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# THE FUTURE OF THE LEAGUE OF NATIONS

THE RECORD OF A SERIES OF DISCUSSIONS  
HELD AT CHATHAM HOUSE

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## PREFACE

In May of this year the Council of the Royal Institute of International Affairs appointed a Group consisting of members of Chatham House and other specially qualified persons to consider and discuss the question of the future of the League of Nations and the possible revision of its Covenant. This decision was taken at a time when events had, with an alarming suddenness, drawn world-wide attention to the problem of the future of the League system.

It quickly became known that the question of the reform of the League Covenant was likely to come before the Assembly at its September meeting and it was thus clear from the outset that the Group would, in their discussions, be faced with very definite limitations in point of time. To be of practical value, the publication of the views of those participating could not be long delayed and, in the circumstances, the task before them resolved itself into confronting, rather than reconciling, the markedly divergent views held upon the main issues by different schools of thought.

The responsibility for the actual convening of the Group was undertaken, at the Council's invitation, by Mr. G. M. Gathorne-Hardy and, as finally constituted, its membership was designedly representative of as many different standpoints as possible. Indeed, for the purpose of this study, divergence of views between members of the Group was considered an asset rather than a disadvantage.

The Group's method of work was simple. Five meetings were held between May 29th and July 7th. On each occasion proceedings were opened by a short address given by a recognised authority on the particular aspect of the question under review. General discussion followed, and comments and contributions were received in writing from members who were unable to attend the meetings.

In publishing the record of the Group's five meetings, the Council's aim has been to enable the reader to judge for himself the value and practicability of a number of widely differing views and proposals, each expounded by a highly qualified student of the subject and each exposed to the touchstone of immediate and searching criticism.

League reform will remain the subject of considerable speculation for many months to come, speculation which in some cases

will be well, and in others ill, informed. The value of this record must stand or fall in such a measure as it succeeds in clarifying the complex issues with which such speculation will necessarily be concerned.

Finally, the Council wishes to express its gratitude to all those who, at a considerable sacrifice of their time, have attended the meetings of the Group or who have commented upon the verbatim reports of the discussions.

CHATHAM HOUSE,  
ST. JAMES'S SQUARE,  
S.W. 1.

*August 1st, 1936.*

ASTOR,  
*Chairman of the Council,*  
*Royal Institute of*  
*International Affairs.*

# THE NATURE AND PARAMOUNT AIM OF THE LEAGUE OF NATIONS

DISCUSSION OPENED

BY

PROFESSOR ARNOLD J. TOYNBEE<sup>1</sup>

There are two questions which have to be considered by the Group at this its first meeting. First: *What is the League?* Second: *What, in international life, is our Paramount Aim?* And in opening the discussion under these two heads I want simply to pick out arbitrarily one or two points.

Under the question: "*What is the League?*" I should like to consider the following: First, what does the League mean to the general public in Great Britain? Second, what does it mean to the Germans? Third, what does it mean to so-called enlightened, liberal-minded opinion in democratic countries? • Fourth, is the League a voluntary or a compulsory association?

Under question number two, "*What is our Paramount Aim?*" I shall discuss whether our paramount aim is peace, or sovereignty, or law and order, or security, or justice.

To take the first of the detailed points, "What does the League mean to the general public in Great Britain?" I think it means something very vague and shadowy. That is surely obvious from what has happened in the last few months. The success of the Peace Ballot and the failure to frustrate Italy's aggression against Abyssinia showed this clearly. People who voted in the Peace Ballot did not realise what they were in for, and people who wished to frustrate Italy's aggression did not realise what steps they would have to take or what risks Sanctions would involve.

I have several times been misled at some critical moment in the League of Nations' history by seeing the posters of evening papers announcing "All the News about the League," only to find afterwards that the news referred to concerned the Football League. What 'The League' means to most people in Great Britain is the Football League. At such moments I have asked myself: "What do I know about the Football League?" And the answer is: "Very little!" The slightness of my knowledge about the Football League would seem incredible to the vast

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(1) Dr. TOYNBEE is Director of Studies in the Royal Institute of International Affairs and Research Professor of International History in the University of London.

majority of my fellow-countrymen. By that, I measure the extent of what this same majority know about the League of Nations.

As a matter of fact, a League of Football Clubs really explains itself. It is obviously a League in which the members get together in order to fight each other. But it is not equally obvious that a League of Nations is a League for fighting one another, especially when the people who advocate it do so very largely on the grounds of peace.

When the project of the Peace Ballot was mooted, there was a certain amount of partisan discussion as to whether a canvass of the electorate on a questionnaire, however drafted, would really throw light on the state of public opinion. I should say that what has happened since shows that there was probably great confusion and fog in the mind of the public as to the real nature of the issues.

I think, therefore, that the first thing one has to deal with is the vagueness of the meaning of the League to the great mass of the electorate of this country. At present, you have got very little leverage on the electorate, because they do not know what you are talking about; and when they are surprised, they get cold feet.

As to what the League means to the Germans, I think that anyone who has talked to Germans of all kinds—Nazis and non-Nazis, good and bad—will have gained an impression that the German public has a clearer, though of course not necessarily a truer, idea of the League than the British public. The main point about the Covenant in German eyes is that it forms part of the Peace Treaty of Versailles and that it is one of the many devices for maintaining the peace settlement which was imposed on the countries defeated in the War of 1914-18. As the Germans see it, the victors imposed peace on their defeated enemies, and, in order to maintain the settlement, decided to rope in outsiders. In German eyes, the Covenant is a kind of device for roping-in people like the Scandinavians, the Dutch and the Swiss—who had kept out of international affairs during previous centuries and had gone in for neutrality—to keep the peace settlement as the French and British wanted it kept. It is a device, on this view, for enlisting as many people as possible against any attempt at revision, either violent or peaceful, on the part of the formerly defeated states at whose expense the settlement was made.

This view is, of course, extremely unfavourable to the League of Nations, for it represents it as an attempt to defeat Justice, since, according to the Germans, Justice demands a correction of the peace settlement. The League is also, as the Germans see

it, an attempt to circumvent Nature ; and its "unnaturalness" is a still more serious flaw than its "injustice" since the law of Nature is not fixity but mutability. The Germans will now rub their hands, perhaps, at what they believe—I daresay, prematurely—to be the breakdown of the League. They will say : "What we expected has happened. The whole peace settlement was foredoomed to crash sooner or later, and the League part of it is crashing with the rest."

We now come to what the League means to enlightened liberal opinion in the democratic countries. I think that for President Wilson, and for Wilsonians in Europe and overseas, the League is an association of democratic, unaggressive states organised for the purpose of establishing a reign of law and order in the international sphere of social relations which was formerly so anarchic. The League is an attempt to introduce into international relations a law and order and a reasonable measure of justice such as has already been achieved to some degree in the national social life of the more advanced countries of the world to-day.

At first sight that picture looks extraordinarily different from the German picture, but I think that any able German controversialist would probably argue that this Wilsonian liberal definition of the League is really just their own definition dressed up in more high-flown language. We say that the pro-League Powers are democratic and unaggressive ; the Germans reply that this is merely because the League Powers happen to be the sated victors of the last war. Again, when we say we want to establish the reign of law and order—and I have no doubt we do—the Germans say : "Yes, but in law and order the law has two aspects ; there is the modification and development and reform of the law, to meet changing circumstances ; and then there is the repressive side. You say to us that nobody may alter the law or contravene it until the law is constitutionally changed, and that is all very well ; but you have laid all your emphasis so far on this repressive side—on preventing any violent alteration of the status quo or contravention of the law—while you have not cared much for the legislative side, for peaceful change." In terms of the Covenant, Germany and other dissatisfied Powers would say that the League has been unduly keen about Article 16, and unduly indifferent about Article 19<sup>1</sup>.

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(1) *Written comment by Mr. LEONARD WOOLF* : I do not think it very useful to discuss what the League means. It naturally means different things to different people. It is almost impossible to say what it means to such shadowy people as "the general public in this country" or "the Germans."

MR. WOOLF, *Joint Editor of the Political Quarterly*, was the principal drafter of the Plan for a League of Nations put forward by the Fabian Society during the Great War.

We now come to the question as to whether the League is a voluntary or a compulsory association. If you look at the German conception of the League and the liberal democratic conception, you will find that they both imply that the League is a compulsory and not a voluntary association. After all, any organisation for the maintenance of any international situation or régime, whether it is simply for the maintenance of the Peace Settlement of 1919, as the Germans say, or whether it is for the reign of law and order, as we say, implies a determination to enforce the Covenant upon recalcitrant parties. And, as a matter of fact, the Covenant provides not merely for the maintenance of this reign of law and order, or this peace settlement, by the coercion of those states that have taken the pledge by becoming members of the League, but also for the compulsory application of the same rules to non-members in their dealings with members. If they decline to abide by these rules, coercive measures are to be applied to non-members as well as to members. It is true that in a dispute between two non-members the League would not attempt to interfere, but it would interfere in a dispute between a member and a non-member ; and this would cover the greater part of the field of international relations, at least in theory. You can see from this that the Covenant, as at present conceived, is a compulsory association. If the "revisionist" or "lawless" Power, whichever you like to call him, repudiates and defies the Covenant, we do not say to him : " You are not worthy to be allowed the privilege of keeping the rules of our beautiful Covenant. Kindly go away and follow your own nasty inclinations ! " What we try to do is to say : " The Covenant is law for you as well as for us, and we are going to take steps, if we can, to make you keep it ! " The League is not like a club, in which you allow in the man you like, and keep out the man you don't like. The purpose of the League is not just social entertainment. It is not exclusive, it does not aim at keeping people *out* ; its object is just the opposite. It is to keep people you do not like *in*, just because they are not law-abiding and you want to put the screw on them.

Arising out of that, and assuming that the League is a compulsory association, we are led to ask ourselves : " What is the qualification for membership ? Is everything that you can call a state in the contemporary world necessarily a member of this compulsory association ? Or must a state member be a state of a certain kind ? " Now I do not want to go into the question of universality versus a regional League in the geographical sense, for this will come up for discussion at a later meeting, and it is quite a different question from the one I want to discuss

to-night, which is not whether Europe has a greater need of the League organisation than some of the outer regions on the edge of the European world, but rather the question as to what kind of state is by nature a member of an association of this kind. The Covenant itself draws a distinction between communities which are fit to be members and communities, such as the former German colonies, the Arabic-speaking provinces of the pre-War Turkey and so on, which are unable to stand by themselves under the present conditions of the world, and which are therefore to be placed under the tutelage of other states which are capable of independence. On this showing there are states which are fully self-governing in the sense of being able to look after themselves and able to participate in international relations sufficiently to take on the responsibilities of membership, and there are other states which are in a sense not fully sovereign. As a matter of fact, candidates for admission to membership (though not the original members) have been required to give evidence that they are fully self-governing, not in the sense of having a democratic constitution, but in the sense of having an effective government which is capable of taking its proper share in the activities and responsibilities which League membership involves. I think that this is rather an important point in view of two test cases of the working of the Covenant. As a matter of fact, the two principal challenges to the Covenant have not been of the kind of which Germany is thinking ; they have not been attempts on the part of the vanquished states to revise the peace settlement by force. They have been in areas which the peace settlement did not touch, or touched only very slightly and indirectly. They have been attempts on the part of two fully self-governing states to commit aggression against imperfectly self-governing states—Italy against Abyssinia and Japan against China. It has not been a case of the vanquished in the last war against the victors. In each of these cases, it has been the efficient state against the inefficient state. That suggests that although the League may be a compulsory organisation for certain kinds of states, it is not necessarily an inclusive organisation of which every state that calls itself a state should be a member. In both the cases I have quoted, the ineffectiveness of the victim's organisation has been one of the principal excuses of the aggressor, and also one of the principal difficulties confronting the League in trying to frustrate the act of aggression.

Let me now come to the second question : “ *What, in international life, is our Paramount Aim ?* ”

First, is our paramount aim peace ? I am sure that the paramount aim of the majority of the people of the world is not

peace,<sup>1</sup> because even if you look at the different currents of opinion in the most democratic and unaggressive states—such as France, Belgium, the Netherlands, the States Members of the British Commonwealth and the United States—you will find that “peace at any price” is the aim of no more than a tiny minority of the population. Or take the Swiss, who prize their traditional neutrality, and who yet take strenuous measures to preserve their national freedom in case they should be attacked.

I do not think that “peace at any price” is practical politics. A small minority of the electorate, it is true, advocate a policy of out-and-out pacifism but, when it comes to the point, I think the majority would prefer to fight, even though they may groan and hate it.

Then is our paramount aim the preservation of our local sovereignty and independence as a national state? I think that in almost every state in the world to-day—not only in the effectively organised ones, but in the inefficient ones also—the feeling in favour of fighting for national self-defence, for actual home territory, is probably strong enough at any rate to compel the Government to try to resist by force of arms a direct attack upon the state's independent existence. Take two cases, China and Abyssinia. Both of them are rather rudimentary states, with a somewhat uneducated population and very little national unity according to European standards. But in both cases you had fighting. In Abyssinia you had very serious national resistance. Even in China you had quite definite resistance. It looks as if even in the unorganised, politically backward countries the majority of the population would fight in self-defence, in the strict narrow sense of the term self-defence, that is defence against an attack on their own home territory. I leave out the colonial aspect of defence as we may come to that later on.

This suggests, then, that the peoples of the world care more for national independence than for peace. But supposing one grants that premise, one then has to go on to ask if the preservation of parochial sovereign independence is the paramount aim of the states members of the League in subscribing to the Covenant and in trying to make the Covenant work. I think if you look into it, you will see that, so far from the preservation of sovereignty being the main purpose of the Covenant, the devotion of each

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(1) *Written comment by LORD ARNOLD*: I am convinced that Dr. Toynbee is mistaken when he makes this statement and I should like to recall that Mr. Arthur Henderson used to say that in all matters of peace and disarmament the peoples of Europe and of the world were far in advance of their Governments.

LORD ARNOLD held the office of Paymaster-General in the 1929-1931 Labour Administration.

state member to its own local sovereignty has been one of the principal obstacles to success in making the Covenant work. States whose paramount aim, or at any rate states whose exclusive aim, was the preservation of their own sovereignty, states who did not look beyond that, would hardly have been willing, even in a moment of enthusiasm immediately after the War, to substitute League membership for the traditional system of competitive national armaments, reinforced by *ad hoc* alliances—a system which, after all, probably succeeded in giving each sovereign state the highest measure of security which a régime of unshackled parochial sovereignty allowed. If sovereignty is really your paramount aim, then I imagine that you would choose the old pre-League régime. It is perfectly true that one of our difficulties now is that, under the façade of the League, the old system of *ad hoc* alliances and national armaments is going on all the time, and going on more actively than ever. The old system has not been driven off the field. All the same, the fact that the nations have moved away at all from the old system towards the collective system which we have been rather feebly trying to build up shows that their object has not been entirely the preservation of their national sovereignty.

And so I come to the last point which I want to raise in opening this discussion. If our paramount aim is not peace, and is not parochial sovereignty, why have we put our heart into the League? Does the explanation lie in the fact that our paramount aim is the establishment of a reign of law and order in international affairs, such as we try to get in our social relations when they happen to lie inside national frontiers?

• In any field of social relations, whether national or international, a reign of law and order implies two things. It implies effective arrangements for preventing any changes by lawless violence in the existing state of law, or in the existing state of affairs; and it also implies—and I think the two things are interconnected in international, as they are in national, affairs—effective arrangements for making peaceful changes in the state of the law or in the state of affairs. These two conditions are complementary to each other and are both indispensable for keeping the law.

I should like to suggest—as a controversial starting-point for our discussion—that this has been our paramount aim in first helping to found, and then trying to work and preserve, the League of Nations.

But if this really has been our paramount aim, the history of the last sixteen years, since the Covenant came into force, shows

that we have hardly begun to face up to the implications of the aim we have set ourselves. For the determination to prevent changes by lawless violence implies readiness to go to war, collectively, for the purpose of frustrating aggression, while at the same time renouncing war as an instrument of national policy. We have got to give up war for all the purposes for which sovereign communities have fought since war has been in existence, but we have still got to be willing to accept the risks and the losses of war for a purpose for which hitherto people have never thought of fighting. That is a tremendous change of ideas and of values which we have hardly begun to take in, let alone work out, in our own feelings and outlook and policy.

Secondly, I think that a willingness to make effective arrangements for peaceful changes in the existing state of the law or in the existing state of affairs implies a readiness to surrender the traditional sovereignty of the state by allowing the organs of the League or of any collective world organisation—a community which in any case will be far wider than any single national state—to take binding decisions that may affect the states members' vital interests and even their territorial integrity.

Abyssinia, for example, would have accepted a modicum of territorial cession to Italy if Italy on her side had been willing to accept that form of settlement, and that would have been a settlement—involving territorial change—which would have been made not by Abyssinia herself but by an international body, the Council of the League or one of its Committees. On the other hand, a nation which was stronger or more highly organised would probably have shown a determination to fight for its existence rather than surrender any of its home territory at all.

There you have the issue. If you are going to accept peaceful change, you have got to be willing to allow the interests of even the more highly organised nations to come under the binding decision of some international body in which participating nations will have a share but not necessarily the controlling voice. If our paramount aim is really the establishment of a reign of law and order, it implies that in international affairs we must be prepared to make sacrifices. We must educate ourselves to be willing to make them. Are we prepared to do this? Do we mean business to any degree worth considering—that is, to the degree of giving the thing a chance of success? So far we have not begun to answer that question. Unless we make these changes in our outlook and in our state of mind, the failures will be flagrantly repeated and the whole thing will drop to pieces in our hands. We are faced to-day with this unpleasant alternative.

## GENERAL DISCUSSION.

Mr. G. M. GATHORNE-HARDY<sup>1</sup> (*in the Chair*): There is one point that I should like to make, because I have been impressed in listening to Dr. Toynbee by a curious difference in his approach from that which I had anticipated. The question "What is the League?" meant to me, primarily, "What did it mean to its founders?" It obviously meant to different founders different things; and that is a point that we have got to consider. What are we driving at? Which of these aims comes first? Which have to be emphasised? Which pushed into the background? Was it a good thing that the League was a compromise between different aims? Would it have been better if it had been more one thing or more another? That is a point which was not touched upon by Dr. Toynbee, and therefore, in opening the general discussion, I should like to quote to you this short passage from Sir Alfred Zimmern's book *The League of Nations and the Rule of Law*<sup>2</sup>:

"The Covenant embodies five different systems, each with its appropriate method.

1. An improved and enlarged Concert of the Powers, using the method of regular Conference. 2. A reformed and universalised Monroe Doctrine using the method of all-round mutual guarantees of territorial integrity and independence. 3. An improved Hague Conference system of Mediation, Conciliation and Inquiry, using the political organ of the Conference for this purpose. 4. An improvement and co-ordination of the Universal Postal Union and other similar arrangements for the carrying on of world services and the administration of world public utilities, by the establishment of a Secretariat of Secretariats. 5. An agency for the mobilisation of the Hue and Cry against war as a matter of universal concern and a crime against the world community, the political Conference being employed for that purpose.

It does not emanate from a body of men animated by a common thought or purpose. On the contrary, it represents a dovetailing of doctrines and the adjustment of widely differing and, in some cases, contending wills."

Mr. H. G. WELLS<sup>3</sup>: Mr. Gathorne-Hardy said 'What are we driving at?' Who are *we*? What are *we*? What does this *we* mean? Are *we* some exalted class of virtuous people? Does the *we* mean humanity? Let us cut the "we" out of it. This is an objective study. What did the promoters of the League of Nations mean? What is now the paramount aim of the League of Nations?

It is very interesting that in 1936 you have got a Committee

(1) Mr. GATHORNE-HARDY, a Councillor and formerly Hon. Secretary of the Royal Institute of International Affairs, is the author of "A Short History of International Affairs: 1920-1934."

(2) pp. 264-5.

(3) Mr. H. G. WELLS is the well-known writer and historian.

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sitting to find out what the League of Nations is about, because there was just such a Committee in existence eighteen years ago. It had rather a hectic career, but Crewe House took this phrase "The League of Nations" and used it, I think rather effectively, for propaganda in Germany. We made various promises which were, of course, not kept; we told them that Republican Germany would get a reasonably fair deal in economic life; and propaganda along these lines was run extensively in Germany. So that there was a German idea of the League of Nations before the peace settlement, and it was very different from the conception that Germany holds now. The League of Nations is an organisation which was imposed on them to keep them down by force to the advantage of the victor.

If I may go into this ancient history for a moment or so, I would remind you that there was a League of Nations Society, a League of Free Nations, and a group of other bodies which coalesced and formed the League of Nations Union. And then a Research Committee was formed. It consisted of Zimmern, Grey, Gilbert Murray, Ernest Barker—about fourteen altogether; and they set themselves to work, rather industriously at first, upon the problem of what a League of Nations might be; and they produced a pamphlet called the "Ideals of the League of Nations." I suppose there are some faded copies somewhere in the library of the League of Nations Union. But certain broad principles were worked out.

When Mr. Wilson came over, all that was entirely swamped. He listened to nobody, he was narrow-minded, a priggish creature, a democratic politician—essentially a politician. To call the Wilsonian League of Nations liberalism is not fair to liberalism. You cannot say for a moment that it represents liberal opinion. He produced a League of Nations from his inner consciousness, with a total disregard of anything read, or thought, or discussed by the League of Nations Society before he came.

For instance: between 1917 and 1918 this Research Committee, with William Archer as its secretary, worked very hard in trying to make a definite statement about what the League of Nations could be. They realised that you have got to have economic peace in the world before you can have political peace, a thing that was entirely ignored by President Wilson. They were also clear as to the absolute need, however difficult it might be, for a world education. They knew quite clearly eighteen years ago that a League of Nations was a reversal of human history, and that you had to have a re-statement of political ideas if it was to become a working system. All that was completely

ignored, so completely that the League of Nations has never exercised even a critical commentary on school books and things of that sort. It has done nothing whatever to protest against any sort of nationalist propaganda in any country in the world.

Mr. LEONARD WOOLF<sup>1</sup>: As regards the question: "What is the League?" The League *was* an organisation of existing states to prevent war, based upon an international agreement (a) not to go to war, (b) to use certain methods of settling disputes pacifically, and (c) to treat an act of war against any state in contravention of (a) and (b) as an act of war against all the states who had subscribed to the agreement. I still think that the idea that war can be prevented or peace preserved in the complicated international society of today without some such organization of the divisions of international society (whether you call them states, sovereign states, or what not) is fantastic. I also think it self-evident not only that peace is desirable but also that it is essential to the existence of anything which can be called civilization. Whether that means that peace is "our paramount aim" I do not know. At any rate there is little or no prospect of obtaining law and order, security, or justice unless you first obtain peace.

SIR NORMAN ANGELL<sup>2</sup>: In the next few months we shall face the need of re-shaping the policy of the Western democracies in view of the failure of the League to effect the defence of a weak state even in circumstances that were, in fact, favourable to its defence. When Mr. Wells asks who are "we," the "we" surely, if this Group, or any one who discusses politics, is to affect events in the next year or two, is the public who influence British and French and Scandinavian and Russian policy.

I would suggest that the first purpose of the League is the defence of its constituent members—self-preservation, which is the first law of life for any organism, anything that lives. A nation, after all, is a reality, a living thing that seeks self-preservation. We, the British nation and Commonwealth, will continue to seek it. The French and Russians and Scandinavians are going to seek it, too, within the next few years.

What principles are to guide them? What form of association between them will offer them the best chance of self-preservation, of survival? You can rule out popular slogans such as

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(1) Mr. WOOLF was unable to attend the meeting of the Group and submitted this comment in writing.

(2) Sir NORMAN ANGELL, who was awarded the Nobel Peace Prize in 1933, is the author of, among other books, "The Great Illusion."

isolationism<sup>1</sup>. Of course there isn't going to be isolationism. You can rule out non-resistance. The creed of not fighting at all is the creed of a tiny minority, interesting in its way, for which one has infinite respect ; but it is not going to cut any ice. We shall defend ourselves, and we shall do it internationally, in the sense that there are going to be alliances. But alliances with what kind of an objective? The defence, for instance, of special interests, or of some rule of conduct all can accept?

What kind of international armed combination will operate most effectively for defence? Whatever that combination is, whatever form it takes, I suggest *it* will be a League of Nations if it is to defend order and civilization at all.

Mr. W. HORSFALL CARTER<sup>2</sup>: What Mr. Wells was saying just now seems to me rather important. Before you can really answer Sir Norman Angell's question, or any major question, you are up against this fact, that the League to the ordinary man or woman—though not perhaps in Germany, or Italy at the moment—means something quite different from what it has meant from the very beginning to the professional agents of diplomacy.

Dr. Toynbee said that public opinion in Great Britain was very vague on the subject. I am not so certain about that. If by public opinion we mean the type of man who reads his *Evening Standard*, sees a Low cartoon, and says "That's the stuff," I contend that that type of man has a perfectly clear idea of what he expects from the League. He is not the person who joins the League of Nations Union, or any other society, but he does represent a large majority of ordinary Englishmen. For years he has thought of the League as a *deus ex machina* whose job it was to keep the peace. Later on, he ceased to think any more about it, or was put off by pacifist societies. Then there is the type of person who signed the Peace Ballot, whose strong suit is sentimental idealism. We ought to recognise that these two types have been getting closer in ideas. In the past few years there has been a very sustained campaign on the part of societies like the League of Nations Union to hammer home this ideal of collective security. The eleven million who signed those forms know pretty well the kind of effective common defence which they had in mind. Only, as we see by the figures, there were

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(1) *Written comment* by LORD ARNOLD: Is it not a mistake to affirm that there is nothing to be said for the policy of isolationism? Great Britain followed it for long periods in the past, though that is a fact which is now frequently forgotten.

(2) Mr. HORSFALL CARTER, a writer and lecturer on international affairs, was until recently Editor of the "New Commonwealth."

quite a number of them who could not quite get as far as military sanctions owing to their feelings about force. They could get as far as economic sanctions but not military sanctions.

Then suddenly, between June and September 1935, the British Government began to take an entirely new attitude to the question of the collective system as compared with the attitude its agents had taken up at Geneva on previous occasions. When Sir Samuel Hoare made that speech of his before the Assembly on September 11, 1935, he expressed a great deal of what the vast majority of public opinion in this country wanted. But at the very same time the Foreign Office, that is to say the people conducting British policy, made it clear in their talks with the French that they would not go beyond economic sanctions, on the assumption that they could not carry people with them to the extent of "collective war."

I want to go on from that to the whole question of sovereignty. Dr. Toynbee said that people to-day wanted to preserve national independence. That is possibly true, but I think there is a great deal of difference between independence and sovereignty. Sovereignty, as it has developed during the last four hundred years in the modern state, does constitute, to a great extent, the state as power. Mr. Wells, in his letter to *The Times* the other day,<sup>1</sup> brought out very clearly that the modern state, in its capacity as a power, is the development of history. We have got to recognise that. It is really asking for trouble to ask the various states, as powers, while retaining unimpaired sovereignty, to co-operate against their own existence.

On the other hand I do think that if you are prepared to tackle this question of state power, and supersede that by some other structure, you *can* hope to secure that national *independence* which the ordinary human beings in the community want. They want, as far as I can see—except those mixed up in official questions, or possibly in big business or finance—not power at all. They are thinking much more in terms of welfare. But the people at the centre of things must, by the nature of the sovereign state, be thinking in terms of power. And here it seems to me you have got a gulf between the ordinary plain man in each country and the people who go to represent the state at Geneva.

When the League was founded in 1919 there were two quite distinct conceptions, not merely the Wilsonian, the Phillimore and the League of Free Nations conceptions, but what I would call the *Anglo-American* and the *Continental* or *French* variety.

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(1) The letter referred to appeared in the issue of *The Times*, dated 19th May, 1936.

The Anglo-American concept derived from the fact that England in the past had been outside most wars and troubles, that the British Foreign Office had always so successfully played the policy of the balance of power in Europe that the English people and governing classes had not really experienced war in the same way as people on the continent, and had not realised the absolute necessity of getting away from the sovereign state ; so their concept of the League was that it was to be just a " round table " where diplomats would exhibit the results of their work. The French, on the other hand, with their experience of things on the continent, did see the absolute necessity for evolving a society capable of preserving international law and order, with, of course, provision for peaceful change. They realised that in order to achieve this end under twentieth century conditions you *must* go beyond the individual power states and pool your power in some other authority. That is why Léon Bourgeois laid such stress, in the League of Nations Commission, on Article 9 of the Covenant. He wanted a Permanent General Staff set up in order to make disarmament (as prescribed in Article 8) directly effective. He was not interested in the Phillimore draft and Article 16, but he *was* interested in having some international authoritative control of armaments under twentieth century conditions ; and he saw clearly that unless you had some such authority which was able to supersede the periodic collision of individual anarchic powers, you could not tackle either treaty revision or disarmament. The supervision of individual powers by some central power came first, precisely as it came first in the national community, as for example at the end of the Middle Ages when you had centralised force set up by Henry VII or Louis XI. Having got the public peace established, you were able to get disarmament and then you could set up effective legislative organisation which would make peaceful change possible. Therefore, I do think that this point should be enlarged upon and that we should have some centralised force. I do not mean an international army, but I do mean that there should be an authority, possibly having its own air force and having control directly over the armies and navies, though they may still belong to national communities.

SIR NORMAN ANGELL : Do you not get an example of that in the nations of the British Commonwealth ? The only thing unified or federalised in the Empire is defence, and that not by statute, but by a gentleman's agreement. If the Japanese were to land in Australia, the British Navy would obviously operate for the defence of Australia. If Great Britain were in difficulties Australia would come to her help. There is nothing more definite than that ; but it works. You have no federal system of

government in the Empire at all, and the only function of government that has been federalised is the function of defence.<sup>1</sup>

I think that some such form of co-operation was vaguely in the minds of the founders of the Covenant, and of the authors of Articles 10 and 16. You do not have to have an imperial army. There are no imperial forces. There is no imperial constitution. Nevertheless you can, in fact, ensure collective defence, and that was the sort of conception which underlay the intentions of the authors of Articles 10 and 16.

Mr. WELLS: But you have in this British system something much more powerful than a constitution. You have a great mental structure—so that you have some little fellow in a harbour in Sydney who, when he finds something that threatens the general law and order of the Empire, says, "This won't do." And he turns on a light, or turns it off, or does something. You have many millions of people who have it built up in their brains that the British Empire stands for something worth while and who do their duty in their places. That solidarity did not grow in a day. It has been built by constant reiteration of the idea of solidarity in schools, in serious papers, in books, in speeches throughout the Empire. But directly you transcend the boundaries of the British Empire you cannot expect to find other people, foreigners, crying out in admiration of its precepts. You cannot produce anything to parallel it in a hurry by diplomatic arrangements and treaties. It has been made by an enormous building-up of mental relationships. And during the eighteen years since the League of Nations came into existence nothing at all has been done in the direction of creating a world mentality. The League itself has been presented on national lines; and at every effort one makes to re-tell history, people say "Oh, you've got the League of Nations." That has stood in the way of an enormous amount of moral and intellectual work that ought to have been going on. You will never get a world unity until that huge intellectual and moral task has been done. Take the point of view of education. With children, young people, you have to give them a conception of an objective for humanity as a whole. Until they have that you will not get very much further. I do not agree with Sir Norman Angell that the primary desire of human beings is security. Life is an aggressive thing. There are a few creatures like the hermit crab

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(1) *Written comment by LORD ARNOLD*: The suggestion here appears to be that contributions to defence from the Dominions are proportionate to their size and to their resources. This is not in accordance with facts. A much larger burden than she can bear is laid on the Mother Country in respect of defence, and in practice it is likely to be found, in the event of another World War, that the whole of the Empire cannot be defended.

who back into holes and don't come out again. That may be what we pretend to want, but what we really want is liberty of self-expression. And when we talk about independence, it is not that we want to leave other people alone. It is not that countries like Britain are longing for peace and security, while out in the wicked world others are longing to be military and aggressive. We think this is so because we have got a lot of opportunity. I do not know whether young people want peace and security at all.

SIR NORMAN ANGELL: There is this interesting fact, that a certain unity of ideas does not produce, necessarily, the sort of thing which we see in the British Empire. You have in South America, in the Spanish American Republics, a unity of culture, represented by catholicism and the Spanish language, more complete than that which you have got in the British Empire.

Mr. WELLS: They have not got a common political idea, you know.

SIR NORMAN ANGELL: But they have a common culture.

Mr. WELLS: Yes, but not an idea.

SIR NORMAN ANGELL: That may be. But note this. In America you had those thirteen colonies of Great Britain which for ten years could not create a unity, a federation. Probably they would never have done so had it not been for the influence of two or three men like Hamilton.

Mr. WELLS: And the British Foreign Office!

SIR NORMAN ANGELL: They were liberated from the British Foreign Office for about ten years and even then it was touch and go!

Mr. WELLS: But all the time the British Foreign Office was trying to make separate treaties with each state, until even the individualistic farmers realised that they had got to unite or they would be broken up by the British.

SIR NORMAN ANGELL: What was much more powerful than the British Foreign Office was the influence of men like Alexander Hamilton. But for his particular genius I do not think you would have a United States as we know it.

Thirty or forty or fifty years later, when the idea of nationalism had made much more progress, and the Spanish Republican colonies of the South were faced with the same problem, they did not make a federation at all. In Central America you had what was a single province under Spain, divided into eight different republics. The failure of federalism in this case was due to the growth of an idea, the idea of nationalism, which

was much less developed when the British Colonies revolted. The suggestibility to the human mind of ideas like nationalism is a factor we have to take into account. You had in Central America a perpetual splitting up into separate groups, making new nations. Yet the people were of the same nationality; had a similar culture; were much more homogeneous than the peoples of the British Empire, where you have French Canadians, Dutch South Africans, many races and cultures. Yet the less homogeneous made a collective system, and the more homogeneous did not.

What I am driving at is that when you come to education, which I agree is essential, the truth upon which we should concentrate is the fact that you cannot get defence by isolated action, by individual action. Unless you are prepared to defend others you cannot possibly defend yourself. Defence in the sense of defence of social security, of law and order, defence indeed generally, is essentially a collective thing. And, reverting to the illustration of the British Empire, the function of defence is the thing you must federalise first. That is the line of least resistance. We are facing within the next few years, perhaps within the next six months, the problem of what our relations with foreign states will be in this problem of defence. And we have to get the public to move from the conception of territorial defence, of the defence of this or that frontier or particular ally, to the idea of defending a law, a rule, a principle of peace. That is the first idea which the public must get hold of. I listened with interest to what Mr. Wells had to say about those early groups which worked for the League. I myself had a small part, behind the scenes both here and in America. It was not a public part because at the time I was an outlaw, an opponent of the war we were then waging. I had opposed it because I foresaw that we should have as much anarchy after the war as before it. But I did urge at that time something corresponding to the Constitution of the United States as the basis of the League. It did not come off. We got something else. Then arose the question which always arises at such times. Ought one to oppose the second best which exists with the idea that something better might be created, or accept what has actually been brought into being in the hope of improving it? Some of us chose the latter course. Part of the case for continuing that choice is that there has been created a very strong feeling in Great Britain for the existing League. A new loyalty has been created. That is an asset. To attack the existing League is to create additional confusion in a public mind already greatly confused. All that has to be weighed against tearing the thing

up by the roots and planting something else. The changes may have to be considerable, but in the League you have something that you can modify. In the same way it is probably easier to modify the existing frontiers, to make them of less importance, than to change them. Indeed, our guarantees are not in the last analysis guarantees of frontiers, but of peace.

Mr. GATHORNE-HARDY : In considering this question of federalisation on the lines of the United States, I have always been impressed by the difficulty that America experienced in bringing about an effective federalism even under exceptionally favourable conditions. You had to have the Civil War in which the claim to secede was put down by force before you got a working federalism.

In any case you have got to take into consideration the materials with which you have to build. You must adapt the building to the materials. Now what material is ready to our hand here? Whether we like it or not it seems to me that the material we have to our hand is not the kind that Mr. Wells' educative process would make much of. The problem is urgent; there is no time for that process to work.

Mr. WELLS : We have had eighteen years of opportunity. A baby grows to military age in eighteen years.

Mr. GATHORNE-HARDY : Even so, we are at present faced with a very serious crisis. The time for action is comparatively short, and you have to consider very gravely what you can do with the material to hand. And that material is simply, I suggest, the self-interest of incorrigibly nationalist states. I know that causes a great number of people to despair, but I do not see any reason to despair, because there is an analogy between the material which produces the kind of nationalism which we have now, and that out of which a foundation of law and order can be made in a primitive community. Take, for instance, a Western mining town. There you have units, who, in precisely the same way, are rugged individualists armed to the teeth. What happens? You go to Deadwood Dick and his fellow toughs and you say to them, "Look here, boys, don't you think it a bit of a nuisance that every time you go to the bar some idiots may start shooting at one another and you have to dive under the counter; and if this goes on without being stopped for a long time, isn't it absolutely certain that you will stop a bullet yourselves one of these days?" Their reply is: "Yes, we must put a stop to it." And by that means you get an institution like the Sheriff's posse, which, by force, based upon the self-interest of the community composing it, makes, under the

circumstances, a very satisfactory foundation for a system of what you might call collective security in that particular environment. It is my belief that before you can go any distance in the direction of peaceful change you must have that organised security maintained, and you must accomplish it with the material that lies ready to hand.

I say, therefore, when we are discussing whether peace is our aim, that our aim is not peace at all. If we say that it is peace, we seem faced with a logical absurdity when we propose to secure it by force. It seems to me that our aim at present is to avert the catastrophe which now threatens civilisation *from a particular kind of war*; and this is a point that I want to develop later on. But I would maintain that you have got to avert that catastrophe, and just as you would not persuade Deadwood Dick and other members of your posse very readily to go outside the township to pursue a couple of people into the woods where they were proposing to fight a duel, so you will not find it very easy to go outside the main centre of disturbance with your collective system, at any rate in its initial stages. What you have got to do is to concentrate on the area where danger principally threatens and build on the self-interest of the parties in your system of collective security. Later on you may develop it, but if you try to do so now you will make no progress at all.

Mr. WELLS: What I want to say at once about this story of the posse, and of talking to the fellows and saying, "You don't want to get shot, do you?" is that it is a pure fairy story. Nothing of the sort happened or happens. You have got the whole story of San Francisco written and re-written—actual facts—and you will find that what happened was that the Federal Government came along and law and order established themselves, and Deadwood Dick and Ruby Joe, and all the rest, instead of being good fellows and stopping shooting each other, were all hanged on the nearest trees. You have got history in front of you, and you will find it is nonsense to talk of armed men agreeing not to use their arms upon each other. They did so under the pressure of a pre-existing idea of law and order that followed them from the Eastern States. And if the facts are so, then your analogy breaks down, and your idea of some amiable arrangement between armed governments collapses, too. The important thing was the idea of federal law, just as in the Civil War the important thing was the idea of union which had grown up in the United States out of their struggles with the British. Those were deep-seated ideas, much more powerful than any individual laws. Order did not establish itself.

SIR NORMAN ANGELL : It grew up, if you like. It so happens that my youth was spent on the frontiers, and I have been a witness of some of these shootings in the bars. The gunmen may not have had the idea of law and order, but the community had. It was the prevalence of the right argument which finally enabled a law-abiding community to be established.

Mr. WELLS : But the idea was there first. Mr. Gathorne-Hardy stated that a lawless community with no control produced law by the realisation of the futility of mutual murder. That is quite a different conception from that of a lawless community haunted always by the idea of law, and presently having the law coming after it and establishing itself with vigour. These are two quite different things. One is a community without the idea, and you suppose that this community evolves the idea of itself. The other is a lawless community which a greater idea reduces to order.

Mr. GATHORNE-HARDY : I am not quite sure whether Mr. Wells and I are talking about the same kind of community. If Mr. Wells is right and the only chance is the idea of law and order being enforced by some outside authority, then I think we are in a desperate plight. And whether what I said was, historically, right or wrong, it does appear to me that there is a chance, by appealing to the obvious self-interest of the community, of obtaining an element of security, which, as nations are constituted at present, we have no chance of establishing in any other way.

Mr. WELLS : Well, I am sorry to seem pertinacious, but I do think there is a great difference between a community into which an idea enters, and a community in which, for purely selfish reasons, Bill the Bully and Jim the Cheat decide to make friends. I do not see it happening in that way. If they have the conception of law they may succumb to the idea of law, but if the idea is not there, if it is purely anarchistic community—and that is what the community of sovereign states is—then that law cannot and does not spring up from purely selfish considerations.

Mr. HORSFALL CARTER : May I suggest that in the Europe of the last twenty years France, who has pre-eminently the capacity for intellectual conception, has had that idea of law and expressed it time and again ; and that that idea, *plus* self-preservation, has created a certain common consciousness in Europe of the paramount necessity of a common defence. The Swedish Minister, in the Riksdag, recently testified to the same idea in outlining the attitude of the small states in the present crisis ; and they have got the truest conception of what the League is.

France also, remember, *is* prepared to sacrifice that measure of sovereignty necessary for effective defence. The countries which are not prepared to do so are the over-mighty subjects like England and the United States—and, of course, Germany and Italy. Does not that show that there is growing consciousness of this feeling for law and order?

SIR NORMAN ANGELL: If there is a sense of weakness, as there may be in France, the sense that a nation simply cannot defend itself by its own power may lead to internationalism. The French are internationalists to this extent—that they realise that they cannot stand by themselves in resistance to Germany. At present they have got as far as building up special alliances. I think they are very near to realising that if by those alliances they merely seek dominance over Germany, they are not going to succeed; that the alliances must be something different, have a different purpose, be different from what they were before the War. After all, the idea of co-operative defence will come last from the very powerful, because they believe that they depend upon their own strength, can impose their views whether other people like it or not. France is now very near to being a lesser Power. And just as the lesser states are now realising that they must stand together to achieve defence, France is perhaps on the verge of realising it too.

MR. GATHORNE-HARDY: Does it not really come back to the fact that it all rests upon self-interest? People will realise that they will be exceedingly uncomfortable unless they have some security and some element of law and order. In this way may we not get the security without the federal bond which Mr. Wells would like us to have?

MR. GERALD E. H. PALMER<sup>1</sup>: I agree with Mr. Gathorne-Hardy, and I should like to ask Mr. Wells whether he sees any source from which this new authority may come and impose law and order. Or does he start with the assumption that there is no law and order anywhere?

MR. WELLS: I think we have got to build up a new mentality. The sort of man that I should call a citizen of the world is a different individual from the self-seeking man who is doomed to death and frustration. Those are two entirely different types, and if you can increase the relative number of the first then you have some chance of having a world peace.

I cannot understand these discussions. I probably have some

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(1) MR. PALMER is Conservative Member of Parliament for the Winchester Division of Hampshire.

tile loose in my head, but you are always talking of " Nations " and " Powers," while to me this world is incurably a collection of human beings, a collection of units, of men and women. You attach altogether too much importance to countries and Powers. You are always thinking in terms of these political forms. They come and go like the shapes of clouds. I am quite sure that you will not get a world peace unless you cut under those formal ways of thinking and get to something much more fundamental.

There is one thing which is occupying my mind very much, and that is: What is happening in the minds of young people under thirty at the present time? My impression is that in no country in the world is there any sort of solidarity in this younger generation in relation to the state to which it belongs. I think the young are anarchistic, communistic, " Nazi." The way they can be put into shirts and taught a sort of solidarity, for which they are hungry, is the most ominous thing in the world at present. They are unemployed, or partially employed, young people without an objective. Now in 1914, when the War broke out, youngsters may have been a little credulous, but they really believed in the Empire, they really believed that they belonged to a free and fair system, and they gave themselves magnificently. That is not going to happen in this or in any other community to-day. It is over. That treasure was spent. And in the last eighteen years we have not begun to make anything else in the place of it. We have just been carrying out political manoeuvres. Nothing creative has really been done in any country in the world. In America they are getting dangerous movements, because directly you get adolescent young people who know they are going nowhere they will do anything. The trouble in Ireland was largely due to unemployed young men. It is the same all over Europe; and you are going to have it here. I do not think we are going to have great wars; I think we are going to have no end of little ones. There is going to be a general break-up, because we are not giving the world the idea of a community that is worth while. Nobody wants just to be left alone.

