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OUR DUTY

CONCERNING THE

PANAMA CANAL TOLLS

BY

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THE DUTY TO ARBITRATE THE PANAMA TOLLS QUESTION.

BY THOMAS RAEBURN WHITE.1

The question at issue between Great Britain and the United States concerning the Panama tolls relates exclusively to the interpretation of a treaty. The United States has asserted a construction of that treaty. A statute has been enacted by Congress and approved by the President. That statute assumes that United States vessels of a certain class may be allowed to pass free through the canal, while foreign ships are charged tolls. It has vested in the executive power to fix charges of traffic in accord with this construction. Great Britain, on the other hand, has asserted a contrary construction. "You cannot, under the treaty," says she, "discriminate in favor of American ships and against British ships." Here is a sharply defined issue as to the meaning of the treaty. How shall it be decided? Great Britain requests that it be submitted to arbitration. Assuming that the United States refuses to recede from her position, and granting that negotiation does not settle the matter, what should be the answer to that request?

If we are inclined to answer it in the negative, we are immediately placed on the defensive when Great Britain points to the terms of the arbitration treaty of 1908 between the two countries, which provides: "Differences which may arise of a legal nature or relating to the interpretation of treaties . . . shall be referred to the Permanent Court of Arbitration at The Hague, . . . provided nevertheless that they do not affect the vital interests, the independence or the honor of the two contracting states." *Prima facie* we must arbitrate, for we have agreed to do it. The case is within the very words of the treaty.

But there are those who say that, notwithstanding the treaty, we should maintain our position and should refuse to arbitrate. Let

Address at the Lake Mohonk Conference on International Arbitration, May 16, 1913.

us examine the reasons which have been put forward in support of this view.

The first is in an effort to escape altogether the force of the arbitration treaty. It is said no international difference exists and, therefore, the treaty is not applicable; that the matter is exclusively one of domestic policy; that we own the canal and the territory through which it runs; and that no other nation has any right to inquire whether we shall charge tolls to our own vessels.

This argument is based upon a fallacy. It is not a domestic question. We do not own the canal in any private or exclusive sense. It is a great international waterway. The Isthmus of Panama is a place designed by nature for such a waterway, and there is authority in international law for the proposition that one nation, even if absolute owner thereof, could not exclude other nations from equal use of such a canal. If we have any rights upon the isthmus at all, considering the way in which we got there, it is on the theory that we were acting not for our own private interests, but in the name of civilization for all the nations of the earth. The question, therefore, cannot be one of domestic policy. But, even if it were a matter of domestic policy, we have made it an international matter, for we have made a treaty about it. Even a matter of domestic concern becomes international in character, if two nations make it the subject of a treaty. As we have agreed with Great Britain that her vessels and ours shall use the canal on terms of entire equality, an international question is necessarily involved.

But, in the second place, it is said that, if we must admit an international question is involved by force of the treaty, then, rather than arbitrate, we will abrogate the Hay-Pauncefote treaty, and a bill has been introduced in Congress for that purpose. This is a bold step, also calculated to escape the binding force of the treaty. But can it be done? By this I do not mean, Is it within the power of the United States to abrogate the treaty? Of course, it is within her power: any sovereign state can violate her obligations if she chooses. But would such abrogation be sanctioned by international law or practice or by the public opinion of the civilized world? On this point there can be no two opinions. A treaty of a permanent nature between two nations can only be abrogated contrary to its terms where it plainly contemplates the continued existence of conditions which have ceased to exist. Is there any such pretense here? It is said there has been a change of territorial sovereignty; that

the Hay-Pauncefote treaty did not contemplate the construction of a canal through territory owned by the United States. But the answer to this contention is found in the treaty itself, which in Article 4 provides that "it is agreed that no change of territorial sovereignty or of international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty."

But there is a further consideration. The Hay-Pauncefote treaty was in reality more than a mere agreement between two nations. It was an adoption of a system of rules already in force for the conduct of the only other international waterway comparable to this,
—the Suez Canal,—a system of rules sanctioned by the civilized world as the proper system for governing such a waterway. While the United States and Great Britain were the only parties to the treaty, it is not to be overlooked that, as they are the two great nations dominating the western world, the other nations doubtless assumed that their interests were sufficiently protected by the guaranty of the United States, concurred in by Great Britain, that the ships of all nations should have equal treatment. As such canals are considered in international law as existing for the common benefit of mankind, and as there has been general acquiescence in the system of rules adopted for their control, these rules may be accepted as constituting a standard of conduct for this class of cases from which a state cannot depart without committing a breach of the modus vivendi of nations. The United States, therefore, cannot abrogate the treaty and violate the guaranties hitherto entered into without not only a violation of her agreement with England, but also a clear breach of international good conduct, which would give rise to claims for reparation from yet other nations.

Thirdly, admitting the binding force of the treaty, it is said—and this was the point raised by Secretary Knox—that no case for arbitration has arisen because no injury has yet been suffered. This objection is at most a technicality, which does not go to the merits of the question. A difference has arisen relating to the interpretation of a treaty, the very case covered by the language of the arbitration treaty of 1908, and there is no valid reason why it should not be submitted to arbitration before rather than after the infliction of actual injury. Such a course would certainly tend to avoid international friction. The argument against this position assumes that.

until some injury has been suffered, a question existing between two nations is academic or political rather than legal, and that political questions are not susceptible of being decided by courts of arbitration. But, even if the question be political, that is not a conclusive reason, or indeed any reason, why it should not be arbitrated. The Final Acts of both Hague Conferences expressly state that "the submission to arbitration . . . may embrace any disputes," which includes political disputes, and the language of the arbitration treaty of 1908 in providing that "differences . . . relating to the interpretation of treaties" should be submitted to arbitration does not exclude political differences of this character.

