

## AN AMERICAN SYMPATHIZER WITH GER- MANY.<sup>1</sup>

MY DEAR M.:

I have your letter expressing your astonishment and dismay at learning that my sympathy is with the Germans in this conflict, and giving what you allege to be "incontrovertible facts" that challenge the soundness of my position.

You charge:

1. "That the Germans represent a military system which has long threatened the peace of Europe, and which will dominate the world if they win."

2. "That to give support to them is to 'glorify the hideous doctrine that might makes right.'"

3. "That any impartial consideration of the official documents submitted by the various contending parties must convince any one that Germany could have prevented this war had she sincerely wished to avoid hostilities at this time."

4. "That the cause of free institutions and of civilization makes it imperative that England and France should win."

You point to the fact that no newspaper of any character or influence in the East pretends to conceal its sympathy for the allies, and that, of all your acquaintances, save those connected with Germany by ties of blood or marriage, you know of no other

<sup>1</sup> The writer of this article prefers not to have his name mentioned, for reasons which need not be set forth in detail; but for the benefit of our readers we state the following facts concerning his identity:

He is of pure Anglo-American extraction and has neither direct nor indirect relation to Germany either in his own ancestry or that of his wife's family. At the same time he is of high social and professional standing in his native state, his father having served in the Court of Appeals and in other public services of the state for over thirty years. He himself holds high rank in the legal profession, so that by heredity and training he is well equipped to be impartial.

His reasons for writing his views are explained in a personal letter to the editor as follows: "I and my wife and daughters are among the few persons of English descent in — whose sympathies have been with the Germans in this conflict. My wife and my daughters found themselves beset on every side by their friends and acquaintances whose sympathies were not with the Germans. The arguments that they most frequently were called upon to meet

person who takes the side of Germany, except J. S., whom you "have regarded for several years as being unbalanced."

Accept my assurances that I am prompted to write you now, at some length, not because of any anxiety at being seriously classed by you among the mentally deficient, but solely because I believe that the intimacy which has characterized our friendship for so many years entitles you to know why I sympathize with the Germans, whilst the vast majority of our friends and acquaintances can only see the other side.

To begin with, I feel confident that the difference in our viewpoints may be largely explained by a failure to agree on the facts, or inferences to be deduced from the facts.

#### I.

Take your first allegation, namely:

"That the Germans represent a military system which has long threatened the peace of Europe, and which will dominate the world if they win."

This statement I believe to be in the main correct, but I fail to see why the Germans should be condemned for this situation. The reason the German military system has threatened the peace of Europe is because the Germans have made it so efficient that, together with their navy, they have upset the balance of power in Europe, which the other European governments, and more especially that of England, have sought to maintain with so much concern ever since the battle of Waterloo. The German military system has threatened the peace of Europe not because of its existence as a military system, but because the other powers of Europe have come to see that it is the most efficient probably in the world to-day. France, Russia, England, each has a military system, but none of these nations has been willing to make the sacrifice in time and money necessary to bring their respective military establish-

were those set out on the first page of the manuscript, and the article was prepared with a view to fortifying them in their position, and enabling them to advance arguments to meet the contentions of their acquaintances. The article has been thrown into the form of a letter to make it more colloquial, and in the hope that thereby it would be more readily grasped and understood by the average person."

Friends of the author of this letter who were impressed with the clearness of his judgment urged him to make public his statement of the case, and it was in this way that his manuscript reached *The Open Court*.

We do not doubt that there are many of our readers who will be glad to receive from a purely American source a fair and unbiased statement of the case for Germany written by a man whose scholarship and training fit him for judging the merits of both sides of the case.—EDITOR.

ments to the point of excellence that has been reached by the Germans.

In addition, each of these nations has, of course, a naval establishment. The policy sedulously followed by England with respect to her naval establishment for years has been that it must be equal in power and efficiency to that of the combined fleets of any other two powers in Europe. This policy England has followed simply because no other state in Europe was strong enough to challenge her right. When, however, the strength of Germany on land and sea is descried looming higher and higher on the horizon by the other military powers,—they see protection by alliances, offensive and defensive, that would have been wholly unnecessary had they each set for themselves the same standard of efficiency that the Germans have striven for so successfully in the last forty years.

Now, I submit that it is not only the inherent right but the paramount duty of every sovereign state to maintain such military and naval establishments as its people may deem necessary for the proper protection of their interests on land and sea. This right has been accorded to France, Russia and England without question. If the German military establishment had been characterized by the morale which characterized the Russian army prior to its conflict with Japan, had its naval establishment been characterized by the morale which is generally held to characterize that of Russia and France at the present time, nothing would have been heard in regard to the danger to the peace of Europe, so far as Germany is concerned.