AIR COMMODORE J. A. CHAMIER<sup>1</sup>: Mr. Wells sees no hope except in the eradication of nationalism and its replacement by the internationalist idea. I believe that this ideal is too far off for common human clay. Just as love of family cannot be eradicated by national law (for instance, a wife cannot be made to testify against her husband), so nationalism cannot be

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(1) AIR COMMODORE CHAMIER was unable to attend the meeting of the Group and submitted this comment in writing.

AIR COMMODORE CHAMIER is Secretary of the General Air League of the British Empire.

eradicated. It is a club of people with a common language, ideals, sympathies, manners and customs, and it is welded together by propinquity.

In my view, not only can nationalism not be eradicated, but to attempt to do so is so unsettling that it leaves the dangerous blank in young lives referred to in the discussion. It is like destroying religious belief and not replacing it with something equally warm, human and picturesque.

I look upon the League as a group of nations impelled by self-interest to associate themselves for the pursuance of two objects. First: to find a better substitute than a recourse to war for the settlement of international disagreement. Second: to provide for reliable mutual assistance if war should come.

To carry out the objects suggested above we need, first, free discussion of problems, and perhaps a court of arbitration; second, perhaps, a League General Staff, if the task is not beyond the powers of any Organisation.

Mr. GATHORNE-HARDY: At last it gives me very great pleasure to be able to agree with what Mr. Wells said just now. I do agree that it is a feature of post-war youth that they have lost their old loyalties, and that they have found nothing effective to take their place. They are extremely favourable material to be worked upon by such propaganda as Mr. Wells suggested, and I say "All power to his elbow," and I hope he will be able to bring about an internationalism among youth which may go far to produce the ideals of which he talks. I would merely say that, in spite of that, I feel that there is a short term policy before us which is no less necessary. But I do not see why the two should not go hand in hand. The very fact that the nations which are actuated by self-interest are beginning to realise the necessity for some measure of co-operation should help those who wish to establish the whole thing on a firmer foundation by the methods which Mr. Wells suggests.

Mr. WELLS: Sir Norman Angell pointed out that the most powerful countries are the last to make arrangements for mutual protection.

SIR NORMAN ANGELL: I think Mr. Wells and I are agreed on this point, that pure self-interest in the economic sense is not the most powerful factor in human affairs. Men are so easily misled as to where their permanent interest lies. I believe the thing which will get us out of this chaos is not self-interest in any narrow sense. It is a sense of right. The point is that the old anarchic method of defence denied right. In order to defend

your country you had to be stronger than anyone else, which meant that you denied to the other the right of defence by superior power which you claimed for yourself. That moral dilemma is being more and more recognised. I am not so pessimistic about the younger generation as Mr. Wells is. I see amongst them the glimmering of the idea that this old nationalism—everybody being stronger than anybody else—is not any good, and that the place for force in human society is on the side of law, and should be used only to ensure some equality and right, the right to defence of both parties. That is beginning to appear.

I took some trouble to analyse those figures in the Peace Ballot. Eleven million voted vaguely for peace. About seven million voted on the question as to whether military force should sustain law. Seventy-five per cent. voted "Yes." Which is broadly what I would have suspected, although I did not think that the principle of collective security would receive so wide an acceptance, be so generally understood. Other indications seem to show that the old idea of national defence is going, is being replaced by a broader conception of international defence consonant with the idea that we are all members one with another. Without some such idea no society could hold together. It is on the basis of that moral conviction that the collective system will grow and become triumphant.

Mr. HORSFALL CARTER: Is not Germany in the Europe of to-day—involuntarily, of course—fulfilling much the same rôle as was played by the British Foreign Office in the ten years during which the American States found the road to federalisation?

Mr. LEONARD WOOLF<sup>1</sup>: Should not one use the word "sovereignty" as sparingly as possible? The world is at present composed politically of what are called sovereign independent states. You have got to start from that fact, no matter how much Mr. Wells or any one else may deplore it. I deplore it myself, but I propose to face it. You will not abolish the sovereign independent state, and all the delusions with which it is encrusted, in the next ten or fifteen years. That is the first period of time which confronts us, and that is the period of time in which I am interested. I am interested in preventing a "first class war" in the next ten, fifteen or twenty years. That is the problem of a League of Nations. But you have to face the fact that your unit of international society within the League is, and will be, the sovereign independent state. Your problem is so to organise those units as to prevent war or make it extremely

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(<sup>1</sup>) See *note p.* 17.

improbable. It is the problem which I hope we shall discuss in the meetings which are to follow. It may be an impossible problem, given your sovereign independent state, though I can see no *a priori* or *a posteriori* reason at present for believing this. If that is true, then European civilization is doomed irretrievably, for twenty years is much too short a time in which to abolish or effectually federalise the existing great sovereign independent states. It is only when you have settled this first problem, either optimistically or pessimistically, that you can usefully go on to Mr. Wells' long-term problem. Of course, that long-term problem is immensely interesting and important, but if you cannot first solve the short-term one, the long-term one will have been wiped out altogether along with ourselves and the Royal Institute of International Affairs.

Dr. TOYNBEE : There seems to be a short-term problem and a long-term problem ; if we can solve the short-term one, perhaps the long-term problem will solve itself.

Mr. WELLS : We shan't be given that chance.

Dr. TOYNBEE : It seems to me the only immediately successful policy, so far, over the young, has been that of people with narrow views, who have impressed them strongly. Can we steal their thunder, and discover the sort of way they've got hold of them?

Mr. WELLS : If we cannot steal their thunder the outlook is hopeless.

Dr. TOYNBEE : You think we can steal it ?

Mr. WELLS : I do not know.

#### WRITTEN COMMENT ON THE FOREGOING DISCUSSION.

LORD ARNOLD : The discussion seems almost entirely to overlook the fact that the League of Nations is totally different from what was originally intended. Of the seven great Powers of the world three, the United States, Germany and Japan, are definitely outside ; and the adhesion of Italy is, under present circumstances, more of a liability than an asset. Further, it is extremely questionable how far Russia can be relied upon to function as a League Power, and the experience of the Italo-Abyssinian war has shown clearly that France will not discharge her obligations unless it suits her own interests to do so. When

to all this is added the fact that the people of Great Britain were certainly not prepared to go to war against Italy and to precipitate a European conflagration, it becomes more and more manifest that the expectations of the founders of the League have been completely shattered.

Thus, it appears to me that a great deal of the Group's discussion is remote from reality and has no relation to anything which has happened or is in the least likely to happen. I am myself entirely opposed to a League of Nations based on force, but even those who support a League based on force are surely compelled to admit, in view of the happenings of the last few years, that there is no prospect whatever of a League in practice establishing that collective security of which we have heard so much and seen so little. This, however, is not the occasion to state the insuperable difficulties in carrying out what is called collective security. These matters will be dealt with more appropriately later on.

I would emphasise that the Allied Powers, and certainly the people of Great Britain, supported the League of Nations because they understood that it was to lead to a large measure of disarmament, and would preserve peace. In point of fact no measure of disarmament whatever has been achieved. On the contrary, as everybody knows, precisely the opposite has come about and, indeed, in order to fulfil obligations in respect of what is called collective security, the people of Great Britain are being called upon to increase arms instead of reducing them.

The truth is that if the present position could have been foreseen, Great Britain would never have supported the League of Nations at all. No one in 1919 would have committed Great Britain to the support of a League which was, in practice, largely confined to France and ourselves and which, so far from bringing about disarmament and leading to peace, only opens up a vista of international complications and wars about matters, many of which are very far removed from British interests.

I would repeat that in my judgment it is problems like the foregoing which should be discussed first.

The Rev. HENRY CARTER<sup>1</sup>: Perhaps I may be permitted to define, in brief terms, my position with regard to the League of Nations and the difficulties which now beset it.

Are not the present difficulties a consequence for the most part

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(1) The Rev. HENRY CARTER is General Secretary of the Social Welfare Department of the Methodist Church.

of the fact that the League was erected in 1919 on a dual and self-contradictory foundation? Two choices were before the world at the close of the Great War.

The nations could have united to achieve human welfare in its many forms by means of a new international organisation directed to that end. Such an acceptance of the true welfare of humanity as the objective would have required a renunciation of the war-spirit and of projects of retaliation, and a reliance upon co-operative goodwill as between victors, vanquished and neutrals. To a limited extent only was this purpose and spirit expressed in the Covenant of the League. Yet it would be a simple matter to show that the real contributions which the League has made to human well-being are rooted in those Articles of the League Covenant which aim directly at peaceful co-operation. These contributions include the creation and labours of the Permanent Court of International Justice, of the International Labour Office, of the Mandates Commission, and the settlement of international disputes by arbitration.

- The alternative choice—which was unfortunately dominant—was to carry over from the War the passions and fears which it bred. Hence the decision to construct a League whose Covenant was based upon a penal treaty and contained a plan to resist any future aggressor by the massed resources of League members; a League whose membership did not at the first include the defeated Powers. I think it will be generally admitted that world history since 1919 demonstrates that the penal and the retaliatory elements in the League structure have thrown the affairs of nations into confusion and have intensified ill-will.

The conclusion which appears to be justified is that the alternative to the present drift towards war is a bold initiative to bring into being an inclusive Society of Peoples which would concentrate upon work for human welfare. If the existing League of Nations is to serve this purpose it would be essential that its Covenant or basis (1) should be dissevered from the Treaty of Versailles; (2) should exclude military action under the authority of the League; and (3) should provide for activities directed to peace-making, the examination of proposals for the removal of well-founded grievances between nations, the development and application of international law, and the furtherance of human culture and welfare.

I would have our own Government declare in favour of such a new beginning in world policy.

# IS THE LEAGUE IN A POSITION TO CREATE PEACE IF IT IS NOT IN A POSITION TO ENFORCE PEACE?

DISCUSSION OPENED

BY

SIR NORMAN ANGELL

I am going to try to cover a number of supplementary questions which suggest themselves under the head of the main problem which we are to discuss this evening—the problem as to whether the League is in a position to create peace if it is not in a position to enforce peace.

These supplementary questions are as follows :

*Is a just measure of change facilitated or impeded by a barrier to forcible change ?*

*Can and should Article 19 be made a practical reality, continuously operative ?*

*Does the prospect of this depend on devising the machinery or on creating the state of mind ?*

*If Article 19 could be made to come alive, would not the strain on the collective security part of the Covenant be relieved ? Conversely, is it not essential to make sure of retaining Articles 10 and 16, if you are going to make Article 19 work ?*

*Are the peaceful changing of the law and the effective enforcement of the law, as it happens to stand at a given moment, correlative to each other, so that you cannot have one without the other ? And is the alternative to the system of society which, in combination, they establish, violent change, that is, the thing that it is most important to ban ?*

I think that an analysis of these questions will very soon present us with two or three root questions. Does the maintenance of peace by this or any other League demand that it shall have power ? What should be its machinery of change ? And what should be its rôle in the social and economic management of the world ?

We all feel that time is short and that we want to relate our philosophical abstractions as quickly as possible to the problems before us. In considering the root problems I have just indicated—the relation of power and the machinery of change to the maintenance of peace—I shall try to make my approach historical

in the sense of appealing to an experience of which we have all been witnesses—the most relevant experience—that of the Great War.

It is fashionable just now to point to the redress of grievances, or of injustice, as the road to peace ; and, in a sense, to regard such redress as an alternative to the coercive function of the League. Now surely on that point we have had experience. Germany is making certain claims, to the restoration of colonies for instance, to revision in other respects. Suppose that we could secure the most thorough-going revision imaginable, so favourable to Germany as to go beyond all German dreams, giving her back all that she had in 1914, not only all the colonies, but Alsace and a large part of Poland, restoring to her her magnificent financial, commercial and economic position. Suppose we could achieve that. Would it give us much assurance of peace ? We know by experience that redress of grievances, the granting of equality of economic opportunity, revision to that impossible degree, would in fact be no guarantee of peace at all. Because when Germany was in that situation, enjoying all those things, she, like other European states, was a factor of disturbance. I think that that is something which we forget ; a thing which is very relevant to our problem, bearing as it does on all these questions of change which we must deal with in this Group. I suggest, and I am going to simplify a little in order to clarify the discussion, that the existence of specific grievances has very little to do with the unrest that leads to war, with the constant factor in the problem. When, for instance, we went to war in 1914, it was certainly not for the purpose of redressing specific grievances. We had none as against Germany, except one which I will mention in a moment. The United States was far from being a Have-Not State, a dispossessed state, suffering from the injustices of a Versailles Treaty. She was, nevertheless, drawn into the War. Take the case of Russia. I think it is now agreed that if you have to apportion blame Russia was as guilty as any other State. But again, she was far from being a Have-Not Power ; she was not repressed ; she was suffering under no Versailles Treaty ; she had no lack of economic resources.

We talk of remedying economic difficulties as the road to peace. But if we look at Europe in 1914, if we can throw our minds back to that period and compare it with the Europe of to-day, we see that, in so far as absence of barriers is concerned, the Europe of 1913-14 seems a Utopia. It was an almost Free Trade Europe, as compared with present-day barriers. Take the extent of international trade. It was enormously greater than it is at present. Take such characteristic difficulties of our time as

currency restrictions and instability. They simply did not then exist. The Europe of 1913 did not know them. It had an international money, gold, and the gold standard had been working fairly satisfactorily. Nations had acquired the knack and had got into the habit of working it. It furnished an international unit of account and constituted an international money. We should think we had achieved almost the impossible if we could get back to the currency situation of 1913. Take a fact which bears upon the pressure of population about which we hear so much just at present as one of the causes of war. Pre-War Europe possessed freedom of movement of peoples, of migration. There was very little restriction to migration in 1913. Vast multitudes were going to America, to the Argentine, to Canada, moving across frontiers very freely. We are apt to forget that in 1914 you could travel round the world without a passport. But it was that world that went to war, that world of relatively free intercourse with its absence of Haves and Have-Nots. The tendency to the creation of barriers which has been so strong since the War has been due to the political achievements of the War. In so far as the War achieved anything, in so far as it had a conscious purpose, that purpose was not to wipe away barriers—it was to create them. There is the example of the splitting up of the Austrian Empire. The very purpose of the War was to break up that considerable Free Trade area. It is since the War, as a result of the treaty, as the result of the intention of the treaty, that you have ten thousand more miles of fiscal barriers than you had before the War took place. I think we simply get away from the facts, from the plain teaching of experience, when we say that the post-War chaos is due to the economic stranglehold on unsatisfied States, is provoked by barriers, difficulties of currency, lack of freedom of movement; and that if you could only get greater freedom of movement, greater equality of economic opportunity, you would get peace. That is to put the cart before the horse. We had, relatively speaking, the things we are now demanding, and it was the world which had them that drifted to war.

If we are to discover the real cause of our chaos, the difficulties upon which the League should have concentrated, we must look elsewhere. I suggest that the War did not arise from economic strangulation. We discussed last week what the League was about, and Mr. Wells, who I am sorry to say is not here this evening, indicated that the League, instead of attempting what it did, ought to have tackled the organisation of the economic life of the world. But the facts do not indicate that the War did arise from economic suffocation. The assassination at Sarajevo

was not a protest against economic strangulation. The Southern Slavs were not protesting against too many economic barriers. Rather, they wanted to create more economic barriers, just as did the Irish, whose first use of political freedom has been to create a new customs barrier, to limit economic freedom. In so far as there was some common impulse behind the War, it was an impulse towards nationalism which placed relatively little value on economic freedom of movement. The Southern Slavs, the Serbians, desired to create a political situation which would express itself economically in restriction, just as the Irish were striving for a political situation which would express itself, and is now expressing itself, in restriction. A Frenchman has said that if the Germans had managed to reconcile Alsace there would not have been any War. That is a little fanciful, though there may be something in it. But in any case the agitation of the Alsatians which helped to push France in the direction of the Russian alliance had very little to do with improving their economic position. The Alsatians would be a part of a larger economic unit under Germany than they would be under France. There was no economic impulse in that case. Indeed, the age-long conflict between Germany and France has not in the main been an economic conflict, a collision of economic interests. The impulses which prompted the War—the Serbian agitation, the Southern Slav question, the problem of Alsace—were not movements towards an integration which those concerned felt to be necessary. The motive forces were disruptive and disintegrating impulses. Take again the position of France and her alliance with Russia. France did not ally herself with Russia because she needed outlets, because she was suffering from economic suffocation, any more than Russia was, any more than we in Great Britain were. If we are to profit by experience at all we must take cognisance of these facts.

Now we come nearer to the heart of the matter. If the root of the trouble was not economic grievance, which it was not in the case of Russia, of France, of Britain, or of the United States, if it was not economic suffocation, what was it? Why did France support Russia? She supported Russia for the same reason that we supported France. It suffices to imagine Germany triumphant, dominating Europe, having beaten Russia, having beaten France, to see that the possibility of effective national defence, national independence for Britain, would disappear. With Germany triumphant, we felt that, as an American put it to me a year or two later, "We should be the servants of these damned Boches." National independence for us would, we felt, have disappeared. That, when all is said and done—allowing for some over-simplifica-

tion—is why we entered the War. We were prompted, mistakenly if you will, by the instinct of self-preservation, which is the first law of life.

That is the first problem we have to solve. We shall understand best what the League is about, what has really prompted it, if we go back to this experience of the Great War, to our feeling about it at the time, to what did and did not enter into those feelings. If we face it frankly we shall have to eliminate a good many assumptions which are made to-day as to economic suffocation being the main cause of war, and weigh our desire for self-preservation, our feeling that the victory of the other side would have destroyed our defence. Even the United States felt this. It was the theme underlying a great deal of President Wilson's theological discourses. I remember that he circulated throughout the United States a map of Europe, with a great splurge of black in the middle. Underneath the map, if I remember aright, was a legend to the effect that "Unless we fight, this black spot will dominate world; will dominate us."

The League, the Covenant, was an attempt, however clumsy, to wrestle with that problem. It was an attempt to reconcile defence and peace. But the Americans saw, more clearly than we did, that when the Allies had won the problem would be shifted to the other side of the frontier. If German preponderance deprived the Allies of defence, Allied preponderance would deprive Germany of defence. It was that which prompted Wilson's slogan about Peace without Victory. He saw quite clearly that merely to have victory, merely to give the power to the other side, would only change the rôles. Central Europe would then have been as defenceless as the victory of Germany threatened to make the West. The League was, at bottom, an attempt to emerge from that dilemma, in which the superior power of one kills the defence of the other, by turning the struggle for preponderance of power into what Wilson called the community of power, the placing of common force behind some principle like that of arbitration, third party judgment, as a substitute for allowing force to remain merely an instrument of the parties to the dispute.

I am not at all sure that we League members have gone the right way about it to get the desired result; but that, roughly, was the objective behind it all; and that remains the problem which we have to solve. And when, as to-day, there is a tendency to suggest that it cannot be solved until there is a fairer status quo (you see that I am coming to the other questions which I have got to discuss this evening), when it is suggested that so long as you guarantee the existing status quo you are not going

to get the necessary changes, I would suggest that the exact contrary would be truer ; that until you do guarantee the present status quo you are not going to get the changes demanded by the development of the world, because the impulse to expand is rooted in the impulse to power as the one condition of self-preservation ; power which will be sought irrespective of right, of economic interest. " Defence is more than opulence " or, as Göring put it, " Guns are more important than butter."

If you take the Italian case as an example, the economic justification that Mussolini makes does not stand ten minutes' examination. It is derisory. But he has a very great case for the conquest of Abyssinia if the security of Fascist Italy is to depend solely upon Italy's own strength, her preponderant power. If so, she must be stronger than any possible rival. That feeling sets up an impulse towards territorial expansion as a source of man-power, strategic frontiers, what you will. Where defence depends on relative individual power, you get inevitably a competition of individual strengths, a competition for preponderance. Preponderance is really the key-word. You must struggle for it as your only basis of self-preservation and security. But how, again, are you going to reconcile preponderance of one with the defence of the other, the weaker ? From the German point of view it was the British Navy which made the Treaty of Versailles. How can we give Germany security while retaining it ourselves ?

You cannot detach such questions from any League which you create and you cannot separate problems of peaceful change from problems of defence, nor machinery for change from machinery of impartial judgment, or from arbitration. You cannot put defence in one pigeon hole and peace in a quite separate one and proceed to divorce the two. If you divorce questions of power from your international constitution, you are going to leave completely unsolved this problem of reconciling defence and peace, and peace and right, which I have just presented.

I wish that Lord Lothian had been here to-night, <sup>1</sup> because as an alternative to the League he seems to advocate two policies. First, regional security, that is to say the guarantee of the frontiers of France and Belgium but not those of the East. Second, an Anglo-American understanding which, if it could be arrived at, could in his view impose peace. But what does that mean in relation to a changing status quo ? Are we, that is to say the Anglo-Saxon bloc, to be sole judge of what is rightful change of the status quo, of what wars we will permit for the change of the status quo, and what we will not permit ? A common confusion,

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(1) Lord Lothian came in a few minutes later.

parenthetically, surrounds the question of guarantee. We need to guarantee not frontiers but peace. Our position should be—change the frontiers all you like but not by war, not at the dictation of the victor. But without machinery of change you do guarantee the status quo when you guarantee peace. In that machinery of change you must get representation of the interested parties and means of judging between conflicting claims. If you erect machinery of change, if you obtain representation of the interested parties and means of judging between them, you have a League of Nations. When Lord Lothian says, as he does repeatedly, that if we could only get Anglo-American understanding we could impose peace, what does he suggest in relation to the status quo? He says that we must not create these great international powers until we have got a fairer status quo. Yet he wants an Anglo-Saxon alliance to forbid war. But that, without a fairly elaborate apparatus of change, is to guarantee the status quo. If there is to be any pretence of democracy, any consultation of those most interested, you must have some apparatus of consultation, of representation, of investigation. Right and justice in these things are not self-evident. If you go to Hungary you have a very different view of the just frontier from that which exists in Roumania.

Suppose you leave, as it were, leakages in your system of peace, suppose that your Anglo-American alliance is not able to compel peace where the frontier is unjust, assume that you are to let Hitler fight in certain cases—will you, after such a war, get a better state of things than you had before? When you have the victors in the seat of judgment you are likely to get a worse settlement than before, almost certainly something just as bad. You are merely going to get the same wrongs only on the other side of the fence.

The real alternative is not a choice between a regional guarantee and what you might call a universal guarantee; it is rather a choice between standing for frontiers, for the special interest or view of this or that ally, a choice between standing for that and standing for a principle, a law, a rule of conduct. The Locarno group of Treaties has recognised this principle, that it is possible to put our power behind a rule of conduct to be impartially applied. The failure of those treaties, or relative failure, is not due to any defect in the principle. It is due to the fact that we have never been able to persuade the French that we would act upon it even when our own interests were not directly involved; just as the French have, perhaps, been unable to persuade us that they would act where their interests were not directly apparent.

I should like to add some points relative to the discussion

which took place last week. I think Mr. Wells, like many other would-be reformers of the Covenant, takes the view that you will get your unified world by tackling economic problems first and by putting the problem of defence into cold storage. I suppose the assumption is that we shall go along in the old way, oscillating between balance of power, isolationism, partial alliances, arrangements of the kind we knew in the 19th century, while we go forward to organise world finance, commerce, production, transport; the view being, apparently, that it is easier to organise the economic life of the world than it is to organise the defence of nations. But experience, particularly our experience in the British Empire (an institution we ought to examine because it is something new in political structures), indicates, I suggest, the exact contrary. Mr. Wells said last week, when I pointed out that we had federalised defence in the British Empire, that that was possible because we had, within the Empire, community of ideas. But my point is that that community of ideas, great as it is, has not enabled us to federalise economic functions, has not enabled us to produce anything in the nature of centralised economic management. We have not managed to unify tariffs or federalise trade, transport, currency; not a mortal thing save one—defence. We *have* created a system of mutual assistance, a collective system of defence, and that, as I pointed out at our first meeting, not by statute but by a flexible, loose gentlemen's agreement. Now surely the whole point of that British experience is that, while the imperial organisation of defence is possible, the Imperial organisation of social and economic activities has proved all but impossible, or rather that having once had it we gave it up. For we did have it in the 18th century. It broke down. We could not work it. The whole tendency in the nations of the British Commonwealth has been away from the central control or organisation of economic functions. We had, more or less, an imperial fiscal policy in India, a policy directed, that is, from the Imperial centre. The Indians have now achieved their fiscal independence. We had it in respect of Ireland. Ireland and Britain made an economic entity. They have ceased to be an economic entity. The tendency, economically, is for the larger Groups to break up. The greatest difficulties have been experienced in unifying economic functions over large areas. Yet the unification or federalisation of defence, of mutual assistance, the creation of a collective system, has proved relatively easy, has come about more or less of itself. That is my point. Community of interests and culture, traditions and values, great as it is, has not enabled you to create these very things Mr. Wells asks for as the condition precedent to internationalising defence. He says, "Follow the

line of least resistance and internationalise first of all your economic activities." I suggest that if the experience of the Empire, the Commonwealth, is any guide at all, it points to the exact contrary, to the fact that to internationalise economic life is immensely more difficult than to internationalise defence. It is precisely the nature of defence that it comes first. I suggest that this indicates the line of least resistance.

In the past we have had a good many examples of the creation of a central authority which furnishes the means of unifying defence by conquest. We have seen the process at work in the case of Germany. We have seen it in India. But you may get the same result, the result, that is, of common or collective defence, by the creation of a nucleus which grows by accretion. To put it very concretely, suppose that now, in this present situation, you could get a dependable political understanding between Britain, France, Russia and all their satellite states, whose sense of being menaced is very vivid, and make of them an alliance whose foreign policy was based upon the principle that an attack on one was an attack on all, leaving it open to others to join. Such a combination would constitute a nucleus that could offer advantages in the way of security so great as to attract additions. You might conceivably render it more attractive still by offering to make such arrangements as those concluded at Ottawa available to any nation which will come in on the same terms as the Dominions come in. Extend the defensive strength of the Empire by extending its economic advantages. If these particular arrangements with, for instance, Canada are advantageous to both parties—Britain and Canada—the same arrangements must be just as advantageous if made with Scandinavia, unless you say that the fact of their being Scandinavians renders disadvantageous economic arrangements which otherwise would be advantageous; which is absurd. You could, I think, supplement such understandings by a sort of British Monroe doctrine. By a British Monroe doctrine I mean that Britain should indicate that she regarded certain principles of the Covenant as indispensable to her security and that a challenge to them would be treated just as an attack upon her territory would be treated, just as the United States, when she was a very weak power, indicated to the very powerful nations of Europe that an attack on the South American Republics, however disorderly they might be, would be regarded as an attack upon the United States. If early last year we had said we would defend the Covenant covering Abyssinia in exactly the same way as we would defend the territory of Australia, there would have been no war, and we should be in an incommensurably better position than we are actually in at this moment.

To come back to where I started. The League was, in fact, an effort to solve the problem of defence in the only way in which it can be solved, namely by collective action in supporting some common rule of conduct, generally acceptable. If you simply neglect this problem of defence, divorce it altogether from the League, you have not done anything to deal with the situation—the particular forces which produced the War in 1914. You are just where you were. You cannot solve the problem in the old way. My suggestion is that we shall recreate the real League of Nations when we make the League really and truly an instrument of mutual defence.

### GENERAL DISCUSSION.

LORD PONSONBY<sup>1</sup>: I was not present at the first meeting of the Group, but I have read the proceedings carefully, and I found myself listening to Sir Norman Angell's remarks this evening with only very partial agreement. I do not know that I would admit that the problem of defence is really the crux with which we have got to deal. It certainly is the excuse which every Government gives when there is likelihood or prospect of war. Sir Norman's description of the world before 1914 as really devoid of any serious grievances was perfectly correct and is certainly very well worth remembering. Yet, in spite of that, the war arose because it was on both sides to be a war of defence. The Germans were fully persuaded, no doubt wrongly, of the encirclement of their Empire by other European nations, and they foresaw that they must defend their country; and we on our side behaved precisely as Sir Norman Angell described. It seems to me, both from my reading of the discussion at this Group's first meeting and from what Sir Norman Angell has said to-night, that we do not go quite far enough back. I think it was Mr. Gathorne-Hardy in the first discussion who, in the remarks which he made after Dr. Toynbee had spoken, said that we must get back to the Covenant. Not to the League of Nations as it at present exists, but to the Covenant as it was originally drawn up; and I do think that that is very necessary. There is a belief very strongly held by a large body of opinion in Great Britain that the Covenant is sacrosanct, that it is something which holds good and must be adhered to and made to work.

Now, if I may, I should just like to remind you that the Covenant was drawn up after a tremendous conflict culminating in a complete victory. The drafters of the Covenant were under the impression that by that great victory militarism had been

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(1) LORD PONSONBY was Chancellor of the Duchy of Lancaster in 1931 and from 1931-1935 was Leader of the Opposition in the House of Lords.

crushed, autocratic government curbed, imperial greed prevented and the world made safe for democracy. They were fully persuaded that they had succeeded in those objects, and all those objects were brought before us as the reason for the Great War. This had been accomplished by twenty-seven Allied and Associated Powers against Germany and three associated Powers. I do not know whether it would be possible to find a better example of sanctions and the use of force.

It was clearly in the minds of the drafters of the Covenant that, if the worst came to the worst, a preponderating number of Powers, exercising force would once more be able to prevent aggression and attain security. Since that time, we have realised that none of those objects was, in fact, attained. On the contrary, far greater reasons for conflict have subsequently arisen and we realise that this enormous expenditure of life and treasure did not, in fact, achieve the desired object. I am approaching this matter not from the point of view of a pacifist, which I am proud to be, but from the point of view of somebody who wants this splendid idea of an international body like the League of Nations to succeed. After the calamity of the War and its consequences which have become more and more plain to us who have survived, I think it is most unreasonable for anybody to suppose that any international body is going to stop war. It was almost an absurdity to suppose that anything of that kind could happen and the League's failure has been very instructive. In fact I think it will help us, and help governments, to see where the remedy may be found.

I am a very great believer in the round table and I believe the reason that we have not had war since the Great War—although there have been far more excuses for it than there ever were before 1914—is the fact that statesmen meet together and talk matters over. I think that is of enormous importance. But I think the League must be strengthened by reducing rather than extending its obligations for active interference. So far from the League being a League of all nations, as visualised by the drafters of the Covenant, we are confronted at the present moment by a demi-League, and we have had the experience that in that demi-League, you cannot get unanimity and you cannot get the sincere carrying out of obligations. And if you have gaps and reluctance, any sort of attempt to enforce your will—a collective will—by economic or military action is bound to fail. I do not think that we should necessarily blame other nations or other governments for not playing up, because we can well understand what it is that makes them hold back. Sanctions have not been tried before, and there were many who feared what

the effect on their economies would be for generations to come if they whole-heartedly participated. Some countries feared what their relationship—in this case with Italy—would be after sanctions had been tried. In the case of France I do not think that anybody who has watched the proceedings carefully ever since the time when Italy was condemned as the aggressor could fail to observe that France was in a dilemma, not from any reluctance to do what was considered the right thing but rather from a conflict of obligations. She had just concluded agreements with Italy after a protracted period of bad relations and she was necessarily reluctant to break with Italy and at the same time also reluctant not to adhere strictly to the letter of the Covenant.

The result of all that was that the onus of the attempted sanctions fell upon us, and the British Navy was the force that everybody visualised as that which would have to be used in the case of difficulty. And may I say here, with regard to what Sir Norman Angell said, that I agree with him when he speaks of the British Empire as having failed to federalise its economic system. But I disagree with him when he says that the British Empire has federalised its defence system. I do not think it has done anything of the kind. It is the British Navy that defends the British Empire. I do not know how many Australian battleships there are. There are, I believe, no Canadian, South African, or Irish Navies to speak of.<sup>1</sup> What binds the Empire together more than anything else is not a federalised defence system but a willingness on our part to defend this far-flung Empire. And, when there is danger, the Dominions are naturally ready to enlist their men and to send them to our assistance. But that is not federalised defence. The inference that I drew from what Sir Norman Angell said was that he believed that you could get a unity of purpose among a preponderant number of nations in order to get collective security. That is where I absolutely fail to agree with him. I do not believe that it is conceivably possible within a measurable distance of time that you will get all nations to take one side against another nation. There will always be either an eventual drawing back or else an immediate secret or open sympathy with the so-called "condemned" aggressor. Therefore your attempts will fail and the League of Nations will consequently be in danger. I think that,

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(1) The actual figures (1936) for the Imperial Navies are as follows:—  
*India*—4 sloops; 5 other vessels.  
*Australia*—4 battleships (one building); 1 seaplane carrier; 1 flotilla leader; and 6 destroyers.  
*Canada*—4 destroyers; 5 other vessels.  
*New Zealand*—2 battleships; 2 sloops.  
*South Africa*—4 vessels.

so far as one can see, any attempt of this sort will always mean that the onus will fall on us. "We will send a ship or two," the other nations will say, "but the British Navy is so strong and so capable of getting about that that is the best instrument to make this, that, or the other attack or defence!" And we shall find that we are always the spear-point. We shall always, so far as the condemned nations are concerned, be Enemy No. 1, the enemy to be singled out as Italy singles us out at the present time.

But I should like to express cordial agreement with Sir Norman Angell when he says that in this ever-changing, fluctuating, dynamic world you must have machinery for change; and I should like to give credit to the drafters of the Covenant who in Article 26 foresaw that it would be probable that in time to come the Covenant itself would have to be revised. The suggestion I have publicly made before now with regard to this machinery of change—which I think is essential—is that the question of the revision of treaties should not be left so that the particular Powers involved, suddenly finding conditions imposed on them intolerable, break out as Germany has recently broken out. It should not be a question to be raised suddenly by one nation or another. In my view, treaties should not only be registered with the League, they should automatically be brought up every five years for examination by a department of the League Secretariat specifically established for the purpose. Then, where there was need, it could be found out from the signatories of the treaties where the shoe pinches, what they object to, what their fresh claims are, why certain provisions seem intolerable, what they want to alter. And by discussion at Geneva between those who are signatories to any particular treaty you would have treaties revised, not at a moment of crisis, not by public declaration that this, that or the other treaty is not valid, not by repudiation, but by a systematic piece of League procedure. I think that it is more than ever desirable at the present time because, although Sir Norman Angell has pointed to the origin of the Great War as being something very different from any specific grievances or economic grievances, we in the world to-day cannot fail to see that it is grievances that are the sore point and which constitute the element of danger.

I maintain that the reason why these grievances, which are very acute in certain parts of the world, have not led to war is because of the existence of the round table at Geneva. They have nearly led to war because of the element of force behind the Covenant, which to my mind is an entirely wrong basis for an international authority. Such grievances can, in my view,

be dealt with only by an impartial body, a body as impartial as the Secretariat of the League, without any of these Ministers or Foreign Secretaries attending its meetings; a body dealing with these things as a matter of routine to which the world would become accustomed. Otherwise, I am afraid we shall find that these grievances will get more and more bitter, and in a changing world, as Sir Norman Angell rightly says, we shall get the idea of a static desire to maintain the status quo upheld by the Powers who for the time being are the best off.

Mr. HORSFALL CARTER : Lord Ponsonby has said we have not had any wars since 1918. I should have thought we had had a lot of wars. He is thinking in terms of Great Powers only, and that is surely a mistake. China would certainly say she had had a war, and so would Abyssinia !

LORD PONSONBY : I agree. I expressed myself badly. I was thinking of a major war.

PROFESSOR C. K. WEBSTER<sup>1</sup>: The people who made those wars sat round the table the whole time !

Dr. TOYNBEE : Surely conciliation was tried to the limit in the cases of Japan and Italy, but you had wars. In the case of Italy, we went to the absolute limit before putting on sanctions, but Mussolini would not state his grievances. If he had, we should probably have had a moderate discussion and a moderate settlement. He wanted an immoderate settlement, by war.

LORD PONSONBY : I think we might have tried sooner. There was an opportunity at Stresa, where Mussolini might have been tackled and made to put his cards on the table. The thing was clumsily handled.

PROFESSOR WEBSTER : In the case of Japan, we did not impose sanctions but we still did not stop the war.

LORD PONSONBY : The idea of stopping war by any existing machinery is not practicable.

Mr. GATHORNE-HARDY : Lord Ponsonby has said that we have not had any major wars because of the number of round table conferences we have been able to hold. I would suggest that one reason why, so far, we have not had war is because the Powers which believe in force have been too weak. We are now face to face with a very different situation in which you have a strong preponderance of Powers who believe in peace and wish to maintain it in any way possible, and two Powers, at any rate, who openly believe in the method of force and the *fait accompli*. This, at all events, is the situation as far as Europe is concerned.

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(1) PROFESSOR WEBSTER is Stevenson Professor of International History in the University of London.

I would suggest that we are not working for the millennium. We are working to deal with the very grave situation which is before us at the present moment, and it seems to me that if we do what some people seem inclined to do, and what Lord Ponsonby seems inclined to do, namely, abandon the coercive side of the League machinery altogether, such a step will inevitably lead to some organisation being created for the purpose of carrying out the function which the League has abandoned. And the result of that would be that the League which Lord Ponsonby and others have desired, a purely peaceful, consultative League, would fall quite into the background. It would not be the organisation which is really cutting any ice. It would become rather what the Hague Conferences had become at the beginning of the War.

I was reading the other day in *The Nineteenth Century* an article by Professor Mowat in which he said a thing with which I entirely agree. He said, "It is obvious that if most Peoples or States not only desire peace but would rather make substantial concessions than allow the peace to be broken, then any nation which is willing to make war will have an enormous advantage over the rest." Now, if you abandon your power of forcible control, it seems to me that all your peaceful machinery will be disastrously affected. You have the machinery of conferences. The powers that believe in force will say that a much shorter and quicker way is the *fait accompli*. They have done it already. We have seen it operate ever since the War. From the time of Vilna onwards there has been a tendency on the part of those Powers who believe in force to try the *fait accompli*, to try the sudden action based on violence, and they will try it until the breaking-point comes when the world stands up against them. Then it may be too late because you will have forces more or less equally divided. You will have a great clash. You will no longer have preponderance. Take again the question of arbitration and judicial settlement. The powerful state gains enormously if it is allowed to be the judge in its own cause. And it will always insist on being so, unless there is some machinery to stop it. Then again, what of the weaker side? It will feel that it is no safer when its cause is won. It will feel, also, that the judges' interest, since they have no wish to interfere forcibly and are ready to give anything for a quiet life, is not for justice but merely for peace, and that therefore it is not getting a fair hearing. So that both sides will be dissatisfied with arbitration, or a judicial procedure conducted under those conditions.

With regard to mere revision, it seems to me that it is obviously becoming, in the minds of people who look at it that way, merely

a matter of "dane-geld," "dane-geld" paid at the expense of weak Powers who are unable to resist, in order to preserve peace and quiet. That is the situation which I see arising if you do not have coercive machinery.

With regard to conciliation, I think one of the faults of the Abyssinian controversy has been the way in which we continued to pride ourselves on trying to apply methods of conciliation after the act of aggression had been declared. We tried to combine the two things. When the garrotter has his arm round the victim's throat, the time for conciliation has gone by, and the time for forcible interference has arrived. Conciliation, if it has not got behind it any machinery for preventing the aggressor from getting more than he is fairly entitled to, comes to much the same as it did in Hood's poem, where, as some of you may remember, a bystander, seeing a butcher driving sheep into his shop, said "Well, my dear fellow, do just try conciliation!" And I remember the lines which went on:—

"Stringing his nerves like flint,  
"The sturdy butcher seized upon the hint,  
"At least, he seized upon the nearest wether,  
"And hugged, and lugged, and tugged him neck and crop  
"Just *volens volens* through the open shop.  
"If tails came off, he did not care a feather.  
"Then walking to the door and smiling grim,  
"He rubbed his forehead and his sleeve together:  
"There—I've conciliated him."

That is the sort of conciliation we shall always have if there is no collective power behind to exercise a certain amount of coercion as well.

REAR-ADMIRAL R. M. BELLAIRS<sup>1</sup>: I could not gather from Sir Norman Angell whether, in his view, Article 16, which is a general article, should remain unaltered. Are we to support a general collective system for such a general commitment as Article 16 represents, when the United States, Japan and Germany will probably stand aloof? For it is quite certain that you will not get the support of the United States, and it is very improbable that you will get the support of Germany or Japan. The United States and Japan are both strong naval Powers. We are dependent on sea power for our security, and therefore I suggest that while these Powers are not members of the League we ought not to commit ourselves in the present general and unspecified manner, without knowing in advance what the attitude of those Powers will be. While you have a League of a few nations and not of all the nations, I do not think it should include a general

(1) ADMIRAL BELLAIRS has been Admiralty Representative on the League of Nations Permanent Advisory Commission since 1932.

commitment. That is a practical point with regard to Article 16 which will, in my view, have to be settled.

Then there is the question of the Dominions. It is by no means certain that the Dominions will come all the way with us on this question of a general commitment. General Smuts addressed the Royal Institute of International Affairs about two years ago. He was one of those who framed the Covenant, and he warned the Institute of the danger of transforming the League into a military machine for the purpose of carrying on war to prevent or end war; and he went on to say: "I cannot conceive the Dominions remaining in such a League, and pledging themselves to fight the wars of the old world." He suggested that if the fear can only be removed by sanctions, let them be on some limited basis such as Locarno, within the circumscribed area of those interested. I did not quite gather from Sir Norman Angell whether he advocates Article 16 remaining as it is, or whether it should be on a much more limited basis than at present.

Mr. R. H. BERNAYS<sup>1</sup>: I would like to ask Sir Norman Angell a question regarding his point of guaranteeing the status quo. In theory, I entirely agree with him, but what I am concerned with—and what I am sure we are all concerned with—is whether it is really a practical policy, and whether we can, in fact, get our people and the French, or anyone immediately interested, to fight in the last resort on such an issue. Are we really going to get our people to vote supplies and to send the Navy for the defence of the Austrian Government, a reactionary Government which does not genuinely represent the Austrian nation, the majority of whom wish to join Germany? I think that is a question we have got to face. I do not know what the answer is.

Mr. GATHORNE-HARDY: Surely it is to some extent a question of educating people as to their real interests. If it is true, as I hold, that war breaking out in any part of Europe is practically certain to involve Great Britain, then it should be possible to teach the people that peace is indivisible there, and that commitments in all parts of Europe are the most likely way of preventing the outbreak of war.

THE MARQUESS OF LOTHIAN<sup>2</sup>: The difficulty I feel is the difficulty which Mr. Bernays mentioned, namely that of relating the headings of this discussion with the immediate facts of the world with which we have got to deal. The Covenant of the

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(1) Mr. BERNAYS has been Member of Parliament in the National Liberal interest for Bristol (North) since 1931.

(2) LORD LOTHIAN, who was Secretary to the Prime Minister from 1916 to 1921, was Parliamentary Under-Secretary, India Office, 1931-32.