But, aside from this, it is not clear that no injury has as yet been inflicted. The announcement by a solemn act of legislation of the interpretation placed upon the Hay-Pauncefote treaty by the United States is in effect a declaration that discrimination can legally be made in favor of United States vessels. Although no vessels have passed through the canal, and no discriminative rates have actually been imposed with consequent effect upon commerce, it cannot be said that no injury has been inflicted by this declaration of the interpretation of the treaty. Doubtless preparations are now being made in some quarters for the carrying of commerce through the canal, and the industries engaged in preparing for such commerce, either in the building of ships or in the arranging of other matters preliminary thereto, may be, and probably have been, unfavorably affected. The contention that no injury has been suffered, therefore, falls to the ground, and for this additional reason the argument based on this thought has no substantial basis.

In the fourth place there are those who conceive we should decline to arbitrate on the ground that our vital interests are involved, and, therefore, we are within the exceptions of the arbitration treaty of 1908. In discussing this phase of the matter, we should consider what character of questions we have arbitrated in the past, and especially with Great Britain,—whether they have been merely petty matters or of as great importance as that now before us.

The history of arbitrations between Great Britain and the United States has been a notable one. It began almost immediately after the treaty of Paris in 1782. A vast and unknown wilderness lay between the settlements of the United States and Canada. The boundary line was traced through that wilderness by the commissioners who

negotiated the treaty of peace to the best of their ability. But by reason of insufficient knowledge of the topography of the country and the lack of accurate maps the boundary line had to be subsequently fixed in almost every part either by direct negotiation or by commission or by arbitration. At the eastern end the identity of the St. Croix River, forming part of the boundary, was decided in 1797 by arbitration. At the western end the long dispute was ended threequarters of a century later by the decision of the arbitrators in the case of the San Juan water boundary. Much of the boundary line between these limits and these dates was fixed in a similar manner.

In comparison with these mighty problems, involving hundreds of thousands of square miles of territory, affecting the vital interests of both nations, and concerning which there was an earnest discussion, if not an acrimonious controversy, for a period of nearly one hundred years, how small seems the question whether we shall have the right to grant what is in effect a small subsidy to a limited number of coasting vessels!

But there is another instance, passing over the numerous lesser ones, which will immediately occur to your minds. I refer, of course, to the Geneva Arbitration and the Alabama claims. Only twice in our history has the United States been so nearly in conflict with Great Britain as she was at the close of the Civil War. The premature recognition of the belligerency of the Southern States; the cloud of blockade runners which issued from British ports, carrying arms and supplies to the Southern armies; the scarcely veiled sympathy of official England, if not of the English people, for the South; the destruction of United States shipping by vessels of war which, it was believed, had been fitted out in British ports, until, as Charles Sumner put it on the floor of the Senate, the ocean was ablaze from these pirate ships,—all these things stirred the nation to the depths, and the demand for redress was insistent and uncompromising.

But, on the other hand, consider the position of Great Britain. A serious claim had been made against her, a charge that she had violated the laws of neutrality, that she had been guilty of bad faith. These questions affected her honor; and in 1865 Earl Russell, who was then conducting the correspondence on behalf of Great Britain, said that "neither of the questions as to which arbitration had been suggested could be put to a foreign government with any regard to the dignity and character of the British Crown and the British Nation. Her Majesty's government are the sole guardians of their own honor.

They cannot admit that they have acted with bad faith in maintain-

ing the neutrality they professed."

Great Britain had little to gain and much to lose by yielding to the demand of the United States that the questions at issue should be submitted to arbitration. But she yielded. Notwithstanding the questions involved her honor and notwithstanding the protests of a considerable and respectable portion of her own citizens, she yielded; and the result was the Geneva Arbitration, which has been aptly termed "the noblest spectacle of modern times, in which two great and powerful nations, gaining in wisdom and self-control and losing nothing in patriotism or self-respect, taught the world that the magnitude of a controversy need not be a bar to its peaceful solution."²

As compared with the issue thus submitted and decided, how trivial, how less than trivial, seems the question now at stake! It does not concern our honor or vital interests, as those words have been construed by us in cases where we have demanded arbitra-

tion of Great Britain.

Fifthly,—and this is a reason not based upon logical but solely upon practical grounds,—it is said the United States could not get a fair hearing before any court composed of judges of the Hague Tribunal, because all European nations are interested in the controversy. While it is not to be supposed the judges of the Hague Court would intend to be otherwise than fair and impartial, yet the danger of unconscious bias would exist and there is much truth in this contention. A discussion thereof may be avoided, however, by pointing out that Great Britain has not requested that the question be submitted to the Hague Tribunal, but has merely suggested that it be arbitrated. There is no reason to suppose she would not consent to the establishment of a tribunal in any way which would be fair to both parties. I have little doubt that, if the question were submitted to a court consisting of an equal number of judges of the highest courts of England and America, they would have no difficulty in deciding it, and probably without any dissenting opinions.

Sixthly and lastly, there are some patriotic gentlemen in Congress and out of it who say without assigning any reasons that we will not arbitrate, but will decide the question for ourselves; that we will be the judge in our own cause. But the United States cannot afford to take that position. We have claimed to be, and have been, the leader in the cause of international arbitration. It has been our

² John Bassett Moore in "The United States and International Arbitration."

especial concern almost from the foundation of the nation. The occasions upon which Congresses and Presidents and secretaries of state and other officers have urged upon the world the desirability of providing for the peaceful settlement of international disputes through submission to arbitration could scarcely be enumerated in the time allotted to these remarks.

