even then it was not to be a simple council of arbitration in the interests of peace. It was to be an assembly with power to apportion assessments and warlike charges among its constituents for the purpose of prosecuting war against the Mohammedan power of Asia. The death of England's Great Queen, followed by the selfish indifference of King James, was a severe blow to the scheme, such as it was.

Henry, however, still prosecuted it, and was secretly gaining some adherents in Germany and the north, when the dagger of Ravallac terminated the career of this most noble and picturesque monarch of Europe. With him disappeared from the historic scene that great plan for abolishing the occasion of all future wars between Christian nations by one great contest of mingled diplomacy and force for the redistribution of power in Europe. The project was appropriate to those warlike times, and it enobled the fame of France by Henry's reputation of all intention to profit himself by the dismemberment of Austria and Spain. No part of the scheme offers an example for our times and international circumstances.

The Peace of Utrecht (1712) established new territorial relations and limits. In the period following these treaties the Abbe de St. Pierre, who had been at the conference, and knew the deplorable effects of the long wars in which Louis XIV had been engaged, published (1729) in three volumes a scheme for securing perpetual peace on the continent, with a voluminous argument in support of it. His plan seems to have been inspired by that of

Henry IV, and assumed that the new international boundaries would be perpetual. According to him each of the powers was to renounce the right of war against the others. An assembly of the delegates of all the powers was to determine the mutual disputes by a majority of three-fourths of the delegates. Nineteen principal governments were to have one vote each, minor states and free cities together to have one vote in this general diet. A refractory member was to be compelled to obedience by the combined arms of the others. The spirit of the good Abbe was commended by the good people; but the general verdict was that it was merely the "dream of a good man". A distinguished Cardinal said that the Abbe should have first provided for the conversion of men into angels.

#### GOD ONLY WILL RULE THE UNIVERSE

At that time neither rulers nor philanthropic prophets foresaw what God's providence was providing for mankind, even within a century, by the aid of wars more extensive and more disruptive than that generation had ever known. After some renewed hostilities on the continent and on the seas, the way opened for our American independence; and this was followed by the revolutionary and dethroning wars of France against all Europe. The sequel showed how vain and transient would have been the peace system of Henry, or the scheme of St. Pierre, both of which were founded upon the mere agreement of transient crowned heads, and upon the theory that transitory boundaries could be made eternal.

There were moral forces, suppressed but fermenting, which must first find expression in the liberty of individual and national development before permanent conditions of peace could be established. The explosion in France prepared the necessary emancipation, and from that time on Providence has been more visibly working, even through wars, for the establishment of universal peace. Witness the necessary enlargement of the United States to the Pacific Ocean, the incorporation into Russia

of Asiatic states, and the union of central Europe from the Baltic to the Mediterranean in a defensive bond for the preservation of peace.

The retrospect of the philosopher discovers in all these the divinely ordered preliminaries of national contentment, which is a requisite condition of permanent peace. If the declarations and labors of Americans are to have any influence upon the action of international statesmen, it is of prime importance that we show an appreciation of present national conditions, and recognize also the possibility of future international readjustments, unforeseen, but dictated by that higher power which we call Providence. We must neither ignore history nor the actual controlling motives of chiefs of states, and the desires of nationalities.

Some nations are already territorially rounded out and completed; others are not. In some the aspiration for unity of race and language is satisfied; in others not. In some, national independence is firmly established; in others it is insecure, or oppressed. No universal agreement, therefore, for the renunciation of the right of conquest, or for unrestricted arbitration of disputes, can be expected at the present time. As each generation removes some of the obstacles, and more and more satisfies legitimate national and racial aspirations, there remains always the brightest hope of the future.

#### A BEGINNING IS POSSIBLE

Several groups, however, of two or more nations, stand already in such relations to each other that their respective ministers could today wisely and safely entertain propositions for a permanent rule of arbitration, which should be binding on both in respect to the majority of their probable differences. Our attention will be most usefully directed to these groups, and more especially to those of which our own country is a constituent. For example, consider the two groups of nations composed of,

First, the United States of America and the kindred nation of Great Britain; and,

Second, the United States of America and their life-long friend France. What are the conditions which render the proposed system of arbitration between the two states first named peculiarly practicable?