League of Nations was drawn up, as I understood it at the time, as an instrument, not for the maintenance of the status quo and probably not for the waging of war to prevent war, but as an instrument whereby the problems of the world, the revision of treaties, the economic and political alterations which were inevitably necessary in a world of which the mechanics change so rapidly, should be settled without war—by bringing to bear a certain collective procedure. It established, first of all, the principle underlying the Assembly and the Council, which was that the nations sat round a table and got to know one another, and began to some extent to build up a sense of world unity, a sense which has not been built up very far. Then there was the procedure under Articles 11, 12 and 15 whereby, when difficulties arose, the nations undertook to submit them to investigation and report. And under the Covenant, in the event of a nation having gone through that procedure and having got no redress, it was entitled to go to war unless the other side accepted the report of the Council. The reason for this was that the framers of the Covenant felt that, without that kind of pressure, you would never get any alteration in the status quo. You either had to put behind Article 19 the coercive powers which now are behind Article 16, or you had to allow the individual nation to bring those coercive powers to bear. Otherwise you would get what you have got now, a system whereby collective security becomes a military alliance for the maintenance of the status quo.

As I understand it, that was not the purpose of the Covenant at all. What has happened since is that the hatred of war has grown and has been stimulated by the Kellogg Pact; and resort to war has become the central crime. That is not the Covenant at all. I have always thought that the strength of the Covenant in its original form was that it did permit some pressure whereby changes could be made. In the last resort they could be made by local war, with the rest of the world standing round to make quite certain that it did not become a world war. I think that if we get back to that idea of the Covenant, it is much more likely to work. The alternative is putting the same coercive power behind Article 19 as is behind the status quo. My objection to the Covenant to-day, especially when it is interpreted in the light of the Kellogg Pact, is to the automatic character of Article 16, while there is no effective force behind Article 19.

I am afraid, though I agree with many things he said, I do not agree with Lord Ponsonby in his view that force does not count, or is no remedy. I am afraid it is true to say that in human affairs force is a most vital element, and I should be the last person to say that force has not got to be used in international

affairs. But I am convinced that if you try to base a League of Nations on an automatic obligation to go to war you are going to destroy the League completely. It is the greatest disservice to the League to try to base it on an automatic obligation of this sort. Everybody will leave it. There will not be a nation left in it.

When Sir Norman Angell quotes the British Commonwealth, the facts as I see them are exactly the opposite. If you take the famous Imperial Conference of 1926, which ended in the well-known Balfour Report, you will see that the central fact was that no Dominion would enter into an automatic obligation to go to war under any circumstance, and you only got agreement about the future of the Commonwealth because they were wise enough not to raise that issue. There is no automatic obligation to go to war to-day; no Dominion would sign, as between the other members of the Commonwealth and itself, Article 16. What they are prepared to do is to say: "We accept the allegiance to one King. We recognise that we are a community. We would like to have a common foreign policy. That foreign policy, as far as is possible, is support of the League of Nations. But when it comes to war we are the judges of our own action. And we admit that, if and when war occurs anywhere, we may have to decide whether we are going with the rest or whether we are going to be neutral; but there is no obligation on us to take part in war." The Empire would not last at all except on that basis.

My view is that if you are going to get the League of Nations to grow again, you have got to found it on the same principles as those of the British Commonwealth. Then you may get action of a military kind in certain circumstances. But if you try to ask people to commit themselves honestly and honourably to a universal and automatic obligation (which is now recognised to mean war), in unknown circumstances, everybody will leave the League. You have got to face this as a first measure for improvement in the situation. Admittedly, this reform means that you have got to deal with the problem of security, which is still left intact on a regional basis. My own view, looking at the world as it is to-day, is that the League can still be made a force of immense power, partly because it is a League for peace, partly because it mobilises public opinion, partly because, in certain circumstances, it may mobilise economic sanctions or military action. Nobody will ever know beforehand exactly what the League may or may not do. Security will rest on local balances, to use what is really the fair word, whereby nations, through exact obligations, establish the position in which they feel that none of them is at the mercy of any other; with the League as

a power in the background which will act in the light of the circumstances of the time. If you try to stand absolutely up to Article 16, those adjustments in the world which are necessary for peace become impossible. I do not at all share the view of Mr. Gathorne-Hardy that the only question in the world to-day is between the gangster states and the others. I think there are very legitimate and genuine grievances in the world and if you say you are not going to remedy them, if you have no power to remedy them, as is the case under the Covenant to-day (because you have no means of bringing about change except with the consent of all the nations), then you are going to bring about war. Such a state of affairs must inevitably drive Germany, Italy and Japan together.

I do not believe that is the best way of preserving peace. I think you have got to get adjustments, and, provided it is clear that there are certain cases where people will not fight, you may get those adjustments between nations by the difficult thing known as "power diplomacy"—without war. But if you try to impose automatic obligations you are going to produce world war and you are going to destroy the League of Nations.

PROFESSOR WEBSTER: I will just make four points very dogmatically and quickly. In the first place, I disagree with a great deal of the history which has been expressed both on this occasion and at the Group's first meeting. I do not believe that the facts have been accurately put before us. I disagree with Sir Norman Angell's picture of the world in 1914. There *was* a great problem of change. It was clear that a great change had got to come. There had been three wars between small Powers. The Tripoli war started a great concatenation of events. It was quite clear to anybody who moved about Central Europe at that time that there had got to be adjustments.

SIR NORMAN ANGELL: I said that these wars did not arise from economic suffocation. I specified that there were these explosions which were nationalist in character. I expressly made that distinction. I said that the changes which came were not changes which tended towards larger economic opportunity; they were changes towards a more intense economic limitation. Your Southern Slavs, and the rest of them, produced a situation in which there was less economic liberty than previously.

PROFESSOR WEBSTER: That is true; but there are still great economic questions.

In the second place, I would stress the point which has, I think, already been made, namely that you cannot take away collective security and imagine that you are not going back to what has

always taken place, a policy of alliances covering practically all the Powers of the world. They will be far greater alliances than before 1914, because the economic weapon will be used ruthlessly to compel any state which is neutral to come in. The taking of collective security out of the Covenant, as Lord Ponsonby suggests, means that the world will go back to the system of great alliances. What those alliances will be, nobody knows. No one can say on what side we should be. In 1898 everyone would have scorned the alliances of 1914. Our three friends of the nineteenth century were our three enemies when the Great War broke out.

Thirdly, the idea that you can guarantee a bit of Europe and not the whole of Europe seems to me fantastic. It is fantastic to imagine that you can guarantee the Rhine frontier and imagine that France is going to take no interest in Central Europe. You cannot draw a line across Europe.

MR. D. GRAHAM HUTTON<sup>1</sup>: You mean that it is *impossible* as a policy? Or do you mean that it is short-sighted? You mean we should be dragged into war?

PROFESSOR WEBSTER: It would only be possible if France would agree to disinterest herself from the rest of Europe.

MR. GRAHAM HUTTON: She *may*.

PROFESSOR WEBSTER: Do you imagine that you will get France to let a *Mittel Europa* be created and stand aside? All I can say is that France has always fought against the creation of a great Central Europe, and I think she always would.

I said I would be dogmatic. To me it is clear from history that she is certain to oppose it.

Fourthly, I entirely agree with Lord Lothian that you cannot divorce collective security from peaceful change. Occasions arise when there must be changes in the structure and they will be brought about either by some organisation or by force.

Finally, I agree with Mr. Gathorne-Hardy that it is not much use to talk about an ideal Europe. Negotiations are at present going on, and the whole problem rests on getting France and Germany into some kind of understanding. If we do that, we can organise some form of peaceful change.

MR. GERALD PALMER: Provided that Professor Webster is not altogether correct and that Sir Norman Angell's view with regard to economic suffocation has some substance in it, I would like to ask Sir Norman Angell what *is* the factor operating in, for example, Germany, which is causing so much fear amongst

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(1) MR. HUTTON is Assistant Editor of "The Economist."

her neighbours at present, if economic suffocation is not the real cause of anxiety in Europe to-day—as it was not in 1913.

SIR NORMAN ANGELL : Exactly the same factor which operated before the war.

Mr. PALMER : Can you define that rather more clearly ?

SIR NORMAN ANGELL : Resentment of each at the superiority of the other.

Mr. PALMER : That was the answer I expected. What I wanted to get at was how you can deal with that. As I understand it, the answer you gave was that you would deal with it by organising collective defence to a marked degree.

SIR NORMAN ANGELL : No. If I may say so, you have understood me to say the exact opposite of what I intended. Collective defence must not be against this state or against that state. It must be for a principle of relationship, a rule of conduct. Call it, if you like, *arbitration*. The state that will not arbitrate and will not accept arbitration becomes the encircled state. But from the moment that it is ready to accept third-party judgment, from the moment its policy is guided by a readiness for conciliation, it enters the community.

SIR JOHN FISCHER WILLIAMS<sup>1</sup> (*in the chair*) : When you say "arbitration," do you mean arbitration in the wider sense or in the strictly legal sense ?

SIR NORMAN ANGELL : In the wider sense. Any form of third-party judgment ; any form of settlement which gives, broadly, equality of rights to both parties.

SIR JOHN FISCHER WILLIAMS : Including the right of the arbitrator to make changes ? People constantly talk about arbitration without distinguishing clearly whether they mean a decision on legal lines which must inevitably be a decision for the status quo, or a decision on wider lines, on the lines of what is sometimes called "equity," which involves the power to readjust and to alter.

LORD LOTHIAN : To whom would you refer the question of the future of Austria for settlement ? Who would be the third party ?

SIR NORMAN ANGELL : I would create some apparatus to make Article 19 come alive ; and in the first instance it would be a matter of negotiation, possibly prolonged negotiation.

LORD LOTHIAN : You cannot have negotiation as to where

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(1) SIR JOHN FISCHER WILLIAMS was from 1920-1930 British Legal Representative on the Reparation Commission under the Treaty of Versailles.

you are going to refer questions. People will not refer them. You say "third-party decision," but there must be some authority who takes charge of the situation when there is a controversy, as it does in the Law Court. Who is that authority?

SIR NORMAN ANGELL: We are creating organs all the time.

LORD LOTHIAN: To which one would you refer this particular question?

SIR NORMAN ANGELL: It may be advisable to create something in the nature of a legislature, a court of equity, which would have not so much the function of a Court as the function of a legislature.

Mr. GRAHAM HUTTON: You mean for this League?

I think Lord Lothian has taken a rather unfair advantage in asking what you would do with Austria, while in fact we are talking about reforming the League. Presuming the Austrian situation to be still with us in two years' time—when we should have reformed the League—it is quite easy to see that there might then be a body to arbitrate. Something similar might be done as in the case of the Austro-German Customs Union, although that is not an auspicious precedent. It is possible to envisage that in two years' time, but at present it is a difficult point.<sup>1</sup>

Mr. PALMER: May I bring the discussion back for a moment to the point where I suggested that intimidation of Germany was what Sir Norman's remarks amounted to, and Sir Norman said he meant exactly the opposite—that what he meant was an all-inclusive system which should only leave outside the state who would not accept third-party judgment. But is not the actual situation to-day that Germany will not accept third-party judgment?

SIR NORMAN ANGELL: Then what is your solution? That she is to make war, and that we are to get a new status quo as the result of that war, with Germany as a victor? Is your new status quo going to be any better than the existing one?

Mr. PALMER: No, but I am suggesting that what your "collective defence" comes to is intimidation of Germany.

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(1) *Written comment by Mr. GATHORNE-HARDY*: I am surprised that revisionist speakers have concentrated on the example of Austria. For there is no mechanical or constitutional obstacle to an Austro-German *Anschluss*. All that is required is the consent of the Council of the League (Treaty of Versailles, Article 80); Article 19 does not enter into the question.

The whole difficulty here arises from the political and strategic situation, from the danger created vis-à-vis the neighbouring Successor States by such an augmentation of potentially hostile power. For this reason, it would seem that a firm guarantee of the neighbouring frontiers would facilitate rather than impede this particular change in the status quo.

SIR NORMAN ANGELL : Only intimidation as against war. She shall not make war. After all, your guarantee is not directed at the maintenance of the status quo. It is directed at the maintenance of peace.

Mr. PALMER : I absolutely agree.

SIR NORMAN ANGELL : A great many people take the view that Article 10 is in conflict with Article 19, in the sense that from the moment that you guarantee peace, you guarantee the status quo. But this is only if you neglect the whole constructive side of the problem. The proposition that you will not get peace until you get a fair status quo ought to be inverted. You cannot possibly get a fair status quo until you get assurance of defence and peace, because, so long as the states have not that, they will not care twopence whether the status quo is fair or not ; all they will consider is power, strategic frontiers, and the rest of it. They will only make the concessions necessary for a fair status quo from the moment that you have guaranteed their defence. That was my point.

Mr. PALMER : I quite agree with the principle, but I am not quite clear in my mind as to how it works out in practice. Assuming, first of all, that we are all frightened of Germany, and secondly, what I fear is very unlikely, that you can organise collective defence on the basis which Mr. Bernays and myself would like to see, namely the other nations of Europe saying collectively : " An attack on one of us is an attack on all." How do you proceed from that point ? Having established law and order in Europe on that basis, do you proceed to say : " Well now, the status quo is not just. It must be changed." What practical methods of change do you advocate ?

SIR NORMAN ANGELL : You are asking me to indicate machinery for discussion of grievances, and machinery for change, which might take all sorts of forms.

Mr. GATHORNE-HARDY : That question arises more strictly at the next meeting of the Group when we come down to brass tacks as to concrete suggestions for the amendment of League machinery.

Dr. TOYNBEE : Surely, if you guarantee security against change, you can do it only on condition that that guarantee only holds good if States will submit their disputes ? Germany might say to Lithuania : " I propose to guarantee you against violence, if you agree to submit the Memel question to some kind of arbitration." Is there not an element for bargaining there ?

Mr. GRAHAM HUTTON : It was to that point that Lord Lothian

quite fairly drew attention when he said that sanctions applied one way and not the other. If you had an "Article 16A," which was to come into effect when Article 19 was refused. . . .

PROFESSOR WEBSTER : That was Lord Cecil's original proposition.

Mr. PALMER : But as I understand Lord Lothian, he did not want that power behind Article 19 ?

LORD LOTHIAN : I think if you have them both, you have an entirely different world. I would accept them both if they were workable.

Mr. GRAHAM HUTTON : What is unfair, is having a "Sanctions One-Way Street."

SIR JOHN FISCHER WILLIAMS : I think it is quite inconceivable that if Article 19 was working, you would ever employ Article 10. I should interpret it on those lines. I do not think you could take it otherwise.

SIR NORMAN ANGELL : In practice, we know the sanctions could not work. • •

Mr. HORSFALL CARTER : Taking the particular case of Austria, the situation may be said to be as follows : Since we left Austria as a sort of orphan at the Peace Conference, having imposed a certain settlement on her—a settlement, that is to say, forbidding her by our superior force to join Germany—what course has been followed ? First, we left her alone : later, owing to the financial mess into which she got herself, we decided that something must be done in the general interest and we managed to give her a certain amount of financial stability by employing the League for her protection, that is to say an agency independent of, and different from, any individual state or Power. But in the political sphere, ever since 1918 and especially in the last six or eight years, we have simply seen the old struggle between two or three great Powers ; first of all France was allowed to take charge, then France left the matter alone and let Italy and Germany fight over Austria's prostrate body.

It seems to me that you are never going to get out of that concrete situation—and I am deliberately taking a concrete case to illustrate the principle—by any alliance of sovereign states. You can only avoid the collision of Great Powers by superseding "Great Powers" altogether, merging them in a community of power, precisely as Wilson originally used the term. Then you can begin arranging for readjustment and peaceful change. I am entirely in agreement with Sir Norman Angell's basic

argument. That, of course, brings up my own particular hobby-horse of an international force. I suggest that you might in fact solve the problem of Austria by setting up an international force of the Saar kind, enabling a free election to take place to find out to what extent the Austrians want to link up with Germany; and then you would be able to get your peaceful change working.

SIR JOHN FISCHER WILLIAMS: Perhaps Sir Norman will now sum up and reply to some of the questions which have been put to him?

SIR NORMAN ANGELL: If I may, I would like first of all to deal with one or two separate and specific questions.

Lord Lothian objected to my description of the British Commonwealth as a body of states who had federalised defence and federalised only defence. I think I added that this had been done not by statute but by such a gentleman's agreement, a very usual feature of our political arrangements. I still insist that that is the true description of the British Commonwealth, that if Japan, for instance, began to land troops in Australia, or, as would be more probable, began a process of bullying Australia and demanding the admission of Japanese emigrants, we should soon make it clear that the British Navy stood for the defence of Australia. That is our contribution to the common stock of power. The Australian contribution is not in ships or money; her contribution is the implied undertaking that whenever the need is urgent she contributes to the Imperial forces as matter of course, as she did in 1914 and as every Dominion did. If that understanding were to become uncertain, if Canada, for instance, began to look to the United States, or to intimate that in the next war, wherever it might be, she would not contribute troops, then the Commonwealth as we know it would have become something entirely different. It is a political unity only in the sense that its defence is common. In this sense it is in fact, though not in juridical form, federalised<sup>1</sup>.

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(1) *Written comment by Mr. GATHORNE-HARDY*: I cordially agree with the general trend of Sir Norman Angell's argument, but I am not impressed by this contention of his that in the British Commonwealth "defence is federalised."

In the hypothetical instance which has been suggested, of Japanese aggression against Australia, it is true that the British Navy would come to the defence of the Dominion. But if defence was really federalised, it would be equally certain that help would be forthcoming from Canada, South Africa, and the Irish Free State.

Is this at all certain? Is it even certain that every Dominion would co-operate if Great Britain were involved in war in Europe?

It is, in any case, contrary to the principle of a federation that the burden of defence should fall substantially upon only one of the constituent units.

My point was that we have seen that system work. A federalisation of defence is easier to bring about than a federalisation of the economic functions.

As to the question whether we could get the British people to regard a case like that of Austria as of direct interest to them (incidentally my own view is that the Austrian question will be settled otherwise than by outside intervention), surely the point is that if the matter is our concern we must get the public to see it if we give guidance at all. The public which, in July, 1914, was utterly ignorant of the existence of the "scrap of paper," after August of that year quickly acquired a passionate interest in Belgium. Austria involved us in the last war, as it involved others, and would involve us again in similar circumstances. Like conditions produce like results. The major fact that we must bring home to the public is that they must face the plain teaching of an event such as that of 1914, and that a certain diplomatic and political situation will drag them in again unless they shape events otherwise. If they let events "take their course" they will be drawn in. We must show that there is a greater chance for them if they make their policy clear beforehand. It is part of the political education which we must carry on. I do not believe that we are very far from getting our people to see the essentials. Take the change which has come over attitudes since the failure of sanctions with Italy. Mention has been made of General Smuts' speech here eighteen months ago. But he has since reversed that completely. A corresponding change marks party pronouncements. They are all much nearer to accepting collective defence as a policy and to facing its implications.

I think one could put the case in a very few words thus: Suppose you were to wipe the League out altogether and it ceased to exist. What would your foreign policy be? First, if you went in for defence at all, you would have to make alliances. That is clear. We have never fought a major war without alliances. You never can. You have to accept alliances. Everybody does. Even Lord Beaverbrook makes a half-hearted qualification of his isolationism, when it comes to the defence of French territory or Belgian territory. You are going to have alliances for the simple reason that you have to defend yourselves against alliances. We are to meet a given state and have sufficient power to do so. It doubles its power by making an alliance. What do we do? If you are going in for anything like equality of power at all you have to meet it by similar accesses of strength. You can just rule out the idea that you are not going to have alliances.

You will make an alliance with Russia or with France or with both, and your alliance presumably includes also the satellite states. Now, are you going to give a blank cheque to the members of that alliance? I remember once discussing this with a certain French statesman. He had asked me whether I thought Britain would guarantee France against German attack. I said: "We cannot give you a blank cheque, because it would be merely an encouragement to the worst side of French policy. You might adopt a line towards Germany which would be so provocative (I instance Poincaré's policy) that you would create a war. Do you expect an assurance that we shall stand behind you whatever you do, whatever your behaviour? We must find a test of good political behaviour." The Frenchman agreed. He said: "I see that fully, and I see no other test than an undertaking to arbitrate our differences with Germany and only to come to you if Germany refuses so to arbitrate."

Unless you are all to be at the mercy of your ally's bad behaviour you must combine with your alliance, and make it conditional upon the acceptance by him of something resembling the League provisions—arbitration, conciliation. You must have that. But you must have something else. You cannot exclude the other Power, which you fear and against which you and your ally arm, from the benefits of this particular arrangement. Because, if you do, the nation against which you arm has no recourse but to arm against you. To furnish him with some alternative to counter-arming, you must offer him the rights of arbitration and peace which you claim. But if you do these things you are building up, by what I call the method of nucleus, something which will in fact be a League of Nations, conceived as a mutual assistance League, embodying the collective principle of pooling your power for the support of arbitration and peaceful settlement. I suggest that if there were no League existing to-day that is how you would have to frame your foreign policy if you thought realistically about the lessons of 1914 and were determined to avoid a repetition of that tragedy.

That is my case for the League. We may have to approach it by a route different from the one we travelled in 1918. We may have to build in a different way. But if you are going to avoid the dilemma which produced the War of 1914, where neither would accept the superiority of the other, you will be obliged to link your coercive forces to the principle of peaceful settlement—of third-party judgment—to some apparatus of change. Foreign policy must be on those lines if it is not to involve us again in the disaster of 1914.

## WRITTEN COMMENT ON THE FOREGOING DISCUSSION.

Mr. LEONARD WOOLF : I agree substantially with Sir Norman Angell's analysis. I start from the existing situation, the existing international society of so-called sovereign, independent states. The problem which concerns us is the prevention of war, the preservation of peace among those states. Of course, any solution must provide both for the preservation and for the peaceful change of the status quo. But the actual situation is dominated by fear—just as it was between 1900 and 1914—fear of an attempt on the part of certain nations to change the status quo by war or threat of war. The League of Nations was an organisation of states to meet that threat and fear by an agreement not to use war as an instrument for changing the status quo and an assurance that an act of war in breach of that agreement against one would be treated as an act of war against all. That is to say, as Sir Norman Angell puts it, it was an assurance of defence; and I agree with him that you cannot possibly get a fair status quo until you get this assurance of defence. In other words you will have to get a general assurance that the status quo will not be upset by force and violence, that is by war, before you can begin to think of getting a really fair settlement. Otherwise, as what is happening at the present moment shows, fear drives every nation into a feverish effort to make itself individually stronger than any possible attacker and that leads inevitably to armed alliances. These armed alliances are directed against one another and compete in armaments, and that must inevitably lead to war.

The (or a) League system must, therefore, start with a collective assurance against war. In so far it necessarily stabilises the status quo, whether it be fair or not. It is often implied by those who object to this—and was occasionally implied even in the discussion—that war is not only a method of altering the status quo, but legitimate and desirable as a method of changing an unfair into a fair status quo. No one can predict anything with complete certainty about the future, but to judge from experience it is practically certain that if the status quo is unfair, war will only turn the unfairness upside down.

If then war is to be prevented, states must guarantee and be guaranteed against war as a method of changing the status quo and must be assured of collective defence against aggression. That is a condition, at the moment, in my view, of the bare possibility of peace during the next fifteen years. People may not be willing to pay the price of this guarantee, but that does

not alter the condition, it merely means that they are not willing to pay the price of peace.

The corollary of the guarantee and collective assurance of defence is an agreed method and procedure for settling disputes without war. It is here that provision must be made for changing the status quo. I understand that that is part of what the Group is to discuss at its next meeting. Meanwhile it is perhaps worth pointing out that some people seem to think that it is an argument against the collective system that while guaranteeing states against disturbance of the status quo by war, it gives no guarantee that the status quo will be changed without war into the status which it would assume if the "dissatisfied" or aggressive state succeeded in changing it as it desired by war. The argument is based upon very deep-rooted and wide-spread sentimental delusions. It assumes that all changes demanded by the "strong," or with sufficient strength, must be good or desirable. It assumes that there is a status which is ideally "fair" or which will be recognised as fair by every one. Both these beliefs are commonly held delusions. Most international questions are incapable of any really fair settlement, certainly of any settlement which would be recognized as fair by the states affected by them. The status quo must, therefore, in the nature of things, be "unfair" in such cases, and to change it is simply to change one unfairness for another. The notion that the status quo must always be changed in conformity with the desires of the governments of Great Powers and that only thus does it become a fair status quo is a delusion confined mainly to the subjects of the governments of Great Powers. As far as education is concerned (about which Mr. Wells and others have said something in the preceding discussion), one of the most important things is the eradication of this delusion. It is probably true that, as things are, most changes of the international status quo would do no imaginable good to any one, and a good deal of harm to every one. It is a curious fact that those who are domestically conservatives usually seem to think frequent revolution—even bloody revolution—necessary and desirable in international society; while the domestic radical and revolutionary is inclined to think that the less change there is the better it will be for everybody.

# PRACTICAL SUGGESTIONS FOR REFORM

DISCUSSION OPENED

BY

SIR ARTHUR SALTER<sup>1</sup>

This evening I have to discuss whether certain technical changes are desirable in the structure of the League and, in doing so, shall relate my remarks to a number of specific questions which suggest themselves when this very wide subject is under discussion.

It is not my task to discuss whether the fundamental character of the League ought to be changed. Nor am I going to discuss the question of the reform of the League's structure in the light of the Abyssinian tragedy. I intend to discuss later whether change is required in connection with Article 11, the conciliation clause ; in connection with Article 19, the change clause ; as to whether the League ought to have international force ; and as to whether some change ought to be made in the unanimity rule. I must emphasise, however, that in my view, this recent disaster is not ascribable to the defects which it may or may not be desirable to remedy along the lines which I shall suggest ; although I think that Article 11 should certainly be amended in such a way as to facilitate earlier preventive action. But it is perfectly clear that it was not owing to the wording of Article 11 that the gross delay was incurred before it was made clear to Italy that action would follow her aggression. Even with the League as it was and is, if there had been a clear policy on the part of the principal League members, the necessary steps could have been taken to make the prospective sanction operate as a deterrent. In the same way, while I think it not only important but essential that Article 19, the change clause, should be made to work, there again, whatever had been done about the modification of this Article, I think it extremely unlikely that it would have affected the actual invasion of Abyssinia, for had Italy been in a mood in which she would have been satisfied by a proper procedure under Article 19, she would clearly not have acted as she did. Under the Covenant as it stands, Italy could properly have followed the prescribed procedure and had she failed to get satisfaction, as might well have happened, she could then, again

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(1) SIR ARTHUR SALTER, *Gladstone Professor of Political Theory and Institutions in the University of Oxford*, was *Director of the Economic and Finance Section of the League of Nations*, 1919-20 and 1922-1931.

properly, have resorted to the invasion of Abyssinia without making the clauses of Article 16 operative, since in this case she would have complied with the provisions of the Covenant. It is the same with the question of an international force. The countries concerned had national forces available which they were at least as likely to use as they would have been likely to agree to using any kind of international force had there been one in existence. And lastly, it is clear that no change in the unanimity rule would have made any difference, because the thing which paralysed action was the failure of Great Britain and France to determine, either separately or in accord, a sanction that could be effective against Italy. And clearly no conceivable amendment of the unanimity rule could have got rid of that difficulty.

If we are to draw any conclusions from recent events which are directly relevant, I think it can be agreed that, in the first place, it is obviously of the utmost importance that any state contemplating aggression should be certain of the kind of action which will follow that aggression. Clearly, the first great folly • was to allow Mussolini to go on believing, and with good reason, right up to September 11th, 1935, that Great Britain and France would never agree to the League taking any action if he undertook the invasion of Abyssinia. Secondly, if action is to be taken, it is vitally necessary that that action should be thought out and that it should be consistent. And clearly, there again, from September onwards, our own Government was itself pursuing two contrary policies at a time when the different members of the League were themselves in two minds. Whatever may have been the difficulties with other countries, it is quite obvious that we could have, and should have, acted much more resolutely and much more consistently if we really meant business and nothing else.

I was very interested to hear Monsieur Flandin's comment when he heard of the flight of the Negus. He threw up his hand and said: "Those fools of British! So they didn't send arms into Abyssinia after all." As a realistic Frenchman, he had assumed that as our policy was to keep the Abyssinian campaign going until the end of the dry-weather season, so that the slow-working sanctions could be operative before Mussolini took his decision on a second campaign, we would have taken the obvious precaution of seeing that Abyssinia was supplied with resources in order to be able to continue to fight.

The third conclusion is that, from the start, we should have faced the fact that it is no use whatever to think of imposing any kind of sanctions against an aggressor unless you are prepared,

if necessary, to support that pressure by the use of armed forces. That does not necessarily mean war. But it must be realised that sanctions may mean war; and once you have embarked on sanctions, sanctions intended to have a real effect, you must assume that the country against which they are directed will react in a hostile manner unless it is deterred by the certain prospect of a preponderant collective force ranged against it. The policy of being willing to wound and yet afraid to strike, the policy of attempting to break the will of an aggressor by sanctions strong enough for that purpose and yet mild enough not to provoke him to react, was plain lunacy from the beginning.

I must shortly turn to the more technical part of my task, but before doing so I should like to repeat that I am assuming, for the purpose of this evening's discussion, that we are determined to create and restore a system of collective security essentially upon the same principles as those on which the League was constructed. If that is so, obviously the prime necessity is to ensure the first condition of any collective system, namely that there should be a collective preponderance of force of those who are loyal to it as against probable aggressors; a condition which should be coupled with a determination to be ready to use that force if necessary. If these conditions do not exist, then the first necessity is to re-create and restore them. That, in my view, is the great task of the immediate future. It is a task which, in a sense, will go on outside the League and to reach our goal I think we shall have to go through a period marked by all the classic precursors of war as we had them in 1913-14—competitive increases of armaments, feverish diplomatic competition to get people into different groups and alliances, military conversations and so on. I believe that the whole of our efforts should be devoted towards getting through that period with a view to restoring the conditions which will enable us to pass out of it and catch up with an ideal which we were approaching during the years after the Great War. Much as I should like to discuss how this could best be done, such speculation is outside the scope of to-night's discussion, and having said that it is a vital problem, failing the solution of which technical changes are perfectly useless, I will proceed to discuss the particular questions with which I have been asked to deal.

The first question is: *In what respects, if any, are the provisions for peaceful change contained in Articles 11 and 19 inadequate?*

There is some substance in the complaint that Articles 11 and 19 are inoperative. The defect in Article 11 is that it is intended

as a conciliation clause, and that in the whole of its operations it is subject to the general provision of the Covenant, namely the unanimity rule, with a result, as was first brought prominently to the attention of the world in the Japanese-Manchurian case, that an interested party can block a League decision. This is, in certain cases, a considerable defect, although it is not necessarily a fatal one. If countries really mean business they can act without any actual change in Article 11. There is nothing to prevent countries which have come to a decision as to what is to be done in a particular case from putting that decision into effect because one or two dissentients stand out. They can act as if that decision had been a formal and legal one under Article 11. (*At this point Sir John Fischer Williams indicated agreement.*) I am glad to see that Sir John agrees with me. If you read Article 11 you cannot say, as in the case of Article 16, that it makes legal what is otherwise illegal. Under Article 11 you can do in co-ordinated action what it is legal for each country to do in any case without co-ordinated action; and therefore, without arriving at what is a legal decision, you can take the same action as you would have taken had you obtained that legal decision. Nevertheless, the fact that the Article does contain this unanimity clause is certainly a factor that tends to result in just such fatal delay as was witnessed last year, and I myself should like to see it subject to the rule that applies to certain other Articles, namely, that the vote of the disputants does not count, at any rate after the earlier stages of conciliation. Moreover, I think it desirable that the Article should have a second part which would definitely contemplate stepping from conciliation to restraint; and under this second part I would like to exclude the disputants from voting. But apart from actual amendment, you could get substantially the same result if you had a separate supplementary treaty between such countries as are prepared to sign it, undertaking that, in a case in which a decision under Article 11 was blocked by a vote of the disputants, they would, themselves, proceed in co-ordinated action and would regard such action as legal as regards themselves. But, more important than that, I would like to see, as a part of that same treaty, a ratification of the convention that has been drawn up as to the series of measures which should normally be put into operation during this preventive, pre-war, pre-Article 16, stage. A great deal of very useful work was done at Geneva by a committee who worked out a series of measures suitable for application before the point was reached at which the League was prepared to recognise "a resort to war under Article 16." That is all I have to say about Article 11. I consider the Article to be faulty in the encouragement it gives to dilatory

action, and its lack either of a second part or of a separate article is a condition which should be remedied.

With regard to Article 19, its inefficacy, in my view, reflects by far the greatest weakness of the League and of the structure of the Covenant. As the world and its conditions change, it is perfectly clear that no system for the collective restraint of aggression can possibly stand the strain to which it will be subjected unless there is, going on all the time, a process by which the resulting strains can be eased by modifications in the status quo. The Covenant prescribes in some detail measures to be taken to counter aggression, while it contains only an extremely tentative, and in practice a quite inoperative, clause dealing with methods for changing the status quo. Now in some respects the result of this has been that while there might well have been a number of changes in the status quo carried through, countries from which such changes would have involved concessions have felt that, under cover of the Covenant's collective defence, they could afford to refuse those concessions. And while, with time, these countries have felt a diminished confidence in the efficacy of that collective defence, there has been no distinction made between cases where reluctance derived from obstinacy or unreasonableness and cases where to make concessions would have been both dangerous and unjust. I have to-night a proposal to make with regard to Article 19. It is a novel one, and has only appeared this last week in the first issue of a paper called the *New Outlook*.

The suggestion is this, and I must start at what would, chronologically, be the last stage. Granting you could get a recommendation of change, the means of enforcing it would be *that a country which then refused to give effect to the League's recommendation for a change in the status quo should thereby be deprived of its right to protection under the Covenant against a resulting war.*

If you proceeded on this principle—I will deal with the objections to it in a moment—I think you would get the more powerful countries to agree to it, because it would not impose additional commitments on them. On the contrary it would relieve them of commitments to use their force to restrain an aggressor in precisely that case where the obligation at present is most difficult to fulfil, namely as against aggression designed to secure a change which in the general opinion of the world is thought to be a reasonable concession. It is just in that case that we know that we probably could not apply Article 16. In the second place, and this may seem cynical, the larger countries might be prepared to agree because they would not be subject to collective compulsion to make any concession. They could still refuse the recommendation if they were strong enough to do so. And so

I think that there would be a chance of getting a system built upon that principle agreed to by the larger countries.

With regard to the smaller countries, it is obvious that such a proposal as I make is not based upon an ideal world system, because, quite frankly, it does fail to secure to them the right of equality. Under my proposal, a small country would be protected in the ordinary case of aggression, but if it were asked to make a concession which the world thought to be reasonable—and it refused—that protection would vanish. It would have a chance of having its grievances discussed, which it has not got at present. • That is something. And the fact that it would lose its present merely nominal right to protection in cases where, as everyone knows, that protection can only at the best be a broken reed, would be offset by the fact that in a case where it is subjected to absolutely unjustifiable aggression it will have a far better chance of securing really efficacious protection than it has at present. I do think then, on balance, though it is no part of an ideal world system, that it would be to the advantage of the smaller countries to agree to some such change.

• As far as the actual machinery goes, I would suggest something along these lines: that if a country desired to secure a change in the status quo it should obtain a two-thirds majority vote in the Council and in the Assembly, including, perhaps, an absolute majority among the permanent members. This having been secured—and here we have the political aspect of the case—a commission should be set up consisting not of responsible ministers but of people of high standing and of expert knowledge—a body rather like the Lytton Commission—and this commission should report upon the claim. The report, founded on a majority decision, would then be again submitted to the Council and Assembly and, if agreed to by the prescribed majorities, would become a League recommendation. That having been done, the country from which the concession is required would be formally asked by the League to make the recommended change and, in the event of that state refusing, it would be formally notified that it was no longer entitled to any collective protection in a war that might result. That is my suggestion. It still leaves a gap for war as the present Covenant does, but I feel that on the whole it would confront us with lesser evils than those with which we are at present confronted.<sup>1</sup>

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(1) *Written comment by Mr. LEONARD WOOLF*: As regards Article 19 I think it may be necessary to accept some such amendment as that proposed by Sir Arthur, though I should do so with great hesitation, if not fear. It should be remarked that in neither the Manchurian nor the Abyssinian cases was the breakdown of the collective system due to the absence of methods of peaceful change. The great danger of the proposal is that it legitimises war within a collective security system.

I come to the next batch of specific questions: *Can the obstruction to which the League machinery lends itself be avoided? Can the unanimity rule be got rid of? If abolished on paper, is it likely to persist in practice?*

These questions more or less turn round the same centre, and I will at once address myself to the question of unanimity. Unanimity, in some form, sometimes only in the form of a certain kind of majority, is the basis of the League. It is an inter-state, not a super-state, organisation. If you get a body of which the basis is voting by majority, it is in the nature of a super-state government—a world government in the sense in which the League is not a world government. It is just such a world government which must, I think, be achieved before the world can have anything like permanent peace, and in my view the League is an interim stage towards such a world order and only justifiable because it is apparently the only way of proceeding step by step towards this end. Any procedure based on a majority vote would have to be founded on some allocation of voting strength, with all that that implies in the way of classifying the states composing the League, putting them into different categories based on intricate calculations as to population, economic resources, and so on. It would be useless to have an elaborate system in which forty or fifty states would be divided up into forty or fifty different categories, but I think something like a division into four or five categories might be practicable. When the League was developing and extending its authority it proceeded gradually along those lines. In the Council itself you had a distinction between Great Powers who were permanent members, and ordinary members. But it is interesting to note that as the League evolved it began to create another category between those two big divisions. There were countries like Spain and Poland, who, though not permanent members, were eligible for re-election to the Council after a certain period, while smaller countries were not. This evolution should, I think, ultimately result in a series of classes. It might develop on lines something similar to those of the International Postal Union. It could not, of course, be based upon size of country, type of government, or anything like that (though these things would have to be taken into account). You could not have Switzerland with the same vote as France, nor could you take population as the only consideration and give China ten times the vote of France. You would find that if you were really marching forward in the direction of world government such things would decide themselves, but, until then, unanimity must still remain the main basis, except in cases, which would multiply as time went on, where a special majority was provided for, as in the case of Article 19.

What I should like to see is this, that while the main and normal voting should remain unanimous, special voting conditions should constantly be being agreed to as a result of particular treaties by the countries who were parties to particular conventions. In economic conventions you might have special provisions about tariffs and for that purpose it might be decided in advance that the voting should be under special conditions; and these special agreements in which countries would be surrendering their sovereignty by stages would gradually result in the building up of something more like a super-state or world government. But as the states are constituted at present, merely to substitute voting by majority for the unanimity rule would be a quite hopeless step.

Let me turn to two last questions: *Should the executive authority be strengthened; that is to say, should there be an international force? Is a rigid formula for the definition of an aggressor desirable?*

With regard to the former, an international force will of course be the instrument of a world government when you have it. It seems to me to be hopeless, however, to think that you can entrust an army sufficient to settle the quarrels of the world to a body whose political condition is that of the present League. It is quite impossible to believe that the Council of the League could operate such a force. It is attempting to reach a very late stage right at the beginning of our journey.

As for defining the aggressor, that, in my view, is not anything like so difficult as people make out. They go back into history and point out how impossible it would have been to determine the aggressor in this instance and in that. They forget that there was no machinery then for trying out a case. Now, with the League machinery working normally, even if it is not possible to stop the aggressor, it very soon becomes quite obvious who the aggressor is. Take, for instance, the case in 1925 when Greece and Bulgaria were involved. No one could have said who fired the first shot. But the League applied itself to its proper work—that is the securing of peace—leaving the question of the aggressor on one side. They were successful in stopping that war. But if they had failed, the process of trying to stop the war would, incidentally, have disclosed, beyond any doubt, which of the two countries had the real will to war and which the will to peace. For this reason I do not attach over-much importance to the question of determining the aggressor.<sup>1</sup>

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(1) For another point of view with regard to this point, see the written comment by Lord Howard of Penrith on p. 90 *et seq.*

## GENERAL DISCUSSION.

Mr. GEORGE DE JANASZ<sup>1</sup>: At the outset, I would like to state that I entirely agree with Sir Arthur Salter's view that it was not because of the need for changes in the wording of the Covenant that the League has recently failed to work effectively. In fact, if once a real consensus of opinion were to exist and a real will to carry it out, there would be found to be no obstacles in the Covenant in its present form, and any modifications that might be desirable would really apply to questions of detail and could be affected by way of interpretation of the present text, as in the case of the 1921 Resolutions.

In this respect it should be borne in mind that the amendment of the Covenant is practically impossible to achieve. In the present political situation, with the loss of influence it implies on the part of the Great Powers, any amendment would lead to such a number of divergent demands being put forward by the states composing any Conference that might be convened that nothing but confusion would result and the Covenant would simply cease to exist. Actually, it took seven years to obtain the ratifications of the Revised Statute of the Permanent Court of International Justice.

Consequently, revision of the Covenant is not a method that can be advocated. The proper method lies in its interpretation.

As regards the universality of the League, the United States and, for a number of years, Japan, have co-operated with the League without being actual members, and I suggest that the real solution to the present difficulty may be along the lines of a kind of partial adherence to the Covenant, that is that states which are not prepared to undertake all the obligations of the Covenant should adhere to some of its articles only. The General Act of 1928 was divided into four chapters and it was open to states to adhere either to the treaty as a whole, or to the conciliation and judicial settlement clauses (Chapters I, II and IV), or to the conciliation procedure only (Chapters I and IV). Actually, no states adhered to the minimum obligations under the Act, and almost all of the states which had originally limited their commitments to Chapters I, II and IV have now taken on the maximum obligations under the Act.

Another precedent has been worked out in Scandinavia in the unification of the systems of law which were formerly extant. The various codes were analysed and compared and such of the articles as were found to be identical in substance were made

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(1) Mr. DE JANASZ contributed this comment in writing. Mr. DE JANASZ was formerly Secretary to the Registrar of the Permanent Court of International Justice at the Hague.

identical in form, and thus as few divergent articles as possible were left. About 90 per cent. were thus found to be uniform, and, in time, by the application of the code and its interpretation, it is hoped that the codes will all become identical. Some such evolutionary process might take place in the treaty obligations of states under the Covenant.

As regards Article 19 and making it effective, it is a little difficult to see how any system other than a voluntary one can have any practical value. Conciliation and mutual agreement are always open to the parties. The Council and Assembly possess all the powers that are requisite for this purpose.

Although I think Sir Arthur Salter's proposed scheme for implementing Article 19 is most ingenious, any element of compulsion would, in my view, be dangerous and not really capable of being worked out in practice. It implies a super-state and a common allegiance with restricted sovereignty on the part of states.

I am not sure that if it were possible it would not be desirable to suppress Article 19 altogether. As it is, it gives a false sense of being able to obtain revision of treaties and conditions otherwise than by mutual agreement or conciliation, and perhaps when found to be wholly in-operative may lead to unilateral action.

The question as to whether the Council can ask the Court for an advisory opinion by a majority decision has been under consideration since September 1926, when a considerable discussion on the subject took place at the Conference of the states signatories of the Protocol of Signature to the Court's Statute, and has given rise to considerable discussion; but the fact that no result has so far been arrived at is illustrative of the difficulties involved in obtaining a direct decision upon this question.

At present the situation is as follows: On the 28th September, 1935, the Assembly passed a resolution calling upon the Council to study the conditions upon which an advisory opinion may be asked for through the application of Article 14 of the Covenant, and in pursuance of this resolution the Council, through the instrumentality of the Secretary-General, has invited the members of the League to express their views on this subject.

But as regards the unanimity rule, there is nothing now to prevent the Council (1) recording its vote that an existing dispute should be referred to the Permanent Court of International Justice for an advisory opinion (the need for unanimity in this case being doubtful), and (2) taking a decision, as a matter of procedure (for which unanimity is not needed), submitting to the Court for an advisory opinion—(a) the question whether, in the absence of unanimity, the International Court of Justice has

jurisdiction to give an opinion on the merits of the dispute, and (b) the dispute itself, should the answer to (a) be in the affirmative.<sup>1</sup>

The conclusion which I should suggest is, therefore, that, in fact, there is now no legal barrier to the enforcement of the principles underlying the Covenant. It has not been applied in the recent cases, but the reasons were political or moral or biological. Any changes that might be desirable under present conditions would be concerned with the detailed application of decisions and could be met by a process of interpretation. But that does not mean that this detailed application should not be worked out in advance.