We co-operated in establishing the Permanent Court of Arbitration at The Hague; we took a leading and most honorable part in the effort to secure from the Second Hague Conference the establishment of a real international court of justice; and we have declared in the most solemn manner, upon many occasions, that we are in favor of treaties providing for the compulsory submission of international disputes to such courts.

We have declared, but these declarations have been for the most part mere statements of abstract principles; we have arbitrated, but these arbitrations have been almost entirely in cases where the decision was not within our own power and where we were confident we would win. But now, when the first real test has come, when an occasion has arisen where we have the power to say we will be the judge of our own conduct, and where it is at least doubtful whether we would win if we submitted to arbitration,—what are we about to do? Are we about to renounce all our previous professions? Although we have insisted that others should submit our claims against them to arbitration, are we now about to refuse them the same justice we demanded? To do this would violate our solemn contract to arbitrate questions of this character, would convict us of insincerity in our advocacy of the principle of international arbitration, and would so injure our prestige that we could not with hope of success undertake further efforts in this field. I cannot believe the American people will so decree. We have not been hypocritical in our professions. When we have said, as we have said on many occasions, that we believe international questions should be decided in the judicial chamber rather than upon the field of battle, we have meant what we said, and, as we have insisted upon the application of this principle to others, we will insist upon its application to ourselves.

Our country's greatness has consisted not in the size of its fleets or armies, but in the maintenance of high ideals of justice and fair dealing and the keeping of contracts among the nations. We must continue to maintain and practice those ideals if we would continue to receive the respect and confidence of mankind. We must be willing to submit disputes to arbitration, even though in danger of losing, where the nature of the case and our traditional policy demands that we should do so.

THE TREATY OBLIGATIONS OF THE UNITED STATES.

BY CHARLEMAGNE TOWER.

The subject of a canal across the narrow strip of land that joins the two Continents is one that is nearly contemporaneous with the discovery of America; for its advantages made themselves evident even to the earliest explorers and navigators, who upon returning to Spain, in 1528,—more than 150 years before William Penn entered the Delaware,—presented to the Emperor Charles V a plan for the opening of a waterway through the Isthmus of Panama, a project that never was lost sight of and which acquired greater importance to us, both from our political and commercial point of view, after our separation from Great Britain and the establishment of our independent nationality.

In 1826 Mr. Clay, then Secretary of State, wrote, in connection with the International American Conference at Panama:—

A cut or canal for purposes of navigation somewhere through the isthmus that connects the two Americas, to unite the Pacific and Atlantic Oceans, will form a proper subject of consideration. That vast object, if it should be ever accomplished, will be interesting, in a greater or less degree, to all parts of the world.

We were not in a position at that time to think of undertaking such a work ourselves, though our government was alert to the opportunity, and wished to participate in the advantages that would arise from a canal, and Mr. Clay added:—

If the work should ever be executed so as to admit of the passage of sea-vessels from ocean to ocean, the benefit of it ought not to be exclusively appropriated to any one nation, but should be extended to all parts of the globe upon the payment of a just compensation or reasonable tolls.

¹ Extracts from an address at the Lake Mohonk Conference on International Arbitration, May 16, 1913.

The progress of events, and the growth of our importance as a nation, enlarged the interest of the people of the United States in the passage through the isthmus, which was taken up in the Senate, where a resolution was adopted on March 3, 1835. Four years later the question again arose in the House of Representatives in compliance with a memorial from the merchants of New York and Philadelphia. A resolution, employing the language previously used in the Senate, was adopted by the House, which voted that the President should be requested "to consider the expediency of opening or continuing negotiations with the governments of other nations, and particularly with those the territorial jurisdiction of which comprehends the Isthmus of Panama, for the purpose of ascertaining the practicability of affecting a communication between the Atlantic and Pacific Oceans by the construction of a ship canal across the isthmus, and of securing forever the free and equal right of navigating such canal to all nations."

And a treaty was entered into seven years later, in 1846, between the United States and the Republic of New Granada which was the first effective step taken by our government in the direction of the actual transit across the isthmus and of our participation in its construction and maintenance of way.2 This was a treaty of peace, amity, navigation and commerce with New Granada, and continued in operation by the Republic of Colombia, into which that state was subsequently transformed; and it is to this agreement, entered into by us during the administration of President Polk, through an immense amount of negotiation and correspondence that has taken place since between ourselves and other governments, particularly those of the Central and South American Republics as well as Great Britain and France, that may be traced the origin of the interests and claims under which the United States have constructed the canal and are in control of the territory of the canal zone on the isthmus to-day. The treaty extended to the citizens of the United States all the privileges and immunities of commerce and navigation in the ports of New Granada that were enjoyed by the Granadian citizens themselves, and the government of New Granada guaranteed to the United States, "that the right of way or transit across the Isthmus of Panama upon any modes of communication that now exist, or may be hereafter constructed, shall be open and free to the government and citizens of the United States." In return for these

² For full text see Moore, Digest of International Law, iii, 5.

favors the United States guaranteed, "positively and efficaciously, to New Granada the perfect neutrality of the isthmus, with the view that the free transit from the one to the other sea may not be interrupted in any future time while this treaty exists; and, in consequence, the United States also guarantee, in the same manner, the rights of sovereignty and property which New Granada has and possesses over the said territory."

Therefore, we had acquired a controlling influence at Panama which enabled us to play so prominent a part that we might begin to make effective plans for the construction of a canal. Whether we should decide to build it ourselves or whether the work should be done by others, it was quite certain that no canal could be made without our consent... Our attitude was made plain by the message with which the President submitted this treaty to the Senate, in 1847, for its approval and ratification, in which he announced formally the policy of the United States to develop the communication through the isthmus for the benefit of the commerce of the world at large.