1. A like education of their people and of their statesmen in identical principles of law, of religion, and of justice, which predisposes them to a common judicial view of right and wrong.

2. A common language, literature and press continually interchanged, together with an unceasing personal, social, and commercial intercourse, which leave little opportunity for angry misconceptions to crystallize into hostile resolutions.

3. Both nations entertain common views of the duty which a Christian civilization owes to liberty and humanity.

4. For one hundred years they have been accustomed to settle all their extreme disputes, save one, by arbitration or reference, whenever unsettled, by diplomacy.

5. Both nations have established an equal reputation for valor and persistence in war by land and sea, and each could inflict upon the material interests of the other enormous injury if the relations of peace were unhappily broken.

6. The many expressions of parliamentary and public opinion in both countries which have been formally and publicly exchanged, show that the time is consummately ripe for a general and permanent treaty between the States of this group for the arbitration of most of the international disputes likely to remain after failure of diplomatic negotiations.

Eighty years now have passed, not without troublesome disputes, to be sure, but happily without war between them; and so we may reasonably believe that hostilities

and passions of that period do not exist in the breasts of men of the present generation. Should, however, some question again arise, bringing the two nations into angry conflict, we might wait many years before again entering upon an era of international amiability as that which prevails today. It is an obligation of the highest wisdom to do a right thing at the right time.

There is, however, one very serious embarrassment in the way of a satisfactory agreement with Great Britain. It rests in the differing views of the two governments in respect to the obligatory character of what we call the Law of Nations. Our courts and government have acknowledged under that name the existence of an external body of principles and rules obligatory on us in our international relations, which have obtained their authority prior to and without our express national sanction, and which we must recognize and obey as a member of the family of nations.

The English, on the contrary, deny the authority of these principles and rules until they are expressly adopted in Great Britain, either by legislation or by decisions of their courts. That is to say, international law must be expressly converted into the form of municipal law before it will be binding upon the British Government. A remarkable instance of this occurred in the time of Queen Anne, when process was allowed against the Russian Ambassador by her courts, in violation of the most ancient of international rules; and although Parliament was promptly called on to adopt the rule extraterritorial it and humble apologies were made, this breach between the governments because of the scandal was long continued.

Between our Republic and France very serious discussions have arisen during the century, but none which have been beyond the power of diplomacy to adjust. Once indeed, (1880) the intervention of a friendly power was agreed upon merely for the appointment of a third commissioner upon a board for the adjustment of claims.

There are no boundary questions between the two dominions, separated by an ocean, and no probable disputes except those which may arise upon the interpretation of international law or treaties, or for damages to neutral interests in war. It is therefore with pleasure that we recall the unanimous passage by the House of Deputies, of the French Parliament on the 8th of July, 1895, of the following resolution:

*"Le Chambre invite le gouvernement a negocier le plus tot possible la conclusion d'un traite d'arbitrage permanent entre la Republique Francaise et Republique Etats-Unis d'Amerique."*

A previous resolution of like tenor had been approved by all Bureaux of the Chamber in 1888, but not forwarded to a vote. We are justified therefore in assuming that French opinion has reached a point as advanced as our own in favor of permanent provisions for arbitration between these two countries, each of which would revolt at the thought of sundering their ancient and long unbroken friendship.

In regard to the line which separates the questions which may be submitted to arbitration from those which nations must reserve for their own independent decision, the determination must be left to those experienced men who have reached the third degree in international diplomacy. That there are questions of national honor and safety which no self-respecting government will agree in advance to submit to a final decision of a third party is fully admitted. The utmost that can be expected in such cases is an agreement to have recourse to the friendly mediation of a third party before a resort to hostilities. This proceeding would in most instances be effective in bringing both to an understanding.

#### TWO GROUPS AVAILABLE

From our point of view these two groups of nations can at any time proceed to the negotiation of a treaty providing for the reference to arbitration of all differences

hereafter arising between them, which shall not be adjusted through ordinary diplomatic agencies, and so far as they fall within the classification which should be set forth in a special article. They would, of course, provide for the observance by each in good faith of the decision of the arbitrators.