Mr. HORSFALL CARTER: As I am commonly identified with the policy of an international police force, perhaps I ought to take up Sir Arthur Salter's remarks on the subject. I must say that I entirely agree with him that as long as you have an *inter-state* League you can only proceed by stages, restricting your relinquishment of sovereignty within particular spheres. But where I should differ from him is that I believe that the field of armaments is so important a factor in breeding fear and causing trouble that that field is ripe for specific treatment. This seems to me to be what the French had in mind at the time of the drafting of the Covenant. I remember M. Léon Bourgeois agreeing in the League of Nations Commission that they were not setting up a world government but an inter-state system; but at the same time the French did insist, as against the Anglo-Americans, that if you were going to have an article dealing with disarmament, that is, the surrender of national defence, you must provide beforehand for an international technique of defence—an international control of armaments. M. Bourgeois's arguments, I think I am right in saying, were based entirely on the need for some kind of Permanent General Staff under Article 9 of the Covenant. He said that only through having some such Staff could you get the obligations of Article 8 to hold, especially with regard to that part making reduction of armaments contingent upon "the enforcement by common action of international obligations." Now I think that the French were not really interested in Article 16. I am not myself. That was an Anglo-American product taken over bodily from the Phillimore Report, which was framed by people who were still thinking in terms of the blockade of Germany. Hence the emphasis on economic sanctions. Also Mr. Lloyd George and others, on the advice of the Admiralty, declared very firmly that national armaments were certainly not going to be put at the disposal of any international authority.

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(1) This solution to the difficulty caused by the unanimity rule was actually put forward by Mr. Theobald Mathew in a letter published in *The Times* on 10th July, 1928, at the time that the Hungarian Optants case was under discussion.—G. de J.

It does seem to me that what the last fifteen years has revealed is that the 'Anglo-American' conception of the League as a round table, or place where sovereign states meet to try to settle problems, has failed. It is not the original conception of the League that has failed but rather the assumption that the League can be of any use when the framework of international security—and consequently disarmament—has been lacking. But having established that point, I would go on to remind you that in order to be able to do something about disarmament you must do something to centralise force. I have no use for Article 16. It does not attempt to centralise force. But I do suggest that if you take the air arm, which is something that the people who framed the Covenant knew—could know—little or nothing about, you have got a weapon which could be monopolised by a central authority—for Europe, I mean. You set up your European air police force at the same time as you abolish national air forces. Now, people who champion an international police force, people like Lord Davies' and myself, are really confusing the means with the end. Because what we ought to be preaching is acceptance of an "International Authority." The police force is only the instrument, the superior technique for the carrying out of what you want done. When I talk of creating an international authority—in the particular sphere of armaments—I find the basis for it in Article 11 of the Covenant. That Article contains the essence of the League, because it says that "in the event of war, or the threat of war, *the League* shall take action," that is to say, it does not leave the action to be taken by independent sovereign states. That mention of "the League" may have been accidental, but it was an amendment put by Lord Cecil, changing the original words which were "the High Contracting Parties." It seems to me that that change from the High Contracting Parties to the League was very important, meaning as it does that in the event of war some *international* authority should take action. I think that you can achieve that object perfectly by a kind of supplementary convention, recognising the particular importance of *preventing* aggression—that is to say, commitments in advance to automatic action—and the particular importance of putting armaments in some way under an international régime. The states signing that agreement would, of course, voluntarily be relinquishing a certain amount of sovereignty, and I believe that sovereign states can do that. Even the lawyers admit it.

SIR JOHN FISCHER WILLIAMS : A state *can* do that.

Mr. HORSFALL CARTER : That is what I meant.

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(1) LORD DAVIES is Founder and Chairman of the New Commonwealth Society.

SIR JOHN FISCHER WILLIAMS : In the same way that every contract a man enters into ties him down in certain respects.

Mr. HORSFALL CARTER : I am sure the way forward is by way of making Article II effective.

Mr. GATHORNE-HARDY. (*In the Chair*) : Do you not mean Article 19 ?

Mr. HORSFALL CARTER : No. I am speaking of a supplementary convention for Article II. A similar provision will certainly have to be made for Article 19.

PROFESSOR DAVID MITRANY<sup>1</sup> : The crux of the matter is that it is no use having an international air force without an international authority. That implies, does it not, some kind of General Staff ?

Mr. HORSFALL CARTER : I think that by a separate agreement you can ensure that action shall be taken automatically as commanded by a General Staff. States would have to commit themselves on that point beforehand.

Dr. MITRANY : That is different from Sir Arthur Salter's views.

Mr. HORSFALL CARTER : I agree. It is different.

Dr. MITRANY : You would have let the General Staff take decisions with regard to Abyssinia or Manchukuo, without any political authority ?

Mr. HORSFALL CARTER : Yes.<sup>2</sup>

SIR ARTHUR SALTER : Can you really say that a General Staff should have decreed that an international force of soldiers should be launched against Japan to restrain her invasion of Manchuria ? Is it conceivable that the political authorities would delegate that authority without regard to the circumstances of the particular quarrel ?<sup>3</sup>

Mr. HORSFALL CARTER : No, but in my new setting there would be standing orders for the police arm of the law.

SIR ARTHUR SALTER : But what rule can you have ? As long as the forces of the world are in the hands of nations, and so long as the world is composed on a basis of nations, it is not conceivably possible.

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(1) Dr. MITRANY, a former Dodge Lecturer at Yale, is Professor of Political Science at the Institute for Advanced Study, Princeton, U.S.A.

(2) Written comment by Mr. HORSFALL CARTER : It is difficult to answer hypothetical cases taken from the past, i.e. a time when the conception of the League as an authority equipped to preserve the public peace was apparently beyond the imagination of the national states' representatives.

(3) Written comment by Mr. HORSFALL CARTER : What Sir Arthur Salter regards as 'inconceivable' was, nevertheless, envisaged in the scheme for a European régime of air transport safeguarded by a European *air police* (not "soldiers") in the Air Committee of the Disarmament Conference in the spring of 1933—a scheme which received a considerable amount of support.

Mr. HORSFALL CARTER : In setting up this international air force you would be taking the power out of the hands of nations. There would be no national air forces.

SIR ARTHUR SALTER : I am not now discussing the special question of dealing with an air convention but the general question of a force sufficient to determine the issue of a European war. Is it conceivable that a decision to use such a force could come from any body other than that which represents the political authorities of the world, unless and until they have created a super-state with authority above themselves? To expect them to delegate the whole of their political decisions to a collection of generals seems to me completely impossible.

Mr. H. G. WELLS : Mr. Horsfall Carter is asking not for something international, not for something super-national, but for something extra-national, something quite outside the political organisation of the world. That is quite conceivable but it is not really relevant to this discussion.

LORD PONSONBY : Is this international air force to be composed of units recruited in, and supplied from, every country ; or will they be permanently located in some centre under some international command ?

Mr. HORSFALL CARTER : It will be a central body which will have detachments in different countries, but, remember, there will no longer be any national air forces. It may take five or six years to complete, but you will be setting up the international—or rather, European—air police *pari passu* with the abolition of national forces.

SIR ARTHUR SALTER : Make it specific. In the case of any actual dispute that may arise, can you really conceive the possibility of that international force being entrusted with the political authority of the world? Can you conceive of it deciding, when Hitler walked into the Rhineland on the 7th March, that this was a case in which Hitler had broken a treaty, and that therefore this air force must be launched against him? Can you really believe that these steps could be taken by a military body set up with delegated powers, and not questioned by the political authorities?

Mr. HORSFALL CARTER : The final authority would continue to be political. They can discuss the position long before the thing happens.

SIR ARTHUR SALTER : Under your plan, General So-and-So would launch the League forces without the decision of the political authorities?

Mr. GRAHAM HUTTON : I think that Sir Arthur Salter to-night brought this discussion into line with the remarks of Lord Lothian at the Group's last meeting, especially when he referred to the two-way sanction. For the focus of to-night's discussion it seems to me necessary that there should be the same sanction behind Article 19 as behind Articles 10 and 11. To my mind that is the fundamental question in this discussion. If there is to be a reform of the League machinery as it has stood for the last fifteen years, it must take into account the lack of sanctions behind Article 19, and provide for that lacuna in the future ; and it must also provide against the non-effectiveness of the sanctions that we thought lay behind any actual aggression. That failure has been the failure of the will to implement those sanctions that were devised, but we have never seen the action of any sanction behind Article 19, because none had been devised. In that setting it seems to me that a great many problems arise, including some of the problems which Sir Arthur mentioned at the beginning of his talk to-night. I would like to discuss one or two of them.

First of all, one of our painful experiences of the last fifteen years has been the gradual decline from universality in the League, starting with the United States, going on to Japan, followed by Germany and then Italy ; so that the League has gradually become denuded, not of the smaller Powers, but of the Great Powers. If we are to reform along the very fruitful lines laid down by Sir Arthur Salter, I should like to ask how possible it is to make that League more universal and yet more effective.

Mr. GATHORNE-HARDY : May I say that the question of universality of League membership is the subject which we are to discuss at our next meeting ?

Mr. GRAHAM HUTTON : I agree. But with regard to these sanctions behind Article 19, supposing, Sir Arthur, your aggressor is a Great Power, capable of defying a rump League—a small League with big Powers outside it—the problem at once arises as to how far your military co-ordination should be permanent and how far *ad hoc* in special cases.

SIR ARTHUR SALTER : I was regarding as outside my subject the problem of recreating a collective system. It may be that we cannot recreate those conditions. For the purposes of the present discussion I was assuming that we could get that essential basis of collective preponderance—of countries which were loyal and which would operate against an aggressor.

Mr. GRAHAM HUTTON : By preponderance you mean military preponderance ?

SIR ARTHUR SALTER : Certainly. I mean that if you cannot get that it is no use discussing such questions as we have been discussing to-night. I quite agree that it is a very big question, but I had regarded it as outside the scope of this particular discussion.

Mr. GRAHAM HUTTON : I should have liked to have discussed it this evening. How do you know how far military preponderance will go ? It might be a very finely-balanced thing.

SIR ARTHUR SALTER : I was assuming, for present purposes, that you had got conditions which would enable the League to work in the way in which it was meant to work, and I was only discussing whether, on that assumption, its structure should be amended in any respects.

Mr. GRAHAM HUTTON : Let me make it a little more specific. If you could get a European League without Italy, and without Germany, and you felt that Germany would be the aggressor, would you say that the military risks were so great that that League ought not to go forward with reform because it might lead to an equally balanced war ?

SIR ARTHUR SALTER : I think before you could embark upon the lines I have suggested this evening you would have to attempt to get a political basis, underneath, in order to be able to face that situation. If you could get, for example, France and ourselves, Russia, Poland, Yugoslavia, and the Little Entente generally, and if you could rely upon them, then you could say that we *had* got an underlying basis upon which our system would work.

Mr. GRAHAM HUTTON : That answers my question.

SIR ARTHUR SALTER : If you cannot get that, we have got to discuss something very different. In fact the whole situation would be changed and I would have another proposal.

Mr. GRAHAM HUTTON : In that case I think the point I should like to discuss is this : how far in this League, with these assumptions, must one have permanent military co-ordination in the face of possible risks ? That I think is very important. I do not think that your reformed League, even if it were universal, could impose sanctions either in the case of Article 19 or in the case of the other Articles dealing with aggression, unless it had permanent military co-ordination—the word military to include, of course, the navy and the air force.

SIR ARTHUR SALTER : In the case of Article 19, I was not proposing any sanction except a negative one.

Mr. GRAHAM HUTTON : The negative one of allowing war to take place? I should be very glad to hear someone else's views on that point. I cannot conceive of a reformed League with effective positive and negative sanctions unless there is actual military co-ordination of a permanent kind.

LORD PONSONBY : I should like to ask Sir Arthur Salter a question which arises from the summary at the beginning of his remarks as to why the imposition of sanctions under Article 16 failed. He said that there had been delay and that is true ; and indeed, with most of the things he said I agree. But the aspect he left out seems to me to be important, and it is this. Even if the League were far more complete than it is, the aggressor is not a " type." Each time, aggression is something quite different. There is the Japanese question, the Bulgarian question, the Italian question. And on every conceivable occasion you will have categories of nations in the League, some of whom will be reluctant, some of whom will refuse, some of whom are not really determined, to pull their full weight ; and there will be only a few who will be genuinely determined to see that the aggressor is punished. That position is always going to obtain. I cannot conceive of any quarrel between nations, of an absolutely flagrant aggressor—Italy is a very good example—in which sides would not be taken. There would always be a nation who would be frightened to run the risk of incurring the enmity of the Great Power, another who would find economic dislocation a very serious matter which might take generations to right ; and therefore this automatic, unanimous closing down of the shutter of sanctions is inconceivable in any circumstances whatever.

SIR ARTHUR SALTER : Well, obviously, you have got to have a collective preponderance which will cover those margins ; and I think that a League, working normally, under normal conditions, *would* have it. It is quite clear, for example, that in the particular case of the Abyssinian question there would not have been any great difficulty but for the position of Germany and the reaction of the German danger on France. Had Mussolini gone ahead in 1930, I think the matter would have been successfully dealt with. It was the particular impact of a very serious German danger upon French policy that brought about the position that we had to deal with. Without that, there would still have been the difficulty of the position of Austria, and of Hungary, and of Switzerland. That would have been manageable, but you would have had sufficient power to make the policy workable if you had not had the German terror.

LORD PONSONBY : Do you think you would have had any

League with which to work? There is the leak in Switzerland, and Hungary and Austria.

SIR ARTHUR SALTER: Not *any* League, but a League sufficient for the purpose.

LORD PONSONBY: What about the oil sanction?

SIR ARTHUR SALTER: I think that there is no doubt that, but for the impact of Germany, it would have been carried through successfully. I have no doubt that even the American difficulty would have been overcome. The United States would have co-operated in February, but she would not do so now.<sup>1</sup>

SIR JOHN FISCHER WILLIAMS: I would like to ask one or two questions of Sir Arthur Salter, with whom I am delighted to find myself in almost entire agreement. With regard to amendment, he is much more experienced in the practical working of the League's machinery than I am, but I would like to know whether we have really got to face the difficult question of the actual amendment of the Covenant. Take for example the illustration that he gave with regard to Article 19. He said that it would be useful, if you got your resolution under Article 19, if thereupon you added a second part to that Article to the effect that, when a recommendation had been made under its provisions, the obligation for action should fall upon the state which was required to alter the present situation, and that the other states should have no obligation. I would like to put it to him that if we look away from the Covenant for a moment—and I know that Mr. Horsfall Carter will think I am not treating it with enough respect—if you get away from the actual language, it seems to me that it would be enough if you had a general interpretative resolution with regard to Article 19 without any formal amendment. It is surely inconceivable that the people who voted for a particular

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(1) *Written comment* by LORD ARNOLD: Sir Arthur Salter states that, but for the impact of Germany, the oil sanction could have been carried through successfully. I believe this to be a mistaken view. I think that whether America had co-operated or not, the oil sanction would have failed—certainly in this case. The Italian campaign in Abyssinia was not a big war, and the amount of oil required was limited. In all probability Italy, out of her accumulated reserves and by rigorously cutting down home consumption, could have provided the oil necessary for a very long time. Personally, I do not think in any event that it would have been possible to stop Italy obtaining considerable supplies of oil. Even if America had come into the sanctions ring, there were other countries outside it, and in any case, according to my information, arrangements had been made to obtain oil through one or two countries in South-Eastern Europe. In some parts of the world commercial morality is not very high, and in view of the profits which Italy would have made possible in order to obtain oil, it is I think in the last degree unlikely that her campaign would have been brought to an end through lack of oil, whatever sanctions had been applied.

change under Article 19 would ever mobilise their armies, air forces, or fleets for the purpose of defending, under Article 10, the state of things which they had condemned under Article 19. We have a certain precedent already in the case of Article 16, which was drafted, as Mr. Horsfall Carter told us, under the impression of the German blockade and which prescribes immediate action. In 1921 the League passed an interpretative resolution which modified considerably both the universality and the immediacy of the action which had to be taken under Article 16. In the case of the Italian crisis everyone was agreed that this was an effective resolution, and the League in fact conformed; but there was no actual amendment of the Covenant. If resolutions of such a kind can be taken by large majorities in which more important powers concur, this seems to me to be the line of least resistance and the direction which the reform of the League may well take. Speaking as a lawyer, if it were a matter of avoiding formal amendment, I think I could draw up interpretations which would be enough for the purpose. I question whether it is really necessary to attempt this very difficult work of getting a formal amendment to the Covenant.

SIR ARTHUR SALTER: I do not think I suggested any actual amendment of Article 19. These changes might be made as in the case of Article 16, where you had resolutions which were taken to be operative.

SIR JOHN FISCHER WILLIAMS: But not necessarily unanimous. That is rather important. In 1921, when the resolutions were taken, there was no unanimity.

SIR ARTHUR SALTER: I should be very anxious to have it made perfectly clear to the countries consenting that a procedure resulting in the recommendation of a change in the status quo will in fact have as its counterpart the withdrawal of protection from any country that fails to make the concessions recommended in the resolution. It is better to have a limited law which you hope may be observed than a wider one which will break down. What I am chiefly concerned with is to create a basis upon which you can proceed to discuss any kind of procedure under Article 19. At the present time it is stopped for the kind of reasons I gave.

SIR JOHN FISCHER WILLIAMS: In my view you might intimate in your discussion under Article 11 that you did intend to apply sanctions under Article 16 if a particular course was followed. That would have been possible in the Ethiopian affair. And you could do that without the necessity for any unanimity under

Article 11 at all. I have always regarded Article 11 as a persuasive article,<sup>1</sup> entirely without compulsory powers. I know other people take different views, but reading the Article in the whole fabric and construction of the League in general, I am tolerably certain that it is in no sense a compulsory article. That is to say, you cannot impose a course upon a particular state that chooses to stand out against you under Article 11. But it is an enormously powerful political weapon. You can convey under it a great many things, what you are going to do, whether you are going to take action, and, consequently, quite apart from passing any formal resolution which has got to be registered as a resolution of the Assembly or Council, you can use Article 11 as an extremely powerful political weapon; but it is not a weapon that produces definite legal results.<sup>2</sup>

SIR ARTHUR SALTER: No, but so far as Article 19 goes I should say that the Article which changes the status quo should operate much earlier than Article 11 which is the 'menace of war' clause.

SIR JOHN FISCHER WILLIAMS: It is a little more than that.

SIR ARTHUR SALTER: Yes, but it is not likely to become operative until you are within measurable distance of war. I think it is of the utmost importance to get the 'status quo change' article operating a long time before you get the conditions where you are likely to invoke Article 11. Secondly, when you refuse protection to a country which itself refuses the agreed rectification, it is far better that that should be the general expectation of the countries concerned long before it is enunciated, instead of enunciating it at a time when it will give the very impression it is desirable to avoid, namely that you do not intend to do anything very drastic and that you are trying to get out of commitments. The time when you think of Article 11 is always when armies are about to cross the line, if they have not crossed it already. It is my whole point that we should do something to enable Article 19 to work long before Article 11 comes into the proceedings.

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(1) For another view see Mr. Gathorne-Hardy's comment on p. 84 n.

(2) *Written comment by Mr. LEONARD WOOLF*: As regards Article 11, I agree with Sir Arthur Salter's general interpretation, though I think it rather more important than he does to make the disputants' clause explicitly applicable here. Experience has shown that there is great danger in not making as explicit as possible the fundamental obligations necessary for a collective security system, i.e. the renunciation of war, the acceptance of pacific methods of settlement, etc. This is a conciliation article, and the fact that a disputant should here be able to block a League decision is, as Sir Arthur says, "shocking." It is shocking simply because it is fundamentally dishonest in that it deliberately provides a disputant with a way to get out of its obligation to seek a peaceful settlement.

SIR JOHN FISCHER WILLIAMS : Yes, I agree.<sup>1</sup>

Mr. GERALD PALMER : I should like to ask Sir Arthur Salter if, in his opinion, there is in Europe at present sufficient military preponderance to resist a possible aggression by Germany ? Also could he indicate what action of change under Article 19 might under existing circumstances be taken which would be sufficient to change the apparent resentment of Germany ?

SIR ARTHUR SALTER : That would mean discussing a wider problem. What I would say is this : that at the present moment the first thing is to get the collective strength against aggression and not think until you are past that stage that you can do anything to reduce the danger of having to fight Germany.

Mr. PALMER : Yes, I quite agree. But have you not, in organising that collective defence, to say to Germany herself, in order to try to remove her fear of encirclement, that this collective preponderance is on her side if she is attacked ? And at the same time demonstrate to her that the League is not what she has always thought, an instrument for retaining the status quo ?

SIR ARTHUR SALTER : I think you have got to say it, but politically, the only concession that it is ever worth while making is the concession that, at the time of making, you are visibly strong enough to refrain from making.

Mr. PALMER : So that, in fact, there is no change in Europe that you would advocate at present under Article 19.

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(1) *Written comment by Mr. GATHORNE-HARDY* : Sir Arthur Salter has described Article 11 as "the conciliation clause," and this interpretation is supported by the great legal authority of Sir John Fischer Williams. It needs some temerity to question a view so authoritatively maintained. Nevertheless, I must ask on what the assumption is based, that the action permitted under this Article does not go beyond conciliation ? Is it anything more than a tradition which has developed at Geneva ? According to Mr. Hunter Miller, the Article was adopted without discussion or amendment as worded in the Hurst-Miller draft. (*The Drafting of the Covenant, vol. I, p. 173*). It originated with the Americans, House and Wilson, and appears in substantially its present form in Wilson's first Paris Draft. (*Op. cit. Document 7*). Its language is perfectly general :—"Any action that may be deemed wise and effectual to safeguard the peace of nations"; (French text : "que celle-ci doit prendre les mesures propres à sauvegarder efficacement la paix des nations"). It appears to give a perfectly free hand to the League acting in unison at any stage of a crisis. The distinction from Article 16 is that the latter was intended to place an immediate and automatic obligation on each member of the League severally to break off all relations with an aggressor who had actually resorted to war. Zimmern (*The League of Nations and The Rule of Law, p. 267*) includes Article 11 under the system of Hue and Cry. In the Cecil-Brouckère-Titulescu Report on the Article (*Cmd. 2889. Misc. No. 5, 1927*), a "naval demonstration" is referred to as appropriate machinery under this article. The action taken under it in the Graeco-Bulgarian dispute was in the nature of a quite unconciliatory ultimatum. (*Zimmern, op. cit. pp. 370-371*). In these circumstances, the interpretation put forward by Sir Arthur Salter and Sir John Fischer Williams can hardly be accepted as axiomatic, and appears to call for further argument in its support.

SIR ARTHUR SALTER : No.

REV. HENRY CARTER : Would it be legitimate to relate the discussion to Article 23, the article dealing with the social activities of the League? I know that at first sight this may seem remote from our present discussion, but the initial question before us is : *' what changes in the League's machinery are desirable for creating peace,'* and that word ' creating ' seems to me singularly significant. It is inevitable that, in the present state of Europe, thoughts turn to ' enforcing ' peace. I think that a much more important consideration is the ' creation ' of peace. On the basis of Article 23, there has been a great deal of useful work done since the formation of the League, work which has, unfortunately, often been regarded as a kind of side-show. The point I should like to raise is this : is not Article 23 one of the articles that ought to be strengthened so that it may become a more serviceable part of the foundation for creating peace? Under this article you have the International Labour Organisation whose task it is to find ways towards the establishment of fair and humane conditions of labour. There are the questions of the welfare of native inhabitants of territories, of traffic in dangerous drugs, the enormously important question of the freedom of world communications for commerce, and the prevention and control of disease. These are all activities which to a certain degree have been carried forward. Now I should hope very strongly that when you set out to create world peace it would be agreed that one road towards it is to facilitate among the nations the habit of acting together for human betterment. I am not in a position to suggest along what lines Article 23 should be strengthened, but if our review is to be exhaustive, is there not a question for us to discuss as to whether the International Labour Organisation has all the powers that it could properly exercise, and as to whether the various commissions dealing with health, the freedom of communications and other social activities have all the freedom and power which they could usefully employ to human advantage?

There is another point which was mentioned in the Group's last discussion. Under Article 14 the League created the Permanent Court of International Justice, and I think that it will be readily agreed that the work of the Court has been a great contribution to the maintenance of peace. But as everyone knows it does not cover the whole range of international differences, and I think it was Sir Norman Angell who referred to the possibility of establishing a court of equity to cover certain questions which the Permanent Court cannot at present handle. My contribution to-night, if I may put it in plain terms, is that there are agencies at the heart of the League's activities

for the creation of peace by the cultivation of the habit of acting together, and to that fact I attach very great importance. If we are to consider whether the League's machinery can be usefully changed, one field of enquiry, I suggest, ought to be whether these agencies of the League could be rendered more useful by having wider powers conferred upon them.

Mr. GATHORNE-HARDY : Before we stop I should like to make a few observations. With regard to Article 19, although my opinions are those of a rather unpopular minority, I nevertheless want to voice the misgivings I have with regard to strengthening this article. Sir Arthur said that countries had hitherto withstood revision because they felt that they were under the cover of collective defence. I rather wonder myself, taking into account the very shaky nature of that collective defence, how far that is really so. And my misgivings grew greater when Sir John Fischer Williams pointed out that at present it would probably be impossible to apply Article 16 in a case where there was a general feeling that a reform or revision was necessary. It seems to me significant that the proposals which Sir Arthur has made to-night are not new proposals, but were made by Lord Cecil in the original draft which preceded the Hurst-Miller draft. They were turned down then, deliberately, and to my mind wisely. I think on this question of treaty revision we ought to go very slowly, that all this talk of revision, which has started since we have failed to apply the other part of the League machinery, arouses increased tension in almost every case. In the first place it arouses hopes which are inevitably doomed to disappointment, which can never be satisfactorily met from the point of view of the claimant country. I thought there was a great deal in Mr. Palmer's question on that point. It is inconceivable that any revision carried out by a unanimous, or large majority vote of the League, would be sufficient in any way to satisfy the desires of what have been called the Have-Not countries. In the second place I think this recognition of rights which are only going to be met to a very limited extent encourages a sense of grievance which left to itself would in most cases die down. In the third place talk of revision arouses fears that extend farther than the particular country against which the revision is directed. It arouses fear in others that they will next be treated in the same way. You never satisfy your claimant, and you arouse fears in other parts of the world whose title-deeds seem threatened. Now if these matters have to be changed, as they have by the nature of things, they will be changed automatically in cases where they have become intolerable, and it is much better that it should be in this way. When negotiations

are carried on privately, by diplomacy instead of through the League, it does not matter that the parties to the dispute, for bargaining purposes, put forward their maximum claims as a minimum. But where they are public, with public opinion excited behind the parties, they feel that they cannot give way anywhere. The fact of making everything so public increases the tension over the whole affair. Again, with regard to the colonies, the hopes being aroused are quite unrealisable. Suppose the Assembly was to ask us for the transfer of the Tanganyika Mandate. In the end nothing would be done, but in the meantime the claimant countries will have been encouraged to think that there is so much justice on their side that they will go to almost any lengths to pursue that end. If you had, as Sir Arthur suggests, action on a two-thirds majority under Article 19, much would depend upon the countries composing that majority.

SIR ARTHUR SALTER: *Plus* a majority of the permanent members of the Council.

MR. GATHORNE-HARDY: That might make it better, but you might have a very important minority from the point of view of power. Sir Arthur would say that he was not asking for a sanction in the event of the resolution not being carried out, but simply the removal of an existing sanction. If it is difficult to apply a sanction to a case of actual aggression, how much more difficult it would be to do so to someone who was merely sitting still. But even in the case of simply leaving freedom of action to the 'Have' country, much would depend upon the distribution of power, of course, but in most cases I think you would either get a fatal clash or nothing done.

In conclusion, I should like to state the furthest I would be prepared to go with regard to Article 19. In the first place I should like to put it back into its former position as an integral part of Article 10. I think it would then serve the purpose of the skeleton at the Egyptian feast, it would serve as a permanent warning that no treaty was eternal, and would make the country in possession inclined to be reasonable while there was yet time. Secondly, I would amend the wording of the article. "Inapplicable" does not convey the intention, and is inappropriate when the grievance arises from the very fact that the treaty is applied. I would suggest the following wording:—

"The Assembly may at any time advise the reconsideration of treaty provisions which appear inequitable or affected by changed conditions, and whose continuance may endanger the peace of the world."

In the third place I would like to make it possible for the protection in Article 10 to be withdrawn from a state where, by the

unanimous vote of the Council, with the exception of the representatives of the state in question, it is found guilty of persistent provocation in its international relations, or of such a thing as the continued breach of a treaty for the protection of racial minorities.

Finally, Sir Arthur suggested a sort of Lytton Commission being set up. I should prefer, in a case arising out of Article 19, to invite a conference between all the signatories of the treaty. That is going back to a salutary practice of the 19th century when the signatories of any treaty had a right to be heard with regard to any modifications of that treaty. They are the parties really concerned, and in cases arising under the Peace Treaties there would be plenty of them to constitute a satisfactory conference. It seems to me that then they would be more likely to support the carrying out of measures which they had discussed themselves, than any which were imposed upon them by a commission or some outside authority.

ADMIRAL BELLAIRS : Can any sanction, or any coercive action, be taken under Article 11 ?

MR. GATHORNE-HARDY : Sir Arthur Salter took the view that no coercive action could be taken under that article.

SIR ARTHUR SALTER : Coercive action can be taken only when Article 16 arises.

ADMIRAL BELLAIRS : Do you suggest that you should be able to take some action under Article 11 ?

SIR ARTHUR SALTER : As regards actual coercive action, all you can do, in my view, is to decide and announce just what you will do *if* there is a resort to war under Article 16.

In conclusion, I would like to say to Mr. Henry Carter that the social and economic functions of the League should certainly be carried on but that they afford no alternative to the creation of adequate political authority. That is a necessary condition. If you set up equity tribunals with a power to decide political questions, that is to say to *change* the law, but not to *apply* it, such tribunals would need an authority independent of the supreme political authorities of the world and that would be impracticable. Once you have the political authority on that basis you can do a great deal. But political authority comes first. There is no alternative. We cannot go on co-ordinating machinery hoping that the political authority will constitute itself.

I quite agree with Mr. Gathorne-Hardy that nothing that you could conceivably do would be sufficient to satisfy a country which has got into the state in which Germany is now. But I would not say that nothing could have been done which would

have prevented the state of affairs which we now see in Germany. As you say, changes have taken place, but they have always taken place too late to secure political peace. For instance, I think that France was encouraged to resist changes until it was too late by the fact that she was collectively and unilaterally strong enough to resist military action; that was the time when concessions would have been effective as an appeasement to the political situation. I think one has got to find a half-way house between the dangers which you justly fear in the case of revision, and the natural method, which almost always involves the danger of war. My idea was to get between those two dangers. And I fully realise there are several objections to my proposal.

I find that I did not mention the subject of alliances. In the case of the Locarno alliance, for instance, I should say that that constituted a miniature League which was entirely in accord with League principles.

Then again alliances between countries such as those composing the Little Entente seem to me to be a very natural thing, but I am against military alliances made simply with the idea of obtaining preponderant strength over a particular opponent, which is an essentially disruptive thing. We may have to go through a period of such alliances, but on the whole I am of the opinion that military alliances in a collective system constitute a disruptive element.

Rev. H. CARTER: In which category would you place the Franco-Soviet pact?

SIR ARTHUR SALTER: I think that probably the French took precautions, so that they kept within the law. The political arguments of Herr Hitler remain and, in my view, have some force.

SIR JOHN FISCHER WILLIAMS: I quite agree.

#### WRITTEN COMMENT ON THE FOREGOING DISCUSSION

Mr. LEONARD WOOLF: I agree in the main with Sir Arthur Salter's conclusions, but I should like to repeat what he said at the beginning of his remarks, namely, that one assumes in this discussion that the intention is to restore a collective security system.

LORD HOWARD OF PENRITH<sup>1</sup>: Before speaking of revision it must be made clear that all supporters of collective action are agreed that the League must continue and that the good it has done and is doing far outweighs its shortcomings.

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(1) LORD HOWARD OF PENRITH, a member of the British Delegation to the Paris Peace Conference, 1919, was British Ambassador to the U.S.A., 1924-1930.

This being so it behoves us to establish what are its defects. In the first place it is desirable to lay down plainly what are its two principal duties. No one will deny that these are, first and above all, to prevent the outbreak of hostilities, and only secondly to bring hostilities to an end as quickly and as painlessly as possible. The first of these seems to have been to a great extent lost sight of in the effort to deal with the second, yet it is unquestionably the more important and can only be successfully carried out by making it clear to those who may be tempted to violate their solemn oaths and pledges that the risk of doing so is greater than the profit to be got. So long as there is any prospect of profit, men will be found ready on some grounds or other "to put it to the touch to win or lose it all."

All must therefore be thoroughly warned beforehand of what will befall in case of a breach of the peace, if war is to be prevented.

That essential requisite for peace has, in my view, been somewhat overlooked by the Covenant of the League and it is to this omission that attention needs to be called.

The articles which have hitherto been picked out for criticism have been especially Articles 10 and 16; the pith of the arguments employed by their detractors being that the League is not sufficiently strong in membership for its active members to be able effectively to fulfil the obligations here imposed upon them. To believe otherwise is simply self-deception.

I would wish, however, to draw the attention of the Group to one other article which, unless I am mistaken, has so far escaped the notice of critics, but which in my opinion is perhaps even more important than Articles 10 and 16. This is Article 15, which provides for holding inquiries and investigations into, and making reports on, any dispute between members of the League likely to lead to a rupture, after which members of the League "agree that they will not go to war with any party to the dispute which complies with the recommendations of the report."

Now all this procedure is extremely lengthy and cumbrous, and entails an intolerable waste of time at the very moment when every moment of time is of the utmost importance if recourse to force is to be prevented. It is impossible to over-estimate the necessity of acting quickly if an impending recourse to force—I purposely avoid using the word aggression—is likely to occur, for it is in the search for an "aggression" that the League, whatever has occurred in the past, is most likely to go wrong in the future and has unquestionably wasted most time in the past. This was obvious at the time of the preparation of the universally praised Lytton Commission Report on the Manchuria dispute.

When that Report came out, after months of inquiries and careful investigations, I felt that decidedly some more rapid and decisive action must be taken if the League procedure was ever to be successful ; but when it was discussed at length at Geneva, and votes had been cast as to the action to be taken upon it, it was borne in upon me that it was fatal to leave a decision of the sort in the hands of a, so to speak, parliamentary body representing many different nations and as many divergent political and economic interests. It was at once clear that action could not be taken without fear of splitting the League into two or more parties. •

For this it was necessary that the search for the " aggressor " must be abandoned. In fact there was every reason to desire the elimination of that word from the vocabulary of Geneva.

The League is there for the prevention of " war " or for the ending as soon as possible of " war," once this breaks out.

It is often impossible to decide who is morally or even actually responsible for the outbreak of hostilities. It is more than probable that in many cases in the past both parties shared the responsibility in greater, less, or even equal degree.

As examples of wars in the past where the blame for declaration of war has been placed by the public opinion of the world largely on the wrong shoulders we may cite two cases ; (1) the Franco-Prussian War of 1870, when the declaration of hostility on the part of France was purposely largely engineered by Prince Bismarck's famous Ems interview ; (2) the Spanish-American War of 1898, where public opinion in the U.S.A. was maddened to white heat by the belief that the Spanish authorities had torpedoed the American battleship, the *Maine*, in the harbour of Havana, Cuba, whereas it was discovered after the war was over that the explosion which sank the ship occurred from inside the ship and not from outside.

In both these cases the League, being human, would probably have decided that the " aggression " was committed by a party which was, to say the least of it, only equally responsible for what occurred.

There is thus only one way in deciding how the League should act if action is to be taken to stop war, and this is to declare beforehand that, as soon as hostilities break out between two sovereign nations, no matter where, why, or when, that international body, which shall be chosen for the purpose by the nations of the world acting collectively, will notify the belligerents that unless they submit to sign an armistice within a given time and submit their dispute to some peaceful settle-

ment, certain definite and well understood economic, financial, and other non-military sanctions will be applied to them, and continue to be so applied until they are willing to agree to cease fighting. If one declares himself to be so willing, sanctions will be raised as against him.

We must get to understand that what we have to do is not to punish either party but to stop war in our own interests. Any schoolchild can understand, when two or more nations are fighting, that war *de jure* or *de facto* is taking place, and can also understand what it means when one party will accept an armistice and the other will not. This requires no lengthy investigations and no legal sophistries to explain, but it does permit of immediate and effective action to stop war which Articles 10, 15, and 16 of the Covenant do not succeed in doing.

The one essential condition, however, for the effective working of any League to stop war is that it should be strong enough to do so if required. This the present League is not; but that does not imply at all that we should throw up the sponge and abandon hope of establishing, by means of continual education, a universal belief that it is really in the interests, political, economic, and, what is still more important, spiritual, of all nations to end not only the destruction that results from the smallest war but also from the threat of wars.

Finally, may I add this word? It is clear that war is always kept alive by those who insist, for the sake of immediate profit, on supplying belligerents with the wherewithal for carrying on war. The responsibility for war is, therefore, divided between them and the belligerents themselves. If this new way of looking at "neutral rights" were to be generally adopted, or adopted by a sufficient number of the countries of the world as an axiom of international law, belligerency would indeed become an unprofitable trade. The League ought, therefore, to undertake an intensive campaign not only among its members but also among non-members, to make this point, which is perhaps the kernel of the whole matter, clear to the world at large.

Mr. GATHORNE-HARDY: The discussion seems to me to have overlooked a point of some importance which properly belongs to this stage of the study. Experience during the negotiations preceding the Italo-Abyssinian war points to the advisability of providing in some way against unreal negotiation being made a cloak for continued military preparation. I feel myself that it would be desirable to provide that, from the moment when a dispute is submitted for settlement under Articles 12 to 15, the Council *shall* supervise, and *may*, if it thinks right, prohibit,

further military preparations by *one* or *both* parties ; such preparation, or obstruction to supervision, constituting a breach of covenants under these articles, rendering the offender liable to sanctions.

In making this suggestion, I am bound to point out that a somewhat similar one has twice been considered and rejected—once in the Phillimore Report, and once by the Drafting Committee concerned with the Covenant. I contend, however, that the procedure here proposed differs materially from that rejected, and is free from the objections raised. The relevant passage in the Phillimore Report is as follows :—

9. It will be noted that the proposed moratorium only extends to actual warfare. Some writers have suggested that there should be no warlike preparations during the period. We have rejected this—

(a) Because it would be difficult to ascertain what were special warlike preparations ;

(b) Because we would designedly give an opportunity to the most peaceful state which had not kept its armaments up to a high pitch to improve them during the period of the moratorium, in this way discounting to some extent the advantages which a state which kept up excessive armaments would otherwise have had.

These objections clearly do not apply where the power entrusted to the Council is discretionary. The proposal before the Phillimore Committee was a general extension of the ban on warlike preparation during the period prescribed for attempts at peaceful settlement. The suggestion here is that such a ban should be imposed only where the whole Council, exclusive of parties to the dispute, agreed that such a course was desirable.

At its twelfth meeting, the League of Nations Commission adopted the following amendment, proposed by the Japanese :—

“ From the time a dispute is submitted to arbitration or to enquiry by the Executive Council, and until the lapse of the aforesaid term of 3 months, the parties to the dispute shall refrain from making any military preparations.”

The Drafting Committee, however, successfully pressed for the reconsideration of this amendment, on the following grounds :

1. To forbid preparations during the moratorium is to encourage secret preparations previously. Such secret preparations will have been made by a nation that meditates aggression, but not by a peaceful nation. To forbid preparations during the moratorium would therefore benefit the intending aggressor, and damage the innocent party.

On this, my comment is that, assuming that the aggressor would, in any case where his design was long thought-out, have made previous preparations, whether forbidden during the moratorium or not, still the innocent party could not be damaged

unless the Council were ill-advised enough to apply a discretionary prohibition to him.

2. It would be impossible to distinguish between immediate preparation for war and the continual preparation for war in which the normal training of the fighting services consists.

(Query : Such as mobilisation orders, and the accumulation of inordinate supplies of lethal ammunition and weapons ?)

An unscrupulous nation, itself ready for war, might therefore pretend that an unprepared nation which took the smallest step to organize its powers of self-defence during the moratorium had broken the Covenant, and might make this a pretext for attacking it.

I doubt the premise in the first sentence, but, be that as it may, the opportunity thus afforded to the unscrupulous by the Japanese proposal is absent from mine, since the innocent party will have broken no covenant, unless the Council has foolishly imposed its prohibition upon him.

3. Article 8 already provides that the limits of armaments proposed by the Council and adopted by the several Governments shall not be exceeded without the concurrence of the Council. This provision covers the period of the moratorium, and goes as far as seems desirable.

How ironically optimistic this sounds nowadays ! Clearly this argument has no application to the existing state of affairs. I submit that the advantages of the course I have proposed far outweigh any case that can be made against it, on the above or other grounds.

# SHOULD THE MEMBERSHIP AND OBLIGATIONS OF THE LEAGUE BE EXTENDED OR RESTRICTED?

DISCUSSION OPENED

BY

MR. G. M. GATHORNE-HARDY

The subject for our discussion to-night is the issue of universality in its different aspects. I hope that there are some sturdy universalists present, for I am beginning to feel that what I have been accustomed to regard as my pet heresy on this branch of the problem is becoming an orthodox commonplace. Until recently, my repeated criticisms of the world-wide obligations of the Covenant have been an almost inaudible voice crying in the wilderness. Even little more than a month ago, when I was privileged to address a meeting at Chatham House, I found plenty of opposition to my view. But, after listening in these discussions to Sir Norman Angell and to Sir Arthur Salter, after hearing about Sir Norman's "method of nucleus" and Sir Arthur's short term proposals, I feel that if I am still a heretic I shall go to the stake in distinguished company. And, turning to a very different contributor to our symposium, I am not at all sure whether the disagreement which many of us have expressed with Lord Lothian's views may not turn out to be more a matter of degree than of principle.

The three main questions to which I shall try to find answers this evening are these—First: *What price, if any, should be paid for universality of League membership?* Second: *Does a collective system presuppose a certain political homogeneity between its members?* Third: *Is a universal obligation to enforce peace (a) practicable; (b) desirable?* And I should like to suggest that the first of these three questions comes logically not first but last, when we have considered whether the object to be pursued is obtainable and desirable, and with what qualifications we wish to pursue it.

For the moment, I would only observe how tragically the form of this question marks the disappearance of hopes entertained in 1919 and embodied in the Covenant. By the drafters of the Covenant, membership of the League was clearly conceived as a coveted and jealously guarded privilege, for which the League was in a position to exact its own price. We hear of "effective guarantees of sincere intentions to observe obligations," and "the

acceptance of prescribed regulations"; while expulsion is included, as a formidable penalty, under the sanctions of Article 16. Well, I am afraid the world has changed all that. States use resignation, or the threat of resignation, as an effective bargaining counter whereby they may obtain an enhanced price for their co-operation, and all stipulations for "effective guarantees" have been tacitly abandoned. It is no longer a question of what states will pay us, but how much we are prepared to pay them.

This brings me to the next point, as to whether it is possible or desirable to dispense with the membership of states which are not naturally sympathetic to the ideals of the Covenant, and to content ourselves with a less comprehensive, but more homogeneous, body. And here I regret, more keenly than at any time during these symposia, the unavoidable absence of Sir Alfred Zimmern, who is probably the ablest and most distinguished champion of the idea of a politically homogeneous League. For the case deserves, and indeed requires, to be stated, and I am in the difficulty that it is one with which I do not sympathise, nor, so far as I could gather from the atmosphere of a recent meeting where Professor Zimmern expressed his views, do I think it easy to find an alternative exponent of them. On this point I am afraid I must rely, very largely, on quotation.