Mr. Polk declared that the treaty did not "constitute an alliance for any political object, but for a purely commercial purpose, in which all the navigating nations of the world have a common interest. The ultimate object is to secure to all nations the free and equal right of passage over the isthmus. If the United States should first become a party to this guaranty, it cannot be doubted that similar guarantees will be given to New Granada by Great Britain and France."

Though if the proposition should be rejected by the Senate, the President said that "we may deprive the United States of the just influence which its acceptance might secure to them, and confer the glory and benefits of being the first among the nations in concluding such an arrangement upon the government either of Great Britain or France."

But, at the time that this treaty was made, Great Britain claimed dominion in certain parts of Central America over which she exerted authority and of which she was in actual possession. These were the territory extending along the coast of Guatemala, called Belize, or British Honduras, including an island called Ruatan and other Bay Islands, and she asserted a protectorate over a long stretch of Nicaragua inhabited by the Mosquito Indians and called the Mosquito Coast. She had a more direct claim upon and closer personal relation with the people of Central America than we had, her occu-

pation of British Honduras dating back at least to a treaty which she made with Spain in 1786.

In pursuance of our policy, however, of creating a neutral territory at the isthmus, and of preventing the establishment there by any single foreign nation of exclusive control, we proposed, in 1850, that Great Britain should unite her interests with ours in order that not only the canal should be built upon fair and equitable terms, "but that its construction should inure to the benefit of all nations and should offer equal opportunity to the commerce of the world"; and for this purpose we invited Great Britain, and she consented, to enter into a convention with us with the intention of setting forth and fixing the views and intentions of both governments, "with reference to any means of communication by ship-canal which may be constructed between the Atlantic and Pacific Oceans by way of the river San Juan de Nicaragua, . . . to any port or place on the Pacific Ocean." 3 This was the Clayton-Bulwer treaty, which was signed at Washington on the 10th of April, 1850, by Mr. John M. Clayton, then Secretary of State, and Sir Henry Lytton Bulwer, British minister to the United States. . . .

Thus the Clayton-Bulwer treaty became the foundation for the understanding between ourselves and Great Britain and provided for an absolute equality between them in regard not only to the protection which they united to give to an interoceanic communication that should be established, but also formally declared that both governments should approve of any charges or conditions of traffic—that is to say, tolls—that might be imposed, and that no such tolls should be imposed, in fact, which had not the approval and consent of both governments.

The United States government considered that it had entered into an agreement that was both just and equitable toward both parties, as a definition of the rights and duties of each and a basis upon which the Isthmian Canal should be built as a benefit to the commerce of the world.

And, further, we not only held ourselves to be bound by the stipulations of this agreement, but we called upon Great Britain to sustain her part of it by a very strict interpretation of the law, quite beyond what the British Cabinet had expected in entering into the engagement, and a good deal more than it was willing at first to concede; for we contended that by the provisions of the treaty both

³The treaty, Mr. Tower goes on to prove, also applied "to any other practicable communications across the isthmus."

nations had promised not "to make use of any protection or alliance which either has or may have with any state or people for the purpose of fortifying or colonizing Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America, or of assuming or exercising dominion over the same." And we called upon the British government, under this provision, not only not to extend its political influence in Central America, but also to give up such claims as it might already have acquired in British Honduras, the Mosquito Coast and the Islands of the Sea. . . .

This defines our position in regard to the affairs of the isthmus. . . . We won our case, and England came to our understanding both as to the Mosquito Coast and the islands, because of the Clayton-Bulwer treaty; but the provision of the treaty was that neither the United States nor Great Britain should exert any influence that either may possess, "for the purpose of acquiring or holding directly or indirectly, for the citizens or subjects of the one any rights or advantages in regard to commerce or navigation through the said canal which shall not be offered on the same terms to the citizens or subjects of the other."

General Cass said (1858): "What the United States wants in Central America, next to the happiness of its people, is the security and neutrality of the interoceanic routes which lead through it. If the principles and policy of the Clayton-Bulwer Treaty are carried into effect, this object is accomplished." It is to be observed that there are two distinct points of agreement which are set forth in this treaty as well as in all of the voluminous correspondence that has taken place in regard to it, which points of the agreement have never been lost sight of as the basis of the negotiations relating to the canal across the isthmus; namely, the neutrality of the canal and the absolute equality between ourselves and Great Britain in connection with it. We demanded this from the start, and Great Britain has acceded to our demand with that principle in view, which has never been changed.

She was willing to join with us in building the canal or she was willing that we should build it alone. And when, after a good many years of delay, we announced to her that we were in a position to undertake the work, and we made suggestions to her looking to that result, she agreed to make a new treaty with us, to supersede the old one, in order that the intended benefits might be secured and the work should progress.

The new treaty was signed in November, 1901, by Mr. John Hay, Secretary of State, and Lord Pauncefote, the British ambassador, whence it has since become widely known as the "Hay-Pauncefote Treaty."

By this contract the two powers, "being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end remove any objection which may arise out of the Convention . . . called the Clayton-Bulwer Treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the 'general principle' of neutralization established in Article VIII of that Convention," agreed that: "The present Treaty shall supersede the aforementioned convention of April 19th, 1850, . . . that the canal may be constructed under the auspices of the Government of the United States," and that, "subject to the provisions of the present Treaty, the said government (the United States) shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal." And, in order to make plain the understanding between ourselves and the British government, with whom we were dealing, we made this specific stipulation (Article 3):—

"The United States adopts, as the basis of the neutralization of such ship canal, the following Rules, substantially as embodied in the Convention of Constantinople (28 October, 1888), for the free

navigation of the Suez Canal:

"r. The Canal shall be free and open to the vessels of commerce and of war of all nations observing these Rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise."

