

IN REPLY TO MR. CHARLES T. GORHAM.

BY JOHANNES MATTERN.

MR. Chas. T. Gorham has seen fit to write a "few lines in reply to Mr. Johannes Mattern's article in *The Open Court* for December." In his "few lines," as they appeared in the April number of *The Open Court*, he has proved that he does not deserve the serious attention which I gave to his original article of September last and, what is more regrettable yet, that he is not capable of appreciating my rather too friendly criticism of his untenable assertions concerning the attitude of the Belgian civilians and their treatment by the Germans. I shall therefore in this instance proceed against his "few lines" without the former restraint. I shall, so to speak, don the mittens instead of kid gloves.

In his article of September, 1915, Mr. Gorham made the unqualified assertion that "before the entry of the Germans into Belgium orders had been given in every town, village and district of that country that all arms were to be delivered up to the authorities," that "the evidence shows that these orders were faithfully complied with," that "the fact of the official order to deliver up arms and the compliance therewith show that no forcible resistance by non-combatants was sanctioned or contemplated," and that "the evidence proves that none took place." He even called the German claim that the burning of houses and the killing of civilians had been retributive for the franc-tireur warfare of the Belgians "base and cowardly lies by which they [the Germans] have sought to excuse. . . . that. . . . deliberate, cold-blooded cruelty, unprovoked by the individuals against whom it is manifested." However, when in the December number of *The Open Court* I proved by the sworn testimony as found in about 80 depositions of German soldiers and officers; by the testimony of U. S. Lieutenant-Colonel Emerson, to whom the Belgians of Louvain themselves admitted the folly of their wholesale attack on the unsuspecting Germans; by the testi-

mony of the anti-German correspondent of the New York *World*, Alexander Powell who, in his book *Fighting in Flanders*, describes the attack of a furious mob in Ghent upon two German soldiers who were saved from the *Belgian bullet* only by the prompt interference of Powell and the U. S. Consul; by the testimony of a number of Belgian newspapers writing of "the wave of heroism" that "animates the souls" of the "youths and grown men" whom "one meets on the roads," armed as they are "with old muskets. . . . shotguns. . . . revolvers," describing how the "citizens, like madmen, shot at the invaders from the roofs and windows of their houses" and how "even women took part in the shooting"—when I thus from German, neutral and Belgian sources proved beyond a shadow of a doubt that the Belgian civilians did *not* "faithfully comply with the orders to deliver up arms," that *instead*, they were well supplied with them and that they *have made* ample use of their muskets, shotguns, revolvers—I had of course swept Mr. Gorham completely off his feet. For, not with one word does he now repeat his former assertions, but, reversing the premises, he now, with bold face, exclaims that "the inhabitants of an invaded country have a natural right to resist by every means in their power," that "this right has been more or less clearly recognized by all civilized nations," and that "no nation has recognized it so explicitly as Germany." And to prove his new point he goes back to the Prussian *Landsturm* law of 1813. According to Gorham, "article 1 of this law, which—as he claims—has never been repealed, runs thus: 'every citizen is required to oppose the invader with *all the arms* at his disposal, and to prejudice him *by all available means*,' and article 39 says: 'The *Landsturm* will not wear uniforms, in order that it may not be recognizable.'

Mr. Gorham's quotations of articles 1 and 39 are substantially correct, but his statement, that they have never been repealed is *substantially* false. Does Mr. Gorham himself actually believe, and does he think that he can make his American readers believe, that the Prussian *Landsturm* was called out in 1914, in accordance with the "unrepealed" *Landsturm* law of 1813 to resist the late Russian invasion of Eastern Prussia, that this *Landsturm* in 1914 fought the Russians *without uniforms*, that "every citizen" of Prussia was "required to" and did "oppose" the Russians in Eastern Prussia with *all the arms* at his disposal," and did "prejudice" them "*by all available means*"? Hardly!