It is clear, however, that a homogeneous League of democratic nations was what one of its principal founders desired, and indeed thought that he had achieved. This, in fact, was what President Wilson had in mind when he postulated that each League member must be "a fully self-governing state." In a speech delivered at Oakland, California, in September of 1919, President Wilson enlarged on this point as follows:—

"One of the interesting provisions of the Covenant of the League of Nations is that no nation can be a member of that League which is not a self-governing nation. No autocratic government can come into its membership; no government which is not controlled by the will and vote of its people. It is a League of free, independent peoples, all over the world, and when that great arrangement is consummated there is not going to be a ruler in the world that does not take his advice from his people."

After dealing with the temporary exclusion of Germany, he went on:—

"You read in the newspapers that there are intrigues going on in Germany for the restoration of something like the old Government. . . . Very well, if that should be accomplished, Germany is for ever excluded from the League of Nations. It is not our business to say to the German people what sort of government they shall have: . . . but it is our business to say whom we will keep company with."

Indeed, in view of the very different interpretation now placed upon this qualification for membership, it is fair to say that the President clearly indicated his own view before the Covenant was finally drafted. In the discussion during the third meeting of the Commission, while urging the insertion of this very phrase—"only self-governing states"—he said this :

" I have spent twenty years of my life lecturing on self-governing states, and trying all the time to define one. Now whereas I haven't been able to arrive at a definition, I have come to the point where I recognise one when I see it. For example, regardless of how it appeared on paper, no one would have looked at the German government before the war and said that the nation was self-governing. We knew that, in point of fact, the Reichstag was controlled by the Chancellor, that it was an absolute monarchy . . . I should like to point out that nowhere else in the draft is there any recognition of the principle of democracy. If we are ready to fight for this, we should be ready to write it into the Covenant."

There is some ammunition for Professor Zimmern and his disciples, but I am afraid we cannot carry the argument very far on the basis of the Wilsonian interpretation, which has never, in practice, been applied. The nearest I can get to a statement of what I take to be Sir Alfred's position must be yet another quotation, this time from an address delivered by Dr. Delisle Burns in 1933.<sup>1</sup>

" The League system was founded upon the principles discovered by experience to be useful for the good of common folk—namely discussion, agreement between opponents, and command by changing 'authorities.' The League system is the natural development of the methods of government discovered in West European states. *It depends upon the validity of the principle of democracy.* On the other hand, at the end of the Great War, a mass neurosis . . . led to violence between groups in Russia, Italy, and some other states . . . Force was used by an organised group in order to seize authority. Civil war led to the victory of one group and dictatorships were established. Similar psychological experience has recently led to a similar system of government in Germany.

" All dictatorships are the results of victory in a civil war : and the methods by which such governments have been established naturally affect their habits in foreign policy. Not only Italy and Germany, but Poland and Yugoslavia are in fact dictatorships within the League : but they are in fact repudiations of the very principles on which the League depends. Some dictators actually preach war<sup>2</sup> which the League is supposed to prevent ; and all use the League system to cover their preparations for destroying it. . . . Thus within the League system some states members stand for and depend upon principles which are openly opposed to the principles on which alone the League system can operate."

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(1) *Problems of Peace, Eighth Series, pp. 271-272.* (Published for the Committee of the Geneva Institute of International Relations by George Allen and Unwin, Ltd.)

(2) I may observe, in parenthesis, that to-day they also practice it.—G. M. G.-H.

I must apologise for so much quotation, but it appeared to me the fairest way of stating an important view, which I do not myself hold. I think, on the contrary, that insistence on a standard of this kind is quite impracticable. In the first place, you might at once set up against your League of democratic nations a rival combination of the excommunicated which might well be stronger than the organisation retained. Secondly, in the old days, when we are told that the Great Powers were completely self-regarding and when they were certainly a heterogeneous assortment of republics, democratic monarchies and autocratic empires, it was nevertheless an *ad hoc* and intermittent conference of such states which steered the world without a major war through the crises of the best part of a century. Apart from the use to be made of its strength and prestige, more can be got out of another Power by sitting at a table with it and talking things over than by blackballing or excommunicating it. In practice, it does not matter so much as might be feared that, in Shakespeare's words,—

“The jury, passing on the prisoner's life,  
May, in the sworn twelve, have a thief or two  
Guiltier than him they try.”

Thirdly, the political views within any one state, except under compulsory totalitarianism, are never homogeneous. As one view or another gains the upper hand we have seen democracies change to dictatorships and back again. Some countries would need expulsion and reinstatement almost as often as the portrait of Mr. Churchill at the National Liberal Club.

But my argument does not mean that we should retain a state which has flagrantly broken all its covenants and remains contumacious. Though I reject the conception of a homogeneous League, I do not mean that we must immediately lick the blood and mustard from the boots of Italy.

I pass to the question of the admissibility of primitive or disorganised states. No doubt, the privilege of membership has been accorded in some doubtful cases and there are cases where a promise to support the admission of a state like Iraq has been part of a questionable diplomatic deal. But it is very difficult to say beforehand how such a state will conduct itself. It may do much better than could have been foreseen. It is often tactfully forgotten that General Smuts' conception of the proper subjects for mandatory administration were “the peoples left behind by the decomposition of Russia, Austria, and Turkey.” He did not regard them as fit for independent statehood, and yet many of them have actually played a very important part as sovereign nations and members of the League. Moreover, it is

in many ways easier to advise, educate and control a member state than an outsider. For example, though she may regret it now, Abyssinia's willingness to negotiate rather than fight was no doubt due to her membership of the League. As far as responsibility for its protection goes, a non-member state can always claim the benefit of Article 17: and the guarantee of Article 10, which it would not enjoy, has never so far amounted to much. So the membership of such states is hardly an additional burden. But to me this question is rather academic, since, under a League of the kind which I should like to see, the problem of the defence of such a state from interference could hardly arise.

Here I come to my main thesis, which is that the universal obligation of the Covenant to enforce or preserve peace all over the world is neither practicable nor desirable, and that we should concentrate on making the League a reality in Europe. Failure to have followed this course in the past is the result of a double mis-reading of the lessons of the Great War. There was, firstly, a mistaken diagnosis as to the future importance of Europe, both as a danger spot and as a predominant factor in world government. The prevalent view was very clearly stated by General Smuts at the Imperial Conference of 1921.

"Europe," he said, "is no longer what she was, and the power and position which she once occupied in the world have been largely lost. The great Empires have disappeared. Austria will never rise again. Russia and Germany will no doubt revive, but not in this generation nor in the next. . . . The victorious countries of Europe are not much better off than the vanquished. No, the scene has shifted on the great stage. . . . Our temptation is still to look upon the European stage as of the first importance. It is no longer so; and I suggest that we should not be too deeply occupied with it. . . . The fires are still burning there, the pot is occasionally boiling over, but these are not really first-rate events any more."

In 1920, the European Great Powers no longer dominated the scene, and, Europe having been freshly re-settled, the settlement was expected to last. People thought that neither the organ of government nor the vital problems would be so concentrated as before.

They were wrong. The last vestige of truth in the hypothesis was taken away by the withdrawal of the United States. To-day we have all the European Great Powers back again in strength except Austria, and she is replaced by a tolerably formidable combination in the Little Entente, and by a potential new Great Power in Poland. Meanwhile, the upheaval of war and the peace settlement have made Europe more than ever before a seed-plot for the kind of war that alone is a serious threat to civilisation.

This brings me to the second mistake. Appalled by the

possibilities of such a war as that of 1914-18, the authors of the Covenant envisaged every future war as at least a possible "Great War." The struggle had led to a general horror of war which was quite unprecedented. An exceptional war had produced an exceptional reaction, but it remains an exceptional war. The evil against which the effort of the League is really directed is not mere war, but a war of the 1914 class or worse; a general war which menaces civilisation. Yet the Covenant has committed members of the League to a paper obligation to interfere with "any war or threat of war," anywhere; between Bolivia and Paraguay as between two massed alliances of European Great Powers. Human common sense has revolted, and respect for the Covenant has thereby been almost completely destroyed.

I would go so far as to say that, apart from Europe and disputes between European Powers, no great war can arise of the kind that it is important to prevent. You can cut out Africa. War there, now that Abyssinia has gone, can only be due to disputes between European Powers. You can cut out Asia, since the failure to deal with Japan was based on the absence of European interest. Japan raises formidable problems, but not the problem of a world war. In any case, the League has, in fact, abdicated there. You can leave America to the U.S.A., the Monroe Doctrine, and the Pan American Conference. No big combinations threaten there.

Europe you cannot leave alone. There the merest self-interest prompts the creation of a genuine and trustworthy collective security. There and there alone you have the factor of the parasitic small state with its inevitable big protector or rival protectors. There alone you have constant fear and jealousy between the majority of the world's greatest Powers, living cheek by jowl. There alone you get manoeuvring for alliance, group action so interlocked that a spark anywhere threatens the whole powder magazine. To revert to a metaphor which annoys Mr. Wells, there you have your wild-west saloon where the obvious general danger existing gives you the chance—and the duty—of enrolling a sheriff's posse which really means business.

But it is we in Great Britain who must organise that posse and play our full part in it. We, who live in the house next door, are exposed both to the stray shots which may come through the wall and to the prospect of robbery if we allow the saloon to degenerate into a den of thieves. And, so long as we leave it alone, that is what it will inevitably become—two or more rival gangs, dangerous not only to one another but to ourselves. Notice that I am building on sheer self-interest. Red Ike and Deadwood Dick will not enrol themselves in the posse so long

as each is watching for the other to draw his gun. The proposal must come from England, the neutral outside, but if we mean them to adopt the plan we must offer our full and active support to both of them and to all the others in resistance to a breach of the peace. In that lies the only hope that peace can be maintained and order established.

If we can do that, from the point of view of preventing the only sort of war that really threatens civilisation, I claim that it would not matter if every non-European member of the League resigned. You will say that it would be fatal to economic sanctions. My answer is that recent experience has shown that the prospect of united military action is the only real and ultimate deterrent. On June 20th, Mr. Baldwin made the same point as I am making here. "If you are going to adopt a sanction," he said, "you must be prepared for war." And he followed this up with a sentence which seems neatly to impale his foreign policy on the horns of a dilemma. "If you adopt a sanction without being ready for war, you are not an honest trustee of the nation." If not prepared, why did he begin? If prepared, why did he stop? But this comment is perhaps hardly relevant to our discussion. Economic sanctions, as the Phillimore Committee always intended, are quite secondary. "We have recognised," says its report, "that some states may not be able to make, at any rate in certain cases, an effective contribution to military or naval force. We have accordingly provided that *such* states shall *at the least* take the financial, economic, and other measures indicated in the article." The whole idea has now been turned upside down, with the results many of us are deploring. Obviously, under a world-wide obligation, economic sanctions are often the only contribution a member can give, but in a League confined to Europe they become unnecessary. The only ultimate sanction is force.

As to the United States, I know some people would pay any price for her inclusion in the League, even the price of total abandonment of sanctions. But it is mainly, if not solely, in connection with sanctions that we miss the co-operation of the United States; apart from that, her imperfect understanding of European problems makes her of little use. By all means cultivate good relations and co-operate in every way possible, but to surrender sanctions to attract the United States is like taking the pledge in order to win a cask of whisky. No effective use can be made of the thing purchased. In any case, I am confident that the U.S.A. would never fight a united League to protect its ships from the operation of a blockade against an aggressor.

With the Dominions, we must follow the precedent of Locarno.

We cannot commit them, but, if they will not co-operate in Europe, we still cannot afford not to pursue our own policy there. In reality, it is in their interest too, for the security of the Empire rests on the security of Great Britain and if that is inseparable from European commitments these commitments are in the interest of the whole Empire. In time, the Dominions will see this, but if in the meantime they will not co-operate we do not lose, after all, any vital contribution to our military or naval power. In respect of defence, the Dominions need us far more than we need them. We pay the piper and must call the tune, though the Dominions need not attend the concert.

One word in conclusion. I suggested at the outset that criticism of the League's universality was no longer a heresy. But we are in grave danger of going to the opposite extreme. Beware of spurious imitations! It is as necessary to avoid the Scylla of regional pacts as the Charybdis of a world-wide obligation. Local pacts *within* the continent of Europe are not my aim at all, and may be difficult to reconcile with the principles of the Covenant. They are just a taking of the League's name in vain, in order to return to the old system of alliances. The *sine qua non* is the inclusion of the whole continent of Europe and Great Britain in the scope of one arrangement. I want a real League, concentrated in the area where a League is really needed, but we must make very sure that we do not accept the claim of a number of rival gangs of gunmen to be a substitute for our sheriff's posse.

#### GENERAL DISCUSSION.

LORD LOTHIAN: Mr. Gathorne-Hardy has thrown over the League as a world institution, but he has not defined how, by ourselves, we are going to turn two rival groups of gangsters into a security system which is a guarantee against war.

MR. GATHORNE-HARDY: I would refer Lord Lothian to the report of the discussion at the first meeting of this Group when I took the analogy of a saloon in the Wild West under primitive conditions. It seemed to me that, in the same way, where the danger is as pressing as it is in Europe, you might succeed in organising your collective security. I quite see that you will not get people to take drastic action in a dispute between Bolivia and Paraguay, or even between Italy and Abyssinia. The fundamental reason why intervention failed in the latter case was that people were afraid of turning a local contest into the kind of general contest that arises the moment Europe gets mixed up in war. But if you feel, as I think a good many countries are coming to feel, that the moment a war starts anywhere in Europe,

that war—owing to the special conditions of that continent—is practically certain to spread, and that everybody is bound to be drawn into it, then, in order to carry out the real function of sanctions—that is to say, prevention rather than cure—you will get a mutual agreement to keep the peace from motives of sheer self-interest among states, however discordant their views or however opposed their circumstances. I am quite prepared to say that the League may possibly have no future. It is quite possible you will not find anywhere sufficient guts or sufficient courage or sufficient co-operation to make your satisfactory sheriff's posse, but I do think that Europe is the one place where it is needed, and Europe is the place where it has the best chance of succeeding, because the danger is so obvious, whatever may be the point of view of the particular party that is asked to come into such an arrangement.

LORD LOTHIAN : I think Mr Gathorne-Hardy is right in his diagnosis as to Europe being the central problem, but he has taken Hobbes' theory of the social contract, and when I was at Oxford I was taught that there was no historical evidence whatever that law and order had ever been founded on that basis in the history of the world.

Mr. GATHORNE-HARDY : Hobbes was dealing with the relations between individuals, was he not ?

LORD LOTHIAN : Yes. Man was nasty and brutish and therefore to save himself from the consequences of his own habits he entered into a social contract and surrendered his individuality to the state.

I have lately been reading a history of the development of law and order among those saloons which Mr. Gathorne-Hardy has taken as his model—out of which is to emerge European peace. As far as I can make out, nowhere, in any case, has his particular method succeeded. What actually happened was that the plain men who were not interested in gangsters—the federal authority or the neighbouring states—summoned a sheriff, equipped him with support and cash, and this sheriff said to the gangsters : “ We will shoot you up as soon as you draw a gun ! ” You see, gangsters do not shoot because they like shooting or because they lose their tempers ; they shoot because one of them has property that the other fellow wants, or the private citizen has a property which the other fellow wants. That is the root of the trouble in Europe. It is not that people in Europe like shooting for its own sake. It is that they are dissatisfied with the status quo, and they want to alter it. They are not concerned with the peace you describe.

They are quite willing to pay the price of war. And therefore, to go to them and say: "Let us be good boys round a table, and let us abandon war, which is beastly for all of us!" would be useless, especially when the power that says so has in its own hands one quarter of the wealth. I do not believe it is going to convince them and make them join your posse, and therefore you are still driven back to the problem, in Europe or elsewhere, of how you are going to create the power which shall be a power so formidable that on the one hand it may be able to remedy certain injustices or inequalities, without which remedying there can be no settling down, and on the other convince the gangster that he is going to incur sudden, overwhelming and irresistible defeat. There is your problem. •

Mr. GATHORNE-HARDY: May I answer that to the best of my ability? I think the chance comes in this way, that whether between gangsters or between Have-Not nations there is no real basis of common cause as there is between the other nations. It may be possible that Italy and Germany will get together, but up to the present they have been divided by having conflicting interests. If you go for one aggressor at a time and do not let any one of them get the upper hand, you will be able to provide a sufficient preponderance from those whose leading desire it is that peace should be preserved. In the second place, I do not consider that when you are wanting force to *prevent* a war you need anything like the preponderance that you need to *stop* a war. If you look at it from the aggressor's point of view, the aggressor will not start unless he thinks the odds are going to be on his side. He is not going to face the prospect of even a very small preponderance the other way. I doubt if most of them would start if they had the certainty of being faced with an equal force; certainly not if they thought the issue was at all in doubt. All the time, I am aware of the difficulties and dangers of trying to do anything with the League at the present stage, but I wish to avoid a counsel of despair and it seems to me that there is a certain prospect that, for the reasons that I have indicated, you might in Europe be able to get a satisfactory system of collective security. And, when you have got that, I quite agree you will have to consider the grievances of the various Have-Nots, or gangsters, or whatever you like to call them, and see that they are satisfactorily dealt with by peaceful means. But until you have that, I am against dealing with their grievances.

THE HON. R. H. BRAND<sup>1</sup>: Might I, as a newcomer, say one word?

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(1) Mr. BRAND, who was Financial Adviser to Lord Robert Cecil when Chairman of the Supreme Economic Council, Peace Conference, Paris, 1919, is Managing Director of Lazard Brothers and Co.

I have not attended hitherto, but I have read the reports of the discussions and I have listened with great interest and much more approval than I expected to Mr. Gathorne-Hardy's paper.

My primary concern is with Articles 10 and 16, and, unless they are going to be deleted from the Covenant, I feel that I cannot rightly take my place in these discussions, since I regard these articles, and have always regarded them, as unworkable. Article 16 is certainly unworkable; circumstances have shown it to be so. And I should feel an intruder in this gathering if that is not a subject that can properly be discussed.

I happened to be at the Peace Conference with Lord Robert Cecil, not working on the Covenant but on financial matters. In fact, I took no part in the discussions about the Covenant, but I did not believe at all, at the time, in the sanctions article, and I have held the same view ever since. It seems to me impossible to suppose that you can make to work an universal, automatic obligation to go to war. And sanctions without war, or without readiness to go to war, are useless. The Italian case was remarkable for the ease with which you might conceivably have made sanctions work, if you were prepared to risk war. But in general I have a profound disbelief in the effectiveness of universal, collective, automatic treaty obligations of that kind.

The Labour Party, I notice, are discovering an alibi. Mr. Arthur Greenwood says that financial and economic sanctions will work. I live my life among financial affairs, and I am quite convinced that in most cases they would not work, and certainly they would never work in time to prevent war, even in a case like that of Germany which is badly off financially.

I suppose there are still advocates of Article 16. I notice in the pamphlet recently issued by the League of Nations Union—*The Reform and Development of the League of Nations*<sup>1</sup>—it is suggested that the aggressor must be confronted “with overwhelming force”—which means war<sup>2</sup>—“designed either to prevent the aggression or to ensure its failure.” Therefore, we arrive at the conclusion that the League of Nations Union now admits that Article 16 means war, and universal war, but that it assumes that war will not be entered into without overwhelming force against the aggressor.

I have been reading Alexander Hamilton's *Federalist* lately, and entirely subscribe to his view that you can form alliances of a large number of sovereign states for a definite, limited and temporary purpose with a prospect of success, but

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(1) Published by the League of Nations Union, 15, Grosvenor Crescent, London, S.W. 1.

(2) The interpolated comment is Mr. Brand's.

that if you go beyond that, you are courting failure. I think that is the lesson we are learning now.

I see that Sir Norman Angell stated at one meeting of this Group that the Empire was an example of federated defence. I disagree with that view. I think if you asked the South African Government, for instance, they would say they retained absolute liberty, whether to fight or not on any European question. Only if the South African Parliament decided to fight would she fight. Collective defence does not yet exist in the Empire. If the Empire stands together it will be through the power of an idea, not through any contract.

I was very much interested in what Mr. Gathorne-Hardy said about the question of universality. I entirely agree with him that if you look round the world collective security really means nothing outside Western and Central Europe and European Russia. We have abandoned the Far East. I cannot suppose that if Japan attacked Russia the Labour Party would advocate our immediately making war on Japan. I cannot believe that if, as has happened in the past (though the supposition is very far fetched now), the United States made an aggressive move towards Mexico, we should intervene. Mr. Gathorne-Hardy pointed out that there is no case in Africa in which we should be morally obliged to make war unless Egypt is involved.

MR. GATHORNE-HARDY: We should only have to intervene in Africa where it concerned disputes between European nations.

MR. BRAND: I do not think that such disputes could arise except in the case of Egypt. I do not think the Belgian Congo is going to make an act of aggression against Kenya. Therefore you come down entirely to the question of Europe.

I agree with Mr. Gathorne-Hardy's analysis. But, in fact, it brings you down to the question of Germany and possibly Hungary. I believe the League would be greatly strengthened if it were more of a European League. If you take Europe alone, who is going to be an aggressor? Take all the European States—France, Scandinavia, Belgium, Holland, even Italy. I do not think there is a potential aggressor there. The real question is, what are we going to do about Germany? The system of automatic collective security might work, but it would work, really, as a sort of alliance against Germany. It would be the encirclement of Germany. That may or may not be desirable, but it would not be collective security as that term is generally understood.

I believe the League could do very valuable service without the coercive clauses, which in my opinion will never work. If

there is any arrangement possible with Germany, then the question to my mind is solved for twenty-five years. I do not think we shall get war in that case. But I do not think we shall solve it by asking her to join the League and come into a system of collective security.

I was on the Committee of the League of Nations Union a good many years ago, but I resigned when it was proposed that the League should have a navy of its own—and when it was pointed out that a cruiser would be very useful to bomb D'Annunzio out of Fiume! If the League of Nations Union had devoted its energies, not only in Great Britain but in other countries, to trying to persuade Europeans that we must form the rudiments of a European government, that the only remedy in the end is for each of us to give up something of our sovereignty to form some sort of European government, that would have been much better, however far away it may seem, because I believe, also with Hamilton, that the fundamental distinction is between the co-operation of states as states and an authority which has power to tax and to expect loyalty from individuals. Unless we can begin to create that idea in the mind of Western Europeans, I do not think we can ever really make progress. I am quite convinced we shall never progress under a régime of universal, automatic coercion.

MR. GERALD PALMER: I was not perfectly clear whether Mr. Brand rejected altogether the idea of a settlement with Germany, on the assumption that you would never have the existing German government co-operating in the League. Does Mr. Brand assume that Germany will not come into the League under the existing régime?

MR. BRAND: I assume that if she did, it would mean nothing.

MR. PALMER: Are you thereby, in effect, rejecting the possibility of a settlement?

MR. BRAND: I would not at this moment try to encircle Germany. I would try to settle with her.

MR. PALMER: What do you understand by a settlement with Germany?

MR. BRAND: I cannot answer that. But, taking the Austrian question, which I suppose is the most important, I believe that, if we are not to be obliged to submit finally to some arrangement between Austria and Germany, we shall have to fight to prevent it. I would not deliberately make a Franco-Russian-English alliance against Germany, which is what collective security under the League of Nations now more or less amounts to.

Mr. GATHORNE-HARDY: Perhaps I might deal straight away with some of Mr. Brand's points? I think there is much common ground between us. I agree about Mr. Greenwood's speech the other day. It seems to me that the spokesman of the Labour Party lost a great opportunity, because, when challenged as to whether he was prepared to resort to force, he completely shirked that issue and thereby left a very strong card with the other side, for it appeared to be perfectly clear that in the existing situation you had to have force ready to act before you could do anything further, and unless you were prepared to accept that situation the whole case against the government fell to the ground.

I agree about economic sanctions, and indeed I tried to say the same thing myself. Economic sanctions must obviously have force behind them all the time, otherwise, the moment the economic sanction becomes a nuisance, the aggressor can always call your bluff by threatening to make your economic sanctions a *casus belli*; and you have either to fight or withdraw, or else leave the sanctions at a stage where they are no trouble to the aggressor.

I agree very largely with Sir Norman Angell, but I, too, disagree with his contention that defence in the British Empire is federalised. I think he chose an extremely bad example in taking the British Empire, in which the defence is almost exclusively provided by Great Britain. It is in no sense a federalised defence. I agree with Mr. Brand in his criticism of this thesis, but I do not agree with him in regard to doing away with Articles 10 and 16, if he meant, as I think he did mean, doing away altogether with the coercive side of the League. I do not think it could succeed without a coercive side. The fact that you have got organised force placed in a position where it can keep the nation which is contemplating aggression in order, is, to my mind, a necessary factor in any form of international security. You had it before the War, when the preservation of peace ultimately rested upon the threat of war. That has been criticised very often, but it did, as I have said before, succeed to a very large extent. I think you should modify Article 16. I think it has many defects. I think it acts much too late. I think it is absurd to begin when there is a resort to war, because that means that instead of the sanction acting as a preventive it has always got to act as a cure after war starts, which is a much more difficult proposition. But I do think you have got to have some coercive provision. With regard to Article 10, it has not been acted on very much. It has been watered down and explained away to a very large extent, but it seems to me that at all times before the Great War you have had this principle, that those who were responsible for the making of a particular arrangement under

a treaty were in a position to intervene where there was an attempt to upset that treaty by force. Sometimes they did, and sometimes they did not, but at any rate they had the right, and in some cases the duty, to intervene on such occasions.

I do not agree that these coercive measures necessarily mean war. I think that in certain situations you would have war anyhow. Your only chance of keeping it away is to have the force there. That again is going back to the pre-War situation. The strong point of the pre-War system, when people were still prepared to fight, was that when and if a country took a step which appeared to be going to lead to war you called a conference and you said that such and such a thing would be regarded as an unfriendly act—and the country knew the state of mind of the nations. It knew what the probable consequences would be, and it did not commit the unfriendly act. The advantage of the new system, the League system, if you have coercive measures attached to it, is that you are applying that same preventive measure, which succeeded so often under the old system, under conditions of impartiality.

• Dr. MITRANY : I should like to say that although Mr. Brand dealt with certain questions concerning sanctions, the discussion this evening all seems to lead back to the main issue of Mr. Gathorne-Hardy's address, universality, because it is all a question of whether or not you are going to have a society based on certain principles. A great many people, myself included, are running away from the idea of universality because of certain conditions which we do not think desirable. It is very important that one should be clear as to what are the objects at which we are aiming.

At the beginning I was led to hope that Mr. Gathorne-Hardy might put a point of view which I could endorse, but at the end of his remarks I found myself abandoned by him, because, having thrown over—as I think rightly—Sir Alfred Zimmern's point of League membership based on uniformity or similarity of internal government, he proceeded to advocate a limited geographical membership, a membership limited to Europe, which seems to me to be somewhat fallacious from the point of view of the system which we are trying to carry out. The argument against homogeneity based on internal structure has been put by him as strongly as it can be put. If I might use an historical illustration which shows pretty clearly why it is fallacious, I would mention an instance which probably a great many of you remember. During the revolutionary movement of 1848, practically all the leaders and all the groups which were standing for liberal government in Europe also advocated a Federation of

Europe. It was one of the earliest examples of that kind of idea. But when you look into what they were standing for then, you get at once a very clear picture of what was in their minds, because, as it happens, like President Wilson and like Sir Alfred Zimmern now, they laid down only one condition, namely that all the countries should be free countries, by which they meant republican countries, or at least constitutional monarchies. And there you see the similarity. What they were interested in was the establishment of a certain internal structure and they gave no indication whatsoever as to what kind of international structure they were aiming at. So their aim was clearly local and national rather than directed towards the establishment of an international system, and that seems to me to be the central fallacy embodied in the plea for a membership based on similarity of governments. The universalists confuse the desirable goal of similarity of democratic governments with the essential goal of the necessity of the establishment of an international system—which is a very different thing. Therefore I assume that it is essential that we should ask ourselves what we are trying to get—are we trying to further the establishment of a certain type of government, or are we trying to get an international system? If we are trying to construct an international system, we must see it established upon certain principles and we must see that those essential principles are adhered to by the people who join. That has little or nothing to do with the structure of the internal government of the countries in question.

As Mr. Gathorne-Hardy said, if you have a headstrong government it may be an advantage to have it tied to some kind of control rather than let it run loose. You might also argue that dictatorial governments make great use of their external dangers. If you could create an international system of security, that would reduce the force of that argument to a certain degree. It would be all to our advantage. Apart from that, it is quite hopeless because, as Mr. Gathorne-Hardy pointed out, you cannot permanently exclude or include any nation on that basis. We have the case of Russia who a few years ago was out of the League and who is now welcome and plays a very predominant part. Why? Not because of any internal change in Russia, but because of an external change, because of her adherence to certain principles in international relations.

In passing, I should like to say that I think there is a good deal of misrepresentation of the American attitude. People assume that it is because of sanctions that American opinion has drifted away from the League. Dr. Toynbee and I belonged in the War to a group which was trying to propagate the idea

of a League of Nations in England, and we were very hesitant about any suggestions of using force for enforcing League decisions. It was the U.S. which stood uncompromisingly for the use of force, in the persons of such men as Elihu Root. It was Mr. Wilson, in one of his speeches before the end of the War, who said: "The League must have such a power at its disposal as to be stronger than any possible combination." Therefore, I would suggest that if American opinion has drifted away from the League it is not because of its suspicions of the homogeneity of its membership, it is not because too many countries are included in it, but because of a suspicion that the principles, the fundamental principles, of the League are not really uncompromisingly maintained by some of its leading members. I suggest that that brings us back to the point which I am trying to make, namely that the essential question at issue is whether certain principles are to be laid down and kept, or whether you are trying to aim at a different kind of structure. And that is where I think Mr. Gathorne-Hardy has rather drifted away from his original proposition and has been led to a conclusion which, in my view, creates a new difficulty. He abandons, at the beginning of his address, the idea of a homogeneity of internal government, and only comes to a kind of homogeneity of geographical neighbourhood. This again seems to me to be somewhat irrelevant and to create new difficulties for the problem which faces us.

What I think is essential is a *homogeneity of principle*, not of internal structure or of geographical situation. It is not easy to decide which you want, but clearly you are faced with two alternatives when you come to a situation like the one in which we now find ourselves. You are either willing to weaken your membership in order to maintain certain principles, or you may prefer to maintain your membership unimpaired at the expense of principles. You either prefer to drop out certain drastic provisions, as Mr. Brand suggests, in order to make it easier for many countries to come in, or you may prefer to keep your principles unimpaired.

MR. BRAND: That was not my object in advocating the dropping of those articles. I did not want to drop them in order to get other people in. I wanted to drop them because I regard them as ineffective and unworkable.

DR. MITRANY: But the view I quoted is held by many people. They think that if you made the obligations less stringent, certain countries like the United States would find it easier to come in.

The other alternative is that you should prefer such countries to stay out and that you should stand by a comprehensive international system which will make that new development something

which can do both things, which will both supply security in the way which Mr. Gathorne-Hardy described, and supply those means of change which Lord Lothian quite rightly declared to be indispensable. Or, as Mr. Brand says, you are going to have the development of a European government—some kind of international government which would be able to do both things.

In conclusion, therefore, I would like to dissociate myself from the last part of Mr. Gathorne-Hardy's address. What I think is more essential than anything, although I admit an alternative may be possible, is to lay down certain fundamental obligations and duties. Dr. Johnson said on quite a different occasion, a hundred and fifty years ago: "The claim to protection carries with it the duty of obedience." I would prefer to see those fundamental principles laid down which I consider essential for the establishment of international government, including both these essential functions of security and progressive change, and let those countries who are willing to accept those conditions come in. It might be advisable, however, to start with a few obligations and a few rights in order to spread membership, in the hope that those rights and duties will become stronger and be accepted by a larger group.

MR. GATHORNE-HARDY: My reason for concentrating upon Europe was not quite what Dr. Mitrany seems to think. It was not so much because of the geographical proximity of the member states in that region, as because of the peculiar nature of the danger in that region. It seemed to me that if there had only been wars of the kind which arise in other parts of the world the whole idea of the League of Nations would never have arisen and the organisation would not have been necessary. What had caused the horror of war and the determination to stop it was the kind of war which can only, to my mind, arise out of disputes between European states—not to put it on a geographical basis by saying 'Europe.'

Dr. Mitrany thinks that we ought to lay down principles and rights and duties. I believe that comes at a rather later stage. I should, frankly, like to confront the nations of Europe with the great danger that is before them and to build simply upon self-interest in preventing such a situation. I think you have got to establish order in any community before you can establish the rule of law, still more before you can establish any system of legislation which changes the law to meet changing circumstances. The first thing is to establish order. I know that Hobbes' social contract theory has been very much blown upon but it has always seemed to me that there was a great deal that was sound in the idea that if there was a common interest that urged people to take

steps for their defence they were likely to take some such measures as he described.

Dr. MITRANY : To establish order first was a natural process in national groups because you had some kind of authority to impose order—the King, or whoever it was. In the international sphere, there is no authority.

Dr. TOYNBEE (*in the Chair*) : Russia and Germany are two rival candidates for that position.

Dr. MITRANY : The establishment of the rule of law will lead to the creation of order.

Mr. GATHORNE-HARDY : I am not quite sure. Sir Alfred Zimmern has made some very scathing remarks about international law. I should not have thought it did work in that way, that you had your law first and your order afterwards in the relations between nations. Whether it is Mr. Wells or Lord Lothian or I who is actually right as to the historical origin of the sheriff's posse, you could nevertheless create a voluntary body which for motives of its own self-interest would agree to keep order in a community in order that the rule of law might be established. I think you have got to that situation as between European nations and I think that has got to come first, because, though the conception of what they think is right and what they would accept is different between different nations, they all agree what a catastrophe it is when a war breaks out which cannot be checked and which is going to engulf them all and swallow up their civilisation. In those circumstances they might come together and help to preserve order so that the rule of law might subsequently be established.

Mr. R. W. G. MACKAY<sup>1</sup> : I have very little to add to this discussion. I come from one of those countries which is going to resign from the League if Mr. Gathorne-Hardy's proposal is carried out. But it seems to me that we have not faced up to the problem which Lord Lothian raised in discussion at one of this Group's earlier meetings. Is this new European organisation as envisaged by Mr. Gathorne-Hardy going to contain for its enforcement the same provisions as the present Covenant? As I understood him, Lord Lothian said that if the League was to be conceived as an organisation in which the nations had to go to war in order to carry out its decisions, everyone would leave it. If we are going to have a League reduced in size and membership and confined entirely to Europe, are we, or are we not, going to have *another* League which is going to carry out its decisions and enforce them by war? If not, the problem which we ought to

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(1) Mr. MACKAY, co-founder of the Australian Institute of Political Science, is a practising Solicitor in London.

consider here to-night is whether, if it is only possible now to have a League which is merely a conciliatory body and confined to Europe, if that League comes to a decision, that decision can be backed up by force. If the League cannot do that, surely we might give up discussing an international organisation at the present time.

MR. GATHORNE-HARDY: Mr. Mackay missed the meeting addressed by Sir Arthur Salter. There was a suggestion that something might be done in the way of backing up change by force. There was a suggestion, too, that force should be withdrawn from people who were not willing to abide by the decision that has taken place. Something might be done along those lines, though I was not quite sure about it myself.

THE REV. HENRY CARTER: In raising some questions that I am afraid will be thought irrelevant, my plea is that, to my mind, they are not irrelevant.

It seems to me that the initial idea of the League was something very different from what we are considering to-day. The initial idea of the League's task, if I remember rightly, was that the nations of the world should be joined together with a view to certain great moral and political aims being assured. Foremost amongst those aims was the maintenance of peace, but side by side went the removal of the causes from which wars spring. I think that is a very important consideration. And side by side also was a whole body of social and industrial activities, the aim of which one could shortly describe as human betterment or human welfare. Now it is that wide scope of the conception of the League and that wide scope of the League's functions which I think must inevitably be sacrificed if the kind of League that Mr. Gathorne-Hardy spoke of takes the place of an universal League. May I take up that point now? If you limit a League to Europe, you give up all idea, it seems to me, of dealing with causes of war which lie both within Europe and outside Europe. Many people would feel that certain of the causes of war are definitely economic—the claims of those who 'have not' which are ignored by those who 'have,' the economic conflicts by which the world is so vehemently assailed to-day. You cannot deal with those in an effective sense—in a sense which would remove them—if Europe is your sole concern. The very term 'economics' of course carries you wide outside geographical limitations.

Then again, with due respect to those whose judgment differs from mine, may I express this thought, that when you say that either in Europe, as Mr. Gathorne-Hardy urges, or in the world as a whole, you are going to throw 'overwhelming force' against

some future aggressor, you are in reality doing nothing more than expressing a desire on paper. You are ignoring human nature, and it is human nature which is the fundamental factor. I am in touch with many who share a view that war is incompatible with reason and religion. And that number is steadily growing. Supposing the British Government had felt that it could take the risk of war with Italy and that risk had become actual, the Government would have faced something like a widespread moral revolt in this country. I would urge that if security is, for its own sake, a very valuable human possession, then side by side with it must be set the claim of freedom as a very valuable human possession for its own sake. We cannot consider our fellow-men as though they could be marshalled at the mere bidding of states or policies and hurled, willy nilly, against conscience and judgment, against their fellow-citizens. That is an assumption which will not stand the test of the future.

MR. HORSEFALL CARTER: First of all, may I take up this very last point? I was very pleased to find the other day, as I am supposed to be a heretic, that in the *Round Table* there was a sentence bearing out Mr. Brand's point to the effect that "in international affairs the co-operation of exclusive national sovereignties cannot be the last word in political organisation if freedom is the goal." That is why I want to take up Mr. Henry Carter's point.

I was very pleased to hear Mr. Brand suggesting the point I have been trying to get at for some time, namely, the need for a real European organ of government in view of the fact that *states* will only make temporary alliances. I think that is definitely established. I entirely agree with Mr. Gathorne-Hardy as regards the necessity for regional co-operation of the collective system in Europe, something very different from regional pacts approved by the League. I do not think he really suggests replacing the League with a new League. What he is aiming at is a European League which is really effective within the 'universal' framework. We have lost the opportunity of making the League effective in the Far East, even if such a thing was ever really possible, and similarly—in the sphere of naval policy—the idea of using force as a sanction has simply not existed at all. At none of the Naval Conferences has that suggestion really had any life, and now that Japan has broken away the whole idea of the collective system in the Far East is completely ruined.

I have come round to Mr. Gathorne-Hardy's point of view, although five years ago I was one of the people who was strongly opposing M. Briand's project of Federal Union for Europe. I opposed it because I felt it was trying to dodge the real League

principles. I have come to my new point of view mainly because of one factor: Air Power. When Mr. Baldwin said two or three years ago in a debate: "What are we to do about air power?" it seemed to me that that was the essential factor which people who write to *The Times* do not take into consideration. Air power has completely changed the way in which we in England must view these problems. We are now, whether we like it or not, essentially part of Europe. We are now a dual personality. We are 'Britain in Europe' and 'Britain in the rest of the world.' As Mr. Gathorne-Hardy said, Britain in Europe must be an integral part of this Federal Union of Europe, and I say 'Federal Union of Europe' because there is already in existence at Geneva a committee with that title which, to my mind, can supply the necessary organ of government which Mr. Brand was talking about. Of course, I would go much further, because I think that, owing to the peculiar nature of air power, we can here and now, with Britain's full co-operation, set up a European air police on precisely the lines which were envisaged in the Air Commission of the Disarmament Conference three and a half years ago. That suggestion, coming from M. Pierre Cot and from the Spaniards, did have the support of about seven small countries. It was opposed by Britain's representatives, because in those days Britain was not very conscious of being part of Europe. And, therefore, the question I really want to ask Mr. Gathorne-Hardy is: "Does he visualise the Committee of Federal Union of Europe as being the kind of organ of government which will be necessary?"

I want to correct a rather misleading impression I probably gave at this Group's last meeting. I am visualising some kind of political organ which would be the final authority, but I am also visualising a very strong permanent air staff, and I am envisaging, of course, the complete abolition of national air forces within the European sphere, *pari passu* with the setting up of your international air force. I think if you think of this thing in terms of air power you begin to understand why Europe, which everybody has always said is not a geographical unit, can now be envisaged as the one unit where you can enforce the collective system. I should say that there are two ways of defining the special position of Europe. First negatively, by the range of air bomber. I do not know whether Moscow is within range, but certainly the rest of Russia is not, and therefore Russia will occupy the same kind of position as Britain. "Russia in Europe" would be part of the Union. "Britain in Europe" would be part of the Union. But both Britain and Russia would still have extra-European commitments. That is the negative

way of looking at it, and since we are talking in terms of power we must accept this negative viewpoint. There is also the positive way. You must have an area in which the guardianship of the League can be made effective, and there again I think that Europe, as I have defined it, does offer you the kind of area you want. League guardianship is to me the main principle we have got to think more about. League guardianship is something essentially different from the tutelage of one or the other Great Power.

That brings me to my final point. Taking up the case of Austria, I wrote a letter the other day to the *Daily Telegraph*<sup>1</sup> which really made my point, which is that unless we are going to leave the issue to be decided by plebiscite when Germany is strong enough to enforce that against us—and there can only be one result—unless we are going to be content to leave things to go on till they get to that point, we should ourselves as soon as possible—‘we’ being the nucleus that Sir Norman Angell talked about—put up a scheme of guardianship for Austria. The League is already looking after her finances, because the freak Austria created after the War made it necessary for the European community to take on the responsibility for her finances, and I think it is equally necessary to take on the responsibility not for governing her but for administering her estate, as the League undertook to do in the case of the Saar. In the case of the Saar you had a very unsatisfactory settlement, which was perhaps inevitable in 1919, but you obviated the particular virus of the settlement by providing that the Saar should be under the League administration. It seems to me that the same thing ought to have been done for Austria. It was not done, but I think you could still do it now, by setting up a League commission, and even by having set up in Vienna a commission, which would have at its disposal an international force of the same kind as there was in the Saar, simply to ensure decent and free elections. In that way, you could avoid that fatal and clear-cut issue of the *Anschluss*. I should like to have Mr. Gathorne-Hardy’s comment on one or two of these suggestions.

MR. GATHORNE-HARDY: I am surprised not only by Mr. Horsfall Carter but by others on previous occasions laying such stress on the question of Austria, because Austria has been mentioned several times during these symposia as if it were a case that arose under Article 19—the revision of a treaty. Of course, Austria is specially dealt with in the Treaty of Versailles and the other treaties, and provided it was considered desirable there is

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(1) MR. HORSFALL CARTER’S letter appeared in the issue of the *Daily Telegraph* dated 12th June, 1936.

nothing to prevent the Council of the League from allowing the *Anschluss*. It appears to me to be largely a case of what is desirable in the interests of European peace, and, frankly, of the balance of power in the better sense in which the term was used in the pre-War age; that is to say, the undesirability of allowing any Power to become strong enough to dominate a combination of the rest. But from the point of view of abstract justice, there does not seem to be any particular obstacle to altering the situation with regard to Austria and Germany, if it were thought desirable.

Speaking generally, I should like to remind members of this group that I have been bold enough, for the purpose of focussing attention on various points, actually to draft a sort of imaginary revision of the Covenant<sup>1</sup>, in which, with regard to certain articles, I have developed the views I have tried to express to-night, and with regard to other articles I have suggested amendments which I have frankly regarded as rather theoretical, a counsel of perfection, and which could not, probably, be put into effect. But I think a study of that draft might answer some of the questions which have been asked as to my views on specific points.