This is not an obscure subject. On the contrary, the United States entered freely and openly into these treaties, and the situation is one that we have created for ourselves. We negotiated with Great Britain always with the understanding upon our part that she was to be upon the same footing as ourselves in regard to the canal; and she accepted, yielding the advantages that she had acquired, in order to comply with our plans. It is not a question now as to whether we made a good bargain or a bad one, but it is of great importance to the American people that the United States

government shall fulfill its engagements and shall carry out loyally its international obligations.

Note.—Hon. Joseph H. Choate was our ambassador to Great Britain at the time that the Hay-Pauncefote treaty was concluded, and he was in constant intercourse with both of those statesmen, as well as with Lord Lansdowne, during that period, concerning the purpose and meaning of every point in the treaty. No other living American has such accurate knowledge upon these points; and to most serious persons his repeated declarations that it never entered the thought of the framers of the treaty that the reference in it to "all nations" meant or could be construed to mean all nations except the United States will be conclusive as to the true interpretation of the phrase. In his address at Washington, December 4, 1913, before the Society for the Judicial Settlement of International Disputes, he said: "Lord Pauncefote and Secretary Hay were two of the noblest, truest and purest statesmen on earth. It never crossed the minds of either of them or of myself that the treaty ever meant anything else than exactly what it says. But Mr. Taft succeeded in reading something else in, and Congress also did, and Congress passed the law and he signed the bill. It has created a situation that has raised the distrust of foreign nations of our willingness to stand by the treaties we make. There are two ways out of it, one of which I hope will be adoptedthat is, to repeal the eighth clause of the Panama Canal act. We will dispose of the matter that way and leave it where it was. Another way is to arbitrate the question as quickly and effectively as possible. You cannot expect nations to enter into any arrangement or negotiations with us for the judicial settlement of international disputes unless they are satisfied, as they were always satisfied until a year or two ago, that the United States is ready to stand by its word."

The World Peace Foundation has published in its Pamphlet Series the powerful speech of Hon. Elihu Root in the United States Senate, January 21, 1913, on the obligations of the United States as to Panama Canal tolls, which, it is hoped, will

be read by all readers of the present pamphlet.



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BY

CHARLES H. LEVERMORE



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THE FOUNDATIONS OF INTER-NATIONAL RELATIONS.

SUGGESTIONS FOR A COURSE OF LECTURES.

The purpose of these pages is to help, if possible, students and teachers of history and political science in the study of international The phrase "international relations" presupposes among States a certain amount of organization for common purposes. There are many such organizations in existence, some public, or official. and more private, or unconnected with official administration. last issue of the Annuaire de la Vie Internationale, which appeared for the years 1010-11 from the Office Central des Associations Internationales at Brussels, shows just how many ties of both classes, public and private, are now binding together the daily life, thought and action of the present world-family of States and nations. This huge work, giving in 2660 pages an account of 510 international organizations, cannot be adequately even summarized here. The next Annuaire, for the years 1912-13, will doubtless show 600 or more of these tissues of international life that cross all national boundaries and are rapidly creating a common acquaintance and solidarity of sentiment throughout the enlightened world. Out of this great number are selected here the principal national and international forces that are working to secure the substitution of peaceful, judicial methods of settling international disputes for the method of warfare. In connection with this list of associations will be found the essential statistical information concerning their publications, and also concerning other publications that deal with the same subject.

It should not be overlooked that the chancelleries of the enlightened world and the incumbents of chief executive chairs, whether royal or presidential, have now become almost universally eager and active friends of permanent peace. If philanthropic and religious motives have not impelled them to take this attitude, economic and financial conditions have compelled it. The empire of credit and the vast expenditures in the mad race of armaments have together forced the rulers of the great powers to dread nothing more than the danger of using those armaments in the arbitrament of war.

In addition, these pages contain the outline of a course of at least six possible lectures on the organization of the world for peace with justice. The topics thus named will readily suggest many others. Under each subject is a brief list of references from which the material for a lecture or lectures can be derived. Classified among these references will be found the principal publications of the various organizations which promote world peace. The resources of local libraries are not always adequate for the preparation of addresses upon international relations. Persons interested in the subject may be pleased to learn from these pages how many valuable publications may be obtained for a moderate outlay and how much may be had merely for the asking. Some of the books mentioned in these lists are now out of print and are so designated, but they have been retained here because they are sometimes found in the markets and are useful to the student.

Although a main purpose of this work is to present a comprehensive view of the peace movement and to demonstrate inferentially that existing international relations must broaden into international peace and order, among the references all kinds of scholarly opinion are represented. The chief defenders of the theory that war is invertiable or even beneficial are entitled to their day in court, and General von Bernhardi and Admiral Mahan are placed here by the side of Norman Angell and Mr. and Mrs. Mead. The cause of World Peace with Justice under Law is sure to profit by the complete comparison of argument.