Is it right then that Germany should be penalized for having applied successfully the doctrine of efficiency to her military and naval establishments, when the other powers have been unwilling to make the sacrifices to the same end; and if the balance of power in Europe has been upset as a result, should she be destroyed?

Whilst I agree with you that her military system has threatened the peace of Europe, I cannot admit that that threat has been accompanied by any act of aggression on her part up to the time of the outbreak of present hostilities.

The development of her military and naval establishments has gone hand in hand with a commercial development and expansion that has been unequalled in modern times. The German people have excelled in peaceful pursuits under conditions that find no parallel, not even in this country, and whether they succeed or not, I confidently believe that the efficiency which they have striven for

will be the goal set by the other progressive nations of the world.

By this I do not wish to be understood to mean their military system in detail. What I do mean is that other nations will be taught that if they are to give a good account of themselves when their rights are challenged, they must see to it that their military and naval establishments are efficient.

In this sense, and in this sense only, I agree that the German military system will dominate the world until such time shall arrive when some method can be substituted for deciding international disputes, other than that which has hitherto been employed, namely, the arbitrament of arms.

I cannot, therefore, see any menace in the persistence of the German military system for the future, unless you ask me to subscribe to the doctrine of those well-intentioned but misguided persons who demand that armies and navies shall from now on be abolished. On the contrary, I hold that by enforcing a system making for efficiency Germany will, in the end, win the lasting gratitude of those nations that at the present time spend enormous sums of money on their military and naval establishments without getting results in any way commensurate with the same.

Did you see the editorial in the New York "Evening Sun" of November 5th, on the defense of Kiao Chau? For fear you did not let me quote the following:

"British statesmen and journals have delighted to tell the world that Great Britain is making war to save the German people from militarism, to bring independence to the oppressed Teutons. Was there ever a more complete, a more crushing answer to such cant than that supplied by Kiao Chau, by the response of the Germans of the East to a call not to battle but to disaster, to a summons not to possible victory, but to inevitable defeat and destruction."

So much for German militarism.

## II

Now, as to your second charge:

By this, I presume, you refer to the violation of Belgian neutrality. I do not permit my sympathies for the misfortunes of the Belgians to obscure the view of the general question relating to the violation of their neutrality.

Conceding that Germany was a party to the treaty of 1839, through the signatory participation of Prussia, and conceding the adherence of Germany to the Hague declarations as to the in-

violability of neutral territory, I am not prepared to grant that she was bound to respect the neutrality of Belgium in the face of *military necessity affecting her national safety*. National safety is the supreme law of the world. No nation can bargain away irrevocably its sovereignty in the form of a treaty or by any other instrument that has ever been devised. Such a treaty is binding only so long as the sovereign powers signatory to it are willing to be so bound. Its force and effect is, as the lawyers say, simply and solely *in terrorem*. At least two sound reasons can be advanced to support this contention. One is that to which I have adverted, viz., No nation has the power or right to bargain away its sovereignty, so as to bind posterity for all time.

It seems curious that there should be so much public misapprehension on this subject, and it all comes about because people have confused a treaty between sovereign nations with a contract between individuals. A treaty between nations is essentially different from an ordinary contract between individuals, and yet there are certain things that even an individual cannot make the subject of a binding contract.

The principle that a state cannot bargain away its supreme rights is the same in its fundamental concept as the principle recognized and enforced in private municipal law,—that an individual cannot bargain away his supreme rights.

You could not, my dear M., bargain away your right to live, or to engage in a lawful, gainful pursuit to enable you to live, by the most solemn instrument ever devised by a Philadelphia lawyer. It would be at best a mere “scrap of paper.” So with this treaty respecting Belgium’s neutrality. This treaty could not bind the Germans under circumstances which affected their national safety.

Now, I do not mean to beg the question; I hear your protest before you even voice it—the question is, did the military necessity exist? Frankly I cannot say. How can any one, until all the facts are disclosed?

I am willing to suspend judgment until all the facts are in our possession, which an interrupted communication with Europe and especially with Germany, apart from other reasons, make it impossible now to secure.

The second reason for supporting the contention that nations are not bound irrevocably by treaties to which they are parties, is this:

Nations frequently enter into treaties under the compulsion imposed by the military supremacy of the other powers to the treaty.

A nation can hardly be irrevocably bound by a treaty which it is forced to sign. This principle also finds its analogy in private municipal law. As you well know, no one is bound by the terms of any agreement which is signed under the compulsion of superior physical force.