For the benefit of those who care to have the facts and nothing but the facts I shall state here what Mr. Gorham must know and no

doubt does know, namely, that a year after the creation of the *Landsturm*, Prussia, through the law of September 13, 1814, made the *Landsturm* an integral part of its military system, subjecting to it all *men* 17 to 50 years old not already included in the standing army and the *Landwehr*; that by the law of November 9, 1867, the age limit was reduced from 50 to 42 years for the North German Federation; that the law of February 12, 1875, applied the *Landsturm* regulations for the entire German empire; that the same law of 1875 has given the *Landsturm* a military organization with the intention of placing it within the sphere of international law; that according to the same law the *Landsturm* be called only in case the country is threatened by foreign invasion and that it [the *Landsturm*] *must* bear *insignia* (*Abzeichen*) recognizable by the enemy (see *Militär-Lexikon* of J. Castner, Leipsic, 1882).

This law of 1875 reserves and acknowledges a right essentially the same as that formulated in article 2 of the Hague Convention of 1899 and 1907 to the effect that "the population of a territory which has not been occupied, who, on the enemy's approach, spontaneously take up arms to resist the invading troops without having time to organize themselves in accordance with article 1, shall be regarded as belligerents if they respect the laws and customs of war."

Mr. Gorham who first denied any resistance of Belgian civilians now seems intent on justifying such resistance by this article, which, however, he does not quote nor mention. Only on this supposition can he ask the question, "Who says it was unlawful for the Belgians to defend their homes and families?" And yet, when he adds that "it was no violation of mutually understood rights, but... (if it occurred) a violation of an unwritten military usage which has not even the sanction of German military law," one must doubt if he thought or even knew of article 2 of the Hague convention of 1899 and 1907.

In order to answer his question why it "was unlawful for the Belgians to defend their homes and families" one need point out only two reasons: (1) article 2, as quoted above, specifically stipulates that such resistance by civilians is justified only in regions *not* occupied by the enemy and that attacks by Belgian civilians on German troops have taken place in localities where occupation by the Germans had been accomplished days before, as for instance in Louvain; (2) the findings presented by the Belgian Royal Commission to President Wilson at Washington, September 16, 1914, contains the following passage: "From the beginning of the invasion

of its territory by German troops, the Belgian government had posted each and every day, in all the towns, and the papers have each day repeatedly printed, instructions warning the non-combatant civilians not to offer any resistance to the troops and soldiers invading the country." This assertion stamps as "against the law," that is, as "unlawful," the resistance of the Belgian civilians even where it took place in unoccupied regions, i. e., while occupation was in progress.

These "unlawful" attacks of Belgian civilians *during* and *after* the occupation of their territory the Germans have—as I conceded in December, and as I concede again to-day—answered and stopped by means of "relentless" retribution. Mr. Gorham takes exception to the word "relentless." He thinks the retribution should have been merely "just." Does Mr. Gorham expect the German regiments storming a village in which the citizenry, lawfully or unlawfully, offers resistance to cease storming at once and courteously go from house to house asking which one of the members of the household did shoot or desires to shoot at them, so that they may shoot back at those and no others? Does Mr. Gorham expect that in a case where, as at Louvain, a treacherous assault by the civilians was launched *after* occupation against the unsuspecting Germans, the soldiers so attacked would ceremoniously arrest the culprits and in the meantime let the rest of their troops stand at attention to give a sure aim to other civilians looking for what they may kill? No, Mr. Gorham! The Germans had their first experience with this kind of franc-tireur warfare in 1870 and 71, and this experience has taught them to be prepared to meet its repetition in Belgium and elsewhere. It can be met only by "relentlessly" shooting and bayonetting every one who offers resistance in any form and by burning the barns, houses and churches from which such resistance is offered. If such "relentless" retribution is cruelty, if its consequences are the atrocities of which the Germans have been accused and which, according to Gorham, the German conception of warfare involves and excuses—then, I think, Germany's apologists can well afford to let their client plead guilty. But when unsworn, unnamed, would-be witnesses under high pressure of inquisitorial commissions charge the Germans with transfixing little girls, with cutting off the heads, hands and feet of little children, with mutilating pregnant women, with violating *en masse* mothers, grandmothers and great-grandmothers, girls, grown and little, and that with the consent and under the leadership of officers, when there can be found human beings stupid enough to believe any and every one of these