I agree with Mr. Horsfall Carter that federalisation of some kind is the long-distance policy, and I agree with his interpretation of the policy I was laying down to-night, but I lay stress much more than he does upon the short term policy.

Mr. PALMER: I think Mr. Gathorne-Hardy's original conception of the League has not always been quite clear to one or two speakers. As I have understood it, he is advocating a universal League but one without universal commitments; a League in which military commitments are to be confined to European states but which yet retains its universal membership.

I want once more to raise the problem as I see it in Europe. It seems to me that if you adopt Mr. Brand's suggestion of cutting out altogether Articles 10 and 16, you will not keep the League at all, either as a universal or as a European League. You will simply have a reversion to the two camp system, and any talk of conciliation will go by the board.

Mr. BRAND: You will turn it into something like the Imperial Conference. We have an Imperial Conference for the British Empire which is extremely useful and indeed essential.

Mr. PALMER: But the British Empire does not form itself into two rival armed camps. My point is that, in Europe, you would not in fact have a thing at all like the Imperial Conference. You

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(1) See Appendix I, p. 167.

ould more and more have the two armed camps facing up to e another.

On the other hand, whilst I am personally in favour of Mr. Gathorne-Hardy's idea of a complete European security pact, if one state in Europe commits an aggression it is automatically an aggression against all the others and it seems to me that you run up against the difficulty that you cannot have a commitment which is going to cover all the cases under which war might arise. That is to say, you want always, on any given occasion, to reserve the right to say: "Now is this really an occasion when the commitment is to be fulfilled?" And under those circumstances, your preventive action is not successful. The question is, whether you can have some arrangement in between the two which is worth having. Can you have an arrangement under which people would say: "We will go to war provided we are agreed that the actual circumstances of an aggression have been fulfilled?" Can you define beforehand in any sort of clear way what those circumstances are going to be, define them so successfully that everybody is certain beforehand that your posse is really organised to prevent aggression?

Mr. BRAND: For instance, who was the aggressor in the South African war?

Mr. PALMER: Exactly. And it would be even harder to decide in the event of Germany forcing a plebiscite in Austria. Where is the aggressor in the case of an internal rising in Czechoslovakia? It seems to me that you cannot have an absolutely cast-iron system in Europe, much as I would like to see one. I absolutely agree with that ideal, personally, but I want to ask Mr. Gathorne-Hardy whether he can suggest any way of meeting this difficulty.

Mr. GATHORNE-HARDY: May I take up the suggestion that our commitments will not cover all cases of war? I do not think that any scheme that can be drawn up is going to be absolutely watertight. But I look back and I see that a very imperfect scheme, the scheme that we call the Concert of Europe, did succeed in keeping Europe out of major wars for a very long time. It rested upon force. It had many disadvantages, and yet it succeeded to a very great extent. I feel that, although we cannot get anything which is absolutely watertight, if we go on the right lines we are most likely to succeed in keeping the peace during these very critical years until Europe settles down into a condition more like that which it occupied during the 19th century, when peace was the normal thing and when peaceful settlement was generally desired. When feelings have died down this might be

possible. You are dealing at present with a very critical situation and you have got to go for a short term policy and do the best you can.

My object is prevention, and therefore I am not very much concerned with the fact that in a particular case, as Mr. Palmer and Mr. Henry Carter have suggested, you might not get your force to work when it came to the point. If you have got the prospect before the mind of an aggressor that he is to be met not merely with a preponderance of force but with even an equality of force, in nine cases out of ten, or in ninety-nine cases out of a hundred, he will not start. It may be that in the hundredth case, when you have come to the point, you will find that your system is not going to work, that your troops are not going to march, at any rate not from a sufficient number of countries, and then you will be in a difficulty. But you are going to be in the same difficulty if you give the whole thing up and relapse into the old system of alliances, and there comes a clash between two nearly equally balanced accumulations of forces. In that case, you get the certainty of war. But in the other case you do get the prospect that you may be able to fend it off.

Mr. Palmer asks me whether I meant a universal League, but a universal League with local commitments. I have no objection to a universal League for the sort of purposes on which Mr. Henry Carter laid stress. I have some doubt as to whether the nations, constituted as they are at present, would retain sufficient interest in that kind of League, or would give it more than a limited loyalty and interest. But I am perfectly prepared to say: "Let them go on, and do the best they can on those lines." It was mainly with regard to the universality of the commitments to stop war that I wished to limit the obligations.

I do not think myself that you would get a very wide interest in an institution of the kind advocated by Mr. Carter and I think that if you confined it to the purposes on which Mr. Carter laid stress you would infallibly find another organisation growing up beside it—the old system of conflicting alliances or some other system which would be directed, however imperfectly, to the purpose of preventing the kind of war that matters.

Dr. TOYNBEE: I think the Italian case shows the strength of the universal scheme. It seems to me that what really sent the Italians to fight Abyssinia was two things done by North American countries. The first was in 1927 when the Italians raised the point of access to raw materials and the Canadian delegate stamped on it; and the second was the passing of the two American Immigration Acts of 1921 and 1924 which produced

this mass of baulked young men in Italy who had to be turned to something, good or bad.

On the other hand, I think there is an enormously strong case for special effort in Europe. Taking up Mr. Horsfall Carter's point that by Europe we mean something very real in terms of power, we may say that we are at point-blank range of each other in terms of air power. The United States and Japan may blow up to a fight, but they are at much more comfortable range from each other. But Europe consists of countries in which a dictator can show himself to all the population in the course of a week and talk to audiences face to face ; countries which are highly organised. It is also a region in which the battlefield happens to be inhabited by people on whom the whole world still depends for maintaining and creating a civilisation, because certainly General Smuts would not have said that civilisation had yet flowed away from Europe. As far as original thought, spiritual ideas, and artistic creation are concerned, surely Europe is part of the world still ? And therefore it is a region especially to be preserved as being especially in danger. I think that is on everybody's mind, including the dictators'.

Now the most melancholy thing about these different alternatives for securing peace in Europe is that they all seem to end up in some combination against one of these five Powers. Mr. Brand analysed our European League, when you get down to it, as an encirclement of Germany by perhaps all the other four. Now that is what we get to if we take our standpoint in London. If we take our standpoint in Berlin and see how the Germans envisage the unity of Europe, we see it as Hitler sees it—as a Europe in which Russia is the great enemy. His League ends in combination against Russia. The trouble is that Hitler's price for the unification and security of Europe is German hegemony in Europe. He is going to be the Big Boy who defends us all against communism. His price is, I suppose, a big whack out of Russia. On the other hand, *our* League includes Russia, and is perhaps largely moved by fear of Germany.

So my trouble here is that all these kinds of formations we are trying to get in Europe to deal with the special problem of five great Powers, jammed up together at bombing range, seem to land you in a combination of four against one. It is interesting that the particular two against whom the alternative combinations are directed are Russia and Germany. Does not that point to the fact that we are afraid of violent instead of peaceful solutions of the problems of Europe if those two single Powers are going to master and organise Europe by force ?

Personally, what I am most appalled at at the present moment is seeing the English and the French letting go the rudder and leaving it to be a question of whether it is the Germans or the Russians who will dominate us all.

Mr. H. G. WELLS<sup>1</sup>: I did my best to make my position clear at the Group's first meeting, but I should like to say once more that I believe not only that the League should be "demilitarised" and taken out of international politics but that, as a political structure, it should vanish altogether. In its place there should be set up a series of international bodies on the model of the International Postal Union through which the nations should learn collective action in the monetary, hygienic, economic and transport spheres. Such bodies might ultimately develop into a comprehensive world control in the presence of which Foreign Offices would fade out, since, by reason of the conditions of their development, they are themselves incapable of establishing peace. People remain incapable of appreciating this realistic conception of human conditions. They can think only in terms of "Powers" and of the claptrap of the eighteenth and nineteenth century Foreign Offices. The more we mess about with the political patching of the now quite discredited League of Nations, the more we allay the energetic development of a sane and scientific internationalism.

Mr. GATHORNE-HARDY: Dr. Toynbee and others spoke of the encirclement of Germany, or of whichever country proposes to resort to force for the attainment of its ends. If that country is identified as the potential aggressor by its openly avowed policy or by being gravely suspected, it is quite right that that country should be encircled. But the essence of the system is that it should be an all-in arrangement which all have a right to join, and if that country which you say is encircled had not joined because it thought itself encircled I should still be in favour of its being defended against aggression by the others, in order to prevent war in Europe, because a war arising anywhere in Europe is going to affect all. I see no point in refusing to protect a particular country if it is the object of aggression simply because it happens not to have joined your organisation. I would say that to Germany in order to induce her to join.

Mr. BRAND: It is merely a question, to my mind, of the most effective method of keeping peace. I am not so naïve as to think that coercion will not have to be used and that the whole European system does not depend upon power. But my belief is that what you call the pre-War system is less likely to lead to war than the

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(1) Mr. H. G. WELLS was prevented from attending the meeting of the Group and submitted this comment in writing.

automatic coercive quality in Article 16. I will give you a particular example. Take Italy and Abyssinia. Supposing there had been no League, or say, no sanctions clause, and that we had acted not as members bound by that clause, I believe that we should have gone months before to Italy, even without France, and said: "Now we want you to understand what our attitude is if you do this thing, and we are speaking not as a member of a collective system but as the British Government." I think it is very likely that in that case the thing would never have come to a head. But Article 16 gives a perfect alibi to a government. What do we do? We say: "We are a member of the League and we cannot act without fifty other nations. We must wait and see what they do. We shall then have to call the Council. We shall go to Geneva in a month or two. When we get there, we will see what everybody else is going to do." Then the British Government's policy becomes: "We do what everybody else does. What they do, we do, and what they don't do, we don't do."

• That is my point. Not that I do not believe that we shall have to use coercion if we think our interests and the interests of the world demand it, but that I believe that the old system is more likely to keep the peace. I think many people—and Lord Cecil is one of them—beg the question when they say they are going to create a system which will keep the aggressive power in order by means of raising overwhelming force against him. How can you be sure of what his force is? If you fail, you are finished; the League has disappeared for good. If you make a war and are beaten, the thing is gone. Of course if you are quite certain that you *have* got overwhelming power you also can allow Germany whatever are her rightful claims and you are in a perfect position. But will you ever be in that position? It is very unlikely.

MR. GATHORNE-HARDY: I am inclined to agree with Mr. Brand as to the use that has been made of Article 16 as an excuse for wriggling out of obligations. But that was not what Article 16 originally meant. It has been interpreted in a most extraordinary way, to my mind. I think it is quite clear if you look at Article 16 that it was intended that each nation, severally as well as jointly, was bound to apply the complete boycott mentioned in Article 16, without waiting for the others. I quite agree that in the present state of pusillanimity which prevails in the world we have had a similar position to that of "Great Chatham with his sword drawn, stood waiting for Sir Richard Strachan; Sir Richard longing to be at 'em, stood waiting for the Earl of Chatham." Everybody was waiting for everybody else, but that was not the fault of the clause.

Mr. BRAND : But if you have fifty nations, it will always be like that.

Mr. GATHORNE-HARDY : I think you will always have defaulters, but after all we did get an extraordinary number of nations to agree to impose economic sanctions.

Mr. BRAND : I am talking of war, not sanctions.

Mr. GATHORNE-HARDY : Of course Mussolini did not believe sanctions would be applied. The League had failed over Japan and over Bolivia and Paraguay. He had just squared France and he thought he was going to have a perfectly free hand and that we should do nothing. If he had known that even those mild sanctions would have been applied, that he would be condemned by a unanimous vote of over fifty nations, I do not believe he would have started on this Abyssinian adventure.

Now if you have got a certain number of European Powers who have agreed to supply the military action necessary for the enforcement of the Covenant under Article 16 when sanctions are necessary, I quite agree with Mr. Brand that you will have some defaulters ; but I think you will still have such a prospect of being able to confront the aggressor with overwhelming force that in ninety-nine cases out of a hundred he will not aggress. He will not start. He will begin to negotiate. He will do anything he can to get the thing settled in other ways—or he will leave it unsettled. He will not know whether fifty or ten are going to combine against him, but, as in the case of Sodom, if even two or three just men were found it might save the situation. He would hesitate to jump upon any particular country. The thing would act as a preventive, even allowing for a considerable margin for defaulting.

Rev. HENRY CARTER : I think the breakdown of sanctions has practically ended sanctions, and that a great deal of our talk to-night is talk which loses touch with reality.

A further point. The blame for the inefficiency of the League which should fall upon sanctions has fallen upon the League itself, and this reacts against the great contribution that the League could make to the World's stock of goodwill which after all is the real basis of peace, and also imperils those social activities which, in my judgment, are the League's lasting contribution to human welfare.

Mr. LEONARD WOOLF<sup>1</sup> : We are considering the question : What international system is most likely to prevent a first-class war for the next fifteen years ? Nearly every one agrees that it is

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(1) Mr. WOOLF was unable to attend the meeting of the Group and contributed this written contribution.

a collective security system, which for short, one may call the League. Mr. Brand is the only member of this Group who definitely commits himself to the belief that peace could be maintained by some other system, that is by "a settlement with Germany," and when asked "what do you understand by a settlement with Germany?" he necessarily replies: "I cannot answer that." The question then presents itself whether the League must be universal (by which I understand open to all states) or limited geographically or otherwise. I think Dr. Mitrany was quite right in drawing attention to the fact that the question really is what is to be the principle of the international system. The principle of the League system is that states bind themselves not to use war as an instrument of policy and to treat an act of war against one, in breach of this obligation, as an act of war against all. The League may be universal or it may be limited, either deliberately by the members of the League themselves—for example geographically—or in fact, by some states refusing to bind themselves by such obligations.

• Take first the first kind of limitation, the geographical, and consider how it affects the principle of the system, the chances which it gives or leaves that the principle will be maintained. Suppose you have this collective security system applied to Europe, then the states of Europe are in fact saying: "We won't have war in Europe and an act of war against any one state by any other in Europe will be *ipso facto* an act of war against all, but outside Europe, you may do what you like." What the result would be must be a matter of opinion. I think myself that the chances of ever being able to establish such a limited system and of getting it to work are very small, though I should prefer even such a limited collective system to none at all. The chances in its favour are almost negligible because it will do no good to say to governments, like the German, the Japanese, and the Italian, "You may fight to any extent you like outside Europe, but not in it." The danger of war to-day comes from the fact that those governments (and of course others) claim the right and duty to attain their ends by war. The assumption that all their ends are legitimate and reasonable and that therefore you can "settle" with them is ridiculous. Their "ends," or rather those of the German government are at the moment mainly concerned with territory in Europe, but there is no possible ground for assuming that that will always remain so. At any moment Germany or Italy may use war as an instrument of policy in Asia or Africa in such a way as to affect what even Mr. Garvin would recognise as a "vital interest" of the British Empire or Stalin would recognise as a vital interest

of the U.S.S.R. But Great Britain and the U.S.S.R. would already have given those states full powers to do so. Secondly, the idea of this limited European League assumes a settlement in Europe which you are not going to get. If Germany and Italy were really prepared to give up war as an instrument of policy and to agree to a pacific settlement in Europe, there would of course be no difficulty in establishing the European League, but then there would be no real difficulty in establishing a universal League. The limiting of the League to Europe does not make the settlement any easier, and without the settlement, including the abandonment of war, you cannot get any kind of real League with Germany and Italy in it. You must either get a sham League, European or universal, with Germany and Italy in it, or a real League with those two states outside it; and the latter kind of League is almost certain to be indistinguishable from an alliance.

That brings me to the second kind of limitation. Circumstances may force those states which do not want war to limit the collective security system to themselves. Such a League might be the nucleus or beginning of a real League, but in its initial stages it would be practically indistinguishable from an alliance of non-fascist against fascist states.

My last point is this: the world, including ourselves, has definitely come to the point at which it has got to choose between, on the one hand, an international system which bans war as a method of settling disputes and of changing the status quo, and, on the other, a system which admits it; and if we admit it, we shall indubitably destroy civilization and ourselves. I believe that there is practically no chance of establishing the first system by attempting to limit the area or nature of wars which are to be allowed—and that in fact is what you are trying to do by a limited League. It is not really practicable to say to states: "You may go to war as long as it is only a little war; or you may go to war as long as it is not between latitude X and latitude Y." The fact that a successful act of aggression had been committed by a European state on an Asiatic state would inevitably have an effect upon the next dispute between two European states and sooner or later the effect would be that one or other of them decided to do in Europe what was successfully being done outside it. Does not, in fact, the success of Italy in Abyssinia make it much more likely that whatever treaty the Italian Government may sign, the Abyssinian methods would be resorted to in a dispute between Italy and, say, Yugoslavia? And did not Manchuria make Abyssinia probable, and Abyssinia lead to the entry into the Rhineland, and the entry into the Rhineland lead

to the increasing probability of *coups* all over Europe? And is not this in itself a lesson that you cannot separate Manchuria from Danzig in the matter of war and peace?

The answer to all this is, of course, that events have shown that you cannot get peoples and states to be interested enough in far off places to help to keep the peace there. If so, then war and the destruction of our civilization are inevitable. But I am not convinced that this is so. It is not true that it is the far-offness which has anything to do with it. Mr. Garvin and probably the majority of the people of Great Britain, including even the Government, would have been in favour of all sanctions against Italy, if Mussolini had turned his attention to the sands of British Somaliland instead of the mountains of Ethiopia. The reason is that Somaliland is supposed to be a British interest and Abyssinia isn't. What we have got to get, if war is to be prevented, is a realisation that the preservation of peace is a major British interest, and that it can only be preserved by an international system which bans war and establishes collective security. There is now, I admit, only the faintest possible chance of getting this, and that faint chance lies in the establishment of a universal League, in the sense that it is open to all; but in its first stage it will almost inevitably be a League of the states which want peace, a League which is perilously indistinguishable from an alliance.

Mr. GATHORNE-HARDY<sup>1</sup>: I am very glad that we have at last got a whole-hearted defender of the original universalist position which I ventured to attack.

In answer to Mr. Woolf's first point—that Germany or Italy may use war in Asia or Africa in such a way as to affect vital British or Russian interests—I would point out that the restricted obligations which I advocate apply not merely to Europe in the geographical sense, but to disputes between European Powers. The cases he suggests would clearly fall within the latter category.

His second point I am not particularly concerned to dispute.

But to his final point, I would reply that the reason why the Manchurian and Abyssinian cases have encouraged aggression in Europe—as I agree they have—is precisely because the universal obligations of members of the League have not discriminated. Had it been from the first recognised that the League had no duty to stop war in these places or in the Chaco, there would have been no reason to assume that member states would not fully discharge their obligations in Europe: but, as it was, the breach of duty which occurred, almost inevitable as it may have been,

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(1) Mr. GATHORNE-HARDY submitted this reply to Mr. Woolf in writing.

tended to destroy *all* confidence in the League. It was no longer trusted by friends or feared by foes. To my mind, a frank recognition of the limits within which the League's writ can reasonably be expected to run, and of the fact that only in war between European Powers do you get a serious threat to civilisation, is essential to restore any real effectiveness to the collective system.

#### WRITTEN COMMENT ON THE FOREGOING DISCUSSION

AIR-COMMODORE J. A. CHAMIER : Basically, nothing that has been said in this or in previous discussions has changed my opinion that the threat of a League war to stop a national war is not a sound conception. I doubt whether it is morally defensible, though some will hold that it is the lesser of two evils.

Comparisons are often made between national police work and so-called international police work of a military nature, but I do not think the comparison is a true one. It is true that in the United States gangsters with machine guns are fought by police with machine guns, but that is not our conception of true police work. We do not fight gangsters armed with razors with police armed with razors. I think it is fair to say that our general conception of police work is "over-powering force using mild weapons." The over-powering force comes, not from numbers but from organisation, and it is only over-powering because it is operating against disorganised peoples.

If this picture is anywhere near correct, it illustrates the objections to an international police force, and more particularly the moral objection to the international air police referred to.

To get right down to a concrete case, since it illustrates my point, would it have been right to have used an over-powering international air force against Italy in recent circumstances? Would it have been right to have bombed her cities, ports, ships, factories, because we disapproved of her aggression against Abyssinia? In my view, that would have resulted in an attempt to suppress cruelty with much greater cruelty.

I disagree with those who say "But the presence of that international air force would have deterred Italy from going to war at all!"

It is unwise to rely on a threat or bluff, because a nation, set on its own way, may force one into action and may be deterred by nothing.

My next point is, that even if the form of force used was milder, it would still be a poor sort of thing to rely upon, because

it is so difficult to put it into action that the aggressor may chance his arm, and when in action it may be very ineffective from a military standpoint. I am referring here, of course, to the difficulties that allies always have. And whether we have a League generalissimo or not, I think that difficulties and jealousies will still make it comparatively ineffective against an enthusiastic and united aggressor.

Is the League of Nations then no good? Quite apart from its ordinary peacetime work which is often referred to, I think it is of value in these international warlike complications because I feel it is right that it should have the courage to name the aggressor. When the League condemned Japan it made a definite step forward; when it condemned Italy, a similar step was made; and there is some moral suasion behind such unanimous decisions. It is a question of how to go on from that point, and there I think that if the aggressor has been declared it is up to the nations who are most intimately concerned to organise effective defence, conscious that they are acting rightly.

It is not possible to get fifty nations to contribute to such a defence, but it may be possible to get three, four or five. This action would not be automatic, because it might be worse to fight for a principle than to let an aggressor win. This is not a plea of cowardice but of common sense; and so it would rest with the people who are concerned to weigh the matter up in order to decide whether a fight should be engaged in or not, but at least they would be secure in the knowledge that they had the moral right in the case and an incontrovertible right to fight.

Of course even this would not quite meet the case, because you would be having extemporised plans put hastily into action against an organised plan which the aggressor has been preparing over a long period, and so this kind of concerted action must in its turn be prepared beforehand in the form of a sort of extension of Locarno pacts under which at least the measure and nature of the assistance can be discussed and arranged beforehand should it be decided when the moment comes to give it.

I do not suggest that this is a reversion to the old system of alliances, balance of power or encirclement—at least not necessarily so. Because all these pacts or agreements should be not only openly on file at the League of Nations but should be double-sided. If France and Russia are to have a pact against German aggression, there should simultaneously be a pact with France and Germany against Russian aggression, and by Germany and Russia against France.

If the League directed its energies to the development of

pacts of this sort, I think the chances of war might be restricted and nations would feel gradually a bit safer and with that feeling of security might come a reduction of armaments. And we would finally arrive at a lessening of tension and a general reversion to those times when Europe was comparatively peaceful.

In short, I do not believe in a League of Force. I believe in a League which can encourage neighbouring states to pool their forces under certain conditions and, if the worst comes, encourage the law-abiding nations by clear decisions as to the aggressor.

These two stages may be summed up by the words :—“ For the nations, pacts but not encirclements ; for the League of Nations, moral decisions, but no military actions.”

# BRITISH POLICY IN RELATION TO THE LEAGUE<sup>1</sup>

DISCUSSION OPENED

BY

THE HON. HAROLD NICOLSON<sup>2</sup>

I have been asked this evening to open a discussion on British policy in relation to the League in the event of six different hypotheses. We have to discuss what we should do at Geneva if the League fails to create peace, if it succeeds in creating peace, or if its creation of peace is doubtful. We have got to discuss what we are to do at Geneva if the League succeeds in enforcing peace, if it fails to enforce peace, or if its enforcement of peace is doubtful. Now I personally think that this formalisation of the issue renders it rather a false issue, because if the League is able—if we agree and believe that the League is able—to do these things, then there is no question of what policy we are to adopt because obviously we shall adopt a full, absolutely hundred per cent. League policy. On the other hand, if we all feel—if it is proved—that the League is quite unable either to create or to enforce peace, then obviously Geneva ceases to be the central focus of our activity and we revert to the old forms of balance of power, diplomatic arrangements, armed alliances. And therefore the real issue is, I think, as follows: Is the possibility of the League being able to create and to enforce peace sufficiently great to justify us in encouraging our people and the people of the Dominions, who to a certain extent listen to our advice in such matters, to focus their policy on Geneva? That is really the issue that I should wish to discuss to-day, but it has been covered by other discussions, and I will keep more or less to my terms of reference. To my mind—and this is not merely criticising the terms of reference, it is initiating the discussion—the creation of peace, which as a phrase has been discussed in these Group discussions, cannot to any sensible human being ever be either absolute or universal. It must always be relative—a relative creation of peace. What after all do we mean by the creation of peace? If it were an absolute, a complete or final thing, if it had any complete meaning, it would mean this: That one was able to create in the world such an order, such a political and economic order, that no country would be dissatisfied. Well, we

(1) To this meeting of the Group there were invited certain members of the Dominion Institutes of International Affairs, who were visiting London.

(2) *Mr. Harold Nicolson, M.P. (Nat. Lab.) for Leicester, was formerly in the Diplomatic Service and is the author of, among other books, "Peacemaking, 1919."*

know that is impossible in modern conditions. And therefore we qualify the expression. When speaking of the creation of peace we instinctively make qualifications and we say that it means the creation in the world of such an order, economic and political, that no single country would be so dissatisfied as to wish to upset that order by force of arms. And we then get immediately to the corollary, that the creation of peace stands in a ratio, in a direct relation, to the enforcement of peace, because the point at which a country feels that its dissatisfaction is not so great as to entail or to justify a resort to arms is determined, after all, by the amount of force opposed to it and by the prospect of success which that resort to arms would ensure. And therefore I say that the formula has inverted the sequence of proper thought in this matter, because what must come first, to my mind, is always the enforcement of peace, and secondly, the creation of peace. I may suggest, and I think Lord Lothian raised it in these discussions the other day, that great power, enormous authority, would be required even for the creation of peace. If the British Empire is to impose upon the rest of the world, even with American co-operation—which is not inconceivable—the creation of such an order of satisfaction and contentment as would amount to the creation of peace, we would require enormous forces, not only of moral but also of physical compulsion. So that the thing really reduces itself to the questions: first, how are we to achieve preponderating force; and second, how, having achieved that force, are we to apply it for purposes of conciliation rather than for purposes of domination? But let me return to the hypotheses which are our terms of reference this evening.

Let us begin with the first hypothesis, that the League will be able to create peace. And I think you will agree with me that by creating peace we mean—as I have just said—the achievement of an order in a world where there are no dissatisfied people. What should our policy, our aim at Geneva be, if we were convinced that the League is capable of achieving that peace? The first thing we would have to do, if that were our policy, would be to convince our own electorate, our own people, that it was in fact possible to create peace by such methods, and to prepare them for the sacrifices that such creation would entail. The second thing we should have to do, even before we went to Geneva, would be to inspire the Dominions with a similar conviction. And I am sure that we should wish, in such an event, to keep the United States informed—without making any appeal to them, without asking them for any particular action—not only of what we were doing but of our ultimate intentions. Having

done that, we should have to inspire other countries, other 'Have' countries, other contented countries, with a similar conviction. We should have to convince them that peace, permanent peace, could be attained by conciliation and sacrifice. We should have to convince them that our own motives in achieving that peace were absolutely sincere and quite determined. But that would not be the whole process. It is not enough for us to say we are prepared to give up this or that for the sake of peace, not enough for the Dominions to agree with us in that policy, not enough even for the United States to become benevolent, not enough even for other possessor and victorious states to agree with us. We would have to obtain from the dissatisfied states a statement of contentment, a receipt. We would have to obtain from them some formula in which they would say: "In return for this, we make no further claim upon you." And I do not think there is a single person in this room who believes that any such policy is even remotely feasible in modern conditions. Just work it out in detail. Supposing we said to Germany: "Look here, what is going to satisfy you on this colonial question? We want a complete and final answer." I think they would say in the end, if they thought we were really on the give: "You are quite right in all those arguments you have been publishing and writing about so much. We agree with Sir Norman Angell absolutely. We quite agree that our former Colonial Empire was no good to us whatsoever. It did not provide a population outlet. It did not provide us with more than two per cent. of the raw materials we require. We agree that the former German Empire was not what we want. And we have been working it out in the terms you have so kindly suggested to us. What we want is tin, rubber, oil, and therefore we do not want Tanganyika territory back particularly, but we should like a little bit of the Malay States, if you don't mind; we should like a fifty per cent. share in the Anglo-Persian Oil Company; and we should like certain other areas of the British Empire where we can obtain either raw materials or the necessary field of expansion for our surplus population. We think, for instance, that it is perfectly monstrous the way the Dominion of Australia leaves its northern territories unexploited. We should like the cession of a large slice of that continent for the expansion of our own surplus people." That is the sort of thing we should be up against—or one of the things.

I now turn to another point in this theory of conciliation—absolute, complete conciliation in terms of asking the discontented what would make them content. It is this: the policy of His Majesty's Government in Great Britain, if and when they

approach the question, will obviously be extremely suspect on the part of every other country. Our policy is always suspect, it always will be. That does not matter very much. We have just got to take it for granted. We must be prepared, if we want to gain any confidence and any influence, not to ask people to give up things which we are not prepared to give up ourselves. There must be some proportion between our sacrifices and those sacrifices which we demand of, and may have to impose upon, the other "possessor" countries. If you begin to think, even for a minute, of the disproportion between such sacrifices, you feel that such a policy will come up against difficulties which, to my mind, are quite insurmountable except in terms of force. I do not want to go into a lot of instances, but take this alone. We think in terms of what will make Germany content. That is only one side of the problem. We shall also have to think, if we deal with the problem absolutely and generally, what will make other countries content. What will make Bulgaria content, what will make Hungary content? And then you realise at once, when you think of that, that you are in both those cases imposing—upon Greece and Yugoslavia, in the first case, and upon Roumania and Yugoslavia again in the second case—national sacrifices quite incommensurate with any surrender which His Majesty's Government in Great Britain or even the Dominions might be called upon to make. And you get to the point where you would be met with a complete and absolute negative; and the solution of that deadlock which would most certainly arise could only be war. Therefore I contend that the first question: "What would our Geneva policy be on the hypothesis that the League can create peace?" is not one that it is possible to discuss, because I do not believe that the expression "create peace," in terms of creating complete contentment without at the same time creating new dissatisfactions, is a feasible policy at all.

We then get to the second hypothesis: "What should be our Geneva policy on the hypothesis that the League *cannot* create peace?" Well, that need not detain us for one minute, because if the League cannot create peace we then fall back upon the need of enforcing peace—to the consideration of which question we shall come in due course.

I therefore pass to the third hypothesis: "What should be our policy in the event of there being a reasonable doubt as to the League's ability to create peace?" and that, to my mind, is the central point. I think it is an unfortunate wording to use the phrase 'reasonable doubt' with regard to the creation of peace—I should have put it the other way. I should have said: "The faint hope of being able to create peace by concession."

That is the point that I should wish to discuss, and it is our policy on that point which is the central theme of what I want to say in opening this discussion.

I think that most of us who have worried and bothered about this question have concentrated, perhaps too much, on the effect of creating peace, or peaceful change, or concessions, or revisionism, whatever you like to call it. I think we have concentrated a little too much upon the effect of such concessions upon the concessionaire, upon the people to whom they are made. It is very important that we should think also of the effect upon our own opinion, of the effect upon Dominion opinion, of the effect upon American opinion. Rightly or wrongly, opinion in this country certainly, in the United States certainly, and I should imagine also in the Dominions, has the impression that all our troubles and all our dangers arise from the fact that the Treaty of Versailles and its accessory treaties were unfair, and that the other man has got a case. In the United States there is a particular prejudice which represents the British Empire as a whole, the whole Commonwealth of Nations, as a dog in the manger; and it is important to put ourselves in the right. It is important that people in Great Britain should realise that the Treaty of Versailles was not quite so ignorant, so foolish, so vicious, so vindictive, as they have been led to suppose. It is very important that they should realise that those chapters in the Treaty which were really unworkable or really vindictive have settled themselves, and that to reverse or to revise to any great extent what remains would certainly cause suffering, resentment and dissatisfaction on the part of the 'Haves' far greater than any satisfaction or contentment it would provide for the 'Have-nots.'

But our people in Great Britain, in our Dominions, in the United States, do not realise that. I agree absolutely with Sir Norman Angell and all the people who say that the colonial claim is nonsense. But it is very important that we should get a healthy public opinion among the whole Anglo-Saxon race even at the risk of doing something that we know to be illogical and possibly dangerous, and from that point of view alone I tend to be a revisionist.

But how is it to be done? Obviously there are appalling dangers. It seems so easy when you are thinking on paper. It seems so generous and lovely to say: "We will reverse all grievances, we will be just, we will be generous, we will be noble." But the moment you begin to think it out in practice you find at once that you cannot be just to one side without being unjust to the other. Those of you who have read Charles Seymour's book

on the Peace Conference and on the House Papers<sup>1</sup> will remember a phrase in which he describes the attitude of the United States delegation at the Paris Peace Conference—their perplexity and distress and dismay at discovering that in drawing those frontiers it did in fact become impossible to be fair to one side without being unfair to the other. And when we come to revision we shall be faced with exactly the same problem. For every dissatisfaction that we remove we shall be creating some new dissatisfaction on the other side. I know that. But we must try it all the same.

How are we to do it? The creation of new dissatisfactions and new discontents is not the whole problem. There is the landslide problem. I think there is no doubt at all that once the treaties begin to be looted there will be a slide everywhere. We shall find Persia claiming not only Muscat but Herat. We shall find old historical grievances coming up and festering and bursting into boils. It is a very dangerous thing, and it must be done very carefully. How is it to be done? I know we have not much time but hurry would be worse than delay. I should like the thing tried out slowly. I should like this Institute here and similar Institutes in the United States and in the Dominions to work out (without any mandate, without in any sense an intention to dictate policies, but as a pure academic discussion), the revision of the Treaties. I should myself wish them to be more specific. I should like the energies of all these Institutes to be concentrated at once upon the great discussion of how we are to prevent a second German war? I am not crying "Wolf, wolf!" I am just saying "Let us concentrate on the vital problem." I would therefore like to see Chatham House and similar Institutes publishing, putting out, concentrating their discussions upon how we are to conciliate Germany, and see the effect, the reaction, of such proposals—which would be quite unofficial—upon this country, upon the Dominions, upon the United States and upon Germany itself. That would ventilate the subject in terms not of vague hopes and desires and gestures of generosity, which are falsifying the subject at present, but in terms of concrete, informed suggestions. I should like to get people thinking in terms of actual fact. When we had done that, when we had got that going a bit and had seen the reaction and the feeling, I should like to go a step further. I should like our Government to take the lead, in conjunction with the Dominions who must be kept fully informed of this from the word "Go", to put forward a proposal that the League Council should invite the President of the United States (though it may be that he is

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(1) *The Intimate Papers of Colonel House.* Ernest Benn Ltd. 1928.

not the best person, because immediately the idea occurs : " Oh, they are trying to drag us in "), but invite some perfectly unbiased and supreme person, let us say the Pope, to nominate five absolutely impartial investigators to consider this question of the Peace Treaties and the unsatisfied and the satisfied, and to draw up a report (which would commit no one at all) as to the ideal revision of the Treaties and as regards the ideal extent of economic equality of distribution as among states. I know that is appallingly dangerous. I know that it would never satisfy Germany. I know that it would cause immense resentment in Great Britain and in the Dominions. I know all that. It is terribly risky, but it seems to me the most that we can do at this stage to get a complete and unbiased statement as to whether we are really right in supposing that it is the iniquities of the Peace Treaties which have caused this discontent ; and then when we had got that—and I am perfectly certain myself that such a report would indicate that such changes as could be made in the war settlements were really very minor and did not touch the core of the problem at all—when we had got that unbiased judgment, we would get away from the Peace Treaties, not as regards Germany and the conquered states but as regards our own opinion and opinion in the Dominions and the United States, and we should then get to the stage in which we said : " Now you see it is not the Peace Treaties, it is something more. We must set ourselves to consider what that something more is." That is all I can suggest in terms of creating peace.

As regards enforcing peace, we have the same three hypotheses. It is much quicker and easier to deal with them. Obviously, the three alternatives are the same. Is the League able to enforce peace ? Is it unable to enforce peace ? Or do we doubt whether it can enforce peace ? If we feel it is able to enforce peace, no question of policy at Geneva arises because the policy would be whole-hog for the League. If we feel that it is unable to enforce peace, again no discussion of policy arises because we would then realise that Geneva was just a consultative assembly and we should inevitably construct our policy not at Geneva but in terms of pre-war diplomacy. So we get back again under this enforcement of peace to the same position we got into over the creation of peace, which is the right position I think—not that we are certain we can do it, not that we are certain we cannot do it, but to the point which we call 'doubt' in these terms of reference, to the point that it is "*worth trying*." We get down to this, to my mind ; how are we, on the assumption that it is possible or may be possible by right policy to enforce peace as well as to create it, to make that enforcement come about ? I do not

want to scrap the Covenant. I should like to amend certain clauses, like so many of you. I think Article 16 is too dilatory, as does Mr. Gathorne-Hardy. I do not like the unanimity rule, which has been abused. I would like Article 19 put back into Article 10 where it was originally, and from which it ought never to have been removed. I should like little changes like that. But the main thing is the interpretation of sanctions, and we have learnt much from this Abyssinian dispute. We have learnt that economic sanctions will never work except in such exceptional circumstances that they are really not worth considering. They might work against us; that is the interesting thing. The only country which I think would really be at the mercy of economic sanctions is Great Britain. Other countries are not, but I think we all realise now—it is accepted and thank goodness for it—that the ultimate sanction of League authority is armed force. I think that is the first thing we have learned.

The second thing we have learned is that universality is not merely (this is my own opinion, it will be much resented by some of you here) a vague ideal of the League, but it is of all League theories the one that has destroyed the authority of the League. It has inflated the currency of contract until the pound note of League contract is not worth twenty shillings, but is worth about eight pence. We have got to restore the currency of contract. We have got, in other words, to return to certainty. How are we going to do that? How are we going to rebuild the League—as we are going to rebuild it, I am sure we are—with all the lessons we have learned from all this appalling failure, in terms of reality, in terms of actual strength? It is strength we want. It is not, in my view, cynical to say that the only certain thing in human nature is self-interest, and, in terms of national nature, that self-interest is self-defence, and that the only certain point at which you can demand from a country that immensity of self-sacrifice which is implied by war is the point of self-defence. It is from that point, it is upon the rock of those several points, that I would begin to construct the scaffolding of my new League, my Palace of Peace.

Take Great Britain. The question I would ask would be what would we fight for? I would not even ask that, I would be much more precise. I would say: at what point would the British public in its majority accept conscription? And I think we would all answer that the British public would certainly accept conscription if our lines of communication through the Mediterranean were attacked, and they would accept conscription if one of our great Dominions was attacked. I think people in this country would accept conscription to defend Australia against

the Japanese. I am sure they would. Well, that is a great thing. That is a point of certainty. I would go further than that. I would divide my certainties into three categories. I have said this before, and I am not going to elaborate it because it is rather boring. Not being a business man, I am not quite sure that my analogies are correct. I would divide our commitments into three categories corresponding to debenture shares, preference shares and ordinary shares; and if you wish to be cynical you might add a fourth category—deferred shares. The debenture shares would be conscription. The preference shares would be trained professional assistance in terms of force, sending quotas of the navy, the air force, and the army to assist other people. The third category, the ordinary shares, would be financial and economic assistance. The deferred shares would be goodwill, benevolence. Now supposing you applied that system to every country in Europe—and I agree with Mr. Gathorne-Hardy when he said the other day that if we are going to rebuild the League we have got to be very unambitious, we have got to start with Europe. I agree with him absolutely that what we are going to try to stop is a war that is going to kill civilisation as we know it, and such a war, as far as human foresight can ascertain, can only start in Europe. We must quite clearly understand that if Japan attacks China it is inconvenient, it does us harm, we hate it, it is horrible, but it is not going to ruin Western civilisation; but that if Germany attacks France it is going to ruin Western civilisation, not only in Europe but eventually also in the United States and in the Dominions. When I call that unambitious, it does not seem to be unambitious; but the universality rule, threatened as it is, must be banned. We must say: "That is splendid, but we can no longer afford to keep up the green-houses and the rock garden and the lakes, we must concentrate on the vegetable garden on which we depend—and that is Europe."

Now supposing you took my three categories of debentures, preference and ordinary shares, and mapped the thing out in terms of geography—what it is certain that a given group of countries will do over a given area, what it is probable that another group of countries will contribute in terms of assistance over a given area, and what is the wider area in which every country will assist in terms of economics and finance—I am sure that you will find that you had mapped out the world completely in terms of collective defence. Never let us use that word 'collective security' but always 'collective defence.' On that basis it would be possible and likely to create, as against any possible aggressor, a group, a preponderance of power,

on the side of authority and order which would deter any such aggressor from threatening the peace of the world.

One last point ; some of you will say " That does not work out in practice. You will find that Germany—and you admit that Germany is the central problem—screams at once that you are using the League as a disguise in which to repeat your diplomatic encirclement." I do not mind their saying that at all. I would say at once : " If Germany desires aggression she will be encircled ; if France desires aggression she will be encircled. Let us not say ' the encirclement of Germany, or of France, or of England.' Let us say ' Our policy is to encircle the aggressor.' " Let us repeat that always, every time, everywhere. We are going to create such a plan, such a physical plan of Europe, that the aggressor, whoever he may be, will be encircled. We will have a lot of reverses. We have to face that. We must be determined in our realism, and keep our idealism very carefully, without abating one jot of it till we have restored in Europe that atmosphere of sanity in which alone idealism can flourish.

## GENERAL DISCUSSION

MR. GATHORNE-HARDY (*in the Chair*) : To come straight to Mr. Nicolson's concrete suggestions, I find myself in a very large measure of agreement with him, but I feel a certain doubt which I also felt when he put forward the same ideas in a recent speech of his in Parliament which I had the pleasure of reading.<sup>1</sup> I wonder whether it is enough to rely upon immediate considerations of self-defence ? I think we have to base the coercive power of our League upon self-interest, certainly. I have said that several times. I think it should be enlightened self-interest. It comes down in the end to self-defence, but I feel that if you were to map out Europe in the way which was suggested, what you would find would be that the debenture circles would hardly ever overlap. They would not provide a sufficient security. There is more to be said for the preference shares, and I would concentrate mainly upon them. "The ordinary shares, amounting only to economic and financial assistance, have been proved to be useless except in very rare cases, as Mr. Nicolson pointed out, and are in the end dependent upon the force behind them which, *ex hypothesi*, would be lacking in that case.

I think, therefore, that our countries have got to indulge in a considerable campaign of enlightenment of public opinion,

<sup>1</sup> (1) The speech referred to is reported in the issue of *The Times*, dated June 24, 1936.

and in a campaign of an enlightenment, if I may say so humbly, of our politicians, in order to make them see how far the real ambit of self-interest will take them, so that we can be sure the force which we collect under Mr. Nicolson's system will be, in fact, sufficiently co-operative to act as an adequate deterrent. In some cases I would say that if you took the circles of certainty they not only would not overlap but would vary in extent, because what a country would be certainly willing to fight for would depend in a number of instances upon the support which it felt it could rely upon from other countries. The certainty of what they would do on their own may be very inadequate. The certainty of what they would do if they were sure of the support of other countries might be sufficient for the purpose.

That is all I have to say by way of criticism of Mr. Nicolson's suggestions under that head, but I should like to say a word on a point which occurred to me after reading his speech in Parliament, when, in another connection, he drew a distinction between what he called policy and emotion. I only want to use it as a text. I do not want to go into the particular context in which he used the phrase.