This last reason, I must admit, cannot be availed of by any signatory power to the articles of the Hague Convention. It can hardly be claimed that they were entered into under the compulsion of a superior physical force. I do hold, nevertheless, that no state has the power to make a binding agreement, even through the instrumentalities of a Hague Convention, that will result in imperiling its national safety.

If the doctrine that the safety of the state is the supreme law of the land is to give way, and admit of denial, as is now contended for in some quarters, I can only say that it has never been questioned before, and Germany can hardly be held censurable for regarding it in full force and effect when the demand was made for peaceful passage over Belgian territory.

I accordingly submit that entrance into France through Belgium cannot be regarded *ipso facto* as unwarranted by the Germans, nor as an assertion of the doctrine that "might makes right."

If the military necessity affecting her national safety existed, I contend that not only was it the right, but the supreme duty of Germany to violate Belgian neutrality, despite any treaties that may have been previously entered into by her or on her own behalf, and despite any views to the contrary which may now be entertained as the result of a newly awakened attitude toward international obligations.

### III.

I now come to the third contention. This has to deal with the so-called "White Papers."

The only value of these official documents, to my mind, is in disclosing the occasion and the immediate events leading up to the outbreak of hostilities. If one is to fix the responsibility for this war, one must be familiar not only with the *occasion* but also with the *causes* which brought it about. There exists much confusion in the public mind between the *occasion* and the *causes* of the war. It is not sufficient to fix the blame for the *occasion* of a conflict of this kind. It seems to me that every fair-minded person in dealing with the question of responsibility must have respect rather to the *causes* than to the occasion. Now, if the causes of the war be

analyzed, it will be found that a train of events had been set in motion many years ago which had gathered such momentum that they could be no longer controlled.

It is well-nigh impossible with this titanic conflict at its height to project oneself sufficiently into the future to view the situation as it will appear to the historian of to-morrow, and yet, unless one is willing to set aside one's predilections in favor of one side or the other, and to strive to assume an attitude of strict impartiality, no sound judgment can be reached.

Much hostile criticism was directed at the Kaiser, at the outbreak of hostilities. Many persons blamed him for the war. It was claimed that the German people were the victims of an oppressive military system fastened upon them by selfish class legislation; that they did not want war and were reluctant to fight. The argument was that, as the Kaiser declared a state of war in Germany, it was equally within his power to have refrained from so doing.

In the publication of the White Papers of England and Germany persons have found what they consider satisfactory proof of the charge that the Kaiser must bear the blame for the outbreak of hostilities. I am convinced that the historian of the future will not fix the blame for this war on the Kaiser, nor find in him either its cause or occasion. When the secrets of the several chancelleries shall have been disclosed the cause of the war will be found in a sequence of events beginning, perhaps, with the victory of Germany over France in 1870 and culminating in the ambitious projects for Servian hegemony in the Balkans, and the murder of the successor of Francis Joseph in June last.

United Germany has been employed during these forty-four years in developing its resources and expanding a marvelously active and successful overseas commerce, only to find herself completely isolated by an alliance offensive or defensive between the three most powerful nations of Europe, who have viewed with suspicion and apprehension for many years her development into a great power on land as well as on sea. Rightly or wrongly it had become an obsession with the German peoples that these powers were prepared at the first favorable opportunity to attempt to accomplish by force that which they had long wished for and frequently attempted by moral suasion, viz., the curtailment of her power to fight on land and sea. The Germans had come to believe that, if their national destiny, whatever it might be, was to be achieved, it must be by the arbitrament of arms taken up in defense of their national integrity. These, briefly, are the main causes leading up to the war.

Now, for the occasion :

I hold that the conviction existed in Germany that in furthering the aims of the Serbs in the Balkans, Russia had formulated plans which must inevitably bring disaster to the dual monarchy on the death of the aged Francis Joseph. Through Russian machinations the break-up of Austria-Hungary had been tremendously promoted by the removal of the Crown Prince. The immediate question for Germany to decide was whether she should espouse the cause of Austria-Hungary, which demanded that for the preservation of the integrity of the dual monarchy a mortal blow be struck at Serbia's pretensions ; or wait until these pretensions should assume a yet more definite form of hegemony in the Balkans and thus risk being deprived of the assistance which her ally was in a position to give at this time.

Austria was in duty bound to seek reparation for the blow aimed at her by a counter blow calculated to smash the plans that had been conceived against her sovereign and territorial integrity. Should she hesitate to do this, she must face with certainty the progressive and successful development of the plans secretly formulated against her by Serbia, and fomented and promoted by Russian diplomacy. Strike she must, or be stricken in turn.