unspeakably shameful allegations, then it is high time that the thinking part of the world pass judgment on these infernal concoctions produced either by an insanity born of hatred or by hatred born of insanity. And the thinking world has indeed passed its judgment. It regards these official and unofficial reports of the allied atrocity mongers as a well-calculated, miserable swindle and even the "saving remnant" of England openly and frankly confess that this judgment is correct. In my article of December last I quoted for instance Macdonald's and Toulmin's statements to that effect, but Mr. Gorham "discreetly passes them over in silence." In fact, none less than the inquisitorial Bryce commission itself seems to concede that it does not care to vouch for the truth of the allegations nor for the so-called evidence to support them. What else could be the construction to be placed upon the fact that the Bryce commission submits its findings not as a report of evidence regarding outrages *committed*, but as "a report upon the evidence which has been submitted to them regarding outrages alleged to have been committed by the German troops. . . ." Still, Mr. Gorham admits that he attaches "to this [unsworn, nameless] Bryce report a credence" which he "should not give to pro-German assertions" and, while doing so, is of such a "peculiar frame of mind" that he "fails to understand why Mr. Mattern should accept German evidence [in form of affidavits of soldiers and officers under oath and with record of name and rank] against Belgians, while rejecting Belgian evidence [of the character as found in the Bryce report] against the Germans"! Mr. Gorham: *Habeas tibi!*

Reversing the premises and muddling the issue are the two ignominious tricks usually resorted to by would-be logicians when driven into a tight corner. Having convicted Mr. Gorham of the former I shall now proceed to prove him guilty of the other. Mr. Gorham writes: "Mr. Mattern considers that a quotation from *The New Statesman* (dating prior to the publication of the Bryce report) in which a general scepticism as to atrocity stories is recommended 'disposes of the myth' of certain incidents detailed in the report." Now the facts are these: In my article of December I had quoted *two* passages from the same article of *The New Statesman* of January 30, 1915. The one passage contained a general warning against atrocity stories, the other ridiculed and denied point blank the existence of the "Belgian child *sans* hand and *sans* feet," that had been shipped in "train-loads to Paris and in boat-loads to London." Referring to and citing the latter quotation denying the existence of the "Belgian child *sans* hands and *sans* feet" I claimed

then, and again claim now, that "thus *The New Statesman*, more effectively than a thousand sworn denials could have done, disposes of the myth of the 'Belgian child *sans* hands and *sans* feet,' and that thus "likewise, it disposes just as effectfully of the baby-killing related in document *a 33*" and of similar incidents, as for instance the bayonetting and lancing of little girls as related by Mr. Gorham and in Le Queux's *German Atrocities*. However, Mr. Gorham, while holding to and criticising the second part of my statement, substitutes for my reference to the second passage of the quotation from *The New Statesman* the citation from the first passage containing the general warning against atrocity stories. By means of this manipulation he does indeed produce a version to which I would not care to attach my name. I shall let the reader judge of Gorham's motive for this as well as the former sample of literary acrobatics!

Mr. Gorham further quotes a passage from *The New Statesman* of January 8, 1916, in which this English journal seems to recant its warning against atrocity stories of a year ago. Strange to say though, even here in the passage from the issue of January 8, 1916, *The New Statesman* is cautious enough to give as authority for its apparent change of front *not* the Bryce report, but "the greater part of the English press"!