- LIST OF ORGANIZATIONS CLOSELY CONCERNED WITH THE PROGRESS OF INTERNATIONAL RELATIONS.
- American Association for International Conciliation, 1906. Dr. Frederick P. Keppel, secretary, 407 West 117th Street, Substation 84, New York City. This association is the American branch of Conciliation Internationale, q. v. There are also English, French and German branches. Pamphlet publications, beginning in April, 1907, are distributed free up to the limit of editions printed.
- American Peace Society, founded 1815–1828. Secretary, Dr. Benjamin F. Trueblood; executive director, Mr. Arthur Deerin Call, Colorado Building, Washington, D.C. The Advocate of Peace, a monthly publication, is the organ of the society. The subscription price is \$1 per year. From this society also may be obtained the Proceedings of the National Peace Congresses of 1907, 1909, 1911 and 1913. Each volume is sold for 75 cents. The society publishes the report of the 13th Universal Peace Congress, held in Boston in 1904, a volume of 350 pages, price 10 cents.
- American Society for the Judicial Settlement of International Disputes, founded in 1910. Dr. James Brown Scott, secretary, 2 Jackson Place, Washington, D.C. The annual conferences of this society began in 1910. Volumes of proceedings are sent free to members. Pamphlet publications, now issued quarterly, are sent free to any address. Applications for them may be made to the assistant secretary, Tunstall Smith, The Preston, Baltimore, Md.
- American Society of International Law, founded in 1905. Dr. James Brown Scott, secretary, 2 Jackson Place, Washington, D.C. Since 1907 the society has published quarterly the American Journal of International Law, \$5 per annum.
- Association de la Paix par le Droit, founded 1887. M. Jules Prudhommeaux, secretary, 10 rue Monjardin, Nîmes (Gard), France. Bimonthly organ, La Paix par le Droit. See also Société Française pour l'Arbitrage entre Nations.

- Association of Cosmopolitan Clubs, a league of students in colleges and universities in the United States. Mr. Albert F. Coutant, secretary, Cornell Cosmopolitan Club, Ithaca, N.Y. The first Cosmopolitan Club was founded at Cornell University in 1904 by Modesto Quiroga, a student from Argentina. In the preceding year an International Club had been founded at the University of Wisconsin by a Japanese student, K. K. Kawakami. This club later became a member of the association. The organ of the association, The Cosmopolitan Student, is published monthly at the Cosmopolitan Club of the University of Michigan, Ann Arbor. The Cosmopolitan clubs are now affiliated with European and South American student organizations in the
 - Corda Fratres, Fédération Internationale des Étudiants.
 Of the central committee of this federation the president is Dr. John Mez, "Die Bruecke," Schwindstrasse 30, Munich, Bavaria. The secretary is Mr. Miguel A. Muñoz, P.O. Box 1112, San Juan, Porto Rico. The American members of the committee are Mr. Louis P. Lochner and Dr. G. W. Nasmyth, director of the International Bureau of Students, 40 Mt. Vernon Street, Boston, Mass.
- Bureau International Permanent de la Paix, Berne, Switzerland. See below, International Peace Bureau.
- Carnegie Endowment for International Peace. Dr. James Brown Scott, secretary, 2 Jackson Place, Washington, D.C. Its Year Books, first issued in 1911, are sent free to any address. Its European Bureau is at 24 rue Pierre Curie, Paris.
- Conciliation Internationale, founded in 1905 by Baron d'Estournelles de Constant. Secrétarial office, 78 bis Avenue Henri Martin (16°), Paris, France.
- "Corda Fratres," Fédération Internationale des Étudiants. See above, Association of Cosmopolitan Clubs.
- Deutsche Friedensgesellschaft, founded 1892. 86 branches and 5 affiliated societies. Dr. Arthur Westphal, secretary, Neckarstrasse 69a, Stuttgart, Germany. This society publishes monthly Völker-Friede, subscription one mark per annum.
- Fédération Universelle des Étudiants Chrétiens. See World's Student Christian Federation.
- Garton Foundation. An endowment for the study of international relations with especial reference to the teachings of the book

"The Great Illusion," by Norman Angell, who is one of the prime movers in the foundation. Capt. the Hon. Maurice V. Brett, secretary, Whitehall House, Whitehall, London, S.W., England. The Garton Foundation has several allied societies, and not less than 31 Study Clubs have been formed under its auspices. Its organ is War and Peace, published monthly from October, 1913, and sold for 3d.

- Institut de Droit International, founded in 1873, is now closely associated with the Carnegie Endowment. The address of the secretary-general is 11 rue Savaen, Ghent, Belgium. The Institut publishes a valuable *Annuaire*, price 6 francs.
- Institut International de la Paix. Gabriel Chavet, secretary, 4 rue de Greffuhle, Paris, VIII. Founded by Prince Albert of Monaco in 1903, to publish documents important for the study of international relations. It has published a voluminous bibliography of Peace and Arbitration, prepared by Henri La Fontaine, under the title "Bibliographie de la Paix et de l'Arbitrage International." Vol. I, "The Peace Movement," appeared at Brussels in 1904, price 5 francs. It includes publications prior to May 1, 1893. Its other publications are numerous.
- Institutions Internationales, Office Central des, 3 bis rue de la Régence, Palais des Beaux Arts, Brussels, Belgium. Directors, Henri La Fontaine and Paul Otlet. This executive bureau, founded in 1907, is the organ of the World Congresses of International Associations, comprising nearly 600 organizations that are international in character and influence. It is supported by various governments, by the Institut International, and by the Carnegie Endowment. It publishes (1) the reports of the Congresses, (2) L'Annuaire de la Vie Internationale, which was founded by Dr. Alfred H. Fried in 1905, and now appears in alternate years (price varying; vol. for 1910–11, unbound, 40 francs) and (3) La Revue de la Vie Internationale, monthly, price per annum 25 francs, or \$5.
- International Arbitration and Peace Association. Mr. J. Frederick Green, secretary, 40–41 Outer Temple, Strand, London, W.C., England. The organ of this association is *Concord*, published monthly, subscription 1s. 6d. per annum.
- International Arbitration League. Mr. F. Maddison, secretary, 183 St. Stephen's House, Victoria Embankment, London, S.W., England. The organ of the league, the *Arbitrator*, is published monthly, 2s. 6d. per annum.