Under these circumstances, I submit that it was not only incumbent upon Germany to support her ally's position, but equally necessary to her own safety.

If you entertain the idea at this stage of the conflict that this is not the war of the German people, but is the war of the Kaiser, let me call your attention once more to the editorial in the *Evening Sun* (New York) from which I have already quoted :

"It is no longer possible for any but the wilfully blind to mistake the fact that it is not the machine that is making German armies potent in an attack still continuing. The songs of the boy conscripts of 1914 are but the echo of the songs of those other boys of 1813 and 1814 who freed Europe from Napoleon and saved Germany from complete subjugation. It is inconceivable that there should remain a single person who could honestly believe that the German phenomenon which fills Europe to-day is less than the complete, solidified, fused resolution of a whole nation."

People have commented, with a sneer, on the fact that the life of a Crown Prince should be of sufficient importance to bring on a world-war. It can hardly be necessary to point out to you that under any existing form of government, whether republican, monarchical, imperial, absolute, or otherwise, the person who, for the

time being, is the head of the government is an integral part of its sovereignty, together with all other persons designated by law in immediate succession. No self-respecting power, hoping to retain its voice in the council of nations, can permit its ruling head or his immediate successor to be assassinated by a citizen of another power without taking such steps as it may decide are necessary to vindicate the principle of sovereign integrity.

No, my dear M., this is not the Kaiser's war, nor is the Kaiser either the cause or the occasion of it. The causes I have briefly referred to above. The occasion will be found in the brutal murder of the successor to the aged Francis Joseph, and Russo-Servian designs upon the integrity of Austria-Hungary.

#### IV.

Finally, you claim that the cause of free institutions and civilization makes it imperative that England and France should win.

I yield to no one in paying ungrudging tribute to the debt which we all owe to England and to France as well, for what they have done to advance the sum of human happiness in the largest sense in which that word can be used. The science of government, the security of life and property, the advancement of learning, the development of art, scientific research—all the countless things that go to make life worth living, in this year of grace 1914;—the leaders in thought which they each have produced, the deeds of valor with which the history of these peoples is replete, none of these things I forget or overlook.

But if you ask me what nation in Europe to-day stands in the forefront of progress, and whose welfare means more to the immediate civilization of the world, and the free institutions, which are the most precious possession of that civilization, I would say unhesitatingly, Germany.

I contend that the great questions of the future, not immediately connected with national defense, with which we will be most concerned, are those relating to the distribution of wealth and the socialization of industries. These are the problems with which we are struggling in this country, which have caused England so much inquietude, and which will surely sooner or later vex France.

Let us not forget that the best social legislation of the age is that which has been devised and first put in practice in Germany. Germany is but another word for *efficiency*.

In letters and science, in the arts, in governmental activities, and especially in legislation designed to promote so-called social

justice, she is the leader in the world to-day. Her destruction would be an incalculable loss to the world.

If we are to have progress we must have creative work.

I presume you will admit that those individuals make most for the progress of any community who are engaged in creative work. It is equally true that those nations are doing most for civilization whose activities at the moment can be characterized as creative.

England and France have not been for the past two decades leaders in creative work. Their places have been taken by the United States, by Germany and by Japan. In this sense England and France have exhibited unmistakable signs of decay, England perhaps more than France. Ever since the battle of Waterloo she has lauded it over Europe and the world: sated with power and the riches that come with power, she sees her place, hers the foremost in the seats of the mighty, challenged by a young and lusty power. That the coming of age of this young state spells disaster for her she senses with unfailing accuracy, resulting from years of experience in world affairs. Confident in the supremacy of her naval arm, but unwilling or unable to strengthen her military arm, she accommodates her quarrels with her age-old enemies and strengthens it with the support of the Latin and Slav. Thus she girds herself to readjust, if necessary through armed conflict, the balance of power, which has kept her supreme in the affairs of Europe for a hundred years, and to dictate peace in terms which will secure to her a quietude that for her advanced age, her reduced vitality and her yearning to enjoy the fruits of an active and phenomenally successful youth and middle age, seem so greatly to be desired.

England faces the setting sun, Germany faces the rising sun. These, dear M., are some of the reasons that persuade me that the cause of free institutions and of civilization are safer in the keeping of Germany to-day than they are in that of England and France.

I have not mentioned Russia. I know your views too well to find it necessary to answer any claim advanced in behalf of this young and powerful barbarian to be the champion of free institutions and of civilization. As to the little yellow fellow, whose ambition is to be the Britisher of the Orient—well, we shall see what we shall see!

As ever sincerely,

E. P.