Mr. Gorham refers to the "Kaiser's exhortations to 'frightfulness,'" to the "order of General Stenger"; he claims that "the innumerable demands of German publicists for relentless punishment of all who dare to resist Germany, cannot be supposed to have had no effect upon the German armies." His reference to the "Kaiser's exhortations to 'frightfulness'" must be repudiated until he brings trustworthy authorities for them, that is, authorities other than the *London Times*, the *Saturday Review*, the *Literary Guide*, and their kind. The much talked-of order of General Stenger as "quoted" (?) by Bédier in his *Les crimes allemands* is nothing but a conjecture, and the fact that Bédier has attached to it the names of its supposed signatories constitutes Bédier's undertaking as an act of falsification of documentary evidence. Even Bédier himself admits that "no doubt" he "cannot produce the autograph of General Stenger" and—so he naively adds—"it is not for me to communicate the names of the German prisoners who gave the evidence"! The same old story! Allegation without the names of the supposed witnesses, à la Bryce report or *vice versa*! In fact, in the fourth or even third edition of his brochure Bédier is forced to admit that he himself

“construed” this order of General Stenger and that its form as given “may be possibly incomplete or altered”!¹

Gorham’s reference to the “innumerable demands of German publicists for relentless punishment of all who dare to resist Germany” and his claim that these demands “cannot be supposed to have had no effect upon the German armies” are again assertions unsupported by sources and evidence. Interesting in this connection should be even to Mr. Gorham what his own countrymen think of “relentless” warfare when England does the warring. The *German Information Service*, a daily news bulletin formerly issued by M. B. Claussen of New York for the dissemination of reliable news, quotes in the issue of May 6, 1915 the following items from the British trades union organ *The Labour Leader*:

“In an interview in 1910 to his friend, the late Mr. W. T. Stead, Lord Fisher, the first sea lord, declared: ‘The humanizing of war! If I am in command when war breaks out I shall issue as my orders: The essence of war is violence. Moderation in war is imbecility. Hit first, hit hard and hit everywhere.’

“It was not a German who wrote, ‘The worst of all errors in war is a mistaken spirit of benevolence.’ It was an equally well known British military writer, Major Stewart Murray.

“It was not a German who wrote: ‘The proper strategy consists in the first place of inflicting as terrible blows as possible upon the enemy’s army and then in causing the inhabitants so much suffering that they must long for peace and force their government to demand it.’ It was a well-known British military critic, Dr. Miller Maguire.”

In my concluding sentence I had paraphrased a “wise” word attributed to Anatole France and I had expressed the hope that the Germans “may [as Anatole France says] succeed in murdering—or as I would [and did] express it—in abolishing war.” This Mr. Gorham thinks “illustrates” my “mentality” inasmuch as it is “an implication that extreme severity in war is the speediest method of abolishing war.” I consider it hardly worth while to haggle with a Mr. Gorham over a mere case of interpretation. Assuming that his interpretation of my expression of hope were correct I could point to the afore quoted Lord Fisher, Major Stewart Murray and Dr. Miller Maguire as illustrious company. And the same “mentality” which Mr. Gorham purposes to see in my statement

¹ L’ordre du jour du général Stenger, donné ci-avant (page 29), fut communiqué oralement par divers officiers dans les diverses unités de la brigade, et par conséquent la forme sous laquelle nous l’avons recueilli peut être soit incomplète, soit altérée.” (Note additionnelle, p. 39. 7e tirage.)

would certainly be revealed in Mr. A. Maurice Low's dictum found in the March, 1915, number of the *National Review*. "The business of a nation," so Low wrote, "is to crush its enemy, and no distinction can be made. The innocent have to suffer, but that is inevitable. War is hell."