I do not think you can make a hard-and-fast cut between policy and emotion. A part of policy is the working-up and the education of the right emotion on the right lines, because, after all, what people fight for every time is not policy but emotion. I remember when I was a young man—if I may introduce the personal note—and was in the South African War, I discussed with some friends who were out there the reasons which had brought us to Africa. I remember one man—he was an Irishman, as you might gather from his remark—who said this: "I have come out because I was so sure that Great Britain was in the wrong that I thought she would need every available man." I am not going to go into whether that was a good reason or a bad one, but it was clearly an emotional reason; clearly he put the emotion of patriotism before the defects of national policy. I think in every case you will find the same thing. It has often been doubted and disputed how far the infringement of Belgian neutrality was the operative cause which brought us into the Great War, but I myself have no doubt that it was Bethmann-Hollweg's saying: "Are you going to fight for a scrap of paper?" that filled the recruiting offices at the beginning of the War, because it stirred people's emotion and they thought: "This is a cause that is worth fighting for!"

Now to my mind a great difficulty that we are faced with in the present condition of the League of Nations, when it has been blown upon and discredited and humiliated, is the difficulty of

working up a suitable emotion that will bring people to fight when cause arises in support of the Covenant and in support of collective security—if I may use a phrase to which I have not yet got unaccustomed but which Mr. Nicolson dislikes. Let us say collective defence, if he likes that better. I think it is most important that we should use all our endeavours to combat the kind of anti-fighting support of peace, of which there is a great deal at the present time. When I see Canon Sheppard going about and inducing people who have not really gone into the question but who, like all of us, dislike war and are horrified at the idea of the next war, to sign a pledge that they never will fight, I think it is up to all of us who have thought out the question and see what the real requirements of the preservation of peace are, to combat that position openly and constantly, to dispute with them on grounds of religion—where I should be perfectly prepared to meet them—on grounds of ethics and on every ground, and to try to create something of the kind of spirit that there was in the nation before the war, which led Englishmen to believe that it was a good thing, if the cause was good, to sacrifice themselves even in war. It sounds a most unpopular thing to say nowadays, but I think it is most important that something should be done on those lines.

Mr. NICOLSON: I think you have really raised two points. Your first point was this question of my regional category and areas of certainty, and you said, quite rightly, that if we mapped out our debentures—our conscription areas—they would not really overlap and there would be gaps. You also said, perfectly correctly, that in the case of smaller countries it would be very difficult to estimate that certainty because it would be based upon the expectation of assistance from other stronger Powers. That is perfectly true.

And you then said that you thought my preference idea would in the end prove more helpful. When I threw out that analogy which I am sure is a very incorrect one—when I come to talking about business or shares, I always get muddled—I meant that it would not be a mere statement. It would be a very definitely organised plan. In the first place, let us take Great Britain. We should say: "We will fight for our self-defence and for the defence of London." We know that the defence of London entails preventing a possible enemy from reaching a certain area in Western Europe. That area would be defined by the Committee of Imperial Defence, and having got to that point—it would probably include Holland, Belgium and almost up to the Rhine—we should commit ourselves, by unilateral declarations if you like, to defend that area by applying conscription of the whole

country's force. That would be the debenture in our case. The preference would be a case like Denmark, a very good case because it is virtually the only really disarmed country in the world and would be unable to maintain the defence of its own frontiers. We would say that in the event of their being attacked we would send to Copenhagen so many ships, so many aeroplanes, an expeditionary force of, let us say, fifty thousand men; and there would be similar quotas from all countries. It would not be an impossibly complicated system. You would get a system of regular quotas and contributions under the preference shares which would, to my mind, cover the whole map of Europe. I agree with you that we cannot go outside Europe. Africa must look after itself. It is not so dangerous. America can be looked after by North America. Asia will have to slide. But I do not quite agree with you that a perfectly scientific system of quotas and contributions to defence worked out in terms of geography and of military, aerial and naval contributions, is in fact an impossibility. It should be published. It should be absolutely precise, and it should be known to the whole world that if Denmark is attacked she can rely upon so many French troops, so many British troops, so many French aeroplanes, so many British aeroplanes. It is difficult and it is complicated, but it is not unfeasible. And it is only on that basis, to my mind, that you can get a certainty.

The second point was about emotion and policy. I agree with you absolutely that a national war can only be indulged in if you have an emotion behind it. The emotion I wish to place behind it is the emotion of self-preservation, the instinct of self-preservation. If we are to do more than that we must have the emotion, I suppose, of hatred of the aggressor, which is a very respectable emotion, and that would work out for my preference scheme. But if we are going to enlighten politicians—"enlighten" was the word used by Mr. Gathorne-Hardy—by introducing emotions into them, the only emotions I can see at present to which politicians are at all pervious are the emotions of hate, fear and self-interest.

Mr. GATHORNE-HARDY: I did not confine myself to politicians.

Mr. NICOLSON: We will start with them. I myself would be terribly averse from starting in Great Britain a campaign of arousing hatred, fear or self-interest, because that would be exactly the campaign which would provoke hatred, fear and self-interest abroad. We have got to be cold, grim and practical. You are quite right about emotion being at the back of all that. It will come. It will rise in a day, as it arose on August 4th, 1914. I am not frightened of the pacifists. It is a bore, and it

creates a wrong impression abroad, but let them go ahead. If we can get a conviction, a confidence, among our people in this country and in the Dominions that our purposes are purely defensive, that our state of mind is absolutely just, and that if war comes it will never come through any fault of our own, through any evil thought of our own, then I think the emotion will come of itself. I would not agree with Mr. Gathorne-Hardy for one minute that we must create emotion. We must talk frankly, but I think we must create reason on this subject, and I think we can do that in terms of precise agreements—published, open and avowed, but, above all, precise—which will, to my mind, do something (not everything) to prevent my King Charles' head, the second German War.

Mr. GERALD PALMER: May I ask two questions? The first is whether Mr. Nicolson would really publish his programme of conciliation, of concession, his examination of possible schemes of revision, before he has got his scheme for the enforcement of peace.

The second point is this. Mr. Gathorne-Hardy spoke about variations of what people would be prepared to do—according to what their neighbours were prepared to do—but it seems to me that there is another and much more difficult sort of variation. That is, what are people prepared to do, not when you get a clear case of an unprovoked aggression but where it is much less obvious who the aggressor is? As I understand it, what Mr. Nicolson is aiming at is not victory, but prevention of war; which is a very different thing. Can Mr. Nicolson throw any light on that problem? How would the thing work out, for instance, in the case of a Nazi Putsch in Austria which resulted in an Italian aggression over the Brenner?

Mr. NICOLSON: I agree with your first point that it would be very dangerous to talk in terms of concession before you have achieved that preponderating force which alone would prevent such a tendency towards concession from being interpreted as weakness. I quite agree. I was not thinking of the effect of concession upon the other countries. I was thinking of the effect of concession, or of readiness for concession, upon Great Britain. That is why I should like it to begin by a perfectly scientific examination by a body such as our own, published and as simple as possible. It would reach people in the House of Commons, and educated opinion, the sort of opinion that was reached by the Chatham House monograph on Abyssinia which had a circulation of twelve thousand copies. A statement by an Institute such as this, an examination which would show that there is very little to be done in the way of revising the Treaty of

Versailles, that there is very little to be done in terms of practical policy in revising even Trianon, would show Great Britain, America and the Dominions that it is not quite so simple as all that. It would at least show a disposition to consider concession in perfectly objective terms.

Mr. PALMER : I am quite in agreement so far. I do not think that is a sign of weakness, but it is when you come to your suggested appointment of a body by the Pope that I think you get on to more dangerous ground.

Mr. NICOLSON : I agree that you are getting into the danger zone, you are getting to the point of landslide. But this is the only way I can see any gradations in approaching these concessions. First, an examination by a perfectly scientific and objective body ; second, a further independent and unbiased examination by a body of experts nominated by the Pope or the League of Nations or someone like that, again making no promises on the part of any government. I should hope that by the time that had been reported, which would take at least a year . . .

Mr. PALMER : There would be endless log-rolling on the part of every government !

Mr. NICOLSON : Oh yes, it is an appallingly dangerous thing, but it seems to me the only way it can be approached at all. And by that time, I should hope and trust that you had got a sufficient grouping under the prevention of war arrangements to have got on your side an overwhelming force. I am not optimistic. I do not think this is going to be easy, but in those terms I think it is feasible.

As to the second question, I think that is one of the most difficult questions of all. Let us go back to the origin of the World War. What went wrong ? There are a lot of causes, but the main cause was, I think, uncertainty on the part of every country as to what every other country was prepared to do. And in order to attain certainty, we must make great sacrifices and take great risks. We know—we people who are interested in these things, that if Germany absorbs Austria and Hungary, dominates Czechoslovakia, gets Roumania and its oil or dominates it, stretches out to Salonica, the Dardanelles and the Ukraine, and is established at Odessa, that that will be a most appalling threat to this island. We know that. But if, in these days of democratic foreign policy, you are going to convince your electorate, you must convince it in terms that it can understand, and in order to convince it in terms that it can understand you must take appalling risks. I would not myself try to frighten the British public into imagining that they will have to fight for

Memel, or Danzig, or Austria. I should say: "You will not have to fight for these things." I think the first thing to do is to tell the British public what they are *not* going to have to fight for. I do not think that is very right. I do not think it is very wise. But everything that I say is based, not upon what I should like to happen, but upon what I am terrified is about to occur. And that is—a second German War. You may think I am obsessed with it. And I do not believe that we are strong enough ourselves to defend East Europe against Germany, just as I do not believe we can defend China against Japan. I may be completely wrong.

As regards the actual question of the invasion of Austria and of the Italians moving on the Brenner, there my preference shares would come in. You would foresee that. You would have an enormous dossier of action to be taken in the event of this or that contingency. It is not impossible. It was done in the War. The archives of the Admiralty are full of similar schemes. You would say that in such an event we would help Italy, if she were on the side of the League, or, if she were not, we would assist in blockading her, in preventing Italian ships going through the Straits of Gibraltar.

PROFESSOR G. M. SMITH<sup>1</sup>: I take it that you want me to talk about the possible subscription of Canada to the shares.

I cannot help feeling that at the present moment the subscriptions of Canadians would be almost entirely to the deferred shares. I am not prepared to discuss Mr. Nicolson's general point. I am thinking more of public opinion. In certain circumstances, I should think there would be subscription on the part of my countrymen to the third class of shares, that is to say, to financial and economic sanctions, but only if the fact of aggression was firmly established. I think there may be just a possibility that armed support might be offered in the event of Great Britain being clearly menaced, but I believe that acceptance of that idea in advance is doubtful and would depend on the emotional state of the moment. I personally believe that Canadians would act as they acted in 1914 under analogous circumstances, but I also believe that that is an open question. I personally believe that it is really an open question in Canada. I think there is a time-lag in these matters, and although the knowledge of the European situation in its present seriousness is being increasingly understood, I do not think we are yet at the point where we can talk to Mr. Nicolson in the atmosphere

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(1) Mr. SMITH is Professor of History in the University of Alberta, Edmonton, Canada.

of this continent, which is even more serious than I had anticipated.

In thinking of public opinion and of education, I agree that one has to be fully conscious of the difficulties. Full support would be given to any attempt to create peace, although Canadians have not shown themselves willing to take great responsibility in that direction. But the attempt to enforce peace, in the sense of making the Covenant stronger or in an attempt to organise in the way Mr. Nicolson suggested, would be regarded at first with great suspicion. It depends on whether North Americans realise fully the situation here, and realise the extent of the danger. I would ask Mr. Nicolson to consider the real difficulties of educating the Dominions in his sense, or my Dominion in his sense, to become conscious of the very different emotional attitude and atmosphere of Great Britain.

MR. NICOLSON: Yes, I am very glad you said that, because it gives me a very good opportunity to push home my theory as applied to a Dominion such as the Dominion of Canada. Supposing I myself were working out this plan of my debentures, preference, ordinary and deferred shares, I should never say to Canada: "At what point are you Canadians prepared to accept conscription?" because I should know perfectly well that short of an invasion of Canada by the United States they would never be prepared to accept conscription. I should never ask them that question, but I should say to Canadians: "You are not in this continent. Your responsibility as to what happens in Europe is very slight. It is not self-interest with you, it is not self-defence, it is only emotional loyalty. It is all very charming, but we know perfectly well that we cannot and will not ask the Canadian people at first to make sacrifices for the peace of Europe, and all we ask from you is that in the event of there being trouble in Europe you will agree to adopt certain economic and financial restrictions under the League of Nations, and even if you do not do that we ask for your goodwill." That would be the essence of my plan. We should never ask a country to undertake commitments which they were not prepared to perform, and I do not think there is a single man in Great Britain, who knows anything about the Dominions, who would imagine for a moment that we could ask them for a maximum military support. Because we know it would be a promise which would not be carried out, although we think and feel it might be carried out in the end.

PROFESSOR SMITH: I do not exclude the possibility.

MR. NICOLSON: Nor would I, but it is a *possibility*. What we want to know is what you would *certainly* do. We do not expect anything more than economic and financial assistance—having

got your answer that that would be a certainty. We feel that if Great Britain and London were about to be destroyed and wiped off the face of the earth, and I think we feel rightly, Canada and the United States would come and help us. But that is not practical politics. It is what would probably happen. Under my scheme, we have got to get away from the probable and back to certainty. So that I think we are really quite agreed.

PROFESSOR H. NOEL FIELDHOUSE<sup>1</sup>: I should like to drive home rather more forcibly what Mr. Smith has said, linking it at the same time to the two points Mr. Nicolson raised. The first is the relation of emotion to policy and that links again with what Mr. Nicolson said about the need of education regarding the Treaties. I personally have been playing a rather lone hand in Winnipeg for the past two years, trying to combat a very prevalent conception in Manitoba, a deeply-rooted idea, that the whole of the trouble in Europe is due to two aspects of the same thing; firstly, that Germany was given a thoroughly raw deal in 1919, and secondly, that the whole of the Treaties are iniquitous. I was interested in watching our local press this winter. At Christmas it loudly denounced the British Government for not pushing sanctions against Italy. When the Germans moved into the Rhineland, precisely the same people were giving great, and as I thought, undeserved praise to the British Government for what they believed to be the efforts of the British Government to restrain the French from asking for any sanctions against the Germans. I thought it was an interesting example of the way in which opinion is influenced by pre-determined sympathies. One of our difficulties is that in peace time we give a purely intellectual adhesion to a conception, a machine, such as the League; but when a crisis arises we react with regard to that crisis in terms of prejudices and preferences, for example a prejudice for or against fascism or bolshevism. Winnipeg is one of the centres of Canadian radicalism. It was perfectly clear that had the liberties of Abyssinia been threatened by the dictatorship of Moscow instead of by the dictatorship of Rome the opinion of some people would have been very different. It was difficult to distinguish what, in some quarters, was dislike of fascism and what was support of the League.

I would divide opinion in my own province (Manitoba) on foreign policy into three categories. There is the opinion which might be called "Service opinion," a traditional, pro-British feeling to the effect that Canada is still part of the Empire and is involved when Britain is involved. Then there is the opinion

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(1) Mr. FIELDHOUSE is Professor of History in the University of Manitoba, Winnipeg, Canada.

of the conscious, deliberate nationalists. They simply say: "Don't let us give ourselves airs because we are on the lucky side of the Atlantic, but let us appreciate that geographical advantage to the full and take selfish advantage of it as other countries have done." Both those opinions are clear and intelligible, but I think our great difficulty has been that the bulk of Manitoba opinion has been in an intermediate position. Those who share this opinion would say, I think, that Canada and Great Britain could only have a common policy if that policy was based upon the League, but, if pressed as to what would happen if war really came, then they admit that they think the force of geography would assert itself and that Canada would form part of a North American neutral bloc. I have pointed out repeatedly in the Winnipeg Branch of the Canadian Institute of International Affairs that such an attitude exhibits a certain element of calling a tune when you are not paying the piper. That appeared very much over the Abyssinian business. A rather striking speech was delivered to the League of Nations Union in Winnipeg by a member of the Dominion Parliament who had been a strict League of Nations supporter until it had become clear, round about Christmas or earlier, that sanctions might involve war. In the speech to which I have referred he declared publicly that we should not apply sanctions until we had made our hands clean by a full, complete implementing of Article 19. One of his colleagues said we should not employ sanctions until Great Britain had handed over all her colonies to the League of Nations, to be administered under a Mandate. The most vocal League of Nations supporter in the Province gave his views in a series of communications to the *Winnipeg Free Press*, in one of which he expressed this business of "certainty" admirably, I thought. His first paragraph was a denunciation of Great Britain for not pushing sanctions farther. His second was a denunciation of the Government—this was in February—for indulging in an armament ramp. He then came to the question of what Canada was to do, and he insisted that Canada must impress upon Great Britain a stronger League policy, but as he said: "We must co-operate in the Council Chamber, but not in the trenches!"

My last point is that, since September, there seems to have been a distinct swing over on the part of the great bulk of the people. People had hoped in a vague and amiable way that peace would be preserved by consultation at Geneva, with, at most, economic and financial sanctions. When it appeared that that was not so, there was a strong drift of opinion away from the League position to complete isolation.

I have urged repeatedly in the Institute—and I was very glad Mr. Smith made that point—that nobody in London ought to be misled as to the extent of what is likely at the moment to be the Canadian contribution. At the moment, it certainly seems that what people are most conscious of is the breadth of the Atlantic and their relative safety; and it would be distinctly difficult to look for any contribution other than the goodwill which you have described as the deferred shares.

Mr. NICOLSON: That is very interesting and confirms what a great many of us have thought. But I would like to ask you a question in turn. Let us not talk in terms of the prevention of war, but in terms of the creation of peace. I suppose that when that came up in Canada and the United States, opinion would be very vocal in saying that Great Britain is a dog in the manger and must give up her colonies. The discussions of peaceful change would then proceed to the point where it was discovered that the surrender of colonies would not solve the problem, certainly not the problem of the necessary expansion of surplus population. Supposing such an unbiased committee were set up to examine the redressing of these grievances, the issue that they would point to at once would be American immigration. And then, immediately, opinion in the United States, and I suppose in the Dominion also, would say: "Europe is trying to pass the buck to us!" And they would probably be perfectly firm in opposition to any modification of the immigration laws, especially in regard to Japan.

Mr. FIELDHOUSE: Well, we in Winnipeg are very generous in disposing of the Corridor, and have done marvellous things with the Ukraine! Some of us have tried to bring the question nearer home by asking: "When it comes to interfering with national sovereignty, are we prepared to throw open immigration in British Columbia to the Japanese?"

Mr. NICOLSON: It is a point which will arise, and it will be very amusing and interesting to see that this shout and yell about revising the Treaty of Versailles and how monstrous it is will become a very different story the moment you get on to that point—not so much in Canada as in the United States.

I raised the point because I do hope that Institutes in the United States and Canada, when they are discussing this question and saying how monstrous the Treaty of Versailles is and how dog in the manger we are here in London, will also say that one of the main difficulties is expansion of population. I think the only way you can get unthinking people to consider foreign affairs at all is by transposing the issues in terms of their own experience. One does not do it in order to catch them out,

but in order to make them think. I have found—certainly in talking to the League of Nations Union people in this country—that if you transpose the terms into other terms you make them think.

Mr. FIELDHOUSE : For that reason, I personally have found that our strongest allies in Manitoba in our work of trying to clarify opinion are the out-and-out nationalists, for the reason that they are realists and have no desire to give advice to Europe on issues, the settlement of which we can affect by not one iota.

PROFESSOR C. K. WEBSTER : I wish to put two or three points very shortly. I do not expect Mr. Nicolson to reply, because I know he will disagree with them.

Mr. Nicolson has been talking about education and about creating confidence and certainty. That might have been a suitable thing to talk about three or four months ago, but how is he going to get certainty and confidence after Great Britain has behaved as she has done? I have been abroad recently and I find that four people out of five are cynical with regard to the leaders of the British Government. They regard them as people who say one thing and do another. I think that is true. There is complete lack of confidence in any declaration that is likely to be made by us within a short period of time. No one will believe there is much chance of our implementing it, unless it suits our particular convenience at the time. At any rate, a large number of people in Great Britain think that they have been tricked, and a great many people on the Continent have not the slightest doubt about it.

Secondly, as regards creating peace by this machinery, the first part of the task has already been done in the Institute, but it is not a thing you can do in a fortnight. It is an exceedingly long and complicated process and will take a considerable amount of time.

As regards the other side of his reconstructive proposals, I was amazed to hear Mr. Nicolson, who believes so much in diplomatic conduct of these things and in negotiation, suggesting that it should be done that way. It seems to me purely fantastic to imagine that anyone would accept it.

The idea of limited war, I think, simply ignores in two respects the facts of war in Europe as it is to-day. In the first place, how are you going to divide Europe into limited liability regions, when aeroplanes can fly four or five hundred miles at a stretch, and when you get aerodromes built so that they can fly from one side of Europe to another? How can you talk of a Power protecting this bit of Europe or the other? The Russians are

organising so that they can fly to the Rhine, with aerodromes in Czechoslovakia and so on. It is surely obvious that the security of Europe is *one*. And secondly, how can you send two regiments to a country, under the 'limited liability war' scheme, and then when they are blown to bits, say you have done all you can and that the matter is finished? When people go into wars, they have to go in to win. You have to go in to win, or you must not go to war at all. How much of your force you will devote to a particular war will depend upon all the circumstances of the time, but I am sure it is quite impracticable to say that you will do this little bit or that little bit. For instance, there is Austria. France comes in, and where is your limited liability there?

Mr. NICOLSON: She will not come in.

Mr. GRAHAM HUTTON: *A fortiori!*

PROFESSOR WEBSTER: We shall either go to war, or we shall not go to war. If we go to war, we do what is possible in the war. It depends on the strategic circumstances of the time. The idea that we will send three regiments into Austria if the Germans go one way, and an air fleet if they go another, seems to be one of the most fantastic proposals I have ever heard.

Mr. GRAHAM HUTTON: I should like to follow that. As no pacifists have yet spoken I should like to constitute myself devil's advocate. I do not think anybody will misunderstand that who has read anything I have written in the last three years. I think it is very important that this attitude of emotion which Mr. Nicolson himself introduced should be considered.

You have a very broad feeling on the continent of Europe and in Great Britain to-day that any proposal whatever to reconstitute the League and to put teeth and claws into it would be nothing but a reversion to the pre-War system of alliances; that, in fact, if the League is to have teeth and claws, it must envisage war. It must be prepared for war even more effectively than Mr. Nicolson has proposed. That is to say, two regiments and air force contingents are not enough. The reconstituted League must sit down and say at once: "What are we going to do about the following places: Danzig, Memel, North Schleswig, Austria, Czechoslovakia?"

Now there are two possibilities. First, there is the 'limited liability' idea. The Government of Great Britain, of whatever party, can go to the country at any time from now onwards and say: "We expect the country to be united and to fight because British interests are involved. They are involved in the short run and in the long run. They are involved in the

short run because any achievement of hegemony by Germany must be an arrow aimed at the heart of Great Britain. They are involved also in the long run because, no matter what happens—whether we confine our military commitments to the Rhine and the Low Countries, or whether we go into a much more tooth-and-claws League and extend our commitments over the whole of Europe—we shall, in fact, be sitting on the pressure in the boiler and that of course involves the risk of going through the roof.”

Now I think Professor Webster is perfectly correct. In this country and abroad a lot of people—I do not know whether as many as four out of five—think that the League idea, around which nucleus clustered the sentiment of being prepared to fight, has been betrayed. They feel that in that betrayal they have been betrayed. I do not think any of us can be under any delusion about that, certainly not those of us whose business it is to read the press of the United States, of the Dominions and of the Continent. Many people, in Great Britain at least, feel that when the occasion arises they will *not* now be prepared to fight. After all, we had an example of that over the Rhineland. What was the immediate, emotional reaction in this country at the time of the Rhineland? Great Britain went into the war in 1914, as Mr. Gathorne-Hardy said, because of Bethmann-Hollweg’s reference to a ‘scrap of paper,’ yet within a matter of twenty-two years we were prepared to treat the Covenant of the League as a scrap of paper ourselves, and did not even wish to impose economic sanctions against Germany.

SIR JOHN FISCHER WILLIAMS : The Covenant had no connection with the Rhineland invasion.

Mr. GRAHAM HUTTON : I should have said the Locarno Treaties, the general system of European security. The Covenant *was* involved to the extent that most people identified the Rhine with collective security and the frontier of British interests in Europe. When the Germans walked into the Rhineland, something more than the Locarno Treaties was involved. It was a unilateral and forceful rupture, and people realised that that might happen to the Covenant of the League. A great many people are under the impression that the emotional reason for calling upon people to fight has completely disappeared. You will not get that emotional pull over the people of Great Britain by talking of reforming the League, or of putting teeth and claws into the League. Therefore, I submit that the only way you can get it back is to be bold and bald and frank ; to talk about British interests ; and to say that in the Government’s opinion Austria is not a British interest, Memel is not a British interest. Now these various outlying bastions of the European security system are, or are not, British

interests. For which of them are we prepared to fight? I do not think it is possible to get the people of Great Britain to fight for Memel and Danzig, and I very much doubt whether they would fight for North Schleswig when a voluntarily disarmed Denmark was involved. To fight for Austria is also out of court, I think.

That being so, where *are* British interests involved? I should say the only objective for Great Britain's foreign policy to-day is to acquiesce in the foreign policy of Germany. Then, if the Government were true and honest, they would have to contract out of the League of Nations as it is now, because none of us, if we had the destiny of Great Britain in our hands, would be prepared to pledge the country to fight for any of these things. I put that to this Group. Would any of us call upon the British workers to fight for Memel or Danzig, or Austria, or Czechoslovakia?

PROFESSOR WEBSTER: It will not stop at Danzig. That is the point.

Mr. GRAHAM HUTTON: But my question would then be: "At what point *do* British interests become involved?" And again, keeping to this alternative, none of us can foresee where British interests are going to be involved until the actual moment.

The history of the last three years' defaults and lost opportunities is such that *they* condition our foreign policy to-day. It is not for us to say where we shall fight—whether in Danzig or Memel or Austria—or how many allies we can get, or whether this Government is prepared to fight alongside Russia. One has just got to wait and see how far the German engine in Central Europe will move.

Mr. GATHORNE-HARDY: That is why I still differ from Mr. Nicolson, and feel that a great deal has got to be done for the enlightenment and education of British public opinion, and for the fighting of the extreme pacifist movement which at present has an exceedingly easy task. It goes to people who are imperfectly informed, who are lovers of peace as we all are, and it says: "Sign this paper, and say that you will never fight!" That will make tremendous headway if nothing is done to stop it. I also think that with such education as could be put about through this country you would in a short time get a very different state of affairs from that which has been quite accurately described by Mr. Hutton as being that of British public opinion at the present time.

I agree with Professor Webster that if there is a row in Europe we shall infallibly be involved. Peace is indivisible. I look with tremendous alarm to the prospect of seeing Germany grow so

great that she cannot be tackled by the preponderance of the other Powers and so great that any attempt to stop further aggression or expansive moves of that kind on its part will involve a clash of exactly the kind that we are so concerned to avoid.

For that reason, I want, in season and out of season, to din into the British people: "You have gone entirely on the wrong lines. You have been taught all about the horrors of war. You have been taught all about the blessings and the duties of complete non-resistance. British interests are threatened wherever trouble breaks out in Europe, and you will have to learn that, and face up to it. It is better that you should learn it sooner than too late."

I think that if that is done energetically there is some hope, but all through these discussions about the League I am obsessed with the feeling that it is touch-and-go, that it is extremely doubtful in the present state of the League's reputation whether we can do anything with it. But for that reason, it is up to those who believe that it is the only system which can prevent the crowning catastrophe to civilisation to do all in their power to educate public opinion to see things as they are.

COLONEL SIR JAMES BARRETT<sup>1</sup>: May I endorse, from the Australian point of view, the opinion of the last speaker? The action in Abyssinia, the arming of Germany and the repudiation of treaties have caused consternation and bewilderment. We in Australia see three great military Powers in existence, and we are satisfied that they are determined, with armed force behind them—which they will not necessarily use—to move point by point. They know perfectly well that is the very capable people who manage these Powers, that nobody else wants to fight. It is just a question of how far they can go, with the danger that one day they will go over the line and cause an explosion. If Memel, Danzig and Austria go, then presently you reach a position in Europe where Germany would be simply irresistible. Forces would be brought to bear which it would be almost impossible to stop.

But I wanted to refer to Mr. Nicolson's suggestion. We have a section in Australia, a part but not the whole of the Labour Party, who say that of course they will fight when Australia is invaded, just as we had the farmers who during the Great War said they would fight the Germans when they came over the Blue Mountains in New South Wales. But there is something else. There are a certain number of well-meaning people, not responsible or remarkable, who would like to buy off Germany by concessions.

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(1) SIR JAMES BARRETT is Deputy Chancellor of the University of Melbourne and Chairman of Council of the Combined Empire Societies.

One man says : " Let her have the Mandated Territories in the North, on condition that she keeps ships to protect us." Another says : " Give her a bit of Western Australia." But these are people who do not count for much and who have no Government support but who seem to be in a state of panic.

I agree with Mr. Nicolson that it would be interesting to see if Versailles is genuinely responsible for any real grievances. I have never been able to realise any rectification that would not bring about a further crop of evils. Take, for instance, the position in Transylvania where there are three million Rumanians with five hundred Hungarians as an enclave in the middle of them. Wherever you turn, if you move those frontiers, another problem is created and then another still.

As regards Australia's attitude, I am perfectly certain, as far as I can judge, that if Great Britain is involved, Australians will be involved actively. They do not want to fight. They have had all they wanted.

They lost an enormous number of men, perhaps proportionately much larger than any other force. Nobody is looking for trouble, but at the same time they are now making up for the laxity which has existed for a good many years and if I know anything about the people I have lived amongst all my life, if there is another explosion there will be no lack of activity whatever.

But in conclusion I would urge : " Bring the problem into the open, and say what is wrong with the Treaty of Versailles." Name it, and say what it is, and see whether it can be rectified. If you did that you would get a long way forward.

THE HON. R. H. BRAND : I had a great sympathy with what Mr. Gathorne-Hardy said at the end of his remarks and with what Mr. Graham Hutton said, because I feel Great Britain has been living in a sort of fool's paradise for some years. Whenever I come back from the continent of Europe, it seems to me that the people here have not the faintest idea of what is happening there and have no conception of the sort of spirit that is being engendered. When you compare the spirit that exists in these countries with the spirit that exists here, and think that these countries are only a hundred or two hundred miles apart—or even less—you feel that some day or other some terrible clash between them must take place. And therefore I welcome very much your view that there must be a great awakening of opinion in Great Britain, an awakening which has in fact begun.

What I did not follow was Mr. Gathorne-Hardy's final conclusion, which I thought was exactly the opposite from what it was going to be, namely that while the country had been following

an absolutely false ideal for several years it must now turn round and make the Covenant much stronger in the way of securing peace by force than it was before. Because, to my mind, that would mean not only that we would be following the same false ideal, but that we would be following that false ideal double-quick. Strengthening the Covenant in that sense must mean, quite logically, that instead of talking about sanctions in Article 16 you must talk about war, and you will have an automatic, general universal obligation to go to war wherever you can detect aggression throughout the world. It is true Mr. Gathorne-Hardy limits it to Europe. That may reduce the scale of the war, but not the intensity.

MR. GATHORNE-HARDY : I limited it to Europe. Mr. Nicolson limited it still further, I think.

MR. BRAND : It is in Europe that the real trouble is going to break out. I am (and always have been) a complete sceptic about enforcing peace by threats of sanctions or war through the machinery of the League. From the purely practical point of view I believe it is impossible to arrive at what I think all the advocates of the Covenant now presuppose as the first condition of success, namely at having an overwhelming preponderance of force in favour of peace and against the aggressor. Such a preponderance just does not exist, and one can never be certain that it will exist. Moreover, you have the extraordinary difficulty that making war through the League means making war by means of a committee. You have a large committee consisting of fifty nations, which is to make war. I cannot conceive that any such system could provide a preponderance of force against the centralised force of dictatorships.

But more strongly still do I feel that peace will only be kept in so far as the world knows, as far as possible, exactly where each Great Power stands. It does not matter where the smaller Powers stand, or it hardly matters. What matters is where each of the Great Powers in Europe stands. One lesson which was learned in the Abyssinian trouble was that it was impossible to say clearly what British policy was, and for a very simple reason. The British Government, quite logically, said : " We have not a policy of our own. As a Great Power we have no policy. It is as a member of the League that we have a policy, and that policy is the policy which fifty other nations arrive at by meeting at Geneva and coming to a joint decision. Our policy is simply what the Council of the League determines." And, as I said at our last meeting, that gives a wonderful alibi to any government that does not want to make up its mind. All it has to say is : " We are faithful members of the League. When we have met,

we will tell you what we are going to do, because we shall then have learnt what other people are going to do." I believe this to be an inherent vice in Article 16. I confess indeed frankly that I am an absolute heretic and always have been as to the possibility of enforcing peace through that article. As I stated last time, the reform of the Covenant which to my mind is essential is a deletion of Articles 10 and 16. As long as we rely on them and our public opinion relies on them we shall be in great danger of facing the alternatives of breaking our word, or of losing the fight, or of being humiliated.

May I add that I cannot help agreeing with Professor Webster about Mr. Nicolson's debentures and preference shares. Mr. Nicolson proposes that we should declare to the world that we would send fifty thousand men to some particular place in the event of aggression—if we could scrape them together. (What with Egypt and Palestine and other obligations, I am not sure we could get so many!) But suppose we did send fifty thousand men, say to Denmark, and said "That's that!" There would be millions of Germans available to attack Denmark. What could the fifty thousand men from us, plus, say, fifty thousand from France do for Denmark against the millions of Germans who must be assumed to be attacking her? War, as Professor Webster said, is always a matter of unlimited liability. You have to fight till you have won.

I agree, however, with what Mr. Nicolson said in the first part of his address. I totally disbelieve in asking Germany what she wants. My view is that the British Government ought to have stated already that we are not prepared to give up colonies. If we do not do that now, a situation will be reached in Germany where the pressure on us will become greater and greater.

The greatest tragedy of the Versailles Treaty was not frontiers but Reparations, since they produced, more than anything else, the present situation. What Germany really should want, if she were reasonable, is not colonies but freedom to trade and free exchanges. Mr. Wells, at our first meeting, said that economics and economic questions come before politics. My impression, from my experience in the City, is exactly the opposite. We cannot have economic security because politics stand in our way. If, however, you could get a political settlement and could then offer Germany economic advantages, the cry for colonies would be greatly diminished.

Mr. NICOLSON: I only want to take up one or two points. Professor Webster said, if I understood him aright, that the people had been betrayed, or felt they had been betrayed. I think that

is probably true, and I suppose Professor Webster would say they had been betrayed because the Government was frightened of going to war with Italy.

PROFESSOR WEBSTER : No, I do not say that. It was because the Government said it was going to do one thing, and then did another.

Mr. NICOLSON : My contention is that the fault is not so much what happened over the Abyssinian affair, but what we allowed the British public to imagine the League meant. I got a letter from a constituent in which he said : " Cannot the Government realise that what we want is the Covenant of the League and collective security, and no European entanglements ? " That was perhaps an extreme instance, but I do think that the League of Nations Union and all of us—we are all equally to blame—allowed the ignorant public to identify peace, which was their maximum desire, with the phrases " Covenant " and " collective security. " I think that the " betrayal, " if it was one, arose from the fact that we had not choked the growth and exploitation of a completely false idea. When that idea was faced with realities, the disappointment was so intense that it amounted almost to a betrayal. The British public were prepared to fight for Abyssinia because they thought Italy would be an easy victim. They did not realise we would have had a great many Italian bombs over here. A few weeks later they were very unprepared to fight for the Rhineland.

PROFESSOR WEBSTER : In any case, you admit they were prepared to fight in the first instance. It would have been an overwhelming force.

Mr. NICOLSON : I think it was a great opportunity. But if you could convince me for one minute that, if the incident had occurred, not between Italy and Abyssinia but between Germany and Memel, the British public would have been equally prepared to fight, I would agree about the ' betrayal. ' But the moment you say that it did not apply in the case of Memel because Germany was strong, and did apply in the case of Abyssinia because people thought Italy was weak, then I see no ' betrayal ' at all. ' Betrayal ' is a strong word. If you really believe there was this great, deep, and universal faith in a principle which was violated, then I agree with you, but I disagree with you that it *was* a great, deep or universal faith. It was a vague emotion centred at one moment upon the Abyssinian question because that question seemed to provide an immediate satisfaction. But when they found in another case that the satisfaction was not going to be so great, they turned round and

abandoned their own faith. To turn to other matters there was my point about limited commitments on which I was attacked by Professor Webster and Mr. Brand. I do not think it is historically justified to say that a war can never be a contributive war. After all, I believe the Italians sent a detachment to the Crimea. We have often sent ships upon punitive and other expeditions. We have often blockaded. We have often undertaken operations of war.

Mr. BRAND : You must always send enough to win.

Mr. NICOLSON : I quite agree. The contribution must be enough to enable you to win. Certainly, but that is collective defence.

I mean that you should work out in terms of staff talks and definite contributions what proportion of force each country will have to contribute in any given area or any given circumstances.

Mr. BRAND : You would have a wonderful meeting at Geneva ! One day you would have to assume France was the aggressor, and you would have to work out all your preference shares and debentures on that assumption, and the next day Germany, and so on—endless permutations and combinations.

Mr. NICOLSON : It would be very difficult, but it has been done. If you went to the Navy Office at Washington, you would find schemes covering these different eventualities.

PROFESSOR WEBSTER : This came before the General Staff in 1919. Factorial 48 was the number of permutations and combinations.

If you rally against the aggressor with all your forces, that is sufficient.

Mr. NICOLSON : But you will not do it. We would not defend Lithuania.

PROFESSOR WEBSTER : On the contrary, I think that if Lithuania is attacked that will bring about general war, and bring us all in. I cannot see how we could keep out.

Mr. NICOLSON : Your argument is that we must not keep out, or we shall be betraying the country.

PROFESSOR WEBSTER : If France wants to keep out, and the countries of the League will not fight, that is a different thing.

SIR JOHN FISCHER WILLIAMS<sup>1</sup> : Mr. Harold Nicolson's plan of action does not seem to me practicable. If the sanctions procedure prescribed in the Covenant has broken down, it is idle to expect that reliance can or will be placed in a set of new and

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(1) SIR JOHN FISCHER WILLIAMS was obliged to leave the meeting early and contributed this written comment on the following day.

more definite engagements defining exactly the amount of military or economic effort which a number of Powers are severally to make in events lying in the future. And even if such a plan could be carried out, it is in itself thoroughly unsound. We cannot say that in event A we will send 50,000 men or in event B adopt conscription. If we take military measures, we go to war and must make the utmost effort for victory. And to say that if Japan invades Australia we will have conscription, is not very helpful. The issue in Australia and Eastern waters and airs would in such a case have been decided long before our conscripts were trained or conveyed—if that were possible—to the scene of action. Mr. Nicolson's policy means conscription here and now. That is politically impossible and may not even be militarily desirable. For it looks as if the next war would be decided rapidly by a comparatively small number of men handling machines, and not by masses of infantry—trained or untrained.

But while Mr. Nicolson's doctrine seemed to me unpractical, the views of Mr. Gathorne-Hardy seemed to me to be really dangerous. When I heard him speak as if it were possible that we should go to war with Germany over Memel or Danzig, he made me feel a strong sympathy if not with Canon Sheppard at any rate with Lord Ponsonby. I hold that no action of Germany in Eastern Europe could inflict on Great Britain—and on civilisation in general—an injury comparable to that which would be brought on us even by a successful war. The evil of the preponderance in Europe of a single power seems to me much exaggerated. Now that civilisation is not limited to Europe, preponderance in Europe is not preponderance in the world. And, anyway, it is an imagined, not a known, evil. The evil of war in modern conditions is far more certain. We do not know whether material advantages seized by Germany by an act of violence in Eastern Europe—and the success of such an action is, to begin with, quite doubtful—could be retained; it is not so easy as before the War for the Teuton to dominate the Slav. But we do know that for us to launch out in a world war means—even if we are successful—the loss of perhaps the flower of a new generation, the inevitable debasement of our currency, and such a shrinking of our power relatively to that of Japan and some other states as will reduce us to a lower position in world affairs. If we are unsuccessful—and, as our Canadian friends have reminded us, the British Empire is not now what it was in 1914—*Finis Britannia!*

What then shall we do to be saved? I would answer something like this—though I do not pretend to promise a happy result as a certainty:

First, keep the League still alive and active in every possible way except that of a general obligation to take military "sanctions" or any steps leading to military sanctions in support of the Covenant. The world is not ready yet for such a policy. Get Germany back into the League if we can—even if this be a gesture rather than a performance. Facilitate American cooperation. Do not lecture Germany, do not cross-examine her, and do not sit in judgment on her.

Second, refuse as a general principle to bind ourselves beforehand by engagements to go to war in future events which cannot be completely foreseen. An exception to this might be admitted for a pact with France, but only if she cuts herself off from Eastern Europe—which she will not do. This does not mean "isolation," but a reversion to nineteenth century practice. I do not believe that conditions have changed so fundamentally as to make that practice inappropriate—at any rate for the next twenty or thirty years.

Third, do not be obsessed with any "peril"—German, Russian, Japanese, Chinese. Realize that war, though it may be inevitable for the preservation of existence, wounds civilization—not least in the victorious nations. Strive all we can to avoid it for ourselves and for others, but yet have this amount of Pandora's Hope—that, apart from a change of heart which seems at the moment to be a remote possibility, the only way in which the nation which still believes in and glorifies war can be taught better things is by more practical experience of war with an evenly matched antagonist. The next war may be limited to those who are in need of such instruction. We are not in such need. And here I am up against another of Mr. Gathorne-Hardy's propositions—I almost wrote "dogmas"—that the next European war must be universal in Europe and we must be in it. Why?

MR. GATHORNE-HARDY<sup>1</sup>: Certainly the proposition, or "dogma," to which Sir John Fischer Williams objects is fundamental to my position. It is by no means peculiar to me, and my assumption is a good deal less sweeping than that which is implicit in the Covenant—that any war, anywhere, is sufficiently likely to involve us to be worth stopping at almost any sacrifice. If I did not believe that war in Europe would almost certainly involve us, I should advocate isolationism. But, believing it, I do not regard myself as wishing to pledge the country to any step which she would not have to face in any case, if war

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(1) Mr. GATHORNE-HARDY contributed this written reply to Sir John Fischer Williams' comment.

broke out. My object is, by proclaiming the commitment beforehand, to render the outbreak of war less likely. I am not concerned to deny that the policy I advocate is "dangerous"; so I think must any sound and effective policy be in the circumstances. I might ask, however, when Sir John found me advocating "war over Memel or Danzig?" I am not conscious of having advocated anything of the kind; in fact I never mentioned either of these places.

When Sir John asks why I think war in Europe is virtually certain to involve us, I must refer him to the reasons I gave at our fourth meeting<sup>1</sup>, adding that I do not think continental belligerents would be likely to leave unmolested or uncontrolled so important a factor as ourselves, or that a dominant European Power would not see in an isolated Britain a profitable field for aggression. Finally, when Sir John Fischer Williams says that no action by Germany in Eastern Europe could inflict an injury comparable to that of war, I answer that the action in question does not exclude, but on the contrary is a preliminary step towards, the war he so rightly fears. It is a bad chess-player who allows his opponent undisturbed to move all his pieces into the position for checkmate.

#### WRITTEN COMMENT ON THE FOREGOING DISCUSSION

LORD PONSONBY: I do not think many people suppose that lasting contentment between nations can be brought about by any process under the League of Nations, although possibly some of the major points of possible friction might be eased. Disputes between nations will continue till the end of time. I conceive the function of the League to be a continuous endeavour to prevent those disputes culminating in war, and, in cases where it cannot prevent a war, to prevent that war spreading into a world war. I do not believe that force, however constituted under the League, is the right method of securing this object. I assert this from the point of view of expediency, believing at the same time that the best morality turns out invariably to be the highest expediency.