For example, the following classification might be offered as a basis: (*a*) Conflicting claims of territorial boundary lines or jurisdiction; (*b*) conflicting claims of marine jurisdiction, or touching the rights or exemptions of vessels, persons, or property on the high seas, or in the ports or waters of either nation, whether arising under international law or treaty; (*c*) all claims for damages made by one government against the other, on account of wrongs done to the citizens, or subjects of either, within the jurisdiction of the other, or to property of either government, or of its citizens, or subjects, in respect to which the government is responsible, or alleged to be responsible; (*d*) all disputes of law or fact arising under the provisions of any treaty then in force between the two nations; (*e*) differences arising between them in respect to a refusal or violation of diplomatic or consular rights and privileges, alleged by one government against the other. The arbitral tribunal to decide the extent of its conferred jurisdiction.

It is greatly to be desired that a clause should be also agreed to, providing that in all other cases whatever there should be a resort to the mediation of a friendly power or powers before having recourse to hostilities. This alone would be an inestimable contribution to the cause of peace. This space of reflection, this invited intervention of an impartial third party, this time for the cooling of temper on the part of both ministers and people, would in most cases open the road to reconciliation. Even on questions of national honor and dignity an offending or offended government could afford to accept the award of a court of honor what it could not itself propose. This yielding to the advice of a third and friendly party,

instead of to the demands of an ungracious adversary, often saves the points of both honor and safety to the yielding government.

In respect to the differences so subjected to arbitration, they should renounce the right of war against the party conforming to the rule of arbitration, each party retaining the right to enforce the arbitral decrees. Another article would provide for the organization of the court of arbitration. A third might extend the agreement to include all other differences which do not in the judgment of either government involve its safety or its honor.

An international convention embracing these provisions would notably inaugurate that era of peace for which the over-burdened nationalities of the Christian civilization have been waiting. There are some groups of nations which will not yet accept it. But so far as concerns the two groups under consideration, there is no serious obstacle in the way of either nation proceeding now by a special commission, or otherwise, to settle the terms of such a convention.

The proposed provision for mediation in all cases before an action of hostility is not new to diplomacy. It has already been once provided for in a general treaty now in force. In the Congo Conference, held in Berlin in 1884-5, it was proposed, in behalf of the United States, the acceptance by the fourteen powers assembled in that conference, or the principle of arbitration for all differences which might arise between them in respect to their central African possessions. This proposition obtained the active adhesion of nearly all the powers, including the very active support of Germany and Italy.

France stood resolutely against it. Its prolonged discussion finally resulted in a compromise article (the twelfth of the treaty) which was as far as the French plenipotentiary was willing to go. This article provides that where serious differences between the signatory powers shall arise on the subject, or within the limits of

these territories, the powers involved shall report to the mediation of one or more friendly governments appealing to arms. They reserve to themselves as an alternative the option of arbitration. This result, compulsory mediation, optional arbitration, was a great gain to the principles of peace. It is a remarkable fact that Mohammedan Turkey accepted arbitration for Africa, while Christian France and Portugal at that time repudiated it.

During this generation, at least, no powerful nation will bind itself to arbitration much beyond the limitations which have been here generally indicated. For unknown questions, for some unknown conditions of the future, the dreadful right of war will be, and for the present ought to be, retained for the security of that independence, liberty and civilization which have so largely owed to it their progress and security. We shall still look to the polished points of our bayonets to reflect on us the desired sunshine of Peace.

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### THE NORTHERN LIGHTS

An alumnus of Iowa State College recalls that his class had an Indian name, and that it was "Wussuckwouck." After decades of western and foreign engineering he will soon be wending his way back to Iowa, although his residence is in New York. But there is wonderment now upon his part just what the name means, and from what tribe or dialect it came. Jonas M. Poweshiek, a member of the staff of the Iowa Department of History and Archives, and a grandson of Chief Poweshiek, identifies it as a word used by the Mesquakie tribe of the Sac and Fox Indians, meaning "the northern lights."

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