Mr. Gorham asks, "what were the Germans doing in Belgium at all?" and he charges that "Mr. Mattern looks with equanimity upon their insolent and treacherous invasion of a weak state whose integrity they were pledged to defend." My reply is that in charging me as he does Mr. Gorham betrays a considerable amount of insolence himself. How does he know how I look at the invasion of Belgium if, as he can easily verify, I did not express myself one way or the other on this subject? That I did not do so then and that I shall not do so now is due to the one reason that I must refuse to answer such a question in a mere sentence of two and that in order to treat this issue adequately and exhaustively I would have had to transgress the scope of the former article and that of this final reckoning with Mr. Gorham. However I take great pleasure in calling Mr. Gorham's attention to a book on this subject, just published by two of his countrymen, C. P. Sanger, of Lincoln's Inn, Barrister at Law, and H. T. J. Norton, Fellow of Trinity College, Cambridge. This book is entitled: *England's Guarantee to Belgium and Luxemburg*, and in it the authors come to the only possible conclusion that "from all the evidence it is clear that in the past [that is, previous to 1914, namely in 1870 and 1887] the British government has not considered that the treaty of 1839 imposed a binding obligation to go to war with any power which infringed the neutrality of Belgium." In this same book are quoted an article by one "Diplomaticus," which appeared in the *Standard* of July 4, 1887 and a leader of the *Standard* of the same date, commenting on the subject broached by its correspondent. Both agreed that in 1887 Britain should not go to war if during the expected Franco-German war either party invaded Belgium. Both agreed that England threatened intervention in 1870 only because in 1870 such threat was cheap inasmuch as there was absolutely no danger of either France or Prussia crossing into or marching through Belgium. The *Standard* for instance wrote: "On the declaration of war by France against Prussia in 1870, Earl Granville, as we all know, with more promptness and decision than he usually displayed, sought to secure respect for Belgian territory by notifying that should either combatant ignore the neutrality secured to it by public treaty England would side actively with the other combatant. It

may be said, why cannot the same course be pursued once more, in the event of a similar condition of affairs coming into play? The answer is that a similar condition of affairs no longer exists. . . . Neither combatant was much tempted to do so [to violate Belgian soil in 1870]; and thus the engagement assumed by England—a very proper one at the time—was not very serious or onerous, and saved appearances rather than created responsibility. Now [in 1887] the position is entirely changed. If England, with a view to securing respect for Belgian territory, were to bind itself, as in 1870, to throw its weight into the balance against either France or Germany, should either France or Germany violate Belgian ground, we might, and probably should, find ourselves involved in a war of giants on our own account. We think that ‘Diplomaticus’ understands the English people when he hints his suspicions that such a result would be utterly alien alike to their wishes and to their interests. For, over and above the fact that, as we have seen, the temptation to violate Belgian territory by either side is much greater [in 1887] than it was in 1870, the relations of England with the European powers have necessarily and naturally undergone considerable modification during that period. We concur with our correspondent [Diplomaticus] in the opinion he expresses that for England and Germany to quarrel, it matters not upon what subject, would be [in 1887] highly injurious to the interests of both. . . . Would the violation of Belgian territory, whether by Germany or France, be such an injury to our honor and such a blow to our interests? It might be so in certain circumstances, and it would assuredly be so if it involved a permanent violation of the independence of Belgium. But as ‘Diplomaticus’ ingeniously suggests, there is all the difference in the world between the momentary use of a ‘right of way,’ even if the use of the right of way be, in a sense, wrongful, and the appropriation of the ground covered by the right of way. . . .”

Diplomaticus, as the *Standard* says, “speaks with high authority,” and the *Standard* itself was the organ of the conservative party then in power in England.

Now I ask Mr. Gorham, and for that matter all the Gorhams in England and America, how could Germany’s demand for the right of way and her forcing of the way through Belgium in 1914 be “insolent and treacherous,” if in 1887 the British government through the mouth of its organ, the *Standard*, admitted that the demand for a temporary right of way and the forcing of the way through Belgium would not have constituted a violation of the

treaty of guarantee of 1839 and when, as Sanger and Norton concede, "it is true that in 1887 Great Britain would not have considered it obligatory to try to prevent Germany from sending troops through Belgium?" How could it be so, unless Great Britain in 1887 was ready and willing to approve of as legitimate what it now pleases her to decry as "insolent and treacherous"?