In concentrating chiefly on the German menace, Mr. Nicolson chose an instance in which any collective military action under the League would certainly break down. It would be a war between groups. While Mr. Nicolson considered chiefly the British attitude in the case of collective action under the League, he hardly gave sufficient attention to what the probable attitude of other European nations would be, and therefore did not deal

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(1) Page 100 *et seq.*

with the question of their unwillingness, fear and reluctance in certain circumstances to join in any drastic sanctions, thereby rendering any attempt at sanctions impracticable. \*

The question of emotion as an important factor in waging war was rightly emphasized in the discussion. In a national war the emotional appeal is carefully engineered, and this is rendered easy by the enemy, both Government and people, being depicted as criminals. Taking the Italian case as an example of attempted collective action, it was repeated time after time that we had no quarrel with the Italian people but were simply disinterested champions in the cause of world peace. With this sort of appeal and no call from King and country, no patriotic slogans about home and native land and Empire being in danger, it would be exceedingly difficult to rouse the necessary frenzy of enthusiasm which might make men ready and eager to lay down their lives and the people ready to accept conscription. In fact the ease with which it is assumed that quotas to be drawn from each nation could be requisitioned, enlisted, commanded and organized for "collective defence" is, in my opinion, an absolute fallacy.

Rev. HENRY CARTER: Running through the series of discussions is an assumption or assertion that British foreign policy ought to be built on self-interest. I would challenge the assumption on two grounds. First: the pursuit of self-interest by one nation quickens the same impulse in other nations, increases the *tempo* of conflict in world affairs, and makes war inevitable. Second: it makes impossible the one policy which can create peace, namely the pursuit of the common interest of mankind. Only as our nation and other nations recognize that the Creator of the world designed it as the home of a family of peoples, and that the duty of mankind is to order the affairs of the world for the good of the whole human race—and not primarily for the advantage of one nation or group of nations—will true peace be won.

The present-day outcome of this claim that the interest of humanity should be the true basis for national and international action would be the convening of—and due preparation for—an inclusive World Conference for Peace and Welfare, to grapple with the potential and active causes of war, to promote co-operation in world economic relations, and to further the social and humanitarian activities which the League of Nations has already initiated for the common good. This project is the true alternative to the present fatal race in armaments. I would have the Government announce its will to take a constructive and unselfish part in the work of such a conference.

MR. LEONARD WOOLF: I agree with practically all the criticisms of Mr. Nicolson's suggestions. His scheme depends on the notion that it is possible to engage in war on a limited liability system which seems to me pure illusion. It is significant that Mr. Nicolson objects to the use of the word security. To my mind the word and the thing for which it stands are vital. The idea that you can prevent war unless you can give states and people a belief that they have a reasonable prospect of security is nonsense. The reason why the danger of war in Europe has increased immeasurably during the last three years is precisely because the prospect, not of defence, but of security, has immeasurably decreased. The League system offered a prospect of security through collective action instead of through individual armaments and armed alliances *against* other states or groups of states. It did so, not, as people even in this discussion now assume or imply, by agreement to "coerce an aggressor," but by an agreement to treat an act of war against one as an act of war against all—a very different thing. It did not say: "We will defend Memel or Austria or Manchuria," but "We will collectively resist war; a state which goes to war goes to war *ipso facto* against us all." The obligation was not to defend Manchuria or Abyssinia, but to treat an act of war against China or Abyssinia as an act of war against ourselves. That is the fundamental difference in the collective security system which no member of the Government seems ever to have realized and which Mr. Nicolson seems, from his exchanges with Professor Webster, not to realize. The popular support of the League was due to an understanding of this simple fact that the League was a league against war, and that fact happened to be of essential importance and truth. In the Abyssinian affair the Government had the country behind it for resistance to war, and if it had used its mandate and resisted war, treating Italy in accordance with its obligations under the Covenant, the effect upon the whole international system would, I believe, have been enormous.

The fact that the government did not do so has been of equally enormous effect, but the other way round. The people feel, as was pointed out, that they have been betrayed. They—here and elsewhere—have lost all faith in the probability that governments will carry out the obligations of any kind of system of collective security or that they can trust their governments to make any common resistance to war. Many of them are turning—not unnaturally—to the idea that their government in future cannot be trusted at all and that the only thing left is to refuse individually to have anything to do with any war at all, including the next war in which their own government may invite or

coerce them to take part. "Experts" may call this emotional, but I am not sure that it is not as rational as a good many of their own ratiocinations. I think this to be a dangerous state of mind for the people of a country to be in, given the existing international situation in Europe, but it exists and it may easily grow wider and stronger, and it cannot be brushed aside in any consideration of the future policy of Great Britain towards that European situation. If the Government in the autumn completes the work of the spring and co-operates at Geneva in the final destruction of the League as a collective system for resisting war, this state of mind in a large number of people will be a powerful force in the direction of isolation, complete isolation. This policy is apparently the emotional equivalent of the rational policy of Mr. Brand. Its prospects of success depend upon some curious assumptions: (1) That we can make ourselves strong enough to resist, in isolation, any attack by Italy or Germany or both although we were not strong enough to resist Italy when we had at least the prospect of the help or benevolent neutrality of fifty-one other states; (2) That the dissatisfied Powers will want nothing from us, will leave us in peace, and destroy themselves by fighting Russia or one another.

My own view is that the thing boils down in the end, despite the apparent complexities, to a choice between four alternatives: (1) The re-creation of a collective security system; (2) an alliance, open or disguised, of those states which desire to preserve the status quo against the fascist states; (3) isolation; (4) a muddle of all three policies. I believe that a British Government which knew its own mind could, if it desired, even to-day, achieve (1), but that there is no chance of the existing government doing so, and that the collective system will be finally destroyed for any practical purposes this year. If this takes place, the choice between (2) and (3) is an extremely unpleasant one. In either case the possibility of preventing war and keeping out of it will be very small. If there were governments here and in France which could be trusted and which really knew their minds, there would be something to be said for (2); but with weak, vacillating, incompetent governments in those two countries (2) would be a suicidal policy. (3) in that event is preferable, though a policy of despair. In fact, it seems to me practically certain that the policy to be chosen will be (4).

# APPENDIX I

## SUGGESTIONS FOR THE RE-DRAFTING OF CERTAIN ARTICLES OF THE LEAGUE COVENANT<sup>1</sup>

(WITH EXPLANATORY NOTES)

BY

G. M. GATHORNE-HARDY

### GENERAL OBSERVATIONS

The object of this draft is to focus attention on those points in the existing Covenant which seem to call for re-consideration and to provide a detailed basis for discussion. It is not suggested that any such wholesale and drastic revision is in fact practicable. In reality, we have always to bear in mind what Señor de Madariaga has more than once publicly asserted, that—"if the Covenant were put to-day as a fresh proposition to any nation in the world, it would not have a chance anywhere." We start therefore with an adherence, at any rate on paper, to an organisation now in existence, which, if destroyed, could hardly be rebuilt or replaced. This adherence is an advantage which it is essential to retain; any tampering with the existing structure must therefore be approached with caution, and in practice reduced to a minimum. In particular, we must hesitate to load its ominously creaking rafters with any additional burdens. We cannot "shatter it to bits, and then remould it nearer to the heart's desire." If we do so, we shall find, like many reformers who substitute model dwellings for slums, that the former residents refuse to occupy the new building.

All that can really be achieved is the substitution of a limited reality for a universal sham. This means the cancelling or relaxation of some obligations, and the tightening of others. The first part of the task can probably be carried out by amendment or re-interpretation of the Covenant, but the second calls for subsidiary treaties, in which what the parties are prepared to do, and where they are prepared to do it, are made the subject of precise, unmistakable and unescapable commitments. For these the Covenant itself should only provide a framework of governing principles and the necessary supervision and control to ensure that these arrangements are what they pretend to be.

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(1) These suggestions represent an individual contribution for which the Group as a whole is in no way responsible.

A critical commentary upon them by Sir John Fischer Williams will be found on p. 176 *et seq.*

To come down to the concrete, my suggestions are primarily designed to make the ideals of the League a reality in Europe and in disputes between European Powers, since I hold that if this were done we should be almost completely secure from the only type of war which is actually a menace to civilisation. If this were achieved I should be satisfied, and my Utopian design would have more than served its purpose.

#### ARTICLE I

1. The Members of the League of Nations shall be those which are named in the annex to this Covenant and such other independent sovereign States or fully self-governing Dominions as shall accede without reservation to the Covenant and whose admission is agreed to by two-thirds of the Assembly. Notice of intention to accede to the Covenant shall be circulated by the Secretariat to all Members of the League.

*Note.*—This includes the original sections (1) and (2). I have modified the ambiguous “fully self-governing State,” which President Wilson thought excluded autocracies, and have omitted the provisions as to “effective guarantees,” etc., as they never have been, and probably could not, be applied. The only real safeguard is the discretion of two-thirds of the Assembly.

2. Old 3 unchanged.

3. Article 16, 4 “Power of expulsion.”

*Note.*—This is the logical position for this proviso. In practice, it does not operate as a sanction; in fact the reverse is more true. The threat of withdrawal is used as a counter-sanction against the League. The real criterion is whether the membership of an offending state is an advantage or otherwise to the League. The clause should therefore stand among the qualifications and conditions of membership.

#### ARTICLES 2 AND 3

Remain unchanged.

#### ARTICLE 4

1. The Council shall consist of representatives of France, Germany, Great Britain, Italy, Poland, Spain and the U.S.S.R. and of one representative from each of the following groups of nations, to be selected by the Assembly from time to time at its discretion:

1. Belgium, Denmark, Holland, Norway, Sweden.
2. Estonia, Finland, Latvia, Lithuania.
3. Czechoslovakia, Roumania, Yugoslavia.
4. Austria and Hungary.

5. Albania, Bulgaria, Greece, Turkey.
6. The British Self-Governing Dominions.
7. American States other than Canada.
8. Asiatic States other than Turkey and the U.S.S.R.

*Note.*—This article represents the theoretically desirable rather than the practically attainable. It would result in a fair representation of the principal European interests, though it might be necessary to modify the groupings from time to time. Poland and Spain are included because their interests do not group well with others. The British Empire becomes Great Britain, because once the Dominions are separately represented this modification seems logical. It was favoured by the late Sir James Headlam-Morley. The Dominions themselves question the existence of an Empire Foreign Policy. The States external to Europe are deliberately given a very meagre representation. If they all resigned, I should not personally regret it. I want to make a good European League. The inclusion of Germany means of course "when available," and of Italy, "when chastened," but their chairs should be reserved meanwhile.

2. Old 2 is deleted ; it has done irreparable harm already. Substitute the following amendment of 2 *bis*.

The Assembly shall fix by a two-thirds majority the rules dealing with the election of those members of the Council who represent a group of Nations or Dominions, and particularly such regulations as relate to their term of office and the conditions of re-eligibility.

3. Remains unchanged.
4. Remains unchanged.
5. Add at the end, " but the absence of the consent of such representative to any decision of the Council shall not invalidate such decision."
6. At meetings of the Council, no member of the League shall have more than one representative, and each representative shall have one vote.

#### ARTICLE 5

Delete 3 which is obsolete. Retain remainder.

#### ARTICLES 6 AND 7

Remain unchanged.

#### ARTICLE 8

The Members of the League recognise that the maintenance of

peace would be facilitated by the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations, and the Council may formulate plans for effecting such reduction for the consideration and action of the several governments.

Delete 2, 3, 4 and 5.

6. Retain unchanged.

*Note.*—In defence of this drastic treatment, I adopt the arguments of Zimmern in *The League of Nations and the Rule of Law*<sup>1</sup>. I hold that much valuable time has been wasted in an impossible endeavour to secure a limitation of armaments in conditions of insecurity. I would leave merely a pious aspiration, to be realised when conditions are more favourable.

#### ARTICLE 9

Remains unchanged.

#### ARTICLE 10

The Members of the League undertake to respect the territorial integrity and existing political independence of all other Members of the League. They recognise and undertake to perform the duty of protecting against forcible external interference such rights to territorial integrity and political independence as any other Member State derives from any treaty to which they are parties, but such protection shall not be extended to a State which, in the opinion of the Council, exclusive of the representative of such State, has forfeited such right through continued neglect or infraction of any obligations arising under a treaty for the protection of racial minorities, or through persistently provocative conduct in its international relations, so long as these offences continue. Members of the League, other than those on whom such duty of protection devolves, undertake to do nothing to interfere with or frustrate the performance of such duty, and reserve the right to active co-operation.

Nothing in this Article or in the Covenant shall be understood to prevent the revision of any treaty by peaceful negotiation, subject to the undoubted right of any signatory of such treaty to be consulted and take part in such negotiation.

The Assembly may at any time advise the reconsideration of treaty provisions which appear inequitable or affected by changed conditions *and* whose continuance may endanger the peace of the world. Upon such advice being given by a two-thirds majority of the Assembly, all Members of the League who are parties or signatories to the treaty in question shall be invited

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(1) pp. 299 (n) and 331.

by the Secretary General to meet as early as possible with a view to such reconsideration.

*Note.*—The objects of this re-drafting are—

(a) To restore Article 19 to its original position, in which the preservation of territorial integrity and the opportunity for revision were connected in a single article, and brought into relationship.

(b) To limit the general obligation to *preserve* against external aggression to those primarily responsible. The obligation has not been respected because it is too wide. In cases arising out of the Peace Treaties, especially in Europe, those on whom this duty falls are amply sufficient for the purpose. But to make, say, France responsible for preserving the integrity and independence of a South American Member State merely weakens the sanctity of treaty obligations by demanding an absurdity.

(c) Expressly to authorise a release from this duty in cases where it would anyhow be claimed, and to induce successor States to mind their Ps and Qs in relation to international behaviour and the treatment of racial minorities. The maltreatment of cultural or religious minorities, however serious, does not appear to be an international question.

(d) To re-introduce, or rather to emphasize, a salutary principle of the pre-War system—the right of all parties to a treaty to be consulted in any modification of its provisions.

The right indeed exists. See the F.O. Memorandum cited by Sir Alfred Zimmern.<sup>1</sup>

“ Recognition of the political independence of the contracting Powers is implicit in a treaty compact, and their territorial integrity is equally implied by the fact that the numerous geographical provisions embodied in the treaties will be endorsed by all the signatories.”

But I feel that it is being lost sight of. See further on this point Headlam-Morley, *Studies in Diplomatic History*, p. 117.

(e) To put some, but not too much, “ life into Article 19,” and to improve the wording. “ Treaties which have become inapplicable ” does not express the intention, or confer any power of dealing with cases where the real cause of grievance is the continued application of the treaty.

## ARTICLE II

I. The Council may treat as a matter of general concern to the whole League any war or threat of war, whether immediately affecting any of the Members of the League or not. In case any such emergency shall arise, the Secretary General shall, on the

(1) *op. cit.* p. 198.

request of any Member of the League, forthwith summon a meeting of the Council. The Council shall advise upon, and may by unanimous decision of its members, exclusive of the representatives of nations whose conduct is in question, direct any action that may be deemed wise and effectual in the circumstances to safeguard the peace of the world, and the Members of the League agree in such case loyally to comply with such direction.

2. Retain unchanged.

*Note.*—The objects of this are, first to limit the existing obligation to concern ourselves with *all* wars. Secondly, where the war or threat of war really is a matter of general concern, which is by no means always the case, to increase the power of the Council by removing the necessity for absolute unanimity which is alleged to attach to the present Article. A sufficient measure of unanimity is retained to make it reasonable to expect the League to follow the directions given.

ARTICLE 12

The Members of the League agree that the settlement or solution of all disputes or conflicts, of whatever nature or whatever origin they may be, which may arise between them shall never be sought except by pacific means, and that they will submit any dispute between them, a settlement of which is urgently required by one or both parties and which cannot satisfactorily be settled by their own diplomacy, either to arbitration or judicial settlement or to inquiry by the Council.

2. Retain unchanged.

*Note.*—The main point of this is the incorporation of Article 2 of the Kellogg Pact, of which I think all Members of the League are signatories.

ARTICLE 13

1, 2, and 3, remain unchanged.

4. Omit "and that they will not resort to war against any Member of the League that complies therewith."

*Note.*—This amendment appears consequential on the Kellogg Pact.

ARTICLE 14

Retain unchanged, though it reads rather out of date.

ARTICLE 15

1 to 5. Retain unaltered.

6. If a Report by the Council is unanimously agreed to by the members thereof other than the representatives of the parties to the dispute, the parties to the dispute agree that they will comply with the recommendations of the report, with such variations as both or all of them may agree to, unless the parties unanimously prefer to leave the dispute unsettled. In the event of any failure to carry out the recommendations of the Report of the Council shall, at the request of any party, propose suitable steps to give it effect.

*Note.*—This amendment is mainly consequential on the Kellogg Pact, but also contemplates the possibility that the parties may find a modification of the solution proposed preferable to accepting it, or that they may both prefer to leave things as they are.

7 and 7a. (*Adopted from the L.N.U. recommendation*<sup>1</sup>).

If the Council fails to reach a report which is unanimously agreed to by the members thereof, other than the representatives of one or more of the parties to the dispute, it shall examine the procedure best suited to meet the case and recommend it to the parties.

7a. At any stage of the examination the Council may, either at the request of one of the parties or on its own initiative, ask the Permanent Court of International Justice for an advisory opinion on points of law relating to the dispute. Such application shall not require a unanimous vote by the Council.

8. Add as 8a. Nothing in the above provision or in the Covenant shall affect the right of any member of the League to bring before the Council a dispute arising from the infraction or threatened infraction of any obligation arising under a treaty for the protection of racial minorities. The Council may in such case take such action as it may deem just and effective, including the withdrawal from any nation persisting in any such infraction of the protection afforded by the provisions of the Covenant.

*Note.*—It seems necessary to preclude expressly in such a case the plea of domestic jurisdiction.

9 and 10 remain unchanged.

11. So soon as a dispute has been submitted to arbitration or judicial settlement or inquiry by the Council, the Council shall supervise and may at any time prohibit all further military, naval, or air preparation or mobilisation on the part of either or both the disputants. Any resistance to or evasion of such

(1) *The Reform and Development of the League of Nations*, pamphlet published by the League of Nations Union. 1936.

supervision, or disregard of such prohibition shall, if the Council, exclusive of the representatives of the parties to the dispute, so decide, be held to indicate a determination to resort to force within the meaning of Article 16.

*Note.*—Arguments against a similar provision, used by the Phillimore Committee and others, will be found on pp. 302-3 of Headlam-Morley (*op. cit.*). I remain convinced that it is necessary, under suitably elastic provisions, to be able to prevent negotiation from being made a cloak for continuous preparation for war.

#### ARTICLE 16

Should any member of the League resort to the use of force, declare war, or by means of an ultimatum or otherwise take any step which, in the opinion of the Council, exclusive of the representatives of parties to the dispute, indicates a determination to resort to the use of force in disregard of its Covenants under Articles 12, 13 or 15, it shall *ipso facto* be deemed to have committed an act of war against all other Members of the League, which are thereupon immediately entitled to take such action, including the use of military, naval and air force, against the offending State as any of them may deem advisable to preserve the Covenants of the League. The Members of the League agree that they will in any case refrain from giving support, assistance or countenance to the offending State, except with the express permission of the Council.

2. In order to furnish the League with the military, naval and air force essential to render the above provisions an effective obstacle to aggression, the Council, taking account of the geographical situation and circumstances of each State, shall promote the conclusion of treaties of limited mutual assistance and security in conformity with the model set out in the annex hereto, and with the principles of the Covenant. The parties to any such treaty, which may include States not Members of the League, shall agree that, within the limits defined therein, they will immediately use their joint armed power and authority against any State deemed under this Article to have committed an act of war against the Members of the League. (It is submitted, in order to minimise the possibility of conflicting alliances in the same area, that the area covered by any such treaty must not be less than a whole continent, and no treaty should be accepted by the League as fulfilling the conditions required until its signatories control an indisputable preponderance of power in the area defined).

## ARTICLE 16, 2 (*Annex*)

The High Contracting Parties, being convinced that the outbreak of war between or against any of their number or within the area defined in the schedule hereto constitutes a threat to the security of each of them, and a menace to civilisation :—

1. Mutually undertake that they will in no case attack or invade one another or resort to war or the use of force against each other, save in so far as such action may be legitimately taken in discharge of duties arising out of the Covenant of the League of Nations.

2. Undertake to settle by peaceful means or to leave unsettled all questions of every kind which may arise between them and which it may not be possible to settle by the normal methods of diplomacy.

3. Undertake in case of any breach by any of them of the undertaking in Article 1 hereof, or of an attack by any Power upon any State within the defined area, or of any act directed against any of them or against any State within the defined area which is deemed to be an act of war against the Members of the League of Nations in accordance with Article 16 of its Covenant, immediately to use their joint armed power for the protection and assistance of the State against which any such act is directed, and against the State so offending, and in support of the covenants and authority of the League of Nations.

4. The High Contracting Parties agree that their obligations under this treaty (and under the Covenant of the League of Nations if the signatory is a Member State) override any inconsistent obligation to which they or any of them may be or may become parties.

5. All nations within the defined area shall be invited, and it shall be open to any Member of the League whether within or without the area, to accede as a signatory and party to this treaty.

6. This treaty shall not be binding until considered by the Council of the League of Nations and approved by the vote of two-thirds of the members thereof.

### Schedule of Geographical Limits.

The Continent of Europe, including Great Britain.

3. The Members of the League agree that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking State, and that they will take the necessary steps to afford passage through their territory to the forces of any of the Members of the League which are co-operating to protect the Covenants of the League.

4. Has been transferred to Article 1 supra.

*Note.*—The objects aimed at in this article are :—

1. To apply pressure at an earlier stage, so as to substitute prevention for cure, and to get rid of the excuse that there has been no "resort to war."

2. To lay the stress on military action, and make economic action secondary.

3. To substitute a reliable local obligation for an illusory universal one, and to lessen the latter while increasing the former, and to lay the foundation for the European treaty or protocol which I look upon as the improvement most urgently required. (The drafting of this part is necessarily unconventional, since so many points have to be explained.)

4. To call attention to the danger that an alliance may be treated as an obligation overriding that of the Covenant.

5. To permit the exemption of small States exposed to great danger of reprisals.

#### ARTICLES 17 AND 18

Remain unchanged.

#### ARTICLE 19

Is incorporated in the revised Article 10 supra.

#### ARTICLE 20

Is retained unchanged, as Article 19.

#### ARTICLE 21

Has no longer any purpose, and is therefore deleted.

#### THE REMAINING ARTICLES

Remain unchanged except for numbering.

*Comment by Sir John Fischer Williams on the Foregoing Draft  
for a Revised Covenant of the League of Nations.*

#### GENERAL OBSERVATIONS

I share Mr. Gathorne-Hardy's doubts as to whether any direct scheme of amendment can be carried by the use of the existing machinery for amendment contained in the Covenant. I believe that if anything is to be effected it must be by declaration by the Powers chiefly interested of the sense in which they understand their obligations *rebus ut nunc stantibus*, and by creating precedents of action in the sense that is acceptable to the majority of members.

#### ARTICLE I

Here I think Mr. Gathorne-Hardy's amended text only

expresses the realities of the present situation. The Wilsonian (original—for Wilson was not consistent) interpretation of “fully self-governing” is dead.

As to introducing Article 16-4 here, this would improve the drafting. It has been suggested, but I think not rightly, that the main object of Article 16-4 is to get rid of the supposed veto of the covenant-breaking State under the unanimity rule. (Jenks, in *British Year Book of International Law for 1935*, pp. 155-7.)

#### ARTICLE 4

I agree with the first sentence of Mr. Gathorne-Hardy's note—(with particular reference to sub-clause 5).

#### ARTICLE 5

I would extend the definition of “procedure” so as to include clearly a decision to ask an advisory opinion of the Court and a decision both to appoint and settle the composition of committees. (I believe the wider view here to be sound, certainly as to committees, but the French text is supposed to aid the other view on this latter point.)

#### ARTICLE 8

Yes. But how difficult to get accepted.

#### ARTICLE 10

I would not mind if the present Article disappeared. It is very loosely drafted—“this obligation” refers to two distinct obligations, and it is not at all clear whether the obligation “to preserve” arises (the other obligation does so arise) in the absence of advice from the Council which must, presumably, be unanimous (see my book *Some Aspects of the Covenant of the League of Nations*).

But if it is to be kept, it might well (and probably will) be interpreted much as proposed by Mr. Gathorne-Hardy.

Should not Mr. Gathorne-Hardy amend his draft so as to make it clear that once advice is given for reconsideration of a treaty provision (query: by a two-thirds majority of the Assembly) no duty to defend the results of that provision remains?

As to (d), I assume Mr. Gathorne-Hardy does not mean that *all* parties to the multilateral treaty must agree to a modification before that modification can be valid as between the parties who desire it. The contrary heresy (for heresy it is) would enable Panama to keep us all bound by the Treaty of Versailles.

#### ARTICLE 11

Surely this is an article that gives power of *persuasion* only, not of compulsion. Mr. Gathorne-Hardy's amendment makes

it give the Council a power of issuing *orders* to non-members of the Council. This would not be acceptable. There has been endless misunderstanding of this article. If it is persuasive only, the question of unanimity is unimportant. If it really gives compulsory powers, a good deal of the rest of the Covenant—notably 15—could be scrapped.

#### ARTICLES 12 AND 13

It would be an improvement if these articles were amended so as to make a dispute as to "rights" referable to judicial settlement and any other dispute referable to the Council. See the Locarno precedent and the "General Act."

2 of Article 13 is very unsatisfactory and should disappear.

#### ARTICLE 14

The advisory opinion sentence should in any case be kept.

#### ARTICLE 15

I agree generally 7a is useful; as to unanimity in such a case, see on Article 5. The new 7 would be very difficult to carry. A bold use of Article 11 might achieve the desired result.

#### ARTICLE 16

The proposal here strikes me as very ingenious in getting rid of the contractual compulsion to take steps which may lead to war and substituting an option to take such steps—*cf.* the Budapest resolution of the International Law Association. Whether Great Britain ought to enter into one of these model treaties, I dare not say. I do not feel at all easy at the Locarno obligations if they mean that if France gets involved by reason of her near-Eastern policy Great Britain is necessarily dragged in.

# APPENDIX II

## THE COVENANT OF THE LEAGUE OF NATIONS

### THE HIGH CONTRACTING PARTIES

In order to promote international co-operation and to achieve international peace and security

by the acceptance of obligations not to resort to war,

by the prescription of open, just and honourable relations between nations,

by the firm establishment of the understandings of international law as the actual rule of conduct among Governments, and

by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organised peoples with one another,

Agree to this Covenant of the League of Nations.

### ARTICLE I

1. The original Members of the League of Nations shall be those of the Signatories which are named in the Annex to this Covenant and also such of those other States named in the Annex as shall accede without reservation to this Covenant. Such accession shall be effected by a Declaration deposited with the Secretariat within two months of the coming into force of the Covenant. Notice thereof shall be sent to all other Members of the League.

2. Any fully self-governing State, Dominion or Colony not named in the Annex may become a Member of the League if its admission is agreed to by two-thirds of the Assembly, provided that it shall give effective guarantees of its sincere intention to observe its international obligations, and shall accept such regulations as may be prescribed by the League in regard to its military, naval and air forces and armaments.

3. Any Member of the League may, after two years' notice of its intention so to do, withdraw from the League, provided that all its international obligations and all its obligations under this Covenant shall have been fulfilled at the time of its withdrawal.

### ARTICLE 2

The action of the League under this Covenant shall be effected through the instrumentality of an Assembly and of a Council, with a permanent Secretariat.

### ARTICLE 3

1. The Assembly shall consist of Representatives of the Members of the League.

2. The Assembly shall meet at stated intervals and from time to time as occasion may require at the Seat of the League or at such other place as may be decided upon.

3. The Assembly may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

4. At meetings of the Assembly each Member of the League shall have one vote, and may have not more than three Representatives.

#### ARTICLE 4

1. The Council shall consist of Representatives of the Principal Allied and Associated Powers,<sup>1</sup> together with Representatives of four other Members of the League. These four Members of the League shall be selected by the Assembly from time to time in its discretion. Until the appointment of the Representatives of the four Members of the League first selected by the Assembly, Representatives of Belgium, Brazil, Spain and Greece shall be members of the Council.

2. With the approval of the majority of the Assembly, the Council may name additional Members of the League whose Representatives shall always be Members of the Council<sup>2</sup>; the Council with like approval may increase the number of Members of the League to be selected by the Assembly for representation on the Council<sup>3</sup>.

2 bis.<sup>4</sup> *The Assembly shall fix by a two-thirds majority the rules dealing with the election of the non-permanent Members of the Council, and particularly such regulations as relate to their term of office and conditions of re-eligibility.*

3. The Council shall meet from time to time as occasion may require, and at least once a year, at the Seat of the League, or at such other place as may be decided upon.

4. The Council may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

5. Any Member of the League not represented on the Council shall be invited to send a Representative to sit as a Member at any meeting of the Council during the consideration of matters specially affecting the interests of that Member of the League.

6. At meetings of the Council, each Member of the League represented on the Council shall have one vote, and may have not more than one Representative.

#### ARTICLE 5

1. Except where otherwise expressly provided in this Covenant or by the terms of the present Treaty, decisions at any meeting of the Assembly or of the Council shall require the agreement of all the Members of the League represented at the meeting.

2. All matters of procedure at meetings of the Assembly or of the Council, including the appointment of Committees to investigate particular matters, shall be regulated by the Assembly or by the Council and may be decided by a majority of the Members of the League represented at the meeting.

3. The first meeting of the Assembly and the first meeting of the Council shall be summoned by the President of the United States of America.

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(1) The Principal Allied and Associated Powers are the following: The United States of America, The British Empire, France, Italy and Japan.

(2) In virtue of this paragraph of the Covenant, Germany was nominated as a Permanent Member of the Council on September 8, 1926.

(3) The number of members of the Council selected by the Assembly was increased to six instead of four by virtue of a resolution adopted by the Third Assembly on September 25, 1922. By a resolution taken by the Assembly on September 8, 1926, the number of members of the Council selected by the Assembly was increased to nine.

(4) This Amendment came into force July 29, 1926.

## ARTICLE 6

1. The permanent Secretariat shall be established at the Seat of the League. The Secretariat shall comprise a Secretary-General and such secretaries and staff as may be required.

2. The first Secretary-General shall be the person named in the Annex ; thereafter the Secretary-General shall be appointed by the Council with the approval of the majority of the Assembly.

3. The secretaries and staff of the Secretariat shall be appointed by the Secretary-General with the approval of the Council.

4. The Secretary-General shall act in that capacity at all meetings of the Assembly and of the Council.

5.<sup>1</sup> *The expenses of the League shall be borne by the Members of the League in the proportion decided by the Assembly.*

## ARTICLE 7

1. The Seat of the League is established at Geneva.

2. The Council may at any time decide that the Seat of the League shall be established elsewhere.

3. All positions under or in connection with the League, including the Secretariat, shall be open equally to men and women.

4. Representatives of the Members of the League and officials of the League when engaged on the business of the League shall enjoy diplomatic privileges and immunities.

5. The buildings and other property occupied by the League or its officials or by Representatives attending its meetings shall be inviolable.

## ARTICLE 8

1. The Members of the League recognise that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations.

2. The Council, taking account of the geographical situation and circumstances of each State, shall formulate plans for such reduction for the consideration and action of the several Governments.

3. Such plans shall be subject to reconsideration and revision at least every ten years.

4. After these plans shall have been adopted by the several Governments, the limits of armaments therein fixed shall not be exceeded without the concurrence of the Council.

5. The Members of the League agree that the manufacture by private enterprise of munitions and implements of war is open to grave objections. The Council shall advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those Members of the League which are not able to manufacture the munitions and implements of war necessary for their safety.

6. The Members of the League undertake to interchange full and frank information as to the scale of their armaments, their military, naval and

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(1) This Amendment came into force on August 13, 1924 ; the paragraph originally ran : " The expenses of the Secretariat shall be borne by the Members of the League in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union."

air programmes and the condition of such of their industries as are adaptable to war-like purposes.

#### ARTICLE 9

A permanent Commission shall be constituted to advise the Council on the execution of the provisions of Articles 1 and 8 and on military, naval and air questions generally.

#### ARTICLE 10

The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League. In case of any such aggression or in case of any threat or danger of such aggression the Council shall advise upon the means by which this obligation shall be fulfilled.

#### ARTICLE 11

1. Any war or threat of war, whether immediately affecting any of the Members of the League or not, is hereby declared a matter of concern to the whole League, and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations. In case any such emergency should arise the Secretary-General shall on the request of any Member of the League forthwith summon a meeting of the Council.

2. It is also declared to be the friendly right of each Member of the League to bring to the attention of the Assembly or of the Council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends.

#### ARTICLE 12<sup>1</sup>

1. The Members of the League agree that, if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or *judicial settlement* or to inquiry by the Council and they agree in no case to resort to war until three months after the award by the arbitrators or the *judicial decision*, or the report by the Council.

2. In any case under this Article, the award of the arbitrators or the *judicial decision* shall be made within a reasonable time, and the report of the Council shall be made within six months after the submission of the dispute.

#### ARTICLE 13<sup>2</sup>

1. The Members of the League agree that, whenever any dispute shall arise between them which they recognise to be suitable for submission to arbitration or *judicial settlement*, and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject-matter to arbitration or *judicial settlement*.

2. Disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which, if established, would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be among those which are generally suitable for submission to arbitration or *judicial settlement*.

3. *For the consideration of any such dispute, the court to which the case is referred shall be the Permanent Court of International Justice, established in accordance with Article 14, or any tribunal agreed on by the parties to the dispute or stipulated in any convention existing between them.*

(1) The Amendments in italics came into force on September 26, 1924.

(2) The Amendments in italics came into force on September 26, 1924.

4. The Members of the League agree that they will carry out in full good faith any award *or decision* that may be rendered, and that they will not resort to war against any Member of the League that complies therewith. In the event of any failure to carry out such an award *or decision*, the Council shall propose what steps should be taken to give effect thereto.

#### ARTICLE 14

The Council shall formulate and submit to the Members of the League for adoption plans for the establishment of a Permanent Court of International Justice. The Court shall be competent to hear and determine any dispute of an international character which the parties thereto submit to it. The Court may also give an advisory opinion upon any dispute or question referred to it by the Council or by the Assembly.

#### ARTICLE 15<sup>1</sup>

1. If there should arise between Members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration *or judicial settlement* in accordance with Article 13, the Members of the League agree that they will submit the matter to the Council. Any party to the dispute may effect such submission by giving notice of the existence of the dispute to the Secretary-General, who will make all necessary arrangements for a full investigation and consideration thereof.

2. For this purpose the parties to the dispute will communicate to the Secretary-General, as promptly as possible, statements of their case, with all the relevant facts and papers, and the Council may forthwith direct the publication thereof.

3. The Council shall endeavour to effect a settlement of the dispute, and if such efforts are successful, a statement shall be made public giving such facts and explanations regarding the dispute and the terms of settlement thereof as the Council may deem appropriate.

4. If the dispute is not thus settled, the Council either unanimously or by a majority vote shall make and publish a report containing a statement of the facts of the dispute and the recommendations which are deemed just and proper in regard thereto.

5. Any Member of the League represented on the Council may make public a statement of the facts of the dispute and of its conclusions regarding the same.

6. If a report by the Council is unanimously agreed to by the members thereof other than the Representatives of one or more of the parties to the dispute, the Members of the League agree that they will not go to war with any party to the dispute which complies with the recommendations of the report.

7. If the Council fails to reach a report which is unanimously agreed to by the members thereof, other than the Representatives of one or more of the parties to the dispute, the Members of the League reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice.

8. If the dispute between the parties is claimed by one of them, and is found by the Council to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the Council shall so report, and shall make no recommendation as to its settlement.

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(1) The Amendment in italics came into force on September 26, 1924.

9. The Council may in any case under this Article refer the dispute to the Assembly. The dispute shall be so referred at the request of either party to the dispute, provided that such request be made within fourteen days after the submission of the dispute to the Council.

10. In any case referred to the Assembly, all the provisions of this Article and of Article 12 relating to the action and powers of the Council shall apply to the action and powers of the Assembly, provided that a report made by the Assembly, if concurred in by the Representatives of those Members of the League represented on the Council and of a majority of the other Members of the League, exclusive in each case of the Representatives of the parties to the dispute, shall have the same force as a report by the Council concurred in by all the members thereof other than the Representatives of one or more of the parties to the dispute.

#### ARTICLE 16

1.<sup>1</sup> Should any Member of the League resort to war in disregard of its covenants under Articles 12, 13, or 15, it shall *ipso facto* be deemed to have committed an act of war against all other Members of the League, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a Member of the League or not.

2. It shall be the duty of the Council in such case to recommend to the several Governments concerned what effective military, naval or air force the Members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League.

3. The Members of the League agree, further, that they will mutually support one another in the financial and economic measures which are taken under this Article, in order to minimise the loss and inconvenience

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(1) *When sufficient ratifications have been received this paragraph will be replaced by the following four :—*

Should any Member of the League resort to war in disregard of its covenants under Articles 12, 13, or 15, it shall *ipso facto* be deemed to have committed an act of war against all other Members of the League, which hereby undertake immediately to subject it to the severance of all trade or financial relations, and to prohibit all intercourse at least between persons resident within their territories and persons resident within the territory of the covenant-breaking State and, if they deem it expedient, also between their nationals and the nationals of the covenant-breaking State, and to prevent all financial, commercial or personal intercourse at least, between persons resident within the territory of that State and persons resident within the territory of any other State, whether a Member of the League or not, and, if they deem it expedient also between the nationals of that State and the nationals of any other State whether a Member of the League or not.

It is for the Council to give an opinion whether or not a breach of the Covenant has taken place. In deliberations on this question in the Council, the votes of Members of the League alleged to have resorted to war and of Members against whom such action was directed shall not be counted.

The Council will notify to all Members of the League the date which it recommends for the application of the economic pressure under this Article.

Nevertheless, the Council may, in the case of particular Members, postpone the coming into force of any of these measures for a specified period where it is satisfied that such a postponement will facilitate the attainment of the object of the measures referred to in the preceding paragraph, or that it is necessary in order to minimise the loss and inconvenience which will be caused to such Members.

resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking State, and that they will take the necessary steps to afford passage through their territory to the forces of any of the Members of the League which are co-operating to protect the covenants of the League.

4. Any Member of the League which has violated any covenant of the League may be declared to be no longer a Member of the League by a vote of the Council concurred in by the Representatives of all the other Members of the League represented thereon.

#### ARTICLE 17

1. In the event of a dispute between a Member of the League and a State which is not a Member of the League, or between States not Members of the League, the State or States not Members of the League shall be invited to accept the obligations of Membership in the League for the purposes of such dispute, upon such conditions as the Council may deem just. If such invitation is accepted, the provision of Articles 12 to 16 inclusive shall be applied with such modifications as may be deemed necessary by the Council.

2. Upon such invitation being given the Council shall immediately institute an inquiry into the circumstances of the dispute and recommend such action as may seem best and most effectual in the circumstances.

3. If a State so invited shall refuse to accept the obligations of membership in the League for the purposes of such dispute, and shall resort to war against a Member of the League, the provisions of Article 16 shall be applicable as against the State taking such action.

4. If both parties to the dispute when so invited refuse to accept the obligations of membership in the League for the purposes of such dispute, the Council may take such measures and make such recommendations as will prevent hostilities and will result in the settlement of the dispute.

#### ARTICLE 18

Every treaty or international engagement entered into hereafter by any Member of the League shall be forthwith registered with the Secretariat and shall as soon as possible be published by it. No such treaty or international engagement shall be binding until so registered.

#### ARTICLE 19

The Assembly may from time to time advise the reconsideration by Members of the League of treaties which have become inapplicable and the consideration of international conditions whose continuance might endanger the peace of the world.

#### ARTICLE 20

1. The Members of the League severally agree that this Covenant is accepted as abrogating all obligations or understandings *inter se* which are inconsistent with the terms thereof, and solemnly undertake that they will not hereafter enter into any engagements inconsistent with the terms thereof.

2. In case any Member of the League shall, before becoming a Member of the League, have undertaken any obligations inconsistent with the terms of this Covenant, it shall be the duty of such Member to take immediate steps to procure its release from such obligations.

#### ARTICLE 21

Nothing in the Covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understandings like the Monroe doctrine, for securing the maintenance of peace.

#### ARTICLE 22

1. To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilisation and that securities for the performance of this trust should be embodied in this Covenant.

2. The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience or their geographical position can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League.

3. The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.

4. Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognised subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory.

5. Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience and religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defence of territory, and will also secure equal opportunities for the trade and commerce of other Members of the League.

6. There are territories, such as South-West Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilisation, or their geographical contiguity to the territory of the Mandatory, and other circumstances, can be best administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards above-mentioned in the interests of the indigenous population.

7. In every case of mandate, the Mandatory shall render to the Council an annual report in reference to the territory committed to its charge.

8. The degree of authority, control, or administration to be exercised by the Mandatory shall, if not previously agreed upon by the Members of the League, be explicitly defined in each case by the Council.

9. A permanent Commission shall be constituted to receive and examine the annual reports of the Mandatories and to advise the Council on all matters relating to the observance of the mandates.

### ARTICLE 23

Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the Members of the League :

(a) will endeavour to secure and maintain fair and humane conditions of labour for men, women, and children, both in their own countries and in all countries to which their commercial and industrial relations extend, and for that purpose will establish and maintain the necessary international organisations ;

(b) undertake to secure just treatment of the native inhabitants of territories under their control ;

(c) will entrust the League with the general supervision over the execution of agreements with regard to the traffic in women and children, and the traffic in opium and other dangerous drugs ;

(d) will entrust the League with the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest ;

(e) will make provision to secure and maintain freedom of communications and of transit and equitable treatment for the commerce of all Members of the League. In this connection, the special necessities of the regions devastated during the War of 1914-1918 shall be borne in mind ;

(f) will endeavour to take steps in matters of international concern for the prevention and control of disease.

### ARTICLE 24

1. There shall be placed under the direction of the League all international bureaux already established by general treaties if the parties to such treaties consent. All such international bureaux and all commissions for the regulation of matters of international interest hereafter constituted shall be placed under the direction of the League.

2. In all matters of international interest which are regulated by general conventions but which are not placed under the control of international bureaux or commissions, the Secretariat of the League shall, subject to the consent of the Council and if desired by the parties, collect and distribute all relevant information and shall render any other assistance which may be necessary or desirable.

3. The Council may include as part of the expenses of the Secretariat the expenses of any bureaux or commission which is placed under the direction of the League.

### ARTICLE 25

The Members of the League agree to encourage and promote the establishment and co-operation of duly authorised voluntary national Red Cross organisations having as purposes the improvement of health, the prevention of disease and the mitigation of suffering throughout the world.

ARTICLE 26

1.<sup>1</sup> Amendments to this Covenant will take effect when ratified by the Members of the League whose Representatives compose the Council and by a majority of the Members of the League whose Representatives compose the Assembly.

2. No such amendment shall bind any Member of the League which signifies its dissent therefrom, but in that case it shall cease to be a Member of the League.

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(1) *When sufficient ratifications have been received this Article will read :—*

Amendments to the present Covenant the text of which shall have been voted by the Assembly on a three-fourths majority, in which there shall be included the votes of all the Members of the Council represented at the meeting, will take effect when ratified by the Members of the League whose Representatives composed the Council when the vote was taken and by the majority of those whose Representatives form the Assembly.

If the required number of ratifications shall not have been obtained within twenty-two months after the vote of the Assembly, the proposed amendment shall remain without effect.

The Secretary-General shall inform the Members of the taking effect of an amendment.

Any Member of the League which has not at that time ratified the amendment is free to notify the Secretary-General within a year of its refusal to accept it, but in that case it shall cease to be a Member of the League.