- International Law Association, founded in 1873. 28 conferences. Secretary's office, 1 Mitre Court Buildings, Temple, London, E.C.
- International Peace Bureau (Bureau International Permanent de la Paix). Dr. Albert Gobat, director, M. Henri Golay, secretary, Kanonenweg 12, Berne, Switzerland. Organ, The Peace Movement, published at least monthly in French, German and English. Price, 10 francs per annum; for subscribers to peace papers, 5 francs. The bureau publishes also an "Annuaire du Mouvement Pacifiste," which covers with admirable thoroughness nearly the same ground as the "Peace Year Book," published by the English National Peace Council.
- Interparliamentary Union. Dr. Christian L. Lange, secretary, 251 Avenue du Longchamps, Uccle-Brussels, Belgium. The union has published since 1911 an "Annuaire de l'Union Interparlementaire," price 5 francs. It also publishes a series of "Documents Interparlementaires," beginning in 1910, 1 franc each.
- National Peace Council. Mr. Carl Heath, secretary, 167 St. Stephen's House, Westminster, S.W., London. A central body, representing 180 organizations. Publications: "The Peace Year Book," beginning 1910, price 1 shilling; Monthly Circular, price 1s. 2d.; and many pamphlets.
- Navy League of Great Britain, 11 Victoria Street, Westminster, S.W., London. Publishes "The Navy League Annual," a complete review and critical study of naval conditions throughout the world, seventh year, 1913, 2s. 6d.
- Nobel Institut, Drammensvei 19, Kristiania, Norway. Librarian and secretary of the Nobel Committee of the Norwegian Parliament, M. Ragnvald Moe. The library of the institute, founded in 1904, has been divided into four sections; viz., The Peace Movement, International Law, Political and Diplomatic History, and Social Sciences (Political Economy and Sociology). The institute has published a volume entitled "Bibliographie du Mouvement de la Paix," and a similar bibliography of international law is announced for 1913.
- Pan-American Union (formerly International Bureau of American Republics). Hon. John Barrett, director-general, Washington, D.C. This organization is charged with the business of the quadrennial Pan-American Conferences (the last one at Buenos Aires in 1910), and it publishes a monthly *Bulletin* in English, Spanish, Portuguese and French, price of English edition per

- annum \$2, single copies 25 cents. The Union also publishes books, pamphlets and maps upon Latin-American topics.
- Peace Society, The, of England, founded in 1816. Dr. W. Evans Darby, secretary, 47 New Broad Street, London, E.C. 34 branches and affiliated societies. This society publishes monthly The Herald of Peace and International Arbitration, subscription per annum 18. 6d.
- Società Internazionale per la Pace—Unione Lombarda. Signor Doro Rosetti, secretary, Portici Settentrionali 21, Milan, Italy. This society publishes bimonthly La Vita Internazionale, subscription 12.50 lire.
- Société Française pour l'Arbitrage entre Nations, founded in 1867. M. le Dr. J. L. Peuch, secretary, 24 rue Pierre Curie, Paris. Monthly publication, La Paix par le Droit, 3 francs 75 per annum.
- Verband fur Internationalea Verständigung, German branch of Conciliation Internationale, but autonomous. Secretariate, Oberursel bei Frankfurt a. M., Liebfrauenstrasse 22. This society publishes "Mitteilungen des Verbandes für internationale Verständigung." Fee for membership, 3 marks.
- World Peace Foundation, founded by Edwin Ginn of Boston in 1909 as the International School of Peace, reorganized and incorporated under the present name in 1910. Chief director, Edwin D. Mead, 40 Mt. Vernon Street, Boston, Mass. This Foundation publishes a series of pamphlets, and in addition the volumes of an International Library. The lists of these publications down to date will be sent to any address, and single copies of the pamphlet issues may be obtained gratuitously.
- World's Student Christian Federation (Fédération Universelle des Étudiants Chrétiens), the outgrowth of the international activities of the Y. M. C. A. The moving spirit is Dr. John R. Mott, and the central office is in the Y. M. C. A. Building at 124 East 28th Street, New York. Organ, The Student World, quarterly, per annum 25 cents. Dr. Mott is also president of the "continuation committee" of the World Missionary Conference of All Protestant Churches, office 100 Princes Street, Edinburgh, which publishes quarterly The International Review of Missions.
- World's Young Women's Christian Association. Office of general secretary, 26 George Street, Hanover Square, London. Organ, The World's Y. W. C. A. Quarterly, subscription per annum 6d.

In addition to the publications referred to in the foregoing list the inquirer may be interested to note the following:—

Australia: Pax, the organ of the New South Wales Peace Society.

Monthly, 2s. 6d. per annum. Foy's Chambers, 1 Bond Street,
Sydney, N.S.W.

The Commonweal, monthly, 3s. 5d. per annum. Australian

Church, Flinders Street, Melbourne, Victoria.

- Denmark: Fredsbladet, monthly, subscription per annum 50 öre, Fälledvej 14, Copenhagen. Organ of the Danish Peace Society.
- England: The Peacemaker. Organ of the British section of the Associated Councils of the Churches. 42 Parliament Street, London, S.W.
- France: Bulletin de la Ligue des Catholiques Français pour la Paix (formerly the Society Gratry for advocating international peace). Organ of the French section of the International League of Catholic Pacifists. There are also Belgian, English, Spanish and Swiss sections. Quarterly, free to members of the society, 40 rue Franklin, Lyon.