In answer to Mr. Gorham's question how I "explain away the evidence of the German diaries, photographs of which are given?" I again plead that a critical examination of this kind of "evidence" would make up a pamphlet in itself. In a letter to the editor of *The Open Court*, accompanying the manuscript of the article of December last I expressed the hope that I soon would be able to give my attention to the "German war diaries." I have since carefully studied Bédier's *German Atrocities from German Evidence* (*Les crimes allemands. . .*) and I have had occasion to read Dr. Max Kuttner's and Karl Larsen's annihilating expositions of Bédier's tendentious mistranslations, omissions, additions, changes of punctuation and the like. Of Bédier's *opus* there can be but one opinion: it is absolutely worthless as evidence. I shall cite one case of many.

Bédier reproduces what purports to be part of the diary of private Z. . . whoever that be, and he translates as follows (given here in B. Harrison's English translation):

"Last night, a man of the *Landwehr*, a man of thirty-five, and a married man, tried to rape the daughter [in the supposed German original: *die noch junge Tochter*; in Bédier's French translation: *fillette* = little girl, instead of *jeune fille* = young girl or daughter] of a man in whose house he had been quartered, she was a child [here Harrison follows Bédier's tendentious mistranslation]; and as the father tried to interpose he kept the point of his bayonet on the man's breast."

Here ends Harrison's English translation because Bédier's French translation of the supposed German text ends here too. However, the photographic reproduction of the supposed section of the diary continues thus: "*Hält man so etwas für möglich? Doch der sieht der gerechten Strafe entgegen.*" "Is such a thing possible? But he is facing his just punishment." Why did Bédier suppress these two sentences? Because they prove beyond a doubt that the act charged against this soldier was condemned by the writer of the diary and was punished by the German military authorities. Of Bédier's *German Crimes from German Evidence* I have said in the *Baltimore Evening Sun* of June 8, 1915, that it defeats its own purpose, that

is, the purpose for which the French professor has sent it into the world. These diaries, mutilated and distorted as they have been, in order to prove that German savagery is approved of and systematized by the military authorities, tend to show the contrary of what they are supposed to establish. They prove, if anything, that the German soldier is quick to reprove, and the German authorities are unrelenting in punishing wrong where it is done or even attempted, as in the case cited. And this is the least one can say of the diaries reproduced in the Bryce report.

Before leaving this subject however I assure Mr. Gorham that a study of Professor Larsen's and Dr. Kuttner's treatment of Bédier's diaries, and especially Kuttner's highly interesting collection from French diaries *in the original*, not in *distorted* translation, will, if he can read French, deprive him of any desire to ever mention diaries again! Other critics of Bédier's *opusculum* are Dr. Paul Wernle, professor of church history at the University of Basel, Switzerland, and Dr. Nils Elis Wadstein, professor of modern European linguistics at the University of Göteborg, Sweden. The latter's exposition of Bédier's *Tendenzschrift* has just appeared in Chicago in the language of the "United States" and will thus serve to disillusion the few "Gorhams" in this country, who, hypnotized by Bédier's name, have heretofore accepted his *German Crimes* in good faith. Still another instructive work in this respect, covering, as it does, a much wider ground, is Dr. Ernst Müller-Meiningen's *Der Weltkrieg 1914-15 und der Zusammenbruch des Völkerrechts. Eine Abwehr- und Anklageschrift gegen die Kriegsführung des Dreiverbandes* (Berlin, Georg Reimer, 1915), which has recently been issued in an English translation under the title: *Who Are the Huns? The Law of Nations and its Breakers. . . .* translated by R. L. Orchelle, Berlin, Georg Reimer (sold at Stechert & Co., New York).

Having consumed much space already I must ignore whatever other items Mr. Gorham's few lines of reply may contain, even at the risk of again being accused of "discreetly passing them over in silence."

In conclusion I move that Mr. Gorham descant on the Baralong "victory." He may—be it suggested—take his cue from the pious bishop of London, who saved the consciences of the "King Stephen's" captain and crew!

Gorham! O si tacuisses, philosophus fuisses!