Le Courrier de l'École de la Paix, 28 Boulevard St. Marcel,

Paris. Occasional issues, each 15 centimes.

Revue Générale de Droit International Public, founded 1893, conducted by M. Paul Fauchille, published by A. Pedone, 13 rue Soufflot, Paris, 6 numbers yearly, price 20 francs.

- Germany: Die Friedenswarte, monthly, 6m. 60 per annum. Edited by Dr. Alfred H. Fried, Widerhofergasse 5, Vienna; published by Pass & Garleb, Berlin, W 57.
- Holland: Vrede door Recht. Organ of La Ligue Générale Néerlandaise, monthly, I florin per annum. Prinsessegracht 6, The Hague.
- Italy: Rivista di Diritto Internazionale, conducted by Prof. D. Anzilotti, 8 via Bartolomeo Eustachio, Rome. Quarterly, per annum 16 lire.
- Sweden: Fredsfanan. Organ of the Swedish Society of Peace and Arbitration. Regeringsgatan 74, Stockholm. Monthly, per annum 2k. 50.
- Switzerland: Les États Unis d'Europe. Journal of La Ligue Internationale de la Paix et de la Liberté. Lausenstrasse 43, Berne. Monthly, price per annum 4 francs.

Der Friede. Organ of the Swiss Peace Society. B. Geering-Christ, Bäumleingasse 10. Bâle. Monthly, subscription 3 francs 60 per annum.

United States: The Army and Navy Journal, 20 Vesey Street, New York City, \$6 per annum. A journal which represents the sentiment of military and naval officers. Advocates of peace and students of international relations who read this publication will know the militarist point of view.

The student of international relations will occasionally need to use one or all of the following works of reference:-

- Almanach de Gotha. Edited by Dr. Wendelmuth. A Year Book of Genealogical, Diplomatic and Statistical Information. Gotha: Justus Perthes, 151st year of publication. \$3.
- The Statesman's Year Book. London and New York: Macmillan. \$3. A work giving special prominence to the British Empire. Issued since 1863.
- The American Statesman's Year Book. New York: McBride, Nast & Company. \$4.
- The American Year Book. Begun in 1910. New York: Appleton. \$3.50.
- Hazell's Annual Cyclopedia. Begun in 1885. New York: Scribner (importer). \$1.50.

Contains an admirable account of all the important events of each year in each country on the globe, with summaries of political information and illustrative material.

- Annuaire du Mouvement Pacifiste. Published by the International Peace Bureau at Berne, Switzerland.
- Treaties, Conventions, International Acts, Protocols and Agreements between the United States of America and Other Powers, 1776-1909. piled by William M. Malloy. 2 vols. Washington: Government Printing Office, 1910. \$2.50.

 There is also a supplementary volume, covering the years 1909-1913,

compiled by Garfield Charles (Sen. Doc. 1063, 62d Cong., 3d Session).

- Navy Year Book. Compilation of Annual Naval Appropriation Laws from 1883 to date. Issued annually. Washington: Government Printing Office. The volume for 1913 is U.S. Senate Doc. No. 955, 62d Congress, 3d Session.
- The Naval Annual. By J. A. Brassey. Portsmouth, England: J. Griffin & Company; London agents, Simpkin, Marshall & Company; imported by Scribner. \$5.

This work is the most complete and scholarly presentation of naval conditions that is published in English.

Lecture L.

THE RELATION OF WAR TO CIVILIZATION IN ITS VARIOUS STAGES OF DEVELOPMENT.

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 - Good offices and mediation.
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 - 4. Neutralization of territory.
 - 5. Refusal of financial support. Isolation and non-intercourse.
 - 6. Proposed establishment of a Court of Arbitral Justice. Cf. publications of the A. S. J. S. I. D.¹

Allen, Arthur W. The Drain of Armaments. P., W. P. F. Free.

- Angell, Norman. The Great Illusion; a study of the relation of military power to national advantage. Latest edition, revised and enlarged. London: Heinemann, 1912. 25. 6d. American edition published by Putnam, New York, 1913. \$1.
- War and the Essential Realities. London: Watts & Company. od.
- -. Peace Theories and the Balkan War. London: Horace Marshall & Son, 1912, paper, 1s.

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A. S. J. S. I. D. = American Society for the Judicial Settlement of International Disputes; address, Tunstall Smith, The Preston, Baltimore, Md.

W. P. F. = World Peace Foundation; address, 40 Mt. Vernon Street, Boston, Mass.

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- ----. The Influence of Sea Power upon History, 1660-1783. \$4.
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- The Interest of America in Sea Power, Present and Future. \$2.
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Lecture II.

THE INFLUENCE OF DEMOCRATIC IDEALS IN INTER-NATIONAL RELATIONS AND IN THE SETTLEMENT OF INTERNATIONAL CONTROVERSIES.

- 1. The principles of popular sovereignty and human fraternity. Ideals of public service.
- 2. Efficient organs of Public Opinion; the sovereign power in Democracy.
- 3. The federal principle as an ideal of government; its bearing upon questions of war and peace.
 - 4. Attitude of organized Labor and of organized Capital.
 - 5. Influence of Socialism.
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Lecture III.

INTERNATIONAL INFLUENCE OF RELIGION, IN THEORY AND IN PRACTICE.

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- 2. Progress from physical to spiritual force.
- 3. "Am I my brother's keeper?" What principles caused the "Wars of Religion"?

- 4. Duty of Christian nations with reference to the injunctions in Matt. v. 9 and Luke v. 27.
 - 5. The significance and influence of Christian missions.
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- Sumner, William G. War and Other Essays. New Haven: Yale University Press, 1911. \$2.25.
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